

**Minutes
Council/RDA Special Meeting
City of Huntington Beach**

Monday, April 27, 2009
5:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

5:00 PM - CALL TO ORDER

Mayor Pro Tem Green called the special meeting of the City Council/Redevelopment Agency to order at 5:00 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr (arrived at 5:07 PM), Coerper, Hardy, and Hansen
(arrived at 5:01 PM)
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION PERTAINING TO SPECIAL MEETING
CLOSED SESSION ITEM ONLY - None.

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

RECESS TO CLOSED SESSION

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

AYES: Carchio, Dwyer, Green, Coerper, Hardy, and Hansen
NOES: None
ABSENT/OUT OF ROOM: Bohr

CLOSED SESSION

(City Council) Litigation - Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits (and potential lawsuits):

Pursuant to *Government Code* Section 54956.9(b)(3)(A), the City Council recessed to Closed Session to confer with its attorney regarding potential 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: Unknown at this time. Subject: Potential Litigation re: Site

License Agreement with Omnipoint Communications, Inc. (A T-Mobile USA, Inc., Subsidiary) for
Wireless Telecommunication Facility at Harbour View Park.

6:00 PM - RECONVENE CITY COUNCIL SPECIAL MEETING

Mayor Bohr reconvened the special meeting of the City Council at 6:02 p.m.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced the following
communications to the City Council received after distribution of the agenda packet:

Communications received regarding Administrative Item #1 - Wireless Telecommunication
Facility at Harbour View Park: 1) Anonymous, 2) Heather Lenore, 3) Lisa Vallefucio Bayley, 4)
Cindy and Jeff Busche, 5) Suzie Slope (2), 6) Kevin Veal, 7) Lisa Veal, 8) Barbara Hamilton
Howard, 9) Ron and Jen Johnson, 10) Mary Ellen Houseal, 11) Todd and Deborah Rosenlof,
12) The Parkin Family, 13) Drew Kovacs, 14) Lisa and Tony Rudy, 15) JoAnne Flory, 16) Ana
Youngsma, 17) Diana Rovano, 18) Joan Smith, and 19) Dan and Linda Fillet.

COMMUNICATIONS RECEIVED DURING THE MEETING

Communication submitted by Traci White, dated April 26, 2009, voicing opposition to
Administrative Item #1 - Wireless Telecommunication Facility at Harbour View Park.

Petition entitled *Reject the Cell Tower* submitted by Julia Lucas, undated and containing
119 signatures.

CITY ATTORNEY REPORT OUT OF CLOSED SESSION ITEM(S)

The City Attorney announced that in regard to the settlement agreement between the City of
Huntington Beach and T Mobile, by a vote of 7-0, the Council directed staff to renegotiate the
existing license agreement with T Mobile for Harbor View Park, and agreed to reimburse
appropriate expenses in an amount not to exceed \$50,000.

Mayor Bohr added that T-Mobile representatives committed verbally that they will not proceed
with the construction on the cell site at Harbour View Park.

PLEDGE OF ALLEGIANCE - Mayor Bohr led the Flag Salute.

PUBLIC COMMENTS PERTAINING TO SPECIAL MEETING ITEM (3 Minute Time Limit)

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/government/agendas>)

James M. Jackson, M.D., resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He noted the parallels between cell tower radiation and their potential effects on children. (00:06:09)

Gracey Van Der Mark, concerned parent, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She noted that the cell tower radiation may wind up exceeding FCC acceptable standards and thanked the Council for voting to remove the tower. (00:09:34)

Fred "Skip" Booth, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. Mr. Booth referenced a book by a neurosurgeon who studied brain cancer and its causes in children. He also referenced policies from neighboring jurisdictions that limit cell tower construction. (00:11:30)

Mike Thermos, Homeowners of Huntington Beach, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He noted the close proximity of the proposed cell tower and the adjacent school site and its potential negative impact on the students. (00:13:14)

Tay Norton spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She thanked the City Council for their efforts and decisions related to the proposed cell tower site. She further suggested that the Council conduct public hearings before they make any policy decisions on matters where students or school sites are impacted. (00:15:32)

Heather Lenore, resident of Huntington Harbor, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She noted the negative impacts of cell towers on the brain development cycle in children. She thanked the Council for their decision in moving the cell tower. (00:17:38)

Ralph Bauer, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He suggested the Council conduct public hearings on these types of matters in the future. He also noted that Measure "C" may come into play when considering policy decisions relative to parks and referenced the City's subdivision Ordinance. (00:20:00)

Patrick Munoz thanked Council for their decision to reconsider a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He thanked the Council for listening to the community on this issue. (00:22:25)

Cindy Osterhout, principal of Harbor View School, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She thanked the Council, City staff, representatives from T-Mobile, and the students and families of Harbor View School for their work in this matter and for keeping students and staff safe. (00:22:52)

Mary Busche, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She mentioned her children and grandchildren who attended Harbor View School, the future consequences of potentially harmful environmental decisions, and the community's support for removal of the cell tower equipment. (00:25:37)

Jim Shaffer, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He expressed concerns that this item was initially considered on the Consent Calendar rather than at a public hearing. (00:28:35)

Annalisa Phantumabamrung, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She expressed concerns that the community did not receive adequate notice regarding the proposed cell tower. (00:29:48)

Christina Tsimerekis, parent of Harbor View student, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She thanked the Council for their work in cancelling the contract with T Mobile, however, she also expressed concerns with the Council's due diligence in this matter. She also referenced the apparent lack of proper notice to adjacent residents and the school site. (00:33:42)

Mayor Bohr reiterated the City Council's decision in Closed Session regarding this matter.

Debi Windle, parent of Harbor View student, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She thanked the Council for tonight's decision and suggested the City adopt certain provisions to their zoning code to protect students and children from such future cell tower construction. (00:36:46)

Tim Branoff, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He suggested a modification to the City's development application process as to proactively determine potential impacts to school sites. (00:39:48)

Margaret Tracy, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She expressed concerns and made inquiries as to placement of a cell tower near Bolsa View Park. (00:41:19)

Diane Rector, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility

at Harbour View Park. She mentioned how a neighborhood element, such as a cell tower, may negatively affect local property values. (00:41:44)

Jerry Rich, resident, spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He noted the City's efforts in maintaining a high quality of life for residents and supported tonight's decision. (00:42:49)

Norm Westwell, President, Ocean View School District, thanked Mayor Bohr and Councilmember Carchio for attending a community meeting held on April 23, and spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. He encouraged the Council to consider widespread public notification when a matter of this magnitude is to be discussed. (00:44:24)

Jodie Arendt spoke in opposition to a site license agreement with Omnipoint Communications, Inc. (T-Mobile USA, Inc. Subsidiary) for a wireless telecommunication facility at Harbour View Park. She referenced a personal cancer diagnosis and the potential connection between environmental elements and the negative health risk of exposures. (00:45:53)

Deane McDaniel, resident, inquired as to whether the Council will be considering action to remove other existing cell sites in the City. (00:47:24)

Noting that there were no further speakers, Mayor Bohr closed public comments.

ADMINISTRATIVE ITEMS

1. (City Council) Reviewed status of site license agreement with Omnipoint Communications, Inc. (a T-Mobile USA, Inc. Subsidiary) for wireless telecommunication facility at Harbour View Park.

A motion was made by Bohr, second Hardy to direct staff to bring back a Zoning Text Amendment that addresses the permitting and entitlement of cell sites located within 500 feet of school sites to require a Conditional Use Permit and public notice. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

ADJOURNMENT - Council adjourned at 6:50 p.m. to the next regularly scheduled meeting on Monday, May 4, 2009, at 4:00 PM, 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