

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

Revised ACTION AGENDA **CITY COUNCIL/REDEVELOPMENT AGENCY** **CITY OF HUNTINGTON BEACH**

MONDAY, JULY 18, 2005

4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8
The City Clerk will recess the 4:00 P.M. portion of the Meeting to 4:30 P.M. due to an anticipated lack of quorum.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
All Present

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Study Session

Public Comments Regarding 4:30 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items
None

(City Council/Redevelopment Agency) Study Session – Presentation by the Department of Public Works re: The Water Master Plan Update – Rate Study (160.10)

In conjunction with the ongoing update of the Water Master Plan and the financing plan thereof, a water rate study was commissioned. The purpose of the study is to investigate and develop recommendations regarding a possible conservation-based or “tiered” water rate consistent with Water Fund and Master Plan Fund revenue requirements. Preliminary results of this study will be presented this evening.

PowerPoint titled *Water Master Plan Update Status and Presentation of Water Rate Study – July 18, 2005* is included in the agenda packet.

Acting Public Works Director Paul Emery and Utilities Manager Howard Johnson gave an overview and introduced Senior Administrative Analyst Ken Dills, who presented a PowerPoint report detailing water rate methodology and formulas. Reed Schmidt from Bartle Wells Associates spoke on details of proposed tiered plans, seasonal rate plans and gave examples of local cities with tiered rate structures.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

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

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. - Council Chambers – 6:12PM

Reconvene City Council/Redevelopment Agency Meeting

The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).

None

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

All Present

Pledge of Allegiance/Flag Salute – To be led by the Mayor ~~the Mayor~~ Boy Scout Troop 1134

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

~~Invocation – To be announced by the Mayor~~ **Moment of Silence**

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

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Study Session, D-1, E-4 (3 items)

Presentation – Mayor Jill Hardy to call on Marine Safety Chief Kyle Lindo and Junior Guard Coordinator Dave Simcox to introduce Junior Lifeguard Program students from New Zealand who are visiting and are participating in the program. (160.40)

Students presented the Mayor with a framed photograph of the beach at Tyra, New Zealand. Mayor Hardy presented students with mementos of Surf City.

Presentation – Mayor Jill Hardy to call on Mayor Pro Tem Dave Sullivan and Councilmember Gil Coerper to recognize the volunteers who helped with the Fourth of July Picnic hosting the 3/1 Marine Battalion that has been adopted by the City. (160.40)

Volunteers were presented with tokens of appreciation.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium).

Speaker, a resident within Santa Ana River Watershed District, belongs to Santa Ana River Alliance, which is in opposition to item E-4, and referred to Late Communications she had submitted which details water runoff and water flooding issues. Asked Council to consider alternative land uses for these areas, rather than nurseries.

Speaker with Orange County Coastkeepers stated opposition to approval of item E-4. Stated Munroe Nursery site is one of the worst they've seen for water quality/urban runoff issues. Asked Council to deny lease extension since the Nursery is not meeting commitments now. Asked that a Monroe Nursery Water Quality Management Plan be available for public review.

Speaker stated concerns on item H-1a and Council approving code that would discriminate against medical patients. Asked Council to uphold patient's rights to access of safe medicine.

Speaker stated 3 weeks ago a ballplayer was injured at ballpark in Worthy Park on fence. Commended police officer that took a report on the incident. Stated further concerns with the Homeowners Association in several areas.

Huntington Beach resident announced 2nd Harvest Food Bank Charity successes, recent totals, and spoke of a local food drive she will be hosting at her house. Goal to raise 100,000 pounds of food. Announced Summer Drive at Orange County Fair on July 20 from 12 Noon to 6PM.

Speaker, a Santa Ana Watershed Alliance member, spoke on item E-4 and asked Council not to approve agreement at this time. Asked for the opportunity to purchase land to add to the Santa Ana River Parkway. Also spoke regarding Orange County Sanitation District work and damage to local citizen's properties. Asked Council to consider this in light of proposed Poseidon project.

Speaker urged Council to vote "No" on desalination plant when it is agendized. Stated concerns related to where water would go.

Speaker spoke regarding Wave column and Poseidon donations to Councilmembers' campaigns. Stated opinion that the most important issue is if the EIR is adequate.

Speaker in opposition to Poseidon desalination plant and stated EIR is untruthful and gave examples. Asked Council to deny EIR report.

Speaker referred to recent closure of elementary school and ongoing construction, methane issues, Ascon dumpsite, Sanitation District lawsuit and now potential Poseidon desalination plant. Suggested Councilmembers consider appearances in regard to campaign contributions.

A 29-year southeast Huntington Beach resident spoke in opposition to proposed Poseidon desalination project. Reported on details on Tampa Bay desalination project problems.

Councilmember Cook reported that Metropolitan Water District awarded millions for desalination projects. Suggested interested parties contact Metropolitan Water District of Orange County Boardmembers.

C-1. Council Committee/Appointments/Liaison Reports (110.10)

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

Councilmember Coerper thanked volunteers for 4th of July 3/1 events. Reported that at the next Council meeting the 3/1 liaison will report.

C-2. City Administrator's Report

None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's May 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2005* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report and Summary of Investments for May 2005.

Recommended Action: Motion to:

Review and accept the Monthly Investment Report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 7 – 0

D - PUBLIC HEARING

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Adoption of the 2004 California Electrical Code and Adopt Ordinance No. 3719 Amending Chapter 17.48 of the Huntington Beach Municipal Code Relating to the Electrical Code (640.15)

Communication submitted by the Building and Safety Director.

Public hearing to receive and consider statements of all persons who wish to be heard relative to the application described below: Ordinance No. 3719.

Adoption of the STATE OF CALIFORNIA ELECTRICAL CODE – an Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by amending Chapter 17.48 to adopt the California Electric Code, 2004 Edition, as modified pursuant to Ordinance No. 3719.

Notice is further given that at least one copy of the California Electric Code is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public. A copy of the proposed Ordinance is on file in the Office of the City Clerk, 2000 Main Street, Huntington Beach, California, for inspection by the public.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the proposed ordinance. If there are any further questions, please call the Building & Safety Department at 714/536-5677 and refer to the above item. Direct any written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to: After the City Clerk reads by title, adopt **Ordinance No. 3719, An Ordinance of the City of Huntington Beach Amending Chapter 17.48 of the Huntington Beach Municipal Code Relating to the Electrical Code** for the adoption of the 2004 amended edition of the California Electrical Code by roll call vote. (Approved for introduction on July 5, 2005)

Permit-Plan Check Manager Gerald Caraig reported verbally. Open Public Hearing, City Clerk reiterated Late Communication, 1 speaker, close Public Hearing. Adopted 7 – 0

D-2. (City Council) Public Hearing to Consider the Approval of Conditional Use Permit (CUP) No. 2005-015 (Second Master CUP for 42 Condominium Conversions on 11 Properties) (420.40)

Communication from the City Attorney and Planning Director.

Public Hearing on the following Planning and zoning items: Conditional Use Permit No. 2005-015 (Condominium Conversions)

Applicants: Multiple Property Owners

Request: To approve approximately 42 condominium units on approximately 11 properties.

Locations: 1703 Alabama Street, 7342 Garfield Avenue, 317 Seventeenth Street, 214 Twentieth Street, 1418 Orange Avenue, 18891 Valley Circle, 202 Fifteenth Street, 322 Nineteenth Street, 426 Twenty-Second Street, 218 Sixteenth Street, 2505 Delaware Street.

Environmental Status: Notice is hereby given that this Item is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

On file: A copy of the proposed requests is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Wednesday, July 13, 2005.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion

3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to approve Conditional Use Permit No. 2005-015 with findings and conditions for approval (Attachment No. 1).

Senior Planner Jane James presented a PowerPoint report. Open Public Hearing, 2 speakers, close Public Hearing.

Approved 7 – 0

D-3. (Redevelopment Agency) Public Hearing to Evaluate the Progress of the Five Year Implementation Plan (2002-2007) for the Southeast Coastal Redevelopment Project Area (400.20)

Communication from the Acting Assistant Executive Director.

Public hearing to evaluate the progress of the Five Year Implementation Plan (2002 - 2007) of the Southeast Coastal Redevelopment Project Area. The purpose of the Implementation Plan is to identify the specific goals and objectives for the project area, describe the specific programs, including potential projects and estimated expenditures that would be made during the five years, and explain how these activities will eliminate blight.

All interested persons are invited to attend the hearing and express their opinions on the projects identified in the Five Year Implementation Plan. Direct your written comments to the Agency Clerk prior to the date and time set for the hearing. For further information, call the Department of Economic Development at (714) 536-5224.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to: Conduct a public hearing and to receive staff presentation and public testimony on progress of the Five Year Implementation Plan for the Southeast Coastal Redevelopment Project Area (2002-2007)

Economic Development Consultant, Mike Hennessey presented a PowerPoint report. Open Public Hearing, close Public Hearing.

Approved 7 – 0

D-4. (City Council) Public Hearing to Consider for Approval the 2005/2006 Housing and Urban Development (HUD) Action Plan and Authorize Submission to the U.S. Department of Housing and Urban Development (340.70)

Communication from the Acting Economic Development Director.

Public Hearing on the 2005/2006 Action Plan in accordance with the City's Consolidated Plan (CP) as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,591,169 in Community Development Block Grant (CDBG) funds, and \$823,233 in HOME Investment Partnership (HOME) funds, and \$28,222 in American Dream Downpayment Initiative (ADDI) funds. The 2005/2006 Action Plan proposes the CDBG, HOME, and ADDI budgets from October 1, 2005 to September 30, 2006, a twelve-month period.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) held two public hearings on community needs and held subsequent monthly public meetings. Citizens may review and comment on the draft 2005/2006 Action Plan in the Department of Economic Development. The public comment period will begin July 15 and end August 14, 2005. Public comments received during this time will be attached to the Action Plan and sent to HUD.

CDBG REVENUE:	AMOUNT
CDBG 2005/2006 Entitlement Grant	\$1,591,169
PROPOSED CDBG ACTIVITIES:	
Administration	\$281,081
Fair Housing Council	37,152
City Gym & Pool Sec. 108 Loan Payment	257,057
Code Enforcement Program	173,831
ADA Ramp Construction	110,000
Street Construction	150,000
Beach Wheelchairs	14,130
Fire Station Facilities	125,760
Oak View Community Park Lighting	40,000
Housing Rehabilitation Loan Program– Administration	163,482
Adult Day Services of Orange County	10,000
Community Care Health Centers	22,500
Community Service Programs	27,000
Oak View Community Center/Children's Bureau	53,004
Oak View Library Literacy	17,500
Project Self-Sufficiency	46,802
Seniors Outreach Program	61,869
TOTAL:	\$1,591,168

HOME Investment Partnership

In an effort to expand and preserve its existing affordable housing stock, Huntington Beach has worked with Community Housing Development Organizations (CHDOs) to acquire multifamily rental properties. These buildings are rehabilitated and then are made available to persons below 60% of Orange County median income for a minimum of 30 years. The CHDO must enter into an agreement with the City that outlines all of the affordability requirements, property maintenance standards, and long-term monitoring requirements that are required by HOME regulations.

The following activities are proposed for the 2005/2006 HOME program:

HOME REVENUE:	AMOUNT
HOME 2005/2006 Entitlement Grant	\$ 823,233
HOME PROPOSED ACTIVITIES:	
Administration	82,323
Acquisition	740,910
	\$823,233

American Dream Downpayment Initiative (ADDI)

ADDI is designed to assist eligible first-time homebuyers with downpayment and/or closing costs in purchasing single-family homes. All funds are proposed for direct assistance.

ADDI REVENUE:	AMOUNT
ADDI 2005/2006 Entitlement Grant	\$ 28,222

The CP sets local policies and priorities for the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons. The city intends to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations in order to provide for: the production and operation of affordable housing; a suitable living environment improving the safety and livability of neighborhoods; assistance to homeless persons and persons at risk of becoming homeless to obtain appropriate housing, without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; and expand economic opportunities including job creation and retention.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

1. Approve the Fiscal Year 2005/2006 Recommended Funding Action Plan (Attachment 1) for the CDBG Program in the amount of \$1,591,169 and the HOME Program in the amount of \$823,233 and the American Dream Downpayment Initiative Program in the amount of \$28,222; Authorize the City Administrator to execute the required certifications;

and

2. Authorize submission of the Action Plan to the U.S. Department of Housing and Urban Development.

Economic Development Consultant, Mike Hennessey presented a PowerPoint report. Council inquiries regarding funding. Open Public Hearing, 3 speakers, close Public Hearing. Council discussion. Recommended Action amended to move \$25,000 from Project Self Sufficiency (P.S.S.) to Community Care Health Centers and to fund P.S.S. shortage at budget time.

Approved as amended 5 – 2 (Hardy, Cook - No)

ADMINISTRATIVE PUBLIC HEARING

D-5 is an Administrative Public Hearing and is required by Huntington Beach Municipal Code Section 1.18. ONLY affected property owners are entitled to speak at this administrative hearing. Anyone wishing to speak is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium. All other interested parties may speak during the regular Public Comments section of the agenda at the beginning of the meeting.

D-5. (City Council) Administrative Public Hearing to Consider Adoption of Resolution No. 2005-44 Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Treasurer and the City Attorney.

An Administrative public hearing to consider the adoption of proposed Resolution 2005-44 entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments

for *Collecting Delinquent Civil Fines for Municipal Code Violations.*” The public hearing is held pursuant to California Government Code Section 38773.5 and Huntington Beach Municipal Code 1.18.150.

1. Staff report
2. City Council discussion
3. Open administrative hearing
4. Following input from affected property owners **only**, close administrative hearing (The general public may speak during Public Comments)

Recommended Action: Motion to: Adopt **Resolution No. 2005-44** entitled “*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*”

City Attorney McGrath reported. Open Public Hearing, close Public Hearing.

Approved 7 – 0

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Special Meeting of June 27, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Approved 7 – 0

E-2. (Redevelopment Agency) Approve the Assignment and Assumption Agreement between Bridges America Sher Lane, L.P., VPM Sher Lane L.P., and the Redevelopment Agency for the Sale of Sher Lane Apartments (66-unit apartment complex located at 16112 Sher Lane) (600.30) – Approve the *Assignment and Assumption Agreement* and authorize its execution by the Executive Director, Agency Secretary and Agency Counsel. Submitted by the Acting Assistant Executive Director of the Redevelopment Agency. Funding Source: Not Applicable.

Approved 7 – 0

E-3. (City Council) Accept the State of California Standard Agreement of a Department of Boating and Waterways Grant for \$23,000 for Replacement of Boat Pumpout/Dump Station Facility at the Warner Public Dock in Huntington Harbour (600.20) – 1. Accept the grant award of \$23,000 from the Department of Boating and Waterways for replacement of the boat pumpout/dump station facility in Huntington Harbour; and **2.** Authorize transfer of \$23,000 from the designated grant fund into Beach Maintenance Account No. 10045206.64570 after said funds have been reimbursed by the State Department of Boating and Waterways. Submitted by the Community Services Director. Funding Source: New grant revenue not anticipated in the original budget.

Approved 7 – 0

E-4. (City Council) Approve Lease Agreement between Rex and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery, a California Partnership and the City of Huntington Beach (Site Location 10449 East Adams Avenue at the Santa Ana River) (600.10) – Approve the *Lease Between the City of Huntington Beach and Rex Gilmore and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery* and authorize the Mayor and the City Clerk to execute the lease. Submitted by the Acting Economic Development Director. Funding Source: Not Applicable.

Postponed to a date uncertain.

E-5. (City Council) Execute Professional Services Contract with Tatum CIO Partners, LLP for Information Services (IS) Master Plan Project (600.10) – Approve and authorize execution by the Mayor and City Clerk of the *Professional Services Contract Between the City of Huntington Beach and Tatum CIO Partners, LLP for Conducting an Information Services Assessment and Development of an Information Services Master Plan*. Submitted by the Acting Information Services Director. Funding Source: Current funding for this contract is available in the FY 04/05 budget in Business Unit 10042101.69365.

Postponed to a date uncertain.

E-6. (City Council) Adopt Resolution 2005-45 for Capital Improvement Programs for the Years 2005/2006 through 2011/2012 for Compliance with Measure M and Proposition 111 Requirements (320.40) – Adopt Resolution No. 2005-45 - “A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2005/2006 through 2011/2012 for Compliance with Measure M and Proposition 111 Requirements. Submitted by the Acting Public Works Director. Funding Source: No funding is required for the resolution. Annual Measure M turnback allocation is approximately \$2 million.

Adopted 7 – 0

E-7. (City Council) Continued from July 5, 2005 - Approve Final Tract Map Number 16406 - The Strand at Downtown Huntington Beach 1 Lot Subdivision (Located at blocks 104 and 105 Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street) – Approve Subdivision Agreement between the City and CIM/Huntington, LLC (420.60) - 1. Approve Final Tract Map No. 16406 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and CIM/Huntington, LLC for Tract No. 16406* and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16406 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No.

16406 Conditions of Approval, as approved by the City Council. **Requirements: (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. SU5008087 (Attachment No. 7); (b) Labor and Material Bond No. SU5008087; (Attachment No. 7); and (c) Monument Bond No. SU5008088 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

Approved 7 – 0

E-8. (City Council) Approve Professional Services Contract with Rosenow Spevacek Group (RSG) Inc. for Fiscal Analysis of Annexation of Bolsa Chica Warner Mesa (600.10)
 – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Rosenow Spevacek Group (RSG) Inc. For Fiscal Analysis for Annexation of Bolsa Chica Warner Mesa* in the amount of \$30,655. Submitted by the Planning Director. Funding Source: \$30,655 is available from the Planning Department's Professional Services account 10060201.69365.

Approved 6 – 1 (Cook - No)

F. Administrative Items

F-1. (City Council) Approve a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee on legislation pending before the Federal, State or Regional Governments or to be put on a ballot for approval by the voters, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislatures, Governmental Task Force, or regional body.

Recommended Action: Motion to:

1. OPPOSE – HR 2726 (Sessions) Preserving Innovation in Telecom Act of 2005 as Introduced

and

2. SUPPORT – SB 1 (Murray) Energy: Renewable Sources (the Million Solar Roofs Initiative as amended on 06/23/05

and

3. OPPOSE – SB 399 (Escutia) Health Services – 3rd Party Liability as amended on 06/21/05

and

4. **OPPOSE – SB 1059 (Escutia) Electric Transmission Corridors – as amended on 05/27/05**
Councilmember Green stated opposition to SB1, Councilmembers Cook, Coerper, Bohr
and Mayor Hardy stated support for SB1.

Items 1, 3, and 4 - Approved 7 – 0

Item 2 - Approved 5 – 2 (Sullivan, Green - No)

G. Ordinances

G-1. Ordinance for Adoption -- None

G-2. Ordinances for Introduction -- None

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Councilmember Coerper

(City Council) Direct Staff to Prepare an Ordinance Amending Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to Prohibit Medical Marijuana Dispensaries (Ordinance 3703 was Adopted March 21, 2005) (120.90)

Communication from Councilmember Coerper transmitting the following **Statement of Issue:** Earlier this year there were several meetings with city staff and members of the City Council exploring whether or not the city of Huntington Beach should permit medical marijuana dispensaries in the city of Huntington Beach consistent with the Compassionate Use Act (Proposition 215). In March of this year, Council adopted Ordinance No. 3703, which permits medical marijuana dispensaries in specified locations. At the time of adoption of the ordinance, a Supreme Court decision was still pending in a case that challenged the applicability of Proposition 215 as it relates to the Federal Controlled Substances Act.

In June 2005, the Supreme Court of the United States issued its opinion in *Gonzalez v. Raich*, which upholds enforcement of the Federal Controlled Substances Act. In other words, possession of marijuana is still a federal crime.

In view of this decision of the Supreme Court, the city should process a zoning text amendment to disallow for uses that are in violation of federal law. For the city to continue to allow medical marijuana dispensaries could be viewed by federal authorities as aiding or abetting the commission of a felony or conspiracy to violate the law.

Recommended Action: Motion to: Direct staff to prepare an ordinance amending Chapters 204.10 and 212.04 to prohibit medical marijuana dispensaries in the city of Huntington Beach. **Councilmember Coerper reported orally. Police Chief Small also reported. Council discussion ensued.**

Approved 4 – 3 (Hardy, Bohr, Cook – No)

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

None

Council/Agency Adjournment at 8:55PM to Monday, August 1, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>**