

**Special and Regular Meeting
Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 6, 2003
4:00 P.M. – Room B-8
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 4:00 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.

4:00 P.M. – 5:00 P.M. Room B-8

Call to Order

Mayor Boardman called the Special Meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 p.m. in Room B-8.

City Council/Redevelopment Agency Special Meeting Roll Call

Present: Coerper, Green, Boardman, Cook, Hardy (Houchen arrived at 4:15 p.m.)
(Councilmember Sullivan had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Sullivan

City/Agency Clerk Read *Call for Special Meeting* for the Purpose of Discussion and Possible Report by City Attorney of Action Taken on the Closed Session Items Listed on the Agenda

City Clerk Connie Brockway read the Call for Special Meeting, which was for the purpose of discussing Closed Session items.

This *Call for Special Meeting Notice* is necessary to allow the City Council/Redevelopment Agency to meet at 4:00 p.m., rather than at the 5:00 p.m. time which at the September 15, 2003 meeting was the announced time made to the public that the Council would again meet.

The *Call for Special Meeting Notice* is on the two following pages.

CALL FOR SPECIAL MEETING**CITY COUNCIL****CITY OF HUNTINGTON BEACH****MONDAY, OCTOBER 6, 2003**

Connie Boardman, Mayor
Cathy Green, Mayor Pro-Tem
Dave Sullivan, Council Member
Gil Coerper; Council Member
Debbie Cook, Council Member
Pam Houchen, Council Member
Jill Hardy, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held at City Hall, 2000 Main Street, in the Lower Level Room B-8, Huntington Beach, CA 92648, at the hour of **4:00 p.m.**, Monday, October 6, 2003. The meeting will be held for the purpose of discussing the following closed session items.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; 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)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Potential legal challenge to levy retirement property tax for 2003/04, including allocation of retirement expenses between pre-1978 and post-1978 benefits. Subject: **Levy of Retirement Property Tax Including Allocation of Retirement Expenses Between Pre-1978 and Post-1978 Benefits.** (.)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the City it intends to

purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa.
 Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (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 **Huntington Beach City Council v. Scott Baugh, and Connie Brockway, City Clerk, et al.**, Orange County Superior Court Case No. 02CC14276. (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 **Huss, et al. v. City of Huntington Beach**; U.S. District Court Case No. SACV 98-249 AHS (ANx). (120.80)

Dated: September 24, 2003

 ATTEST: City Clerk

 Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, October 5, 2003.

 Mayor

End of Call for Special Meeting Notice

Public Comments (Restricted to Special Meeting and Regular Meeting Closed Session Items Only)

Dean Albright presented concerns regarding the Southern California Water Company Closed Session item relative to the effect of the proposed pipeline on streets, especially on Springdale Street, which is a busy street with school children.

Motion to Recess to Closed Session – Approved

A motion was made by Cook, second Green to recess to Closed Session on the items set forth in the Notice of Special Meeting read by the City Clerk. The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Sullivan, Houchen

City Council/Redevelopment Agency Special Meeting Adjournment – At 5:00 p.m. the Special Meeting adjourned and the regular City Council/Redevelopment Agency Meetings commenced with all members who were present at Special Meeting roll call and Councilmember Houchen who

arrived during Closed Session. The Regular 5:00 p.m. Meeting also pertained to the aforementioned Closed Session items.

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

City Council- Redevelopment Agency Roll Call

Present: Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: Sullivan

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.

Pledge of Allegiance – Led by Mayor Boardman

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 submitted by the City Administrator and City Attorney dated October 6, 2003 titled *City Clerk's Proposed Changes to Professional Service Agreement Process – Municipal Code Section 3.03* in opposition to the City Clerk's request to attest to all agreements that are done in-house between Administration and consultants.

Notification from the City Clerk of a communication from the Economic Development Director dated October 6, 2003 titled *Approve an Owner Participation Agreement with KDF Communities, LLC for the Hermosa Vista Apartments Affordable Housing Project* regarding the agenda item, which had been accidentally omitted from the agenda packet.

Communication submitted by Bob Polkow dated October 6, 2003 titled *Agenda item H-1a forwarded after publication of the agenda* in opposition to Councilmember Coerper's agenda item relating to a proposed gun range in Huntington Beach.

Communication submitted by Topper Horack dated October 6, 2003 (untitled) in opposition to the agenda item concerning a gun range.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication from City Administrator Ray Silver and Mayor Connie Boardman dated October 6, 2003 titled *Orange County Division Member Relations Task Force* containing suggestions for the Division's Service to Membership.

Presentation made to City Treasurer Shari Freidenrich from Mayor Connie Boardman declaring the week of October 6, 2003 – National Customer Service Week. (160.40)

Presentation made to Huntington Beach Police Officers: Dale Shields, Dennis Fulton, Mike Spencer, Tai Huynh, Tom Arnold, Tim Lynn, Brandon Reed and Jack Paholski, from a representative of Mothers Against Drunk Drivers, for making between 65 and 103 DUI arrests during the past year. (160.40)

Public Comments

Brent Weber described the programs of the Huntington Beach High School Academy for the Performing Arts and extended an invitation to all to attend upcoming performances. Mr. Weber provided the contact telephone number: (714) 960-1558.

Michael Tabor and Katie Dixon, members of the Academy for the Performing Arts, performed for Council.

Debbie Borden offered an invocation due to the absence of the Invocation from the agenda. Ms. Borden urged people to vote in the upcoming election.

Peter Albini requested revisions to the proposed Ordinance No. 3618 concerning ambient music.

Mark Bixby showed slides on proposed Pacific City development (31 acres at PCH/Huntington/Lake) citing soil problems and requesting that Environmental Impact Report (EIR) contain the truth.

Robert Navarro spoke in opposition to the proposed Ordinance No. 3618 concerning ambient music and requested Council to not approve the "blanket" ambient music ordinance and instead that it be to specific areas.

(City Council) Announcement Made by Mayor Connie Boardman of Individual Appointment of Carrie Thomas to the Planning Commission (.)

The City Council considered a communication from Mayor Connie Boardman announcing her individual Planning Commission appointment of Carrie Thomas.

A motion was made by Boardman, second Cook to direct the City Clerk to make record in the minutes to reflect the individual appointment by Mayor Connie Boardman of Carrie Thomas to the Planning Commission. The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Professional Services Agreements for Fiscal Year 2003-2004 Budget

(City Council) Amended Planning Commission Bylaws

Consent Calendar – Items Approved

Mayor Boardman announced she would vote in opposition to the approval of the Consent Calendar item concerning the License Agreement Conditions Regarding Outdoor Dining with Alcohol Beverages Pertaining to Section 4.2.33 of the Downtown Specific Plan.

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

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

NOES: None (Boardman- No on the License Agreement Conditions Regarding Outdoor Dining with Alcohol Beverages Pertaining to Section 4.2.33 of the Downtown Specific Plan)

ABSENT: Sullivan

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Meetings of July 7, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the New By-Laws Due to Reconfiguration in October 2002 of the Huntington Beach Human Relations Task Force (.) – Approved the new By-Laws of the Huntington Beach Human Relations Task Force. Submitted by the City Administrator. Funding Source: None required. (On October 7, 2002, the City Council approved the reconfiguration of the Human Relations Task Force from twenty-five to nine members.)

(City Council) Approved Amendment No. 1 to the Professional Services Contract between the City and Advocation, Inc. to Assist in the Acquisition of State Funding for Priority Projects Within the City and Related Legislative Issues (.) – Approved *Amendment No. 1 to Agreement Between the City of Huntington Beach and Advocation, Inc.* for the purpose of assisting the City in the acquisition of state funds for priority projects within the City, and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Administrator. Funding Source: 2003-2004 Fiscal Year budget - General Fund Intergovernmental Relations Professional Services Accounts - Not to exceed \$64,000 for the year.

(City Council) Approved Amendment No. 1 to the Professional Services Contract between the City and The Ferguson Group to Assist in Acquisition of Federal Funding and Related Legislative Issues (.) – Approved *Amendment No. 1 to Agreement Between the City of Huntington Beach and the Ferguson Group LLC* for the purpose of assisting the City in the acquisition of Federal funds for priority projects within the City, and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Administrator. Funding Source: 2003-2004 Fiscal Year budget – General Fund Intergovernmental Relations, Professional Services Account - Not to exceed \$76,000 for the year.

(City Council) Adopted Resolution No. 2003-77 Approving Application for State Funding Under the 2002 Resources Bond Act, Robert-Z'Berg-Harris Urban Open Space and Recreation Block Grant Program – Anticipated to be Used for Edison Park Sports Youth Complex (.) – Adopted **Resolution No. 2003-77** “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.” Submitted by the Community Services Director. Funding Source: State of California, 2002 Resources Bond Act, Roberti-Z'Berg-Harris Urban Block Grant Program. (Funds in the amount of \$526,949 have been allocated to the City under the California Clean Water, Clean Air, Sate Neighborhood Parks, and Coastal Protection Act of 2002.)

(City Council) Adopted Resolution No. 2003-76 Approving Side Letter to Memorandum of Understanding (MOU) Between the City and the Municipal Employees' Association (MEA) Regarding Holiday Pay (.) – Adopted **Resolution No. 2003-76** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach Municipal Employees' Association Regarding Holiday Pay.” Submitted by the City Administrator. Funding Source: This action does not increase the compensation paid to the employee, but identifies the classifications that must have holiday pay reported to PERS (Public Employee's Retirement System). The fiscal impact is the City's PERS contribution (7% of holiday pay earned) for an annual cost of approximately \$1,000 to \$5, 000. Funding is included in the Fiscal Year 2003-2004 budget.

(City Council) Adopted Resolution Nos. 2003-73, 2003-74, and 2003-75 Approving Side Letters to Memoranda of Understanding (MOU) between the City and the Police Officers' Association (POA), the Fire Association (HBFA), and the Marine Safety Officer's Association (MSOA) (.) – 1. Adopted **Resolution No. 2003-73** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Police Officers' Association Regarding Compensatory Time,” and 2. Adopted **Resolution No. 2003-74** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Firefighter's Association Regarding Compensatory Time,” and 3. Adopted **Resolution No. 2003-75** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Marine Safety Officers' Association Regarding Compensatory Time.” Submitted by the City Administrator. Funding Source: The ability to provide compensatory time results in the reduction of paid overtime.

(City Council) Adopted Resolution No. 2003-72 Approving the Application for State Funding Under the 2002 Resources Bond Act, Per Capita Program (.) – Adopted **Resolution No. 2003-72** - “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.” Submitted by the Community Services Director. Funding Source: State of California, 2002 Resources Bond Act, Per Capita Grant Program. (Funds in the amount of \$856,000 have been allocated to the City under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act.)

(City Council) Approved a Conditional Commitment Agreement with Habitat for Humanity (Humanity Housing, Inc.) for the Construction with HOME Investment Partnership Program Funds of an Affordable Single Family Residence on City Owned Property Located at 2502 Delaware Street (corner of Yorktown Avenue and Delaware Street) (.)

1. Temporarily waived the City's insurance requirements for the purpose of approving the Conditional Commitment Agreement. Directed staff to ensure that insurance requirements as described in the Conditional Commitment Agreement are met by Habitat for Humanity (Humanity Housing, Inc.) by the close of escrow; and 2. Approved agreement titled *Agreement between the City of Huntington Beach and with Humanity Housing, Inc. for the Conditional Commitment of Federal HOME Funds* for \$194,400 of HOME Investment Partnership program funds for acquisition costs and development fees for a very low-income housing unit to be located at 2502 Delaware Street. Submitted by the Economic Development Director. Funding Source: \$194,400 from HOME Investment Partnership program funds account.

(City Council) Approved Standard Lease Agreement between the City and Dwight's and Jack's, Inc. for City's Food and Rental Concession for Dwight's Beach Concession (.)

Approved the lease renewal titled *Lease between the City of Huntington Beach and Dwight's and Jack's, Inc. for Dwight's Beach Concession* and David Clapp and Laurie Knight, DBA Dwight's and Jack's, Inc. Beach Concession, using the standardized lease agreement with terms and conditions as presented herein. Submitted by the community Services and Administrative Services Directors. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2003-70 Authorizing the Director of Public Works or the City Engineer to Accept the Construction Projects as Complete and File a Notice of Completion in the Office of the County Recorder (Rescinds Resolution No. 2002-10) (.)

Adopted Resolution No. 2003-70 "A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works or the City Engineer to Accept the Construction Projects as Complete and File a Notice of Completion in the Office of the County Recorder."

Submitted by the City Clerk and Public Works Director. Funding Source: Not Applicable.

(Adoption of this resolution will further expedite the process for the contractors, Public Works Department, staff, and the City Clerk's office)

(City Council) Modified the License Agreement Conditions Regarding Outdoor Dining with Alcohol Beverages Pertaining to Section 4.2.33 of the Downtown Specific Plan (.)

Removed Condition L, pertaining to the serving of alcohol beverages at the outdoor dining areas on July 4th from the license agreement titled *License Agreement – Outdoor Dining w/Alcohol Standard Conditions* for businesses with outdoor dining and alcohol permits from the Downtown Specific Plan, 4.2.33. Submitted by the Chief of Police. Funding Source: Not applicable.

Mayor Boardman voted "No" on this item.

(City Council) Reviewed and Approved List of Professional Services Agreements In Fiscal Year 2003-2004 Budget and Continued City Clerk's Request to Attest to In-House Professional Services Agreements to a Future Study Session on the Subject of Professional Services Agreements (.)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar in order to receive clarification from City Clerk Connie Brockway, City Administrator Ray Silver and City Attorney Jennifer McGrath concerning the policies and procedures for reviewing and approving Lists of Professional Services Agreements.

Considerable discussion was held concerning the communication submitted by the City Administrator and City Attorney dated October 6, 2003 titled *City Clerk's Proposed Changes to Professional Service Agreement Process – Municipal Code Section 3.03* in opposition to the City Clerk's request to attest to all agreements that are done in-house between Administration and consultants, which was previously announced by the City Clerk as a Late Communication.

City Clerk Connie Brockway requested that Council include a direction that the agreements be prepared to include the City Clerk's *Attestation* Line. The request was detailed in the communication submitted by Connie Brockway, City Clerk, dated October 1, 2003 titled *Request To City Council to Assist City Clerk's Office To Maintain Professional Services Agreements in the Office of the City Clerk as Required by City Charter* which was included in the agenda packet.

City Clerk Brockway presented reasons why she believes that the City would benefit by having the City Clerk attest to the signature of the City Administrator, department head or authorized designee who is entering into in-house prepared Professional Services Agreements. She requested that the City Council attest that the Professional Services Contract form include a signature line for the City Clerk to attest. The City Clerk informed Council that this would result in the City Clerk knowing that these agreements exist; would allow all of its agreements to be filed in her office and filed timely which is not currently the case. The City Clerk informed Council that attestation is a good procedure; that all agreements that are approved on the City Council agenda are executed by the Mayor and attested by the City Clerk thus there is not a problem of missing agreements. She referred to the City Clerk's Charter mandate to maintain all written contracts and stated that the City Clerk's attestation on city contracts would guarantee his ability to meet this mandate.

Considerable discussion was held between Councilmembers, the City Clerk and staff.

Council continued the City Clerk's request to a future study session when discussion will be held concerning ways to ensure the City Clerk will receive all in-house executed contracts.

A motion was made by Hardy, second Cook to approve the recommended action to authorize the City Administrator to enter into the professional service agreements included in the Fiscal Year 2003-2004 budget and detailed in Attachment 1 according to established procedures. The motion carried by the following roll call vote:

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

(City Council) Approved Amended Planning Commission Bylaws as Amended by City Attorney's Recommendation for Revision (.)

Mayor Boardman requested that the agenda item concerning the Planning Commission Amended Bylaws be removed from the Consent Calendar to receive clarification from City Attorney Jennifer McGrath regarding the City Attorney's recommendation for further revision.

Discussion was held regarding the communication from City Attorney Jennifer McGrath dated May 30, 2003 titled *Planning Commission Bylaws RLS 2003-0276* summarizing proposed

changes to the Planning Commission Bylaws submitted by City Attorney Jennifer McGrath. The communication was included in the agenda packet.

A motion was made by Boardman, second Cook to approve the Planning Commission Bylaws titled *Bylaws- City of Huntington Beach Planning Commission* as amended by the Planning Commission and **as amended** with City Attorney's recommendation for revision.

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

(City Council) Adopted Resolution No. 2003-71 Establishing a Policy for Advertising City-Related Events, Products and Services in the City Affiliated Outlets (.)

The City Council considered a communication from the City Attorney and the Economic Development Director transmitting the following **Statement of Issue**: The City desires to permit advertising of commercial and non-profit entities consistent with the City's goals and objectives and the First Amendment.

Economic Development Director David Biggs reported. He informed Council that the advertising policy was a department collaboration of the City Attorney's Office, the Department of Community Services and the Department of Economic Development.

Economic Development Director David Biggs presented a PowerPoint slide report submitted by the Department of Economic Development dated October 6, 2003 titled *Policy for Advertising City Related Events, Products and Services* which was included in the agenda packet.

A motion was made by Cook, second Green to adopt **Resolution No. 2003-71** "A Resolution of the City Council of the City of Huntington Beach Adopting a Policy for Advertising City-Related Events, Products and Services in City Affiliated Outlets."

The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Continued to October 20, 2003 Meeting - Approved Owner Participation Agreement (OPA) between the Redevelopment Agency and KDF Communities, LLC for the Acquisition and Rehabilitation of the Hermosa Vista Apartments Affordable Housing Project Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue (Includes Regulatory Agreement) (.)

The City Council considered a communication from the Economic Development Director transmitting the following **Statement of Issue**: The Redevelopment Agency is asked to approve an Owner Participation Agreement (OPA) between the Agency and KDF Communities, LLC. This agreement provides for a loan in the amount of \$3,325,000 of HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street.

City Clerk Connie Brockway notified Council of a communication from the Economic Development Director dated October 6, 2003 titled *Approve an Owner Participation Agreement with KDF Communities, LLC for the Hermosa Vista Apartments Affordable Housing Project* regarding the agenda item, which had been accidentally omitted from the agenda packet, and had been announced earlier by the City Clerk as a Late Communication.

Mayor Boardman continued the Owner Participation Agreement (OPA) between the Redevelopment Agency and KDF Communities, LLC for the acquisition and rehabilitation of the Hermosa Vista Apartments Affordable Housing Project located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue (includes Regulatory Agreement to the October 20, 2003 meeting).

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee- Opposed Senate Bill 2 (Burton)- Approved Recommendations to the League of California Cities Task Force Re: Fees and Two Thirds Votes on Motions (.)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

A motion was made by Hardy, second Coerper to approve the following two recommended actions:

Oppose SB 2 (Burton) Health Care Coverage as enrolled to the Governor.

and

Approve Recommendations to the Member Relations Task Force of the League of California Cities, Orange County Division as follows:

Dues: The Division should stay with a base fee for all cities and an additional amount based on population, but review this to determine if a more equitable apportionment might be attained.

Voting: Any motion that does not receive support from at least two-thirds of the member cities, but does receive support from the majority of member cities, should also require the supporting votes to represent at least half of the county population. The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: Sullivan (Houchen out of room)

(City Council) Adopted Ordinance No. 3618 Amending Huntington Beach Municipal Code Chapter 5.44 Relating to Entertainment (Adds Definition of Ambient Music) (640.10)

After the City Clerk read by title, a motion was made by Coerper, second Green to adopt **Ordinance No. 3618** - *"An Ordinance of the City of Huntington Beach Amending Chapter 5.44*

of the Huntington Beach Municipal Code Relating to Entertainment.” (Introduction approved September 15, 2003.) The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Hardy
NOES: None
ABSENT: Sullivan (Houchen out of room)

(City Council) Approved for Introduction Ordinance No. 3619 Deleting the Huntington Beach Municipal Code Chapter 5.36 Relating to Pawn Brokers (The Regulation of Pawn Brokers by the State Preempts the Need for a Local Ordinance) (.)

After the City Clerk read by title a motion was made by Cook, second Green to approve introduction of **Ordinance No. 3619** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 5.36 Relating to Regulation of Pawn Brokers.* The motion carried by the following roll call vote:

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

(City Council) Substitute Motion Approved - Requested Staff to Prepare a Preliminary Feasibility Study Re: Cost of Constructing an Indoor, State-of-the-Art Law Enforcement Personnel-Only Gun Range Located on City-Owned Property - Heliport Grounds of the Joint Powers Training Center on Gothard Street (.)

The City Council considered the following communication submitted by Councilmember Coerper as follows: **Statement of Issue:** Every other month, the 220 Huntington Beach Police Officers are required to train and qualify with their firearm at a firearms training facility. The Department makes approximately 1200 trips annually to a range for these basic qualifications.

Currently, firearms training are conducted at the Seal Beach Naval Weapons Station Firearms Range. However, the available hours for this facility are limited and subject to periodic closures due to a variety of operational issues at the Station. Approximately one-third of all officers complete the training on an overtime basis due to the limited hours of the range. This is a significant cost to the City. In addition, the type of training is limited to stationary shooting positions. Contemporary training places an emphasis on situational-based shooting with movable shooting positions.

When the Seal Beach facility is not available, officers are required to qualify at Raahauge’s Range in the City of Norco. This has occurred twice within the past ten months and likely will occur again in the future. Raahauge’s Range can accommodate moving shooting positions and the hours of operation are more flexible to meet the needs of the Police Department. However, approximately 25% of all officers still must complete the training on an overtime basis. Additionally, travel time alone is an average of three and half hours for each officer. Besides the cost to the City, the on-duty officers are not providing necessary police services in the City for an extended period of time.

The Seal Beach Naval Weapons Station charges \$5.50 per officer for each qualification (\$4,400.00 per year for all officers) and Raahauge’s Range charges \$12.50 per officer for each qualification (\$5,000.00 per year for all officers). Due to the limited hours of operations at both ranges, the overtime costs for officers to qualify are approximately \$90,000.00 per year. Therefore, yearly

estimated costs for qualifications are \$100,000.00. Travel costs, such as vehicle fuel, for the trips to the ranges are additional expenses.

Locating a firearms training facility within the City is critical from a financial and service to the community perspective. One potential site I have identified is on City-owned property, located on the heliport grounds of the joint Powers Training Center on Gothard Street (Attachment 1). Conceptually, funding would consist of multi-law enforcement agencies contributing to the cost of building the structure and through the use of possible grants. The Huntington Beach Police Department's Training Bureau would operate the range. Due to these factors I believe further study is warranted.

A motion was made by Coerper, second Green to request staff to prepare a feasibility study to determine the cost of constructing an indoor, state-of-the-art law enforcement personnel-only gun range on City-owned property on the heliport grounds of the Joint Powers Training Center on Gothard Street.

Considerable discussion was held between Council and staff concerning the possibility of conducting a preliminary study to ascertain feasibility to continue analysis on construction of a gun range.

Police Chief Kenneth Small reported and informed Council that Fire Chief Duane Olson and he could prepare a report regarding a proposed gun range.

A **substitute motion** was made by Houchen, second Hardy to request staff to prepare a preliminary feasibility study to determine the cost of constructing an indoor, state-of-the-art law enforcement personnel-only gun range on City-owned property on the heliport grounds of the Joint Powers Training Center on Gothard Street. The motion carried by the following roll call vote:

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

(City Council) Directed the Mayor to Draft a Letter of Demand for Accounting of Proposition 50 Money Re: Bolsa Chica Mesa (.)

The City Council considered a communication submitted by Mayor Pro Tem Cathy Green as follows: **Statement of Issue:** I have become quite concerned about the expenditure of Proposition 50 money, a concern I share with all who wish to have the Bolsa Chica Mesa purchased by the State. We have heard that the Wildlife Conservation is buying Cargill, Ballona Wetlands and Ahmanson Ranch with Proposition 50 money. The only purchase of land that is specifically spelled out in this Proposition is Bolsa Chica and yet we have heard nothing about its purchase. I would like a legal letter of demand for an accounting of Proposition 50 money asking:

How much money was set aside for property acquisition?
How much money has been spent?
How much money do they have remaining?
How much money is earmarked for Bolsa Chica?

I would like to get this information as soon as possible, and ask for a unanimous vote of the Council.

Discussion was held concerning how to receive information from the State regarding Proposition 50 money. Council discussed having the Mayor, instead of the City Attorney, send a letter to the State requesting accounting of Proposition 50 money.

A motion was made by Green, second Hardy to direct the Mayor to draft a letter of demand for an accounting of Proposition 50 money. The motion carried by the following roll call vote:

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

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, October 20, 2003, at 4:00 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