

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

Monday, January 9, 2012  
3:30 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audio recording of the 3:30 PM portion of this meeting,  
and a video recording of the 6:00 PM portion of this meeting  
are on file in the Office of the City Clerk and are archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

3:30 PM - Room B-8 - Closed Session and Study Session

CALL TO ORDER - 3:33 PM

ROLL CALL

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

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

PowerPoint communicated received from Mark Infanti, dated January 9, 2012, entitled *T-Mobile Permit Applications are Inconsistent and Inaccurate*.

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

Mark Infanti provided a PowerPoint entitled *T-Mobile Permit Applications are Inconsistent and Inaccurate* that included the following titled slides: Wireless Permit Page 1 Requests 12 Panel Antennas, Justification Statement says 8 Panel Antennas & the Design if for 8 Panels, 'Height Justification Letter' is Inconsistent & Inaccurate, Photo Simulation is Inaccurate, Wireless Application does not comply with instructions, Letter to HB Dept of Planning and Building, and Summary.

RECESS TO CLOSED SESSION -3:41 PM

A motion was made by Carchio, second Boardman to recess to Closed Session. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: None

#### CLOSED SESSION

Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: California Supreme Court's Opinion in California Redevelopment Association et al., Petitioners v. Ana Matosantos, as Director, etc. et al., Respondents; California Superior Court Case No. S19486.

Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Omnipoint Communications, Inc. v. City of Huntington Beach, U.S. District Court Case No. CV09-3777 RGK, Ninth Circuit Court of Appeal Case Nos. 10-56877 and 10-56944 ("T-Mobile I"), and related case T-Mobile West Corporation v. City of Huntington Beach, U.S. District Court Case No. CV10-1471 RGK ("T-Mobile II").

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY  
MEETING IN ROOM B-8 - 4:48 PM

#### STUDY SESSION

Presentation made to the City Council of a comprehensive Master Facilities Plan of capital needs and acquisitions based upon the growth anticipated under the General Plan. A review of Development Impact Fees necessary to accommodate those needs was also presented.

Scott Thorpe, Vice President, Revenue and Cost Specialists, LLC, outlined topics of interest in the Development Impact Fee Calculation and Nexus Report, first identifying a correction to page 98, second line from the bottom, changing the figure of 3.785 to 4.089 acres per 1,000 population standard. Discussion ensued on:

Chapter 4 - Fire Suppression/Medic Facilities and Vehicles, Pages HB-56 and HB-57

- Why is call generation rate for Mobile Home higher than Condo fee? (Boardman)

Chapter 7 - Public Library Facilities and Collection

- Does Huntington Beach's higher standard of living justify inflated fees? (Dwyer)

Chapter 8 - Community Use Facilities

- Are impact fees also considered impact costs? (Dwyer)

Comparing Impact Fees:

- Project #1 - 40,000 SF Commercial (Current City of Huntington Beach, proposed City of Huntington Beach, City of Anaheim, and City of Orange)

- Project #2 50 Unit Apartment Complex (Current City of Huntington Beach, proposed City of Huntington Beach, City of Anaheim Platinum Triangle, and City of Orange)
- Project #3 50 Single Family Detached (Current City of Huntington Beach, proposed City of Huntington Beach, City of Anaheim, and City of Orange)

Mayor Pro Tem Dwyer and Deputy City Manager Bob Hall discussed using the cities of Anaheim and Orange for comparing impact fees.

Mayor Hansen and Planning and Building Director Hess discussed single-family detached versus apartments, and Director Hess explained the density formula adopted by Council.

Mayor Hansen questioned outreach efforts involving the Building Industry Association (BIA) and Chamber of Commerce, demolition credit, and timing of fees (upon issuance of a certificate of occupancy). He also recommended adding the City of Irvine to the table comparing impact fees, and requested that staff forward new information to applicants with open entitlements.

Councilmember Bohr voiced concerns about submitting building permits within 90 days from a public hearing. Discussion ensued on how to manage the process.

Councilmember Carchio and staff discussed the fee payment process.

Mr. Thorpe discussed park impact fees (60% of total fees; average \$20/square foot).

AT 5:35 PM, THE COUNCIL RECESSED BY CONCESSION TO 6:00 PM – COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY

CALL TO ORDER – 6:00 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Mayor Hansen

CLOSED SESSION REPORT BY CITY ATTORNEY ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION) - None.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (RECEIVED AFTER AGENDA DISTRIBUTION)

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

Communication for Consent Item No. 2 received from Bob Hall, Deputy City Manager/Director of Economic Development, dated January 9, 2012, entitled *Supplemental Information – Public*

*Hearing Item #1 and #2 T-Mobile Request to Reduce Proposed Cell Tower Height and T-Mobile Lease Agreement Signature Page.*

PUBLIC COMMENTS PERTAINING TO SPECIAL MEETING ITEM(S) (3 Minute Time Limit) - None.

#### PUBLIC HEARING

1. Denied Coastal Development Permit No. 11-015, Conditional Use Permit No. 11-028, and Wireless Permit No. 11-052 for a wireless communications facility at Springdale Pump Station.

Associate Planner Andrew Gonzales provided a PowerPoint presentation entitled *Coastal Development Permit No. 11-015; Conditional Use Permit No. 11-028, and Wireless Permit No. 11-052 (Springdale Pump Station Wireless Communication Facility)*, with titled slides: Council Consideration, Project Location, Project History, Project Analysis, Staff Recommendation, and Late Communication.

Mayor Hansen opened the public hearing.

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

Communication received from Bob Hall, Deputy City Manager/Director of Economic Development, dated January 9, 2012, entitled *Supplemental Information – Public Hearing Item #1 and #2 T-Mobile Request to Reduce Proposed Cell Tower Height and T-Mobile Lease Agreement Signature Page.*

Petition received with 43 signatures opposing the placement of cell phone tower at the Springdale Pump Station.

Petition received with 24 signatures opposing the placement of cell phone tower at the Springdale Pump Station.

Petition received with 40 signatures opposing the placement of cell phone tower at the Springdale Pump Station.

Communications received regarding Coastal Development Permit No. 11-015, Conditional Use Permit No. 11-028, and Wireless Permit No. 11-052 for a wireless communication facility at the Springdale Pump Station: Shauna Quezada, Glenn Williams, Shelly Gartner, Mark & Gay Infanti, Jeanne Whitesell, and Richard/Shelley Chacon.

Communication submitted by Assistant Planner Andrew Gonzales entitled *Alternative Action No. 1 - Suggested Findings of Approval for Coastal Development Permit No. 11-015/Wireless Permit No. 11-052*

Communication submitted Shelley Chacon, M.D., entitled *Presentation to City of Huntington Beach City Council January 9, 2012*

PowerPoint communication submitted by Assistant Planner Andrew Gonzales entitled *Coastal*

*Development Permit No. 11-015, Conditional Use Permit No. 11-028, & Wireless Permit No. 11-052 - Springdale Pump Station T-Mobile Wireless Facility.*

Martin Fineman, representing the applicant T-Mobile West Corporation, spoke in support of the request to install a wireless communication facility at the Springdale Pump Station. He discussed preexisting litigation between the City and T-Mobile and how the current site serves as an alternative to previously proposed sites near Bolsa View and Harbour View Parks. He described reaching a settlement agreement that addresses project location, reducing cell tower height to a 45-foot palm tree monopole that will blend into the surrounding tree line, financial benefits from the project, and applicable federal, state and local laws. He also stated that it would be inappropriate to deny the permits based on "Not In My Back Yard" (NIMBY) complaints. (00:11:02)

Danny Bazerman, T-Mobile Director of Engineering and 30-year resident of Huntington Beach, spoke of T-Mobile's legal settlement that agrees to an alternate site and provides a tower design that will blend in with the existing tree line. He described T-Mobile as a good neighbor who addresses the cares and concerns of its customers. (00:17:02)

Amiee Weeks, speaking on behalf of the applicant T-Mobile, explained how the project is expected to improve voice and data coverage in the area. (00:19:36)

Dan Chudleigh, T-Mobile representative, spoke in favor of the request and described how the project conforms to applicable zoning requirements, and provides a compatible design that blends in with the surrounding tree line. He also explained how the project location is necessary for mobile coverage in the area. (00:19:36)

Gay Infanti spoke in opposition to the request and provided a PowerPoint entitled *Presentation to the HB City Council in Opposition to T-Mobile Cell Tower at Springdale Pump Station* that included the following titled slides: Summary of Major Issues, T-Mobile has not Justified the Project, (Significant Gaps in Service Not Demonstrated; Least Obtrusive Site Not Demonstrated), Harm to Residents (Decreased Property Values; Significant Increase in Ambient Noise Levels and Privacy Issues), and Environmental Impacts (Project Impact on Environmentally Sensitive Area and Potential Threats to Wildlife). (00:22:28)

Mark Infanti continued the PowerPoint with titled slides: Environmental Impacts (Non-Compliance with the California Environmental Quality Act (CEQA); Non-Compliance with the Local Coastal Program (LCP); Failure to Provide 100 foot Buffer Zone; Failure to Provide 100 foot Buffer Zone), Birds Photographed at the Pond Next to the Pump Station, and Summary. (00:25:45)

Margaret Tracy discussed her opposition to placing cell towers in residential locations, requesting that Council consider alternate, less harmful locations to install wireless technology equipment such as street lights. (00:29:02)

Cathy Cummins provided a PowerPoint with titled slides: Title 44 - FEMA Regulations, Ricardo Pineda, Director of Flood Management State of California Department of Water Resources, T-Mobile states that is categorically exempt from CEQA under Section 15303, United States Department of the Interior Fish and Wildlife Service Washington D.C. 20240, Service Guidance on the Siting, Construction Communications Towers, Federal Communications Commission,

What requirements do personal wireless communications licensees have to determine whether a site is in a flood plain?, and The categories set forth in section 1.1307 include:. (00:31:06)

Shelley Chacon, resident who lives in front of the proposed site spoke in opposition to the item and discussed the Ninth Circuit Court of Appeals opinion on finding the least intrusive site, her opinion to consider a site on Edwards Hill, her concerns about negative health affects, and a potential for decreased property values. (00:34:23)

Kathryn Presiado spoke in opposition to the item and voiced concerns about the proposed project's negative impact on the integrity of the neighborhood, property values, and health and safety. (00:37:40)

Dianne Larson spoke in opposition to the item, voicing concerns about non-compliance with the City's zoning ordinance, the monopole not being the "least intrusive," it being located near an ecological reserve, and how tower equipment emits constant noise. She suggested alternate locations to alleviate the project's impact to wildlife, and requested that Council deny the request. (00:39:13)

Sam Lewson spoke in opposition to the item voicing concerns about the facility being placed within fifty (50) feet from a residential dwelling. (00:43:04)

Stephanie Lewson, resident who resides within 200 feet from the proposed location, spoke in opposition to the item due to concerns about lost property value. (00:45:04)

Cheryl Horecito, Bolsa Landmark resident, spoke in opposition to the item and discussed how she as a T-Mobile customer currently receives excellent coverage in her area which makes her suspicious of T-Mobile's claims of poor coverage. (00:45:51)

Billy O'Connell, resident who resides within a few hundred feet of the proposed location, spoke in opposition to the item and discussed why he requests to have the project located somewhere else. (00:46:30)

Mayor Hansen closed the public hearing.

Council comments/questions:

Councilmember Boardman and Mr. Bazerman discussed evaluation of alternative sites, why interference issues make Edwards Hill an inappropriate site alternative, co-locating T-Mobile equipment with other cell company facilities, and cell tower maintenance schedules.

Councilmember Harper and Assistant City Attorney Scott Field discussed the length of time the pump station has existed at that location.

Councilmember Carchio and Mr. Bazerman discussed T-Mobile agreeing to reduce tower height to 45 feet, and why T-Mobile would not consider relocating the project to Edwards Hill (terrain and interference issues). Mr. Bazerman addressed Councilmember Carchio's opinion that T-Mobile is not a good neighbor by reiterating the good faith actions that have taken place since their initial request to construct wireless facilities at Bolsa View and Harbour View Park sites.

Mayor Pro Tem Dwyer and Mr. Bazerman discussed propagation maps, how cell facilities can be disguised as street lights, and the City's right-of-way moratorium. Attorney Field explained how the City's utility undergrounding ordinance adopted in 1977 does not allow new antennas to be built above ground. He added that street lights are owned by Southern California Edison (SCE), and they also do not allow antenna construction on street lights.

Councilmember Shaw and Mr. Bazerman discussed the type of wireless technology used by T-Mobile. Mr. Bazerman responded to Councilmember Shaw's observation of T-Mobile's online marketing map that indicates "excellent" coverage in the area of question by explaining data reporting differences between marketing and engineering maps.

Councilmember Boardman inquired, and Ms. Weeks confirmed that the request contains 8, not 12 panels.

A motion was made by Boardman, second Carchio to deny Coastal Development Permit No. 2011-015, Conditional Use Permit No. 2011-028, and Wireless Permit No. 2011-052 with findings for denial, and reject the "Site Lease Agreement Between the City of Huntington Beach and T-Mobile West Corporation, A Delaware Corporation at the Springdale Pump Station," and reject request to authorize the Mayor and City Clerk to approve and execute "Site Lease Agreement Between the City of Huntington Beach and T-Mobile West Corporation, A Delaware Corporation at the Springdale Pump Station." (Consent Item No. 2)

Councilmember Boardman voiced opposition to the proposal based on its potential negative impacts to property values, the environment, and noise affecting quality of life.

Councilmember Harper voiced support for the proposal, offered thoughts on modern technology and why the request is not unreasonable, and his opinion that that applicant has considered all possible alternatives.

Councilmember Shaw described how he felt T-Mobile's advertising was deceptive, and its wireless technology questionable. He also voiced concerns about not having an environmental study in place.

Mayor Pro Tem Dwyer supported the concerns expressed by citizens, but also expressed a concern about the applicant reverting back to proposing the project be located at one of the previously proposed locations (Bolsa View or Harbour View Park).

Councilmember Bohr voiced support to deny the proposal and discussed how the item turned into a public relations war.

Mayor Hansen spoke in opposition to the request and discussed past decisions that exercised poor judgment, right-of-way issues, and his opinion that while citizens demand high integrity in wireless technology, the City must consider a modification to its permitting policy for installing wireless facilities in sensitive locations.

The motion carried by the following roll call vote:

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

## CONSENT CALENDAR

2. Rejected Lease Agreement With T-Mobile West Corporation For Wireless Telecommunications Facilities at Springdale Pump Station (ACTION TAKEN DURING PUBLIC HEARING ITEM NO. 1).

3. Adopted Successor Agency Resolutions - City Council Resolution Nos. 2012-01 and 2012-02

A motion was made by Carchio, second Boardman to adopt Resolution No. 2012-01, "A Resolution of the City Council of the City of Huntington Beach Designating the City Council as the Successor Agency Under Part 1.85 of Division 24 of the Health and Safety Code Subject to Reservations Herein Stated;" and, adopt Resolution No. 2012-02, "A Resolution of the City Council of the City of Huntington Beach Under Part 1.85 of Division 24 of the Health and Safety Code Designating the Housing Authority to Perform the Housing Functions Previously Performed by the Huntington Beach Redevelopment Agency Subject to Reservations Herein Stated." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, and Boardman  
NOES: None

## HUNTINGTON BEACH HOUSING AUTHORITY MEETING

Mayor Hansen recessed the City Council/Redevelopment Agency/Public Financing Authority Special Meeting and convened the Huntington Beach Housing Authority Special Meeting.

Mayor Hansen called the Special Meeting of the Huntington Beach Housing Authority to order.

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

4. Accepted Redevelopment Agency Housing Assets and Functions; Adopted Resolution No. 01

A motion was made by Carchio, second Bohr to adopt Resolution No. 01, "A Resolution of the Housing Authority of the City of Huntington Beach Accepting the Transfer of the Housing Assets and Functions of the Huntington Beach Redevelopment Agency Under Part 1.85 of Division 24 of the Health and Safety Code Subject to Reservations Herein Stated." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman  
NOES: None

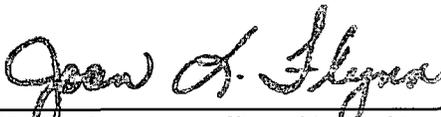
ADJOURNED THE HUNTINGTON BEACH HOUSING AUTHORITY MEETING – 7:20 PM

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY MEETING – 7:21 PM

COUNCILMEMBER COMMENTS (Not Agendized)

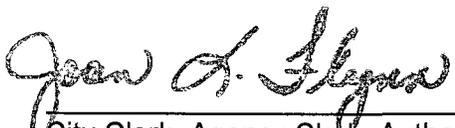
Comments were provided by Mayor Pro Tem Dwyer, Mayor Hansen, and Councilmember Carchio.

ADJOURNMENT at 7:26 PM to the next regularly scheduled meeting of Tuesday, January 17, 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 of the City of Huntington Beach, Clerk of the Redevelopment Agency of the City of Huntington Beach, and Secretary of the Huntington Beach Public Finance Authority of the City of Huntington Beach, California

ATTEST:



City Clerk, Agency Clerk, Authority Secretary



Mayor-Chair