

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 2, 2006
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.**

The 4:00 p.m. portion of the meeting was recessed by Senior Deputy City Clerk Patricia Albers to 5:00 p.m. in the Council Chambers due to a lack of quorum.

Call to Order

Mayor Sullivan called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:01 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

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

The City Clerk Announced the following Late Communication Pertaining to the 5:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following Late Communication regarding a Closed Session item had been received by her office following distribution of the agenda packet:

Communication submitted by Vickie Talley, Executive Director of the Manufactured Housing Educational Trust dated October 2, 2006 and titled *Mobile Home Park Issues*.

Public Comments

Steve Gullage, affiliated with the Huntington Beach Mobilehome Owners Association (HBMOA), described a community named Driftwood that he said existed in the City until the property was sold for development 22 years ago. He stated the City paid mobile home owners fair "in place" values for their homes. He described state codes that govern mobile home relocations and asked Council to defend the existing mobile home park conversion ordinance.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Green 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 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; Renee Mayne, Chief Negotiator; and Irma Youssefieh, Human Resources Manager regarding labor relations matters - meet and confer with the following employee organizations: **MEO, FMA, HBFA, MSOA, SCLEA, and Non-Associated.** Subject: **Labor Relations - Meet and Confer.**

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. **Number of Potential Cases: One.** Subject: **Potential Litigation.**

(City Council) Closed Session - Pursuant to Government Code Section 54956.8 to give instructions to the City's Negotiators, **Assistant City Attorney Scott Field, Sr. Deputy City Attorney Neal Moore and Real Estate Manager Steve Holtz,** regarding negotiations with **Constance M. Alvarez** (APN 159-151-02), **Pete Alvarez** (APN 159-151-03), **Esther Contreras Trust** (APN 159-151-16), and **Filencio Alvarez Trust** (APN 159-151-01) concerning the purchase of 20 feet of right-of-way at 7782 and 7802 Garfield Avenue. Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiations re: Purchase of Right-of-Way at 7782 and 7802 Garfield Avenue.**

(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 **M. M. R. Family LLC and R. F. R. Family LLC dba Huntington Shorecliffs Mobile Home Park, et al. vs. City of Huntington Beach, et al.;** Orange County Superior Court Case No. 06CC07095. Subject: **M. M. R. Family LLC and R. F. R. Family LLC dba Huntington Shorecliffs Mobile Home Park, et al. vs. City of Huntington Beach, et al.**

(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 **City of Huntington Beach v. POA,** USDC Case No. SA01-1125JVS; and **Scottsdale Insurance Co. vs. City of Huntington Beach,** USDC Case No. SA03-1154JVS. Subject: **City of Huntington Beach vs. POA;** and **Scottsdale Insurance Co. vs. City of Huntington Beach (Gun Range).**

(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 **Elliot Nikitin vs. City of Huntington Beach** WCAB Case No. VNO 0461502; Claim No. COHB-01-0147. Subject: **Elliot Nikitin vs. City of Huntington Beach**

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: One Hundred Twenty Five (125).** Subject: **Potential Litigation.**

Reconvened City Council/Redevelopment Agency Meeting – 6:13 p.m.

City Council/Redevelopment Agency Meeting Roll Call

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

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Mayor Sullivan Made an Announcement Pertaining to the Mobile Home Park Conversion Ordinance

Mayor Dave Sullivan announced negotiations between the City and the parties who filed the lawsuit pertaining to the mobile home park conversion ordinance have been terminated. He stated that the City would defend the ordinance in court.

Pledge of Allegiance/Flag Salute - Led by Pack 227, Den 11 Weeblo Boy Scout Troup.

Invocation - Led by Mayor Dave Sullivan

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Vickie Talley, Executive Director of the Manufactured Housing Educational Trust dated October 2, 2006 and titled *Mobile Home Park Issues*.

Communications submitted by the following individuals stating opinions pertaining to the proposed new senior center: Bob Polkow, Bob and Cathi Seidler (2 items), Jane Burke, Bill and Judy Ann Morris, Beverly Fleming, Dale L. Dunn, Fred Cross, Adria S. Thomke, Lucien Fortier, M.B. Wesseln, Martha and Kenji Nishida, Cheri Hoffman, Peter and Virginia Petrelis, John Ashton, Glenda M. Lee, Jo Anne Kessell, Kristina Bruning, and Devra Barnes.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Ed Kerins, President, Huntington Beach Tomorrow dated October 4, 2006 titled *Support of Mobile Home Conversion Ordinance*.

Photographs submitted by Mabelle Murray which illustrate a street median located near Eader School and her daughter's injuries, which she said were sustained when her daughter tripped over exposed tree roots in the median.

Communication submitted by Roy Reynolds, undated, which is a script of his public comments related to OCTA's *Go Local* program.

Communications submitted by Ralph Bauer including copies of a newspaper article, webpages, a brochure, and a script all pertaining to senior services.

Communication submitted by Tom Livengood, undated, which is a copy of a newspaper article titled *Are we ready for aging boom?*

Presentation - Mayor Sullivan called on City Clerk Joan Flynn, Community Services Director Jim Engle and Community Relations Officer Laurie Payne and members of the Customer Service Committee and presented them with a Proclamation for Customer Appreciation Day on October 4, 2006. Community Relations Officer Payne described the purpose of and activities scheduled for the event.

Presentation - Mayor Sullivan called on Police Chief Ken Small who recognized Officer Brian Knorr for his heroic action to save Eleanor Smith from drowning on September 3rd. Mrs. Smith thanked Officer Knorr for his assistance.

Mayor Sullivan Spoke Regarding an Unfortunate Incident at a 3/1 Committee Fundraising Activity

Mayor Dave Sullivan described a recent incident involving a Marine who participated in a 3/1 Committee fundraising activity and was disrespected by a member of the public. The Mayor read a letter of apology he had written to the Marine, and asked citizens to support the troops in honor of their sacrifices. Councilmember Green requested a proclamation be sent to the Marine on the behalf of the City Council stating that Council concurs with the sentiments expressed in the Mayor's letter. Mayor Pro Tem Coerper stated he had attended the fundraising car washes, and is planning another fundraising event October 21, 2006. He asked citizens to support the upcoming event.

Councilmember Hardy recognized a representative from the Human Relations Task Force who was present in the Chambers and suggested that "work profession" also be recognized as a category to protect from discrimination.

Public Comments

Mary Urashima, Huntington Beach Human Relations Task Force member, thanked the Mayor and Councilmembers for their proclamation recognizing National Hispanic Heritage Month. She also commented on the incident at the Marine fundraiser, stating the behavior described is unacceptable. (23:42)

Viola Myre, affiliated with the Hispanic Chamber of Commerce of Orange County, stated her belief that Huntington Beach is the first city to recognize National Hispanic Heritage Month. She thanked Council on behalf of the business owners who belong to the Hispanic Chamber of Commerce, and thanked the Mayor Pro Tem for attending a Latino Peace Officers event recently. (25:20)

Mayor Sullivan clarified that the proclamation represents the view of the entire Council as well as the City as a whole.

Gerald Chapman voiced concerns with previous and current agenda items pertaining to the proposed new senior center, stating his opinion that public input has been limited. He asked Council to respond to questions pertaining to funding of the proposed senior center, the Owners Participation Agreement (OPA) with the developer in regards to prevailing wage, and the process for distribution of funding. (27:51)

Councilmember Hansen asked staff if an approved OPA with the developer currently exists. City Administrator Penny Culbreth-Graft explained the OPA is still in discussions, and would be presented for Council approval prior to execution.

Machelle Murray submitted photographs and described a street median near Eader School, which she said has raised tree roots and raised pavement surfaces. She stated that her daughter and other children fall and hurt themselves crossing the median near Banning and Bushard daily. Ms. Murray asked for Council's assistance, stating some of the photographs illustrate her daughter's injuries. (30:30)

City Administrator Culbreth-Graft asked Ms. Murray to fill out a blue card to allow Public Works staff to follow up.

Roy Reynolds, Managing Director of PRT Strategies, commented on the Orange County Transportation Authority's (OCTA) Go Local program and requested Council delay submission of a response. He suggested the City issue a Request for Proposals (RFP) to allow the private sector to submit ideas. Mr. Reynolds also suggested that the cities involved pool grant money to pursue the best solution. (33:05)

Ray Roberts, resident since 1978 and Democratic candidate for the 67th Congressional District, voiced his opinions regarding Measure M, Proposition 90, and adding a local link to Metrolink. He stated support for the local mobile home owners, and thanked Council for deciding to defend the mobile home park conversion ordinance. Mr. Roberts urged citizens to vote non-partisan in the upcoming election. (35:55)

Ed Kerins, President of Huntington Beach Tomorrow, urged Council to defend the mobile home park conversion ordinance and thanked Council for related action taken during Closed Session. (38:40)

Ralph Bauer, 42-year resident, voiced his support for the proposed new senior center in Central Park and submitted copies of supporting information. He described volunteer services provided to the senior center, and compared them with funds spent on senior services by the City. Mr. Bauer urged Council to approve the Consent Calendar item that pertains to funding for the new senior center. (39:42)

Shirley Dettloff thanked Council for supporting the Mayor's agenda item at the prior Council meeting pertaining to funding the proposed new senior center. She asked Council to support the related Consent Calendar item on the October 2, 2006 agenda, and asked that information provided on the topic by all sides be accurate. (42:52)

Adria Thomke, resident since 1979, voiced her support for the Consent Calendar item pertaining to funding for the proposed new senior center. She thanked Council for approving placement of the item on the ballot, and suggested funding of the project should be a budget line item. (45:25)

Jules Hooper, resident since 1968, voiced his support for the Consent Calendar item pertaining to the proposed new senior center. He noted that Congress recently passed the sixteenth reactivation of the Older Americans Act, and asked Council to approve the relevant item on the agenda. (46:51)

Mary Jo Baretich thanked Council for approving defense of the mobile home park conversion ordinance and asked them to continue to do so in the future. (48:36)

John McGregor, 40-year resident, stated his concurrence with the Mayor's comments pertaining to the Marine fundraising car wash incident. He thanked Council for agreeing to defend the mobile home park conversion ordinance. (49:38)

Tim Geddes, Southeast Huntington Beach resident, voiced his support for defense of the mobile home park conversion ordinance. He stated his opposition to Measure T, and for the funding mechanism for the proposed new senior center. He suggested citizens are detached from decisions made at City Hall and asked Councilmembers to explain their positions on agenda items. (51:06)

Tom Livengood, 42-year resident and AARP member, voiced his support for the Consent Calendar item pertaining to funding of the proposed new senior center. He clarified approval of the item would set aside funds for a senior center anywhere in the City and recited information published recently regarding the increase in needs for senior services. (54:24)

Steve Gullage, affiliated with the Huntington Beach Mobilehome Owners Association (HBMOA), offered assistance to the City and thanked Council for agreeing to defend the mobile home park conversion ordinance. (56:32)

Joe Shaw, downtown Huntington Beach business owner and candidate for City Council voiced his concerns regarding Measure T, including funding for building maintenance, traffic impacts, the future of the existing senior center, and alternatives to the consultants' recommendations. He asked Council to investigate the issue more closely before taking action. Mr. Shaw thanked Council for defending the mobile home park conversion ordinance, and thanked the Mayor for the action taken pertaining to the Marine incident. (57:21)

Chuck Beauregard thanked Council for agreeing to defend the mobile home park conversion ordinance, and for its support of the proposed new senior center. He urged Council to approve the Consent Calendar item pertaining to funding for the proposed new senior center. (1:00:35)

William J. Seymour, resident of Huntington Shorecliffs Mobile Home Park, thanked Council for agreeing to defend the mobile home park conversion ordinance. (1:02:00)

Robert Dettloff thanked Councilmembers for their efforts supporting the proposed new senior center and urged approval of the Consent Calendar item regarding funding for the center. He asked citizens to contact the Community Services Director to obtain information about plans for the portion of Central Park in question. (1:02:40)

Sharon Dana, resident of Huntington Shorecliffs Mobile Home Park, thanked the Mayor for comments he made earlier regarding the incident at the Marine fundraising car wash. She thanked Council for voting to defend the mobile home park conversion ordinance. (1:04:17)

(City Council) Announcement Made by Mayor Pro Tem Coerper of the Individual Appointment of William Smallshaw to the Fourth of July Board

The City Council considered a communication from Mayor Pro Tem Gil Coerper transmitting the following **Statement of Issue**: I am pleased to announce my appointment of William Smallshaw to the 4th of July Board.

Mayor Pro Tem Coerper made the above announcement.

City Attorney's Report of Litigation Filed – None

Consent Calendar – Items Removed for Separate Discussion

(City Council) Study of Potential Transit Extensions to Existing Metrolink Systems Between Huntington Beach and Anaheim and City Council Resolution No. 2006-64 Authorizing the City Administrator to Negotiate and Execute Cooperative Agreements with the Orange County Transportation Authority (OCTA) and/or Partnering Cities for the "Go Local" Grant Funding Program Eligibility

(City Council) Appointment of Lauren Barr to the Design Review Board (DRB) for a Term to Expire on December 31, 2010 as an Alternate At-Large Member

(City Council) Budget Amendment to Allow the Anticipated Receipt of \$25 Million in Quimby Act Park Fees from Makar Properties be Allocated as Revenue into the Park Acquisition and Development (PA&D) Fund, and \$22 Million for the Development of a New Senior Center

Consent Calendar – Items Approved

A motion was made by Green, second Coerper to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of September 5, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Adopted City Council Resolution No. 2006-63 and Redevelopment Agency Resolution No. 362 for Purchase and Installation of an Electronic Parking Space Counter and Two Reader Boards at the Main Promenade Public Parking Structure at a Cost of \$40,000. City Council

Recommended Action: Adopted Resolution No. 2006-63, *A Resolution of the City Council of the City of Huntington Beach Consenting to the Payment by the Redevelopment Agency of the Cost Associated with the Purchase and Installation of an Electric Parking Space Counter and Two Reader Boards at the Main Promenade Public Parking Structure and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445* AND Redevelopment Agency Action: Adopted Redevelopment Agency Resolution No. 362, *A Resolution of the Redevelopment Agency of the City of Huntington Beach Agreeing to Pay the Cost Associated with the Purchase and Installation of an Electric Parking Space Counter and Two Reader Boards at the Main Promenade Public Parking Structure and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445*. Submitted by the Director of Economic Development/Deputy Executive Director and Director of Community Services. Funding Source: \$20,000 allocated from the FY 05-06 General Fund Account #10045202 for Community Services; and \$20,000 from FY 06-07 monies budgeted in Account #30580101.69505 for the Redevelopment Agency. The Agency portion of funding requires an authorizing resolution.

(City Council) Approved Agreement with the Orange County Water District (OCWD) Regarding Lease of Green Acres Pipelines (GAP) for Potable and Sub-Potable Water Transmission to Huntington Central Park and Sports Complex for Irrigation - Approved and authorized the Mayor and City clerk to execute the Agreement

Between the Orange County Water District and the City of Huntington Beach Regarding Lease of Green Acres Pipelines for Potable and Sub-Potable Water Transmission Purposes. Submitted by the Director of Public Works. Funding Source: Funds for the Well No. 8/GAP Project are budgeted under Water Fund account 50691024.82100. The cost of the lease is \$1 per year.

(City Council) Approved a Five-Year Management Agreement with the John Stewart Company, Inc. for the Operation and Management of the City-Owned Emerald Cove Senior Apartment Complex, Authorized the Mayor and City Clerk to Execute Agreement, and Appropriated \$88,920 from the Emerald Cove Fund Balance Fund 503 to FY 2006-07 to Cover Anticipated Expenses - 1) Approved the

Management Agreement Between The City of Huntington Beach and John Stewart Company, Inc. for the Management of Emerald Cover Senior Housing Complex subject to approval of the insurance and bond requirements by the City Attorney; 2) Authorized the Mayor and City Clerk to execute the agreement; and, 3) Designated \$88,920 of Emerald Cover Fund Balance at September 30, 2006 to cover anticipated increases to the 2006-07 requested budget. Submitted by the Director of Economic Development. Funding Source: \$400,000 is budgeted for this contract in FY 06/07 Emerald Cove Account 50380101.69505. An additional \$88,920 is requested from the Emerald Cove Fund Balance Fund 503 during the 2006/07 fiscal year. Subsequent years budgets will reflect a not-to-exceed amount of \$488,920 per year.

(City Council) Approved Resolution No. 2006-65 Replacing the Non-Permanent Salary Schedule Effective May 11, 2002 with the Pay Schedule for Part-Time Non-Permanent and Non-Classified Employees Effective October 2, 2006 - Adopted Resolution No. 2006-65, *A Resolution of the City Council of the City of Huntington Beach Replacing the Non-Permanent Salary Schedule Effective May 11, 2002 With the Pay*

Schedule for Part-Time Non-Permanent and Non-Classified Employees Effective October 2, 2006. Submitted by the Deputy City Administrator. Funding Source: Funds are available in the 2006-07 Fiscal Year budget for non-permanent part-time salaries. The new pay structure will not create automatic pay adjustments, but rather provides management the flexibility to implement pay adjustments based on operational needs to attract or retain qualified personnel. Employee pay adjustments are to be absorbed by the development funding levels in the 2006-07 Fiscal Year budget.

(City Council) Approved Final Tract Map No. 16740 Located at 19150 Gothard Street and Accepted Offer of Dedication, Improvements and Bonds and Approved Subdivision Agreement Between the City and Tuscany Development, Inc. for the Construction of 28 Two-Story Townhome Units (Kelter Homes) - 1) Approved Final Tract Map No. 16740 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements; and 2) Approved the Subdivision Agreement By and Between the City of Huntington Beach and Tuscany Development, Inc. for Tract No. 16740, and authorized execution by the Mayor and City Clerk. Submitted by the Acting Director of Planning. Funding Source: Not applicable.

(City Council) Approved Affordable Housing Agreement, Declaration of Conditions, Covenants and Restrictions (CCR's) for Five (5) 'Restricted to Moderate Income' Units of a Twenty Eight (28) Unit Project - Kelter Homes/Tuscany Development, Inc. Located at 19150 Gothard Street - Approved the Agreement Containing Covenants Affecting Real Property By and Between the City of Huntington Beach and Tuscany Development Inc., and authorized the Mayor and City Clerk to sign and execute. Submitted by the Acting Director of Planning. Funding Source: Not applicable.

(City Council) Approved Study of Potential Transit Extensions to Existing Metrolink Systems Between Huntington Beach and Anaheim and Adopted City Council Resolution No. 2006-64 Authorizing the City Administrator to Negotiate and Execute Cooperative Agreements with the Orange County Transportation Authority (OCTA) and/or Partnering Cities for the "Go Local" Grant Funding Program Eligibility

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue:** The Orange County Transportation Authority (OCTA) has made grants of \$100,000 available to each Orange County city to identify and study potential connections to the existing Metrolink system. Staff is seeking authorization to pursue a grant in potential partnership with the cities of Westminster, Stanton, Garden Grove and Anaheim in a cooperative process and allow the City Administrator to enter into those agreements. **Funding Source:** OCTA has allocated up to \$100,000 for each Orange County agency to study alternatives. City participation funds are not required and not anticipated to be needed to complete the study effort.

Councilmember Hansen requested that this agenda item be removed from the Consent Calendar to inquire about deadlines for application and components of the application. Deputy Public Works Director Dave Webb explained completed applications are due in December 2007. Councilmember Green commented on the OCTA Board's preference that proposals be submitted as soon as possible for consideration, stating the awards of

funding would be made after the December 2007 deadline. Councilmember Hansen requested that the final portion of the connection between Metrolink and the beach be a critical component of the project.

A motion was made by Hansen, second Hardy to 1) Approve the general project concept to investigate and perform a detailed feasibility analyses for a potential Transit Line to Huntington Beach and Anaheim; and 2) Adopt Resolution No. 2006-64, *A Resolution of the City Council of the City of Huntington Beach Authorizing the City Administrator to Negotiate and Execute Cooperative Agreements with the Orange County Transportation Authority ("OCTA") and/or Partnering Cities to Apply for and Receive Grant Funding Under OCTA'S "City-Initiated Transit Extension to Metrolink" (Also Known as "Go Local") Funding Program*; where the City Attorney approves those agreements as to form. The motion carried by the following roll call vote:

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

(City Council) Approved Appointment of Lauren Barr to the Design Review Board (DRB) for a Term to Expire on December 31, 2010 as an Alternate At-Large Member

The City Council considered a communication from the Acting Director of Planning transmitting the following **Statement of Issue**: There is a vacancy on the Design Review Board (DRB) due to the resignation of William Crouch, Alternate At-Large member. This appointment will provide a second alternate at-large member to ensure that a quorum can be achieved for each DRB meeting. Transmitted for City Council consideration is the City Council Liaisons' recommended appointee for the alternate at-large position. **Funding Source**: Not applicable.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to ask for clarification on the selection criteria and availability of the appointee to attend meetings. Acting Director Hess explained the appointee is a full-time City of Laguna Woods employee, and the position is an alternate, which would not require attendance at every meeting.

A motion was made by Bohr, second Coerper to approve the appointment of Lauren Barr to the Design Review Board for a term to expire on December 31, 2010, as an alternate at-large member. The motion carried by the following roll call vote:

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

(City Council) Approved Budget Amendment to Allow the Anticipated Receipt of \$25 Million in Quimby Act Park Fees from Makar Properties be Allocated as Revenue into the Park Acquisition and Development (PA&D) Fund, and Allocated \$22 Million for the Development of a New Senior Center

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue**: City Council directed staff to appropriate the estimated \$25 million in MAKAR's Quimby Act park fees for the Pacific City project into the budget along with an allocation of \$22 million for a new senior center. **Funding Source**: Park Acquisition & Development Fund

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to comment on her concerns pertaining to the item. She described a nexus study, required by the Quimby Act, in which the City must demonstrate the connection between the project and the fees being used for the project. She stated concerns about currently unfunded park projects including soil remediation, building renovations, and Erby Park development. She voiced her opinion that a City ordinance requires land dedication from the developer in addition to in-lieu funds, stating the fees collected from MAKAR should be used in the coastal zone. Councilmember Cook stated she would not support the Recommended Action.

Councilmember Hardy commented on statements made by both supporters and opponents of Measure T. She voiced her support for a new senior center built on land that is newly dedicated as parkland rather than paving current parkland. Councilmember Hardy clarified that no specific project site is listed in the Recommended Action; therefore she would not support it.

A motion was made by Coerper, second Green to approve a budget amendment that would allocate \$25 million from MAKAR's anticipated Quimby Act park fees as revenue into the Park Acquisition and Development (PA&D) Fund, and allocate \$22 million for the development of a new senior center. Any funds not expended on the senior center would return to the PA&D Fund. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, and Hansen
NOES: Hardy, and Cook

Mayor Sullivan announced a televised debate regarding Measure T is being organized, with the exact date to be determined.

(City Council) Adopted Ordinance No. 3750 Amending District Map 14, Zoning Map Amendment (ZMA) No. 04-01, Located on a 23.1 Acre Parcel of Land (Newland Street Residential Project)

A motion was made by Green, second Coerper to after the City Clerk read by title, adopt Ordinance No.3750, *An Ordinance of the City of Huntington Beach Amending District Map 14 (Sectional District Map 13-6-11) to Rezone the Real Property Generally Located at the Northwest Corner of Newland Street and Hamilton Avenue from IL-O-FP2 (Limited Industrial-Oil District Overlay-Floodplain) to RM-FP2 (Medium Density Residential-Floodplain) (Zoning Map Amendment No. 04-01)*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, and Hansen
NOES: Cook

Councilmember Hardy noted adoption of this ordinance would result in a zoning change for a section of southeast Huntington Beach, from industrial to residential.

(City Council) Adopted Ordinance No. 3751 Amending the Huntington Beach Municipal Code to Reflect the Duties and Assignments of the City Treasurer and the Finance Director

A motion was made by Coerper, second Green to after the City Clerk read by title, adopt Ordinance No.3751, *An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code to Reflect the Duties and Assignments of the City Treasurer and the Finance Director.* The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hansen, and Cook
NOES: None
ABSENT: Hardy (Councilmember Hardy was out of the room at the time of the vote.)

(City Council) Adopted Ordinance No. 3752 Amending the Huntington Beach Municipal Code to Add Chapter 2.15 Finance Department

A motion was made by Green, second Coerper to after the City Clerk read by title, adopt Ordinance No.3752, *An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 2.15 Finance Department.* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3753 Amending the Huntington Beach Municipal Code to Add Chapter 1.22 Relating to Claims Against the City of Huntington Beach

A motion was made by Coerper, second Green to after the City Clerk read by title, adopt Ordinance No. 3753, *An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code to Add Chapter 1.22 Relating to Claims Against the City of Huntington Beach.* The motion carried by the following roll call vote:

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

(City Council) Councilmember Green Recognized Goldenwest College Fortieth Birthday, Coastkeepers' Gala, and Announced 3/1 Marines Birthday Ball Scheduled for November 18, 2006

Councilmember Cathy Green wished a happy fortieth birthday to Goldenwest College. She stated she had attended a wonderful Coastkeepers' Gala. She announced the Marines' annual Birthday Ball would be held at the Huntington Beach Hyatt on November 18, 2006. Councilmember Green explained that the 3/1 Committee is asking for donations of gowns for a gown exchange for the Marines' wives; contact Cindy Cross at (714) 375-3131 or hb4marines@aol.com for more information.

(City Council) Mayor Sullivan Announced Opening of Supertime U.S.A., Shipley Nature Center Native Plant Sale October 7, 2006

Mayor Dave Sullivan stated that he and the Mayor Pro Tem attended the grand opening of Supertime U.S.A. located near Bolsa Chica Street and Heil Avenue. He announced that the Shipley Nature Center is holding a native plant sale on Saturday, October 7, 2006 from 9:00 a.m. to 1:00 p.m.

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:44 p.m. to Monday, October 16, 2006, at 4:00 p.m., in Room B-8, 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