

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

Monday, March 15, 2010
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting
and 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/**

4:00 PM - ROOM B-8

The City Clerk recessed the 4:00 PM portion of the meeting to 4:30 PM due to a lack of quorum.

CALL TO ORDER

Mayor Green called the study session portion of the City Council/Redevelopment Agency regular meeting of March 15, 2010 at 4:32 PM.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy (arrived at 4:35 PM), and Hansen
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION - None.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

STUDY SESSION

Joint Study Session held between the City of Huntington Beach City Council and the Finance Board - A Review of the Finance Board's 2009 Annual Report and discussion on the Board's direction for 2010.

Finance Board roll call: Charles Falzon, Chair; Frank LoGrasso, Vice Chair; Tom Corkett (**absent**), Steve Garcia, Gabe Houston, Robert "Bob" Jones, Stephen King.

Communication submitted by the Finance Board entitled "City of Huntington Beach Finance Board Annual Report - 2009" is included in the agenda packet.

PowerPoint presentation entitled "Huntington Beach City Council/Finance Board Study Session" dated March 15, 2010 is included in the agenda packet.

Chair Charles Falzon provided a PowerPoint presentation entitled "Huntington Beach City Council/Finance Board Study Session" dated March 15, 2010. Slide topics included: Finance Board Origination, Finance Board Duties, Purpose of Today's Meeting, Current Board Members, Background, Finance Board 2009 Activities, Potential 2010 Activities, and Conclusion/Next Steps.

Vice Chair Frank LoGrasso discussed PERS representing 11% of the City budget, and proposed that the Finance Board investigate alternative retirement solutions. Discussion ensued about actions taken by other cities, and on the City's obligation to reimburse the infrastructure fund.

Councilmember Coerper and Vice Chair LoGrasso discussed recent employee concessions that pick up a portion of PERS costs. Vice Chair LoGrasso expressed concerns that the PERS system may be unsustainable, and questions were posed about legal obligations moving forward. Chair Falzon stated that the Board recommended benefit alternatives years ago.

Mayor Pro Tem Hardy encouraged Board suggestions, expressed appreciation for their service, and sympathized with Board frustration when Council fails to follow an action they recommend.

Board member Bob Jones referred to recent reports about unsustainable models, and discussion ensued regarding tiered systems.

Councilmember Bohr voiced concerns about being the first City to consider implementing different benefit structures.

Mayor Green discussed uncertain PERS projections and her feeling that the City is okay for now, but the budget window is short.

RECESS TO CLOSED SESSION

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

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

CLOSED SESSION

1. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Timothy Kile v. City of Huntington Beach; WCAB Case Nos. ADJ 3158349 and ADJ 1609396; Claim Nos. COHB-06-0169, COHB-08-0027, COHB-08-0027, and COHB-08-0038.

2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Beeles v. City of Huntington Beach; Orange County Superior Court Case No. 30-2008 00109160. Plaintiff, a State beach lifeguard, was injured during joint City/State lifeguard helicopter jump training at Bolsa Chica State Beach.

3. Pursuant to Government Code § 54956.9(b)(3)(A), the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: A recent accident, disaster, incident, or transactional occurrence which accident may result in litigation against the City. The facts or circumstances are not specified because they are unknown to the potential plaintiffs.

4. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, HBPOA, HBFA, FMA, MSOA, SCLEA, and Non-Associated.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Green reconvened the City Council/Redevelopment Agency meeting at 6:00 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

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

PLEDGE OF ALLEGIANCE - Led by Tiger Cub Scouts Pack 101 Den 8.

INVOCATION - Led by Reverend Mark Curry, Huntington Beach Interfaith Council.

ANNOUNCEMENT OF LATE COMMUNICATION

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

PowerPoint communication for Item No. 3 (Public Hearing for protests and objections to the formation of an Underground Utility District on Edison Drive) submitted by, Director of Public Works, dated March 15, 2010, and entitled *Underground Utility District Newland Street (Hamilton to PCH) and Edison Lane*.

Communications received for Item No. 4 (Public Hearing to consider General Plan Amendment No. 09-002, Zoning Map Amendment No. 09-002, Zoning Text Amendment No. 09-007, the appeal of Planning Commission's approval of Conditional Use Permit No. 09-024, and Negative Declaration No. 09-006, for the Ward Garfield Specific Plan No. 16 – Recreational Vehicle Storage) from Merrilee Madrigal, Wayne Carvalho of Michael C. Adams Associates, Mike Adams of Michael C. Adams Associates, Joan (last name not given), and Joan Flynn, City Clerk on behalf of Jenelle Froisland representing Southern California Edison.

Communications received on Item No. 5 (Public Hearing to consider an appeal of the Planning Commission's denial of Conditional Use Permit No. 09-015 for construction of a T-Mobile

wireless communications facility design as a church bell tower) from Richard and Blanca Evans, John Anderson, Michele Keith-Tharp, and Ginny Bean.

Communication on Item No. 15 (MEO Side Letter Agreement) submitted by Michele Carr, Director of Human Resources, dated March 11, 2010, and entitled *Management Employees' Organization Side Letter Agreement Change reflecting changes made to Exhibit A*.

PowerPoint communication on Item No. 17 submitted by Jim B. Engle, Director of Community Services, dated March 15, 2010, and entitled *Approve the conceptual Master Plan for Bartlett Park, a 28-acre area bounded by Beach Blvd. to the west, Yorktown Avenue to the north, Coldwater Lane to the east, and Adams Avenue to the south*.

COMMUNICATIONS SUBMITTED DURING THE MEETING

Communication received from Blake Rose dated March 15, 2010 and entitled "The \$2 Trillion Hole," an article regarding public employee pension benefits.

Photograph submitted by Ron Passmore, undated and untitled regarding Public Hearing Item No. 5 - T-Mobile Cell Tower.

Communication submitted by Christine Rodell dated March 12, 2010, untitled, regarding Public Hearing Item No. 5 - T-Mobile Cell Tower.

Communication submitted by Bill Kettler undated and entitled "T-Mobile," graphed information regarding Public Hearing Item No. 5 - T-Mobile Cell Tower.

Communication submitted by Dianne Larson undated and entitled "No Cell Tower," regarding Public Hearing Item No. 5 - T-Mobile Cell Tower.

4. (City Council) ITEM TAKEN OUT OF ORDER -- Public Hearing to consider General Plan Amendment (GPA) No. 09-002 and adopt Resolution No. 2010-27; Zoning Map Amendment (ZMA) No. 09-002 and approve for introduction Ordinance No. 3875; Zoning Text Amendment (ZTA) No. 09-007 and adopt Resolution No. 2010-28; and, appeal of the Planning Commission's approval of Conditional Use Permit (CUP) No. 09-024 and Negative Declaration No. 09-006 for the Ward Garfield Specific Plan No. 16 - Recreational Vehicle Storage, **CONTINUED TO APRIL 19, 2010.**

A motion was made by Carchio, second Hardy to **Continue Public Hearing to April 19, 2010** to consider General Plan Amendment (GPA) No. 09-002 and adopt Resolution No. 2010-27; Zoning Map Amendment (ZMA) No. 09-002 and approved for introduction Ordinance No. 3875; Zoning Text Amendment (ZTA) No. 09-007 and adopt Resolution No. 2010-28; and, appeal of the Planning Commission's approval of Conditional Use Permit (CUP) No. 09-024 and Negative Declaration No. 09-006 for the Ward Garfield Specific Plan No. 16 - Recreational Vehicle Storage. The motion carried by the following roll call vote:

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

Councilmember Coerper thanked all who came out for the Ward Garfield Specific Plan.

AWARDS AND PRESENTATIONS

Mayor Green announced that a 154,000 square foot Costco is planned for the Mervyn's property at the Bella Terra Shopping Center, and that Whole Foods will occupy Circuit City Space.

Mayor Green announced March as Women's History Month, also recognizing Federal Heritage Month as a program of the city's Human Relations Task Force. Mayor Green read quotes from President Obama's March 2, 2010 proclamation.

Mayor Green announced that she and City Attorney Jennifer McGrath attended "A Free Day at the Museum" in Sacramento, hosted by California's First Lady Maria Shriver, to share ideas about public service.

Councilmember Dwyer announced that on Monday, March 22 the Huntington Beach Historical Society and renowned author Craig MacDonald will honor "unsung women who change society," and that City Clerk Joan Flynn will be recognized.

Mayor Green briefly narrated a video clip of the March 8, 2010 Community Ribbon Cutting event of the Congressman Dana Rohrabacher Criminal Justice Training Center. The clip showed the Law Enforcement Training Simulator.

Mayor Green presented a proclamation honoring National Arbor Day to Jean Nagy, Huntington Beach Tree Society, and Carol Ann Wall, Huntington Beach Chamber of Commerce.

Mayor Green presented a proclamation honoring National Sunshine Week, March 14-20, 2010, to City Clerk Joan Flynn.

City Clerk Flynn explained that Sunshine Week translates to government transparency, and discussed President Obama's support of Sunshine Week, and the City's actions and commitment to be transparent. She introduced Larry Gallup, who discussed the inception of Sunshine Week in Florida in 2005, and how it is now recognized nationwide to promote transparency in local governments.

Presentation Mayor Green called on Huntington Beach Council on Aging President Don MacAllister to present a check to the Community Services Department to provide funding for the budget reductions implemented in this fiscal year.

President MacAllister spoke about Council on Aging (COA) programs that will continue through the remainder of the year, and Mayor Green expressed gratitude to the COA members who were present, including Carol Settimo, Bob Dettloff, Beverly Fran, Candace Bartch, and Dale Dunn.

Councilmember Coerper invited the Chief of Police Ken Small, and members of the Huntington Beach Search and Rescue, to accept a donation check.

Chief Small discussed rescue volunteers and the activities they participate in.

Fire Chief Patrick McIntosh discussed leadership.

Eric Ramsey, Post Advisor, expressed thanks for the donation, and introduced Explorer Cadette Jake Fitzgerald.

Mayor Green called on Information Services Director Jack Marshall to present the Mayor's Award to Dan Richards, Manager of the GIS and Customer Support Division of Information Services.

Director Marshall discussed Dan's six-year tenure with the City, his promotional progress, certifications, and dedicated service.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speaker's comments reflect the approximate point in the archived audio file located at <http://www.surfcity-hb.org/government/agendas>).

Stephanie Deagle announced the American Cancer Society's *Relay for Life* event on May 15 and 16 at Huntington Central Park. She asked the public for support by donating items like water, soda, juice, healthy snacks, small gift certificates, or 4x6 picture frames for a memory of the Relay. She discussed sponsorships and that information can be found on the event website at www.relayforlifehuntingtonbeach.org.

Ryan Brennan, BMX - Bartlett Park Master Plan, discussed the need for a BMX park in the Master Plan. He recognized BMX rider Michael Clark who will represent the United States in BMX events in Austria and Ireland. He also discussed BMX being included as part of Extreme sport in the Olympics, and how Huntington Beach has always supported extreme sports. He voiced concerns about Huntington Beach tearing down jumps in the Bartlett Park at Beach & Adams, and asked Council to support the sport.

Phil Bacerra, Transit Advocates of Orange County, announced the elimination of Route 74, Route 76 and weekend service for Route 172. He discussed transit riders losing an advocate on the Orange County Transportation Authority (OCTA) Board, and thanked Mayor Green for her support by presenting her with a plaque. Mr. Bacerra also recognized Councilmember Hansen as the City's new OCTA liaison.

Blake Rose recognized Council and voiced concerns about public employee retirement plans and the California State budget deficit. He read from an article entitled *The 2-Trillion Dollar Hole* that described taxpayers' support of retirement benefits for public service employees. He also voiced concerns about public versus private sector salaries.

Dick Anderson spoke in support of Agenda Item No. 17 - Bartlett Park Master Plan Development. He discussed past problems associated with the park including vagrancy and homelessness, and commended City departments (Community Services, Police and Public Works), for their cleanup efforts.

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234
DISCLOSURE REPORTING

Councilmember Coerper reported on the success of the 2nd Annual 3-1 Run held on Saturday, March 13. He also discussed 1,200 men/women going to Afghanistan in April, and 3-1 efforts to support families remaining here in the states.

Councilmember Bohr submitted a written AB 1234 report that is on file in the City Clerk's Office.

Mayor Green submitted a written AB 1234 report that is on file in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT - None.

CITY TREASURER'S REPORT

1. (City Council) Reviewed and accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, Retiree Medical Trust, and Supplemental Pension Trust Activity for January 2010.

City Treasurer Shari Freidenrich provided a brief PowerPoint presentation.

A motion was made by Coerper, second Hansen to Review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for January 2010, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

CITY ATTORNEY'S REPORT

2. City Attorney's Notice of Filed Complaint. City of Huntington Beach v. Darius Jusionis, Orange County Superior Court Case No. 30-2010-00348358. Nature of Case: Defendant Darius Jusionis performed, and or directed unknown parties to perform, unpermitted soil stabilization work under and on his property at 8472 Friesland Street, Huntington Beach. Pressure slurry and/or other substances used in the stabilization process were allowed to enter the City's sewer lines causing complete blockage and drainage to City facilities, necessitating replacement of the sewer lines, systems, facilities, as well as street repair. Defendant's destruction of the City sewer caused service interruption and property damage.

City Attorney Jennifer McGrath reported on the following Notice of Complaint: City of Huntington Beach v. Darius Jusionis

PUBLIC HEARING

3. (City Council) Public hearing held for protests and objections to the formation of an Underground Utility District on Edison Drive from Newland Street to Easterly Terminus and Newland Street between Hamilton Avenue and Pacific Coast Highway; and, adopted Resolution No. 2010-25 establishing the Newland Street Utility Underground District No. 10-01.

City Engineer Tony Olmos presented a PowerPoint presentation entitled *Underground Utility District - Newland Street (Hamilton to PCH) and Edison Lane* that included the following topic

slides: Background, Findings Necessary to Establish District, Milestones, and Recommendation.

Councilmember Hardy and Engineer Olmos discussed restrictions related to the use of Proposition 1B funds, and Councilmember Hardy expressed concerns about future financial obligations associated with undergrounding utilities.

Councilmember Dwyer and Engineer Olmos discussed new development being required to underground, proportionality and in-lieu fees.

In response to an inquiry from Councilmember Coerper, staff explained the location of the District.

Mayor Green opened the public hearing.

City Clerk Joan Flynn announced receipt of a PowerPoint communication submitted by the Director of Public Works dated March 15, 2010, and entitled *Underground Utility District Newland Street (Hamilton to PCH) and Edison Lane*.

With no one present to speak, Mayor Green closed the public hearing.

A motion was made by Coerper, second Hansen to Adopt Resolution No. 2010-25, "A Resolution of the City Council of the City of Huntington Beach Establishing Underground Utility District on Edison Drive From Newland Street Easterly Terminus and Newland Street Between Hamilton Avenue and Pacific Coast Highway," (Per HBMC 17.64.100, affirmative vote of at least five (5) members of City Council is required.) The motion carried by the following roll call vote:

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

5. (City Council) Public Hearing held to consider an appeal of the Planning Commission's denial of Conditional Use Permit (CUP) No. 09-015 for construction of a T-Mobile wireless communications facility designed as a church bell tower which exceeds the maximum height permitted under the Residential Low Density (RL) Zoning District (55 feet in lieu of 35 feet).

Councilmember Coerper recused himself from participating in the hearing due to a potential conflict of interest due to the proximity of his home from the proposed bell tower.

Scott Hess, Director of Planning and Building, introduced Senior Planner Jill Arabe who presented a PowerPoint entitled *Appeal of the Planning Commissions Denial of CUP 09-015 - T-Mobile Wireless Communications Facility* that included the following topical slides: Request, Action, Appeal of PC Denial, Project Analysis, and Recommendation.

Councilmember Bohr questioned the applicant's request to increase building height to 55 feet in lieu of the code-required 35.

Mayor Green opened the public hearing.

City Clerk Flynn announced receipt of late communications received by Richard and Blanca Evans, John Anderson, Michele Keith-Tharp and Ginny Bean.

Pete Shubin, Appellant, Sequoia Deployment Services representing T-Mobile, spoke to describe the points for appeal including noise, visual issues, and replacing the existing bell tower structure. He also discussed the limitations behind cell tower construction in residential areas (schools, parks, public right-of-ways), and why the church property allows placement of wireless equipment. He discussed gap coverage and how the proposed design of the bell tower blends well with the surrounding area.

Dianne Larson disputed T-Mobile's claim of a gap in coverage, and discussed conducting tests from twenty area locations without experiencing dropped calls. She distributed documentation to Council entitled *No Cell Tower*. She also voiced concerns about children potentially being removed from the Church daycare if a cell tower is built on the property.

Carol Settimo, a 44-year resident and member of the Community United Methodist Church (CUMC), voiced concerns about CUMC not contacting the surrounding neighbors for input on the project, and described the proposed bell tower as an eyesore. She stated her opinion that every cell provider experiences dropped calls, and fears a cell tower will decrease surrounding property values.

Bill Kettler distributed a longitude/latitude map to Council that he felt demonstrated no evidence of a gap in cell phone coverage. He expressed his opinion that T-Mobile has misrepresented complaint reports, calling them "exaggerated truths."

Don McFarland stated his opinion that T-Mobile data does not adequately measure digital business media (dBm), claiming faulty signal strength. He also expressed concerns about tearing down an existing tower and replacing it with fiberglass that will not be secure during windstorms, or possibly be prone to fire.

John Anderson voiced concerns about the proposed height of the cell tower and its negative impact on property values. He expressed disbelief for a gap in coverage, and his opinion that T-Mobile may lease tower space to other cell carriers. He discussed his knowledge of possible alternatives, and urged Council to support the Planning Commission's decision.

Mark W. Bolotin discussed how homes are important investments, and voiced concerns about the project decreasing surrounding property values.

Tammy Crowder stated that cities are charged with making plans that are functional, and cited examples of good planning. She voiced concerns regarding the project's negative impacts to surrounding property values, and informed Council of the existing bell tower's historical significance as it was donated by the Slater Family.

Blanca Evans, 33-year area resident, voiced concerns related to quality of life and decreased property values. She discussed disclosing presence of a cell tower on real estate documents, and her opinion on how construction and maintenance will greatly inconvenience surrounding residents. She concluded by stating her opinion that T-Mobile cell coverage is adequate.

Elizabeth McFarlan spoke of information posted on the Federal Communication Commission's (FCC) website on how to research service providers for their extent of coverage in your area. She also read the addresses of website locations to obtain further information.

Dana Drake, Attorney, voiced concerns about decreased property values, aesthetics, quality of life (maintenance crews/lights during evening hours), and safety risks associated with equipment and earthquakes. She questioned the significance of T-Mobile's claims about a gap in coverage, and discrepancies between what T-Mobile tells their customers, and their associated municipalities about service.

Christine Rodell read a letter to Council that was composed by her neighbor Jack Camp, appealing to the City Council for the relocation of the proposed T-Mobile cell tower. The letter indicates that Mr. Camp has never experienced a gap in coverage with T-Mobile, and feels they should consider an alternate site.

Debbie Zentil, T-Mobile customer, stated she has never experienced a gap in coverage. She described conducting a test of the area T-Mobile indicated was a dead zone, and indicated that T-Mobile did not answer questions posed by residents related to gap coverage and reported complaints. She also indicated her knowledge of a resident's plans to relocate should the new cell tower be constructed.

Councilmember Carchio asked the speaker to elaborate on her claim that neighbors near her are considering moving if the new cell tower is constructed.

Ron Passmore voiced concerns related to cell tower appearance and distributed a picture of it to Council. He reported on Internet research that eludes to decreased property values of 2% to 20%. He discussed how very few church patrons will experience the problems associated with this request, and questioned the applicant's inclusion of health risks in their appeal when health risks were not considered or identified by the Planning Commission.

John Finley, resident who lives within 125 feet of the existing cell tower, stated that his wife wishes to move if a new cell tower is constructed. He called Council's attention to a petition of 350 signatures opposed to the project, stated no proven evidence exists regarding a gap of coverage, and voiced concerns related to decreased property values.

Adam Rodell spoke in support of the Church, but not construction of a new cell tower. He stated a "no" vote forces cell carriers to improve their technology, urging Council to make a landmark decision and deny the applicant's request.

Fred Booth spoke to Council about a terminal disease caused by asbestos, and the large number of physicians who support findings of health risks associated with cell towers.

Michael Ritter, Attorney representing the Community United Methodist Church Daycare, spoke in support of the project.

Matt Everling, a city Planner by profession, discussed the Planning Commission's findings for denial related to decreased property values and negative impacts to the preschool. He stated his opinion that the law does not allow construction on school sites, and voiced concerns related

to compatibility and project's effects on the General Plan Land Use and Utility elements. He also stated he will consider moving if the new cell tower is constructed.

Gene Mello questioned why it is necessary to disclose the presence of a cell tower in real estate documents if the project poses no significant impacts to the surrounding property owners. City Attorney McGrath responded that real estate law is regulated by the state, and suggested that Mr. Mello seek advice from a real estate agent about disclosure language.

Joe Thompson, speaking on behalf of the applicant, addressed issues presented by public speakers including time parameters associated with disclosing information in real estate documents, wind load factors, radio frequency (RF) transmission and construction. He discussed the applicant's willingness to decrease cell tower height by three feet, add a condition that restricts construction and maintenance to normal business hours, and hire a RF engineer, if required by the City.

With no one else present to speak on the matter, Mayor Green closed the public hearing.

Discussion ensued on FCC regulations and the burden of proof for a significant gap in coverage.

Councilmember Carchio and Mr. Thompson discussed researching alternate sites.

In response to Councilmember Carchio, staff explained how the proposed design is compatible with surrounding uses, that the Zoning Administrator allows cell towers in residential areas, and how the proposal replicates the existing structure and will conceal utility lines.

Councilmember Carchio voiced concerns with T-Mobile's website claiming adequate cell service in the area to potential customers, while the current proposal claims a gap in coverage. Mr. Thompson suggested that a third party engineer could clear up discrepancies.

In response to an inquiry from Council, the applicant's Attorney stated that the church initially failed to reach out to the surrounding residents by following internal protocol that directed their next steps. Mr. Thompson added that public notice requirements were met through the City.

Councilmember Hansen and staff discussed how gap coverage is determined, documented, and validated. Staff made reference to longitude and latitude maps, and Director Hess discussed examples of gap coverage and how the City accepts the applicant's certified representations.

Councilmember Dwyer recognized speaker Kettler's argument about the dropped call formula, and questioned whether or not gap coverage/dropped calls offered a nexus for T-Mobile to consider a tower. Mr. Thompson explained what is needed to transfer all types of data, discussed rush hour issues and surrounding sites being full, and referred to the staff report that reported a great number of dropped calls.

Councilmember Dwyer and staff discussed leasing cell sites, and staff stated that the Zoning Code does not restrict leasing of cell sites.

Councilmember Bohr asked staff to condition that the applicant cannot lease the structure, and

Mr. Thompson explained why a lease is not an option. Discussion ensued regarding the identified 4,258 dropped calls on page 5-165 of the staff report.

A motion was made by Hardy, second Bohr to deny Conditional Use Permit No. 09-015 findings for denial, **amended to include language "of January 26, 2010 and City Council meeting of March 15, 2010" in line two, paragraph one.** The motion carried by the following roll call vote:

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

CONSENT CALENDAR

Mayor Green pulled Consent Item No. 15 to thank the Management Employees Organization (MEO) for their concessions to help alleviate the City's budget shortfall.

6. (City Council/Redevelopment Agency) Approved and adopted minutes.

A motion was made by Coerper, second Hardy to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of February 16, 2010 and the City Council/Redevelopment Agency regular meeting of March 1, 2010, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

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

7. (City Council) Approved Implementation Agreement with the Orange County Fire Authority (OCFA) and Signal Landmark regarding fire plan review and inspection services for the Brightwater residential development.

A motion was made by Coerper, second Hardy to approve the "Implementation Agreement by and Among the City of Huntington Beach, the Orange County Fire Authority, and Signal Landmark Regarding Fire Plan Review and Inspection Services to Brightwater." The motion carried by the following roll call vote:

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

8. (City Council) Approved Amendment No. 2 to the Agreement by and between Mesa Consolidated Water District, Orange County Water District and the City of Huntington Beach for Interruptible Potable Water Service to Talbert Barrier Facilities extending the term of the agreement through November 30, 2026.

A motion was made by Coerper, second Hardy to authorize the Mayor and City Clerk to execute "Amendment Number 2 to Agreement By and Between Mesa Consolidated Water District, the City of Huntington Beach and Orange County Water District for Interruptible Potable Water Service to Talbert Barrier Facilities." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer

NOES: None

9. (City Council) Approved use of Proposition 1B funds in the amount of \$3,006,718 for maintenance and improvement of local transportation facilities.

A motion was made by Coerper, second Hardy to approve the "Implementation Agreement by and Among the City of Huntington Beach, the Orange County Fire Authority, and Signal Landmark Regarding Fire Plan Review and Inspection Services to Brightwater." The motion carried by the following roll call vote:

AYES: Carchio, Hansen, Hardy, Coerper, Bohr, Green, and Dwyer

NOES: None

10. (City Council) Approved and accepted a grant award in the amount of \$4,994 from the Library Services and Technology Act (LSTA) through the California State Library, appropriate funds, and authorized the Director of Library Services to submit a claim form for the grant award and purchase five (5) laptop computers for the Computers to Go: Mobile Training Lab.

A motion was made by Coerper, second Hardy to approve and accept grant award in the amount of \$4,994 from the California State Library and appropriate funds into Account number to be determined by the Finance Department to cover the cost of five (5) laptop computers; and, authorize the Director of Library Services to submit a claim form to the State Library for the grant award and purchase five (5) laptop computers for computer instruction. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen

NOES: None

11. (City Council) Approved and authorized the Mayor to execute a five (5) year License Agreement in the amount of \$2,300 per year with Southern California Edison (SCE) to utilize approximately 10.5 acres for use of SCE right-of-way for Gisler Park.

A motion was made by Coerper, second Hardy to approve the "License Agreement" between the City and the Southern California Edison Company, and authorize the Mayor to execute the agreement. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen

NOES: None

12. (City Council) Approved and authorized the Mayor to execute a five (5) year License Agreement in the amount of \$435 per year with Southern California Edison (SCE) to utilize approximately two (2) acres for use of SCE right-of-way for LeBard Park.

A motion was made by Coerper, second Hardy to approve the "License Agreement" between the City and the Southern California Edison Company and authorize the Mayor to execute the agreement. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen

NOES: None

13. Received and Filed City Clerk's Quarterly Report Listing of Professional Service Contracts Filed in the City Clerk's Office Between October 1, 2009 through December 31, 2009

A motion was made by Coerper, second Hardy to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk during the period of October 1, 2009 through December 31, 2009." The motion carried by the following roll call vote:

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

14. (City Council) Received and filed City of Huntington Beach Strategic Plan Objectives Update.

A motion was made by Coerper, second Hardy to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

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

15. (City Council) Adopted Resolution No. 2010-26 approving and implementing a Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and the Management Employees' Organization (MEO) by increasing the employee-paid portion of CalPERS by 2% (two-percent) to be implemented in two 1% increments, and a temporary suspension of payment of General Leave earned in excess of 640 hours, both effective through September 30, 2011.

A motion was made by Coerper, second Hardy to adopt Resolution No. 2010-26, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Management Employees' Organization (MEO) by Adopting the Side Letter of Agreement." The motion carried by the following roll call vote:

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

ADMINISTRATIVE ITEMS

16. (City Council) Approved a City Council position on legislation pending before the Federal, State, or Regional Governments as recommended by the City Council Intergovernmental Relations Committee (IRC).

Mayor Pro Tem Hardy explained the Intergovernmental Relations Committee's (IRC) opposition to SBX6 2 (Calderon). She also discussed sending a letter to Federal legislators asking that stimulus bills include additional funding for programs that distribute funds directly to local governments.

A motion was made by Hardy, second Coerper to oppose SBX6 2 (Calderon) - Transient Occupancy Tax: Assessment and Collection; and, authorize the Mayor to send a letter to our

Federal Legislators asking that any stimulus bill include additional funding for programs such as the Community Development Block Grant (CDBG) and the Energy Efficiency and Conservation Block Grant (EECBG) and other programs like these that distribute the funding directly to local governments. The motion carried by the following roll call vote:

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

17. (City Council) Approved the Conceptual Master Plan for Bartlett Park, a 28-acre area bounded by Beach Boulevard to the west, Yorktown Avenue to the north, Coldwater Lane to the east, and Adams Avenue to the south.

Facilities, Development and Concessions Manager Dave Dominguez made a PowerPoint presentation entitled *City of Huntington Beach Bartlett Park Conceptual Park Master Plan* that included aerial and pictorial views of the 28-acre site near Yorktown and Adams and Coldwater and Newland Center. Views included Yorktown frontage, Bluff Top, Willow Woodland, Slopes, Lower Basin, Adams frontage, and Coldwater Lane frontage and gate entries. It also defined a vision for fencing at Coldwater, a defined path, boardwalk trail, viewing areas/structures, play areas, public art theme, interpretive signage, and master plan layout.

Mayor Pro Tem Hardy and staff discussed bollard placement that would block public vehicle access to certain areas of the park and the number of agencies involved in maintenance of the area (Department of Fish & Game, Native American Council, etc.). They also discussed touring the site in 2004 and how a plan has been necessary to begin working with volunteers and community groups, citing the Shipley Nature Center as a successful project model.

A motion was made by Coerper, second Hansen to approve Bartlett Park Conceptual Master Plan, as submitted. The motion carried by the following roll call vote:

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

ORDINANCES FOR ADOPTION

18. (City Council) Adopted Ordinance No. 3874, amending District Maps 1Z, 2Z, 12Z, 13Z, 14Z, 15Z, 17Z, 25Z, 26Z, 27Z, 30Z, 31Z, 39Z, and 40Z of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) for Real Property Within the Beach and Edinger Corridors Specific Plan Project (SP14) Zoning Map Amendment No. 08-002. Approved for introduction March 1, 2010.

A motion was made by Coerper, second Hansen to After City Clerk reads by title, adopt Ordinance No. 3874, "An Ordinance of the City of Huntington Beach Amending District Maps 1Z, 2Z, 12Z, 13Z, 14Z, 15Z, 17Z, 25Z, 26Z, 27Z, 30Z, 31Z, 39Z, and 40Z of the Huntington Beach Zoning and Subdivision Ordinance for Real Property Within the Beach and Edinger Corridors Specific Plan Project (SP14) Zoning Map Amendment No. 08-002." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, and Hansen
NOES: Green, and Hardy

COUNCILMEMBER COMMENTS (Not Agendized)

Councilmember Carchio congratulated the Seal Beach Naval Weapons Station for the commission of the Guided Missile Destroyer USS Dewey (DDG 105), and all who were involved in the California Department of Fish & Game - Bolsa Chica Ecological Research Bridge Dedication on Thursday, March 4.

Councilmember Coerper reported attending the the Guided Missile Destroyer USS Dewey (DDG 105) commission on March 4, Eagle Scout Court of Honor ceremonies for Vincent Coleman, Matthew B. Mercado and Codi Tennessen, and the 2nd Annual 3-1 Run.

Mayor Pro Tem Hardy reported attending the HB Reads One Book event on March 11, "They Poured Fire on Us From the Sky," and the annual Kite Party on Sunday, March 14.

Councilmember Bohr reported attending the Sea Isle Garden Club celebration partnership with OCTA and congratulated Ann White.

Councilmember Dwyer reported attending the March 4 Downtown Residents' Association meeting on parking zones, the Metropolitan Water District of Orange County (MWDOC) dinner on March 10, and lifeguard tryouts at the pier on March 9.

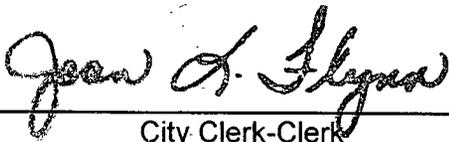
Mayor Green reported attending the Lake View Elementary school Read-A-Thon on March 2, met the Consul General of Egypt (Hesham Elnakib) on March 6, the HB Reads One Book event on March 11, the 2nd Annual 3-1 Run on March 13, and the Golden West College Gala on March 13.

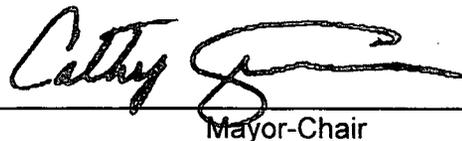
ADJOURNMENT - The meeting adjourned at 9:26 p.m. to the next regularly scheduled meeting of Monday, April 5, 2010, at 4:00 p.m. in Room B-8, Huntington Beach Civic Center.



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