

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, MARCH 3, 2003

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

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen (Councilmember Hardy has requested permission to be absent from the meeting pursuant to City Council Resolution No. 2001-54.)

Present (Houchen, Hardy absent)

Public Comments Regarding 5:00 P.M. Study Session Portion of Council Meeting and Closed Session Agenda Items

Speaker spoke regarding proposed gun range and costs involved.

(City Council) Study Session #1 – Review of Recommendations Regarding Development of a Huntington Beach Police Department Law Enforcement Firearms Training Facility

(.) - Chief of Police Kenneth Small and Police Captain Chuck Thomas will update the City Council and make recommendations regarding the effort to develop a law enforcement firearms training facility.

**A PowerPoint Presentation titled *Huntington Beach Police Department Firearms Training Facility* is included in the agenda packet.

Slide report from agenda packet presented by Police Chief Small. Police Captain Thomas was available for questions. Chief referred to his recommendation to continue partnership discussion with Fountain Valley Police Department for development of gun range. Per City Administrator will return to Council to a date uncertain with a recommended action.

(See Study Session #2 on Next Page)

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.ci.huntington-beach.ca.us>**

(City Council) Study Session #2 – Presentation of the Conceptual Plans for Phase II of the Huntington Central Park Sport Complex Including Projected Income Revenue and the Management Contract (.) - The Community Services Department will present an overview of the conceptual plans for Phase II of the Sports Complex, including the projected income and management contract.

Jim Engle, Community Services Director, Ron Hagan, Special Projects Manager and Acting Facilities Manager Dave Dominguez reported on overview of management agreement, cost revenues and concessions on banking/financing. PowerPoint Late Communication presented and wall diagrams were available at the meeting re: an agreement with Community Parks Inc.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

Approved 5-0-2 (Houchen, Hardy absent)

1. **(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 Police Officers Association, et al. v. City of Huntington Beach et al.; Orange County Superior Court Case No. 00CC15105, Court of Appeal Case No. G030072 [Per Diem]. **Subject: Huntington Beach Police Officers Assn., et al. v. City of Huntington Beach, et al.** (120.80)
2. **(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 Police Officers Association v. City of Huntington Beach; Orange County Superior Court Case No. 00CC10254 [Workers' Comp/Health Insurance]. **Subject: Huntington Beach Police Officers Association v. City of Huntington Beach.** (120.80)
3. **(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 Police Officers Association v. City of Huntington Beach; Orange County Superior Court Case No. 00CC13068 [PacifiCare]. **Subject: Huntington Beach Police Officers Association v. City of Huntington Beach.** (120.80)
4. **(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 Charles Nowotny v. Johnson, City of Huntington Beach, et al.; U.S. District Court Case No. CV 99-13098-FMC. **Subject: Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)
5. **(City Council) Closed Session** – To confer with its City Attorney regarding pending litigation pursuant to Government Code Section 54956.9(c). (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases: one. **Subject: Potential Litigation re: Breach of Contract.** (120.80)
6. **(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 City of Huntington Beach v. Orange County Water District; Orange County Superior Court Case No. 815921, Court of Appeal Case No. G029778. **Subject: City of Huntington Beach v. Orange County Water District.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

**** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).
*None reported out***

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present (Houchen, Hardy absent)

Pledge of Allegiance
Led by Brownie Troop 2190 from Moffett and Peterson Elementary Schools, Co-Leaders Sherry Rachman and Sandie Justin, with Girl Scout Carey Huss.

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown Act (Open Meetings Act) requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk’s Office the day after the Council meeting.

Study Session #2, F-1

Presentation – To Mayor Connie Boardman and the Acting Library Director, Sherrie Daugherty, checks by three Support Group Presidents:

JoAnne Rankin	Friends of the Children’s Library	\$ 15,000
Norma Brandel Gibbs	Library Patrons Foundation	\$ 19,500
Dorothy Boesch	Friends of the Library	<u>\$100,000</u>
Total		\$134,500

Presentation - By Mayor Connie Boardman to Kori Flechtner, Executive Director, Designated Drivers Association of Orange County, commending DDA of Orange County and their volunteers for the very important work they do in keeping intoxicated drivers off the road.

Volunteer # 866-949-7233 announced.

Mayor announced the passing of Councilmember Houchen's mother and asked for a moment of silence to extend condolences to the family.

Mayor congratulated Library Services Director, Ron Hayden, on his recovery from surgery. Acting Library Services Director extended Mr. Hayden's gratitude for the donations.

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Due to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

1. ***Speaker announced herself the point of contact as the Public Relations Manager for the Gas Company.***
2. ***Speaker offered Invocation.***

C-1. **Council Committee/Council Liaison Reports**
None

C-2. **City Administrator's Report**
None

D. **Public Hearings - None**

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency regular meetings of January 6, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 5-0-2 (Houchen, Hardy absent)
- E-2. (City Council) Approve Lease with the Orange County, California Genealogical Society for Use of Meeting Room Space at the Huntington Beach Central Library** (.) – Approve the proposed lease with the Orange County, California Genealogical Society for the regular use of meeting space at the Huntington Beach Central Library as set forth in the terms and conditions of the attached lease titled *Agreement By and Between the City of Huntington Beach and the Orange County, California Genealogical Society For the Use of City Owned Genealogical Materials.* Submitted by the Administrative Services Director and the Library Services Director. Funding Source: Not applicable. Revenues generated will accrue to the Library Services Fund.
Real Estate Manager Amy Bodek reported.
Approved 5-0-2 (Houchen, Hardy absent)
- E-3. (City Council) Adopt Resolution No. 2003-18 Authorizing Submission of Proposal to the Orange County Social Services Agency for Families and Communities Together (FaCT) Grant and Authorizing Library Services Director to Sign FaCT Grant Agreement** (.) 1. Adopt **Resolution No. 2003-18** - “A Resolution of the City Council of the City of Huntington Beach Authorizing the Submission of a Proposal to the Orange County Social Services Agency for Families and Communities Together (FaCT) Grant and Authorizing the Director of Library Services to Sign FaCT Grant Agreement,” and 2. Authorize the Mayor to sign letter to County of Orange Social Services Agency forwarding the city’s written proposal (Attachment 2). Submitted by the Library Services Director. Funding Source: Children’s Bureau of Southern California will distribute funds in the amount of \$34,360 to Oak View Collaborative of which Huntington Beach Library is a funded partner. A 10% in-kind city match is required.
Adopted 5-0-2 (Houchen, Hardy absent)
- E-4. (City Council) Adopt Resolution No. 2003-19 Finding and Declaring Weeds and Rubbish a Public Nuisance and Fixing May 19, 2003 as the Administrative Public Hearing Date for Protests and Objections to the Abatement Thereof** (.) Adopt **Resolution No. 2003-19** - “A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof” for **May 19, 2003.** Submitted by the Public Works Director. Funding Source: No funds are required at this time.
Adopted 5-0-2 (Houchen, Hardy absent)

- E-5. (City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for Oakview Skate Park Plaza Improvement Project, CC-1216 (.)** Approve the project plans and specifications, and authorize the Director of Public Works to request bids for Oakview Skate Park Plaza Improvement Project, CC-1216. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$62,750 from Community Development Block Grant (CDBG) FY 2001/2002, and \$27,250 from the Park Acquisition and Development Fund. Note: The city is also in the process of applying for a Tony Hawk Foundation Grant for up to \$25,000 to supplement this funding.
Approved 5-0-2 (Houchen, Hardy absent)
- E-6. (City Council) Approve Services Contract between the City and Spectrum Sports Management, LLC For Sponsorship Development of Community Services Department Programs and Facilities (.)** Approve the *Services Contract between the City of Huntington Beach and Spectrum Sports Management, LLC for Sponsorship Development*, and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director and the Special Projects Manager. Funding Source: Not Applicable.
Approved 5-0-2 (Houchen, Hardy absent)
- E-7 (City Council) Approve Promotional Agreement between the City and Chevrolet Division, General Motors Corporation (GMC) for Provision of Vehicles for Marine Safety Operation (.)** 1. Approve *Promotional Agreement* with Chevrolet Division, General Motors Corporation, and authorize the Mayor and City Clerk to execute same; and 2. Approve Section 6 of the agreement, which includes city's indemnification obligations to GMC. Submitted by the Community Services Director. Funding Source: Not applicable; agreement saves the General Fund approximately \$500,000 each year in vehicle acquisition costs.
Approved 5-0-2 (Houchen, Hardy absent)

F. **Administrative Item**

F-1. **(City Council/Redevelopment Agency) Execute Grant Deed Transferring Title from Agency to the City and Review Existing Rent Structure at Emerald Cove Affordable Housing Senior Citizen Apartment Complex Located at 18191 Parktree Circle – Make Appropriate Recommendations for Future Rent Increases (.)**

Communication from the Administrative Services Director, the Community Services Director and the Economic Development/Deputy Executive Director informing Council that project revenues are insufficient to cover the total operating expenses of the Emerald Cove senior housing project. Revisions to the rent structure will result in the project becoming more financially viable. In addition, this report presents a summary of other issues facing Emerald Cove.

Recommended Action: Motion to:

Redevelopment Agency Action:

1. Authorize the Agency Chair and Agency Clerk to execute a *Grant Deed* transferring title of Emerald Cove from the Redevelopment Agency to the City of Huntington Beach.

Approved 5-0-2 (Houchen, Hardy absent)

City Council Actions:

1. Authorize the City Clerk to accept, record and file the *Grant Deed* transferring title of Emerald Cove from the Redevelopment Agency to the City of Huntington Beach;

and

2. Appropriate \$500,000 in Unreserved, Undesignated Fund Balance from the Emerald Cove Enterprise Fund for deferred maintenance of Emerald Cove buildings and grounds;

and

3. Transfer \$243,000 from the Emerald Cove Enterprise Fund to the Park Acquisition and Development Fund in the form of debt repayment by the Redevelopment Agency. Since this debt originated via Redevelopment Agency assistance, \$243,000 will be credited against the Redevelopment Agency's debt owed the Park Acquisition and Development Fund;

and

4. Direct the City Attorney's office to prepare Conditions, Covenants and Restrictions which restrict one-half of all units to residents earning 50% or less than the area median income (Very-Low) and restricts one-half of all units to residents earning 80% or less than the area median income (Low), provided that existing tenants be "grandfathered" from having to meet income affordability restrictions;

and

5. Approve a new rent schedule, effective April 1, 2003, for existing and new tenants, as discussed herein;

and

6. Direct staff to work with the County of Orange Housing Authority to apply for tenant and/or project-based Section 8 Housing certificates to prevent economic displacement of tenants in the event of a future sale.

Real Estate Manager presented PowerPoint slide report (Late Communication)

Approved 5-0-2 (Houchen, Hardy absent)

G. Ordinances

G-1. Ordinances for Adoption – None

G-2. Resolution for Adoption and Ordinance for Introduction

G-2a. (City Council) Adopt Resolution of Intent No. 2003-20 and Approve Introduction of Ordinance No. 3601 Amending the Contract with PERS to Provide (1.) Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit and (2.) Section 21574 (Fourth Level of 1959 Survivors' Benefits) for Local Miscellaneous Members - the Municipal Employees' Association (MEA) and Management Employees' Organization (MEO) (. .)

Recommended Action: Motion to:

1. Adopt **Resolution No. 2003-20** – “A Resolution of the City Council of the City of Huntington Beach: (A) Stating the City Council’s Intention to Approve an Amendment to the Existing Contract Between the Board of Administration of the California Public Employees’ Retirement System and the City Council of the City of Huntington Beach; and (B) **Providing Notice that on April 7, 2003, the City Council will Consider Adoption of Ordinance No. 3601**, Approving Said Contract Amendment; the Subject Matter Being the Provision of Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit and Section 21574 (Fourth Level of 1959 Survivors Benefits) For Local Miscellaneous Members;”
2. After City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3601** – “An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract Between the City Council and the Board of Administration of the California Public Employees’ Retirement System Regarding the Provision of Pre-Retirement Optional Settlement 2 Death Benefits and Fourth Level of 1959 Survivor Benefits For Local Miscellaneous Members.”

Approved #1 and introduced #2, 5-0-2 (Houchen, Hardy absent)

H. City Council/Redevelopment Agency Item**H-1a. Submitted By Mayor Connie Boardman
(City Council) Approve Formation of City Council Ad Hoc Committee to Review City Boards, Commissions, Committees, and Task Forces (.)**

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: As part of the Council Workshop on February 21, 2003, the role of Council liaisons was discussed. This discussion led to a broader discussion about the number of committees, boards, commissions and task forces the city has. A desire was expressed by some Council Members to form a Council Committee to study the issue and address the role of the Council liaison as well as the possibility of combining some of the boards and commissions. Both Council Members Pam Houchen and Jill Hardy expressed an interest in being on such a committee. I offered to bring this issue forward as an H item for Council action at our next Council Meeting.

Recommended Action: Motion:

To approve the establishment of a Council Committee with members appointed by the Mayor, to examine the role of Council liaisons in committees and to make a recommendation to the entire Council regarding the number of committees, boards, commissions and task forces currently in existence in the city.

The committee would be an ad hoc Council Committee, which would be disbanded upon making its recommendations to the Council.

Approved as amended 5-0-2 (Houchen, Hardy absent) to present recommendation of Ad Hoc Committee in a Study Session of full Council and to appoint Councilmember Coerper as the third member.

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to *Friday, March 14, 2003, at 1:00 p.m., in Rooms C & D, Central Library, 7111 Talbert Avenue*, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches. Please call the City Clerk's Office to receive Agendas and Minutes by email. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
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