

**Minutes  
City Council Special Meeting  
City of Huntington Beach**

Monday, July 14, 2014  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk and are archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

**CALL TO ORDER – 6:03 PM**

**ROLL CALL**

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, and Carchio  
Absent: None

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

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

Councilmember Item No. 1 – Safe and Sane Fireworks Ballot Measure - Communications submitted by: Richard Hart, Terry Evdokimoff, Brian House, Glenn Selbo, Scott Cleland, Richard Wannemacher, Larry (last name not given), and Anonymous.

**PUBLIC COMMENTS PERTAINING TO SPECIAL MEETING ITEM** (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/>).

Tom Hollister, Huntington Beach Lions Club, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:02:41)

Tim Miller spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014, only if strict enforcement measures are implemented for safety purposes. (00:04:23)

Clem Dominguez spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014, with strict enforcement measures for additional safety. (00:07:01)

Craig Frampton spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:08:53)

Gerald Chapman spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:09:48)

Rick Mitchell spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:12:17)

Michael Kircher spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014 for the benefits it will provide to non-profit sports organizations. (00:13:40)

Alan Gandall, AYSO Area Director, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:16:57)

John Christiana, Newport Beach resident, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:18:54)

Bob Raemer spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:21:22)

Erik Bauer spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:21:57)

Richard Smith spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:23:19)

Mark Bixby, Planning Commissioner and Candidate for City Council, spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:26:26)

Norm Westwell, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:28:20)

Hans Quinonez spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:31:04)

Stephanie Green spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:34:04)

Chris Epting provided a slide that presented poll data gathered "In the Pipeline," and spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:36:22)

Philip Goode, American Legion Post 133 Huntington Beach, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:39:07)

Ricardo Chavez spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:42:41)

Patricia Goodman spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. She also voiced concerns about the item being considered as a Charter Amendment. (00:44:45)

Frank LoGrasso spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:46:31)

Randy Wells spoke of the financial benefits to non-profits from the sale of safe and sane fireworks. As a resident of Pacific Mobile Home Park, he also voiced concerns about property rights for mobile home owners and renters, conversion, and eminent domain-related issues. (00:49:49)

Mark Dixon voiced concerns about the process behind Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:54:11)

Brenda Calvillo spoke in opposition to Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (00:58:17)

Erik Peterson spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (01:01:57)

Allan Mansoor, 74th Assembly District, spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014. (01:04:20)

Maria T. Spain spoke in support of Councilmember Item No. 1 - Preparation of Documents

Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014, but voiced concerns about public safety resources and 911 calls not being answered on July 4th. (01:05:08)

David Clay Allison spoke in support of Councilmember Item No. 1 - Preparation of Documents Regarding a Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014, but questioned who will benefit from the sale of safe and sane fireworks. (01:07:39)

## **COUNCILMEMBER ITEMS**

### **1. Approved Item Submitted by Councilmembers Joe Carchio and Jim Katapodis to Direct the City Attorney to prepare documents regarding Safe and Sane Fireworks Ballot Measure for City Council's consideration on July 21, 2014**

Councilmember Carchio thanked Councilmember Katapodis for partnering with him on the issue, and discussed the importance of allowing the residents of Huntington Beach to vote on whether or not to allow the use of safe and sane fireworks. He also recognized the fundraising potential for non-profit organizations.

Mayor Harper and City Clerk Joan Flynn discussed deadlines associated with submitting measure documents to the Orange County Registrar of Voters (ROV); after which time the parameters for arguments and rebuttals can be set up (how long, who will write them, etc.). Clerk Flynn also explained the mandatory 10-day review period that follows both arguments and rebuttals, and how this extended period of time may affect the ROV's publication schedule for sample and vote-by-mail ballot distribution.

In response to a request made by Mayor Pro Tem Shaw, City Attorney McGrath confirmed dates identified by the City Clerk for filing measure documents with the ROV.

Councilmember Sullivan recognized the importance of holding this special meeting to hear both sides of the argument.

In response to Mayor Harper's inquiry, City Attorney described the difference between putting the item on the ballot as a charter amendment, versus an ordinance.

Councilmember Hardy and City Attorney McGrath discussed what would occur if state law were to preempt this action.

Councilmember Sullivan and Police Chief Handy discussed reports of 911 calls not being answered on July 4<sup>th</sup>.

Councilmember Sullivan described his experiences hearing and witnessing illegal fireworks before and after the holiday occurred and recognized the earning potential for non-profits who participate in fireworks sales. He stated support for allowing residents to vote on the issue, explained his experience bringing Measure C to the people for a vote, and voiced disappointment with the fact that the Huntington Central Park Senior Center project approved by the voters in 2006 is still not built.

Councilmember Boardman recognized the public's wishes to bring the matter to a vote, and requested that Fire Chief Patrick McIntosh and Police Chief Robert Handy discuss related safety issues.

Fire Chief McIntosh described enforcement challenges, the amount of illegal fireworks confiscated, and recognized Grand Jury reporting of public safety facts.

Councilmember Boardman recognized former Police Chief Small's opinion that the residents could either enjoy personal fireworks themselves, or witness a fireworks show on the beach, but not both. Police Chief Handy did feel that allowing both options to take place would place quite a strain on public safety resources.

Councilmember Boardman discussed her ride-along experiences with public safety personnel during the holiday. She recognized how non-profits stand to earn necessary funds through fireworks sales, but voiced concerns about firework distributors whose campaign funds have the potential to make the playing field uneven to those residents who oppose fireworks. She then referred to a 1987 survey that actually resulted in the fireworks ban, and suggested that the City create an online poll that would allow all residents to use one vote to show their position on whether or not to allow the use of safe and sane fireworks.

A motion was made by Councilmember Boardman, seconded by Councilmember Hardy, to direct staff to return within two months with the best method to poll residents directly regarding the use of safe and sane fireworks.

Councilmember Hardy voiced concerns about group bias, and voiced support for the City presenting a "neutral" inquiry to its residents.

In response to an inquiry by Mayor Harper, City Attorney McGrath stated an online poll does not equate to law.

Councilmember Sullivan questioned campaign funds and endorsements received by Councilmember Boardman to make a point that many issues create a situation of inequity. Mayor Harper concurred, citing abilities by any side to campaign within the guidelines of the law.

Councilmember Carchio provided support for residents making an intelligent decision, and being responsible for safe and sane use of fireworks.

Councilmember Boardman reiterated her motives for suggesting that residents participate in an online poll.

A substitute motion was made by Councilmember Carchio, seconded by Councilmember Sullivan, to direct the City Attorney to prepare a resolution, ballot title, statement, and impartial analysis for City Council's consideration at the City Council meeting of 7/21/14.

Mayor Pro Tem Shaw described his favorable childhood experiences with fireworks, but also voiced concerns about how illegal firework use drains City resources. He explained that while he remains opposed to firework use in the City, he understands the importance of allowing residents to vote on the issue.

A substitute motion was made by Mayor Pro Tem Shaw, seconded by Mayor Harper, to direct the City Attorney to prepare a resolution, ballot title, statement, and impartial analysis for City Council's consideration at the City Council meeting of 7/21/14 **as an ordinance, not as a charter amendment.**

Councilmember Katapodis explained his background in public safety, and recognized the sensitivity of this issue among his colleagues. However, he also recognized the wishes of Huntington Beach residents that led him to support the item before Council.

Councilmembers Hardy and Boardman reiterated that their opposition is based on public safety concerns.

Mayor Harper explained his support for the measure as an ordinance, and not as charter amendment.

Mayor Pro Tem Shaw's substitute motion failed by the following vote:

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

Councilmember Carchio's previous substitute motion, seconded by Councilmember Sullivan, to direct the City Attorney to prepare a resolution, ballot title, statement, and impartial analysis related to use of safe and sane fireworks for City Council's consideration at the City Council meeting of 7/21/14, carried by the following vote:

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

**COUNCILMEMBER COMMENTS** (Not Agendized) - None.

**ADJOURNMENT** at 8:09 PM to the next regularly scheduled City Council meeting of Monday, July 21, 2014 at 4:00 PM, Civic Center, 2000 Main Street, Huntington Beach, California, 92648.

  
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City Clerk of the City of Huntington  
Beach, California

**ATTEST:**

  
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City Clerk-Clerk

  
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Mayor-Chair