

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

Monday, November 8, 2004  
5:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:00 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.

**Call to Order**

Mayor Green called the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook, Winchell  
Absent: Hardy (arrived during the Closed Session)

**Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Winchell  
NOES: None  
ABSENT: Hardy

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) (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: 1-200. Subject: **Potential Litigation.** (120.80)

**Reconvened City Council/Redevelopment Agency Meeting – 6:52 P.M. – Council Chambers.**

**City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Winchell  
Absent: None

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

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

**The City Clerk Announced Late Communications**

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

Communication submitted by the Director of Economic Development and the City Administrator dated November 8, 2004 titled *Late Communication for Agenda Item G-1b*, which are meeting notes from the Mobile Home Advisory Board.

Communication submitted by John Sisker, Founding Director, Manufactured Home Owners Network, dated November 8, 2004 titled *Late Communication Mobile Home Park Relocation Ordinance (Update) No. 3689 Item: G-1b, Retaliation issues related to Mobile Home Relocation Ordinance*.

Communication submitted by Councilmember Gil Coerper titled *(City Council) Adopt Ordinance No. 3689*, which outlines questions and suggests changes to the ordinance.

Communication submitted by David F. Gondek, Lewis Brisbois Bisgaard & Smith LLP, dated November 8, 2004 titled *Consideration of Ordinance No. 3689 by the City Council Amending Chapter 234 of the Huntington Beach Municipal Code (Mobilehome Park Conversions), Notice of Intention of Manufactured Housing Education Trust to Initiate Legal Proceedings to Invalidate Ordinance No. 3689 and Seek Damages for Unlawful Actions Associated with Adoption of Ordinance No. 3689*.

**The Following Additional Late Communications Were Submitted During the Meeting:**

Communication submitted by Vickie Talley, Executive Director, Manufactured Housing Educational Trust (MHET) dated November 8, 2004 and titled *Example of Sales Prices of Mobile Homes in Huntington Beach Mobile Home Parks*.

Communication submitted by Steve Gullage, President, Golden State Mobilhome Owners League (GSMOL), undated, titled *7.12.00.00 – MOBILE HOMES*.

Communication submitted by Steve Gullage, President, Golden State Mobilhome Owners League (GSMOL), dated February 14, 2001 and titled *RLS#2000-994 (Mobile Home Park Conversions Ordinance)*, which is an Inter-Department Communication from Gail Hutton, (former) City Attorney to David Biggs, Director of Economic Development.

**Public Comments**

**Mary Jo Baretich** asked the City Council to adopt Ordinance No. 3689 in its present form.

**Elmer Smith** spoke in favor of adopting Ordinance No. 3689 and informed Council how he is affected by the ordinance.

**Joey Racano** spoke relative to Ordinance No. 3689, lawsuits, rent increases, and the election. Mr. Racano stated his support for adoption of the ordinance.

**Vickie Talley**, Executive Director, Manufactured Housing Educational Trust (MHET), spoke in opposition to the adoption of Ordinance No. 3689 referring to Late Communications submitted by herself and by the firm representing the MHET, Lewis Brisbois Bisgaard & Smith. Ms. Talley informed Council of her opinions on real property versus personal property, and to what she referred to as an illegal taking of land.

Councilmember Debbie Cook asked the previous speaker for clarification on property taxes paid by mobile home owners. Ms. Talley replied informing Council of vehicle license and property taxes as they relate to mobile homes.

**Steve Gullage**, President, Golden State Mobilhome Owners League (GSMOL) thanked Council for their efforts on behalf of mobile home owners. Mr. Gullage spoke regarding "in place" and fair market value referring to State Code and an inter-department communication from the former City Attorney, as provided in two Late Communications.

Councilmember Dave Sullivan inquired about the speaker's interpretation of rent control and a specific court case. Mr. Gullage replied in agreement with Councilmember Sullivan's comments.

**(City Council) - Adopted Ordinance No. 3689 Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions - Item Continued from November 1, 2004 (450.20)**

City Clerk Flynn stated for the record the Late Communications submitted by the preceding public speakers, as they pertain to this item.

Council discussion ensued relative to rent control, fair market value, and litigation.

A motion was made by Boardman, second Sullivan to adopt **Ordinance No. 3689** – *"An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions."* (Approved for introduction as amended at the 10/18/04 Public Hearing.) (Vote to follow after votes on substitute straw motions)

Councilmember Gil Coerper indicated his support for the proposed ordinance; however he stated concerns relative to violations of federal, state or civil laws, costs of defense in the event of litigation, and park owner exemptions.

City Attorney Jennifer McGrath discussed the potential of state pre-emption and of costs of defense including the defense of City Councilmembers.

The City Council decided to take straw votes, as substitute motions, based on Councilmember Coerper's Late Communication dated November 8, 2004:

A **straw** motion was made by Coerper, second Green to change the relocation radius to 30 miles (vote to follow).

Mayor Pro Tem Jill Hardy asked for clarification on relocation reimbursements outside the approved radius. After receiving clarification from the City Attorney, Mayor Pro Tem Hardy stated her opposition to the substitute motion straw vote.

Councilmember Connie Boardman asked for clarification if any changes made to the ordinance at this meeting could result in re-introduction, to which the City Attorney replied in the affirmative.

The **straw** motion **failed** by the following roll call vote:

AYES: Coerper, Green  
NOES: Sullivan, Hardy, Boardman, Cook, Winchell  
ABSENT: None

A **straw** motion was made by Coerper, second Green to strike the word "New" from subsection 2 on page 4 of the Legislative Draft. The **straw** motion **failed** by the following roll call vote:

AYES: Coerper, Green  
NOES: Sullivan, Hardy, Boardman, Cook, Winchell  
ABSENT: None

A **straw** motion was made by Coerper, second Green to strike the words "Negligent failure" throughout subsection D(2) on page 8 of the Legislative Draft. The **straw** motion **failed** by the following roll call vote:

AYES: Coerper, Green  
NOES: Sullivan, Hardy, Boardman, Cook, Winchell  
ABSENT: None

A **straw** motion was made (no second) and subsequently **withdrawn** by Coerper to further study the ordinance and have it reviewed by the Planning Commission.

Further Council discussion followed regarding replacement costs, legal issues, and the possible results if the ordinance is invalidated by the courts.

City Attorney McGrath discussed state law pre-emption including constitutionality of the ordinance.

Councilmember Sullivan stated his support for adopting Ordinance No. 3689 without delay.

Mayor Cathy Green stated her opposition to adopting Ordinance No. 3689 in its present form.

The **original** motion was voted on, and carried by the following roll call vote:

AYES: Sullivan, Hardy, Boardman, Cook, Winchell  
NOES: Coerper, Green  
ABSENT: None

**(City Council) Councilmember Sullivan Announced November 11, 2004 Veteran's Day Celebration at Pier Plaza at 11:00 a.m. (120.85)**

Councilmember Dave Sullivan announced on November 11, 2004 a Veteran's Day Celebration will be held at Pier Plaza starting at 11:00 a.m.

**Adjournment – City Council/Redevelopment Agency**

Mayor Green adjourned the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:37 p.m. to Monday, November 15, 2004, at 5:00 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