

**Minutes  
City Council/Public Financing Authority Regular Meeting  
Successor Agency Special Meeting  
City of Huntington Beach**

Monday, April 16, 2012  
4:00 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting  
and a video recording of the 6:00 PM portion of this meeting  
are on file in the Office of the City Clerk and are archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - ROOM B-8

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to lack of quorum.

CALL TO ORDER - 4:31 PM

ROLL CALL

Present: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

City Clerk Joan Flynn announced one supplemental communication received after distribution of the Council agenda packet:

PowerPoint communication received from Bob Hall, Deputy City Manager dated April 16, 2012, entitled Economic Development: What's Next? Life After February 1, 2012.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None

STUDY SESSION

1. Staff provided an update on Economic Development Department activities

City Manager Fred Wilson introduced Bob Hall, Deputy City Manager/Economic Development Director, who provided a PowerPoint entitled *Economic Development: What's Next? Life After February 1, 2012*, with the following titled slides: What we did to prepare, What we did, What we STILL do, Current Status, Impact, Economic Development is still vital to Huntington Beach, What are we doing? (Economic Development, Real Estate, Housing, CDBG/HOME, Successor Agency) Outlook for Business and Development, Business License Trends, Construction

Variation (\$) - Residential, Commercial, and Industrial, Key 10 Point Plan Accomplishments, 2012-13 Goals, and Experience HB Now.

Deputy Manager/Director Hall played a video produced by the Huntington Beach Marketing and Visitors Bureau that highlighted *Turning Red Tape in Red Carpet*, and the City's 10-Point Business Plan for Local Business.

Councilmember Carchio and Deputy Manager/Director Hall discussed the status of staff and a current vacancy in Economic Development.

Discussion ensued regarding branding actions with Active, the vending agreement with Cantine, and business opportunities with Yoder's W-Fi Group, O2O, and others.

Councilmember Bohr expressed appreciation for the department, and Deputy Manager/Director Hall recognized the efforts of several individuals from varied departments.

Mayor Pro Tem Dwyer and Deputy Manager/Director Hall discussed plan bids and liability insurance certificates or waivers. City Attorney Jennifer McGrath explained that requests for insurance waivers have declined, and discussed risk assessment and ongoing challenges in relation to insurance.

Councilmember Boardman and Deputy Manager/Director Hall discussed when the Successor Agency will take action on enforceable obligation payments.

Mayor Hansen and Deputy Manager/Director Hall discussed best practices for marketing and customer service.

Councilmember Shaw suggested cross training departments for business attraction and retention.

#### RECESS TO CLOSED SESSION

A motion was made by Carchio, second Boardman to recess to Closed Session. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

#### CLOSED SESSION

2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Walker v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00486324. Plaintiff was involved in an automobile accident with a City vehicle at the intersection of Edinger Avenue and Gothard Street.

3. Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City

Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with MEO.

4. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: City of Huntington Beach v. Joshua Hayes, et al., Orange County Superior Court Case No. 2008-00073768. The lawsuit involves enforcement of the City's affordable housing covenant at the Brisas del Mar complex.

5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding T-Mobile West Corporation v. City of Huntington Beach, United State District Court Case No. CV 10-2835 CAS, which involves T-Mobile's project to install antennas at 6666 Heil Avenue belonging to the Community United Methodist Church of Huntington Beach.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCE AUTHORITY MEETING - 6:04 PM

Mayor Hansen reconvened the City Council and Public Financing Authority Regular Meeting, and called to order the Successor Agency Special Meeting at 6:04 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that in the case of the City of Huntington Beach v. Joshua Hayes, et al., Orange County Superior Court Case No. 2008-00073768, the City Council authorized by a vote of 6-1 (Dwyer-No) for the City to file an appeal in this case.

ROLL CALL

Present: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
Absent: None

PLEDGE OF ALLEGIANCE - Led by the Weeblo Den 1 Pack 101

INVOCATION - Led by Mark Currie from the Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Special Drawing – Hanna Smith, Miss Huntington Beach, and members of the Fourth of July Board drew the following names of ten (10) non-profit organizations to sell fireworks in 2012:

1. HB High Lacrosse Boosters
2. HB Girls' Softball League
3. HB Host Lion's Club
4. Marina Football Booster Club
5. First Samoan Congregational Church of Huntington Beach
6. Doctor Ralph Hawes PTA
7. Marina Baseball Boosters

8. Ocean View High PTSA
9. Marina High Boys' Volleyball Boosters
10. Edison High Football Boosters

Five (5) additional names were drawn but not announced to replace any top ten organization who finds themselves unable to participate in fireworks sales in 2012. Mayor Hansen also recognized Maury Gem, and Phantom Fireworks as the Fourth of July Board's fireworks distributor.

Presentation - Mayor Hansen called on Stephanie Deagle to announce the Relay for Life, Huntington Beach event at Central Park on May 5 and 6. Ms. Deagle was joined by team members Sloan, Gene, Peggy, Cynthia, Ken, and Lisa, and explained what everyone should expect to experience at the event.

Presentation - Mayor Hansen called on President Mel Markham, President Frank Parker, Don Garrick and Dr. Dale Braithwaite from the Church of Jesus Christ Latter Day Saints to accept a proclamation for "Helping Hands Community Service Day" on April 28th.

Mayor's Award - Mayor Hansen call on Community Services Director/Deputy City Manager Paul Emery to present the Mayor's Award to Lead Maintenance Worker, Kitty Barlow-Ross. Mr. Emery described Kitty's hard work and contributions to the City of Huntington Beach.

#### ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced supplemental communications received by her office following distribution of the City Council agenda packet:

Ordinances for Introduction Item No. 17: Varied communications received regarding Ordinance No. 3938 prohibiting the commercial sale and/or resale of cats and dogs in the City (Animal Protection Ordinance).

#### PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speakers' comments indicates the approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Norma Gibbs thanked Council for placing solar panels at City Hall and the Central Library, and discussed formation of the Council on Aging and her support for Public Hearing Item No. 15 - Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project.  
(00:36:51)

Ashley Jemison, AIDS Services Foundation, discussed HIV education and testing and informed Council of the Aids Walk Orange County event held on May 6 at Disneyland Park.  
(00:40:20)

Councilmember Bohr commented on the number of citizens wishing to speak on two particular

agendized items, and indicated that should the meeting run late and public speakers choosing not to speak, it would be acceptable to show support or opposition to an item by standing up when called upon.

Paul Feters informed Council of *The Pushups for Charity Challenge* on May 19, Armed Forces Day, at the T-Spot Gym in Huntington Beach. (00:44:04)

Dain K. Court, son of August Court of Pets Pets Pets spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (00:46:12)

Brenda Cavillo spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (00:49:52)

Kyu Chong, owner, Animal Kingdom, Inc., spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (00:51:01)

Tim Geddes spoke in opposition to Public Hearing Item No. 15 - Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project. (00:54:37)

Mira Chong spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (00:57:37)

Unnamed speaker spoke in opposition to Ordinance for Introduction Item No. 17 - Animal Protection Ordinance. (01:01:51)

Taylor Willoughby, employee of Pets Pets Pets, spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:03:57)

Unnamed speaker spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:05:42)

Sandra (last name not provided) spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:08:33)

Sue Hardy spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:09:30)

Ryan Fiege spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:12:11)

Lance Perkins spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:13:23)

Klim Granovsky spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:14:43)

Lana Miller spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:16:12)

Unnamed speaker spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:19:18)

Unnamed speaker spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:21:34)

Donald Foster, Co-owner of Pets Pets Pets, spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:23:30)

Councilmember Bohr discussed a personal visit to Pets Pets Pets, voicing concerns about the number of dogs labeled as received from out of state, and Speaker Foster's statement of brokering dogs through the Hunt Corporation. He also expressed deep concern about a dog that had been for sale in the store for more than 90 days.

Mr. Mark Malo, DVM spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:29:43)

Josh Friend spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:31:13)

Chris Moore spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:33:12)

August Court, Co-owner, Pets Pets Pets in Huntington Beach, spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:34:45)

Councilmember Bohr and Mr. Court discussed the store's claims that all pets were received from local breeders in California, and Mr. Court stated that all cats were born locally.

Councilmember Harper inquired, and Mr. Court confirmed that he would comply with a requirement to only receive dogs that were California born.

Mayor Pro Tem Dwyer asked if Mr. Court had been advised of the proposed Ordinance prior to the initial Council item being placed on the agenda, and Councilmember Carchio discussed his unsuccessful attempts to contact both local stores (Pets Pets Pets and Animal Kingdom, Inc.).

Mike Sloan spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:45:35)

Karen Chepeka, Save Our Strays Huntington Beach, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:46:30)

Mary Jo Baretich spoke in support of a new Senior Center, but is opposed to the proposed location identified in Public Hearing Item No. 15 - Subsequent Environmental Impact Report

No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project. (01:48:13)

Candace Bartsch spoke regarding Huntington Beach Hospital and Circle of Friends, a senior volunteer organization that supports Public Hearing Item No. 15 - Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project. (01:51:40)

Dr. Jana Kohl, expert on animal cruelty, voiced concerns about Pets Pets Pets receiving dogs through the Hunt Corporation, a notorious puppy mill broker, and provided support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:53:40)

Paul De Mers, Animal Assistance League of Orange County, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:56:05)

Bryan Monell, Last Chance for Animals, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:57:08)

Leslie Chavers spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (01:59:37)

Bob Bailey, President of the Orange County Society for Protection Against Cruelty of Animals, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:00:30)

Diane Amendola spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance, and submitted a letter from Stormy Hope, Vice President, California Responsible Pet Owners' Coalition titled: *Proposed Ordinance No. 3938*. (02:01:06)

Alicia Koberstein spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:04:19)

Dina Khourda, Chair, Orange County Chapter of Animal Protection League, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:06:21)

Elizabeth Oreck, Best Friends Animal Society, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:08:35)

Councilmember Harper and Speaker Oreck spoke of puppy mill locations in California.

Chris Brown spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:12:44)

Katie Maneeley spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:14:17)

Elizabeth Gregory voiced concerns about the death of a 28-year-old male at West Coast Detox, and the activity occurring at that property located in a residential neighborhood and adjacent to an elementary school. (02:16:33)

Lynn Copeland, Cat Cause, Ontario Society for the Prevention of Cruelty to Animals (OSPCA), spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:19:18)

Pamela Meadows, Second Chance, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:21:31)

Kelly Sawyer spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:24:40)

Lorik Bernstein spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:27:55)

Kelly Baek spoke in opposition to Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:29:59)

Patricia Snodgrass spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:30:48)

Patricia Reinich, Board Member, volunteer and foster pet owner for A Wish for Animals, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:32:18)

Dale Bartlett, the Humane Society of the United States, spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:34:32)

Councilmember Harper questioned the speaker's comments about Orange County being the largest consumer of puppy mills sales and requested receipt of statistic data.

Claire Vinet spoke in support of Ordinance for Introduction No. 17 - Animal Protection Ordinance. (02:38:12)

Kendell Smith, Therapeutic Riding Center Huntington Beach, spoke in support of Public Hearing Item No. 15 - Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project. (02:39:23)

Angelic Murray spoke in support of Public Hearing Item No. 15 - Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project. (02:41:23)

#### COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Harper reported attending the Southern California Association of Governments (SCAG) Regional Conference on April 4 and 5, City of Westminster - State of the City Luncheon on April 10, and the ACC-OC - 2012 Board of Directors Installation in Dana Point on April 11; Mayor Pro Tem Dwyer highlighted the *Creative Visions and Imagination Celebration* event at the Art Center downtown on April 18-28, his attendance at the Huntington Beach

Clean-Up at Huntington State Beach on April 14, Grand Opening of the Huntington Harbour Yacht Club on April 15, and the Huntington Beach Symphony; Councilmember Carchio reported attending the Shoreline Security Briefing with DHS LA-LB ReCom on April 4, OC Forum Luncheon Program in Irvine on April 12, and City of Westminster - State of the City Luncheon on April 10; Councilmember Boardman, liaison to the Neighborhood Watch Committee reported attending a meeting on April 10, announced April as *Sexual Assault Awareness Month*, and *National Night Out, America's Night Out Against Crime* scheduled for August 9; Mayor Hansen reported that a request for appeal of the Orange County Transportation Authority's decision to remove the proposed 19th Street Bridge from the Master Plan of Arterial Highways (MPAH) Map was denied.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT - None

CONSENT CALENDAR

1. Approved and adopted minutes

A motion was made by Carchio, second Shaw to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of March 19, 2012, and the City Council/Public Financing Authority Regular Meeting and Successor Agency/Housing Authority Special Meeting of April 2, 2012, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

2. Received and field City of Huntington Beach Strategic Plan Update

A motion was made by Carchio, second Shaw to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

3. Received and filed City Attorney's 4th Quarter Report - October 1, 2011, through December 31, 2011

A motion was made by Carchio, second Shaw to receive and file the City Attorney's 4th Quarter Report - October 1, 2011, through December 31, 2011. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

4. Adopted Resolution No. 2012-14 amending the Conflict of Interest Code and reviewed the Code of Ethics

A motion was made by Carchio, second Shaw to adopt Resolution No. 2012-14, "A Resolution of the City Council of the City of Huntington Beach Amending Its Conflict of Interest Code;" and, review and approve "City of Huntington Beach Code of Ethics." The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

5. Received and filed City Clerk's Quarterly Report listing of Professional Service Contracts filed in the City Clerk's office between October 1, 2011 and December 31, 2011

A motion was made by Carchio, second Shaw to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period of October 1, 2011 through December 31, 2011." The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

6. Adopted Resolution No. 2012-17 amending the City's Classification Plan by modifying the Class Specification and Compensation of the position of Assistant City Clerk Continued from the April 2, 2012 meeting

A motion was made by Carchio, second Shaw to adopt Resolution No. 2012-17, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Modifying the Class Specification and Compensation for the Position of Assistant City Clerk." The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: Harper

7. Received and Filed the Park Impact Fee Report for FY 2010/11

A motion was made by Carchio, second Shaw to receive and file the 230 Park Impact Fee Annual Report for fiscal year 2010/2011. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

8. Received and Filed the Fiscal Year 2010-11 State Controller's Report

A motion was made by Carchio, second Shaw to receive and file the Fiscal Year 2010-11 State Controller's Report. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman

NOES: None

9. Appropriated funds for the emergency repair of the OC-44 Water Transmission Pipeline

A motion was made by Carchio, second Shaw to appropriate \$420,000 from the undesignated, unappropriated balance of the Water Fund to Account No. 50685801.67725 (Import Connection Maintenance) for payment of emergency repairs to the OC-44 Water Transmission Pipeline. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

10. Approved Office of Criminal Justice Planning (OCJP) Grant Violence Against Women Program for 2012

A motion was made by Carchio, second Shaw to accept the grant between the State of California, Office of Criminal Justice Planning, California Emergency Management Agency (Cal EMA) and the City of Huntington Beach; and, approve the appropriation and expenditure of \$238,637, of which \$178,978 is to be fully reimbursed by the grant from the Office of Criminal Justice Planning. The remaining \$59,659 will be funded from appropriations in the Police Department's budget. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

11. Approved and authorized execution of a Land Use Covenant (LUC) between the City of Huntington Beach and the California Department of Toxic Substances and Control (DTSC)

A motion was made by Carchio, second Shaw to approve and authorize the Mayor and City Clerk to execute a Land Use Covenant (LUC) entitled "Covenant to Restrict Use of Property, Environmental Restriction" between the City of Huntington Beach and California Department of Toxic Substances and Control (DTSC). Instruct the City Clerk to record the Land Use Covenant and attached exhibits with the Orange County Recorder after DTSC signs agreement. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

12. Approved and authorized execution of Amendment No. 2 to Professional Services Contract with Liebert Cassidy Whitmore for legal services in Labor / Employment Matters

A motion was made by Carchio, second Shaw to approve and authorize the Mayor and City Clerk to execute "Amendment No. 2 to Professional Services Contract Between the City of Huntington Beach and Liebert Cassidy Whitmore for Legal Services in Labor and Employment Matters." The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

13. Approved and authorized execution of an Indemnity Agreement between the City of Huntington Beach and AAA Animal Hospital

A motion was made by Carchio, second Shaw to approve and authorize the Mayor and City Clerk to execute the "Indemnity Agreement By and Between the City of Huntington Beach and Dr. Samir S. Botros, dba AAA Animal Hospital;" and, authorize the City Clerk to file said agreement in the City records. The motion carried by the following roll call vote:

AYES: Shaw, Dwyer, Harper, Hansen, Carchio, Bohr, and Boardman  
NOES: None

14. Adopted Ordinance No. 3936 amending Chapter 10.42 of the Huntington Beach Municipal Code relating to Residential Parking Permits Approved for Introduction 4/2/2012

Mayor Hansen, Transportation Manager Bob Stachelski and Police Chief Ken Small discussed allowance of handicapped placards in residential parking permit areas.

A motion was made by Hansen, second Carchio to adopt Ordinance No. 3936, "An Ordinance of the City of Huntington Beach Amending Chapter 10.42 of the Huntington Beach Municipal Code Relating to Residential Parking Permit." The motion carried by the following roll call vote:

AYES: Hansen, Boardman, Bohr, Carchio, Dwyer, and Shaw  
NOES: Harper

#### PUBLIC HEARING

15. Approved Subsequent Environmental Impact Report No. 07-002, General Plan Amendment No. 11-004 and Conditional Use Permit No. 07-039(R) for the Huntington Beach Senior Center Project

Senior Planner Jennifer Villasenor provided a PowerPoint presentation entitled *Huntington Beach Senior Center in Central Park - Subsequent Environmental Impact Report No. 07-002 (Appeal) - General Plan Amendment No. 11-004, Conditional Use Permit No. 07-039(R) (Appeal) - City Council Meeting April 16, 2012*, with titled slides: SEIR No. 07-002, Impacts, Alternatives, General Plan Amendment, Conditional Use Permit, Planning Commission Action, Appeal, Analysis - Master EIR/Senior Center SEIR, Analysis, Equestrian Center Boundary, and Recommendations.

Questions/Comments:

Councilmember Bohr and Planner Villasenor discussed an alternative project location (Cove Property at the northeast corner of Gothard and Garfield).

Councilmember Boardman and Planner Villasenor discussed scale in relation to a project slide depicting the 5-acre site location, not including slopes from the existing disc golf course or 1.5 acre driveway included in the mitigation measures of the Central Park Master Plan.

Mayor Hansen opened the public hearing.

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn read into the record names of individuals who submitted supplemental communications that were received after distribution of the Council agenda packet: Mary Jo Baretich, Arthur & Marilyn Morgan, Margaret Kay LaBelle, Teri Simonis, James P. & Helen Barker, Muriel Beynon, Joann K. Buhler, Margaret M. Mahoney, Norma Jeanne Mignacca, Thomas Point, Marilyn Potes, Beverly J. Rieber, Rosemary Robinson, Regina Selvin, Carol Settimo, Harriet Shulman, Norma M. Tolin, Julia R. Van Loan, Helen Yules, Sharon Bowers, Mark C. Allen, III, Bob Schwanz, Bill Morris, John Miles, Margaret A. Adams, Gloria Baca, Lorraine L. Contorelli, Joanne Goudge, Linda Gray, Sally Richards, Mary DeSloover, Lenora Sanchez, Shar Shubert, Sonny Shubert, Karen Topolewski and one with signature unable to read.

Jules Hooper spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:11:31)

Carrie Thomas, speaking on behalf of Bob Schwanz to confirm receipt of information he provided to Council, expressed opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:12:35)

Father Christian Mondor spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:15:09)

Pat Davis spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:17:41)

Don MacAllister spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)), and distributed 2010 census data for Huntington Beach to demonstrate growth in 60+ population. (03:19:30)

Donna Brandt, Therapeutic Riding Center of Huntington Beach, spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:21:13)

Mark C. Allen III, Parks Legal Defense, provided a PowerPoint that had titled slides: 5 errors, The "project" is a building, Park land is "free."

Dave Quatman, Therapeutic Riding Center, spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:27:12)

Karen Graves, Therapeutic Riding Center, spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:27:46)

Councilmember Shaw and City staff discussed the proposed request and any affects it would have on the Therapeutic Riding Center.

Linda Urette spoke in opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:30:41)

Councilmember Harper, Councilmember Carchio and Speaker Urette discussed Speaker Urette's residential location on Freshwater Circle, and Speaker Urette's thoughts on alternate locations.

Mike Sloan, resident who lives directly across from the park, spoke in opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:36:22)

Pam Vallot spoke in opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)), suggesting the Boeing property as a possible alternative site. (03:39:37)

Larry Geisse spoke in opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:41:46)

Brindel Rothspan spoke in support of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)), and how inadequate the Rodgers' Senior Center is in its current condition. (03:44:49)

Robert Dettloff spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:46:18)

John Miles spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:49:38)

Robert Wentzl spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:52:21)

Mark Bixby spoke in opposition to the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:53:40)

Candace Bartsch spoke in support of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:54:59)

Judy Ann Morris spoke in favor of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:56:49)

Dave Sullivan spoke in support of the proposed Senior Center in Huntington Central Park (SEIR No. 07-002, GPA No. 11-004, and CUP No. 07-039(R)). (03:58:34)

With no one else present to speak, Mayor Hansen closed the public hearing.

Councilmember Bohr questioned if staff wanted to address comments made by speakers.

Mayor Pro Dwyer and staff discussed the square footage of the driveway already included and approved within the mitigated (Sully Miller) area of the Central Park Master Plan, Raptor foraging, and mitigating the proposed parking area for the Shipley Nature Center.

Staff addressed Speaker Bixby's comments about the City standing behind its promises by discussing Quimby fees received the Pacific City project, 3-5 year project shelf life, and what costs are covered by the Sports Complex. Concerns were expressed about litigation and moving forward financially. City Attorney McGrath commented on 19 related lawsuits received in the past three months.

A motion was made by Dwyer, second Bohr to certify Subsequent Environmental Impact Report No. 07-002 as adequate and complete in accordance with CEQA requirements by adopting Resolution No. 2012-18, "A Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Subsequent Environmental Impact Report (SCH#2007041027) for the Huntington Beach Senior Center Project;" and, approve General Plan Amendment No. 11-004 by adopting City Council Resolution No. 2012-19, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 11-004 (Senior Center Project);" and, approve Conditional Use Permit No. 07-039(R) with findings and suggested conditions of approval; and, approve CEQA Statement of Findings of Fact with a Statement of Overriding Considerations.

Councilmember Shaw and the City Attorney discussed the costs associated with litigation. It was mentioned that \$640,000 had been spent to date in legal fees, City Manager Wilson identified \$1.2 million spent on planning the proposed Senior Center in Central Park, and indicated costs associated with postponing the decision. Councilmember Bohr and City Attorney McGrath discussed hourly rates for legal defense charged by outside firms.

Councilmember Harper voiced support for the request, and questioned Councilmember Shaw's opposition when 80% of senior centers in Orange County are built in parks.

Mayor Hansen discussed the item's approval by Huntington Beach voters in 2006, voter intelligence, and his confidence that the project complies with CEQA requirements.

Councilmember Boardman and staff discussed the Therapeutic Riding Center (TRC) operating under a temporary use permit, and TRC's potential lease/memorandum of understanding (MOU) terms.

Discussion ensued about a speaker's comments on triggering a Measure C vote, and whether it was possible for placement on the November ballot.

Councilmember Bohr was sympathetic to individuals who argue against disturbing Raptor habitat, but did not agree that the issue supports the argument that the project does not comply with CEQA.

Councilmember Boardman explained her reasons for the appeal, discussed troubles with funding the project, and her hopes that Council was open to discuss alternatives. She stated that that public needs to know that the City does not have \$20 million to build what was

previously approved. She provided a PowerPoint that highlighted text from pages of the final EIR for Park Master Plan that drew attention among other things to the number of acres, and questioned why the Sports Complex didn't require mitigation when it was bare land. She voiced concerns about litigation, how the charter has changed, and the idea of new Measure C vote.

Speaker Allen and Councilmember Boardman discussed why they felt the project may require a new Measure C vote and use of Quimby fees in an untimely manner.

Councilmember Boardman questioned inaccuracies in the map, and encroachment into existing encyclopedia lots. Mayor Pro Tem Dwyer discussed the types of changes that trigger the need for a new EIR.

The motion carried by the following roll call vote:

AYES: Harper, Dwyer, Hansen, Carchio, and Bohr  
NOES: Shaw, and Boardman

After the hour of 11:00 PM, City policy dictates that Council vote on whether or not to continue to conduct business. With that in mind, a motion was made by Dwyer, second Bohr to continue the meeting after the hour of 11:00 PM. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: None

#### ADMINISTRATIVE ITEMS

##### 16. Approved Main Street and Ellis Avenue Intersection Modification Concept Development

A motion was made by Bohr, second Carchio to direct staff to develop the project concept, identify an appropriate funding source and include the costs of processing consideration of the project in the upcoming FY 2012/13 budget. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: None

#### ORDINANCES FOR INTRODUCTION

17. Continued to May 7 introduction of Ordinance No. 3938 amending Chapter 7.12 of the Huntington Beach Municipal Code relating to Miscellaneous Animal Care and Control by prohibiting the sale of dogs and cats by a retail commercial establishment

City Attorney McGrath and Councilmember Harper discussed the impacts to commercial establishments, online sales, how the identified \$100 fine applies to sellers, not buyers, and how the ordinance impacts adoption displays/rescue operations in commercial establishments.

Mayor Pro Tem Dwyer expressed support for modifying the ordinance to prohibit the sale of puppy mill dogs, but not necessarily ban the sale of dogs altogether.

Councilmember Shaw proposed that two existing businesses (Pets Pets Pets and Animal Kingdom) be granted a 2-year grandfathering period that would transition them into the adoption model type of business. He held a conversation with the owners of Pets Pets Pets and Dr. Kohl about the options available to existing business owners to keep them operational.

Councilmember Boardman clarified any adopted ordinance should not affect adoption efforts in major retailers like Petco and Petsmart.

Councilmember Bohr expressed his support for banning retail sales of dogs and cats in commercial establishments and encouraging the public to obtain domestic pets through rescue shelters.

A motion was made by Shaw, second Carchio to continue to May 7 and bring back a modified ordinance that includes recommendations by Dr. Kohl to create guidelines that reflect discussions regarding in-store adoptions, adoption business model, and 2-year phase-out of selling dogs and cats for two existing retail businesses in Huntington Beach. The motion carried by the following roll call vote:

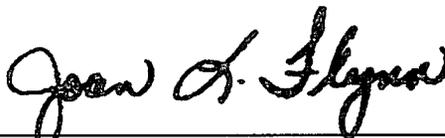
AYES: Shaw, Bohr, Carchio, and Boardman  
NOES: Harper, Dwyer, and Hansen

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Mayor Pro Tem Dwyer, Councilmembers Carchio, Bohr, and Boardman, and Mayor Hansen.

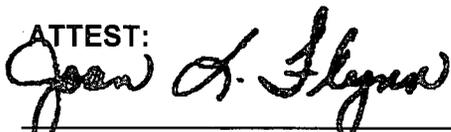
ADJOURNMENT OF THE CITY COUNCIL AND PUBLIC FINANCING AUTHORITY REGULAR MEETING - At 12:06 AM on April 17, 2012 to the next regularly scheduled City Council/Public Financing Authority meeting of Monday, May 7, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

ADJOURNMENT OF THE SUCCESSOR AGENCY SPECIAL MEETING – At 12:06 AM on April 17, 2012 to a date uncertain.

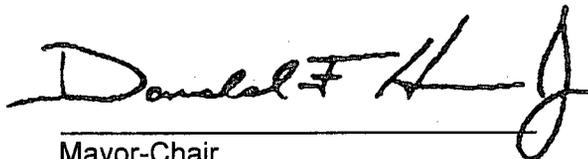


City Clerk and ex-officio Clerk of the City Council/Successor Agency of the City of Huntington Beach, Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



City Clerk, PFA Secretary,  
Successor Agency Clerk



Mayor-Chair