

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

Monday, February 4, 2008
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 5:00 p.m., in the City Council Chambers due to an anticipated lack of quorum.

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:05 p.m., in the City Council Chambers.

City Council/Redevelopment Agency Roll Call

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

(Councilmember Green arrived at 5:08 p.m.)

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no Late Communications regarding Closed Session items had been received by her office following distribution of the agenda packet.

Public Comments - None

Motion to Recess to Closed Session - 5:06 p.m.

A motion was made by Coerper, second Bohr, to recess to Closed Session. The motion was carried by a consensus of Council present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9, the City Council shall recess to Closed Session to confer with the City Attorney regarding the following lawsuit: Metromedia Fiber Network Services, Inc. v. State Board of Equalization, et.al.; Sacramento Superior Court No. 34-2007-00882854. This case involves a claim for a tax refund of State-assessed property taxes for the tax year 2003-2004 and is brought against the State Board of Equalization and twelve California counties, including the County of Orange.

E-1

(City Council) Closed Session – Pursuant to Government Code Section 54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Paul Emery, Interim City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Finance Director; Duane Olson, Fire Chief; and Renee Mayne, Chief Negotiator, regarding labor negotiations with HBFA.

Reconvene City Council/Redevelopment Agency Meeting - 6:00 p.m.

The City Attorney Reported No Action Taken During Closed Session Which Required A Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio

Absent: None

Pledge of Allegiance/Flag Salute - Led by Cub Scout Pack 1010

Invocation - Provided by Steven Goldstein representing Family Federation

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn announced the following Late Communications received by the City Clerk's Office following distribution of the City Council Agenda packet:

Communications submitted by the following 54 individuals stating opinions pertaining to Public Hearing Item No. D-1 (Huntington Beach Senior Center Project). Clerk Flynn identified a spelling correction for Mark Alber III as Mark Allen III.

Mary Jo Baretich, Charles & Jean Brac, Jane Burke, Michael & Sherry Coggins, David & Kathy Crafton, Robert O. Dettloff, Nancy Donovan, Dale L. Dunn, Cindy Evans, Robin Garcia, Tim Geddes, Kathryn E. Goddard, Charles & Janice Graff, Carol Griffith, Ezat Heshemati, Betty J. Hickey, Mr. & Mrs. Hoffman, Laura Holdenwhite, Joyce Hoskinson, LaDean Hughes, Jean A. Ingram, Jack Kirkorn, Michael & Sandra Kistler, Donald Klein, Kim Kolpin, Holly Kruger, Lynne Livingston, Mark Allen III, Phil & Gayle McCrea, Marli McGraw, Donna Mason, Judy Ann Morris, Merle Moshiri, Eileen Murphy (2), Mrs. E. Peterson, Alan D. Ray, Carol Settimo, Mary Louise Shattuck, Philip Smith, Marion & Elliott Sutton, Beverly Taylor, Lois Vackar, Al & Olga Wrobel, Patricia Goodman, Chad Holcomb and Michael McMahan.

Communication submitted by Steve Stafford, dated February 4, 2008 regarding insurance on Consent Calendar Item No. E-3 (Emerald Cove Senior Apartments Capital Repair Project 2007).

PowerPoint communication regarding Administrative Item No. F-2 dated February 4, 2008, submitted by Jim Engle, Director of Community Services and titled *Huntington Beach High School Skate Park, Termination of License Agreement Between the City of Huntington Beach and the Huntington Beach Union High School District*. Communication submitted by Steve Stafford, dated February 4, 2008 regarding Administrative Item No. F-2 (Huntington Beach High School Skate Park).

Communication submitted by City Attorney Jennifer McGrath dated February 4, 2008 and titled *Late Communication February 4, 2008 Agenda Item G-2b Revised Legislative Draft of Chapter 7.08 of the Municipal Code and Revised Ordinance #3798 (Spay/Neuter)*.

PowerPoint communication dated February 4, 2008, submitted by Police Chief Ken Small and titled *Council Agenda Item G-2b, Ordinance No. 3798, Resolution No. 2008-05 (spay/neuter/microchip of dogs and cats)*.

Communications submitted by the following 95 individuals stating opinions pertaining to establishing an incentive-based fee program that encourages spay, neuter and microchip identification for dogs and cats.

Teddi Alves, Diane Amendola, Gordon Amendola, Victoria Babinski, Doug Bacon, R. Allen Baylis, Debbie Bent, Nancy Berger, Neil Berger, May Bradley, B. Brooks, Shawna Brooks, Tiffany Brooks, Sue Chamberlain, Andrew Chance, Linda Clark, Jim & Kala Cohen, Holly Conway, August Court, Lisa Dare, Gail S. Dash, Catherine De Luca, Marie Darraeie, Patti Dennis, Karen Dembrowski, Fred DeNuccia, Daren DeNuccia, Marcie Dobkin, Jan Dykena, Donald Foot, Jacki Forkel, Lisa Harris, Nancy E. Harrison, Viviana Hetherington, Robert & Linda Hoffman, Gary Ilmanen, Tracy Jago, George Joseph, Rich Jubak, Jane Jubak, Carole Kelly, Vicki Kimbell, Patrese Knox, L. Laughlin, Judith A. Legan, Keith Lezatte, Sue Lezatte, Elizabeth McKennon, Tandy Mesmer, Marsha Mikit, Joan Mulligan, David Murray, Jason Palm, Robert Patenaude, Ann Patrick, Arlene Peters, Christine S. Phillips, Jean Polkow, Michael Powell, Michele Powell, Karen & Patti Pyfer, Lindsay Ray, Mary R. Rogers, Jeff Rogers, James Rogers, Linda M. Rogers, Michael Rogers, Christina Sanh, Richard A. Smart, Sarah Sprouse, Monika Stachon, Jeff Sutherling, Miyako Tanaka, Terry Toussaint, Charlene T. Vincent, Constance Wardell, Norm Westwell, John Wilker, Susan Wise, Sandy Young, Dean Langwiser, Marilyn Barcellos, Charlotte Z. Foley and Harriet Seldin.

The Following Communications Were Received During the Meeting

Mayor Cook and Mayor Pro Tem Bohr submitted reports pursuant to AB 1234, which will be on file in the City Clerk's Office.

Communication submitted by April Parmelee undated and titled *MANDATORY SPAY/NEUTER The Wrong Answer for Cat Lovers*.

PowerPoint handout submitted by Mark Allen dated February 4, 2008 and titled *Proposed Central Park Senior Center City Council Feb. 4, 2008 Parks Legal Defense*.

Presentation (Olive Crest Homes) - Mayor Debbie Cook called on Diana Casey representing Olive Crest Homes for Abused Children for the presentation of a donation check from Wally Sumner representing Navigator Tours, Rendezvous Tours, New Zealand Air and Langham Hotel in conjunction with Waitakere City, New Zealand.

Ms. Casey introduced Dr. and Mrs. Lois Verlour, founders of Olive Crest Homes who accepted a check in the amount of \$735.00 from Wally Sumner. Dr. Verlour thanked representative Sumner from our Sister City of Waitakere City, New Zealand, discussed how child abuse has no geographical boundaries, and provided information on the number of adoptions secured by Olive Crest Homes.

Presentation (Huntington Beach Youth Shelter) - Mayor Debbie Cook called on Elsa Greenfield representing the Community Service Program Inc., Huntington Beach Youth Shelter for the presentation of a donation check from Wally Sumner representing Navigator Tours, Rendezvous Tours, New Zealand Air and Langham Hotel in conjunction with Waitakere City, New Zealand.

Ms. Greenfield thanked Council on behalf of the Huntington Beach Youth Shelter for facilitating the program and discussed the how the Shelter was able to highlight its services during the Sister City weekend celebration with New Zealand held in December.

Presentation (Interval House) - Mayor Debbie Cook called on Chief of Police Ken Small to receive a check in the amount of \$10,000 from Interval House (Domestic Violence Program and Shelter) to enhance the investigation of domestic violence crimes.

Chief Small described the Police Department's relationship with Interval House since 1979, and how grant opportunities helped provide \$111,000 in donations to the City over the past 6 years. Chief Small introduced Sharon Wie, Director of Programs who described project efforts relating to emergency response for domestic violence crimes. Director Wie introduced dedicated team advocates as Cindy Tran, Janine Limas, Inshirah Oweini, and former Huntington Beach Chief of Police and Interval House Board Member Ron Lowenberg. Chief Lowenberg thanked Interval House team members for the service they provide to the community, discussed community policing and partnering, and encouraged the public to visit existing Interval House facilities.

Public Comments

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

Mayor Cook announced that additional information on the spay/neuter ordinance is available in the lobby.

Bob Huling spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He voiced concerns about the ages identified for spay and neuter, stating that certified breeders follow American Kennel Club (AKC) rules and guidelines. He also discussed the number of animals smuggled into the United States annually. (19:24)

Leslie Gilson thanked the Council and City staff for their efforts in removing diseased eucalyptus trees in Gibbs Butterfly Park, and presented photographs of the Park in its current condition. She announced a planting event scheduled for Arbor Day and described how the park was once a way point to over 10,000 Monarch butterflies. She also announced that February 16 will be designated as Monarch Day, with an event promoted to bring Monarch butterflies back to Gibbs Park.

Councilmember Coerper thanked Ms. Gilson for superb work.

Councilmember Carchio and Ms. Gilson discussed how the Monarch promotion is meant to attract all butterfly species, and that planting of new vegetation will be complete in April. (22:40)

Charles McCormack spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He stated his opinion that the ordinance was drafted for money purposes only, that it was unnecessary, and that there is no need to license cats. (26:22)

Dean Albright spoke in opposition to the proposed Senior Center development in Central Park and provided a brief history of the area's past use as a retention basin in the early 1960s. He also described past Council efforts to develop the area into Central Park, expressing his feelings that putting anything structural in the park would be wrong. (27:54)

Doug Bacon spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He stated his opinion that pet overcrowding does not exist in Huntington Beach and that requiring business licenses to sell pets is discriminatory. (30:01)

Annette Wilson spoke to the Council about a neighbor's dense trees causing utility problems and loss of power in her neighborhood. She described how windy conditions experienced on October 21, 2007 disabled her computer service, and how Verizon, Southern California Edison, and the City have been unable to remedy the situation because of an absentee landlord who will not resolve the nuisance. She requested Council assistance and suggested that the City establish fines for property owners who neglect property maintenance. (31:04)

Councilmember Hardy requested that Ms. Wilson fill out a Council Follow-Up card to facilitate further action.

April Parmelee spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She voiced concerns about how age limits specified within the ordinance for spay and neuter would negatively affect future pedigree lines. She also discussed the screening procedures practiced by breeders for individuals interested in purchasing a pet. (34:17)

Tom Brown spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He discussed breeding of German Shepherd dogs, and described how his veterinarian doesn't support castration. He also discussed the expense of proper care and voiced concerns about a number of Huntington Beach pet shops selling puppies imported from other countries. (38:00)

Ken Burton spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He voiced concerns about reported cancer statistics for microchipped animals, and making decisions that should be made by a veterinarian, suggesting education as a better method to improve animal control. (41:17)

Debbie Bent spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She voiced confusion about conflicting information provided at the meeting, and referenced language in various sections of the ordinance that suggests spay, neuter and microchip activity is mandatory, how the term "Bench" does not apply to Huntington Beach, and her opinion that the proposed fee schedule is exorbitant. (43:35)

Mayor Cook stated that she addressed similar concerns about confusing language with the City Attorney, and that the Council will attempt to clarify that spay, neuter and microchip activity is voluntary, not mandatory.

Nancy Shorts spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals, urging the Council not to vote on an unclear ordinance. (46:35)

Mary Bradley spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She discussed the status of AB 1634 in Sacramento, and her opinion that a local animal control issue does not exist. She also discussed medical and structural conditions that occur in animals that are spayed too early. (47:20)

Patti Burton spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She voiced concerns about unfair taxation and being penalized for irresponsible breeder/pet ownership. She also stated her opinion that mandatory laws have not provided decreased euthanasia activity in shelters, that prospective pet owners need to be screened, and that identification issues do exist among microchipped pets. (50:10)

Teddi Alves spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She expressed appreciation for the Council's consideration, but voiced concerns about modified information being presented at the meeting without allowing ample time for public review. She stated her opinion that the ordinance was written to make money, and urged the Council to consider a fair, tiered fee schedule. (53:20)

Patricia Schempp spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She urged the Council to consider adopting a tiered fee schedule. (56:05)

Diane Amendola spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She thanked the Council for their attentiveness and requested that the taxation identified within the ordinance be lowered. She also stated her opinion that statistics indicate no animal control problem at the local level, and shared her preference to purchase a dog from a qualified breeder, not local pet shops that house rescues from outside of the United States. (56:45)

Mayor Cook reminded the public that the Council did not establish the fee figures identified within the fee schedule.

Ed Templeton spoke in opposition to terminating the license agreement for the Huntington Beach High School Skateboard Park. He described how he skates at that location 3 to 4 times per week and has not witnessed the problems identified in a local news article. He stated his opinion that skateboarding is a part of the local heritage, and urged the Council to consider a replacement location for the lost park. (01:00:23)

Councilmember Hansen requested that the speaker fill out Council Follow-Up card to facilitate further inter-action.

Molly Kiefer spoke in opposition to terminating the lease agreement for the Huntington Beach High School Skateboard Park. She described her children's involvement in the sport and described it as a positive activity that promotes health and exercise. She discussed how Huntington Beach is the hub of the skateboard industry, and how it is the fastest growing sport worldwide with millions of dollars being spent on new parks. She requested that the Council commit to a new location for replacement of the lost park. (01:03:15)

Steve Stafford voiced concerns about past vandalism and graffiti activity experienced at Huntington Beach High School prior to the opening of the Skate Park. He discussed alternate sources of revenue that may be available to fund a new park, and alternative sites to consider such as Worthy Park or the northwest corner of Main Street and Utica Avenue. (01:05:45)

Doug Traub, President of the Huntington Beach Conference and Visitors Bureau (CVB), spoke to the Council about the CVB's efforts to develop a new Visitors Center at Pier Plaza in accordance with a strategic plan by earmarking \$102,000 from other projects. He described the number of hours spent on research and urged the Council to approve the request and help make visitors aware of local tourist attractions. (01:08:25)

Nancy Donaven voiced concerns about the effect bottled water has on our environment. She reminded the Council that the U.S. Conference of Mayors passed a resolution on proliferation of bottled water, discussed safe drinking water, municipal waste and landfills, and oil use that could provide alternative energy. (01:10:48)

Councilmember Green commented that the City has established water conservation practices and recycling programs.

Allen Baylis representing Pet Owners Want Equal Rights (POWER), spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He voiced concerns about the true intent of an incentive-based program and mandatory conditions that are unenforceable. (01:13:35)

Mort Evans spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He stated his opinion that the City does not have an animal control problem and urged the Council to deny the ordinance. (01:15:50)

Carol Hamilton spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She brought Council's attention to an Irish Terrier that functions as a service dog who can detect medical conditions, stating her opinion that the ordinance will tax pedigrees out of existence. She also discussed how dogs from third-world countries wind up in shelters, and the importance of animal rescue organizations. (01:17:00)

Jim Townsend spoke in support of the proposed Senior Center at Huntington Central Park. He stated his opinion that the Rodgers' Center is being held in place by termites, and described the beauty of the Fountain Valley Senior Center that is 1.5 times larger and is usually crowded. (01:20:37)

Peter Townend, representing USA's Skateboarding National Governing Body Commission, requested that the Council consider replacing the Huntington Beach Skate Park scheduled for lease termination. He described raising three children in Huntington Beach, and stated pride for son Tosh Townend, a world-renowned skateboarder. He also made reference to successful skateboarding businesses, the success of Ryan Schekler's television program on MTV, and Olympic Gold Medalist Shawn White's sponsor affiliation with Target stores. He voiced concerns about a local news article that quoted a Councilmember as stating more pressing issues in the City exist before skateboard parks. (01:23:00)

Barry Johnson requested that the Council consider replacing the Huntington Beach Skate Park scheduled for lease termination. He discussed how designated parks help decrease the amount of trespassing on private property, identifying a number of parks in nearby cities. He stated his opinion that the sport keeps kids busy and out of trouble, and suggested the beach as a possible relocation site and his feeling that downtown skate shops would support the idea. (01:25:54)

Ron Johnson thanked Council for listening to speakers in support of skateboarding in Huntington Beach. He described his personal experiences skateboarding in the area, and urged the Council not to support Huntington Beach High's recommendation to terminate the Skate Park lease agreement. (01:29:07)

Mayor Cook reminded the public that the decision to terminate the Skate Park Lease Agreement lies solely with the Huntington Beach Union High School District.

Jeff Aezer urged the Council to build a new Skate Park in an alternate location, and discussed his plans to introduce his children to skateboarding. (01:30:00)

Cameron Troxey, 13-year resident described how he and his friends spend all their time at the Skate Park, urging the Council to keep the park or replace it at an alternate location. (01:30:52)

Mayor Cook asked if any of the speakers present on the Skate Park attended the School Board meeting on the item.

Kathryn Lui spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She voiced her opinion that the item has wasted taxpayer's time and money, and directed discussion on the recall process for elected officials at Mayor Pro Tem Bohr for bringing the request forward. (01:31:42)

Mayor Cook reminded the speaker that the language within the proposed ordinance is not reflective of Council's intent and direction to staff.

Norm Westwell spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He called the action unnecessary and discussed restrictions on personal property and how private property rights should be protected, not diminished. He urged Council to allow animal control officials to make decisions related to animal abandonment. He also voiced concerns about advertising breeder business license numbers, extreme license fees, and how animal rights activists turned away from Huntington Beach when the City of Los Angeles considered a similar ordinance. (01:35:07)

Judi Demers, Animal Assistance League of Orange County, spoke in favor of the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. (01:38:20)

Catherine L. DeLuca spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. She introduced her pedigree dog Clancy and voiced concerns about the ordinance deterring people from rescuing animals because of high fees. She urged the Council to listen to their constituents who oppose the ordinance. (01:38:55)

James Wilschke spoke in support of the Huntington Beach High School Skate Park, voicing concerns for future skateboarders who will have no place to skate. He urged Council to consider a new park facility and location. (01:41:13)

Alexandra Gold spoke in support of a new Senior Center, but not in its proposed location at Central Park. (01:42:08)

Kenta Kito spoke in support of the Huntington Beach High School Skate Park, and discussed the friendships he made while skating there. He urged Council to consider a new park facility and location. (01:42:40)

Ralph Berker spoke in opposition to the proposed ordinance regarding an incentive-based fee program that encourages dog and cat owners to spay, neuter and microchip their animals. He voiced concerns about spay/neuter provisions involving young animals, and whether or not the ordinance will resolve overcrowded animal shelters. He stated his opinion that social conscientiousness can not be legislated, and discussed the importance of community education on proper animal care. (01:43:30)

Jon Bunch, Golden West College, spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:46:30)

Stefanie Gay spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:46:46)

Jules Hooper spoke in support of the proposed Senior Center in Central Park and described his volunteer activity at Rodgers' Senior Center. (01:47:52)

Ryan Cisneros spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:48:55)

Anh Pham spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:49:10)

Cetin Aydin spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:49:25)

Tri Nguyen spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:49:35)

Jeff Payetta spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:49:45)

Councilmember Green asked speakers if they were attending the meeting on a class assignment, and if they receive extra credit.

James Chung spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:50:32)

Roy Lee spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:51:01)

Amy Peterson spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:51:20)

Laura Reichstadt spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:51:39)

Councilmember Carchio asked speakers to identify the class they represent from Goldenwest College. Ms. Reichstadt responded, "Geography."

Noel Clarke Jr. spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:52:16)

Ian Knox spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:52:45)

Quinnie Nguyen spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:53:20)

Kathy Truong spoke in support of the proposed Senior Center at an alternate location in order to save Central Park. (01:53:42)

Mayor Pro Tem Bohr announced that the Skate Part issue will be discussed at the Huntington Beach Union High School District meeting on February 12, 2008 at 7:30 p.m. at 5032 Bolsa Avenue.

Council Committee/Appointments/Liaison Reports and All AB 1234 Disclosure Reporting

City Clerk Flynn identified a report submitted by Mayor Pro Tem Bohr, and Mayor Cook identified her attendance a U.S. Conference of Mayors meeting in Washington, D.C.

City Administrator's Report - None.

(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's December 2007 Investment Summary Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 2007

Communication from City Treasurer Shari L. Freidenrich transmitting the Monthly Investment Report and Summary of Investments for December 2007.

PowerPoint presentation titled *December Treasurer's Report* is included in the agenda packet.

City Treasurer Shari Freidenrich provided a PowerPoint presentation.

A motion was made by Coerper, second Carchio to review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 2007*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held to Consider an Appeal by Mayor Cook of the Planning Commission's Approval of Environmental Impact Report (EIR) No. 07-002 and Conditional Use Permit No. (CUP) No. 07-039 for the Construction and Operation of an Approximately 45,000 sq. ft. Senior Center to be Located at 18041 Goldenwest Street, a 5-Acre Site Southwest of the Intersection of Goldenwest Street/Talbert Avenue in Central Park; Adopted Resolution No. 2008-06 Certifying the Final EIR (SCH #2007041027) for the Huntington Beach Senior Center Project; Approved California Environmental Quality Act (CEQA) Statement of Findings of Fact with a Statement of Overriding Considerations

Communication from the City Attorney transmitting the following **Statement of Issue**:

NOTICE IS HEREBY GIVEN that on Monday, February 4, 2008, at 6:00 p.m. in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing on the following planning and zoning items:

APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF ENVIRONMENTAL IMPACT REPORT NO. 07-002/CONDITIONAL USE PERMIT NO. 07-039 (HUNTINGTON BEACH SENIOR CENTER)

Appellant: Mayor Cook

**PowerPoint presentation titled Huntington Beach Senior Center in Central Park, Appeal of Planning Commission's Approval of: Environmental Impact Report No. 07-002, Conditional Use Permit No. 07-039 was included in the agenda packet.

Funding Source: Not applicable

Interim City Administrator Paul Emery introduced Scott Hess, Director of Planning who made introductions of internal staff and outside consultants involved in the project including Associate Planner Jennifer Villasenor, Planning Manager Mary Beth Broeren, Facility, Development and Concessions Manager Dave Dominguez, Transportation Manager Bob Stachelski, Fire Prevention Specialist Lee Caldwell, Deputy City Attorney Leonie Mulvihill, Principal Civic Engineer Terri Elliott and Associate Civil Engineer Debbie Debow. He also introduced several members of consultant teams with PBS&J, Urban Crossroads, and LPA, Inc.

Planner Villasenor made a PowerPoint presentation that provided the following information: Project Location and Outerlying Properties, EIR 07-002 Analysis, Impacts (project specific and cumulative), Conditional Use Permit, Aerial View of Site, Project Description, Hours of Operation, Elevations, Planning Commission Action, Appeal, Analysis - EIR/CUP/Land Use Compatibility, Analysis - Measures C and T, Analysis - Pacific City EIR - Project Funding, Statement of Overriding Considerations and Recommended Action.

Councilmember Coerper asked staff to explain criteria for LEED Certification. Administrator Emery explained that the Planning Commission recommended LEED Certification as a condition of approval and that cost implications were identified in a communication that accompanied the staff report.

Councilmember Green questioned certain additional costs identified for LEED Certification, and Director Hess provided specific numbers, explaining that the additional figure of \$80,000 is included within the total estimate of \$330,000. Councilmember Green asked if the City would be able to remove certain criteria that she considers would not benefit the City. Director Hess stated that certain point evaluation would need further study.

Councilmember Coerper voiced concerns about how the City would fund the estimate for LEED Certification. Administrator Emery explained that the Council has discretion to consider alternatives that will affect final cost and building design.

Councilmember Carchio asked for clarification on LEED specifications. Administrator Emery explained that the project is in the early phases of development, and that building specifications have not been finalized. He discussed prior Council direction to utilize green techniques and described how including certain building components earn credit in the LEED points system. Councilmember Carchio suggested a monetary cap be identified and questioned whether the City has hired a LEED Consultant.

Councilmember Hardy questioned why the project encompasses 5 acres given that the building footprint provides for 1 acre. Planner Villasenor explained that 2 of the remaining 4 acres have been identified for parking, with the remainder designated for landscaping, including a 10,000 square foot lawn. She also explained that a final landscape plan would be presented at a later date.

Councilmember Hardy asked about grading, voicing concerns about the slope that exists between the sidewalk on Goldenwest Street, and the front entrance of the facility. She asked for the number of feet at that distance, and from the front entrance to the furthest proposed parking space. Planner Villasenor described the walkway designed from Goldenwest Street to the front entrance, with a measured distance of approximately 300 feet, and approximately 200 to 250 feet from the property setback in the parking area to the front entrance.

Councilmember Green asked if the landscape plan will utilize drought tolerant vegetation. Planner Villasenor responded affirmatively.

Councilmember Coerper voiced concerns about the slope affecting handicap access. Planner Villasenor ensured that the slope would be gradual per ADA requirements and referred to the site plan for access driveway and ADA ramp location.

Mayor Cook declared the Public Hearing open.

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

City Clerk Flynn read into the record receipt of the following Late Communications:

Communications submitted by the following 54 individuals stating opinions pertaining to Public Hearing Item No. D-1 (Huntington Beach Senior Center Project). Clerk Flynn repeated a spelling correction for Mark Alber III and Mark Allen III.

Mary Jo Baretich, Charles & Jean Brac, Jane Burke, Michael & Sherry Coggins, David & Kathy Crafton, Robert O. Dettloff, Nancy Donovan, Dale L. Dunn, Cindy Evans, Robin Garcia, Tim Geddes, Kathryn E. Goddard, Charles & Janice Graff, Carol Griffith, Ezat Heshemati, Betty J. Hickey, Mr. & Mrs. Hoffman, Laura Holdenwhite, Joyce Hoskinson, LaDean Hughes, Jean A. Ingram, Jack Kirkorn, Michael & Sandra Kistler, Donald Klein, Kim Kolpin, Holly Kruger, Lynne Livingston, Mark Allen III, Phil & Gayle McCrea, Marli McGraw, Donna Mason, Judy Ann Morris, Merle Moshiri, Eileen Murphy (2), Mrs. E. Peterson, Alan D. Ray, Carol Settimo, Mary Louise Shattuck, Philip Smith, Marion & Elliott Sutton, Beverly Taylor, Lois Vackar, Al & Olga Wrobel, Patricia Goodman, Chad Holcomb and Michael McMahan.

Tom Livengood, Planning Commission Chair, spoke in support of the item and the Commission's recommendation to support LEED Certification, explaining how it applies not only to building design, but to transportation, recycling, construction waste management and other development components. He stated that the \$330,000 estimate includes all associated costs and discussed meetings held by both Subcommittees (Planning Commission and Council) on green standards. He stressed the importance green certification, explaining that builders will not understand the City's vision if green standards are denied on this project. He also discussed how green standards are cost effective and a plus for the environment. (02:33:20)

Councilmember Green asked if the Commission was unanimous on LEED Certification. Commissioner Livengood explained that members of the Commission and Subcommittee had differences of opinion on condition of approval language, but as a whole, unanimously supported the requirement. Councilmember Green pointed out that being LEED certified and building green is two different things. Commissioner Livengood reiterated the LEED Certified was the intent of the Commission. Discussion ensued on the difference between LEED and green standards.

Councilmember Coerper asked if LEED standards provide a financial return. Commissioner Livengood explained that the returns may be long range, but the impact is positive, citing examples such as utilities and other savings.

April Bautista, Goldenwest College, spoke in support of a new Senior Center, but not at the proposed location in Central Park. She discussed how funds recommended for landscaping could be used to improve conditions in Irby and Bartlett Parks, and voiced concerns about additional traffic on Goldenwest Street. She also encouraged additional studies on allocating funds for park improvements, LEED Certification and alternative sites. (02:40:05)

Mark C. Allen, Parks Legal Defense Fund, provided a PowerPoint that addressed jurisdictional inconsistencies between the Planning Commission and the City Council, environmental review and issue discovery, and public knowledge of issues, stating his opinion that the project, as presented, requires a vote of the people. He discussed risk

factors associated with depending on another project's earmarked funds during a difficult economic time. He also stated his opinion that the conditional use permit doesn't comply with its land use designation for non-commercial activity for park and recreation when the proposed structure will function as a banquet, dance and exercise facility. (02:41:50)

Mayor Cook asked Mr. Allen to explain restrictions involved in using Mello-Roos fees to mitigate for the impacts of new development, and her understanding that as a Charter City, Huntington Beach can prepare an ordinance to ignore Mello Roos law. Mr. Allen explained how the item may conflict with California State law, describing how Mello Roos funds can be applied on certain subdivisions with related uses.

Councilmember Carchio asked for clarification on establishing a nexus. Mr. Allen explained that there must be a rational connection between the project's intended use, and the actual activity that takes place at that location. He also provided examples of reasoning to establish a nexus, and Councilmember Carchio questioned the rationale of requiring a percentage of seniors who reside in the Pacific City development to use the new senior facility in order to substantiate earmarked funds. Mayor Cook explained that Community Facility District (CDF) funds can only be used to mitigate for the impacts of new development and not as a tool for a new development to pay for a pre-existing need.

Kristin Stilton expressed concerns with the City's prepared remarks that funding issues should not be included as part of the Environmental Impact Report (EIR) discussion, improper earmark of Makar Quimby fees, a side arrangement involving CFD and Mello Roos taxes, a project cost estimate that applies to structural issues only, and establishing a nexus between the proposed project and the Pacific City EIR, stating that the proposal does not fulfill EIR requirements. She discussed how a community survey ranked 27 projects that qualify for Quimby fund use, including identification of skate park, bluff top park, and Edison Community Center, and stated her opinion that the square footage of the new facility should more appropriately represent the City's senior population. (02:53:25)

Mayor Cook asked where a new Senior Center ranked on the City survey. Staff identified the item as number 8 on the list. Ms. Stilton explained that seniors who participated in the study did not place a high ranking on building a new center. Councilmember Carchio asked if the survey included statistics on senior centers in surrounding cities. Ms. Stilton responded in the negative, but clarified that the study did include how Quimby funds are used in other cities.

Dean Albright questioned if the project considered water hydrology for the surrounding area, voicing concerns about locating a berm to the west side of the project that may create a stormwater flow issue that will carry oil components into the park. (02:58:32)

Cathy Meschuk spoke in support of the proposal and discussed how the Center will be used as a recreational facility. She also addressed issues of overcrowding and volunteer activity that currently exist with the Rodgers' Senior Center, and how the need for services will increase in future, urging the Council to certify the EIR. (02:59:30)

Joe Shaw, Planning Commission Member speaking as a private citizen, discussed the Council's support of the U.S. Conference of Mayor's Agreement on Climate Protection, requesting that they live up to the standards identified by the agreement and approve the project as a LEED Certified development. He also discussed fiscal responsibility in relation to future energy and water costs, and how Makar Properties may contribute up to \$38 million to assist with this project. He described a green award realized by the City

of Santa Monica, and how Huntington Beach can become a green leader among Orange County cities. (03:01:10)

Milt Dardis asked staff to clarify inconsistencies related to construction costs per square foot and voiced concerns involving traffic impacts, contingency, engineering, permit fees, construction administration and operational costs. He also discussed how the area's senior demographics will be effected by closure of the Rodgers' Senior Center. (03:03:35)

Merle Moshiri spoke in support of a new Senior Center, but opposes the proposed size and location. She discussed landmarks and suggested alternate locations such as Kettler School. (03:06:31)

Mike Sloan stated his opinion that the project was falsely presented to the registered voters of Huntington Beach as a senior center, not multi-generational recreational facility. He voiced concerns related to funding and Makar's use of Quimby obligation funds paid through Mello Roos tax, and how the project's grand scale will cause a painful loss of open space, urging the Council to consider an alternative site. (03:08:08)

Mary Jo Baretich stated her opinion that the City needs to recognize the value of park land and take the lead in building energy efficient and environmentally friendly structures. She described the project design as sterile, and not a fit with the contour of the land. She voiced concerns about the City's use of Quimby fees and future Mello Roos tax to fund the project, and the improbability of senior citizens being able to afford a condominium in the Pacific City Development. She also voiced concerns about inadequate studies done to address disruption of the environmentally sensitive habitat areas of the California Raptors and Burrowing Owls. (03:10:55)

John McGregor, 39-year resident, described how he frequents the Rodgers' Senior Center and surrounding centers in other cities on a daily basis for exercise programs and other activity. He voiced opposition to the project at its proposed location, recommending that the Council consider Kettler School as an alternative site. He discussed how the School District recently spent over \$3 million to repair the Kettler facility, and how it has ample parking. (03:14:53)

Norma Gibbs spoke about her involvement as a past member of the City Council in the dedication of Central Park, and how the City has provided venues at the Park to meet various community needs including equestrian, sports and nature, and that 5 acres of the Park should be dedicated for senior activity. She also discussed support received by the Council on Aging, and reminded the public that the School District denied the City's original request to purchase the Kettler School site. She voiced support for green building standards, but stated her belief that the City should cover the additional costs for LEED Certification. (03:17:48)

Don MacAllister, 40-year resident and past Mayor, informed the Council of his service as Vice-President for the Council on Aging and his affiliations with other Senior Advisory Councils. He commended the City's continued support of senior services and active volunteer and transportation programs. He stated that current senior facilities are outdated and will not support the growing senior population. He voiced support for the proposed project and requested that the Council approve the EIR. He also voiced support for building with high green standards, not LEED Certification. (03:21:21)

Eileen Murphy spoke in favor of preserving open space and encouraged the Council to deny the Senior Center EIR. She also suggested that the funds provided by the Pacific City developer be used to improve dilapidated conditions of certain parks within the City. (03:24:14)

Pat Goodman, 30-year resident, spoke in opposition to the proposed project in Central Park. Although she stated support for a new Senior Center, she requested that Council deny the proposal in its entirety due to her concerns of litigation involving Mello Roos fees, traffic safety and aesthetics. (03:25:32)

Steve Stafford spoke in opposition to the item, voicing concerns related to project funding through Mello Roos tax and an uncertain commitment by the developer. He also stated his opinion that the EIR did not adequately address flooding issues during the rainy season. (03:27:14)

Judy Ann Morris, 31-year resident with volunteer experience, stressed the importance of Council's approval of the project as proposed. She voiced concerns with the City's lack of senior center square footage per capita, citing examples of various surrounding cities that offer a greater ratio. (03:29:13)

Mindy White stated she resides within a 1,000 feet of the proposed project, commenting on a language discrepancy regarding an environmentally superior plan, and that paying for LEED Certification ensures accountability. She voiced concern about loss of open space, stating that the EIR described visual corridor impact as a subjective determination. She also addressed geology and soil issues and her concern that various groups have already outlined areas for further expansion. She read language within in the Pacific City EIR that described how project funds and Mello Roos fees will be used, questioning the assertion that a reasonable relationship exists between the two projects. She concluded by stating that people were not fully aware of magnitude of project when they cast their vote. (03:31:30)

Shirley Dettloff, former Mayor and 45-year resident, spoke on behalf of herself and husband Bob Dettloff in support of the proposed project. She described how development has changed the City over the years and how certain active citizens who worked to save Central Park now support the project as presented. She acknowledged that open space needs to be protected, but suggested that individuals who question the safety of significant habitat in the area have no scientific evidence that suggests harm. She described how the EIR provides mitigation measures for disruption of open space, stating her opinion that using 5 acres of land to benefit the senior population is not too much to ask for. She concluded by arguing that citizens who voted on the Measure T ballot initiative were adequately informed of the project including a televised public forum and various news articles and project mailers. (03:35:30)

Larry Geisse congratulated Mayor Cook on her decision to run for Congress. He spoke in support of a new Senior Center, but not at the proposed location. He voiced concerns about mitigation of legal, environmental and fiscal issues on a go-forward basis, and his opinion that approving bodies lacked understanding of consistency issues related to Measure C and Measure T. He urged Council to consider past financial issues relating to other large scale projects, and annual operating costs paid for by General Fund dollars. He concluded by stating the referendum only received a 51% approval rate, and his opinion that voters were not fully aware of the complete proposal. (03:38:55)

Penelope Duran, student at Golden West College, spoke in support of a new Senior Center but not at the proposed location. She described how the project was discussed in class, and requested that Council preserve open space and finds an alternative location. (03:42:50)

Henry Nguyen, student at Golden West College, spoke in support of a new Senior Center but not at the proposed location. He discussed how taking certain courses have made him aware of the project's potential impacts, and his opinion that it does not benefit all ages. He requested that the City analyze all aspects including financial and aesthetics, consider alternate sites that are environmentally stable, and downsize the project area. He also voiced concerns about the project's effect on global warming. (03:43:38)

Shauna Searles, student at Golden West College, spoke in support of a new Senior Center but not at the proposed location. She discussed how seniors would be better served if the City directed the project funds to something that would provide a financial benefit, and requested that if the project is approved, it be built with green standards. (03:45:30)

Chris Johnston, student at Golden West College, spoke in support of a new Senior Center but not at the proposed location. He urged Council to conserve open space, protect wildlife, and consider use of funds to renovate existing buildings or possibly build a parking garage. (03:47:00)

Victor A. Cohn discussed his affiliation with the Council on Aging, and provided a PowerPoint on LEED Certification. He explained that LEED stands for Leadership in Energy and Environmental Design, stating that the program is designed to transform buildings into valuable ecological resources through a voluntary rating system based on accepted energy and environmental principals. He also presented a project checklist to depict how points may be earned for certification credit. (03:47:55)

Candace Bartsch spoke in support of the project as proposed, and discussed the importance of providing a better quality of life for senior citizens. She provided statistics to demonstrate their growing population, described her experience working with senior citizens, and stated that a large number of seniors rely on centers for social and health-related activities and assistance. (03:51:50)

Adria Thomke, member of the Council on Aging, spoke in support of the proposed project as presented. She described attractive components of the project including native vegetation and landscaping, and urged the Council to certify the EIR. (03:55:20)

Dave Sullivan, former Mayor, spoke in support of the project as proposed. He discussed how staff identified funds for a frugal, but adequate development with green standards, not LEED Certification. He suggested if approved, costs for LEED Certification be taken separately from the City's secondary reserves. He also stated that the original CUP language read "strive to LEED Certify the project," suggesting that the Council include the language in tonight's proposal. He reminded the Council that voters approved a Senior Center in Central Park, how seniors voted to tax themselves in the 1970s in order to purchase the land for Central Park, and how its central location makes perfect sense. (03:57:20)

Mayor Cook asked Mr. Sullivan if he could explain why he described the \$22 million dollar estimate as frugal, a 45,000 square foot building when calculated equates to approximately

\$488 per square foot in construction costs without LEED Certification. Mr. Sullivan recommended that staff respond to the inquiry.

Kathryn Lui asked for assistance in understanding if the proposal identifies an age criteria for seniors similar to senior residential communities; if the EIR studied current and projected senior populations; if public land funds can be earmarked for a specific group of people; and, if the EIR considered potential impacts if the facility is available for use by the general public. (04:01:13)

Carrie Thomas spoke in support of a new Senior Center, but not at the proposed location, voicing concerns about loss of park land. She stated her opinion that the ballot measure language didn't educate the public of extreme project costs, and discussed the importance of LEED Certification, describing the program as a huge palette of elements that can selectively be incorporated into a building. She also stated that the project is being identified as the premier development project of the City, and that it will set precedence for future activity by developers. (04:03:24)

There being no further persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor closed the public hearing.

Councilmember Hansen requested an opinion from legal counsel on use of Mello Roos funds. City Attorney Jennifer McGrath clarified that earlier discussion related to use of Mello Roos funds versus a special tax is not included in tonight's proposal, and that findings would have to be established for use of either type of fund. Councilmember Hansen asked, and Attorney McGrath confirmed that State law provides Charter cities latitude involving use of Mello Roos funds.

Councilmember Coerper asked why the Planning Commission replaced the term "strive" with "shall" in relation to LEED Certification language identified in the conditional use permit. Planning Commissioner Joe Shaw explained the Commission's intent to require LEED Certification was supported by all members. Commissioner Devon Dwyer stated he supported the requirement to ensure accountability, and to be in line with Mayor Cook's vision of a "green friendly" City. He also explained that the program allows voluntary selection of components such as photovoltaic panels that will ultimately pay for themselves similar to star efficient appliances and energy savings.

Mayor Cook pointed out that use of photovoltaic material can be done at no cost with a third party purchase agreement.

Councilmember Hardy explained how the new senior facility will be available for use by all residents. She asked staff to explain the high square foot cost estimates for building construction. Community Services Director Jim Engle described what the preliminary estimates received by LPA Consultants and a LEED Certified Consultant hired by Makar Properties include, both closely identifying an approximate cost of \$300 per square foot for a new building, with LPA's estimate not site-specific. Councilmember Hardy asked if both estimates include wildlife mitigation. Director Engle responded, "No." Councilmember Hardy and Director Engle discussed the process for occupancy following wildlife mitigation.

Councilmember Hardy asked if the plan mitigates hydrology issues identified for the site and the surrounding area. Planner Villasenor provided slope information and referred to T.J. Nathan with PBS&J who explained how stormwater will flow into Huntington Lake through a vegetated landscaped area that acts as a buffer to filter oil and other particles, and that a

water quality management plan, hydrology and drainage plan will be presented for approval at a later date.

Councilmember Hardy voiced concerns about soil remediation. Manager Broeren explained that pursuant to mitigation measures that were identified in the 1999 Master Plan EIR on that property, a geotechnical study and soil borings were done early in 2007 that included plans for a 45,000 square foot building, and that the results did not produce any unforeseen issues. Discussion ensued on the differences between high versus low intensity use, and how soil borings done in 2007 accounted for high intensity use.

Mayor Pro Tem Bohr stated support for LEED Certification, but voiced concerns about the high costs identified by staff, questioning if the City could accomplish some of the green building tasks on their own. He also discussed how 6 of the 7 Council members identified within their respective goals and objectives the need for a new Senior Center. He complimented the Council on Aging for their work, and for the efforts of Measure C and Measure T ballot initiatives.

Mayor Pro Tem Bohr proposed a motion that included replacement language that the City "strive to achieve green building standards," suggesting they not be restricted to LEED Certification. Councilmember's Hardy and Green provided suggestions on how to qualify LEED certification standards.

A motion was made by Bohr, second Green to approve Environmental Impact Report No. 07-002 as adequate and complete in accordance with CEQA requirements by approving **Resolution No. 2008-06**, a "*Resolution of the City Council of the City of Huntington Beach, Certifying the Final Environmental Impact Report (SCH #2007041027) for the Huntington Beach Senior Center Project;*" approve Conditional Use Permit No. 07-039 with Findings and revised Conditions of Approval **amended to revise condition of approval 2) to read: *The project shall strive to achieve LEED certification standards with City Council input as to what Green Building elements/ sustainable features will be included in the final project design ...;*** and, Approve CEQA Statement of Findings of Fact with a Statement of Overriding Considerations. (Vote to follow after Council comments.)

Councilmember Green supported certain building standards identified within the report, but voiced concerns about being limited by LEED Certification, suggesting that the City not rule out other utility incentives from companies like Southern California Edison and the Gas Company. Councilmember Hardy explained that the motion is not limited because it suggests a minimum standard of certification.

Mayor Cook reiterated how the LEED Certification program works, reminding the Council that the request before them is conceptual, and that discussion on specifics should be held at a later date.

Councilmember Hardy stated support for a new Senior Center, but not at the proposed site, voicing concerns about use of funds to pave park land when other projects need consideration, like closed school sites, loss of the Skate Park, and undeveloped parks like Irby and Bartlett in critical need of repair. She was also discouraged that Council would consider loss of open space but worry about costs to make a building environmentally friendly. She commented on lack of funds for wildlife mitigation and discussed how other sites should be considered. She concluded by stating that the project's central location is not within walking distance to anywhere, and voiced appreciation for involvement by teachers and students, and all other speakers who provided their opinions.

Councilmember Coerper voiced support for the motion and thanked staff for their hard work on a fine project. He stated his opinion that our seniors deserve the best, and voiced concerns about the number of citizens complaining who didn't object when the City allowed other uses in the park like equestrian, Frisbee golf and the sports complex.

Councilmember Carchio provided support for the motion, stating his opinion that no one objects to building green, but mandatory requirements pose financial problems. He recommended that a financial cap be put on the estimate for certification standards, and explained how even though the City doesn't owe the seniors a new center, they should build one as a of sign of compassion and appreciation of their service to the community.

Councilmember Hansen questioned how certification standards affect the motion. Administrator Emery explained that the Makar Owner Participation Agreement (OPA) requires that the item return to Council for final approval on building design. The Council will have an opportunity at that time to review and include or remove criteria based on what is appropriate at that time.

Councilmember Hansen was disturbed by the public's opinion that staff and members of various commissions did not spend time to study the proposal, describing the number of hours reviewing information provided by experts to arrive at a qualified proposal. He also stated he had yet to hear effective critical dissection of why the project location is inappropriate, that the community as a whole will benefit from this project, and that it receives his support.

Councilmember Green voiced support for the project, reminding the public that the project will only use 5 of the 356 acres located in Central Park, and how soil from the depressed acre was used to construct the 405 freeway. She complimented the Council on Aging for great work in a lengthy process and discussed how efforts to remodel Rodgers' Senior Center didn't make sense. She voiced support for green standards, suggesting the City consider a generic versus brand form of green building, and that an energy manager will manage the standards in the future.

Mayor Cook expressed appreciation for all passionate comments made by dedicated citizens and community volunteers. She shared her surprise for the time spent discussing LEED Certification and how it may have been short-sighted. She voiced concerns about the state of the economy and a softening of sales tax revenue, that the project does not mitigate the impacts of the Pacific City project, for use of CFD funds, and a developer building the project without knowing its full cost, stating that she would prefer the City handle building of the project. She also discussed how California schools are being built to a Silver level of LEED Certification, described acute needs for recreation within the City, and how she is opposed to spending a large amount of money on one project, making it impossible to fund existing projects in need, citing examples of Bartlett and Irby parks, and a replacement skate park.

The motion carried by the following roll call vote:

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

FINDINGS AND CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-039

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-039:

1. Conditional Use Permit No. 07-039 to permit the construction and operation of a 45,000 square foot senior recreation facility will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. An EIR that analyzed the project's potential to generate detrimental impacts on people and surrounding properties was prepared and concluded that, with mitigation, there are no significant project specific impacts. In addition, being that the project is located in Central Park, the closest adjacent residences are located approximately 800 feet west of the project site. One significant cumulative impact to aesthetics was identified in the EIR and as such, a Statement of Overriding Considerations, which discusses the benefits of the project in relation to the cumulative impact, is required for approval of the project.
2. Conditional Use Permit No. 07-039 will be compatible with surrounding uses because it is consistent with the applicable General Plan Land Use and Zoning designations as noted in previous sections of this report. Although the proposed project will result in the development of a new senior center on existing open space, the project will be compatible with the established recreational land use pattern in the area, specifically existing community facilities such as the Central Library and Sports Complex adjacent to the proposed project site. Within this context, the proposed project is compatible with the surrounding parkland. In addition, the proposed project would add a senior recreation facility on land currently designated for recreational uses but at a greater intensity than what was previously intended for the site.

The proposed building features a design with architectural features that minimize the visual bulk and mass of the buildings and provides for compatibility with the surrounding parkland. The project complies with all of the requirements for development in the OS-PR zoning district and provides an adequate number of parking spaces. To integrate the project with the natural setting of the Shipley Nature Center and existing passive parkland west of the project site, substantial landscaping is proposed throughout the site, including surrounding the entire perimeter of the project site.

3. Conditional Use Permit No. 07-039 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including the Open Space – Parks & Recreation zone permitted uses and minimum setbacks. Parking requirements are determined by the conditional use permit and are specific to the requested use. A sufficient number of parking spaces are provided for the project based on surveys of similar projects.
4. The granting of Conditional Use Permit No. 07-039 will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-P (Open Space - Parks) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Air Quality Element

Policy AQ 1.8.3: Encourage developers to maintain the natural topography, to the maximum extent possible, and limit the amount of land clearing, blasting, grading, and ground excavation operations needed for development.

The proposed project anticipates a balanced site with minor cut and fill operations during construction.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

As with all new buildings, the proposed project will be required to comply with the energy conservation standards of Title 24, which would ensure that there would be no wasteful or unnecessary use of energy.

Circulation Element

Policy CE 6.1.7: Require new development to provide accessible facilities to the elderly and disabled.

The proposed senior center project will be required to comply with the requirements of the ADA. The proposed project will also provide ADA access to the site via a pedestrian path north of the access driveway.

Policy CE 7.1.7: Continue to construct landscaped medians in existing major and primary arterial streets and continue to require the construction of landscaped medians in new developments.

The proposed project includes construction of a signalized access driveway at the intersection of Goldenwest Street and Talbert Avenue. The new access driveway includes a proposed landscaped median.

Environmental Hazards Element

Policy EH 4.1.1: During major redevelopment or initial construction, require specific measures to be taken by developers, builders, or property owners in flood prone areas, to prevent or reduce damage from flood hazards and the risks upon human safety.

Although the site is partially located in Flood Zone A, the project site is already a minimum of 4 feet higher than the base flood elevation at its lowest point. A flood elevation certificate will be required for the proposed project.

Growth Management Element

Goal GM 2: Ensure that adequate transportation and public facilities and public services are provided for existing and future residents of the City.

The proposed project does not result in any significant traffic impacts and adequate public facilities and public services will be provided.

Hazardous Materials Element

Policy HM 1.2.3: Support land use or developments adjacent to or within close proximity of sensitive uses, which do not utilize, store, handle, or contain hazardous materials and/or waste, and which would create an unsafe, unhealthy, or hazardous condition for adjacent uses.

Construction and operation of the proposed senior center will not include the use of large quantities of hazardous materials, and any commonly used hazardous materials would be used and stored in accordance with applicable regulations. Implementation of the proposed project would not utilize hazardous materials or waste and would not create an unsafe or hazardous condition for adjacent uses.

Land Use Element

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space and other pertinent elements.

Policy LU 4.2.5: Require that all commercial, industrial and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act (ADA).

The proposed project will be constructed in accordance with existing laws and regulations, including the City's building code and any applicable State and federal law requirements such as ADA. In addition, the project is proposed to be in conformance with the Huntington Beach Zoning and Subdivision Ordinance and is not seeking any variances to deviate from the code requirements. Adequate access to and from the project site will be provided through the entrance at the Goldenwest Street/Talbert Avenue intersection. Sufficient parking will be provided on site for the senior center use.

Recreation and Community Services Element

Policy RCS 1.1.1: Provide leisure opportunities through programs and activities that serve the general population as well as the specialized needs of the disabled, children and elderly.

Policy RCS 3.1.2: Provide a variety of amenities within recreation areas in order to accommodate persons with different interests.

Policy RCS 3.1.7: Design recreational facilities to the accessibility requirements as specified in State and Federal laws such as the Americana with Disabilities Act (ADA) standards for accessibility.

The proposed project is a senior recreation facility proposed to be developed in accordance with ADA standards. The senior center and associated amenities will provide the City with expanded recreational resources for senior citizens to meet existing and future demand. The senior center will be accessible to all residents of the City of Huntington Beach.

Utilities Element

Policy U 3.3.2: Where feasible, utilize natural overland flows, open channels, and swale routings as preferred alignments for components of drainage systems.

Policy U 3.3.3: Require that new developments employ the most efficient drainage technology to control drainage and minimize damage to environmental sensitive areas.

The proposed project includes bioswales and vegetated buffer areas to treat runoff from the proposed project's impervious areas. Implementation of BMPs and the project's directing of stormwater flows through the park and Huntington Lake will ensure that project implementation would not adversely impact sensitive environments

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT 07-039:

1. The project plans received and dated October 17, 2007 shall be the conceptually approved design with the following modifications.
 - a. The gate located at the terminus of the access driveway shall be relocated to the south edge of the reconfigured "T" intersection.
 - b. The number of ADA parking spaces shall be increased to 20. Once the facility is operational, the number of ADA spaces may be revised as determined necessary by the Community Services Department.
2. The project shall strive to achieve LEED certification standards and will be reviewed by the City Council as a non-public hearing item for input on what green building elements/sustainable features will be included in the final project design. A variety of sustainable features shall be used and may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
3. Prior to submittal for plan check, project design, including landscape plans (completed pursuant to conditions 5 and 6), shall be reviewed by the City of Huntington Beach Design Review Board and approved by the Planning Commission as a non-public hearing item.
4. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
5. The final landscape plans shall incorporate a variety of tree, shrub and grass species that are currently planted at adjacent uses, including the Sports Complex, Shipley Nature Center and the passive park west of the project site.

6. In the event that an overflow parking area is provided in place of the meadow area depicted on the preliminary landscape plan, meadow grasses shall be planted elsewhere on the project site. The species of meadow grasses should take into consideration the species currently planted at Shipley Nature Center.
7. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be depicted on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
8. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 07-002.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Consent Calendar - Items Approved

A motion was made by Hansen, second Bohr to approve all items on the Consent Calendar by affirmative roll call vote (Cook Abstained on Minutes of January 22, 2008). The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Minutes - Approved and adopted the minutes of the City Council/ Redevelopment Agency regular meeting of January 22, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed the 2006/07 Consolidated Annual Performance and Evaluation Report (CAPER) Submitted to the Department of Housing and Urban Development (HUD) Reporting the Progress Made in the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and American Dream Downpayment Initiative (ADDI) Programs Between October 1, 2006 to September 30, 2007 - Approved to receive and file the 2006/07 Consolidated Annual Performance and Evaluation Report. Submitted by the Director of Economic Development. Funding Source: Not applicable

(City Council) Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 1 to the Agreement Between the City of Huntington Beach and AAA Restoration, Inc. for the Emerald Cove Senior Apartments Capital Repair Project 2007, Extending the Contract Expiration Date to February 28, 2008 - 1) Approved Amendment No. 1 to Agreement Between the City of Huntington Beach and AAA Restoration, Inc; and, 2) Authorized the Mayor and City Clerk to execute Amendment No. 1 to Agreement Between the City of Huntington Beach and AAA Restoration, Inc. Submitted by the Director of Economic Development. Funding Source: The requested contract amendment will not require additional funding.

(Redevelopment Agency) Approved and Authorized the Chairman and Agency Clerk to Execute Professional Services Contracts With IDS Group, Inc. in an Amount Not to Exceed \$225,000 Over a Three-Year Period and Transtech Engineers, Inc. in an Amount Not to Exceed \$225,000 Over a Three-Year Period for "As-Needed" Engineering Services; and, Appropriated \$75,000 from Redevelopment Agency's Merged Project Area's Capital Projects Fund to Cover the Additional Costs During Fiscal Year 2007/2008 - 1) Approved the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and IDS Group, Inc. for As Needed Engineering Services* in the amount or \$225,000 over a three year period, and authorized the Chairman and Agency Clerk to execute the agreement; and, 2) Approved the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Transtech Engineers, Inc. for As Needed Engineering Services* in the amount or \$225,000 over a three year period, and authorized the Chairman and Agency Clerk to execute the agreement; and, 3) Appropriated \$75,000 from the Redevelopment Agency's Merged Project Area's Capital Projects Fund balance into account 30580101.69325 to cover the additional costs during fiscal year 2007-2008. Submitted by the Deputy Executive Director. Funding Source: \$75,000 is budgeted in account 30580101.69325 for fiscal year 2007-08. An additional \$75,000 is being requested to fund both contracts.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Proposition 42 City Aid Program (CAP) Agreement Necessary to Receive Grant Funding for Street Maintenance to Supplement the City's Residential Street Overlay Program - Approved and authorized the Mayor and City Clerk to execute the *Proposition 42 City Aid Program Agreement*. Submitted by the Director of Public Works. Funding Source: In fiscal year 2008/2009, funding in the amount of \$678,695 will be granted to the City. No local match is required. The program is intended to be annual.

(City Council) Approved Location and Conceptual Plans to Modify the Existing Pier Plaza Automated-Teller Machine (ATM) Kiosk into a Visitors Information Kiosk to be Managed, Maintained and Staffed by the Conference and Visitors Bureau (CVB)

Communication from the Director of Community Services transmitting the following **Statement of Issue**: The City Council has approved a Capital Improvement Project for a visitor's kiosk in Pier Plaza. There is a need to approve the location and conceptual plans to modify the existing Pier Plaza kiosk for use by the Huntington Beach Conference and Visitors Bureau (CVB) as a visitor-serving information kiosk.

Funding Source: Redevelopment funds of \$101,000 are budgeted in the Fiscal Year 2007/2008 Capital Improvements Program budget, Fund 305. This was included in the list of Redevelopment Agency-funded projects approved by the City Council using one-time Redevelopment revenue from the Hyatt residential project.

A motion was made by Coerper, second Green to approve the conceptual plan to modify the existing Pier Plaza ATM kiosk into a visitors kiosk, which will be managed, maintained, and staffed by the Conference and Visitors Bureau. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio

NOES: None

(City Council) Approved and Authorized the Mayor and City Clerk To Execute the Termination of the 1994 License Agreement Between the City of Huntington Beach and the Huntington Beach Union District for the Huntington Beach High School (HBHS) Skateboard Area

Communication from City Council liaisons, Mayor Pro Tem Keith Bohr and Councilmember Don Hansen, and the Director of Community Services transmitting the following **Statement of Issue**: The Huntington Beach Union High School District is asking the City of Huntington Beach to approve the *Termination of License Agreement* for the Huntington Beach High School skateboard area.

Funding Source: Not applicable.

Councilmember Hardy discussed her experience with the Skate Park as former teacher at Huntington Beach High School, and her support to build a replacement park at another location.

Councilmember Hansen discussed how the Skate Park was cutting-edge when first built, and described his involvement with Mayor Pro Tem Bohr in discussions with representatives from the High School and his support of a commitment by the City to build a replacement park in another location.

Mayor Pro Tem Bohr discussed the School Board's opinion on possible relocation sites, initial estimates to design a new stadium, negotiations, demolition costs, and the need to raise funds. He also encouraged the public to attend the next School Board meeting that would be held on February 12 at 7:30 p.m. at 5032 Bolsa Avenue.

Councilmember Green voiced disappointment for the School District's handling of the Skate Park agreement. She described skateboarding as an art in Huntington Beach and her hope that the School District steps up to a more proactive role.

Councilmember Coerper explained that the Skate Park was built to deter graffiti activity on campus, and questioned if the community would balk at utilizing other open space to build a new park. Councilmember Hansen stated that the community in general supports the Park, and suggested that the City consider creative partnerships to find a solution for the Skate Park's replacement. He also explained that municipalities generally fear skateboard parks, but wasn't sure how the community would react to the park being rebuilt in certain areas. Director Engle identified Worthy Park as an alternative site.

Councilmember Hardy discussed the importance of considering an appropriate location that benefits skate park patrons and the surrounding uses. Mayor Pro Tem Bohr expressed appreciation for the School District's offer to financially participate in relocation of the Skate Park, and suggested that the motion include language to explain the City's commitment to explore alternate locations and future consideration for a new park.

A motion was made by Coerper, second Hardy to approve the *Termination of License Agreement* between the City of Huntington Beach and the Huntington Beach Union High School District to terminate the 1994 License Agreement for the skateboard area at Huntington Beach High School. The motion carried by the following roll call vote:

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

(City Council) Approved Introduction of Ordinance No. 3797 Amending Ordinance No. 3661 Which Established the Huntington Beach Downtown Business Improvement District (BID); Adopted Resolution No. 2008-04 Designating the Downtown Business Improvement District as the Downtown BID Advisory Board

Communication submitted by the Director of Economic Development transmitting the following **Statement of Issue**: On September 7, 2004, City Council approved Ordinance 3661 establishing the Huntington Beach Downtown Business Improvement District (BID.) As required by state law, City Council appointed a "BID" Advisory Group" to provide recommendations to City Council regarding BID annual assessments. In order to better assess the needs of the Downtown BID, it is necessary to amend Ordinance 3661 to provide City Council the ability to appoint a BID Advisory Board by resolution.

Funding Source: Not applicable

Councilmember Carchio questioned if Council appoints members of the Downtown BID Advisory Board, will the BID be able to conduct their own elections. He also asked if the Board will include representatives from the Strand and Pacific City projects, once they are complete. Assistant Project Manager Nova Punongbayan confirmed on both accounts.

A motion was made by Hardy, second Coerper to after the City Clerk reads by title, Approve Introduction of **Ordinance No. 3797**, "*An Ordinance of the City of Huntington Beach Amending Ordinance No. 3661 Which Established the Huntington Beach Downtown Business Improvement District*", and, Adopt **Resolution No. 2008-04**, "*A Resolution of the City Council of the City of Huntington Beach Designating the Downtown Business Improvement District as the Downtown BID Advisory Board.*" The motion carried by the following roll call vote:

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

(City Council) Failed to Approve for Introduction Ordinance No. 3798 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions for Dogs and Cats; Adopt Resolution No. 2008-05 Setting a License Fee for Dogs and Cats and Establishing an Incentive-Based Fee Program that Encourages Dog and Cat Owners to Spay, Neuter, and Microchip Their Animals

Communication submitted by the Chief of Police transmitting the following **Statement of Issue**: On November 5, 2007, the City Council considered the adoption of an ordinance that established a mandatory spay, neuter, and microchip program for dogs and cats in Huntington Beach. After discussion, the City Council directed staff to draft an incentive-based licensing ordinance that would encourage dog and cat owners to spay, neuter, and microchip their animals by increasing license fees for unaltered and unmicrochipped

animals. The attached ordinance amends Chapter 7.08 of the City of Huntington Beach Municipal Code to reflect the changes that were discussed at the City Council meeting.

Funding Source: Not applicable

Mayor Cook discussed how the ordinance doesn't appropriately reflect Council's intentions, questioning staff on who has authority to remove an item from the agenda. City Attorney Jennifer McGrath responded that department heads can remove items from the City Council agenda with City Administrator approval.

Mayor Pro Tem Bohr attempted to build ordinance language that would better reflect the Council's intent, restating the issues that were agreed upon at previous meetings. He provided statistics on the number of stray animals picked up and euthanized by animal control, and discussed the high number of "animal for sale" advertisements in local publications.

Police Chief Ken Small presented a PowerPoint that included a brief history on the item and proposed incentive-based licensing fees.

Councilmember Coerper asked for the number of dogs impounded and euthanized in Huntington Beach in 2007. Chief Small responded that 825 dogs were impounded, and 165 euthanized. Chief Small also explained that the City contracts with County Animal Control for these services.

Discussion ensued between Councilmember Coerper and Mayor Prom Tem Bohr about revising the age of senior owners eligible for a license fee discount from 65 to 62, and recent action taken by the City of Los Angeles to adopt a mandatory spay/neuter program.

Councilmember Carchio voiced concerns for the high annual fees proposed, and questioned if the City was prepared for people turning over their pets when they can't afford to take part in the program. Mayor Cook concurred that the proposed fees are too high.

Councilmember Hardy asked if the County identified the "senior owners" age of 65. Chief Small stated most cities have latitude in identifying an age for incentive purposes. Discussion ensued about the City's compliance rate for licensing and microchip fees. Chief Small identified \$95.00 as the current license fee for an unaltered dog.

Mayor Cook described her goal of a reduced license fee if an animal is spayed or neutered.

Councilmember Hansen stated he will not support an ordinance that he feels has been spayed and neutered so far down that it is not wanted. He voiced concerns about rumored skepticism by Save Our Strays representatives, absence of supporters at tonight's meeting, and how the community and constituents have voiced strong opposition to the item. Mayor Pro Tem Bohr explained that proponents of the ordinance were alerted that their presence was not needed at tonight's meeting, and his opinion that the Council can make a decision on the item tonight. Attorney McGrath explained that the Resolution can return at the time of second reading of the ordinance.

Councilmember Coerper and Chief Small discussed the door-to-door enforcement practices of animal licensing by Orange County Animal Control representatives. Councilmember Coerper called for the motion as recommended, but asked if Mayor Pro Tem Bohr felt the ordinance as written would help prevent animals from being euthanized. Mayor Pro Tem

Bohr described the ordinance as an incremental step in educating the public and described how animals adopted from shelters are already spayed or neutered and microchipped. Mayor Pro Tem Bohr also concurred with concerns related to fees, but suggested that the benefits of the program as proposed will outweigh the expense, and that the City could use funds for education purposes.

A motion was made by Coerper, second Bohr, to after City Clerk reads by title, Approve Introduction of **Ordinance No. 3798**, "*An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs and Cats*" by roll call vote; and, Adopt **Resolution No. 2008-05**, "*A Resolution of the City Council of the City of Huntington Beach Setting a License Fee for Dogs and Cats.*"

Councilmember Green concurred with Councilmember Hansen, referencing comments made by Karen Chepeka of Save Our Strays about the ordinance being unrealistic. She voiced concerns about licensing cats and how the high proposed fees do make the action mandatory. She also commented on animal owners' concerns about microchipping and bringing their pets to a low-fee facility for spay and neuter services.

Councilmember Carchio stated support for an affordable licensing with severe fines for non-compliance, stating his opinion that pet owners who license their animals are responsible, and typically spay, neuter and microchip their pets as well. He stated opposition to the ordinance as proposed. Attorney McGrath explained that the City can currently impose a \$100 fine per day for non-compliance of license regulations, and that County Animal Control enforces the regulation but does not currently have the authority to issue a civil citation.

Mayor Cook listed the license fees she would support, and suggested that the ordinance provide language that directs inclusion of breeder permit information on pet advertisements. Councilmember Hansen stated that Council's intentions have changed so dramatically, the ordinance no longer makes sense and penalizes responsible pet owners.

A substitute motion was made by Cook, second Hardy to ***direct the City Attorney to return to Council with an ordinance that revises the current language in Chapter 7.08 of the Huntington Beach Municipal Code to include: "any person advertising to the public the availability of any dog or cat for adoption, sale, barter, or other transfer must prominently display the business license number in the advertisement. The license number shall also be provided to any person adopting or purchasing any dog or cat that is bred in the City of Huntington Beach" and to update rates consistent with current Orange County Animal Control fees.*** The motion carried by the following roll call vote:

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

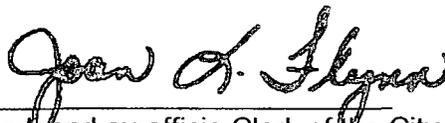
Council Comments - (Not Agendized)

Councilmember Carchio requested the public's participation in a silent auction sponsored by the Southeast Huntington Beach Girls Softball League on February 23rd at Kettler School to benefit Natalie Bucholtz, Edison High School student who recently sustained serious injuries in a skiing accident.

Councilmember Coerper recognized Mayor Cook and Deputy City Administrator Bob Hall for attending the Pacific Shoreline Marathon, the event's successful draw of approximately 16,000 people, and how he and Councilmember Carchio presented medallions to children who participated in the marathon.

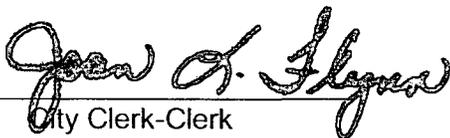
Mayor Cook thanked Ms. Dubrowalski and her third grade class from St. Bonaventure School for the beautiful hand drawn cards.

Council/Agency Adjournment at 12:12 a.m. on Tuesday, February 5 to Tuesday, February 19, 2008, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



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

ATTEST:



City Clerk-Clerk

Mayor-Chair