

**Minutes
City Council/Public Financing Authority
City of Huntington Beach**

Monday, May 7, 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 4:30 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/**

4:00 PM – ROOM B-8

Due to a lack of quorum, the City Clerk recessed to 4:30 PM in Room B-8.

4:30 PM - ROOM B-8

CALL TO ORDER - 4:32 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

A PowerPoint communication entitled *Circulation Element Update* provided by Travis Hopkins, Director of Public Works, and Scott Hess, Director of Planning and Building.

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

STUDY SESSION

1. Status of Circulation Element Update. The Circulation Element Update evaluates the long-term transportation needs of the City and presents a Comprehensive Plan to accommodate those needs.

Director of Public Works Travis Hopkins introduced Transportation Manager Bob Stachelski to present a PowerPoint entitled *Circulation Element Update*, with titled slides: Background, Milestones, Issues, Banning/19th Street Bridge, Bicycle Master Plan, Alternative Transportation, Major Changes, Technical Administrative Reports (TAR), Level of Service (LOS) Standards,

Highway Plan Changes, MPAH Changes, and 19 Intersections Needing Long-Term Improvements.

Senior Planner Ricky Ramos continued the presentation with the following titled slides: Next Steps, Tentative Schedule, and Public Participation.

Mayor Hansen suggested correcting an OCTA meeting date from May 21 to May 14 identified on the Banning/19th Street Bridge slide.

Mayor Pro Tem Dwyer and Manager Stachelski discussed lowering the Level of Service (LOS) standard to E at certain critical intersections. Director Hopkins commented on future public right-of-way issues, and Manager Stachelski described development components that trigger an EIR vs. Mitigated Negative Declaration.

Councilmember Boardman and Manager Stachelski discussed what defines an intersection as critical.

Councilmember Carchio, Manager Stachelski, Mayor Hansen and Mayor Pro Tem Dwyer discussed how reducing the LOS will be received by home/property owners near the identified intersections.

Councilmember Harper and Manager Stachelski discussed deleting Hamilton Avenue's connection to Beach Blvd.

Councilmember Bohr and Manager Stachelski discussed possible and probable improvements at Pacific Coast Highway and Warner Avenue.

Councilmember Dwyer and Manager Stachelski discussed how the critical intersections listed represent conditions in year 2030, having to wait for several intersection cycles at Main Street and Pacific Coast Highway, and prioritizing intersections by severity level.

Councilmember Carchio and Manager Stachelski discussed placement of jug handles at Pacific Coast Highway and Warner Avenue.

Mayor Hansen provided thoughts on the outstanding appeal of the 19th Street Bridge removal from the Master Plan of Arterial Highways (MPAH).

RECESS TO CLOSED SESSION - 5:14 PM

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

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

CLOSED SESSION

2. 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.

3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.

4. 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]: A recent accident, disaster, incident, or transactional occurrence which may result in litigation against the City. The facts or circumstances are not specified because they are unknown to the potential plaintiffs. [Gov't Code § 54956.9(b)(3)(A).]

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING - 6:05 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Pro Tem Dwyer

INVOCATION - Delivered by Reverend Peggy Price, Huntington Beach Interfaith Council

AWARDS AND PRESENTATIONS

Announcement: As part of the City's Human Relations Task Force recognition of federal diversity months, Mayor Hansen announced that May is both Asian/Pacific American Heritage Month and Older Americans Month.

Presentation: Mayor Hansen presented a proclamation to Jim Powers and Dan Hazard recognizing May as National Bike Month.

Presentation: Mayor Hansen recognized Public Works employees Jesus Hurtado and Albert Zuniga, both Water District Maintenance Leadworkers, who were on their way home when they discovered a sunken manhole that turned out to be a dangerous sinkhole below the asphalt.

Announcement: Mayor Hansen called on Huntington Beach Marketing and Visitors Bureau Chairman Marco Perry to announce National Tourism Month.

Presentation: Mayor Hansen and Mayor Pro Tem Dwyer presented a proclamation to Pastor Bob Ewing in honor of his twenty years of service at the First Christian Church in Huntington Beach.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn acknowledged receipt of supplemental communications related to the Public Hearing portion of the agenda that would be announced during that portion of the meeting.

Communications for Ordinance for Introduction Item No. 15 (banning the sale of cats and dogs): Jerry L. Wheeler, Sr. IOM, President/CEO of the Huntington Beach Chamber of Commerce, Laura, Cheryl Zweber, Greg Davidson, Tracy Giggs, Brent Hess, DVM, Garden Grove Dog & Cat Hospital, Justin Humble, Gerald D. Manning, Jeanette Masters, David Perlitz, Bonnie Saavedra, and a six-page petition opposing the proposed ordinance banning sale of cats and dogs.

PUBLIC COMMENTS

(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/>).

Ralph Bauer spoke regarding the proposed Senior Center in Huntington Central Park. (00:18:42)

Karen Chepeka spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance.

Travis Allen announced his candidacy for the 72nd Assembly District in Orange County. (00:22:05)

Dan Di Giacomo, owner of Russo's Pets, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:24:39)

Debbie Bent spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:27:53)

Diane Amendola spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:31:04)

Anonymous speaker regarding his impression of Brown Act violations during Council meetings. (00:34:34)

Tammy Colbert spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:35:54)

Mort Evans spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:37:00)

Ann Patrick spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:39:16)

Jerry Wheeler, CEO of the Huntington Beach Chamber of Commerce, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:41:09)

Patricia Schempp spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:43:46)

Donna Brandt, Vice President, Therapeutic Riding Center, announced an open house and *Operation Free Ride - Horses for Heroes*, an event scheduled for May 19 from 2:00 PM to 6:00 PM at the Riding Center. (00:44:55)

Councilmember Carchio thanked Ms. Brandt, and indicated he would forward the information to the United States Army Advisory Board.

Robert Schempp spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:47:38)

Ann Anderson, Huntington Beach Tree Society, showed a videotaped presentation that highlighted Arbor Day activities this year in Huntington Beach. (00:48:28)

Jean Nagy, President of the Huntington Beach Tree Society, spoke regarding the Society's Arbor Day Event in 2012, and about photosynthesis. She closed by requesting that Council consider including a water truck for trees in the next annual budget. (00:52:16)

Elizabeth Oreck, Best Friend's Animal Society, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:54:43)

Cheryl Bernstein spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:57:28)

Evelyn Oynebraaten spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:58:40)

Jeanne Smolinski spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (00:59:21)

Alicia Koberstein spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:00:22)

Julie Curran Meskell and Patsy Hare spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:03:37)

Lorik Bernstein spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:04:44)

Dina Kourda, OC Chapter Chair, Animal Protection and Rescue League, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. distributed letter to Council. (01:05:24)

Dave Simon, Animal Protection and Rescue League, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:07:41)

Katie Maneeley spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance, and supplied a videotaped presentation on puppy mills. (01:10:55)

Dale Bartlett, Humane Society of the United States, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:12:54)

Robert Wentzel spoke regarding Consent Item No. 4 - Sole Source Purchase of Replacement Firefighter Turnouts. (01:13:40)

Pamela Meadows spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:15:07)

Karyn King, Southern California Golden Retriever Rescue, spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:16:25)

Hans Berg, Sullivan Solar Power, spoke regarding solar power and a program that provides incentives to Huntington Beach residents. (01:17:57)

Gisella Brett spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:20:02)

Rene Karapedian spoke regarding Ordinance for Introduction Item No. 15 - Animal Care and Control Ordinance. (01:24:23)

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

Councilmember Carchio attended the League of Cities General Membership Meeting on April 19, U.S. Army Future Soldiers Event at Zacks Too on April 28, and the 36th Annual Peace Officers' Memorial Ceremony in Sacramento on May 7.

Mayor Pro Tem Dwyer met with State representatives in Washington DC to discuss transportation legislation.

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

CITY MANAGER'S REPORT

Manager Wilson acknowledged the Finance Department staff and Finance Director Lori Ann Farrell for receiving the *Distinguished Budget Presentation Award*.

CITY TREASURER'S REPORT

1. Received and Filed the City Treasurer's March 2012 Investment Summary Report

City Treasurer Alisa Cutchen provided a PowerPoint entitled *City Treasurer's Report, March, 2012*, with titled slides: City Portfolio at March 31, 2012, Book Value by Investment Type, Monthly Earnings, Effective Rate and Benchmark - In Compliance / NO LOSSES, Huntington

Beach Portfolio Sector Heap Map 03/30/12, FDIC - Insured Corporate Bonds to Mature 2012, Balance of Risk and Reward, and Questions.

A motion was made by Carchio, second Dwyer to receive and file the Monthly Investment Report for March 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

CONSENT CALENDAR

2. Approved and adopted minutes

A motion was made by Carchio, second Boardman to Approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting and Successor Agency Special Meeting of April 16, 2012. The motion carried by the following roll call vote:

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

3. Received and Filed the City Treasurer's February 2012 Investment Summary Report

A motion was made by Carchio, second Boardman to receive and file the Monthly Investment Report for February 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

4. Approved Sole Source purchase of replacement Firefighter Turnouts

Mayor Pro Tem Dwyer pulled the item for separate discussion to allow Fire Chief McIntosh to provide an explanation for sole source procurement of the equipment.

A motion was made by Dwyer, second Harper to approve sole source purchase from Allstar Fire Equipment for replacement firefighter turnouts. The motion carried by the following roll call vote:

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

5. Awarded a construction contract in the amount of \$1,523,365 to R.J. Noble Company for the Maintenance Zone 4, Residential Overlay Project, CC-1417

A motion was made by Carchio, second Boardman to accept the lowest responsive and responsible base bid submitted by R.J. Noble in the amount of \$1,523,365; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by City Attorney; and, appropriate \$632,340 from Prop 42 Fund Balance, Account No. 21990417. The motion carried by the following roll call vote:

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

6. Adopted Resolution No. 2012-20 authorizing submittal of applications to Orange County Transportation Authority (OCTA) for funding for the First Street Diversion SCADA Project and the Northwest Catch Basin Retrofit Project

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-20, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program Under Orange County Local Transportation Ordinance No. 3 for the First Street Diversion SCADA Project and the Northwest Catch Basin Retrofit Project." The motion carried by the following roll call vote:

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

7. Approved and authorized execution of Amendment No. 2 to Professional Services Contract with Colantuono & Levine, PC to provide as-needed legal services

A motion was made by Carchio, second Boardman 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 Colantuono & Levin, PC to Provide As-Needed Legal Services." The motion carried by the following roll call vote:

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

8. Approved and authorized execution of Shuttle Services Agreement with Parking Concepts, Inc. to provide Shuttle Services for the 2012 Surf City Downtown Shuttle Program

A motion was made by Carchio, second Boardman to authorize the City Manager to execute the "Shuttle Services Agreement" between the City and Parking Concepts, Inc. that has been approved to form by the City Attorney; and, authorize the City Manager, or his designee, to execute any other related documents to the Shuttle Services Agreement. The motion carried by the following roll call vote:

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

PUBLIC HEARING

(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/>).

9. CONTINUED TO JUNE 4, 2012 - Revise the City's Existing Development Impact Fees by adopting Resolution No. 2012-23 and Ordinance Nos. 3942 through 3947

Bob Hall, Deputy City Manager presented a PowerPoint entitled *Development Impact Fee Study and Nexus Report*, with title slides: Background, Chronology, Report Content, Amended Report, Recommendation, Proposed Fees, Development Impact Fees (Effective 7/20/2012),

Development Impact Fees (Effective 7/20/2013), Development Impact Fees (Effective 7/20/2014), Current vs. Proposed Agency Comparables, Implementation & Applicability, Projects in the Works, All New Projects, Example Project Scenarios, Project #1 200 Unit Apartment Complex, Project #2 50 Single Family Detached, Project #3 150 Room Hotel (200,000 SF), Project #4 40,000 SF Commercial (Shopping Center), Summary, and Questions.

Mayor Hansen opened the public hearing.

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

Communication received from Bob Hall, Deputy City Manager, dated May 7, 2012 recommending an amendment to Resolution No. 2012-23.

PowerPoint communication received from Bob Hall, Deputy City Manager, dated May 7, 2012, and entitled *Development Impact Fee Study and Nexus Report*.

Communication received from Jerry L. Wheeler, Sr. IOM, President/CEO of the Huntington Beach Chamber of Commerce, dated May 4, 2012, regarding the proposed new Development Impact Fees.

Communication received from Bryan Starr, CEO of the BIA, Orange County Chapter, dated May 4, 2012, regarding the proposed new Development Impact Fees. Communication received from Kate Klimow, Vice President, Government Affairs of the Orange County Business Council, dated May 7, 2012, regarding the proposed new Development Impact Fees.

Communications received during the meeting included:

Communication received by Mayor Pro Tem Devin Dwyer, a matrix entitled *Development Impact Fee Comparison Current vs. Proposed (Dwyer)*.

Memorandum received from Kenneth Keefe, Group Vice President, Archstone, dated May 7, 2012 regarding Proposed Development Fee Impact Increase.

Faxed correspondence received from John A. Ramirez, Rutan & Tucker, LLP dated May 7, 2012 regarding adoption of Development Impact Fees Resolution (Resolution No. 2012-23) and Ordinances Amending and/or Adding Chapters of the Huntington Beach Municipal Code Regarding Police, Fire, Traffic Impact, Library, and Parkland Acquisition/Park Facilities Development Impact Fees, and General Provisions Relating Thereto (Ordinances Nos. 3942-3947, respectively).

Kate Klimow, Vice President of Government Affairs, Orange County Business Council, spoke in opposition to revising the City's existing development impact fees and requested that Council conduct further study to ensure compliance with the City's own 10-point business plan.

Jerry Wheeler, CEO Huntington Beach Chamber of Commerce, spoke in opposition to the item by voicing concerns about the proposal's possible negative impact to tourism. He requested that Council delay a decision for at least thirty days to allow stakeholders the opportunity to study further and consider possible alternatives. (01:57:13)

Mayor Hansen and Mr. Wheeler discussed more involvement by hotel properties.

Bryan Starr, Chief Executive Officer, Building Industry Association of Orange County, provided support for certain elements of the staff recommendation, but also recognized perceived inconsistencies in the associated Nexus Study that he felt needed to be addressed before making a decision. (02:00:11)

Richard Lampert, Executive Vice President for Archstone, spoke on behalf of Archstone's Ken Keefe about the status of a development currently in process, and how the proposal, if approved, would increase fees by approximately \$6M and render the property unfeasible to develop. (02:02:10)

George Psaros, Huntington Beach landowner, spoke on behalf of Rick Pedigold about a parcel located within the Beach/Edinger Corridor Specific Plan and how the proposal's increased fees may prevent quality development from occurring at that location. He requested Council consider grandfathering this development. (02:04:50)

Helen Psaros, Huntington Beach landowner, spoke regarding joining parcels with Rick Pedigold for development purposes, and how the current proposal will cause the property owners to pay double in development impact fees. (02:07:20)

Tom Grable with Tri-Point Homes discussed Tri-Point's involvement in developing the Wardlow School and Lamb School sites and the positive participation of stakeholders to create the proposed development impact fee increase. He provided support for the staff recommendation. (02:09:20)

Mayor Pro Tem Dwyer and Mr. Grable discussed how the proposed increase would not negatively impact Tri-Point Homes for the type of development proposed at the school site locations.

Brandon Johnson, speaking on behalf of an unnamed Huntington Beach property owner who is currently out of state, opposed the item because the proposed fee increase would not allow a proposed project to move forward. (02:11:44)

In response to Councilmember Boardman, Mr. Johnson explained that the project he mentioned involves 4 acres on Main Street and is located within the Downtown Specific Plan.

Mike Winters spoke about the Boardwalk Project being grandfathered in and not subject to proposed fee increases. He described the Boardwalk's location within the Beach/Edinger Corridor Specific Plan, and thanked staff for considering their concerns. (02:14:24)

Mayor Pro Dwyer and Mr. Winters discussed the former Levitz property, and how grandfathering the Boardwalk Project makes the development feasible.

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

A motion was made by Hansen, second Carchio to return with modified ordinances for first reading on June 4 that impose all new fees (at 90%) to be effective on July 20, 2014, and excludes motel/hotel fees (Items 12 and 13) from new rates.

Councilmembers Bohr and Boardman voiced concerns about lost revenue (\$16.5M in impact fees) if the City decides to wait until July 2014 to impose new fees.

Mayor Pro Tem Dwyer, Mr. Starr and Mr. Wheeler discussed how the proposed fees would impact single-family developers, and how removing motels and hotels from the proposal shows merit.

The motion failed by the following roll call vote:

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

A motion was made by Boardman, second Shaw to adopt Resolution No. 2012 – 23 **as amended by supplemental communication**, "A Resolution of the City Council of the City of Huntington Beach Adopting the Development Impact Fee Calculation and Nexus Report for the City of Huntington Beach, and Establishing New and Revised Development Impact Fees For All Development Within the City;" and, adopt Ordinance No. 3942, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 17.75 Relating to Development Impact Fees for Police Facilities;" and, adopt Ordinance No. 3943, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 17.74 Relating to Development Impact Fees for Fire Facilities;" and, adopt Ordinance No. 3944, "An Ordinance of the City of Huntington Beach Amending Chapter 17.65 of the Huntington Beach Municipal Code Relating to Traffic Impact Fees;" and, adopt Ordinance No. 3945, "An Ordinance of the City of Huntington Beach Deleting Chapter 17.66 of the Huntington Beach Municipal Code and Adding Chapter 17.67 Relating to Library Development Impact Fees;" and, adopt Ordinance No. 3946, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 17.76 Relating to Parkland Acquisition and Park Facilities Development Impact Fees;" and, adopt Ordinance No. 3947, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 17.73 Relating to the General Provisions for Development Impact Fees." The motion failed by the following roll call vote:

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

A motion was made by Harper, second Hansen to continue with public hearing closed to June 4 and bring back for consideration modified ordinances that capture three identified options (staff recommendation, Mayor Pro Tem Dwyer's proposal - four step increment to 100%, and Mayor Hansen's proposal - impose all new fees (at 90%) effective July 20, 2014, excluding new motel/hotel fees (Items 12 and 13). The motion carried by the following roll call vote:

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

10. Adopted Resolution No. 2012-24 approving General Plan Amendment No. 11-002; and, approved for introduction Ordinance No. 3949 approving Zoning Text Amendment No. 11-002 removing the Housing Designation on the Project Site (The Skate Park Project)

Associate Planner Tess Nguyen provided a PowerPoint presentation entitled *The Skate Park Project - General Plan Amendment No. 11-002 Zoning Text Amendment No. 11-002*, with titled slides: Request - GPA, Request - ZTA, Project Site, General Plan Amendment, Zoning Text Amendment, and Recommendation.

Mayor Hansen opened the public hearing.

Ryan Barbish spoke in favor of the proposal. (03:21:12)

Keith Culver spoke in favor of the proposal. (03:21:46)

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

A motion was made by Shaw, second Bohr to approve General Plan Amendment No. 11-002 by adopting Resolution No. 2012-24, "A Resolution of the City of Council of the City of Huntington Beach Approving General Plan Amendment No. 11-002;" and, approve Zoning Text Amendment No. 11-002 with findings for approval and after the City Clerk reads by title, adopt Ordinance No. 3949, "An Ordinance of the City of Huntington Beach Amending the Beach and Edinger Corridors Specific Plan District 2.1.4 Town Center - Neighborhood Segment by Removing the Residential Designation from Property Listed as (APN # 142-073-03);" and, approve CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 10-009. The motion carried by the following roll call vote:

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

11. Approved for introduction Ordinance No. 3950 approving a 5-year extension of time to the existing Amended and Restated Development Agreement with Mayer Financial, LP and The Waterfront Hotel, LLC for the Waterfront Development adopted on October 21, 1998

Ethan Edwards provided a PowerPoint presentation entitled *Waterfront Development Agreement*, with titled slides: Project Site, Request: DA No. 11-002, Planning Commission, Analysis, and Staff Recommendation.

Mayor Hansen opened the public hearing.

Shawn Millbern, Robert Mayor Corporation, stated he was available for questions. (03:27:23)

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

A motion was made by Boardman, second Shaw to after the City Clerk reads by title, approve for introduction Ordinance No. 3950, "An Ordinance of the City of Huntington Beach Adopting the First Amendment to Amended and Restated Development Agreement By and Between City of Huntington Beach, Mayer Financial, L.P., and the Waterfront Hotel, LLC" approving a 5-year extension of time to the existing Amended and Restated Development Agreement for the Waterfront Development adopted on October 21, 1998. The existing Development Agreement is set to expire on October 21, 2013 and the 5-year extension would permit the Development Agreement to expire on October 21, 2018. The motion carried by the following roll call vote:

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

NOES: None

ADMINISTRATIVE PUBLIC HEARING

12. Conducted Administrative Public Hearing for Annual Weed Abatement Program

Mayor Hansen opened the Public Hearing.

Shannon Armond, National Abuse Prevention Council, objected the lien on her property on Los Patos and requested a special meeting be set up to discuss the disposition of her fees.
(03:29:20)

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

A motion was made by Bohr, second Carchio to authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance (removal of weeds, refuse, and rubbish). The motion carried by the following roll call vote:

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

ORDINANCES FOR INTRODUCTION

13. Approved for introduction Ordinance No. 3939 revising Municipal Code Chapter 17.56 regarding fireworks sale and discharge preventing a conflict with the Fire Code

Fire Chief McIntosh explained that ordinance revision prevents a conflict between the Fire Code which prohibits the use of all fireworks, and the recently adopted Chapter 5.90 of the Municipal Code which allows for the sale of "safe and sane" fireworks.

A motion was made by Hansen, second Carchio to after the City Clerk reads by title, approve for introduction Ordinance No. 3939, "An Ordinance of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Huntington Beach Fire Code." The motion carried by the following roll call vote:

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

14. Approved for introduction Ordinance No. 3940 amending Huntington Beach Municipal Code (HBMC) Chapter 8.40 relating to Noise Control

Planning and Building Director Scott Hess explained that the ordinance creates a permit process that will allow deviation from certain noise requirements, and exempt multi-family residential from noise standards in line with other jurisdictions along arterials.

A motion was made by Carchio, second Bohr to after the City Clerk reads by title, approve for introduction Ordinance No. 3940, "An Ordinance of the City of Huntington Beach Amending Chapter 8.40 of the Huntington Beach Municipal Code Relating to Noise Control."
The motion carried by the following roll call vote:

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

15. Approved for introduction Option 2, Ordinance No. 3941 amending Chapter 7.12 of the Huntington Beach Municipal Code relating to Miscellaneous Animal Care and Control by retail commercial establishments

City Attorney Jennifer McGrath explained differences between Ordinance Options 1 and 2, and indicated that she met with interested parties and received subsequent support for Option 2 (Ordinance No. 3941).

Councilmember Carchio thanked the City Attorney and voiced support for Ordinance No. 3941.

Mayor Pro Tem Dwyer expressed concerns about small business owners not being provided enough time to participate in this process.

Councilmember Shaw described citizen support for Ordinance No. 3941 (Option 2), and the compromise reached between the City and retail business owners. He also recognized Councilmember Carchio for his efforts to prevent cruelty to animals.

Councilmember Harper shared thoughts on why he would not support Option 2 as proposed.

Councilmember Bohr voiced concerns about the owner of Pets Pets Pets admitted obtaining dogs from the Hunt Company, a known puppy mill offender.

Councilmember Boardman shared concerns about collecting revenue from any business tied to a puppy mill business.

Councilmember Harper voiced concerns about pet shop owners reaching a compromise under perceived duress, and reminded Council of the 10-Point Business Plan Objectives.

Councilmember Carchio expressed concerns about his constituents not being more concerned about the ill treatment of animals.

Mayor Pro Tem Dwyer expressed love for his pets, but in his opinion, stated that the ban will not solve the puppy mill problem when pet store owners are still permitted to sell animals online, suggesting that the issue should be dealt with at the Federal level.

A motion was made by Carchio, second Shaw to after the City Clerk reads by title, approve for introduction Ordinance No. 3941 (Option 2), "An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to Miscellaneous Animal Care and Control," prohibiting the sale of dogs and cats unless obtained from a shelter, humane society, or rescue organization. The motion carried by the following roll call vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Dwyer discussed his participation in Youth in Government Day (April 18), attending the Orange County GIS User Group Meeting (April 19), and announced that on May 19 the Art Center will host an exhibition entitled *Contemporary Traditionalist*.

Councilmember Harper attended Eagle Scout Court of Honor for Cole Clenwright (April 28), Hayden Morell Polhamus (May 6), and SCAG (May 3).

Councilmember Carchio participated in Youth in Government Day (April 18), attended the Turning-on Party for the new Huntington Beach Auto Dealers' Reader Board Sign (April 18), Council on Aging - Senior Services Volunteer Appreciation Luncheon (April 19), Sandy's Beach Grill 2nd Anniversary Party (April 20), Bella Terra Costco Grand Opening Dinner and Costco VIP Party (May 1), Chili Cook-Off for Relay for Life (May 3), Grand Opening of STUFFED (May 4), Derby Day (May 5), and participated as a judge at the Taste of Huntington Beach (April 29).

Councilmember Bohr attended Taste of Huntington Beach (April 29), Costco VIP Party (May 1), and Peter's Landing Farmer's Market.

Councilmember Boardman attended OCTA Bike Festival (April 29), the Costco VIP Party (May 1), Grand Opening of STUFFED (May 4), and Taste of Huntington Beach (April 29).

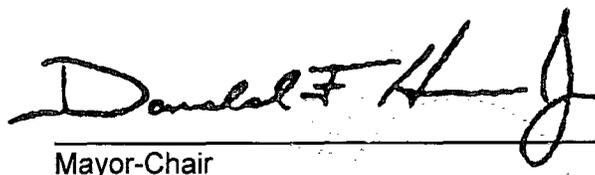
Mayor Hansen attended the Council on Aging - Senior Services Volunteer Appreciation Luncheon (April 20), Helping Hands Community Service Day (April 28), Costco VIP Party (May 1), GHBIC National Day of Prayer Celebration (May 3), Relay for Life Chili Cook-off (May 3), Relay for Life Huntington Beach (May 5-6), Bolsa Chica Conservancy's Center for Coastal Ecology (May 5), and judged a local car show.

ADJOURNMENT at 10:15 PM to the next regularly scheduled meeting of Monday, May 21, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, Secretary of the Huntington Beach Public Financing Authority of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair