

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

Monday, December 5, 2005
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A videotape of the 6:00 p.m. portion of this meeting is on file in the Office of the City Clerk.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:15 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Absent: None

Flag Ceremony and Pledge of Allegiance – Led by American Legion Post 133

Invocation – Led by Bob Murray, Chaplain of American Legion Post 133

(City Council) State of the City Address Delivered by Outgoing Mayor Jill Hardy (160.40)

Mayor Hardy announced wireless Internet is available in the Council Chambers starting at this meeting, calling it another step towards improving technology within the City. She recalled memorable aspects of her year as Mayor including: An earlier starting time for Council meetings, an 8.5 hour long meeting in September, a lobbying visit to Washington D.C., a visit to the City by Actor James Earl Jones, a lobbying visit to Sacramento to defend the "Surf City USA" name, budget report improvements, restoring of staff positions and funding for projects including capital improvement and infrastructure, Citizens Participation Advisory Board (CPAB) and staff consensus on Community Block Development Grant (CBDG) funding, successful timely contract negotiations with the employee agencies, the Bella Terra Shopping Mall opening, Target's demolition and rebuild, progress with Pacific City and the Strand, Council's decision to purchase portions of Fountain Valley School District sites to save Wardlow and Lamb Fields, the staff-created brochure for neighborhood improvement projects, Tree Society accomplishments, Harbour Sea Isle Garden Club efforts, and Senior Center improvements. She also recognized Councilmembers Bohr and Hansen for helping to implement Strategic Planning Workshops, the City's recognition as "Storm Ready," the flag poles installed at the Pier by the American Legion, beach improvements, surf events, the dedication of Peter Green Park, adoption of the 3/1 Marine Battalion, 4th of July events – especially the fireworks display, the new band shell at Central Park donated by the Rotary Club, and the 100-year celebrations of Huntington Beach High School and First Christian Church. Mayor Hardy also recalled the numerous events she attended in the past year including "Day of the Horse," "Every 15 Minutes," Youth in Government Day, Senior Saturday, Eagle Scout ceremonies, Taste of Huntington Beach, the Duck-A-Thon, the Christmas Parade and Procession of Lights, and her wedding. She thanked City staff and congratulated incoming Mayor Sullivan and Mayor Pro Tem Coerper.

(City Council) Presentations Made by Mayor Hardy (160.40)

Mayor Hardy thanked seated Councilmembers and presented a framed print to each Councilmember, the City Administrator, the City Attorney, the City Clerk, and the City Treasurer.

(City Council) Presentations by Community Members to Mayor Hardy (160.40)

Gerald Chapman, President of the Bolsa Chica Land Trust, presented an honorary grant deed of 5 square feet of the Bolsa Chica Wetlands to the Mayor for her support of the Bolsa Chica.

Dave Guido, speaking on behalf of Huntington Beach Tomorrow, thanked Mayor Hardy for a good year, her strong advocacy of the environment, and her efforts towards protection of open space. He also thanked the Mayor for involving the younger generation in City government.

Travis Holler and **Ann Quan**, speaking on behalf of the Youth Board and the Children's Needs Task Force, thanked Mayor Hardy for her hard work and involvement in the Model United Nations. They also recalled the Mayor's discussions of City Council meetings and how she encouraged student involvement in government.

Councilmember Debbie Cook presented the Mayor with a gift and thanked her for her service in the past year.

Public Comments Regarding Elections Only

Will B. King voiced his opinions about some past events and issues within the City. He asked Council to move the City in a positive direction in the upcoming year.

(City Council) City Clerk Flynn Presided and Election of a Mayor for the Ensuing Year Was Conducted (620.30)

City Clerk Joan L. Flynn presided.

A motion was made by Coerper, second Cook to elect Mayor Pro Tem Sullivan as Mayor of the City of Huntington Beach by acclamation. The motion carried by unanimous consent of all present, none absent.

(City Council) Oath of Office Administered to New Mayor Dave Sullivan by City Clerk Joan L. Flynn (620.30)

City Clerk Joan L. Flynn administered the Oath to incoming Mayor Dave Sullivan.

(City Council) Outgoing Mayor Hardy presented a Gavel to Incoming Mayor Sullivan (160.40)

Councilmember Hardy presented a gavel to the new Mayor, Dave Sullivan.

(City Council) Mayor Sullivan Presented "Ultimate Challenge" Sculpture to Outgoing Mayor Hardy (160.40)

Mayor Dave Sullivan presented the "Ultimate Challenge" surfer sculpture to Councilmember Hardy.

(City Council) Comments Made by Newly Elected Mayor Dave Sullivan (160.40)

Mayor Sullivan thanked seated Councilmembers for the opportunity to serve as Mayor, recognized the level of synergy of the current Council, and asked citizens to work together to preserve the City's strengths. He spoke regarding the importance of public participation, announcing future plans to increase citizen input. He recognized the Conference and Visitors Bureau, stating that "Destination Tourism" is one of his high priorities. He announced his intention to pursue a downtown Main Street pedestrian zone. He recognized local reporters, local newspapers and City employees for their efforts and results. He voiced his concerns about the unfunded liability of the employee retirement system, and his desire to lead other cities by example in terms of urban runoff solutions. He announced his goals to continue Council's commitment to youth, cultural life, and social services including Senior Center improvements. Mayor Sullivan acknowledged those who have supported and inspired him, including his father, mother and wife.

(City Council) New Mayor Presides and Calls for Election of Mayor Pro Tempore for the Ensuing Year (620.30)

Mayor Sullivan called for a motion to elect a Mayor Pro Tempore for the City of Huntington Beach.

A motion was made by Green, second Bohr to elect Councilmember Coerper as Mayor Pro Tempore by acclamation. The motion carried by the unanimous consent of all present, none absent.

(City Council) Oath of Office Administered to New Mayor Pro Tem Gil Coerper by City Clerk Joan L. Flynn (620.30)

City Clerk Joan L. Flynn administered the Oath to incoming Mayor Pro Tem Gil Coerper.

(City Council) Presentations by Community Members to Mayor Sullivan (160.40)

Gerald Chapman, President of the Bolsa Chica Land Trust, thanked Mayor Sullivan for past and future support and presented him with a sweatshirt.

Yvonne Fuller, member of Saint Bonaventure Church, sang a song.

Recess - Reception in Room B-8

Mayor Sullivan recessed to a reception in Room B-8 at 7:07 p.m.

Reconvened in Council Chambers – 7:47 p.m. – Roll Call

Present: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, Cook
Absent: None

The City Clerk Announced No Late Communications

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

Public Comments

Finbar Hill, Honorary Counsel of the Republic of Ireland, spoke regarding the role of Irish-Americans in the formation of the State and highlighted the political contributions of Mayor Sullivan and his father. He offered congratulations and best wishes to the new Mayor.

Alan Gandall congratulated Mayor Sullivan and former Mayor Hardy and commented on the closing of escrow on playing fields/open space purchased by the City. He stated his appreciation for the procurement of the fields.

Nuana Robinson, affiliated with Wesley Park Neighbors' Association, spoke regarding Main Street's character and announced the association was formed recently with the goal of preserving the historic character of the downtown Main Street residential area. She asked Council to place a moratorium on building up in the area, and also requested this issue be agendized for an upcoming meeting.

Barbara Sullivan, Main Street resident, concurred with the previous speaker's comments, and asked Council to help stop what she referred to as the overbuilding of the historic area of Huntington Beach.

Jim Pugliesi, representing Mansion Properties, encouraged Council to approve the Consent Calendar item pertaining to the Holly-Seacliff Development Agreement (DA) extension request. He stated his opinion that the area is environmentally impaired and requires cleanup.

Steve Stafford spoke regarding a malfunction of the traffic signal on Yorktown and Main. He stated the malfunction was reported, but not repaired in a timely manner. He also stated his opinion that many signals within the City need maintenance. Mr. Stafford concurred with comments made by previous speakers in favor of historic preservation of the Main Street area.

Joe Shaw, owner of two downtown businesses and speaking on behalf of the Downtown Merchants' Association, voiced his support for the Consent Calendar item pertaining to 4th of July events. He stated support for an outdoor concert series July 1st, 2nd, and 3rd. Mr. Shaw also asked Council for approval of the item pertaining to free 2-hour parking downtown during the holidays.

Tim Geddes, southeast Huntington Beach resident, congratulated former Mayor Hardy and welcomed new Mayor Sullivan. He voiced his opinion that staff reports and other materials regarding Poseidon should be available to the public prior to the end of the year. Mr. Geddes asked Council to agendize this request for a Council vote.

Councilmember Cook announced that the previous speaker's request is already agendized for the December 19, 2005 meeting and that the City Attorney is working on the issue.

Councilmember Green inquired about the timing of the release of documents pertaining to Poseidon. City Attorney Jennifer McGrath responded, stating that the documents would not be released until they are completed and Council approves their release.

Mayor Pro Tem Coerper also inquired about the readiness of the reports pertaining to Poseidon. City Attorney McGrath reported a target of December 19, 2005.

Carole Ann Wall, 43-year resident, congratulated Mayor Sullivan and Mayor Pro Tem Coerper and thanked City staff and Council for their efforts. She also thanked the 4th of July Board for securing a sponsor at an early date.

Will B. King voiced his opinions on the Brown Act and spoke about his perceived expertise with parades. He presented business cards to Council and announced he would be watching Council meetings in the future.

(City Council) Announcement Made by Councilmember Keith Bohr of the Individual Appointment of Stacey Newton to the Fourth of July Board. (110.20)

Councilmember Bohr made the above announcement.

(City Council) Mayor Pro Tem Coerper Gave an Update on “3/1” Committee Events (110.10)

Mayor Pro Tem Gil Coerper reported on a Christmas Party hosted by the 3/1 Committee and Key Volunteers for Marine families held on December 3rd. He announced the remembrance of two members of the 3/1 who were killed in action in November, Lance Corporal Miguel Terrazas and Sergeant Jeremy Murray. He thanked several individuals for donations, resulting in 150 gifts for Marine wives. He gave special thanks to other individuals who assisted in wrapping presents.

Councilmember Green spoke about her experience wrapping presents along with other volunteers.

Mayor Pro Tem Coerper reported the meal at the party was provided by committee members and volunteers, and there was an appearance by five “Merry Elves.” He announced citizens may send greeting cards for Marines to 19744 Beach Blvd Suite 528, Huntington Beach, 92648, with a deadline of Thursday, December 8th. He also announced emails may be sent to hb4marines@aol.com. Mayor Sullivan related a story about a third grader’s impressions of and comments about the Merry Elves.

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Location of 2006 4th of July Fireworks and Proposed Funding Concept

(City Council) Holly-Seacliff Development Agreement (DA) Extension Request by Mansion Properties, Inc. for Property Located at the Northeast Corner of Garfield Avenue and Gothard Street

Consent Calendar – Items Approved

On motion by Green, second Coerper Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Bohr (abstained from November 7, 2005 minutes), Green, Coerper, Sullivan, Hardy (abstained from November 7, 2005 minutes), Hansen, Cook
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) -

Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of November 7, 2005 and Adjourned Regular Meeting of November 15, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved A Promotional Program of Two-Hours Free Parking Downtown With Merchant Coupons During Holidays (560.35) – Approved implementation of two-hours free parking with merchant coupons at the Main Promenade Parking Structure from December 12, 2005 through January 1, 2006. Submitted by the Community Services Director. Funding Source: Not Applicable, potential loss of \$2,500 in revenue to the General Fund.

(City Council) – Approved Location of 2006 4th of July Fireworks, Parking Surcharge, and Partial/Full Closing of the Pier – Amended Proposed Funding Concept (960.30)

The City Council considered a communication submitted by the Community Services Director and the Police Chief transmitting the following **Statement of Issue:** The Fourth of July Executive Board is proposing to maintain the fireworks show at the beach for 2006 and is suggesting additional funding sources to help cover expenses. Council needs to decide if fireworks should remain at the beach and whether the proposed funding sources are viable so that the board can continue its planning. Funding Source: Fourth of July Fund; City Council approved 2006 budget as part of City budget process for FY 2005/2006.

Mayor Pro Tem Coerper requested this agenda item be removed from the Consent Calendar to ask for the Police Chief's opinion on the Recommended Action. Chief Ken Small reported he has no objection to fireworks at the beach. He stated, however, that the former City position was not to close off portions of the beach for private events, and that the decision to approve the proposed outdoor concerts should be made by Council, not staff. Chief Small voiced further concern with what he referred to as a departure from tradition, with the potential for the event to block the view for patrons of the pier restaurants, and that 4th of July is the busiest time of the year for public safety officials. He stated staffing needs cannot be fulfilled by outside agencies, and the current public safety staff will be overburdened.

Mayor Pro Tem Coerper inquired of City Administrator Culbreth-Graft if separate Council votes may be taken on the different items within the Staff Report. City Administrator Culbreth-Graft responded in the affirmative. Community Services Director Engle also reported on the proposed sponsorship and the potential effect on the fireworks show. Board Member Pat Stier reported a lack of concert sponsorship would result in difficulties raising funds, and that the Board would look to the City for funding assistance.

Councilmember Hardy inquired about past concerts held during surf contests. Chief Small responded, clarifying a distinction between simply charging admission fees and closing off a portion of the beach, which is not typical for the City, especially during holidays. Director Engle also reported, stating the City has never fenced off an area of the beach for a concert.

Councilmember Hardy inquired of the City Attorney if allowing this event could set a potentially undesirable precedence. City Attorney McGrath reported in the affirmative.

Councilmember Green inquired about any issues with the Coastal Commission and if the concert location could be moved to the Huntington Beach High School stadium. Chief Small reported he has no objection to a concert at the high school, and that the location would require less Public Safety staff. Pat Stier reported her willingness to approach the sponsor to inquire about the possibility of relocating the concerts.

Councilmember Cook voiced concerns with what she referred to as a lack of information about the promoter, and suggested further investigation on the change of venue and dates. She stated her support for the City assisting with the event financially, if feasible.

Councilmember Bohr concurred with Councilmember Cook's comments and stated his support for fireworks at the beach. He inquired about proposed concert event seating and Director Engle reported on some of the negotiation points.

Councilmember Hansen voiced his support for the City financially assisting the Board with the Fourth of July events, stating excessive expectations placed on the Board for fundraising. He inquired about the dollar amount of City-related fees. Director Engle reported an approximate \$150,000 increase in cost for moving the fireworks to the pier. Councilmember Hansen stated he is opposed to the concerts at this time.

Mayor Sullivan inquired about City-funded improvements to the high school and the corresponding complimentary City usage of the stadium, and stated his opposition to a concert event at the beach because of the burden on public safety staff.

Mayor Pro Tem Coerper inquired if the Board requires an answer on all of the items recommended at this meeting. Director Engle and Pat Stier requested action on all of the items at this meeting.

A motion was made by Coerper, second Bohr to: **1)** Approve Fourth of July Fireworks Show to be launched from the Municipal Pier in 2006; and **2)** As was approved in 2005, institute a \$10 surcharge to the daily parking fee for south beach, and an \$8 surcharge to the daily parking fee for Pier Plaza parking lots on July 4, 2006; said surcharge to be used to help offset the extra Fourth of July costs. The daily public parking fees for the beach and Pier Plaza lots would be \$20 per auto; and **3)** Approve charging the Council-approved \$12 daily maximum fee at the Main Promenade Parking Structure upon entering, instead of the Council-approved \$1.50 per hour (\$12 maximum upon exiting); and **4)** As approved in 2005, institute partial closure of the pier at 5:00 AM and full closure at 5:00 PM, as well as use a portion of the pier for a ticketed, VIP area from 5:00 PM until conclusion of the fireworks. (Amendment to the motion and vote to follow)

Councilmember Cook inquired about the agreement with the high school and requested an amendment to the motion: to use the Huntington Beach High School stadium as the concert venue or to explore other locations or dates for the outdoor concerts, with the promoter's agreement. The Maker and the Second to the motion accepted this amendment. She also suggested a Study Session be scheduled with the Fourth of July Board to further discuss options. Councilmember Hardy stated her support for a concert at the high school and for pursuing sponsorships from local merchants. Mayor Sullivan requested staff research the agreement with the high school.

The **amended** motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, Cook
NOES: None
ABSENT: None

(City Council) – Approved Holly-Seacliff Development Agreement (DA) Extension Request by Mansion Properties, Inc. for Property Located at the Northeast Corner of Garfield Avenue and Gothard Street (600.10)

The City Council considered a communication submitted by the Planning Director transmitting the following **Statement of Issue**: Transmitted for your consideration is a request by Mansion Properties, Inc., a subsidiary of Chevron, to extend the term of the Holly Seacliff Development Agreement (DA) for the 11.8 acre property that it owns located at the northeast corner of Garfield Avenue and Gothard Street. The DA expires on December 5, 2005.

Because all of the Holly Seacliff DA public improvements have been completed and the DA does not compel the property owner to clean nor develop the site, it is not necessary, from the City's perspective, to extend the current DA. However, staff recommends the City Council enter into a six-month extension, as requested, to more fully evaluate potential benefits to the City. As an alternative, the applicant could submit a request for a new development agreement specific to their property. At that time, the applicant could request that the new DA terms include previous benefits associated with the Holly Seacliff DA.

Councilmembers Hardy and Cook abstained from this item and left the room due to a potential conflict of interest.

City Administrator Culbreth-Graft left the room due to a potential conflict of interest.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to inquire about the property density allowed by zoning. Planning Director Howard Zelefsky reported and spoke regarding contamination of the soil. Fire Chief Duane Olson also reported, stating significant contamination in some areas.

Councilmember Bohr inquired about traffic impact fees, and Public Works Deputy Director David Webb reported.

A motion was made by Bohr, second Green to direct staff to prepare an amendment to the Holly Seacliff Development Agreement for City Council consideration pursuant to Exhibit C in Attachment No. 1 to extend the DA for six months for the purpose of negotiating and entering into a more formal extension. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hansen
 NOES: None
 ABSENT: None
 ABSTAIN: Hardy, Cook

(City Council) Councilmember Bohr Announced Save Our Strays Fundraising Event (120.85)

Councilmember Keith Bohr announced an upcoming fundraising event for Save Our Strays, to be held at 301 Main Street on Saturday, December 10, 2005.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Bohr to recess to Closed Session on the following items. The motion carried by the consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is ***Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.***; United States District Court Case No. SACV 04-0141 DOC (Anx). Subject: **Tracy Watson, Thomas Watson v. City of Huntington Beach, et al.** (120.80)

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:13 p.m. to Monday, December 12, 2005, at 6:00 p.m., in Council Chambers, 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