

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS**

REGULAR MEETING – May 4, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, May 4, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Edgar presiding.

ROLL CALL

Present: Council Members: Mejia, Stephens, Zarkos, Poe and Edgar

Absent: Council Members: None

Present: Staff:
Nita McKay, Interim City Manager
Dean Derleth, City Attorney
Todd Mattern, Police Chief
Angie Avery, Recreation & Community Services Dir.
Steven Mendoza, Community Development Director
Bill Huber, City Engineer
Windmera Quintanar, Department Secretary

4. PLEDGE & INVOCATION – Mayor Edgar led the Pledge of Allegiance and Council Member Stephens gave the Invocation.

5. PRESENTATIONS

A. Presentation of Plaque of Appreciation to Fire Captain, Rod Wood, upon the Occasion of his Retirement

Mayor Edgar and the City Council presented a Plaque of Appreciation to Captain Rod Wood. Mayor Edgar invited Police Chief Mattern and Battalion Chief Valbuena to say a few word regarding Captain Wood's service to the community.

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

Laura Herzog, resident, spoke regarding "Paint Your Town Purple," a cancer awareness event. She then stated the American Cancer Society's "Race for the Cure" would be held on July 25-26, 2009, at the Joint Forces Training Base. She thanked the City and law enforcement for their continued support.

Margine Walz, Chamber representative, spoke regarding the following upcoming events: 1) scholarships were available for Los Alamitos High School Students; 2) Senior Night Mixer – May 12; 3) Travel to the Orient – September 29; 4) Breakfast with Ed Royce – June 28; 5) Five Chamber Mixer – June 25; and 6) Wings, Wheels and Rotors – October 28.

7. REGISTER OF MAJOR EXPENDITURES

May 4, 2009.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council approved the Register of Major Expenditures for May 4, 2009, in the amount of \$527,879.23.

Roll Call Vote

Council Member Mejia	Aye
Council Member Stephens	Aye
Council Member Zarkos	Aye
Mayor Pro Tem Poe	Aye
Mayor Edgar	Aye

8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Mayor Pro Tem Poe pulled item 8B.

Council Member Mejia pulled items 8C.

Council Member Zarkos and Mejia pulled item 8D.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council approved the following Consent Calendar items:

*****CONSENT CALENDAR*****

A. Approval of Minutes

1. Approved the minutes of the Special Meeting of April 13, 2009.
2. Approved the minutes of the Special Meeting of April 17, 2009.
3. Approved the minutes of the Special Meeting of April 20, 2009.
4. Approved the minutes of the Regular Meeting of April 20, 2009.

E. Employment Agreement-City Manager (Jeffrey L. Stewart)

This report addressed the terms and conditions of a new Employment Agreement with City Manager Jeffrey L. Stewart.

The City Council approved the Employment Agreement for new City Manager Jeffrey L. Stewart.

*****END OF CONSENT CALENDAR*****

B. Warrants

May 4, 2009.

Mayor Pro Tem Poe indicated she did not attend the League of California Cities dinner, and requested staff contact them for a credit. Department Secretary Quintanar advised a reservation had been made and, therefore, the City was required to pay whether or not the meeting was attended. Mayor Pro Tem Poe indicated she would reimburse the City for the event.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the Warrant Register of May 4, 2009, in the amount of \$76,320.78.

C. Southern California Association of Governments (SCAG) Compass Blueprint Demonstration Project

Staff was seeking support from City Council to develop and submit an application to the Southern California Association of Governments (SCAG) for Compass Blueprint Demonstration Project studying the Los Alamitos Boulevard and Katella Avenue Corridors.

Council Member Mejia thanked staff for proactive involvement, adding the program could potentially provide development funding. Mayor Pro Tem Poe agreed.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council adopted Resolution No. 2009-05, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PLEDGING COOPERATION AND SUPPORT FOR A SCAG COMPASS BLUEPRINT DEMONSTRATION PROJECT PROPOSAL."

D. Consideration of Establishing 'No Parking' - Katella Avenue, Lexington Drive to Midway Drive (Continued from April 20, 2009, City Council Meeting)

This item was rescheduled from the April 20, 2009 City Council meeting to provide staff adequate time to sufficiently notice business and property owners impacted by the proposed parking restrictions. This was a request to consider various 'No Parking' areas on Katella Avenue, between Lexington Drive and Midway Drive by establishing red zones at various locations.

Council Member Zarkos stated several business owners had raised concerns regarding this issue, and asked staff for further information.

City Engineer Huber summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Zarkos asked if decreasing the parking spaces would adversely impact the surrounding neighborhoods. City Engineer Huber responded in the negative, adding there was already permit parking in adjacent neighborhoods.

Council Member Mejia stated she had walked the proposed site with City Engineer Huber. She made a motion to adopt Resolution 2009-04, with the revision of "15" feet of red curb instead of "30" feet, on the west side of the proposed driveways only. She added there were no safety issues with the revisions.

Mayor Pro Tem Poe expressed support for the motion, as did Mayor Edgar.

Mayor Edgar opened the meeting to public comment.

John Necarsulmer, business owner, opposed additional red curbing. He stated there was already a lack of parking spaces that precluded him from finding tenants for his building. He requested Council consider replacing the Saratoga parking spaces previously removed due to red curbing.

Council Member Mejia asked if Mr. Necarsulmer was aware of the parking situation when he purchased the property, adding Cottonwood Church had offered the use of its parking lot. Mr. Necarsulmer responded in the affirmative, adding Cottonwood would not provide guaranteed use of their parking.

Mayor Pro Tem Poe indicated she had been involved in the residential parking permits for the surrounding neighborhood, which had been instituted for the safety of the residents.

Council Member Mejia pointed out the revised Resolution could potentially save three to four parking spaces.

Mayor Edgar closed the meeting to public comment.

Motion/Second: Mejia/Poe

Carried 4-5 (Council Member Zarkos cast the dissenting vote): The City Council approved Resolution No. 2009-04, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING 'NO PARKING' - KATELLA AVENUE, LEXINGTON DRIVE TO MIDWAY DRIVE," with the stated revisions.

Mayor Edgar and Council introduced newly appointed City Manager, Jeffery L. Stewart, who was in the audience.

9. PUBLIC HEARING/ORDINANCES

A. Ordinance No. 09-02 - Modifying Chapter 17.16.100, Permitting Residential Air-Conditioning Unit Placement in the Required Side Yard Setback in the Single-family (R-1) Zoning District

At its special meeting on February 9, 2009, the Planning Commission recommended City Council approval of Zoning Ordinance Amendment Z09-02, modifying Chapter 17.16.100, permitting residential air-conditioning unit placement in the required side yard setback in the Single-family (R-1) Zoning District (City initiated).

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Stephens asked why the emphasis on side yards versus backyards for the air conditioner placement. Community Development Director Mendoza stated the Zoning Code had always allowed placement in backyards but had not allowed placement in side yard setbacks.

Mayor Pro Tem Poe asked if this revision would affect residents that had already received a permit. Community Development Director Mendoza responded in the negative.

Council Member Mejia asked if this was a regular enforcement issue. Community Development Director Mendoza responded in the negative.

Mayor Edgar asked if there was a potential for enforcement issues. Community Development Director Mendoza responded in the negative.

Motion/Second: Mejia/Edgar

Unanimously approved: The City Council:

1. Conducted a Public hearing; and,
2. Waived reading in full and authorized reading by title only of Ordinance No. 09-02, and set for second reading; and,
3. Mayor Edgar read the title of Ordinance No. 09-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT Z09-02 AMENDING CHAPTER 17.16.100 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO AIR CONDITIONING UNITS IN THE SIDE YARD SETBACK AREAS IN THE SINGLE-FAMILY (R-1) ZONING DISTRICT."

B. Ordinance No. 09-03 – Modifying the Appeals Process in Chapter 17.68 of the Los Alamitos Municipal Code

At its special meeting on February 9, 2009, the Planning Commission recommended that the City Council approve Zoning Ordinance Amendment Z09-01, modifying the Appeals Process in Chapter 17.68 of the Los Alamitos Municipal Code (City initiated).

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Pro Tem Poe stated when the Zoning Code was updated, there was a migration error to the Appeals section, as such changes had not been discussed. She expressed support for any individual Council Member to make an appeal, and did not support the Resolution.

Council Member Mejia indicated she felt the proposed changes were very clear and straightforward, and expressed support for the Resolution.

Mayor Edgar stated he felt due process would be eliminated with the proposed Resolution and, therefore, did not support it. Council Member Zarkos concurred.

Mayor Edgar opened the meeting to public comment.

Alice Jempsa, resident, expressed support for individual Council Members being allowed to appeal an issue, as it had been a successful practice for the past twenty years. She stressed the importance of Council Members being able to ensure constituents concerns were heard.

Pat Blancher, resident, expressed support for allowing an individual Council Member the ability to appeal an issue.

Mayor Edgar closed the meeting to public comment.

Council Member Mejia expressed support for all Council Members to have access to the City Attorney.

Mayor Pro Tem Poe expressed support for clarifying the Appeals process, and asked future revisions include red line versions.

Council Member Stephens supported allowing individual Council Members the ability to appeal a decision. He stated a clarified Appeals process would be beneficial.

Mayor Pro Tem Poe made a motion to deny Ordinance 09-03, and direct staff to bring back an Appeals process that would enable a Council Member to act as an individual without incurring fees.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council denied Ordinance 09-03, and directed staff to bring back an Appeals process that would enable a Council Member to act as an individual without incurring fees.

10. DISCUSSION

A. **Adoption of Amended AB 1234 Compliant Travel and Reimbursement Policy (City Attorney)**

The state legislature adopted AB 1234 which, among other provisions, required cities to adopt travel and reimbursement policies for certain officials. The adoption of this policy would apply to all employees and officials, and would ensure compliance with AB 1234. The policy would replace the policy adopted by the City Council on February 21, 2006.

City Attorney Derleth summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Motion/Second: Edgar/Poe

Carried 4-1 (Mejia cast the dissenting vote): The City Council adopted Resolution No. 2009-02, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING THE CITY OF LOS ALAMITOS TRAVEL AND REIMBURSEMENT POLICY".

11. **MAYOR AND COUNCIL INITIATED BUSINESS**

Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

Council Member Mejia reported attendance at the CPRS awards banquet, and stated she would be donating the raffle prizes she had received. She thanked staff for their hard work, and welcomed Jeff Stewart. She then wished everyone a happy Mother's Day.

Mayor Pro Tem Poe reported attendance at the following events: 1) Project Pantry at St. Isidore Church – April 25; 2) Cinco de Mayo Celebration at St Isidore Church – May 3; 3) "Paint Your Town Purple" Kickoff Event – May 1; and 4) Youth Center Kickoff Fundraising Event - May 18. She advised interested parties to visit the Family Center at St. Isidore, and wished all a happy Mother's Day.

Council Member Zarkos thanked staff for their dedicated work. He reported attendance at the Chamber's New Member Orientation and thanked Community Development Director Mendoza for assisting with the event.

Mayor Edgar thanked staff for their work on the Budget, and felt the City could close the deficit without using reserves. He welcomed Jeffery L. Stewart as new City Manager, and thanked Rob Wood for his dedicated service to the community. He directed staff to bring forward an update on previously discussed LATV issues. He then reported attendance at the following events: 1) OCFA Board meeting; 2) OSD Board Meeting; 3) Cinco de Mayo Celebration at St Isidore Church – May 3; 4) Youth Center Kickoff Fundraising Event – May 18; 5) "Paint Your Town Purple" Kickoff Event – May 1; 6) Jewish Federation for students and Children; and 7) the museum's Hall of Fame event. He indicated Council would be focused on adopting the budget by June 30 and negotiating with the Labor Unions.

Council Member Stephens thanked Interim City Manager McKay for her hard work as Interim, and stated she had done a good job.

Mayor Pro Tem Poe indicated she had attended the museum's Hall of Fame event, and invited residents to visit the museum on Tuesdays, 2-4 p.m., and Saturdays, 2-4 p.m.

12. ITEMS FROM THE CITY MANAGER

None.

13. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. The next meeting of the City Council is scheduled for Monday, May 18, 2009, in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk