

**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION**

**Joan L. Flynn, City Clerk
Office of the City Clerk**

TO: Honorable Mayor and City Councilmembers
FROM: Joan L. Flynn, City Clerk 
DATE: 2/2/2015
SUBJECT: SUPPLEMENTAL COMMUNICATION FOR THE FEBRUARY 2, 2015, REGULAR CITY COUNCIL/PFA MEETING AND THE SPECIAL MEETING OF THE CIVIC IMPROVEMENT CORPORATION

Attached is the Supplemental Communication to the City Council (received after distribution of the Agenda Packet):

Ordinances for Introduction

#8. PowerPoint communication submitted by Teri Baker, Assistant to the City Manager, dated February 2, 2015, entitled *Overview of the Proposed Fireworks Ordinance 4045 and Resolution 2015-04*.

#8. Communications received from various individuals regarding Ordinance 4045 and Resolution No. 2015-04 implementing Charter Section 805 and Municipal Code Section 5.90 regarding Safe and Sane Fireworks.

Gina Clayton-Tarvin
Clay Allison
Barry Williams

Stephanie Green
Gina Clayton-Tarvin

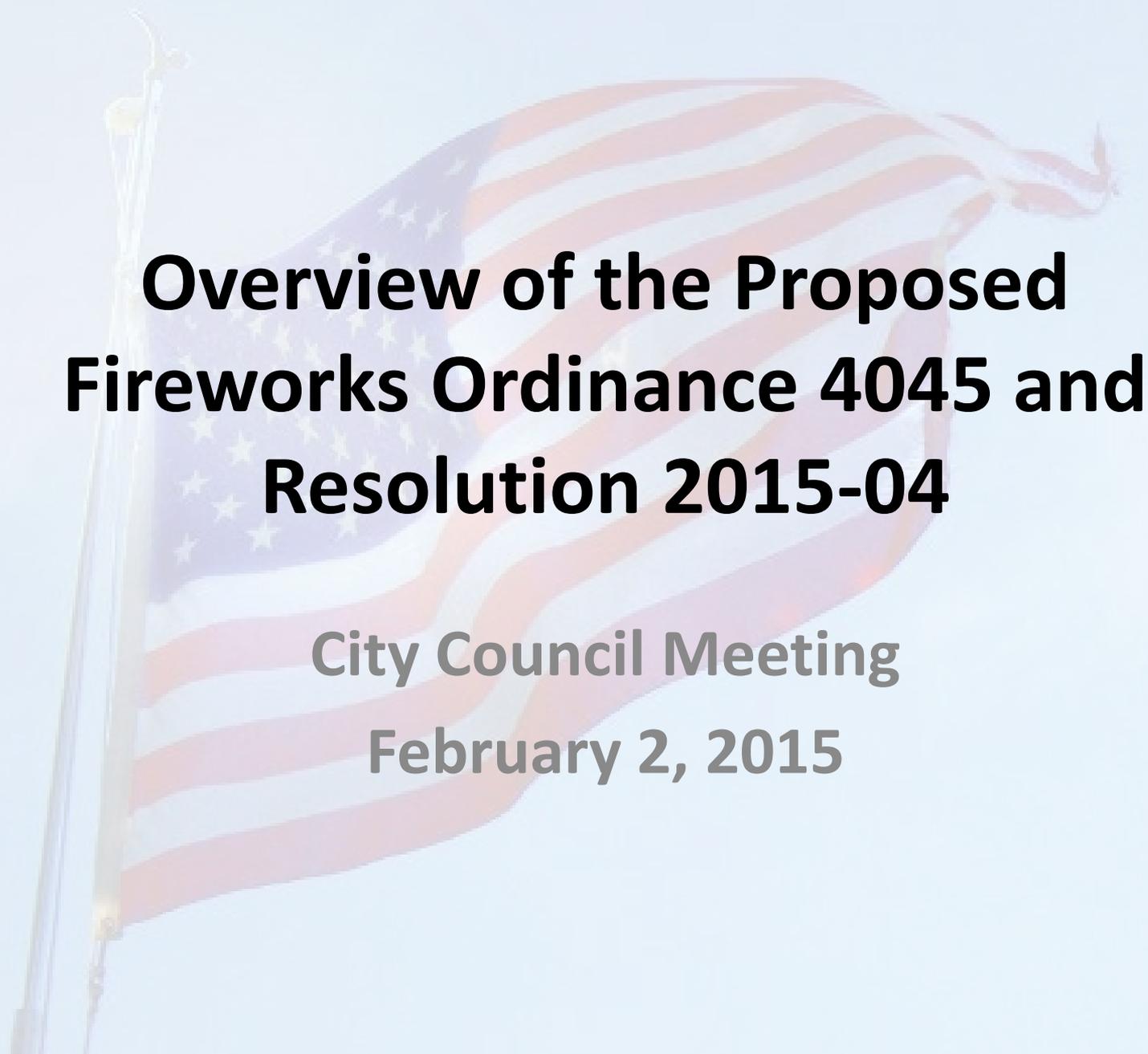
Rosemary Saylor
Janice E. Ugland

Councilmember Items

#9. Communications received from various individuals regarding the consideration of repealing Resolution No. 2014-77 which would eliminate Permit Parking District "S".

Paul & Claudine Burnett (2)

Suzanne Hart

An American flag is shown waving in the background, slightly faded and semi-transparent, against a light blue sky. The flag is positioned on the left side of the frame, with its pole visible. The stars and stripes are clearly visible, though the colors are muted due to the transparency effect.

Overview of the Proposed Fireworks Ordinance 4045 and Resolution 2015-04

City Council Meeting

February 2, 2015

Background

A faded, semi-transparent image of the United States flag is visible in the background, waving from a flagpole. The flag's stars and stripes are clearly visible but have a light, ethereal appearance.

November 4, 2014 – Voters approved Measure T, which amended City Charter Section 805 to permit the sale and use of Safe and Sane Fireworks, subject to regulation by the City Council.

Key Elements of Draft Ordinance 4045

- Defines Qualified Organization as a nonprofit 501 (c) (3) or other charity as defined by Federal or State law located within the boundaries of the City
- Sale of Safe and Sane Fireworks allowed on July 1st, 2nd, and 3rd from Noon – 10:00 p.m. and on July 4th from 10:00 a.m. – 9:00 pm
- Discharge of Safe and Sane Fireworks is only allowed on July 4th from Noon – 10:00 p.m.

Key Elements of Draft Ordinance 4045

Continued

- Permits and Fees – In addition to booth related permits, a regulatory fee (set by resolution) shall be assessed on all safe and sane firework sales to raise funds to pay for education, inspections, and enforcement
- During the 2 year pilot program period, regulatory fee costs averaged \$56k

Key Elements of Draft Ordinance 4045

Continued

- Fireworks MAY NOT be discharged:
 - On any beach or wetlands
 - Public parks
 - All areas on the ocean side of Pacific Coast Highway (i.e. Sunset Beach)
 - Within 10 feet of any residence, dwelling or other structure or oil wells
 - Public Property, including, highways and other publicly owned property, buildings or facilities (except residential sidewalks, alleys and streets)
 - Properties located in commercial and industrial/manufacturing districts

Key Elements of Draft Resolution 2015-04

- The maximum number of Permits issued shall be 15 and shall be distributed within 3 categories:
 - Youth Sports
 - High School
 - Civic Organizations

Key Elements of Draft Resolution 2015-04

- Applicants must:
 - Must be a registered non-profit organization (Tax ID Number)
 - Be organized primarily for veterans, patriotic, welfare, civic betterment, religious, athletic, educational, youth development or charitable purposes
 - Must have a principal and permanent meeting place within the City
 - Must provide direct and regular community services and benefits to residents of the City

Key Elements of Draft Resolution 2015-04

Continued

- Applications with supporting documentation must be filed with the City Clerk between March 1st and March 31st
- One application per organization
- Applicants must meet insurance requirements
- The City Clerk shall conduct a lottery during a City Council meeting using a random selection process

An American flag is shown waving against a clear, light blue sky. The flag is positioned on the left side of the frame, with its stripes and stars clearly visible. The text "Questions?" is overlaid in the center of the image.

Questions?

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, February 02, 2015 8:35 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 21154 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment
Request area: City Council - Agenda & Public Hearing Comments
Citizen name: Gina Clayton-Tarvin
Description: From: Gina Clayton-Tarvin [mailto:mrsclaytontarvin@gmail.com]
Sent: Friday, January 30, 2015 12:56 PM
To: CITY COUNCIL
Subject: Ordinance No. 4045

Dear Honorable H.B. City Council Members:

I am concerned with Ordinance No. 4045, adding Chapter 5.90 and repealing Chapter 9.70 of the Municipal Code relating to Fireworks; and, adopt Resolution No. 2015-04 implementing Charter Section 805 and Municipal Code Section 5.90 regarding Safe and Sane Fireworks, specifically the "Financial Impact: Stand operators are required to pay permit fees as set by resolution. Additionally, the proposed Ordinance recommends a regulatory fee not exceed 10% of gross sales."

I ask that you reconsider the "regulatory fee" as I feel its passage may breach your fiduciary responsibility to Huntington Beach's youngest residents. I might suggest that the non profit groups affected by this regulatory fee be subject only to an "inspection fee" as is practice in surrounding cities. As you know, it is possible to amend the ordinance language before voting upon it. Also, the item could be postponed until the next regularly scheduled meeting and then after further consideration and deliberation, make an informed decision based upon the wishes of many of your constituents. Of course you could vote it down and start again.

Thank you for your consideration concerning this important matter.

Sincerely,
Gina Clayton-Tarvin

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Expected Close Date: February 3, 2015

[Click here to access the request](#)

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2/2/2015

Agenda Item No. 8

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, February 02, 2015 8:12 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 21152 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Complaint

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Stephanie Green

Description: From: stephanie green [mailto:steffiehome@gmail.com]

Sent: Thursday, January 29, 2015 9:36 PM

To: CITY COUNCIL

Cc: Gino J. Bruno; Mike Kircher; Michael Gates; Michael Hoskinson

Subject: Safe and Sane Regulatory fees

Safe and Sane Fireworks? Insane regulatory fees!

Dear City Council;

I have had the pleasure of serving on several nonprofit boards here in HB. While every time the rewards outweigh the time and sacrifice. I see you about to slap them with unsubstantiated regulatory fees if they decide to host a Safe and Sane Fireworks booth. These fees are arbitrary.

The idea of offering these booths to nonprofits is a wonderful idea. But the idea of skimming up to 10% off the gross seems like you are taking advantage of the groups because they are not represented at the table. This high regulatory fee is not paid by any other city. A one time \$175.00 inspection fee is all that most cities charge. And we have yet to see exactly what these regulatory fees will be applied to.

While I realize HB faces issues that very few other cities face during the 4th of July weekend. Strapping your already needy nonprofits is not the solution. And how do you make this justification?

Based on the 2 year trial. The city collected \$75,000. What did the city do with those "regulatory fees", how were they directly used to make HB safer or cleaner? I would ask each council member to look closely. An extra \$5,000 for a sports booster means they may be able to buy new helmets for an entire team, now that makes at least 50 kids directly safer. Or it may mean the Kiwanis Club could offer more scholarships or school supplies to our most needy kids in our community, directly impacting their education. Imagine if you left those hard working nonprofit volunteers with the money they earned, and they were able to put that right back into a much deserving organization. Colette's home might be able to take in one more homeless mother and child. AYSO soccer might be able to offer 100 kids to play for free.

Please consider what you are allowing before you vote. Do not charge high regulatory

fees on the backs of so many giving back to our community.

These fees were not used for extra street sweeping, These fees were not used for extra officers. All of those costs were already covered when the city charges the parade group \$150,000. There is no more staff to hire, so what exactly are these fees for? Education? Show me! Prove the correlation with spending 75,000 on education and a decrease in illegal fireworks.

Again I ask you to consider what you are allowing if you allow these regulatory fees.

Thank you
Stef Green
(714) 402-8070

Expected Close Date: February 3, 2015

[Click here to access the request](#)

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 2/2/2015

Agenda Item No. 8

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, February 02, 2015 7:51 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 21151 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Rosemary Saylor

Description: As the HBCSD Governing Board Member who is liaison to our elementary school district's Huntington Beach Educational Foundation as well as a dues paying member, I respectfully request that Ordinance 4045 be additionally amended to include the aforementioned foundation. HBEF is a non-profit group that should be included based on all of the qualifications listed within the "Key Elements of the Resolution." It seems remiss that the listed categories excludes a foundation that exists solely to benefit our local students and their schools.

Expected Close Date: February 3, 2015

[Click here to access the request](#)

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2/2/2015

Agenda Item No. 8

Dombo, Johanna

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Friday, January 30, 2015 4:23 PM
To: Dombo, Johanna
Subject: Surf City Pipeline: You have been assigned a new Request #: 21141

Request # 21141 from the Government Outreach System has been assigned to you.

Request type: Comment

Request area: Inquiry to a City Council Member

Citizen name: Clay Allison

Description: I am writing to you to persuade you to vote against the proposed ordinance on Safe & Sane Fireworks. The citizens voted to make them legally, and their introduction and sale should not be unreasonably taxed.

I am referring to the proposed 10% charge off the top of their sales. The language of the ordinance speaks to "Education and Enforcement". This "argument" does not hold up on examination. First, you don't "enforce" something that is legal. Imagine a cop watching someone pull to a stop at a stop sign, walking up and saying "Thanks for stopping...that'll be \$20 bucks. We are enforcing drunk driving". As to the argument presented that this is to offset increased Police and Fire presence? I know that the Fire Department will be staffed with the normal 40...no increase there. And the Police, with their "All-hands-on-deck" policy...this has been the case for years, long before safe and sane fireworks were sold here. They are staffed at 100% (again, NOT an increase over previous years) to deal with the huge influx of tourists into our city.

And why are these non-profits being help to bear the weight of all these "increases" alone? Why are you charging ALL city businesses 10% off the top of their gross take?

Let the Police/Fire departments look for revenue enhancements elsewhere. Let our non-profits put that 10% into their programs where it will do the most good...equipment for our youth sports, hearing aids and other benefits for the disadvantaged, etc..

I urge you to vote NO on this punitive charge. The city has the right to collect fees for a permit and an inspection...no more. Let our non-profits operate like EVERY other legal business.

Thank you for your attention,

Clay Allison
Homeowner, Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2-2-15

Agenda Item No. 8

Expected Close Date: February 9, 2015

[Click here to access the request](#)

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Dombo, Johanna

From: Gina Clayton-Tarvin [mrsclayontarvin@gmail.com]
Sent: Friday, January 30, 2015 12:56 PM
To: CITY COUNCIL
Subject: Ordinance No. 4045

Dear Honorable H.B. City Council Members:

I am concerned with Ordinance No. 4045, adding Chapter 5.90 and repealing Chapter 9.70 of the Municipal Code relating to Fireworks; and, adopt Resolution No. 2015-04 implementing Charter Section 805 and Municipal Code Section 5.90 regarding Safe and Sane Fireworks, specifically the "Financial Impact: Stand operators are required to pay permit fees as set by resolution. Additionally, the proposed Ordinance recommends a regulatory fee not exceed 10% of gross sales."

I ask that you reconsider the "regulatory fee" as I feel its passage may breach your fiduciary responsibility to Huntington Beach's youngest residents. I might suggest that the non profit groups affected by this regulatory fee be subject only to an "inspection fee" as is practice in surrounding cities. As you know, it is possible to amend the ordinance language before voting upon it. Also, the item could be postponed until the next regularly scheduled meeting and then after further consideration and deliberation, make an informed decision based upon the wishes of many of your constituents. Of course you could vote it down and start again.

Thank you for your consideration concerning this important matter.

Sincerely,

Gina Clayton-Tarvin

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2-2-15

Agenda Item No. 8

Fikes, Cathy

From: Janice Ugland [janugland@aol.com]
Sent: Sunday, February 01, 2015 7:06 PM
To: CITY COUNCIL
Subject: Safe and Sane Fireworks Regulatory Fees

Dear Members of City Council:

I'm writing due to concern regarding charging the (not to exceed) 10% regulatory fees to the lottery-selected organizations chosen to operate Safe and Sane Fireworks booths within our city.

As noted in 5.90.150, the fireworks wholesaler is required to submit an educational plan; therefore, I see no true cost to our city in this regard. I would imagine and hope that inspections and enforcements could be manned by those on their regularly scheduled shifts. Thus, not burdening our budget and perhaps easing off on charging regulatory fees to our non-profits.

I hope you consider that any monies charged to these organizations simply lessens access to programs for our youth who are truly in need of assistance. I appreciate your attention to this matter and ask that you forgo any unnecessary fees so that our children can ultimately benefit in full. Thank you so much.

Sincerely,
Janice E. Ugland

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2-2-15

Agenda Item No. 8

"5.90.090 Safe and Sane Fireworks—Permits and Fees

Applicants shall apply for and obtain all City permits including but not limited to temporary event, electrical, and fire permits. The City shall assess a regulatory fee on all Safe and Sane Firework sales to raise sufficient funds to pay for education and enforcement of this Chapter including extra personnel time for fire inspection and enforcement duties. The fee shall be set forth by Resolution.

Payment of the regulatory fee shall be made according to the terms that appear on the invoice. Failure to pay the amount invoiced may disqualify the Permittee from participating in future lotteries at the sole discretion of the City Manager.

The Finance Department each year shall determine each Permittee's share of the regulatory fee based on the Permittee's fireworks sales financial statements. Each Permittee shall provide its fireworks sales financial statements to the City. After the Finance Department receives the financial statements, the Finance Department shall invoice each Permittee. The regulatory fee shall not exceed 10% of the total gross sales of the fireworks sold in the City by Permittees,"

"5.90.150

Fireworks Wholesaler Public Education Plan

Each Fireworks Wholesaler who is supplying an Permittee Safe and Sane Fireworks shall annually submit a public education plan to the Fire Department no later than 5:00 p.m. on June 1st of each year. The components of the public education plan shall be determined by the Fire Chief or his or her designee each year."

Dombo, Johanna

From: Barry Williams [wmsb@aol.com]
Sent: Friday, January 30, 2015 10:19 AM
To: stephanie green
Cc: CITY COUNCIL; Gino J. Bruno; Mike Kircher; Michael Gates; Michael Hoskinson
Subject: Re: Safe and Sane Regulatory fees

This is nothing but a money grab by City Hall to a group that has no representation like being a bully to the smallest kid on the block

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

On Jan 29, 2015, at 9:36 PM, stephanie green <steffiehome@gmail.com> wrote:

Safe and Sane Fireworks? Insane regulatory fees!

Meeting Date: 2-2-15

Dear City Council;

Agenda Item No. 8

I have had the pleasure of serving on several nonprofit boards here in HB. While every time the rewards outweigh the time and sacrifice. I see you about to slap them with unsubstantiated regulatory fees if they decide to host a Safe and Sane Fireworks booth. These fees are arbitrary.

The idea of offering these booths to nonprofits is a wonderful idea. But the idea of skimming up to 10% off the gross seems like you are taking advantage of the groups because they are not represented at the table. This high regulatory fee is not paid by any other city. A one time \$175.00 inspection fee is all that most cities charge. And we have yet to see exactly what these regulatory fees will be applied to.

While I realize HB faces issues that very few other cities face during the 4th of July weekend. Strapping your already needy nonprofits is not the solution. And how do you make this justification?

Based on the 2 year trial. The city collected \$75,000. What did the city do with those "regulatory fees", how were they directly used to make HB safer or cleaner? I would ask each council member to look closely. An extra \$5,000 for a sports booster means they may be able to buy new helmets for an entire team, now that makes at least 50 kids directly safer. Or it may mean the Kiwanis Club could offer more scholarships or school supplies to our most needy kids in our community, directly impacting their education. Imagine if you left those hard working nonprofit volunteers with the money they earned, and they were able to put that right back into a much deserving organization. Colette's home might be able to take in one more homeless mother and child. AYSO soccer might be able to offer 100 kids to play for free.

Please consider what you are allowing before you vote. Do not charge high regulatory fees on the backs of so many giving back to our community.

These fees were not used for extra street sweeping, These fees were not used for extra officers. All of those costs were already covered when the city charges the parade group \$150,000. There is no more staff to hire, so what exactly are these fees for? Education?

Show me! Prove the correlation with spending 75,000 on education and a decrease in illegal fireworks.

Again I ask you to consider what you are allowing if you allow these regulatory fees.

Thank you
Stef Green
(714) 402-8070

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, February 02, 2015 8:14 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 21153 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Complaint

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Claudine Burnett

Description: From: Paul & Claudine <paul-surfside@msn.com>

Date: January 30, 2015 at 4:44:27 PM PST

To: "jim.katapodis@surfcity-hb.org" <jim.katapodis@surfcity-hb.org>, "barbara.delgleize@surfcity-hb.org" <barbara.delgleize@surfcity-hb.org>, "erick.peterson@surfcity-hb.org" <erick.peterson@surfcity-hb.org>, "mike-posey@surfcity-hb.org" <mike-posey@surfcity-hb.org>, "jimkatapodis@surfcity-hb.org" <jimkatapodis@surfcity-hb.org>, "billy.o'connell@surfcity-hb.org" <billy.o'connell@surfcity-hb.org>, "jill.hardy@surfcity-hb.org" <jill.hardy@surfcity-hb.org>

Subject: Downtown parking

We understand that the downtown parking issue will be coming up for a vote once again. As downtown residents we can personally testify as to the need for the 10 p.m. to 5 a.m. limitation. We are wakened in the early morning hours when the bars close with loud voices, and curses of those looking for where they parked their cars. Often fights break out (I'm sure you all know about the stabbings), and we have experienced loud pounding on our door in the middle of the night from some bar patron we have never met wanting to be let in. It was terrifying. It's impossible to get a good night's rest. Then there's the trash and human waste deposited on our property.

One "up" side is those who park their cars and haul out their suitcases so they don't have to pay the parking fee at the Shorebreak. At least we know these people won't be around looking to go home in the middle of the night.

We have talked to the police about these issues, and they agree that the parking limitation would be a good idea. I just hope that all of you haven't been adversely influenced by the bar interests downtown to disallow the ordinance that was passed by a different council a few months ago.

Sincerely,

Paul & Claudine Burnett
207 8th St.

714-960-5522

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2/2/15

Agenda Item No. 9

Expected Close Date: February 3, 2015

[Click here to access the request](#)

Dombo, Johanna

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Friday, January 30, 2015 5:06 PM
To: Dombo, Johanna
Subject: Surf City Pipeline: You have been assigned a new Request #: 21142

Request # 21142 from the Government Outreach System has been assigned to you.

Request type: Comment

Request area: Inquiry to a City Council Member

Citizen name: Claudine Burnett

Description: Because of work schedules we won't be able to voice our concerns about the downtown parking limitation to be discussed at the upcoming meeting. We have sent personal e-mails to you describing our experiences and how we rejoiced at hearing that the last council had heeded our pleas. PLEASE allow for the 10 p.m. - 5 a.m. parking restrictions and listen to residents not bar owners on this matter.

Expected Close Date: February 9, 2015

[Click here to access the request](#)

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2/2/15

Agenda Item No. 9

Dombo, Johanna

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, February 02, 2015 12:12 PM
To: Dombo, Johanna
Subject: Surf City Pipeline: You have been assigned a new Request #: 21159

Request # 21159 from the Government Outreach System has been assigned to you.

Request type: Question

Request area: Inquiry to a City Council Member

Citizen name: Suzanne Hart

Description: Dear City Council Members,

We Downtown residents have jumped through all of the required hoops as mandated by the Parking Ordinance of this city. This has been a Herculean task. Now you want to repeal it?????? I thought this council was all about LETTING THE PEOPLE VOTE!! Well, we did.....or does our vote only count when you agree with the outcome? Now it's your duty to respect our wishes. Any vote to repeal this would make you nothing but a bunch of hypocrites.

Expected Close Date: February 12, 2015

[Click here to access the request](#)

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2/2/15

Agenda Item No. 9