

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, March 3, 2003
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

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

Public Comments

Dennis Davenport spoke regarding the proposed gun range and the costs involved. He stated that he believes Huntington Beach would benefit from a state-of-the-art facility. Mr. Davenport voiced his concerns regarding a proposed partnership with the City of Fountain Valley in developing a gun range facility.

(City Council) Study Session 1 of 2 Held – Presentation by Police Chief Re: Review of Recommendations for Development of a Huntington Beach Police Department Law Enforcement Firearms Training Facility – Staff to Return to Council at a Date Uncertain Re: Discussion and Feasibility of Partnership with City of Fountain Valley for a Gun Range Facility (220.20)

Chief of Police Kenneth Small updated the City Council and made recommendations regarding the effort to develop a law enforcement firearms training facility.

Police Chief Kenneth Small presented a PowerPoint slide show titled *Huntington Beach Police Department Firearms Training Facility*, which was included in the agenda packet. He concluded the presentation and stated his recommendation would be to continue partnership discussion with the Fountain Valley Police Department for development of a gun range.

Police Chief Small informed Council that Police Captain Chuck Thomas was available to answer questions.

Considerable discussion was held between Council, Police Chief Small and staff regarding the following concerns: 1) increased community safety; 2) increased police officer safety; 3) decreased civil liability; 4) that the current firearms training facility may be insufficient and antiquated; 5) that a

dual use facility (civilian and law enforcement) may be high risk, management intrusive and difficult to maintain; 6) JTF6 (Joint Task Force Six) labor grant awarded to the city which would aid in constructing a law enforcement range facility is in inactive status; 7) potential sites have been examined and eliminated from consideration for various reasons; and 8) no funds are budgeted for gun range development.

Councilmember Coerper stated that there have been some negative responses from neighboring communities relative to some of the aforementioned concerns.

Police Chief Small requested permission from Council to have his department move forward and discuss the feasibility of a partnership with the City of Fountain Valley for a gun range facility.

City Administrator Silver requested that Police Chief Small return to Council at a date uncertain with a recommended action.

(City Council) Study Session 2 of 2 Held – Presentation by Community Services Director, Special Projects Manager and Acting Facilities Manager Re: the Conceptual Plans for Phase II of the Huntington Central Park Sport Complex Including Projected Income Revenue and the Management Contract (920.10)

Jim Engle, Community Services Director; Ron Hagan, Special Projects Manager; and Dave Dominguez, Acting Facilities Manager presented an overview of the conceptual plans for Phase II of the Sports Complex including the management agreement, cost revenues and concessions on banking and financing.

A PowerPoint titled *Study Session on Agreement with Community Parks Foundation, Inc. for the Purchase of Equipment and for Operation and Maintenance Services of the Phase II Soccer and Hockey Facilities at Huntington Central Park Sports Complex* had been announced earlier as a Late Communication by Assistant City Clerk Liz Ehling.

Wall diagrams were available at the meeting regarding an agreement with Community Parks Inc., site plans, details and plant material, and site amenities.

Special Projects Manager Ron Hagan informed Council that staff had solicited requests for proposals to various nonprofit sports organizations for the installation and management of Phase II and received one qualified proposal from Community Parks Foundation, Inc. (CPF). Mr. Hagan reviewed the proposed agreement between the city and CPF regarding the prefabricated portable sports systems, the sports arenas, and the financing based on a lease/purchase agreement.

Councilmember Coerper inquired regarding proposals and if any from out-of-state were requested. Special Projects Manager Hagan named a number of groups and reported on their responses. He further stated that only CPF responded with a proposal, the others wanted to do their own prototypes.

Discussion was held among Council and staff regarding the following issues: 1) the management agreement with Community Parks Foundation, Inc. (CPF); 2) bank agreement for the financing of the equipment based on a lease/purchase agreement; 3) that the opening of Phase II will cover the shortfall from Phase I, making this project self-supporting; and 4) other opportunities for revenue.

Mayor Boardman thanked everyone for their Study Session presentations.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Green to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook

NOES: None

ABSENT: Houchen, Hardy

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is Huntington Beach Police Officers Association, et al. v. City of Huntington Beach et al.; Orange County Superior Court Case No. 00CC15105, Court of Appeal Case No. G030072 [Per Diem]. **Subject: Huntington Beach Police Officers Assn., et al. v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is Huntington Beach Police Officers Association v. City of Huntington Beach; Orange County Superior Court Case No. 00CC10254 [Workers' Comp/Health Insurance]. **Subject: Huntington Beach Police Officers Association v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is Huntington Beach Police Officers Association v. City of Huntington Beach; Orange County Superior Court Case No. 00CC13068 [PacifiCare]. **Subject: Huntington Beach Police Officers Association v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is Charles Nowotny v. Johnson, City of Huntington Beach, et al.; U.S. District Court Case No. CV 99-13098-FMC. **Subject: Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – To confer with its City Attorney regarding pending litigation pursuant to Government Code Section 54956.9(c). (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases: one. **Subject: Potential Litigation re: Breach of Contract.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is City of Huntington Beach v. Orange County Water District; Orange County Superior Court Case No. 815921, Court of Appeal Case No. G029778. **Subject: City of Huntington Beach v. Orange County Water District.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:10 P.M. – Council Chambers.**City Council - Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook

Absent: Houchen, Hardy

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Boardman asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

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

Late Communications Announced

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehring announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication received February 28, 2003 from the Community Services Department entitled *Study Session on Agreement with Community Parks Foundation, Inc. for the Purchase of Equipment and for Operation and Maintenance Services of the Phase II Soccer and Hockey Facilities at Huntington Central Park Sports Complex.*

Slide show presentation received March 3, 2003 from the Administrative Services Department, the Economic Development Department and the Community Services Department titled *Emerald Cove Rent Structure Analysis.*

Presentation to Mayor Connie Boardman and the Acting Library Director, Sherrie Daugherty, checks by three Library Support Group Presidents: JoAnne Rankin, Friends of the Children's Library, for \$15,000; Norma Brandel Gibbs, Library Patrons Foundation, for \$19,500; and Dorothy Boesch, Friends of the Library, for \$100,000; totaling \$134,500. Acting Library Director Sherrie Daugherty informed Council that these groups give thousands of hours of their time to the library and extended Ron Hayden's, Library Director, gratitude for the donations. Mayor Boardman congratulated Library Services Director, Ron Hayden, on his recovery from surgery. (160.40)

Presentation by Mayor Connie Boardman to Kori Flechtner, Executive Director, Designated Drivers Association (DDA) of Orange County, commending DDA of Orange County and their volunteers for the very important work they do in keeping intoxicated drivers off the road. Ms. Fletcher thanked the mayor and announced the phone number of 866-949-7233 for anyone interested in volunteering. (160.40)

Moment of Silence Observed

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

Public Comments

Jennifer Gonzalez, Public Relations Manager for the Gas Company, introduced herself and announced that she is the contact for comments, concerns or questions.

Debbie Borden offered a prayer due to the absence of the Invocation from the agenda.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Plans and Specifications and Advertisement for Bids for Oakview Skate Park Plaza Improvement Project, CC-1216 (600.80)

(City Council) Lease with the Orange County, California Genealogical Society for Use of Meeting Room Space at the Huntington Beach Central Library (600.10)

Consent Calendar – Items Approved

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

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

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meetings of January 6, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution No. 2003-18 Authorizing Submission of Proposal to the Orange County Social Services Agency for Families and Communities Together (FaCT) Grant and Authorizing Library Services Director to Sign FaCT Grant Agreement (340.60) - 1. Adopted **Resolution No. 2003-18** - *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Submission of a Proposal to the Orange County Social Services Agency for Families and Communities Together (FaCT) Grant and Authorizing the Director of Library Services to Sign FaCT Grant Agreement,”* and **2.** Authorized the Mayor to sign letter to County of Orange Social Services Agency forwarding the city’s written proposal (Attachment 2). Submitted by the Library Services Director. Funding Source: Children’s Bureau of Southern California will distribute funds in the amount of \$34,360 to Oak View Collaborative of which Huntington Beach Library is a funded partner. A 10% in-kind city match is required.

(City Council) Adopted Resolution No. 2003-19 Finding and Declaring Weeds and Rubbish a Public Nuisance and Fixing May 19, 2003 as the Administrative Public Hearing Date for Protests and Objections to the Abatement Thereof (520.80) - Adopted Resolution No. 2003-19 - *“A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof”* for **May 19, 2003**. Submitted by the Public Works Director. Funding Source: No funds are required at this time.

(City Council) Approved Services Contract between the City and Spectrum Sports Management, LLC For Sponsorship Development of Community Services Department Programs and Facilities (600.10) - Approved the *Services Contract between the City of Huntington Beach and Spectrum Sports Management, LLC for Sponsorship Development*, and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director and the Special Projects Manager. Funding Source: Not Applicable.

(City Council) Approved Promotional Agreement between the City and Chevrolet Division, General Motors Corporation (GMC) for Provision of Vehicles for Marine Safety Operation (600.10) - **1.** Approved *Promotional Agreement* with Chevrolet Division, General Motors Corporation, and authorize the Mayor and City Clerk to execute same; and **2.** Approved Section 6 of the agreement, which includes city's indemnification obligations to GMC. Submitted by the Community Services Director. Funding Source: Not applicable; agreement saves the General Fund approximately \$500,000 each year in vehicle acquisition costs.

(City Council) Approved Plans and Specifications and Authorized Advertisement for Bids for Oakview Skate Park Plaza Improvement Project, CC-1216 (600.80)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to inquire about the use of Park Acquisition and Development (PA&D) funding for this project.

City Administrator Ray Silver informed Council that staff would review the proposed partial funding from the Park Acquisition and Development Fund and determine if the Community Development Block Grant (CDBG) Unprogrammed Fund Account could be used as an alternate funding option.

A motion was made by Sullivan, second Coerper to approve the project plans and specifications, and authorize the Director of Public Works to request bids for Oakview Skate Park Plaza Improvement Project, CC-1216.

The motion carried by the following roll call vote:

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

(City Council) Approved Lease with the Orange County, California Genealogical Society for Use of Meeting Room Space at the Huntington Beach Central Library (600.10)

Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar to confirm that the California Genealogical Society, a non-profit organization, is able to afford the proposed monthly rent.

Real Estate Manager Amy Bodek responded and informed Council that she negotiated the lease with the California Genealogical Society and that its Board of Directors approved the proposed agreement.

A motion was made by Green, second Coerper to approve the proposed lease with the Orange County, California Genealogical Society for the regular use of meeting space at the Huntington Beach Central Library as set forth in the terms and conditions of the attached lease titled *Agreement By and Between the City of Huntington Beach and the Orange County, California Genealogical Society For the Use of City Owned Genealogical Materials*

The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Execution of Grant Deed Transferring Title from Agency to the City - Reviewed Existing Rent Structure at Emerald Cove Affordable Housing Senior Citizen Apartment Complex Located at 18191 Parktree Circle – Make Appropriate Recommendations for Future Rent Increases (650.80)

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

Real Estate Manager Amy Bodek presented a slide titled *Emerald Cove Rent Structure Analysis*, which had been announced earlier as a Late Communication by Assistant City Clerk Liz Ehring.

Council received clarification from Real Estate Manager Amy Bodek and Deputy Executive Director David Biggs regarding the following issues: 1) covenants for preferred affordability levels; 2) proposed rent increases for existing and new tenants; 3) protection for existing residents from economic displacement; 4) need for immediate maintenance repairs; 5) the Redevelopment Agency (RDA) debt to the Park Acquisition and Development (PA&D) Fund; and 6) application for Federal Section 8 Housing certificates (vouchers) from the County of Orange to prevent economic displacement of tenants in the event of a future sale.

Ms. Bodek informed Council that staff would report back in a year to decide whether to pursue a sale or retain ownership of the project.

A motion was made by Green, second Coerper to:

Redevelopment Agency Action:

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

City Council Actions:

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

and

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

and

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

and

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

and

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

and

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

The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution of Intent No. 2003-20 - Approved Introduction of Ordinance No. 3601 Amends Contract with PERS to Provide (1.) Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit and (2.) Section 21574 (Fourth Level of 1959 Survivors' Benefits) for Local Miscellaneous Members - Municipal Employees' Association (MEA) and Management Employees' Organization (MEO) (720.20)

Councilmember Coerper received clarification from Assistant City Administrator William Workman that this benefit would be a subject of "meet and confer" with the Police Officers' Association (POA).

The Assistant City Clerk read Ordinance No. 3601 by title. A motion was made by Coerper, second Green to:

1. Adopt **Resolution No. 2003-20** – *"A Resolution of the City Council of the City of Huntington Beach: (A) Stating the City Council's Intention to Approve an Amendment to the Existing*

Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Huntington Beach; and (B) Providing Notice that on April 7, 2003, the City Council will Consider Adoption of Ordinance No. 3601, Approving Said Contract Amendment; the Subject Matter Being the Provision of Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit and Section 21574 (Fourth Level of 1959 Survivors Benefits) For Local Miscellaneous Members;"

and

2. Approve introduction of **Ordinance No. 3601** – *"An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract Between the City Council and the Board of Administration of the California Public Employees' Retirement System Regarding the Provision of Pre-Retirement Optional Settlement 2 Death Benefits and Fourth Level of 1959 Survivor Benefits For Local Miscellaneous Members."*

The motion carried by the following roll call vote:

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

(City Council) Approved Formation of City Council Ad Hoc Committee to Review City Boards, Commissions, Committees, and Task Forces - Appointed Councilmembers Coerper, Houchen and Hardy as Committee Members (120.25)

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

A motion **as amended by adding Councilmember Coerper as the third committee member** was made by Boardman, second Cook to approve the establishment of a Council Ad-Hoc Committee with members appointed by the Mayor, to examine the role of Council liaisons in committees and to make a recommendation to the entire Council regarding the number of committees, boards, commissions and task forces currently in existence in the city. The committee would be an ad hoc Council Committee, which would be disbanded upon making its recommendations to the Council. The motion carried by the following roll call vote:

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

(City Council) Condolences Extended to Councilmember Pam Houchen

Mayor Pro Tem Green offered her condolences to the Houchen family for the passing of Councilmembers Houchen's mother.

(City Council) Announcement of Amy Bodek, Manager of Real Estate. Departure from the City for Employment with the City of Long Beach

Mayor Boardman announced that Amy Bodek, Manager of Real Estate, is leaving the city to return to the City of Long Beach and will be missed.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Friday, March 14, 2003, at 1:00 p.m., in Rooms C & D, Central Library, 7111 Talbert Avenue, Huntington Beach, California.

/s/ Connie Brockway
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

By: _____
Assistant City Clerk

ATTEST:

City Clerk-Clerk

Mayor-Chairman