

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

Monday, August 19, 2002  
5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:00 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.

**Call to Order**

Mayor Cook called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

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

Present: Dettloff, Boardman, Cook, Winchell, Bauer (Green arrived at 5:03 p.m.; Houchen arrived during closed session.)

Absent: None

**(City Council) Study Session Held – Presentation Made by Rich Barnard, Director of Communications and Special Projects - Update on the Communications Committee Re: the Public Cable Television Authority (PCTA) and HBTB-3 by the Public Information Office (PIO) (160.10)**

Director of Communications and Special Projects Rich Barnard gave a PowerPoint presentation titled *Public Cable Television Authority (PCTA) A Joint Powers Authority – City Council Study Session August 19, 2002* which was included in the agenda packet.

Mary Morales, Executive Director of the Public Cable Television Authority (PCTA), made a presentation to Council regarding the function of the PCTA including responses to issues addressed in the PowerPoint report. She cautioned how the city would be adversely affected if it withdrew from PCTA membership.

Laurann Cook, Mayor of Fountain Valley and Chair of the PCTA, spoke at length regarding the services that PCTA provides to the City and concurred with PCTA Director Morales' recommendation that the City of Huntington Beach not withdraw from PCTA membership. She informed Council that the PCTA is the only agency that has challenged Time-Warner's position on the cable modem. She further stated that the four cities share 31 years of history and urged Council to allow further dialogue to go over any issues or differences between PCTA and the City of Huntington Beach.

Mayor Cook reviewed various issues regarding the recent rules passed by PCTA that affect only the City of Huntington Beach. She stated the City needs a stronger relationship with (America On Line) AOL/Time Warner in order to better market HBTB-3.

Councilmember Dettloff inquired as to what the remaining cities would do if the City of Huntington Beach should withdraw from the PCTA. Director of Communications Rich Barnard responded the PCTA would continue with three member cities, restructure the operation budget and recruit additional members. He stated that a portion of the city's contribution to PCTA of approximately \$124,000 would be needed to pay for consultants and legal assistance to perform the work necessary to negotiate contracts on behalf of the city.

Mary Morales, PCTA Executive Director responded to Councilmember Green's inquiry regarding technology issues.

PCTA Chair Laurann Cook reviewed the recent negotiations with AOL/Time Warner and the City of Garden Grove.

Further discussion was held among Council, Director Barnard, PCTA Director Morales, and PCTA Chair Cook regarding; 1) the need to review the Joint Powers Authority (JPA) to address the broader issues; 2) the City of Huntington Beach pays 65% of all PCTA costs and is dissatisfied with only 25 percent of the vote on the board; 3) dissimilar interests of participating member cities; 4) suggestions on how to improve the city's relationship with Time-Warner and 5) recommendations on what the PCTA, JPA (Joint Powers Authority) and the city can do to strengthen the city's position, such as more communication between the cable operator, the City Council and city staff, and how to maximize and support HDTV-3 PEG (Public Access, Education and Government) programs.

Mayor Cook thanked the speakers for their presentations.

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

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

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: None (Houchen arrived during closed session.)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator, Clay Martin, Director of Administrative Services; Ronald Hagan, Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **HBMEA, HBMEO, and SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

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

#### **City Council- Redevelopment Agency Roll Call**

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

Absent: None

**No Actions Were Taken Which Required a Report Pursuant to Government Code §54957.1(a) (3) (B)).**

**Pledge of Allegiance** – by Sergeant Gary Meza

**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:

Slide show presentation dated August 19, 2002 from the Public Works Department titled *Sewer Service Charge Annual Performance Audit*.

Communication dated August 19, 2002 from Fire Chief Michael Dolder submitting minor clerical amendments to the Fire Code Agenda Item titled *Late Communication Regarding the Fire Code Adoption Ordinance, Agenda Item G-2b*.

Communication from Building and Safety Director Ross Cranmer dated August 19, 2002 submitting minor clerical amendments to the Building and Safety Code agenda item titled *Council Agenda Item G-2c Late Communication*.

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

Photographs submitted by Arline Howard during Public Comments of the Goldenwest and Talbert area where she stated Indian relics were found.

**Presentation of Mayor's Award** by Mayor Debbie Cook and City Treasurer Shari Freidenrich to Joyce Green, Administrative Assistant in the City Treasurer's Department. City Treasurer Freidenrich spoke regarding Ms. Green's accomplishments and the ways she contributes to make the City Treasurers Office function so well. (160.40)

**Presentation** to Mayor Debbie Cook and the City Council by Kevin Ober, Representative of the Boeing Company, of a check for \$8,000 for the PRIDE Foundation in support of "Every 15 Minutes" drug and alcohol program. Present to receive the check was Ron Russell, President of the PRIDE Foundation and Police Captain Jim Cutshaw. (160.40)

**Presentation** to Mayor Debbie Cook and the City Council by Jim Engle, Community Services Deputy Director and Kate Hoffman, Cultural Services Supervisor, Art Center, thanking the City and Sponsors for a very successful Children's Art Summer Camp. Two children who participated in the Art Summer Camp presented tee shirts to the City Council. (160.40)

**Public Comments**

**S. L. Sam Hamburger**, retired Attorney-at-Law, stated he was not in favor of the Council's decision to delay the vote on the petition proposing to amend the City Charter relative to council districting.

**William McCord** informed Council he is a resident at the Harbor Vista Condominiums and is very concerned about the safety of the children in his community. He alleged that there have been approximately 153 calls to the police of which at least thirty percent were 911 calls regarding a resident who is constantly video taping and scaring the children and residents.

**Joey Racano** spoke in support of the regionalization of Fire Departments services. He also recommended a pro-humane joint animal service with the City of Seal Beach that would replace the Orange County Animal Control Services, paid for by the City. Mr. Racano informed Council of his five-point clean water action plan.

**Myron B. Richardson** expressed his concern regarding an individual who he stated is constantly video taping children and using profane language with people in the Harbor Vista Condominium Community.

**(City Council) Response to Public Comments Re: Harbor Vista Condominium Community Incident of Video Taping Children ( . )**

City Administrator Ray Silver asked to meet with the neighbors and to speak with Police Captain Cutshaw and other staff regarding the above captioned situation the following day. Mayor Cook requested to be in attendance.

**Public Comments Resumed**

**Michael B. Richardson** urged Council to help protect the children in his Harbor Vista Condominium neighborhood. He informed Council that the same individual reported by the previous speakers also upset his children.

**Debbie Borden** informed Council she is in opposition to the absence of the invocation at Council meetings. She offered the invocation.

**Virginia Sims** offered her apology to Mayor Cook regarding the issue of the invocation at Council meetings. Ms. Sims stated that we should honor and support the Police Department and the firefighters.

**Clem Dominguez** stated his belief that while he does not agree with the proposed Charter Amendment petition, he believes the citizens have the right to vote on it. Mr. Dominguez spoke in opposition to the proposed City budget and requested that the information on the City budget be made available on the Internet.

City Administrator Ray Silver invited Mr. Dominguez to speak with staff regarding the proposed budget.

**Public Comments Resumed**

**Bill Orton** expressed his concerns regarding the State budget. Mr. Orton donated \$500 to the Shipley Nature Center. He stated that he does not favor supporting one city job over another but hopes his donation goes to the Shipley Nature Center.

**Arline Howard** spoke in support of incorporating Indian artifacts at the Shipley Nature Center. Ms. Howard distributed to Council a photo of her family farm that once covered 40 acres in the City, where she stated various artifacts were found. She requested that the Shipley Nature Center and the Park Ranger be retained in the City budget.

**Don McGee** thanked Council for its work in the community.

**Jill Hardy** requested cuts instead of eliminations in the City budget, such as reducing the hours at the Shipley Nature Center and closing the Central Library on Sundays, rather than eliminating an entire branch library.

**Russell Reinhart**, President of the Huntington Beach Police Officer's Association (HBPOA), stated that the HBPOA would donate \$25,000 if the City can maintain the DARE Program for another year. He informed Council that if this donation, which is part of other donations, is not sufficient in keeping the DARE Program then the \$25,000 would be given to another children's program.

**Gerald Chapman** informed Council he is the Co-chair of the Huntington Beach Art Center Foundation and that he opposes the elimination of the Cultural Arts Manager position.

**Joseph Jeffrey** informed Council that he filed a lawsuit against the City and that there will be a hearing on Wednesday, August 21, 2002 regarding the decision to place the "Fair District Initiative" on the March 2004 ballot.

**(City Council) Announcement Made by Councilmember Ralph Bauer of Appointment of Ronald Nagy to the Finance Board ( . )**

Councilmember Ralph Bauer announced his appointment of Ronald Nagy to the Finance Board.

On motion by Bauer, second Winchell, the City Clerk was directed to record in the official Council minutes the appointment of Ronald Nagy to the Finance Board by Councilmember Ralph Bauer effective August 19, 2002. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer  
 NOES: None  
 ABSENT: None (Houchen absent from room)

**(City Council) Councilmember Green Reported on the Orange County Vector Control Board Meeting (West Nile Virus) ( . )**

Councilmember Green reported on an Orange County Vector Control Board meeting held on the West Nile Virus. He stated contrary to press reports, the virus has not yet reached California. He presented an overview of how the virus is contracted; preventative measures such as protective clothing and not leaving standing water. He spoke regarding the County monitoring measures being taken.

**Consent Calendar – Item Removed for Separate Discussion**

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Joint Use Agreement Between Huntington Beach Union High School District (HBUHSD) and City for Field and Light Use at Marina High School (600.10)

**Consent Calendar – Items Approved**

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

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer (Dettloff voted No on Resolution No. 2002-83)  
 NOES: None  
 ABSENT: None

**(City Council) Approved Final Tract Map No. 16196 of Tentative Tract Map No. 16196 (Timber Circle One-Lot Division) Sassounian, Adams and Zuckerman LLC – w/s Delaware Street Between Main and Garfield (420.60) – 1.** Approved Final Tract Map No. 16196 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approved the Subdivision Agreement between the City and Sassounian, Adams and Zuckerman, LLC, and authorized execution by the Mayor and City Clerk (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16196 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16196 Conditions of Approval, as approved by the City Council. **Requirements: (1)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 833254S (Attachment No. 7); (b) Labor and Material Bond No.833245S (Attachment No. 7); (c) Monument Bond No. 833254S (Attachment No. 7). **(3)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

**(City Council) Adopted Resolution No. 2002-82 – Approved Side Letter to Memorandum of Understanding (MOU) – Surf City Lifeguard Employees Association (SCLEA) (720.20) – Adopted Resolution No. 2002-82 – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Surf City Lifeguard Employees’ Association, by Adopting the Side Letter of Agreement (Regarding Number of Permitted Work Hours Within a Twelve-Month Period).”** Submitted by Administrative Services Director. Funding Source: Not Applicable.

**(City Council) Adopted Resolution No. 2002-83 – Suspending for FY 2002-2003 the Property Tax Override to Pay for CalPERS Employees Retirement Benefits (340.90) – Adopted Resolution No. 2002-83 – “A Resolution of the City Council of the City of Huntington Beach Suspending for Fiscal Year 2002/2003 the Property Tax Override to Pay for Employee Retirement Benefits.”** Submitted by the Administrative Services Director. Funding Source: Not Applicable. (Communication from City Attorney dated August 16, 2002 submitting Substitute Page No. 2 of Resolution No. 2002-83 included in agenda packet.)

**(City Council) Authorized the City Administrator to Enter Into a Professional Services Agreement on Behalf of the City with Integrated Design Services for Professional Structural Engineering Consulting Services Relative to Donald Kiser Municipal Corporation Yard, Buildings C & E (600.10) –** Authorized the City Administrator to enter into a Professional Services Agreement with Integrated Design Services for professional structural engineering consulting services for the Donald Kiser Municipal Corporation Yard - Buildings C & E. Submitted by the Public Works Director. Funding Source: \$66,600 General Fund – Building Maintenance Account.

**(City Council) Adopted Resolution No. 2002-81 – Disposition of Records (170.50) – Adopted Resolution No. 2002-81 – “A Resolution of the City Council of the City of Huntington Beach Authorizing Destruction of Certain City Records in the Office of the City Clerk.”** Submitted by the City Clerk. Funding Source; Not Applicable. (See Exhibit “A” – Paper Records to be destroyed; said records are still available on microfiche.)

**(Redevelopment Agency) Rejected All Bids in Conjunction with the Proposed Sale of 438 Main Street and Authorized Use of Commercial Broker to Market Property for Sale**

(650.70) – Directed the Real Estate Services Division to reject all bids and solicit new offers in the open market using the assistance of a professional real estate agent or broker, including authorization of a broker commission up to 6% of the sale price. Submitted by the Economic Development Director. Funding Source: One time revenue for the Redevelopment Agency which would facilitate debt repayment to the General Fund.

**(City Council) Approved Joint Use Agreement Between Huntington Beach Union High School District (HBUHSD) and City for Field and Light Use at Marina High School**

(600.10)

Mayor Cook requested that this agenda item be removed from the Consent Calendar to confirm that the lighted fields at Marina High School is restricted to youth only and not for all users.

A motion was made by Dettloff, second Bauer to approve the *Joint Use Agreement Between the Huntington Beach Union High School District and the City of Huntington Beach for Field and Light Use at Marina High School* subject to the Huntington Beach Union High School District Board of Trustees approval; and authorize the Mayor and City Clerk to execute same.

The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Houchen, Winchell, Bauer  
 NOES: Cook  
 ABSENT: None (Green absent from room)

**(City Council) Adopted Ordinance No. 3568 – Wireless Communication Facilities (Various Commercial, Industrial and Residential Districts) – Zoning Text Amendment – (ZTA 02-01) – Site Standards (450.20)**

After the City Clerk read by title, a motion was made by Winchell, second Houchen to adopt **Ordinance No. 3568** – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Relating to Wireless Communications*” amending various sections of the Huntington Beach Zoning and Subdivision Ordinance and adding Section 230.96 thereof relating to wireless communication facilities. Submitted by the Planning Director. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer  
 NOES: None  
 ABSENT: None (Green absent from room)

**(City Council) Adopted Ordinance No. 3569 – Establishing the Formation of Huntington Beach Hotel/Motel Business Improvement District – (Community Facilities District - CFD) – To Promote City as Overnight Tourist Destination (460.30)**

After the City Clerk read by title, a motion was made by Winchell, second Dettloff to adopt **Ordinance No. 3569** – “*An Ordinance of the City Council of the City of Huntington Beach, California, Establishing a Business Improvement District, Called the ‘Huntington Beach Hotel/Motel Business Improvement District’, for All Huntington Beach Hotels and Motels.*” Submitted by the Economic Development Director. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer  
 NOES: None  
 ABSENT: None

**(City Council) Accepted Sewer Service Charge Performance Audit - Approved Introduction of Ordinance No 3570 Amending Municipal Code Chapter 14.55 Relating to Sewer Charge Modifications (640.10)**

The City Council considered a communication from Public Works Department. Deputy Director Paul Emery gave a PowerPoint presentation from a Late Communication dated August 19, 2002 titled *Sewer Service Charge Annual Performance Audit*, which had been announced earlier by the City Clerk.

After the City Clerk read by title, a motion was made by Dettloff, second Green to accept the Sewer Service Charge Annual Performance Audit as presented and approve introduction of **Ordinance No. 3570** – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Rates, Charges, Annual CPIU Adjustment and Billing Methodology for the Sewer Service User Charge.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen, Winchell, Bauer  
 NOES: Boardman, Cook  
 ABSENT: None

**(City Council) Approved Introduction as Amended of Ordinance No 3571 - Adoption By Reference of 2001 Edition of the State of California Fire Code and Amendments Thereto and Scheduled a Public Hearing for September 16, 2002 (640.15)**

The City Council considered a communication from Michael P. Dolder, Fire Chief/Information Systems Director.

The City Clerk read by title Ordinance No. 3571 as Amended.

A motion was made by Dettloff, second Green to approve introduction as **amended of Ordinance No.3571** – *“An Ordinance of the City of Huntington Beach Amending Huntington Beach Municipal Code Chapter 17.56 Adopting the California Fire Code,”* adopting the California Fire Code, 2001 Edition;

**and**

Set a Public Hearing on the adoption of Ordinance No. 3571 on September 16, 2002.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer  
 NOES: None  
 ABSENT: None

**(City Council) Approved Adoption By Reference of the 2001 Editions of the California Building & Safety Codes and Amendments Thereto – Approved Introduction of Ordinance No. 3572 (Administrative Code) Ordinance No. 3573 as Amended (Building Code) Ordinance No. 3574 as Amended (Mechanical Code) Ordinance No. 3575 as Amended (Plumbing Code) Ordinance No. 3576 (Swimming Pool, Spa and Hot Tub) Ordinance No. 3577 as Amended (Electrical Code) and Scheduled Public Hearing for September 16, 2002 (640.15)**

The City Council considered a communication from Ross Cranmer, Building and Safety Director to adopt the 2001 editions of the California Building Code, California Plumbing Code, California Mechanical Code and the California Electrical Code in order to amend the codes to meet our local conditions and regulations.

The City Clerk read Ordinance No. 3572, Ordinance No. 3573 as **amended**, Ordinance No. 3574 as **amended**, Ordinance No. 3575 as **amended**, Ordinance No. 3576, Ordinance No. 3577 as **amended** by titles.

A motion was made by Boardman, second Green to:

Approve introduction of **Ordinance No. 3572** - *“An Ordinance of the City of Huntington Beach Amending Chapter 17.02 of the Huntington Beach Municipal Code Adopting the Uniform Administrative Code;”*

Approve introduction as **amended** of **Ordinance No. 3573** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.04 of the Huntington Beach Municipal Code Adopting the Uniform Building Code;”*

Approve introduction as **amended** of **Ordinance No. 3574** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.40 of the Huntington Beach Municipal Code Adopting the Uniform Mechanical Code;”*

Approve introduction as **amended** of **Ordinance No. 3575** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.44 of the Huntington Beach Municipal Code Adopting the Uniform Plumbing Code;”*

Approve introduction of **Ordinance No. 3576** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.46 of the Huntington Beach Municipal Code Relating to the Uniform Swimming Pool, Spa and Hot Tub Code;”*

Approve introduction as **amended** of **Ordinance No. 3577** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.48 of the Huntington Beach Municipal Code Adopting the Uniform Electrical Code;”*

**and**

Set a Public Hearing on Ordinance Nos. 3572, 3573, 3574, 3575, 3576, and 3577 for the September 16, 2002 City Council Meeting per Government Code Section 50022.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer  
NOES: None  
ABSENT: None

**(City Council) Directed the City Attorney as Amended to Draft an Amendment to the City's Ordinance Pertaining to Limitations on Slate Mailer Campaign Contributions (640.10)**

The City Council considered a communication from Mayor Debbie Cook transmitting the following **Statement of Issue:** Current Huntington Beach Campaign Ordinances do not adequately regulate contributions to a Slate Mailer Organization. As a result of the recent Coad/Norby Orange County Supervisor race, the County of Orange recently adopted language that would prevent slate mailers in which more than 25% of the surface area expressly advocates or opposes the election of an individual candidate without that individual candidate paying his/her attributable cost of production and distribution of the slate mailer. There are two requirements for the ordinance to take effect: (1) the candidate must coordinate with the slate mailer organization (i.e., it is not an independent expenditure, and (2) the slate mailer must devote over 25% of the surface area to supporting or opposing a Huntington Beach candidate.

Discussion was held between the City Council and Deputy City Attorney Jennifer McGrath regarding various issues. Council requested the City Attorney's office to take into consideration the comments made by Council when drafting the ordinance including how to determine what is an independent expenditure or not and how to enforce if a violation occurs.

A motion was made by Cook, second Boardman to direct the City Attorney to prepare an amendment to the city's codified campaign ordinances to further regulate use of slate mailers as shown in the attached draft ordinance.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer  
NOES: None  
ABSENT: None

**Adjournment – City Council/Redevelopment Agency**

Mayor Cook adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, August 26, 2002, at 4:00 p.m., in the Council Chambers, 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