

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

Monday, November 16, 2009  
4:00 PM - Room B-8  
6:00 PM - 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/agendas/](http://www.surfcity-hb.org/government/agendas/)**

4:00 PM - ROOM B-8

CALL TO ORDER

Mayor Bohr called the study session to order at 4:07 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that the following communications pertaining to the Study Session portion of the meeting had been received by her office following distribution of the City Council agenda packet:

PowerPoint communication submitted by the Public Works Department, dated November 16, 2009, and entitled City Owned Block Walls.

PowerPoint communication submitted by Shari L. Freidenrich, City Treasurer, dated November 16, 2009, and entitled Joint Study Session IAB/City Council.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS -  
None.

STUDY SESSION

1. (City Council) An evaluation of transferring ownership of City owned block walls on arterial streets to adjacent owners. This was a request of the City Council at the July 6th Assessment District feasibility study session and is part of the Council's Six Month Strategic Objectives.

City Administrator Fred Wilson introduced City Engineer Tony Olmos with the Public Works Department to provide a PowerPoint presentation entitled *City Owned Block Walls*, with slide topics that included Background, Approach, Process Summary, and Sample Project (Single Tract).

Staff responded to Councilmember Dwyer's request for clarification on the method used to calculate the number of parcels per tract.

The presentation continued with Sample Project Results (1 Tract w/Easement Parcels), Sample Project Results (1 Tract w/Fee-Owned Parcels), Sample Project Results (Summary for 330 Tracts), Wall Aesthetic Standards, Benefits, Challenges, and Options.

Councilmember Hardy voiced concerns about spending \$12 million dollars for something that may not deliver a substantial return on investment, transferred to the property owner responsibility for vandalized walls, and left questions on how property owners' would replace inter-connecting walls. She suggested that the City spend the \$12 Million to replace damaged walls, rather than hand over the responsibility to property owners. Discussion ensued on creating ways for property owners to replace walls more easily, developing future standards that would enable property owners but doesn't obligate them.

Councilmember Hardy asked the City Attorney if property owners' would be responsible for vandalized walls. Attorney McGrath confirmed it as a private property matter.

Councilmember Coerper questioned if approved, when would the process start? Administrator Wilson discussed launching the project as a pilot program. Councilmember Coerper voiced support, but questioned the source for funding. He also voiced concerns about properly educating property owners, and questioned Code Enforcement involvement. Public Works Director Travis Hopkins described efforts to firm up existing policies.

Mayor Bohr voiced concerns about spending \$12 million and suggested an alternative method to address the issue, similar to the way encyclopedia lots are managed. He voiced support for initiating a pilot tract program for a year, and then establish costs from data collected from the pilot program.

Mayor Pro Tem Green voiced concerns about non-participation if the homeowners receive no benefit.

Mayor Bohr commented that most cities don't have such a problem because they don't have block walls around their tracts.

Councilmember Hardy voiced concerns about landscaping.

Councilmember Dwyer discussed Homeowner Association involvement and their current responsibility for 50% of wall maintenance. He discussed a stipulation/incentive for owners who have raised walls illegally to take ownership with a permit.

Councilmember Carchio voiced concerns about earthquake damage, but voiced support for a pilot program. Discussion ensued on tracts adjacent to arterials, and how walls provide privacy and separation from traffic and noise.

2. (City Council) Joint Study Session held between the City Council of Huntington Beach and the Investment Advisory Board (IAB) - Annual Report on Investments to the City Council (October 1, 2008 to September 30, 2009) and Economic Update. Roll Call of the Investment Advisory Board: Christopher Palmer (Chair), Jerrold Clarke, Joe Foye, Bob Glass, David Hatch, Diann Shelton, James Steinkirchner

Roll Call: Christopher Palmer, Jerrold Clarke, Joe Foye, David Hatch, Diann Shelton, and James Steinkirchner - Present.

Bob Glass - Absent.

City Treasurer Shari Freidenrich introduced Assistant City Treasurer Joyce Zacks, and Christopher Palmer, Chair of the Investment Advisory Board (IAB).

IAB members introduced themselves, identified their respective Council liaison(s), and described their professional affiliations. Chair Palmer opened a PowerPoint entitled *Joint Study Session IAB/City Council, and provided a presentation Overview.*

City Treasurer Freidenrich introduced Jodi Pieczynski with UBS Financial Services to present the Investment Outlook/Economic Update portion of the presentation that included the following slide topics: Market Overview 2009, Impact on Capital Markets, What are the Fed and Treasury Doing About It?, Bond Yield Forecast, Yield Curve Now vs. a Year Ago, Interest Rate Yield Curve, The Economy, and Investment Strategies for the City.

Councilmember Carchio voiced concerns related to consumer confidence and unemployment. Ms. Pieczynski discussed inflation and declining payrolls.

Councilmember Dwyer asked board members if anyone felt that things within the City should be done differently. Member Foye stated support for the decisions made, stating their compliance with legal statutes. Member Shelton discussed lobbying at the State level.

Mayor Pro Tem Green thanked all the IAB members for their service.

Councilmember Coerper questioned how the board determines what investments to make. Member Foye described a check-and-balance system, and how the Board functions as an oversight committee.

Treasurer Freidenrich discussed the effects of the economy two years prior, and how the Board has provided constructive input. She identified significant market events that the Board was prepared for, and Chair Palmer described the Board's financial experience.

Councilmember Hansen thanked all IAB members for their service.

#### RECESS TO CLOSED SESSION

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

AYES: Dwyer, Green, Bohr, Coerper, Hardy, Carchio, and Hansen  
NOES: None

#### CLOSED SESSION

3. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Catherine Denise Cranford v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2008-001106397.

Plaintiff, a former supervisor in the City's jail, has sued the City alleging violation of her right to privacy in releasing confidential medical information and has sued the City and another jail supervisor alleging sexual harassment and retaliation based on her sexual orientation.

4. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.

5. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Douglas Young, a minor, et al. v. City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00113686. This suit concerns a minor who was riding his waveboard when it struck a crack in the pavement causing him injuries.

6. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, HBPOA, HBFA, FMA, MSOA, SCLEA, and Non-Associated.

#### RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the City Council/Redevelopment Agency at 6:00 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

#### ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
Absent: None

PLEDGE OF ALLEGIANCE - Led by Mayor Bohr

INVOCATION - Led by Reverend Peggy Price

#### ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meeting" Act, City Clerk Joan Flynn announced that her office received late communications for agenda items 3 and 5 following distribution of the City Council Agenda Packet, and that the titles would be read in their entirety prior to the public hearing items to which they pertain.

#### ANNOUNCEMENT BY MAYOR PRO TEM GREEN

Mayor Pro Tem Green announced that she would like to reconsider her vote on the Downtown Specific Plan No. 5 approved on November 2, 2009 based on reasons related to density (Zoning Text Amendment No. 08-004 with PC Straw Vote Modifications and findings for

approval, adopted Resolution No. 2009-61, "A Resolution of the City Council of the City of Huntington Beach approving an amendment to Specific Plan No. 5 – Downtown Specific Plan;" approved General Plan Amendment No. 08-007 and adopt Resolution No. 2009-62, "A Resolution of the City of Huntington Beach Approving General Plan Amendment No. 08-007;" (Exhibit C modified), approved Local Coastal Program Amendment No. 08-002 with findings for approval and adopt Resolution No. 2009-63, "A Resolution of the City of Huntington Beach, CA Adopting Local Coastal Program Amendment No. 08-002 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Amend Zone 4 – Land Use Plan and Accompanying Text of the City's Coastal Element for the Real Property Generally Described as the Downtown Specific Plan Area (Specific Plan No. 5) and to Reflect Zoning Text Amendment No. 08-004 and Requesting Certification by the California Coastal Commission;" (Exhibit B modified) and, approved CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 08-001, as amended by straw vote recommendations and late communication).

In response to an inquiry from Councilmember Hardy, Mayor Pro Tem Green responded that she is now in favor of decreasing the density maximum.

The City Attorney noted that the motion to reconsider was appropriate at this meeting, however the matter is not agendaized for tonight's meeting, and that the matter can be discussed at the second meeting in January. The public hearing will need to be renoticed and reopened.

A motion was made by Green, second Coerper to reconsider the Downtown Specific Plan No. 5 on January 19, 2009. The motion carried by the following roll call vote:

AYES: Carchio, Green, Coerper, and Hardy  
NOES: Dwyer, Bohr, and Hansen

#### AWARDS AND PRESENTATIONS

**ANNOUNCEMENT:** Mayor Bohr 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.

**PRESENTATION:** Mayor Bohr called on Lt. Col. Ben Watson from 3/1 Marine Battalion to present a gift to Public Works employees. Lt. Col. Watson noted that the Public Works employees have been extremely supportive of the Marine Battalion and their families. A shadow box was presented by the Battalion which featured a picture of Philippine schoolchildren holding a Huntington Beach flag.

**PRESENTATION:** Mayor Bohr called on Mr. and Mrs. Dutch, representatives from the Orangewood Pals and Auxiliary. Mayor Bohr provided an overview of the organization and their outreach services. Mrs. Dutch spoke about the services provided to children who have been removed from their homes.

PRESENTATION: Mayor Bohr called on Centennial Celebration Sponsors to receive their Centennial memorabilia. He called forward the sponsors who provided \$5,000: Orange County Association of Realtors, Southern California Edison and State Farm Insurance Companies. Sponsors who provided \$10,000: Waterfront Hilton Hotel, Hyatt Hotel, DJM Capital Partners (Bella Terra), Five Points Plaza, Surf City Marathon, Southern California Gas Company, Hospital of Prime Health Care and Fountain Valley Regional Hospital. Sponsors who provided \$25,000: Shorebreak Hotel, the Boeing Company, Aera Energy and Rainbow Disposal. Sponsors who provided \$50,000: The American Business Bureau. Sponsors who provided \$100,000: The Robert Mayer Corporation.

PRESENTATION: Mayor Bohr recognized the members of the Centennial Celebration Committee: Brett Barnes, Ralph Bauer, Corky Bennish, Connie Boardman, Gary Brown, Margie Bunten, Barbara DelGleize, Duane Dishno, Bill Ellis, John Erskine, Bob Ewing, Mike Gurmet, Steve Holden, Don McAllister, Janice Mantini, Donna Mulgrew, Jerry Person, Peggy Price, Joyce Riddell, Pat Rogers, Diana Ryan, Mary Lou Shattuck, Pat Stier, Dave Sullivan, Dean Torrence, Shirley Dettloff and Father Christian Mondor.

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

(The number following the speaker's comments reflect the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

Robert Dingwall spoke about the Water Conservation Ordinance No. 38-49. He suggested modifications for multiple occupancies (triplexes and fourplexes), watering of golf courses, and reduction of what he considered to be exorbitant penalties. He also suggested strategies to avoid overwatering. (00:33:55)

Brief discussion ensued on this item between Council and staff.

Dennis Chapman, resident, purchased a home on Main Street to build their "dream home." He expressed concerns regarding his perception that staff has been unwilling to assist him in his building process. Mr. Chapman noted his remodel concerns and visits and correspondence from Councilmembers. He requested meetings with each of the Council Members. (00:42:35)

Councilmembers spoke about their various interactions with Mr. Chapman and Mayor Bohr noted that Mr. Chapman can schedule meeting with the Councilmembers through their secretary.

Ron McLin, Downtown businessman, requested that the Council support the business parking validations. Mr. McLin noted the validations for the parking structure guarantee success of businesses in the Downtown area. (00:49:15)

Clint Orr spoke about the Golden Bear property, suggesting that the City reserve the parcel for Native American historical preservation. He commented on his partial Native American background and discussed a proposed theatre in the Downtown area. (00:52:05)

Dean Albright, former member of the Environmental Board, spoke about an issue that he believed the Environmental Board should become involved in. He noted an incident involving hazardous chemicals under kitchen sinks in homes and suggested that the City mount a

community education program using their previously produced video to prevent any further incidents. (00:55:10)

Ken Bowles expressed concerns about the Angus Petroleum site. He noted odors extending far into the neighborhood and potential safety hazards. Mr. Bowles suggested that the odors and noise create a nuisance pursuant to the City's Ordinance. (01:01:00)

In response to Councilmember Carchio, staff noted that this matter is under review by City Code Enforcement staff.

Benito B. Martinez, Southern California District Council of Laborers, expressed concerns regarding the award of bid on item number 19. He suggested reconsideration of the bids noting several pieces of missing information in the proposed bid awardees' submitted documents. (01:05:30)

Greg Griffin, Sunset Beach Community Association, spoke regarding the proposed annexation of Sunset Beach. In regard to a recent survey of residents, most of the responders preferred pursuing incorporation of Sunset Beach itself. Many provided donations for the incorporation studies and consultants. Mr. Griffin respectfully requested the Council give the Sunset Beach residents some time to study the feasibility of self-incorporation prior to annexation. (01:06:30)

In response to Mayor Pro Tem Green, Mr. Griffin noted the study would take two to four months to produce and that the results would be shared immediately with the Huntington Beach City Council.

Mary Boddy, Downtown resident, expressed gratitude to the Council for saving the Downtown Library and Triangle Park. She noted that the Downtown Library or Triangle Park were not the appropriate future homes for the Huntington Beach Playhouse. It needs better parking and public access. (01:10:17)

Don Guillaume made several comments. First, he made the Council aware of notification that has been sent out from a sign maker. He does not agree with the size recommendations for street signs. Next, he suggested reconfiguration of displays in the Council chamber. Mr. Guillaume mentioned an incident of underage drinking in the community. (01:13:28)

Items on the Agenda were discussed out of their original order.

#### ORDINANCES FOR INTRODUCTION

24. (City Council) Approved for introduction City Council Ordinance No. 3850 amending Chapter 3.44 of the Huntington Beach Municipal Code relating to Franchise Agreement violations.

The City Administrator, Fred Wilson, made a brief presentation.

A motion was made by Coerper, second Green to approve for introduction Ordinance No. 3850, "An Ordinance of the City of Huntington Beach Amending Chapter 3.44 of the Huntington Beach Municipal Code Relating to Franchise Agreement Violations" adding Sections 3.44.025, 3.44.445, and 3.44.447 to Chapter 3.44 of the Huntington Beach Municipal Code, as amended to strike Section 2 that requires any penalty violations and allow the franchisee to have a revocable license as an option while the new agreement is negotiated, **as amended to strike Section 2 (3.44.445 Violation - Penalty)**. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

#### CITY ATTORNEY'S REPORT

1. (City Council) Notice of Filed Complaint by the City of Huntington Beach vs. Klazina Gaye Garcia, Orange County Superior Court Case No. 30-2009-00314458. Nature of Case: Employee Rick Thomas was involved in an automobile accident while driving a City vehicle on January 23, 2008 at Goldenwest and Pacific Coast Highway. The City is filing suit to recover workers' compensation benefits paid to Mr. Thomas.

The City Attorney reported, pursuant to City Ordinance, of the notice of filed complaint.

#### CITY ADMINISTRATOR'S REPORT

City Administrator Fred Wilson provided a brief update on the Newland Avenue widening project, stating that the street is now open from Hamilton to Edison Way, and within the next month at least one lane of traffic should be open and the sidewalk will be poured.

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

Councilmember Coerper brought up the Joint Forces Training Base which will be welcoming home a fallen hero, on Thursday, November 19, 2009, with the time to be announced.

Mayor Bohr announced the report from the League of Cities City Selection Committee. The Committee voted to have a two-year OCTA term filled by Councilmember Hansen. He thanked Mayor Pro Tem Green for her previous service.

#### PUBLIC HEARING

(The number following the speaker's comments reflect the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

2. (City Council) Public Hearing held - approved for introduction Ordinance No. 3847 approving Zoning Map Amendment (ZMA) No. 06-003, adopt Resolution No. 2009-69 approving the proposed property tax exchange agreement between the City and the County of Orange for annexation of approximately 6.2 acres located at the terminus of Bolsa Chica Street, south of Los Patos Avenue on the Bolsa Chica Mesa, generally referred to as the "Goodell" property, and approve Annexation No. 06-002 to the Local Agency Formation Committee (LAFCO).

Associate Planner Jennifer Villasenor reported on this item via a PowerPoint presentation. Slides presented included: Project Request, Project Background, Site Location, Existing Conditions, Proposed Pre-Zoning, Analysis: Zoning Map Amendment, Analysis: Annexation, and Recommendations.

Mayor Bohr opened the public hearing. City Clerk Joan Flynn announced that there were no late communications submitted for this item.

Gerald Chapman, representing the Bolsa Chica Land Trust, expressed concerns about the Council potentially eliminating historical land in the City. They do not agree that the Negative Mitigated Declaration is the appropriate CEQA tool to approve this matter, and requested an Environment Impact Review as the appropriate measurement vehicle. The Land Trust is currently seeking funding to purchase this site for preservation. (01:32:46)

Ed Mountford, representing the property owner, stated Mr. Goodell is in agreement with the proposed zoning. Mr. Goodell realizes with the Brightwater project, he will be left with an "island" of unincorporated property without access to City services. (01:33:14)

In response to Councilmember Coerper, the speaker noted the site had been developed in the past, and that the pre-zoning is just the first step in any development that may occur in the future. He stated that he does not view any development occurring for some time.

In response to Councilmember Dwyer, staff noted mitigation measures that the entire site would have to be tested for archeological artifacts.

In response to Councilmember Carchio, staff remarked that the archeological site has been listed as eligible for inclusion in the historical registry, however, the Goodell property was only recently incorporated into this eligibility. Staff noted that the archeological testing measure would still be required before any development.

Don Guillaume expressed concerns about borders and areas in the City which should be considered for annexation. He supported the proposed annexation. (01:41:51)

Mayor Bohr closed the public hearing.

A motion was made by Hansen, second Coerper to approve Zoning Map Amendment No. 06-003 with findings for approval, and after the City Clerk reads by title approve for introduction Ordinance No. 3847, "An Ordinance of the City of Huntington Beach Amending District Map 33 (Sectional Map 28-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to Pre-Zone the 6.2-Acre "Goodell" Property Located in the County of Orange to 3.2 Acres of Residential Low Density, 2.0 Acres of Open Space - Parks and Recreation and 1.0 Acre of Coastal Conservation With 6.2 Acres of Coastal Zone Overlay (Zoning Map Amendment No. 06-03) (vote 6-1, Hardy-No);" and, approve Resolution No. 2009-69, "A Resolution of the City Council of the City of Huntington Beach Approving a Property Tax Exchange Agreement Between the City of Huntington Beach and the County of Orange Regarding the Annexation of the 6.2 Acre Goodell Property to the City of Huntington Beach" (vote 6-1, Hardy-No); and, recommend approval of Annexation No. 06-002 to the Local Agency Formation Commission (vote 7-0). The motion carried by the following roll call vote:

Staff affirmed that the Council could vote on each section of this matter separately.

Councilmember Hardy stated that she is in opposition to items a and b due to her concern that the items require an Environment Impact Review. She asked to be recorded as a "no" on items a and b. Ms. Hardy is in support of the annexation, and requested that her vote be recorded as "yes" on item c.

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

3. (City Council) Denied appeal submitted by Robert S. Coldren of Hart, King & Coldren of the Huntington Beach Planning Commission's recommendation to Deny with Findings Tentative Tract Map No. 17296 (Huntington Shorecliffs Mobile Home Park Subdivision).

Associate Planner Ethan Edwards provided a staff report via PowerPoint presentation. Slides presented included: Request, Location and Surroundings, Analysis, Appeal of Code Requirements, Subdivision Committee, Planning Commission, Appeal of Planning Commission's Denial, and Recommendation.

Mayor Bohr opened the public hearing.

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced the late communications that were received subsequent to the posting of the agenda:

Three late communication dated November 12, 13, and 16, 2009 received regarding the Planning Commission's recommendation to deny findings relative to Tentative Tract Map Number 17296 (the Huntington Shorecliff Mobile Home Park Subdivisions) from Ms. Joan Walker, Ms. Madeline Seymor, and Ms. Sharon L. Dana, Director Huntington Shorecliffs Homeowners Association.

A late communication submitted by Boyd L. Hill of Hart, King, and Coldren, a Professional Law Corporation, dated November 16, 2009, and entitled Huntington Shorecliffs Mobile Home Park Application for Tentative Tract Map Number 17296, requesting a continuance of the appeal of the September 9, 2009 Planning Commission Action.

Robert Coldren, representing the applicant/appellant John Saunders, requested postponement of appeal for ninety days. They are not waiving their legal rights but would appreciate the Council overruling the Planning Commission's denial of the application. The applicant is working with the Homeowners Association to amicably find a reasonable solution to this issue with appropriate findings in compliance with certain Government provisions. Mr. Coldren noted the HOA and the Applicant want the postponement and staff does recommend it as an alternative in their staff report. The Applicant is requesting the extra time to iron out the last remaining issues related to their application. (01:52:55)

Mr. Coldren stated that although the Homeowner's Association was not previously formalized, it was indeed active, and has recently formalized by electing Officers. He further noted that the Applicant has primarily worked with one particular City staff person on this matter. In addressing the "space" provisions in the original submitted tract map, he stated that the proposal submitted was "to convert existing mobile home units to resident ownership." He acknowledges a small error was made on the map regarding the total number of units allowable under the permit. He noted that the Applicant always intended to comply with the original permitted number of spaces.

In response to Councilmember Dwyer, the City Attorney affirmed that this matter can be legally continued with the permission of the applicant.

Scott Steeper, President Huntington Shorecliffs Home Owners' Association, noted his past disagreements with the applicant, however, the applicant is attempting in good faith to address the tenants' issues. He also thanked the Planning staff for noting the tenants' past concerns.

Mr. Steeper supports the grant of the continuance with the hope that the application will be amended. Last, he noted that if the Council denies the application, and the applicant refiles, he requests reduction or waiver of the Planning fees and expedited approval process. The HOA board supports the request, the progress toward addressing the residents' concerns, and that the subdivision for some members of the Park will be the right thing to do. (01:59:49)

In response to Councilmember Carchio, Mr. Steeper noted that he represents all 304 residents. He noted that the residents' survey went out prior to having an appropriate level of information and that the owner has now been forthcoming regarding most of the residents' concerns. They are now working with the applicant to initiate a newly formulated survey.

Robert Schaaf spoke in support of staff's and the Planning Commission's recommendations. He notes that the proposal would turn the mobile home park into a housing tract that would not have to follow the City's codes. Mr. Schaaf stated that any resident concerns should be addressed by management of the mobile home park and not leave the residents in a state of having to resolve the issues themselves. (02:04:17)

In response to Councilmember Carchio, staff would have to come up with very specific findings to deny the map. Pursuant to state law, once the applicant complies with the law, the City cannot deny their application to subdivide the property.

In response to Councilmember Dwyer, staff noted that after the subdivision approval, unit owners would have to comply with various City codes. It was also stated that the State regulates mobile home parks.

Sharon Dana, Shorecliffs resident and HOA Director, supports staff's recommendation to deny the subdivision. She expressed concerns about the residents' potential loss of amenities, particularly those consisting of the current office, pool, and community common areas. If the continuation is granted, she questioned which of the space requests would be granted, 304 or 309? Ms. Dana also stated various litigation which may impact the proposals, including those related to water mitigation issues. (02:08:38)

In response to Councilmember Carchio, Ms. Dana would be in support of an amendment to 304 spaces, however was concerned that the continuation would not address the reduction in spaces. Staff noted that as currently presented, the application is for 309 spaces which will include removal of the clubhouse and pool.

Mr. Coldren noted that none of the resident facilities, including the clubhouse and pool, will be removed. The inclusion of the 309 spaces was due to an error in the original application. The applicant just wants to convert an existing mobile home park to options for ownership by the owners.

In response to Councilmember Dwyer, staff noted that there are structured time constraints related to approval or denial of tentative tract maps. Staff suggested that to revise their projects and have staff evaluate, the applicant should withdraw and submit a new application. Last, staff noted that the Council could make certain conditions, however, it was not advisable for various reasons.

In response to Councilmember Hardy, staff noted that if the application were withdrawn and the applicant refiled a new application, the fee would be equivalent to an amendment rather than

the full fees. The City Attorney noted that since the Planning Commission has already acted, the City Council now has to finish action on that matter. The move to continue this matter would just delay the action on tonight's item.

The Council and staff reviewed the configuration of the tentative tract map. Staff noted the applicant would need to refile a new map in order to make any changes to the original map submitted.

In response to Councilmember Coerper, staff noted there would be a continuance fee to the applicant to continue this matter. Mr. Coldren, the applicant, noted that he wants the existing spaces, 304, and subdivide them, and does not want to increase the number of spaces.

In response to Councilmember Coerper, the City Attorney affirmed that the applicant lost his right to withdraw the application once the Planning Commission held its hearing. The City Council is now compelled to deny or approve the application.

Elizabeth Shier Burnett, Planning Commission Chair, stated the Planning Commission's findings for denial. She noted that the existing use is not in compliance with open space requirements and the various health, safety and welfare issues raised by the residents. These issues included standing water, mold, sinking home, and potential soils issues. Ms. Burnett also noted that many of the residents were of "advanced" senior citizen age and that the safety issues were more of a concern. She requested the Council support the Planning Commission's denial of this application. (02:32:10)

Mayor Bohr closed the public hearing.

In response to Councilmember Dwyer, the City Attorney noted that a revised map would need to be submitted in order for an approval to be granted in ninety days.

Councilmember Dwyer supports preservation of the mobile home parks and noted the applicant could elect to use the existing space for other uses.

In response to Councilmember Hardy, staff noted that the City could not condition open space requirements on this project. She suggested that the applicant drop the fifth requested space as it may conflict with open space requirements. Also, that environmental impacts will have been properly addressed by the applicant and that all City code requirements are included in any future applications submitted.

Councilmember Hansen supports the preservation of mobile home parks and private ownership of mobile home spaces.

In response to Mayor Bohr, staff noted that the applicant is short of the required open space requirements.

In response to Councilmember Hardy, staff noted that any additional spaces would trigger additional open space requirements, however that number would be an increase to the existing non-conforming use.

A motion was made by Hardy, second Coerper to deny Tentative Tract Map No. 17296 with findings for denial. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

4. (City Council) Approved for introduction Ordinance No. 3848 approving Zoning Text Amendment (ZTA) No. 09-006 amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and Resolution No. 2009-72 adopting Local Coastal Program Amendment No. 09-003 (Religious Assembly Uses in Visitor Commercial District).

Associate Planner Rosemary Medel provided a report via a PowerPoint Presentation. Slides presented included: ZTA 09-006/LCPA 09-003 - Request, Local Coastal Program Amendment (LCPA), Planning Commission Review, Analysis, and Recommendation.

Mayor Bohr opened the public hearing. City Clerk Joan Flynn noted there were no late communications submitted for this item.

Mike Adams, Planning Consultant, spoke in support of the recommendation to approve the item. The current City Code does not meet the Federal codes treating religious assembly like every other type of assembly.

Mayor Bohr closed the public hearing.

A motion was made by Green, second Carchio to approve Zoning Text Amendment No. 09-006 with findings for approval and after the City Clerk reads by title, approve for introduction Ordinance No. 3848, "An Ordinance of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance titled Commercial Districts;" and, approve Local Coastal Program Amendment No. 09-003 with findings for approval and adopt Resolution No. 2009-72, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 09-003 and Requesting its Certification by the California Coastal Commission." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

5. (City Council) Adopted Resolution No. 2009-70 to establish a citywide schedule for charges for facility rentals and recreation services related to downtown parking.

Economic Development Project Manager Simone Slifman made a report via a PowerPoint presentation. Slides presented were entitled: Objective, Methodology, Annual Pass, Beach Pass, Main Promenade Parking Structure Pass, Annual Combination Pass, Employee Monthly Parking Pass - MPPS, Employee Monthly Parking Rates in Surrounding Cities, Employee Monthly Parking Comparison in Downtown Structures, Holiday and Special Events Rates, Proposed Maximum Daily Rates - Beach Lots, Daily Rates - MPPS, 2008 Customer Validation Usage, Validation Program Proposed to be Eliminated, 2008 Validations Purchased by Downtown Businesses, The Strand Parking Structure, and Timeline.

Councilmember Dwyer expressed concerns about the comparison with surrounding cities.

In response with Mayor Pro Tem Green, staff noted that there is only one contract, with Duke's restaurant, for a certain number of passes. Staff noted that most employees do not purchase Annual passes, but rather monthly or hourly passes, as most of them do not typically work year-

round.

In response to Councilmember Coerper, staff noted that motorhomes pay by the number of spaces they use. The proposed rate is \$15 per occupied space. The motorhomes will be charged for any extra spaces that they use.

Councilmember Hardy expressed concerns with the camping reservations program that still leave car parking spaces open in the lot on holiday weekends.

In response to Councilmember Carchio, the City Administrator detailed the revenues for one of the parking structures. Staff also remarked that the parking study information provided by the consultant is favorable in terms of the costs and benefits provided to Downtown businesses.

In response to Mayor Pro Tem Green, staff noted that recreational vehicles are not allowed to use the annual pass.

Mayor Bohr opened the public hearing. City Clerk Joan Flynn announced a late communication submitted on November 16, 2009 by Stanley Smalewitz, Director of Economic Development, a PowerPoint presentation entitled "Proposed Downtown Parking Rates."

Bill Cuppy, local businessman, spoke in support of keeping the validation program for downtown merchants. The customer validations are a good business practice for the businesses. Mr. Cuppy gave an example of the "psychological" cost for patrons to pay for parking. (03:23:06)

Jim Nosek, District Manager for 24 Hour Fitness, noted that most of the business employees are part-time employees. He noted that \$20 for parking is an exorbitant rate for them to pay and that patrons will likely not use the parking structure if the fees increase. Mr. Nosek also expressed that most people like to use the parking structure for safety reasons. (03:27:17)

Dan Kalmick, northeast resident, spoke in support for the flat rate parking proposal. He noted the amount and times proposed were appropriate. He did expressed concerns regarding some of the background information presented in the report. (03:30:02)

Stephen Daniel, owner of Rocky Mountain Chocolate Factory, spoke in support for the parking validation program and a petition that was submitted to that effect. He expressed concerns about raising the rates during the recession and requested background information on the parking structure. (03:31:54)

Ron McLin, Downtown Business Association, expressed concerns regarding the proposed change to the employee parking validation program. Many part-time employees working in the Downtown area will likely start parking on the street rather than pay for parking. He expressed support for the monthly employee validation program. Mr. McLin also stated some of the parking rates for surrounding cities. (03:34:33)

Mayor Bohr closed the public hearing.

Councilmember Hansen supported the recommendation for the Holiday rates, the 30-minute grace period proposal, the 9:00 pm flat rate number, the Strand adjustment, the validation program (impact on the 24 Hour Fitness users), maintain the employee validation program, and keeping the Annual Pass Program "as is." Mr. Hansen suggested a review of the Parking Program on an annual basis.

Councilmember Hardy inquired about the grace periods and rates in the parking structure and noted she preferred a "3 hours at \$1.00" rate. She also made various inquiries regarding the employee validation and flat rate programs.

Staff remarked that they are trying to bring rates into parity with the other City structures as well as influence parking behavior. They would like people going to the beach to park at the beach, and likewise, those going to Downtown to park in the Downtown area.

Discussion ensued among Council and staff that addressed various facets of the proposed parking program including: employee validations, increases and decreases of costs at parking structures, City subsidizing parking, anecdotal evidence of abuse of the employee validation program, stickers versus stamps, and annual passes.

A motion was made by Hansen, second Bohr to approve Alternative B in the attached parking fee schedule regarding hourly rates in the Main Promenade Parking Structure; and, adopt Resolution No. 2009-70, "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2009-33 Entitled 'A Resolution of the City of Huntington Beach Establishing a Citywide Schedule for Charges for Facility Rentals and Recreation Services and Repealing Resolution No. 2007-60 and All Supplemental Resolutions Thereto.'" (Supplemental Fee Resolution No. 2), **as amended to modify Exhibit "A" of the Resolution "fee schedule" per discussion by Council.** The motion carried by the following roll call vote:

AYES: Dwyer, Bohr, Coerper, Hardy, and Hansen  
NOES: Carchio, and Green

CONSENT CALENDAR - (Item Nos. 6-22)

#### 6. ITEM REMOVED FROM AGENDA

7. (City Council) Approved two (2) appointments to the Fourth of July Board, as recommended by Council Liaisons Mayor Keith Bohr and Councilmember Don Hansen.

A motion was made by Green, second Coerper to approve the appointment of Linda Couey to fill the resignation of Mary Peeples as recommended by Council liaisons Bohr and Hansen; and, approve the appointment of Craig Lumb to fill a vacant position as recommended by Council liaisons Bohr and Hansen. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

8. (City Council) Approved one (1) appointment and two (2) reappointments to the Allied Arts Board, as recommended by Council Liaisons Mayor Pro Tem Cathy Green and Councilmember Don Hansen.

A motion was made by Green, second Coerper to approve the appointment of Suzanne Boller to a term expiring June 30, 2013, as recommended by Council liaisons Green and Hansen; and, approve the reappointment of Diana Lo Schiavo to a second term expiring June 30, 2013, as recommended by Council liaisons Green and Hansen; and, approve the reappointment of Greg Marrero to his first full term to expire June 30, 2013, as recommended by Council liaisons Green and Hansen. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

9. (City Council) Adopted Resolutions No. 2009-64, 2009-65, 2009-66, 2009-67, and 2009-68 requesting authorization by the City and approval from Cal Trans for temporary closure of local streets, including portions of Main Street, Pacific Coast Highway, Garfield Avenue, Huntington Street, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Central Park Drive, and Walnut Avenue for certain special events in 2010.

A motion was made by Coerper, second Green to adopt Resolution No. 2009-64, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events;" and, adopt Resolution No. 2009-65, "A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the closing of Pacific Coast Highway for the Surf City USA Marathon Run;" and, adopt Resolution No. 2009-66, "A Resolution of the City Council of the City of Huntington Beach Approving the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Huntington Street, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, Main Street, Walnut Avenue and Central Park Drive for the Surf City USA Marathon Run;" and, adopt Resolution No. 2009-67, "A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Fireworks;" and, adopt Resolution No. 2009-68, "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

10. (City Council) Approved a five-year extension to the Memorandum of Understanding (MOU) between the City and Friends of Shipley Nature Center (FSNC) for the operation and improvement/restoration of the Nature Center located in Central Park.

A motion was made by Green, second Coerper to approve Amendment No. 1 to the Memorandum of Understanding between the City and Friends of Shipley Nature Center; and, authorize the Mayor and City Clerk to execute same. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

11. (City Council) Approved project plans and specifications and award construction contract in the amount of \$6,630,098.00 to The Richardson Group for the Utility Yard Improvements Project, CC-1261.

This item was pulled for separate consideration by Councilmember Dwyer. Staff detailed the specific water funds that will be utilized for this project, and the requirements to only use these funds for water projects.

A motion was made by Dwyer, second Green to approve the plans and specifications for the Utility Yard Improvements Project, CC-1261; and, accept the lowest responsive and responsible

bid submitted by The Richardson Group, in the amount of \$6,630,098.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

12. (City Council) Approved a five-year lease agreement with Tina Viray and Nelson Westcott, DBA Surf City Store, for use of a newly constructed concession building on the Huntington Beach Pier to operate a visitor serving retail store.

A motion was made by Green, second Coerper to approve and authorize the Mayor and City Clerk to execute the "Lease Between the City of Huntington Beach and Tina Viray and Nelson Westcott, a General Partnership Doing Business as the Surf City Store." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

13. (City Council) Approved agreement between the City and County of Orange to transfer funds for FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

A motion was made by Green, second Coerper to approve and accept "Agreement to Transfer Funds for 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program" between the County of Orange and the City of Huntington Beach; and, authorize the Mayor and City Clerk to execute on the City's behalf the "Agreement to Transfer Funds for 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program" between the County of Orange and the City of Huntington Beach; and, approve the appropriation and expenditure up to \$43,822 to be fully reimbursed by the grant from the Department of Justice via the County of Orange. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

14. (Redevelopment Agency) Approved a three-year Professional Services Agreement in an amount not to exceed \$331,527 with Rosenow Spevacek Group, Inc. for plan amendment consulting services related to the expansion of the Huntington Beach Merged Redevelopment Project Area.

A motion was made by Green, second Coerper to approve and authorize the Chair and Agency Clerk to execute the "Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Rosenow Spevacek Group., Inc. for Plan Amendment Consulting Services." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

15. (City Council) Approved a five-year lease agreement with Dave Shenkman, DBA Kite Connection International Incorporated for use of a newly constructed concession building on the Huntington Beach Pier to operate a kite retail store.

A motion was made by Green, second Coerper to approve and authorize the Mayor and City Clerk to execute the "Lease Between the City of Huntington Beach and Dave Shenkman, Doing Business As Kite Connection International Incorporated." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

16. (City Council) Adopted Resolution No. 2009-71 to declare disposition of certain real property near the intersection of Gothard and Main Streets, and approve the Agreement for Sale of Surplus Real Property and Escrow Instructions between the City and Joe Gergen.

A motion was made by Green, second Coerper to adopt Resolution No. 2009-71, "A Resolution of the City Council of the City of Huntington Beach Declaring the Disposition of Certain Surplus Property;" and, Approve the "Agreement For Sale of Surplus Real Property and Escrow Instructions" for the sale of surplus property to buyer, Joe Gergen; and, Authorize the Mayor and City Clerk to execute the "Agreement for Sale of Surplus Real Property and Escrow Instructions" and all other related documents to convey ownership of the surplus property; and, Authorize the Director of Economic Development to execute any other related escrow documents. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

17. (City Council) Approved a five-year lease agreement with Marian Johnson, DBA Let's Go Fishing and Surf City Snack Bar, LLC, for use of a newly constructed concession building on the Huntington Beach Pier to operate a bait and tackle retail store and snack bar.

This item was pulled for separate consideration by Councilmember Carchio. Discussion ensued on hours of operation, size of the proposed building, and contract length.

A motion was made by Carchio, second Hansen to approve and authorize the Mayor and City Clerk to execute the "Lease Between the City of Huntington Beach and Marian Johnson, Doing Business As Let's Go Fishing and Surf City Snack Bar, LLC." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

18. (City Council) City of Huntington Beach Strategic Plan Objectives Update.

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

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

19. (City Council) Approved project plans and specifications and award construction contract in the amount of \$782,625.00 to Garcia Juarez Construction, Inc., for the Blufftop Beach Restrooms Project, CC-1286.

This item was pulled for separate consideration by Councilmember Dwyer. Staff noted that the annual cost for the "pump out" is approximately \$70,000, discussed various aspects of the restroom construction, and the bidding process.

A motion was made by Dwyer, second Green to approve the project plans and specifications for the Blufftop Beach Restrooms Project, CC-1286; and, accept the lowest responsive and responsible bid submitted by Garcia Juarez Construction, Inc., in the amount of \$782,625.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, authorize the Director of Public Works to approve up to fifteen percent (15%) in construction changes orders. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

20. (City Council) Approved Amendment No. 1 to the Agreement between the City and Pacific Shoreline Marathon, LLC (PSM) authorizing a five-year extension to operate the Surf City USA Marathon (formerly known as the Pacific Shoreline Marathon) for the years 2011 to 2015.

A motion was made by Green, second Coerper to approve "Amendment No. 1 to Agreement Between the City of Huntington Beach and Pacific Shoreline Marathon to Provide the Surf City USA Marathon in Huntington Beach," a five-year contract extension to operate the Surf City USA Marathon in Huntington Beach for the years 2011 to 2015. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

21. (City Council) Approved a three-year, non-exclusive license agreement between the City and Angella Voskanian, DBA One Fine Blend, to operate a food concessionaire stand at the Central Library.

This item was pulled for separate consideration by Councilmember Carchio to clarify contract information with staff.

A motion was made by Carchio, second Coerper to approve and authorize the Mayor and City Clerk to execute the "Non-Exclusive License Agreement Between the City of Huntington Beach and Angella Voskanian, a Sole Proprietor, Doing Business as One Fine Blend." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

22. (City Council) Authorized holiday closure of City facilities for the period of December 28, 29, 30 and 31, 2009 by adopting Resolution Nos. 2009-73 and 2009-74 concurrently amending Memorandum of Understanding (MOU) side letter agreements between the City, the Municipal Employees Association (MEA) and the Management Employees Organization (MEO).

This item was pulled for separate consideration by Mayor Pro Tem Green. She thanked MEA and MEO employees for their efforts to reduce costs. Staff remarked that the executive employees (Non-Associated) would also be participating in the holiday closure.

A motion was made by Green, second Dwyer to close all non-essential City services to the public for the period December 28, 29, 30, and 31, 2009 in addition to the City recognized holidays of December 25, 2009 (Christmas) and January 1, 2010 (New Year's Day) by adopting Resolution No. 2009-73, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Municipal Employees' Association (MEA), by adopting the Side Letter of Agreement," and adopting Resolution No. 2009-74, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO), by adopting the Side Letter of Agreement." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

#### ORDINANCES FOR INTRODUCTION

23. (City Council) Reconfirmed Level 1 of the Water Management Program and approved for introduction City Council Ordinance No. 3849 establishing a Water Conservation and Water Supply Shortage Program.

Staff member Howard Johnson made a report via a PowerPoint Presentation. Slide presented were entitled: History, New Permanent Water Restrictions, Public Notification Process, and Contact Information.

Discussion ensued regarding Council approvals for any changes in this program, the civil citation program, and usage of domestic water.

A motion was made by Coerper, second Hansen to after the City Clerk reads by title, introduce Ordinance No. 3849, "An Ordinance of the City of Huntington Beach Amending Chapter 14.18 of the Huntington Beach Municipal Code Establishing a Water Conservation and Water Supply Shortage Program; and, reconfirm Level 1 of the Water Management Program. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

#### ORDINANCES FOR ADOPTION

25. (City Council) Adopted Ordinance No. 3846 deleting Section 7.12.050 (animals prohibited in food handling premises) of the Huntington Beach Municipal Code (HBMC) which regulates live animals in the servicing and dining areas of a food facility. Approved for introduction November 2, 2009.

A motion was made by Hardy, second Coerper to after City Clerk reads by title, adopt Ordinance No. 3846, "An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of

the Huntington Beach Municipal Code Relating to Animal Care and Control." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen  
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

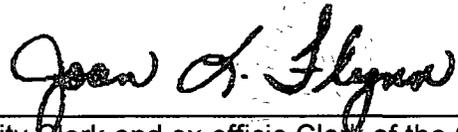
Mayor Pro Tem Green congratulated Councilmember Coerper for his "Labor Lifetime Achievement Award." She attended the Veterans' Day Ceremony, the Sister City delegation event, and a play at the Southern Steak.

Councilmember Dwyer congratulated Councilmember Coerper on his award achievement. He attended the Veterans' Day ceremony and the Sister City delegation event.

Councilmember Carchio congratulated Councilmember Coerper on his achievement. He attended the Centennial Old Fashioned Picnic, the Firefighters' Golf Tournament, Sister City delegation event, and the Veterans' Day ceremony.

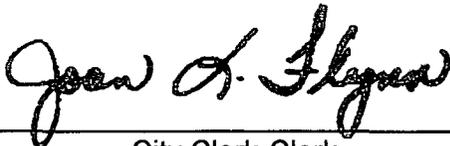
Mayor Bohr congratulated Councilmember Coerper on his achievement. He attended the Veterans' Day ceremony and the Sister City delegation event.

ADJOURNMENT - Council/Agency adjourned at 11:22 p.m. to the next regularly scheduled meeting on Monday, December 7, 2009, at 6:00 PM, Civic Center, 2000 Main Street, Huntington Beach, California.

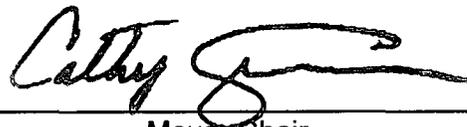


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor-Chair