

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

**REGULAR MEETING – October 5, 2009**

**CALL TO ORDER**

The City Council met in Regular Session at 7:02 p.m., Monday, October 5, 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** – Mayor Edgar led the Pledge of Allegiance and Council Member Stephens gave the Invocation.

**5. PRESENTATIONS**

**A. Introduction of New Employees - Police Officers Brad Fernandes and Kendra Gora**

Police Chief Mattern introduced the City's two newest Police Officers, who each provided some personal background. The City Council welcomed Police Officers Brad Fernandes and Kendra Gora, and presented them with small mementos from the City.

**B. Presentation by James Gross, California Joint Powers Insurance Authority (CJPIA)**

Mayor Pro Tem Poe welcomed Mr. Gross and indicated she is the Council's representative to the CJPIA and thought it was important that the rest of the Council, staff and the community understand more about our involvement.

Mr. Gross, senior risk consultant and assigned staff member to Los Alamitos, works through risk exposure issues and risk management programs. He presented an update on the CJPIA which was formed in 1977 by 33 cities, is currently the largest municipal risk pool in California with pools for general liability and worker's compensation. It also obtains group-purchased insurance for property, pollution and remediation, legal liability and crime. There are now 122 member agencies. The City of Los Alamitos joined in July 1, 2007 and participates in the liability and worker's

compensation pools, the all-risk property and flood insurance, including earthquake, the crime program, and a special event liability insurance program.

Council Member Mejia asked when we would be analyzed for risk factors and be able to obtain a refund on deposit monies. Mr. Gross indicated that the City has had a very favorable loss history but will report back on how the City is comparing to the deposits.

Mayor Edgar reported that we pay approximately \$400,000-500,000 per year for the first four-five years to get initialized, and then the amount is adjusted.

## **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.

David Tran, Los Alamitos Area Chamber of Commerce, updated the City Council on future events, including the Wings, Wheels and Rotors, Monthly Wake-Up Breakfasts, and a trip to China.

The following individuals commented on the odor problems caused by the five-year composting pilot program at the Joint Forces Training Base:

Bob Owens, Garden Grove resident, also felt the Base needed stimulus money to be rebuilt.

Laura Herzog, JFTB representative, announced the upcoming Crime Survivors event. She asked the community to work with them on the composting pilot program and to contact her when the odor is more prevalent. A Town Hall meeting will be scheduled.

Tony Flores, West Garden Grove Residents Association, provided some background information on when the composting project started and contacts they have made to AQMD and Orange County Solid Waste regarding the odors.

Jennifer Bamberg, Seal Beach, residents in Garden Grove, Seal Beach and Los Alamitos will put together a petition if necessary.

Debbie Feldman, Los Alamitos resident, can't go outside.

Jim Morrissey, West Garden Grove, home values are going to be affected.

Laura Herzog indicated that the Mayors of three local cities met with Congressman Royce, and dialogue is going on.

Patty Piccarello, Garden Grove resident, can't enjoy view of golf course.

Dorothy Bogdanoff, Garden Grove resident, can't go outside because of the smell.

Jody Jensen, Los Alamitos resident, odors causing migraines.

Dave Emerson, Los Alamitos resident, show of force from Garden Grove residents can help Los Alamitos.

Dan Hickey, West Garden Grove, works for an oil company and reported that AQMD could levy fines.

Unnamed young woman, Los Alamitos resident, stated her friend became ill after a birthday party due to the odors from the Base.

Gary Miller, Seal Beach District 4 Council Member, reported that Seal Beach was initially concerned about the large trucks on Lampson, but he had received 15-20 contacts last week about the odors emanating from the Base; wants compost project gone.

Tony Flores suggested that the Mayors and City Managers of Garden Grove, Cypress, Seal Beach and Los Alamitos include community organizations in their meetings.

Mayor Edgar provided background information on actions that the City of Los Alamitos has taken regarding the composting issue and stressed that everybody is pro-military. The Base needs \$60 million dollars in infrastructure improvements, exclusive of the runway which is shut down to large aircraft. The Mayor discussed legislative efforts to help the Base, efforts to help our residents, meetings with General Harrel, joint actions with Seal Beach and Cypress, and the tools being used. We want to help the Base in the process of facilitating a government process (NEPA, CEQA, land use, AQMD etc.) We have asked that they stop the composting operation because the process wasn't followed and it needs to be stopped so we can do it right. This is the first of many projects getting ready to be launched. Mayor Edgar discussed information requested under the Freedom of Information Act. Many issues are involved and are being taken seriously, but we are being prudent in our actions.

Council Member Mejia questioned Laura Herzog on federal mandates requesting that the Base become compliant. Ms. Herzog responded that the Base does not have a choice and needs to be in compliance with mandates that are coming down. Council Member Mejia indicated she realized it was easy to say we "support the military" and then have issues with this. The smell has to be dealt with.

Council Member Mejia then commented on the dichotomy of saying we support the Base, but not supporting their efforts to keep the Base running. We have a \$60 million deficit at the Base and they need to restore it. She thought we may have got off to a bad start, and it was more of an adversarial attitude. That may have set in motion some of these things. The General was always a good person to deal with, but unfortunately he is gone; we are in transition with someone new and have to build up a rapport. Mayor Edgar has been very proactive in taking care of that runway.

Laura Herzog indicated that the situation of the airfield and runway is being addressed and the JFTB will not be closed under a BRAC. A Town Hall meeting will be held during the week of October 19, and the Cities and newspapers will be notified.

Council Member Mejia asked everyone to work with the Base to see if things can be mitigated and then take steps from there.

Council Member Stephens commented that he was told that the composting project would generate about \$1 million for the Base, out of a \$60 million problem. He had issues with the odor impact minimization plan that was submitted for Agromin-Los Alamitos Agricultural Material Composting Operation submitted to the Orange County Health Care Agency and the Environmental Health Regulatory Services in May 2009. He thought the project started last year. Council Member Stephens did not think we had a problem with the Base but with its tenant, Agromin. He said this was first explained to us as a non-profit venture, to be able to save money for the Base's infrastructure. He felt our problem was with the tenant. He thanked Mr. Flores and Council Member Miller for their research. Council Member Stephens thought five years was a long time for a pilot program. He also relayed a conversation with Capt. Chiang.

Council Member Zarkos briefly commented on the amount of trucks he saw over the weekend at Lexington and Katella. A lot of empty trucks went into the Base and a lot of full trucks came out, with debris falling off the back of those trucks. Why is there a parade of trucks taking composting materials off the Base and taking it to other locations? We are coming into the winter time and what will that rainy weather do to the smell? When he was showing some real estate clients a house over the weekend, they left when they noticed the stench. We now have to disclose the composting project. He did not want to sit back and wait but take a proactive role in this matter.

Council Member Mejia cautioned consistency in code enforcement.

Mayor Pro Tem Poe was disturbed about the process (and lack thereof) that took place in this composting venture. She commented that the community can feel a sense of security that everything that can be done is being done. The best way to resolve this issue is communication with everyone involved. Mayor Pro Tem Poe did not think the community should be expected to live with this smell.

Reyna Reynosa, new Public Affairs Manager, Southern California Gas Company, introduced herself. She provided her business cards if anything needed to be worked out. Mayor Edgar asked her to relay the City's appreciation to Jennifer Gonzalez.

JM Ivler, Los Alamitos resident, urged the City Council to "listen to the community", regarding Items #9A and #9C, and felt it was not too late to adopt a moratorium.

Mayor Edgar closed Oral Communications.

**7. REGISTER OF MAJOR EXPENDITURES**

October 5, 2009.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for October 5, 2009, in the amount of \$52,873.21.

**Roll Call Vote**

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

**Mayor Edgar called a Recess at 8:33 p.m. The City Council reconvened at 8:51 p.m.**

**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 Mejia announced she would abstain from the approval of the Minutes of the Regular Meeting of September 21, 2009, due to her absence from that meeting.

Motion/Second: Poe/Mejia

Unanimously carried (Mejia abstained on Item #8A only): The City Council approved the following Consent Calendar items:

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**A. Approval of Minutes**

Approved minutes of the Regular Meeting – September 21, 2009.

**B. Warrants**

Approved the Warrant Register of October 5, 2009 in the amount of \$58,333.97.

**C. Professional Services Agreement for Building & Safety Services**

The City's Professional Services Agreement for Building & Safety Services expired on September 30, 2009. This amendment will permit continuation of Building & Safety Services by Willdan, to June 30, 2010.

Authorized the City Manager to execute a second amendment to the Professional Services Agreement between the City of Los Alamitos and Willdan, for Building and Safety Services.

**D. Race on the Base Management Contract**

This agenda item is a contract for management of Race on the Base.

Authorized the City Manager to execute a two-year contract in an amount not to exceed \$25,000 annually with Make-U-Fit Productions/Renegade Racing for professional race management services for the Race on the Base.

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

**9. DISCUSSION ITEMS**

**A. Consideration of a Reimbursement Agreement with the Los Alamitos Medical Center and Professional Services Agreement with RBF Consulting for Environmental Impact Report Preparation related to Entitlement Applications**

This agenda item seeks approval of a Reimbursement Agreement with Los Alamitos Medical Center, which will reimburse the City for the Environmental Impact Report (EIR) preparation costs, legal fees, and Engineering Consultants. In addition, this item seeks approval of a Professional Services Agreement (PSA) with RBF Consulting to provide processing and preparation of an EIR for the Los Alamitos Medical Center Specific Plan.

Community Development Director Mendoza summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He introduced Michelle Finney, CEO, Los Alamitos Medical Center, Dick Beck, Director of Western States Construction and Design for Tenet Hospitals, Glenn DuJoie, RBF Consulting Planning and Environmental Services Vice President, and Margit Allen, RBF Consulting. Mr. Mendoza explained that contracting directly with RBF assures that the City is in the position to insure that all CEQA requirements are met.

Mayor Edgar opened the meeting to public comment.

Michelle Finney, CEO, Los Alamitos Medical Center, reported that she has been with the Medical Center since 1990. They are requesting to work with the City toward the objective of defining a 25-year Specific Plan for the hospital campus. Ms Finney discussed the various steps in the process. They agree that the responsibility for managing the EIR

consultant and the scope of the study should rest with City leadership, while the cost should be borne by the applicant. She indicated that the hospital was built in 1968 and the areas they are trying to address: patient care tower, emergency room expansion, construction of a parking structure, and an additional medical office building.

Rob Feldman, Governing Board Member, Los Alamitos Medical Center, supports the hospital's request to work with the City to develop the Specific Plan. They want to make the hospital better but do not want to negatively impact the City. The hospital also contributes economically and philanthropically, and provides a significant employee base.

Dave Emerson, Los Alamitos resident, stressed he was not anti-hospital but was concerned about the timing and who we are improving it for. We need to get things in the proper sequence and a moratorium should be considered. Mr. Emerson was concerned about the 2002 Covenant and questioned the ownership as it related to separate Tenet corporations.

JM Ivler, Los Alamitos resident, felt an EIR for a 25-year plan would lock out future development for the City along the Katella corridor. Unless there is a codicil that clearly states that the pending zone overlays will have precedence over the EIR, he would like to see this item tabled, or until the Council addresses Mr. DeBolt's concerns regarding future development.

There being no one else present wishing to speak, Mayor Edgar closed the meeting to public comment.

Council Member Mejia asked if we had a complete application. City Manager Stewart replied, "Not yet". Council Member Mejia stated she was proud that the hospital was going to expand but recommended we table this since the application was incomplete and to allow time to investigate comments made tonight. Upon questioning, City Attorney Derleth commented that he had not had time to research the e-mail from Art DeBolt that came in today.

Council Member Zarkos asked the City Manager about the application being incomplete. Mr. Stewart explained that the specific plan needs to be submitted and the application was not close to being completed. However, we are not considering the specific plan application but a reimbursement agreement.

Council Member Zarkos asked if we go ahead and approve the reimbursement agreement tonight, was there any downside to the City. The City Manager explained that the EIR consultant would have to begin with baseline studies for the existing conditions at the hospital. Those will take a significant period of time. If we got to a point, where the application was still not complete, it would be ludicrous to continue with the EIR study. Mr. Stewart, however, expected we would have the complete application

long before the baseline studies are complete. Upon further questioning, Mr. Stewart explained that this is normal within the realm of business practices.

Council Member Zarkos asked what it means, "that the expansion of the hospital will take up all of the car trips on Katella". Community Development Director Mendoza felt it was a comment he made that was taken out of context. We would like to know if that is a true statement and the only way we are going to know if that is true, is by getting the studies underway. The City Council is not voting on an expansion of the hospital tonight but voting to study potential impacts of a future expansion that could go underway. At that later date, approximately 12-18 months, the Council will have a large document to use to render a decision on the merits of the hospital expansion.

Council Member Zarkos reiterated that commissioning the study to go forward doesn't lock the City into anything or force our hands.

Mr. Feldman stated he was unable to respond to specific comments made by Mr. DeBolt or Ms. Shloss because he has not studied them enough.

Mayor Pro Tem Poe discussed past mitigation measures. She clarified that we are not giving the hospital a permit but only approval for the agreement for the EIR study.

Council Member Stephens indicated that we are dealing with a business established in 1968 with a great reputation. The City is known for the Base and the hospital, which is an integral part of the City.

Mayor Edgar felt this was just a reimbursement agreement for a consultant.

Council Member Mejia expressed concern about the changing of hands multiple times and the possibility that the covenant might have been breached.

The Community Development Director explained that the City Council decides if a specific plan is appropriate.

City Manager Stewart stated that research will be conducted on the e-mail sent from Mr. DeBolt. Mr. Stewart also explained that the City will not be out any money.

City Attorney Derleth was unable to respond to questions regarding liability since he had not had time to research the e-mail received this afternoon and had just forwarded it to the City. There is no liability with tonight's action. Staff will look into the allegations made. An application is submitted to be City, and consent of all relevant people who have an ownership interest is required prior to the application going forward.

Motion/Second: Edgar/Poe  
Carried 4/1 (Mejia "Nay"):

1. Authorized the City Manager to execute a Reimbursement Agreement between the City of Los Alamitos and the Los Alamitos Medical Center for the Preparation of an Environmental Impact Report related to the Development of a Specific Plan; and,
2. Authorized the City Manager to enter into a Professional Services Agreement (PSA) with RBF Consulting to prepare an Environmental Impact Report for the proposed Medical Center Specific Plan in an amount not to exceed \$198,410.

**B. Response to Orange County Grand Jury Regarding its Final Report "Paper Water – Does Orange County Have a Reliable Future?"**

On June 15, 2009, the Grand Jury approved a final report named "Paper Water – Does Orange County Have a Reliable Future?" During the September 21, 2009 Council meeting, Council directed staff to modify the draft response, have the City Attorney review, and resubmit the response at the October 5, 2009 meeting. Staff is presenting the modified version herein.

City Manager Stewart summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He indicated that the City Attorney did not agree completely with what was in the letter but everyone was in agreement that the letter meets the intent of the Grand Jury's request for information.

Council Member Mejia asked what concerns the City Attorney had. Mr. Stewart indicated the concerns generally were on regional issues. For instance, the Grand Jury had asked the City to "speculate" on concerns that the City may have with regard to South County water issues and LAFCO processes. Staff tried to make the letter as generic as possible because he felt staff did not have a lot of opinions about South County water issues and on the LAFCO review process thereof. To that extent, we did not register strong opinions on that and kept our stronger opinions to the more local issues.

Motion/Second: Edgar/Zarkos  
Carried 4/1 (Mejia "Nay"):

1. Approved the response contained in the draft letter regarding the Grand Jury's 2008-09 final report entitled, "Paper Water – Does Orange County Have a Reliable Future?"; and,
2. Authorized the Mayor to sign and transmit the response to the Presiding Judge of the Superior Court, with a separate copy to the Grand Jury.

**C. Consideration of Request for a Four-Way Stop at Florista Street and Chestnut Street**

City Council at its meeting of September 8, 2009, requested that the Traffic Commission review warrants and traffic accident history in consideration of a four-way stop at the Florista Street and Chestnut Street intersection. The intersection is currently a two-way stop; with stop signs posted on Chestnut Street. The Traffic Commission reviewed the request at a Special Meeting on September 23<sup>rd</sup>. Upon review of the warrant and accident data, the Traffic Commission recommended denial of the four-way stop sign. The Traffic Commission recommended additional advisory signage and parking restrictions at the intersection.

City Engineer Huber summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He noted that the accident history was updated for the last five years. There were three accidents in the preceding 12 month period. The Traffic Commission also suggested alternatives. Staff is responsible for reviewing requests based on State-wide warrant criteria and following those guidelines. However, staff doesn't have discretionary authority. Mr. Huber noted that this intersection is one of only two in the neighborhood that is a two-way stop. All others are four-way or three-way stops if they are at a "T" intersection. Council may wish to consider other issues. The traffic calming study indicated that cut-through traffic and speeding are issues at this particular location. In the past, a third-tier priority was the recommendation for a traffic circle.

Mayor Edgar questioned staff on the two intersections that are not four-way stops and whether action could be taken to fix both, although one was not listed on the agenda. City Attorney Derleth stated that the Council could not take action on both and recommended further discussion on the findings if Council was considering the four-way stop. If the City put in a stop sign that did not meet the warrants, there was a potential issue that needed to be addressed prior to that action. The City Attorney explained about standards and that their breach can create issues that need further discussion.

Council Member Mejia mentioned that Apartment Row also has consistency with some stop signs and not at others. She thought that must be for some very specific reasons. Council Member Mejia felt we needed to look at other areas so there is consistency throughout the City.

Mayor Edgar felt that when this issue left the Council on September 8, the indication was that they wanted a stop sign there. Staff had not provided the Council with a satisfactory alternative and he wanted to continue this item. The City Manager suggested that this item be tabled for two more weeks to "gap the chasm".

Mayor Pro Tem Poe expressed angst over the report. She reported on a similar situation at Chestnut and Catalina approximately 12 years ago when Oak Middle School reopened after several years and there was an influx of traffic. She thought there was a section in the California Vehicle Code that allowed a stop sign if there was a safety issue. She suggested staff investigate how that four-way stop was allowed there. Mayor Pro Tem felt this was a safety issue.

Council Member Stephens acknowledged the concern. He felt that speeding was caused by people trying to make the signal at Florista and Los Alamitos Blvd. He would like to know how many accidents have occurred at Florista and Los Alamitos Blvd. and tie that into the need for the stop sign or traffic circle.

Council Member Mejia discussed sight distances and questioned staff on why we did not implement these recommendations in the past. City Engineer Huber responded that we did not know where the request for the study originated and it did not recommend the stop signs, so no action was taken. A warrant analysis costs \$1500-2000.

The Chief of Police indicated that his Department can provide the information on the traffic accidents at Florista and Los Alamitos Blvd.

City Manager Stewart commented that he, Council Member Zarkos, and Chief Mattern witnessed a traffic accident shortly after this item came forward.

City Manager Stewart did not think there was a study that said four stops were needed. The City Engineer stated that the traffic calming study did not do any warrant analysis.

Mayor Pro Tem Poe commented on the recommendations. She felt the residents on the four corners would be upset because they could not park near their homes and that would not stop the problems. None of the recommendations will solve the safety problems.

Council Member Zarkos commented on letters and comments received from residents in the area.

Mayor Edgar opened the meeting to public comment.

Wendy Gross, resident, was willing to come back to another meeting and related her conversation with a former Caltrans District Manager regarding the four criteria for warrants. Some of the problems included sight distances, vision problems caused by bright lights, telephone poles, and high traffic volume, in addition to all the students attending Oak. She would also like a crosswalk, not red curbs.

There being no one else present wishing to speak, Mayor Edgar closed the meeting to public comment.

Mayor Edgar indicated he supported stop signs.

Council Member Mejia asked if a Special City Council Meeting could be held.

Motion/Second: Poe/Zarkos  
Unanimously carried:

1. Tabled this item to obtain additional information; and
2. Directed staff to schedule a Special City Council meeting, before the next regular meeting to take action on this item.

**D. Approval of Measure M Conformity, Citywide “Pavement Management Program”**

The City’s Pavement Management Program (PMP) is required under the voter-approved Countywide Measure M funding program to be updated every two years. The update is required in order for the City to receive funding through the Measure M program. The 2009 Pavement Management Program update is complete and acceptable to the City Engineer. Measure M requires City Council approval of the Pavement Management Program.

City Engineer Huber summarized the staff report, referred to the information contained therein, and answered questions from the City Council. Mr. Huber noted that this is the last remaining item that is required.

Motion/Second: Mejia/Poe  
Unanimously carried:

1. Approved the 2009 Citywide Pavement Management Program.
2. Authorized the City Engineer to execute the Measure M Local Pavement Management Certification form and to transmit said certification form to the Orange County Transportation Authority.

**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 Zarkos** had nothing to report at this time.

**Council Member Mejia** commented on the planned SCE power outage on Oct. 7; announced the Race on the Base website; reported on her attendance at various events and meetings including the 9-11 memorial motorcycle ride put on by Long Beach Fire Fighter Gary Biggerstaff; and the meeting with the School District. She requested support for a policy on naming a baseball diamond.

**Mayor Pro Tem Poe** reported on her attendance at various events and meetings, including the School District meeting with Council Member Mejia, and Friday Night Lights. She thanked members of the public for coming here to discuss quality of life issues.

**Council Member Stephens also** thanked residents from the surrounding cities for coming to tonight's meeting to discuss issues involving the "transfer station" on the Base, and encouraged them to stay proactive. Council Member Stephens reported on the Town Hall Meeting held by Rep. Royce.

**Mayor Edgar** directed staff to agendize the naming policy requested by Council Member Mejia. He reported on his attendance at various events and meetings held by the Orange County Sanitation District, Orange County Fire Authority, Casa Youth Shelter Commander's Ball, and Rep. Royce. Mayor Edgar announced the upcoming American Legion Oktoberfest and the Las Vegas Night at the Base to benefit the Youth Center. Mayor Edgar complimented staff on cleaning up the pump station at College Park North, and curbs and block walls on arterial streets. He announced that the SCAG District 20 representative had not attended any SCAG meetings since he was elected. Mayor Edgar recommended that we send a letter to SCAG requesting that they evaluate their By-Laws which state that after three missed meetings, the person potentially can be removed. In fairness to Westminster, he suggested the City Manager set up a meeting for him to talk to the Westminster City Council Member.

**Mayor Edgar** thanked all the residents for getting together and working on a common goal. He told Laura Herzog we are really trying to work through this and maintain a relationship with the Base.

**11. ITEMS FROM THE CITY MANAGER**

None.

**12. ADJOURNMENT**

The meeting was adjourned at 10:39 p.m. The next meeting of the City Council is scheduled for Monday, October 19, 2009, in the City Council Chambers.

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Troy D. Edgar, Mayor

ATTEST:

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Jeffrey L. Stewart, City Clerk