

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

Thursday, May 21, 2009
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

CALL TO ORDER.

Mayor Bohr called the Special Meeting of the City Council/Redevelopment Agency to order at 6:01 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, and Hansen
Absent: Hardy

ANNOUNCEMENT OF LATE COMMUNICATION - None.

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

Mark Bixby recognized Council's understanding of Measure C guidelines, but voiced concerns related to possible violation of wireless facility guidelines and read aloud Section 230.96.F9 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) which states, "Facilities on Public Property: Any wireless communication facility to be placed over, within, on, or beneath City property shall obtain a lease or franchise from the City prior to applying for a Wireless Permit and an administrative or conditional use permit." He stated his opinion that the site licenses used by the City for wireless installations omit the use of the words lease or franchise agreement. He quoted Webster's definition of a lease and stated his opinion that site licenses are functionally equivalent to leases, and that a lease in a public park requires the vote of the people under the provisions of Measure C. He urged Council to uphold the spirit of the law and not create loopholes, and indicated that he would perform a complete research of wireless issues at a later date.

CLOSED SESSION

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.

CLOSED SESSION REPORT BY CITY ATTORNEY

At 6:44 PM the City Attorney announced that the City Council voted 6-0-1 (Hardy-Absent) to withdraw the offer of \$50,000 for reimbursement of costs to T-Mobile for the Harbour View cellular site.

ADJOURNMENT - 6:45 PM

Council/Agency adjournment to Monday, June 01, 2009, 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 and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair