

## **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

## **ACTION AGENDA** **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

**6:15 P.M. – Council Chambers**

**Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook  
**Present**

**Pledge of Allegiance/Flag Salute – American Legion Post 133**

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**Invocation – Bob Murray, Chaplain of American Legion Post 133**

**State of the City Address and Presentations by Mayor Hardy**  
**Mayor Hardy announced wireless internet available in Council Chambers starting at this meeting, another step towards improving technology within the City. She recalled earlier start time of Council meetings, an 8.5 hour meeting in September, a lobbying visit to Washington D.C., a visit to the City by James Earl Jones, a lobbying visit to Sacramento to defend “Surf City USA,” budget report improvements, restoring of staff positions and funding for projects including capital improvement and infrastructure, CPAB and staff agreement on CBDG funding, successful timely contract negotiations with the unions, Bella Terra Shopping Mall opening, Target rebuilding, progress with Pacific City and Strand, decision to purchase portion of Fountain Valley School District sites to save**

***Wardlow and Lamb Fields, staff created brochure for neighborhood improvement projects, Tree Society accomplishments, Harbour Sea Isle Garden Club efforts, and Senior Center improvements. She also recognized CMs Bohr and Hansen for helping to implement Strategic Planning workshops, City recognition as Storm Ready, flag poles installed at the Pier, beach improvements, surf events, dedication of Peter Green Park, adoption of 3/1 Marine Battalion, 4<sup>th</sup> of July events – especially the fireworks display, new band shell at Central Park donated by Rotary Club, 100 year celebration of HBHS, and numerous events attended in the past year including “Every 15 Minutes,” Youth in Government and Duck-a-thon. She thanked City staff and congratulated incoming Mayor Sullivan and MPT Coerper.***

**Presentations by Mayor Hardy**

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

**Presentations by Community Members to Mayor Hardy**

***Speaker presented an honorary grant deed of 5 square feet of the Bolsa Chica Wetlands for her support of the Bolsa Chica Land Trust.***

***Speaker on behalf of Huntington Beach Tomorrow thanked Mayor for a good year, strong advocacy of the environment, and protection of open space. He also thanked the Mayor for involving the younger generation in City government.***

***Speakers on behalf of Youth Board and Children’s Needs Task Force thanked Mayor Hardy for her hard work and involvement in Model United Nations. Also recalled Mayor’s discussions of City Council meetings and how she encouraged the involvement of students.***

***CM Cook presented a gift and thanked the Mayor for her service this past year.***

**Public Comments Regarding Elections Only**

***Speaker voiced opinions about past events and issues within the City. He asked Council to move the City in a positive direction in the upcoming year.***

**Conduct Election of Mayor and Mayor ProTempore for Ensuing Year**

City Clerk calls for motion to elect Mayor.

***Coerper/Cook motion to elect Mayor Dave Sullivan***

Vote by acclamation.

**Oath of Office to New Mayor**

City Clerk Administers Oath of Office to New Mayor.

**Presentation by Outgoing Mayor Hardy to New Mayor**

***Former Mayor Hardy presented gavel to Mayor Sullivan.***

**Presentation by New Mayor to Outgoing Mayor Hardy**

***Mayor Sullivan presented “Ultimate Challenge” sculpture to Former Mayor Hardy.***

**New Mayor Presides****Election of Mayor Pro Tempore**

New Mayor calls for motion to elect Mayor Pro Tempore  
***Green/Bohr motion to elect Mayor Pro Tem Gil Coerper***

Vote by acclamation.

***Oath given to MPT Gil Coerper***

**Comments by Newly Elected Mayor**

***Mayor Sullivan thanked Councilmembers for opportunity to serve, recognized synergy of current Council, asked citizens to work together to preserve City's strengths. He spoke regarding importance of public participation, announcing plans to increase citizen input. He recognized the Conference and Visitors Bureau, stating that destination tourism is one of his high priorities. He also announced intention to pursue a downtown Main Street pedestrian zone. He recognized local reporters, newspapers and City employees. He stated his concerns with the retirement system, and his desire to lead by example with urban runoff, to continue commitment to youth, cultural life, and social services including Senior Center improvements. He acknowledged those who supported him, including his father, mother and wife.***

**Presentations by Community Members to Incoming Mayor**

***Speaker on behalf of the Bolsa Chica Land Trust thanked the Mayor for past and future support and presented him with a sweatshirt.***

***Yvonne Fuller, Saint Bonaventure member, sang a song.***

**Recess – Reception in Room B-8**

***7:07 p.m.***

**Reconvene in the Council Chambers – 7:47 p.m.**

**Roll Call** Bohr, Green, Coerper, Sullivan, Hardy, Hansen, Cook

***Present***

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

**None**

**B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium).

***Speaker, Honorary Counsel of the Republic of Ireland, spoke regarding the role of Irish Americans in the formation of the country. He offered congratulations and best wishes to the new Mayor.***

***Speaker congratulated Mayor Sullivan and former Mayor Hardy and commented on closing of escrow on fields purchased by City. Stated his appreciation for the procurement of the fields.***

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

**Speaker, Main Street resident, concurred with the previous speaker's comments, asking Council to help stop the overbuilding of the historic area of Huntington Beach.**

**Speaker, representing Chevron Land & Development, encouraged approval of Consent Calendar item E4. He stated the area is environmentally impaired, requires cleanup, and requested the six-month extension.**

**Speaker spoke regarding a malfunction of the traffic signal on Yorktown and Main. He stated malfunction was reported, but not repaired timely and that many signals need maintenance. He also concurred with comments made by speakers in favor of historic preservation.**

**Speaker, owner of two downtown businesses and on behalf of Downtown Merchants Association spoke in favor of Consent Calendar item E3 and in favor of outdoor concert series July 1st, 2nd, and 3rd. He also asked Council for approval of free 2 hour parking prior to holidays.**

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

**CM Cook announced that request is already agendized for December 19<sup>th</sup> and that the City Attorney is working on the issue.**

**CM Green inquired about timing of release of documents, City Attorney McGrath responded, stated that documents would not be released until completed.**

**MPT Coerper also inquired about readiness of reports. City Attorney McGrath reported target of December 19<sup>th</sup>.**

**Speaker, 43-year resident, congratulated Mayor Sullivan and MPT Coerper, thanked City staff, Council. She also thanked Fourth of July Board for securing a sponsor at an early date.**

**Speaker voiced opinions on the Brown Act and his expertise with parades. He presented a card to Council and announced he would be watching Council meetings.**

#### **C-1. Council Committee/Appointments/Liaison Reports ( . )**

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

**CM Bohr announced appointment of Stacey Newton to Fourth of July Board.**

**MPT Coerper reported on Holiday Party by 3/1 Committee for families this past Saturday. He announced remembrance of two deceased members of the 3/1. He thanked several individuals for donations of 150 gifts for wives. He gave special thanks to other individuals who assisted in wrapping presents. CM Green spoke**

*about her experience wrapping presents. MPT Coerper reported meal also provided by committee members and volunteers, and five "Merry Elves" that appeared at the party. He announced citizens may send greeting cards for Marines to 19744 Beach Blvd Ste 528, HB, 92648, deadline Thursday December 8th. Emails can be sent to hb4marines@aol.com. Mayor Sullivan related interactions with children at the event.*

## **E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

**Green/Coerper 7-0**

**E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt 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.

**Approved 7-0 (Hardy, Bohr abstain from November 7, 2005 minutes)**

**E-2. (City Council) Approve A Promotional Program of Two-Hours Free Parking Downtown With Merchant Coupons During Holidays** ( . ) – Approve 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.

**Approved 7-0**

**E-3. (City Council) – Approve Location of 2006 4th of July Fireworks and Proposed Funding Concept** ( . ) – **1)** Approve Fourth of July Fireworks Show to be launched from the Municipal Pier in 2006; and **2)** As recommended by the Fourth of July Executive Board, approve proposed outdoor concerts on July 1, 2, and 3, 2006; and **3)** 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 **4)** 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 **5)** 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. Submitted by the Community Services Director and the Police Chief. Funding Source: Fourth of July Fund; City Council approved 2006 budget as part of city budget process for FY 2005/2006.

**MPT Coerper asked the Chief of Police to give his opinion on item. Chief Small reported no objection to fireworks at the beach. He stated, however, the former City position was not to close off portions of the beach for private events. He stated his opinion that the decision should be a Council, not staff decision. He**

further voiced concern with departure from tradition, potential to block view from restaurants, and busiest time of year for public safety officials. He stated staffing needs cannot be filled by outside staffing and will overburden current staff. MPT Coerper inquired of City Administrator Culbreth-Graft if vote may be separated on different items within item E3, to which she responded in the affirmative. Community Services Director Engle reported on sponsorship and potential effect on fireworks show. Board Member Pat Stier reported lack of concert sponsorship would result in difficulties raising funds, and Board would look to the City for assistance. CM Hardy inquired about concerts during surf contests. Chief Small responded, clarifying distinction of charging admission fees and closing off a portion of the beach, which is not typical, especially during holidays. Director Engle also reported, stating City has never fenced off an area of the beach for a concert. CM Hardy inquired of City Attorney if allowing this event would require future allowances. Attorney McGrath reported on precedence set. CM Green inquired about issues with Coastal Commission and if concert location could be moved to the high school. Chief Small reported no objection to concert at high school and fewer staff requirements. Pat Stier reported willingness to approach the sponsor with relocation possibility. CM Cook voiced concerns with lack of information about promoter and suggested further investigation on change of venue and dates. She stated support for City assisting with event financially, if feasible. CM Bohr concurred with Cook's comments and support for fireworks at the beach. He inquired about event seating and Director Engle reported on negotiation points. CM Hansen stated his support for 4<sup>th</sup> events with support from City, stating excessive expectations placed on the Board for fundraising. He inquired about City related fees. Director Engle reported approx. \$150k increase moving fireworks to the pier. CM Hansen stated his opposition to concert at this time. Mayor Sullivan inquired about City improvements to high school and complimentary City usage of the stadium, and stated his opposition to concert event at the beach stating burden on public safety staff. MPT Coerper inquired if Board needs an answer on all items at this meeting. Director Engle and Pat Stier reported action necessary tonight.

Coerper/Bohr motion to approve items 1,3,4,5. CM Cook inquired about agreement with high school, and requested amendment to motion to use high school as a venue or to explore other locations or dates for item 2 with the promoter's agreement. Maker and second agreed. She also suggested a study session with the 4<sup>th</sup> of July Board to further discuss options. CM Hardy stated support for concert at high school and potential sponsorship from local merchants. Mayor Sullivan requested staff research agreement with the high school.

Approved 7-0

**E-4. (City Council) – Approve Holly-Seacliff Development Agreement (DA) Extension Request by Mansion Properties, Inc. for Property Located at the Northeast Corner of Garfield Avenue and Gothard Street ( . ) – 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. Submitted by Planning Director. Funding Source: Not Applicable.

**Hardy, Cook abstained due to potential conflict of interest and left the room. CA Culbreth-Graft left the room due to potential conflict of interest.**

**CM Bohr inquired about property density allowed by zoning. Planning Director Howard Zelefsky reported, and spoke regarding contamination of soil. Fire Chief Duane Olson reported significant contamination in areas. CM Bohr inquired about traffic impact fees and Public Works Deputy Director David Webb reported.**

**Motion Bohr/Green to approve recommended action. Approved 5-0-2 (Cook, Hardy abstain)**

**Council Comments - (Not Agendized)**

**CM Bohr announced Save Our Strays fundraising event, 301 Main Street, this Saturday (12/10).**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

**Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action: Motion to recess to Closed Session on the following items:**

**Coerper/Bohr to recess to Closed Session, approved by consensus of all present, none absent - 9:02 p.m.**

**(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.** ( . )

**No Action to be Reported Out is Anticipated.**

Council/Agency Adjournment at **9:13 p.m.** to an Adjourned Regular Meeting **Monday, December 12, 2005 at 6:00 p.m.**, in Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

The next regularly scheduled Council meeting is **Monday, December 19, 2005, at 4:00 p.m.**, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
Huntington Beach, California 92648**

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL  
MEETINGS  
<http://www.surfcity-hb.org>**