

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

REGULAR MEETING – February 22, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 7:12 p.m., Tuesday, February 22, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

2. ROLL CALL

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

Absent: Council Members: Graham-Mejia (Excused)

Present: Staff: Jeffrey L. Stewart, City Manager
Holly Whatley, Acting 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

Council Member Poe led the Pledge of Allegiance.

4. INVOCATION

Mayor Stephens gave the Invocation.

5. ORAL COMMUNICATIONS

Mayor Stephens opened Oral Communications.

Peter Comiskey, MUZEO Foundation, provided information on the upcoming Green Impacts TrashARTISTS Challenge and encouraged local participation.

Richard Murphy, resident, congratulated the Council and staff on doing such a good job on the City's budget. Mr. Murphy commented on Item #7C, and the words, "to construct," in the franchise agreement. Mr. Murphy also commented on Item #7B, asking for a deadline for Tenet to construct Phases 1 and 2.

Dave Emerson, resident commented on the Los Alamitos Hospital Expansion, the Kaylor Street Vacation and asked the title issues be resolved prior to approving the expansion. Mr. Emerson commented on Tenet's timeline for the expansion, and asked why the Traffic Commission has not been involved in the process.

J.M. Ivler, resident, stated he is looking forward to the Race on the Base; asked the City Council to rename the conference room; asked the Planning Commission's recommendation on rezoning Katella be brought to the City Council; commented on Item #7B, stating he believes it has not been through the Planning Commission well; and, stated he appreciates the Council placing Item #9A on the Agenda. Mr. Ivler commented on the litigation for the trash contract.

Steffen Hammond, resident, stated he believes LATV is being badly managed and commented on the lack of weekly programming information. Mr. Hammond commented on the slurry seal paving in his neighborhood; and, inquired if the City is paying money to keep Liberty Theatre Productions running.

There being no one else wishing to speak, Mayor Stephens closed Oral Communications at 7:35 p.m.

6. REGISTER OF MAJOR EXPENDITURES

February 22, 2011.

Motion/Second: Poe/Edgar

Unanimously Carried (Graham-Mejia Excused): The City Council approved the Register of Major Expenditures for February 22, 2011, in the amount of \$367,793.25.

Roll Call Vote

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

7. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Council Member Kusumoto pulled Consent Calendar Items #7A, #7B, and #7C.

*****CONSENT CALENDAR*****

All Consent Calendar Items were pulled for discussion.

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

A. Warrants

February 22, 2011.

Council Member Kusumoto stated he pulled this item to abstain from voting because he is receiving a reimbursement for his travel to Sacramento.

Motion/Second: Stephens/Poe

Carried (Graham-Mejia Excused; Kusumoto Abstain)

Council Member Kusumoto stated he pulled Item #7B because he would like to ask the City Council to consider the Kaylor Street Vacation prior to this item. Council Member Kusumoto stated he does support the hospital expansion, but would like to make sure both parties are protected.

City Manager Stewart asked the City Council to consider Item #7C prior to discussing the remaining Consent Calendar Items.

C. Second Reading of Ordinance No. 11-03 - Pipeline Franchise

At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-03, granting a 15 year franchise to Crimson California Pipeline L.P.

Council Member Kusumoto stated he pulled this item to address Mr. Murphy's concern of the words, "to construct," in the franchise agreement.

Ms. Whatley, Acting City Attorney, stated the franchise grants so much power and ability regarding the pipeline, and is defined well in the text of the ordinance, and believes it is not necessary to change the words, "to construct."

Motion/Second: Poe/Kusumoto
Unanimously Carried (Graham-Mejia Excused)

1. Waived reading in full and authorize reading by title only of Ordinance No. 11-03; and,
2. Mayor Stephens read the title of Ordinance No. 11-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE CITY OF LOS ALAMITOS GRANTING A FRANCHISE TO CONSTRUCT AND USE AN OIL PIPELINE TO CRIMSON CALIFORNIA PIPELINE, L.P."
3. Adopted Ordinance No. 11-03, by roll call vote.

Upon Council Member Kusumoto's request, the City Council agreed to take Agenda Item #8B – Public Hearing - Consideration of Kaylor Avenue Vacation, out of order.

8. PUBLIC HEARING

B. Consideration of Kaylor Avenue Vacation

At its regular meeting of February 7, 2011, the City Council adopted Resolution No. 2011-04 scheduling a public hearing to consider the vacation of Kaylor Ave. in conjunction with the adoption of the Los Alamitos Medical Center Specific Plan.

Steven Mendoza, Community Development Director, summarized the staff report and asked the City Engineer, Dave Hunt, to provide additional information on how the street was created and the title report.

Mr. Hunt introduced Mr. Dave Knell, Willdan Surveyor, who conducted the title research on Kaylor. Mr. Knell provided an analysis of his research on Kaylor ownership and recommended that in order to move forward the City write a condition of vacation, stating that a clear and perfected title has been proved and demonstrated beyond a shadow of a doubt before the City sign off on the vacation and accept that by resolution.

Jeffrey L. Stewart, City Manager, confirmed there are no liability issues for the City. Tonight's recommendation is the staff recommendation plus two conditions: 1) The hospital purchase title insurance; and, 2) Write the condition, that if the Council were to take action tonight, the hospital would have a clear and perfected title.

Mayor Stephens opened the Public Hearing at 7:46 p.m.

Richard Murphy, resident, expressed his disappointment in the City obtaining a preliminary title report and not a title report from a title company.

J.M. Ivler, resident, stated he thinks the City Council should withhold approving the LAMC Specific Plan until after clearing up the Kaylor issue.

Scott Rifkin, LAMC, advised the City Council is agreeable of what is proposed by the City for the title.

There being no one else wishing to speak, Mayor Stephens closed the Public Hearing at 7:49 p.m.

Council Member Kusumoto asked: staff to confirm the City owns no rights to the land; how an easement is different from a dedication; why the vacating of a dedication which is outlined in the City Code, is not referenced in the staff report; and, if this was posted prior to the Planning Commission considering this item in November. Mr. Kusumoto referenced page 2 of the staff report and requested an explanation for the eastern half and western half of Kaylor and the parcel that is adjacent to Kaylor (the driveway for Southern California Water) and whether or not they own that part of the parcel to the center line.

Holly Whatley, Acting City Attorney, stated that the City has the rights of the easement; the simple title to the underlying land does not rest with the City.

Mr. Mendoza explained the process for posting and advertising a public hearing and advised the notification process had been done properly, and the City has publicly posted. Mr. Mendoza stated the Planning Commission's role in the dedication of recommending that the City Council vacate the street is to make sure it had general plan consistency as required by the City Code. The Planning Commission made that finding after reviewing the draft EIR and adopted a resolution recommending the City Council vacate Kaylor.

Mr. Knell explained vacation laws in California and advised that when the map was recorded in 1964 all the lots were considered to be formed simultaneously upon recordation of the map; and, the street was formed at the same time. Mr. Knell explained "Vacation with Rights by Operation of Law."

Council Member Kusumoto reaffirmed Southern California Water Company, who has one parcel, will get that part to the center line of Kaylor, and asked if this complicates things for the use of Kaylor by the Medical Center.

Mr. Mendoza clarified that the frontage is dedicated only on Cherry Avenue. He further stated that he should have added information about the Water District's property and how the parcel that created it allowed it access only on Cherry. The legal description of the property on Kaylor shows that.

Council Member Kusumoto asked that when you bisect Kaylor, north/south, how does it end up on the adjoining lots, parcel to the west and the parcel to the east, from Catalina down to Katella.

Mr. Knell stated he reviewed the assessor's map with all the properties that are fronting on the section of Kaylor being proposed for vacation; all are hospital owned properties on both sides, no other entities.

Council Member Kusumoto questioned how the Water District property is affected as it borders the streets and how the determination is made. He asked if Southern California Water District is going to make the vacation difficult to fulfill if this is done improperly. He also asked what happens if the vesting on the title on Katella Industrial Development ends up being owned by the hospital.

Kimberly Horn, LAMC, advised she met with the Water District several times to discuss the vacation of Kaylor and the abandonment of the waterline in the street, and stated the Water District is in full support of the project and vacating the street.

Mr. Knell stated he believes the chain of title was never recorded. Cooperation from the hospital will be needed and hopefully they can locate some documents which show the title was pushed forward.

Council Member Kusumoto referenced City Code Section 17.40.030 – Application Filing. He asked is the City exposed if there is indeed a different owner that needs to sign the application.

Mr. Mendoza advised adding the extra condition of requiring a perfected title provides the City with protection.

Council Member Kusumoto referenced City Code 17.52.050(2)(b) and handed out copies to the City Council, noting any changes to the specific plan should be considered by the Planning Commission. He stated he believes some changes to the plan were made and that it should be referred back to the Planning Commission. He asked the City Attorney for an explanation of the Code section.

Holly Whatley, Acting City Attorney stated speaking procedurally if the Planning Commission makes certain recommendations/findings that go up to the Council it is exactly that. If the City Council makes substantive changes that are different than that, this Code Section provides a feedback to go back to the Planning Commission, if substantive changes were made. If the Council did what was consistent with the recommendations, it does not need to go back to the Planning Commission.

Council Member Poe inquired as to what constitutes a "substantive change."

Mr. Stewart stated the City acted on the Planning Commission's recommendations of assuring safeguards and triggers for the implementation of this plan.

Mayor Pro Tem Edgar requested a point of order and confirmed the issue Council is currently discussing is the vacation of Kaylor and not the Specific Plan.

Motion/Second: Poe/Edgar

Approve staff's recommendations with the two additional conditions.

Acting City Attorney Whatley read the proposed language for the additional condition, "That Tenet Healthcare provide an insured final title report regarding ownership of the property underlining Kaylor Avenue to the satisfaction of the City Manager before the City Clerk may record the vacation regarding Kaylor Avenue."

Ms. Whatley elaborated her definition for Council of a substantive change.

Additional City Council discussion ensued.

Council Member Poe made a motion to amend her original motion to include the language for the additional condition.

Amended Motion: Poe/Edgar

Carried (Graham-Mejia Excused; Kusumoto Opposed)

Adopted Resolution No. 2011-06, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO VACATE ALL THAT CERTAIN PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS KAYLOR AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF CATALINA STREET AND ON THE SOUTH BY THE NORTHERLY LINE OF KATELLA AVENUE, AS DELINEATED AND DEDICATED TO PUBLIC USE FOR STREET PURPOSES ON THE MAP OF TRACT NUMBER 5354, RECORDED IN BOOK 206, PAGES 48 THROUGH 50 OF MAPS, OFFICIAL RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA AND AS ACCEPTED BY THE CITY OF LOS ALAMITOS CITY COUNCIL ON SEPTEMBER 22, 1964, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ."

RECESS/RECONVENE

At 8:15 p.m., Mayor Stephens recessed the City Council Meeting. At 8:27 p.m., the City Council Meeting was reconvened with all Council Members present.

7B. Second Reading of Ordinance No. 11-01 – ZOA 09-01

Second Reading of Ordinance No. 11-02 – LAMC SP (SP 09-01)

At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-01, which approves Zoning Ordinance Amendment 09-01 for the property generally located at 3751 Katella Ave.; and Ordinance No. 11-02 which adopts the Los Alamitos Medical Center Specific Plan (SP 09-01).

Steven Mendoza, Community Development Director, summarized the staff report.

Ms. Whatley advised she contacted Sandra Levin, City Attorney, and confirmed there were no significant changes that would trigger this item going back to the Planning Commission. She further stated the Planning Commission asked the City Council to consider the timeline issues, and the City Council did so; the considerations are consistent with the recommendation from the Planning Commission. Ms. Whatley stated an example of a significant change is a re-do of CEQA.

Motion/Second: Poe/Edgar

Carried: (Graham-Mejia Excused; Kusumoto Abstain)

Recommendation:

1. Waived reading in full and authorized reading by title only of Ordinance No. 11-01 and Ordinance No. 11-02; and,
2. 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,

3. 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,
4. Adopted Ordinance No. 11-01 by roll call vote; and,
5. Adopted Ordinance No. 11-02 by roll call vote.

8. PUBLIC HEARINGS

A. Consideration of a Zoning Ordinance Amendment 10-02 to Amend the Municipal Code as it relates to Window Signs

This public hearing is to request consideration to amend the City's Zoning Regulations related to the amount of windows that can be covered by signage.

Jeffrey L. Stewart, City Manager, requested this item, including the public hearing, be continued to the Meeting of March 7, 2011.

At 8:36 p.m., Mayor Stephens opened the Public Hearing. With no one wishing to speak, Mayor Stephens closed the Public Hearing at 8:37 p.m.

Mayor Pro Tem Edgar asked City Staff to coordinate with the Chamber of Commerce, and provide an explanation of why this item took five times to go through the Planning Commission.

The City Council agreed to:

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

9. DISCUSSION ITEMS

A. Review of City Council Practices Regarding Oral Communications

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

Motion/Second: Kusumoto/Poe

Unanimously Carried: Table this item to the Meeting of March 7, 2011.

B. Consideration of an Agreement with Community Schools Media Partnership (CSMP) for Administration of Los Alamitos Television (LATV), an Agreement with John Underwood Regarding Specific Duties Related to the Provision of Community Programming on LATV and Potential Reactivation of a Community Cable Commission

In November 2009, the City Council approved a service agreement with Community Schools Media Partnership (CSMP) for the administration of the LATV. Additionally, the City Council approved a separate agreement with Mr. John Underwood for services related to the refurbishment and construction of a cable television studio located at 10921 Oak Street. The dual effort was undertaken as a method of restarting LATV functions in the community. The work has been completed and LATV is offering a variety of programming. The City Council will consider items related to the continued administration of LATV and the provision of Community Programming on LATV.

Jeffrey L. Stewart, City Manager, summarized the staff report for the City Council.

Mayor Stephens invited Mr. Larry Strawther and Mr. John Underwood to the podium to discuss this item and answer questions from the City Council.

After further discussion, the City Council gave staff direction to schedule a workshop regarding LATV for Monday, March 21, 2011, at 5:00 p.m.

10. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

Mayor Pro Tem Edgar reported on his attendance at the Orange County Sanitation District Meeting; provided an update on the RMC Executive Director Recruitment; stated he is working with a group of Los Alamitos High School students on their global warming project/initiative; and, stated he is excited about moving ahead with the hospital project and is looking forward to fiscally planning for next year.

Mayor Stephens reported on his attendance at an Eagle Scout Court of Honor ceremony; congratulated Brian Stephens, on his promotion as the new OCFA Assistant Chief of Support Services; and, reported on his informal meeting with Supervisor Moorlach, Seal Beach Mayor Levitt, and Jeff Rips of Rossmoor.

Council Member Kusumoto requested an update/report on the Los Alamitos Blvd. Downtown Revitalization Project.

Council Member Poe reported on her attendance at the Elected Officials Meeting and provided information on JFTB's construction plan; reminded residents about the upcoming Race on the Base; and, stated she is attending the Americana Awards honoring Alice Jempsa. Council Member Poe asked Angie Avery, Community Services Director, to provide Race on the Base information.

Angie Avery, Community Services Director, provided information on the event which included entrance to the event, parking, registration, and race information.

11. ITEMS FROM THE CITY MANAGER

Jeffrey L. Stewart, City Manager had nothing to report.

12. CLOSED SESSIONS

Mayor Stephens read the Closed Session Items and recessed the City Council Meeting at 10:25 p.m., to go into Closed Session.

A. Conference with Labor Negotiator

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

B. Conference with Legal Counsel – Existing Litigation

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

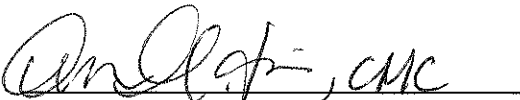
Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract
Case Number: Orange County Superior Court Case #00420414
Authority: Government Code Section 54956.9(a)

RECONVENE/ADJOURNMENT

Mayor Stephens reconvened the City Council Meeting at 11:31 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.


Kenneth Stephens, Mayor

ATTEST:


Adria M. Jimenez, CMC
City Clerk