

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

REGULAR MEETING – February 7, 2011

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 50th 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 10th 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 basis.

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 28th, 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 26th 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.

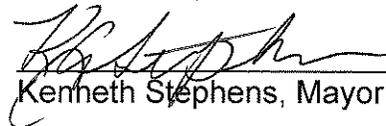
Council Member Kusumoto reported on his attendance at the Time Capsule Dedication and recognized the contributions and service of former Council Member Zarkos during the City's 50th Anniversary; reported on his attendance at the Senior Volunteer Luncheon; reported on his attendance at an informational 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.

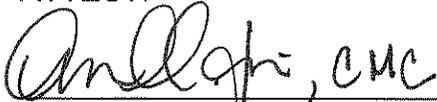
13. ADJOURNMENT

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



Kenneth Stephens, Mayor

ATTEST:



Adria M. Jimenez, CMC
City Clerk