

ITEM NO. 8A2

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

City of Los Alamitos
City Council
City of Los Alamitos
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ADJOURNED REGULAR MEETING – January 27, 2014

1. CALL TO ORDER

The City Council met in Adjourned Regular Session at 5:01 p.m., Monday, January 27, 2014, in the Council Chamber, 3191 Katella Avenue, Mayor Graham-Mejia presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose, Kusumoto, Mayor Pro Tem Murphy, Mayor Graham-Mejia

Absent: Council Members: None

Present: Staff: Bret M. Plumlee, City Manager
Cary Reisman, City Attorney
Corey Lakin, Community Services Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Windmera Quintanar, CMC, City Clerk

3. ORAL COMMUNICATIONS

Mayor Graham-Mejia opened Oral Communications.

Dave Emerson, resident, spoke regarding the following: Council's accomplishments for 2013; speculated regarding the Closed Session item; priorities for the City including public safety, improving traffic, and an efficient budget including increasing funding; unfunded liability pension; developing open space; emancipation of the Joint Forces Training Base; and, avoiding mansionization development.

Mayor Pro Tem Murphy congratulated Mr. Emerson on his recent appointment as Traffic Commission Chair.

Mayor Graham-Mejia closed Oral Communications.

Council Member Edgar clarified the item tonight was a contractual requirement to agree upon the goals for the City Manager.

4. DISCUSSION ITEMS

A. Developer Deposit with Highland Pointe Partners (Community Development)

This agenda item recommended approval of an agreement with Highland Pointe Partners to provide a deposit to cover the cost related to the preparation of CEQA documents, Contract Planning Staff, legal and engineering related costs.

Community Development Director Mendoza summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Graham-Mejia asked the City Attorney to clarify what was being discussed tonight.

City Attorney Reisman stated there was not an application before Council and therefore the merits or demerits of the project could not be considered or discussed. He indicated the project was large and needed the expertise of environmental consultants and would require a significant amount of staff time and effort. He pointed out the consultant was willing to pay to expedite the process; however, the consultants would still be under the supervision of Staff, unused funds would be returned, and there was no assurance the project would be approved. He indicated this course appeared to be beneficial for the community, City, and the applicant.

Mayor Graham-Mejia indicated this process was used with the Olson Company and was not new to the Council.

Council Member Grose reiterated this was not a public hearing on the merits of the project. He expressed appreciation for the additional information provided by the applicant. He recalled the item was continued to allow Council Member Edgar to weigh in and indicated he was prepared to make a motion if there were no further questions.

Mayor Graham-Mejia indicated Council comments would still be heard.

Council Member Edgar indicated he had spoken with the City Manager previously and stated his understanding that accepting the deposit did not guarantee project approval. He inquired what it would cost the City if the project fails.

Community Development Director Mendoza stated a dissenting vote on the item would mean consultants would not be hired and Staff would be responsible for doing the work. He indicated Staff was not prepared to do an all inclusive CEQA report.

Council Member Edgar inquired what the cost would be if the recommendation tonight was rejected. He inquired if at a later time a financial request for consultants would come before Council.

Community Development Director Mendoza indicated Staff would be diverted from their regular duties to work on the project. The cost would be labor and eventually funding for the proper consultants to finish the environmental document.

Council Member Edgar indicated his understanding approval would allow the developer to pay for the specialty services and disapproval would have the City pay.

Mayor Graham-Mejia opened the item for public comment.

Steven Levenson, applicant, indicated he was available for questions and looked forward to moving the process forward.

Ray LeCompte, Arbor Village property owner, indicated his original thought was to deny the applicant and have him go through the regular process, but he understood it now to be a money agreement. He inquired about General Plan approval.

Community Development Director Mendoza referred to section 7 of the agreement.

Dave Emerson, resident, stated concern the project was large, Staff was overworked, and the project is controversial so the developer might benefit from doing some public outreach before moving forward.

Jody Shloss, resident, spoke in opposition to the project and indicated it would be a shame to waste the developers money for a project that is not supported. She encouraged Council to consider purchasing the land for open space and felt the project was nice, but not for Los Alamitos.

Karen Joseph, resident, spoke in opposition to the project and the additional traffic it would create.

Mayor Graham-Mejia closed the item for public comment.

Council Member Kusumoto stated this agreement was similar to the one made with The Olson Company. He reiterated the burden would be on Staff if the money was not accepted. He indicated the exchange was time for money. He asked for clarification that if the money was not accepted the project would go through the normal course and would take longer.

City Manager Plumlee answered in the affirmative and added the agreement allows the developer to pay for the consultants.

Council Member Kusumoto stated he had met with Mr. Levenson in the summer and received a preview of the project and had some contact with the developer and applicant. He indicated he would like to see the vacant lot developed, but did not feel the Council should be initially looking at the project.

Council Member Kusumoto made a motion to vet the project out before taking the applicants money to hire consultants. He referred to the Prologis project in Cypress and expressed concern the project needed to receive its due diligence. He stated he was interested in the project, but wanted it to have another check point before accepting money.

Mayor Graham-Mejia also referred to the Prologis project and indicated a meeting explaining the project would be beneficial. She indicated support for referring the item to the Planning Commission. She referred to the page 14 of the Scope of Work, Task 2 – Environmental Documentation, and urged the Council to request soil samples be taken instead of using previous documents.

Community Development Director Mendoza clarified the Scope of Work is for the consultant and is separate from what the applicant does. He clarified the applicant had received a contamination letter from the Water Board and had reopened the case to a new level of review, which includes doing soil samples. He indicated the applicant had spent money and energy on the project.

Mayor Graham-Mejia referred to Task 3, and indicated it was essential that the project be vetted through the Planning and Traffic Commissions. She stated support for the work the Commissions do and wanted to include such items in tonight's action.

Council Member Edgar asked for clarification. He stated his understanding that projects follow a standard application process in which the Planning Commission is involved. He indicated the request for payment may be at the wrong part of the process if the point was to get it to go to the Planning Commission.

Council Member Kusumoto made a motion to send the item to the Planning Commission before spending the deposit to provide the applicant the opportunity to speak to the Planning Commission to get feedback before he decides to continue. He clarified this was not to say no to the consultants but to ensure due diligence is done. He referred to the

Prologis project and felt if the developer had received feedback beforehand the project may have never started.

Motion/Second: Kusumoto/Graham-Mejia

Refer the item to the Planning Commission for review and to provide feedback to the applicant before consideration of the Council on February 18, 2014.

Council Member Edgar questioned the legality and indicated the process requires the hearing body be subjective. He asked the City Attorney if the motion was legal.

City Attorney Reisman indicated State Law requires the Planning Commission evaluate projects. He added the Commission cannot properly evaluate without a full report and a full report cannot be created without spending money. He stated the process cannot be done as proposed.

Council Member Kusumoto questioned why the application could not be looked at and asked for a further explanation. He believed the process could be explained as it was for the Council that the Commission was not deciding on the merits of the project or whether or not to move forward. He believed the Commission could listen to the applicant before it came before the Council.

City Attorney Reisman stated the applicant is entitled to go to any Planning Commission meeting and express his views and present the project. He stated the Planning Commission cannot give any feedback. Discussion of projects needed to take place at a noticed Public Hearing with a Staff report that includes full Staff investigation and review. He reiterated the proposed motion is not possible.

Council Member Grose expressed remorse the Council was debating something not debatable. He pointed out Prologis was in a different city. He indicated Council would be asking the Planning Commission to look at something that was incomplete and did not have enough detail or information. He stated he had also met with the developer where he had indicated he was excited to see something happen with the property but was unsure this was the right project. He reiterated the project needed to go through a process and felt it was too soon to weigh the merits of the project especially considering a completed application had not been received. He stated the decision tonight was whether or not to accept the offer to study the project and indicated he had read through the material at the last meeting and it was clear there was no guarantee of project approval. He cautioned the developer he had heard a certain portion of the community who were against the project without knowing the full plan.

He stated the Council's job was to make the best decision in the interest of the community and tax payers.

Council Member Grose made a motion for Staff recommendation. He indicated his belief that scoping meetings would be included and there would be motivation measures in the process. He indicated 150 units calling regarding trucks noises would not be ideal and traffic studies and CEQA reports would indicate such. At that point, it would be up to the developer to continue or not.

Mayor Graham-Mejia called a point of order and indicated a motion by Council Member Kusumoto was on the floor.

Council Member Kusumoto withdrew his motion.

Motion/Second: Grose/Murphy
Approve Staff recommendation.

Council Member Murphy stated support for Council Member Kusumoto's intent and felt it was a great solution to get feedback to the developer without spending funds. He indicated the developer was a professional who knew the risks.

Mayor Graham-Mejia inquired if the motion could include the item going before the Traffic Commission.

City Attorney Reisman stated that was not on the agenda tonight. He indicated it would be some time before the project went before the Planning Commission, and Staff would likely have it go before the Traffic Commission having heard Council's concerns.

Community Development Director Mendoza indicated it was not required; however, Staff had discussed the benefits of taking the completed traffic study to the Traffic Commission early on for a receive and file. He indicated the developer is already paying for such and sees the benefits of doing it early on.

Council Member Edgar indicated a strong indirect message was being sent to the developer. He stated the Council's job was to facilitate a process. He encouraged the developer to work with the community for a project the community could support. He thanked property owners LeCompte and Pollards for providing their feedback and encouraged the developer to speak with them.

Mayor Graham-Mejia thanked the Council for the healthy discussion.

Motion/Second: Grose/Murphy
Carried 4/1 (Kusumoto cast the dissenting vote): The City Council:

1. Approved the Agreement between the City of Los Alamitos and Highland Pointe Partners for funding of necessary consultants; and,
2. Authorized the Mayor to enter into a Professional Services Agreement with Keeton Kreitzer Consulting to prepare necessary work to comply with the California Environmental Quality Act (CEQA); and,
3. Authorized the Mayor to enter into a Professional Services Agreement with MIG, a consulting firm, for the contract staffing devoted to processing of the development application.

5. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager
Authority: Government Code Section 54957

City Attorney Reisman read item 5A aloud.

RECESS

The City Council recessed into Closed Session at 6:50 p.m.

RECONVENE

The City Council reconvened in Regular Session at 8:20 p.m.

There was no reportable action.

6. ADJOURNMENT

The City Council adjourned to Monday, February 3, 2014, at 8:20 p.m.

Gerri L. Graham-Mejia, Mayor

Attest:

Windmera Quintanar, CMC, City Clerk