

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

SPECIAL MEETING – March 1, 2016

1. CALL TO ORDER

The City Council met in Special Session at 5:10 p.m., Monday, March 1, 2016, at the Community Center, 10911 Oak Street, Mayor Murphy presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose (arrived at 5:12 p.m.), Kusumoto, Mayor Pro Tem Hasselbrink, Mayor Murphy

Absent: Council Members: None

Present: Staff: Bret M. Plumlee, City Manager
Tony Brandyberry, Public Works Superintendent
Steven Mendoza, Development Services Director
Tom Oliver, Associate Planner
Windmera Quintanar, CMC, City Clerk

3. SPECIAL ORDERS OF THE DAY

A. Parking Workshop to Obtain Additional Public Input Regarding the Establishment of Limited Parking in Old Town East, Medical Center Area and Surrounding Areas (Community Development)

A Workshop was being held to seek additional public input.

A public parking workshop was facilitated by Colin Drucker, Placeworks, where public input was received. Council and Staff participated in the discussions. There were approximately 34 people in attendance, the majority of which supported no parking time restrictions and no parking meters. Council did not provide direction or take formal action.

RECESS

The City Council took a brief recess at 6:55 p.m.

RECONVENE

The City Council reconvened in Special Session at 7:16 p.m.

B. Consideration of an Urgency Ordinance Establishing a Temporary Moratorium on All New Uses and Expansion or Relocation of Existing Uses in the Planned Light Industrial (P-M) Zone and Prohibiting the Issuance of Permits or Other Entitlements for Such Uses Pending the Review and Possible Amendment of Zoning and Other Regulation to Such Zones and Directing the Commission to Begin the Review of Uses in All Zones (Community Development)

Mayor Murphy and Council Member Kusumoto are requesting Council consideration of an ordinance to prohibit the issuance of permits or other entitlements in the City's industrial area.

City Attorney Reisman advised Council Member Grose had a conflict because he had property in the industrial area. He advised Council Member Grose could not participate in the discussion as a Council Member.

Council Member Grose joined the audience.

City Manager Plumlee introduced the item. Development Services Director Mendoza summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Murphy opened the item for public comment.

JM Ivler, resident, stated the Arrowhead project should not have been allowed to happen and believed a code amendment was needed for new truck terminals. He recalled the opposition to Prologis and believed the same action needed to occur in the City. He stated concern Staff knew about the project in October and did not do anything to stop it. He stated support for a moratorium and having the Planning Commission reviewing the zone. He stated concern that Staff was working against the citizens. He requested the Council do what was right and protect the community and home values.

Josh Wilson, resident, questioned why a moratorium was needed adding the Planning Commission and Council could deny a project for its nature. He stated support for transparency and fairness in the process. He stated opposition to a trucking terminal and added a project should be discussed for its merits rather than not being allowed an opportunity to speak on its behalf.

Lois Waddle, resident, spoke in opposition to a trucking terminal and stated concerns for the traffic already present on Lexington Drive. She stated concerns for the impact to streets, increased traffic, and safety of pedestrians. She stated opposition to a mail center coming into Los Alamitos.

Frank Markaze, resident, spoke in support of the small town feel of Los Alamitos and stated opposition to a truck terminal. He suggested the truck terminals stay in Long Beach.

Carol Biri, resident, thanked the Council for their services and stated she liked the small town feel. She stated opposition to the project and supported a moratorium to allow the issue to be resolved.

Rob Feldman, resident, stated support for the moratorium and opposed a truck terminal at Lexington. He spoke about the current traffic on

Lexington caused by large trucks and did not think the surrounding properties would be willing to give up land to accommodate the trucks. He suggested using Cerritos instead of Katella.

Laura Christenson, resident, recalled the opposition to Prologis trucking center and spoke regarding the traffic on Katella caused by large trucks. She opposed large trucks blocking traffic by parking in the lanes to unload and did not think Lexington was wide enough to accommodate more trucks. She felt traffic would increase and such a use would not fit will in Los Alamitos. She stated support for the moratorium.

Gerri Mejia, resident, stated the moratorium would allow the Council to modify uses to protect the quality of life in Los Alamitos. She spoke regarding the recent application of Arrowhead Property to construct a large warehouse facility and pointed out if the application was complete, the project would not be affected. The moratorium would protect the residents from future objectionable uses. She recalled the opposition to Prologis and stated support for the moratorium.

Mayor Murphy closed the item for public comment.

Council Member Kusumoto spoke in favor of the moratorium and the 45 day freeze on certain uses. He believed there had been missed opportunities by Staff and the Planning Commission to revise zoning and permitted uses that should be reviewed now. He indicated it was unfortunate the process had gotten to this state and felt the City should have been more proactive. He reiterated support for a moratorium and looking out for the residents.

Mayor Murphy stated the overlay zone was not working the way it was imagined and this would allow the City a chance to review the uses in the P-M zone to prevent any undesirable uses from happening in the future. He stated support for the Planning Commission doing a thorough review as quickly as possible and requested the Planning Commission hold a special meeting if this item was approved. He advised an 80% vote was needed for approval.

Council Member Edgar spoke about the due diligence process a developer goes through before submitting an application, including talking to Council, Staff, and residents, researching the General Plan, and determining if the City provides a fair adjudicated process. He pointed out Planning Commissioner DeBolt had brought up this same concern on December 16th and referred to a Public Record Request regarding Arrowhead property. He stated two Council Members had added this item to the agenda. He felt the process was non-transparent as it addressed a general area and did not provide a public hearing for the property owner to discuss the project. He discussed the application process and the natural barriers that already exist, including NEPA, CEQA, Planning Commission, and the Settlement agreement with Cypress, and supported the project going through the process. He referred to the General Plan process and

pointed out the Planning Commission, community, Council and Staff had all been involved and the General Plan was approved as a City. He stated support for allowing the project to go through the process and felt it would send a negative message of anti-economic development to stop the project now. He stated opposition to changing the process now without having a discussion about the project and questioned who would want to invest in the City moving forward if this was the precedent being set. He stated support for training in the process Council put in place and felt a moratorium was a reactionary move to a project. The City had sent a strong message of opposition to Prologis and he felt that would come out during the application process.

Mayor Murphy advised there were two different issues. This was the first opportunity the community had to voice its displeasure regarding Arrowhead. His intent was to look at the zoning and uses that were problematic. He stated Arrowhead had submitted its application and would get a public hearing. He recalled City Manager Plumlee had advised Council of this project in November and it was just now getting a reaction. He wanted to ensure this mistake did not occur again. A moratorium would allow Staff to add language to modify uses and stop any new projects from taking advantage of the allowed uses now.

Council Member Edgar asked if the application had already been filed.

Mayor Murphy advised it had been filed on January 28, 2016.

Mayor Pro Tem Hasselbrink believed the project would meet a lot of obstacles, similar to Prologis, including affected residents and businesses. She stated she may not have fully understood what the overlay zone allowed and believed the City did not need additional industrial development. She believed the moratorium would allow the City a chance to incorporate the desire for more retail and not warehouses and trucks. She stated support for the moratorium and having the City be the leader.

Council Member Kusumoto stated the General Plan was approved in March 2015, and a natural outcome was adjusting the zoning to be in line with the update. He believed this action could have been done earlier and stated this action would not impact anyone who had submitted an application. He stated the moratorium would prevent undesirable uses that are permitted from applying. He was hopeful the Planning Commission would be able to finalize their action within 45 days. He stated this action would prevent recycling facilities, auto body shops, paint manufactures and any other objectionable uses. He stated the purpose was to allow the Planning Commission to review the uses, not to shut anyone out.

Council Member Edgar stated the application had been filed January 28th and asked if a moratorium would not affect the application.

City Attorney Reisman advised the moratorium would not stop the processing of the application, but it would stop approval. He briefly outlined the application process that includes Public Hearings and an appeal process.

Council Member Edgar believed a moratorium would be a non-transparent way of stopping the application by not approving it and stated objection to stopping the public process. He agreed this was the wrong project, but would keep an open mind. He reiterated the process needed to be fairly adjudicated. He believed stopping the process would stop any one from wanting to develop in the City. He felt this was a hasty move and urged his colleagues to accomplish the same outcome through the process. He stated he could not support a moratorium at this point.

Mayor Pro Tem Hasselbrink stated the application would probably fail in the process. She stated the intent was to address all P-M areas and questioned why the City wouldn't do it now to stop it with a moratorium.

Council Member Edgar referred to recommendation 2 and stated working with the Planning Commission in the right context would fairly adjudicate the process. He reiterated changing the process in the middle seemed bad for business and could lead to potential legal implications. He believed the Staff report was sanitized and kills a project without mentioning it. He stated support for approving what needed to be fixed through the Planning Commission.

Mayor Murphy advised the Ordinance was not related to Arrowhead and stated the opportunity to review the uses had been missed. He believed the Arrowhead project was 8-12 months out and did not believe a moratorium would affect the project. He stated the intent was to protect the community from these uses in the future and it was to the benefit of the City to move as quickly as possible to prevent future applications from coming in. He described the 3 month process to approve an Ordinance that would leave the City open to more applications. He did not feel the City would be protected by not addressing the issue now. He advised all four Council Members support was needed, without it the Council would move forward.

Council Member Edgar reiterated he could not support a moratorium.

Council Member Kusumoto made a motion for recommendation 1.

Mayor Pro Tem Hasselbrink requested a revised motion to include the revised wording, "expand up to 25%".

Council Member Kusumoto accepted the revision.

Motion/Second: Hasselbrink/Richard

Motion Failed 3/1 (Edgar cast the dissenting vote. Grose did not participate due to conflict of interest, property ownership within the

affected zone): Adopt Ordinance No. 2016-12 entitled, "AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON ALL NEW USES AND EXPANSION OR RELOCATION OF EXISTING USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE AND PROHIBITING THE ISSUANCE OF PERMITS OR OTHER ENTITLEMENTS FOR SUCH USES PENDING THE REVIEW AND POSSIBLE AMENDMENT TO THE ZONING CODE, AND DECLARING THE URGENCY THEREOF, TO BECOME EFFECTIVE IMMEDIATELY", revised to include not adding more than 25% of existing building.

Motion/Second: Edgar/Murphy

Unanimously Carried (Grose did not participate): The City Council adopted Resolution No. 2016-04 entitled, "A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT THE PLANNING COMMISSION TO CONSIDER CODE AMENDMENTS REGARDING ALL USES IN ALL ZONES AND BRING BACK SUGGESTED CODE CHANGES TO THE CITY COUNCIL."

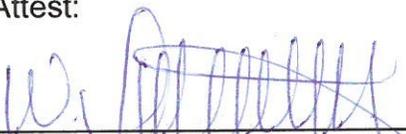
4. ADJOURNMENT

The City Council adjourned at 8:11 p.m.



Richard D. Murphy, Mayor

Attest:



Windmera Quintanar, CMC, City Clerk