

**Minutes  
City Council/Public Financing Authority Regular Meeting  
and the Special Meeting of the Housing Authority of the City of Huntington Beach**

**Tuesday, January 22, 2013  
4:00 PM – Study Session, Room B-8  
6:00 PM – Regular Meeting  
Civic Center Council Chambers  
2000 Main Street  
Huntington Beach, California 92648**

**The audio portion of the 4:00 PM portion of this meeting,  
and the video portion of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk and is archived at  
<http://www.huntingtonbeachca.gov/government/agendas/>**

**4:00 PM - Council Chambers - Study Session  
6:00 PM - Council Chambers - Regular Business Meeting**

**CALL TO ORDER – 4:00 PM, Room B-8**

**ROLL CALL**

City Clerk Joan Flynn announced that Councilmember Hardy requested and was granted permission by Council to be absent pursuant to Resolution No. 2001-54.

Present: Sullivan, Harper, Carchio, Shaw, and Katapodis  
Absent: Hardy and Boardman (arrived at 5:15 PM)

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

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

PowerPoint communication for Study Session Item No. 1 received from Travis Hopkins, Director of Public Works and Scott Hess, Director of Planning and Building, entitled, "Circulation Element Update".

PowerPoint communication for Study Session Item No. 2 received from Travis Hopkins, Director of Public Works, entitled, "Water Master Plan (WMP) and Financial Plan (FP)".

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

**STUDY SESSION**

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

City Manager Fred Wilson introduced the item and deferred to staff for a report.

Senior Planner Ricky Ramos addressed background, purpose of the Circulation Element and goals, review of the update by an Ad Hoc Committee and the hierarchy of the General Plan and elements comprising it. Mr. Ramos indicated that within each element, there are goals and policies as well as implementation plans and presented examples of various implementation programs. He addressed policies addressed by the Circulation Element and presented details of proposed key changes. He noted

preparation of a Year 2030 Land Use Projection based on General Plan build-out and the information was plugged into a traffic model that predicts the traffic levels for year 2030. In addition, Mr. Ramos reported that staff is recommending some roadway classification changes as well as changes to the Master Plan of Arterial Highways (MPAH) and modifications to meet changes in legislative requirements.

Transportation Manager Bob Stachelski presented details of level-of-service standards currently in the General Plan and recommendations to consider intersections only and have different standards depending on the specific intersections. He reported that with the updated traffic model, there were nineteen intersections identified that could potentially need long-term improvements. He noted recommendations for the system that need initial adoption and stated that the plan includes many recommended revisions to the Master Plan of Arterial Highways and noted that follow-up will be needed with specific changes at a later date and in accordance with subsequent actions by the OCTA. He addressed other modifications including the use of augmented facilities and presented a summary of all MPAH amendments that staff recommends pursuing.

Mr. Stachelski noted that the Circulation Element has incorporated a new component using technical administrative reports to address individual technical issues within the document and will allow staff to update information without having to go through a formal General Plan amendment. He identified four reports that would be prepared, based on direction from Council. He noted that staff is at the end of the process in developing recommendations and addressed next steps. Council will consider the Circulation Element and a General Plan amendment at a future meeting. Mr. Stachelski presented details of issues of concern stated by Council and how these will be addressed including transit, key goals and policies already included in the update, the Complete Streets Act and development of a Bicycle Master Plan.

Discussion followed regarding the Bicycle Master Plan and the possibility of including rules that bicycle users would have to abide by the same traffic rules as automobiles.

Mr. Stachelski noted that bicyclists on the roadway are required to follow traffic laws and stated that it is an enforcement issue.

Discussion followed regarding the possibility of posting signs to encourage safe and proper bicyclist behavior and other proposed education elements within the Bicycle Master Plan.

Councilmember Carchio stressed the need for an improved bicycle safety education plan.

Mr. Stachelski reported that the Master Plan will include many new elements to improve education and encourage following the law.

Discussion followed regarding the need for increased enforcement.

Councilmember Sullivan stated that education efforts are needed more for the adult population than for students. He wondered regarding a Bicycle Committee and staff noted that there is a Bicycle Advisory Committee in the City and that it is an Ad Hoc Committee.

Councilmember Shaw addressed existing bicycle safety programs and hoped that will be part of the Bicycle Master Plan.

In response to Mayor Pro Tem Harper's inquiry, Mr. Stachelski reported that the OCTA has acted on the Banning 19th Street Extension; removing it from the MPAH. Separate action will be needed in order to remove it from the City's MPAH. Staff will need to determine if the EIR covered enough of the issues where the City could act at this time on the deletion of that particular section. It may still show up in the City's plans while it may require additional analysis depending on the actions of the cities of Costa Mesa and Newport Beach. Brief discussion followed regarding the Gothard Street underpass.

Mayor Pro Tem Harper addressed Anza above Grand and Talbert and wondered regarding reuse of some of that space for the possibility of a recreational component or a trail staging area.

Mr. Stachelski reported if that can be successfully removed from the MPAH, it would open up the opportunity for re-designating use depending on existing limitations regarding ownership of the land and existing utilities.

Discussion followed regarding ways to connect to the 405 Freeway and a related agreement regarding the Garfield/Geisler connection and the City's pursuing improvements in the area. The area has a potential as a connection or other uses.

Regarding the recommended changes to Delaware Street, Mr. Stachelski reported that the recommended actions would not affect the action proposed under the regular meeting agenda relative to changing the speed limit around the park area. He noted that the law only allows posting the speed limit adjacent to the park and the reconsideration of changing the speed limit on the entire street would be a separate issue.

Mr. Stachelski requested direction and feedback regarding whether or not to add other implementation plans.

Councilmember Shaw felt that the issue could be addressed during Council's Strategic Planning meeting. He commented positively on the use of technical administrative reports.

2. The Public Works Department presented the 2012 Water Master Plan and Financial Plan Update. The plan identifies \$31.8M in needed water system improvement projects. Approximately \$25 million in improvements have been implemented since it was last updated in 2005.

City Manager Wilson introduced the item and deferred to staff for a report.

Director of Public Works Travis Hopkins introduced Tom Herbel, City Engineer and deferred to Principal Civil Engineer Duncan Lee for a report.

Mr. Lee presented a brief history of the City's Water Master Plan and previous related actions by Council and addressed the goals and objectives of the WMP including clarification of the fund. He addressed elements of the plan including a financial element, the last update to the plan, benefits for the City and future expansion that will affect the City's infrastructure. He addressed increased densities, the master plan use projected population, a fifteen-year trend, projected demand, water conservation efforts, maximum demand modeling, existing ground water within the City, the reliability of the City's system, and projections for 2035. Mr. Lee presented information on the City's existing reservoirs, increases in capacity and results of a survey of various agencies regarding their emergency storage systems.

Mr. Lee addressed next steps needed to complete the WMP, projects completed, remaining projects, funding sources and details of the Financial Plan update. He addressed the current fund balance, revenues, expenses, project costs and possible budget shortfalls. He addressed subsequent review of the plans and impacts of new reservoirs and desalinization plans. He noted that the department has been diligent to review the City's reserve and conservation policies and rates and addressed implementation plans and customer service.

Discussion followed regarding the current price for water, projections for water prices in the future, the supply of water in the State, impacts to the supply of ground water, water conservation efforts by residents and the possibility of establishing tiered or conservation water rates in the future. Ensuing discussion followed regarding the current source for the City's water and water use per capita.

It was noted that there could be a significant increase in water usage with improvements in the economy

in terms of industrial and commercial uses.

Staff reported receiving an email from Mayor Boardman which expressed concerns regarding earthquakes and earthquake readiness as it relates to water supply. Staff will provide additional information.

Councilmember Carchio announced that the Water District has a video available on the subject and suggested playing it on local Channel 3.

**RECESS TO CLOSED SESSION – 5:00 PM**

**CLOSED SESSION**

3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into closed session to confer with the City Attorney regarding Pacific Mobile Home Park, LLC v. City of Huntington Beach, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.
4. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits: Anita J. Newman v. City of Huntington Beach, Orange County Superior Court Case No. 30-2010-00405526. In this case, a bicyclist claims she was hit by a parking control gate near the Huntington Beach Lifeguard Headquarters.
5. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: Rosendo v. City of Huntington Beach, Orange County Superior Court Case No. 30-2012-00545903. In this case, Plaintiffs were involved in an automobile accident with a City vehicle at the intersection of Gothard and Garfield.
6. Pursuant to Government Code § 54956.9(b) (3) (A), the City Council recessed into closed session to confer with the City Attorney regarding the following: Whether based on the facts or circumstances of a recent transactional occurrence the City may initiate litigation. The facts or circumstances are not specified because they are unknown to the potential plaintiffs.

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:04 PM**

**CALL TO ORDER THE REGULAR MEETING OF THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY AND THE SPECIAL MEETING OF THE HUNTINGTON BEACH HOUSING AUTHORITY – 6:04 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY**

City Attorney Jennifer McGrath reported that on a vote of 6 – 0 - 1 (Hardy, absent) Council and the Successor Agency to the Redevelopment Agency of the City of Huntington Beach have been authorized to file litigation against the State Department of Finance, the County of Orange, perhaps the State Board of Equalization and perhaps the affected taxing entities, related to the dissolution of the Redevelopment Agency.

## **ROLL CALL**

City Clerk Joan Flynn announced that pursuant to Resolution 2001-54, Councilmember Jill Hardy has requested permission to be absent and permission was granted by Council.

Present: Sullivan, Harper, Boardman, Carchio, Shaw, and Katapodis  
Absent: Hardy

**PLEDGE OF ALLEGIANCE** – Led by Councilmember Katapodis

**INVOCATION** – Tom Hohman from the Huntington Beach Interfaith Council provided the invocation.

## **AWARDS AND PRESENTATIONS**

Presentation - Mayor Boardman called on Jim Hayden, Chair of the Children's Needs Task Force, to honor Barnes and Noble for their contributions to the community through the Holiday Book Drive.

Mr. Hayden, Chair of the Children's Needs Task Force, expressed appreciation to Barnes and Noble and Bella Terra for their generous contributions to the community through the Holiday Book Drive. He presented background and noted contributions made since 2007 by Barnes and Noble to the various schools throughout the City. He noted that Bella Terra partners with the Children's Needs Task Force to host the Annual Youth Character Award Ceremony each spring and has designated a Youth Character Hall of Fame at Bella Terra. He presented Tony Messerino, Merchandise Manager of Barnes and Noble, with a compilation of "thank you" notes and letters from the children, schools and youth organizations for 2012.

Mr. Messerino expressed his appreciation on behalf of Barnes and Noble and commented positively on the cooperative efforts and recognition.

Mayor Boardman expressed her appreciation on behalf of Council and the City for the partnership.

Presentation - Mayor Boardman called on Jeff Lebow from the Harvest Club, to receive a commendation for their donations to food banks. She provided a brief description of the organization noting that the organization helps the community increase the use of fruit that would otherwise go to waste and provides fresh produce to those in need.

Mr. Lebow reported that the Club serves the entire County of Orange and detailed the work done by the group. He addressed the number of people in the County that face food insecurity at some time during the year. He invited residents to join the group as volunteers to help with their efforts and/or donate, listed organizations in the City with which they have partnered and addressed the goal of the Club. He expressed appreciation to all who have participated.

Mayor Boardman expressed her appreciation, encouraged residents to contact the Club and presented Mr. Lebow with a commendation on behalf of Council and the City.

Presentation - Mayor Boardman called on Kim Kolpin and other Board Members to receive a commendation for the Bolsa Chica Land Trust in honor of their 20th anniversary.

Mayor Boardman presented a brief history and the purpose of the Bolsa Chica Land Trust.

Councilmember Shaw, President of the Trust, commented on the organization's accomplishments and listed some of the future objectives.

Trust Executive Director Kim Kolpin expressed her appreciation and stated looking forward to a

continuing and successful relationship with the City.

Discussion followed regarding some of the Trust's other programs including an educational component, "Miracles of the Night".

Mayor Boardman presented a commendation to the Trust in recognition of their 20th anniversary.

Mayor's Award - Mayor Boardman called on Assistant City Manager Bob Hall to present the Mayor's Award to Administrative Aide for the Economic Development Department, Denise Bazant.

Assistant City Manager Bob Hall introduced the recipient of the Mayor's Award to Administrative Aide for the Economic Development Department, Denise Bazant. He presented her extensive background with the City and commended her on her accomplishments and success.

Ms. Bazant expressed her appreciation for the honor of working for the City.

Mayor Boardman expressed her appreciation on behalf of Council and the City.

#### **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

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

##### Consent Calendar

#4. Communication received from Elaine Meigs regarding a process timeline for Beach Cities Interfaith Service.

#4. Communication received from Kim Kramer regarding the BCIS Food Distribution Center at the Main Street Library.

##### Councilmember Items

#11. Communication received from Michael Balsamo, Chief Executive Officer of BIA of Southern California, Orange County Chapter, requesting a continuance of Item No. 11.

#11. Communication received from Michael J. Winters, Senior Vice President of Seras Regis Group, regarding Revision to the City's Development Impact Fees.

#11. Communication received from Diane Thompson, dated January, 21, 2013, regarding increasing the development impact fees.

#12. PowerPoint presentation received from Councilmember Joe Carchio entitled, "Imagine Surfcity USA as a City of Huntington Beach Incubation for Sustainable Practices, Technologies and Businesses".

#12. Communication received from Sara Sheehy, Director of Government Relations, Southern California, of the California Grocers' Association entitled, "Discussion of Ban of Single-Use Plastic Carry-out Bags".

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

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

Mayor Boardman noted that if anyone wants to address Council on non-agenda items, Council could not enter into a discussion but may direct them to fill out a speaker card so that staff may follow up. She announced that she will ask to continue Item No. 11 under Councilmember Items since Councilmember Hardy is absent and the item deserves the full attention of Council. She added that Councilmember Shaw has agreed to continue Item No. 12 for the same reason.

Councilmember Sullivan requested an opinion from the City Attorney regarding the appropriateness of continuing items once they are posted on an agenda and whether continuation requires a vote of Council.

City Attorney McGrath reported that in the past, it has been addressed in a number of ways and that generally, Council defers to one another when it is each Member's item. She added that since the item is agendaized, it can be discussed appropriately, if not continued.

A motion was made by Councilmember Sullivan, seconded by Councilmember Carchio to conduct a vote on whether or not to continue Items No. 11 and 12.

Mayor Boardman requested continuing the Items to the next meeting where a full Council can be present to consider Items No. 11 and 12.

Mayor Pro Tem Harper agreed with Mayor Boardman's request but stated that he would like to hear what those present to speak on the items have to say noting that Councilmember Hardy will be able to review public comments through video or minutes.

Regarding Item No. 11, Councilmember Carchio commented on its importance and felt that the item needs to move forward expeditiously.

City Attorney McGrath noted that if action will be taken, Council must first hear public comments.

Mayor Boardman indicated that the vote on the motion will be delayed until after public comments.

City Clerk Flynn noted there are 26 speakers to provide public comments at this time.

Stephanie Deagle, Huntington Beach Relay for Life Survivor Chair, introduced Donna Krizo and reported that she will be the Event Chair for this year's event. She announced that the kick-off party will be held at Golden West College in the Student Center, from 6:00 PM to 8:00 PM and that donations will benefit the American Cancer Society. She encouraged local businesses to donate and reported that fliers are available for additional information. She addressed the theme, the date and elements of the event and encouraged residents to participate and volunteer. (00:34:52)

Councilmember Carchio thanked Ms. Krizo and her staff for their efforts in the City and for the American Cancer Society. He noted that City Clerk Flynn is involved in the event and hoped that the City will step up as it has in the past.

Emanuel Pitrascu, District Director for Assemblyman Travis Allen, spoke on his behalf regarding Agenda Item No. 11. He apologized on Assemblyman Allen's behalf for not being able to address Council, in person. He noted that Assemblyman Allen is a twenty-year resident of the City and that the economic development of the City is of extreme importance to him. He requested that Council practice caution and keep the current fee structure, noted that it was adopted only last June and that the plan will increase fees gradually rather than abruptly. It will allow for a strong economic recovery before the fees take full effect. (00:38:45)

Hal Horecks, President of the Orange County California Genealogical Society, invited Council and staff to the Inaugural Genealogy Bash and Book Fair at the Central Library on Saturday, March 2, 2013 from 8:00 AM to 3:30 PM. He presented background on the organization and addressed cooperation with the

Central Library as well as the number of volunteer hours performed. He reported that the group meets monthly and encouraged the public to obtain additional information through their website. (00:40:20)

Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, commented on Agenda Item No. 11 and addressed the existing process which will allow increases in developer fees over the next three years. He opposed the proposed sudden change, encouraged Council to vote against passage of the resolution and listed negative impacts by the proposed increases to developments in the City and its economic growth. (00:43:54)

Mayor Boardman indicated that her resolution has no impact on current development and relates only to new development.

Dianne Thompson commented on Agenda Item No. 11 and felt that passing the resolution will stifle development and negatively impact economic development in the City. She urged Council to consider keeping the current phased-in impact fees for the next three years. (00:47:23)

Lynn Davis commented on pursuit of a storm drain issue located at 17122 Bolsa Chica Avenue and requested a status update on the matter. She noted experiencing floods in front of her building as well as on the sidewalk. (00:49:00)

Public Works Director Travis Hopkins reported that staff is working on the design for that area and that staff will contact Ms. Davis with an update on the plans as well as a timeline.

Bob Sjogren, Beach Cities Interfaith Services, Inc. (BCIS) Board Member commented on Consent Item No. 4 and addressed the people served by the organization. He reported that the organization recognizes the need to move their operations and noted the difficulty in making that happen. He addressed steps taken in the effort and noted that moving to the proposed land will add complexity in that it is located in the City but owned by the County and will therefore, extend the time moving the project forward. He stated that the organization will be ready to sign the lease agreement once the City and County have come to terms with it. He thanked staff for their help and stated that June 30, 2013 is an achievable date for them to be out of the current site and will work to expedite the process. He urged Council that if it feels it should act on the item today, that Council amends it to set the termination date under the Facility Use Agreement to June 30, 2013. (00:50:36)

In response to Councilmember Carchio's inquiry, Mr. Sjogren reported that the organization is not considering any other sites to which to move and that they have a high degree of confidence that they will be able to move to the County-owned site. He stated that he is glad to see that the project is moving forward.

Carol Sneary, Program Administrator for BCIS, listed the various services provided for the community, including prescription and utility assistance and reported that it is volunteer-run and works on a very small budget. She requested additional time for completion of the project in order to continue with the services provided. She thanked staff for their help in the process. (00:54:47)

Elaine Meigs spoke in support of BCIS and requested that Council allow the organization to continue serving clients at its current location until the City and BCIS complete the process to move the distribution center to the new site. She addressed the long-standing cooperative relationship between BCIS and the City. She listed the services provided by BCIS and noted surprise and disappointment by the City's request for a sixty-day notice to vacate. She asked that Council eliminate the notice to vacate and extend the facility use agreement at the Downtown Library until June 30, 2013. (00:57:26)

The Reverend Michael Archer, Director of the St. Wilfrid of York Episcopal Church in Huntington Beach, thanked Council for the opportunity to speak. He spoke in support of BCIS and its request for additional time prior to termination of the facility use agreement with the City. He reported he is a Member of the

Board of Directors for BCIS and addressed the services provided to those who are in need of assistance. He encouraged Council's support in helping the needy and presented personal testimony of his experience with homelessness. (01:00:57)

Councilmember Carchio stressed that Council is not against the homeless and commended the organization for its service to the community. He noted that the situation has existed for several years and that it is not a good fit with the Library and the services it provides. He stated that Council will help BCIS in any way it can in a reasonable fashion.

Sarah Sheehy, California Grocers' Association, spoke in support of Item No. 12 regarding single-use carry-out bags. She addressed the benefits of the proposed ordinance noting that it helps the environment, retailers and customers. (01:06:55)

Michael Balsamo, Chief Executive Officer of BIA of Southern California, Orange County Chapter, presented information regarding his organization; referenced supplemental communication submitted regarding Item No. 11 and noted their involvement when the item was originally addressed. He noted that the current economic recovery is still very fragile and read from a related article in the "Orange County Register". He asked that Council not break the existing agreement and requested tabling the matter. (01:08:31)

Teresa Breman, Sea Aire Apartments, LLC, spoke in support of Consent Calendar Item No. 5. She reported that Sea Aire Apartments, LLC, is in full compliance with the affordability development agreement that was entered into in the mid-90s and that it has been confirmed by the City's Housing Division. She indicated that the current refinancing being considered is only as to the financing taking out pre-development and that there is no additional financing. She offered to respond to questions from Council. (01:11:02)

Mike Winter, Seras Regis Group, referenced supplemental communication submitted regarding the item and spoke in opposition to Item No. 11. He thanked Council for its time and consideration. (01:12:08)

Sue Gross expressed concerns regarding Item No. 12 and stated that the t-shirt bag is the most appropriate for use and addressed its benefits. She felt that littering laws need to be enforced so that plastic bags don't end up in the ocean and addressed other biodegradable alternatives to the use of plastic or paper bags. She opined that the issue needs further research. (01:13:26)

Gloria Alvarez commented on Item No. 4 and addressed previous strategies developed by the Main Street and Children's Library including various children's programs, reported there is very little space and listed donations received for improving the Children's wing. She addressed problems stemming from the BCIS occupation of the Main Street Library and noted that when BCIS is closed, there are no problems or transients in the area. (01:16:28)

In response to Mayor Pro Tem Harper's inquiry, Ms. Alvarez addressed her perception of the differences between transients and homeless people. Some of the problems she listed were public urination and single men loitering in groups and holding social gatherings on the days that BCIS is open.

Althea Santucci expressed support regarding Item No. 4 noting that she supports the relocation of BCIS to the Gothard Street site, as quickly as possible. She expressed concerns with the transient population using the BCIS facility, impacts to the community and businesses and the opportunity to move them to the Gothard facility. She stated that the transients have created an intolerable situation for residents living in the area and complained about their behaviors and commented on impacts to nearby businesses. She felt that BCIS has had ample opportunity to relocate and asked that Council help them move as soon as possible. (01:20:40)

Kathy Bryant commented on Item No. 4 and presented testimony regarding her use of the Main Street

Library. She expressed concerns regarding use of the area by vagrants who use the services of BCIS resulting in less people using the Library and subsequently decreasing the budget and the number of books that people could check out. (01:23:50)

Dan Santucci commented on Item No. 4 and expressed concerns with changes in the character of the park resulting from people using the services at BCIS. He stated that many of the clients have mental issues, that the Police are frequently called to the area and that during, before and after BCIS operating hours many set up tents and bedding and loiter through the day and night. He urged Council to approve staff recommendations. (01:26:11)

Suzanne Hart shared observations regarding BCIS and its impact on her neighborhood. She felt that many of the actions of the people using BCIS services have made her feel uncomfortable and that she has seen many encampments in the area where people sleep and hang out all day and night. She reported seeing public urination and drinking in public and reported that she has had many parents complain about the situation in the area and the Library. She complained about foul language and varying types of smoke drifting into the Library and noted that the Librarian has frequently observed drug use and dealing occurring in the area. She has received death threats and has been physically accosted and yelled at. She felt that BCIS is not a good fit with the area and should not share the same space with the public Library and Park. (01:28:44)

Lee Salkowitz expressed support for the relocation of BCIS and felt that Council is not aware of the problems associated with the facility. She stated that she believes that Council cares about residents' quality of life and reported that she has had to adjust her schedule because she no longer feels safe around her own home. She expressed concerns with the behavior of drifters and reported observing drug usage, resident abuse, fighting and setting up a tent city using resident utilities. She felt that the help that BCIS is providing does not motivate some of the drifters to improve their lives and are being enabled to drift through the community and pose a threat to public safety. She urged Council to approve the matter as soon as possible. (01:31:19)

Mark Leeson spoke in support of Item No. 4 and commented on the problems associated with BCIS including public urination and public safety, harassment and drug use. (01:33:52)

David Salkowitz read a statement on behalf of John Acampora who was not able to attend, due to an illness. He asked that Council vote in support of staff recommendations for Item No. 4 to relocate the BCIS operation to the Gothard Street site. He addressed public safety issues and the underutilization of the Library and Park and listed other organizations providing similar services that do not pose the problems associated with BCIS and requested that Council amend the recommendation from a sixty-day notice to vacate to a thirty-day notice to vacate. (01:36:29)

Karen Bravata addressed problems associated with the BCIS operation relative to the congregation of transients and stated that they are young, aggressive and intimidating. She stated that her family has been followed and threatened and chased and that she fears for their safety. She expressed her gratitude to Council for considering terminating use of the Library space by BCIS and begged Council to approve staff recommendations and terminate the agreement effective March 31, 2013, or better yet, immediately. (01:39:29)

Kim Kramer, representing the Huntington Beach Downtown Residents' Association and his family, asked that Council support staff recommendations for Item No. 4 and commented on actions by residents to save the Library and Park and restore them for the community. He noted that the BCIS has options and does not need additional time to vacate the Library. He opined that the St. Wilfrid of York Episcopal Church in Huntington Beach has the resources and capacity to house the BCIS on their campus. He asked that Council amend the recommendation from a sixty-day notice to vacate to a thirty-day notice to vacate or less. (01:42:38)

Susan Schroeder, Chief of Staff for the Orange County District Attorney's Office, offered to respond to questions regarding Item No. 10 noting that her office has been working with the City Attorney on the issue. She encouraged Council to fight to keep sex offenders away from children. (01:46:08)

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

Councilmember Sullivan reiterated the motion on the table as follows:

A motion was made by Councilmember Sullivan, second by Councilmember Carchio, to conduct a vote on whether or not to continue Items No. 11 and 12.

Mayor Pro Tem Harper commented on the process going forward and noted that there are strong objections to each of the items and felt that additional time will allow further public input and allow Council Members who are undecided to be able to hear from the community and those affected before voting.

Councilmember Carchio stressed the need to move forward with Item No. 11 because of the critical nature of the matter to residents and the business community.

A substitute motion was made by Mayor Boardman, second by Mayor Pro Tem Harper, to continue Items No. 11 and 12 to the next Council meeting where a full attendance of Council can be had.

Councilmember Katapodis agreed that the issues are important and that the full Council should be present to discuss them.

The substitute motion carried with the following vote:

AYES:	Harper, Boardman, Shaw, and Katapodis
NOES:	Sullivan and Carchio
ABSENT:	Hardy

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

Councilmember Katapodis announced his appointment of Bill Hart to the Public Works Commission.

Councilmember Carchio reported attending the ACCOC Important Political Take-aways for Orange County at the Costa Mesa Country Club, the ACCOC California League of Cities Policy Committee meeting and the Association of California Cities reception dinner, Risks and Costs for Municipal Cyber Attacks in Costa Mesa. In addition, he announced that his appointed Planning Commissioner, Timothy Ryan has resigned and he announced his appointment of Connie Mandic to the Planning Commission.

Councilmember Sullivan announced his appointment of Bud Berge to the Public Works Commission.

Councilmember Hardy's appointment of Dan Kalmick to the Planning Commission was announced by Mayor Boardman.

Mayor Pro Tem Harper reported attending the recent SCAG meeting on behalf of the City.

#### **CITY MANAGER'S REPORT**

City Manager Wilson reported receiving acknowledgement from the Department of Finance (DOF) that the previously identified Redevelopment deficit for Huntington Beach has been reduced from \$31 million to \$4.9 million. He commended staff for their work in this effort.

## CONSENT CALENDAR

Councilmember Shaw requested removal of Item No. 4 from the Consent Calendar for separate discussion and consideration.

Councilmember Sullivan requested removal of Items No. 2 and 3 from the Consent Calendar for separate discussion and consideration.

Mayor Pro Tem Harper requested removal of Item No. 7 from the Consent Calendar for separate discussion and consideration.

1. Approved and adopted minutes

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to approve and adopt the minutes of the City Council/Public Financing Authority Regular meeting of December 17, 2012, approve and adopt the minutes of the City Council/Public Financing Authority/Successor Agency Special Meeting of December 19, 2012, approve and adopt the minutes of the City Council/Public Financing Authority/Successor Agency Special Meeting of January 14, 2013, as written and on file in the office of the City Clerk.

The motion carried with the following vote:

AYES:	Sullivan, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES:	None
ABSENT:	Hardy

2. Adopted Resolution No. 2013-01 fixing the start time of the Study Session portion of regular City Council meetings as 4:30 p.m.

Councilmember Sullivan pulled this item from the Consent Calendar for separate discussion and consideration, but reported he has decided not to address the item.

A motion was made by Councilmember Sullivan, second by Mayor Boardman to adopt Resolution No. 2013-01, "A Resolution of the City Council of the City of Huntington Beach Changing the Time of City Council Meetings."

Councilmember Shaw temporarily departed the Chambers.

The motion carried with the following vote:

AYES:	Sullivan, Harper, Boardman, Carchio, and Katapodis
NOES:	None
ABSENT:	Hardy
OUT OF ROOM:	Shaw

3. Approved appointments to the Human Relations Task Force and approved Protocol Rules

Councilmember Sullivan pulled this item from the Consent Calendar for separate discussion and consideration. He expressed concerns regarding the protocol rules regarding writing letters and asked that any controversial issues be referred to Council as a whole.

Staff noted that there would be staff oversight and that the two Council liaisons assigned would be informed on issues and if needed, would be brought to Council as a whole.

A motion was made by Councilmember Sullivan, second by Mayor Boardman to accept the resignations of William Nees and Chris Hoff and approve the appointments of Janice Tyler and Sunny Lee-Goodman for terms to expire 12/31/2013, as recommended by Council Liaisons Boardman and Shaw; accept the resignation of Allan Pogrud and approve the appointment of Kesha Sowell for a term to expire 12/31/2015, as recommended by Council Liaisons Boardman and Shaw; and, approve the attached Human Relations Task Force Protocol Rules.

The motion carried with the following vote:

AYES:	Sullivan, Harper, Boardman, Carchio, and Katapodis
NOES:	None
ABSENT:	Hardy
OUT OF ROOM:	Shaw

Mayor Pro Tem Harper commented on the item and the importance of improving human relations and work to bring people together.

Mayor Boardman reported that is exactly with the Human Relations Task Force does.

4. Approved termination of Facility Use Agreement between the City of Huntington Beach and Beach Cities Interfaith Services, Inc. (BCIS); authorized the City to be Co-Applicant for Permit Application; and, authorized the City Manager to effectuate agreements for usage of property located at 18131 Gothard Street

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

Councilmember Shaw noted that the City has been working for over a year on a new location for the BCIS and one was found. He addressed public safety issues for employees and residents and asked the Police Chief to describe some of the incidents related to BCIS and the types of reports taken.

Police Chief Kenneth Small felt that no complaints have been received regarding the services provided by BCIS and that it provides a good service to the community. He indicated that the issue regards the location of the facility and felt that it belongs somewhere else and the presently it attracts problems in the downtown area that will go away if BCIS moves to the new location. He stated that residents should not expect all of the problems to go away, but that it will diminish the problems being experienced. He noted that the proposed location is close to the Sports Complex, the Central Library and the Youth Shelter and that there may be an increase of those problems in those locations. He felt that the Gothard Street location is better than the current location and that the facility should be moved as quickly as possible.

Councilmember Shaw noted that the new location has been identified and that the City is waiving all of the related fees for services.

In response to Councilmember Shaw's inquiry, City Manager Fred Wilson reported on the process undertaken by staff and BCIS for the relocation of BCIS to the Gothard Street site and presented a timeline to complete the move. He added that all things going well, it is possible that they could move in by the middle of June 2013. He stressed that staff will help them throughout the process to move them through the requirements and meet the timeline.

Councilmember Shaw reported meeting with some of the BCIS members and that they will not have enough time to meet sixty-day order to vacate.

A motion was made by Councilmember Shaw, second by Councilmember Sullivan to amend the agreement to allow BCIS to stay at their present location until June 30, 2013 without subsequent

extensions.

Mayor Pro Tem Harper referenced an editorial in the newspaper written by Councilmember Shaw within which he pointed out seeking to implement stronger conflict of interest rules as to Council Members being barred from voting on matters that affect the financial interests of developers and corporations that contributed to their campaign. He suggested that according to Councilmember's Shaw rationale, Mayor Pro Tem Harper suggested that all Council Members should be barred voting on the matter if they have taken a contribution from property owners in close proximity to this location and perceive this use as having an impact on the value of their property. He noted that there may be two or more of the businesses that have contributed to Councilmember Shaw. He stated that he is not prepared to vote for the motion at this time because he is not persuaded about the need for this organization to have to move. Additionally, if the BCIS chose to move, he indicated he was unsure as to whether he would preclude an additional organization from moving in its place. He stressed the importance of helping the needy and noted that many people that are homeless, within the City, are difficult to love and care for and some are in deep need of mental care. He noted the need to approach this issue in a compassionate and caring manner and that the proposed new site is not finalized nor is there a final agreement. He stressed the need for treating and protecting everyone alike.

Councilmember Katapodis noted that BCIS is doing a great job and providing a great service to the community and agreed with Chief Small that the location is the problem. He suggested the possibility of allowing security in the area to make sure that the homeless are being fed while decreasing criminal activity in the area. He indicated that he will support the matter.

Councilmember Sullivan invited Father Archer to the podium and inquired regarding what can be done to help the situation.

Father Archer stated that if he said anything indicating that BCIS is an adversarial position with Council that is inaccurate and noted that BCIS has existed because of the faithfulness and generosity of staff and Council that have worked with the organization to maintain the operation and expressed his appreciation. He reported that BCIS has been aware that there would come a time when the location would need to be moved, that their resources are not significant and that there has been much conversation regarding the matter over the last several years and the Board has never been presented with a strict timeline as to when the relocation must take place. He expressed appreciation and encouragement of staff and Council to find the best way to move the relocation of the facility, forward. He added that the organization is not insensitive to the needs of the neighborhood and will do everything within their power to provide the best security possible for the residents of the area.

In response to Mayor Boardman's inquiry, Larry Kaprielian, a BCIS supporter, reported that the organization is in the process of acquiring a modular building for the new location.

Councilmember Carchio noted that people in need that use the services of BCIS will go wherever they need to go to obtain food. He stated that they are not the people being discussed, but rather those that loiter and create problems for residents and commit crimes. He noted that he never took a campaign donation from any of the businesses or residents in the area. Councilmember Carchio stressed that the issue has not been addressed through the years that the situation is affecting downtown residents and businesses and that something must be done to remedy it. He reported that there are many churches in the area that could house BCIS and stressed that it should not be in the Library. He expressed concerns about the proposed new location noting that the County is looking to sell that property.

Deputy City Manager Hall reported that staff is working on establishing a ten-year lease agreement with the ability to get out of the lease at any time, with a thirty-day notice. He added that this will be a license agreement for use and not a sale.

Councilmember Carchio wondered if the homeless will filter into the Sports Complex at the new location.

He wondered why local churches don't relocate the facility to their campus.

Father Archer noted that BCIS is not a subsidiary of St. Wilfrid's. He reported that St. Wilfrid's has not refused consideration of the issue but that they cannot direct BCIS any place, but rather support the organization and their community outreach efforts.

Councilmember Carchio felt the matter is simply moving one problem from one area into another area. He felt that the situation is not being addressed in the proper manner. He suggested the possibility of finding a location in an industrial area, away from residents and children. He stated opposition to allowing BCIS additional time and indicated that he will not support the motion for the extension of time.

Mayor Boardman stated meeting with representatives from BCIS approximately one year ago and was informed that they would need one year to move. At that time, she suggested moving BCIS to one of the local churches that supports the organization but the response related to schools and daycare being provided by the local churches and not wanting BCIS clients mixing with the children. She stated this is not an adversarial relationship and expressed support for relocating BCIS to the Gothard Street site. She noted there are other organizations in the area that provide similar services and expressed interest in moving forward with the matter. She noted that the proposed County thirty-day notice agreement is the same as what the organization has had with the City. She indicated that she will support staff recommendations.

Councilmember Shaw commented on past situations involving two homeless residents who appeared before Council and noted that he was moved by their plight. He reported meeting with organizations, including BCIS in an attempt to find a place where people could find a safe place to park and sleep in their cars. Although they were unable to find a solution, Councilmember Shaw indicated that was the beginning of his involvement with BCIS and others in the community with similar interests in helping the needy. He reported that he has been torn on the issue and wondered regarding the fair actions to take considering the needs of everyone. He noted that BCIS has agreed to move and stated that the only conflict relates to the time to give them the opportunity to do so.

Mayor Pro Tem Harper commented on conflicts of interest not in accordance with State law and addressed his responsibility in bringing forth the possibility of a conflict of interest when a Council Member seems to not agree with his own frame of reference. He agreed that this may be the only Library that has such a facility but noted that the City may be the only city that has a pension tax and a Mobile Home Advisory Commission that doesn't have a rent-control ordinance. Regarding the Gothard Street site, staff noted that it used to house a day-labor agency and reported that the County had helped the City fund the program but ultimately, the funding was lost. It was both a funding issue and there were several people that were using the job site. Mayor Pro Tem Harper was unsure if the proposed site would serve the purpose of the current site.

Councilmember Katapodis noted that the pension tax has nothing to do with BCIS. He addressed the importance of having security at the Gothard Street site.

Councilmember Sullivan commended the work done by BCIS and indicated that he was torn by hearing the concerns of the area residents and expressed his appreciation to Councilmember Carchio for providing a brief history of the situation, further enlightening him. He indicated that although he is not withdrawing the second, he will not support the motion.

Councilmember Carchio noted the residents don't have an issue with the people who go to BCIS to pick up their packages, but rather with those who loiter and engage in criminal activity. He expressed sympathy with the problems faced by the Library staff and reiterated that he will support the Mayor's suggestion of allowing sixty days.

Mayor Boardman reiterated the current motion.

A motion was made by Councilmember Shaw, second by Councilmember Sullivan to amend the agreement to allow BCIS to stay at their present location until June 30, 2013 without subsequent extensions.

The motion failed with the following vote:

AYES: Shaw  
NOES: Sullivan, Harper, Boardman, Carchio, and Katapodis  
ABSENT: Hardy

A motion was made by Mayor Boardman, second by Councilmember Sullivan to direct the City Manager to issue a Letter of Termination of the Facility Use Agreement between the City of Huntington Beach and Beach Cities Interfaith Services, Inc for the use of a portion of the Main Street Library Facility with a 60-Day Notice to Vacate; approve the Economic Development Department as a Co-Applicant for the Beach Cities Interfaith Services, Inc. Distribution Services Permit Application proposed at the former Job Center site. This will reduce the BCIS City permit fees by an estimated \$11,444; authorize the City Manager to effectuate a License Agreement between the County of Orange (Licensor) and City of Huntington Beach (Licensee) for the use of the property located at 18131 Gothard Street (former Job Center site); and, authorize the City Manager to effectuate a Sublicense Agreement between the City of Huntington Beach (Licensee) and the Beach Cities Interfaith Services, Inc. (Sublicensee) for the use of the property located at 18131 Gothard Street (former Job Center site).

The motion carried with the following vote:

AYES: Sullivan, Boardman, Carchio, Shaw, and Katapodis  
NOES: Harper  
ABSENT: Hardy

5. Approved Subordination Agreement of Housing Authority Loan and Loan Forgiveness – Sea Aire Apts. LLC

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to authorize the Chair and Housing Authority Clerk to execute the Subordination Agreement; and, authorize the Executive Director to forgive 4/30th of the affordable housing loan (principal and all accrued interest from May 2, 2008 through May 2, 2012); and, authorize the Executive Director to approve future subordination agreements, loan principal and interest forgiveness provided that the Owner/Borrower has been in compliance with the terms of the Sea Aire Agreement dated May 2, 1994.

The motion carried with the following vote:

AYES: Sullivan, Harper, Boardman, Carchio, Shaw, and Katapodis  
NOES: None  
ABSENT: Hardy

6. Adopted Resolution 2013-03 regarding an amendment to the City's Classification Plan by adding the job classification of Police Administrative Services Manager and Assistant to the City Manager

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to adopt Resolution No. 2013-03, "A Resolution of the City Council of the City of Huntington Beach Amending the City's Classification Plan by Adding the Job Classification of Police Administrative Services Manager and Assistant to the City Manager, and Establishing the Compensation."

The motion carried with the following vote:

AYES: Sullivan, Harper, Boardman, Carchio, Shaw, and Katapodis  
NOES: None  
ABSENT: Hardy

7. Adopted Resolution No. 2013-02 authorizing the establishment of a 25 mile per hour playground zone on Delaware Street, adjacent to Manning Park

Mayor Pro Tem Harper pulled this item from the Consent Calendar for separate discussion and consideration. He described the request and wondered if there is an option to establishing the entire area at 25 miles per hour or whether there are other restrictions related to the matter.

Staff noted there is no option to extend the stated speed limit beyond the area of the park. He reported that there will be appropriate signage posted.

Councilmember Katapodis noted that the matter is the same as it applies to a school zone.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Carchio to adopt Resolution No. 2013-02, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Establishment of a 25 Miles Per Hour Playground Zone on Delaware Street, Adjacent to Manning Park."

The motion carried with the following vote:

AYES: Sullivan, Harper, Boardman, Carchio, and Katapodis  
NOES: None  
ABSENT: Hardy  
OUT OF ROOM: Shaw

8. Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 (Pacific Mobile Home Park Subdivision) - Conversion from Resident Rental to Ownership; related to Pacific Mobile Home Park, LLC v. City of Huntington Beach (Denial of Pacific's Subdivision Application, and City's Cross-Complaint to remove the encroaching mobile homes), OC Case No. 30-2011-00497684, and Court of Appeal Case No. G047060

A motion was made by Councilmember Sullivan, second by Councilmember Katapodis to set aside and reverse the actions of December 3 and December 17, 2012 of the City Council to reconsider the November 19, 2012 action to Approve Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 with findings and conditions of approval; and, affirm and reinstate the approval of Tentative Tract Map No. 17397 and Coastal Zone Development Permit No. 10-017 with findings and conditions of approval; and, authorize the City Attorney to seek appellate review of the December 10, 2012 and January 3, 2013 Orders of the Superior Court as necessary to set aside the contempt of court hearing set for February 8, 2013.

The motion carried with the following vote:

AYES: Sullivan, Harper, Boardman, Carchio, and Katapodis  
NOES: None  
ABSENT: Hardy  
OUT OF ROOM: Shaw

**ORDINANCES FOR INTRODUCTION**

9. Approved for introduction Ordinance No. 3968 amending Huntington Beach Municipal Code Chapter 10.44 relating to Parking Time Limits

A motion by Councilmember Carchio, second by Councilmember Sullivan to after the City Clerk reads by title, approve for Introduction Ordinance No. 3968, "An Ordinance of the City of Huntington Beach Amending Sections 10.44.010, 10.44.020, 10.44.030, and 10.44.040 of Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits."

The motion carried with the following vote:

AYES:	Sullivan, Harper, Boardman, Carchio, and Katapodis
NOES:	None
ABSENT:	Hardy
OUT OF ROOM:	Shaw

Councilmember Shaw returned to the Chambers and took his place on the dais.

10. Approved introduction of Ordinance No. 3969 amending Chapter 9.22 of the Huntington Beach Municipal Code relating to Sex Offender prohibition in parks

City Attorney McGrath reported that the proposed ordinance is in direct response to Council direction and is being primarily because of the potential for litigation and is in conformance to the posture of other cities in the County.

Mayor Pro Tem Harper expressed his appreciation and acknowledged the presence of the Chief of Staff for the District Attorney, who is in support of keeping this ordinance.

A motion by Mayor Pro Tem Harper, second by Councilmember Carchio to after the City Clerk reads by title, approve for introduction Ordinance No. 3969, "An Ordinance of the City of Huntington Beach Amending Chapter 9.22 of the Huntington Beach Municipal Code Relating to Sex Offender Prohibition" in parks.

Councilmember Carchio noted that he was one of the authors of the ordinance along with Mayor Pro Tem Harper and stated that he knows in his heart that this is the right decision to make and the right ordinance for the City. He invited Mrs. Schroeder to the podium.

In response to Councilmember Carchio's inquiry, Mrs. Schroeder stated that her office believes the ordinance is Constitutional and provided a brief history of the matter as well as a summary of a relative case. She presented an update on the case and noted that her office is working with the State Senate to place a specific provision in State law indicating that the State had never intended to make a decision on all Municipal decisions regarding this area. She felt that Council has done the right thing previously and at this time, noted this is a long-term battle against sex offenders and that her office is committed to fighting the matter.

Councilmember Carchio stressed the need to be prudent on the matter and address it immediately.

Councilmember Sullivan indicated that he will vote against this due to the potential for probable litigation.

In response to an inquiry from Mayor Boardman, City Attorney McGrath reported that the City was one of four cities that were challenged because none of the cities permitted the Chief to do any type of exemption. She added that the City will now be situated similarly to others in the County and that if the Court of Appeals turns if over, it may only be implicating for that particular defendant but will make the

City consider the issue carefully in order to not be a future defendant.

Mayor Boardman indicated that she is interested in passing an ordinance that will be upheld successfully in court. She stated that she will support the matter.

The motion carried with the following vote:

AYES: Harper, Boardman, Carchio, Shaw, and Katapodis  
NOES: Sullivan  
ABSENT: Hardy

#### COUNCILMEMBER ITEMS

11. Submitted by Mayor Boardman and continued to the meeting of February 4, 2013 - Revision to the City's Development Impact Fees

A motion was made by Mayor Boardman, seconded by Mayor Pro Tem Harper, to continue Items No. 11 to the Council meeting of February 4, 2013.

The motion carried with the following vote:

AYES: Harper, Boardman, Shaw, and Katapodis  
NOES: Sullivan and Carchio  
ABSENT: Hardy

12. Submitted by Mayor Boardman and Councilmember Shaw and continued to the meeting of February 4, 2013 - Direct staff to schedule the Reusable Bag Ordinance and Environmental Impact Report No. 2011-002 for consideration before the City Council on Tuesday, February 19, 2013

A motion was made by Mayor Boardman, seconded by Mayor Pro Tem Harper, to continue Items No. 12 to the Council meeting of February 4, 2013.

The motion carried with the following vote:

AYES: Harper, Boardman, Shaw, and Katapodis  
NOES: Sullivan and Carchio  
ABSENT: Hardy

13. Submitted by Councilmember Carchio - Proposed drafting an ordinance preventing the feeding of coyotes, non-domestic animals and waterfowl

Councilmember Carchio made changes to the recommended actions as shown in the bold items below. He addressed the number of calls received by the Huntington Beach Police Department regarding coyotes and pets killed by them and read from an article with suggested steps to avoid the presence of coyotes.

A motion was made by Councilmember Carchio, second by Councilmember Shaw to in an effort to address this problem, propose that the City Attorney and the Police Department draft an ordinance stating that no person shall feed, or in any manner, provide food or cause to be fed any wildlife or wild animal including, but not limited to, coyotes, foxes, opossums, raccoons, skunks, waterfowl and feral cats. Additionally, no person shall, **intentionally** leave unattended any food, garbage, etc. that attracts wildlife or waterfowl to a particular location **except birdfeeders**. Any person violating the ordinance **after one warning** would be guilty of a misdemeanor as provided in the municipal code. In addition, it is proposed

that the appropriate signage be placed in city parks and other key locations throughout the City to inform the public about this ordinance.

Mayor Pro Tem Harper stated that he cannot support the item adding that he feels that an ordinance is not necessary.

Councilmember Katapodis expressed concerns with enforcement of the ordinance and indicated that he will not support the ordinance. He felt that educating residents would be preferable and is the key.

Councilmember Carchio addressed the importance of education including placement of signage and noted that there are people who do not understand and need an ordinance to address the issue. He spoke in support of the ordinance for residents and coyotes.

The motion failed with the following vote:

AYES:	Boardman, Carchio, and Shaw
NOES:	Sullivan, Harper, and Katapodis
ABSENT:	Hardy

#### **COUNCILMEMBER COMMENTS (Not Agendized)**

Mayor Pro Tem Harper reported attending the swearing in ceremony for two County Supervisors as well as some of the continuing holiday events the concluded at the end of the year.

Councilmember Katapodis reported attending the League of California Cities new Mayor and new Council Academy and commented positively on the event. He stated speaking with the State Comptroller, John Chang, who commended Huntington Beach Finance Director Lori Ann Farrell who was selected to represent California Cities at the Annual CALPERS Board of Administration and Executive Staff in Monterey, California. Councilmember Katapodis commended her for doing a great job, representing the City.

Councilmember Shaw reported attending Citizen Art at the Center and commented positively on the event.

Councilmember Sullivan commented negatively on the 40th Anniversary of Roe vs. Wade.

Councilmember Carchio thanked the people from Rainbow for the holiday luncheon and those connected with Project Self-sufficiency. He reported attending a special presentation for Father Christian Mondor for his work in the blessing on the waves on the Interfaith Council and commended him for his work.

Mayor Boardman commented positively on the anniversary of Roe vs. Wade. She noted that this meeting was held on Tuesday because Monday was a holiday honoring Dr. Martin Luther King, Jr. and reported that he fought for justice and equality for all people and paid the ultimate price for doing so. She acknowledged her respect for him and the holiday. Additionally, she announced that former Councilmember Gil Coerper is ill and in the hospital and wished him a speedy recovery on behalf of Council.

#### **ADJOURNMENT OF THE REGULAR MEETING OF THE CITY COUNCIL/PUBLIC FINANCING AUTHORITY AND THE SPECIAL MEETING OF THE HUNTINGTON BEACH HOUSING AUTHORITY**

There will be a Special Meeting held on Friday, January 25, 2013, at 8:30 AM at the Huntington Beach Central Library, Rooms C and D, 7111 Talbert Ave., Huntington Beach, California.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is

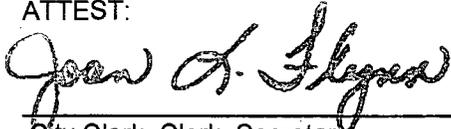
**Monday, February 04, 2013, at 4:30 PM** in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

There being no other business to come before Council, Mayor Boardman adjourned the meeting at 9:20 PM.



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

ATTEST:



City Clerk, Clerk, Secretary



Mayor-Chair