

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA CITY COUNCIL REGULAR MEETING MONDAY, MARCH 7, 2011 – 7:00 p.m.

### NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.ci.los-alamitos.ca.us](http://www.ci.los-alamitos.ca.us) once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

**1. CALL TO ORDER**

**2. ROLL CALL**

Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Poe  
Mayor Pro Tem Edgar  
Mayor Stephens

**3. PLEDGE OF ALLEGIANCE**

**Mayor Stephens**

**4. INVOCATION**

**Council Member Kusumoto**

**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.

**6. REGISTER OF MAJOR EXPENDITURES**

March 7, 2011.

**Roll Call Vote**

Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Poe  
Mayor Pro Tem Edgar  
Mayor Stephens

**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.

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

**A. Approval of Minutes (City Clerk)**

1. Approve Minutes of the Regular Meeting – February 7, 2011.
2. Approve Minutes of the Special Meeting – February 22, 2011.

**B. Warrants (Finance)**

March 7, 2011.

**C. Approval of the Fiscal Year 2011-12 Budget Calendar (Finance)**

This report seeks City Council approval of the Fiscal Year 2011-12 Budget Calendar.

Recommendation: Approve the recommended Budget Calendar for Fiscal Year 2011-12.

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

**8. DISCUSSION ITEMS**

**A. Review of City Council Practices Regarding Oral Communications (City Clerk)**

During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

Recommendation: Should the City Council choose to amend its current practices regarding public comment, it would be appropriate to provide further direction to staff.

**B. Update on Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach (Public Works)**

During Council's February 22, 2011, meeting, Council Member Kusumoto had requested an update on the funds spent for the Downtown Revitalization Project. As of March 4, 2011, Willdan Engineering Inc. (the City Engineer) has incurred \$25,867.00, of billable effort toward the Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach - Phases 2 and 3. The deliverable product and billable effort is discussed below.

Recommendation: Receive and file.

**C. Consideration of a Zoning Ordinance Amendment 10-02 as it relates to Window Sign Coverage Area (Comm. Dev.)**

Consideration to amend the City's Sign Code restricting window signage to 25% of a window pane instead of 25% of aggregate window area.

Recommendation:

1. Conduct a Public Hearing; and,
2. Waive reading in full and authorize reading by title only of Ordinance No. 11-04, and set for second reading; and,
3. Read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) AND (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

**9. 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.

Mayor Stephens  
Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Poe  
Mayor Pro Tem Edgar

**10. ITEMS FROM THE CITY MANAGER**

**11. CLOSED SESSION**

**A. Conference with Labor Negotiator**

Agency Negotiators: Jeffrey L. Stewart, City Manager  
Employee Organization: Los Alamitos City Employee Association  
Authority: Government Code Section 54957.6

**B. Conference with Legal Counsel**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation (G.C. 54956.9(a))

AT&T Mobility Wireless Data Services Tax Litigation, Northern District of Illinois  
Case No. 1:10-CV-2278 and

Anticipated Litigation (G.C. 54956.9b(3)(C))

Receipt of Claim pursuant to Tort Claims Act from New Cingular Wireless PCS LLC threatening litigation (copy available for public inspection in City Clerk's office). A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council.

**12. ADJOURNMENT**

The next meeting of the City Council is scheduled for Monday, March 21, 2011, in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.



Adria M. Jimenez, CMC  
City Clerk

March 3, 2011  
Date

**CITY OF LOS ALAMITOS**  
**Register of Major Expenditures**  
**March 7, 2011**

**Pages:**

01	\$ 20,178.23	Major Warrants	03/07/2011
	\$ 137,970.34	Payroll	02/18/2011
	\$ 81,862.24	Payroll Benefits	02/18/2011

**Total**      **\$ 240,010.81**

**Statement:**

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Manager.

  
\_\_\_\_\_  
this 2<sup>nd</sup> day of March, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	7,055.31
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	647.40
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	190.06
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	857.15
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	720.15
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,462.12
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	2,190.73
	TRAFFIC SIGS/ST LIGHTS	GAS TAX	STREET MAINTENANCE	7,055.31
			TOTAL:	20,178.23

===== FUND TOTALS =====

10	GENERAL FUND	13,122.92
20	GAS TAX	7,055.31
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	GRAND TOTAL:	20,178.23
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**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS**

**REGULAR MEETING – February 7, 2011**

**ITEM NO. 7A1**

**THESE MINUTES ISSUED FOR  
INFORMATION ONLY AND ARE  
SUBJECT TO AMENDMENT AND  
APPROVAL AT THE NEXT  
MEETING**

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:03 p.m., Monday, February 7, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

**2. ROLL CALL**

**Present:** Council Members: Graham-Mejia, Kusumoto, Poe  
Mayor Pro Tem Edgar, Mayor Stephens

**Absent:** Council Members: None

**Present:** Staff: Jeffrey L. Stewart, City Manager  
Sandra Levin, City Attorney  
Anita Agramonte, Finance Manager  
Angie Avery, Community Services Director  
Dave Hunt, City Engineer  
Adria M. Jimenez, City Clerk  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Dir.

**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Kusumoto.

**4. INVOCATION**

The Invocation was led by Mayor Pro Tem Edgar.

**5. PRESENTATIONS**

**A. To the 50th Anniversary Committee**

Mayor Stephens and members of the City Council presented Certificates of Appreciation to Members of the 50<sup>th</sup> Anniversary Committee. Pictures with Council followed.

**B. Proclaiming February Career Technical Education Month**

Mayor Stephens presented Meg Cutuli, Los Alamitos Unified School District Board Member; and, Julie Dentler, Administrator of Career Technical Education with a proclamation declaring February Career Technical Education Month. Pictures with Council followed.

**6. ORAL COMMUNICATIONS**

Judy Klabough, Chamber of Commerce, provided information on upcoming events. Ms. Klabough also advised there is still advertising space available in the Chamber Directory.

Robert Davis, resident, resubmitted a petition and asked City Council to consider the residents' request for permit parking on the 11000 block of Lexington Avenue.

Kim Foltz, resident, thanked the News Enterprise for the recent article on St. Isidore Plaza. Ms. Foltz asked residents to consider donating.

J.M. Ivler, resident, requested the conference room in the Community Center be renamed; asked open comments on each agenda item be reinstated; and, commented on Items 9B and 9D.

Richard Murphy, resident, stated he supports moving forward and approving Item 9D.

**7. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for February 7, 2011, in the amount of \$522,052.63.

**Roll Call Vote**

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	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 Graham-Mejia pulled Consent Calendar Items 8A1 and 8C.

Motion/Second: Mejia/Edgar

Unanimously Carried – Approved the following Consent Calendar Items:

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

**B. Warrants**

February 7, 2011.

**D. Professional Services Agreement for City Engineer Services**

Consideration to continue services with Willdan Engineering to provide City Engineer services. The current agreement with Willdan expired on January 31, 2011, unless extended by mutual agreement.

Recommendation: Authorize the Mayor to execute the Professional Services Agreement with Willdan Engineering.

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

**A. Approval of Minutes**

1. Approve Minutes of the Regular Meeting – January 18, 2011.

Council Member Graham-Mejia stated she pulled Item 8A1 for two reasons. First, because she would like to see the Minutes returned to their previous summary format as she believes they were inclusive of the community's comments. Second, she would like her comments included in the January 18, 2011 Minutes for Item 8C - Resolution No. 2011-05, and would like to see each Council Member's comments included as well.

Mayor Pro Tem Edgar stated he is fine with the Meeting Minutes and does not need his comments added.

Motion/Second: Poe

Approve the January 18, 2011 Minutes as submitted.

Substitute Motion/Second: Kusumoto/Graham-Mejia

Unanimously Carried: Include the comments for Council Members Graham-Mejia and Kusumoto for the Minutes of January 18, 2011, Item 8C.

**C. Approval of Plans and Specifications and Authorization to Bid the Alley Rehabilitation Project for the Alley between Green Avenue and Howard Avenue from Reagan Street to Maple Street**

Time-sensitive Community Development Block Grant funding has been committed to the City to improve alleys in the Apartment Row neighborhood. This report recommends actions that facilitate rehabilitation of the alley between Green Avenue and Howard Avenue, from Reagan Street to Maple Street.

Council Member Graham-Mejia stated City Council received a letter from a resident on this issue and asked the City Manager to provide a timeline on the item.

Dave Hunt, City Engineer, provided the project timeline: If approved tonight, advertise for bids by mid-February; Bid Opening – March 10, 2011; Award of Contract – March 21, 2011; Notice to Proceed – March 22, 2011; Construction will start at the end of March and should be completed by May 6, 2011. Mr. Hunt advised a community meeting is scheduled for Wednesday, February 9, 2011, 7:00 p.m., to review residents' questions.

Motion/Second: Graham-Mejia/Poe

Unanimously Carried:

1. Approved the plans and specifications for the Alley Rehabilitation Project for the alley between Green Avenue and Howard Avenue from Reagan Street to Maple Street; and,
2. Authorized staff to advertise and solicit bid proposals.

## 9. DISCUSSION ITEMS

### A. Second Meeting to Consider the Los Alamitos Medical Center Application for Specific Plan

The City Council conducted a public hearing on January 18, 2011, and received testimony regarding a request by the Los Alamitos Medical Center to approve a twenty-five year Specific Plan to guide the future development of the hospital site located at and around 3751 Katella Avenue. In response to the Public Hearing comments made on January 18 and discussions with Tenet Healthcare Corporation on January 25, staff is recommending amendments to the conditions of approval, as explained in the body of the staff report. Through the process we have solidified what is now a 10 year plan with a 25 year horizon. By way of history, the Planning Commission considered the issue on October 11, 2010 and November 8, 2010 and recommended approval of the Specific Plan conditions. Upon conclusion of the public hearing, the City Council developed a list of questions that have been addressed and attached to this report. In addition, the City Council requested additional information from Tenet Health regarding the corporation's commitment to the local project and its reaction to local concerns. Toward that end, City officials met with officers of the corporation and the Executive Director wherein Tenet Healthcare restated their financial commitment to the local Medical Center.

Steven Mendoza, Community Development Director, advised the agenda report addresses the following: the relationship regarding cell towers; traffic mitigation measures; traffic impact fees; City of Cypress' hydrology concerns; vacation of Kaylor Street easement; emergency vehicle circulation concern; acquisition status of Tenet Health Care; and, reserving some of the medical office building as retail. Mr. Mendoza stated the specific plan is incorporated by a condition that states should the applicant fail to submit an application for site plan review for Phase 3 by the 10<sup>th</sup> anniversary of the effective date of the ordinances, the approval for all structures, which no site plan review has been submitted, shall be null and void, which means this changes the plan to a 10-year plan with a 25-year planning window, which is a significant change from the previous meeting. Mr. Mendoza advised the other significant changes to the conditions are the revenue enhancement incorporated with a cell communication agreement and arrangement for a \$40,000 sales tax guarantee in lieu of reserving the ground floor of the MOB for retail for 5 years.

At 7:48 p.m. Mayor Stephens opened this item for public comment to only address the new conditions.

Antonio Orea, National Union of Health Care Workers, spoke in regards to staffing and service issues at Los Alamitos Medical Center by the employee contractor Aramark.

Dr. Larry Feiwell, Los Alamitos Medical Center, stated the governing board and medical staff fully supports the Specific Plan and the new conditions, and are encouraged by the new 10-year limit.

Lucia Rivas, Aramark Employee, commented on the working conditions at the hospital.

Mayor Pro Tem Edgar confirmed with the City Attorney that the City does not have jurisdiction over labor issues.

City Attorney Levin stated the public hearing was already conducted on this item, and the Council does not have to take public comment again on any matters which were previously opened for discussion. Ms. Levin stated the purpose for public comment on this item is to address new information that has arisen since the last hearing.

Council Member Graham-Mejia stated she believes the public speakers are addressing new information since the previous meeting, and believes these issues are pertinent.

Mayor Stephens stated there are issues the City council does not have control over and the Council is specifically dealing with Item 9A.

Ms. Levin stated when the City makes a decision about zoning or general plan or land use in general, it is not and cannot be about the particular owner or operator at the moment. It is not about whether or not we like Los Alamitos Medical Center, it is not about how well they manage their facility, it is not about how well we think our family members or loved ones will be treated when we are there – it is a land-use question and the Council will make the determination based not on who owns/operates the property at the moment, but based on the idea that the entitlements run with the land. Ms. Levin stated tonight's decision is policy based and not based on who the personnel are or who owns the Medical Center at the moment.

Gail Baker, Aramark Manager, refuted the claims made by Aramark employees stating they are inconsistent with the standards of Aramark, and the policies and procedures within her department.

Duane Lee, resident, stated the City is very fortunate to have the hospital, because the next hospital is about 5 miles away and emergency medical care is convenient for everyone in the vicinity.

Kelly Smith, resident, stated Los Alamitos Medical Center provides excellent care, but has also noticed the emergency room has become overloaded with patients. Ms. Smith stated the City deserves a hospital that is first rate and asked the Council to approve the Specific Plan that has been presented, believing both the City and the hospital will be well-served.

Anita Spinale, resident, expressed her support for the new reconfiguration of the Specific Plan. Ms. Spinale stated she believes that a presence of a thriving field of professional health care anchored by a top-notch medical facility is a definite plus and benefit to a community; she endorses the 10-year plan.

Carole Sylvia, resident, expressed her support of the request of the Los Alamitos Medical Center and asked the City Council to allow the hospital to update and modernize the facility.

Dr. Alan Gold, Los Alamitos Medical Center, Planning Committee Chairman, spoke in favor of the proposed plan and thanked those who spoke at the previous meeting in favor of the plan. Dr. Gold stated Los Alamitos Medical Center is a superb community hospital providing state-of-the-art medical care with a true dedication to the patients and the community and strongly encouraged the approval of the specific plan.

Sheila Otell, resident, expressed her support for the 10- year plan and stated the Los Alamitos Medical Center expansion is a vital part of the community's growth and development.

Johanna Zinter, resident, stated the expansion is needed and vital and the caliber of doctors who practice at Los Alamitos Medical Center is priceless. Ms. Zinter stated the Medical Center has been supportive to non-profits, businesses, chambers as well as being involved and active in the community. Ms. Zinter asked City Council to support this project.

Virginia Agnelian, resident, expressed her support of the 10-year plan.

Javier Mejia, resident, stated he is glad to see the change from 25 years to 10 years; expressed his concern over the changes and believes the City is moving too quickly. Mr. Mejia expressed his concern about the mitigating items for traffic and stated traffic counts needs to be conducted.

Richard Murphy, resident, stated the hospital expansion needs to get done and asked for guidelines for the City to opt out if Tenet decides not to move forward with the build. Mr. Murphy asked for an explanation of a 10-year plan with 25-year horizon.

J.M. Ivler, resident, stated he believes the response regarding connector project and traffic patterns is incomplete; believes the response in regards to OSHPD is incomplete and the OSHPD timeline is extensive; expressed his concern over impacts on the community and submitted a build proposal to City Council. He asked the build out process return to the Planning Commission.

Beth Piburn, resident, commented on the duration of the hospital expansion approval process and the guarantee requests. Ms. Piburn appreciates the plan being moved up to 10 years and urged the City Council for their support.

Jeffrey L. Stewart, City Manager, elaborated on the reason and definition of the 10-year plan with a 25-year horizon, and on the following changes as noted in the staff report: economic impacts and revenue, traffic mitigation, Cypress' hydrology concerns; emergency ambulance traffic/circulation; Tenet financial commitment; acquisition status; title transfer provisions; reserving the medical office building as retail or \$40,000 in lieu of the space payable to the City; and, a preferred vendors list.

Mr. Mendoza advised the findings have been updated to represent the new condition of \$40,000 in sales tax, amending Resolution No. 2011-03; and, finding #14 has been added to the Statement of Overriding Considerations.

Ms. Levin advised there are a few new recitals and conditions needed to implement what is the staff report. If City Council wants to decide tonight, when it comes time to make the motion she will provide the exact changes needed. If the City Council wants to add the features that are identified in the staff report, principally to accept the offer the Medical Center has made for a sales tax revenue guarantee, then the documents will need to be adjusted and staff will walk you through it at the time of the motion.

#### **RECESS/RECONVENE**

At 8:45 p.m., Mayor Stephens recessed the City Council Meeting. At 8:58 p.m., the City Council Meeting was reconvened with all Council Members present.

Council Member Kusumoto asked questions regarding: the \$40,000 sales tax revenue guarantee and the five year commitment; cell phone towers as a revenue source and responsibility for mitigating cell towers and medical equipment; and, the title report for Kaylor Street.

Mr. Mendoza provided the following in response to Council Member Kusumoto's questions: in year six the City will no longer be in a \$40,000 sales tax guarantee agreement with the Medical Center; the cellular companies will conduct their due diligence prior to selecting a site, apply for a conditional use permit which will be reviewed by the Planning Commission, and test for interference; and, stated the title report is done by a title company, not Willdan Engineering.

Mayor Pro Tem Edgar disclosed his following involvements outside Council Meetings regarding this issue: participated in a physical walk-through of the project; and, met with Michele Finney and two Tenet corporate officers to discuss some of the items brought up during the previous Council Meeting such as the title transfer provision. Mr. Edgar asked for clarification regarding a comment that the capacity of the drainage for Katella was inadequate, and commented on the revenue enhancement area. Mayor Pro Tem Edgar also expressed the importance of the preferred vendor program and disclosed this was something previously discussed. He commented on the financial commitment of Tenet, and noted the entitlements are tied to the land, not the tenant. Mayor Pro Tem Edgar asked for confirmation that traffic counts were in fact conducted for this project. Mr. Edgar stated the resolutions seem to be consistent with the staff report.

Mr. Mendoza stated currently there is not an existing problem in the City of Los Alamitos regarding storm drains, which is why the acceptability of the condition with Cypress the way it was written is unacceptable. There is no methodology that this project will increase the capacity on Katella; Cypress is concerned on their side.

In regards to sales tax, Michele Finney, LAMC, authorized the disclosure of Los Alamitos Medical Center's last year's sales tax amount.

Mr. Mendoza provided the Hospital's last year's sales tax revenue of \$23,000.

Bernie Dennis, Traffic Engineer, confirmed traffic counts were conducted - 35 intersections were counted for 4 hours each; twice in the morning, twice in the

afternoon. Mr. Dennis further advised that this does not include the special counts conducted for special conditions.

Council Member Poe expressed her support for the 10-year plan and Tenet's financial commitment in this project; expressed her concern regarding traffic on Katella and specifically the abandonment of the left turn onto Maple. Council Member Poe asked for additional details regarding OC Flood Control's involvement in Katella, and asked for a timeline regarding the project phases.

Mr. Dennis addressed Council Member Poe's concerns and reviewed an alternative traffic mitigation measure for Katella and Maple.

Mr. Mendoza confirmed OC Flood Control would be involved and the City will determine where the responsibility lies. He advised Phase 1 should be taken to the Planning Commission within two months, and then shortly thereafter Phase 2. Mr. Mendoza provided additional timeline information for the Ordinances and the Public Hearing of the Kaylor Street Vacation.

Council Member Graham-Mejia started off by stating the hospital and staff is not the issue. She requested the word "structures," be included, which was deleted from the documentation and asked who decided to delete the condition. Ms. Graham-Mejia inquired about the owners and leases of the newer buildings to the front of the hospital and asked if there are revenues to be made from them. She stated she does not understand why LAMC cannot deal with OSHPD first, and then start the parking structure. She asked why the City is not comfortable with keeping the hospital to their timeline and stated the community wants to see the hospital improved, not more doctor's offices. Council Member Graham-Mejia asked why is the City not including the opportunity to opt out if something goes wrong. She commented on Mr. Ivler's build recommendation; talked about the effects the hospital expansion would have on long-term development; asked staff to explain the issue of trips down Katella, and the statement that it might be more expensive for potential businesses to come to the community; expressed her concern how this project will affect the revitalization project on Los Alamitos Blvd; asked about the resolution for the hearing of Kaylor and why the resolutions omitted words that explain the necessity for Kaylor, which could give the City the opportunity to extend turning Kaylor over to the hospital until absolutely necessary.

Ms. Graham-Mejia asked if it is necessary to have a stop light at Kaylor, and one at Cherry, two stop lights so close together. She suggested the entrance at Kaylor be kept, not have a traffic signal at Cherry, and incorporate street markings into the traffic plan. She asked if it is possible to test when it comes to the point where we are putting in the light at Kaylor, place the markings on the street at Kaylor and see how it works.

Michele Finney, LAMC, answered Council Member Graham-Mejia's questions regarding the condos and provided the following: the condos are not owner-occupied, they are lease spaces in all three buildings. She advised the building

in the very front of the hospital is a developer building and stated the new medical building will be leased by a developer with an investment opportunity for the physicians.

Mr. Mendoza answered Council Member Graham-Mejia's questions as follows: He advised the word structure was deleted because the condition was no longer necessary once the 10-year plan was included. In regards to the condos, he stated if the buildings were indeed a condominium complex where air rights were sold it would come to the Planning Commission/Council as a condominium map; that is not the case. He confirmed the City can still gain the same kind of tax revenues even if the verbiage is not included. Mr. Mendoza stated in regards to each phase there is an overlapping of timelines and it would contradict what we have asked the hospital to come back with. Mr. Mendoza provided an explanation of the 10-year plan with a 25-year horizon. In regards to the mitigation on Katella Avenue, Mr. Mendoza stated everything is mitigated in the entire plan except for green house gases in Phase 3 and invited Mr. Torres to provide additional information.

Eddie Torres, RBF Consultants, explained the cumulative impact of green house gases; advising the project by itself met the mandates of AB32. Mr. Torres stated green house gases policies tend to evolve every couple of months, noting the Los Alamitos Blvd. Revitalization project may not be significant for green house gases.

Mr. Mendoza addressed the concern of making it more expensive for businesses to come to the City and stated mitigation is expensive, but the City has established a mechanism to capture those funds in order to help with the road improvements.

Mr. Mendoza advised the resolution does not vacate Kaylor, it sets the Public Hearing date and is necessary now in order to meet the collapsed 10-year plan.

Council Member Graham-Mejia stated she would like to see street markings on Cherry Avenue to allow vehicles to pass through without the light, and expressed her concern about the left-hand turn into parking lot three for the parking structure because of its close proximity to Bloomfield. She thanked everyone who came to speak, and asked if the City Council could have a workshop on this item because she would like more points of clarification. Council Member Graham-Mejia stated she thinks the hospital is a great opportunity for the City and she appreciates the residents who came forward and spoke.

Council Member Kusumoto asked: how the guarantee with Tenet was conveyed; for additional information on the financial protections; and, questions regarding the hydrology issues and the City of Cypress.

Mr. Stewart advised the guarantee came after the fact from Michele Finney.

Mr. Mendoza provided information on the financial protections and economic benefits to the City which is identified in the statement of overriding considerations, including the tax revenue guarantee of \$40,000 and benefits that go beyond the project.

Mr. Stewart advised the City of Cypress would like an additional study to validate the findings in the EIR with a peer review.

Mr. Mendoza advised those studies would be paid for by the applicant, LAMC.

Mayor Pro Tem Edgar commented on the union issues at LAMC and reminded residents this is a land use issue. He expressed his support for Council Members Poe and Graham-Mejia's alternative strategy for Kaylor Street as a compromise to start the project.

Council Member Poe confirmed that if approved tonight, this is simply a green light to the Specific Plan and as each phase is implemented, it still has to go back to the Planning Commission and at that point anyone in the community can attend those meetings and review what is being presented and if they have any specific concerns about those details can discuss them at that time.

Ms. Levin advised Council Member Graham-Mejia that approving the recommendations tonight consists of accepting the EIR, Statement of Overriding Considerations, is a green light to the Specific Plan, a zoning code amendment, and as part of the specific plan a general plan amendment, and, sets the hearing date for Kaylor.

Mr. Mendoza confirmed that site plan review by the Planning Commission is required for any building adding square footage in the City. A public hearing will be set and every property owner and commercial tenant within 500' will be invited to the public hearing showing which buildings are under consideration for that application process.

Council Member Graham-Mejia asked what happens if Tenet is unable to afford tearing down the old medical office building after the other buildings have been built; is there something in place to make them adhere to the plan. She requested a special meeting, workshop, to further review this item.

Ms. Levin advised the hospital would not be issued a Certificate of Occupancy for the buildings constructed.

Mayor Stephens stated this is a first step of a very long project which dates back many years to prior City Councils and believes it is time the Council comes forward with decisions and good action plans. He stated every concern brought up has been answered with the exception of one –fire safety. But, he has been assured by OCFA that if anything were to happen at the hospital trucks that could reach the top of the building would be brought in from Seal Beach and Cypress. Mayor Stephens thanked everyone from the community for coming forward to express their opinions.

Motion/Second: Kusumoto/Graham-Mejia

Motion Failed 2/3 (Stephens, Edgar, Poe "No")

Return to the Planning Commission for one more term because of the change of the 10-year plan with a 25-year horizon.

Ms. Levin summarized the motion as such: six recommendations as provided in the staff report modified by five different changes:

1) The staff recommendation items 1-6, with five changes:

1. An additional condition "I" - The applicant guarantees that in the event the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.
2. D) Currently states, "should applicant fail to submit an application..." should read a "complete application."
3. There are two additional recitals added to resolution 2011-03:
  - Whereas, some members of the public have expressed concern this project can prevent future development in the area; and,
  - Whereas, the applicant has offered to guarantee that in the event the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.
4. One additional finding in the Statement of Overriding Conditions attached to Resolution No. 2011-02 guaranteed revenues from the hospital site: "The LAMC guarantees that in the event the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.
5. In regards to the left-turn access to Maple:
  - The conditions and mitigations monitoring program are amended to do four things: 1) Defer the median construction at Maple and Katella; 2) Provide a temporary left-turn access to Maple via a painted left-turn; 3) The City will collect data on the operations of those temporary measures and the applicant will reimburse the City for those costs; and, 4) At the completion of Phase 1 the City in its sole discretion will determine whether to require the mitigation measures as originally proposed with a full median and no left-turn into Maple or a modified plan with a shorten median and limited left-turn lane access.

Council Member Graham-Mejia expressed this go back to the Planning Commission and there also be a workshop so we can vote informed to make sure that the largest plan ever faced our City was completely vetted out and all the people involved understood all the issues and items that were included in these documents.

Motion/Second: Poe/Edgar  
Carried 3/2 (Kusumoto/Graham-Mejia No)

1. Adopted Resolution No. 2011-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SCH# 2010041095) IN CONNECTION WITH ITS APPLICATION FOR SPECIFIC PLAN NO. 09-01, GENERAL PLAN AMENDMENT GPA 09-01, ZONE ORDINANCE AMENDMENT ZOA 10-03 AND STREET VACATION LOCATED AT AND AROUND 3751 KATELLA AVENUE (ORANGE COUNTY ASSESSOR PARCEL NO 242-151-20, 242-152-20, 242-152-21, 242-162-13, 242-162-14, 242-163-11, 242-163-12, 242-163-13, 242-163-14) INCLUDING RELATED FINDINGS, ADOPTION OF ENVIRONMENTAL FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PLAN PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT; and,
2. Adopted Resolution No. 2011-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING GENERAL PLAN AMENDMENT (GPA 09-01) TO CHANGE THE LAND USE DESIGNATION FROM COMMUNITY AND INSTITUTIONAL, PLANNED INDUSTRIAL AND PROFESSIONAL OFFICE TO THE NEWLY CREATED SPECIFIC PLAN LAND USE DESIGNATION FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION, INCLUDING THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES (HEREAFTER "PROJECT") FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE (HEREAFTER "SUBJECT PROPERTY"); (APPLICANT: LOS ALAMITOS MEDICAL CENTER); and,
3. Introduced by title only and waive further reading of Ordinance No. 11-01 and Ordinance No. 11-02, and set for second reading; and,
4. Mayor Stephens read the title of Ordinance No. 11-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 09-01 TO CHANGE THE ZONING DESIGNATIONS OF CERTAIN PARCELS FROM COMMUNITY FACILITIES (C-F), COMMERCIAL OFFICE (C-O) AND PLANNED LIGHT INDUSTRIAL (PM) TO LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION FOR THE LOS ALAMITOS MEDICAL CENTER WHICH INCLUDES THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE; and,

5. Mayor Stephens read the title of Ordinance No. 11-02, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SP 09-01) FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION INCLUDING THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (09-01); and,
6. Adopted Resolution No. 2011-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DECLARING ITS INTENTION TO VACATE KAYLOR STREET EASEMENT AND SETTING A PUBLIC HEARING DATE OF FEBRUARY 21, 2011.

**B. Consideration to Dissolve General Plan Subcommittee, Create Ad Hoc General Plan/Downtown Revitalization Plan Subcommittee and Dissolve Los Alamitos School District/City Working Group**

During the regular City Council Meeting of January 3, 2011, the City Council made a number of committee and ad hoc subcommittee appointments. During discussion of this item, the City Attorney expressed concern that the proposed "Advanced Planning Ad Hoc Committee" might not meet the test of a true ad hoc committee, as defined by the Brown Act. Accordingly, that appointment was tabled for clarification. Staff recommends the dissolution of the General Plan Subcommittee, the formation of an Ad Hoc General Plan/Downtown Revitalization Plan Subcommittee that will sunset on December 31, 2011. The subcommittee would be charged with examining and making recommendations to the City Council with regard to issues related to the General Plan update project and issues related to the Downtown Revitalization Project, as they might potentially impact the General Plan update. Additionally, upon reviewing the City's standing ad hoc committees, it is possible that the Los Alamitos School District/City Working Group also may not meet the Brown Act scrutiny because there is not a specific "sunset" on the Working Group's activities. Staff recommends that the City Council also dissolve that ad hoc subcommittee.

Steven Mendoza, Community Development Director, summarized the staff report and answered questions from City Council.

Motion/Second: Stephens/Graham-Mejia  
Unanimously Carried:

1. Dissolved the General Plan Subcommittee; and,
2. Established the General Plan/Downtown Revitalization Plan Ad Hoc Subcommittee with oversight of the Downtown Revitalization Project to sunset on December 31, 2011; and,

3. Appointed Council Member Kusumoto and Mayor Pro Tem Edgar to the newly established General Plan/Downtown Revitalization Plan Ad Hoc Subcommittee; and,
4. Dissolved the LAUSD/City Working Group.

**C. Consideration of Membership in the Association of California Cities – Orange County**

The League of California Cities (State League) is a long standing formal association of cities that provides legislative advocacy, professional development and education services for member cities. The Orange County Division (OC Division) is the local regional subset of the State League. In addition, many years ago, the cities in Orange County created an “overlay” to the standard Orange County Division, assessed themselves the amount necessary to support additional staff and services. Those additional services largely define what local cities have come to know as the Orange County Division of the League. Due to the decision of several OC Division member cities to withdraw from membership from the State League and the OC Division “overlay,” the OC Division has been rendered incapable of providing a full range of membership services. In response, OC Division elected officials created a new 501(c)(3) organization called the Association of California Cities – Orange County. The new Association would provide the same services and programs provided previously by the OC Division, but would be legally and financially separate from the State League. Should the City Council choose to join the new Association of California Cities – Orange County, it is recommended that it discontinue the City’s current relationship with the Orange County Division and allocate the membership dues toward affiliation with the new organization.

City Attorney Levin disclosed she is a member of the Executive Committee, which is not a paid position, however, she would like to remove herself from the discussion so there is no appearance of impropriety. Ms. Levin left the Council Chambers.

Mr. Stewart updated the City Council on the status of the League of California Cities OC Division and provided information on the newly formed Association of California Cities Orange County. Mr. Stewart advised he is revising his recommendation to request the City Council continue the City’s membership in the League of California Cities, State League.

Tony Cardenas, Association of California Cities Orange County, answered questions from the City Council and provided additional information on the Association of California Cities Orange County.

Motion/Second: Stephens/Poe  
Unanimously Carried:

1. Discontinued the City’s membership in the Orange County Division of the League of California Cities and joined the Association of California Cities-Orange County; and,

2. Continued the City's membership in League of California Cities, State League.

**D. Consideration of a Request for Proposal Seeking a Consultant to Conduct an Audit of Franchised Waste Hauler Operations**

Members of the City Council have requested that the City Council consider conducting an audit of Consolidated Disposal Services, LLC to determine if franchise fees due to the City under the previous franchise agreement with the firm have been paid as specified in the agreement. Should the City Council choose to proceed with such an audit, it would be appropriate to authorize staff to circulate the Request for Proposals (RFP).

Motion/Second: Edgar

Place in our audit scope discussion with the City's current auditor an evaluation of a methodology to evaluate 600 commercial accounts, in a sampling method, to tie this into the City's annual audit and have it broken out into separate line items and have an idea of what the sampling would costs and our hopes to negotiate this as base audit fees

Amended Motion/Second: Edgar/Stephens

Unanimously Carried: Include this item with the City's annual audit and develop a statistical sampling methodology which will determine whether or not a full audit is required. And, directed staff to prepare an RFP and seek bids for a qualified vendor to prepare an audit.

**10. PUBLIC HEARING**

**A. Ordinance No. 11-03 – Pipeline Franchise**

Consideration of an Ordinance granting a 15-year franchise to Crimson California Pipeline L.P.

Steven Mendoza, Community Development Director, briefed the City Council on this item.

At 11:42 p.m, Mayor Stephens opened the Public Hearing.

Dean Grose, resident, commented on the expired agreement and asked if the \$12,000 fee is because the agreement is 24-months behind, or part of the cost of renegotiation.

Steven Mendoza, Community Development Director, advised the company did pay their annual fee on time regardless of the expired agreement. The one time administrative fee of \$12,000 is to cover costs for the public hearing, attorney fees, and staff time.

Richard Murphy, resident, questioned whether this franchise is to construct or maintain a pipeline.

Attorney Levin advised this franchise gives the company the right to lay and use pipelines. They have an existing pipeline and if something were to happen to the

pipeline or if it needed to be replaced, this franchise would give them those rights; however, they would still need to obtain permits from the City.

Mayor Stephens closed the Public Hearing at 11:45 p.m.

Motion/Second: Edgar/Kusumoto  
Unanimously Carried:

1. Conducted a Public Hearing; and,
2. Waived reading in full and authorized reading by title only of Ordinance No. 11-03, and set for second reading; and,
3. Mayor Stephens read the title of Ordinance No. 11-03 entitled, "An ORDINANCE OF THE CITY OF LOS ALAMITOS GRANTING A FRANCHISE TO CONSTRUCT AND USE AN OIL PIPELINE TO CRIMSON CALIFORNIA PIPELINE, L.P."

## **11. MAYOR AND COUNCIL INITIATED BUSINESS**

### **A. Council Member Kusumoto - Conference and Meeting Report - League of California Cities New Mayors and Council Members Academy**

Council Member Kusumoto provided an oral report on his attendance at the League of California Cities Conference.

Motion/Second: Kusumoto/Poe  
Unanimously Carried - The City Council received and filed the report.

### **B. Council Member Announcements**

**Council Member Poe** reported on her attendance at the Elected Officials Meeting; the Time Capsule Dedication and thanked Community Services and Public Works for their hard work; and, the Orange County Library Meeting. Ms. Poe thanked Council Member Kusumoto for his comprehensive report on his attendance at the League of California Cities New Mayors and Council Members Academy; expressed her disappointment that the Traffic Commission Meeting was cancelled due to lack of business and asked that a discussion regarding the inability to make U-turns on Katella be agendaized; asked City staff schedule a workshop for contractors who are doing business in Carrier Row; and, asked City staff to review the fee schedule, including Traffic Mitigation Fees and continue to review the City fees on a regular bases.

**Mayor Pro Tem Edgar** asked City staff to evaluate fees and develop a standard evaluation for fees; reported on his attendance at: the City of Cypress' State of the City, the Orange County Sanitation District Meeting, and the Rivers and Mountains Conservancy Board Meeting. Mr. Edgar also reported on his attendance at the: Senior Volunteer Luncheon on January 28<sup>th</sup>, Elected Officials Meeting, Time Capsule Dedication, and asked for an update on the Commission Recruitment. Mr. Edgar also expressed his disappointment in the cancellation of the Traffic Commission Meeting and asked that a review of the right-turn on red

going into Rossmoor and the Highlands be agendized for the Traffic Commission. Mr. Edgar stated he is attending the Americana Awards on February 26<sup>th</sup> recognizing Alice Jempsa, and the State of the County at Old Ranch Country Club. He advised the County of Orange will be taking their pension reform plan to the State Supreme Court tomorrow and encouraged everyone to follow the issue.

**Mayor Stephens** reported on his attendance at the Volunteer Recognition Awards Luncheon; the Orange County Fire Authority Meeting and commented on pension reform in the Authority; and, recognized the OCFA Reservists for the City of Los Alamitos.

**Council Member Graham-Mejia** requested the Traffic Commission agendize a review of making Lexington a through street review the possibility of issuing parking permits on Lexington; commented on her attendance at the Volunteer Luncheon; reported on her meeting with Janelle from Southern California Edison; asked the City Council agendize returning to the use of speaker cards and providing the public an opportunity to comment on each agenda item while the item is being discussed. She requested City staff organize a meeting with residents from Lexington and Siboney to discuss traffic concerns.

**Council Member Kusumoto** reported on his attendance at the Time Capsule Dedication and recognized the contributions and service of former Council Member Zarkos during the City's 50<sup>th</sup> Anniversary; reported on his attendance at the Senior Volunteer Luncheon; reported on his attendance at an informational breakfast regarding the Los Alamitos Art Alliance; asked SBA low-cost/no-cost loan information be available on the City's website for residents who obtained rain damage; and, mentioned February was National African American History Month and this year's theme of "African Americans in the Civil War."

**12. ITEMS FROM THE CITY MANAGER**

Jeffrey L. Stewart, City Manager, advised refuse collection billing information will be added to the City's website, and he will talk to Consolidated Disposal Services to distribute an additional mailer regarding billing to residents.

**13. ADJOURNMENT**

At 12:20 a.m., the City Council Meeting was adjourned.

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Kenneth Stephens, Mayor

ATTEST:

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Adria M. Jimenez, CMC  
City Clerk

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

**SPECIAL MEETING – February 22, 2011**

**1. CALL TO ORDER**

The City Council met in Special Session at 5:26 p.m., Tuesday, February 22, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

**2. ROLL CALL**

**Present:** Council Members: Kusumoto, Poe  
Mayor Pro Tem Edgar, Mayor Stephens

**Absent:** Council Members: Graham-Mejia (Excused)

**Present:** Staff: Jeffrey L. Stewart, City Manager  
Anita Agramonte, Finance Manager  
Angie Avery, Community Services Director  
Dave Hunt, City Engineer  
Adria M. Jimenez, City Clerk  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Dir.

**3. ORAL COMMUNICATIONS**

Mayor Stephens opened Oral Communications.

Steffen Hammond, resident, expressed concern regarding budget accounting for LATV, and inquired if the City is paying money to keep Liberty Theatre going.

There being no one else wishing to speak, Mayor Stephens closed Oral Communications.

**4. SPECIAL ORDERS OF THE DAY**

**MID YEAR BUDGET REVIEW FOR FISCAL YEAR 2010-11**

This report provides the City Council with a Mid-Year budget and financial update for the Fiscal Year 2010-11. The report also makes recommendations for budget amendments, both to estimated revenues and to appropriations.

Anita Agramonte, Finance Manager, summarized the staff report, and gave a Power Point presentation outlining the following important categories of review:

*Fiscal Year 2009-2010 Recap of General Fund Revenues*

Ms. Agramonte noted an increase in Property Taxes of \$179,000 compared to prior years of \$132,000; a significant drop in license and permits of \$120,000 under budget due to less construction in the City; charges for services came in \$101,000 over budget mainly accredited to Recreation and Community Services special events, activities and classes; miscellaneous revenue came in \$119,000

over budget (\$50,000 for an Insurance Reimbursement; \$18,000 for reimbursement of Damage to City Property; and \$80,000 administrative fee from the refuse contract). Overall, City revenues came in over budget by 2.9% or \$302,000.

#### *Fiscal Year 2009-2010 Recap of General Fund Expenditures*

Utility cost came in \$20,000 over budget; water at \$12,000. In Public Works there also was \$78,000 realized in salary savings.

Ms. Agramonte advised the original adopted budget was balanced at \$10,853,130 in revenues & expenditures. At mid-year, revenue projections showed significant reductions totaling over \$500,000. Departmental expenditure budgets were cut by \$300,000, filing the remainder of the budget from the prior year's surplus. However, revenues came in stronger than projected and the City ended the year with a \$92,000 surplus.

#### *Economic Update*

Ms. Agramonte provided a brief economic update for the City Council and highlighted the following: economist project the current recession has bottomed out, showing many signs of having turned a positive corner; the real estate market is on the mend with median prices increasing over the prior year by 7.14% in Orange County; the stock market is up with the Dow Jones above 12,000; and, unemployment rates remain high at 8.9% in Orange County. Ms. Agramonte also noted that the real estate market is improving; however, the City is still seeing the impacts of Proposition 8 adjustments.

#### *City's Response to the Recession*

Ms. Agramonte advised over the past three years the City has made numerous budget reductions to compensate for revenue reductions, and reviewed the PowerPoint slide noting some of those reductions.

#### *Fiscal Year 2010-2011 Outlook*

Ms. Agramonte provided information on FY 2010-2011 projections and prefaced by stating the projections presented are a result of an in-depth analysis of prior year trends, the current state of the economy, as well as this fiscal year's performance to date. She stated the original budgeted adopted was \$10.4 million and the current budget includes a \$250,000 adjustment for the refuse contract. She advised there is a \$245,000 or 2.3% General Fund Revenue surplus projected.

#### *Property Taxes*

Ms. Agramonte presented a graph which depicted property tax breakdown for Los Alamitos and property tax performance over the past 5 years. She noted \$2.9 million is projected this fiscal year, which is a slight decrease from last fiscal year due to Prop 8 adjustments.

### *Sales Taxes*

Ms. Agramonte explained the distribution of the 8.75% sales tax collected in Los Alamitos and how the triple flip affects the City's budget. The city receives  $\frac{3}{4}$  of the sales tax revenue from the state, which is a 2.9% increase this fiscal year over last. The remaining  $\frac{1}{4}$  of the sales tax is withheld by the state as part of the triple flip and backfilled with property tax dollars filtered through the County. The backfill payment, including the true-up this fiscal year is expected to be 7.7% higher than last year. January receipt this year was \$294,824.04 and last year January was \$174,747.51.

### *Utility User Taxes*

Ms. Agramonte advised that over the past five years Utility User revenues (Electric, Gas, Telephone, Water) have remained fairly level. Six percent tax is collected on Utilities.

### *Franchise Fees*

Ms. Agramonte noted Franchise Fees have remained fairly level since FY 2006-2007, and provided a projection on the FY 2010-11 fees. An 8% fee is collected on cable television, refuse collection, electric, gas, water and other (pipeline).

### *Other General Fund Revenue Variances*

The following General Fund Revenue Variances were reviewed by Ms. Agramonte:

- License and Permits – reductions are offset by corresponding expenditure reductions:
  - Building Permits - \$10,000 reduction projected
  - Public Work Permits - \$35,000 reduction projected
- Intergovernmental – Homeland Security/UASI Grant - Awarded to the Police Department: \$0 budgeted - \$10,500 estimated.
- Recreation Services - \$49,570 increase projected due to increased participation in Race on the Base.
- Interest Earnings - \$14,000 decrease projected.
- Miscellaneous Revenue – \$139,500 increase projected largely due to a one-time insurance refund.

### *General Fund Expenditures by Department*

Ms. Agramonte advised departmental expenditures are on track for FY 2010-11, noting most department have savings. The City's original budget was \$10.497 million; this year actuals are \$10.290 million. The current budget includes \$90,000 for the Los Alamitos Blvd. Revitalization Project and a projected \$207,000 or 2% in savings.

Ms. Agramonte reviewed how each department spends its general fund dollars and provided the following savings projected by each department:

- Administration – Administrative Services Director Position Vacancy - \$156,408
- Police – Red Light Camera Enforcement Contract Savings - \$35,000
- Community Development – Contract Services savings due to a decline in Building and Public Works Plan Checks - \$46,000 (mirrors revenue decline in this category).

Ms. Agramonte advised additional funding is needed in the following department:

- Public Works – The Traffic Engineering Contract was omitted during the budget process - \$30,000

*Fiscal Year 2010-11 Projections for Revenues and Expenditures*

Projected revenues for FY 2010-2011 are \$10,903,283; expenditures are \$10,209,087 with an excess of \$613,196. This includes one-time revenue sources from the trash contract, insurance refund, and pipeline franchise. The expenditure budget includes \$90,000 for the Los Alamitos Boulevard Revitalization Project.

*Other Post Employment Benefits (OPEB)*

Ms. Agramonte advised in FY 09-10, the City paid \$133,729 in health care costs for retirees and reported \$83,068 in OPEB liabilities. Staff recommends establishing a \$250,000 general fund reserve to fund this liability.

Ms. Agramonte advised a consultant has been hired to prepare an actuarial report to determine the City's OPEB liability, and the report is currently being finalized for City Council review.

*General Fund – Fund Balance*

In FY 2010-2011, the fund balance is projected to increase to \$6.8 million, which represents 66% coverage of reserves to expenditures.

*Other Projected Variances*

- Interest Earnings – Reductions totaling \$8,200 projected across all funds.
- Gas Tax Fund - \$385,000 ARRA reimbursement anticipated for the Katella Avenue Resurfacing Project.

- Measure M – Growth Management Area 2 Grant - \$0 budgeted \$45,000 projected.

*Capital Project Carryovers/Adjustments*

The following Capital Projects were reviewed by Ms. Agramonte:

Katella Avenue Resurfacing Project

Gas Tax Fund – ARRA Grant Funding

\$550,000 Budgeted for FY 2009-10 - \$336,000 Spent to Date

\$50,000 Projected FY 2010-2011

Arterial and Residential Tree Program

\$10,000 additional funding is requested to catch-up on recommending trimming.

Katella Medians at Chestnut

Traffic Improvement Fund – HSIP Grant

\$100,000 Budgeted FY 2008-09 - \$6,700 spent

\$113,120 Projected for FY 2010-2011

Cerritos Avenue/605 Freeway

Measure M Fund – GMA 2 Grant

\$45,000 Budgeted FY 2008-09 - \$0 Spent

\$45,000 Projected for FY 2010-11

*Pool Fund*

Ms. Agramonte advised the City Council that during the budget process last year, it was recommended that the Pool Fund be incorporated into the General Fund. This is addressed in tonight's recommendations, as well as the establishment of a Pool Capital Improvements Reserve in the General Fund.

The net effect of incorporating the Pool Fund into the General Fund is an influx of \$85,000 to the General Fund this Fiscal Year.

Mayor Stephens opened the floor for Council Member questions.

Council Member Kusumoto thanked Ms. Agramonte for her report and asked what happened to the Katella Avenue Resurfacing Project under-run of funds.

Dave Hunt, City Engineer, advised if the money is not used, the City loses the funds. It does not get carried over to the next fiscal year.

Council Member Kusumoto asked for additional information on the Pool Fund and why it needs to be moved to the General Fund.

Ms. Agramonte advised that when the Pool Fund was established, it was done so because grant money was received to fund improvements at the pool facility which requires that a separate fund be established. At that time, there was a

need for a separate designated fund. There is no longer the need for separate designated account, and according to GASB 54 it no longer qualifies as a Special Revenue Fund. Ms. Agramonte also noted that this was a request by the City Council during the City's budget session.

Mayor Pro Tem Edgar congratulated staff on the report. He stated that when he was first elected to the City Council the budget was \$400,000 in the negative. Last year there was \$99,000 surplus and this year there is a \$600,000 surplus. Mayor Pro Tem Edgar stated the Council has made decisions to structure the City for the future and he does not have any disagreements with staff's recommendations. He supports this and hopes the Council does as well.

Mayor Pro Tem Edgar asked the City Council to add a recommendation: Establish a General Fund Balance Reserve Fund for the Downtown Development Project in an amount of \$200,000. Mayor Pro Tem Edgar stated approving this recommendation would show how serious the City is to helping develop the revenue fund.

Council Member Poe thanked Ms. Agramonte for her report and asked when the median islands at Katella and Chestnut will be complete.

Mr. Hunt, advised the median islands will be complete by the end of the year, December 2011.

Mr. Stewart, City Manager, advised Council the median islands were on-hold because of the redevelopment of the CVS and whether or not they were going to change the driveway access.

Council Member Poe stated she understood the GASB 45 Funding, and is happy to see the City receiving Measure M Funds. Council Member Poe stated she agreed with Mayor Pro Tem Edgar's recommendation of funding the Downtown Revitalization Fund, and the other recommendations noted in the report.

Mayor Stephens thanked the City Manager and Ms. Agramonte for their work on the mid-year budget, stating it was very clear, accurate and easy to read. He expressed his appreciation for the Police Department's work on obtaining grants and Recreation's work on providing surpluses. Mayor Stephens stated he would like the City to remain cautious in spending.

Council Member Kusumoto, asked for additional information on the request for \$30,000 to fund a traffic engineer.

Mr. Stewart, City Manager, stated this was left out of the budget and it was discovered by Ms. Agramonte.

City Council agreed to pass the recommendations as a whole.

Council Member Poe congratulated staff and stated besides the tree trimming, residents have not noticed a decrease in City services.

Council Member Kusumoto asked for additional information on Mayor Pro Tem Edgar's additional recommendation.

Mayor Pro Tem Edgar explained his recommendation and referred to the PowerPoint presentation for assistance.

Motion/Second: Edgar/Poe  
Unanimously carried (Graham-Mejia: Excused)

Recommendation:

1. Received and filed the Mid-Year budget report;
2. Approved the budget amendments to the Fiscal Year 2010-11 Operating and Capital Budget as recommended in Attachment E to this report; and,
3. Approved the General Fund Reserve Designations as recommended in Attachment "F" to this report.
4. Established a General Fund Balance Reserve Fund for the Downtown Development Project for \$200,000.

**5. CLOSED SESSIONS**

At 6:25 p.m., Mayor Stephens recessed the Special City Council Meeting to go into Closed Session.

**A. Conference with Labor Negotiator**

Agency Negotiators: Jeffrey L. Stewart, City Manager  
Employee Organization: Los Alamitos City Employee Association  
Authority: Government Code Section 54957.6

**B. Conference with Legal Counsel – Existing Litigation**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract  
Case Number: Orange County Superior Court Case #00420414  
Authority: Government Code Section 54956.9(a)

**RECONVENE**

At 7:04 p.m., the City Council Meeting was reconvened with all Council Members present.

Mayor Stephens announced there was nothing to report out from the Closed Session.

**6. ADJOURNMENT**

Mayor Stephens adjourned the Special City Council Meeting at 7:05 p.m.

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Kenneth Stephens, Mayor

ATTEST:

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Adria M. Jimenez, CMC  
City Clerk

**City of Los Alamitos**  
**Fiscal Year 2010-11**  
**Recommended Mid-Year Budget Amendments**

Budget  
Increase /  
(Decrease)

**Recommended General Fund Revenue Budget Amendments**

(for additional information please refer to Pages 2-4 of the staff report.)

Property Taxes	72,740
Sales and Use Taxes	39,850
Utility Users Taxes	
Electricity	(7,530)
Natural Gas	37,000
Telephone	(30,000)
Water	19,458
Transient Occupancy Taxes	3,500
Franchise Fees	
Cable Television	7,000
Refuse Collection	(14,000)
Electricity	(9,000)
Natural Gas	(12,000)
Pipeline	(800)
Licenses and Permits	
Building Permits	(10,000)
Public Works Permits	(36,000)
Intergovernmental	
Homeland Security/PSIC Grant	10,500
Recreation Services	
Race on the Base	49,570
Investment Earnings	(14,000)
Miscellaneous Revenue	139,500
<b>Total General Fund Revenue Amendments</b>	<b>245,788</b>

**Recommended General Fund Expenditure Budget Amendment**

(for additional information please refer to Pages 4-5 of the staff report.)

Public Works - City Engineer Div.	
Traffic Engineer Contract Services	30,000
<b>Total General Fund Expenditure Amendments</b>	<b>30,000</b>

**Recommended Interest Income Budget Amendment**

(for additional information please refer to Page 7 of the staff report.)

Gas Tax Fund 20	
Air Quality Fund 23	(750)
Residential Streets & Alleys Fund 24	(400)

Budget  
Increase /  
(Decrease)

Building Improvement Fund 25	(1,400)
Measure M Fund 26	(1,400)
Asset Seizure Fund 27	(800)
Park Development Fund 40	350
Traffic Improvement Fund 44	(1,200)
<b>Total Interest Income</b>	<b>(2,600)</b>
	<b>(8,200)</b>

#### **Recommended Gas Tax Fund Budget Amendments**

(for additional information please refer to Pages 7-8 of the staff report.)

Revenues	
ARRA Grant	
Expenditures	385,000
Katella Ave. Resurfacing Project	
Arterial & Residential Tree Program	50,000
	10,000

#### **Recommended Measure M Fund Budget Amendments**

(for additional information please refer to Pages 7-8 of the staff report.)

Revenues	
Growth Management Area 2 Grant	
Expenditures	45,000
Cerritos Ave./605 Freeway	
	45,000

#### **Recommended Traffic Improvement Fund Budget Amendments**

(for additional information please refer to Page 8 of the staff report.)

Expenditures	
Katella Medians at Chestnut	113,120

#### **Recommended Budget Transfers to Eliminate the Pool Fund**

(for additional information please refer to Pages 8-9 of the staff report.)

Transfer Revenues	
General Fund Revenues	301,300
Pool Fund Revenues	(301,300)
Pool Fund Transfer In	(19,325)
Transfer Expenditures	
General Fund Expenditures	407,030
Pool Fund Expenditures	(407,030)
General Fund Transfer Out	(19,325)
Transfer Fund Balances	
General Fund Transfer In	171,645
Pool Fund Transfer Out	171,645

**City of Los Alamitos**  
**Fiscal Year 2010-11**  
**Recommended Mid Year Reserve Designations**

**Recommended General Fund Reserves Designations**

Establish Reserve for OPEB - GASB 45	250,000
Establish Reserve for Pool Capital Projects	44,000

**CITY OF LOS ALAMITOS**  
**A/P Warrants**  
**March 7, 2011**

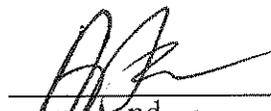
**Pages:**

01-05	\$ 56,001.23	A/P Warrants	03/07/2011
	\$ 2,039.04	Retiree Benefits	03/01/2011

**Total**            \$ 58,040.27

Statement:

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Manager.

  
\_\_\_\_\_  
this 2<sup>nd</sup> day of March, 2011

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALLIANCE PRINTING ASSOCIATES	BUILDING INSPECTOR SHIRTS	GENERAL FUND	BUILDING INSPECTION	86.53
			TOTAL:	86.53
ASSOCIATION OF CALIFORNIA CITIES-ORANG	ANNUAL DUES	GENERAL FUND	CITY COUNCIL	7,248.84
			TOTAL:	7,248.84
BARTO & COMPANY	REFUND - DEPOSITION COSTS	GENERAL FUND	NON-DEPARTMENTAL	72.28
			TOTAL:	72.28
BOY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	56.40
			TOTAL:	56.40
CAMERON WELDING	WELDING SUPPLIES	GARAGE FUND	GARAGE	57.68
			TOTAL:	57.68
CHARLES ABBOTT ASSOCIATES, INC.	NPDES INSPECTIONS 01/11	GENERAL FUND	NPDES	1,009.00
			TOTAL:	1,009.00
CITY OF BREA	IT SERVICES 01/11	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	6,972.81
	IT SUPPLIES 01/11	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	349.00
			TOTAL:	7,321.81
CITY OF SEAL BEACH	DECEMBER BOOKINGS	GENERAL FUND	PATROL	500.00
			TOTAL:	500.00
COMMUNITY SCHOOLS MEDIA PARTNERSHIP	MANAGE/PROGRAM LATV3 03/11	LOS ALAMITOS TV	LOS ALAMITOS TV	2,083.00
			TOTAL:	2,083.00
COMPETITOR GROUP, INC.	RACE ON THE BASE AD	GENERAL FUND	SPECIAL CLASSES	1,800.00
			TOTAL:	1,800.00
COP WARE, INC.	LEGAL SOURCE BOOK	GENERAL FUND	POLICE ADMINISTRATION	300.00
			TOTAL:	300.00
COUNTY OF ORANGE AUDITOR-CONTROLLER	COUNTY & STATE FUNDS	GENERAL FUND	NON-DEPARTMENTAL	2,254.50
			TOTAL:	2,254.50
COUNTY OF ORANGE TREASURER-TAX COLLECT	BOOKING & INVENTORY FORMS	GENERAL FUND	RECORDS	143.15
			TOTAL:	143.15
CYPRESS COLLEGE FOUNDATION	AMERICANA AWARDS	GENERAL FUND	CITY COUNCIL	900.00
	AMERICANA AWARDS	GENERAL FUND	CITY MANAGER	450.00
			TOTAL:	1,350.00
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE 01/11	GENERAL FUND	NEIGHBORHOOD PRESERVAT	965.75
			TOTAL:	965.75
DECKSIDE POOL SERVICE	POOL MAINTENANCE	JFTB POOL FUND	AQUATICS	1,290.00
			TOTAL:	1,290.00
DIMENSION PRINTER REPAIR	REPAIR PRINTER	GENERAL FUND	COMMUNITY DEVEL ADMIN	215.33
			TOTAL:	215.33
ENTENMANN-ROVIN COMPANY	CITY PINS	GENERAL FUND	POLICE ADMINISTRATION	65.61
			TOTAL:	65.61

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ERIN MARIE STUDIOS	GRAPHIC DESIGN SERVICES	GENERAL FUND	SPECIAL CLASSES	50.00
			TOTAL:	50.00
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	48.34
	SHIPPING	GENERAL FUND	INVESTIGATION	15.91
	SHIPPING	GENERAL FUND	INVESTIGATION	16.51
			TOTAL:	80.76
BALLS / LONG BEACH UNIFORM	UNIFORM	GENERAL FUND	PATROL	140.16
			TOTAL:	140.16
BANAHL LUMBER COMPANY	PAINT SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	22.77
	LUMBER	GENERAL FUND	BUILDING MAINTENANCE	17.41
	ELECTRICAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	17.92
	P/D FENCE	BUILDING IMPROVEME	CAPITAL PROJECTS	61.94
	P/D FENCE	BUILDING IMPROVEME	CAPITAL PROJECTS	24.21
	WET/DRY VACUUM	GARAGE FUND	GARAGE	86.99
			TOTAL:	231.24
GLOBALSTAR USA	SATELLITE PHONE 01/11	GENERAL FUND	EMERGENCY PREPAREDNESS	26.39
			TOTAL:	26.39
GOLDEN STATE WATER COMPANY	BILL CYCLE 1/10-2/07	GENERAL FUND	STREET MAINTENANCE	2,880.36
	BILL CYCLE 1/10-2/07	GENERAL FUND	PARK MAINTENANCE	1,396.98
	BILL CYCLE 1/10-2/07	GENERAL FUND	BUILDING MAINTENANCE	403.68
			TOTAL:	4,681.02
GREAT PACIFIC EQUIPMENT, INC.	BOOM TRUCK PARTS	GARAGE FUND	GARAGE	421.58
	RETURN - BOOM TRUCK PARTS	GARAGE FUND	GARAGE	394.40
			TOTAL:	27.18
HDL COREN & CONE	PROP TAX SVC 01/11-03/11	GENERAL FUND	ADMINISTRATIVE SERVICE	1,250.00
			TOTAL:	1,250.00
HOGLE-IRELAND INC.	PROFESSIONAL SERVICES	GENERAL FUND	PLANNING	3,825.00
			TOTAL:	3,825.00
JUDICIAL DATA SYSTEMS CORPORATION	CITATIONS 01/11	GENERAL FUND	TRAFFIC	431.85
	CITATIONS 04/10	GENERAL FUND	TRAFFIC	378.20
			TOTAL:	810.05
KONICA MINOLTA BUSINESS SOL	COPIER LEASE 01/11	GENERAL FUND	POLICE ADMINISTRATION	332.20
			TOTAL:	332.20
LEAGUE OF CALIFORNIA CITIES	ANNUAL MEMBERSHIP 2011	GENERAL FUND	CITY COUNCIL	5,507.00
			TOTAL:	5,507.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	58.50
			TOTAL:	58.50
LOS ALAMITOS AREA CHAMBER OF COMMERCE	CHAMBER BREAKFAST	GENERAL FUND	CITY COUNCIL	20.00
			TOTAL:	20.00
MAILFINANCE	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	167.74
			TOTAL:	167.74

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MAR-CO EQUIPMENT COMPANY	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	44.86
			TOTAL:	44.86
MISC. VENDOR	REFUND - PARKING CITATION	GENERAL FUND	NON-DEPARTMENTAL	40.00
	TUITION	GENERAL FUND	POLICE ADMINISTRATION	294.00
			TOTAL:	334.00
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	295.00
NEWS ENTERPRISE	PUBLIC HEARING NOTICE	GENERAL FUND	PLANNING	94.56
	CITY COUNCIL HEARING	GENERAL FUND	PLANNING	116.88
			TOTAL:	211.44
THOMAS OLIVER	PLANNING SERVICES	GENERAL FUND	PLANNING	296.25
	PLANNING SERVICES	GENERAL FUND	PLANNING	341.25
	COMM DEV SERVICES	GAS TAX	CAPITAL PROJECTS	7.50
	COMM DEV SERVICES	GAS TAX	CAPITAL PROJECTS	3.75
			TOTAL:	648.75
THE ORANGE COUNTY REGISTER	RACE ON THE BASE AD	GENERAL FUND	SPECIAL CLASSES	500.00
			TOTAL:	500.00
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	17.75
			TOTAL:	17.75
PEDIATRIC CANCER RESEARCH FOUNDATION	BOOTH FEE - SURF CITY EXPO	GENERAL FUND	SPECIAL CLASSES	340.00
			TOTAL:	340.00
PRESS-TELEGRAM DISPLAY	RACE ON THE BASE AD	GENERAL FUND	SPECIAL CLASSES	780.00
			TOTAL:	780.00
QUARTERMASTER	UNIFORM	GENERAL FUND	PATROL	54.86
	UNIFORM	GENERAL FUND	PATROL	118.51
	EQUIPMENT	GENERAL FUND	PATROL	1,343.14
	UNIFORM	GENERAL FUND	PATROL	291.02
	UNIFORM	GENERAL FUND	PATROL	55.40
	EQUIPMENT	GENERAL FUND	PATROL	29.62
	UNIFORM	GENERAL FUND	PATROL	61.22
			TOTAL:	1,953.77
REDFLEX TRAFFIC SYSTEMS, INC.	JAN 10 AT&T INTERSECT COMM	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	65.00
REINA RIVERA	INSTRUCTOR - TODDLER	GENERAL FUND	SPECIAL CLASSES	491.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	409.50
			TOTAL:	900.90
MARSHA ROE	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	11.40
	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	7.20
			TOTAL:	18.60
ROSSMOOR CARWASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	174.99
	CAR WASHES - REC	GARAGE FUND	GARAGE	9.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CAR WASHES - P/W	GARAGE FUND	GARAGE	19.99
	CAR WASHES - COMM DEV	GARAGE FUND	GARAGE	18.00
			TOTAL:	221.98
3IR SPEEDY	PRINTING SERVICES - CAFR	GENERAL FUND	ADMINISTRATIVE SERVICE	456.75
	BUSINESS CARDS	GENERAL FUND	PATROL	155.51
	PRINTING SVCS - TREE PICS	GENERAL FUND	PUBLIC WORKS ADMIN	151.23
			TOTAL:	763.49
3KETCHCOP SOLUTIONS	COMPOSITE SKETCH	GENERAL FUND	INVESTIGATION	275.00
			TOTAL:	275.00
3OUTH COAST SUPPLY & GARDEN DAZE	SLO-PITCH SUPPLIES	GENERAL FUND	SPECIAL CLASSES	9.18
	SLO-PITCH SUPPLIES	GENERAL FUND	SPECIAL CLASSES	5.06
			TOTAL:	14.24
3OUTHERN CALIFORNIA EDISON	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	15.74
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	185.91
			TOTAL:	201.65
3PRINT	ACTIVITY THRU 2/21/11	GENERAL FUND	CITY MANAGER	37.40
	ACTIVITY THRU 2/21/11	GENERAL FUND	ADMINISTRATIVE SERVICE	37.40
	ACTIVITY THRU 2/21/11	GENERAL FUND	COMMUNICATIONS TECHNOL	37.40
	ACTIVITY THRU 2/21/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	37.40
	ACTIVITY THRU 2/21/11	GENERAL FUND	PUBLIC WORKS ADMIN	37.40
	ACTIVITY THRU 2/21/11	GENERAL FUND	RECREATION ADMINISTRAT	37.39
			TOTAL:	224.39
STATE OF CALIFORNIA DEPARTMENT OF JUST	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	66.00
	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
	FINGERPRINTING SERVICE	GENERAL FUND	POLICE ADMINISTRATION	32.00
			TOTAL:	130.00
TOP SIGN & PRINT	SIGNS & BANNERS	GENERAL FUND	SPECIAL CLASSES	779.74
			TOTAL:	779.74
U.S. POSTAL SERVICE (HASLER)	ADD POSTAGE TO METER	GENERAL FUND	ADMINISTRATIVE SERVICE	2,000.00
			TOTAL:	2,000.00
USA MOBILITY WIRELESS, INC.	PAGER FEES 02/11	GENERAL FUND	PUBLIC WORKS ADMIN	20.04
			TOTAL:	20.04
VERIZON CALIFORNIA, INC.	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	113.58
	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	912.55
			TOTAL:	1,026.13
KENNY WAGNER	INSTRUCTOR - COMPUTER	GENERAL FUND	SPECIAL CLASSES	28.60
			TOTAL:	28.60
ZUMAR INDUSTRIES	STREET SIGNS	GENERAL FUND	STREET MAINTENANCE	178.78
			TOTAL:	178.78

<u>VENDOR SORT KEY</u>	<u>DESCRIPTION</u>	<u>FUND</u>	<u>DEPARTMENT</u>	<u>AMOUNT</u>
===== FUND TOTALS =====				
10	GENERAL FUND	44,815.19		
20	GAS TAX	11.25		
25	BUILDING IMPROVEMENT	86.15		
28	LOS ALAMITOS TV	2,083.00		
50	GARAGE FUND	393.83		
53	TECHNOLOGY REPLACEMENT	7,321.81		
77	JFTB POOL FUND	1,290.00		
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	GRAND TOTAL:	56,001.23		
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TOTAL PAGES: 5

# City of Los Alamitos

## Agenda Report Consent Calendar

**March 7, 2011**  
**Item No: 7C**

**To:** Mayor Kenneth Stephens & Members of the City Council

**Via:** Jeffrey L. Stewart, City Manager

**From:** Anita Agramonte, Finance Manager

**Subject:** Approval of the Fiscal Year 2011-12 Budget Calendar

**Summary:** This report seeks City Council approval of the Fiscal Year 2011-12 Budget Calendar.

**Recommendation:** Approve the recommended Budget Calendar for Fiscal Year 2011-12.

## Background

In accordance with the City's Charter Section 1202 and 1203, the proposed budget shall be prepared and submitted to City Council "at least thirty-five (35) days prior to the beginning of each fiscal year." After reviewing the budget and making revisions as it may deem advisable, "the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity."

## Discussion

In order to provide ample time for review, analysis and revision of the Fiscal Year 2011-12 Proposed Budget, the City Council will be provided budget workbooks the week of April 25, 2011, and staff recommends holding three (3) budget workshops, and a public hearing prior to adopting the budget, as follows:

May 2, 2011	5:00 PM (Special Meeting)	Budget Workshop
May 16, 2011	5:00 PM (Special Meeting)	Budget Workshop
June 6, 2011	6:00 PM (Special Meeting)	Budget Workshop
June 20, 2011	7:00 PM (Regular Meeting)	Public Hearing

Additionally, staff is preparing a revised investment policy which will be presented to City Council for review and approval at the March 21, 2011 regular meeting.

### **Fiscal Impact**

None.

Submitted By:



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Anita Agramonte  
Finance Manager

Approved By:



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Jeffrey L. Stewart  
City Manager

# City of Los Alamitos

## Agenda Report Discussion Items

March 7, 2011  
Item No: 8A

**To:** Mayor Kenneth Stephens & Members of the City Council  
**Via:** Jeffrey L. Stewart, City Manager  
**From:** Adria M. Jimenez, CMC, City Clerk  
**Subject:** Review of City Council Practices Regarding Oral Communications

**Summary:** During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

**Recommendation:** Should the City Council choose to amend its current practices regarding public comment, it would be appropriate to provide further direction to staff.

### Discussion

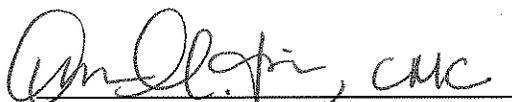
At a previous Council Meeting, Council Member Graham-Mejia requested the City Council review its current practice of allowing the public to comment on non-public hearing agenda items only during Oral Communications and to consider using speaker cards for public comment.

The City Council's current practice is to allow any individual in the audience to come forward to speak on any item within the subject matter jurisdiction of the City Council during Oral Communications. Each member of the public is allowed to comment for five minutes, as outlined in Chapter 2.04.170 of the Los Alamitos Municipal Code.

### Fiscal Impact

None.

Submitted By:



Adria M. Jimenez, CMC  
City Clerk

Approved By:



Jeffrey L. Stewart  
City Manager

# City of Los Alamitos

## Agenda Report Discussion Items

March 7, 2011  
Item No: 8B

**To:** Mayor Kenneth Stephens & Members of the City Council

**Via:** Jeffrey L. Stewart, City Manager

**From:** David Hunt, City Engineer  
Steven A. Mendoza, Community Development Director

**Subject:** Update on Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach

**Summary:** During Council's February 22, 2011, meeting, Council Member Kusumoto had requested an update on the funds spent for the Downtown Revitalization Project. As of March 4, 2011, Willdan Engineering Inc. (the City Engineer) has incurred \$25,867.00, of billable effort toward the Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach - Phases 2 and 3. The deliverable product and billable effort is discussed below.

**Recommendation:** Receive and file.

## Background

During the January 3, 2011, meeting the City Council was provided a presentation of the status of the Downtown Revitalization Funding and Public Outreach for the City of Los Alamitos. The City Council authorized \$90,000.00, to start Phase 2 and 3.

• Phase 2 – Conceptual Design	\$40,000.00
• Phase 3 – Public Business Outreach	\$50,000.00
• Phase 4 – Environmental Documentation	\$ 0
• Phase 5 – Construction Documents	\$ 0
<b>TOTAL</b>	<b>\$90,000.00</b>

## Discussion

### Phase 2 - Conceptual Design - \$40,000 (Budget)

To accomplish this phase, a current aerial photograph was flown at 1"=20' scale so the identity of businesses would be clearly identifiable. Photographs of each property were

taken and placed on the maps. The following items have been completed for Phase 2 conceptual design:

- Gather data
- Prepare 1"=20' Existing Condition Maps
- Prepare 1"=20' Preliminary Concept of Plan including new sidewalks, median islands, parkway and median island landscaping, bus stops, street furniture, street lights, new signals, crosswalk treatments, intersection treatments, new catch basins, and new striping
- Identify utility relocations: water, sewer, storm drain, electrical, gas, and oil
- Identify telephone, cable TV, manholes, vaults, bus pads, poles, and lights
- Identify right-of-way requirements for public improvements
- Prepare construction cost estimates with a shopping list of options

The superimposed aerial photograph will be posted in the Council Chambers during the Council Meeting. The 13-foot photograph now includes layers of improvements to be considered. The substructure map showing all utilities have also been prepared, but those layers have been turned off for clarity of the exhibit. The layer is primarily used for cost estimating. To date, the City Engineer's efforts have encumbered \$25,867.00 as follows:

DESCRIPTION OF WORK	HOURS	RATE	COST
City Engineer - Project oversight and conceptual layout design	14	\$95/hr.	\$1,330.00
Principal Land Surveyor – Coordination with aerial firm and locating bench marks	6	\$180/hr.	\$1,080.00
Sr. Design Manager – Utility investigation, conceptual design, and cost estimating	40	\$145/hr.	\$5,800.00
Sr. GIS Analyst – Conceptual layout and presentation	93	\$125/hr.	\$11,625.00
Drafter II – Street photographs and drafting	8	\$100/hr.	\$800.00
Aero Tech (Aerial Flight) – Aerial photography, ground control surveying, and digital ortho imagery			\$5,232.00
		<b>TOTAL</b>	<b>\$25,867.00</b>

**Phase 3 - Public Outreach – \$50,000 (Budget)**

Once the City Engineer has completed conceptual design of the project, the Traffic Engineer will begin preparing a traffic study for the project. The conceptual design of the project is needed to start the traffic study. The Traffic Engineer (Bernie Dennis of Hartzog Crabill) will begin the study after tonight's update. He is taking advantage of his

traffic data collection from the 605/Cerritos study that he is currently preparing. Further, the Public Outreach material will be prepared after the traffic study has been completed. Phase 3 items to be completed include:

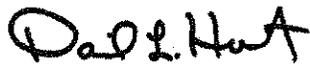
- Traffic Study
- Prepare Public Outreach material and presentation
- Present Conceptual Design to business owners
- Prepare Final Alternative
- Present Final Alternative to City Council and business owners

### Fiscal Impact

The following has been spent to date for Phases 2 and 3:

- Phase 2           \$25,867.00 - which is 65% of budget
- Phase 3           \$       0.00 - which is 0% of budget

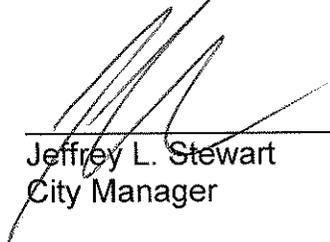
Submitted By:



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David Hunt, PE  
City Engineer

Approved By:



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Jeffrey L. Stewart  
City Manager

Reviewed By:



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Steven A. Mendoza  
Community Development Director

# City of Los Alamitos

## Agenda Report Discussion Items

March 7, 2011  
Item No: 8C

**To:** Mayor Kenneth Stephens & Members of the City Council  
**From:** Jeffrey L. Stewart, City Manager  
**Via:** Steven A. Mendoza, Community Development Director  
**Subject:** Consideration of a Zoning Ordinance Amendment 10-02 as it relates to Window Sign Coverage Area

**Summary:** Consideration to amend the City's Sign Code restricting window signage to 25% of a window pane instead of 25% of aggregate window area.

### Recommendation:

1. Conduct a Public Hearing; and,
2. Waive reading in full and authorize reading by title only of Ordinance No. 11-04, and set for second reading; and,
3. Read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) AND (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

### Background

City Staff introduced the idea of amending the sign code related to window sign coverage to the Planning Commission, which in turn, recommended the City Council adopt the ordinance amending the Code. The Sign Code was brought to the Commission by staff due to a recent increase in the use of window signs in the City and the lack of clarity in the regulations for window signs. Staff concluded that without the changes in the code, a business could theoretically cover 100% of certain windows and still comply with the code.

During the City Council meeting of February 22, 2011, Council requested clarification as to why the Planning Commission had continued the item to several different agendas. The Commission prioritized two applicant driven items that had lengthy hearings, the Pawn Shop and Los Alamitos Medical Center. Since the window item was staff generated, the same urgency was not applied and the item was continued five (5) times.

During its August 9, 2010, meeting the Planning Commission took the first step in the process and approved "A Resolution of intention to reevaluate the sign code," and scheduled the Public Hearing for October 11, 2010. During the October 11, 2010, meeting, the Planning Commission did not take action regarding the sign ordinance due to the length of the meeting. The October 11, 2010, agenda included review of an Apartment Complex, a proposed Pawn Shop hearing, and the first hearing for the Medical Center Specific Plan. During the November 8, 2010, meeting, the Planning Commission did not take action regarding the sign ordinance because the Medical Center second Hearing took up the majority of the meeting and lasted three hours. The December 13, 2010, meeting, of the Planning Commission was cancelled due to a lack of quorum. On January 10, 2011, the Commission heard the item and took action to adopt the staff recommended change in the sign code via Resolution No. PC 11-01.

On February 22, 2011, the item was tabled and City Council requested that staff engage the Chamber of Commerce in commenting on this item. The Chamber of Commerce has issued a letter of support for the new code. Although supportive, the Chamber is interested in knowing how enforcement would be applied to those who now exceed the 25% area. Staff has informed the Chamber of Commerce that adoption of this code would phase out existing legal nonconforming permanent signs over time and prohibits the temporary and illegal ones immediately. Businesses with legal signs will be given seven years to comply as per the Sign Code's Nonconforming Section 17.28.150. Temporary signs and illegal signs will have to comply within 10 days after a Notice of Violation is issued.

## **Discussion**

LAMC Section 17.28.050(C) currently allows window signs to be exempt from the sign permit requirement as well as exempt from the sign regulations, if a window sign does not exceed twenty-five percent (25%) of the aggregate window area. From a regulatory standpoint, this regulation has been difficult to enforce because of the challenge in calculating such aggregate areas where a structure may have windows on all sides of a building and would be able to fully cover an entire side of their storefront.

For example, all windows must be measured and their area totaled. Then the area of total signage must be calculated and subtracted from the total area of the windows. Photographs illustrating types of window signs and their impact on visibility into the business and ability to display products or services are shown in Attachment 1. The proposed amendment to this section will change the maximum window area calculation from the aggregate window area to 25% of each window pane.

A window sign is defined in LAMC, Section 17.28.030 as, "a sign exposed to public view, attached, painted, posted or displayed, either permanent or temporary, on, or within one foot of the interior or exterior surface of a window." As written, this section does not provide a definition of the term "window." Due to this lack of definition, the purpose of a window on a commercial or industrial building is not explained, which makes enforcement of window signage and other regulations pertaining to windows difficult. Staff proposes to define the term "window" as: "An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure; enclosed by frame and/or mullion; and containing glass or other similar transparent or semi-transparent material."

Another change recommended is within the Prohibited Signs Section, 17.28.140 of the LAMC. This section does not currently regulate or prohibit the obscuring, "blacking out," or opaque treatment of windows. Complete obscuring of windows does not allow for the purpose and function of windows, which is: to provide space for display of goods and services provided within; allow for a more direct relationship with the public to draw the consumer in from the street; and, allow light and air into the interior space. The following will be added to the Prohibited Signs section to prohibit the use of opaque and reflective glass on windows: "All glass in windows and doorways shall be clear for maximizing visibility into stores; may include a minimal amount of neutral tinting of glass to achieve some sun control if the glass appears essentially transparent when viewed from the outside, and should not include opaque and reflecting glass that would prevent view of the interior from the outside."

Many businesses utilize their window spaces as a location for extra signage for advertising and identification purposes, thereby preventing view into the interior of the structure. This poses negative impacts to aesthetics and business visibility, as well as public safety.

Adoption of this code phases out existing legal nonconforming permanent signs over time and prohibits the temporary and illegal ones immediately. Businesses with illegal signs will be given seven years to comply. Temporary signs and illegal signs will have to comply within 10 days after notice is given.

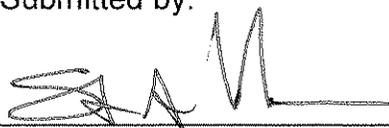
The attached draft ordinance shows additions to the code marked by underlined and deletions marked by strike through.

The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the amendments will have no significant effect on the environment.

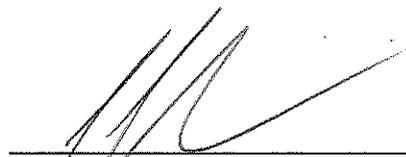
### **Fiscal Impact**

None.

Submitted by:



Steven A. Mendoza  
Community Development Director



Jeffrey L. Stewart  
City Manager

- Attachments:*
1. *Draft City Council Ordinance No. 11-04*
  2. *Photographs*
  3. *Letter from Chamber of Commerce*
  4. *Planning Commission Staff Report for January 10, 2011 meeting*
  5. *Planning Commission Minutes for January 10, 2011 meeting*
  6. *Planning Commission Resolution 11-01*

## ORDINANCE NO. 11- 04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE**

**WHEREAS**, the City-initiated Zoning Ordinance Amendment ZOA10-02 proposes to amend Section 17.28.030 by adding the definition of the term "window"; to amend 17.28.050(C) and 17.28.090(3)(A) and (5)(A) exempting from a sign permit window signage not exceeding twenty-five percent (25%) of "each window pane" instead of the "aggregate window area"; and adding to 17.28.140 a prohibition of window treatment that prevents transparency of windows, has been considered by the Director of Community Development and has been submitted to the Planning Commission; and,

**WHEREAS**, the Planning Commission held three public hearings and adopted Resolution No. PC 10-20, recommending the proposed amendments which are set forth in Exhibit A, attached herein, be adopted by the City Council; and,

**WHEREAS**, the City Council held a public hearing on March 7, 2011, to receive public input on the proposed amendments to Chapter 17.28 as it relates to window signs;

**WHEREAS**, the proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the general plan, and would not create any inconsistencies with this Zoning Code. The proposed amendment is consistent with General Plan Land Use Policy 1-3.1 to "apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City." The proposed amendment establishes consistent standards and a cohesive definition of how window signs are to be utilized by commercial businesses in the City. The proposed amendment to Sections 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), and 17.28.140, related to window signs, are not a significant change to Chapter 17.28 and the modifications add clarity by adding a definition of the term "window"; allow for easier education and enforcement; allow for the transparency of commercial and industrial windows to permit maximum visibility into commercial and industrial spaces, while allowing for some neutral tinting of window glass to minimize heat effect from the sun; and, all other regulations of Chapter 17.28 have been maintained; and,

**WHEREAS**, the proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city in that there are no adverse impacts anticipated in the clarification of definitions and the regulation of window signage location. The modification of allowed window signage does not represent a reduction in allowed sign area, only in the location of that window signage and the manner in which it is calculated. Prohibiting opacity in windows

will not pose any adverse effects. The purpose of a window is to allow for a more direct relationship with the public to draw the consumer in from the street, as well as to provide for the transmission of light and air into the interior space. Windows also provide a primary function of the display of goods and services of the business. The complete obscuring of any window by opaque materials such as paint, or the "blacking out" of such windows, provides a similar challenge to law enforcement's ability to see activity within businesses.

**WHEREAS**, the proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment.

**WHEREAS**, the proposed amendments are internally consistent with other applicable provisions of this zoning code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 17.28 of Title 17 of the Los Alamitos Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto, and incorporated by reference herein.

SECTION 2. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. This Ordinance shall take effect thirty days after second reading as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF LOS ALAMITOS )

I, Adria Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 11-04 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 7<sup>th</sup> day of March, 2011 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Adria Jimenez, City Clerk

## EXHIBIT A

1. Amend Section 17.28.030 (“Definitions”) to add the following provision to read as:

“Window” An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure and to allow for the display of products and services for commercial and industrial businesses; enclosed by frame and/or mullion; and containing a single pane of glass or other similar transparent or semi-transparent material.”

2. Amend Section 17.28.050(C) (“Exempt Signs”) to read as follows:

“C. Window signs not exceeding twenty-five (25) percent of the aggregate window area of each window pane.”

3. Amend 17.28.090(3)(A) (“Temporary Signs Allowed within Professional Office (C-O), General Commercial (C-G) and Planned Light Industrial (P-M) Districts”) as follows:

CLASS	TYPE OF SIGN	PERMIT REQ'D	MAXIMUM NUMBER PERMITTED	AGGREGATE AREA	SIGN HEIGHT	ADDITIONAL STANDARDS
4. Window Signs	Affixed to a permanent window only	No	---	25 percent of the aggregate window area of each window pane	---	<ul style="list-style-type: none"> <li>Neon Signs shall conform to Section 17.28.100 (Neon Signs).</li> </ul>

4. Amend Section 17.28.090(5)(A) (“Temporary Signs Allowed for Service Stations”) as follows:

CLASS	TYPE OF SIGN	PERMIT REQ'D	MAXIMUM NUMBER PERMITTED	AGGREGATE AREA	SIGN HEIGHT	ADDITIONAL STANDARDS
4. Window signs	Affixed to a permanent window only	No	---	25 percent of the aggregate window area of each window pane	---	<ul style="list-style-type: none"> <li>See also Section 17.28.100 (Neon Signs).</li> </ul>

5. Amend Section 17.28.140 (“Prohibited signs”) to add the following provision to read as follows:

“R. Opaque and reflecting glass windows. All glass in windows and doorways shall be clear for maximizing visibility into commercial and industrial spaces. A minimal amount of neutral tinting of glass to achieve some sun control is acceptable if the glass appears essentially transparent when viewed from the outside.”

6. Amend Section 17.28.150 (A) ("Nonconforming Signs—General") to read as follows:

"A. Nonconforming Signs—General.

1. A permanent sign or other advertising device or structure of whatever type or nature, other than an illegal sign, which violates or otherwise does not comply with the applicable requirements of this chapter shall be subject to compliance with the regulations prescribed, in the time and manner identified.

2. Signs which became nonconforming under Ordinance in compliance with Chapter No. 345, effective December 8, 1976, or Ordinance No. 11-04, effective 2011, and against which the applicable amortization period has run, shall be illegal signs and shall not be considered nonconforming signs under this chapter."

7. Amend Section 17.28.150 (B) ("Continuation and Termination") to read as follows:

"B. Nonconforming Signs—Continuation and Termination. A permanent nonconforming sign or sign structure in existence on the effective date of the ordinances codified in this chapter, including Ordinance No. 11-04, effective 2011, (May/June 1995) that violates or otherwise does not conform to the provisions shall be removed, altered, or replaced so as to conform to the requirements of this chapter (identified as the "abatement") in compliance with the following:

1. Removal of Signs. Existing permanent signs that are determined to be nonconforming on the effective date of said ordinances shall be removed or modified within seven years of the effective date of written notice from the director, unless extended as allowed in this section. The owner shall be given written notice to correct or remove the nonconforming sign. If the owner fails to alter or remove the structure or fails to comply with the regulations detailed in this chapter within thirty (30) days, the sign may be removed or altered by the city at the expense of the permittee or owner. Signs that were erected or altered without a required permit, or signs that did not comply with the applicable regulations when erected, shall be immediately removed by the owner upon written notice from the city.

2. Time Extension. Before the expiration of the seven-year period provided in subsection (B)(1) of this section, a written request may be made to the commission for an extension. The commission may approve a time extension for a period deemed appropriate, but may not extend a nonconforming sign for more than twelve (12) months. Time extensions shall not be approved for any sign unlawfully erected.

3. Application and Fee. An application shall be submitted on a form provided by the department and accompanied by a fee set by a resolution of the council. Submittal requirements shall include:

- a. An exhibit showing all signs currently on-site;
- b. The date the sign was constructed and located on the site;
- c. The remaining economic life of the sign, which may or may not be less than the actual physical life of the sign;

d. An unusual circumstances concerning the size, height, and location of the sign;

e. The manner in which the sign violated the sign regulations as provided in this chapter;

f. A letter of justification showing how the immediate removal or alteration of the sign, as required by this section, would create unnecessary hardship on the applicant, and which hardship may be inconsistent with the purpose and intent of the sign regulations.

4. Findings. The commission shall find the following in approval of an extension of time for a nonconforming sign:

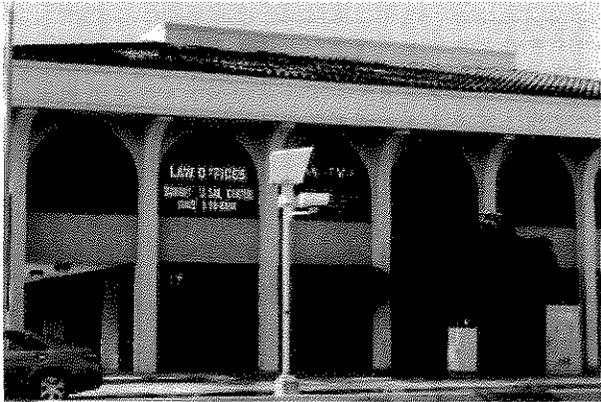
a. Due to special circumstances, immediate removal of the sign will result in a substantial hardship for the applicant;

b. The sign is not detrimental to the surrounding properties or the general health, safety and welfare; and, will be in substantial compliance with the purpose and intent of this section;

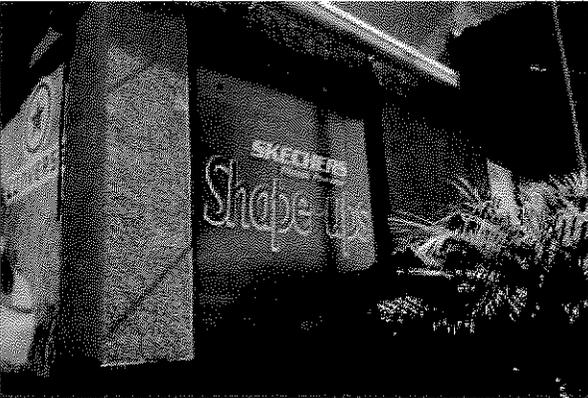
c. The sign does not constitute an obstruction to vehicular or pedestrian traffic or alignment visibility and is not a hazardous distraction.

5. Conditions. Subject to approval of the time extension, the commission may require reasonable modification or alteration to the sign, to improve appearance or its compliance with this chapter. Modification that would extend the useful life of the sign shall not be allowed."

Photographs of window signage that meet current 25 percent aggregate standards.



Photographs of opaque window treatments



# LOS ALAMITOS AREA CHAMBER OF COMMERCE



February 28, 2011

The Chamber sincerely appreciates the opportunity to give input concerning the Window Signage issue.

We support the City's proposed amendment, calculating 25% of each window pane rather than 25% of the aggregate (total) window area makes sense to us. This proposed change should make life easier for the City and the business owner trying to adhere to the "25% Rule." Moreover, we suspect there may be a safety issue when more than 25% of a window is covered.

Our concern would be what action (if any) the City would take against those businesses that now exceed the 25% per window pane ordinance?

Respectfully  
Johnnie Strohmeyer  
CEO

# City of Los Alamitos

## Agenda Report Public Hearing

January 10, 2011  
Item No: 8B

**To:** The Members of the Planning Commission  
**From:** Steven A. Mendoza, Community Development Director  
**Subject:** Zoning Ordinance Amendment 10-02

**Summary:** This is to request consideration to amend the City's Zoning Regulations related to window signs. Citywide. (City initiated)

### Recommendation:

- 1) Open the Public Hearing; and,
- 2) Take Testimony; and,
- 3) Adopt Resolution No. PC 11-01, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO APPROVE ZONING ORDINANCE AMENDMENT 10-02 ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(c), 17.28.090(3A) AND (5A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

**Applicant:** City Initiated

**Location:** Citywide

**Environmental:** The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the amendments will have no significant effect on the environment.

**Approval Criteria:** Sections 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that upon receipt of a complete application to amend the zoning code, or on initiation by the commission, and following director review, public hearings shall be set before the commission and council not later than forty-five (45) days after the commission's or council's receipt of the application or resolution.

LAMC Section 17.70.030 requires the Planning Commission to forward a written recommendation on an amendment based on the findings in Section 17.70.050 following the close of the public hearing.

## **Background**

At its regular meeting on August 9, 2010, the Planning Commission adopted Resolution No. 10-20, a Resolution of Intention to reevaluate Section 17.28.030, Section 17.28.050(C), 17.28.090 (3A), and (5A), and Section 17.28.140 of the LAMC regulating window signs, and scheduled a public hearing for September 13, 2010, and subsequently continued the meeting to October 11 and November 8, 2010. Due to a lack of quorum of Commissioners on December 13, 2010, the item was continued to tonight's meeting.

## **Discussion**

The Director of Community Development is requesting the Planning Commission review the above-referenced Los Alamitos Municipal Code sections pertaining to window signs. The sections were brought to the attention of the Commission because of the recent increased use of window signs in the City and the lack of regulations for certain window signs in the City and the lack of regulations for certain signs contained in the Zoning Code. A window sign is defined in Section 17.28.030 as, "a sign exposed to public view, attached, painted, posted or displayed, either permanent or temporary, on, or within one foot of the interior or exterior surface of a window."

Section 17.28.030 Definitions, does not provide a definition of the term "window." Because of this lack of definition, the purpose of a window on a commercial or industrial building is not described, which makes enforcement of window signage and other regulations pertaining to windows more difficult. Staff proposed to define the term "window" as: "An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure; enclosed by frame and/or mullion; and containing glass or other similar transparent or semi-transparent material."

The Exempt Signs Section 17.28.050© allows window signs to be exempt from the sign permit requirement as well as exempt from the sign regulations if a window sign does not exceed twenty-five percent (25%) of the aggregate window area. From a regulatory standpoint, this regulation has been challenging to enforce because of the difficulty in calculating such aggregate areas where a structure may have a large number of windows. For example, all windows must be measured, and their area totaled. Then the area of total signage must be calculated and subtracted from the total area of the windows. Photographs illustrating types of window signs and their impact on visibility into the business and ability to display products or services are shown in Attachment 1. The proposed amendment to this section will change the maximum window area calculation from the aggregate window area to 25% of each window pane.

Sections 17.28.090(3A) and (5A) contain the Allowed Sign Matrices for temporary signs within the Commercial-Professional Office (C-O), General Commercial (C-G), and Planned Light Industrial (P-M) Zoning Districts, and for Service Station uses.

Subsections 3A and 5A allow window signs up to “25 percent of the aggregate window area.” With the proposed changes to the Exempt Signs Section 17.28.050(C), Subsections 3A and 5A will also be amended from an aggregate calculation to 25% of each window pane.

The Prohibited Signs Section 17.28.140 does not currently regulate or prohibit the obscuring, “blacking out,” or opaque treatment of windows, whether by signage or by a solid opaque window treatment such as darkened glass. Complete obscuring of windows does not allow for the purpose and function of windows, which is to provide space for display of goods and services provided within and to allow for a more direct relationship with the public to draw the consumer in from the street, as well as light and air, into the interior space. The following will be added to the Prohibited Signs section to prohibit the use of opaque and reflective glass on windows: “All glass in windows and doorways shall be clear for maximizing visibility into stores; may include a minimal amount of neutral tinting of glass to achieve some sun control if the glass appears essentially transparent when viewed from the outside, and should not include opaque and reflecting glass that would prevent view of the interior from the outside.”

Many businesses utilize their window spaces as a location for extra signage for advertising and identification purposes, thereby preventing view into the interior of the structure. This poses negative impacts to aesthetics and business visibility, as well as public safety. Barriers to visibility into a business can compromise the safety of emergency responders as well as occupants inside a structure. It is also useful to consider the impacts additional signage on windows have on the visual appearance of the City’s character.

For reference, Chapter 17.28.010 Purpose:

- A. The purpose of this sign chapter is to provide a reasonable system for regulation of the location, size, type, content, illumination, and number of signs; and, to enhance the quality of the City’s visual appearance.
- B. The intent of this chapter is to:
  - 1. Recognize that the primary purpose of signage is to identify, locate, and encourage businesses and events;
  - 2. Provide a balance between the City’s economic needs and protecting the visual appearance of the community’s character;
  - 3. Eliminate potential traffic and safety hazards to motorists and pedestrians;
  - 4. Preserve and maintain the attractiveness of the community and to enhance the character of the City as a desirable place in which to live, work play and visit;
  - 5. Promote the public health, safety, and general welfare of the citizens and business community of the City through a quality sign ordinance;
  - 6. Protect public and private investments in structures and open spaces;
  - 7. Create an attractive and pleasing atmosphere for nonresidents who come to visit or to trade. (Ord. 688§ 1 (part), 2006)

**Attachment:**

- 1) Resolution No. PC 11-01

**MINUTES OF PLANNING COMMISSION MEETING  
OF THE CITY OF LOS ALAMITOS**

**January 10, 2011**

**1. CALL TO ORDER**

A regular meeting of the Planning Commission was called to order at 7:00 p.m. on January 10, 2011, in the Council Chambers, 3191 Katella Avenue, Los Alamitos, Commissioner Andrade presiding.

**2. ELECTION OF OFFICERS - REORGANIZATION**

Commissioner Loe nominated Commissioner Daniel for the Chair. The nomination was seconded by Commissioner Sutherlin. Nomination passed unanimously.

Commissioner Loe nominated Commissioner Riley for Vice Chair. The nomination was seconded by Commissioner Sutherlin. Nomination passed unanimously.

**Chairperson Daniel assumed his new position on the dais.**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

Present: Commissioners:                   Andrade, Daniel, Grose, Loe, Sofelkanik (arrived at 7:12 p.m.), Sutherlin

Absent: Commissioners:                   Riley – (excused)

Staff Present:                               Steven A. Mendoza, Community Development Director  
Thomas Oliver, Intern Planning Assistant  
Yana Welinder, Assistant City Attorney

**5. ORAL COMMUNICATIONS**

None

**6. MINUTES**

**A. Approval of the November 8, 2010 Planning Commission Meeting minutes.**

**Motion/Second:   Grose/Andrade**

**Carried: 5/0**           Approve the November 8, 2010 Planning Commission minutes.

**AYES:**                   Andrade, Daniel, Grose, Sofelkanik, Sutherlin

**NOES:**                   None

**ABSENT:**               Riley

**ABSTAIN:**            Loe

**RECUSE:**             None

7. **CONSENT CALENDAR**

None

8 **PUBLIC HEARINGS**

**Item 8C was presented first to accommodate the applicant.**

- C. **Conditional Use Permit 10-12** – A request by Debbie Stryker to establish "New 2 You" a 1,180 square foot secondhand/consignment shop in an existing multi-tenant commercial building within the General Commercial (C-G) Zoning District located at 10680 Los Alamitos Boulevard.

Planning Intern Thomas Oliver provided a brief summary of the report and the information contained therein, while Community Development Director Steven Mendoza distributed some letters of support for the applicant.

**Chair Daniel opened the Public Hearing.**

Debra Stryker, applicant, thanked the Commission for the opportunity to address her application. Her shop will specialize in boutique clothing, from casual to up-scale formal, shoes, handbags and accessories for women only; she will not consign clothing for men or children. She underscored that in no way will this be a "thrift store or pawn shop." During times of economic challenges, women patronize consignment shops in an effort to be current and stylish, while watching their finances. Her children have all attended Los Alamitos schools and her husband's Los Alamitos business has been here for 25 years. Ms. Stryker responded to questions from the Commission.

Christine Welsh, co-owner of Mr. C's Towing, spoke in favor of this business.

Judy Klabouch, owner of Green Street Interiors, spoke in favor of this business. She'd love to see the "For Lease" sign removed from this site. She had a consignment store in Los Alamitos twenty years ago. She knows Ms. Stryker's business would be an asset to the City.

Mike Richards, owner of Gourmet Pie Café, spoke in favor of Ms. Stryker and her business.

**Chair Daniel closed the Public Hearing.**

Director Mendoza briefly discussed the number of consignment businesses in the City, and the mandatory process of issuing CUPs for this type of business.

**Motion/Second: Andrade/Grose**

**Carried: 6/0:** Moved to Adopt Resolution No. PC 11-02 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 10-12 TO OPERATE A 1,180 SQUARE FOOT SECONDHAND/CONSIGNMENT SHOP AT 10680 LOS ALAMITOS BOULEVARD IN THE GENERAL-

COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01. (APPLICANT:  
DEBRA STRYKER)

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None  
ABSENT: Riley  
ABSTAIN: None  
RECUSE: None

**A. Parkway Landscaping Guidelines** – City initiated proposal to amend Section 12.08.190 of the City's Municipal Code regarding landscape parkway regulations Citywide.

Community Development Director Steven Mendoza provided a brief summary of the report and the information contained therein. This item was generated by the City Council, who requested a Planning Commission Public Hearing. The City needs to establish guidelines within the Municipal Code, which are currently too vague. Director Mendoza discussed the nine (9) points to be included in the City's Code, and answered questions from the Commission.

Director Mendoza introduced the new Assistant City Attorney Yana Welinder.

Commissioner Grose discussed the maintenance issue of artificial turf.

Commissioner Sofelkanik said that clear definitions should be included in the Code. Hardscape and softscape materials were discussed. He said the Commission should be mindful of the related item 11A, concerning the *2010 California Green Building Standards Code*.

The draft Parkway Landscaping Ordinance (Attachment 1) was reviewed for clarifications. Citizens' responsibility for parkway maintenance was discussed. Shrubbery height preferences and the width of access ways were discussed. Commissioner Grose cautioned that the City's center medians are also landscaped; are they included in the Code restrictions?

**Motion/Second: Daniel/Andrade**

**Carried: 6/0:** Moved to redraft the Parkway Regulations in Section 12.08.190 of the City's Municipal Code and incorporate changes as stated in the staff report to be presented for Council consideration, and to include the following modifications: 1) Allow artificial turf, which must be permitted and professionally maintained, 2) A maximum of three (3) foot diameter around the parkway tree, 3) No plants, 4) Shrubbery not more than eighteen (18) inches high, and 5) hardscape limited to 25% of parkway and must be permitted.

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None  
ABSENT: Riley  
ABSTAIN: None

RECUSE: None

- B. Zoning Ordinance Amendment ZOA10-02** – This is to request consideration to amend the City's Zoning Regulations related to window signage. Citywide (City initiated)

Community Development Director Steven Mendoza provided a brief summary of the report and the information contained therein. He said there is an enforcement problem when a business covers more than 25% of their windows with signage; they need a Code amendment to support enforcement. While this is not a rampant problem, issues still exist; the biggest violators tend to be liquor stores with giant beer posters, etc.

**Chair Daniel opened the Public Hearing.** No one came forth to speak.  
**Chair Daniel closed the Public Hearing.**

**Motion/Second: Sofelkanik/Grose**

**Carried: 6/0:** Moved to Adopt Resolution No. PC 11-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO APPROVE ZONING ORDINANCE AMENDMENT 10-02 ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3A) AND (5A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None  
ABSENT: Riley  
ABSTAIN: None  
RECUSE: None

## **9. STAFF REPORTS**

Director Mendoza provided a brief update follow-up on three items:

1. City Council upheld the Commission's denial on the pawn shop appeal.
2. The Corridor Project is moving forward having received unanimous Council support with a 5/0 vote to allocate \$90,000 for a traffic study and design work.
3. At their January 18, 2011 meeting, City Council will hear a staff report on the Los Alamitos Medical Center's Specific Plan and EIR.

## **10. DISCUSSION**

None

## **11. COMMUNITY DEVELOPMENT REPORTS**

- A. 2010 California Green Building Standards Code** – Community Development Staff will provide a presentation and open discussion on the new 2010 CALGreen Code

that is now part of the California Building Standards Code adopted by the City Council on November 15, 2010.

Director Mendoza provided a brief history of this issue as it relates to Los Alamitos. The City Council is interested in how the incorporation of the Green Code will impact home owners and businesses and how this will financially impact our City. The Planning Commission was tasked with reading the staff report and the 2010 California Green Building Standards Code before their next meeting on February 14<sup>th</sup>, bringing back ideas and suggestions to be shared with the City Council.

## **12. COMMISSIONER REPORTS**

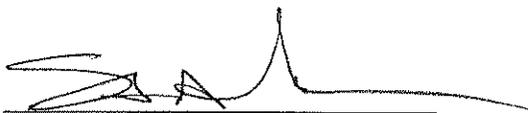
Chair Daniel expressed his satisfaction with the Council's consideration of the Corridor Project. He suggested that a volunteer group of community members be assembled to provide input and oversight for the best use of the allotted \$90,000. Director Mendoza said that the Council wants to disband the General Plan committee, replacing that with a Planning sub-committee to include consideration of the Corridor Project within the General Plan revision. Moreover, he suggested that each previously completed similar project, i.e., Belmont Shore, Pasadena, Fullerton, provides an opportunity for lessons learned for the City's proposed Corridor Project, which can be viewed via a link on the City's website.

## **13. FUTURE ITEMS/APPLICATIONS**

- A. T-Mobile Monopine on Lampson Avenue – Withdrawn
- B. Mini-storage facility on Sausalito Street
- C. McDonalds Remodel Site Plan Review

## **14. ADJOURNMENT**

Adjournment at 8:54 PM, to a meeting of the Planning Commission on Monday, February 14, 2011, at 7 p.m. in the City Council Chambers.



Steven Mendoza, Secretary  
LOS ALAMITOS PLANNING COMMISSION

## RESOLUTION NO. PC 11-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO APPROVE ZONING ORDINANCE AMENDMENT 10-02 BY ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE.**

**WHEREAS**, the City-initiated Zoning Ordinance Amendment ZOA10-02 proposes to amend Section 17.28.030 by adding the definition of the term "window"; to amend 17.28.050(C) and 17.28.090(3)(A) and (5)(A) exempting from a sign permit window signage not exceeding twenty-five percent (25%) of "each window pane" instead of the "aggregate window area"; and adding to 17.28.140 a prohibition of window treatment that prevents transparency of windows, has been considered by the Director of Community Development and has been submitted to the Planning Commission; and,

**WHEREAS**, the Planning Commission opened and continued a duly noticed Public Hearing concerning this Amendment on August 9, 2010; and,

**WHEREAS**, the Planning Commission opened and continued a duly noticed Public Hearing concerning this Amendment on September 13, 2010; and,

**WHEREAS**, the Planning Commission opened and continued a duly noticed Public Hearing concerning this Amendment on October 11, 2010; and,

**WHEREAS**, the Planning Commission opened and continued a duly noticed Public Hearing concerning this Amendment on November 8, 2010; and,

**WHEREAS**, due to a lack of quorum of Planning Commissioners on December 13, 2010 this Amendment was continued; and,

**WHEREAS**, the proposed amendments are as illustrated in Attachment 1, attached herein, represent only minor do not modify any other part of the Los Alamitos Municipal Code; and,

**WHEREAS**, after consideration of all applicable staff reports and all public testimony, and evidence presented at the Public Hearings, the Planning Commission does hereby make the following findings of fact for a Zoning Ordinance Amendment for modification to Los Alamitos Municipal Code Section 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), and 17.28.140, related to window signs as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code. The proposed

amendment is consistent with General Plan Land Use Policy 1-3.1 to “apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.” The proposed amendment establishes consistent standards and a cohesive definition of how window signs are to be utilized by commercial businesses in the City. The proposed amendment to Sections 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), and 17.28.140, related to window signs, is not a significant change to Chapter 17.28 and the modifications add clarity by modifying the definition of the term “window”; allow for easier education and enforcement; allow for the transparency of commercial and industrial windows to permit maximum visibility into commercial and industrial spaces, while allowing for some neutral tinting of window glass to minimize heat effect from the sun; and all other regulations of Section 17.28 s have been maintained; and,

2. That the proposed amendments will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the clarification of definitions and the regulation of window signage location. The modification of allowed window signage does not represent a reduction in allowed sign area, only in the location of that window signage and the manner in which it is calculated. Prohibiting opacity in windows will not pose any adverse effects. The purpose of a window is to allow for a more direct relationship with the public to draw the consumer in from the street, as well as to provide for the transmission of light and air into the interior space. Windows also provide a primary function of the display of goods and services of the business. The complete obscuring of any window by opaque materials such as paint, or the “blacking out” of such windows, provides a similar challenge to law enforcement’s ability to see activity within businesses.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment.

4. The proposed amendment is internally consistent with other applicable provisions of this zoning code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct, which findings are incorporated by reference herein.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends to the City Council of the City of Los Alamitos

to approve Zoning Ordinance Amendment 10-02 adopting an ordinance amending Sections 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), and 17.28.140, of the Los Alamitos Municipal Code as shown in Attachment 1, which ordinance is attached hereto and incorporated by reference herein.

PASSED AND APPROVED this 10<sup>th</sup> day of January 2011, by the following vote:

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin

NOES: None

ABSENT: Riley

ABSTAIN: None

ATTEST:



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Steven A. Mendoza, Secretary  
LOS ALAMITOS PLANNING COMMISSION