

**Special Meeting Minutes  
City Council/Public Financing Authority  
City of Huntington Beach**

Monday, July 23, 2012  
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 archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

CALL TO ORDER - 6:04 PM

ROLL CALL

Present: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
Absent: None

PLEDGE OF ALLEGIANCE - Led by Mayor Hansen

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

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

Communication for Administrative Item No. 1 submitted by Linda Masterton, dated July 22, 2012, entitled Fireworks Initiative.

Communication for Councilmember Item No. 2 submitted by Scott Field, Assistant City Attorney, undated and entitled Comments Regarding "Outsourcing" of City Attorney Office.

PUBLIC COMMENTS PERTAINING TO SPECIAL MEETING CLOSED SESSION ITEM(S) (3 Minute Time Limit)

Margie Mooers read a statement from the Vice President of the Edison High School Booster Club that supports Administrative Item No. 1 - Proposed Ballot Measure for Charter Amendment Relative to Fireworks. (00:02:11)

Steve Christy, Huntington Beach Lions Club, and Dave Quatmon, Therapeutic Riding Center, spoke in support of Administrative Item No. 1 - Proposed Ballot Measure for Charter Amendment Relative to Fireworks. (00:04:57)

Jeff Brandenburg, Phantom Fireworks, spoke in support of Administrative Item No. 1 - Proposed Ballot Measure for Charter Amendment Relative to Fireworks. (00:06:39)

Scott Field, Assistant City Attorney, spoke in opposition to Councilmember Item No. 2 - Direct

Staff to Issue Request for Qualifications for Legal Services. (00:08:20)

Mayor Pro Tem Dwyer and Mr. Field discussed a recent news article that published costs for outsourced legal assistance in the City of Costa Mesa.

Major Bob spoke in opposition to Councilmember Item No. 2 - Direct Staff to Issue Request for Qualifications for Legal Services. (00:13:18)

Norm Westwell spoke in support of Administrative Item No. 1 - Proposed Ballot Measure for Charter Amendment Relative to Fireworks. (00:15:30)

#### ADMINISTRATIVE ITEMS

1. FAILED: Proposed Ballot Measure for Charter Amendment Relative to Fireworks (Resolution Nos. 2012-51, 2012-52, 2012-53).

Deputy City Attorney Mike Vigliotta responded to comments/questions from Council:

- Mayor Hansen and Councilmember Carchio discussed delineating geographic areas where fireworks are prohibited.
- Councilmember Bohr opposed the Charter amendment, speaking in favor of using safe and sane fireworks on July 4 but sharing concerns about illegal firework use before and after the holiday. He expressed support for continuing with the two-year trial period to consider all applicable information/experiences in order to successfully measure failure or success.
- Councilmember Harper discussed term limits and his concerns about future Council not allowing the continuance of fireworks activity.
- Councilmember Boardman clarified Councilmember Bohr's suggested compromise to continue with the two-year trial period.
- Mayor Pro Tem Dwyer supported the proposed initiative, but had some concerns about legislating from the ballot. He also expressed doubt about certain claims included in the written summary of events published by the Police Department.
- Councilmember Shaw questioned Mayor Pro Tem Dwyer's mistrust of the Police Report on July 4 activities, and voiced support to continue the two-year trial period.
- Councilmember Harper shared his uncertainty about stated presumptions that the holiday was quiet because it landed on a Wednesday.
- Councilmember Bohr provided statistics on the number of times the holiday was celebrated over a 3-day weekend.
- Councilmember Harper discussed the challenges in California law related to student fees and the inability to impose those fees on parents.
- Councilmember Carchio reiterated his support for a two-year pilot program for safe and sane fireworks, but shared concerns that a new Council may oppose the pilot program and lobby against fireworks.
- Councilmember Boardman agreed to support the two-year trial program.
- Mayor Hansen opined it was overwhelmingly clear that the highest percentage of citizens support safe and sane fireworks, and shared his mistrust that a new Council would not try to prohibit the use of fireworks.
- Mayor Pro Dwyer questioned the proposed ballot measure language.

A motion was made by Hansen, second Harper to adopt Resolution No. 2012-51, "A Resolution of the City Council of the City of Huntington Beach Ordering Submission to the Qualified Electors of the City a City Measure to Amend the Charter of the City of Huntington Beach Related to Fireworks;" and, adopt Resolution No. 2012-52, "A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing Written Arguments Regarding a City Measure to Amend the Charter of the City of Huntington Beach Related to Fireworks, and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure;" and, adopt Resolution No. 2012-53, "A Resolution of the City Council of the City of Huntington Beach Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 6, 2012, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code." The motion failed by the following roll call vote:

AYES: Harper, Dwyer, and Hansen  
NOES: Shaw, Carchio, Bohr, and Boardman

#### COUNCILMEMBER ITEMS

2. Discussed held on Mayor Hansen's recommendation to direct staff to issue a Request for Qualifications (RFQ) for Legal Services

A motion was made by Hansen, second Bohr to direct staff to issue a Request for Qualifications for municipal attorney services in time for the 2012-2013 fiscal year.

Mayor Pro Tem Dwyer and Assistant City Attorney Scott Field discussed Costa Mesa's recorded legal fees absorbed from outside Counsel for two separate lawsuits (Jones and Mayer) that established a base fee per capita.

Councilmember Boardman voiced concerns about the consequences of taking action on this issue. She and Human Resources Director Michele Warren discussed Council's authority in personnel decisions, and the City's responsibility to meet and confer regarding the impacts of a displacement. Director Warren also explained layoff rights, citing an example of an Administrative Assistant having the right to bump a less-senior employee in the same class/series.

Councilmember Boardman and City Attorney McGrath discussed how outside Counsel will be sought to handle the legalities of the matter due to conflict of interest. Discussion ensued about information published in a departmental audit of the City Attorney's Department that addressed performance evaluations, benchmarking with comparable agencies, and ways to make the office more efficient. Councilmember Boardman discussed the City of Newport Beach \$20 per capita figure, and how caution should be exercised based on recent reports about Costa Mesa's decision to outsource its legal department.

Mayor Hansen explained that he sought legal counsel before bringing this item to Council for a decision. He also reminded Council that an RFQ delivers information and not a final decision.

Councilmember Harper discussed similar actions/processes taking place with other agencies such as school districts.

Councilmember Bohr concurred with Mayor Hansen's statement about delivery of information

through an RFQ, and encouraged staff to consider ways to become more efficient.

Mayor Pro Tem Dwyer voiced concerns about using Costa Mesa as an example, and also stated his feelings that the City Attorney recommended budget cuts involving only items not within her control.

Councilmember Shaw voiced concerns about Council paying too much attention to one department when it was previously agreed to audit other departments. He also reminded Council of the Charter Review Committee's decision not to change the Charter in relation to the elected City Attorney, and how the last departmental audit delivered a good report. He concluded his comments by discussing how the City Attorney department budget represents less than 1% of the City budget, and was cautious to spend money on a study when other City services are scheduled to be cut.

Mayor Pro Tem Dwyer voiced concerns about performance evaluations not being done in many years.

Councilmember Carchio discussed Council's commitment to consider every possible reduction, and voiced support for moving forward with an RFQ.

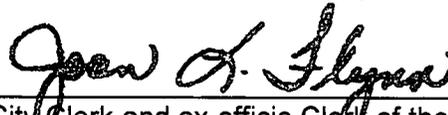
The motion carried by the following roll call vote:

AYES: Harper, Dwyer, Hansen, Carchio, and Bohr  
NOES: Shaw, and Boardman

#### COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Bohr recognized former Mayor Dave Sullivan being honored by Huntington Beach Tomorrow; Mayor Pro Tem Dwyer stated he and Councilmember Boardman would be participating in a panel discussion with the Surfrider Foundation on banning the use of plastic bags; Councilmember Carchio spoke of bringing forth an item to discuss issues with sober living homes in Huntington Beach; and, Councilmember Boardman disagreed with Mayor Hansen's characterization of Councilmember Shaw's comments relating to fireworks and politics.

ADJOURNMENT - At 7:30 PM to the next regularly scheduled meeting of Monday, August 6, 2012, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

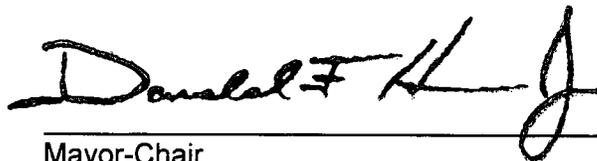


City Clerk and ex-officio Clerk of the  
City Council, Secretary of the Huntington  
Beach Public Finance Authority of the City of  
Huntington Beach, California

ATTEST:



City Clerk, PFA Secretary



Mayor-Chair