Minutes
Study Session
City Council/Redevelopment Agency
City of Huntington Beach

Monday, November 5, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 p.m. portion of this meeting and 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 4:30 p.m. in Room B-8, due to a lack of quorum.

Call to Order — 4:30 p.m.

City Council/Redevelopment Agency Meeting Roll Call

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

Councilmember Hansen arrived at 4:36 p.m.

City Clerk Joan Flynn Announced a Late Communication Pertaining to the Study Session Portion of the Meeting

Communication submitted by the Planning Department, dated November 5, 2007, and titled *Huntington Beach 2008-2014 Housing Element,* prepared by Karen Warner and Associates.

Communication submitted by Stanley Smalewitz, Economic Development Director, dated November 5, 2007, titled *Workforce Housing*, a memorandum to the City Council.

Public Comments

Roseann Andrus, representative of Local Investment in Child Care (LINCC) Project, a countywide initiative to promote childcare as an essential community infrastructure that supports local economic development. She asked Council to consider as part of the critical needs of the Housing Element the expansion of more affordable housing to serve children of low-income families. She reported that the City of Huntington Beach has 10,158 children that have working, low-income parents with annual income below $39,000/year. Her current LINCC Housing project is working on a strategy with community partners to integrate workforce housing, affordable housing and childcare facilities. She welcomed the chance to work with the City to develop strategies to increase incentives, and thanked Council for their past involvement.

E-1

Beverly Schuberth, representative of The Kennedy Commission, a coalition of members and individuals as advocates for low-income housing, targeting individuals who make $10/hour or less. She commended staff on the draft Housing Element and reported attending the Affordable Housing Task Force meeting. She indicated The Kennedy Commission's enthusiasm to work with the City to serve that population, and thanked Council for their involvement.

(City Council/Redevelopment Agency) Study Session Held — City of Huntington Beach Housing Element Update

City Administrator Penelope Culbreth-Graft called on Mary Beth Broeren, Principal Planner, to provide a brief overview of Housing Element Update activity to date. She introduced Karen Warner of Karen Warner and Associates, who gave a PowerPoint presentation that included the following information: Presentation Overview, What is the Housing Element, 2000-2006 Housing Accomplishments, 1998-2006 Regional Housing Needs Assessment (RHNA) Progress, Benefits of Housing and Community Development (HCD) Compliance, Demographic Trends, Income Trends, Housing Costs, Housing Conditions, At-Risk Rental Housing, RHNA, Sites Availability, RHNA and Sites Availability, 2008-2014 Housing Element Programs, and Additional Issues for Discussions (raised by Planning Commission and Ad-Hoc Committee).

Planner Broeren discussed options available for consideration and statistics for submittal to the State of California. She also discussed the number of units identified in the Beach/Edinger Specific Plan for low and very-low-income families.

Councilmember Green asked if staff has looked at the childcare component. Planner Broeren identified childcare facilities in the different zones, land use issues and program studies initiated by the Community Services Department. Councilmember Green asked what the income limits are for 1- and 2-person households and Consultant Warner said she would get back to her with that information. Councilmember Green asked for clarification on the Golden West College student housing of 175 units. Stanley Smalewitz, Economic Development Director, replied that the units are shared units that will house 300 students.

Councilmember Carchio voiced concerns regarding the demographic trend number pertaining to our senior citizens. Kathe Head, Principal, Keyser Marston Associates consultant, replied that the City is bound by proportionality, reflective in the low- and very-low income households citywide. Councilmember Carchio indicated that he believes the number of senior households is growing, and his emphasis would focus on the 40% reported that live alone, and 1/3 reported as disabled. Consultant Head indicated that the city is bound by the 2000 census until 2014.

Councilmember Bohr referred to the Beach/Edinger Corridor Specific Plan affordable housing component. Planner Broeren responded that the developer's 10% requirement is to be provided onsite, unless alternate options are considered. Director Smalewitz stated that development standards would dictate density of the projects. Councilmember Bohr confirmed that Bella Terra has a 15% requirement. Councilmember Hansen explained the focus of discussions during the ad hoc committee meeting and perceived direction related to mixed-use housing. Planner Broeren indicated that at the end of the Specific Plan process, the City would have an opportunity to re-adjust or change the number of housing units at that time.

Councilmember Green asked about the status of the mobilehome park preservation component and Planner Broeren replied that existing or new mobilehomes do not count towards RHNA compliance. Councilmember Hardy discussed ways the ad-hoc committee can lobby more credits

for built-out communities. Consultant Warner indicated credits are given for mobilehomes as preserved, but not counted for RHNA credit.

Councilmember Green questioned the exclusion of childcare within the Housing Element. Planner Broeren clarified that childcare is included within other elements in the General Plan. She also addressed SB 2 (Cedillo) — Emergency Shelters, explaining that jurisdictions must allow shelters in their City without any discretionary action, and therefore, must provide identification within the Housing Element. Councilmember Hardy asked if the Ripcurl proposal should include numbers allowed or proposed, and Planner Broeren responded that the City could put in a minimum requirement and qualify that these units are in process.

Mayor Pro Tem Cook asked if past deficiencies will carry over with penalties. Planner Broeren replied "no," explaining that each housing element period starts fresh without prior credit or penalty. Mayor Pro Tem Cook asked why the City overbuilt in the moderate and above-income categories. Planner Broeren discussed private market housing and selling prices determined by developers and it was noted that moderate-income accounted for Cape Ann, Promenade and subsequent neighborhoods built at that time.

Mayor Coerper inquired as to the State's mandate of emergency shelters, clarifying the need to build a shelter in the community. It was noted that appropriate zone(s) have to be identified for that use. He also referred to surplus school sites and the 63 units indicated at Lamb School, and discussed the Ripcurl project's application for 440 units. He thanked staff for an outstanding report.

Mayor Coerper asked Planner Broeren if action was needed from Council this evening, and Planner Broeren responded in the negative, thanked Council for its guidance and confirmed that Beach/Edinger numbers will remain as reported.

Call Closed Session of City Council/Redevelopment Agency — 5:36 p.m.

Motion by Cook, second Bohr, to recess to Closed Session on the following items. The motion carried by consensus of all present.

(City Council) Closed Session — Pursuant to Government Code Section 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding one potential lawsuit.

(City Council) Closed Session — Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the request for issuance of a change order for additional compensation and time extensions received from Vadnais Construction, dated October 15, 2007. Vadnais was originally issued Cash Contract-1269 for construction of the Warner Avenue Gravity Sewer on July 17, 2006, and has now submitted a request for additional compensation. (Gov't Code § 54956.9(b)(3)(B).)

(City Council) Closed Session — Pursuant to Government Code Section 54957.6, the Council recessed to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with MEO, MEA, HBFA, HBPOA, and Non-Associated.

Reconvene City Council/Redevelopment Agency Meeting — 6:08 p.m.

The City Attorney Did Not Report Any Actions Taken During Closed Session Pursuant to Government Code §54957.1(a) (3) (B).

Call to Order

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

Pledge of Allegiance/Flag Salute - Led by Councilmember Carchio

Invocation - Led by Mark Currie, Bahai Faith of Huntington Beach, Greater Huntington Beach Interfaith Council

City Clerk Flynn Announced Late Communications

Mayor Pro Tem Debbie Cook submitted a report pursuant to AB 1234 and on file in the City Clerk's Office.

Communication submitted by Norm "Firecracker" Westwell, dated November 5, 2007 stating his opinion pertaining to Agenda item D-2 pertaining to medical marijuana dispensaries.

Communication submitted by Antonio A. Cota of the Law Office of Antonio A. Cota, dated November 2, 2007 titled Lorbeer, Wm.; Cite Nos. BD64486, BD62793, BD64619, etc., Request for Continuance of Administrative Hearing.

Communication submitted by Joan Flynn, City Clerk, dated November 5, 2007 and titled Correction to Agenda Item E-1 – City Council Meeting Minutes of October 15, 2007.

Communication submitted by Julie Bixby, dated November 3, 2007 and titled Agenda Item E-5 for 11-05-07.

Communication submitted by City Councilmember Keith Bohr dated November 5, 2007 and titled Agenda Item G-2a.

Communications (email) submitted by 383 individuals stating opinions pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats:

Karen Dembrowski, Katie Shephard, Keith, Sharon Adams, Teddi Alves, Mark D. Schidler, Cindy DeWolfe, Mary E. Hodge, Monica Ruis, Richard Stephens, Judith Deacon, Patricia Deacon, Edward Brown, Cristy Bird, Jennifer Hart, Linda Hill, Judy Friedman, Carol Green, Ron Green, Linda Chellel, Benjamin A. Hale, Randall Anderson, John S. Andrews, J. Slialk, Penny Twaits, Karen D. Dwerlkotte, Bobby H. Ray, Arnold McCullough, Glenda Perry, Michael Perry, Gary Ryan, Linda Ryan, G. Anchondo, Linda Alderfer, Maria Slieff, Linda L. Smith, Bryan Magmussen, Hidemitsu Sakiri, Thongpol Sangngan, Tricia Ford, Evelyn Limer, Teresa Carrillo, Sidney Carrillo, Brad Bertolina, Elizabeth A. Hansen, Mazon Abdin, Janice Starcevic, Judith C. Gaither, Anne L. Crouch, Suzane Kelleher-Duckett, Joy DeGruccio, Urai Carter, Natvee Morinda, Chamong Laigipay, Constance I. Flynn, Ryan Morinaka, Aaron Morinaka, Justin Morinaka, Cathy Skillman, Carlos Esparza, Gene D. Horner, Lisa Lang, Aaron Demarco, Laura Demarco, Daniel R. Miller,

Rita Giacone, M. Barilla, Chris Barilla, Lori Tolan, Jerry A. Rushing, Rocco Barilla, Gina Mago, Karen Monaco, Albert Murphy, John Wolff, Richard Smith, Sandra R. Barilla, Thomas Barilla, Rosita Dela Llana, Robert Murphy, Robert Hilton, Jerry Faas, Luanne Bjorkman, Doug Bjorkman, Michael Rogers, Mary R. Rogers , Larry Larson, Maureen T. Johnson, Paul R. Johnson, Eleanor Lewis, Jan Lonoeree, Steven Mastropaolo, Beth Faas, Gregory Hamel, Patricia Carroll, Bev Carroll, Kristen Hamel, Monique Stefanovic, B. Stefanovic, Erin Martin, Robert V. Roboey, Glennon P. Schaeffer, Jeanne Robey, Alda M Hipolito, Victor Hipolito, Del Dearen, Carly Reed, Gene D. Homer, Anthony Helmer, Jessica Egan, Mitch Beram, Kristy Beram, Lawrence Pham, Katie Gaytan, Randy DeLorto, Suzann Zimmer, Karen D. Ray (2 items), Edie Gaertner, Cyd Swerdlow, Linda Kosut, Jennifer Joseph, Kathryn Roberts M. Quesada, Stephen Lyon, Jean Polkow, Phil Morini, Merrily Munson, Stacey Clarke, Hazel Brandenbury, Carolyn Pitzer, Margaret Schidler, Lois Carney, Mary G. Riddell, John Warner, Narongehai Sangogam, Yaninee Pinniem, Nancy Hulit, Jane Thompson, Deanna Gibson, Patti Riens, Hazel Blanford, Calvin Pham, Meongkot Tepmomgkhon, Marvin Ramirez, Dana Mount, Scott Mount, Janet Blair, Jill Brumet, Angkoon Yattananavin, Tom Halloran, Ian Kinstan, Enrique Peraza, Oscar Salazar, Kawas Yuen, Anh Vu, Andre Valadaris, Francisco Flores, Alejanjro Aronna, Victoria Babinski, Allan Babinski, Michael W. Powell, Cathryn A. Powell, Thelma Vetter, Sharlene Davis-Geltz, Carlos C. Speceiro, Steven Geltz, Jeff Hall, Daryl Bond, Jeff Seesholtz, Becky Hasbach, Sue Simmons, Stan Simmons, Kristi Simmons, Penny Velasco, Z. Westfield, Andrea & Greg Mills, Robin Ormiston, Judy Wright, Judeth Crom, Susan Murphy, Judith A. Legan, April Parmelee, Pancho Marana, Olga Parmelee, Alec Littlewood, Jessy Box, James Box, Michael Box, Conchita Del Rosario, Miko Del Rosario, Jessica Sturble, Rick Strurble, Ian Strurble, Mike Watson, Jennifer Watson, Ken Michaels, Mary Michaels, Gwyneth Sanchez, Martha Pebbles,Ty Tompson, Joy Tompson, Sandy Warner,Dave Warner, Jan Stewert, Ted Stewert, Carlene Hanson, Danielle Dino, I. Protsenko, Bob Remo, Theresa Rockmaker, Angelique Ouaknive, Matthew Stephens, Matt Arledge, Karen Arledge, Terri Wilson, Lauren Martin, Joe Ruffino, Lorrie Sanchez, Chris Holmlund, Matt Caldwell, J. LeMonier, Patricia McCully, Vern Nelson, Phil Tryon, Suzie Smith, Scott Cooper, Debbie Cooper , Marinka Horack, James Scott, Michele Whitmarsh, Ron Hetherington, Viviana Hethering, Pete Evanshen, Barbara Evanshen, Michelle Jehoich, Steve Jehoich, Jana Gibbs, Nancy Sharts, George Taverna, Catherine Hubbing, Dean Langwiser, David Hayes, John Oweger, Mauria Simmons, Mike Peters, Mike Vlachos, Judy Bash, Fara Bidaki, Lucia C. Rosenberg, Sally Frost, Silvia D. Remos, Desiree Marmolijo, Leona Olson, Frank Spates, Judy M. Schwantes, Robert Morrill, Michael Dunham, Douglas S. Bacon, Ann Patrick, Teddi Alves, James G. Marshall, Elaine Marshall, Kathy Beachamp, Michele A. Kaufman, Shawn Bruckler. Lorie Kooken, Robert Kooken, Danielle Stilwell, Glennon P. Schaeffer, Jeanne Robey, Gregory Hamel, Patricia Carroll, Ron Carroll, Kristen Hamel, Monique Stefanovic, P. Stefanovic, Eleanor Lewis, Jan Londeree, Steven Mastropaolo, Beth Faas, Jerry Faas, Thomas Barilla, Rosita Dela Llana, C. Oakes, Barbara Hafdahl, Jacki L. Forkel, Tammy Carver, Leigh-Anne Kitch, Susan Murphy, Judith A. Legan, Judeth Crom, Robin Ormiston, Drew Kovacs, Kirk of Garden Grove, Shirley Henderson, Stanley Michaels, Diann Barber, Donna Colby, David Oakes, Marka Bennett, Cathy Lyn Sanford, Sandy Genis, Tacoma Windsor, Mary Baretich, Charles Atchisson, Lori Bell, The Smiths, John D. Cormie, Melissa Longley, Patricia Gail Burnham, Norm "Firecracker" Westwell, Sarah Sprouse, Don & DeAnna McKelvie, Laurie Aggaj, Vivian Brown, Daphne Bell, David Barron Sr., George Moore, Bob Huling, Marguerite K. Johnson, Ruth Nunn, Sharon Perry, Don & Deanna McKelvie, S. T. Lawrence, Olga Forbes, Mike Ryan Kirkup, Mike Davidson, Don & DeAnna McKelvie, Ken Kirkup, Diane Kirkup, Joanne Ventresca, Ken Jackson, Margaret Stanard, Sarah Sprouse, John Burgard, Lori Pellizzari, and Bill Finstrom.

The Following Communications Were Received During the Meeting

Communication submitted by "unknown," undated and titled "Initiative Measure to be Submitted Directly to The Voters," a summary prepared by the Attorney General pertaining to the Pet Animal Protection Act.

Communication submitted by Bobby and Karen Ray, dated November 5, 2007, titled *Mandatory Spay, Neuter, and Microchip Ordinance for Dogs and Cats in the City of Huntington Beach, California,* a letter to Council including Exhibits A - H.

Presentation - Eagle Scout

Mayor Coerper invited Eagle Scout Chad Schaeffer and his family to the podium to accept a proclamation for his outstanding scout achievements. On behalf of Assemblyman Jim Silva, Councilmember Cathy Green presented a commendation to Scout Schaeffer and Mayor Coerper presented a Certificate from the United States Military Academy of WestPoint. Scout Schaeffer introduced his family members and thanked everyone for this distinguished honor.

Presentation - Fireman's Fund Insurance Company

Mayor Coerper called on Fire Chief Duane Olson to accept checks for $16,360 and $12,000 from Commercial Underwriter Michele Bair and Vice President Rick Victores of Fireman's Fund Insurance Company to be used for the purchase of emergency air bottles and fire hose. Chief Olson described the grant funding programs and his appreciation of the partnership with Fireman's Fund Insurance representatives Rick Victores and Michele Bair who described the Heritage Program that has, since 2004, directed its grants of $4.5 million to 450 fire departments nationally.

Presentation - Life Safety Achievement Award

Mayor Coerper called on Fire Chief Duane Olson to announce that the Huntington Beach Fire Department received the 2006 Life Safety Achievement Award from the Residential Fire Safety Institute. Chief Olson described the Residential Fire Safety Institute and the City's recognition nationally by the Institute for this award. Mayor Coerper thanked the Chief and his department for their ongoing efforts.

Presentation - Head Start Program

Mayor Coerper called on Huntington Beach Municipal Employees Association (MEA) representative John Von Holle who described a fundraiser held by the MEA to support the "Huntington Beach Head Start Program." Representative Von Holle called on Jackie Gardner, Quality Coordinator of the Head Start Program who described the educational program that currently serves over 3,000 children of low-income families. Ms. Gardner thanked the City for its donation of $1,700 to buy 9,000 books for its students.

Presentation - Native American Indian Month

Mayor Coerper called on Human Relations Task Force Chair Alan Chancellor to announce November as National Native American Indian Month. Alan Chancellor introduced Jacque Tahaka-Nunez of the Acjachemen nation, a Native American Indian educator. Ms. Tahaka-

Nunez is in her third year partnership with the Huntington Beach Central Library where she performs an annual play of her native heritage. Ms. Tahuka-Nunez discussed her history and heritage, expressed her joy of performing, and gave thanks to the City for honoring the partnership. On behalf of the City, Mayor Coerper presented a proclamation to Ms. Tahuka-Nunez and thanked her for her creativity of storytelling to the children.

Presentation - Returning Combat Veterans Scholarship Program

Mayor Coerper called on Golden West College Criminal Justice Training Center Dean/Director Chief Ron Lowenberg to receive a proclamation for the college's Returning Combat Veterans Scholarship Program. Dean/Director Chief Ron Lowenberg introduced Jim Moreno, Board of Trustees member, and Dr. John Matthews, President and CEO of Sure Fire Corporation. Chief Lowenberg described the Police Academy Program at Golden West Community College and described the importance of corporate sponsorships for Academy recruits. He thanked the City for its endorsement of the Program, and Mayor Coerper thanked Dean/Director Lowenberg as he presented the proclamation.

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/)

Scott Peterson, resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program, describing the number of agencies who have attempted to adopt similar ordinances that have failed. He disagreed with requiring spay/neuter of animals younger than age two, and urged Council to vote against it. (48:03)

Celeste Whipple, resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program. (50:26)

Don Chase, resident of Huntington Beach, spoke to Council in favor of implementing a crosswalk at Yellowstone and Bushard, stating that there used to be a crosswalk at that location and he urged Council to reinstate it. He referred to a favorable petition signed by parents of Sowers School students. (50:51)

Julia Pennington spoke in favor of a spay/neuter and microchip program, stating her opinion that the proposed ordinance protects pets, and she described the benefits of microchipping animals. (55:03)

Judie Mancuso, spoke in favor of a spay/neuter and microchip program, and referenced the form in Council packets related to the tax increase. She expressed agreement with the ordinance language and she believes it will lower taxes for taxpayers. (56:50)

Steve Crane, resident of Huntington Beach, urged Council to support a spay/neuter and microchip program, referencing the work he has done at the local animal shelters and expressing his sadness for the animals who are there. (59:40)

Jacob Wiles, resident of Huntington Beach and student, urged Council to reinstate a crosswalk at Bushard and Yellowstone. (1:03:04)

Jennifer Wiles, resident of Huntington Beach, spoke in favor of a crosswalk to be reinstated at Bushard and Yellowstone to support the students at Haas and Sowers schools. She also spoke in opposition to any mandatory legislation of microchipping animals, stating concerns of financial burden and proposed fines. (1:03:50)

Lisa Carter, Executive Director of the Santa Cruz Society for the Prevention of Cruelty to Animals (SPCA), spoke in support of a spay/neuter and microchip program, describing the history of her agency, and the outpouring of emotions expressed during the Santa Cruz City Council process. She referenced decreased statistics of euthanized animals and why the ordinance works. (1:06:48)

Steven Wiles, resident of Huntington Beach, urged Council to reinstate a crosswalk at Yellowstone and Bushard. He mentioned his participation in the recent forum community meetings held on this issue. He also spoke in opposition to any spay/neuter and microchip program since he believes the ordinance will only penalize responsible pet owners. (1:10:00)

Patty Shanker, animal rescuer, spoke in favor of a spay/neuter and microchip program. She discussed her work as an animal rescuer, and stated her opinion for the passage of this ordinance to be the moral obligation and fiscal responsibility of the Council. (1:13:03)

Haze Lynn, spoke in favor of a spay/neuter and microchip program and urged Council to set an example so that neighboring cities will adopt an ordinance also. (1:14:30)

Heidi Gothard spoke in support of a spay/neuter and microchip program, applauding the Council for its fiscally responsible action and for adopting a law that she believes is forward thinking. (1:16:00)

Robert Sternberg, resident of Huntington Beach, spoke in opposition to any development of Costco/Ripcurl projects between the City, Golden West Community College and Costco. He reported attending this evening's study session on the City's Housing Element and described in detail the Housing Element as it relates to the proposed project. He discussed potential negative impacts to immediate neighborhoods, and expressed concerns of the lack of open pace proposed. (1:16:52)

Elizabeth Oreck spoke in support of a spay/neuter and microchip program, stating her opinion that this ordinance is a responsible solution to the overcrowded animals at the shelters. As a former shelter worker, she reported what she considered were horrible conditions. (1:19:56)

Sharon Hayhoe, resident of Santa Ana, spoke in favor of a spay/neuter and microchip program, describing the flooding of illegal breeders, not to be compared to those breeders who are responsible. (1:21:26)

Cheryl Thomason, resident of Rancho Santa Margarita and dog rescuer of two agencies, spoke in support of a spay/neuter and microchip program, describing the pets dumped at the shelters and the number of older dogs who are not valued by adopting families. She urged the Council to support this ordinance. (1:23:57)

Bill Hemby, representing PetPAC and Chairman of POWER (Pet Owners Want Equal Rights), spoke in opposition to any spay/neuter and microchip program, referencing the statewide

opposition to the proposed mandatory ordinance. He described himself as a responsible breeder and believes the increased fees proposed for the mandatory spay/neuter program will result in more animals euthanized. He believes Council should support "No Kill" programs such as the City of Los Angeles. (1:26:26)

Carol Hamilton, POWER, spoke in opposition to any spay/neuter and microchip program, stating her doubt of the success of the recently passed ordinance by the City of Santa Cruz. In her opinion, she believes microchipping an animal could cause death, and that a conflict of interest exists by the Councilmembers who are supporting the ordinance. She urged everyone to read the book, "Redemption: The Myth of Pet Overpopulation and the No Kill Revolution in America." (1:29:40)

Mary Bradley, POWER, spoke in opposition to any spay/neuter and microchip program, referencing that all members of her dog club agree to include mandatory spay/neuter language in all of their contracts. She stated her opinion that a mandatory spay/neuter ordinance would not accomplish reducing overcrowded conditions in shelters. (1:32:55)

Becky Morse spoke in opposition to any spay/neuter and microchip program, in particular, as it pertains to breeders' rights. (1:37:00)

Mayor Pro Tem Cook addressed the public as a point of clarification. She expressed her confusion as to why the public speakers' comments included reference to "a fee," since there is no fee included in the proposed ordinance, only to be established at another time in open session. If a differential fee is determined, (for those who choose to keep their dogs un-neutered), a higher fee would be required, different from a mandatory spay/neuter fee and not yet discussed by Council.

Debbie Bent, POWER, spoke in opposition to any spay/neuter and microchip program, stating her opinion that it violates the constitutional rights of responsible citizens of Huntington Beach. (1:37:25)

Diane Amendola, resident of Huntington Beach and dog rescuer, spoke in opposition to any spay/neuter and microchip program, stating her belief that education is always the answer, and that Huntington Beach has the highest license fee already. (1:41:38)

Allen Baylis, POWER, spoke in opposition to any spay/neuter and microchip program, questioning the structure of the proposed fee schedule and the increased tax. He urged Council to listen to the majority of residents in Huntington Beach by defeating Ordinance 3787. (1:44:45)

Cindy Farrington, POWER and resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program, urging Council to let pet owners make the individual/ personal choice to spay/neuter their animals. In her opinion, the fees proposed would be a financial burden to many families and she believes there is not enough information on microchipping to require it. (1:48:00)

Toby Bloom, POWER and dog breeder since 1980, spoke in opposition to any spay/neuter and microchip program and provided suggestions on how to reduce cat reproduction. She also discussed her opinion that the proposed ordinance may inhibit the future breeding of guide dogs. (1:50:35)

Teddi Alves, POWER, resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program. She voiced resentment to Council for dictating responsibilities to pet owners, and disputed the fees associated with the proposed schedule. (1:52:53)

Richard Truong, resident of Huntington Beach and Bull Dog Club Rescue volunteer, spoke in opposition to any spay/neuter and microchip program, stating that decisions to spay/neuter should be left up to the individual pet owners. He stated that although microchips can be valuable, voluntary programs would be a more effective option for pet owners. (1:55:46)

Marie Carriere, resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program, and urged Council not to support it. (1:57:31)

Nancy Nichols spoke in opposition to any spay/neuter and microchip program, stating doubt that this ordinance will reduce the number of pets in shelters. She urged Council to support an education program as opposed to penalizing responsible pet owners. (1:58:00)

Doug Bacon, POWER and resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program since he believes there are no statistics to support overpopulation in Huntington Beach of stray animals. In his opinion, the proposed ordinance is unjust, and infringes upon his constitutional rights. (2:01:15)

Mort Evans, POWER, spoke in opposition to any spay/neuter and microchip program, and believes it is a violation of his rights as a dog owner. It is his opinion that responsible pet owners will be penalized by this ordinance. (2:02:53)

Bobby Ray, POWER, spoke in opposition to any spay/neuter and microchip program, referring to submitted copies of exhibits regarding the proposed Ordinance 3787. He voiced concerns about violating citizens' property rights, and the potential risks of surgical procedures for pets. (2:04:35)

Tom Lash, resident of Huntington Beach, thanked the Council for providing a forum whereby residents can voice their shared concerns. He presented Council with reasons why they should preserve democracy, and referred to the "basics" of teaching to present information to gain a better understanding of the reasons why Council should support placing a resolution on an agenda to impeach President George W. Bush and Vice-President Dick Cheney. He expressed his desire to bring our troops home from the war. (2:07:06)

Keith Lezzatte, resident of Costa Mesa and POWER representative, spoke in opposition to any spay/neuter and microchip program, stating that adopting such an ordinance would only affect responsible pet owners who already register and spay/neuter their animals. He believes that overpopulation exists because of animals brought in from pet mills ultimately end up left behind or in the shelters. (2:10:15)

Susan Murphy, POWER, dog owner and purebred breeder, spoke in opposition to any spay/neuter and microchip program, voicing concerns about pet owners who might go underground and thereby not vaccinate and/or license their pets, creating long-term health issues associated in those actions. (2:12:15)

Steve Stafford, resident of Huntington Beach, spoke in opposition to microchipping of animals, stating that a better alternative would be the computer chips currently offered by insurance companies that attach to the animals' collars, eliminating the risks of surgery. (2:13:48)

Charlean Allen, resident of Huntington Beach, spoke in support of a spay/neuter and microchip program, and voiced concern over the number of pets that continue to be euthanized. She referenced the ads in the local paper that advertised "designer" bred dogs for sale, and urged Council to support the ordinance. (2:15:25)

Mayor Pro Tem Cook announced that Council has the authority to set fees in a wide range of areas; one being to keep existing fees exactly where they are, and maybe implement subsidized rate for those owners who have their animals fixed and/or microchipped. As a point of clarification, she reiterated that the proposed ordinance is not mandatory and would only set a differential fee.

Lisa Wagner, teacher and volunteer of the Newland Shelter, spoke in support of a spay/neuter and microchip program, with the goal to eliminate the vast number of animals that are turned into shelters by owners. She addressed the conflicting statistics expressed this evening by proponents on both sides of this issue. (2:20:10)

Vern Nelson, urged Council to consider placing a resolution on an agenda to impeach President George W. Bush and Vice-President Dick Cheney, to investigate what he considers a "secretive" administration. He stated his opinion that this is a non-partisan issue and reasons to support a resolution. (2:23:30)

Karen Chepeka, resident and President and founding member of Save our Strays (SOS) of Huntington Beach, first announced her organization is not affiliated with PETA (People for the Ethical Treatment of Animals), as earlier reported by a speaker. She voiced SOS's support of a mandatory spay/neuter ordinance since there already exists an incentive-based licensing program through Orange County Animal Care Services. She reported that of the approximately 43,000 dogs in Huntington Beach, approximately 16,000 dogs, or 38%, are licensed. Of those licensed, 10% are not altered. Using this formula, approximately 4,300 dogs are not spay/neutered, exclusive of cats. She urged Council to protect animals with no voice. (2:26:35)

Mike Fails, Junior at Edison High School and State lifeguard, spoke in support of a spay/neuter and microchip program, in an attempt to eliminate the growing numbers of unwanted and dumped pets that filter into the system. (2:28:43)

Linda Lethin, POWER and president of a purebred dog club, spoke in opposition to any spay/neuter and microchip program, describing the increased number of dogs who are coming into the shelters from underground sources, not local areas. It is her opinion that passing this ordinance will not target irresponsible pet owners. (2:30:35)

Linda Crossley, resident of Huntington Beach, spoke in support of a spay/neuter and microchip program. She discussed the health benefits and emotional stability attributed to the spay/neuter process. She urged Council to support the ordinance. (2:32:35)

Tim Geddes, resident of Huntington Beach, spoke in opposition to microchipping cats, describing it as a drastic measure to remedy the safety issues and protect the welfare of cats. (2:35:01)

Randy Crossley spoke in favor of a spay/neuter and microchip program, discussing the similar, successful ordinance and programs adopted in New Jersey from where he has recently relocated. (2:37:35)

Johnna Lipuma, educator of Long Beach Unified School District, spoke in favor of a spay/neuter and microchip program, urging Council to support it as the fiscally and morally right thing to do. (2:40:47)

Jonathan Lazar, resident of Huntington Beach, reported his attendance at a City Beautification, Landscape and Tree (BLT) meeting, during which photos of the planted parkway in front of his house were shown and discussed. Subsequently, he disputes language in the City's Tree Management Plan where it references that trees could be planted 50 linear feet "or less" apart. He requested Council's immediate action to this matter since the three trees planted in his parkway were scheduled for removal by the City the next day. (2:41:20)

Jack Brooks, spoke in opposition to any spay/neuter and microchip program, referencing the financial burden of altering his dog and what he considered to be the outrageous fees proposed by Huntington Beach compared to fees charged by neighboring cities. He suggested that Councilmember Bohr recuse himself from voting on this issue as he potentially has a conflict of interest due to his wife's affiliation with Save Our Strays. He stated that he would sue the City if they adopt mandatory microchipping of dogs. (2:44:27)

Nicholas Baker spoke in support of Mr. Lazar's comments made previously, pertaining to the lack of notice and information available to homeowners regarding the City's Tree Management Plan. In his opinion, the Plan should be shared with homeowners prior to decisions made about tree removal and planting. Currently, he stated his opinion that City employees are the only individuals who have access to the Tree Management Plan. (2:47:31)

Judith Crumpton, resident of Long Beach, spoke in support of a spay/neuter and microchip program. She urged Council to support the ordinance; in particular, she supports microchipping animals to reunite pets with their owners. (2:49:27)

Judith Philpot, resident of Huntington Beach, spoke in favor of a spay/neuter and microchip program. As a Pet Smart and Cat Center volunteer, she described the large number of animals that are euthanized and her opinion that the problem has reached epidemic levels, urging the public to rescue dogs and cats when possible. (2:51:23)

Patti Post, letter carrier, spoke in opposition to any spay/neuter and microchip program based upon infringement of freedom of rights of choice by pet owners. (2:54:23)

Patricia Rusko, resident of Westminster, spoke in opposition to any spay/neuter and microchip program and believes government should not impose this law. (2:56:35)

Helen Weaver spoke in opposition to any spay/neuter and microchip program. She referenced unfavorable study results of early spay and neutered animals. She believes dog breeders lose money as opposed to making money as earlier reported. (2:57:40)

Catherine De Luca, resident of Huntington Beach, dog breeder, trainer and owner, spoke in opposition to any spay/neuter and microchip program, and objects to the invasion of government into the rights of pet owners. She believes the majority of Huntington Beach

residents do not want to pass the proposed ordinance, and urged Council to listen to the majority of their constituents. (2:59:20)

Barbara Brown, resident of Huntington Beach, spoke in opposition to any spay/neuter and microchip program. She described the variety of dogs that she currently owns (altered and not altered), and addressed exemptions for maintaining intact animals and the associated fees. She voiced objection to lowering the age to four months for spay/neuter. She opposes the argument that spay/neuter dogs are less likely to stray, and voiced concerns about providing personal information required for microchip process that might land in the wrong hands. (3:36:09)

Linda Kraemer, resident of Huntington Beach and animal rescuer, spoke in support of a spay/neuter and microchip program, conveying that exhausted rescue groups have no more space to keep dogs, cats and kittens. (3:05:41)

Don McGee spoke in support of the City's mobilehome conversion ordinance and urged Council to defend the mobilehome owners' protection. (03:08:21)

Sandra Genis, resident of Costa Mesa, spoke in opposition to any spay/neuter and microchip program. She described Costa Mesa's contract with Santa Ana's "No Kill" program, and stated her objection to the principles of the proposed ordinance. It is her opinion, mandating sterilization of puppies at four months of age or for service dogs is wrong. She believes the ordinance would negatively affect breeders and force people to purchase dogs at puppy mills. (03:12:33)

Lydia Savala, resident of Santa Ana, spoke in favor of a spay/neuter and microchip program and identified differences of immigrants here from third-world countries that have a different social status for their pets then we do. She stated that third-world cultures do not vaccinate or spay/neuter their pets, and the pets are on the bottom of the social ladder, with little funds available. She would prefer to have a reduced cost available to ensure spay/neuter as opposed to euthanasia. (3:15:45)

Courtney Howe, pet rescuer, spoke in favor of a spay/neuter and microchip program, describing the unfavorable conditions of shelters and the inclusion of purebred dogs that end up there. She supports early spay/neuter because she believes it results in animals with a better temperament, making them better pets. (3:18:05)

Cathie Turner, Executive Director of POWER, spoke in opposition to any spay/neuter and microchip program. It is her opinion that State-level statistics reported this evening are incorrect. She urged Council to consider re-writing the ordinance. (3:21:17)

Lynnette Berker, resident of Westminster, spoke in opposition to any spay/neuter and microchip program, and urged Council not to support an ordinance. (3:23:58)

Colleen McCammon, resident of Huntington Beach and representative of Animal Assistance League, spoke in support of a spay/neuter and microchip program. She is a pet rescuer and advised the public that animals captured from Huntington Beach go to the Orange County Shelter. She discussed the benefits of microchipping animals and disputed comments made regarding detrimental health issues associated with microchipping. (3:24:29)

Ralph Berker, resident of Westminster, spoke in opposition to any spay/neuter and microchip program. He described the influx of puppies coming from outside the Huntington Beach area, and

his belief that puppy mills do not exist in Huntington Beach. He also stated that responsible owners and breeders will be penalized by this legislative authority. (3:27:37)

Robert Ameeti, resident of Huntington Beach, spoke in favor of a spay/neuter and microchip program. He thanked Council for taking on this issue and stated that he works with a guide dog organization that monitors dogs who are spay/neutered and microchipped. He asked the Council to support the ordinance from a rational perspective instead of an emotional one. (3:29:47)

April Parmelee, POWER, spoke in opposition to any spay/neuter and microchip program for dogs and cats. She breeds champion dogs and described extended time needed to evaluate dogs before having them spayed or neutered. (3:32:30)

Les Middleman spoke in opposition to a joint venture between the City, Costco and Golden West Community College. It is his opinion that a Costco on the Golden West College property would destroy the College, and he advised Council that they are at risk for conspiracy of development. He read an article from The Register newspaper dated October 1999, pertaining to a protest by 100 citizens of a prior proposed development. (3:36:10)

(City Council) AB 1234 Disclosure Reporting

Report submitted by Mayor Pro Tem pursuant to AB 1234 and on file in the City Clerk's Office.

Report submitted by City Treasurer pursuant to AB 1234 and on file in the City Clerk's Office.

Councilmember Green reported that she and Mayor Coerper attended the Metropolitan Water District of Southern California and the Municipal Water District of the Orange County inspection trip of the California State Water Project in the Sacramento/San Joaquin Delta on October 19 and 20. She also reported their attendance at the United States Conference of Mayors Seattle National Climate Protection Summit on November 1 and 2.

Councilmember Bohr reported attending the League of Cities 2007-2008 Installation of Officers Ceremony at Richard Nixon Library on October 18, and the City's Employee Halloween Pancake Breakfast at Lake Park on October 31.

Mayor Coerper discussed the information he received at the Conference of Mayors Climate Protection Summit pertaining to climate protection and Green Building, and offered to share the material with Council.

City Administrator's Report - None

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

City Treasurer Shari Freidenrich announced that the City now accepts credit card payments at no cost by telephone and online for utility services and parking tickets, and invited the public to visit the City's website to review all payment option programs available.

Treasurer Freidenrich gave a PowerPoint presentation on the Monthly Investment Report for September.

A motion was made by Green, second Hardy to accept the Monthly Investment Report entitled Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for September 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/Redevelopment Agency) Adopted City Council Resolution No. 2007-75 and Redevelopment Agency Resolution No. 370, Approving and Adopting the Fiscal Year 2007/2008 Statement of Investment Policy

Treasurer Freidenrich gave a PowerPoint presentation.

A motion was made by Green, second Hansen to **City Council Action: 1)** Approve and adopt **Resolution No. 2007-75,** *"A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2007/2008;"* and **Redevelopment Agency Action: 2)** Approve and adopt **Resolution No. 370,** *"A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2007/2008."* The motion carried by the following roll call vote:

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

City Attorney's Report of Litigation Filed - None

City Attorney Status Report - Mobile Home Conversion Ordinance

City Attorney Jennifer McGrath announced that the case challenging the Mobilehome Conversion Ordinance has been dismissed, subject to a tolling agreement between the City and the plaintiffs in that case. As a condition of the tolling agreement, all of the arguments stay in place and both sides agree not to invest more money litigating the case but instead to spend more time negotiating a potential resolution of the case without litigation. Any potential resolution or modification to the zoning code would go through the public process, which would include Planning Commission and City Council review. Mayor Coerper thanked Attorney McGrath for her report.

(City Council) NO ACTION NEEDED OR TAKEN ON THIS ITEM - Appeal by the Huntington Beach Beer Company of the Revocation of the Entertainment Permit for Huntington Beach Beer Company located at 201 Main Street (Continued from the October 15, 2007 Council Meeting)

City Clerk Flynn reported that the public hearing was opened and closed on this item at the City Council meeting of October 15, 2007, and that a communication had been received from the Chief of Police and was part of the agenda packet, indicating a Settlement Agreement has been reached and there is no additional Council action necessary for this public hearing.

Chief of Police Ken Small reported that, based upon the conversations held at the last City Council meeting, the Police Department and business owner of the Huntington Beach Beer Company have reached an agreement and no further action is required by Council at this time.

(City Council) Public Hearing Held - Approved Zoning Text Amendment (ZTA) No. 07-003 and Approved for Introduction Ordinance No. 3788 Amending Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Deleting All References to Medical Marijuana Dispensaries in Order to be Consistent With Federal Law, Which Considers Medical Marijuana Dispensaries Illegal

Communication from the Director of Planning transmitting the following

Statement of Issue: Transmitted for your consideration is Zoning Text Amendment No. 07-003, which is a request to amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to delete all references to medical marijuana dispensaries. This zoning text amendment was initiated pursuant to an H-Item from Mayor Coerper, which was approved by the City Council in July 2005. Both the Planning Commission and Staff recommend approval of the request which will allow the HBZSO to be consistent with federal law, which considers medical marijuana dispensaries illegal.

NOTICE IS HEREBY GIVEN that on Monday, November 5, 2007 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 item: ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES) Applicant: City of Huntington Beach

Request: To amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to delete all references to medical marijuana dispensaries.

Location: Industrial Districts Citywide

Project Planner: Ricky Ramos

City Administrator Culbreth-Graft called on Ricky Ramos, Associate Planner, and Ken Small, Chief of Police to provide staff reports. Planner Ramos gave a PowerPoint presentation, which included the following information: Background, Analysis, Planning Commission and Staff Recommendation. Chief Small gave a PowerPoint presentation that included the following information: Proposition 215 and Senate Bill 420 (2003), What Has Happened Since 1996, Adverse Community Impacts, How Dispensaries Operate, photographs of candies, sodas, pop tarts that include marijuana.

Mayor Coerper called on John Scandura, Planning Commission Chair, who gave an oral report of the Planning Commission findings during its consideration of this land-use policy issue.

Mayor Coerper declared the public hearing open.

City Clerk Flynn restated for the record the following communication received on this item:

Communication submitted by Norm "Firecracker" Westwell, dated November 5, 2007 stating his opinion pertaining to item D-2.

Robert Cade, a former police officer in another state, advised Council of his recent glaucoma surgery. Post surgery, he obtained a prescription from a doctor for the use of medical marijuana, and following use, has had no pain in the affected eye since. He also stated that the need to have surgery on his other eye has been eliminated.

Joe Fletcher spoke in favor of the issuance of medical marijuana and challenged Chief Small's statistical report. His voiced concerns that Council's action would illegally ban medical distributions; would overturn the state's decision allowing legal possession and cultivation of marijuana in California, and would ignore the consensus of the voters in 1996 allowing people the right to access safe marijuana.

Marla James, resident of Huntington Beach, introduced herself as an amputee with flesh eating bacteria disease and a patient of medical marijuana for pain relief. In her opinion, the Planning Commission did not have sufficient information available to them before making its decision on this matter. She voiced her desire for Council to review Senate Bills 420 and 215, and advised Council that next month, medical marijuana cards are being issued to patients by the County of Orange Health Department. She also indicated that the County Board of Supervisors recently tabled the ban on County dispensaries due to lack of sufficient information.

William Britt, Director of Association of Patient Advocates, stated that he represents many residents of Huntington Beach systems who are trying to obtain medical marijuana, many without success and who remain in pain. He voiced disappointment that a large number of State-approved safe and affordable distribution centers have never opened. He referenced Article Section 3.5 of the California Constitution, which, in his opinion, categorizes Councilmembers as State officials to adhere to State law, regardless of Federal law. He reported that in unincorporated areas of Los Angeles, the Board of Supervisors recently elected to implement guidelines for medical marijuana instead of proposing bans.

David James, resident of Huntington Beach, categorized medical cannabis dispensaries as good neighbors. He referred to the protection of rights under Senate Bill 420 for qualified medical marijuana patients. He read statements from various cities with medical cannabis dispensaries, including Santa Rosa and Santa Cruz that report a decline in criminal activity since the passage of its ordinances, with strict guidelines implemented and Police Department enforcement.

Allen Baylis voiced his opinion of medical marijuana being a state's rights issue. He believes that proper regulation can take care of the types of problems identified in Chief Small's presentation. In his opinion, the Federal government has no business interfering in this State law issue, and he urged Council to be the legislative body to defend this State law issue.

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 Carchio asked Chief Small for his opinion as to why there appears to be a drastic difference between the intent of laws passed to assist medically ill patients qualified for medical marijuana, compared to the negative aspects of the facilities illustrated in the Chief's report. Chief Small indicated that, in hindsight, the initiative was determined to be poorly written, people who do illegal things found loopholes, and people who are making money off it are involved. Chief Small voiced the Police Department's concern to protect citizens, and various aspects of dispensaries in Orange County were discussed. He noted that Senate Bills identify

that these dispensaries cannot be for-profit businesses, and discussion ensued regarding cultivation that has escalated out of control, making it impossible to protect the citizens. It was noted that Senate Bill 420, which passed in 2003, attempted to identify who is going to police the dispensaries, but for all reasons identified in discussion, it has now become impossible to enforce.

Councilmember Green asked City Attorney McGrath to explain jurisdictional implications when two laws (Federal and State) are in conflict on an issue. Attorney McGrath stated that typically, Federal law would pre-empt State law, but in this case, there is no State law mandating that the City provide for the dispensaries.

Councilmember Hardy asked if Council had previously adopted permissions to regulate restrictions on medical marijuana dispensaries. Attorney McGrath responded that in March 2005, Council adopted regulations to permit dispensaries, subject to certain location restrictions. Discussion ensued regarding the prior moratorium and subsequent prohibition actions taken by the Council. Attorney McGrath identified mandatory restrictions and subsequent case law supports the City's position for action this evening.

Mayor Pro Tem Cook clarified with Chief Small that no dispensaries were located in Huntington Beach, and asked staff that given the restrictions in place, how many dispensaries could be permitted. Planning Director Scott Hess responded that he did develop a map a few years ago with GIS, which he believes allowed 10-13 facilities in the industrial zones. Mayor Coerper asked if the City of Anaheim has recently reported problems with their medical marijuana dispensaries. Chief Small indicated that he reviewed materials prepared for their City Council in anticipation of their prohibition of dispensaries, and based upon the material reviewed, there seemed to be similar concerns. When asked further questions of management and crime activity, Chief Small reiterated the adverse impacts noted previously in his slide presentation. Based on the research Chief Small conducted, he believes there would be tremendous negative impacts if a dispensary was permitted here in Huntington Beach.

Councilmember Hansen indicated that many cities are feeling the consequences of an initiative process that was not crafted well. He expressed sympathy for pain sufferers, but stated that proponents of legalized medical marijuana have used this Bill to dodge the system in greater numbers than Huntington Beach can support.

Councilmember Green voiced compassion for individuals who rely on medical marijuana to alleviate pain and suffering. She believes the solution might be to address the imperfections in the law, as opposed to having a dispensary in Huntington Beach that might put persons at risk of being in an illegal situation.

A motion was made by Hansen, second Green to **1)** Approve Zoning Text Amendment (ZTA) No. 07-003 with Findings for Approval; and **2)** Approve for Introduction **Ordinance No. 3788,** *"An Ordinance of the City of Huntington Beach Amending Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Medical Marijuana Dispensaries."* The motion carried by the following roll call vote:

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

(City Council) Administrative Hearing Held - Adopted Resolution No. 2007-74 Approving Certification of Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations

Communication from the City Attorney transmitting the following

Statement of Issue: NOTICE IS HEREBY GIVEN that an Administrative Public Hearing will be held by the City Council of the City of Huntington Beach in the City Council Chambers, 2000 Main Street, Huntington Beach, California, 92648 at the hour of 6:00 p.m. or as soon thereafter as possible, on November 5, 2007 to consider the adoption of proposed Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessment for Collecting Delinquent Civil Fines for Municipal Code Violations."

A copy of the proposed Resolution is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach 92648, for inspection by the public on November 1, 2007.

An administrative hearing is required by the Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at an administrative hearing. All other interested parties may speak at regular public comment at beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

City Clerk Flynn restated for the record the following communication received on this item:

Communication submitted by Antonio A. Cota of the Law Office of Antonio A. Cota, dated November 2, 2007, titled Lorbeer, Wm.; Cite Nos. BD64486, BD62793; BD64619, etc., Request for Continuance of Administrative Hearing. (Collection of Delinquent Civil Fines)

City Administrator Culbreth Graft called on Attorney McGrath who addressed the certification of civil fines that remain outstanding, that will be placed as liens against the property taxes to be paid with the property taxes. She indicated that Building and Planning staff are available to answer any questions on specific violations identified in the staff report and resolution.

Mayor Coerper declared the administrative hearing open.

Antonio A. Cota, Attorney for Lorbeer Enterprises, asked Council to delay taking action on this item as it pertains to his client Lorbeer Enterprises at 4937 and 4955 Warner Avenue. Mr. Cota discussed his recent involvement in the case, and a brief cursory discussion with Attorney McGrath. He discussed the complicated nature of the case, since it appears that the violations cited were caused by tenants on the properties. He also questioned whether his client received proper notification in accordance with the Huntington Beach Municipal Code and described his clients objections to fines levied against them by actions imposed by a third party. Mr. Cota stated that the Lorbeer's support an infraction prosecution against the persons responsible for the violations, and he urged Council to grant him 30 days to allow further discussion with the City in an attempt to bring this issue to final resolution.

Councilmember Hansen asked Mr. Cota if a standard commercial lease is in place on the properties in which the allegations of tenant violations is occurring, indicating that a triple-net clause would be built into the agreement that would indemnify the property owner of the charges filed against the tenant. Having not seen the agreement, Mr. Cota was unable to comment. Councilmember Hansen asked for clarification of penalties on specific violations.

Director of Building and Safety Ross Cranmer mentioned the various violations cited including property line situations, holes in walls across property lines, and mezzanines used for offices instead of storage.

Councilmember Green asked if public safety issues are presented here. Director Cranmer indicated that property line issues and the frequency of exiting at the mezzanines being used for offices opposed to storage usage could present public safety issues. It was determined that waiting an additional 30 days to discuss the matter further would be acceptable.

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 administrative hearing.

A motion was made by Hansen, second Green to adopt **Resolution No. 2007-74,** *"A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations,"* except Lorbeer Enterprises - violations which have been deferred to December 17, 2007, for action. The motion carried by the following roll call vote:

AYES:	Carchio, Coerper, Bohr, Green, Hansen, and Hardy
NOES:	None
ABSENT/OUT OF ROOM:	Cook

Consent Calendar

A motion was made by Green, second Bohr to approve the following items on the Consent Calendar by affirmative roll call vote. The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of October 15, 2007 **as amended by Late Communication submitted by the City Clerk.**

(City Council) Approved Naming a Two-Acre Park Being Developed as Part of the John Laing Homes Newland Street Residential Project as the "Ralph Bauer Park," Located Northwest of Newland Street and Hamilton Avenue - Approved naming the park northwest of Newland Street and Hamilton Avenue the "Ralph Bauer Park," as recommended by the Community Services Commission. Submitted by the Director of Community Services **Funding Source:** Not applicable.

(City Council) Approved Amendment No. 1 to Cooperative Projects Program Contract No. CP-0501 with the Orange County Sanitation District (OCSD) to Extend the Term of the Original Contract an Additional Nine Months Allowing the Completion of the 2006/2007 Sewer Rehabilitation Project CC-1252, and Authorize the Mayor and City Clerk to Execute the Agreement - Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to Cooperative Projects Program Contract No. 0501. Submitted by the Acting Director of Public Works, Engineering. **Funding Source:** No funding required for this action. The approved grant amount is $201,153.

(City Council/ Redevelopment Agency) Approved the Sale of a City-Owned Parcel Located at 18451 Patterson Lane, APN 157-341-22, in the Amount of $522,500 to the Redevelopment Agency to Utilize for an Affordable Housing Project; Authorized the Mayor and City Clerk to Execute and Record the Grant Deed - City Council Recommended Action: Approved the sale of the parcel at 18451 Patterson Lane to the Redevelopment Agency for $522,500 and authorized the Mayor and City Clerk to execute the deed from the City to the Redevelopment Agency and send to the County for recordation after the Agency Clerk has affixed the acceptance Certificate of the Redevelopment Agency. **Redevelopment Agency Recommended Action:** Authorized acceptance of the deed by the Redevelopment Agency. Submitted by the Director of Economic Development/Deputy Executive Director and the Acting Director of Public Works, Engineering. **Funding Source:** Redevelopment Agency Housing Set-Aside Fund, Account 30680301 as budgeted in Fiscal Year 2007/08.

(City Council) Approved a Three-Year Professional Services Contract with MuniServices, LLC in an Amount Not-to-Exceed $191,250 for Utility Users Tax Compliance Review, Revenue Recovery, and Consulting Services - Approved a three-year Professional Services Contract Between the City of Huntington Beach and Muniservices, LLC for Utility Users Tax Compliance Review, Revenue Recovery and Consulting Services, not-to-exceed $191,250. Submitted by the Director of Finance. **Funding Source:** Funds are budgeted in the Fiscal Year 2007-08 adopted budget, account 10035206.69365. Funds for future years will be budgeted accordingly.

(City Council) Approved an Agreement Between the County of Orange and City of Huntington Beach to Accept and Transfer Funds for the Department of Justice's Federal Fiscal Year 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; Approved Appropriation of up to $23,023; and, Authorized the Police Chief to Execute the JAG Grant Agreements on the City's Behalf - 1) Approved and accepted the JAG Grant between the County of Orange and the City of Huntington Beach for federal fiscal year 2007; and, **2)** Authorized the Chief of Police to execute on the City's behalf the Federal 2007 Agreement to Transfer Funds for 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program between the County of Orange and the City of Huntington Beach that are approved as to form by the City Attorney; and, **3)** Approved the appropriation of up to $23,023 to be fully reimbursed by the grant from the Department of Justice via the County of Orange. Submitted by the Chief of Police. **Funding Source:** Grant funds not anticipated in the original Fiscal Year City budget, estimated to be $23,023, will be fully reimbursed by the grant from the Department of Justice. No other matching or in-kind City funds are required for this grant. A new business unit will be established for this funding.

(City Council) Approved Pacific City's Water Quality Management Plan (WQMP) Submitted by the Developer, Makallon Atlanta Huntington Beach, LLC, and Authorized the Director of Public Works to Accept Future Addendums to the WQMP Prior to Issuance of Precise Grading Permits for Each Subsequent Phase of this Project - 1) Approved Pacific City's Water Quality Management Plan; and, **2)** Authorized the Director of Public Works to accept future addendums to the Water Quality Management Plan prior to issuance of Precise Grading Permits for each subsequent phase of the project. Submitted by the Acting Director of Public Works, Engineering. **Funding Source:** Not applicable.

(City Council) Adopted Resolution No. 2007-72 Recognizing that the State of California is in a Drought Condition, Establishes Policies and Procedures in Support of Water Conservation, and Identifies the Authority of the City Administrator and Public Works Director to Implement a Voluntary Drought Management Program per Huntington Beach Municipal Code (HBMC) Chapter 14.18 - Adopted **Resolution No. 2007-72,** *"A Resolution of the City Council of the City of Huntington Beach Establishing Policies and Procedures in Support of Water Conservation."* Submitted by the Acting Director of Public Works, Operations. **Funding Source:** Not applicable. Reduced water sales will result in reduced revenue; however, the City's water rates are designed based on the cost of service. Therefore, savings realized from avoided water purchases and production offset the loss of sales revenue.

Councilmember Green asked for clarification of language in the staff report pertaining to reduced water sales will result in reduced revenue; however, the City's water rates are designed based on the cost of service. Therefore, savings realized from avoided water purchases and production offset the loss of sales revenue. Dave Webb, Acting Director of Public Works, Operations discussed the various components of the water bills, including the meter charges and commodity charges. He described the process of buying or pumping water, associated costs and the net savings that offsets the cost of purchasing water that we didn't pump.

A motion was made by Green, second Hansen to adopt **Resolution No. 2007-72,** *"A Resolution of the City Council of the City of Huntington Beach Establishing Policies and Procedures in Support of Water Conservation."* The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2007-73 Approving Plans and Specifications for the Construction of the East Garden Grove-Wintersburg Channel Emergency Project to Place Steel Sheet Pile into the Existing Flood Control Levee Located 3700 Feet Downstream of Graham Street to Graham Street by the Orange County Resources and Development Management Department - Adopted **Resolution No. 2007-73,** *"A Resolution of the City Council of the City of Huntington Beach Approving Plans and Specifications for the Construction of East Garden Grove-Wintersburg Channel Emergency Project from 3700 Feet Downstream of Graham Street to Graham Street by the Orange County Resources and Development Management Department and Funded by the Orange County Flood Control District."* Submitted by the Acting Director of Public Works, Engineering. Funding Source: Not required for this action.

Mayor Coerper asked staff for an update on this item and he reported that he read the email received from City employee Julie Bixby on this item.

Travis Hopkins, Acting Director of Public Works, Engineering reported that on October 16, 2007, the Orange County Board of Supervisors declared an emergency to repair the Wintersburg Channel, severely damaged through storms experienced in 2005. The contractor has begun working on this repair and public contract code requires the Flood Control District to get approval from the agency where the work is being performed. Planning Director Hess indicated this is a stopgap emergency measure and that Shea Homes will make the channel improvements beyond what the County is proposing.

A motion was made by Coerper, second Green to adopt **Resolution No. 2007-03,** *"A Resolution of the City Council of the City of Huntington Beach Approving Plans and Specifications for the Construction of East Garden Grove-Wintersburg Channel Emergency Project from 3700 Feet Downstream of Graham Street to Graham Street by the Orange County Resources and Development Management Department and Funded by the Orange County Flood Control District."* The motion carried by the following roll call vote:

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

(City Council) Ordinance 3787 for Introduction - STRAW VOTE ACTION ONLY - RETURN FOR REINTRODUCTION ON DECEMBER 17. Revised Ordinance Amending Title 7 of the Huntington Beach Municipal Code By Adding Chapter 7.10 Relating to Spay, Neuter and Microchip for Dogs and Cats.

Communication submitted by the Chief of Police transmitting the following

Statement of Issue: In April 2007, the City Council passed an "H-Item" directing staff to research the costs and other issues associated with adopting a spay, neuter and microchip ordinance similar to the one in Los Angeles County. On September 4, 2007, following a staff report, the City council directed staff to draft a Spay, Neuter, and Microchip Identification Ordinance. The purpose of this ordinance would be to reduce uncontrolled breeding of dogs and cats in the City of Huntington Beach. Additionally, microchipping provides a reliable method to identify pets for a successful owner reunification process. Fewer stray and abandoned dogs and cats can improve public safety and reduce the euthanasia of strays picked up in Huntington Beach by Orange County Animal Care Services (OCACS).

Councilmember Hansen voiced concerns of the cost of implementing the program. The analysis indicates that the allocated $50,000 will not be adequate. He asked what the actual costs anticipated would be, how the City intends to enforce the program, and what the City will get for the money spent. Councilmember Bohr gave a brief description of the education process anticipated, and the expectation to stay within the allocated $50,000. He then asked Jennifer Phillips, Director of the Orange County Animal Care, to come forward to respond to Councilmember Hansen's specific questions related to program costs. Director Phillips gave a brief historical update from when the agency was first contacted to assist Huntington Beach to date.

Councilmember Bohr thanked staff for their indulgence in this lengthy process and expressed hope that Huntington Beach can provide leadership countywide by adopting this ordinance. He addressed opposing comments/statistics presented this evening and in prior meetings pertaining to the proposed ordinance.

Director Phillips reiterated her intent to provide a variety of options for Council to consider necessary, including personnel to implement the program for the first year, and options to reduce costs once the program gets underway. Councilmember Hansen voiced his belief that the delivery of service by Orange County Animal Care would have a real cost not anticipated yet.

Councilmember Green identified the number of speakers who spoke in favor and in opposition to the proposed spay/neuter ordinance. She questioned how the City of Huntington Beach got involved in what she considers to be a County issue, and it was clarified that Orange County

Animal Control requested the City's enforcement of the County code. Discussion ensued regarding the best age to spay/neuter, exempt versus non-exempt animals, and potentials for fee waivers. Councilmember Green addressed the public speakers who indicated to Council that this action violates their constitutional rights, by referring to costs borne by all taxpayers for euthanization.

Mayor Pro Tem Cook asked Director Phillips to verify the County's fees charged for altered animals versus unaltered animals, which was clarified at $23 for altered dog license and $95 for unaltered dog license, with no exemption for breeders. Mayor Pro Tem asked for clarification of distinction of benefits between the intent of the proposed ordinance versus raised fees charged for unaltered animals. She asked if the additional fees collected could be used to help people spay/neuter their animals and Director Phillips responded that Council has the discretion of how it wants to spend those funds. Mayor Pro Tem Cook voiced her goals of reducing the number of animals killed and reducing the fee as an incentive for pet owners who want to spay/neuter and/or microchip their animals.

Councilmember Carchio asked Director Phillips to speculate on what she believes to be the actual cost of implementing the educational and enforcement elements of the proposed program, and he expressed his desire of a reduced fee schedule offered to senior citizens. Director Phillips reiterated the cost allocation of $50,000 for the program cost and responded that currently seniors could receive a reduction for altered dogs only. Councilmember Bohr stated his concurrence of a tiered-fee structure suggested by Mayor Pro Tem Cook.

Discussion ensued of potential rate options for described services, including a tiered-fee structure incentive program. Attorney McGrath indicated that Council should emulate the County's language/ordinance. Director Phillips identified exempted dogs as guide dogs, assistance dogs, working dogs, police dogs, but not therapy or competition dogs.

Attorney McGrath discussed re-drafting an ordinance to include the differences between the City and County. Mayor Coerper addressed inferences made by public speakers as to whether or not Councilmember Bohr has a potential of conflict of interest since donations have been made to support this cause by him and his wife. Attorney McGrath indicated that no conflict of interest exists for Councilmember Bohr. Councilmember Bohr asked Attorney McGrath to re-draft the language to provide direction to Animal Control as to what they can charge. Mayor Pro Tem Cook questioned the need to adopt an ordinance at all, as opposed to adopting a fee structure for spay/neuter or microchip.

Councilmember Hardy suggested the following fee schedule: $23 if both spayed and neutered, including microchipping, $28 if microchip is not included, $53 if no spay/neuter is performed, but microchip is implanted.

Councilmember Hansen clarified Council's goal to encourage spay/neuter and microchipping through a tiered-license fee structure, eliminating the mandatory nature. Discussion ensued regarding various scenarios acceptable for fee restructuring, the possibility of subsidizing spay/neuter for residents who cannot afford to do so, the desire for Huntington Beach Business License to be listed in advertisements for pets for sale and change spay neuter age from four months to six months, and whether or not the County could provide cat licensing online.

By Council consensus, it was determined there would be no introduction of the ordinance this

evening, the City Attorney to make revisions and reintroduce the ordinance to City Council on December 17, 2007.

A straw vote was taken to direct the City Attorney to include the following language in a revised ordinance for re-introduction on December 17, 2007: Keep cats in ordinance and create a fee structure incentive program for spay/neuter and microchipping of dogs and cats.

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

A straw vote was taken to direct the City Attorney to include the following language in a revised ordinance for re-introduction on December 17, 2007: Huntington Beach Business License must be listed in advertisements for pets for sale and change spay/neuter age from four months to six months. The motion carried by the following roll call vote:

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

The Council, by consensus, also directed the City Attorney to add service and therapy dogs and delete competition dogs from exclusion of fees and to return on December 17, 2007.

(City Council) Approved for Introduction Ordinance Nos. 3789, 3790 and 3791 Amending Various Chapters of the Huntington Beach Municipal Code (HBMC) to Enforce 2007 Construction Codes that Regulate the Health and Safety of the Structures in Huntington Beach and Meet Local Conditions in Addition to the State of California Building, Mechanical, Plumbing and Electrical Codes Which go Into Effect January 1, 2008; and, Schedule a Public Hearing for December 3, 2007.

Communication submitted by the Director of Building and Safety transmitting the following

Statement of Issue: The 2007 construction codes that regulate the health and safety of the structures in our community were adopted by the State of California on July 1, 2007. State law mandates that these codes be enforced starting January 1, 2008. In order to amend the codes to meet our local conditions we are required to officially adopt the codes. Companion codes and ordinances used for the administration of the codes are also included.

A motion was made by Green, second Hansen to **1)** After City Clerk reads by title, Approve Introduction of **Ordinance No. 3789,** *"An Ordinance of the City of Huntington Beach Amending Chapter 17.04 of the Huntington Beach Municipal Code Titled the Huntington Beach Building Code,"* and **2)** After City Clerk reads by title, Approve Introduction of **Ordinance No. 3790,** *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code Chapter 17.40 - Huntington Beach Mechanical Code, Chapter 17.44 - Huntington Beach Plumbing Code, and Chapter 17.48 - Huntington Beach Electrical Code;"* and **3)** After City Clerk reads by title, Approve Introduction of **Ordinance No. 3791**, *"An Ordinance of the City of Huntington Beach Amending Various Chapters of Title 17 of the Huntington Beach Municipal Code Relating to Construction and Structures,"* by roll call vote, and **4)** Direct that a Public Hearing be set for the Adoption of Ordinance No. 3789, Ordinance No. 3790, and Ordinance No. 3791 on December 3, 2007, by roll call vote. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3792 Amending the Redevelopment Plan for the Huntington Beach Project Area (also known as the Merged Project Area) to Extend by One Year the Plan Effectiveness Deadline, Payment of Indebtedness Deadline, and Tax Increment Receipt Pursuant to California State Legislature No. SB 1045

Communication submitted by the Director of Economic Development transmitting the following

Statement of Issue: As a component of the Fiscal Year 2003-2004 State budget, the Legislature adopted SB 1045, which required every Redevelopment Agency to make a payment to the Educational Revenue Augmentation Fund (ERAF). Agencies that paid are permitted to extend, by one year, the time limit on the effectiveness of the plan and the time limit on the receipt of tax increment funds. In 2003-2004 the Huntington Beach Redevelopment Agency paid into the Educational Revenue Augmentation Fund (ERAF). By adopting an ordinance, the Huntington Beach Redevelopment Plan is amended to extend these limitations.

A motion was made by Green, second Hansen to after City Clerk reads by title, Approve Introduction of **Ordinance No. 3792**, *"An Ordinance of the City Council of the City of Huntington Beach, California, Amending the Redevelopment Plan for the Huntington Beach Project (or also known as Merged Project) Area Extending the Plan Effectiveness Deadline, Repayment of Indebtedness Deadline and Tax Increment Receipt Deadline Pursuant to SB 1045,"* by roll call vote. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3793 Amending the Southeast Coastal Redevelopment Plan to Extend by One Year the Plan Effectiveness Deadline, Payment of Indebtedness Deadline, and Tax Increment Receipt Pursuant to California State Legislature No. SB 1045

Communication submitted by the Director of Economic Development transmitting the following

Statement of Issue: As a component of the Fiscal Year 2003-2004 State budget, the Legislature adopted SB 1045, which required every Redevelopment Agency to make a payment to the Educational Revenue Augmentation Fund (ERAF). Agencies that paid are permitted to extend, by one year, the time limit on the effectiveness of the plan and the time limit on the receipt of tax increment funds. In 2003-2004 the Huntington Beach Redevelopment Agency paid into the Educational Revenue Augmentation Fund (ERAF). By adopting this ordinance, the Huntington Beach Redevelopment Plan is amended to extend these limitations.

A motion was made by Green, second Hansen to after City Clerk reads by title, Approve Introduction of **Ordinance No. 3793,** *"An Ordinance of the City Council of the City of Huntington Beach, California, Amending the Redevelopment Plan for the Southeast Coastal Redevelopment Project Area Extending the Plan Effectiveness Deadline, Repayment of Indebtedness Deadline and Tax Increment Receipt Deadline Pursuant to SB 1045,"* by roll call vote. The motion carried by the following roll call vote:

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

Council Comments - (Not Agendized)

Councilmember Carchio reported attending the Trivia Challenge, the Literacy Volunteers Fundraiser on October 25, and the Chamber of Commerce Vanguard Legislative Reception on November 2. He thanked the firefighters who fought the recent wildfires and reminded the public to come downtown Tuesday night for Surf City Nights.

Mayor Coerper reported attending the Eagle Scout of Honor for James Kyle Takeo Arita on October 27, and the ribbon cutting of Hashigo Sushi Restaurant at 5 Points on October 25. He reminded the public to support Surf City Nights downtown.

Council/Agency Adjournment at 12:35 a.m., November 6, 2007, to Monday, November 19, 2007, 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

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