

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.

****REVISED PAGE 11****

ACTION AGENDA

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

MONDAY, FEBRUARY 2, 2004

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

Present (Houchen absent)

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

(1) The Brown (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 morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None

Public Comments Regarding 5:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

Speaker representing HB Municipal Employees Association informing Council re: costs are stand-alone for proposed recommended Health Plan.

Speaker spoke re: E-16 and the other related items, stating major employee benefits are being agendized as routine Consent Calendar, and not Administrative Items. He stated he wished to see cost comparisons and that proposed Items be rescheduled.

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

(City Council) Study Session – Presentation by the Police Department Re: History of the Need for a Firearms Facility, and Land, Cost and Design Considerations of the Proposed Huntington Beach Police Department Gun Range (220.20)

The City Council will consider a communication submitted by Police Chief Kenneth Small transmitting the following **Statement of Issue**: The Huntington Beach City Council has established a committee to explore alternative sites for development of a Police Department firearms training facility. The essential elements involved are land and funding, complemented by an appropriately designed facility. This report will first briefly recount the history behind the need for the firearms facility. It will then consider the land, cost and design aspects. Use of land adjacent to the current helicopter facility has been proposed as a possible location. Other locations, however, should not be ruled out.

**Communication submitted by the Chief of Police dated January 7, 2004 and titled *Huntington Beach Police Department Gun Range* is included in the agenda packet.

**PowerPoint Presentation submitted by the Chief of Police dated February 2, 2004 and titled *Huntington Beach Law Enforcement Training Facility Feasibility Study* is included in the agenda packet.

Police Captain Chuck Thomas presented PowerPoint report. He spoke re: the Joint Task Force – 6 (JTF-6) Alliance grant, stating that this item would receive low priority relative to labor-intensive and cost issues.

Police Chief Kenneth Small presented an oral report recommending that the project be placed on hold for the time being.

Call Closed Session of City Council/Redevelopment Agency
Approved 6-0-1 (Houchen absent)

Recommended Action: Motion to recess to Closed Session on the following 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 Steven 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(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 **Mills Land & Water Company v. City of Huntington Beach, et al.**, Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 (“Mills I”). **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). (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)).**
Mills Land and Water – continued to a date uncertain

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

Pledge of Allegiance/Flag Salute – Led by Mayor Cathy Green.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – by Dr. Bruce Miller

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 the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

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

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C-3a, D-1

Presentation - Mayor Cathy Green to present a commendation to the Huntington Beach Junior Midget football team for their outstanding performance in winning the regional championship and coming in Fourth in the Pop Warner Super Bowl National. Coach Rhett Heckel will accept the award. (160.40)

Presentation - Mayor Cathy Green to present a commendation to Circle View School in the Ocean View School District, for being named a Blue Ribbon School. Dr. Pauline Tressler, Principal of the school, will accept the award. (160.40)

Councilmembers Dave Sullivan and Gil Coerper co presented to the entire Board of Trustees, including President Barbara Boskovich and Superintendent of Schools, Dr. Bruce Tarwater.

Presentation - Mayor Cathy Green to receive a check from the Huntington Beach Police Officers' Association and Huntington Beach Firefighters' Association for \$50,000. The money was raised through the Guns and Hoses Golf Tournament and the money will be donated to the Huntington Beach Search and Rescue. Police Officer Corwin Bales to present the check. (160.40)

Councilmember Gil Coerper, Police Chief Kenneth Small and Fire Chief Duane Olson also presented.

Mayor announced Registrar of Voters is seeking Clerks and pollsters to work on Election Day, Tuesday, March 2, 2004 and listed requirements. Must be U.S. citizen and over age 18, be able to read and speak English. Will receive a stipend of \$50 per day and \$20 for mandatory training. 714-567-7580 or Registrar Website www.ocvote.org were given for contact.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

Pursuant 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. Councilmembers 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.

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

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

PUBLIC COMMENTS:

Speakers informed Council of Medical Savings Account program they believe will help the City financially relative to a health finance bill recently passed by Congress. The speakers distributed brochures to Council.

Speaker representing Libertarian Party delivered PowerPoint presentation in opposition to Districting for reasons of reduced representation. Informed Council that Libertarian Party passed a resolution opposing Measure E.

Speaker stated the belief that there should not be a charge to investigate and conduct background checks on prospective employees working with children.

Speaker spoke regarding agenda item E-15 stating his concerns regarding what the Consultant is being paid to do relative to the Howard Jarvis Property tax refund claims process.

Speakers stated opposition to Measure E, giving website: www.nodistricts.org.

Speaker voiced his approval of Council reconsidering fireworks at the beach and stated reasons.

Speakers, residents of Cabrillo Mobile Home Park, spoke of efforts being made to clean up the Wetlands in the South East neighborhood and their hopes of keeping the area free from contamination. Also requested Council to prevent coastline build out by developers and big businesses.

Speakers spoke in opposition to paying for HB Sports Complex and the refunds being made for the property tax claims.

Speaker spoke re the Police Officers' Association's support of districting.

Speaker spoke re: protecting the Wetlands Coast Land area and its wildlife. He urged Council to support the Coastal Act.

Speaker named supporters of "No on E" including several former mayors and Councilmembers.

Speaker thanked Council for voting against the Poseidon Environmental Impact Report (EIR).

Speaker in favor of Measure E stating that one representative is sufficient, as it is with House of Representatives State Assembly and at the County level.

Mayor announced City Administrator is requesting to remove from the Consent Calendar items E-16 – E-21 for further discussion.

C-1. Council Committee/Council Liaison Reports

None

C-2. City Administrator's Reports

None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's December 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2003.

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, Bond Proceeds, and Deferred Compensation Activity for December 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer presented PowerPoint report as amended by the Late Communication.

Approved 5-0-2 (Coerper out of room, Houchen absent)

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Citizens Participation Advisory Board (CPAB) Recommendations of the City's 2003/04 Consolidated Plan Amendment to Appropriate \$250,000 of CDBG (Community Development Block Grant) Unprogrammed Funds for ADA (Americans with Disabilities Act) Improvements to the Civic Center (340.70)

Communication from the Economic Development Director and the Public Works Director.

Public hearing to consider a proposed amendment to the City's 2003/2004 Consolidated Plan, as required by the U.S. Department of Housing and Urban Development (HUD) for use of \$250,000 in Community Development Block Grant (CDBG) Unprogrammed funds.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) holds public hearings on community needs and monthly public meetings. Citizens may review and comment on the draft 2003/2004 Consolidated Plan Amendment at the City of Huntington Beach, Department of Economic Development or at the Central Library. The public comment period will begin December 23, 2003 and end January 21, 2004. Public comments received during this time will be attached to the Consolidated Plan Amendment and sent to HUD.

The following activities are proposed for the 2003/2004 CDBG Consolidated Plan Amendment:

Civic Center ADA Improvements	\$250,000
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Public comments can be made at the hearing and during the public review period. A copy of the Consolidated Plan Amendment, which includes a listing and description of the proposed activities is available at the Central Library, 7111 Talbert Avenue, Huntington Beach, during normal library hours; and at the Economic Development Department, 5th floor, 2000 Main Street, Huntington Beach, Monday through Friday, between the hours of 8:00 AM and 5:00 PM. Written comments can be addressed to: Connie Brockway, City Clerk, City of Huntington Beach, 2000 Main Street - 2nd floor, Huntington Beach, California 92648, Phone: (714) 536-5227.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

****PowerPoint presentation titled *Public Hearing to Amend Consolidated Plan; Request for Funds for Civic Center ADA Improvements* is included in the agenda packet.**

(Continued on the Next Page)

Recommended Action: Motion to:

1. Conduct Public Hearing to Amend Consolidated Plan;

and

2. Approve amendment to the Consolidated Plan by appropriating \$250,000 of CDBG Unprogrammed Funds for ADA Improvements to the Civic Center.

Economic Development Director presented PowerPoint report.

Approved #1 and #2 as amended by Late Communication to correct Attachment 1 to the Staff report as announced earlier by Assistant City Clerk.

6-0-1 (Houchen absent)

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** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of November 3, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 5-0-2 (Cook out of room, Houchen absent)
- E-2. (City Council) Approve Four On-Call Professional Services Agreements for General Civil Engineering with (1.) AKM Consulting Engineers; (2.) Harris and Associates; (3.) Richard Brady & Associates; and (4.) Willdan** (600.10) – Approve and authorize the Mayor and City Clerk to execute: ***(1.) Professional Services Contract between the City of Huntington Beach and AKM Consulting Engineers for As-Needed Engineering Services; (2.) Professional Services Contract between the City of Huntington Beach and Harris and Associates for As-Needed Engineering Services; (3.) Professional Services Contract between the City of Huntington Beach and Richard Brady & Associates for As-Needed Engineering Services; (4.) Professional Services Contract between the City of Huntington Beach and Willdan for As-Needed Engineering Service.*** Submitted by the Public Works Director. Funding Source: Funds are available within budgeted capital improvement projects.
Public Works Director reported why the contracts are for five years versus two or three year contracts.

Approved 6-0-1 (Houchen absent)
- E-3. (City Council) Authorize Appropriation of \$400,000 for Maintenance and Repairs at the Emerald Cove Senior Housing Complex** (285.10) – Appropriate \$400,000 from the Emerald Cove Enterprise Fund unreserved, undesignated balance for repairs and maintenance to the Emerald Cove Senior Housing Complex. Submitted by the Community Services Director. Funding Source: \$400,000 from the Emerald Cove Enterprise Fund unreserved, undesignated fund balance account.
Administrative Services Director reported by clarifying the differences between budgeted expenditures and appropriations.
Approved 6-0-1 (Houchen absent)

- E-4. **(City Council) Adopt Resolution No. 2004-5 Authorizing the Closing of the First Block of Main Street to Vehicular Traffic for Certain Specific Events (March 27, October 31, and November 21, 2004)** (800.60) – Adopt **Resolution No. 2004-5** – “A *Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events.* Submitted by the Community Services Director. Funding Source: Not applicable.
Approved 6-0-1 (Houchen absent)
- E-5. **(City Council) Accept Plans and Specifications and Authorize Advertisement for Newland Avenue Water Pipelines Project; CC-1187** (600.75) – Approve the project plans and specifications and authorize the Director of Public Works to request public bids for the construction of the Newland Avenue Water Pipelines; CC-1187. Submitted by the Public Works Director. Funding Source: Water Master Plan, OC-9 Water Main Account - \$5.3 million dollars; Water Fund, Water Main Replacements - \$450,000; and West Orange County Water Board Water Capital Projects - \$150,000. The preliminary engineer’s estimate is \$5.9 million dollars.
Approved 5-0-2 (Cook out of room, Houchen absent)
- E-6. **(City Council) Adopt Sole Source Findings to Approve Professional Services Contract between the City and Municipal Software Corporation and Authorize Expenditures for Design and Completion of Phase 1, Plus Phases 2, 3 and 4 of the City Wide Permit System** (600.10) – 1. Adopt findings for a sole source contract and approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Municipal Software Corporation for Software Design & Implementation Services* in the amount of \$120,000, for the completion of Phase 1, plus phases 2, 3, and 4 of the City Wide Permit System,” and 2. Authorize the Director of Building & Safety to expend \$120,000 for Professional Services to complete Phase 1, plus Phases 2, 3, and 4 of the City Wide Permit System. Submitted by the Building & Safety Director. Funding Source: Existing appropriation of \$120,000 in the approved Capital Project Fund budget for Professional Services account.
Approved 5-0-2 (Cook out of room, Houchen absent)
- E-7. **(City Council) Authorize Appropriation of FireMed Funds and Approve Agreement between the City and ESI (Employment Systems, Inc.) for Ambulance Operators/ Fire Interns** (600.10) – 1. Authorize the appropriation of \$85,000 from the Undesignated, Unappropriated FireMed fund balance to the Emergency Ambulance Program account; and 2. Approve and authorize the Mayor and City Clerk to execute the *Employment Systems, Inc. Agreement to Provide Staffing Services to the City of Huntington Beach* in an amount not to exceed \$630,000 from March through September 2004, \$1,011,363 for Fiscal Year 2004/05 and \$1,021,363 fro Fiscal Year 2005/06 to provide leased ambulance operator/fire intern personnel to the city. Submitted by the Fire Chief. Funding Source: Current budget appropriates \$930,000 from the FireMed Enterprise account for contractual ambulance services. An additional appropriation of \$85,000 is requested from the Undesignated FireMed Fund balance to meet current fiscal year needs.
Fire Chief reported on the cost increase to the existing contract.
→ ***Approved 5-0-2 (Cook out of room, Houchen absent)***

- E-8. (City Council) Approve Three On-Call Professional Services Contracts for Independent Inspection and Testing with (1.) P. A. and Associates; (2.) AESCO Technologies; and (3.) Harrington Geotechnical Engineering, Inc.** (600.10) – Approve and authorize the Mayor and City Clerk to execute: **(1.) Professional Services Contract between the City of Huntington Beach and P.A. & Associates, Inc. for On-Call Testing and Inspection Services** not to exceed \$350,000; **(2.) Professional Services Contract between the City of Huntington Beach and AESCO Technologies for On-Call Testing and Inspection Services** not to exceed \$350,000; and **(3.) Professional Services Contract between the City of Huntington Beach and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services** not to exceed \$350,000. Submitted by the Public Works Director. Funding Source: Available within budgeted capital improvement projects.
Approved 4-0-2-1 (Cook out of room, Houchen absent, Green abstain)
- E-9. (City Council) Authorize Appropriation and Create Business Unit for the Police Department's Property and Evidence Unit** (320.10) – **1.** Establish a new business unit and approve the expenditure of those funds to pay for equipment upgrades and related costs within the Police Department; and **2.** Appropriate \$30,000 from the unreserved, undesignated General Fund Balance. Submitted by the Chief of Police. Funding Source: As stated above. The funds will be directly offset from cash and funds from auctioned property held in the Property and Evidence Unit.
Approved 5-0-2 (Cook out of room, Houchen absent)
- E-10. (City Council) Approve Cooperative Agreement between the City and the Orange County Sanitation District for Preparation of Phase II of its Fats, Oils and Grease (FOG) Control Study** (600.25) – Authorize the Mayor and City Clerk to execute the *Agreement* with the Orange County Sanitation District for preparation of Phase II of the FOG Control Study. Submitted by the Public Works Director. Funding Source: The City's fair share cost of \$20,341 is available from the Sewer Service Fund account.
Approved 5-0-2 (Cook out of room, Houchen absent)
- E-11. (City Council/Redevelopment Agency) Approve City and Redevelopment Agency Financial Modifications for Fiscal Years 1991-92 to 2000-01 (Relative to Ocean View Estates Rental Coaches and Shank House Parcels) and Adopt Agency Resolution No. 348 Remitting Transient Occupancy Tax (TOT) Revenues for the Waterfront Beach Hilton (Robert Mayer Corporation) to the Redevelopment Agency** (310.30) – **City Council Actions:** **1.** Approve a debt credit for the Redevelopment Agency applied against General Fund debt for the following: \$39,210 for Ocean View Estates coach rental income; \$92,854 for Ocean View Estates coach sales proceeds; and \$2,886,474 for Business Development expenses from FY 91/92 to FY 00/01; and **2.** Approve a transfer from the Ocean View Estates Fund to the Redevelopment Agency in the amount of \$197,095 from coach sales proceeds; **3.** Reclassify the \$4,339,304 in General Fund overhead charges to the Redevelopment Agency for FY 89/90 and FY 90/91, together with annual accounting charges, as the overhead charges appropriate for the period of 1982 to 2003; and **4.** Authorize acceptance of the deed by the City for Shank House parcels.

Redevelopment Agency Actions: 1. Approve the following modifications to the Redevelopment Agency's 2003-04 Budget: Appropriate \$324,057 as General Fund Overhead Charge; Eliminate \$102,830 Accounting Charge; Reduce Revenue by \$705,000 for Hilton TOT shift to General Fund; and Reduce General Fund Debt Repayment by \$926,227; and 2. Adopt Agency **Resolution No. 348** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Electing to Remit to the City of Huntington Beach Transient Occupancy Tax Revenues for the Waterfront Beach Hilton Allocated to the Redevelopment Agency Pursuant to Redevelopment Agency Ordinance Nos. 1 and 2,” and 3. Authorize the Agency Chairperson and the Agency Clerk to execute the *Grant Deed* from the Agency to the City for the Shank House parcels and send to the County for recordation after the City Clerk has affixed the acceptance certificate of the City. Submitted by the Administrative Services Director and the Economic Development Director. Funding Source: The recommended actions and policy direction being affirmed do not result in any expenditures. There will be a number of budget modifications and changes in the balance sheet of the City and Redevelopment Agency as a result of the recommended actions. These will be reflected in the FY 2003-2004 Financial Statement once completed.

Approved 5-0-2 (Cook out of room, Houchen absent)

- E-12. **(City Council) Authorize Appropriation and Create Business Unit for the Police Department's State Narcotics Forfeiture Account** (320.10) – 1. Establish a new State Narcotic Forfeiture expense business unit and approve the expenditure of those funds to pay for costs within the Police Department; and 2. Appropriate \$250,000 from the Narcotics Forfeiture Fund to the newly established expense account. Submitted by the Chief of Police. Funding Source: As stated above.

Police Chief reported on the reason for establishing the new Business Unit.

Approved 5-0-2 (Cook out of room, Houchen absent)

- E-13. **(City Council) Authorize Appropriation of Funds to Pay Attorney's Fees in Connection with the Settlement in Howard Jarvis Taxpayers Association, et al., versus City of Huntington Beach, et al. OCSC Case No. 81870, Court of Appeal, Fourth District, Case No. G029292 (Property Tax Refund Claims)** (320.45) – Appropriate \$250,000 from Fund 707, the Employees' Rate Contingency fund (identified as impounded property tax override revenue from FY 2000-01) to fund the agreement. Submitted by the City Attorney. Funding Source: Sufficient funds (not-to-exceed \$250,000) exist as part of the \$2.2 million property tax override revenue that was impounded in FY 2000-01. Because it is unlikely city will be required to expend the impounded \$2.2 million dollars as part of processing or paying refund claims **before** it is able to issue a judgment or refunding bond to cover the total cost of the refunds, staff is recommending that the City Council appropriate the impounded moneys to fund refund-processing costs. **(Refer to Agenda Items E-14 and E-15.)**

Amended to add after the word, "agreement" – "entered into with the Howard Jarvis Taxpayers Association for their Attorney's fees in the litigation, Howard Jarvis Taxpayers Association, et al vs. City of Huntington Beach, et al, OCSC Case No. 81870; Court of Appeal, Fourth District, Case No. G029292".

Approved 6-0-1 (Houchen absent)

- E-14. (City Council) Approve Processing of Incomplete Property Tax Refund Claims (Howard Jarvis Lawsuit)** (120.25) – 1. Allow property tax refund claims without original signatures to be processed when the claim can be verified electronically; and 2. Allow incomplete property tax refund claims received before January 5, 2004 to be completed and refilled within ~~30~~ **35** days of the date the city mails notification of an incomplete claim to the claim filer. Submitted by the City Administrator, City Attorney and City Clerk. Funding Source: All expenditures related to this Request for Council Action (RCA) will be funded by the property tax override refund bond. **(Refer to Agenda Items E-13 and E-15.)**
Principal Administrative Analyst reported on the recommended actions.
Amended to change to 35 days
Approved 6-0-1 (Houchen absent)
- E-15. (City Council) Approve Professional Services Contract between the City and Moreland & Associates, Inc. and Authorize Appropriation for Project Manager Assistance in Processing Property Tax Refund Claims (Howard Jarvis Lawsuit)** (600.10) – 1. Authorize the Mayor and City Clerk to approve the *Professional Services Contract between the City of Huntington Beach and Moreland & Associates, Inc. for Project Manager Assistance Processing Property Tax Override Refunds* to assist in processing property tax refund claims; and 2. Appropriate \$250,000 from Fund 707, the Employees' Rate Contingency fund (identified as impounded property tax override revenue from FY 2000-01) to fund the agreement. Submitted by the City Administrator. Funding Source: Sufficient funds (not-to-exceed \$250,000) exist as part of the \$2.2 million property tax override revenue that was impounded in FY 2000-01. Because it is unlikely city will be required to expend the impounded \$2.2 million dollars as part of processing or paying refund claims **before** it is able to issue a judgment or refunding bond to cover the total cost of the refunds, staff is recommending that the City Council appropriate the impounded moneys to fund refund-processing costs. **(Refer to Agenda Items E-13 and E-14.)**
Principal Administrative Analyst reported regarding the process verifying the claims filed.
Approved 6-0-1 (Houchen absent)
- E-16. (City Council) Adopt Resolution No. 2004-6 Approving a Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees' Association (MEA)** (720.20) – Adopt **Resolution No. 2004-6** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Municipal Employees' Association, by Adopting the Side Letter of Agreement.*” Submitted by the City Administrator. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees' health insurance costs. The increase in total annual cost to implement the side letter agreement with the Huntington Beach Municipal Employees' Association is approximately \$204,000. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.
Pulled from Consent Calendar for further oral report by Assistant City Administrator.
Approved 5-1-1 (Sullivan – No, Houchen absent)

- E-17. (City Council) Adopt Resolution No. 2004-7 Approving a Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Management Employees' Organization (MEO)** (720.20) – Adopt **Resolution No. 2004-7** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Management Employees' Organization, by Adopting the Side Letter of Agreement.*” Submitted by the City Administrator. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees' health insurance costs. The increase in total annual cost to implement the side letter agreement with the Huntington Beach Management Employees' Organization is approximately \$45,300. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.
Pulled from Consent Calendar for further oral report by Assistant City Administrator.
Amended to remove modification of salary from the resolution.
Approved 5-1-1 (Sullivan – No, Houchen absent)
- E-18. (City Council) Adopt Resolution No. 2004-8 Modifying Salary and Benefits Re: Proposed Health Plan for Non-Represented (Non-Associated) Employees for Calendar Year 2004** (720.20) – Adopt **Resolution No. 2004-8** – “*A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Calendar Year 2004 for Non-Represented Employees.*” Submitted by the City Administrator. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees' health insurance costs. The increase in total annual cost to implement the Non-Represented resolution is approximately \$22,600. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.
Pulled from Consent Calendar for further oral report by Assistant City Administrator.
Amended to remove modification of salary from the resolution.
Approved 5-1-1 (Sullivan – No, Houchen absent)
- E-19. (City Council) Adopt Resolution No. 2004-9 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Clerk** (700.90) – Adopt **Resolution No. 2004-9** – “*A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City Clerk.*” Submitted by the City Clerk. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees' health insurance costs. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.
Pulled from Consent Calendar for further oral report by Assistant City Administrator.
Amended to remove modification of salary from the resolution.
Approved 5-1-1 (Sullivan – No, Houchen absent)
- E-20. (City Council) Adopt Resolution No. 2004-10 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Attorney** (700.90) – Adopt **Resolution No. 2004-10** – “*A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City*

Attorney.” Submitted by the City Attorney. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper’s December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees’ health insurance costs. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.

Pulled from Consent Calendar for further oral report by Assistant City Administrator.

Amended to remove modification of salary from the resolution.

Approved 5-1-1 (Sullivan – No, Houchen absent)

- E-21. (City Council) Adopt Resolution No. 2004-11 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Treasurer (700.90) – Adopt Resolution No. 2004-11 – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City Treasurer.” Submitted by the City Treasurer. Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper’s December 15, 2003 H-Item (Council Memo) re: the approval of funds to pay part of the employees’ health insurance costs. The remainder of the funding is included in the Fiscal Year 2003/2004 budget.**

Pulled from Consent Calendar for further oral report by Assistant City Administrator.

Amended to remove modification of salary from the resolution.

Approved 5-1-1 (Sullivan – No, Houchen absent)

G. Ordinances**G-1. Ordinances for Adoption - None****G-2. Ordinances for Introduction - None****H. City Council/Redevelopment Agency Items
None****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.

Mayor Pro Tem Hardy announced Pacific Marathon as a success.

Also thanked MEA for participation in the marathon, especially Elizabeth Bodine, who assisted in an emergency medical situation.

Councilmember Coerper also expressed his appreciation to Assistant City Administrator Workman for his early morning participation in the Pacific Marathon.

Councilmember Sullivan expressed his disappointment of the LA Times for which he believes as non-coverage of Orange County, including the Pacific Marathon and commended The Independent. He spoke regarding the high cost of 3% at age 50 retirement benefits.

Mayor Green (1) reiterated Registrar of Voters recruiting Clerks and pollsters and listed requirements: Must be U.S. citizen and over age 18, be able to read and speak English. Will receive a stipend of \$50 per day and \$20 for mandatory training. 714-567-7580 or Registrar Website www.ocvote.org were given for contact;

(2) Congratulated Morgan Fullmer on becoming an Eagle Scout;

(3) Announced that Congressman Rohrbacher thanked the Police Department for guarding Governor Swarzenegger;

(4) Honored with a banquet the Community Emergency Response Team (CERT) and Radio Amateur Citizens Emergency Services (RACES) volunteers for their hard work; and

(5) Announced that Firefighters were honored by Congressman Rohrbacher.

Council/Agency Adjournment to ***Tuesday, February 17, 2004 (due to the President's Day Holiday)***, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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