

MEETING ASSISTANCE NOTICE - AMERICANS' WITH DISABILITIES ACT

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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, APRIL 16, 2001

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

5:05 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present – Bauer arrived 5:07 p.m.; Garofalo absent]

Public Comments Regarding Study Session and Closed Session Agenda Items

- (1) HBPOA Representative objected to procedure by which mediation is held. He advised Council of good progress in discussions with Asst. City Administrator.***
- (2) Speaker to H-2a Agenda Item as it would not be binding on future Councils. He recommended Council rescind Utility Tax until an appeal is over if the Howard Jarvis Tax Case is appealed. He urged Council not to appeal.***

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

(City Council) Study Session – Receive Update of JD Edwards Software Implementation Effort for the B.E.A.C.H. (Business Enterprise Application City of Huntington Beach) Project (310.10)

Presentation to be made by Fire Chief/Information Systems Director Michael Dolder on the progress of the JD Edwards Program. **Agenda Item No. F-3** is scheduled at the 7:00 p.m. portion of this evening's meeting for Council approval of four contract agreements relative to this project.

[Slide report titled Customer Information and Billing Software presented by Fire Chief/Information Systems Director Dolder, and City Treasurer Freidenrich. The JD Edwards Status Report portion of the slide report was presented.]

Call Closed Session of City Council/Redevelopment Agency

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

[Approved 6-0-1 (Garofalo absent)]

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; and Daniel Cassidy, Esquire of Liebert, Cassidy, and Frierson regarding **labor relations matters – meet and confer** with the following employee organization: HBPOA. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(2)(B) to confer with its city attorney regarding pending litigation. The 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. Subject: **PLC Land Company (Parcel 7A)**. (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 **City of Westminster v. City of Huntington Beach** Real Party in Interest: Hebrew Academy School; Court of Appeal, Fourth Appellate District, Division Three, Case No. G027997; Orange County Superior Court Case No. 816932. Subject: **City of Westminster v. City of Huntington Beach (Hebrew Academy)**. (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 **Howard Jarvis Taxpayers Assn. et al., v City of Huntington Beach, et al.**, Orange County Superior Court Case No. 81 87 80. (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.

7:10 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)).
- Asst. City Atty. Scott Field reported out: (1) Authorize Mayor and City Clerk to execute amended Tolling Agreement [4-2-1 (Boardman, Cook No; Garofalo absent)]; and (2) Reported that announcement will be made later in meeting re: action taken on Howard Jarvis Lawsuit (see pg. #19).***

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

Flag Ceremony and Pledge of Allegiance – ***Led by Kelly Shanley, Public Information Office***

Invocation – ***Led by Police Chief Ron Lowenberg***

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) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office on the morning after the Council meeting.

[City Clerk announced Late Communications re: 5:00 p.m. Study Session; C-3; F-2; F-4; H-1a; and H-2a]

Presentation – To Mayor Pam Julien Houchen from Mr. Gary Stitt, Key Account Manager, Coca Cola Bottling Company, the city's annual check for \$300,000 for the corporate partnership.

Presentation – By Suzanne Seymour, Southern California Field Representative, National Literacy Volunteers of America (LVA), ***Accreditation Certificate*** to Mayor Pam Julien Houchen and Literacy Volunteers of America, Huntington Valley (LVA-HV) Representatives **Linda Light Rothenberg**, Founder of LVA-HV; **Mary DeSloover**, President; **Susan Theis**, Accreditation Chair, Local LVA; **Ron Hayden**, Library Services Director; and **Rose Saylin**, Literacy Specialist, Huntington Beach Public Library. LVA-HV is the first Southern California LVA affiliate to achieve accreditation from the National LVA.

Presentation – By Mayor Pam Julien Houchen, a Proclamation to Carolyn Minton, President, Assistance League of Huntington Beach celebrating 60 years of service to the community.

Presentation – By Mayor Pam Julien Houchen, a Proclamation to Randy Kokal, City Planning Commissioner, proclaiming April 2001 as *Colorectal Cancer Awareness Month*.

Presentation – Mayor Pam Julien Houchen will proclaim Friday, May 4, 2001 as *Peace Officers' Memorial Day* in the City of Huntington Beach.

Mayor's Award – Mayor Pam Julien Houchen will present the Mayor's Award to Bernardo Contreras, Library Assistant.

[Presentation – By Mayor Pam Julien Houchen, a Proclamation declaring April 29, 2001 – May 3, 2001 as Municipal Clerk's Week]

[George Gross and "Papa Duck" announced Annual HB Duck-a-Thon to be held May 19 and 20, 2001 and the number to call for details: 714-374-1951]

[Mayor announced Agenda Item C-1 will be moved up for discussion prior to Public Comments]

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City 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 thanked Council for the service they give to the community and the support Council gives to the 4th of July Board.**
- (2) Speaker presented PowerPoint slide report and photographs depicting what he stated are pollutants spewing from the AES plant re: Agenda Item H-1a.**
- (3) Speaker re: Agenda Item H-1a and submitted letter re: AES pollution and remedy.**

[Mayor Pro Tem Cook requested information be provided so members of the community can write their comments to the California Energy Commission. (Information & fax number to be provided by Public Information Office.)

- (4) Speaker in favor of new claim form proposed in Agenda Item H-2a. Requested city not to appeal judge's decision on Howard Jarvis Tax Refund Case.**
- (5) Speakers in favor of Agenda Item F-2.**
- (6) Speaker requesting Charter Amendment vote on Infrastructure Improvements be placed on March 2002 Election ballot and funding for same to be placed on a subsequent ballot.**
- (7) Speaker opposed to AES expansion without adequate environmental safeguards.**
- (8) Speaker opposed to corporate arrangement with Coca-Cola claiming that Coca-Cola is bad for children.**
- (9) Speaker opposed to corporations' activities relative to environmental issues.**
- (10) Speaker opposed to SRO Zonings – G-1c (Ord. No. 3494) Request SROs be placed in commercial areas.**

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Adopt a Children's Need Task Force City Council Declaration of Policy About Children and Young Adults (100.10)**

Communication from Mayor Pam Julien Houchen and Councilmember Shirley Dettloff, Council Liaisons to the Children's Needs Task Force, informing Council of the need to adopt **A Declaration of Policy About Children and Young Adults** by the Huntington Beach City Council.

Recommended Action: Motion to:

Adopt the document titled **A Declaration of Policy About Children and Young Adults** by the Huntington Beach City Council as attached (in the staff report in the agenda packet).

[Each Councilmember read a portion of the Declaration – Adopted 6-0-1 (Green out of the room)]

C-2. City Administrator's Report

[None]

C-3. (City Council) Review and Accept City Treasurer's February 2001 Investment Summary Report (310.20)

Communication from the City Treasurer transmitting the Monthly Investment Report for February 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio* for February 2001, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[Approved 7-0]

D-1. Public Hearings – None

[Motion to take Agenda Item H-2a out of order and consider at this point in the meeting – Approved 7-0]

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 March 19, 2001 and the City Council/Redevelopment Agency regular adjourned meetings of March 26, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 7-0]
- E-2. **(City Council) Approve Release to the Subdivider, Garfield Square, LLC of the Guarantee and Warranty Bond (Security) for Tract No. 15499 n/o Garfield Avenue, e/o Delaware Street** (420.60) – Approve **1.** Release Guarantee and Warranty Bond No. 88482; the security furnished for guarantee and warranty of improvements (**American Contractors Indemnity Company**); and **2.** Instruct the City Clerk to notify the Subdivider, Garfield Square, LLC, of this action, and the City Treasurer to notify the Surety, American Contractors Indemnity Co., of this action. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-3. **(City Council) Approve the Release of Bonds & Approve Acceptance of Bonds (Securities) – Seacliff Venture, L.P. and Lennar Homes of California for Tract No. 14355 n/w Corner of Garfield Avenue and Edwards Street – Accept the Public Improvements and File Notice of Acceptance with the County Recorder’s Office** (420.60) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 14355; and **2.** Release Seacliff Ventures, L.P. Faithful Performance/Labor and Material Bond No. SD00083514 and Monument Bond No. SD00083515 pursuant to California Government Code Section No. 66499.7(b) (**Frontier Pacific Insurance Company**); and **3.** Release Lennar Homes of California, Inc. Faithful Performance/Labor and Material Bond No. 111 3346 4286 and Monument Bond No. 111 3346 4294 pursuant to California Government Code Section No. 6499.7(b) (**The American Insurance Company**); and **4.** Accept Seacliff Ventures, L.P. Guarantee and Warranty Bond No. BE2624511, the security furnished for guarantee and warranty of improvements (**Gulf Insurance Company**), and instruct the City Clerk to file the bond with the City Treasurer; and **5.** Accept Lennar Homes of California, Inc. Guarantee and Warranty Bond No. 111 3346 4286, the security furnished for guarantee and warranty of improvements (**The American Insurance Company**) and instruct the City Clerk to file the bond with the City Treasurer; and **6.** Instruct the City Clerk to notify the developers, Seacliff Venture, L.P. and Lennar Homes of California, Inc. of this action, and the City Treasurer to notify the Sureties, Gulf Insurance Company and American Insurance Company, respectively, of this action; and **7.** Instruct the City Clerk to record the “**Notice of Acceptance of Public Improvements**” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]

- E-4. **(City Council) Adopt Resolution No. 2001-14 Authorizing the Public Works Director or City Engineer to Execute Right-of-Way Certifications on Capital Improvement Projects Involving Federal Funds or Which Encroach within State Right-of-Way** (630.10) – Adopt Resolution No. 2001-14 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works or City Engineer to Execute Right-of-Way Certifications.” Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-5. **(City Council) Approve and Authorize Application by the City for Participation in Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grants Program** (340.70) – Approve and authorize City staff to make application to Federal Emergency Management Agency (FEMA) for the Assistance to Firefighters Grants Program. Submitted by the Fire Chief/Information Systems Director. Funding Source: If approved by FEMA, the City will receive \$175,000 in federal funding as part of the Assistance to Firefighters Grants Program. Funds exist in the Metro Cities Joint Powers Authority Member Specific Reserve for technology upgrades for Huntington Beach to meet the 30% matching requirement of the Program; not to exceed \$75,000. Participation in the Assistance to Firefighters Grants Program will not require any City appropriations.
[Approved 7-0]
- E-6. **(City Council) Authorize Advertisement for Bids and Approve Sample Contract for the Modification of Chlorine Containment Structures at Water Well Nos. 6, 7, 9 & 10; CC-1133** (600.75) – 1. Authorize the Director of Public Works to advertise and obtain bids for the modification of Chlorine Containment Structures at Water Well Nos. 6, 7, 9 and 10, CC-1133 pending final approval and adoption of Ordinance No. 3496, amending Section 14.120.10 and 14.120.40 pertaining to Water Fees and Rates; and 2. Approve the attached Sample Contract subject to award of the contract to the lowest responsive/responsible bidder. Submitted by the Public Works Director. Funding Source: Engineer’s estimate - \$400,000 - Water Master Plan Fund. (Attachment 1 included in the staff report in the agenda packet is a location map of the various water well sites.) (See Agenda Item G-1b for Adoption of Ordinance No. 3496.)
[Approved 7-0]
- E-7. **(City Council) Approve a Cooperative Funding Agreement (D00-003) between the City and the County of Orange, the Orange County Flood Control District and the Orange County Sanitation District for Coastal Water Quality and Urban Runoff Management Studies** (600.25) – Approve and authorize the Mayor and City Clerk to execute the Cooperative Funding Agreement by and between the City of Huntington Beach, the Orange County Sanitation District, the County of Orange and the Orange County Flood Control District for the Coastal Water Quality and Urban Runoff Management Studies Project. Submitted by the Public Works Director. Funding Source: \$399,000 Beach Closure Account. This agreement will reimburse the City for \$254,665.
[Approved 7-0]

- E-8. **(City Council) Approve Amendment No. 1 to Joint Funding Agreement with Huntington Beach Union High School District Concerning Construction of Swimming Pool at Huntington Beach High School** (600.10) – Approve *Amendment No. 1 to the Joint Funding Agreement between the Huntington Beach Union High School District and the City of Huntington Beach for the Future Swimming Pool at Huntington Beach High School* and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Not applicable, already approved by City Council on March 5, 2001. (Amendment No. 1 changes no other terms or conditions of the original agreement. The amendment simply exempts future Boards of Trustees from the debt limitation requirement. Approval of this amendment is necessary in order to award bid and proceed with construction of the Huntington Beach High School Pool. The Huntington Beach Union High School District Board Trustees approved the amendment on April 10, 2001.)
[Approved 7-0]
- E-9. **(City Council) Approve the 2001 Fourth of July Celebration Proposed Amended Budget and Adopt Resolution No. 2001-15 Requesting CalTrans Approval of Revised Parade Route Closing Pacific Coast Highway from Beach Boulevard to Goldenwest Street and Adopt Resolution No. 2001-16 Authorizing Closure of Local Streets** (960.30) – 1. Approve the 2001 Fourth of July parade amended budget as presented by the Fourth of July Executive Board, not expected to exceed \$218,500; and 2. Authorize the Director of Administrative Services to appropriate \$54,000 in carry-over funds from the Unreserved Parade Fund Balance Account into the Fourth of July Parade Fund Account; and 3. Adopt **Resolution No. 2001-15** – “A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans to Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade” and Adopt **Resolution No. 2001-16** – “A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July.” Submitted by the Community Services Director. Funding Source: Fourth of July Parade Fund, to be reimbursed from the Fourth of July fundraising activities. Expected revenue: \$244,000.
[Approved 7-0]
- E-10. **(City Council) Adopt Resolution No. 2001-17 Naming Clay Martin, Administrative Services Director as the Alternate Director Representing the City in the Big Independent Cities Excess Pool Joint Powers Authority (BICEP)** (310.75) – Adopt **Resolution No. 2001-17** – “A Resolution of the City Council of the City of Huntington Beach Naming Clay Martin as the Alternate Director of the Big Independent Cities Excess Pool Joint Power Authority.” Submitted by the Administrative Services Director. Funding Source: Not Applicable.
[Approved 7-0]

- E-11. **(City Council) Approve Professional Services Contract between the City and Wald Realty Advisors, Inc. for Structural Engineering Consulting Services for the Repair and Renovation of Murdy Fire Station 2** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington and Wald Realty Advisors, Inc., for the Structural Engineering Consulting Services for the Murdy Fire Station* in an amount not to exceed the approved budget of \$75,000. Submitted by the Fire Chief/Information Systems Director and the Public Works Director. Funding Source: The General Fund Capital Improvements program includes \$75,000 for Fire Station 2 – Murdy Settling Repairs Account. No additional funding is required.

[Approved 7-0]

F. Administrative Items**F-1. (City Council) Adopt the City's Revised Financial Policies (100.10)**

Communication received from the Administrative Services Department transmitting that the city has maintained a list of Financial Policies since 1992, and the City Council recently held a workshop to review and expand the Policies. The revised Financial Policies are being brought to the City Council for adoption. At the March 16, 2001 City Council workshop at the city's Central Library, staff presented 33 Financial Policies to the City Council for its consideration. At that meeting, staff answered questions and received input from the City Council regarding the proposed financial policies. The original 33 Financial Policies and one addition (#26 – regarding enterprise fund fees) are being brought before the City Council for formal adoption. Please note that as a result of the tentative decision on the city's retirement tax rate, the city may be unable to achieve the 7% General Fund reserve called for in the Financial Policies.

(Communication from the Administrative Services Department dated April 9, 2001 titled *Impact of the Howard Jarvis Lawsuit* is included in the agenda packet.)

(A PowerPoint slide presentation from the Administrative Services Department dated April 16, 2001, titled *Financial Policies* is included in the agenda packet.)

Recommended Action: Motion to:

Adopt the revised financial policies as per the document – *Recommended Revisions to Financial Policies*, dated April 16, 2001.

[Administrative Services Director Clay Martin presented PowerPoint slide report]

[Adopted 7-0]

F-2. **(City Council) Approve a Work Plan to Implement the Infrastructure Planning Committee (IPC) Recommendations on the Integrated Infrastructure Management Plan (IIMP) as Modified in Response to the Howard Jarvis Retirement Tax Rate Lawsuit – Approve the Professional Services Contract between the City and Fieldman, Rolapp and Associates for Financial Advisor Services Re: the Formation of a Community Facilities District (CFD) and Approve Waiver to the Insurance Liability Requirements** (600.10)

Communication received from the Public Works Department transmitting that the Infrastructure Planning Committee (IPC) presented their final report at the March 26, 2001 City Council meeting. The Public Works Department is requesting that Council accept the IPC Final Report and adopt the recommendations and an action plan that includes a report on the financial impact of the Howard Jarvis lawsuit; and authorize funding to continue with proposed recommendation.

(The agenda packet includes a communication from the Administrative Services Department dated April 9, 2001 titled *Impact of the Howard Jarvis Lawsuit*.)

Recommended Action: Motion to:

1. Approve Items Nos. 1-4 of the *Proposed Work Plan* set forth in the *Request for Council Action* dated April 16, 2001, and the associated schedules set forth on the *Workplan Implementation Calendar* - Attachment No. 2 implementing the recommendations of the IPC as modified in response to the Howard Jarvis lawsuit;

and

2. Approve and authorize the Mayor and City Clerk, upon approval of the consultant's insurance policies by the City Attorney, to execute the *Professional Services Contract between the City of Huntington Beach and Fieldman, Rolapp and Associates to Provide Financial Advisor Services, in Conjunction with the Recommendations of the Citizens Infrastructure Advisory Committee Regarding the Formation of a Community Facilities District in the City of Huntington Beach* for an amount not to exceed \$208,400;

and

3. Waive the \$25,000 deductible for both errors and omissions and professional liability insurances;

and

4. Direct the Finance Director to appropriate \$250,000 from the City's Unappropriated General Fund Balance for the contract, potential change orders and supplemental expenses.

[Thomas DeMaris, Principal of Fieldman, et al. reported]

(1)[Motion to amend recommended action to hold Charter Amendment election prior to voting on the formation of the Community Facilities District – MOTION FAILED 2-5 (Green, Julien Houchen, Garofalo, Dettloff, Bauer No)]

(2)[Motion to approve 1, 2, 3, and 4 – Approved 7-0]

F-3. (City Council) Approve Four Contract Agreements between the City and AMX International, Inc. for (1) the Beta Test Site; (2) Utiligy Customer Information and Billing License Software; (3) Utiligy Maintenance Software; and (4) Utiligy and JD Edwards Software Implementation for the B.E.A.C.H. (Business Enterprise Application City of Huntington Beach) Project (600.10)

Communication received from the Fire Chief/Information Systems Director, the City Treasurer and the Public Works Director requesting Council approval for staff to appropriate an additional \$3,081,044 from the Water Fund to purchase utility customer information and billing software from AMX International, Inc. and related hardware/software as a component of the JD Edwards Enterprise Business System Implementation. The City's current custom legacy based utility billing software was developed over 15 years ago and operates on an unsupported mainframe computer. A three-phased software/hardware implementation approach was approved by City Council on October 18, 1999 when Phase I of the JD Edwards Enterprise Resource Planning Software implementation was approved.

At that time, Phase III of the project, replacement of the utility billing software, was proposed for October 2001 to coincide with the delivery of a JD Edwards integrated utility billing software. The integrated utility software is now available.

The acceleration of the funding request allows for a 1.2 million-dollar savings. The City can provide direct input on the final design before implementation of the proposed Utiligy system, allowing for the seamless integration of the City's unique water, refuse, FireMed, and possible sewer billing needs and the JD Edwards OneWorld Business System Software.

Recommended Action: Motion to:

1. Approve an appropriation of \$3,081,044 from the Water Fund to the B.E.A.C.H. Project Software Capital account;

and

2. Approve and authorize the Mayor and City Clerk to execute the *Beta Test Site Agreement*;

and

3. Approve and authorize the Mayor and City Clerk to execute the *AMX International, Inc. Utiligy Software License Agreement* at a cost not to exceed \$350,000 and further approve limited liability and indemnification obligations;

and

4. Approve and authorize the Mayor and City Clerk to execute the *AMX International, Inc. Maintenance Agreement* (no first year costs, subsequent years \$81,000);

(Continued on Next Page)

and

5. Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and AMX International, Inc. for Implementation of AMX Utiligy Software and JD Edwards Software* at a cost not to exceed \$1,400,000.

[Fire Chief/Info. Systems Director Michael Dolder reported on PowerPoint presentation]

[Approved 1, 2, 3, 4 and 5 – 7-0]

F-4. (City Council) Adopt Resolution of Intent No. 2001-18 Providing Notice that on May 7, 2001 the City Council will Consider Adoption of Ordinance No. 3497 to Amend the Contract with PERS (Public Employees' Retirement System) to Provide Section 21362.2 (3% @ 50 Formula) Benefit for Local Fire Safety Plan Members (700.50)

Communication from the Administrative Services Director requesting Council approval to amend the contract with the Public Employees' Retirement (PERS) to provide Section 21362.2 (3% @ 50 Full Formula) benefit for local fire safety members.

Government Code Section 7507 requires that the future annual costs of the proposed contract amendment be made public at a City Council meeting at least two weeks prior to the adoption of the final ordinance. These costs are as follows:

1.	Change in the Present Value of Benefits	\$8,464,948
2.	Change in the Unfunded Accrued Liability	(\$4,378,995)
3.	Change in the Employer Rate	1.745%

Recommended Action: Motion to:

1. Adopt **Resolution of Intent No. 2001-18** – *“Resolution of Intention of the City Council of the City of Huntington Beach to Approve an Amendment to Contract between the Board of Administration of the California Public Employees’ Retirement System and the City Council of the City of Huntington Beach”* Provides notice that on May 7, 2001 the City Council will consider adoption of Ordinance No. 3497;

and

2. Introduce **Ordinance No. 3497** – *“An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract Between the City Council of the City of Huntington Beach and the Board of Administration of the California Public Employees’ Retirement System”* to amend the PERS contract to provide Section 21362.2 (3% @ 50 Full Formula) benefit for local fire member;

and

3. Authorize the Mayor to sign and the City Clerk to attest to the Certification of Member Contribution Rate;

and

4. Authorize the City Clerk to attest to the Certification of Compliance with Government Code Section 7507.

[Adopted 1 & 2 – 7-0]

[Approved 3 & 4 – 7-0]

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3495 Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits on Various City Streets (580.60) – **Ordinance No. 3495** – “An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.” (Introduction approved on April 2, 2001.)**
Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3495** by roll call vote.

(As listed on the staff report; the recommended changes decrease speed limits on 2 city streets; increase speed limits on 7 city streets; and reaffirm/establish speed limits on 10 city streets.)

[Adopted 7-0]

- G-1b. (City Council) Adopt Ordinance No. 3496 Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Water Rates and Fees in the December 2000 Water Master Plan (1000.20) – **Ordinance No. 3496** – “An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code by Amending Sections 14.12.010 and 14.12.040 Pertaining to Water Fees and Rates.” (Introduction approved on April 2, 2001.)**
Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3496** by roll call vote.

(This would provide that Capital Facilities Charge monies and Capital Surcharge monies shall be used for water projects which are consistent with goals and objectives of the December 2000 Water Master Plan but which projects are specifically identified in a resolution, and any amendment to same, adopted by the City Council.)

[Adopted 7-0]

- G-1c. (City Council) Adopt as Amended Ordinance No. 3494 Amending Chapters 230 and 231 of the Zoning and Subdivision Ordinance Relating to SRO (Single Room Occupancy) and Off Street Parking (450.20) – **Ordinance No. 3494** – “An Ordinance of the City Council of the City of Huntington Beach Amending Chapters 230 and 231 of the Zoning and Subdivision Ordinance Relating to Single Room Occupancy and Off Street Parking.” (Introduction approved as **amended** on April 2, 2001.)**
Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3494** by roll call vote.

[Adopted 7-0]

G-2. Ordinances for Introduction – *None*

H. City Council/Redevelopment Agency Items**H-1a. Submitted by Councilmember Ralph Bauer****(City Council) Approve and Authorize the Mayor to Send a Letter to the League of Cities Representative to the South Coast Air Quality Management District (SCAQMD) Protesting the Purchase by the AES Huntington Beach Power Plant of Air Pollution Credits (520.75)**

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: It is my understanding that AES Huntington Beach, LLC is in negotiations with the South Coast Air Quality Management District to buy pollution credits under air pollution rules laid down by AES. According to newspaper articles, AES could buy unlimited credits and then pass the cost of these purchases on to their customers. We are thus in the ludicrous position of the people paying for more air pollution. Technology is available to prevent pollution of the atmosphere by oxides of nitrogen and oxides of sulfur. This technology should be put in place for all power generating units at the AES Plant.

(An attachment dated April 9, 2001 and titled *South Coast Air Quality Management District – Rule 118 Executive Order #01-06* is included in the agenda packet.)

Recommended Action: Motion that:

1. The city staff intervenes in the negotiations between AES and SCAQMD to prevent the purchase of any air pollution credits;

and

2. The Mayor send a letter protesting the purchase of any air pollution credits to Newport Beach Council Member Norma Glover, who is the League of Cities representative to the SCAQMD Board of Directors.

[Approved 1 & 2 – 7-0]

H-1b. Submitted by Councilmember Ralph Bauer**(City Council) Approve Letter to Assemblyman Tom Harman to Transmit City's Support of Assembly Bill 476 Re: Expansion of the Orange County Transportation Authority (OCTA) Board and Solicit Support of AB 476 from Garden Grove, Santa Ana and Anaheim (120.70)**

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: Expansion of the Orange County Transportation Authority (OCTA) Board to include large cities of Orange County (Anaheim, Huntington Beach, Garden Grove, Santa Ana).

Assemblyman Tom Harman has submitted Assembly Bill 476 that changes the makeup of the OCTA Board so as to guarantee membership on the Board to the four largest cities of Orange County (Anaheim, Huntington Beach, Garden Grove, Santa Ana). Other details are shown in the enclosure dated April 11, 2001 and titled *AB 476 Assembly Bill – Amended*. The Assembly Transportation Committee has scheduled a hearing on this bill for April 23, 2001, necessitating action prior to the next Intergovernmental Relations Committee meeting.

Since there is some urgency for the bill, I thought it best to come directly to the full Council with the following motions.

Recommended Action: Motion that:

1. A letter be written to Assemblyman Tom Harman in support of AB 476;

and

2. A letter be sent to Garden Grove, Santa Ana and Anaheim to solicit their support of AB 476.

and

3. ***A letter be sent to Assembly Representative to the Orange County Caucus.***

[Approved as amended 1, 2 & 3 – 7-0]

H-2a. Submitted by Mayor Pro Tem Debbie Cook**(City Council) Howard Jarvis Taxpayers' Association v. City of Huntington Beach: A Procedure for Addressing Tax Refund Claims – Approve Adoption of Resolution No. 2001-19** (630.40)

Communication from Mayor Pro Tem Debbie Cook transmitting the following **Statement of Issue**: There is still confusion surrounding the process for filing property tax claims subsequent to the judgment in Howard Jarvis Taxpayer Association v. City of Huntington Beach. The discussion by staff and the City Council at the April 2, 2001 City Council meeting, rather than relieve public misconceptions, has further added to the misunderstandings with regard to the Council's intentions to refund illegally levied taxes.

Recommended Action: Motion to:

1. Replace the claims form currently being provided to the public with a modified version to be prepared by the City Attorney's Office;

[Approved 7-0]

and

2. Pass a Resolution, ***Resolution No. 2001-19, as amended***, prepared by the City Attorney's Office, that extends until after the conclusion of any appeals, the time to submit claims – ***Resolution No. 2001-19 – as amended*** "A Resolution of the City Council of the City of Huntington Beach Extending the Time to File Tax Refund Claims and Lawsuits in Connection with the Case Entitled Howard Jarvis Taxpayers Association v. County of Orange and Real Party in Interest City of Huntington Beach Orange County Superior Court Case No. 818780.

[Adopted 7-0]

[Slide report titled Howard Jarvis Taxpayers Association v. City of Huntington Beach dated April 16, 2001 presented by Assistant City Attorney Scott Field. He presented technical revisions to Resolution No. 2001-19. Action taken on Closed Session Item – Howard Jarvis Taxpayer's Assn. vs City – Motion that Council appeal judge's decision – Approved 7-0]

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 at 10:20 p.m. to Monday, May 7, 2001, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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