

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

**REGULAR MEETING – JANUARY 18, 2011**

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:02 p.m., Tuesday, January 18, 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  
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**

Council Member Graham-Mejia led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Poe gave the Invocation.

**5. PRESENTATIONS**

**A. Monthly Update by the City's 50<sup>th</sup> Anniversary Committee**

Angie Avery, Community Services Director, provided an update on the final 50<sup>th</sup> Anniversary event – The Time Capsule Dedication, Saturday, January 22, Little Cottonwood Park.

**B. Orange County Fire Authority and City of Los Alamitos Presentation to Reserve Firefighters**

Mayor Stephens advised this presentation was postponed.

**6. ORAL COMMUNICATIONS**

Mayor Stephens opened Oral Communications at 7:09 p.m.

JM Ivler, resident, spoke in opposition of how the Oral Communications/Public Comments are conducted by the City Council. Mr. Ivler requested the City Council adjourn the meeting in memory of Christina Taylor Green and those who lost their lives in the Arizona shooting.

Laura Herzog, JFTB, advised a 21-year old Garden Grove soldier was killed, and once service information is confirmed, she will advise. Ms. Herzog also advised January 28<sup>th</sup> is her last day with JFTB. She provided future contact information.

Richard Murphy, resident, commented on Item 10B, and asked the City Council to hire an independent company to conduct the audit. Mr. Murphy commented on the Council's ad-hoc subcommittee meeting with the Rossmoor Community Services District (RSCD) and on the Los Alamitos Medical Center Specific Plan and the sale of Tenet.

Catherine Driscoll, resident, commented on the RSCD Meeting stating residents should be considered before businesses. Ms. Driscoll also commented on the minute format; stated residents of both Rossmoor and Los Alamitos should have a voice in the issue of annexation; and, stated she is opposed to outside interest dictating the decisions of the Council.

Jody Shloss, resident, spoke in opposition of holding a public hearing on the hospital. Ms. Shloss stated she agreed with Mr. Ivler in renaming the Conference Room at the Community Center, and requested there be a policy for naming City streets and rooms. Ms. Shloss asked Mayor Stephens if the Orange County Fire Authority uses speaker cards.

At 7:27 p.m., Mayor Stephens closed Oral Communications.

**7. REGISTER OF MAJOR EXPENDITURES**

January 18, 2011.

Motion/Second: Poe/Edgar

Unanimously carried: The City Council approved the Register of Major Expenditures for January 18, 2011, \$270,342.57.

**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 Kusumoto pulled Items 8A1 and 8A2.

Council Member Poe pulled Item 8C.

Mayor Pro Tem Edgar pulled Item 8B.

All Consent Calendar Items were pulled for further discussion.

**A. Approval of Minutes**

1. Approve Minutes of the Regular Meeting – December 6, 2010.
2. Approve Minutes of the Regular Meeting – January 3, 2011.

Council Member Kusumoto requested the following changes be made to the Minutes: December 6, 2010, Council Member Comments - change ethical to unethical. January 3, 2011 - Dave Hunt be added to the list of Department Heads in attendance; and, stated his comment in regards to the trash lawsuit during Council Member Comments was, "I have heard of this and did not participate with the plaintiffs in the meeting with the attorney, and was not a party to that."

Council Member Graham-Mejia requested her comments on the Minutes of December 6, 2010, regarding the selection of Mayor Pro Tem be confirmed and changed if appropriate.

Mayor Pro Tem Edgar asked for clarification on the Minutes of January 3, 2011, in regards to the Los Alamitos Blvd. Revitalization project confirming the cost for the technical EIR; and, asked for clarification on City Attorney Levin's comments regarding Council Member Graham-Mejia's involvement with the trash lawsuit.

City Attorney Levin provided clarification stating her comments were, "To my knowledge, Council Member Graham-Mejia's participation in the closed session did not have any impact on the lawsuit and the lawsuit was moving forward." Ms. Levin reiterated, "To my knowledge we have not heard back about any leak of confidential information or anything of that sort and if that comes to pass, the City Council will be the first to know."

Council Member Graham-Mejia reiterated her statement adding closed session is closed session no matter what it is regarding, so there is no threat of the meeting having any kind of effect on the trash lawsuit.

City Clerk Jimenez stated she will listen to the tapes to confirm the changes.

Motion/Second: Edgar/Poe

Unanimously carried: Approved the Minutes of December 6, 2010 and January 3, 2011, with the noted amendments.

**C. Resolution No. 2011-05 – Approval of Non-Exclusive Permit Contracts to Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal for the Provision of Residential Roll-Off and Temporary Bin Services**

The City approved an exclusive franchise agreement with Consolidated Disposal Services for residential and commercial refuse collections services in June 2010. That agreement specifies that the provision of residential roll-off and temporary bins services shall be competitive and non-exclusive. In response to a Request for Proposals (RFP), the City received four (4) responses. During discussion of the matter on January 3, 2011, members of the City Council requested additional information regarding the four respondents to the RFP and that the item be brought back for additional consideration. Staff recommends that the City Council approve permit contracts with the four firms that responded to the RFP.

City Manager Stewart provided a staff report and advised RFPs were circulated to all the haulers that responded to the original RFP the LA County Haulers Association, the organization that oversees the OC and LA County Haulers was also noticed. Four responses were received. There was no effort to screen the haulers in any way, shape or form, as long as the bid sheet was filled out correctly and completely it was accepted. All four are being considered for approval. Mr. Stewart further stated this item was tabled for two specific questions: 1) The involvement of the haulers in the lawsuit against the trash contract; and, 2) Whether Ware Disposal Inc., was affiliated with any other company.

Mr. Stewart provided the following responses: 1) All of the haulers expressed they had no interest in the lawsuit. Rainbow did disclose that they were doing business on the base and subcontracting with LA Crest Haulers who is doing the business and hauling the mulch/materials in and out of the base; and, 2) Ware Disposal Inc., is not affiliated with any other company; it is a stand-alone company.

Council Member Poe expressed concerns contracting with Rainbow because of their involvement with composting on JFTB. She asked if Council is required to approve all four contracts or can they choose to approve one or two vendors.

Mr. Stewart advised nothing in the RFP stated it was a competitive circumstance and there was no reason to disqualify any of the haulers. Whether the Council wants to choose to proceed with all four is a policy decision and did not see a need to reject Rainbow or any other hauler based on the business they were doing, and it wasn't part of the bid process.

City Attorney Levin stated it is the decision of the Council to decide how many contracts they would like to approve and how many haulers they would like to have. Council does have that discretion, and if the Council is going to select they need to state a rational basis for doing so and apply it equally.

Motion/Second: Edgar/Poe

Select two vendors based on the Per Pull rates as provided by the haulers and return in 180 days with a review of the contracts, impacts on staff managing the contracts, and evaluate the effectiveness of the program.

Council Member Graham-Mejia stated she would like to see the opportunity for more resident choices in vendors, and would like to see all four vendors remain in the process. She asked the City Manager to clarify wording in the resolution that states the City has the option to release the trash contractor of the agreement and asked why one of the vendors may become disqualified. She stated she does not want to see the City be retaliatory against any of the vendors because of their involvement with composting on the Base, and would like to give the four vendors an opportunity of what they can do and what the residents like/dislike about their service.

City Manager Stewart advised Council Member Graham-Mejia that the purpose of the wording in the resolution is to have a gauge of performance.

City Attorney Levin also stated that the way the contract is worded the City would have the right to terminate, "at the City's sole option," and provided reasons as to why the City might consider cancelling a contract.

Council Member Kusumoto stated he disagrees with the motion because he believes it changes the rules after the City has gone through the original trash contract with the understanding that roll-offs would be available from multiple suppliers; and, also changes the rules once the City received the vendor's RFPs. Council Member Kusumoto stated that it is not good policy and believes it opens the City up to challenges from the vendors and limits the choices for the residents that may want to choose a specific vendor based of past history or performance. Council Member Kusumoto stated if the Council goes with the motion, we might want to consider going out to re-bid.

Council Member Poe rescinded her second to the motion.

Mayor Pro Tem Edgar amended his motion to approve staff's recommendation.

Motion/Second: Edgar/Graham-Mejia

Unanimously carried:

1. Adopted Resolution No. 2011-05 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING THE AWARD OF NON-EXCLUSIVE PERMIT CONTRACTS TO ATHENS SERVICES, RAINBOW DISPOSAL COMPANY, WARE DISPOSAL COMPANY AND UNIVERSAL WASTE SYSTEMS FOR THE PROVISION OF ROLL-OFF AND TEMPORARY BIN SERVICES FOR RESIDENTIAL CUSTOMERS;" and,

2. Authorized the Mayor to execute the permit contracts.

**B. Warrants**

January 18, 2011.

Motion/Second: Edgar/Poe

Unanimously carried: City Council approved the Warrants for January 18, 2011, in the amount of \$44,111.40.

**9. PUBLIC HEARING**

**A. Public Hearing for an Ordinance Permitting a Pipeline Franchise Agreement to Replace Expired Ordinance granting Crimson Pipeline a 15 year Franchise to Use City Streets for their Pipeline**

This is a request to open a Public Hearing for consideration of an Ordinance permitting a Pipeline Franchise Agreement.

Steven Mendoza, Community Development Director, provided a brief overview to the City Council.

At 8:02 p.m., Mayor Stephens opened the Public Hearing. With no one wishing to speak, Mayor Stephens continued the Public Hearing to the meeting of February 7, 2011.

Motion/Second: Poe/Edgar

Unanimously carried: City Council: 1) Opened the Public Hearing; and, 2) Continued the Public Hearing to February 7, 2011.

**RECESS/RECONVENE**

Mayor Stephens recessed the City Council Meeting at 8:04 p.m. Mayor Stephens reconvened the City Council Meeting at 8:15 p.m., with all Council Members present.

**B. Consideration of Los Alamitos Medical Center Application for Specific Plan**

This public hearing is for the consideration of the Los Alamitos Medical Center Specific Plan and all related approvals for the twenty five year development plan of their nine parcels on 18.3 acres.

City Council agreed staff would maintain a list of questions asked by the public and Council Members and provide answers at the meeting of February 7, 2011.

Steven Mendoza, Community Development Director, reviewed the Los Alamitos Medical Center Application for Specific Plan. Mr. Mendoza introduced the following persons who worked on the application process and called upon them during the PowerPoint Presentation: Collette Morse, Paul Martin, Brian Allee, Paul Tabone, Eddie Torres, and Bernie Dennis.

Michelle Finney, President/CEO of Los Alamitos Medical Center, introduced the Medical Center Board Members present and thanked the City Council and Community for receiving and considering the specific plan application.

Ms. Finney provided information on Los Alamitos Medical Center and Tenet Healthcare Corporation.

At 9:23 p.m., Mayor Stephens opened the Public Hearing.

The following persons spoke in favor of approving the Los Alamitos Medical Center Application for Specific Plan:

Dr. Larry Feiwell, Los Alamitos Medical Center  
Dr. Greg Kimura, Los Alamitos Medical Center  
Dr. Bruce Jetton, Los Alamitos Medical Center, read a letter of support from  
the Orange County Healthcare Agency  
Emil Jorge, Local Business Owner  
Jack Zareinber, Local Business Owner  
Dr. Wayne Freeman, Los Alamitos Medical Center  
Luciann Maulhardt, Casa Youth Shelter  
Dr. Nirav Patel, Los Alamitos Medical Center  
Dr. Stuart Fischer, Los Alamitos Medical Center  
Candie Toth, Resident  
Tom Stretz, Los Alamitos School District  
Beverly Rigney, Los Alamitos Chamber of Commerce, read and submitted  
two letters of support from the Los Alamitos Chamber of Commerce and  
Cypress Chamber of Commerce  
David Wassenarr, Cypress Chamber of Commerce  
Bill Weston, CARE Ambulance Service  
Dr. Joel Weitletz, Los Alamitos Medical Center  
Darrell Essex, Los Alamitos Medical Center  
Johnnie Strohmeyer, Business Owner  
Teresa Murphy, Los Alamitos Non-Profit  
Allen McLean, Business Owner, read and submitted two letters of support  
from Judy Klabough and Karen Klabough of Green Street Interiors  
Beth Piburn, Cypress College  
Dr. Alan Gold, Los Alamitos Medical Center  
Laura Herzog, Resident  
Debbie Feldman, Resident  
Dean Grose, Resident

The following persons spoke in opposition of approving the Los Alamitos Medical Center Application for Specific Plan:

Leighton Woodhouse, National Union of Healthcare Workers  
Rosa Maria Campos, Aramark Employee  
Diana Valencia, Aramark Employee  
Maria Gonzalez, Aramark Employee  
J.M. Ivler, Resident

The following persons neither spoke in favor or in opposition of the Los Alamitos Medical Center Application for Specific Plan:

Richard Murphy, Resident  
Jody Shloss, Resident

## RECESS/RECONVENE

At 11:08 p.m., Mayor Stephens recessed the City Council Meeting. At 11:22 p.m., Mayor Stephens reconvened the Council Meeting with all Council Members present.

Mayor Stephens closed the Public Hearing at 11:27 p.m.

Each of the Council Members asked questions about the proposed specific plan.

Mayor Stephens advised answers to the public and Council Members' questions will be provided at the next Council Meeting.

Recommendation: The City Council

1. Opened the Public Hearing; and,
2. Took Testimony; and,
3. Continued the Approval of the Los Alamitos Medical Center Application for Specific Plan to the Meeting of February 7, 2011, including the adoption of the following items:

Resolution No. 2011-02, entitled, "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,

Resolution No. 2001-03, entitled, "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,

Introduce by title only and waive further reading of Ordinance No. 11-01 and Ordinance No. 11-02, and set for second reading; and,

Ordinance No. 11-01, entitled, "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,

Ordinance No. 11-02, entitled, "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,

Resolution No. 2011-04, entitled, "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 7, 2011."

## 10. DISCUSSION ITEMS

Motion/Second: Kusumoto/Poe

Unanimously carried: Tabled Discussion Items #10A and #10B to the Council Meeting of February 7, 2011.

### A. **Consideration to Dissolve General Plan Subcommittee and Create a Replacement to cover broader Land Use issues known as the Advanced Planning Ad Hoc Subcommittee. This item includes a recommendation to appointment members**

This is a request for the City Council to dissolve the General Plan subcommittee that was established to focus on the Los Alamitos General Plan. The needs of the City have changed and there is a need for a subcommittee to cover broader Land Use issues, including the General Plan and large scale projects such as implementation of the Compass Blueprint Program, including the City's Downtown Revitalization Project.

**B. 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).

**11. MAYOR AND COUNCIL INITIATED BUSINESS  
Council Announcements**

**Council Member Kusumoto** reported on his attendance at Brigadier General Johnson's Promotion Ceremony and thanked the men & women of the Armed Forces who serve our Country; stated he asked the Ad Hoc Committee to provide a report on the RCSD meeting and mentioned Mayor Pro Tem Edgar did provide a report and commented on the meeting; stated he met with Michele Finney, CEO, Los Alamitos Medical Center, for a tour and brief discussion on the expansion plans and stated he has questions on the project, and hopes the Hospital helps us to protect our City, as corporate citizens of the community; reported on an informal briefing he attended with the department heads noting it was interesting and educational.

**Council Member Poe** stated she did not respond to Council Member Kusumoto's email for concern of a Brown Act violation and asked the City Attorney review Brown Act requirements and as they relate to e-mails; reported on a resident's concern regarding the difficulty of obtaining building permits to enhance properties in Carrier Row, and asked the concerns be addressed; reported on her attendance at the Elected Officials Meeting and the RCSD Meetings; addressed the Council Meeting Minutes and stated she believes the Minutes are transparent and reflect everything that occurs in the meetings.

**Mayor Pro Tem Edgar** provided an update on the meeting with the RCSD; addressed the issue of City Council Meeting Minutes; commented on building/contracting concerns in Carrier Row and asked staff to possibly schedule a workshop with area contractors to address the concerns; congratulated the Planning Commission on implementing low Solar Panel permit rates; reported on items from the Mayor's Group, including the release of a real development property plan for JFTB, and welcomed comments from other Council Members; and, asked the issue of reinstating the High School Resource Officer be addressed during budget as well as the potential for a share-cost between the local cities/county.

**Mayor Stephens** stated the OCFA does use Speaker Cards, and advised he will look into the City utilizing Speaker Cards; reported on his attendance at the Wings, Wheels, and Rotors Luncheon at JFTB; provided a report on his attendance at a OCFA Budget and Finance Committee Meeting and a OCFA Special Meeting on January 13<sup>th</sup>; thanked everyone who came out for tonight's Public Hearing; and, thanked staff for their hard work in organizing the presentations.

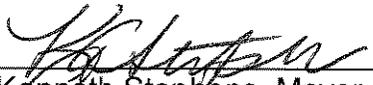
**Council Member Graham-Mejia** asked the use of speaker cards and the public being able to speak on an agenda item at the time of the agenda item be agendized for discussion; requested the Traffic Commission review the possibility of making Lexington Avenue a through street; reported on street sweeping in the alley and thanked the City Manager for handling the item; stated she was meeting with the City Manager regarding Code Enforcement and Community Development issues in Carrier Row and Old Dutch Haven; asked for clarification on the issue of street sweeping and parking; thanked Michele Finney and Rob Feldman for taking her on a tour of the hospital; reminded residents of the Time Capsule Dedication; asked for additional information on the Welcome Home Ceremony for Priv. Jose Torre; stated losing Ms. Herzog as a employee of the base will be a loss; asked meeting minutes be returned to their previous format which she believes increases transparency; and, asked the meeting be adjourned in memory of Christina-Taylor Green and those who lost their lives in the Arizona shooting.

**12. ITEMS FROM THE CITY MANAGER**

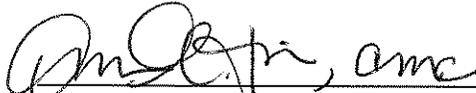
City Manager Stewart had nothing to report.

**13. ADJOURNMENT**

At 1:25 a.m., the City Council Meeting was adjourned in memory of Christina-Taylor Green and the six others who lost their lives in the shooting tragedy in Arizona.

  
Kenneth Stephens, Mayor

ATTEST:

  
Adria M. Jimenez, CMC  
City Clerk