
**CITY COUNCIL
REGULAR
MEETING**



**APRIL 10, 2012
7:00 PM**

AGENDA

Melody Carruth, Mayor

Joel Lautenschleger, Mayor Pro Tempore
Randal Bressette, Council Member

Barbara Kogerman, Council Member
L. Allan Songstad, Jr., Council Member

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER BRESSETTE

ROLL CALL OF CITY COUNCIL MEMBERS

1. PRESENTATIONS AND PROCLAMATIONS

1.1 TEN YEAR ANNIVERSARY AWARD

RECOMMENDATION: THAT MAYOR CARRUTH RECOGNIZE PEGGY JOHNS, CITY CLERK, FOR TEN YEARS OF SERVICE TO THE CITY OF LAGUNA HILLS AND PRESENT A CERTIFICATE OF RECOGNITION AND GIFT.

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JEENA BONUTTO.

3. MINUTES

3.1 REGULAR MEETING, MARCH 27, 2012

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE MARCH 27, 2012, REGULAR MEETING.

4. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDING APRIL 10, 2012.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$165,301.75.

4.3 2012 FOURTH OF JULY FIREWORKS SHOW AGREEMENT

RECOMMENDATION: THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH PYRO ENGINEERING, INC., APPROVED AS TO FORM BY THE CITY ATTORNEY, FOR THE 2012 FOURTH OF JULY FIREWORKS SHOW.

4.4 PUBLIC INFORMATION MEETING FOR THE PASEO DE VALENCIA WIDENING IMPROVEMENT PROJECT, CIP NO. 145A

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

ITEMS REMOVED FROM THE CONSENT CALENDAR**5. PLANNING AGENCY****5.1 ROLL CALL OF PLANNING AGENCY MEMBERS****5.2 PUBLIC COMMENTS**

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

5.3 MINUTES**5.3.1 REGULAR MEETING, MARCH 27, 2012**

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE MARCH 27, 2012, REGULAR MEETING.

5.4 PLANNING AGENCY PUBLIC HEARINGS**5.4.1 CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT**

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING

COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT.”

PLANNING AGENCY ADJOURNMENT

6. JOINT CITY COUNCIL/PLANNING AGENCY MEETING

6.1 ROLL CALL OF JOINT CITY COUNCIL/PLANNING AGENCY MEETING

6.2 PUBLIC COMMENTS

6.3 PUBLIC HEARINGS

6.3.1 SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT NO. 12-11-2131, A REQUEST BY VINTAGE REAL ESTATE TO REMODEL AND EXPAND THE MOULTON LA PAZ SHOPPING CENTER AT 26534-26562 MOULTON PARKWAY, INCLUDING THE ADDITION OF APPROXIMATELY 30,000 SQUARE FEET OF NEW COMMERCIAL SPACE, UPDATED FACADES, AND NEW PARKING LOT LAYOUT AND LANDSCAPING; AND CONSIDERATION OF A DETERMINATION THAT THE DISPOSAL OF CERTAIN PUBLIC PROPERTY INCLUDED IN THE DEVELOPMENT PROPOSAL IS IN CONFORMANCE WITH THE GENERAL PLAN.

RECOMMENDATION: THAT THE PLANNING AGENCY/CITY COUNCIL CONTINUE SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT NO. 12-11-2131, AND CONSIDERATION OF A DETERMINATION THAT THE DISPOSAL OF CERTAIN PUBLIC PROPERTY INCLUDED IN THE DEVELOPMENT PROPOSAL IS IN CONFORMANCE WITH THE GENERAL PLAN TO A DATE CERTAIN OF APRIL 24, 2012.

JOINT CITY COUNCIL/PLANNING AGENCY ADJOURNMENT

7. ADMINISTRATIVE REPORTS

7.1 City Manager

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

8.1 COUNCIL MEMBER KOGERMAN

- 8.1.1 DISCUSSION OF THE PREPARATION OF A RESOLUTION TO ESTABLISH A FEE OF ONE PERCENT OF COX COMMUNICATIONS GROSS REVENUES FROM FRANCHISE FEES TO SUPPORT PUBLIC, EDUCATIONAL AND GOVERNMENT PROGRAMMING (PEG) TO BE PRODUCED BY LAGUNA HILLS HIGH SCHOOL

RECOMMENDATION: THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE A RESOLUTION ENACTING A FEE THAT IS EQUAL TO ONE PERCENT (1%) OF GROSS REVENUES TO BE PAID BY COX COMMUNICATIONS, THE STATE VIDEO FRANCHISE HOLDER OPERATING IN THE CITY. THE TERM "GROSS REVENUES" SHALL BE DEFINED AS SET FORTH IN PUBLIC UTILITIES CODE SECTION 5860. THE FEE SHALL BE USED TO SUPPORT PEG CHANNEL FACILITIES AND EQUIPMENT AS DEEMED NECESSARY BY LAGUNA HILLS HIGH SCHOOL TO ENHANCE ITS FILM AND TELEVISION PROGRAM. THE FEE SHALL BE REMITTED TO THE CITY ON A QUARTERLY BASIS WITHIN 45 DAYS AFTER THE END OF EACH QUARTER FOR THAT CALENDAR YEAR.

9. CITY COUNCIL MEMBER COMMENTS

10. CLOSED SESSION

The City Council shall convene in Closed Session, in the City Hall Conference Room, to consider the following matters:

10.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: 24031 El Toro Road, Suite 301, Laguna Hills

Agency Negotiator: Bruce Channing, City Manager and Don White, Assistant City Manager

Negotiating Parties: City of Laguna Hills and the Law Offices of Fay Blix

Under Negotiation: Terms and Conditions of Lease Payment

10.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to subdivision (a) of Government Code Section 54956.9

Name of Case: Kirsten Cook, et al., vs. Transportation Corridor Agency, et al.,
Orange County Superior Court Case No.: 30-2012-00551394-CU-EI-CJC.

10.3 CONFERENCE WITH LABOR NEGOTIATOR (CONTINUED)

Pursuant to Government Code Section 54957.6

Agency Negotiator: Daniel C. Cassidy, Special Labor Counsel

Unrepresented Employee: City Manager

Under Negotiation: Terms and conditions of employment

Reconvene in regular session in the City Council Chamber.

Report on whether any reportable action was taken on matters considered during Closed Session.

ADJOURNMENT

The next Regular Meeting of the City Council will be April 24, 2012, at 7:00 PM, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by April 6, 2012, at 5:00PM.



PEGGY J. JOHNS, CITY CLERK

April 6, 2012

DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

CITY OF LAGUNA HILLS

AGENDA REPORT CITY CLERK

ISSUE: TEN YEAR ANNIVERSARY AWARD

SUMMARY:

At this meeting, Mayor Carruth will recognize Peggy Johns, City Clerk, for ten years of service to the City of Laguna Hills. Peggy was first hired by the City as the Assistant City Clerk on April 1, 2002. On December 11, 2006, she was appointed as the City Clerk.

Employees are recognized when they are with the City for five years with a Certificate of Recognition and Laguna Hills Pen and Pencil Set. Employees with ten and fifteen years of service are recognized at a City Council meeting, with the Mayor presenting a Certificate of Recognition and a gift.

**RECOMMENDATION: THAT MAYOR CARRUTH RECOGNIZE PEGGY JOHNS,
CITY CLERK, FOR TEN YEARS OF SERVICE TO THE CITY OF LAGUNA HILLS
AND PRESENT A CERTIFICATE OF RECOGNITION AND GIFT.**

CERTIFICATE OF RECOGNITION

PEGGY J. JOHNS

City Clerk

Ten Year Service Award

WHEREAS, Peggy Johns has served as a full time employee for the City of Laguna Hills since April 1, 2002; and

WHEREAS, it is the policy and practice of the City of Laguna Hills to attract and retain highly qualified and motivated people; and

WHEREAS, Peggy Johns has served the City of Laguna Hills in a professional, caring, and conscientious manner for ten years; and

WHEREAS, Peggy's service has greatly contributed to the overall success of the City in its efforts to provide quality local government services, programs, and projects to the residents and businesses of Laguna Hills; and

WHEREAS, it is an honor to recognize the length and quality of Peggy's service to the City.

NOW, THEREFORE, I, Melody Carruth, Mayor, on behalf of the City Council, do hereby express appreciation to Peggy Johns for ten years of service to the City of Laguna Hills.

Dated this 10th day of April 2012.

MELODY CARRUTH, MAYOR

**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
MARCH 27, 2012**

CALL TO ORDER

Mayor Carruth called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 PM in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE: Mayor Pro Tempore Lautenschleger

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Carruth, Mayor Pro Tempore Lautenschleger, Council Member Bressette, and Council Member Kogerman

Absent: Council Member Songstad

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentation and Proclamations.

2. PUBLIC COMMENTS

PARKING ISSUE

Clarence Hauschild, Laguna Hills, indicated he wanted consideration for street parking in the vicinity of his home on La Paz Road in order to hold open houses for his historical barn.

The City Council recommended that Mr. Hauschild work with Public Services Director Rosenfield to bring this issue to the Traffic Commission for consideration.

LAGUNA HILLS HIGH SCHOOL FUND RAISER

Meg Gorham, Laguna Hills, spoke on Laguna Hills Grad Night Fund Raiser, Win-Win-Wednesday, and also requested that the City add special events occurring at the high school to the City's website calendar.

LAGUNA HILLS HIGH SCHOOL GRAD NIGHT

Teresa Bonutto, Laguna Hills, requested a donation from the City for the Laguna Hills High School Grad Night.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JEENA BONUTTO.

3. MINUTES**3.1 REGULAR MEETING, MARCH 13, 2012**

MOTION TO APPROVE THE MINUTES OF THE MARCH 13, 2012, REGULAR MEETING, BY M/COUNCIL MEMBER KOGERMAN, S/MAYOR PRO TEMPORE LAUTENSCHLEGER.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER SONGSTAD ABSENT).

4. CONSENT CALENDAR

MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER BRESSETTE, S/MAYOR PRO TEMPORE LAUTENSCHLEGER.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER SONGSTAD ABSENT).

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

THE CITY COUNCIL WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MARCH 27, 2012.

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$916,373.48.

4.3 2011 GENERAL PLAN ANNUAL REPORT

THE CITY COUNCIL RECEIVED THE REPORT AND DIRECTED STAFF TO FORWARD THE 2011 GENERAL PLAN ANNUAL REPORT AND ANNUAL ELEMENT PROGRESS REPORT-HOUSING ELEMENT IMPLEMENTATION TO THE STATE OF CALIFORNIA.

4.4 PROGRESS PAYMENT NO. 12 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 12, IN THE NET AMOUNT OF \$304,660.04, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:26 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, and Agency Member Kogerman

Absent: Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, MARCH 13, 2012

MOTION TO APPROVE THE MINUTES OF THE MARCH 13, 2012, REGULAR MEETING AS REFERENCED IN CITY COUNCIL MINUTES BEGINNING ON PAGE 3, BY M/VICE CHAIR LAUTENSCHLEGER, S/AGENCY MEMBER BRESSETTE.

APPROVED BY A VOTE OF 4-0-1 (AGENCY MEMBER SONGSTAD ABSENT).

5.4 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council meeting at 7:27 PM. All Council Members were present, with the exception of Council Member Songstad.

6. CITY COUNCIL PUBLIC HEARINGS

There were no Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

City Manager Channing indicated that Community Development Director Chantarangsu had made changes to the City's website which included adding a list of pending applications coming forward for Planning Agency consideration.

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR**8.1 MAYOR CARRUTH****8.1.1 LA PAZ ROAD SIDEWALK WIDENING**

MOTION TO DIRECT STAFF TO RETURN WITH A REPORT DETAILING THE COST ASSOCIATED WITH THE CONSTRUCTION OF A RETAINING WALL ALONG THE LA PAZ ROAD SIDEWALK FROM PASEO DE VALENCIA TO CHAMPLAIN ROAD, THE ABILITY TO SECURE GRANT FUNDING, AND THE PROCESS USED TO ESTABLISH A PARTNERSHIP WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT TO SHARE THE COST OF THE SIDEWALK WIDENING, BY M/MAYOR CARRUTH, S/COUNCIL MEMBER KOGERMAN.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER SONGSTAD ABSENT).

9. CITY COUNCIL MEMBER COMMENTS**MAYOR CARRUTH**

Mayor Carruth thanked the Community Services staff for the "Open House" event held at the Community Center on Saturday, March 24, 2012.

Mayor Carruth also thanked the Community Services staff for hosting the "I Can Make a Difference" Conference held at the Laguna Hills Community Center. Mayor Carruth reported she received many positive comments from participants on the Community Center facility.

Mayor Carruth reported on her attendance at the Senior Summit held in Laguna Woods.

COUNCIL MEMBER KOGERMAN

Council Member Kogerman indicated that State law did not require a person addressing the City Council under Public Comments state his/her name or address. Council Member Kogerman indicated that she would like certain language at the beginning of the Agenda to be concise with the Request to Speak Forms.

COUNCIL MEMBER BRESSETTE

Council Member Bressette asked staff why the Traffic Commission meeting had been cancelled.

Public Services Director Rosenfield stated the meeting was cancelled due to lack of Agenda items.

MAYOR PRO TEMPORE LAUTENSCHLEGER

Mayor Pro Tempore Lautenschleger thanked the Community Services staff for the "Open House" event held at the Laguna Hills Community Center on Saturday, March 24, 2012.

Mayor Pro Tempore Lautenschleger stated that the new dedicated freeway on-ramp lane at La Paz Road had been opened and asked staff to monitor the traffic flow.

10. CLOSED SESSION

Mayor Carruth indicated there was no need for a Closed Session.

10.1 CONFERENCE WITH LABOR NEGOTIATOR (CONTINUED)

Pursuant to Government Code Section 54957.6

Agency Negotiator: Daniel C. Cassidy, Special Labor Counsel

Unrepresented Employee: City Manager

Under Negotiation: Terms and conditions of employment

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Carruth declared the meeting adjourned at 7:51 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

MELODY CARRUTH, MAYOR

APPROVED AT MEETING OF _____

CITY OF LAGUNA HILLS
AGENDA REPORT
ADMINISTRATIVE SERVICES DEPARTMENT

**ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
 APRIL 10, 2012.**

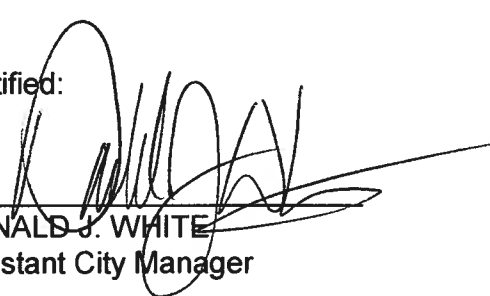
SUMMARY:

In accordance with Government Code Section 37202, the Finance Manager prepares the attached warrant register, which reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies that funds are available for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

4-3-12
DATE

FISCAL IMPACT:

The warrant register total is \$ 165,301.75

**RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER
IN THE AMOUNT OF \$ 165,301.75.**

ATTACHMENTS:

1. **Warrant Register**

**CITY OF LAGUNA HILLS
WARRANT REGISTER
April 10, 2012**

VENDOR		DESCRIPTION	CHECK NO.	AMOUNT
PREPAID WARRANTS:				
AT&T		Communication Expense, Administrative Services Fax Line, Mar '12	8803006	\$ 165.57
CITY OF TUSTIN		Membership, CalPACS, 2012	8803031	275.00
EVERBANK COMMERCIAL FINANCE		Lease - Copier, City Hall, Mar '12	8803008	221.04
GROSS, ROSE MARIE		Claim Settlement	8803009	474.56
LAGUNA HILLS HIGH SCHOOL		Contract Instructor Fee, Mystery Dinner Theatre, Community Services	8803010	1,960.00
LAGUNA HILLS HIGH SCHOOL PTSA		Community Assistance, "Every 15 Minutes" Program, Public Safety	8803048	2,500.00
MAILFINANCE, INC.		Lease, Postage Meter, Feb - Apr '12	8803052	339.41
RALPHS GROCERY COMPANY		Program Supplies, Community Services, Feb '12	8803011	189.87
REFUND, FACILITY RENTAL DEPOSIT		L. Wilson, V# 2002316.002	8803062	250.00
REYES, JANICE MATEO		Program Supplies, Community Services, Mar '12	8803012	795.01
SAN DIEGO GAS & ELECTRIC		Electric Usage, Community Center, Traffic Control and Street Lights, Feb '12	8803013	20,844.65
SAN DIEGO GAS & ELECTRIC		Electric Usage, Street Lights and Traffic Control, Feb '12	8803065	1,082.99
SOUTHERN CALIFORNIA EDISON		Electric Usage, Street Lights and Traffic Control, Feb '12	8803014	413.20
SOUTHERN CALIFORNIA EDISON		Electric Usage, Street Lights and Traffic Control, Feb '12	8803067	1,613.60
SPRINT		Communication Expense, Community Services, Feb '12	8803015	150.33
STATE FARM MUTUAL AUTOMOBILE		Claim Settlement	8803016	500.00
TOTALFUNDS BY HASLER		Postage, Meter Replenishment, Mar '12	8803017	1,000.00
YTZEN, KYRA		Refund, SAP Fees, CR # 43698	8803018	368.75
Total Prepaid Warrants:				\$ 33,143.98
REGULAR WARRANTS:				
A. C. LANDSCAPE, INC.		Water Management Services, Irrigation Repairs, Mar '12	8803019	\$ 2,151.99
ADVANCED APPLIED ENGINEERING		Professional Fees, GIS Services, Dec '11	8803020	3,700.00
ALICEA, MIA		Contract Instructor Fee, Dancing Winter Session, Community Services	8803021	25.20
ASSOCIATION OF CA CITIES -OC		Meeting Expense, Administrative Services, Mar '12	8803022	180.00

**CITY OF LAGUNA HILLS
WARRANT REGISTER
April 10, 2012**

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
ATHALYE CONSULTING ENGINEERING	Professional Fees, La Paz Widening @ I-5 CIP # 159	8803023	43,747.25
BRAME, MARILYN	Contract Instructor Fee, Drawing Winter Session, Community Services	8803024	420.00
C&D ELECTRIC, INC.	Lighting Repairs, Parks, Mar '12	8803025	478.61
C2 REPROGRAPHICS	Document Reproduction Services, Paseo de Valencia Widening CIP # 145	8803026	58.08
CALIFORNIA OFFICE SYSTEMS	Usage - Copier, Community Center, Mar '12	8803027	515.80
CALIFORNIA YELLOW CAB	Dial-a-Taxi, Senior Transportation Program, Feb '12	8803028	300.00
CHARLES ABBOTT ASSOCIATES, INC	Professional Fees, Plan Checking and Building & Safety Services, Feb '12	8803029	5,940.72
COMPLETE OFFICE OF CALIFORNIA	Office Supplies, Community Center, Mar '12	8803032	235.57
COUNTY CLERK-RECORDER	Document Recording Fee, Encroachment Agreement, Mar '12	8803033	27.00
DELL COMPUTER CORPORATION	Computer Hardware, Community Services, Mar '12	8803034	1,162.48
ELKINS, CHRISTINA	Contract Instructor Fee, Dancing Winter Session, Community Services	8803035	514.50
FUN SERVICES	Program Expense Deposit, 4th of July Event, Community Services	8803036	1,300.00
G. NEIL COMPANIES	Office Supplies, Community Services, Mar '12	8803037	59.99
GG-ONE SOFTWARE, INC.	Computer Software Maintenance, City Clerk, Apr '12 - Mar '13	8803038	500.00
GREEN MART, INC.	Operating Supplies, Parks, Mar '12	8803039	818.90
HANSEN, MARIA	Contract Instructor Fee, Zumba Winter Session, Community Services	8803040	548.80
HARTZOG & CRABILL, INC.	Professional Fees, Traffic Engineering Services, El Toro Rd @ Carlota Street Improvements CIP # 164, Feb '12	8803041	1,933.79
HENRY, LUCIA	Contract Instructor Fee, Ceramics Winter Session, Community Services	8803042	289.10
JAMEY CLARK, INC.	Miscellaneous Park Repairs and Graffiti Removal, Mar '12	8803043	628.40
JCTEES.COM CORPORATION	Uniforms, Community Services, Mar '12	8803044	597.99
JOE A. GONSALVES & SON	Professional Fees, Legislative Services, Apr '12	8803045	2,900.00
JR LANGUAGE TRANSLATION SVCS	Translation Services, Informational Letter, Recycling Bag Program, Mar '12	8803046	125.00
K F STUDIOS	Event Promotional Services, 1/2 Marathon and 5K Event, Community Services, Mar '12	8803047	270.00
LIEBERT CASSIDY WHITMORE	Professional Fees, Legal Services, Feb '12	8803049	3,114.00
LINDY OFFICE PRODUCTS	Operating Supplies, Mar '12	8803050	51.90

**CITY OF LAGUNA HILLS
WARRANT REGISTER
April 10, 2012**

4/10/2012 ITEM NO. 4.2

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
LUCY, STEVEN	Program Expense, Community Services, Mar '12	8803051	650.00
MARTIN-RUSK, DINA	Contract Instructor Fee, Zumba Winter Session, Community Services	8803053	224.00
MEDLOCK, GEORGE	Contract Instructor Fee, Drumming Winter Session, Community Services	8803054	68.60
MOBILE MINI, INC.	Storage Rental Fee, Community Services, Mar '12	8803055	82.97
NIEVES LANDSCAPE, INC.	Other Assorted Landscape Services, Jan - Mar '12	8803056	5,383.94
NIMMO, DAVID	Contract Instructor Fee, Clog Dancing Winter Session, Community Services	8803057	35.00
OFFICE SOLUTIONS	Office Supplies, Mar '12	8803058	362.92
ORANGE EMPIRE CHAPTER ICC	Membership, Building Department	8803059	70.00
PROMOTIONAL SIGNS, INC.	Display Case Modification, City Clerk, Mar '12	8803060	161.63
QUIKSILVER COURIER	Delivery Service, Mar '12	8803061	29.64
RICHARD FISHER ASSOCIATES	Professional Fees, Renovation Costeau & Stockport Park CIP # 239, La Paz Open Space Riparian Habitat CIP # 615 and La Paz Widening @ I-5 CIP # 159	8803063	7,146.80
SADDLEBACK FAMILY & URGENT CARE	Pre-employment Physicals, Jan '12	8803064	65.00
SOCAL OFFICE TECHNOLOGIES	Printer, Maintenance and Supplies, Nov '11 - Apr '12	8803066	884.79
WEST COAST ARBORISTS, INC.	Tree Planting, Urban Reforestation, CIP # 320 and Tree Trimming, Feb '12	8803068	15,231.00
WOODRUFF, SPRADLIN & SMART	Professional Fees, Legal Services, Feb '12	8803069	27,904.50
WYLAND FOUNDATION	Program Expense, Volunteer Connection Day, Final Payment	8803070	600.00
XEROX CORPORATION	Lease - Copier, City Hall, Mar '12	8803071	485.51
YOUNG REMBRANDTS	Contract Instructor Fee, Drawing Winter Session, Community Services	8803072	176.40
Total Regular Warrants:			\$ 132,157.77
WARRANT REGISTER TOTAL			\$ 165,301.75

CITY OF LAGUNA HILLS

AGENDA REPORT COMMUNITY SERVICES

ISSUE: 2012 FOURTH OF JULY FIREWORKS SHOW AGREEMENT

SUMMARY:

The City of Laguna Hills will host its annual Fourth of July celebration at the Laguna Hills Sports Complex on Wednesday, July 4, 2012. The special event will be held from 4:00 p.m. to 9:30 p.m. and includes a number of activities in addition to the fireworks show. Staff's recommendation is to execute an agreement with a new fireworks vendor, Pyro Engineering, Inc., for the 2012 event. As the City Council will recall, there were a number of issues with the 2011 fireworks display. Although the City was given a discount by the previous vendor for the 2011 display costs, staff feels it is prudent to move forward with a new fireworks vendor for 2012. Staff was provided with and contacted several references for Pyro Engineering, Inc., all of whom spoke very highly of the vendor and the quality of the fireworks display provided. The proposed show has a total of one thousand one hundred (1,100) shells, at a cost of \$24,000. This is an increase of 400 shells relative to the 2011 numbers. The show will again be approximately 16-18 minutes in length. Attached to this staff report is the Fireworks Display Agreement with Pyro Engineering, Inc.

FISCAL IMPACT:

The proposed budget for the 2012 Fourth of July event is \$53,750 which includes a fireworks budget of \$26,400. Last year's Fourth of July event expenditures totaled \$46,078 which includes the discounted cost of the fireworks show. Net costs totaled \$42,697 when accounting for the \$3,381 in ride ticket sales revenue.

RECOMMENDATION: THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH PYRO ENGINEERING, INC., APPROVED AS TO FORM BY THE CITY ATTORNEY, FOR THE 2012 FOURTH OF JULY FIREWORKS SHOW.

ATTACHMENTS:

- Fireworks Display Agreement with Pyro Engineering, Inc.

FIREWORKS DISPLAY AGREEMENT
Pyro Engineering, Inc.

THIS FIREWORKS DISPLAY AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2012, by and between the City of Laguna Hills, a California general law city and municipal corporation ("City"), and Pyro Engineering, Inc., a New York corporation ("PEI").

RECITALS

- A. PEI designs, produces, and conduct fireworks displays; and
- B. City desires to engage PEI to design, produce and perform a fireworks display on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the terms, conditions, and covenants contained herein, both parties hereto do mutually agree as follows.

AGREEMENT

1. **Engagement.** City hereby engages PEI to provide to City one fireworks display ("Display"), and PEI accepts such engagement upon all of the promises, terms and conditions hereinafter set forth.

1.1 **PEI Duties.** PEI shall provide all pyrotechnic equipment, trained pyrotechnicians, shipping, pyrotechnic products, application for specific pyrotechnic permits (the cost of which, including standby fees, shall be paid by City) relating to the Display, insurance covering the Display and other things on its part to be performed as more specifically set forth below in this Agreement. Subject to Paragraph 17, PEI shall provide the Display in substantial conformance with with the quantities and format outlined in the Proposed Inventory Aerial Shell Segment, attached hereto as Exhibit "A", incorporated herein by this reference, and made a part of this Agreement as though set forth fully herein.

1.2 **City Duties.** City shall provide to PEI a suitable site for the discharge of the Display, security for the site as set forth in Paragraph 11 hereof, access to the site, any permission necessary to utilize the site for the Display, and the other things on its part to be performed as more specifically set forth below in this Agreement. All site arrangements are subject to PEI's reasonable approval as to pyrotechnic safety, suitability, and security. All other conditions of the site shall be the responsibility of the City, including, but not limited to, access, use, control, parking and general safety with respect to the public, City personnel and other contractors.

2. **Time and Place.** The Display shall take place on July 4, 2012 ("Scheduled Date"), at approximately 9:00 pm ("Scheduled Time"), at Laguna Hills High School located at 25401 Paseo de Valencia, Laguna Hills, CA, between the Tennis Court and Baseball Field, which is adjacent to the Laguna Hills Community Center located at 25555 Alicia Parkway, Laguna Hills, CA

("Site"). The Display will be under the supervision of a PEI trained technician. It is agreed that PEI shall be the sole fireworks supplier and producer for the event contracted for herein. City reserves the right to determine the actual start and stop time of the display.

3. Fees, Interest, and Expenses.

3.1 Fee. City agrees to pay PEI a fee of \$24,000.00 (Twenty Four Thousand Dollars) ("Fee") for the Display. City shall pay to PEI \$12,000.00 (Twelve Thousand Dollars) of the Fee as a deposit ("Deposit") upon the execution of this Agreement by both parties. The balance of the Fee shall be paid by no later than July 16, 2012.

3.2 Interest. In the event that the Fee is not paid in a timely manner, City will be responsible for the payment of 1.5% interest per month or 18% annually on the unpaid balance.

3.3 Expenses. PEI shall pay all normal expenses directly related to the Display including, but not limited to, freight, insurance as outlined herein, pyrotechnic products, pyrotechnic equipment, experienced pyrotechnic personnel to set up and discharge the pyrotechnics, and those additional items outlined as PEI's responsibility in this Agreement. City shall pay all costs related to the Display not supplied by PEI including, but not limited to, all governmental fees and taxes, including sales, use, excise, license, permit, entertainment, or other fees, taxes or surcharges imposed or otherwise applied to the Display.

4. Force Majeure. City agrees to partially assume the risks of weather, strike, civil unrest, terrorism, military action, governmental action, and any other causes beyond the control of PEI which may prevent the Display from being safely discharged on the Scheduled Date. If, for any such reason, PEI is not reasonably able to safely discharge the Display on the Scheduled Date, City may: (i) reschedule the Display and pay PEI such sums as provided in Paragraph 5, or (ii) cancel the Display and be relieved of the obligation to pay the balance of the Fee due.

5. Rescheduling. If City elects to reschedule the Display, PEI shall be paid the original Fee plus any 3rd party vendor expenses made necessary by rescheduling plus: (i) 5% of the Display Fee if the City notifies PEI of the request to reschedule by no later than 12:00 a.m. on July 3, 2012; or (ii) 15% of the Display Fee if the City notifies PEI of the request to reschedule after 12:00 a.m. on July 3, 2012. The Display shall be rescheduled on a mutually agreed upon date occurring no later than six months from the originally scheduled Display Date.

6. Right to Cancel, Substantial Delay or Postponement.

6.1 Right to Cancel. City shall have the option to unilaterally cancel the Display prior to the Scheduled Date. If City exercises its option to cancel for any reason other than those causes discussed in Paragraph 4, or PEI's inability to perform as a result of operator error, or malfunction or failure of pyrotechnic equipment or materials as provided in Paragraph 7.1(B), the City shall pay to PEI as liquidated damages: (i) 50% of the Display Fee if the City notifies PEI of the cancellation at least 30 days prior to the Scheduled Date; (ii) 75% of the Display Fee if the City notifies PEI of the cancellation 15 to 29 days prior to the Scheduled Date; or (iii) 100% of the Display Fee if the City notifies PEI of the cancellation less than 15 days prior to the Scheduled Date.

7.1 Substantial Delay or Postponement. Except where the Display may not be safely discharged or continued as a result of conditions or circumstances affecting safety beyond the reasonable control of PEI pursuant to Paragraphs 4, 10, and 11, both parties agree that the City will suffer damages as a result of any substantial delay or postponement of the Display resulting from operator error, or malfunction or failure of the pyrotechnic equipment or materials, and therefore agree to the following liquidated damages provisions:

A. If PEI, as a result of operator error, or malfunction or failure of the pyrotechnic equipment or materials, is unable to start the Display within 15 to 30 minutes after the Display Time, as such Display Time may be modified by the City; or if at any time after the Display has begun and is underway, there is a gap or break in the program lasting 5 to 15 minutes, PEI shall pay to the City as liquidated damages 20% of the Display Fee.

B. If PEI, as a result of operator error, or malfunction or failure of the pyrotechnic equipment or materials, is unable to start the Display for more than 30 minutes after the Display Time, as such Display Time may be modified by the City; or at any time after the Display has begun and is underway, there is a gap or break in the program lasting more than 15 minutes, the City, in its sole discretion, may cancel the Display without incurring any liability for payment to PEI and without any obligation to reschedule under Paragraph 5. In such an event, it is agreed that PEI shall pay to the City as liquidated damages of 100% of the Display Fee.

8. Notice of Rescheduling or Cancellation. Any request by City to reschedule or cancel the Display shall be directed to PEI at help@bayfireworks.com or by phone to (516) 233-4132. If a decision to reschedule or cancel is made on the Display Date, the City shall also communicate its decision to the onsite PEI technician in charge as appropriate.

9. City Contract Officer. The City Manager, or his/her designee, shall be solely authorized to make decisions concerning this Agreement and the Display including, but not limited to, requests to reschedule or cancel the Display.

10. Safety. PEI shall comply with applicable federal, state and local laws and regulations and employ safety programs and measures consistent with recognized applicable industry standards and practices. At all times before and during the Display, it shall be within PEI's sole discretion to determine whether or not the Display may be safely discharged or continued. It shall not constitute a breach of this Agreement by PEI to determine that the Display cannot be discharged or continued as a result of any conditions or circumstances affecting safety beyond the reasonable control of PEI.

11. Security. City shall provide and maintain sufficient security personnel, barricades, and Police Department services before, during and after the Display until the pyrotechnician in charge declares the area clear. The City shall also provide and maintain a shell casing fallout area clear of any buildings cars and spectators with a minimum 500-foot radius as specified by current edition of NFPA Code 1123, as a Fire Safety Zone ("FSZ") during the entire period commencing from the time the fireworks are delivered to the Site until the area is declared clear by the pyrotechnician. It is understood and agreed that PEI will cease the discharge of all

fireworks due to any security breach of the FSZ. PEI shall not be responsible for personal injury, vehicle or property damage occurring within the FSZ as a result of the City's failure to maintain the FSZ in accordance with the standards of current edition of NFPA 1123 which, incidentally, are only minimum standards of distances. City acknowledges and agrees that PEI's responsibilities are limited to the Display and that PEI is relying on City to maintain the aforementioned FSZ and to comply with all Federal, State, municipal and local laws, orders, regulations and ordinances pertaining to the implementation of any and all security measures at the Display Site. Any Site visits made during the Display setup by or on behalf of City shall be in accordance with the current edition of NFPA 1123, and under the direct supervision of the PEI technician in charge. Any such inspection shall not in any way interfere with the safety, setup or schedule of the preparation for and disassembly after the Display. The PEI technician in charge may, at his discretion, cancel any inspection that in his sole opinion may compromise the safety of the setup or the Display or the setup schedule.

12. Contract Subject to Government Regulation. This Agreement and PEI's obligations hereunder are subject to all applicable Federal, State, Municipal and local laws, rules, ordinances, regulations and codes, now or hereinafter in effect, and to the conditions and limitations contained in the permits required to be obtained by PEI prior to the Display as set forth in Paragraph 13 below. In the event any Federal, State, municipal or local law, rule, regulation or ordinance shall be enacted which in any way prohibits, limits or restricts the sale, performance or operation of the exhibition of the Display or in the event the City's permit in any way limits or restricts the sale, performance or operation of said exhibition, PEI shall limit or restrict its performance of the Display so as to comply with such law, rule, regulation or ordinance or limitation or restriction of City's permit. The City acknowledges that any such limit or restriction placed on the performance or operation of the Display shall in no way result in or entitle City to a reduction or abatement in the full contract price.

13. Permits. PEI agrees to apply for permits for the firing of pyrotechnics only from the Orange County Fire Authority, and if required, the FAA. The City shall be responsible for any fees associated with these permits, including standby fees. The City shall be responsible for obtaining any other necessary permits, paying associated fees, and making other appropriate arrangements for Police Departments, other Fire Departments, road closures, event/activity or land use permits or any permission or permit required by any Local, Regional, State or Federal Government.

14. Cleanup. PEI shall be responsible for the removal of all equipment and any live pyrotechnics from the Site. The City shall be responsible for cleaning the Site and FSZ.

15. Insurance and Indemnification.

15.1 Insurance. PEI shall procure and maintain, at its sole cost and expense, and submit concurrently with its execution of this Agreement, in a form and content satisfactory to City, public liability and property damage insurance against all claims for injuries against persons or damages to property resulting from PEI's performance under this Agreement. PEI shall also carry workers' compensation insurance in accordance with California workers' compensation laws. Such insurance shall be kept in full force and effect during the term of this

Agreement, including any extension thereof, and shall not be cancelable without thirty (30) days written notice to City of any proposed cancellation. Certificates of insurance evidencing the foregoing and designating the City and the Saddleback Valley Unified School District, their elected officials, officers, employees, agents, and volunteers as additional insureds by original endorsement shall be delivered to and approved by City prior to commencement of services. The procuring of such insurance and the delivery of policies, certificates, and endorsements evidencing the same shall not be construed as a limitation of PEI's obligation to indemnify City and the Saddleback Valley Unified School District, their elected officials, officers, agents, employees, and volunteers.

15.1.1 Minimum Scope of Insurance. The minimum amount of insurance required hereunder shall be as follows:

A. Comprehensive general liability and personal injury with limits of at least one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000.00) in the general aggregate, and one million dollars (\$1,000,000.00) for products and completed operations; the commercial general liability policy shall name the City of Laguna Hills and the Saddleback Valley Unified School District as additional insureds in accordance with standard ISO additional insured endorsement form CG2010(1185) or equivalent language;

B. Automobile liability insurance with limits of at least one million dollars (\$1,000,000.00) per occurrence;

C. Workers' compensation insurance in the statutory amount as required by the State of California, and Employer's Liability Insurance with limits of at least one million dollars (\$1,000,000.00) per accident for bodily injury or disease.

For any claims related to this Agreement, PEI's insurance coverage shall be primary insurance as respects City and its respective elected officials, officers, employees, agents, and volunteers. Any insurance or self-insurance maintained by City and its respective elected officials, officers, employees, agents, and volunteers shall be in excess of PEI's insurance and shall not contribute with it. For workers' compensation and employer's liability insurance only, the insurer shall waive all rights of subrogation and contribution it may have against City, its elected officials, officers, employees, agents, and volunteers.

15.1.2 Sufficiency of Insurers. Insurance required herein shall be issued by a licensed company authorized to transact business in the state by the Department of Insurance for the State of California with a current rating of A:-VII or better (if an admitted carrier), or a current rating of A:X or better (if offered by a non-admitted insurer listed on the State of California List of Eligible Surplus Lines Insurers (LESLI), by the latest edition of A.M. Best's Key Rating Guide, except that the City will accept workers' compensation insurance from the State Compensation Fund.

15.1.3 Verification of Coverage. PEI shall furnish City with both certificates of insurance and original endorsements, including additional insured endorsements, effecting all of the coverages required by this Agreement. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All proof of insurance is to be

received and approved by the City before work commences. City reserves the right to require PEI's insurers to provide complete, certified copies of all required insurance policies at any time. Additional insured endorsements are not required for workers' compensation policies.

15.1.4 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected officials, officers, employees, agents, and volunteers; or, PEI shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

15.1.5 Separation of Insureds; No Special Limitations. All insurance required by this Section shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the City, its directors, officials, officers, employees, agents, and volunteers.

15.2 Indemnification. To the fullest extent permitted by law, PEI shall defend (at PEI's sole cost and expense), indemnify, protect, and hold harmless City and the Saddleback Valley Unified School District, their elected and appointed officials, officers, directors, employees, agents, and volunteers (collectively the "Indemnified Parties"), from and against any and all liabilities, actions, suits, claims, demands, losses, costs, judgments, arbitration awards, settlements, damages, demands, orders, penalties, and expenses including legal costs and attorney fees (collectively "Claims"), including but not limited to Claims arising from injuries to or death of persons (PEI's employees included), for damage to property, including property owned by City, or from any violation of any federal, state, or local law or ordinance, which Claims arise out of or are related to PEI's performance under this Agreement. Under no circumstances shall the insurance requirements and limits set forth in this Agreement be construed to limit PEI's indemnification obligation or other liability hereunder.

16. Attorney Fees. In the event any dispute between the parties with respect to this Agreement results in litigation or any non-judicial proceeding, the prevailing party shall be entitled, in addition to such other relief as may be granted, to recover from the non-prevailing party all reasonable costs and expenses, including but not limited to reasonable attorney fees, expert consultant fees, court costs and all fees, costs, and expenses incurred in any appeal or in collection of any judgment entered in such proceeding.

17. Substitutions. PEI shall have the right, at its discretion, to substitute any fireworks it deems necessary provided same does not detract from the aesthetic value or quality of the program. This includes, but is not limited to, shell sizes, quantities, types and brand names. Any substitutions shall in no way result in or entitle City to a reduction or abatement of the full contract price.

18. California Law. This Agreement shall be construed and interpreted both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim, or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Orange, State of California, or any

other appropriate court in such county, and PEI covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

19. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes all prior negotiations, arrangements, agreements, representations, and understandings, if any, made by or among the parties with respect to the subject matter hereof, and may not be changed, modified, renewed or extended except by a written agreement, signed by both parties.

20. **Severability.** In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement, which shall be interpreted to carry out the intent of the parties hereunder

21. **Amendment.** This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

22. **Binding Effect.** This Agreement shall not be binding on either party until executed by both City and PEI.

[Signatures on following page.]

///

///

///

///

///

///

///

///

///

///

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates stated below.

"CITY"

City of Laguna Hills

Date: _____

By: _____
Bruce E. Channing,
City Manager

APPROVED AS TO FORM:

ATTEST

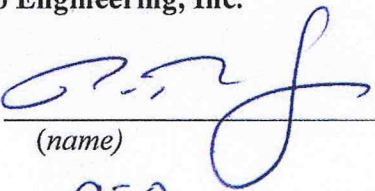
By: _____
Gregory E. Simonian,
City Attorney

By: _____
Peggy J. Johns,
City Clerk

"PEI"

Pyro Engineering, Inc.

Date: _____

By:  4-2-12
(name)
CEO
(title)

Date: _____

By: _____
(name)

(title)

Exhibit A
Proposed Inventory Aerial Shell Segment



LAGUNA HILLS

July 4, 2012
AERIAL SHELL SEGMENT

OPENING SEGMENT	QTY
Three-Inch Shells	110
Four-Inch Shells	20
Five-Inch Shells	10
BODY OF PROGRAM	QTY
Three-Inch Shells	240
Four-Inch Shells	150
Four-Inch Japanese Shells	30
Five-Inch Shells	100
Five-Inch Japanese Shells	20
GRAND FINALE	QTY
Three-Inch Shells	340
Four-Inch Shells	40
Five-Inch Shells	30

Proposed Inventory
Aerial Shell Segment

Program Value: \$24,000
1,100 Shells Total



Bay Fireworks at Kennedy Space Center,
NASA's 50th Anniversary



Bay Fireworks at NY Mets Citifield



Bay Fireworks at Barnum SkyBlast

CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES

**ISSUE: PUBLIC INFORMATION MEETING FOR THE PASEO DE VALENCIA
WIDENING IMPROVEMENT PROJECT, CIP NO. 145A**

SUMMARY:

Preliminary design and environmental evaluation work has been undertaken for the subject project for the future widening of Paseo de Valencia from Kennington Drive to Laguna Hills Drive. To encourage public participation in the evaluation of the project, staff has sent an invitation to all properties within 500 feet of the project to participate in a Public Informational Meeting to be held on April 16, 2012, from 5:00 pm to 7:00 pm, in the City Council Chambers. A copy of the notice that was mailed to the properties on March 30, 2012, is attached for City Council information. It is recommended the City Council receive and file this report.

BACKGROUND:

The Paseo de Valencia Widening Improvement Project, CIP No. 145A, is currently under contract for design and environmental evaluation. The consultant for this project, STV Inc., and their sub-consultants, has begun the preliminary work to establish the project details and evaluate the project impacts. As a part of this work effort, the City is seeking comments from the public and has established the first Public Information Meeting on April 16, 2012, from 5:00 pm to 7:00 pm, in the City Council Chambers. Residents within 500 feet of the project, in both the City of Laguna Hills and the City of Laguna Woods, were mailed the attached notice on March 30, 2012.

The Paseo de Valencia Widening Improvement Project, CIP No. 145A, is planned to correct a lane imbalance and implement the “complete streets” concept to provide greater mobility for all road users including pedestrians and bicyclists. The anticipated design will shift the roadway to the east sufficient to add the third southbound travel lane, bike lanes, and sidewalks. No right-of-way acquisition from private properties is planned. The existing off-street bicycle trail and equestrian trail in the open space area easterly of the roadway will remain at the completion of the project. The project is consistent with the Master Plan of Arterial Highways and the City’s General Plan Circulation Element. A complete environmental analysis of the project is a part of the consultant’s work effort and includes an analysis of noise impacts associated with the project.

Upon completion of the preliminary project design and environmental evaluation, the public will again be invited to comment upon the project and raise any issues of concern for further analysis. The construction of the project is in the future with no established date.

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

ATTACHMENTS:

- Invitation to Public Information Meeting



CITY OF LAGUNA HILLS

INVITATION TO PUBLIC INFORMATION MEETING

Paseo de Valencia Widening Improvement Project

The City of Laguna Hills has initiated the preliminary design and environmental evaluation of the planned future widening of Paseo de Valencia between Kennington Drive and Laguna Hills Drive. You are cordially invited to attend a public information meeting to learn more about the project and to provide you an opportunity to ask questions and comment upon the project.

Paseo de Valencia Widening Improvement Project
Public Information meeting:

April 16, 2012
5:00 pm to 7:00 pm

Laguna Hills City Council Chambers, 24035 El Toro
Road, Laguna Hills, CA 92653

Paseo de Valencia is a major arterial highway that currently provides three travel lanes in the northerly bound direction and two travel lanes in the southerly bound direction. The proposed project will add a third southbound travel lane, bicycle lane and sidewalk by moving the street easterly to accommodate the widening without the acquisition of right of way from private property. Public input is being sought for this project which will provide improved north-south connectivity for the region in South Orange County.

For further information, please contact:

Kenneth Rosenfield, P.E.
Director of Public Services
(949) 707-2655

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 12, IN THE NET AMOUNT OF \$304,660.04, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:26 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, and Agency Member Kogerman

Absent: Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, MARCH 13, 2012

MOTION TO APPROVE THE MINUTES OF THE MARCH 13, 2012, REGULAR MEETING AS REFERENCED IN CITY COUNCIL MINUTES BEGINNING ON PAGE 3, BY M/VICE CHAIR LAUTENSCHLEGER, S/AGENCY MEMBER BRESSETTE.

APPROVED BY A VOTE OF 4-0-1 (AGENCY MEMBER SONGSTAD ABSENT).

5.4 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council meeting at 7:27 PM. All Council Members were present, with the exception of Council Member Songstad.

6. CITY COUNCIL PUBLIC HEARINGS

There were no Public Hearings.

7. ADMINISTRATIVE REPORTS

CITY OF LAGUNA HILLS

AGENDA REPORT COMMUNITY DEVELOPMENT

ISSUE: CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT

SUMMARY:

The City Council initially continued this item from the meeting of January 10, 2012. A subsequent continuance was granted from March 13, 2012 to April 10, 2012.

The proposal by AT&T would add two microwave antennas for the purpose of expanding the capacity of the carrier's wireless network serving the city. The addition of the microwave antennas allows AT&T's Nellie Gail site to communicate with other cell sites to accommodate the growing demand for mobile data services.

Staff supports the request given the proposal is consistent with the City's development standards such as for public safety and location. The proposal to use an existing site is consistent with the City's direction to wireless carriers in the City's development code to co-locate equipment where technologically feasible and visually beneficial. An electromagnetic energy study prepared to analyze existing and future microwave and "radio frequency" energy indicates the site does not create any hazardous conditions.

AUTHORITY:

The Laguna Hills Municipal Code ("LHMC") Section 9-58.040(E) indicates that antenna height shall conform to the height limit of the zone (35 feet in the instant case) but may be increased subject to the approval of a Conditional Use Permit. The proposal will add an additional 4.5 feet of height to the facility resulting in an overall height of 57.5 feet.

BACKGROUND:

At the January 10, 2012, Public Hearing for this request, the Planning Agency made a motion to continue this item to enable the applicant to accomplish the following:

1. Conduct testing of existing radio frequency (RF) energy and future levels of RF energy to demonstrate whether or not the site would operate within safe parameters established by the FCC to ensure the operation of the site would not result in any adverse health effects to the residential area and nearby park;

2. Contact the Nellie Gail Ranch homeowners association (HOA) with respect to the proposal; and
3. Provide additional information to the Planning Agency and public with respect to the need to upgrade the site.

PROJECT DESCRIPTION AND ANALYSIS:

The following items describe applicant and staff responses to the Planning Agency's direction and requests for additional information concerning the proposal.

Site Testing (Electromagnetic Energy)

In response to the first part of the Planning Agency's request, the applicant completed an analysis of existing conditions and modeled future conditions of the site accounting for all existing panel antennas and microwave dishes at the site. The measurements indicate that a person within the water reservoir compound enclosure would be exposed to less than 20 percent of the maximum permissible exposure allowed by the FCC. The study also indicates that the proposed microwave dishes would result in a person receiving only 5 percent of the maximum permissible exposure at ground level within the water reservoir compound enclosure area. If the request is approved, Condition 11 requires the applicant to conduct a post-installation test to verify that the site is operating within acceptable conditions concerning energy emissions. The report is included as Attachment 4.

Nellie Gail Ranch Owners Association

Staff responded to the second part of the Planning Agency's direction and sent another Public Hearing notice to the Nellie Gail Ranch Owners Association regarding the application. Staff spoke with a representative from the HOA on April 2, 2012 to ensure they had received the second notice. Staff notes that a mailed notice was also sent to the HOA for the initial public hearing in January, and staff spoke with a representative from Nellie Gail Ranch regarding the application prior to the first public hearing. As of this writing the HOA has not provided any formal comments to staff concerning the request, except to note that they have received similar complaints from residents adjacent to the site regarding health concerns. The HOA notes that because this is not an item they would typically bring before their board, the HOA has no official opinion on this matter.

Upgrade Need

In response to the Planning Agency's request to have the applicant provide additional information concerning the need to upgrade the site, the applicant submitted letters dated February 14, March 5, and March 29, 2012, to provide additional background information and justification for upgrading the site. These letters are attached for the

Planning Agency's reference (Attachment 3). Staff notes that AT&T did not provide any technical information related to capacity and has chosen to keep the information confidential. Despite the applicant's unwillingness/ inability to provide specific capacity information for the site, staff believes the proposed site upgrades are consistent with the City's Development Code and General Plan Policies. The information below may assist the Planning Agency in having a better understanding of the capacity issue.

Network Capacity Versus Network Coverage

Network coverage relates to a carrier's ability to offer wireless voice, text messaging and data service over a given area. The adequacy of wireless coverage in an area is based on the strength (or weakness) of radio frequency signals a cellular antenna can transmit over an area. Topography, vegetation and structures can diminish the strength of a signal.

Network capacity relates to the ability of a cell site to accommodate consumer demand for wireless voice and data services. The popularity of smartphones and mobile devices such as the Android and iPad has resulted in a tremendous surge in demand for access to wireless internet. Survey results released by Nielsen this month indicate that nearly half of all U.S. cellular subscribers have a smartphone (101 million people). With significant demand for access to wireless services, carriers such as Verizon and AT&T have been upgrading their cellular networks to accommodate the data upload and download speeds needed to support consumer demand. According to projections compiled by Cisco Systems (which have become one of the industry's standard measurements for projecting future mobile data demands), Cisco is projecting a 74 percent annual growth rate for mobile data. Using real network data to validate its numbers, Cisco found that traffic over cellular networks increased by 172 percent in 2011, compared with a 171 percent increase in 2010. The report also cited that the top 1 percent of mobile data users were responsible for 51 percent of all mobile data traffic.

While the applicant may not have been able to provide technical data in order to preserve confidentiality, the trend for mobile data demand is evident.

Alternative Sites

As part of the response to the Planning Agency's request, the applicant has included additional information concerning other sites that were evaluated to accommodate the request.

Additional information submitted by the applicant describes the elevations of other cell towers nearby which are substantially lower in elevation than the proposed site when compared to the two towers proposed to be "linked" to the Nellie Gail site by microwave. The other cell tower locations in Mission Viejo and Aliso Viejo are around the 500' elevation (MSL) while other towers indicated on the applicant's coverage maps were determined to be in the 200' to 300' (MSL) elevation range. The Nellie Gail site is at 628' (MSL). Staff assumes that due to the significant difference in elevation between

cell sites not selected that structures or topography would interfere with the transmission of the signal.

Alternative Sites Relative to the City's Development Code and General Plan

Chapter 9-58 of the City's Development Code contains the standards for the location and design for wireless communication facilities. Section 9-58.040 provides the following direction concerning location of facilities that are relevant to this project:

- E. All nonexempt antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function. Antenna height shall conform to the height limit of the zoning district or as otherwise approved through a conditional use permit (see Table 9-40.150 of this title).
- F. All nonexempt antennas and communication systems shall be screened from view by use of buildings or landscaping to the extent possible.
- G. Communication facilities shall be co-located where technologically feasible and visually beneficial. Lease agreements may not prohibit co-location or contain an exclusivity clause. Violation of this provision may result in permit revocation. Facilities which are not proposed to be co-located shall provide a written explanation why the subject facility is not a candidate for co-location.

Where determined to be technically feasible and appropriate, unutilized space should be made available for co-location of other wireless communication facilities, including space for entities providing similar, competing services. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host facility to go off-line for a significant period of time.

The City's Development Code mandates co-location where technologically feasible and visually beneficial. Staff believes the applicant has indicated how the additional equipment is feasible for the proposed location. Applicant-provided photo simulations (Attachment 5) and a staff photo survey (Attachment 6) indicate that the proposed microwave dishes would not significantly detract from the visual quality of the area. Although the dishes add a new visual element to the area, existing trees provide substantial screening. Also, the height of the microwave dishes at 58 feet places the dishes out of the normal view shed of residences directly adjacent to the facility. The view of the facility from residences that are farther away is more likely to be dominated by the existing trees around the site. Where the Planning Agency feels existing screening is too sparse, a condition can be added for additional trees and landscaping around facility.

In addition to the City's development code, the City's General Plan recognizes the importance of ensuring that adequate communication services are available to the community. The Community Services and Facilities Element of the General Plan established the following goal and applicable policy related to communications:

Goal CSF-10: Collaborate with providers of cable, telephone, and other communication services to ensure adequate communication services are available to the community.

Policy CSF-10.1: Work closely with local service providers to determine and meet community needs for cable, telephone, and other communication services.

Staff notes that in implementing the General Plan in the area of communications, the Planning Agency must also consider goals and policies that address neighborhood compatibility. For example, Goal 2 of the Land Use Element carries a number of supporting policies that address protecting, maintaining and enhancing existing residential neighborhoods.

PUBLIC COMMENT:

Prior to the Public Hearing on January 10, 2012, staff received comments from two property owners concerned about the project. This information was provided to the Planning Agency in a memo prior to the Public Hearing (Attachment 2). Additionally, the Planning Agency heard several members of the public speak at the previous hearing on January 10, 2012. Due to the time elapsed since the previous hearing and in an effort to ensure interested parties have the opportunity to provide comments on the subject application, 37 Public Hearing notices were again mailed to property owners within a 300 foot radius of the subject property, including the Nellie Gail Ranch Owners Association, to notify them of this Public Hearing.

CEQA:

Staff has reviewed the proposed project for compliance with CEQA. Upon completion of this review, it has been determined that the proposed project is categorically exempt from CEQA, pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities). Categorical Exemptions are designated for classes of projects which have been determined not to have a significant effect on the environment and which have therefore been exempted from the requirements of CEQA. The Class 1 exemption applies to the maintenance, repair, or minor alteration of existing facilities or mechanical equipment, involving negligible or no expansion of use beyond that which is existing. Here, the existing facility remains essentially the same, with the addition of two small pieces of equipment to increase the existing facility's functionality. Based on the foregoing, it is hereby determined that the project is exempt from CEQA.

CONCLUSION:

The additional information provided by the applicant helps to explain how the proposed improvements will not impact the safety of residents. A study has been prepared indicating that electromagnetic energy from existing antennas and the proposed microwaves do not exceed allowances set in place by the FCC. A condition is recommended for a post-test to be conducted to guarantee the safety of the site.

Since topography of other sites precludes the use of those sites as alternatives locations for microwave dish installation, and photo simulations provided by the applicant and additional field investigation by staff indicate the facility is substantially screened by landscaping, the City's Development Code mandates the approval of co-location requests. The Planning Agency may condition the project to achieve greater landscape screening if needed.

The demand for mobile data services as a result of the popularity of smartphones and mobile devices will grow substantially according to industry projections. As demand for mobile data increases, cell sites which do not maintain adequate infrastructure to support higher mobile data demands will exceed their capacity to provide service. The community has placed a high value on its ability to have access to adequate communication services as evidenced by addressing this issue in the City's General Plan.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT."

ATTACHMENTS:

1. Resolution of Approval
2. Previous Staff Report and Hot Memo – January 10, 2012 Planning Agency Meeting
3. Correspondence from Applicant
4. Electromagnetic Energy Site Compliance Report
5. Photo Simulations
6. Staff Site Photo Survey
7. Plans

RESOLUTION NO. PA2012-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, an application for Conditional Changed Plan (CPMA) No. 11-11-2113 has been received to modify an existing communications facility 25655 Nellie Gail Road in the Community/Private Institution (C/PI) Zoning District; and

WHEREAS, CPMA No. 11-11-2113 is hereby found to be Categorically Exempt from the California Environmental Quality Act (CEQA) based upon a Class 1 exemption (CEQA Guidelines §15301, Existing Facilities); and

WHEREAS, the Planning Agency conducted a Public Hearing regarding CPMA No. 11-11-2113 on January 10, 2012, and continued the item to a future meeting; and

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the applicant, and other interested parties with respect to the subject application at a Public Hearing held on April 10, 2012.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That the required findings by the City for approval of CPMA No. 11-11-2113 have been met and made as follows:

1. The proposed use is consistent with the General Plan in that:

The General Plan designates the site as C/PI. Communications facilities are permitted within this land use designation subject to approval of a CUP. Additionally, the General Plan recognizes the importance of robust communications networks within the city, which facilitate a healthy business climate, allow residents to more easily establish home offices, and are an important component of safety and emergency networks. The implementation of the project will increase the utility of this existing cell site, enhancing AT&T's wireless network in this area.

2. The nature, condition and development of adjacent uses, buildings, and structures have been considered and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that:

The project is a modification of an existing unmanned cell site. As such, there will be no noise, pollution, or traffic impacts on the residential area surrounding the subject site. The new antennas will be mounted on the existing monopole, which is already visible from certain locations. While the new antennas may be visible, they result in only a slight increase in antenna height of four and one half feet. Additionally, the monopole is set back on the lot away from residences and the right of way, and is screened by mature landscape. The applicant has demonstrated through an Electromagnetic Energy ("EME") study by Telnet, Inc., dated February 8, 2012, that the site as a whole is well within the EME levels established by the FCC for safe exposure. Therefore, the site will not adversely affect adjacent uses, buildings, or structures.

3. The proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity in that:

The subject site has adequate space to accommodate the modified cell site in that the monopole has been previously approved and is being modified only with the addition of two antennas for which there is space at the top of the monopole. The site is well suited for the project since it currently exists as a cell site and is surrounded by extensive landscaping.

4. All required development standards prescribed by the Laguna Hills Development Code can be achieved in that:

The proposed modification to the cell site can achieve all development standards in the Laguna Hills Municipal Code. A cell site is permitted in the C/PI zoning district and the height is permitted subject to approval of this changed plan, which would modify the maximum permitted height of the antennas. The project meets locational and design criteria prescribed in the development code, such as setback requirements, landscape screening, and the monopole's location on a property that already accommodates other public utilities.

5. The conditions and limitations placed upon the use are necessary to insure compatibility with adjacent or abutting uses and the preservation of the public peace, safety, and welfare in that:

The conditions imposed through this approval are standard conditions placed on the applicant to ensure proper installation and maintenance

of the facility and compliance with the Development Code, building codes, and federal regulations.

6. There are no reasonable design or location alternatives to the requested use that would have less adverse affects on the surrounding property or be less detrimental to the public health, safety, and welfare in that:

The implementation of the project will allow a current cell site, which presently serves a number of wireless carriers, to continue functioning to its fullest potential, eliminating the need for additional cell site placement in the immediate vicinity. The new antennas will support the continued, effective operation of an existing co-located communications facility, which are encouraged by LHMC Section 9-58.040(G). The new equipment placement achieves "line of sight" required by microwave antennas. Because of the "line of sight" required by microwave antennas, several alternative sites were ruled out due to their lower elevations than that of the subject site. The applicant has demonstrated through an Electromagnetic Energy ("EME") study by Telnet, Inc., dated February 8, 2012, that the site as a whole is well within the EME levels established by the FCC for safe exposure. Therefore, there are no reasonable design or location alternatives, and the subject site is within established standards for safe exposure to EME.

7. The facility structures and equipment are located, designed, and screened to blend with the existing natural environment or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication services and the need to be compatible with the character of the community in that:

The existing monopole and equipment shelter were located, designed, and screened to blend with the existing environment. The monopole is located atop a hill, behind existing landscaping much of which is the same height or higher than the monopole, and is set towards the interior of the property, maintaining an approximately 80 foot setback from the closest property line. The additional antennas proposed in this project will be mounted on the existing approved monopole and will be the same color as the existing pole and antennas.

8. The facility is designed to blend with any existing supporting structures and does not substantially alter the character of the structure or local area.

The additional antennas will match the existing, approved monopole and antennas, and result in only a four and one half foot height increase to the existing height, and therefore will not substantially

alter the character of the monopole or the character of the surrounding residential neighborhood.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve CPMA-11-11-2113 subject to the following conditions:

General

1. This approval constitutes approval of the proposed project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
2. Failure to abide by and faithfully comply with any and all conditions of approval shall constitute grounds for revocation of said Changed Plan by the Laguna Hills Planning Agency.
3. As a condition of issuance of this approval, the applicant/owner, hereby agrees, at its sole cost and expense and to the fullest extent permitted by law, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, employees, agents, and consultants, which seeks to attack, challenge, set aside, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, but is not obligated to, at its sole cost and expense, elect to participate in the defense of any such action under this condition.
4. The applicant/owner shall agree in writing to these conditions of approval within 30 days of the Planning Agency's approval.
5. The applicant/owner shall reimburse the City for any outstanding staff time spent on the processing of CPMA No. 11-11-2113 within 60 days of the Planning Agency's approval or prior to the issuance of any permits, whichever occurs first.
6. This Changed Plan approval may be modified or revoked by the Planning Agency should the Agency determine, after a duly noticed hearing held in compliance with all applicable laws, including without limitation, the Federal Telecommunications Act and FCC rules and regulations, that the proposed use or conditions under which it is being operated or maintained are detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

7. Changed Plan approval and associated entitlements shall expire and be of no further force or effect if the permit is not implemented within two years from April 10, 2012.
8. Within 48 hours from project approval, the applicant/owner shall submit to the City a check in the amount of \$50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Exemption.
9. The applicant/owner is required to completely dismantle and removed its antennas and all equipment at this facility which are abandoned for a period of six months or more or upon expiration of the lease with the owner of record.
10. The applicant/owner shall cooperate with other communications companies in co-locating additional antennas on equipment structures or within the lease area, provided said co-applicants have received proper City and leasehold approvals. The applicant shall exercise good faith in co-locating with other communication companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level or quality of service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether the permittee has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of either or both the applicant and complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
11. Within ninety (90) days of commencement of operations, the Applicant of the wireless communications facility shall be required to provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility is in conformance with all applicable FCC standards and regulations, including, where incorporated by the FCC, the standards established by the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR). Said report must be mailed or delivered to the Planning Division at 24035 El Toro Road, Laguna Hills, CA 92653.

Building

12. The applicant/owner shall secure applicable building permits, as required by Section 105 of the 2010 California Building Code (see work exempt from permits) prior to the commencement of any work for which a permit is required.
13. Any required plans submitted for the purpose of building permit issuance shall be accurately labeled and reflect all work, as required

by Section 107 of the 2010 California Building Code (construction documents).

14. All construction shall comply with the 2010 California Building and Electrical Codes in regards to U occupancies.
15. The applicant/owner shall obtain approvals from the Planning Department and from the OCFA, if applicable, prior to issuance of building permits.

Planning

16. The Applicant shall paint new antennas, equipment, and accompanying wires/conduits/mounting brackets to match the color of the existing monopole and equipment prior to building permit final inspection.
17. The Applicant shall remove graffiti from the subject site within 48 hours upon notification by city staff.
18. The site shall be kept clean and clear of all trash and debris.
19. All construction must meet noise requirements pursuant to L.H.M.C. Chapter 5-24.

(Remainder of page intentionally left blank)

PASSED, APPROVED, AND ADOPTED this 10th day of April, 2012.

MELODY CARRUTH, CHAIR

ATTEST:

PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. PA2012- adopted by the Planning Agency of the City of Laguna Hills, California, at
a Regular Meeting thereof held on the 10th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PEGGY J. JOHNS, CITY CLERK

CITY OF LAGUNA HILLS

PLANNING AGENCY AGENDA REPORT COMMUNITY DEVELOPMENT DEPARTMENT

ISSUE: CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT

SUMMARY:

Westower Communications Inc., on behalf of AT&T Mobility ("applicant") has filed an application to add two new microwave dish antennas ("MW antennas") to an existing communications facility at 25655 Nellie Gail Road in the C/PI zoning district. The site is on Moulton Niguel property, and consists of a monopole and equipment shelter. The two MW antennas are proposed to be mounted at the top of the existing monopole, increasing the maximum height of this facility to 57.5 feet (currently it is approved at 53 feet). The purpose of this installation is to upgrade the facility's current capacity and address shortcomings of the existing infrastructure.

Staff has reviewed the Development Code requirements as well as General Plan issues, goals, and strategies, and has determined that the proposed project, subject to conditions of approval, will not result in any significant adverse impacts to the public health, safety, and general welfare. The project is categorically exempt from the California Environmental Quality Act ("CEQA").

AUTHORITY:

The Laguna Hills Municipal Code ("LHMC") Section 9-58.040(E) establishes that antenna height shall conform to the height limit of the zone or as otherwise approved through a Conditional Use Permit. The proposed project exceeds the height for the zone and the height established by the existing CUP. Therefore, this Changed Plan must be reviewed and approved by the Planning Agency.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT."

BACKGROUND:

The subject site is located at the northeast corner of Nellie Gail Road and Gallup Circle, which is improved with Moulton Niguel Water District's Nellie Gail Reservoir. The site is developed with three water tanks, various equipment related to the operation of the reservoir, the subject monopole antenna, and one equipment shelter, which houses electrical equipment used in operating the antennas. It is an existing cell site for multiple cellular carriers, including AT&T. The area surrounding the Moulton Niguel property is a residential neighborhood zoned Estate Residential.

AT&T's cell site was originally approved by the County of Orange, which included the construction of a 50-foot monopole and an equipment shelter. The monopole currently has 12 panel antennas, two MW antennas, and other small related equipment.

PROJECT DESCRIPTION AND ANALYSIS:

The proposed project is to install one 2'-6" diameter MW antenna and one 3'-0" diameter MW antenna to the existing monopole at an approved cell site on the subject property. The existing maximum antenna height (53 feet) would be increased to 57.5 feet. The height of the actual monopole structure will not be increased. The height increase is requested due to the limitations of MW antennas, which require a direct "line-of-sight" (LOS). The Development Code does not place a height limit on cell sites, provided that the height is approved through a CUP. The Code does require that antennas be situated as close to the ground as possible to reduce visual impact *without compromising their function* (LHMC 9-58.040 (E)). Because these antennas must be placed at this height to achieve LOS, they meet the locational criteria prescribed in the Code.

The applicant represents that the additional antennas are necessary to address shortcomings of the current facility. Additional or updated antennas are often requested by wireless providers to keep up with increasing demand on the network and/or to fill in holes in the current network. By working with wireless providers to upgrade their current sites, it often eliminates the need to add additional cell sites in the immediate vicinity, which may have more impacts on the neighborhood. The General Plan recognizes the importance of communication networks as vital to facilitating a healthy business climate, allowing residents to more easily establish home offices, and functioning as an important component of safety and emergency networks.

The top of the existing monopole is visible from some surrounding locations; therefore, the additional antennas will be visible as well. Several factors limit the visibility of the monopole and antennas on the site. First, the site is utilitarian in nature with three water

tanks, approximately 35 feet in height, and other equipment related to the reservoir use of the site. Second, the monopole and equipment associated with this facility are set amongst the water tanks at the interior of the property, away from property lines. Third, the site is set atop a hill and is surrounded by mature landscaping. Many trees on the site are the same height or higher than the monopole. Due to the grade difference and the landscaping, line of sight from most of the surrounding area is interrupted, and the monopole cannot be seen through the trees. However, the monopole is visible in some locations where there is a break in tree coverage. **Condition 16** has been added to ensure that the new antennas will be the same color as the existing monopole and antennas.

PUBLIC COMMENT:

A total of 37 public hearing notices were mailed to surrounding property owners within a 300-foot radius of the subject site. As of this writing, staff has not received any comments.

CEQA FINDINGS:

Staff has reviewed the proposed project for compliance with CEQA. Upon completion of this review, it has been determined that the proposed project is categorically exempt from CEQA, pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities). Categorical Exemptions are designated for classes of projects which have been determined not to have a significant effect on the environment and which have therefore been exempted from the requirements of CEQA. The Class 1 exemption applies to the maintenance, repair, or minor alteration of existing facilities or mechanical equipment, involving negligible or no expansion of use beyond that which is existing. Here, the existing facility remains essentially the same, with the addition of two small pieces of equipment to increase the existing facility's functionality. Based on the foregoing, it is hereby determined that the project is exempt from CEQA.

CONCLUSION:

The addition of the two proposed MW antennas will have minimal visual impacts and no other impacts on the surrounding area. Working with AT&T to upgrade one of its existing sites will help improve wireless connectivity in the area without the addition of new cell sites with potentially more impacts. The project meets the requirements and objectives of the Development Code and General Plan; therefore, staff believes that approval of Changed Plan No. 11-11-2113 is warranted.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT."

ATTACHMENTS:

1. Resolution of Approval
2. Letter of Justification
3. Photo sims
4. Plans

CITY OF LAGUNA HILLS

MEMORANDUM

DATE: January 10, 2012

TO: Mayor Carruth and City Council Members

 FROM: David Chantarangsu, Community Development Director

SUBJECT: CITY COUNCIL AGENDA ITEM NO. 5.4.1;
CHANGED PLAN APPLICATION NO. 11-11-2113, A
REQUEST BY AT&T MOBILITY TO MODIFY AN
EXISTING COMMUNICATIONS FACILITY,
LOCATED AT 25655 NELLIE GAIL ROAD IN THE
COMMUNITY/PRIVATE INSTITUTION (C/PI)
ZONING DISTRICT

Subsequent to the preparation and distribution of the agenda packets for this item, staff received public comment from two residents over the phone expressing concern over the above referenced agenda item. The summary of the comments are as follows:

Terrence Ing, 25972 Glen Canyon (approx. 700 feet from monopole, see attached aerial photo).

Mr. Ing called on January 4, 2012, with comments relative to health and safety concerns he has with the proposed installation. He believes that having cell sites so close to his residence could cause health issues for himself and his family in the future due to radio frequencies (RF) emitted by antennas on the subject site.

As with all applications, staff desires to ensure that any proposed application will not be detrimental to the health, safety, or welfare of residents of Laguna Hills. In this case, staff has included Conditions of Approval 6 and 11. Both address compliance with Federal Communications Commission (FCC) requirements for cell sites, including RF exposure levels. Condition 11 requires that AT&T provide a field test and report, conducted by a qualified engineer, demonstrating that this cell site is within FCC requirements. Per FCC requirements, this test will measure the cumulative RF exposure for the site as a whole. Condition 6 provides that if, at any time, this site is found to be operating outside FCC standards, the City Council may, after a duly noticed public hearing, revoke this changed plan permit.

Due to the technical knowledge required to evaluate the safety of cell sites in terms of health issues, it is standard practice (not just in Laguna Hills, but all cities reviewing cell sites) to rely on the FCC regulations. The FCC has fully vetted health and safety concerns in collaboration with the FDA and other relevant agencies. The FCC had determined that there are no conclusive studies to show that exposure to RF energy is hazardous to the general public at or below the maximum levels specified in their regulations. Typically cell sites are far below the maximum exposure levels deemed safe by the FCC.

Previous case law has established that unsubstantiated health concerns (i.e. assumptions, feelings, or beliefs, without proof) are not a valid reason for denial of cellular communication facility applications, provided the facility can demonstrate it is operating within FCC guidelines.

Michael Goodin, 25672 Nellie Gail Road (approx. 450 feet from monopole, see attached aerial photo).

Mr. Goodin called on January 6, 2012, stating that he was opposed to the proposed installation and would come to the City Council meeting. Mr. Goodin did not state any specific complaints or comments regarding the proposed installation.



Coverage vs. Capacity:

Wireless traffic on AT&T network has surged 8,000 percent in the last four years, and according to a Forbes report in March 2011, it expects an eight to ten fold increase in demand in the next five years. To keep up with the demand of wireless subscribers, AT&T is investing \$450 million in state of the art network improvements in Los Angeles and Orange County.

It's important to distinguish the difference between Coverage and Capacity. **Coverage** refers to the amount of area or land that a signal from a cellular network reaches. **Capacity** refers to the amount of bandwidth for a cellular network within that service area. For example, how many callers are communicating with the same cell site at a given time. When many people use a wireless service provider's network at the same time and its capacity is strained, other customers trying to connect may hear a "busy signal" instead of being able to complete their calls. AT&T's main goal is to add new layers of frequency to existing cell sites, this will allow the company to increase its mobile broadband capacity – similar to adding lanes to a highway so it can handle more traffic.

Regarding the choice among the transmission technologies widely used in backhaul networks – there are two main technologies: Fiber or Microwave, operators must consider miscellaneous aspects such as cost, capacity, and availability. Fiber would be the perfect medium in an ideal world. Unfortunately, fiber availability is extremely restricted due to deployment challenges and high installation costs. Microwave, in turn, can be deployed rapidly and cost-effectively, but it does not provide the same capacity as fiber lines. Furthermore, the design of microwave backhaul networks presents particular constraints. It is essential for microwave links to have a clear line-of-sight (LOS) – i.e., there is a direct path without any obstruction (such as buildings, trees, or mountains) between the communication endpoints –, which strongly dictates the network topology.

It's important to understand that when fiber is not readily available, installing point to point Microwave antennas with other sites is the only alternative to improve network capacity. Unlike coverage maps, which demonstrate the coverage of a site, capacity is not easily quantifiable or demonstrated on a visual map. Enclosed please find a coverage map for the existing Site and a Path of Travel for the new antennas. The new Microwave antennas allow AT&T to add additional capacity to the coverage areas shown.

RECEIVED

FEB 14 2012

CITY OF LAGUNA HILLS



Site Alternatives:

The location of wireless telecommunication is based on technical service area, geographic elevation, alignment with neighboring sites and customer demand components. The existing site is a central HUB strategically located on top of the hill and serves important functionality for the overall AT&T network infrastructure in this area. It's one of the tallest points with Active towers in this community.

Pursuant to LHMC 9-58.040(G) Location Criteria: "Communication facilities shall be co-located where technologically feasible and visually beneficial... Facilities which are not proposed to be co-located shall provide a written explanation why the subject facility is not a candidate for co-location."

The City of Laguna Hills Municipal code is very clear in that it encourages wireless Facilities be co-located. Alternatively, the City discourages facilities which are not co-located and require the applicant to provide a written explanation why the subject facility is not a candidate for co-location.

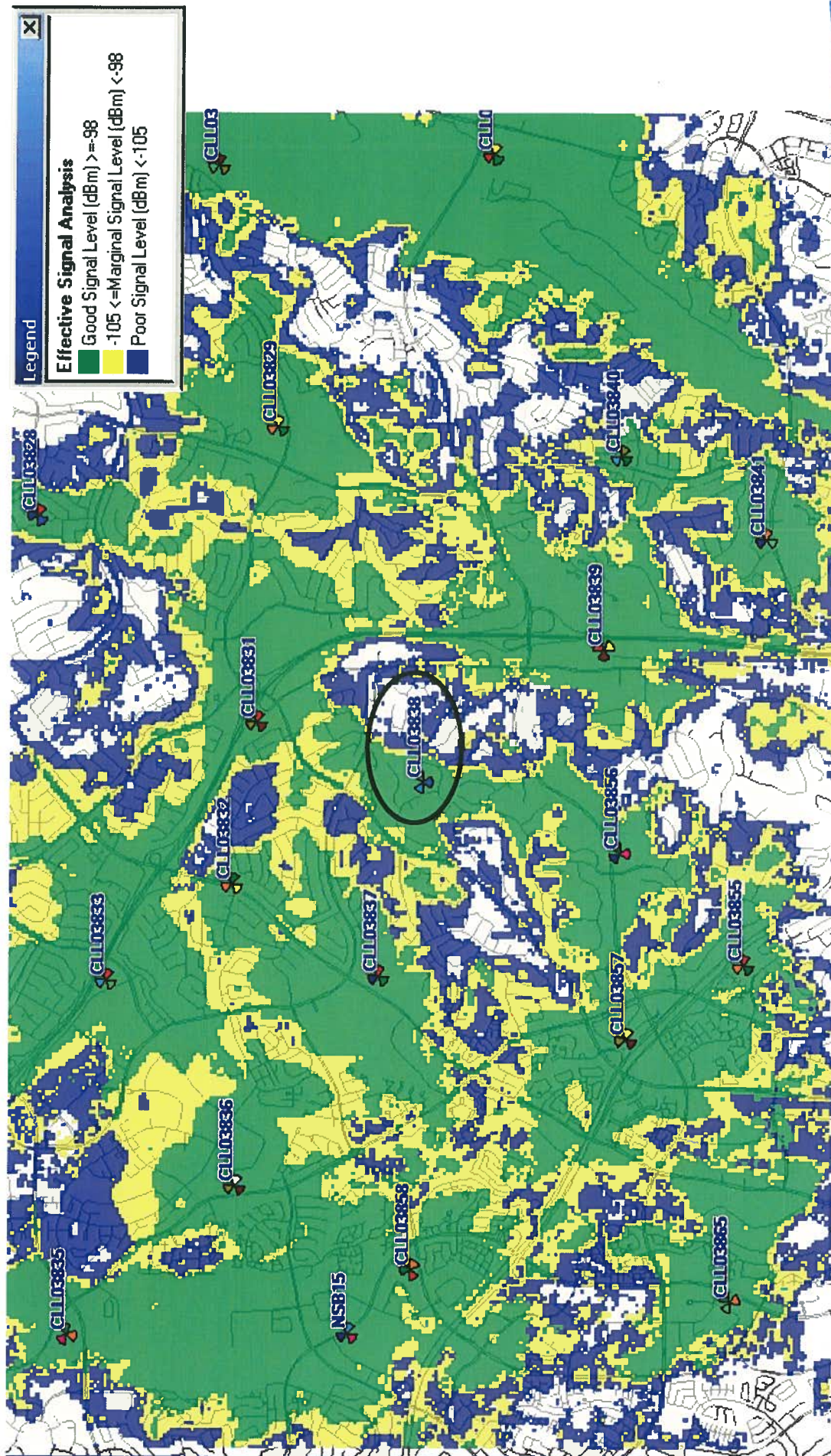
No additional alternatives were considered because this location is in compliance with LHMC **9-58.040(G)** above; and it meets the objectives of the AT&T network engineering requirements. None of the existing AT&T sites in Laguna Hills would be able to provide the same unobstructed line of sight visibility required to co-locate the new Antennas.

Lastly, the City of Laguna Hills encourages cellular service providers such as AT&T to enhance capacity and network infrastructure so the community of Laguna Hills "**remains on the cutting edge of new Infrastructure technology.**" The proposed improvements will upgrade the network infrastructure and launch the City of Laguna Hills into the cutting edge of technology.

Pursuant to CSF-8: of the Laguna Hills General Plan:

"As part of the development application and review process, coordinate with Southern California Edison, San Diego Gas and Electric, Cox Communications Orange County, The Gas Company, AT&T, cellular telephone service providers, and other local utilities to assess capacity and infrastructure needs to support new development or redevelopment activities. Ensure through such coordination that Laguna Hills remains on the cutting edge of new Infrastructure technology."

LTE Coverage – Planned LTE coverage with the referenced site and other proposed sites. RSRP Plots with CLL03838 (dBm)





3/5/2012

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653
Attn: Katie Crockett

RE: CPMI-11-11-2112 Response to Planning Comments – Second Assessment

Dear Ms. Crockett:

In response to your letter dated February 16, 2012, please see attached response to Planning Comments/Corrections.

Should you have any questions, please contact the number listed below.

Alex Tsaturov
Site Acquisition / Planning
Westower Communications Inc. agent for AT&T
6850 Lincoln Ave, Suite 201
Buena Park, CA 90620
858-472-4048 (phone)
619-393-0606 (fax)
atsaturov@westower.com

Enclosures

1. **Backhaul Network:** *Backhaul* is the portion of the AT&T network infrastructure that provides interconnectivity between the access and core networks. The backhaul basically comprises two functionalities with the cellular network. The first, is the connection between the base transceiver stations (BTS) – which furnish radio coverage over a geographical area to support communication with individual mobile handsets – and the base station controller (BSC) – which performs as an intermediate traffic aggregation point. The second, is the connection between the BSC and handoff point to the core network, typically a mobile switching center, (MSC) – which provides interconnections into the public switched telephone network (PSTN) or the internet.

The growing demand for new broadband services such as WiMax and LTE has increased the demand for Bandwidth intensive services. This requires more connectivity and additional ports at cell sites.

Frequency is the operating frequency of the MW link, usually expressed in MHz or GHz.

Bandwidth is the frequency range occupied by carrier wave to transmit data.

The capacity of microwave links is determined by the channel bandwidth. Installing two MW antennas (18 GHz) will allow AT&T to add an additional layer of Frequency to the existing network which shall address the growing demand for Bandwidth.

2. **Necessity:** Please see above explanation. The new MW antennas will provide additional Frequencies and allow increased Bandwidth capacity. Unlike traditional coverage maps, there is not a map available showing before/after installation conditions. AT&T engineers examined internal data and metrics to determine this site is not able to provide optimal capacity based on subscriber demands. This information is strictly confidential and not readily available to the public.

Wired networks (Backhaul) are inherently point-to-point. The cables carrying the communications signal focus the transmitted energy to specific devices at either end of the link. Wireless (cellular site) is inherently a broadcast technology, in the sense that transmitted energy is spread over a geographic area in which there are likely to be multiple receiving devices.

3. **Technology Alternatives:** Recently, AT&T was approved to replace the existing panel antennas at this site, to provide New Coverage: 4G LTE at the site. LTE technology is powered by a Fiber cable. Currently, Fiber is available at the subject property. However, Fiber is not available at the corresponding sites shown on the “Antenna Path of Travel” map. When Fiber is not available, AT&T engineers must determine other nearby sites with Fiber availability; in this case – the subject property at the Nellie Gail Reservoir was the nearest location which meets engineering requirements.

Furthermore, Backhaul network have an inherent capacity advantage of Wireless (cellular) network because of the greater frequency range that may be carried by Backhaul network. For example, a single coaxial cable has a useful frequency range on order of 1GHz while a single optical fiber has a useful frequency range of over 1,000GHz. The entire wireless RF spectrum (3Hz to 300GHz) fits easily in a single fiber. With multi-fiber bundles, each cable replicates many times more than the RF spectral capacity.

4. **Site Alternatives:** The existing site at the Nellie Gail Reservoir is an optimal location for a wireless facility. The facility is located near freeways, shopping center and residential development. The site is located at top one of the tallest points in the community.

The existing Monopole tower is approximately **58' AGL** and **628' Ground Elevation (MSL in feet)**. It's important to remember, that unlike cellular (wireless) networks, MW backhaul network are highly complex and dependant on surrounding topology. In order for MW antennas to transmit signal, the antenna must maintain clear and unobstructed line of sight to the corresponding site(s). In addition, the MW backhaul network are highly dependent on the core network, which impacts the decisions of where to install network links in order to interconnect all points of interest to the core network.

Below is a list of alternative candidates that were evaluated but not chosen because they did not meet engineer requirements. Please not all of the sites below are located at a much lower Ground Elevation when compared to the subject property. The primary reason the sites below were not selected was because they could not provide the necessary unobstructed LOS required for backhaul interconnectivity.

Address – Existing AT&T Site's	Structure Height	Ground Elevation (MSL in feet)
26680 ALICIA PARKWAY	137' (SCE Tower)	360'
24962 CALLE ARGON	38' (Building Side Mount)	322'
25205 LAPAZ ROAD	44'-6" (Rooftop)	400'

5. **Clarifications on information provided in letter:**

- a. See attached highlighted section p. 315 (A-28) of the Laguna Hills General Plan.
- b. See attached highlighted section p. 315 (A-28) of the Laguna Hills General Plan.
- c.
 - i. MW antennas will improve capacity by adding an additional layer of Frequencies to the existing network which shall address the growing demand for Bandwidth.
 - ii. When fiber is not available MW Backhaul is the only alternative because MW antennas specifically have the capability to transmit at higher frequency levels and transmit higher Bandwidth data when compared to a cellular site which is strictly limited to the amount of Bandwidth data that can be processed. Please see above response Comment # 3.
 - iii. This site is the best location for a collocation because it one of the tallest points in Laguna Hills. Topology is important to consider when designing a backhaul network. The existing Site is 628' Ground Elevation. When compared to the alternatives, it was the only viable option which can produce clear and unobstructed line of sight to the corresponding sites required for backhaul interconnectivity. This site location meets engineering requirements and complies with the Municipal Code development standards. Please see above response Comment # 4.

COMMUNITY SERVICES AND FACILITIES		2010 - 2012	Annual	Bi-Annual	Ongoing
CSF-8. Utility Companies and Telecommunications					
As part of the development application and review process, coordinate with Southern California Edison, San Diego Gas and Electric, Cox Communications Orange County, The Gas Company, AT&T, cellular telephone service providers, and other local utilities to assess capacity and infrastructure needs to support new development or redevelopment activities. Ensure through such coordination that Laguna Hills remains on the cutting edge of new infrastructure technology.					○
Implements policy(ies):	CSF-9.1, 10.1, 10.2				
Responsible Department:	Community Development, Utility and Communications Providers, Public Services				
Funding Source:	General Fund, user fees				
CSF-9. Orange County Flood Control District and Adequate Flood Control					
Coordinate with the Orange County Flood Control District (OCFCD) to ensure regularly scheduled maintenance of flood control channels and completion of necessary repairs to promote flood protection. Coordinate with the OCFCD and water districts regarding any needed improvements to existing aboveground water tanks. Work with the District to identify new flood control improvements, and establish installation programs for improvements.					○
Implements policy(ies):	CSF-11.1, 11.2; S-6.1				
Responsible Department:	Community Development, Public Services				
Funding Source:	General Fund, development fees, OCFCD property taxes				



3/29/2012

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653
Attn: Katie Crockett

RE: CPMI-11-11-2112
Response to Planning Comments E-mail Dated 3/21/2012

Dear Ms. Crockett:

In response to your e-mail from March 21, 2012, please see attached response to Planning Comments/Corrections.

Should you have any questions, please contact Dean Siskowski, phone: 619-818-6563.

Alex Tsaturov
Site Acquisition / Planning
Westower Communications Inc. agent for AT&T
6850 Lincoln Ave, Suite 201
Buena Park, CA 90620
858-472-4048 (phone)
619-393-0606 (fax)
atsaturov@westower.com

Enclosures

1. Per our phone conversation, AT&T does not release information about dropped calls or the number of calls coming through the site. This information is strictly confidential between AT&T subscribers and AT&T Mobility. AT&T network engineers will be available during the Council hearing to answer any questions during Council hearing.
2. The AT&T wireless network operates on three main technologies: GSM, UMTS and LTE. **Global System for Mobile Communications (GSM)** is the technology which allows AT&T wireless subscribers to send and received voice calls on the AT&T network. **UMTS** is the Third Generation Technology (3G) which allows subscribers to browse the internet for downloading and uploading with transfer rates of 42 Mbit/s. **LTE** is the Fourth Generation (4G) Technology which is being deployed by wireless carriers across this nation. Due to increased demand by wireless subscribers, many users are now using smart phones for internet and web capability. 4G LTE provides transfer rates up 300 Mbit/s. This allows wireless subscribers to browse the internet and download and upload speeds up to 10x faster than 3G UMTS technology. Thus allow faster access to data.

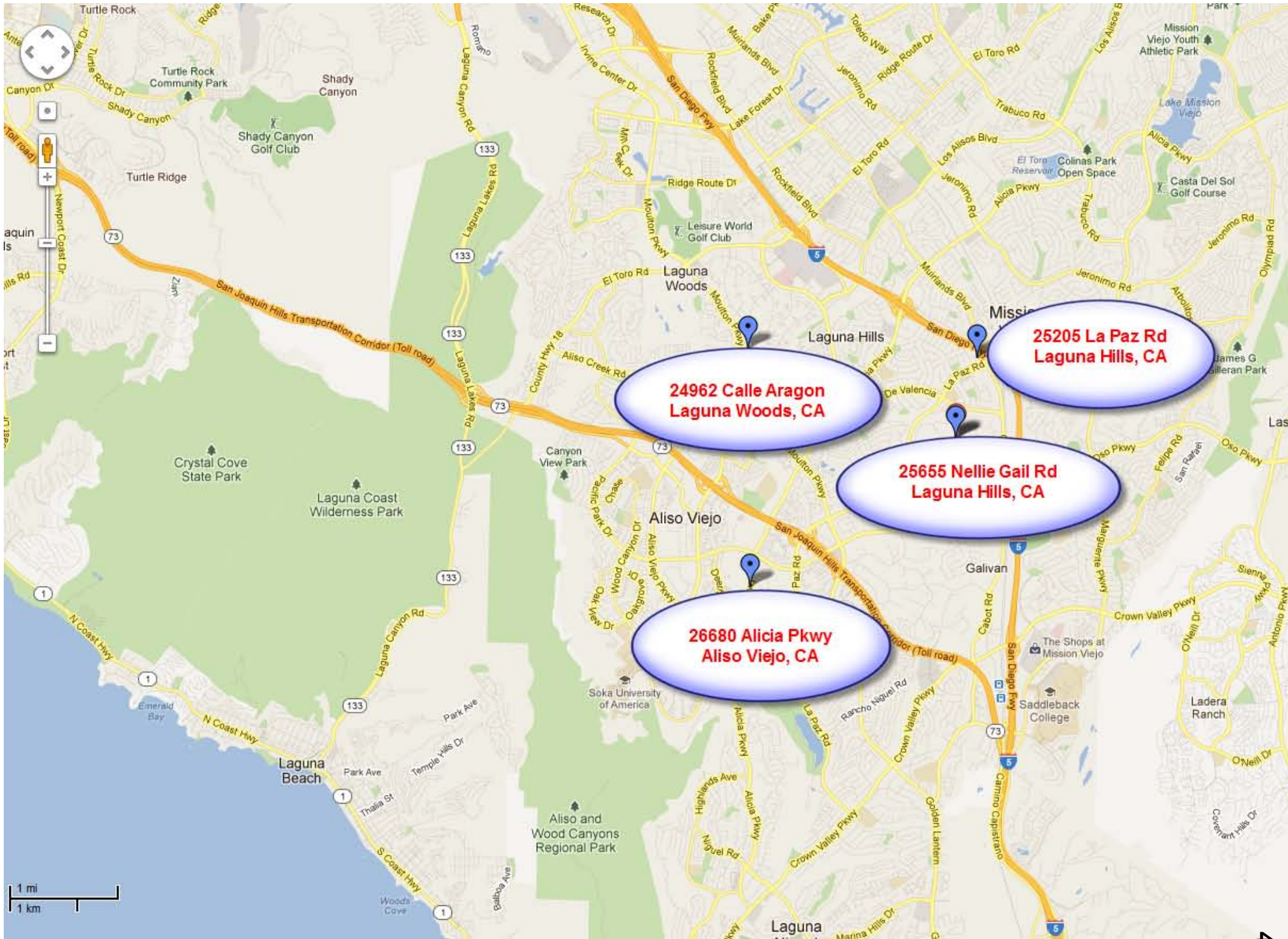
4G LTE technology can only be deployed to traditional through fiber cables to the cell. When fiber is not readily available AT&T must consider alternative options to deploy 4G LTE to its cell sites. Backhaul, also known as fiber to the cell site, extends fiber to cell sites in order to accommodate the increase demands of mobile technologies such as Smartphone's, laptops, network and other bandwidth-demanding devices. As discussed in prior resubmittal backhaul is deployed through the use of point to point Microwave antennas. **Fiber is available at the subject property located at 25655 Nellie Gail Road.**

When Fiber is not available, AT&T engineers must determine other nearby sites with Fiber availability; in this case – the subject property at the Nellie Gail Reservoir was the nearest location which meets engineering requirements and has a clear unobstructed Line-of-Sight to other corresponding sites on the AT&T network. The corresponding sites located at: **101 Columbia** and **24986 Felipe Road** do not have Fiber available to provide 4G LTE technology (See attached Antenna Path of Travel).

Since Fiber is not available at the sites above, the only alternative solution is to extend fiber to the cell sites by deploying Microwave antennas from the Nellie Gail site via backhaul to the sites located at: **101 Columbia** and **24986 Felipe Road**.

3. Please see attached Alternative Sites map.
4. Please see attached revised antenna Path of Travel. These sites are located in a dense populated suburban setting. Topography and landscape can vary depending on existing uses. Many tall trees, buildings and other existing infrastructure surround the site. The AT&T sites located at **101 Columbia** and **24986 Felipe Road** which have no Fiber are located at much lower elevation when compared to the at Nellie Gail Reservoir. Since there are no other sites in the area which can provide fiber. AT&T engineers must consider other sites at higher elevations in order to transmit the signal with no interference to the site with no fiber in lower lying areas. The only existing site on the AT&T network is the site at Nellie Gail Reservoir.
5. Please see attached revised Antenna Path of Travel. The North Arrow shown on the Site Plan detail 2/A-0 and detail 2/A-1 is in line with the Light of Sight survey completed by AT&T contractor. The antennas shown on the Elevation views are accurately depict the locations where the proposed antennas will be installed.

Alternative Sites



LEGEND:

1. 25655 Nellie Gail Rd (Fiber Available)
2. 101 Columbia, Aliso Viejo, CA (Fiber NOT Available)
3. 24986 Felipe Rd, Mission Viejo, CA (Fiber NOT Available)

Map data ©2012 Google - Edit in Google Maps

4/10/2012 ITEM NO. 5.4.1

4/10/2012 ITEM NO. 5.4.1

Electromagnetic Energy ("EME") Measurement and Site Compliance Report



Prepared for



at&t

Site Information

Site Name: LAC017/LAGUNA NIGUEL

Address: 25655 NELLIE GAIL ROAD,
LAGUNA HILLS, CA 92653

Survey Date: Feb 8, 2012
Surveyed By: Benjamin Escobar
M-RFSC: Essie Polard

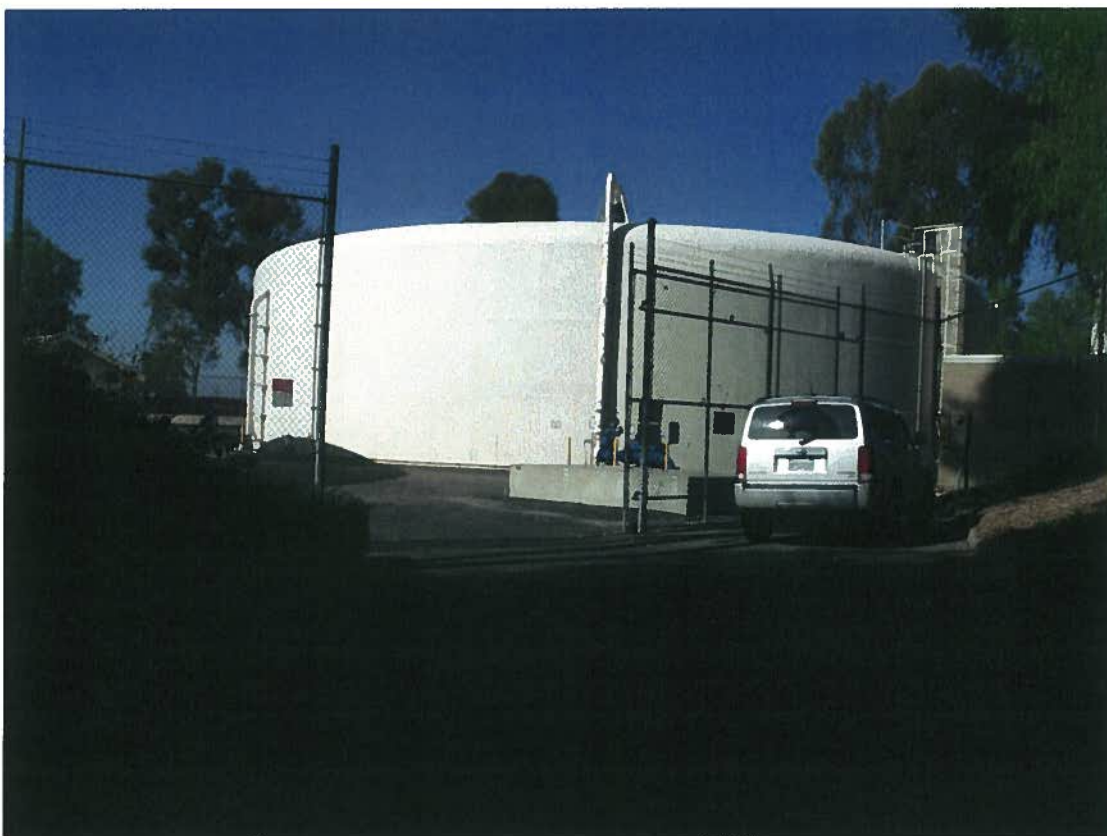
Report Date: Feb 8, 2012
Site Type: Monopole



AT&T

SITE ID: LAC017 - Site Name: LAGUNA NIGUEL

**Electromagnetic Energy ("EME")
Measurement and Site Compliance Report**



25655 NELLIE GAIL ROAD, LAGUNA HILLS, CA 92653



TABLE OF CONTENT

1	SUMMARY	4
1.1	INTRODUCTION	4
1.2	STATEMENT OF COMPLIANCE	4
1.3	SAFETY RECOMMENDATIONS & SITE COMPLIANCE ACTIONS.....	5
1.3.1	<i>Lockout/Tagout Procedures for Antenna, Transmission Line and Power Amplifier Maintenance.....</i>	<i>5</i>
1.3.2	<i>Lockout/Tagout Procedure, Local Shutdown</i>	<i>5</i>
1.3.3	<i>Lockout/Tagout Procedure, Remote Shutdown.....</i>	<i>6</i>
1.4	ANTENNA SITE AREA MEASUREMENTS	7
1.5	RF MODELING	9
2	SITE CONFIGURATION	11
2.1	ANTENNA INVENTORY	11
3	PHOTOS OF ANTENNA SITE AREA AND ANTENNAS.....	14
3.1	CARRIERS AT SITE.....	14
3.2	SIGNS AND ACCESS TO THE SITE	18
4	MODELING SUMMARY AND ASSUMPTIONS	19
4.1.1	GENERAL MODEL ASSUMPTIONS	20
4.1.2	USE OF GENERIC ANTENNAS	20
4.1.3	STATISTICAL SUMMARY	21
5	SURVEY METHODOLOGY	22
5.1	SAMPLING DESCRIPTION.....	22
6	ANALYSIS AND COMPUTATION	22
6.1	ANALYSIS	22
7	FCC LIMITS FOR MPE.....	23
7.1	(A) LIMITS FOR OCCUPATIONAL/CONTROLLED EXPOSURE.....	23
7.2	(B) LIMITS FOR GENERAL POPULATION/UNCONTROLLED EXPOSURE	24
7.3	CONTROLLED AND UNCONTROLLED EXPOSURE LIMITS.....	24
8	FCC STANDARD CERTIFICATION	25
9	GLOSSARY OF TERMS	26
10	APPENDIX	27



1 Summary

1.1 Introduction

AT&T has installed RF transmitting antennas at the following location (the "wireless telecommunications facility"):

Street Address: 25655 NELLIE GAIL ROAD, LAGUNA HILLS, CA 92653

SITE ID: LAC017

Latitude / Longitude: 33.586582 / -117.683413

Telnet, Inc performed an RF emission survey of the RF environment surrounding the facilities installed by AT&T at this location. The facility is located on a monopole.

AT&T is licensed by the Federal Communications Commission ("FCC") to provide wireless communications services. As required by the FCC, wireless system operators perform an assessment of the potential human exposure to radio frequency emissions emanating from transmitting antennas at the site.

The physical survey verified antenna placement and technical specifications for accurate recommendations to determine compliance with FCC guidelines. Antenna specifications presented herein are based on direct evidence from an antenna or transmitter cabinet, information from the site manager or building manager, information from the licensees, educated estimates by the field technician or a combination of some or all of these sources.

1.2 Statement of Compliance

After evaluation of the total RF emission levels from all the operators and a thorough review of the site access procedures, signage and observable antenna locations, Telnet has determined that:

This site is compliant with FCC Policy.

AT&T contributes more than 5% of the maximum permissible exposure (MPE) based on theoretical modeling using the parameters supplied by the client.

The compliance determination is based on General Public MPE levels due to predicted and measured levels based on Spatial Averaging, RF signage placement, and the level of restricted access to the antennas at the site.



1.3 Safety Recommendations & Site Compliance Actions

This site is compliant with the FCC rules and regulations and further steps must be taken at this time. Since AT&T contributes more than 5% of the MPE, should this site be non-compliant for any reason, all operators who contribute greater than 5 % would all be liable to bring the site into compliance.

During the field visit, Telnet documented the presence and location of signs and barriers. Areas that require that action in order to meet AT&T corporate policy are listed below. AT&T's RF exposure policy doesn't comply with FCC and OSHA requirements.

Site Access Locations

No Action Required

Sector Location

No Action Required

1.3.1 Lockout/Tagout Procedures for Antenna, Transmission Line and Power Amplifier Maintenance

Whenever anyone is working on an antenna, transmission line, high power amplifier (HPA), or multi-channel power amplifier (MCPA), the transmitter (power amplifier) MUST be turned off. This can be accomplished either locally by flipping a circuit breaker(s) or remotely by command from the NMC/NOC.

The person initiating or requesting the transmitter shutdown is the ONLY person authorized to restore the transmitter to service. This person is responsible for making sure that ALL work has been completed, that ALL cables have been properly reconnected, and that EVERYONE is clear of the work area before the transmitter is reactivated. Generally, this person is considered to be the one actually performing the work. In the case of a contractor working at an active site, the FE/Technician may initiate the request on behalf of the contractor.

1.3.2 Lockout/Tagout Procedure, Local Shutdown

After securing permission to shut the transmitter down, the Field Engineer (FE)/Field Technician (FT) will turn off the circuit breaker and verify that the correct transmitter was deactivated. The FE/FT will then place a locking device(s) over the circuit breaker(s) to prevent accidental activation by an unauthorized person and place a TAG on, or in the immediate vicinity of, the circuit breaker(s). The tag should state "Do Not Operate." At the NMC/NOC the same note, including date and time and location, must be entered in the computer or a tag must be placed on the monitor frame in such a manner that the console operator will be



made aware that the transmitter can not be activated without permission from the person who initiated the maintenance request.

The FE/FT will turn the key(s) over to the person performing the work. Upon completion of the work, this person performing the task will return the key(s). As a precautionary measure, prior to reactivating the transmitter, the FE/FT MUST verify, to the extent possible, that all connections have been made and that the work area is clear of personnel.

1.3.3 Lockout/Tagout Procedure, Remote Shutdown

After requesting the NMC/NOC to shut the transmitter down, the FE/FT will verify that the correct transmitter was deactivated. The FE/FT will then place a TAG on or in the immediate vicinity of transmitter. The tag should state "Do Not Operate." At the NMC/NOC the same note, including date/time, must be entered in the computer or a tag must be placed on the monitor frame in such a manner that the console operator will be made aware that the transmitter can not be activated unless the following conditions are met: 1) The tag has been removed by the person performing the work; and 2) Permission is provided by the person who initiated the maintenance request.

Upon completion of the work, the person performing the task will remove the tag and notify the FE/FT that the work is completed. As a precautionary measure, prior to requesting reactivation of the transmitter, the FE/FT MUST verify, to the extent possible, that all connections have been made and that the work area is clear of personnel.



1.4 Antenna Site Area Measurements

The site survey crew has provided the sketch of the site location with a visual representation of the RF environment at the site and depict antenna locations and site structures. Figure 1 depict the surveyed measurements in percentage of MPE limits for General Population standards. Percentages greater than 100% exceed the FCC MPE limits. Section 4.5 contains actual spatially averaged MPE measured at each reference point.

Figure 1 represents the actual readings at various points at the site. These measurements depicts the energy levels that can be encountered by an individual at the site.

Maximum value for Occupational Standard based on Spatial Averaging: 3.78%

Maximum value for General Population Standard based on Spatial Averaging: 18.90%

Result Summary : AT&T is Compliant with FCC Policy based on General Public Maximum Permissible Exposure





1.5 RF Modeling

The modeling calculations assume that the antennas are operating at 100% capacity; that all antenna channels are transmitting simultaneously and that the radio transmitters are operating at full power. Obstructions (trees, buildings etc) that would normally attenuate the signal are not taken into account. As a result, the predicted signal levels are more conservative (higher) than the actual signal levels will be from the measurement conclusions.

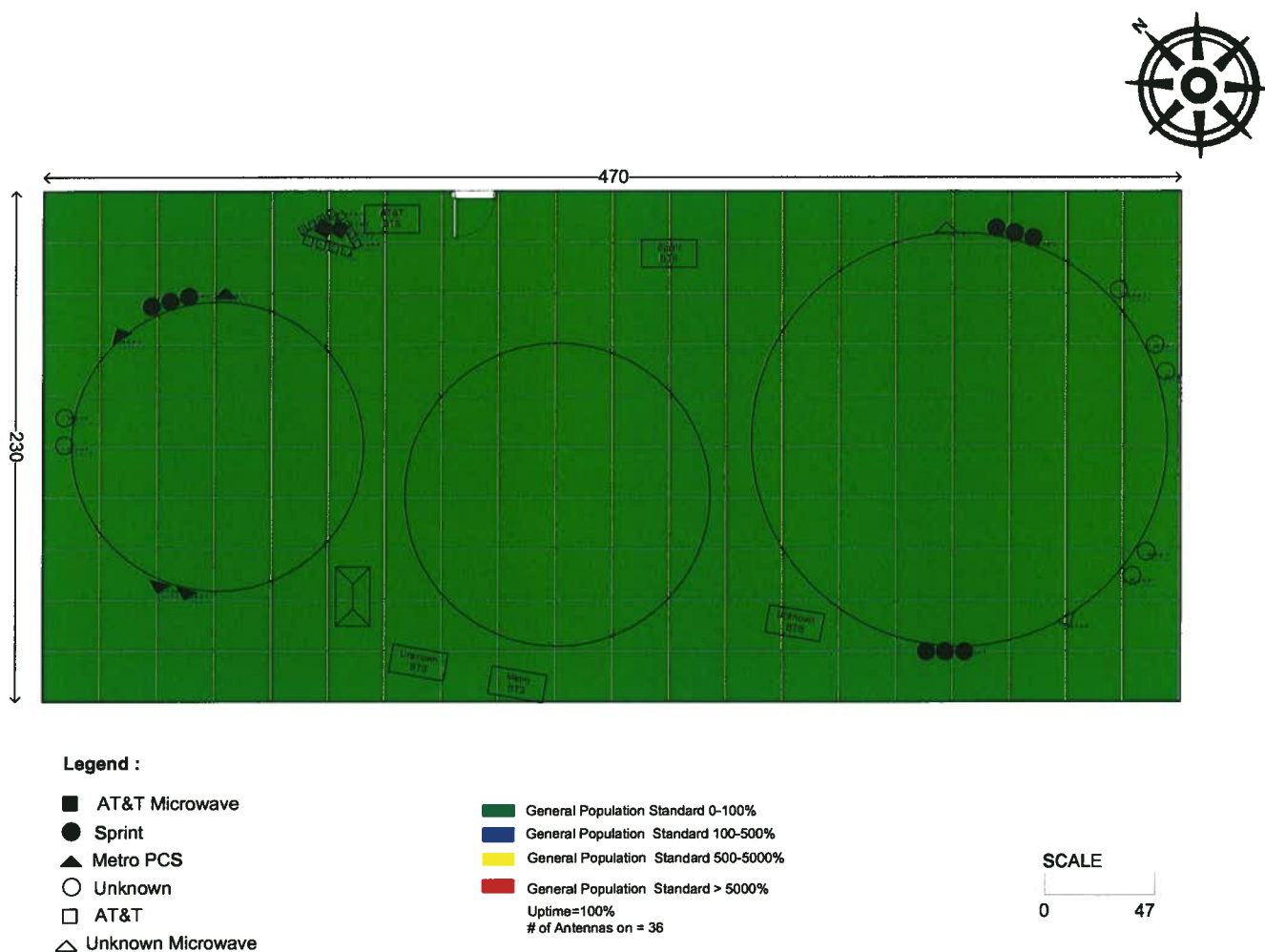
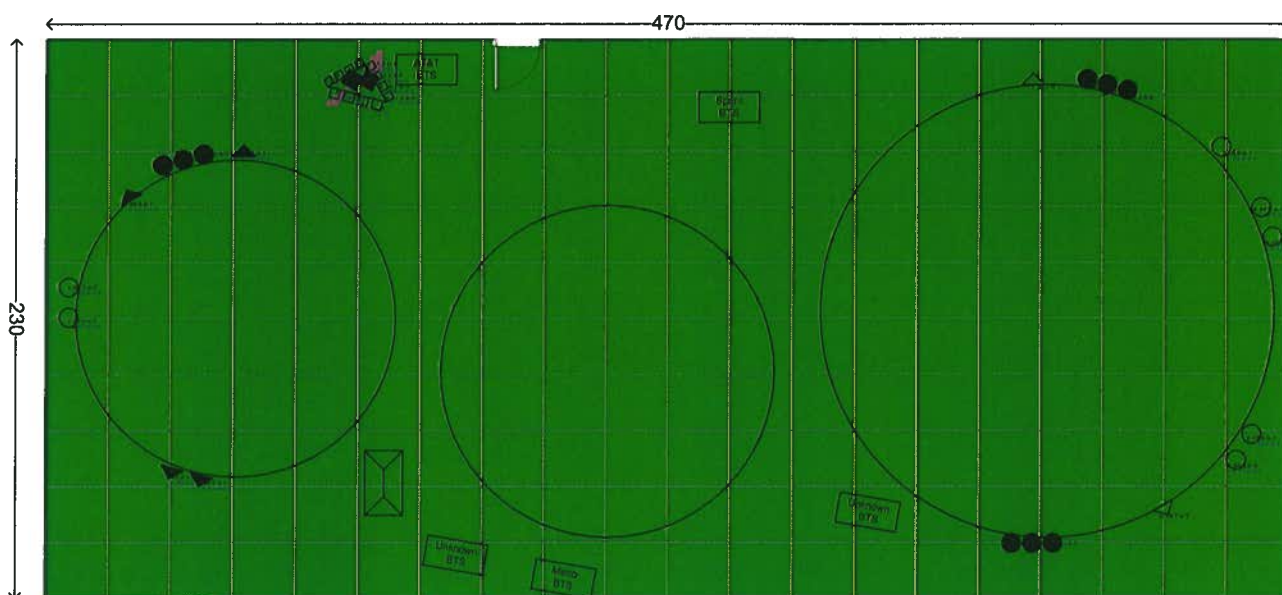


Figure 2
Percent of FCC General Population Exposure Limit, ground level, All carriers



Legend :

- AT&T Microwave
- Sprint
- ▲ Metro PCS
- Unknown
- AT&T
- △ Unknown Microwave

■ General Population Standard 0-5%
 ■ General Population Standard >5%
 Uptime=100%
 # of Antennas on = 2

SCALE

0 47

Figure 3
5% FCC Exposure Limit, ground level, AT&T Microwave only



2 Site Configuration

A survey was performed on 01/12/2012 to determine the RF emission levels present at the site. Measurements were performed on the areas considered accessible to the occupational population. At this site, additional steps were taken to assess areas accessible to the general population. The results of the measurements were the combined energy levels of AT&T antennas. To measure the RF emissions within the vicinity, Telnet, inc, utilized NARDA E Field Probe Model 25C, Frequency Range 300 KHz - 50 GHz with NARDA Electromagnetic Survey Meter Model NBM-550. Calibration was performed by Narda Safety Test Solutions on Dec 07, 2010 for a total interval of 24 month.

Relevant administrative and compliance-related information about the antenna site area is summarized in the table below :

Site Access	
Access Method	Open area
Access to Keys	N/A
Door Locked	N/A
Collocation Status	Collocated
Site Area Classification	General Population
Weather Conditions	Sunny / Clear

2.1 Antenna Inventory

The Antenna Inventory shows all transmitting antennas on the site (see Table 1). This inventory was verified on site and was used by Telnet to perform software modeling of RF emissions . The inventory coincides with the site diagrams on this report, identifying each antennas location at the site.

For other carriers at the site, the use of "Generic" as an antenna model, or " Unknown" for an operator means the information with regard to the carrier, their FCC license and / or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



Antenna Number	Operator	Type	TX Freq (MHz)	ERP (Watts)	Gain (dBd)	Model	Radio Count	Azi-muth (deg.)	Length (ft)	Horizontal Beam width (Deg.)	X	Y	Z Ground
1-a-1	AT&T Microwave	Dish	18000	409	41.35	Andrew VHLPX3-18	1	20.67	3.0	1.1	52	92	54.5
1-a-2	AT&T Microwave	Dish	18000	230	38.85	Andrew VHLPX2.5-18	1	270.84	2.5	1.5	49	92	54.5
2-a-1	AT&T	Panel	1900	158	15	Unknown	-	0	5.0	65	45	93	49
2-a-1	AT&T	Panel	850	396	12	Unknown	-	0	5.0	65	45	93	49
2-a-2	AT&T	Panel	1900	158	15	Unknown	-	0	5.0	65	47	94	49
2-a-2	AT&T	Panel	850	396	12	Unknown	-	0	5.0	65	47	94	49
2-a-3	AT&T	Panel	1900	158	15	Unknown	-	0	5.0	65	49	95	49
2-a-3	AT&T	Panel	850	396	12	Unknown	-	0	5.0	65	49	95	49
2-a-4	AT&T	Panel	1900	158	15	Unknown	-	0	5.0	65	51	96	49
2-a-4	AT&T	Panel	850	396	12	Unknown	-	0	5.0	65	51	96	49
2-b-1	AT&T	Panel	1900	158	15	Unknown	-	120	5.0	65	52	96	49
2-b-1	AT&T	Panel	850	396	12	Unknown	-	120	5.0	65	52	96	49
2-b-2	AT&T	Panel	1900	158	15	Unknown	-	120	5.0	65	53	94	49
2-b-2	AT&T	Panel	850	396	12	Unknown	-	120	5.0	65	53	94	49
2-b-3	AT&T	Panel	1900	158	15	Unknown	-	120	5.0	65	54	92	49
2-b-3	AT&T	Panel	850	396	12	Unknown	-	120	5.0	65	54	92	49
2-b-4	AT&T	Panel	1900	158	15	Unknown	-	120	5.0	65	55	90	49
2-b-4	AT&T	Panel	850	396	12	Unknown	-	120	5.0	65	55	90	49
2-c-1	AT&T	Panel	1900	158	15	Unknown	-	240	5.0	65	53	88	49
2-c-1	AT&T	Panel	850	396	12	Unknown	-	240	5.0	65	53	88	49
2-c-2	AT&T	Panel	1900	158	15	Unknown	-	240	5.0	65	51	89	49
2-c-2	AT&T	Panel	850	396	12	Unknown	-	240	5.0	65	51	89	49
2-c-3	AT&T	Panel	1900	158	15	Unknown	-	240	5.0	65	49	90	49
2-c-3	AT&T	Panel	850	396	12	Unknown	-	240	5.0	65	49	90	49
2-c-4	AT&T	Panel	1900	158	15	Unknown	-	240	5.0	65	47	91	49
2-c-4	AT&T	Panel	850	396	12	Unknown	-	240	5.0	65	47	91	49
3-a-1	Sprint	Panel	1900	210	15	Unknown	-	0	5.0	65	19	78	20
3-a-2	Sprint	Panel	1900	210	15	Unknown	-	0	5.0	65	22	79	20
3-a-3	Sprint	Panel	1900	210	15	Unknown	-	0	5.0	65	25	80	20
3-b-1	Sprint	Panel	1900	210	15	Unknown	-	120	5.0	65	168	92	20
3-b-2	Sprint	Panel	1900	210	15	Unknown	-	120	5.0	65	171	91	20
3-b-3	Sprint	Panel	1900	210	15	Unknown	-	120	5.0	65	174	90	20
3-c-1	Sprint	Panel	1900	210	15	Unknown	-	240	5.0	65	162	10	20
3-c-2	Sprint	Panel	1900	210	15	Unknown	-	240	5.0	65	159	10	20
3-c-3	Sprint	Panel	1900	210	15	Unknown	-	240	5.0	65	156	10	20
4-a-1	MetroPcs	Panel	1900	632	15	Unknown	-	0	5.0	65	13	71	20
4-a-1	MetroPcs	Panel	2500	632	15	Unknown	-	0	5.0	65	13	71	20
4-b-1	MetroPcs	Panel	1900	632	15	Unknown	-	120	5.0	65	31	80	20
4-b-1	MetroPcs	Panel	2500	632	15	Unknown	-	120	5.0	65	31	80	20
4-c-1	MetroPcs	Panel	1900	316	15	Unknown	-	240	5.0	65	25	21	20
4-c-1	MetroPcs	Panel	2500	316	15	Unknown	-	240	5.0	65	25	21	20



4-c-2	MetroPcs	Panel	1900	316	15	Unknown	-	240	5.0	65	20	22	20
4-c-2	MetroPcs	Panel	2500	316	15	Unknown	-	240	5.0	65	20	22	20
5-a-1	Unknown	Panel	1900	316	15	Unknown	-	60	5.0	65	195	70	20
5-a-1	Unknown	Panel	850	792	12	Unknown	-	60	5.0	65	195	70	20
5-a-2	Unknown	Panel	1900	316	15	Unknown	-	60	5.0	65	197	64	20
5-a-2	Unknown	Panel	850	792	12	Unknown	-	60	5.0	65	197	64	20
5-b-1	Unknown	Panel	1900	316	15	Unknown	-	180	5.0	65	194	29	20
5-b-1	Unknown	Panel	850	792	12	Unknown	-	180	5.0	65	194	29	20
5-b-2	Unknown	Panel	1900	316	15	Unknown	-	180	5.0	65	191	24	20
5-b-2	Unknown	Panel	850	792	12	Unknown	-	180	5.0	65	191	24	20
5-c-1	Unknown	Panel	1900	316	15	Unknown	-	300	5.0	65	4	50	20
5-c-1	Unknown	Panel	850	792	12	Unknown	-	300	5.0	65	4	50	20
5-c-2	Unknown	Panel	1900	316	15	Unknown	-	300	5.0	65	4	56	20
5-c-2	Unknown	Panel	850	792	12	Unknown	-	300	5.0	65	4	56	20
6-a-1	Unknown	Panel	1900	632	15	Unknown	-	60	5.0	65	190	80	20
6-a-1	Unknown	Panel	850	1584	12	Unknown	-	60	5.0	65	190	80	20
7-a-1	Unknown Microwave	Dish	5000	1267	32	Unknown	-	30	1.0	8	159	92	25
7-a-2	Unknown Microwave	Dish	5000	1267	32	Unknown	-	200	1.0	8	180	15	18

Table 1
Antenna Inventory

3 Photos of Antenna Site Area and Antennas

3.1 Carriers at site



AT&T Sector 1



AT&T Sector 2 & AT&T Microwave



AT&T Sector 3 & AT&T Microwaves



AT&T BTS



Sprint Sector 1



Sprint Sector 2



Sprint BTS



Metro PCS Sector 1



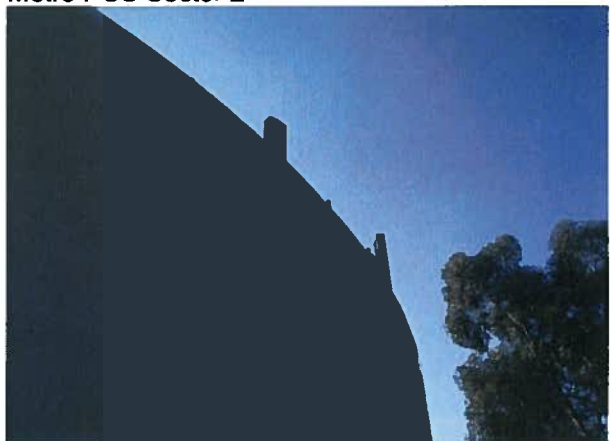
Metro PCS Sector 3



Metro PCS Sector 2



Metro PCS BTS



Unknown Carrier



Unknown Microwave



Unknown Carrier



Unknown Carrier



Unknown Carrier



Unknown Carrier



Unknown BTS



Unknown BTS



3.2 Signs and Access to the Site

Required RF signs include an information sign and all access locations were checked.

Pictures below show the access ladder and the signage at the site.



Sector1 Caution sign at the base of the monopole



Information 1 sign at AT&T BTS



Sector2 Caution sign at the base of the monopole



Sector3 Caution sign at the base of the monopole



Main gate



Information 1 sign at the gate



Second gate



4 Modeling Summary and Assumptions

4.1.1 General Model Assumptions

In this report, it is assumed that all antennas are operating at full power at all times. Software modeling was performed for all transmitting antennas located on the site. Telnet, Inc has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Telnet Inc believes this to be a worst case analysis, based on best available data.

If at any time power density measurements were to be made, Telnet Inc believes the real time measurements would indicate levels below those shown in this report. By modeling in this way, we have conservatively shown exclusion areas (areas not to be entered without a personal RF monitor, carriers reducing power or performing real time measurements to show real time exposure levels).

4.1.2 Use of Generic Antennas

For the purposes of this report, the use of 'Generic' as an antenna model, or 'Unknown' for a wireless carrier, means that the information about the carrier, their FCC license and/ or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Telnet will use our industry specific knowledge of equipment, antenna models and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, remodeling of the site is recommended. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.



4.1.3 Statistical Summary

Statistical Summary		
%MPE	SQ. FT	%SQ. FT.
	20000	100.00 % of total ROOF Area
0 -100	20000	100.00 % of Selected Area
101 - 500	0	0.00 % of Selected Area
501 - 5000	0	0.00 % of Selected Area
> 5000	0	0.00 % of Selected Area
Roof Area 20000 sq. ft. Max %MPE 34.5 % Min %MPE 0.1 % Using Near/Far Spatial Avg Model With FCC 1997 Public Standard		

**Table 2 Percent of FCC General Population Exposure Limit contributed by All Carriers
at Ground level**

Statistical Summary		
%MPE	SQ. FT	%SQ. FT.
	20000	100.00 % of total ROOF Area
0-5	19984	99.92 % of Selected Area
6 - 500	16	0.08 % of Selected Area
501 - 5000	0	0.00 % of Selected Area
> 5000	0	0.00 % of Selected Area
Roof Area 20000 sq. ft. Max %MPE 32.7 % Min %MPE 0.0 % Using Near/Far Spatial Avg Model With FCC 1997 Public Standard		

**Table 3 Percent of FCC General Population Exposure Limit contributed by only AT&T
Microwave at Ground level**



5 Survey Methodology

5.1 Sampling Description

The area of the site under evaluation was laid out in a grid of measurement points. Measurements were performed every 5-10' at various locations at the antenna site area. The measurements were performed using industry-accepted techniques described in FCC Bulletin OET-65. At each measurement point identified where measurement was over 20%, a spatially averaged measurement is collected over the height of an average human body. The survey meter performs a time average measurement while the user slowly moves the probe over a distance range of 0 cm to 200 cm (about six feet) above the rooftop level. The results recorded at each measurement location include the average values over the spatial distance. The analysis included all emitters aggregated by carrier and height that were indicated to be present.

6 Analysis and Computation

Based on emission patterns of the antennas at this location most of the energy emitted is spread towards the horizon. This assumes the antennas have a zero downtilt. If a mechanical downtilt other than zero is applied to the antennas then the maximum energy emitted will need to be calculated using the information below.

The following formulas can be used for calculating the power density.

Power density is calculated by dividing the surface area of the sphere or the unit area normal to the direction of the propagation. This information is usually shown in units of microwatts per square centimeter (uW/cm²), milliwatt per square centimeters (mW/cm²), or watts per square meter (W/m²).

6.1 Analysis

$$S = \frac{(P \times KFact)}{(2\pi Rh)}$$

where :

S = power density (mW/cm²)

P = total power input to the antenna (mW)

K = antenna correction factor / numeric factor for antenna discrimination

R = straight line distance of the antenna from a 6 ft. human (cm)

h = distance between the roof level and the bottom of the antenna (cm) or the vertical distance from the tip of the antenna to the roof level where a 6 ft. human being is assumed standing directly from the antenna (also equal to R at 0)

MPE% = Calculated exposure level, as a percentage of the FCC MPE limit for continuous exposure of the general population



7 FCC Limits for MPE

The FCC guidelines for human exposure to RF electromagnetic fields were derived from the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements ("NCRP") and the Institute of Electrical and Electronics Engineers ("IEEE"). The exposure guidelines are based on thresholds for known adverse effects and they incorporate appropriate margin of safety. The federal health and safety agencies such as: the Environmental Protection Agency ("EPA"), the Food and Drug Administration ("FDA"), the National Institute on Occupational Safety and Health ("NIOSH") and the Occupational Safety and Health Administration ("OSHA") have also been actively involved in monitoring and investigating issues related to RF exposure.

The FCC's MPE limits are based on exposure limits over a wide range of frequencies recommended by the NCRP and the exposure limits developed by the IEEE and adopted by the American National Standards Institute ("ANSI") to replace the 1982 ANSI guidelines. The limits for localized absorption are based on the recommendations of both the ANSI/IEEE and the NCRP. The potential hazard associated with the RF electromagnetic fields is discussed in OET Bulletin No. 56 "Questions and Answers about the Biological Effects and Potential Hazards of RF Electromagnetic Fields". This document can be obtained on the FCC website at <http://www.fcc.gov>.

Sections 7.1, 7.2 and 7.3 represent the FCC limits for both occupational and general population exposures to different radio frequencies:

7.1 (A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6



7.2 (B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

*Plane-wave equivalent power density

NOTE 1: **Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

NOTE 2: **General population/uncontrolled** exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.

7.3 Controlled and Uncontrolled Exposure Limits

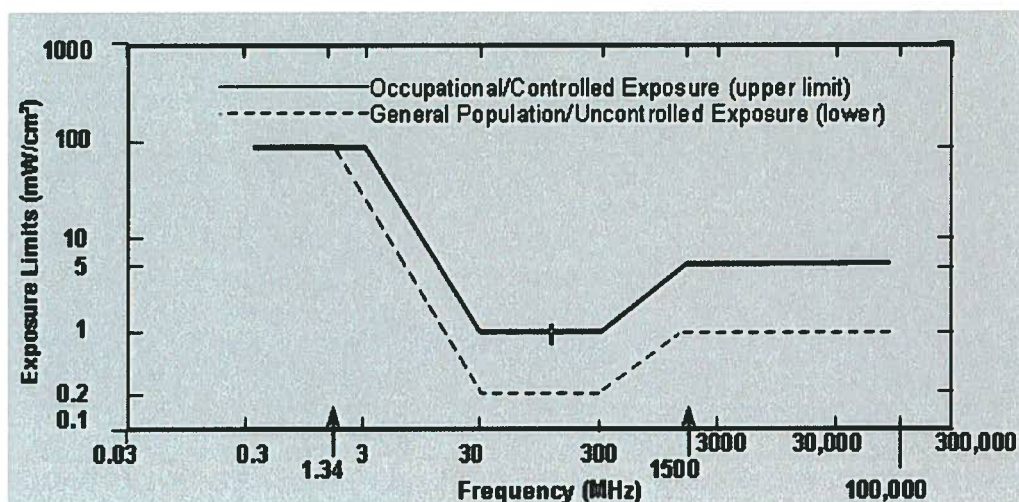


Figure 4



8 FCC Standard Certification

This report certifies that the site LAC017/ LAGUNA NIGUEL is in compliance with the FCC standard. The analysis and procedure used to provide the report is according to FCC OET Bulletin 65 and other industry standards.

Prepared by:
Maryam Ovichi
RF Engineer
Telnet Inc.

Date: 02/08/12

Reviewed by:
Boris Lublinsky
Project Manager, EMF Specialist
Telnet Inc.

Date: 02/08/12





9 Glossary of Terms

1. *Electromagnetic Field (energy density)* – the electromagnetic energy contained in an infinitesimal volume divided by that volume.
2. *Exposure* – Exposure occurs whenever and wherever a person is subjected to electric, magnetic or electromagnetic fields other than those originating from physiological processes in the body and other natural phenomena.
3. *General Population / Uncontrolled Exposure* – applies to human exposure to RF fields when the general public is exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.
4. *Maximum Permissible Exposure (MPE)* – the rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with an acceptable safety factor.
5. *Occupational / Controlled Exposure* – applies to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/controlled limits.
6. *Power Density (S)* – Power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter (W/m^2) or, for convenience, units such as milliwatts per square centimeter (mW/cm^2) or microwatts per square centimeter ($\mu W/cm^2$).
7. *Ionization* – a process by which electrons are stripped from atoms and molecules. This process can produce molecular changes that can lead to damage in biological tissue, includes effect on DNA, the genetic material. This process requires interaction with high levels of electromagnetic energy.
8. *Non-ionizing radiation* – a type of emission that is not great enough to cause ionization of atom and molecules. “RF and Microwave Emissions” are low-level energy which are not capable of ionization.



10 Appendix

Page ___ of ___

 **communications**
Narda Microwave-East

Certificate of Calibration

L-3 Communications, Narda Microwave-East, hereby certifies that the referenced instrument has been calibrated by qualified personnel to Narda's approved test procedures.

Furthermore, the instrument meets, or exceeds, all published specifications and the calibration has been performed with test instrumentation that, where applicable, is traceable to the National Institute of Standards and Technology.

Narda's calibration measurements are traceable to the National Institute of Standards and Technology to the extent allowed by the bureau's calibration facilities.

Customer:	TELNET INC ROCKVILLE, MD 20855	Certificate #:	109086 1
Model #:	2244/31	Serial #:	BD-0098
Description:		PO #:	S10-0050
Date Calibrated:	12/07/2010	R.O. #:	109086


Hugh Saunders
Test


Ken Pich
Quality Assurance

This certificate shall not be reproduced, except in full, without written approval from L-3 Communications, Narda Microwave-East
L-3 COMMUNICATIONS, NARDA MICROWAVE-EAST, 435 BORELAND ROAD, HAUPPAUGE, NEW YORK 11788, TEL: 631-231-1700, FAX: 631-231-1711

Page ___ of ___

 **communications**
Narda Microwave-East

Certificate of Calibration

L-3 Communications, Narda Microwave-East, hereby certifies that the referenced instrument has been calibrated by qualified personnel to Narda's approved test procedures.

Furthermore, the instrument meets, or exceeds, all published specifications and the calibration has been performed with test instrumentation that, where applicable, is traceable to the National Institute of Standards and Technology.

Narda's calibration measurements are traceable to the National Institute of Standards and Technology to the extent allowed by the bureau's calibration facilities.

Customer:	TELNET INC ROCKVILLE, MD 20855	Certificate #:	109086 2
Model #:	2244/90.59	Serial #:	F-0041
Description:	PROBE TYPE 25C E-FIELD	PO #:	S10-0050
Date Calibrated:	11/18/2010	R.O. #:	109086


Hugh Saunders
Test


Ken Pich
Quality Assurance

This certificate shall not be reproduced, except in full, without written approval from L-3 Communications, Narda Microwave-East
L-3 COMMUNICATIONS, NARDA MICROWAVE-EAST, 435 BORELAND ROAD, HAUPPAUGE, NEW YORK 11788, TEL: 631-231-1700, FAX: 631-231-1711



LAC017 LAGUNA NIGUEL
25655 NELLIE GAIL ROAD LAGUNA HILLS, CA 92653



NORTHEAST ELEVATION

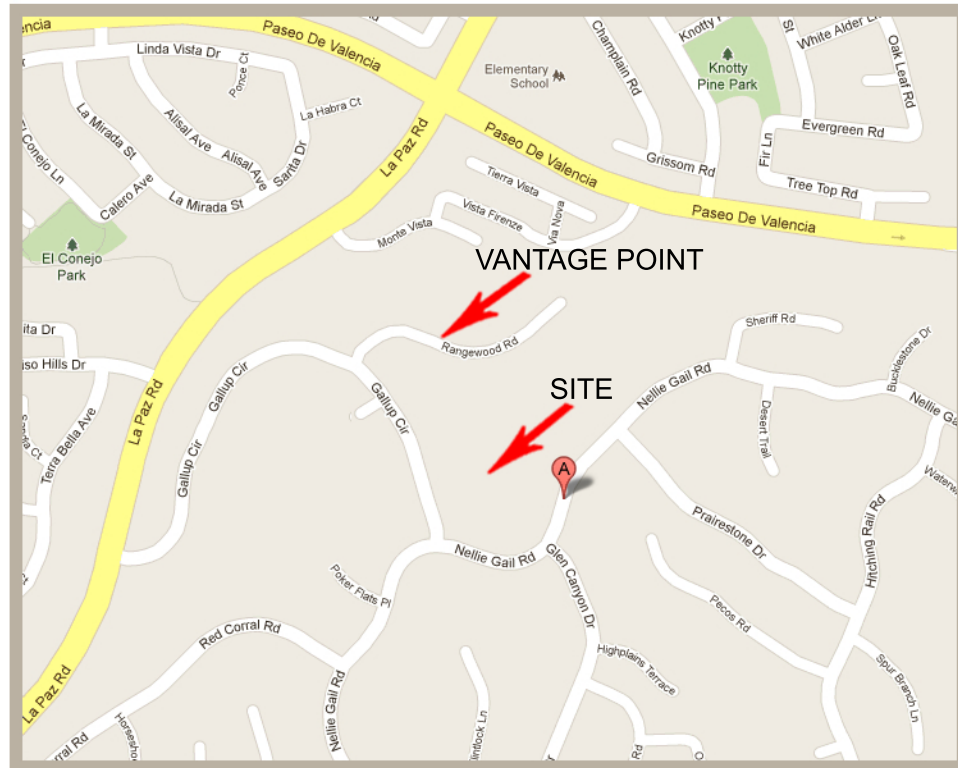


Photo simulations based on available plans and client project data, and is intended to be a realistic representation of the proposed project. The final constructed site may vary.



LAC017 LAGUNA NIGUEL
25655 NELLIE GAIL ROAD LAGUNA HILLS, CA 92653



NORTHWEST ELEVATION

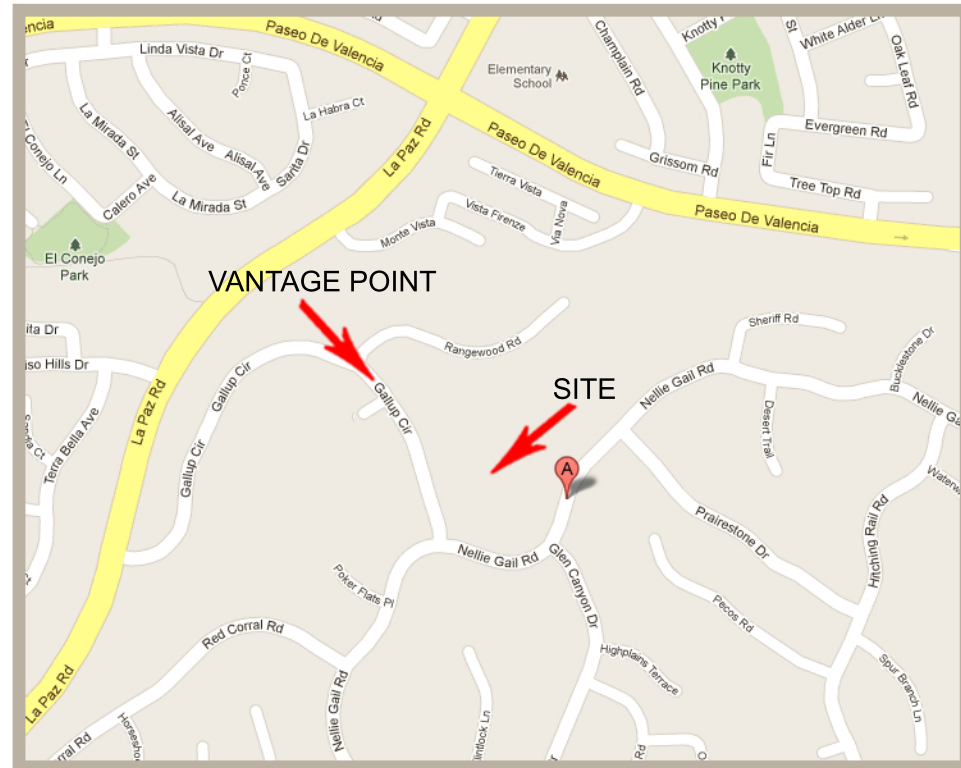


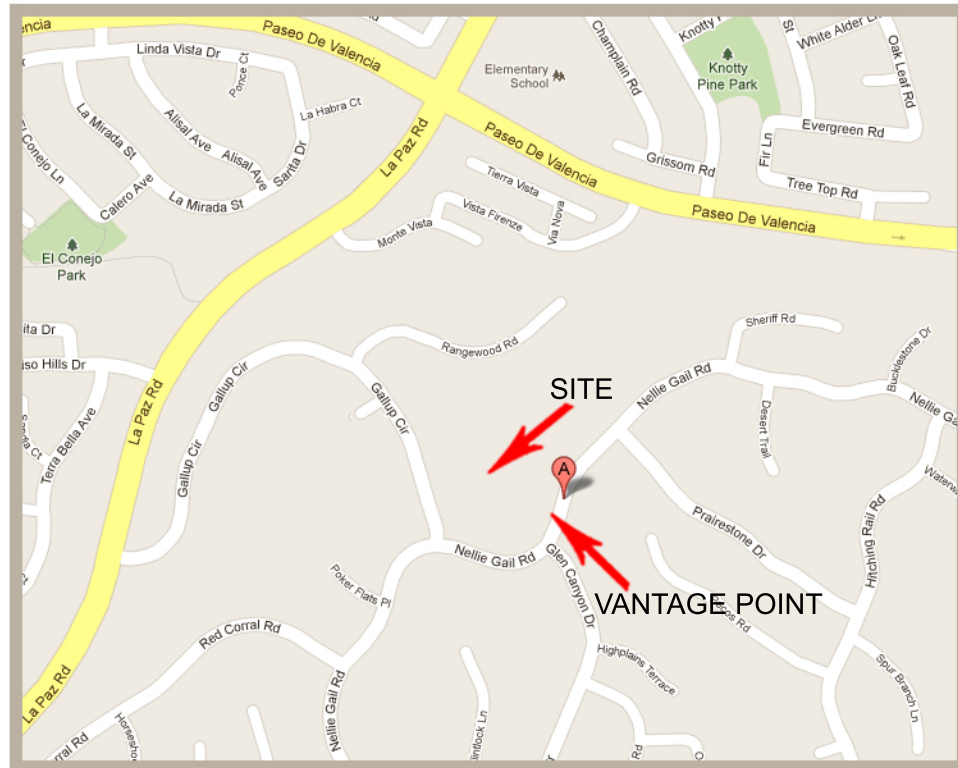
Photo simulations based on available plans and client project data, and is intended to be a realistic representation of the proposed project. The final constructed site may vary.



LAC017 LAGUNA NIGUEL
25655 NELLIE GAIL ROAD LAGUNA HILLS, CA 92653



SOUTHEAST ELEVATION



EXISTING



PROPOSED

Photo simulations based on available plans and client project data, and is intended to be a realistic representation of the proposed project. The final constructed site may vary.



LAC017 LAGUNA NIGUEL
25655 NELLIE GAIL ROAD LAGUNA HILLS, CA 92653



SOUTHWEST ELEVATION

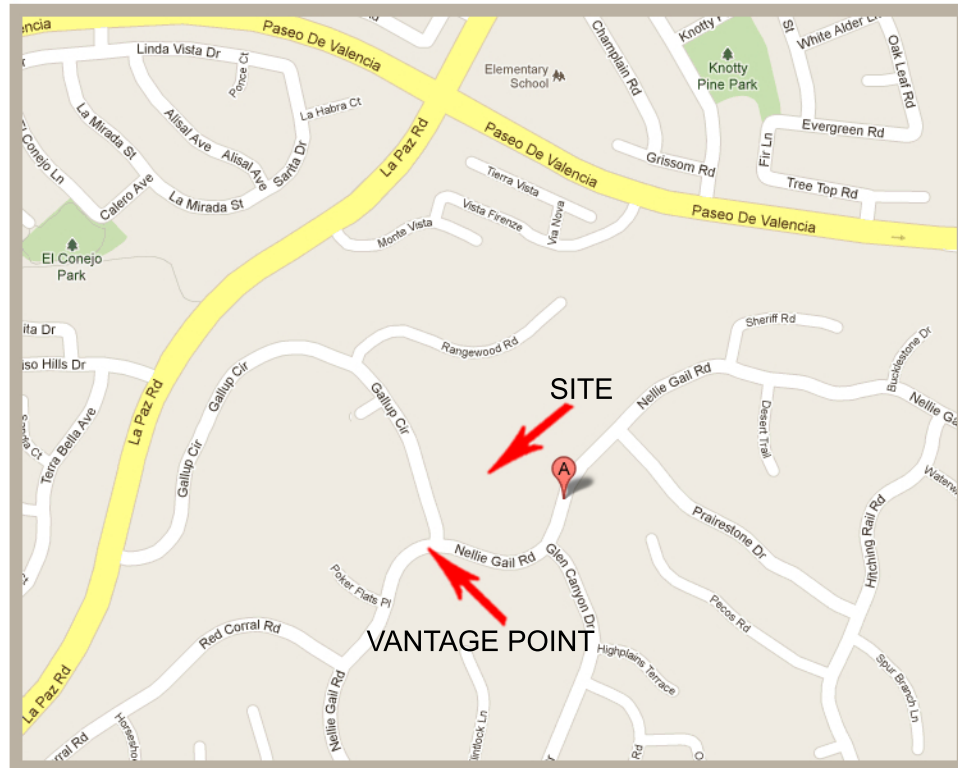


Photo simulations based on available plans and client project data, and is intended to be a realistic representation of the proposed project. The final constructed site may vary.



1 View of subject site near the intersection of Nellie Gail Road and Gallup Circle (looking northeasterly)



2 View looking easterly adjacent to 25525 Gallup Circle



3 View of existing tree screening between 25525 Gallup Circle and subject site (looking easterly).



4 View looking south near 25552 Rangewood Rd.

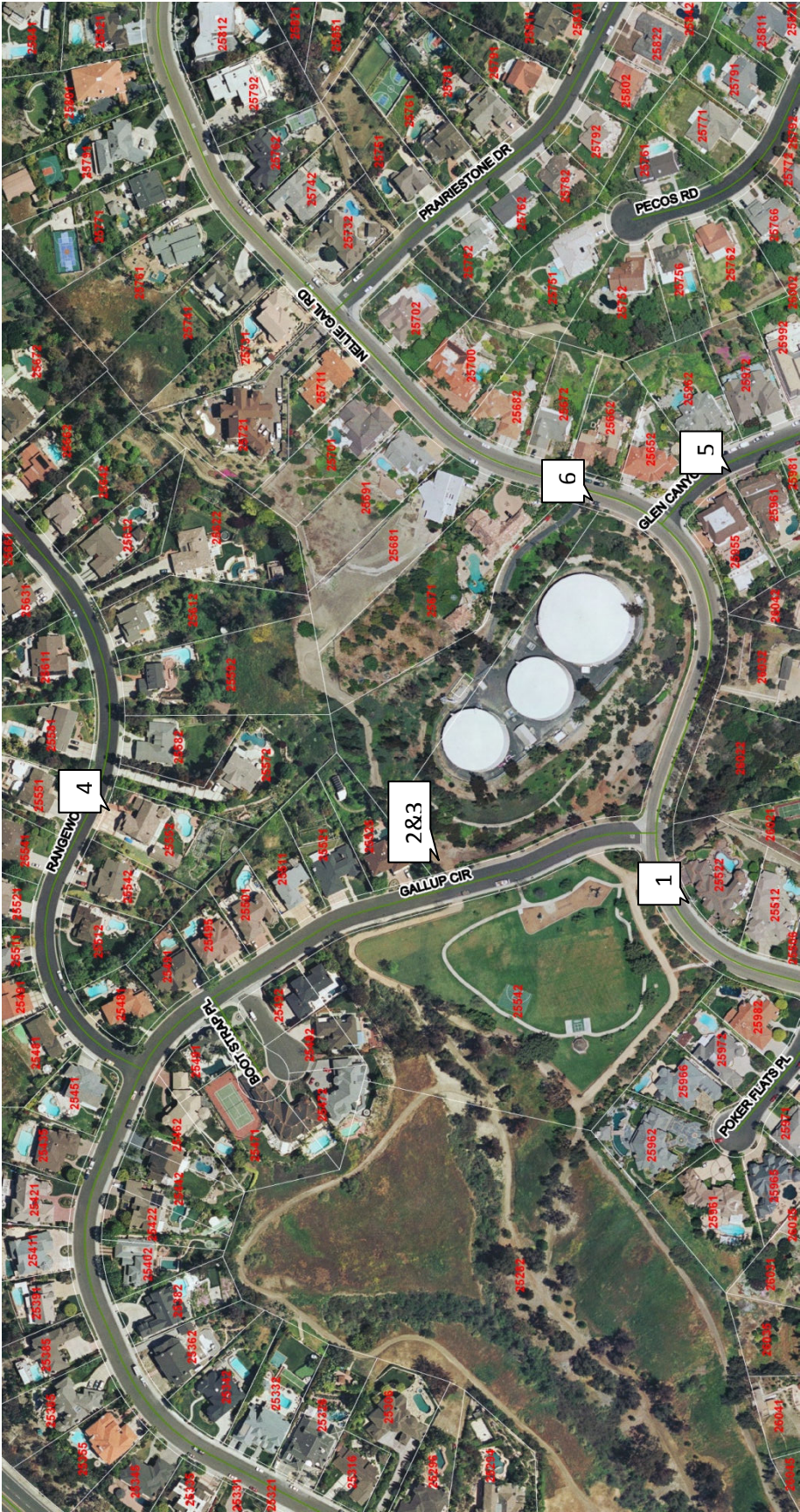


5 View at Glen Canyon Drive & Nellie Gail Road (Looking North)



6 View looking north adjacent to 25671 Nellie Gail Road

Photo Location Index



CITY OF LAGUNA HILLS

AGENDA REPORT COMMUNITY DEVELOPMENT

ISSUE: **SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT NO. 12-11-2131, A REQUEST BY VINTAGE REAL ESTATE TO REMODEL AND EXPAND THE MOULTON LA PAZ SHOPPING CENTER AT 26534-26562 MOULTON PARKWAY, INCLUDING THE ADDITION OF APPROXIMATELY 30,000 SQUARE FEET OF NEW COMMERCIAL SPACE, UPDATED FACADES, AND NEW PARKING LOT LAYOUT AND LANDSCAPING; AND CONSIDERATION OF A DETERMINATION THAT THE DISPOSAL OF CERTAIN PUBLIC PROPERTY INCLUDED IN THE DEVELOPMENT PROPOSAL IS IN CONFORMANCE WITH THE GENERAL PLAN.**

SUMMARY:

Staff requests that this item be continued to the City Council/Planning Agency meeting of April 24, 2012. Items related to the completion of a "Purchase and Sale Agreement" and project conditions of approval are still under review by the City and the applicant.

RECOMMENDATION: THAT THE PLANNING AGENCY/ CITY COUNCIL CONTINUE SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT NO. 12-11-2131, AND CONSIDERATION OF A DETERMINATION THAT THE DISPOSAL OF CERTAIN PUBLIC PROPERTY INCLUDED IN THE DEVELOPMENT PROPOSAL IS IN CONFORMANCE WITH THE GENERAL PLAN TO A DATE CERTAIN OF APRIL 24, 2012."

CITY OF LAGUNA HILLS

AGENDA REPORT COUNCIL MEMBER KOGERMAN

ISSUE: DISCUSSION OF THE PREPARATION OF A RESOLUTION TO ESTABLISH A FEE OF ONE PERCENT OF COX COMMUNICATIONS GROSS REVENUES FROM FRANCHISE FEES TO SUPPORT PUBLIC, EDUCATIONAL AND GOVERNMENT PROGRAMMING (PEG) TO BE PRODUCED BY LAGUNA HILLS HIGH SCHOOL

SUMMARY:

The City can require its local cable television and video franchisee, Cox Communications, to collect a PEG fee from customers to be passed to the City for the construction and purchase of equipment. The PEG fee would generate approximately \$91,000 in annual revenue which can be used to enhance the capabilities of the Laguna Hills High School Film and Television program.

BACKGROUND:

This recommendation includes two components.

PEG FEE

At its March 13, 2012, meeting the City Council adopted Ordinance No. 2012-1 implementing the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") replacing the cable television franchise regulations and amending and restating Chapter 4-16 of Title 4 of the Laguna Hills Municipal Code pertaining to state video franchise holders.

DIVCA allows cities to impose a fee of up to one percent of gross revenue from video services to support Public, Educational and Government (PEG) channel facilities and equipment. The PEG fee is in addition to the five percent franchise fee and is passed through from the City's local cable television and video franchisee, Cox Communications, to customers. The use of the fee is limited to the construction of facilities for PEG access and the purchase of necessary equipment. It may not be used for operational or programming costs.

The imposition of this fee is expected to generate approximately \$91,000 per year. The fee will cost Cox customers approximately \$1.05 per month and will appear on their monthly bills as payable to the City of Laguna Hills. Cox Communications will collect and pay the fee to the City quarterly. This fee must be used for capital equipment; Cox will make available to the City, should it desire, at least three PEG access channels for

the purposes of providing PEG access channel programming. Funds can be deposited for future purchases.

LAGUNA HILLS HIGH SCHOOL FILM AND TELEVISION PROGRAM

Laguna Hills High School has developed an outstanding Film and Television program. Graduates have been accepted at prestigious schools of Film and Television at various universities. The Film and Television instructor was recently selected as Orange County Teacher of the Year. Students who might otherwise have found high school to be a struggle have flourished under this program. Additional opportunities for students to do production and intern opportunities are also likely in cooperation with Cox Communications.

The City can use the PEG funds to purchase equipment on behalf of the school to further enhance the schools Film and Television Program. Possibilities include equipping a van to broadcast events from remote locations, broadcasting “home” games and performing arts events, and broadcasting City events such as the Memorial Day Run and 4th of July Celebration. The school could also broadcast a “crawl” similar to hotel tourist channels, listing registration or other information, events calendars for both local schools and the City, and so forth.

OTHER CONSIDERATIONS

- The City must direct staff to prepare a Resolution to enact the 1% PEG fee already permitted in the Ordinance adopted on March 13, 2012. When the City notifies Cox Communications of the enactment of the PEG provision, Cox Communications has 60 days to notify its customers of the change in monthly billing and then must pay the City within 45 days after the end of the quarter.
- The City in cooperation with Laguna Hills High School will designate the channel it prefers to use, which will most likely be Channel 30; PEG channels are channels 30, 31 and 39. It is not a stringent system. The “Educational Channel” is now programmed by Saddleback Community College, but working with that program is entirely optional.
- The interface with Cox allows broadcasts to jump on and off the channel.
- The City and school could choose to broadcast only to Laguna Hills or to the south county region.
- The key to success is for the school and City to promote the program.

- The City can buy the equipment specified by the school and either give it or loan it to the school.

RECOMMENDATION: THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE A RESOLUTION ENACTING A FEE THAT IS EQUAL TO ONE PERCENT (1%) OF GROSS REVENUES TO BE PAID BY COX COMMUNICATIONS, THE STATE VIDEO FRANCHISE HOLDER OPERATING IN THE CITY. THE TERM "GROSS REVENUES" SHALL BE DEFINED AS SET FORTH IN PUBLIC UTILITIES CODE SECTION 5860. THE FEE SHALL BE USED TO SUPPORT PEG CHANNEL FACILITIES AND EQUIPMENT AS DEEMED NECESSARY BY LAGUNA HILLS HIGH SCHOOL TO ENHANCE ITS FILM AND TELEVISION PROGRAM. THE FEE SHALL BE REMITTED TO THE CITY ON A QUARTERLY BASIS WITHIN 45 DAYS AFTER THE END OF EACH QUARTER FOR THAT CALENDAR YEAR.
