

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

**Monday, November 19, 2012
4:30 PM – Closed Session
6:00 PM – Regular Meeting
Council Chambers Civic Center, 2000
Main Street Huntington Beach,
California 92648**

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agengas/**

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to an anticipated lack of quorum and no Study Session.

4:30 PM – Council Chambers – Closed Session
6:00 PM – Council Chambers – Regular Business Meeting

CALL TO ORDER – 4:35 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 there was no receipt of communications related to the Closed Session received by her office following distribution of the Council agenda packet.

PUBLIC COMMENTS PERTAINING TO SIX (6) CLOSED SESSION ITEMS (3 Minute Time Limit) - None

RECESS TO CLOSED SESSION – 4:36 PM

By consensus, the City Council recessed to Closed Session.

CLOSED SESSION

1. Pursuant to Government Code § 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.
2. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Omnipoint Communications, Inc. (T-Mobile) v. City of Huntington Beach, United State District Court Case No. CV09-3777 RGK, Ninth Circuit Case Nos. 10-56877 & 10-56944, which involves T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park.
3. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Pacific Mobile Home Park, LLC v. City of **Huntington Beach**

(Atlanta Widening Project), Orange County Superior Court Case No. 30-2011-00449749, Court of Appeal Case No. G047327, challenging the City's adoption of a mitigated negative declaration under CEQA for the Atlanta Avenue Widening Project.

4. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, 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.
5. Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits: Anita J. Newman v. City of Huntington Beach, Orange County Superior Court Case No. 30-2010-00405526. In this case, a bicyclist claims she was hit by a parking control gate near the Huntington Beach Lifeguard Headquarters.
6. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Rene Voss v. City of Huntington Beach, WCAB Case No. ADJ7974558, Claim No. COHB-11-0128.

6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY

City Attorney Jennifer McGrath reported that as to T-Mobile West Corporation v. City of Huntington Beach, United State District Court Case No. CV 10-2835, by a vote of 7 – 0, Council voted not to appeal the judgment of the court to issue T-Mobile permits to install a mobile phone antenna inside an existing bell tower at Community Methodist Church located at 6666 Heil Avenue.

In the case of Pacific Mobile Home Park, LLC v. City of Huntington Beach (Atlanta Widening Project), Orange County Superior Court Case No. 30-2011-00449749, Court of Appeal Case No. G047327, by a vote of 7 – 0, Council voted in closed session to abandon the appeal to challenge the City's adoption of a mitigated negative declaration under CEQA for the Atlanta Avenue Widening Project.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Wolf Den Pack 435

INVOCATION – Presented by Mayor Hansen

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

AWARDS AND PRESENTATIONS

Mayor Hansen announced November as National Native American Heritage Month as part of the city's Human Relations Task Force Federal Heritage Month program. The first President to set aside a month to commemorate the indigenous people of our country was President George H. W. Bush in 1990. Since that time, the month has been proclaimed by each of our Presidents. In support of the Federal Heritage program, the City Council recognized the contributions and accomplishments of our Native American community, who continue to shape our nation and contribute to the rich diversity that is our country's

strength.

Mayor Hansen called on Kenneth Inouye, Minzah Malik and Veronica Nguyen from the Orange County Human Relations Commission to present the annual report and activity in Huntington Beach for the past year. They thanked the City and Council for all the good work done on behalf of human relations. Mr. Inouye addressed challenges faced by many cities and provided information regarding the Commission and its activities. Representatives Malik and Nguyen provided information regarding the services offered by the Commission, specifically within the City of Huntington Beach. They presented Mayor Hansen with a certificate of appreciation for the City's support of the organization and Mayor Hansen expressed appreciation on behalf of the City and Council for the Commission's work.

Mayor Hansen referenced changes in leadership in various cities because of term limits and acknowledged the attendance of and introduced former City of Fountain Valley Mayor and Councilmember Larry Crandall.

Mr. Crandall presented the City with a painting of Huntington Beach Harbour from local artist Ted Crain. Mayor Hansen expressed his appreciation on behalf of the City.

Mayor Hansen invited Calvin Free to the podium, and he presented a brief history of the Huntington Harbour Boat Parade and addressed the schedule. Mayor Hansen presented a commendation to representatives of the Huntington Harbour Boat Parade in honor of their 50th Anniversary.

Mayor Hansen recognized Matt Liffering, who has been most helpful during his year as Mayor. He was presented with the Mayor's Award in recognition of his outstanding work for the City and the community.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Consent Calendar

- #5. Communication was received from Susan Welfringer, Downtown BID Manager
- #14. & #18. Communication from Michelle Warren, Director of Human Resources, both of which would affect recommended actions as they are replacement pages for the recommended actions.

Councilmember Items

- #27. Comments were received from Carolyn Mathews and Ronald Landau.
- #28. Communications were received from Lindsey White-Dasher, Sherry Mitchell-Marcotte, Merle Moshiri, Randi Feilich, Carolyn Matthews, Ronald Landau and Diane Amendola,

PUBLIC COMMENTS (3 Minute Time Limit)

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

Mayor Hansen opened the Public Comments section of the meeting and invited those interested in addressing Council to do so at this time.

Steven Daniel, Owner of the Rocky Mountain Chocolate Factory and Vice President of the Downtown

BID, introduced new BID Manager Susan Welfringer and thanked the City and Council for its efforts in creating a good downtown environment. He invited the public to attend the upcoming Tree Lighting Ceremony. (00:21:00)

Susan Welfringer, BID Manager, commented positively on working with City staff and thanked Council for its efforts to support downtown. She addressed a consent item for two-hours of free parking in a coupon book that will be distributed throughout the community. She invited the community to the Main Street Tree Lighting Ceremony. (00:21:49)

Aaron Pai commented on his history in Huntington Beach and spoke in regards to the issue of coyotes, noting that they are the true locals of the City and felt that they enhance the experience of living in the City of Huntington Beach. He voiced opposition to trapping and killing coyotes and suggested spending money and time in education and awareness. Additionally, he thanked outgoing Mayor Hansen for his hard work and all he has done for the City as well as Council Members Dwyer and Bohr for their efforts in improving the City. (00:23:27)

Mel Malkoff, Malkoff and Associates, representing a newly-formed group, "Demand a Safe Harbour" (DASH), in direct response to the proposed Harmony Cove project. He addressed Item No. 10 on the Consent Calendar and stated that the license should not be considered as a stand-alone approval as it is an integral part of the marina project. He requested that Item No. 10 be pulled from the Consent Calendar and acted as part of the Public Hearing process under Item No. 21 of the agenda. (00:26:28)

Barbara Beck commented on Items 27 and 28, noting that she embraces the proposal under Item No. 27 asking that it be amended for one item, to allow for the day-time feeding of feral cats only and that feeding bowls and water be collected before the end of daylight. Regarding Item No. 28, she did not feel this is a solution to the problem addressing unintended victims of wildlife and family pets. She agreed with increasing education and awareness. (00:27:57)

Jim Adams, representing the Los Angeles and Orange County Building and Construction Trade Council, thanked Council for its work and efforts. In addition he announced that the Union will be participating in the upcoming Union Sportsmen Alliance and the Bolsa Chica Land Trust in the Wetlands Trail Maintenance Project and encouraged the public to participate. In the future, he would like to address Council regarding the replacement of curbs and gutters, sidewalk replacement and asphalt noting that the project has potential for job creation and offers career opportunities. (00:29:54)

Sandy Ridout commented on the subject of coyotes and felt that residents must learn to live around them and teach them to live around humans. Ms. Ridout commented that trapping and killing them does not work and results in an increase in the coyote population. She spoke in support of hazing and educating the public. (00:31:23)

Marie St. Germain commented on Item No. 27 and her history in managing a feral cat colony in the City using a system of TNR (trap, neuter and return). She hoped that Council would remove the feral cat provision from the item. (00:34:32)

Wendy Tochiara commented on Item No. 27 and her experience with coyotes in the City. She felt that the situation is not safe and that the issue must be addressed. (00:36:17)

Greg Petersen commented on the representation of Police Officers, specifically one who he asserted has been falsely charged by the Chief of Police. He alleged investigations on the Chief of Police, leaking of confidential information to the media and others and trying to use public funds to coerce an officer to take a settlement. (00:38:24)

Randi Feilich, volunteer for Project Coyote, presented information on her organization and urged the City against trapping and killing coyotes noting that the practice is not a solution. She spoke in support of public education and outreach in order to coexist with wildlife and especially, coyotes. She recommended

implementation of a coyote management plan. (00:41:15)

Mary Jo Baretich commented on Items 27 and 28 and addressed methods to keep pets safe from coyotes and deter their presence. She spoke in support of a coyote management plan instead of trapping and killing them. (00:44:23)

Maria Young referenced a petition and commented on Items 27 and 28 in opposition of trapping and killing coyotes. She addressed the importance of the issue and spoke in support of education and awareness and stated that killing does not solve the problems but listed hazing tools that have been proven to work. She urged Council to support the ordinance. (00:45:59)

Randy Young spoke in support of the ordinance, referenced unsuccessful related actions from the City of Carson and newspaper articles and commented in opposition to trapping and killing coyotes. (00:48:25)

Steven Paczko commented on safety hazards related to a local golf course and asked Council to act to install a new net to prevent golf balls from damaging property or residents. (00:51:29)

Councilmember Boardman reported receiving an email informing her that netting will be installed shortly and the City is responding to the concern.

Olga Paczko urged immediate action by Council to eliminate a potentially hazardous situation related to the hazards of wayward golf balls. She referenced a resident petition regarding the issue. She thanked Council for its actions and asked that Council consider suspending the operation of the golf course until the new netting is installed. (00:55:10)

Roberta Buchanan, representing Coyotes in Orange County, commented on Items 27 and 28 requested that the issue regarding feeding wildlife in Orange County continue until it can be incorporated as part of a comprehensive policy to deal with the City's coyote problem. She spoke in support of action to provide immediate relief for a problem that has reached serious levels in this and other communities. She indicated support of multi-jurisdictional measures that would be part of a comprehensive policy for dealing with the problem and felt that this is a public safety issue that needs immediate action. She requested formal data collection, a concerted coordination among jurisdictions and a policy that protects residents. (00:57:55)

The speaker commented on Item No. 28, reported that she has witnessed coyotes and felt that they are not a danger. She agreed with providing education and awareness rather than trapping and killing them. (01:01:07)

Karen Chepeka, president of "Save our Strays" in Huntington Beach, commented on Items 27 and 28 and asked that Council oppose Item 28. She reported that it has been proven that killing coyotes does not resolve the problem, but rather spoke in support of education and hazing. Regarding Item No. 27, she asked Council to support the issue with the exception of feral cats. She noted that a majority are pets that were abandoned by their owners and recommended feeding during the day and removing the food at night. She commended Councilmember Harper for his efforts in protecting animals throughout the years. (01:02:17)

The speaker stated agreement with the previous speaker and spoke in support of education and awareness and for residents being proactive and protecting their pets. She asked that Council support not trapping and killing coyotes. (01:04:12)

Jesse Gossett commented on his history in the area and his and a neighbor's experience with aggressive coyotes. He felt that the problem is getting worse and that the current situation is hazardous to the residents of the City. (01:06:42)

Cindi Jordan showed pictures of cats that have been recently attacked by coyotes. She stated that she

doesn't have a solution but suggested placing warning signs in the area and noted that the issue needs to be addressed. (01:08:47)

Cindi Galey stated opposition of killing the coyotes and suggested increased education and awareness and that there are many other ways to address the issue. (01:11:38)

Jeanne Criss commented on the issue of coyotes and spoke in support of education and awareness rather than trapping and killing them. She addressed the importance of everyone getting involved to resolve the issue. (01:12:54)

Matt Bruce, People for the Ethical Treatment of Animals (PETA), noted that trapping and killing coyotes will not solve the problem and that the City must focus on controlling food sources and making the areas unattractive to coyotes. A ban on feeding wildlife must be enforced and residents must not leave dog and cat food outside or companion animals outside, unattended. He listed other steps to take to correct coyote behavior and empower the community by giving residents control over the situation. (01:15:09)

Valerie Beaver referenced and quoted from the Coyote Management Guidelines from the California State Department of Agriculture. She spoke in support of removal of problem coyotes and submitted a copy of the guidelines for Council review. (01:16:42)

Cheryl Berstein spoke in favor of the ordinance to prevent feeding wildlife and in opposition to trapping and killing coyotes. (01:19:49)

Carolyn Matthews stated her experience of losing a pet because it was killed by a coyote. She spoke in support of increased education and awareness including signage and community outreach and providing information regarding who to call to report coyotes in the area. She complained regarding the lack of a system and distributed a petition. (01:20:02)

Victor Leipzig, former Mayor, spoke in favor of the anti-wildlife feeding ordinance and felt that it is the most important thing that can be done to resolve the City's coyote problems. He suggested the City adopt a comprehensive program to deal with the issue and reported that he belongs to the Audubon Society and offered the services of the organization to the City in developing an ordinance. Mr. Leipzig addressed Consent Calendar Item No. 10 and requested the item be pulled from the Consent Calendar and that a Public Hearing be held on the matter. He thanked outgoing Council Members for their service. (01:24:17)

Brenda Calvillo asked that Council protect the City's wildlife and vote yes on the ban on feeding wildlife and against trapping and killing coyotes. She expressed the importance of having a balance in the ecosystem and spoke in favor of education and community outreach. (01:25:50)

Dina Kourda, Animal Protection and Rescue League, spoke in favor of the anti-feeding ordinance and in opposition to the trapping and killing of coyotes. She noted that trapping and feeding is ineffective and that the solution is to implement educational and outreach programs, including hazing. She offered additional information for Council and the public. (01:28:29)

Desiree Ryan spoke in opposition to trapping and killing coyotes. She suggested posting warning signs. (01:29:33)

Mark Bixby indicated opposition to trapping and killing coyotes noting that it will not work and commented on the feeding of wildlife and did not feel that could be properly enforced. He spoke in support of increasing education and community outreach on the matter. (01:30:46)

John Craney noted that the area is a natural habitat of the coyote, not humans. He opposed trapping and killing coyotes and spoke in support of humane treatment of animals. He offered various suggestions and spoke regarding self-responsibility for pets as well as awareness. (01:32:04)

Karen Coyne spoke against the trapping and killing of coyotes noting that is not the solution to the problem. She indicated support for increasing education and awareness. (01:34:45)

Catherine Johnson commented on the increase in coyote attacks and related an incident suffered by her neighbors who have indicated support for whatever means is necessary to curb the problem. She spoke in support of trapping and euthanizing coyotes in the area for increased public and pet safety. (01:36:42)

Dale Bartlett, on behalf of the Humane Society of the United States, reported there have been two human deaths in history related to coyote attacks. He spoke in opposition to trapping and killing the coyotes, referenced a study related to increase in breeding when they are killed and offered to help with any resources available. He indicated that signage, education and increasing awareness is the solution. (01:38:39)

Lois Waddle, Los Alamitos, addressed the presence and travel paths of coyotes, and noted that they provide balance in the ecosystem. She stated that coyotes are necessary and presented an example of a sign exposing the coyote problem. (01:40:57)

Melanie Shaw opposed trapping and killing coyotes and commented on the need to coexist, educate the public and post warning signs. (01:43:28)

The speaker, a Costa Mesa resident, addressed the importance of collecting data to support evidence and distributed a packet of information for Council review. She reported launching the "Lucky Project" on coyote awareness and spoke on the importance of education. She suggested posting signs and reported conducting a survey of residents in her neighborhood where 68% indicated they had lost pets because of coyotes and quoted from the founder of PETA. (01:46:12)

The speaker voiced support for the ordinance prohibiting the feeding of wildlife in the area. She indicated that whistles don't work to haze coyotes but that air horns do. (01:49:27)

There being no others wishing to address Council, Mayor Hansen closed the Public Comments portion of the meeting.

CITY MANAGER'S REPORT - None

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

Mayor Pro Tem Dwyer reported that the Allied Arts Board Holiday Potluck will be held December 5, 2012 at 7:00 PM at the Arts Center. He encouraged the public to attend, bring their favorite holiday dish and be prepared to sing their favorite holiday songs.

Councilmember Carchio reported that he participated in a fundraiser for the victims of Sandy on November 17, 2012, and thanked everyone who participated including former Mayor Gil Coerper, his wife Louann and the Explorer Scouts from Post 558. He thanked Councilmember Bohr and his son, Duke, City Manager Fred Wilson, Deputy City Manager Bob Hall, and City Clerk Joan Flynn, former Mayor Dave Garofolo, Jeff and Karen Reed, the Huntington Beach Police and Fire Departments and special thanks to Wal-Mart, Sea Legs Wine Bar, Chick-fil-A, Albertson's and Pete from Bon Gusto. He thanked his friend Mike Ali for his generous donations. He encouraged residents to donate if they haven't already done so.

Councilmember Bohr addressed the upcoming Small Business Saturday, Chris McDonald and Peter's Landing Farmers' Market.

Councilmember Boardman reported that she is one of the Council liaisons to the Allied Arts Board and noted that it held its Biannual Arts Awards event at the Hilton, addressed attendants and congratulated

those who received awards and the Allied Arts Board for putting the event together. In addition she reported that she is Council liaison to the Historic Wintersburg Preservation Task Force and commented positively on a recent fundraising event. She thanked the Regency Theater, the Hilton and the Huntington Beach Auto Dealers' Association for their support.

Councilmember Harper thanked the Mayor along with other Mayors in the second district for selecting him for the Board of Directors for the OCTA. Also selected was Mayor Pro Tem Gary Miller of Seal Beach and ten other positions were selected. He congratulated Councilmember Carchio on being named to the Waste Management Commission.

CONSENT CALENDAR

Consent Calendar Item No. 7 was pulled by Councilmember Bohr for separate consideration.

Consent Calendar Item No. 10 was pulled by Mayor Hansen for separate consideration.

Consent Calendar Item No. 11 was pulled by Councilmember Bohr for separate consideration.

1. Strategic Plan Update Received and Filed

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

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

2. Requested to appoint Fire Chief as Board Member and Deputy City Manager as Alternate to Metro Cities Fire Authority Joint Powers Authority

A motion was made by Carchio, second Dwyer to appoint Fire Chief Patrick McIntosh as the City's Board Member to the Metro Cities Fire Authority Joint Powers Authority, and Deputy City Manager Bob Hall as Alternate Board Member. The motion carried by the following vote:

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

3. Approved City's response to the Orange County Grand Jury Report on Emergency Medical Response in Orange County

A motion was made by Carchio, second Dwyer to approve and authorize the Mayor and City Manager to sign communication addressed to The Honorable Thomas J. Borris, Presiding Judge of the Superior Court of Orange County, in response to the findings and recommendations in the 2011-2012 Orange County Grand Jury report on Emergency Medical Response in Orange County. The motion carried by the following vote:

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

4. Approved and authorized execution of a Property Acquisition Agreement for an Encyclopedia Parcel in Central Park

A motion was made by Carchio, second Dwyer to approve and authorize the Mayor and City Clerk to execute the "Agreement for Acquisition and Escrow Instructions," and, authorize the City Manager to execute any other related escrow documents. The motion carried by the following vote:

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

5. Adopted Resolution No. 2012-78 approving a promotional program providing two-hours free parking at the Main Promenade Parking Structure during the Holiday Season

A motion was made by Carchio, second Dwyer to adopt Resolution 2012-78, "A Resolution of the City Council of the City of Huntington Beach Authorizing a Promotional Program of Two-Hour Free Parking in the Main Promenade Parking Structure With Merchant Coupons Valid From November 23, 2012, Through January 1, 2013." The motion carried by the following vote:

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

6. Approved Temporary Construction Easement from the Ocean View School District for the Safe Routes to School Project at Golden View School

A motion was made by Carchio, second Dwyer to approve and authorize the Director of Public Works to execute and accept the Temporary Construction Easement from the Ocean View School District (Grantor) to the City of Huntington Beach (Grantee) for the construction of Safe Routes to School improvements at the southwest corner of Golden View Lane and Norino Drive. The motion carried by the following vote:

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

7. Approved and authorized execution of Cooperative Agreement No. C-2-1641 between Orange County Transportation Authority (OCTA) and the City for Federal Transit Administration Section 5307 Project: Edinger Avenue Bicycle Path, CC-1447

Councilmember Bohr pulled this item from the Consent Calendar for separate discussion and consideration.

Councilmember Bohr reported that he needs to be recorded as an abstention on this item as he owns property within five hundred feet of the subject area.

A motion was made by Hansen, second Boardman to approve "Cooperative Agreement No. C-2-1641 between Orange County Transportation Authority and City of Huntington Beach for Federal Transit Administration Section 5307 Project: Edinger Avenue Bicycle Path," and, authorize the Mayor and City Clerk to execute two (2) original agreements in blue ink; and, direct the City Clerk to return two (2) original signed agreements to: Trisha Krinke, OCTA Contract Administrator, 550 South Main Street, P.O. Box 14184, Orange, CA 92863-1584. The motion carried by the following vote:

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

8. Approved and authorized execution of a Lease Agreement between the City and Michael Ali for Zack's Too Beach Concession located at 21579 Pacific Coast Highway

A motion was made by Carchio, second Dwyer to approve and authorize the Mayor and City Clerk to execute the "Lease Between the City of Huntington Beach and Michael Ali for Zack's Too" Beach Concession. The motion carried by the following vote:

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

9. Approved and authorized execution of a Special Utility Agreement with Boeing Corporation

A motion was made by Carchio, second Dwyer to approve and authorize the Mayor and City Clerk to execute a "Special Utility Easement Agreement" between the City of Huntington Beach and Boeing Corporation; and, authorize the City Clerk to record the Special Utility Easement Agreement with the Orange County Recorder. The motion carried by the following vote:

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

10. Approved and authorized execution of a License Agreement between the City and Harmony Cove, LLC for the non-exclusive use of City property for a project located at 4121 and 4151 Warner Avenue

Mayor Hansen pulled Item No. 10 from the Consent Calendar noting that it will be acted on immediately after Public Hearing Item No. 21.

A motion was made by Carchio, second Shaw to approve and authorize the Mayor to execute the "License Agreement By and Between the City of Huntington Beach and Harmony Cove, LLC for the Non-Exclusive Use of City Property."

Councilmember Boardman requested clarification on the item noting that the zoning change has just been approved under Public Hearing Item No. 21.

City Attorney McGrath noted that the City has to process an agreement once it is received.

Discussion followed regarding the letter from the Economic Development Department regarding concerns with limiting future development of the City-owned marina property while increasing the applicant's property value and it was noted that the issue is resolved by the receipt of the yearly license fee. It also does not impact the City's ability to expand in front of the Yacht Club as well.

Mayor Hansen noted that mitigation on various issues is being addressed through the licensing agreement.

Discussion followed regarding clarification of the movement of the pier head line and that the issue is addressed within the Conditions of Approval.

The motion carried by the following vote:

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

11. Approved and authorized execution of a Lease Agreement between the City and the Huntington Beach Playhouse for non-exclusive use of the Public Library Theater

Councilmember Bohr pulled this item from the Consent Calendar for separate discussion and consideration. He wanted to make sure the matinees would still be held.

Director of Library Services Stephanie Beverage responded that the City negotiated successfully with the play house and that matinees will still occur on Sundays but that a reduced schedule was agreed to in order to focus on more profitable productions.

A motion was made by Bohr, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Lease Agreement Between the City of Huntington Beach and The Huntington Beach

Playhouse for Non-Exclusive Use of the Public Library Theater.” The motion carried by the following vote:

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

12. Approved and authorized termination of an Agreement with Greener Corners, LLC and Rainbow Disposal Company dba Rainbow Environmental Services for Public Recycling Program

A motion was made by Carchio, second Dwyer to terminate the “Non-Exclusive Agreement and License to Install Waste Receptacles” by and between Greener Corners, LLC, the City of Huntington Beach, and Rainbow Disposal Company dba Rainbow Environmental Services as approved by City Council on November 7, 2011. The motion carried by the following vote:

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

13. Approved and authorized execution of an Affordable Housing Agreement between the City and Amcal Multi-Housing, Inc. for 18151 Beach Boulevard, the Oceana Project

A motion was made by Carchio, second Dwyer to approve and authorize the Mayor and City Clerk to execute the “Affordable Housing Agreement By and Between the City of Huntington Beach, a Municipal Corporation of the State of California and Amcal Multi-Housing, Inc., a California Corporation (18151 Beach Boulevard);” and, authorize the City Manager to sign all documents to effectuate the Agreement. The motion carried by the following vote:

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

14. Adopted Resolution No. 2012-80 approving a Side Letter Agreement modifying the Memorandum of Understanding (MOU) between the City and the Marine Safety Management Association (MSMA) regarding On-Call Response Policy

A motion was made by Carchio, second Dwyer to adopt Resolution No. 2012-80, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City of Huntington Beach and the Marine Safety Management Association (MSMA) by Adopting the Side-Letter of Agreement;" and, authorize the City Manager to sign and execute the Side Letter Agreement, as amended by Supplemental Communication. The motion carried by the following vote:

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

15. Approved and authorized execution of an agreement with Automotive Marketing Consultants, Inc. (AMCI) for Emergency Vehicle Operations Course (EVOC) Training

A motion was made by Carchio, second Dwyer to approve and authorize the Chief of Police to execute the “Agreement for Orange County Great Park and El Toro Field” with Automotive Marketing Consultants, Inc. (AMCI) for Emergency Vehicle Operations Course (EVOC) training. The motion carried by the following vote:

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

16. Approved and authorized the City Manager to allocate \$265,519 from the Equipment Replacement Reserve fund to pay for FAA required repairs for the police helicopters.

A motion was made by Carchio, second Dwyer to approve and authorize the City Manager to allocate \$265,519 from the Equipment Replacement Reserve Fund to pay for FAA required equipment for the police helicopters. The motion carried by the following vote:

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

17. Authorization to hire two Lateral Police Officers before January 1, 2013

A motion was made by Carchio, second Dwyer to authorize the Chief of Police to hire two Lateral Police Officer Candidates prior to January 1, 2013. The motion carried by the following vote:

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

18. Adopted Resolution No. 2012-81 extending the Surf City Lifeguard Employees' Association (SCLEA) Memorandum of Understanding (MOU) by adopting a Side Letter of Agreement and authorize the City Manager to execute the Side Letter Agreement.

A motion was made by Carchio, second Dwyer to adopt Resolution No. 2012-81, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Surf City Lifeguard Employees' Association (SCLEA), by Adopting the Side Letter of Agreement;" and, authorize the City Manager to sign and execute the Side Letter Agreement as amended by Supplemental Communication. The motion carried by the following vote:

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

19. Adopted Ordinance No. 3963 amending Chapter 13.08 of the Huntington Beach Municipal Code (HBMC) related to the definition of "Beach". Approved for introduction November 5, 2012

A motion was made by Carchio, second Dwyer to adopt Ordinance No: 3963, "An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Related to Beach Regulations" pertaining to locations of tents and canopies. The motion carried by the following vote:

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

20. Adopted Ordinance No. 3964 adding Chapter 13.10 to the Huntington Beach Municipal Code (HBMC) related to tents, canopies, and camping on public areas. Approved for introduction November 5, 2012

A motion was made by Carchio, second Dwyer to adopt Ordinance No: 3964, "An Ordinance of the City of Huntington Beach Adding Chapter 13.10 to the Huntington Beach Municipal Code Relating to Camping in Public Areas" making it unlawful to camp or store personal property in public areas and the Civic Center. The motion carried by the following vote:

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

PUBLIC HEARINGS

21. Approved Mitigated Negative Declaration No. 12-004, Zoning Map Amendment No. 08-001, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, Variance No. 11-007, and Tentative Parcel Map No. 11-138 - Approved for introduction Ordinance No. 3996 (Appeal of the Planning Commission's approval of the Harmony Cove Marina Development)

Planning and Building Director Scott Hess presented details of the report noting that it was appealed by Councilmember Dwyer so that the item could be heard by Council in its totality. He addressed the Mitigated Negative Declaration (MND), Zoning Map Amendment (ZMA), Conditional Use Permit (CUP), Coastal Development Permit (CDP), Variance (VAR) request and Tentative Parcel Map (TPM). Mr. Hess addressed location of the subject site, adjacent properties, a brief history of the property, previous consideration and approvals by the Planning Commission, primary issues to be addressed, compliance with the Huntington Beach Zoning and Subdivision Ordinance (ZSO), eating and drinking establishment and the prohibition of the sale of alcohol, ancillary uses to the marina, parking and compliance with development standards except for the variance request.

Mr. Hess addressed compatibility with surrounding land uses, compliance with the Coastal Zone Overlay District, maneuvering requirements and establishing a pier head line, conditions of approval, approval in concept of CDP, land use consistency with public trust easement and the TPM and Variance requests. He presented details of recommendations including approval of the MND, approval of the ZMA/CUP, CDP/VAR with modifications as stated in the report as well as denial of the TPM.

The public hearing was opened, and interested parties were invited to address Council on this item.

City Clerk Flynn reported that a supplemental communication was received after the publication of the agenda regarding the Harmony Cove Marina Development from Dale S. Menke, Frank Gibson, Mel Malkoff, M & A, and that over the weekend the Administrative Department received 146 voice mail messages opposing the project.

Joe Daichendt, Applicant, asked for support to uphold the Planning Commission's vote with a request to approve the variances. He requested to leave the setbacks as they are, leaving an abundance of site coverage with minimal variances. He addressed the pier head line with a request that it be adjusted with the property line. He stated that the process has taken over seven years with additional time needed for review by the Coastal Commission. He stated agreement with the Planning Commission's vote and all suggested changes within their recommendations. He reported that a resident who strongly opposes the project has spread a significant amount of misinformation regarding reducing public access to the water, removal of public docks and the kayak/paddle board ramp. He noted that the project has been thoroughly reviewed and asked for Council's support in upholding the Planning Commission vote with the variances requested.

Mel Malkoff, representing DASH, noted many in attendance who disagree with the project. He stated that there is general consensus that a marina project and the restaurant are good uses. He referenced a letter submitted to staff with their concerns and expressed confusion regarding what is being proposed and what is being acted on at this time. He referenced a new sign posted indicating that the site is marina and residential, felt that this may be a "bait-and-switch" effort and expressed concerns relating to the high water velocity at the Warner Avenue Bridge. He suggested implementing a bicycle/segway rental onshore and add fishing overlooks which would satisfy the Coastal Commission's goal of affordable water front access without the risk of human safety.

Chris Larson commented on the plan and stated that the application is restricted to a marina, restaurant, and public dock and paddle board and kayak rentals and sales kiosk, and that nowhere is residential use suggested. However, Mr. Larson indicated that over the weekend, new signage appeared announcing the project as a marina and residential project. Mr. Larson reported that the proposed land use is not consistent per trade in the project description, and not what was reviewed in the original assessment. He

stated that what the applicant is planning is not what is represented in the project description and therefore, Council cannot approve the entitlement or certify the MND.

Brian Griley stated that while the members of DASH agreed with a new marina, the specific site was a bad location noting that the currents from the site are extremely swift and that the velocity of the water increases as the tide rises. He noted that the environmental assessment never mentioned the hazard to humans and addressed the results of the assessment, also noting that use of paddle boards and kayaks was never mentioned. He asked that Council take time to understand the implications of what Council is being asked to approve. He noted an increased risk in the area and asked consideration of moving recreational opportunities to the shoreline.

Ed Clark felt that it is irresponsible to install a marina in the hazardous area and stated that there are other safer locations to consider. He addressed multiple accidents in the area and asked Council to consider the right thing to do and side with increased public safety. He felt this is not the place to paddle boards and kayaks.

Dr. David Greco expressed concerns about the fast pace in which the project is being considered. He expressed safety concerns and asked Council to consider the dangers involved. He felt that this location is too close to the tidal surges under the Wetlands Bridge and asked that the public recreational uses be moved to the shoreline. He urged Council to postpone approval of the project.

Jim Dawson expressed concerns with the impacts of the project including the potential of a "bait-and-switch" perpetuated by the applicant. He expressed concerns about the safety of the proposed location and felt that the applicant is not being totally honest. He asked that the applicant rewrite the project description as a mixed-use residential village and that staff be asked to conduct a full environmental impact report.

William Wheeler, President of the Huntington Beach Sailing Foundation, described his organization and read a letter approved by the Board in opposition of the development. He expressed safety concerns with the proposed location and felt approval of the project would infringe on the safe use of the Foundation. He felt that an equipment rental business would increase vessel traffic in the area and cause disruption of the Harbour waterways and pose a safety concern to current users. He recommended that Council carefully consider the issue and the safety of the Foundation's sailing students.

Susan Dawson, a member of DASH, expressed disappointment that the noise impacts were not adequately reviewed in the initial environmental assessment. Times of operation of the proposed restaurant were not thoroughly reviewed as well. She asked that Council understand the impacts that will affect resident quality of life and asked that Council take its time in considering all of the relevant issues.

William Bodaski, a member of DASH, expressed opposition to the project including preserving the aesthetic resources of the City and impacts of views to adjacent neighbors. He did not agree with the level of assessment within the MND, addressed safety issues and those related with the operation of the restaurant/bar. He expressed disappointment that the MND never considered impacts to resident views and felt that the document is inadequate. He stated that he is a paddle boarder and wouldn't go into that area because of safety hazards and listed other issues that have not been addressed through the MND. He addressed lack of community outreach on the matter.

In response to an inquiry from Mayor Hansen, staff reported that the serving of alcohol is not recommended for the area; that staff is recommending denial.

Donna Gray spoke on behalf of the Philharmonic Committee on the Harmony Cove Development, noting that the Board of Directors expressed concerns with the project. She addressed the activities of the Committee and expressed concerns with allowing paddle boards and kayaks in the area and with the size and scope of the proposed marina. She expressed safety concerns and asked that Council consider denying the matter.

Wayne Phillips spoke in opposition to the project and expressed concerns regarding density and impacts to residents' views, the size of the proposed marina, traffic and parking. He felt that the project would degrade the quality of life, affect residents' views, and create hazardous conditions for emergency boats and yacht club visitors.

Jeff Silver noted that he is a long-time surfer and is familiar with safety issues in relation to the specific area. He reported that he used to build docks and noted the need to consider currents and the depth of silt buildup and wondered who is responsible for dredging and the related costs. He asked Council to slow down and take a hard look at all of the issues of concern.

Victor Leipzig addressed the issue of water quality related to construction of the project and operations. He referenced a letter from Orange County Coast Keeper and agreed with its comments that a MND is not an adequate analysis for the potential impacts on a world class environmental site like Bolsa Chica but that a focused environmental impact report would have been a more appropriate approach. He addressed the importance of protecting the wetlands and requested that Council direct the applicant to do further analysis on water quality issues.

Rocio Griley spoke in opposition to the project and felt that the MND is silent on the most important issues including lighting, traffic, parking or impacts and protective measures to marina visitors who will rent kayaks and paddle boards without proper experience of the extremely swift waters in the cul-de-sac. She addressed hazards related to the velocity of the water during high tides. She suggested that the developer consider on-shore recreational activities rather than the proposed development.

Mike Adams reported that the project has received extensive review and presented a brief history of the property and stated that a residential component may become part of the project in the future, but that is not what is being considered today. Mr. Adams indicated that there is sufficient parking, no alcohol served in the proposed restaurant and that many studies have been conducted as well as community meetings. He stated that if some of the proposed components end up being undesirable in one location, consideration will be given to providing a new location. He agreed that incorporating a recreational component on shore is good idea. He asked that Council support the Planning Commission recommendations with additional variances and allows the dock line to be on the property line.

In response to an inquiry from Councilmember Boardman, Mr. Adams addressed the operating hours for the proposed restaurant and the commercial kiosk.

Lee Mosier indicated that the project is not the right one for the particular area. He noted that another property owned by the developer has not been successful and expressed concerns about the lack of specific information.

Joel Zakudo commented on existing bars in the area, ecological issues and related impacts, and spoke in opposition to the proposed project. He felt that additional information is needed before a decision is made.

Liz Noreiga commented on the evolution of the project and spoke in support of some aspects of the project including the restaurant.

Liberty Edwards commented on the potential impacts of the proposed restaurant relative to the amount of trash generated which will attract rodents as well as hazards related to grease traps.

There being no others wishing to address Council, Mayor Hansen closed the public hearing for this item.

Councilmember Boardman inquired regarding PCBs contained in sediments and would be brought back into the water column during dredging and construction of the marina. She inquired whether soil samples will be taken before disturbance of the sediments.

Associate Planner Jennifer Villasenor reported that the MND requires proper disposal of contaminated soils and that there is specific protocol for disposal required by the City and the Army Corps of Engineers and the County. It was noted that the issue is addressed under Condition of Approval No. 4 in the report.

Senior Planner Jane James reported that there are mitigation requirements for a swale curtain to contain sediments in the construction area but no requirements for soil sampling.

Councilmember Boardman felt a requirement for soil sampling is extremely important and stated that she would like to see that added to the mitigation measures prior to the disturbance of any sediment. She felt that the restaurant and marina are compatible uses but shared resident concerns regarding kayaks and paddle boards concessions in the channel. She agreed with hazardous conditions caused by the velocity of the water under the bridge at high tide and suggested either relocating the concession or developing another type of on-shore recreational/commercial use.

Councilmember Boardman referenced a letter from the Economic Development Department regarding concerns with limiting future development of the City-owned marina property while increasing the applicant's property value which may be perceived as a gift of public funds. Staff noted that the issue will be addressed during consideration of the license agreement requiring some sort of compensation.

In response to Councilmember Boardman's inquiry regarding future development of residential in the area and what would happen to the restaurant, the applicant reported that presently, the request is purely for the commercial element. The idea of residential has been discussed as a possibility in the future. It was noted that the sign referred to by many speakers was placed by the previous owners.

Councilmember Boardman wondered regarding the distance of the proposed restaurant from the existing condominiums. Staff will follow up regarding the issue. Councilmember Boardman requested a mitigation measure requiring shielding of the lights and as well as a mitigation measure allowing dredging from November to March only to be sensitive to the endangered species in Bolsa Chica.

Councilmember Bohr commented on the prohibition of jet skis in the Harbour, use for the area with limited opportunities, benefits of dredging, the hiring of a permit expeditor by DASH, the desire for residential by others, positive comments by speakers regarding the proposed use and concerns regarding access to residential piers and backyards. He indicated that he will support the recommended action.

Councilmember Harper commented on the sign addressed by residents, neighborhoods adjacent to the channel and prohibitions on being able to use those docks for kayaks and paddle boards by the public, background regarding the previous use of the property, the potential for high-rise condominiums and the common elements between the previous and the proposed uses for the property.

Councilmember Shaw agreed with Councilmember Bohr regarding the public fear that people would have access to their properties and the opportunity to steal things.

Police Chief Small reported that Huntington Harbour is one of the lower theft areas than Huntington Beach.

Councilmember Shaw inquired regarding ecological impacts to Bolsa Chica and staff reported that notices of availability for the MND were submitted to the Department of Fish and Game which submitted two comment letters regarding their concerns. It, along with staff responses, is included in the agenda packet. Their comments related to how the project would impact the various marine flora and fauna and as a result, several additional mitigation measures were added to protect marine mammals in addition to the mitigation measures that were already there to protect soft-bottom habitat and eelgrass.

Discussion followed regarding changing the zoning from residential to recreational and actions needed to change zoning back to residential in the future.

Councilmember Shaw addressed the hazards referenced by the public and reported receiving a letter from the Sailing Foundation indicating that the location provides a safe, sheltered and lightly-used section of the Harbour in which to conduct lessons and wondered regarding the contradiction in information. He indicated that he would support the project if the mitigation is changed to require the shielding of lights, oil samples during dredging and confining the dredging from November to March.

Mayor Pro Tem Dwyer inquired regarding the existence of a lighting plan and staff noted there is no plan at this time but that it would be subject to the City's Code requirements which would require shielding of the lights and is discussed in the MND. Discussion followed regarding dock security and staff reported there are no related conditions at this time. Mayor Pro Tem Dwyer indicated that he would like to see locks on the gates to limit access to the docks. Discussion followed regarding the hours allowed for paddle boarding and kayaking and establishing them from dawn to dusk.

Mayor Pro Tem Dwyer addressed dredging responsibility and it was noted that the applicant would be responsible for dredging on their property.

Councilmember Carchio commented on organic trash and grease traps and addressed existing restrictions within the City's Code requirements. Discussion followed regarding concerns by the Yacht Club regarding their visibility from the Boat Parade. It was noted that it will not affect the Yacht Club from the channel and that the docks from the channel will have public access but not from the marina. The marina will have one public slip.

Discussion followed regarding details of some of the variances related to trees, setbacks and changing the hours allowed for kayaking and paddle boarding as well as locked gating for the docks.

A motion was made by Dwyer, second Carchio to approve Mitigated Negative Declaration No. 12-004 with findings and mitigation measures; and, approve Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, and Variance No. 2011-007 with findings and suggested conditions of approval; and, deny Tentative Parcel Map No. 2011-138 with findings and amended as discussed to include the applicant's recommended changes, dawn to dusk winter hours of operation for kayak operations, and FOB access to locked gates.

Councilmember Boardman added that there would be testing of sediments prior to any dredging, development of mitigation measures to prevent the spread of contaminants if they exist in high levels, and limit dredging from November to March.

Mayor Pro Tem Dwyer agreed with the amendments to the motion as requested by Councilmember Boardman. Councilmember Carchio agreed to the amendment as the second to the motion.

Councilmember Bohr wondered regarding establishing a baseline for the level of contaminants in sediments and Councilmember Boardman indicated that she would look to staff to determine those levels.

Staff noted that the appropriate language was included within the Conditions of Approval.

Associate Planner Jennifer Villasenor reported that the applicant submitted a sediment characterization upon submission of the application and it was concluded that there could be potential contaminants within the dredged soil. Mitigation measures requires that dredging be limited to the months between November and March to minimize impacts and require specific performance standards to ensure there will be no impacts to marine life.

The amended motion carried by the following vote:

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

Consent Calendar Item No. 10 heard and acted upon at this time at the request of Mayor Hansen.

22. Approved General Plan Amendment No. 08-04 by adopting Resolution No. 2012-79 and Zoning Map Amendment No. 08-04 by approving for introduction Ordinance No. 3965 (Wardlow School Site - Land Use/Zoning Amendments)

Senior Planner Jane James presented details of the report addressing project description, General Plan Amendment (GPA) and Zoning Map Amendment (ZMA), site location, background, consistency with surrounding land use designations, Planning Commission and staff recommendations.

Councilmember Boardman inquired regarding Measure C and improvements to the park.

City Attorney McGrath affirmed that improvements to the park would not trigger Measure C.

The public hearing was opened by Mayor Hansen, and interested parties were invited to address Council on this item.

City Clerk Flynn noted supplemental communications received on this item from Jerry L. Wheeler, Senior President and CEO of the Huntington Beach Chamber of Commerce regarding the land use amendments for the Wardlow School site.

Tom Grable, Applicant, thanked City staff for their thorough analysis of the project as well as the Planning Commission. He addressed the approach taken, community outreach and benefits, details of the development plan, architecture, green building program, planned unit development, conformance to RL zone requirements, edge treatments, impacts to privacy, setbacks, plotting maximizing setbacks, environmental review, completion of the Naylor Act process, community benefits, providing new revenues for the City and economic stimulus for local businesses.

Marlo Mole, Tri Pointe Homes, reported that she assisted with community outreach efforts and presented details of the community outreach program and community engagement and support. She distributed letters of support from adjacent neighbors and asked Council to support the project.

Jerry Wheeler, Huntington Beach Chamber of Commerce, referenced written comments provided earlier and expressed support for the project. He addressed creation of new jobs and local economic activity and benefits for the area. He encouraged Council to support the project.

Marc Ecker, Superintendent of the Fountain Valley School District, urged Council to support the project and indicated that this is a school that has been closed for over thirty years and is part of the District's Assets Plan. He thanked Council for the opportunity to speak and requested support for the project.

Chris Grandall referenced an email sent to Council and staff and addressed the rezoning of the property and presented a brief history of the project. She addressed incompatibility with surrounding properties and impacts to traffic on Pioneer. She expressed concerns with safety issues for children using the baseball fields. She asked that Council deny the rezoning and felt that the Mitigated Negative Declaration (MND) has major defects that need to be addressed.

Jean West spoke in support of the project and the improvements proposed to address the hazardous condition of the baseball fields.

Ian Collins, President of the Fountain Valley School Board, spoke in support of the project and commended the developer for their outreach program. He urged Council to approve the plan.

Councilmember Harper inquired regarding the proceeds from the sale of the properties and asked whether there will be a need for future increases in property taxes related to the property.

Mr. Collins reported that the money will go into a Fund 40 and the Board will decide how that fund is to be used. He addressed the former Bushard site and explained has followed closely on the development of the Wardlow site.

Molly Carmichael spoke in support of the development and felt that the proposed improvements will be very helpful. She addressed creation of a competitive nature within communities, and felt that property values will increase and commended the developer for their community outreach efforts.

Johanna Rakhshani spoke in favor of the project but indicated errors within the Mitigated Negative Declaration (MND) regarding trips generated to and from schools. She requested sending the issue back to the Planning Commission for reconsideration of possible impacts to traffic.

Patti Pañtoja thanked Council for their time and expressed concerns regarding increased traffic as a result of the proposed project. She presented personal testimony regarding access by emergency vehicles and felt that the issue needs to be considered carefully. She wondered regarding a rodent problem and moving the lighting across the street on Pioneer. She encouraged Council to reevaluate the project to consider all relevant issues.

Mike Adams addressed impacts to traffic but added that they will not increase the capacity of the streets. He asked for support of the Planning Commission recommendations and noted compatibility with the existing neighborhoods and times.

Brent Brummett, President of Huntington Valley Little League, expressed strong support for the project and addressed the benefits of the project to the League.

Craig Young, Member of the Board of Directors for the Huntington Valley Little League spoke in support of the project and commended the community outreach efforts and concessions. He noted traffic issues in the entire City and felt that the project will raise property values for current residents. He also addressed the coyote issues and spoke in support of increased education and awareness.

There being no others wishing to address Council, Mayor Hansen closed the public hearing for this item.

Councilmember Boardman addressed parking challenges during baseball days and asked whether the neighborhood has a residential permit parking program. It was noted that there is no residential parking permit program in the neighborhood and that parking is challenging during baseball days. It was noted that the parking lot should alleviate some of the problems.

Discussion followed regarding lighting along Pioneer and staff reported that the applicant is requesting to relocate the lights and underground the utilities. Ensuing discussion pertained to zoning of the surrounding homes and the maximum density permitted.

Councilmember Bohr invited the applicant to address Council regarding comments made by the public.

Mr. Grable reported that the traffic study was done under the purview of the Planning Department and noted that just because it doesn't reflect what one thinks it should say, does not mean that it is incorrect. He noted that it shows that there are no negative implications because of the existing streets that it will support. He addressed relocation of the street lights and stated felt that it would provide additional community benefits and an extra measure of security.

Councilmember Bohr commended the developer on the comprehensiveness of the plan and indicated that he will support the recommended action.

Mayor Hansen commented positively on the development and felt that it provides a win-win solution to all parties involved.

A motion was made by Hansen, second Bohr to approve General Plan Amendment No. 08-04 by adopting City Council Resolution No. 2012-79, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 08-04;" and, approve Zoning Map Amendment No. 08-04 with findings by adopting City Council Ordinance No. 3965, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation From PS (Public Semi-Public) to RL (Residential Low Density) on Real Property Located on the North Side of Pioneer Drive, East of Magnolia Avenue (Zoning Map Amendment No. 08-04)."

Councilmember Harper commented positively on the project and addressed other similar developments, addressed benefits to the City and the community. He indicated that he will support the project.

Councilmember Boardman indicated she sees the project as compatible with surrounding densities and that she will be supporting the project as well.

The motion carried by the following vote:

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

City Clerk Joan Flynn read into the record, by title only, Ordinance No. 3965 (Wardlow School Site - Land Use/Zoning Amendments).

23. Approved Mitigated Negative Declaration No. 08-13 and General Plan Amendment No. 08-05 by adopting City Council Resolution No. 2012-82, approved Zoning Map Amendment No. 08-05 by approving for introduction City Council Ordinance No. 3967, and approved Tentative Tract Map No. 17238 and Conditional Use Permit No. 08-26 with findings and suggested conditions of approval for the proposed Lamb School Residential Subdivision

Senior Planner Jane James presented details of the report including project description, entitlements, site location, and background, decision by the Subdivision Committee and approval by the Planning Commission. She addressed an appeal by Councilmember Dwyer to allow Council to consider all of the issues concurrently. Ms. James addressed CEQA analysis and results of the Mitigated Negative Declaration (MND), receipt of public responses to the MND and staff responses to the letters received. She addressed main issues raised regarding parking, open space, in lieu fees and park improvements. She addressed calculation of open space, traffic impacts, and consistency of the General Plan and Zoning amendments to surrounding designations. Ms. James addressed land-use compatibility, increased rear-yard setbacks, privacy protection measures, density and requirements regarding in-fills. She presented details of public benefits, and green building strategies. She addressed recommendations by the Planning Commission and staff.

The public hearing was opened by Mayor Hansen, and interested parties were invited to address Council on this item.

City Clerk Flynn reported receipt of two supplemental communications regarding this item from Jerry Wheeler and Mary Jo Baritash.

Tom Grable, Applicant, presented details of the project and reported similarities between this and the previous item, and conformance with land-use designations. He addressed creativity in design, setbacks, strategic placement of windows, the environmental review process, traffic studies, and open space for that area. He presented details of community benefits and improvements to the park, phasing, payment of park fees, storm drain facility, green building program, Measure C application to the site and the proposed youth soccer field. He addressed job creation and economic benefits to the community and presented communications received from community opponents relating false and misleading information. He presented a summary of City compliance.

Councilmember Shaw addressed a flier distributed by opponents and noted that it was distributed to at most, one hundred people. He reported on money spent by TriPoint in a negative campaign against a candidate in a recent Huntington Beach election.

Mr. Grable stated that neither he nor his company contribute to any sort of negative mailers of any kind.

Discussion followed regarding the relevance of this issue to the public hearing at hand.

Mayor Hansen noted that Councilmember Shaw's comments are not an appropriate line of questioning.

In response to Councilmember Carchio's inquiry, Mr. Grable reported there have been conversations with the leaders of AYSO regarding moving the proposed soccer field. The Fountain Valley School District has communicated with AYSO on the issue of relocating the fields.

Marlo Mole presented details of the organization's public outreach program on the project. She noted that public feedback helped in development of the plan and referenced and distributed letters of support from residents. She asked that Council approve the project.

Katie Fabre spoke in favor of the project because of the improvements it brings to the area including the proposed soccer field, removal of blight and the organization's community outreach program.

Alan Gandall, AYSO Region Commissioner, spoke in support of the project and provided information regarding the organization. He addressed the property jurisdictions, fields on the jurisdiction of the Fountain Valley School District and presented improvements on the AYSO Lamb site. He spoke in support of the project.

James Bailey reported that the developer reached out to the community but did not take input from the public. He felt that they did not listen to the public's recommendations and acknowledged financial benefits to improving the property. He expressed concerns regarding density, traffic impacts and considering the three soccer fields noting there is a lot of grass area and that the area is clearly open space. He spoke in opposition to the project and indicated that he could not see the benefits claimed by the developer.

Kandice Chaney spoke in opposition to the existing condition of the abandoned area and expressed concerns regarding the school. She spoke in favor of the project and felt that property values will increase because of the new development.

Jenni Vogel spoke in support of the project and commented on the closure of schools throughout the areas. She listed benefits of the proposed development including providing funds to local schools. She asked that Council approve the project.

Linda Ford spoke in opposition to the project and indicated that the area is a field and not a park. She addressed actions by the Planning Commission and inquired regarding the related costs for the proposed improvements. She presented suggestions for other developments and asked that Council consider the issue closely and not approve the item at this time.

Carol Mac Farlane spoke in support of the proposed project noting that it is not the public's field. She felt it is great that the developer will invest in the project and pointed out that the proposed green building will be something that the City will be proud of.

Robert Briggs reported that he is not against the project but expressed concerns with how many houses are being proposed. He stated that the lot sizes are not consistent with the surrounding areas and creates additional traffic. He wondered about availability of parking and stated that he has received only two pieces of mail regarding the proposal from the City and nothing from TriPoint relative to their

assertion of community outreach.

Molly Carmichael commented positively on the conversion of abandoned school sites and spoke in support of the development. She felt that the development will increase property values.

Ian Collins, President of the Fountain Valley School Board, commented positively on the developer and felt that the development will benefit the entire community.

Nobu Stillwell reported that she never received any notification from TriPoint regarding the development. She complained about the Planning Commission process and commented on a previous proposal related to TriPoint.

Gina Staropoli asked Council to postpone approval of the item noting that it needs additional analysis relative to density and compatibility with the surrounding community. She opined that the size of the proposed park is too small.

Marc Ecker, Superintendent of the Fountain Valley School District, addressed use of other school sites and noted that the District has authorized the use of other school sites for soccer leagues to choose. He addressed in-fill sites and commented positively on TriPoint. He urged Council to support the project.

Charles Pocher spoke in opposition to the proposed development due to a decrease in open space, increase in traffic congestion and contributing to an overburdened school system. He urged Council to deny the project.

David Stillwell expressed concerns regarding the proposed density, the number and size of the soccer field being proposed and reported never receiving any notification regarding the development.

Ursula Hartunian expressed concerns regarding increased traffic as a result of the development and opposed the proposed development.

Margaret Auger reported that she was contacted by the developer and spoke in support of the project.

Norman Whiteman opposed the proposed development and addressed existing uses of the current field. He suggested that the field stay intact and that the abandoned school buildings be removed and the area of the east parking lot be utilized and sold to the developers in order to build ten or less houses. He expressed concerns regarding the resulting lack of parking.

Lawrence Hutchins, Counsel for a group that would like the project limited. He felt that community input was disingenuous and referenced a petition of 600 residents opposing the project. He expressed concerns with the proposed density of the project and noted that in order for it to be a planned unit development, it must have a benefit. He stated that he cannot see the benefits to the community and felt that the Planning Commission seemed like an advocacy group rather than evaluating the project objectively.

Holly Derheim, representing the Lamb School Neighborhood Save Our Field Committee, submitted a petition signed by 600 residents in opposition to the project along with a list of problems related to the MND. She felt that the District's needs are not the only consideration to be given to the project and asked that Council take into consideration the needs of nearby residents. She addressed compatibility with surrounding residences and asked Council and the Fountain Valley School District to come with a reasonable plan for the open space.

An unnamed speaker spoke in opposition to the proposed development, addressed drains to fields and noted problems that have yet to be addressed including the existence of toxins in the area. He expressed concerns regarding impacts to traffic and asked Council to deny the application.

Cheri Olson read a letter from the Huntington Beach Environmental Board sent in response to the MND. The letter noted that without the special designation, the project violates provisions related to minimum lot sizes and expressing concern that zoning requirements are being ignored without proper justification. It opposed the proposed density and that there has been insufficient consideration of the consequences of the planned neighborhood and the effect on the surrounding community.

Edra Bonsall noted that AYSO teams play on the existing field and commented on the size of the proposed field. She spoke in opposition to the proposed development and addressed impacts to local schools and provided suggestions for alternate developments.

Helen Ford spoke on behalf of the Save Our Field Committee, and expressed concerns with pollutants associated with the development. She addressed the assertions by the developer regarding public notification and reported that their outreach efforts were insufficient. She asked Council to think long-term.

Ken Brandt spoke in opposition to the development and addressed the removal of twenty-seven existing mature trees and related Code requirements. He requested that Council deny the project or postpone the process for further study and consideration.

Walt Woodworth addressed use of the site and noted that it is clean and well-maintained because of community efforts. He indicated that it would be a shame to lose the open space.

Arlyn Lee spoke in support of the proposed development but opposed the number of homes planned for the site and expressed concerns with the impacts to traffic and the environmental impact to the community.

Dave Stefanides, Orange County Association of Realtors, noted that the real estate market is recovering and indicated that the two projects represent an important segment of the housing stock in Huntington Beach. He indicated that Association members reviewed the project, commented positively and expressed approval. He addressed the job creation impact and indicated support for the project.

Niki Williams expressed support for the proposed development and noted benefits associated with the project.

Thuhang Tran asked Council to save the open space and referenced a petition of 600 residents in opposition to the project. She expressed concerns with noise and pollution from construction and increased traffic. She asked that Council listen to the residents and deny the project.

Mark Bixby, Planning Commissioner, noted that a Measure C vote was not required on the item and asked Council for clarity on the issue from the City Attorney. Mr. Bixby reported that he inquired regarding applying Measure C to the Wardlow project and noted why he did not feel there were Measure C issues for the Wardlow project. He addressed improvements that would trigger the application of Measure C.

In response to an inquiry from Councilmember Carchio, City Attorney McGrath reported that a parking lot has never been considered a structure and that paving a park is acceptable under Measure C. She reported that structure is not defined as Mr. Bixby is defining it but that a Tot Lot is a park amenity.

Councilmember Boardman inquired as to why Mr. Bixby was advised that his question was not able to be answered because of attorney/client privilege. Ms. McGrath explained that at the time, the City Attorney's office was still completing the research and so the memorandum on the project was not yet subject to release.

Ralph Staropoli spoke in opposition to the proposed development, especially related to the density. He felt that the community benefit offered is not sufficient and that more space is needed. He expressed

concerns with increased traffic because of the planned development.

Brenda Calvillo opposed the development and encouraged Council to do the right thing for residents.

Mike Adams noted there is no ten-foot retaining wall proposed for the units and that everything has been done to try to accommodate the surrounding neighborhood. He addressed traffic circulation and stated that traffic will be impacted on Yorktown which is designed to accommodate more traffic. Mr. Adams presented a brief history of the property development process.

There being no others wishing to address Council, Mayor Hansen closed the public hearing.

Councilmember Boardman commented regarding concerns about storm water runoff and first-flush running into the soccer field but stated that developer has indicated willingness to flatten out the field.

Staff reported that the detention basin is not to treat the first-flush but that the developer is proposing a water quality management plan and a separate lot to treat first-flush. The plan encourages infiltration involving routing all of the first-flush through a vegetative swell promoting infiltration before entering the storm drain. Any water that enters the basin would be clean.

In response to Councilmember Boardman's inquiry, staff explained that the grassy fields adjacent to the school are not considered open space, legally, because the school is not a designated park site within the City's inventory, but rather a school field. The land is considered private land, although it is owned by the School District and is not a designated park and not designated in the City's General Plan or Zoning documents. The developer is proposing paying in lieu fees to meet park land requirements and to improve the Lamb Park with park improvements.

Facilities Development and Concessions Manager David Dominguez explained that the City is limited as to the amount of land the City can purchase from the School District thru the Naylor Act. He provided a brief history of the efforts to purchase the land from the School District.

Staff addressed fugitive dust from construction and noted the need to meet the requirements of the AQMD.

Councilmember Boardman addressed the costs of the park improvements and wondered why improvements to the proposed park do not require a Measure C vote.

City Attorney McGrath explained the differences between the subject improvements and those of the Sports Complex.

Councilmember Boardman stated that she can see both sides of the issue and indicated that she will not support the project.

Councilmember Carchio inquired regarding use of the proposed soccer field and whether all soccer fields, at all levels are able to play on the soccer field.

It was noted that the soccer field will be able to accommodate the parameters for AYSO U14 and U16.

Marc Ecker, Superintendent of the Fountain Valley School District, has identified schools that have the space and that it has negotiated with TriPoint to identify what schools are available to fill the gap created during construction.

Mr. Grable reported on the length of time needed to improve the park in conjunction with construction of the development. He added that the development will be green-point rated which is equivalent to LEED in commercial buildings.

Councilmember Carchio inquired regarding the community outreach efforts and Mr. Grable explained the areas where mailers were sent where residents were directed to a website to receive additional information.

Police Chief Small responded to Councilmember Carchio's inquiry noting that in general, closed school sites are attractive nuisances, that many complaints are received, but he is not aware of specific arrests related to that site. One of the complaints received from neighbors regarding the site is the existence of paraphernalia and other things indicating that people have used drugs on the site. He added that the site is used for SWAT training which may have a deterrent effect on criminal activity and graffiti.

Councilmember Carchio noted that the field is not really the public's field and addressed increases in the value of adjacent properties by the development. He indicated that he will support the project.

In response to Mayor Pro Tem Dwyer's inquiry regarding incorporation of the Naylor Act, Mayor Hansen explained the process and previous negotiations held noting that the City bought the land to protect it in perpetuity.

Councilmember Harper presented a brief history on the negotiations and actions by the City and the School District. He stressed the importance of considering who is on the Board of Trustees for local School Districts. He addressed other school sites that have been converted to residential neighborhoods. He indicated support for the project.

Councilmember Shaw agreed with comments made by Councilmember Boardman and felt it is not consistent with the surrounding land-use designations and will not support the project.

A motion was made by Hansen, second Carchio to approve Mitigated Negative Declaration No. 08-13 with findings and mitigation measures; and, approve General Plan Amendment No. 08-05 by approving City Council Resolution No. 2012-82, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 08-05;" and, approve Zoning Map Amendment No. 08-05 with findings by adopting City Council Ordinance No. 3967, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation From PS (Public-Semipublic) to RL (Residential Low Density) on Real Property Located on the North Side of Yorktown Avenue, East of Brookhurst Street (Zoning Map Amendment No. 08-05);" and, approve Tentative Tract Map No. 17238 with findings and suggested conditions of approval; and, approve Conditional Use Permit No. 08-26 with findings and suggested conditions of approval and as amended to direct that the developer and AYSO representatives meet and discuss what is appropriate for the proposed field. The motion carried by the following vote:

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

The City Clerk read the title of Ordinance No. 2967 into the record for introduction.

A motion was made by Hansen, second Dwyer to continue conducting business past 11:00 PM. The motion carried by the following vote:

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

24. Approved Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park Subdivision) - Conversion from Resident Rental to Ownership – Reconsideration

Associate Planner Villasenor presented details of the report addressing the specific request, requirement of a Coastal Development Permit, background and previous considerations by the Planning Commission and Council, litigation and results, analysis and submission of all necessary documentation by the applicant. She presented recommendations as stated in the report and noted that revised conditions were received and that the applicant is in agreement with them.

The public hearing was opened by Mayor Hansen, and interested parties were invited to address Council on this item.

City Clerk Flynn reported that supplemental communications were received from Mark Alpert, Mary Jo Baritesh, Cathy Vonn, Pete and Jody Volman, Scott Hess, Director of Planning and Building, and Pacific Mobile Homes.

Mark Alpert indicated agreement to the conditions and referenced suggestions that Council may have the discretion to deny the application and find that it is not a bonafide subdivision application and noted that the topic was addressed in his written communication. He addressed appellate decisions that have uniformly indicated that the scope of review is limited to complying with Government Code 66427.5, which the applicant has done. Mr. Alpert referenced a similar applicable case and noted that there is no basis for the City to deny the application.

In reply to Mayor Pro Tem Dwyer's inquiry, Mr. Alpert addressed recording of the encroachment relative to disclosure required by the CC&Rs.

There being no others wishing to address Council, Mayor Hansen closed the Public Hearing.

A motion was made by Hansen, second Harper to approve Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 with findings and revised conditions of approval and as amended to include modified conditions of approval identified in supplemental communication.

The motion carried by the following vote:

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

- 25. Approved and authorized the execution of an Agreement to transfer funds for FY2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

The public hearing was opened by Mayor Hansen, and interested parties were invited to address Council. City Clerk Flynn indicated there are no speakers and no supplemental communications on this item.

Mayor Hansen closed the Public Hearing.

A motion was made by Shaw, second Dwyer to approve and accept the "Agreement to Transfer Funds for 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program" between the County of Orange and the City of Huntington Beach; and, authorize the City Clerk and the Mayor to execute on the City's behalf the agreement to transfer funds for FY2012 Edward Byrne Memorial (JAG) program between the County of Orange and the City of Huntington Beach; and, approve the appropriation and expenditure up to \$28,246 to be fully reimbursed by the grant from the Department of Justice via the County of Orange.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

26. Approved Employment Agreement between the City of Huntington Beach and Michael Vigliotta for the position of Chief Assistant City Attorney and established the Chief Assistant City Attorney Compensation Schedule and Salary Range

City Manager Wilson noted that the position was established, recruitment was conducted and that Mr. Vigliotta was determined to be the top candidate.

A motion was made by Dwyer, second Shaw to approve the appointment of Michael Vigliotta to the position of Chief Assistant City Attorney, and, establish the Compensation Schedule and Salary Range for the position; and, approve and authorize the City Manager to sign and execute the Employment Agreement between the City of Huntington Beach and Michael Vigliotta for the position of Chief Assistant City Attorney. The motion carried by the following vote:

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

COUNCILMEMBER ITEMS

27. Submitted by Councilmember Joe Carchio - Ordinance to prevent the feeding of coyotes and non-domestic animals in residential neighborhoods. Continued from the October 15, 2012 City Council meeting, ***continued again to a future meeting.***

Councilmember Carchio reported that because of the lateness of the hour, he decided to pull the aforementioned item to be brought back before Council at a later meeting, date uncertain at this time. No vote was required on this item.

28. Submitted by Mayor Pro Tem Devin Dwyer - Recommendation that the City retain the services of a trapper due to the high number of incidents and complaints concerning coyotes in Huntington Beach amended to only approve education efforts about coyote presence.

Mayor Pro Tem Dwyer amended his recommendation to state that it would be a misdemeanor to feed coyotes and move the item forward. He indicated that he is trying to mitigate the problem, has listened to professional opinions as well as public comments.

Councilmember Harper acknowledged the importance of the issue but indicated that he is inclined not to vote for the motion because he believes that this level of detail is not necessary for direction by Council. He expressed confidence in staff to decide when trapping is and is not appropriate.

Mayor Pro Tem Dwyer responded regarding his efforts to work with staff but noted challenges faced in trying to resolve the issue.

Councilmember Shaw stressed the importance of making a decision based on science which indicates that trapping and killing will not have the desired effect of eliminating or reducing the coyote population. He indicated that the City does not have the resources to get into the coyote-killing business and should trust the experts.

Councilmember Boardman pointed out that staff already has the power to hire trappers, as needed, to target specific problems in specific neighborhoods. She thanked Mayor Pro Tem Dwyer for bringing the item former which has served to increase awareness. She added that the Police Department will act on calls of aggressive animals in the neighborhoods. She referenced various studies noting that removing problem animals will not reduce the population and that feral cats are a source of food for coyotes and therefore, by feeding them, the public is contributing to the coyote problem. She spoke in support of

increased education, awareness and placement of signs.

Councilmember Harper stated that he is comfortable with not taking action as long as staff understands the limited approach in dealing with this issue.

Chief Small reported that as far as he knows, no Police Officer has ever killed a coyote unless, perhaps he or she ran over one. Trappers were retained two times in the past but that the program has currently been on hold.

Discussion followed regarding not going into private property areas or County property and it was noted that private communities can hire trappers on their own, without going through the City.

Chief Small stated that if Council does not take action at this time, the Police Department will proceed with the current process. He noted that the trapper is careful regarding locating traps were appropriate.

A motion was made by Dwyer, to direct staff to begin an awareness/education campaign with a water bill insert that notifies residents of the presence of coyotes as well as making it illegal to feed coyotes and feral cats and include signage in City parks.

Councilmember Carchio indicated that he will bring the item back to Council for further consideration.

Councilmember Harper stated that he will not support the issue of feeding coyotes and feral cats.

Mayor Pro Tem Dwyer agreed to amend the motion and Mayor Hansen seconded to direct staff to begin an awareness/education campaign with a water bill insert that notifies residents of the presence of coyotes. The motion carried by the following vote:

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

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Carchio, Harper, and Mayor Hansen.

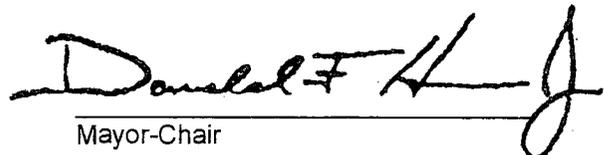
ADJOURNMENT

At 1:25 AM, Mayor Hansen adjourned the meeting to the next regularly scheduled meeting on Monday, December 03, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:


City Clerk, Clerk, Secretary
Mayor-Chair