

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

REGULAR MEETING – August 17, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:03 p.m., Monday, August 17, 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 Zarkos led the Pledge of Allegiance and Mayor Edgar 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.

Alice Jempsa, resident, spoke on the lack of adequate on-street parking in the area of the Los Alamitos Medical Center. She noted that several vehicles were double parked, including a large truck unloading supplies for delivery to the hospital. She felt changes were needed to help the medical buildings and encouraged the City to conduct an independent study before any remodeling or building is done in the area.

Will Kempton, new Chief Executive Officer, Orange County Transportation Authority, introduced himself and expressed his willingness to provide assistance. He wants to “keep Orange County moving” and be an “open and accessible CEO”.

Mayor Edgar welcomed Mr. Kempton and indicated the Council was looking forward to working with him.

Mayor Edgar closed Oral Communications.

6. REGISTER OF MAJOR EXPENDITURES

August 17, 2009.

Council Member Zarkos questioned staff on page 1, "State of California – Military" expenditures relating to electric and gas for the fourth quarter, and the response to the chemical spill.

The City Manager responded that the charges for electric and gas are consistent with past charges but requested the State of California-Military charges be pulled, relative response to the chemical spill, to allow time for additional research.

Motion/Second: Mejia/Zarkos

Unanimously carried: The City Council approved the Register of Major Expenditures for August 17, 2009, in the amount of \$256,167.79, less \$486.83, for the response to the chemical spill (under State of California-Military).

Roll Call Vote

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

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 indicated she would abstain from voting on Item 7A3 (August 3 Minutes) due to her absence from that meeting.

Council Member Mejia pulled Item 7C.

Council Member Zarkos pulled Items 7A2, 7B, and 7D.

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

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

A. Approval of Minutes

1. Approve minutes of the Special Meeting – July 20, 2009.
2. Approve minutes of the Regular Meeting – July 20, 2009.
3. Approve minutes of the Regular Meeting – August 3, 2009.

Council Member Zarkos requested Item 7A2 be continued to the next meeting to allow him time to continue his research.

Motion/Second: Zarkos/Mejia

Unanimously carried: Continued approval of Item 7A2 to the next meeting.

Note: A motion was not made on Items 7A1 and 7A3.

B. Warrants

August 17, 2009.

Council Member Zarkos questioned staff on page 2, County of Orange-Auditor.

Assistant City Manager McKay responded that the County maintains our 800 MHz radio system and this was a first quarter FY 2009-10 charge. The \$305 is for telephone services for OCATS. Police Chief Mattern will have to research the OCATS charge.

City Manager Stewart recommended these charges be continued to the next meeting.

Council Member Zarkos questioned staff on pages 4 and 5, computer loans.

The City Manager explained that these are computer loans to employees that are paid back on a monthly basis, with no interest.

Council Member Zarkos questioned staff on page 7, \$2,000 for the postage meter, and requested confirmation that staff is trying to reduce the amount of postage.

City Manager Stewart confirmed that staff is reducing the amount of correspondence, and, hopefully, we will see a reduction at the end of the fiscal year.

Motion/Second: Poe/Mejia

Unanimously carried: Approved the Warrant Register for August 17, 2009 in the amount of \$56,660.44, less \$3,596 for the County of Orange-Auditor.

C. Consideration of a Policy and Procedure for Permitting Athletic Facilities

This report sought City Council consideration for the adoption of a Policy and Procedure for Permitting Athletic Facilities.

Council Member Mejia pulled this item to address some recommendations in the new policy that she felt were too stringent relative to non-profit organizations, which usually involve children. She did not want us to have a team or league that could not participate due to noncompliance with some of these issues. She likes the changes but suggested that the final

decision as to special allowances be given to the Recreation and Community Services Director.

Referring to page 4, City Manager Stewart indicated that inquiring as to the ability and/or desire to pay is a way of looking for the middle ground. There is no plan to shut down an activity during the course of the season.

Recreation and Community Services Director Avery indicated that non-profit status has not been a problem in the past.

Council Member Zarkos stated that the genesis of his original comments was not to be draconian with respect to the youth sports groups but the fact that parents and kids were paying their fees to volunteers who, in some instances, were waiting up to seven and one-half months to turn in the money. Council Member Zarkos thanked staff for preparing a coherent plan and policy that benefits both youth groups and the City.

Council Member Stephens thought that the Recreation and Community Services Director had a lot of discretion.

The Recreation and Community Services Director stated that this policy is about improved communication with the groups. We are not going to be patrolling fields and saying the groups cannot play.

Mayor Pro Tem Poe thought that this is a better tool to communicate. She related her past experience with sporting groups. If there is a financial problem, the group can contact the City and we can work through it. She also felt appeals for donations could even be made to the community.

Motion/Second: Zarkos/Stephens

Motion carried 4/1 (Mejia "No", due to language on page 3, requiring a current 501c3): City Council adopted the Policy and Procedure for Permitting Athletic Facilities.

D. Approval of Measure M Capital Improvement Program (CIP) for FY 2009-10 through FY 2015-16

To remain eligible to receive Measure M funding, the Orange County Transportation Authority (OCTA) requires all local agencies to comply with a variety of requirements including annual submittal of an adopted Seven-Year Capital Improvement Program (CIP). Staff has prepared the Seven-Year CIP and necessary documentation for submittal to OCTA upon City Council review and approval.

Council Member Zarkos asked staff about "Status of Items" on page 2 of the staff report.

City Engineer Huber responded that Items 3 and 4 are complete at this time. Only Items 1 and 2 are incomplete.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council:

1. Approved the Seven-Year Capital Improvement Program of Transportation Projects for Fiscal Years 2009-10 through 2015-2016; and,
2. Directed the City Engineer to submit the necessary documents for the approved Seven-Year Capital Improvement Program for Fiscal Years 2009-10 through 2015-2016 with the Orange County Transportation Authority.

8. PUBLIC HEARINGS

A. Supplemental Law Enforcement Services Fund (SLESF)

The Supplemental Law Enforcement Services Fund (SLESF) provides for the allocation of State funds to eligible local jurisdictions to enhance public safety. The City of Los Alamitos' portion of these funds for Fiscal Year 2009-2010 is anticipated to be \$100,000.

Police Chief Mattern summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Edgar opened the Public Hearing.

No one appearing either in favor or in opposition, Mayor Edgar closed the Public Hearing.

Motion/Second: Edgar/Zarkos

Unanimously carried: The City Council:

1. Conducted a public hearing for the allocation of the SLESF; and,
2. Adopted Resolution No. 2009-15, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE RECOMMENDED EXPENDITURE PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND".

9. ORDINANCES

A. Introduction of Ordinance No 09-05 - Metropolitan Water District's Model Water Conservation Ordinance Amended for Los Alamitos

The Metropolitan Water District of Southern California (MWD) requested local jurisdictions adopt their Model Water Conservation Ordinance in hopes of increasing water efficiency. Staff recommended that the City Council adopt the key provisions of the MWD's Model Ordinance and incorporate them into the City's existing Ordinance but retain the City's existing penalty clause.

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, and answered questions from the City Council. The Director clarified that there are two water issues: 1) the MWD Model Water Conservation Ordinance and 2) MODOC Model Water Efficient Landscape Ordinance.

The City Manager noted that this MWD ordinance is discretionary, while the MODOC is a mandated ordinance (but is being vetted at this time).

Council Member Zarkos reported that he has attended some of the model ordinance drafting sessions and has gained an understanding of AB 1881. He explained that if we don't come up with our own language by January 1, 2010 we will be forced to accept the State's requirements and penalties. The AB 1881 model ordinance being put together is scheduled to be out to the cities sometime in early September. With respect to this particular ordinance, Council Member Zarkos asked staff if there was any time limit to adopt it because it looks like there are some overlapping areas. He would like to compare both model ordinances to avoid duplications or gaps and have one coherent policy relative to water usage. He requested this item be tabled, until Council can conduct a study session to compare both water ordinances.

Mayor Edgar asked Community Development Director Mendoza if the two ordinances have a lot of overlap.

Director Mendoza responded that we don't know yet and there is no timing of importance on this.

City Manager Stewart explained that this is a discretionary ordinance and we have time to adopt it after we do the AB 1881 compliance ordinance.

City Attorney Derleth reported that he was not involved in preparation of this ordinance but has been invited to participate in the Orange County AB 1881 model landscaping ordinance. On the surface, they look to be very similar.

Council member Zarkos thought there may be some overlap on irrigation issues.

Mayor Pro Tem Poe commented that we have been notified in our water bills that we may be penalized if we exceed the average. She did not want our residents to have to act as "water police". Mayor Pro Tem Poe would be happy to table this item to see how it dovetails with the AB 1881 model ordinance.

Council Member Stephens also favored tabling this item. He has seen different ways to handle water shortages in the past.

Council Member Mejia and Mayor Edgar also favored tabling this item.

Motion/Second: Zarkos/Poe

Unanimously carried: The City Council tabled this item to a later time.

10. DISCUSSION ITEMS

A. **Approval of Cooperative Agreement with Orange County Transportation Authority for Traffic Management Services for the West County Connectors Project**

The Orange County Transportation Authority (OCTA) has requested that the City of Los Alamitos enter into a Cooperative Agreement to fund costs incurred by the City for traffic management-related services, and identify responsible parties for any identified traffic mitigation required in conjunction with OCTA's West County Connectors Project.

City Engineer Huber summarized the staff report, referring to the information contained therein, and answered questions from the City Council. He stated that there will be a number of detours which will have some impact on the City and staff. He noted that the OCTA Project Manager was in the audience.

Motion/Second: Poe/Zarkos

Unanimously carried: The City Council authorized the Mayor to execute the Cooperative Agreement between the Orange County Transportation Authority and the City of Los Alamitos for the West County Connectors Project.

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. **Direction to Voting Delegate as to the City's Position on Resolutions to be Considered at the League of California Cities' 2009 Annual Conference**

The League of California Cities Annual Conference will be held in San Jose September 16-18, 2009. At its meeting of August 3, the City Council designated Council Member Zarkos as its Voting Delegate to the Annual Business Meeting. Council Member Zarkos has requested the City Council's direction as to its position on the proposed resolutions.

Council Member Zarkos reported that he had reviewed both resolutions with voting delegates from various member cities and it is their position to take a "No" vote on both resolutions. He also recommended a "No" vote.

Mayor Pro Tem Poe asked if there were any specific reasons given for the recommendations.

Council Member Zarkos explained that for the first resolution there are already existing laws in place and it was felt that cities should not get involved. With respect to the second resolution, it was felt that city staff members are competent to adequately invest and it was not worth making a political statement.

Mayor Edgar also objected to language in the third paragraph in the second resolution and could not support any city-supported legislation on that.

Motion/Second: Poe/Stephens

Unanimously carried: The City Council directed Council Member Zarkos, the City's Voting Delegate for the League of California Cities 2009 Annual Business Meeting, to vote "no" on the following:

1. Resolution Relating to Social Host Liability
2. Resolution Urging City Governments and Others to Divest from Banks that Fail to Cooperate with Foreclosure Prevention Efforts

B. Correspondence from Mr. Art DeBolt

Councilmember Mejia has requested the attached letter from Mr. Art DeBolt be added to the City Council Agenda for discussion.

Council Member Mejia explained her reasons for bringing the letter to the Council's attention. She felt the most important part of Mr. DeBolt's letter was his request for the establishment of a moratorium or other planning tool to prevent any Zoning Change, General Plan Amendment, Specific Plan request or new construction related to medical, institutional uses or parking structures. Council Member Mejia felt that the real issue was the fiscal impact, and, as Alice Jempsa suggested in Oral Communications, we should conduct an independent study. Council Member Mejia felt this was a timely issue and would like Planning Commissioner DeBolt to speak on this issue.

Art DeBolt explained why he wrote the letter after attending the last City Council meeting, read and expanded on portions of his letter requesting a moratorium. He was concerned that future non-medical developments could not be mitigated by those non-medical developers and thus thwart future development in the City, particularly along Katella Avenue or Los Alamitos Blvd. Mr. DeBolt felt the first step would be to delay any future development along Katella until the City can determine a long-range plan for both Katella Avenue and Los Alamitos Blvd. Therefore, he proposed the establishment of a moratorium or other planning tool to prevent any Zone Change, General Plan Amendment, Specific Plan request for new construction related to medical, institutional uses or parking structures, until such time as the City has reviewed and possibly updated the City's

locally-adopted CEQA guidelines, the City's fee resolution for Planning and environmental applications, and a fiscal impact study of additional medical and institutional uses.

Council Member Zarkos questioned who are to tell a private citizen what they can or cannot do with their property, as long as it is within the zoning requirements in place. If the hospital wants to put forth a plan and bring it forward to this Council, there are certain procedures that are required to be followed and we will look at those procedures and those plans. It was his understanding that a moratorium represents an imminent domain taking.

City Attorney Derleth explained that a properly-crafted, properly-adopted moratorium with the requisite findings that are necessary under the statute did not constitute a taking. Very specific findings would have to be made to adopt a moratorium which is provided for as a zoning tool. The vast majority of moratoriums are properly crafted so they do not constitute takings. They are used fairly commonly throughout the State, when you truly have a situation where you need to study proposed land uses.

Council Member Zarkos thought this was an attempt to circumvent the process relative to the Planning Commission. Additional retail brings up the issue of public safety. He felt we were trying to get around the system.

Mayor Pro Tem Poe thought that this letter and Mr. DeBolt's comments further validated her opinion that we need to schedule a General Plan review and amendments so that all of these issues can be taken care of. She looks at overlays as a band aid. Our community has grown and land uses have changed. Mayor Pro Tem Poe felt we needed to look at it as a whole. She did not believe a moratorium fit into any of the categories in the information provided.

Council Member Stephens felt we were a little premature on this and was concerned about liability when development is restricted. He felt we should do more research.

Mayor Edgar expressed appreciation to Mr. DeBolt for bringing this item to the Council's attention. His letter served its purpose and when the Council starts to react to items that come up, it sends a strong message to the community and to a developer. Michele Finney of the hospital met with Mayor Pro Tem Poe and him within a few days to review the history of the hospital project. The Council has been taking specific actions on setting consistency in the Commissions and the Mayor felt that this should go through the Planning Commission.

Council Member Mejia clarified her purpose for bringing the letter forward. A moratorium was a way to take a step back, review the issues so we don't move forward and then later regret what we did. Council Member Mejia stressed this item was not her intent to send out the wrong message

to the hospital, but to look out for the residents and businesses in the City. Alice Jempsa is also recommending an independent EIR. One Planning Commissioner (Art DeBolt) was unable to place the item on their agenda in what he considered a timely manner.

Mayor Pro Tem Poe questioned if a Planning Commissioner could add an item to the agenda.

The City Attorney responded that the Council has a provision in the Municipal Code that allows a Council Member to put an item on the agenda but he did not think we had that same provision for Commissions. With respect to adding an item as a late-breaking item, the City Attorney explained why this item probably wouldn't qualify under the Brown Act.

Motion/Second: Poe/Stephens

Carried 4/1, (Mejia "No"): City Council received and filed this letter.

Mayor Pro Tem Poe congratulated the U. S. Water Polo teams on their success; congratulated staff on the summer program and was thrilled to see the number of youth participating in the Volunteer Program. She urged the community to attend Band in the Park this Sunday. Mayor Pro Tem Poe announced the passing yesterday of long-time Carrier Row resident Joann Stevens and requested Council adjourn in her memory.

Council Member Stephens also commented on the great summer program, would like to recognize the volunteers, and said his son wants to volunteer next year. He also encouraged attendance at Band in the Park and congratulated the U.S. Water Polo teams. He requested staff agendaize a Closed Session at the next meeting for an employee evaluation of the City Manager.

Council Member Zarkos reported he had talked to Motor Officer Kain Gallagher and urged attendance at the 37th Annual Motor Rodeo, a charity event for the Orange County Traffic Officers' Association. He asked the City Manager if the NEQA and CEQA documents about being categorically exempt had been received from the Base.

The City Manager explained that the City Managers from Seal Beach, Cypress and Los Alamitos attended the meeting and a letter is being prepared by the City of Cypress which coalesces our requests for all those documents and information, including copies of agreements from Agromin and Rainbow.

Council Member Zarkos pointed out a math error in the memo, about 15 trucks a day at 300 tons of compost material.

City Manager Stewart responded that he would ask for clarification of the figures but he thought that the figures indicated a maximum daily and annual potential.

Council Member Zarkos questioned if the City Attorney had seen the memo and had he reviewed the citations prior to issuing his letter of opinion regarding our ability to enforce weight restrictions throughout the City.

City Attorney Derleth indicated that he had seen the memo and had not changed his opinion.

Council Member Zarkos asked for the status of Old Town West parking permits.

Community Development Director Mendoza reported that the Traffic Commission had begun vetting out the issues but needed to narrow down the scope and to develop a policy to release a parking restriction. The Municipal Code has a policy only to implement a parking restriction, not release it.

Mayor Pro Tem Poe requested clarification on the motion made at the Traffic Commission.

The Community Development Director responded that the proposed policy has to go back to the Traffic Commission for formation.

Council Member Mejia reported on her tour of the compost area at the Base; announced that SCAG did not have a meeting this month; and requested a meeting with LAUSD. She thanked all the people who serve on the commissions for taking the time and making all the hard decisions. Council Member Mejia asked what the Girl's Softball Team won.

Recreation and Community Services Director Avery thought the 14 and Under All Star Team won the Western States National Tournament.

Council Member Mejia questioned the City Manager on the status of having our green waste sent to the Base.

City Manager Stewart responded that he asked the representative from Agromin and his response was that he would contact the City Manager to set up a meeting next week.

Council Member Mejia thought there might be some cost savings for us and wanted to insure staff followed up on the matter.

Council Member Mejia also tried to make some connections between the Base and the LAUSD regarding composting and a State-regulated curriculum for elementary students to plant something and watch it grow.

Mayor Edgar asked when the next LAUSD/City Working Group meeting would be held.

The City Manager did not believe the next meeting had been scheduled. The last meeting was approximately three weeks ago, but he would take Council Member Mejia's issues to the next meeting.

Mayor Edgar announced that he had met representatives from the Los Alamitos Medical Center and encouraged them to take a more proactive step on community information and have a community forum on their project in late September.

The Mayor reported on his attendance at the following meetings and events: Casa Youth shelter fundraiser, and the JFTB and Mayors' Group. He updated the Council on last week's meeting with Cypress Mayor Bailey, Mayor Shanks, Council Member Miller, Sen. Tom Harman, and a staff representative of Assembly Member Jim Silva regarding appropriations for the runway, and establishing a better process. Senator Harman and Assembly Member Silva also want to be included in the meeting with Congressman Royce. Orange County Supervisor Moorlach indicated he wanted to participate in the Mayors' Group. Mayor Edgar also indicated that the City Manager is working with Congressman Royce's office regarding the paperwork we will need in order to ask the Congressman to submit an appropriations request next March.

Mayor Edgar announced the Legislative Mixer this Friday in Stanton. This is being put on by the five Chambers of Commerce in West Orange County and it is a great opportunity for residents to access their legislators.

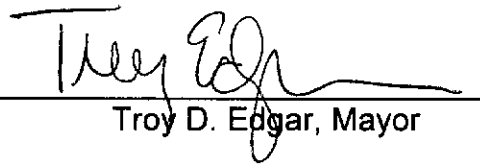
Mayor Edgar requested staff agendize for the next meeting a timeline (from a planning perspective) on a General Plan Amendment, a lexicon of terms, approximate costs, and theoretically what is the first point where we can kick this off.

12. ITEMS FROM THE CITY MANAGER

None.

13. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. in memory of Joann Stevens. The next meeting of the City Council is scheduled for Tuesday, September 8, 2009, in the City Council Chambers.


Troy D. Edgar, Mayor

ATTEST:


Jeffrey L. Stewart, City Clerk