

**Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, July 21, 2003  
5:30 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:30 p.m. portion of this meeting  
and a videotape of the 7:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

The 5:00 p.m. portion of the meeting was recessed by the City Clerk to 5:30 p.m. in Room B-8 due to an anticipated lack of quorum.

**Call to Order**

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:30 p.m. in Room B8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
Absent: None

**Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Green to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
NOES: None  
ABSENT: None

**City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Tiep Nhu Bui and Thanh Cam Nguen v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC06575. (120.80)

**City Council) Closed Session** Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Ken Blake v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC10480. (120.80)

**City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Epifania Huertero, et al., v. City of Huntington Beach, et al.**; United States District Court Case No. SA 01-1136. (120.80)

**City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. (120.80)

**City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: Ray Silver; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA** and **Non-Associated**. (120.80)

**Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
Absent: None (Cook out of room)

**No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).**

Mayor Boardman asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

**Flag Ceremony/Pledge of Allegiance** – Westminster Girl Scout Troop 1962, Leader Linda Scukanec.

**Moment of Silence Observed**

Mayor Boardman requested observation of a moment of silence to reflect upon the issues before the Council, public and staff.

**The City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication from the City Treasurer correcting a typographical error on pages C3a.3 and C3a.15 of Treasurers Report titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2003*.

Communication from Huntington Beach Tomorrow dated July 14, 2003 titled *Subject: Code of Ethics and Gift Ban Ordinance Amendment* recommending the Council amend the code of ethics.

**The Following Additional Late Communication Was Submitted During the Meeting:**

Communication (undated) from Doug Korthof was submitted during Public Comments titled *What's Wrong with Desalination?*

**Presentation** made by Mayor Connie Boardman of a Commendation to Vicki Rabi for the project of refurbishing the War Memorial at Huntington Beach High School, for her Girl Scout Gold Award. (160.40)

**Presentation** made by Mayor Connie Boardman, Community Services Director Jim Engle, and Dr. Corcoran, Community Service Commission Vice Chair, of the Youth Sports Grant Awards. Dr. Corcoran presented the awards. At this presentation each group received one half of the grant award and will receive the other half upon completion of their project. (160.40)

	<b>\$ Amount</b>
Huntington Beach Union High School Football Booster Club	\$40,000
Edison High Aquatics	22,000
AYSO Region #56	19,000
Robinwood Little League	18,000
Boys & Girls Club of Huntington Valley	17,750
Edison High Baseball Booster Club	15,000
South Coast Soccer Club	7,100
Huntington Beach Union High School Aquatics Booster Club	5,100
Edison High Girls Softball Booster Club	3,300
HBUHS Aquatics Booster Club	2,300

**Mayor's Award** made by Mayor Connie Boardman and Police Chief Kenneth Small to Sergeant Irwin P. Feuerstein, Huntington Beach Police Department for his many valuable contributions to the Police Department. Sergeant Feuerstein was responsible for many innovative process improvements which have saved the city thousands of dollars. Sergeant Feuerstein thanked the members of the Police Department and staff members of the Public Works Department. (160.40)

**(City Council) Announcement by Councilmember Pam Houchen to Remove Council Item Re: Recommendations for a Phase II of the Huntington Beach Zoning and Subdivision Ordinance and Specific Plan Amending the Entitlement Permit Streamlining Process ( . )**

Councilmember Pam Houchen stated that she was removing the item she placed on the agenda regarding the Entitlement Permit streamlining process.

**Public Comments**

**Joey Racano** presented reasons why he believes the proposed Poseidon desalinization plant will be destructive to the ocean. Mr. Racano informed Council of what he believes would be the detrimental effects on the ocean from the combination of the Huntington Beach AES Power generating plant and the proposed desalinization plant.

**Debbie Borden** offered an invocation due to the absence of the Invocation from the agenda.

**Gerald Chapman** spoke regarding the agenda item pertaining to the Disc Golf contract that he understands is to be pulled from this agenda. He stated that in his opinion it is subsidized by the city \$25,000 and is misused by some participants. Dr. Chapman questioned as to whether there is a yearly audit. He presented other questions he believes need to be answered before extending the contract.

**Doug Korthof** submitted a communication titled *What's Wrong with Desalination?* He presented an overhead slide and reported on what he believes will be the detrimental effects of the desalinization plant on the ocean. Mr. Korthof stated that he believes it will result in the continued presence forever of the Huntington Beach AES power generating plant.

**Kelly Shanley**, Media Production Coordinator, expressed her appreciation to each City Councilmember. In leaving her position she spoke regarding her duties, which included Council presentations and proclamations; instructing Boy Scout and Girl Scouts flag ceremonies; and taking photographs for HBTv-3. (Kelly has assumed the position of Field Representative for the Water Division of the Public Works Department.)

**Don McGee** spoke in opposition to low-flying banner-towing aircraft; the budget crisis; and what he believes to be a waste of water resources for median landscaping.

**(City Council) Continued from July 7, 2003 - Approved City Council Communication Committee Recommendation to Continue Membership in the Public Cable Television Authority (PCTA) ( . )**

The City Council considered a communication from Councilmember Pam Houchen, Chair of the City Council Communications Committee on behalf of Mayor Connie Boardman and City Councilmember Debbie Cook transmitting the following **Statement of Issue**: Ongoing discussions have been held regarding whether or not the city should withdraw from the Public Cable Television Authority (PCTA). The City Council Communications Committee is bringing before the City Council a recommendation to continue membership in the PCTA.

Councilmember Pam Houchen reported and discussion ensued regarding Council's concerns including the city's position relative to negotiating with PCTA and the feasibility of joining with other cities such as Los Alamitos.

A motion was made by Houchen, second Cook to adopt the City Council Communication Committee recommendation to stay in the Public Cable Television Authority as unanimously voted by the Committee at their June 23, 2003 Meeting with a motion made by Mayor Boardman and seconded by City Councilmember Houchen.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Cook, Houchen, Hardy

NOES: Green

ABSENT: None

**(City Administrator's Report) Announcement Made Regarding Public Works Department Agenda Item - Contract Award for Eight Urban Storm Water Runoff Treatment Projects ( . )**

The City Council considered a communication from City Administrator Ray Silver reporting a department highlight on the Consent Calendar item regarding the contract award for the eight Urban Storm Water Runoff Treatment Projects.

The communication transmitted the following **Statement of Issue**: The contract is in reference to the installation of the Continuous Deflective Separators (CDS) filtration units at key points throughout the city. Specifically, the City storm drain system includes 12 outlet pipes that discharge directly across the City's beaches and one outlet pipe that discharges into the Bolsa Chica Wetlands. These drains receive all the runoff from the surrounding streets and, so, any discarded trash, automotive fluids or other debris on the streets eventually is washed onto the sand. This project will install eight filtration units that will remove the trash, debris and particulates from the runoff in all these drains and, thus, help protect and improve the water quality of our beaches and wetlands.

Once these units are installed, 100% of floating debris, including cigarette butts, Styrofoam cups, oil and grease, and 80% of suspended solids, will be captured before they end up on the beach. City crews will then periodically remove the trash and debris from the filters and properly dispose of it. The installation of the seven CDS units on the beach will also include diverting the low flow urban runoff into infiltration areas under the sand where it will not intrude on beachgoers. This feature will eliminate the polluted puddle that currently accumulates under the beach outfall locations and treat it through natural process.

This technology has been proven by extensive independent laboratory research and hundreds of actual installations throughout the United States and Australia. This project is a major statement by the City in support of the environment and in compliance with the Federal Clean Water Act. The City received a \$4 million water quality grant several years ago, through which the funds for this project are being made available with cooperation from the State Water Resources Control Board.

Public Works Director Robert F. Beardsley reported orally, stating that in summary the permanent pump system is being installed world wide and is cutting-edge technology.

Councilmember Coerper inquired regarding the cost factor and spoke regarding funds.

**(City Council) Reviewed and Accepted as Amended - Shari Freidenrich, City Treasurer's May 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for May 2003.

City Treasurer Freidenrich gave a PowerPoint presentation titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* which was included in the agenda packet.

A motion was made by Sullivan, second Coerper to review and accept the monthly report **as amended** by the City Treasurer's Late Communication correcting typographical errors announced earlier in the meeting by the City Clerk. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

### Consent Calendar

The following item was pulled from the agenda by staff.

**(City Council) Pulled from the Consent Calendar - Amendment No. 1 to Agreement between the City and Disc Sports Management for the Operation and Maintenance of the Disc Golf Course in Huntington Central Park ( . )**

### Consent Calendar – Items Approved

On motion by Green, second Coerper Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
 NOES: None  
 ABSENT: None  
 ABSTAIN: (Houchen abstained on the Settlement Agreement with PCH Beach Resort, LLC and Mayer Financial, LP due to possible conflict of interest)

**(City Council/Redevelopment Agency) Minutes (120.65)** - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of May 5, 2003 and May 19, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Authorized City Administrator to Approve Plan Check Engineer Position with the Department of Building & Safety as an Exception to the Hiring Freeze in Fiscal Year 2002/03 ( . )** – Authorized the City Administrator to approve the position of Plan Check Engineer as an exception to the current hiring freeze to maintain productivity in the Engineering Plan Check Section. Submitted by the Building & Safety Director. Funding Source: Budgeted within the Fiscal Year Building & Safety Department Permanent Salaries.

**(City Council) Adopted Resolution No. 2003-54 Expressing City’s Intention to Participate in the State Treasurer’s Local Agency Investment Fund (LAIF) Authorizing City Treasurer, Shari L. Freidenrich to Make Deposits and Withdrawals ( . )** – Adopted **Resolution No. 2003-54** – “*A Resolution of the City Council of the City of Huntington Beach Expressing Its Intention to Participate in the State Treasurer’s Local Agency Investment Fund and Authorizing the City Treasurer to Make Deposits and Withdrawals from Said Fund.*” Submitted by the City Treasurer. Funding Source: Not applicable.

**(City Council) Approved Appointment of Lloyd Budwig to the Library Board of Trustees for a Term to Expire June 30, 2007 ( . )** – Appointed **Lloyd Budwig** to his first four-year term (7/1/03 – 6/30/07) to the Library Board of Trustees as recommended by the City Council Library Board Liaisons, Dave Sullivan and Gil Coerper. Submitted by the Library Services Director. Funding Source: Not applicable.

**(City Council) Accepted Bid and Awarded Contract to GCI Construction, Inc for Urban Storm Water Runoff Treatment Projects; CC-1179 and CC-1212 ( . )** – **1.** Accepted the lowest responsive and responsible bid submitted by GCI Construction, Inc. in the amount of \$646,905 for the Urban Storm Water Runoff Treatment Projects, CC-1179 & CC-1212; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Storm Water Quality Fund, Storm Water Treatment, Drainage Improvements Account. The funds are available through a Proposition 13, Year 2000 Water Bond Act Grant, an Integrated Waste Management (IWM) Grant and Orange County Urban Runoff Matching Grant.

**(City Council) Approved Settlement Agreement and Mutual General Release with PCH Beach Resort, LLC and Mayer Financial, LP (Amended and Restated Development Agreement) - Waterfront Residential - Hyatt Regency Hotel Parcel** (600.10) - Approved *Settlement Agreement and Mutual General Release* with PCH Beach Resort, LLC, and Mayer Financial, LP and authorize the Mayor and City Clerk to execute the Settlement Agreement and Mutual Release. Submitted by the City Attorney, the Economic Development Director and the Public Works Director. Funding Source: Not applicable.

**(City Council) Adopted Ordinance No. 3613 Amending Huntington Beach Municipal Code Chapter 14.36 Relating to the Sewer System Service Connection Charge (Utilizing the Annual Construction Cost Index (CCI)** (640.10)

After the City Clerk read by title, a motion was made by Green, second Hardy to adopt **Ordinance No. 3613** – “An Ordinance of the City of Huntington Beach Amending Chapter 14.36 of the Huntington Beach Municipal Code Relating to Sewer System Service Connection.” (Approved for introduction, as amended on July 7, 2003.)

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy  
 NOES: None  
 ABSENT: None

**(City Council) Adopted Ordinance No. 3612 Amending Huntington Beach Municipal Code Chapter 2.05 Entitled *Gifts to Public Officials*** (640.10)

Council received clarification from City Attorney Jennifer McGrath relative to the Code of Ethics as it pertains to Ordinance No. 3612.

Considerable discussion ensued during which time City Clerk Connie Brockway inquired as to whether a change is being made which would necessitate the ordinance to have another first reading.

City Attorney Jennifer McGrath responded it is not an issue contained in Ordinance No. 3612.

After the City Clerk reads by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance No. 3612** – “An Ordinance of the City of Huntington Beach Amending Chapter 2.05 of the Huntington Beach Municipal Code Entitled *Gifts to Public Officials*.” (Approved for introduction, as amended on July 7,2003.)

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Houchen,  
 NOES: Cook, Hardy  
 ABSENT: None

**(City Council) Approved Reconsideration of Resolution No. 2003-51 Regarding the Code of Ethics – Adopted July 7, 2003 to be Placed on the August 4, 2003 City Council Meeting Agenda** ( . )

Councilmember Dave Sullivan requested that Council reconsider Resolution No. 2003-51 which was adopted by Council at the July 7, 2003 Council meeting.

A motion was made by Sullivan, second Green to place on the August 4, 2003 Agenda, the subject of reconsideration of **Resolution No. 2003-51** "A Resolution of the City Council of the City of Huntington Beach Revising the City's Code of Ethics and Amending the City Council Manual," which Council adopted at the July 7, 2003 Council meeting.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Hardy  
 NOES: None  
 ABSENT: None  
 ABSTAIN: Boardman, Cook, Houchen abstained due to a possible violation of the Brown Act.

**(City Council) Removed from Agenda Earlier in the Meeting - Recommendations for a Phase II of the Huntington Beach Zoning and Subdivision Ordinance and Specific Plan - Amending the Entitlement Permit Streamlining Process ( . )**

**(City Council) Approved Mayor to Send Letter of Support as Amended for Assembly Bill 710 Relative to City's Concern Regarding Big City Representation to the Orange County Division of the League of California Cities ( . )**

The City Council considered a communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: The Huntington Beach City Council has taken a position in favor of AB 710. The position taken by our city as conveyed to the Orange County League of Cities has sent a mixed message. The large cities of Irvine, Anaheim, and Santa Ana have withheld their dues to get the League's attention.

Discussion was held amongst Council regarding the wording of the proposed letter.

A motion was made by Sullivan, second Green to have the following letter **as amended by removing the third sentence of letter and send the letter to all cities** sent to the Orange County Division of the League of Cities reiterating our support for AB 710 and our concern about big city representation:

**TO: Executive Steering Committee  
 Orange County Division, League of California Cities**

The City Council of Huntington Beach reiterates its strong support for AB 710! We wish to express our displeasure regarding the letters produced by the League that did not, in our view, properly represent the vote taken on the issue. ~~Your actions have compelled Irvine, Santa Ana, and Anaheim to withhold their dues.~~ The Orange County Division needs to provide equitable representation for large cities, not drive us away. The fact that the Executive Steering Committee consists of members representing only 11% of the county population speaks for itself.

Connie Boardman, Mayor  
 On behalf of the Huntington Beach City Council

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Hardy  
 NOES: Cook, Houchen  
 ABSENT: None

**(City Council) Councilmember Dave Sullivan Reported Regarding the League of Cities ( . )**

Councilmember Dave Sullivan spoke regarding what he believes is the need to convey to the League of Cities organization that all cities should pay the same dues and that dues not be based on a city's population.

**(City Council) Report Given by Councilmember Gil Coerper on the Success of the Police Helicopter Program ( . )**

Councilmember Gil Coerper reported that the Police helicopter had located 37 drunk drivers, assisted in the capture of burglar suspect, and other work of great benefit to the safety of our citizens.

**(City Council) Announcement Made by Mayor Connie Boardman of a Community Awareness Meeting Regarding Long Beach Airport ( . )**

Mayor Connie Boardman announced a Community Awareness meeting of the Long Beach Airport's flight pattern, altitude and noise levels, to be hold on July 31, 2003 at 7pm, at the Huntington Beach Central Library, Rooms C and D.

**(City Council) Report Made by Councilmember Dave Sullivan Regarding Bushard Sewer Trunk Pipeline Delays Affecting the Huntington Beach South East Neighborhood and Request for Future Report ( . )**

Councilmember Dave Sullivan reported on an e-Mail that Council received from Public Works Director Robert F. Beardsley regarding the Bushard sewer trunk pipeline defects which affect the Huntington Beach South East Neighborhood. Councilmember Sullivan requested a future report. Public Works Director Robert Beardsley stated he would prepare a report and return to Council.

**Adjournment – City Council/Redevelopment Agency**

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, August 4, 2003, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

\_\_\_\_\_  
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk-Clerk

\_\_\_\_\_  
Mayor-Chairman