

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

REGULAR MEETING – SEPTEMBER 8, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:03 p.m., Tuesday, September 8, 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
Dean Derleth, City Attorney
Nita McKay, Assistant City Manager
Todd Mattern, Police Chief
Angie Avery, Recreation & Community Services Dir.
Steven Mendoza, Community Development Director
Bill Huber, City Engineer
C. Darleen Cordova, Interim City Clerk

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

5. PRESENTATIONS

A. Presentation of Plaques of Appreciation to outgoing Planning Commissioners Matthew Harty and Jody Shloss, and Personnel Appeals Commissioner Elliott Singer

Mayor Edgar and the City Council presented a Plaque of Appreciation to Elliott Singer. Matthew Harty and Jody Shloss were not in attendance.

B. Presentation of Certificates of Recognition to Members of the Los Alamitos Volunteer Program

Mayor Edgar and the City Council presented Certificates of Recognition to Kristy Cole, Corey Cortez, Brooke Ivler, Allison James, Tristan Otto, Marissa Puente, Ethan Singer and Lauren Singer. Seventeen other volunteers were not in attendance.

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.

Mayor Edgar opened Oral Communications.

Motor Officer Kain Gallagher discussed the upcoming 37th Annual Motor Rodeo, a charity event for the Orange County Traffic Officers' Association, and encouraged purchase of \$10 raffle tickets, the proceeds of which will benefit Orange County's and Oakland's fallen officers.

Alice Jempsa, resident, expressed concern about cut-through traffic at Lexington and Katella and the need for additional signage before the intersection.

Council Member Zarkos commented that there were signs that said left or right turn only.

Council Member Mejia commented that it is a problem and something more specific needs to be done to alleviate the problem.

City Manager Stewart and City Engineer Huber will work together to resolve this issue.

Laura Herzog, Community Relations Specialist, Joint Forces Training Base, announced upcoming events at the Base, including the Crime Survivors Walk/Run and the LAPD/Youth Center Las Vegas Night.

Pat Blanchard, resident, discussed the problem of traffic on Farquhar and the need to prevent all cut-through traffic, not just at Lexington, but on side streets.

JM Ivler, resident, supported a moratorium on development on Los Alamitos Blvd. and Katella Avenue, to allow time to make plans for the future. He encouraged the City Council to take immediate action and "to put the brakes on".

Council Member Zarkos commented that Item 10C addressed the issue.

Chris Barnes, Los Alamitos Area Chamber of Commerce, announced Chamber grand openings, two ribbon cuttings, and discussed the very successful Legislative Mixer.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

September 8, 2009.

Council Member Zarkos questioned staff on the Redflex Traffic Systems expenditure on page 2. City Manager Stewart explained that it was for the month of July 2009.

Motion/Second: Poe/Edgar

Unanimously carried: The City Council approved the Register of Major Expenditures for September 8, 2009, in the amount of \$61,942.50.

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.

Council Member Zarkos pulled Items 8A1, 8B and 8E.

Council Member Mejia pulled Item 8D.

Council Member Stephens pulled Item 8C.

Motion/Second: Poe/Mejia

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

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

A. Approval of Minutes

- 2. Approved Minutes of the Regular Meeting of August 17, 2009.

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

Motion/Second: Edgar/Mejia

After discussion of each pulled item, the City Council unanimously approved, in one motion, the following items:

A. Approval of Minutes

- 1. Approved minutes of the Regular Meeting – August 3, 2009.

Council Member Zarkos questioned staff on the status of Rachel Turnbull’s request to use one tennis court at Laurel Park. Recreation & Community Services Director Avery reported that staff is working out arrangements for both parties to use the tennis courts.

B. Warrants

The City Council approved the Warrant Register of September 8, 2009, in the amount of \$91,223.16.

Council Member Zarkos questioned staff on page 5, (Mar-Co Equipment), repair of the street sweeper. The City Manager explained that an outside contractor was utilized for three days at \$600 per day.

Council Member Zarkos questioned staff on page 7, (P. W. Stephens), JFTB Pool mold abatement. City Manager Stewart explained that the City is responsible for all pool maintenance costs.

Council Member Zarkos questioned staff on page 8, Ultra Lyte repair, Republic Electric, and Rossmoor Car Wash. Staff responded as follows: Police Chief Mattern indicated that Ultra Lyte was repair of the hand-held laser unit for traffic enforcement; City Manager Stewart reported on the Republic Electric traffic signal repairs; and the Community Development Director reported on the washing of Code Enforcement vehicles at Rossmoor Car Wash.

Council Member Stephens questioned staff on page 4, Holden Fleet Services, compressed natural gas repair. Community Development Director Mendoza indicated that this was part of the street sweeper repair (re-inspection) and will provide a consolidated cost report in the Weekly Memo.

Mayor Edgar expressed concern on the inconsistent use of the sweeper and ticketing of residents. The Community Development Director explained that two Fridays and one Tuesday were involved and that staff had tried to inform the residents.

Mayor Pro Tem Poe commented on page 1, Animal Pest Management, and the increase of gophers in six areas of the City.

Council Member Mejia suggested staff investigate methods of notifying residents about street sweeping. She and Mayor Edgar expressed concern about the street sweeper repair costs and would like to further review costs.

C. Recovery Act Edward Byrne Memorial Justice Assistance Grant

Under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG), the City of Los Alamitos is eligible to receive \$10,784 in federal funding to assist law enforcement efforts in the prevention and/or reduction of crime.

Authorized the Mayor to execute the Agreement to Transfer Funds for FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

D. Approval of Professional Services Agreement with KFM Engineering Inc. for Pavement Management Program Services

July of 2009, staff solicited proposals from qualified firms to provide an update of the City's Pavement Management Program (PMP) as required under the voter approved countywide Measure M Funding Program. The update is required in order for the City to receive funding through the Measure M Program.

Council Member Mejia noted the significant improvement on page 2 and thanked prior City Councils for their efforts in getting our streets up to 82%.

Authorized the City Manager to approve a Professional Services Agreement with KFM Engineering Inc., in the amount of \$18,160 to update the City's Pavement Management Program.

E. Consideration of Resolution Approving Amended Joint Powers Agreement, including Bylaws, for the Orange County Council of Governments (OCCOG), which Redefines Board Membership, Voting Provisions, Dues and other OCCOG Operational Issues

The Orange County Council of Governments (OCCOG) is requesting cities to consider the amended and restated Joint Powers Agreement. Adoption of this Resolution would commit the City to annual dues at a cost currently of \$2,187.44.

Council Member Zarkos commented that annual dues are not in the budget and thought that SCAG membership automatically included the OCCOG.

City Manager Stewart reported that the guidelines and Bylaws are being revised and that the OCCOG is looking for a stable revenue source. This would professionalize the OCCOG operation. It does not receive funding from SCAG, but is a local support team.

Mayor Pro Tem Poe provided background information on the creation and operational issues involving the Orange County Council of Governments. Consensus on local issues would be forwarded to SCAG, but there were opportunities for the OCCOG to apply for grants. She supported membership but noted that the idea of dues had been very controversial in the past. Mayor Pro Tem Poe asked if the representatives to SCAG would be paid a stipend. Membership had a lot of benefits but she did not like the dollar amount.

Council Member Mejia also felt this was a good group to be a part of and questioned if cost savings from Item 8D and Item 10D (Wings, Wheels and Rotors) could be utilized. The City Manager responded in the negative for Item 8D, because Measure M funds are restricted. The costs of Wings, Wheels and Rotors are for overtime costs for Police Officers and Public Works employees at the event. Money from Travel and Meeting budgets were cobbled together to make the recommendation.

Council Member Mejia thought it was important to have a "seat at the table" and supported this item.

Mayor Edgar discussed his perspective that the OCCOG was a lobbying group and very effective (housing element, transportation, environmental issues) for those that had a lot of influence in the group. The Mayor was concerned that we are not properly represented at this time. We need to look at the money and whether we want to challenge the SCAG seat to see that it is actively filled.

1. Directed staff to look for the money for dues; and
2. Directed staff to ascertain the attendance of the District 20 SCAG representative at both SCAG and OCCOG meetings; and
3. Directed staff to find out if the representatives are to be paid a stipend.
4. Directed staff to bring back its findings as a Discussion Item at a future meeting.

9. ORDINANCES

A. Introduction of Ordinance No. 2009-16 - Establishing a Floodplain Management Ordinance

The City met with the Federal Emergency Management Agency (FEMA) in the summer of 2008, to assess the City's floodplain programs. By in large, the review was favorable since the City currently follows all floodplain management practices. The one exception is the City has not adopted a Floodplain Management Ordinance. The ordinance is needed for compliance with Federal regulations and to receive Federal emergency disaster funding. Staff has prepared such an ordinance based on the Federal model ordinance and is presenting it for City Council's review and approval.

City Engineer Huber summarized the staff report, referred to the information contained therein, and answered questions from the City Council. The City Engineer stressed that this Ordinance would not change any procedures or costs to developers but codifies current practices. Almost all of the City is within Zone X, which means that we are not in a flood hazard area, except for some major channels.

Council Member Stephens questioned staff on whether this Ordinance only applied within the City limits or included spheres of influence. The City Manager responded that this only applied to land within the City's boundaries.

Mayor Pro Tem Poe questioned if there would be any impact on residents home insurance. The City Engineer responded "No", that it doesn't change current designation.

Council Member Zarkos questioned the City Engineer on page 22 of the Ordinance, Conditions for Variances. The City Engineer responded that since we are not in a flood hazard zone, it has no affect.

The City Attorney assumed this codified existing business practices but only applied to the extent that the map dictates that it applies to that property.

Motion/Second: Mejia/Stephens
Unanimously carried:

1. Introduced by title only and waived further reading of Ordinance 2009-16; and
2. Mayor Edgar read the title of Ordinance 2009-16, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING SECTION 15.16 OF THE LOS ALAMITOS MUNICIPAL CODE TITLED 'FLOODPLAIN MANAGEMENT ORDINANCE'."; and
3. Set for second reading.

10. DISCUSSION ITEMS

A. **Application Deadline for Parks, Recreation, and Cultural Arts Commission**

An Availability Notice for the opening on the Parks, Recreation and Cultural Arts Commission was sent to local newspapers and posted at City Hall, the Community Services Center, the Museum and the City's website.

City Manager Stewart summarized the staff report, referred to the information contained therein, and answered questions from the City Council.

Motion/Second: Edgar/Zarkos

Unanimously carried: Directed staff to arrange an interview with the City Council for the applicant to the Parks, Recreation, and Cultural Arts Commission at the next City Council meeting.

B. **Extending Time Limits for Temporary Banners**

Consider extending the time limit for businesses to display banners until January 18, 2010.

Community Development Director Mendoza summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He noted that two small business owners wanted to speak on the issue.

Arturo Garcia, owner of Maderas Steaks & Ribs, reported that he opened in 2007, at the beginning of the economy's decline. Many restaurants have gone out of business, and since these are extraordinary times, he requested support of temporary banners.

Chris Barnes, CEO of the Chamber of Commerce, said they are very pleased to support local business and glad to see this item on the agenda. The banner issue may show business that the City understands their financial crisis and would add more flexibility for business owners to promote their businesses.

Dr. Jared Piety, owner of A Jim Dandy Barbecue, discussed all the improvements he made to the existing business he purchased, requested removal of the tree blocking the marquee sign, requested use of a “blow up” man, sign twirlers, and other devices to attract customers. He was willing to pay a small fee for a three-six month period to permit extra signage.

Judy Klabaugh, Vice Chair of the Chamber of Commerce, favored approval of a tasteful banner.

JM Ivler, resident, pointed out that these businesses support our community and the community should give back to them.

Pat Blanchard, resident, commented that we owe our businesses a debt of gratitude and encouraged support for them.

Council Member Stephens requested clarification on flags and pennants. He noted that he wanted businesses to have a fair chance. They sponsor youth organizations and donate to non-profit organizations in the City. He supported flags, pennants, balloon bridges for grand openings, and “fan man”, as long as they are not on City property or medians.

Council Member Mejia did not support the “blow up” man but supported banners and one other advertising device, including an outside DJ. She did not want the City to look like a used car lot.

Council Member Zarkos favored anything to make business in our community thrive, succeed, and grow.

Mayor Edgar asked staff about the concern for public safety. Too much signage becomes a lot of “noise” and then it is hard to get noticed. There is probably some balance.

Community Development Director Mendoza said “noise” is the industry term for clutter. Many people feel signage is for identification, not advertising. He indicated that we have a very generous Sign Code but we do have the issue of how to rein them back in. Our Code allows banners, but has a time limit. We do not allow for the “wavy guys” or sign twirlers in our Code. There is a fine line between clutter, noise and uniform signage.

Mayor Edgar commented that this is a test period and he would support a more extreme approach, but was concerned that we stay focused on the end point and that we evaluate what this did to our quality of life and public safety issues. Afterwards, he would also like to know how helpful this was to the businesses. He did not support “blow up” man, or removal/destruction of a tree.

Motion/Second: Poe/Stephens

Unanimously carried: Authorized staff to prepare appropriate Code Amendments to allow for a three-month time extension for banners, pennants, and flags for the next Council meeting.

Mayor Pro Tem Poe also requested, at the end of the three-month period, that the businesses here tonight let staff know how successful this has been.

C. Cost, Schedule and Information for a General Plan Update

During the August 3, 2009 Council meeting, Council requested that information regarding a General Plan Update be brought forward including estimated costs and a preliminary schedule for the tasks.

Community Development Director Mendoza summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He explained that the City Council had the option of a General Plan Amendment (new designation of a land use), General Plan Update (minor or major alteration to the General Plan) or a Comprehensive General Plan Update (a complete retooling of the 2010 General Plan). Seven elements are required by the State: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Our current General Plan has been in place since 2000.

A typical General Plan Update takes two years from implementation to adoption. Staff can adjust the scope and schedule to fit the needs of the Council. Costs range from \$360,000 to over \$2.7 million. A focused early discussion regarding future direction provides staff with a better understanding of the needs of City Council and allows for better proposals, which can avoid extra costs down the road.

Council Member Zarkos questioned the Community Development Director on the recent survey of General Plan Costs, the City of Fortuna, and when it was completed. Mr. Mendoza reported that Fortuna is still in the middle of the process.

Council Member Zarkos requested copies of the new laws referenced on page 3 of the staff report.

Mayor Pro Tem Poe thought that the last General Plan Update was started shortly after she was first elected to the City Council and the City had quite a large group of people working with staff and the consultant.

Tom Rothwell, resident, thought that the General Plan Update was started in 1997 and concluded in about 2000.

Mayor Pro Tem Poe asked how public participation was focused. Before, there were approximately 20 people involved on the committee and at one point was unhappy with the consultant who was let go.

Community Development Director Mendoza reported that the Council would establish who the stakeholders are: residents, commercial, industrial, non-profits, charitable organizations, large employers, large sales or property tax producers, etc. From there, it can be expanded upon.

Mayor Edgar thanked staff for the report. The Mayor felt that this is a very big undertaking and managing scope is key. We need a good list of priorities and realistic expectations. Once we start we have to have the conviction to finish. The Council needs to be clear on its direction and priorities. Every City has unique situations. He is supportive of moving forward with this in a very prudent and judicial way of trying to take steps to move forward and how to integrate this with our goals and objectives.

Council Member Mejia announced that SCAG has frequently conducted seminars on SB 375 and she could find out about it for Council Member Zarkos.

Council Member Mejia felt we needed to address a General Plan Amendment, to focus on zoning, to make us more viable. She was really concerned about the cost of the Amendment and would like to move forward very cautiously.

Mayor Edgar asked if anyone would be interested in working with him on an ad hoc committee, one or two meetings a month between now and December, with periodic updates to Council.

Mayor Pro Tem Poe suggested Council Member Zarkos be on the ad hoc committee since the other Council Members had been on ad hoc committees in the past.

Council Member Mejia felt there were two different views coming from the residents in the City and she should be on the ad hoc committee to give a balanced perspective.

Mayor Edgar wanted this to move forward and offered to withdraw from the ad hoc if the Council thought this would assist.

Council Member Zarkos questioned whether anyone else could know his thoughts and that this is a matter of putting something forward that will be vetted through the workshop process. He has done a lot of strategic planning and development in his corporate career.

Council Member Mejia stated she understood the process and that she wanted a fair depiction of the City on the ad hoc committee and that we needed to think about the residents. She felt she and the Mayor could work well together.

Council Member Stephens felt that it was important that an ad hoc committee represent the views of all the citizens; its purpose would be to represent and report back to the City Council, not to make decisions or follow any separate agenda, but to search and find.

Mayor Pro Tem Poe felt it was important for the Mayor to be on the Committee. We all have differences of opinion.

Motion/Second: Poe/Zarkos

Carried 4/1 (Mejia "no"): Formed an ad hoc committee composed of Mayor Edgar and Council Member Zarkos to begin the process, with periodic updates to the City Council, prior to a City Council workshop.

D. Wings, Wheels, Rotors & Expo

The Los Alamitos Area Chamber of Commerce is requesting the City's assistance with the Wings, Wheels, Rotors & Expo, to be held on the Los Alamitos Army Airfield at the Joint Forces Training Base on Sunday, October 25.

The Chief of Police summarized the staff report, referred to the information contained therein, and answered questions from the City Council. This popular event is hosted by the Chamber of Commerce and is expected to attract more than 35,000 spectators. Admission is free but proceeds from the vendors and entry fees for the display vehicles benefits the Chamber and the JFTB Veterans Service Center.

Chris Barnes, CEO, Chamber of Commerce, explained that this is their 8th annual event and they look at it as a signature event for the City. Many of the participants frequent businesses and hotels in the City. It is a partnership with the Base and Chamber. Cars, sponsorships and vendors are all down and, therefore, it will be a lower-revenue producing event. She asked that the City work with them in providing the necessary items requested. Perhaps, other cities could provide Explorers. She questioned staff on the costs on Wednesday and Friday.

The Community Development Director explained that using employees to perform work on Wednesday and Friday would reduce overtime costs.

Mayor Pro Tem Poe suggested that the Sunburst Academy at the Base might be able to perform some of the work.

Chris Barnes indicated that last year they utilized the Sunburst Academy and the Civil Air Patrol, in addition to the Explorers and the ROTC from Kennedy High School. She wasn't sure if they could fill the same role as Explorers who have different training in traffic. They do have plenty of volunteers.

Mayor Edgar asked how much the largest sponsor pays. Ms Barnes responded that the largest one (\$2,500) was from a company that

promotes Ford. Many of the sponsorships were in-kind and this year the economic times are being reflected.

Mayor Edgar commented that the City at \$7,000 is the largest sponsor. It is a very noble cause but asked if there was any thought on the part of the Chamber of splitting the cost with the City or finding a way to help the City with this.

Ms Barnes said the Board had informal discussions and thought they may be amenable to doing something like that. Payment plans are wonderful. The City would be given top billing if they would like that. This and golf are their only two fundraisers. They are also looking at putting on the State of the City. She noted that the Base does not allow a charge for parking.

Mayor Edgar and Mayor Pro Tem Poe had discussed stepping away from the State of the City to potentially help the Chamber, if that would be beneficial, due to limited resources.

Council Member Mejia was impressed that staff made sacrifices in order to meet the need of \$7,000. She was supporting the event which helps the businesses in the community. Council Member Mejia suggested that next year we could address this earlier to off-set the costs.

Mayor Edgar, Council Member Zarkos, and Mayor Pro Tem Poe are all members of the Chamber of Commerce and questioned the City Attorney on voting on tonight's item.

The City Attorney explained that a City Council Member, who is also a member of a non-profit (the Chamber of Commerce) could vote on this action, but not if they are a member of the Board of Directors of the Chamber.

Council Member Zarkos, Mayor Pro Tem Poe, and Mayor Edgar each announced that they were members of the Los Alamitos Area Chamber of Commerce but not on the Board of Directors.

Motion/Second: Mejia/Stephens

Unanimously carried: Authorized resources as specified in this report to the Wings, Wheels, Rotors & Expo, hosted by the Los Alamitos Area Chamber of Commerce.

Chris Barnes thanked the City Council.

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.

A. Potential Follow Up to Traffic Collision at the Intersection of Florista and Chestnut Streets

A traffic collision involving two vehicles occurred at approximately 6:30 p.m., September 1, 2009, at the intersection of Florista and Chestnut Streets. The incident resulted in one minor injury. Council Member Zarkos requested that the issue be placed on the Council agenda for discussion and potential action.

The City Manager summarized the staff report, referred to the information contained therein, and answered questions from the City Council. City Manager Stewart noted that both vehicles were damaged at the two-way stop at the intersection.

Council Member Zarkos stated he had received a number of calls from concerned residents and felt it was appropriate to refer this item to the Traffic Commission.

Wendy Grose, resident of Old Town West, stated she was at the accident scene that day and related past traffic accidents. Speeding, traffic volume and cut-through traffic all cause problems at the intersection. Ms Grose also provided statistics from past assessments. A four-way stop is needed. She referred Council to Minutes of March 7, 2005.

Motion/Second: Zarkos/Edgar

Unanimously carried: Forwarded this issue to the Traffic Commission for additional study.

Mayor Pro Tem Poe asked if this item could be "fast tracked", since it should have been done long ago. City Manager Stewart indicated that the Traffic Commission could have a special meeting between tomorrow and next month and he would make the request at tomorrow's meeting.

Council Member Mejia felt this was a safety issue that plagues many areas of the City. Perhaps the Traffic Commission should look at this as a whole.

B. Consideration of Policy Direction to the Planning Commission Regarding Commission Practices, Caseload and Quorum Issues

The City Council took action on July 20, 2009, to fill all expired terms on the Planning Commission. The Planning Commission was slated to meet on August 10, 2009, but did not do so due to a lack of quorum. Additionally, there have been recent concerns regarding the standards

and practices of the Planning Commission regarding the manner in which issues are forwarded to the City Council for consideration and the method of providing final approvals for new businesses in the City. Accordingly, the City Council may seek to provide direction to the Planning Commission regarding desired future practices and policies, consider the current caseload of the Planning Commission and discuss potential changes in the membership of the Commission.

City Manager Stewart summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He explained that several events triggered this item: lack of a quorum at a Planning Commission meeting, which created a situation in which a business seeking to establish itself needed an amended sign plan approved. The business showed entrepreneurial spirit and built the signs up.

Mayor Edgar had asked that this item be agendaized. He provided background on this item and the item brought forward through Council Member Mejia for a Planning Commissioner who was requesting we seek a moratorium because we have a hospital in our community that wanted to submit a request for an Environmental Impact Review so that they could start looking at some specific options for potentially increasing or expanding the hospital. At that time, the Council majority did not think that a moratorium was appropriate.

Mayor Edgar explained that what he started to see as an issue was friction between the Council's perspective and the Commission. He felt that a person who sits on the Planning Commission has a responsibility to their colleagues and the City Council. When an important issue comes up, it should be taken to the Commission you are responsible for and see if you can get that evaluated. It was explained that the timeframe did not allow for this to happen so there was a technical issue that needed to be clarified. Mayor Edgar felt that a second technical issue was if there was a way to bring the item forward and it wasn't used, could we learn from that and could the Commission learn from that. Can the Council learn some of the potential burdens that are placed on a Commission to do the right thing, given there is a certain mechanism.

The second item had to do with if you don't believe there is a way to get it (the moratorium) on the Commission's agenda, then move the moratorium up to the Council and have the Council go through that process. This sends a different message to the Commission. Someone asked how the Planning Commission felt and it was represented that the Planning Commission supported this. At that time, the Planning Commission did not meet, so how could they have decided to bring this item forward to the Council through a designated spokesman? Mayor Edgar wanted to have that item clarified. Lastly, the Council has tried to come together and re-staffed the Planning Commission. Then, at the next meeting, someone on the Commission acted like they were running the Commission. The

Planning Commission must be aligned with the mindset of the Council, they don't have to agree with the Council, but we need to agree on what the procedures are.

JM Ivler, resident, believes that the letter Mr. DeBolt sent did not say signed by Commissioner DeBolt. Art DeBolt is a citizen in this community and does not lose his voice as a citizen because he sits on a Commission and volunteers. Mr. Ivler felt Mr. DeBolt was concerned as a citizen that the item be moved quickly and he did not feel there was any ulterior motive.

Council Member Stephens indicated that he was under the impression that the request was agreed upon by the Planning Commission and it was an urgent item the Council had to react on.

Council Member Zarkos also indicated that he read it the same way, as an emergency situation that could not wait for another month to go to the Planning Commission. As discussed earlier about signs, because the Planning Commission could not get together, we have a business that could not open. He also felt the comments were those of the Planning Commission and not Mr. DeBolt as a private citizen. Because of the way those comments were presented, he questioned the independence of the Planning Commission and felt they compromised their positions. Council Member Zarkos asked the City Attorney if there is a requirement in our City Charter that we have a Planning Commission, and how it could be disbanded.

City Attorney Derleth responded that the Charter does not require a Planning Commission. State law requires that you have a Planning legislative body, but it doesn't necessarily have to be an independent body. The City Council of Cypress acts in the planning capacity.

Council Member Mejia said that Mr. DeBolt did not represent himself as a Planning Commissioner but came forward as a resident. He has a great knowledge of the Code. She commented that Mr. DeBolt is also a past Council Member and has dedicated time for the betterment of the community. Council Member Mejia said she was the only one who was able to return Mr. DeBolt's call, so when he expressed concern regarding the moratorium, she said she would put it on the Council's agenda. She shared his concern and thought he showed a great deal of wisdom. It was her understanding that moratoriums were fairly common from what the City Attorney said. Council Member Mejia felt the Council should take information, decide, and move forward. We should not be disrespectful.

Council Member Zarkos questioned the Community Development Director on banners.

Council Member Zarkos clarified that his comments and concerns are relative to Mr. DeBolt's actions and not specifically to the Planning Commission. He did not need anyone to apologize for his comments.

Mayor Pro Tem Poe felt the problem with the letter was that Commission Member Mr. DeBolt came before the Council, read the letter, and had made an independent decision regarding a specific land use issue in our City. He has every right to do that as a private resident, but when he is also sitting on the Planning Commission, he made a decision about a land use issue in recommending we have a moratorium. If this was ever taken to the Commission, he has already made a decision. She felt this was disrespectful to his fellow Commissioners and a real conflict.

Council Member Stephens reiterated his earlier statements.

Council Member Mejia commented on Council Member Zarkos statement about disbanding the Planning Commission.

Mayor Edgar wanted to know what corrective action should be taken. At a minimum, the Mayor felt we should have a workshop with the Planning Commission to be sure we are working together. We might need a memo from the City Manager to all Commissions that says how urgent items are handled.

Each member of the Council provided input on what actions they thought would be beneficial. Some of the suggestions included having a joint workshop, a caseload report, specific policies and practices, direction or guidance, making the City business-friendly, a reprimand, and modifying the composition of the Planning Commission.

Motion/Second: Edgar/Zarkos

Carried 4/1 (Mejia "No"):

1. Directed staff to schedule a joint workshop with the Planning Commission in order to provide specific direction to the Planning Commission regarding its policies and practices; and
2. Directed staff to provide an evaluation/status report on the current caseload of the Planning Commission; and,
3. Removed Art DeBolt from the Planning Commission.

Mayor Pro Tem Poe reported on her attendance at the following events: WestComm, scheduling the 50th Birthday planning meeting, Joint Chamber Legislative Mixer at the Park Avenue Restaurant in Stanton, and the San Diego I-5 policy working group. She reported on upcoming OCTA Scoping Meetings and events at St. Isidore Plaza. She cautioned everyone to watch out for children since schools are back in session.

Council Member Mejia urged purchase of raffle tickets for the 37th Annual Motor Rodeo, and reported on her attendance at the SCAG meeting with speakers from the water and sanitation districts. She discussed legislation that will be coming down that will allow individuals to vote on Mello-Roos for energy efficiency. She and Mayor Pro Tem Poe will be meeting with the School District to discuss busing and field issues. Council Member Mejia asked for a status report on the ordinance on the feeding of coyotes.

The City Manager updated her on outreach meetings that are being conducted prior to going to a formal ordinance process. Council Member Mejia requested this item be agendized to update the public on safety measures.

She also requested staff agendize a study session on the Investment Policy, and a meeting regarding the budget shortfalls. The City Manager reported that a meeting will be scheduled in October, after first quarter revenues come in.

Council Member Mejia also announced that residents can contact Paul Barbieri at the Police Department regarding the Las Vegas Night.

Council Member Mejia expressed her feelings about a resident being removed from the Commission.

Council Member Zarkos reported on his attendance with Mayor Edgar at the Pop Warner Opening Ceremonies and the presentation of awards.

Council Member Stephens announced that he had gone on vacation, the first one in a number of years. He also cautioned drivers to watch out for children and for parents to insure their children wear helmets when riding bikes.

Mayor Edgar announced that the Police Department has new patches for their uniforms. The Mayor reported on his attendance at the following meetings and events: welcoming Bound, a new business; visiting Orange Coast College where a new Police Officer will be graduating.

He asked if the Orange County Fire Authority will be having September 11 ceremonies. Laura Herzog confirmed with the OCFA but indicated that a time has not yet been determined. Council will be notified of the time.

Mayor Edgar encouraged residents to attend Chamber Mixers. He stated that Superintendent Franklin provided first-hand knowledge of what the School District is doing to bridge its shortfall.

Mayor Edgar also reported on his attendance at the Pop Warner kick off. He invited the Council to the Friday Night Lights kick off at 6:00 p.m. in the middle of the track field at Oak. He also reported on his attendance at the OCSD Board meeting.

The Mayor commented on a resident's suggestion of an adopt-a-street program where residents organize a neighborhood cleanup.

Council Member Mejia commented on last year's September 11 event that was put on by Parks and Recreation. This year the City is not putting on an event.

12. ITEMS FROM THE CITY MANAGER

None.

13. CLOSED SESSION

A. Public Employee Performance Evaluation

Title: City Manager

Authority: Government Code Section 54957

The City Attorney announced that a Closed Session would be conducted on the aforementioned item. No reportable action was anticipated.

Recessed at 11:27 p.m.

Returned at 12:51 p.m.

The Mayor announced that a Closed Session, Public Employee Performance Evaluation – City Manager, had been conducted from 11:35 p.m. to 12:51 p.m. No reportable action was taken.

14. ADJOURNMENT

The meeting was adjourned at 12:52 p.m. The next meeting of the City Council is scheduled for Monday, September 21, 2009, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Jeffrey L. Stewart, City Clerk