

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

Monday July 19 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/](http://www.surfcity-hb.org/government/agendas/)**

4 30 PM - ROOM B-8

CALL TO ORDER - 4 31 PM

ROLL CALL - (Councilmember Gil Coerper requested permission to be absent pursuant to Resolution No 2001-54)

Present           Carchio Hardy Green Bohr Dwyer and Hansen  
Absent            Coerper

**ANNOUNCEMENT OF LATE COMMUNICATION**

PowerPoint communication for Study Session Item No 1 submitted by the Public Works Department dated July 19 2010 and entitled *Central County Corridor Major Investment Study Briefing Presentation*

Communication for Closed Session Item No 2 submitted by Suzie Slope dated July 17 2010 regarding T-Mobile s project to install antennas at Harbour View Park and Bolsa View Park

Communication for Closed Session Item No 2 submitted by Leanna Nighswonger dated July 19 2010 regarding T-Mobile s project to install antennas at Harbour View Park and Bolsa View Park

Communication for Closed Session Item No 2 submitted by Rutan & Tucker LLP dated July 19 2010 re *Omnipoint Communications Inc (T-Mobile) v City of Huntington Beach* United States District Court Case No CV-09-3777

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)**

Patrick Munoz Rutan and Tucker spoke to Council about Closed Session Item No 2 (T-Mobile) He requested the City reconsider the application expressing his opinion that to deny is consistent with the law and he requested that the Council look carefully at the issues raised

He discussed Measure C regulations and how cell tower companies must have a lease with the City. He also voiced concerns with a recent court ruling on the preemption of Measure C.

Mary Busche voiced concerns regarding Closed Session Item No. 2 (T-Mobile) and discussed her personal experience with a family member's emphysema. She fears for her grandchildren attending school near a cell tower and recommended that Council find an alternate location such as a cemetery.

Jeff Busche voiced concerns about Closed Session Item No. 2 (T-Mobile) stating that he has two children who attend Harbour View School. He encouraged Council to consider alternate locations, explaining how residents are angry and support the legal opinions provided by Rutan and Tucker.

Lori Ann Burrett voiced concerns related to Closed Session Item No. 2 (T-Mobile) stating she has three children at Harbour View School and how she will do anything to keep the tower from being constructed at that site. She also discussed Vista Del Monte's study about cell towers existing near schools that included evidence of cancer and how the Ocean View School District adopted a Resolution to ban Cell Towers.

Mary Beth Arnold read an email sent by Leanne Nighswonger via the SurfCity Pipeline regarding Closed Session Item No. 2 (T-Mobile). She reiterated that residents care and discussed T-Mobile's actions in keeping the public uninformed and urged Council to oppose construction of a cell tower at the identified locations.

Vikki Morrison, real estate agent, spoke regarding Closed Session Item No. 2 (T-Mobile) and voiced concerns about putting a cell tower in a park near children.

Courtney Holm-Bonaag spoke regarding Closed Session Item No. 2 (T-Mobile) explaining reasons why her family purchased a home on Trinidad Island and expressing her fears about her children attending Harbour View School.

Heather Lenore voiced concerns about Closed Session Item No. 2 (T-Mobile) and the proposed construction of a cell tower near Harbour View School. She has two children who will attend the school and has concerns about their being exposed 11 hours per day to radioactive waves.

## STUDY SESSION

1. Representatives from the Orange County Transportation Authority (OCTA) provided an overview on the Central County Corridor Major Investment Study currently underway. This project studies several multi-modal alternatives to improve mobility and ease traffic in Central Orange County, which includes a portion of Huntington Beach.

City Engineer Tony Olmos introduced Orange County Transportation Authority (OCTA) representative Joseph Alcock who presented a PowerPoint presentation entitled *Central County Corridor Major Investment Study Briefing Presentation* that included slides titled: Central County Study Area, What is a Major Investment Study?, Major Investment Study Process & Status, Screening and Evaluation Process from Initial Set of Alternatives to LPS Committed Initiatives - Measure M2, Huntington Beach (Arterial Projects, Freeway Projects, Transit) Proposed Improvements, Recommended Locally Preferred Strategy for Central Orange County.

is Multimodal Preliminary List of Improvements for CCCMIS Area (Includes Committed Initiatives - M2) and Next Steps

Discussion ensued between Council staff and consultants regarding

- Smart street treatments (synchronization eminent domain existing right-of-way)
- Advanced traffic management systems
- Signal timing
- Turn-lane options
- Use of M-2 funds
- Flyovers

RECESS TO CLOSED SESSION

A motion was made by Carchio second Green to recess to Closed Session The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

CLOSED SESSION

2 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 (T-Mobile) v City of Huntington Beach United States District Court Case No CV09-3777 RGK which involves T-Mobile's project to install antennas at Harbour View Park and Bolsa View Park

6 00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY MEETING - 6 06 PM

CLOSED SESSION REPORT BY CITY ATTORNEY - City Attorney McGrath announced that the City Council will hold a special meeting in the Council Chambers on Tuesday July 20 2010 at 7 00 PM to consider placing a measure on the November 2 2010 ballot concerning the location of cell sites on City park property

ROLL CALL - (Councilmember Gil Coerper requested permission to be absent pursuant to Resolution No 2001-54)

Present	Carchio Hardy Green Bohr Dwyer and Hansen
Absent	Coerper

PLEDGE OF ALLEGIANCE - Led by Councilmember Carchio

INVOCATION - Tom Hohman representing Sts Simon and Jude and the Huntington Beach Interfaith Council

## AWARDS AND PRESENTATIONS

Presentation - Mayor Cathy Green invited Rusty Carter Chairman of the 2010 National Jamboree Campaign for the Orange County Boy Scout Council to introduce the troops attending the National Boy Scout Jamboree at Fort AP Hill in Virginia

Presentation - Mayor Cathy Green invited the Fourth of July Board of Directors along with the Director and Assistant Director to come forward and be recognized for their efforts to make this year's celebration a great event

Mayor's Award - Mayor Green called on Planning and Building Director Scott Hess to present the Mayor's Award to Senior Permit Technician Phillip Chur

## ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown Open Meetings Act City Clerk Joan Flynn announced late communications that were received by her office following distribution of the City Council Agenda packet

PowerPoint presentation submitted on Administrative Item No 12 by the Planning Department dated July 19 2010 and entitled *In-Lieu Parking Fee Analysis*

Communication for Administrative Item No 12 submitted by Scott Hess Director of Planning and Building and Stanley Smalewitz Director of Economic Development dated July 19 2010 entitled *Downtown Parking In-Lieu Fee Program - Item No 12 on the July 19 City Council Agenda*

Communications submitted by Beverly Wallace Karen Bodge Randy Liedahl Deborah Bent Lisa Brooks Diane Amendola Cindy Cross and the California Federation of Dog Clubs for Councilmember Item No 18 regarding proposed ordinance to allow service dogs to be permitted as a fourth dog

## COMMUNICATIONS RECEIVED AT THE MEETING

Communication submitted by Terry Crowther dated July 19 2010 requesting a revocation hearing for Conditional Use Permit (CUP) No 08-052

## PUBLIC COMMENTS (3 Minute Time Limit)

(The numbers following the speakers comments reflect the approximate point in the archived audio file located at [http://huntingtonbeach.granicus.com/ViewPublisher.php?view\\_id=2](http://huntingtonbeach.granicus.com/ViewPublisher.php?view_id=2))

Scott Dodson spoke in opposition to the annexation of Sunset Beach by the City alerting Council that the Sunset Beach Community Association has raised funds necessary for a comprehensive feasibility study pursuant to the guidelines established by the Local Agency Formation Commission (LAFCO) (00 15 00)

Mark Shaffner 37-year resident voiced concerns about receiving a parking ticket for his son's vehicle parking in front of his residence after the street sweeper had passed it (00 16 08)

Councilmember Dwyer and Police Captain Chuck Thomas requested that the speaker to fill out a blue follow-up card

Terry Crowther voiced concerns about the Brethren Christian conditional use permit and distributed a letter to Council requesting a revocation hearing (00 19 20)

Gisela Campagne 33-year resident spoke in support of Agenda Item No 18 (amending HBMC Section 7 12 150 - allow service dogs to exceed the three dog limit) (00 20 24)

Katie De Luca spoke in support of Agenda Item No 18 (amending HBMC Section 7 12 150 - allow service dogs to exceed the three dog limit) She also recommended that Council consider special permitting for rehabilitation of rescue dogs (00 22 17)

Cynthia Vigil member of animal rescue organization "Leg Up" spoke in support of Agenda Item No 18 (amending HBMC Section 7 12 150 - allow service dogs to exceed the three dog limit) (00 25 12)

Tim Geddes spoke about the November 2 2010 General Municipal Election specifically Council candidates and the Huntington Beach Downtown Residents Association's website at HBDRA.com that posts candidate information He also spoke in support of Agenda Item No 12 - Downtown Parking In-Lieu Fee Implementation Program (00 23 50)

Karen Chepeka President Save Our Strays spoke in support of Agenda Item No 18 (amending HBMC Section 7 12 150 - allow service dogs to exceed the three dog limit) (00 28 06)

Michael Munoz Operation Honor for Honor thanked Mayor Green for attending and City staff members Cathy Fikes Gloria Storovich and Lorene Ernst for their assistance in coordinating the first annual 'Honor For Honor' event on Friday July 2nd Mr Munoz presented Honor For Honor awards to Mayor Green and Fire Chief Patrick McIntosh (00 28 50)

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

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

#### CITY ADMINISTRATOR'S REPORT

City Administrator Fred Wilson updated Council on the City's *Solar Power* project and asked Police Captain Chuck Thomas to provide an update on Police activities during the 4th of July holiday Captain Thomas reported the number of arrests and injuries

#### CITY TREASURER'S REPORT

1 Reviewed and accepted the City Treasurer's May 2010 Investment Summary Report

A motion was made by Dwyer second Carchio to review and accept the Monthly Investment Report Following review of the report by motion of Council accept the Monthly Investment Report for May 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 Hardy Green Bohr Dwyer and Hansen  
NOES None  
ABSENT Coerper

## CONSENT CALENDAR

### 2 City of Huntington Beach Strategic Objectives Update

A motion was made by Bohr second Carchio to receive and file the updated status of the Six-Month Strategic Objectives The motion carried by the following roll call vote

AYES Carchio Hardy Green Bohr Dwyer and Hansen  
NOES None  
ABSENT Coerper

### 3 Approved and authorized execution of a five year License Agreement with Southern California Edison (SCE) for a Traffic Signal on Center Drive at One Pacific Plaza

A motion was made by Bohr second Carchio to approve the 'License Agreement' between the City and Southern California Edison for the traffic signal on Center Drive at One Pacific Plaza and authorize the Mayor to execute the Agreement The motion carried by the following roll call vote

AYES Carchio Hardy Green Bohr Dwyer and Hansen  
NOES None  
ABSENT Coerper

### 4 Approved and authorized execution of a five year License Agreement with Southern California Edison (SCE) for public parkland located in Arevalos Park

A motion was made by Bohr second Carchio to approve the License Agreement with Southern California Edison for Arevalos Park and authorize the Mayor to execute the Agreement The motion carried by the following roll call vote

AYES Carchio Hardy Green Bohr Dwyer and Hansen  
NOES None  
ABSENT Coerper

### 5 Approved and authorized execution of a five year License Agreement with Southern California Edison (SCE) for public parkland located in Edison Community Park (Northwest Corner of Hamilton Avenue and Magnolia Street)

A motion was made by Bohr second Carchio to approve the License Agreement" with Southern California Edison for Edison Community Park and authorize the Mayor to execute the Agreement The motion carried by the following roll call vote

AYES Carchio Hardy Green Bohr Dwyer and Hansen  
NOES None  
ABSENT Coerper

6 Approved and authorized execution of a five year License Agreement with Southern California Edison (SCE) for public parkland located in Edison Park (Northeast Corner of Hamilton Avenue and Magnolia Street)

A motion was made by Bohr second Coerper to approve the "License Agreement with Southern California Edison for Edison Park and authorize the Mayor to execute the Agreement The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

7 Adopted Resolution No 2010-52 confirming reports of cost for the 2010 Weed Abatement on private property within the City and certified all charges listed to the Orange County 2010/11 Property Tax Roll

A motion was made by Bohr second Carchio to adopt Resolution No 2010-52 'A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property within the City - 2010 Season " and direct that all charges listed thereon be certified to the Orange County 2010/11 Property Tax Roll The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

8 Approved appointments of Mr Samuel Heritage and Ms Kathleen O Connor-Phelps to the Design Review Board (DRB) with terms to expire December 31 2013 as recommended by City Council liaisons Councilmembers Keith Bohr Joe Carchio and Don Hansen

A motion was made by Bohr second Carchio to approved the appointments of Mr Samuel Heritage and Ms Kathleen O Connor-Phelps to the Design Review Board for a term to expire December 31 2013 as a Historic Resources Board Representative and At-Large Member respectively The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

9 Accepted the resignation of Sheila Gee and approved the appointment of Tiffany Dekle to the Human Relations Task Force with a term to expire December 31 2011 as recommended by City Council liaisons Mayor Cathy Green and Councilmember Gil Coerper

A motion was made by Bohr second Carchio to accept the resignation of Sheila Gee and approve the appointment of Tiffany Dekle to the Human Relations Task Force with a term to expire December 31 2011 as recommended by City Council liaisons Councilmember Gil Coerper and Mayor Cathy Green The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
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Discussion between Council and staff centered on the following topics

- Full cost of development including design construction and land cost
- Live/work in-lieu fee analysis
- City Hall Shuttle Program update
- Subsidizing parking in the downtown
- Calculating interest
- Raising in-lieu fee to \$35 000 to recover actual costs
- Incentives for parking on-site
- How in-lieu fees facilitate delivery of programs (bike valet shuttle etc )
- Advertising programs
- Residents needs downtown
- Year-round parking statistics
- Programs that offset parking during high volume occupancy in structures

A motion was made by Dwyer second Green to adopt Resolution No 2010-49 A Resolution of the City Council of the City of Huntington Beach Adopting an In-Lieu Fee and Implementation Plan for District 1 of the Downtown Specific Plan, **as amended by Late Communication amending Sections One and Two of Resolution No 2010-49, and Dwyer's amendment to raise the In-Lieu fee to \$35,000** The motion failed by the following roll call vote

AYES	Hardy Green and Dwyer
NOES	Carchio Bohr and Hansen
ABSENT	Coerper

A motion was made by Bohr second Hansen to adopt Resolution No 2010-49 'A Resolution of the City Council of the City of Huntington Beach Adopting an In-Lieu Fee and Implementation Plan for District 1 of the Downtown Specific Plan ' **as amended by Late Communication amending Sections One and Two of Resolution No 2010-49**

Councilmember Bohr addressed incentivizing development and his opinion that a new structure will never be built downtown

Councilmember Dwyer questioned continuing the item

Councilmember Hansen discussed the statistics by City provided in the staff report for in-lieu fees

Councilmember Carchio recognized business participation downtown

The motion carried by the following roll call vote

AYES	Carchio Hardy Bohr Dwyer and Hansen
NOES	Green
ABSENT	Coerper

13 Approved a City Council Position on Legislation a Regulating or Budget Issue Pending Before a Federal State or Regional Government as Recommended by the City Council Intergovernmental Relations Committee (IRC)

Mayor Pro Tem explained her opposition to AB 1955 (De La Torre)

A motion was made by Hardy second Hansen to approve opposition to AB 1955 (De La Torre) - Public Officers Incompatible Offices and authorize a letter opposing State Budget Item 0250 which would add a \$3 00 surcharge to all parking violations and authorize a letter in support of a Petition of Writ of Mandamus in Yorba Linda Water District V Superior Court in and for the County of Orange California Court of Appeal Case No G043854 (Lindhold/Itani v Yorba Linda Water District, Superior Court Case No 30-2009-00320239-CU-EI-CXC ) **Let the record show Councilmember Dwyer as voting to abstain on AB 1955** The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

#### ORDINANCES FOR ADOPTION

14 Adopted Ordinance No 3881 amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to the number of political signs and placement of temporary signs Approved for introduction July 6 2010

A motion was made by Bohr second Hardy to after the City Clerk reads by title adopt Ordinance No 3881 ' An Ordinance of the City of Huntington Beach Amending Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Signs ' The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

15 Adopted Ordinance No 3884 amending District Map 33 (Sectional Map 28-5-11) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to rezone property generally located southeast of the intersection of Los Patos Avenue and Bolsa Chica Street from Residential Agricultural - Coastal Zone Overlay (RA-CZ) to Residential Low Density - Coastal Zone Overlay (RL-CZ) - Zoning Map Amendment No 08-007 Approved for introduction July 6 2010

A motion was made by Hansen second Bohr to after the City Clerk reads by title adopt Ordinance No 3884 An Ordinance of the City of Huntington Beach Amending District Map 33 (Sectional Map 28-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located Southeast of the Intersection of Los Patos Avenue and Bolsa Chica Street from Residential Agricultural - Coastal Zone Overlay (RA-CZ) to Residential Low Density - Coastal Zone Overlay (RL CZ) (Zoning Map Amendment No 08-007) " The motion carried by the following roll call vote

AYES	Carchio Green Bohr and Hansen
NOES	Hardy
ABSTAIN	Dwyer
ABSENT	Coerper

16 Adopted Ordinance No 3885 amending the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by amending Section 210 06 Property Development Standards and 210 12 Planned Unit Development Supplemental Standards and Provisions - Zoning Text Amendment No 09-008 Approved for introduction July 6 2010

A motion was made by Hansen second Carchio to after the City Clerk reads by title adopt Ordinance No 3885 'An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Section 210 06 Property Development Standards and 210 12 Planned Unit Development Supplemental Standards and Provisions (Zoning Text Amendment No 09-008) " The motion carried by the following roll call vote

AYES	Carchio Green Bohr and Hansen
NOES	Hardy
ABSTAIN	Dwyer
ABSENT	Coerper

**COUNCILMEMBER ITEMS**

17 Submitted by Mayor Cathy Green - Approved appointment of a voting delegate and alternate to the League of California Cities Annual Conference and Business Meeting in San Diego on September 15-17 2010

A motion was made by Hardy second Hansen to appoint Councilmember Joe Carchio to serve as the voting delegate and Mayor Cathy Green and Councilmember Don Hansen as the alternate voting delegate representing the City of Huntington Beach at the 2010 League of California Cities Annual Conference and Annual Business Meeting scheduled for September 15-17 The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

18 Submitted by Mayor Pro Tem Jill Hardy and Councilmember Keith Bohr - Approved recommendation that the City Attorney draft an ordinance allowing service dogs to be permitted as a fourth dog and exempt from the three dog limit

Mayor Pro Tem Hardy explained service dog duties and discussed her request that the City Attorney bring back an ordinance that provides an exemption to the three-dog rule for a family who requires a service dog

A motion was made by Hardy second Hansen to direct the City Attorney to prepare ordinance allowing service dogs to be permitted as a fourth dog and exempt from the three dog limit The motion carried by the following roll call vote

AYES	Carchio Hardy Green Bohr Dwyer and Hansen
NOES	None
ABSENT	Coerper

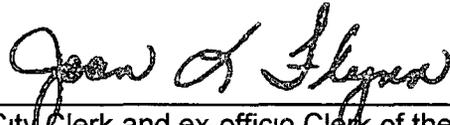
Mayor Green stated that the meeting would be adjourned in memory of Mark Porter

COUNCILMEMBER COMMENTS (Not Agendized)

Comments provided by Councilmembers Carchio Dwyer and Green

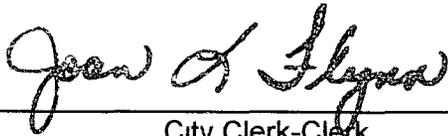
ADJOURNMENT

Adjournment at 7 59 PM to a **special meeting on Tuesday, July 20 at 7 00 PM, City Council Chambers** and then to the regular meeting of **Monday, August 2, 2010** at 4 00 PM in Room B-8 Civic Center 2000 Main Street Huntington Beach California

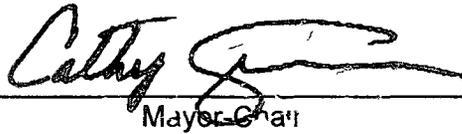


City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach California

ATTEST



City Clerk-Clerk



Mayor-Chair