

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.

**SPECIAL CITY COUNCIL MEETING AGENDA
AND
ACTION AGENDA
of the
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, OCTOBER 6, 2003

**4:00-P.M. - Room B-8 – Closed Session and
Public Comments on Closed Session Items
5:00 P.M. – Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648**

4:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Special Meeting to Order

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

Present – (Sullivan absent, Houchen arrived at 4:15 p.m.)

City Clerk Reads Call for Special Meeting

Call for Special Meeting Notice is found after adjournment page on this agenda.

Clerk read Call for Special Meeting.

**Public Comments Restricted to Special Meeting and Regular Meeting Closed Session Items Only
(See Next Page for Closed Session Items)**

Speaker presented concerns re: Closed Session Item #3 on Page 2 of Agenda, relative to effect of pipeline on streets, especially on Springdale Street – a busy street with school children.

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

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

Call Closed Session of City Council/Redevelopment Agency
Approved 5-0-2 (Sullivan, Houchen absent)

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

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Potential legal challenge to levy retirement property tax for 2003/04, including allocation of retirement expenses between pre-1978 and post-1978 benefits. Subject: **Levy of Retirement Property Tax Including Allocation of Retirement Expenses Between Pre-1978 and Post-1978 Benefits.** (120.80)
3. **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the City it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)
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 **Huntington Beach City Council v. Scott Baugh, and Connie Brockway, City Clerk, et al.,** Orange County Superior Court Case No. 02CC14276. (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Huss, et al. v. City of Huntington Beach;** U.S. District Court Case No. SACV 98-249 AHS (ANx). (120.80)

City Council/Redevelopment Agency Special Meeting Adjournment – At 5:00 P. M. the Special Meeting will adjourn and the regular City Council/Redevelopment Agency Meetings will commence with all members who were present at Special Meeting roll call. The Regular 5:00 P. M. Meeting will also pertain to the afore-mentioned Closed Session items.

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

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

Present (Sullivan absent)

Pledge of Allegiance - Led by Mayor Connie Boardman.

Observe Moment of Silence – To reflect on matters before Council this evening.

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.)

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

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

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.

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.

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 agendaized.

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

PUBLIC COMMENTS:

- 1. *Members of the Academy for the Performing Arts performed for Council and extended an invitation to all to attend upcoming performances. Phone number 960-1558.***
- 2. *Speaker offered Invocation due to absence of Invocation from the Agenda.***
- 3. *Speaker requesting revisions to proposed Ordinance No. 3618 – Agenda Item G-1a.***
- 4. *Speaker showed slides on proposed Pacific City development (31 acres at PCH/Huntington/Lake) stating soil problems and requesting that Environmental Impact Report (EIR) contain the truth.***

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council) Mayor Connie Boardman's Announcement of Individual Appointment of Carrie Thomas to the Planning Commission (.)

Mayor Connie Boardman will announce her individual Planning Commission appointment of Carrie Thomas.

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the individual appointment by Mayor Connie Boardman of Carrie Thomas to the Planning Commission.

6-0-1 (Sullivan absent)

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 (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Meetings of July 7, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.**
Approved 6-0-1 (Sullivan absent)
- E-2. (City Council) Approve the New By-Laws Due to Reconfiguration in October 2002 of the Huntington Beach Human Relations Task Force (.) – Approve the new By-Laws of the Huntington Beach Human Relations Task Force. Submitted by the City Administrator. Funding Source: None required. (On October 7, 2002, the City Council approved the reconfiguration of the Human Relations Task Force from twenty-five to nine members.)**
Approved 6-0-1 (Sullivan absent)
- E-3. (City Council) Approve Amendment No. 1 to the Professional Services Contract between the City and Advocation, Inc. to Assist in the Acquisition of State Funding for Priority Projects Within the City and Related Legislative Issues (.) – Approve *Amendment No. 1 to Agreement Between the City of Huntington Beach and Advocation, Inc.* for the purpose of assisting the City in the acquisition of state funds for priority projects within the City, and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Administrator. Funding Source: 2003-2004 Fiscal Year budget - General Fund Intergovernmental Relations Professional Services Accounts - Not to exceed \$64,000 for the year.**
Approved 6-0-1 (Sullivan absent)
- E-4. (City Council) Approve Amendment No. 1 to the Professional Services Contract between the City and The Ferguson Group to Assist in Acquisition of Federal Funding and Related Legislative Issues (.) – Approve *Amendment No. 1 to Agreement Between the City of Huntington Beach and the Ferguson Group LLC* for the purpose of assisting the City in the acquisition of Federal funds for priority projects within the City, and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Administrator. Funding Source: 2003-2004 Fiscal Year budget – General Fund Intergovernmental Relations, Professional Services Account - Not to exceed \$76,000 for the year.**
Approved 6-0-1 (Sullivan absent)

- E-5. **(City Council) Adopt Resolution No. 2003-77 Approving Application for State Funding Under the 2002 Resources Bond Act, Robert-Z'Berg-Harris Urban Open Space and Recreation Block Grant Program – Anticipated to be Used for Edison Park Sports Youth Complex** (.) – Adopt **Resolution No. 2003-77** “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.” Submitted by the Community Services Director. Funding Source: State of California, 2002 Resources Bond Act, Roberti-Z'Berg-Harris Urban Block Grant Program. (Funds in the amount of \$526,949 have been allocated to the City under the California Clean Water, Clean Air, Sate Neighborhood Parks, and Coastal Protection Act of 2002.)

Adopted 6-0-1 (Sullivan absent)

- E-6. **(City Council) Adopt Resolution No. 2003-76 Approving Side Letter to Memorandum of Understanding (MOU) Between the City and the Municipal Employees' Association (MEA) Regarding Holiday Pay** (.) – Adopt **Resolution No. 2003-76** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach Municipal Employees' Association Regarding Holiday Pay.” Submitted by the City Administrator. Funding Source: This action does not increase the compensation paid to the employee, but identifies the classifications that must have holiday pay reported to PERS (Public Employee's Retirement System). The fiscal impact is the City's PERS contribution (7% of holiday pay earned) for an annual cost of approximately \$1,000 to \$5, 000. Funding is included in the Fiscal Year 2003-2004 budget.

Adopted 6-0-1 (Sullivan absent)

- E-7. **(City Council) Adopt Resolution Nos. 2003-73, 2003-74, and 2003-75 Approving Side Letters to Memoranda of Understanding (MOU) between the City and the Police Officers' Association (POA), the Fire Association (HBFA), and the Marine Safety Officer's Association (MSOA)** (.) – 1. Adopt **Resolution No. 2003-73** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Police Officers' Association Regarding Compensatory Time,” and 2. Adopt **Resolution No. 2003-74** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Firefighter's Association Regarding Compensatory Time,” and 3. Adopt **Resolution No. 2003-75** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Marine Safety Officers' Association Regarding Compensatory Time.” Submitted by the City Administrator. Funding Source: The ability to provide compensatory time results in the reduction of paid overtime.

Adopted 6-0-1 (Sullivan absent)

- E-8. **(City Council) Adopt Resolution No. 2003-72 Approving the Application for State Funding Under the 2002 Resources Bond Act, Per Capita Program** (.) – Adopt **Resolution No. 2003-72** - “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.” Submitted by the Community Services Director. Funding Source: State of California, 2002 Resources Bond Act, Per Capita Grant Program. (Funds in the amount of \$856,000 have been allocated to the City under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act.)

Adopted 6-0-1 (Sullivan absent)

- E-9. **(City Council) Approve a Conditional Commitment Agreement with Habitat for Humanity (Humanity Housing, Inc.) for the Construction with HOME Investment Partnership Program Funds of an Affordable Single Family Residence on City Owned Property Located at 2502 Delaware Street (corner of Yorktown Avenue and Delaware Street)** (.) – 1. Temporarily waive the City’s insurance requirements for the purpose of approving the Conditional Commitment Agreement. Direct staff to ensure that insurance requirements as described in the Conditional Commitment Agreement are met by Habitat for Humanity (Humanity Housing, Inc.) by the close of escrow; and 2. Approve agreement titled *Agreement between the City of Huntington Beach and with Humanity Housing, Inc. for the Conditional Commitment of Federal HOME Funds* for \$194,400 of HOME Investment Partnership program funds for acquisition costs and development fees for a very low-income housing unit to be located at 2502 Delaware Street. Submitted by the Economic Development Director. Funding Source: \$194,400 from HOME Investment Partnership program funds account.

Approved 6-0-1 (Sullivan absent)

- E-10. **(City Council) Approve Standard Lease Agreement between the City and Dwight’s and Jack’s, Inc. for City’s Food and Rental Concession for Dwight’s Beach Concession** (.) – Approve the lease renewal titled *Lease between the City of Huntington Beach and Dwight’s and Jack’s, Inc. for Dwight’s Beach Concession* and David Clapp and Laurie Knight, DBA Dwight’s and Jack’s, Inc. Beach Concession, using the standardized lease agreement with terms and conditions as presented herein. Submitted by the community Services and Administrative Services Directors. Funding Source: Not Applicable.

Approved 6-0-1 (Sullivan absent)

- E-11. **(City Council) Adopt Resolution No. 2003-70 Authorizing the Director of Public Works or the City Engineer to Accept the Construction Projects as Complete and File a Notice of Completion in the Office of the County Recorder (Rescinds Resolution No. 2002-10)** (.) – Adopt **Resolution No. 2003-70** “A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works or the City Engineer to Accept the Construction Projects as Complete and File a Notice of Completion in the Office of the County Recorder.” Submitted by the City Clerk and Public Works Director. Funding Source: Not Applicable. (Adoption of this resolution will further expedite the process for the contractors, Public Works Department, staff, and the City Clerk’s office)

Adopted 6-0-1 (Sullivan absent)

- E-12. (City Council) Review and Approve Professional Services Agreements for Fiscal Year 2003-2004 Budget (.)** – Authorize the City Administrator to enter into the professional service agreements included in the Fiscal Year 2003-2004 budget and detailed in Attachment 1 according to established procedures. Submitted by the City Administrator. Funding Source: Each professional service agreement included in Attachment 1 has sufficient funds appropriated for it in the Fiscal Year 2003-2004 budget. The account numbers for each agreement is also detailed in Attachment 1. Communication from the City Clerk requesting Council to include a direction that the agreements be prepared to include the City Clerk's *Attestation* Line.

Continued City Clerk's request to future study session.

Approved recommended action 4-2-1 (Coerper, Green – NO, Sullivan absent).

- E-13. (City Council) Modify the License Agreement Conditions Regarding Outdoor Dining with Alcohol Beverages Pertaining to Section 4.2.33 of the Downtown Specific Plan (.)** – Remove Condition L, pertaining to the serving of alcohol beverages at the outdoor dining areas on July 4th from the license agreement titled *License Agreement – Outdoor Dining w/Alcohol Standard Conditions* for businesses with outdoor dining and alcohol permits from the Downtown Specific Plan, 4.2.33. Submitted by the Chief of Police. Funding Source: Not applicable.

Approved 5-1-1 (Boardman – NO, Sullivan absent)

- E-14. (City Council) Approve the Amended Planning Commission Bylaws (.)** – Approve the Planning Commission Bylaws titled *Bylaws City of Huntington Beach Planning Commission* as amended by the Planning Commission (Attachment No. 1). Submitted by the City Attorney and the Planning Director. Funding Source: Not applicable.

Adopted as amended with City Attorney's recommendation for revision 6-0-1 (Sullivan absent)

F. **Administrative Items**

F-1. **(City Council) Adopt Resolution No. 2003-71 Adopting a Policy for Advertising City-Related Events, Products and Services in the City Affiliated Outlets (.)**

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

Recommended Action: Motion to:

Adopt **Resolution No. 2003-71** "A Resolution of the City Council of the City of Huntington Beach Adopting a Policy for Advertising City-Related Events, Products and Services in City Affiliated Outlets."

Economic Development Director reported.

Adopted 6-0-1 (Sullivan absent)

F-2. **(City Council/Redevelopment Agency) Approve an Owner Participation Agreement (OPA) between the Redevelopment Agency and KDF Communities, LLC for the Acquisition and Rehabilitation of the Hermosa Vista Apartments Affordable Housing Project Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue (Includes Regulatory Agreement) (.)**

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

Recommended Action: Motion to:

City Council Recommended Action:

Temporarily waive the City's insurance requirements for the purpose of approving the Agency Loan. Direct staff to ensure that insurance requirements as described in the Owner Participation Agreement are met by KDF Communities, LLC by the close of escrow;

Redevelopment Agency Recommended Action:

1. Approve *Owner Participation Agreement by and among Redevelopment Agency of the City of Huntington Beach and KDF Communities, LLC* for \$3,325,000 using HOME Investment Partnership program funds and Agency Housing Set Aside funds for the acquisition and rehabilitation of Hermosa Vista Apartments, located at 15363 and 15425 Goldenwest Street.

and

2. Authorize execution and recordation of the OPA, all attachments, and other necessary related documents by the Agency Chairman, Executive Director, and Clerk when advised by the Agency General Counsel.

and

3. Authorize the wire transfer of \$3,325,000 to effect the closing of the acquisition escrow.

Continued to October 20, 2003 meeting.

F-3. (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (.)

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

Recommended Action: Motion to:

1. **OPPOSE SB 2 (Burton) Health Care Coverage** as enrolled to the Governor

and

2. **APPROVE Recommendations to the Member Relations Task Force of the League of California Cities, Orange County Division as follows:**
 - **Dues**: The Division should stay with a base fee for all cities and an additional amount based on population, but review this to determine if a more equitable apportionment might be attained.
 - **Voting**: Any motion that does not receive support from at least two-thirds of the member cities, but does receive support from the majority of member cities, should also require the supporting votes to represent at least half of the county population.

Approved Recommended Actions #1 and #2.

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

G. Ordinances

G-1. Ordinance for Adoption

- G-1a. (City Council) Adopt Ordinance No. 3618 Amending Huntington Beach Municipal Code Chapter 5.44 Relating to Entertainment (Adds Definition of Ambient Music) (640.10) - Ordinance No. 3618 - "An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment." (Introduction approved September 15, 2003.)**

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3618**, by roll call vote.

Adopted 5-0-2 (Houchen out of room, Sullivan absent)

G-2. Ordinance for Introduction

- G-2a. (City Council) Approve for Introduction Ordinance No. 3619 Deleting the Huntington Beach Municipal Code Chapter 5.36 Relating to Pawn Brokers (The Regulation of Pawn Brokers by the State Preempts the Need for a Local Ordinance) (.) Ordinance No. 3619 - "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 5.36 Relating to Regulation of Pawn Brokers."**

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3619**, by roll call vote.

Approved Introduction 6-0-1 (Sullivan absent)

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Councilmember Gil Coerper

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

Communication from Councilmember Gil Coerper transmitting the following **Statement of Issue:** Every other month, the 220 Huntington Beach Police Officers are required to train and qualify with their firearm at a firearms training facility. The Department makes approximately 1200 trips annually to a range for these basic qualifications.

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

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

The Seal Beach Naval Weapons Station charges \$5.50 per officer for each qualification (\$4,400.00 per year for all officers) and Raahauge's Range charges \$12.50 per officer for each qualification (\$5,000.00 per year for all officers). Due to the limited hours of operations at both ranges, the overtime costs for officers to qualify are approximately \$90,000.00 per year. Therefore, yearly estimated costs for qualifications are \$100,000.00. Travel costs, such as vehicle fuel, for the trips to the ranges are additional expenses.

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

Recommended Action: Motion to:

Request staff to prepare a ~~feasibility~~ preliminary feasibility study to determine the cost of constructing an indoor, state-of-the-art law enforcement personnel-only gun range on City-owned property on the heliport grounds of the Joint Powers Training Center on Gothard Street.

Considerable discussion held. Police Chief reported, stating Fire Chief and he could prepare report. Approved 5-1-1 (Boardman – NO, Sullivan absent).

H-2a. Submitted By Mayor Pro Tem Cathy Green

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

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

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

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

Recommended Action: Motion to:

Direct the ~~City Attorney~~ **Mayor** to draft a letter of demand for an accounting of Proposition 50 money.

Approved 6-0-1 (Sullivan absent)

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 Monday October 20, 2003, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, 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 on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648

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

CALL FOR SPECIAL MEETING

CITY COUNCIL

CITY OF HUNTINGTON BEACH

MONDAY, OCTOBER 6, 2003

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

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

At 5:00 P. M. the Special Meeting will adjourn and the regular City Council/Redevelopment Agency Meetings will commence with all members who were present at Special Meeting roll call.

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

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

- 3. **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the City it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

- 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 **Huntington Beach City Council v. Scott Baugh, and Connie Brockway, City Clerk, et al.**, Orange County Superior Court Case No. 02CC14276. (120.80)

- 5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Huss, et al. v. City of Huntington Beach**; U.S. District Court Case No. SACV 98-249 AHS (ANx). (120.80)

Dated: September 24, 2003

ATTEST: City Clerk _____

Mayor

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

Mayor