

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

REGULAR MEETING – May 18, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, May 18, 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: Jeffrey L. Stewart, City Manager
Nita McKay, Assistant 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
Susan C. Vanderpool, City Clerk

4. PLEDGE & INVOCATION – Mayor Pro Tem Poe led the Pledge of Allegiance and Council Member Mejia gave the Invocation.

5. 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.

Mayor Edgar opened Oral Communications.

Brigadier General Combs, Joint Forces Training Base, spoke about upcoming plans for the 4th of July Spectacular and the plan to keep costs down for the cities involved, adding the JFTB would be contributing \$90,000. He stressed the importance of honoring military personnel by staging this great event. He then stated the event would also serve as his farewell to the community, as he was retiring. He went on to speak of a special Military Affairs Committee meeting to be held on May 26, at 6:00 p.m., regarding the new composting operation at the base. He explained it was a small operation intended to enrich the soil, halt erosion, recycle green waste and reduce water consumption by 30%. He pointed out the operation would also significantly reduce the carbon footprint for the area. He stated the military was asking for representatives from each city to participate in the special meeting.

Mayor Edgar asked if the composting operation was currently underway. Brigadier General Combs responded in the affirmative, adding no garbage was being dumped – only tree clippings and wood. He stated Lampson had been picked as the optimum street for the dump trucks to access the base.

Council Member Zarkos asked if the JFTB had conducted an Environmental Impact Report (EIR) on the area. Brigadier General Combs responded in the affirmative, noting the report would be made available at the special meeting.

Council Member Stephens asked the size, and how many, trucks per day would be traveling to the base. Brigadier General Combs stated up to twelve 18-wheeler trucks per day could be expected.

Mayor Edgar suggested Mayor Pro Tem Poe and Council Member Mejia be the representatives of the City at the special Military Affairs Committee meeting, since they were already on the Ad Hoc Committee for such. Mayor Pro Tem Poe and Council Member Mejia agreed.

Alice Jempsa, resident, stated she was a member of the Veterans' Services Committee at the JFTB, and remarked on the wonderful facility and programs available. She went on to speak about the Council's discussion last week regarding LAFCO, Rossmoor and the City's sphere of influence. She urged Council to review Section 901 of the City's Charter regarding the implementation of Districts, should the City's population grow past 18,000 residents (which would happen if Rossmoor were annexed into the City). She stressed the importance of Council review of all financial implications regarding annexation.

Gary Miller, Seal Beach City Council Member for District 4, expressed concern regarding the adverse impact to Lampson which would be created by the additional truck traffic of the composting operation. He pointed out even more truck traffic would be created once the Enhanced Use Leasing (EUL) program at the base was implemented, and the West Cities Connectors project had begun. He thought cities bordering the JFTB needed environmental information regarding the composting operation, and advised Seal Beach would be endeavoring to restrict traffic on Lampson.

Fran Gabler, resident, expressed opposition regarding any annexation of Rossmoor into the City of Los Alamitos. She stated the issue had been reviewed decades ago, and had been judged too expensive a proposition at that time.

Mayor Edgar closed Oral Communications.

The City Council took a ten minute break.

6. REGISTER OF MAJOR EXPENDITURES

There were no major expenditures for May 18, 2009.

7. 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 items 7A and 7D.

Motion/Second: Mejia/Edgar

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

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

B. Warrants

The City Council approved the Warrant Register of May 18, 2009, in the amount of \$48, 553.99.

C. Street Curb Address Painting Contract for 2009

At its meeting of November 24, 2003, the City Council adopted Resolution No. 1939, authorizing non-profit organizations, to apply for consideration to conduct the street address painting contract within the City.

The City Council:

1. Authorized a street curb address painting for 2009 on a strictly donation basis, with Canning Hunger; and,
2. Authorized the City Manager to issue a no fee solicitors permit, no fee encroachment permit and a business license.

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

A. Approval of Minutes

Approve minutes of the Regular Meeting - May 4, 2009.

Mayor Pro Tem Poe referred to page 7, paragraph 5, and stated it should read St. Isidore Plaza, not church.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the minutes of the regular meeting of May 4, 2009, as amended.

D. Approval of Waste Disposal Agreement with the County of Orange

The County requested cities approve a new Waste Disposal Agreement negotiated by the County's City Managers. The Agreement would obligate the City and its hauler to deliver all refuse to the Orange County landfill system for disposal, and increase the rate from \$22.00 to \$29.95 per ton for a 10-year period.

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

Mr. Wright, representative of the Orange County Waste and Recycling Division, stated he would be glad to answer questions.

Council Member Zarkos asked if the expiration date of the current Agreement was December 31, 2010. Mr. Wright responded in the negative, stating the expiration date was June 30, 2010.

Mayor Edgar asked the justification for the rate increase. Mr. Wright explained the 31% increase in 2010 was a reflection of the County's actual costs. He pointed out if the current Agreement had been increased each year for ten years, the cost would have been much higher than it now was.

Council Member Stephens thought additional information was needed before Council could make an informed decision.

Council Member Zarkos asked what would happen if Council did not approve the Agreement this evening. Community Development Director Mendoza stated the City had until late July to make a decision.

Mr. Wright pointed out if Council did not approve the Agreement by late July, the cost would be 10% higher when, and if, they finally approved it.

Council Member Zarkos stated this was a complex issue, and Council should have been given more time for review.

Council Member Mejia thought Council needed to move fairly quickly, as the City could ill afford a 10% increase above and beyond the 31% proposed.

Mayor Pro Tem Poe agreed more information was needed before Council could make a decision, and suggested staff bring back another report.

Mayor Edgar opened the meeting to public comment.

Alice Jempsa, resident, stated it was her understanding the current contract did not expire until December 2010. She stressed the importance of involving the City's franchise trash hauler in landfill rate discussions.

City Manager Stewart agreed it was important to have the franchise trash hauler weigh in on this issue. He stated staff would gather more information and return with another report.

Alice Jempsa, resident, stated Council had done an intensive study prior to signing the current Agreement, noting it had passed by a unanimous vote (Council Member Ronald Bates had been absent).

Tom Rothwell, resident, asked if the City could opt out of the Agreement.

Mr. Wright responded in the affirmative, but added costs would be incurred should such a decision be made.

Mayor Pro Tem Poe stressed the importance of residents understanding this issue had to do with dumping in the Orange County landfill, and not the City's franchise trash hauler increasing rates.

Mayor Edgar closed the meeting to public comment.

Motion/Second: Poe/Zarkos

Unanimously carried: The City Council:

1. Directed staff to bring back this issue as a Discussion Item, and with additional information; and,
2. Directed staff to bring back rate comparisons; and,
3. Directed staff to include all costs associated with opting out of the Agreement.

8. PUBLIC HEARING/ORDINANCES

A. Second Reading - 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 regular meeting of May 4, 2009, the City Council conducted a first reading of Ordinance No. 09-02, which would modify Chapter 17.16.100, to permit residential air-conditioning units to be placed 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.

Mayor Edgar opened the meeting to public comment.

Richard Vardeman, resident, asked if the Fire Department's requirement of no encroachment in excess of 24 inches had been addressed. Community Development Director Mendoza responded in the affirmative.

Mayor Edgar closed the meeting to public comment.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 09-02; and,
2. 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 SIDE YARD SETBACK AREAS IN THE SINGLE-FAMILY (R-1) ZONING DISTRICT"; and,

3. Adopted Ordinance No. 09-02 by the following roll call vote:

Roll Call Vote

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

9. DISCUSSION ITEMS

A. 50th Anniversary Celebration

Los Alamitos will celebrate 50 years of incorporation on March 1, 2010. The preliminary schedule of programs and activities will encompass a full year of celebration and has been proposed with three budget options.

Recreation & Community Services Director Avery summarized the staff report, referring to the information contained therein, and answered questions from the City Council. She suggested forming a committee that would include staff, residents and members of the business community.

Mayor Pro Tem Poe thanked Director Avery for bringing this issue forward at her request, adding she would like St. Hedwig school included in the committee. She then suggested having a parade that would end at a carnival site where an admission fee could be charged. She thought all local business owners could be encouraged to underwrite the costs.

Council Member Mejia liked the suggested options but pointed out the City could not afford the costs. She agreed with Mayor Pro Tem Poe's idea of getting the business community involved to underwrite costs.

Council Member Stephens thought local business would be happy to contribute to the City's 50th Anniversary celebration.

Council Member Zarkos agreed local businesses would want to participate.

Mayor Edgar opened the meeting to public comment.

Alice Jempsa, resident, stated it might be a good idea not to have the celebration on the actual anniversary date of March 1, because when the City celebrated the 25th anniversary, the weather in March had not been great. She agreed with involving the community in this important event.

Mayor Edgar closed the meeting to public comment.

Mayor Edgar liked the idea of including the 50th Anniversary celebration with other calendared events throughout the year. He expressed support for all the suggestions brought forward but thought they could be accomplished with no cost to the City.

Mayor Pro Tem Poe suggested combining the parade with the Band in the Park event.

Mayor Edgar thought putting a placeholder in the Budget for celebration costs would be a prudent move.

Council Member Mejia suggested residents and businesses participate in naming the anniversary celebration.

B. Planning Commission request that City Council Appropriate Funding in the 2009-2010 Budget for Preparation of a Commercial Overlay Zone along Katella Avenue

The Planning Commission requested that City Council appropriate funding in the 2009-2010 budget for preparation of a commercial overlay zone along Katella Avenue. The Commission strongly felt addressing the issue in the immediate future could solidify the City's economic future.

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 thanked the Planning Commission for its input, and gave a brief background of the last General Plan Advisory Committee's (GPAC) responsibilities and time served. While she liked the overlay zone concept, she thought the money would be better spent updating the City's General Plan.

Council Member Mejia thought Council should defer this issue until SCAG made a determination regarding the City's grant application.

Council Member Stephens agreed with staff's recommendation of holding off further action for another four to six weeks. Community Development Director Mendoza stated a study would take longer than that, adding the four to six week time period only allowed for enough time to find out if the City would be a recipient.

Council Member Stephens agreed with Mayor Pro Tem Poe regarding a review of the entire City rather than just a portion.

Mayor Edgar agreed on the importance of taking no action until a determination had been made regarding the City's application. He supported a more inclusive approach that would involve participation by

the Joint Forces Training Base, School District, residents and business owners.

Mayor Pro Tem Poe made a motion to deny the Planning Commission's recommendation.

Council Member Mejia thought this matter should be continued until which time the City's application had either been accepted or rejected.

Mayor Pro Tem Poe reiterated opposition to a commercial overlay zone for just one spot in the City.

Council Member Mejia stressed the importance of considering this project now, as the preparation involved in a new General Plan would take much longer and she did not want the City to miss out on this program.

Mayor Edgar asked the maker of the motion if she would consider amending the motion to state continuance of this issue until which time a determination had been made regarding the City's application. Mayor Pro Tem agreed.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council continued consideration of the Planning Commission's recommendation of budgetary appropriations for the study of land use options, specific plan options and zoning overlay options along the Katella Avenue corridor.

C. Third Quarter Financial Report for Fiscal Year 2008-09

This report provided the City Council with an assessment of the City's financial performance compared to the amended budget through the end of the third quarter of Fiscal Year 2008-09.

Assistant City Manager McKay summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council received and filed the Fiscal Year 2008-09 Third Quarter Financial Report.

10. 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 advised of a free clinic to be held on May 26, at the Los Alamitos High School from 6:30 p.m. – 8:00 p.m.

Council Member Stephens thanked Community Development Director Mendoza and Planning Commissioner Shloss for their efforts in assisting CVS Pharmacy to locate in the City. He then referred to the recent earthquake, and stressed the importance of earthquake preparedness.

Council Member Zarkos congratulated the Los Alamitos High School Track & Field athletes who recently competed and ranked well in a track meet In Laguna.

Mayor Pro Tem Poe welcomed new City Manager, Jeff Stewart, to the City. She stated she, too, was happy about CVS Pharmacy locating to the City, and asked staff for an update of the Vons remodeling project. Community Development Director Mendoza advised the remodel was progressing well.

Mayor Edgar spoke of the State budget in relation to the City's budget, and suggested weekly budget workshops until adoption. He went on to commend the Planning and Traffic Commissions for assistance to CVS Pharmacy. He thought it was great the Melting Pot restaurant was progressing and had recently pulled building permits. He thanked Council for its proactive stance regarding the recent sphere of influence discussions, and asked staff to bring an update on LATV to the next meeting.

11. ITEMS FROM THE CITY MANAGER

None.

12. ADJOURNMENT

The meeting was adjourned at 9:20 p.m. The next meeting of the City Council is scheduled for Monday, June 1, 2009, in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk