

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

Monday, August 8, 2005
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

Call to Order

Mayor Hardy called the special meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:00 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen (arrived at 6:15 p.m.), Coerper, Sullivan, Hardy, Green, Bohr (out of room at roll call), Cook

Absent: None

The City Clerk Read Call for Special Meeting

City Clerk Joan L. Flynn read the Call for Special Meeting Notice

CALL FOR CITY COUNCIL SPECIAL MEETING

CITY OF HUNTINGTON BEACH

MONDAY, AUGUST 8, 2005

Jill Hardy, Mayor
Dave Sullivan, Mayor Pro-Tem
Don Hansen, Council Member
Gil Coerper, Council Member
Cathy Green, Council Member
Keith Bohr, Council Member
Debbie Cook, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the ***Civic Center Council Chambers, 2000 Main Street, Huntington Beach, CA 92648*** at the hour of ***6:00 p.m.*** on ***Monday, August 8, 2005*** in order to allow discussion of the following agenda items:

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation of which facts and circumstances, including, but not limited to an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Owner Participation Agreement By and Between the Redevelopment Agency of the City of Huntington Beach and Huntington Center Associates** (120.80)

(City Council/Redevelopment Agency) Open Session – Approve or Deny the First Implementation Agreement By and Between the Redevelopment Agency and Huntington Center Associates, LLC - Approve or Deny Assignment Assumption Agreements for Bella Terra Associates, LLC (600.30) Approve or Deny the First Implementation Agreement by and between the Redevelopment Agency and Huntington Center Associates, LLC; Approve or Deny Assignment Assumption Agreements for Bella Terra Associates, LLC for the Transfer of the Site and the Operation of the Parking Structure and, if approved, Authorize the City Administrator to Execute on Behalf of the City All Documents Necessary to Carry Out and Implement the Assignment Assumption Agreements.

Dated: August 5, 2005

ATTEST: City Clerk

Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 6:00 p.m. on Sunday, August 7, 2005.

Mayor

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 Charlie Bunten of US Technology Resources, L.L.C. dated August 8, 2005 and titled *Owner Participation Agreement Transfer – Bella Terra* urging Council to vote yes to transfer the Owner Participation Agreement to DJM Capital Partners.

Communication submitted by City Attorney Jennifer McGrath dated August 8, 2005 titled *Late Communication, City Council Meeting of August 8, 2005, (City Council/Redevelopment Agency) Approve or Deny the First Implementation Agreement By and Between the Redevelopment Agency and Huntington Center Associates, LLC, Approve or Deny Assignment Assumption Agreements for Bella Terra Associates, LLC* transmitting amendments to the Request for City Council/Redevelopment Agency Action (RCA).

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Green to recess to Closed Session on the following items. The motion carried by unanimous consent of all present, none absent.

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation of which facts and circumstances, including, but not limited to an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Owner Participation Agreement By and Between the Redevelopment Agency of the City of Huntington Beach and Huntington Center Associates** (120.80)

Reconvene City Council/Redevelopment Agency - Council Chambers – 7:10 p.m.

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

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).**The City Clerk Restated Late Communications**

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

Communication submitted by Charlie Bunten of US Technology Resources, L.L.C. dated August 8, 2005 and titled *Owner Participation Agreement Transfer – Bella Terra* urging Council to vote yes to transfer the Owner Participation Agreement to DJM Capital Partners.

Communication submitted by City Attorney Jennifer McGrath dated August 8, 2005 titled *Late Communication, City Council Meeting of August 8, 2005, (City Council/Redevelopment Agency) Approve or Deny the First Implementation Agreement By and Between the Redevelopment Agency and Huntington Center Associates, LLC, Approve or Deny Assignment Assumption Agreements for Bella Terra Associates, LLC* transmitting amendments to the Request for City Council/Redevelopment Agency Action (RCA).

Public Comments

Milton Swimmer, representing J.H. Snyder Corporation, thanked Council for scheduling the Special Meeting, reported on the status of completion of the Bella Terra project, and asked Council to approve the recommended action.

Lindsay Parton, Managing Member of DJM Acquisitions Group and Bella Terra Associates thanked Council for time taken to consider the agreement, announced his availability to answer questions, and urged Council to approve the agreements.

(City Council/Redevelopment Agency) Approved the First Implementation Agreement By and Between the Redevelopment Agency and Huntington Center Associates, LLC - Approved Assignment and Assumption Agreements Between the City, Huntington Center Associates, LLC and Bella Terra Associates, LLC for Operating Agreement for Huntington Center Parking Structure and Approved Assignment and Assumption Agreement for Owner Participation Agreement (OPA) between the Redevelopment Agency, Huntington Center Associates, LLC and Bella Terra Associates, LLC (600.30)

City Administrator Penny Culbreth-Graft reported orally. Council inquiries ensued regarding the terms of the assignment and the guarantee of completion of the project. Deputy City Attorney Leonie Mulvihill reported.

A motion was made by Coerper, second Bohr to:

Recommended City Action:

- 1. Approve the Assignment and Assumption Agreement between the City of Huntington Beach, Huntington Center Associates, LLC, and Bella Terra Associates, LLC, for the Operating Agreement for the Huntington Center Parking Structure;
- 2. Authorize the City Administrator to execute on behalf of the City all documents necessary to carry out and implement the Assignment and Assumption Agreement.

Recommended Agency Action:

- 1. Approve the Assignment and Assumption Agreement for the OPA dated October 2, 2000, between the Redevelopment Agency of the City of Huntington Beach, Huntington Center Associates, LLC, and Bella Terra Associates, LLC;
- 2. Approve First Implementation Agreement by and between the Redevelopment Agency and Huntington Center Associates, LLC and authorize the Agency Chairman and Agency Clerk to execute the agreement.

As amended above by Late Communication submitted by City Attorney Jennifer McGrath. The motion carried by the following roll call vote:

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

Adjournment – City Council at 7:22 p.m.

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