

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

REGULAR MEETING – April 21, 2014

1. CALL TO ORDER

The City Council met in Regular Session at 6:00 p.m., Monday, April 21, 2014, in the Council Chamber, 3191 Katella Avenue, Mayor Pro Tem Murphy presiding.

2. ROLL CALL

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

Absent: Council Members: Mayor Graham-Mejia (excused)

Present: Staff: Bret M. Plumlee, City Manager
Cary Reisman, City Attorney
Tony Brandyberry, Public Works Superintendent
Corey Lakin, Community Services Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. PLEDGE OF ALLEGIANCE

Council Member Kusumoto led the Pledge of Allegiance.

4. INVOCATION

Council Member Grose gave the invocation.

5. PRESENTATIONS

A. Presentation of Certificates of Recognition to 2014 Southland Credit Union 33rd Annual Los Alamitos Race on the Base Sponsors

The City Council and Community Services Director Lakin presented Certificates of Recognition to the Sponsors and presented donations to the Los Alamitos Joint Forces Morale, Welfare and Recreation (MWR) program from Johnny Rebbs and the City of Los Alamitos.

B. Presentation of Certificates of Recognition to Military Service Academy Nominees Andrew Chaidez, US Air Force Academy; Vincent O'Reilly, West Point, NY; and, US Naval Academy Appointee, Haley Fessenden

The City Council presented Certificates of Recognition to the Military Service Academy nominees and appointee.

- C. Presentation of a Certificate of Recognition to Ann Busenkell for her Volunteer and Community Involvement**
The City Council presented a Certificate of Recognition to Ann Busenkell. Ms. Busenkell spoke briefly.
- D. Presentation of a Proclamation for Public Safety Dispatcher Week to West Cities Police Communications Representatives**
The City Council presented a Proclamation to the representatives.
- E. Presentation of a Proclamation for DMV/Donate Life California Month to Donate Life Ambassador Raquel Gonzalez**
Ms. Gonzalez was not present.
- F. Presentation of Certificates of Recognition to the Los Alamitos Girls Soccer Team**
Head Coach Soler introduced the players present and spoke briefly regarding the season. The City Council presented Certificates of Recognition to the Girls Soccer Team.

6. ORAL COMMUNICATIONS

Mayor Pro Tem Murphy opened Oral Communications. There being no one present wishing to speak, Mayor Pro Tem Murphy closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Edgar/Grose

Unanimously Carried: The City Council ratified the Register of Major Expenditures for March 18, 2014, to April 21, 2014, in the amount of \$716,773.57, and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period April 22, 2014, to May 18, 2014.

ROLL CALL

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Kusumoto	Aye
Mayor Pro Tem Murphy	Aye
Mayor Graham-Mejia	Absent

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 item 8B.

Motion/Second: Edgar/Kusumoto

Unanimously Carried: The City Council approved the following Consent Calendar items:

- A. Approval of Minutes (City Clerk)**
Approved the Minutes of the Regular Meeting of March 17, 2014.

- C. Resolution No. 2014-08 – Establish New Part-Time Position Classifications, Amend Hourly Rate Schedule and Adopt Findings to Hire a PERS Annuitant as a Temporary Part-time Executive Assistant/Benefits Coordinator (City Manager)**
This agenda item sought authorization to establish one new classification within the part-time hourly employee resolution.

The City Council adopted Resolution No. 2014-08, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME TEMPORARY POSITION CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM ("PERS") ANNUITANT AS A TEMPORARY PART-TIME EXECUTIVE ASSISTANT/BENEFITS COORDINATOR AND AMENDING RESOLUTION 2013-15."

- D. Review of Engineering and Traffic Survey for Speed Limits (Engineering)**

The Engineering and Traffic Survey for Speed Limits was authorized by the City and was performed by the engineering consulting firm of Hartzog & Crabill, Inc. The goal of the review was to determine whether changes in pre-existing conditions have occurred where older speed limits should be modified.

The City Council:

1. Approved Engineering and Traffic Survey for Speed Limits as submitted in this report; and,
 2. Adopted Resolution No. 2014-09, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING THE 2014 ENGINEERING AND TRAFFIC SURVEY FOR SPEED LIMITS."
- E. Approval of Plans and Specifications, and Authorization to Bid for Street Improvement Project (CIP No. 13/14-04) (Engineering)**
This report recommended actions to begin facilitating the construction of the Business Area Street Improvement Project consisting of street

improvements on Winners Circle from Katella Ave. to 800 feet south; Portal Drive from Katella Ave. to 900 feet north; Ball Road from Bloomfield St. to 250 feet west of Kaylor Ave.; Los Alamitos and Bradbury Way intersection; and sidewalk improvements on Cerritos Ave. from Coyote Creek Channel to Chestnut St.

The City Council:

1. Approved the plans and specifications for the construction of the Business Area Street Improvement Project (CIP No. 13/14-04); and,
2. Authorized Staff to advertise and solicit bid proposals.

F. Authorization to Purchase Virtualization Storage System (IT)

This report sought City Council authorization to purchase a Dell Virtualization Storage System in the amount of \$13,529.95. This system was designed with exacting specifications for the City's virtualization project and, as quoted, will come in approximately \$8,000 under budget.

The City Council authorized the City Manager to purchase the Dell Virtualization Storage System in the amount of \$13,529.95 from account number 53.512.5450.

G. Amendment No. 2 to Professional Services Agreement with Scientia Consulting Group for Information Technology Support Services (IT)

The purpose of this report was to amend the Professional Services Agreement with Scientia Consulting Group, extending the term to June 30, 2015, for information technology support services.

The City Council authorized the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Scientia Consulting Group, extending the contract for one year.

H. Approval of Amendments to Professional Service Agreements for Interim Finance Services (City Manager)

Interim Finance Director Linda Magnuson's last day was March 6, 2014. City Manager Plumlee entered into Professional Service contracts for interim help with Glenn Steinbrink and MV Cheng & Associates for financial services not to exceed \$9,950.00. Staff recommended City Council authorize amendments to both contracts.

The City Council:

1. Authorized City Manager to execute Amendment 1 for Interim Administrative Services Director, Glenn L. Steinbrink; and,

2. Authorized City Manager to execute Amendment 1 for financial consulting services with MV Cheng & Associates.

I. Amendment No. 2 to Professional Services Agreement with Douglas L. Wood for the Provision of Services Related to the Administration of LATV (City Manager)

This item was to consider continuing services with Douglas L. Wood.

The City Council authorized the Mayor to execute Amendment 2 to the Professional Services Agreement with Douglas L. Wood for the provision of services related to LATV.

J. Extension of Professional Services Agreement with Moss, Levy & Hartzheim, LLP, for Professional Independent Financial Auditing Services (Finance)

This agenda item sought approval for a one year extension of the agreement with Moss, Levy & Hartzheim, LLP, to provide professional independent financial auditing services for the City of Los Alamitos.

The City Council authorized the City Manager to execute a one year extension of a Professional Services Agreement between the City of Los Alamitos and Moss, Levy & Hartzheim, LLP, for professional independent financial auditing services for fiscal year 2013-14, in an amount not to exceed \$24,975.

K. Extension of Professional Services Agreement with Charles Abbott Associates for Building and Safety Services (Community Development)

This item was to consider continuing services with Charles Abbott Associates to provide Building and Safety services. The current Professional Services Agreement (PSA) expires on June 30, 2014, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 2 of the PSA with Charles Abbott Associates for Building and Safety services.

L. Extension of Professional Services Agreement with Willdan Engineering for City Engineer Services (Community Development)

This item was to consider continuing services with Willdan Engineering to provide Engineering services. The current Professional Services Agreement (PSA) expires on June 30, 2014, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 2 of the PSA with Willdan Engineering for engineering services.

M. Amendment No. 1 to Professional Services Agreement for Brochure Printing Services (Community Services)

This item was to consider continuing services with Weber Printing Company, Inc. to provide brochure printing services for the Los Alamitos Activities Guide quarterly brochure. The current Professional Services Agreement (PSA) expires on June 30, 2014, but can be extended for two additional one-year terms.

The City Council authorized the Mayor to execute Amendment No. 1 of the PSA with Weber Printing Company, Inc. for brochure printing services.

N. Amendment No. 1 to Professional Services Agreement for Pool Maintenance Services (Community Services)

This item was to consider continuing services with Commercial Aquatic Services, Inc. to provide pool maintenance services at the USA Water Polo National Training Center at the JFTB in Los Alamitos. The current Professional Services Agreement (PSA) expires on June 30, 2014, but can be extended for two additional one-year terms.

The City Council authorized the Mayor to execute Amendment No. 1 of the PSA with Commercial Aquatic Services, Inc. for pool maintenance services.

O. Extension of Professional Services Agreement with West Coast Arborists for Tree Maintenance Services (Public Works)

This item was to consider continuing services with West Coast Arborists to provide Tree Maintenance services. The current Professional Services Agreement (PSA) expires on August 15, 2014, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 2 of the PSA with West Coast Arborists for Tree Maintenance services.

P. Extension of Professional Services Agreement with Computer Service Company for Traffic Signal Maintenance (Engineering)

This item was to consider continuing services with Computer Service Company to provide traffic signal maintenance services. The current Professional Services Agreement (PSA) expired on January 31, 2014, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 2 of the PSA with Computer Service Company for traffic signal maintenance services.

End of Consent Calendar

Items Pulled from Consent Calendar

B. Warrants

(Finance)

Council Member Kusumoto indicated he would like a separate detailed report for transparency regarding the payment to John Underwood as he serves as producer and Commissioner for LATV-3.

Motion/Second: Kusumoto/Edgar

Carried 3/1 (Grose cast the dissenting vote): The City Council approved the Warrants for April 21, 2014, in the amount of \$47,181.85, ratified the Register of Warrants for March 18, 2014, to April 20, 2014, less the payment to John Underwood, and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period April 22, 2014, to May 18, 2014.

Council Member Grose stated opposition to holding up payment and stated the Cable Television Commission was currently meeting to resolve issues such as payment.

9. PUBLIC HEARING

A. Zoning Ordinance Amendment 14-01 - Proposed Changes to the Los Alamitos Municipal Code Sections Relating to Curb Cuts, Driveways, Aprons and Landscape Standards (Community Development)

Consideration of a Zoning Ordinance Amendment to make changes to Los Alamitos Municipal Code sections pertaining to curb cuts, driveways, aprons, and landscape standards (Citywide) (City initiated).

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

Mayor Pro Tem Murphy opened the Public Hearing. There being no one present wishing to speak, Mayor Pro Tem closed the Public Hearing.

Council Member Grose inquired if the item would come back for second reading.

Motion/Second: Grose/Edgar

Motion: Move Staff recommendation.

Council Member Kusumoto inquired if this would affect existing property owners that were not in compliance and asked how it was stated in the Code.

Community Development Director Mendoza indicated the Code referred to new permits. He stated permits were required to add a second driveway and if a permit was already on record the property owner would be grandfathered in.

Council Member Kusumoto inquired what would happen if there was no permit.

Community Development Director Mendoza indicated Staff would need to make a determination to see if it was done after adoption of the new code. He indicated the intent of the update was not to punish residents.

Council Member Kusumoto inquired how a determination would be made.

Community Development Director Mendoza indicated technology (i.e. aerial photos) would be used.

Council Member Edgar stated there were many homes that have a second driveway that were not permitted. He inquired if wording the Code to be very specific that moving forward would include all homes. He referred to a home in Carrier Row and inquired if the Planning Commission had deliberated on Homeowner's rights.

Community Development Director Mendoza indicated the Planning Commission had been clear the intent was not to punish previous property owners.

Council Member Edgar asked if property owners who had not received permits, would be ok moving forward and pointed out many aerial shots had been taken for the General Plan.

Community Development Director Mendoza answered in the affirmative. He stated Staff was confident any questionable existence could be enforced and this amendment was not going to be used as a tool to make people remove driveways.

Motion/Second: Grose/Edgar
Unanimously Carried: The City Council:

1. Opened the Public Hearing; and, if appropriate,
2. Determined a Categorical Exemption from California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines is appropriate because the Code Amendments will have no significant effect on the environment, and, pursuant to Section 15305, qualify as a minor alteration in land use limitations; and,

3. Introduced, waived reading in full and authorized reading by title only of Ordinance No. 2014-02, and set for second reading; and,
4. City Attorney Reisman read the title of Ordinance No. 2014-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 14-01 TO AMEND SECTIONS 17.16.090 RELATING TO LANDSCAPING IN THE FRONT YARD SETBACK AND 17.26.060 RELATING TO CURB CUTS, DRIVEWAYS AND APRONS AS WELL AS AMEND SECTION 12.08.030 REGARDING PERMITS FOR THE SAME, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

10. DISCUSSION ITEMS

Mayor Pro Tem Murphy advised Mayor Graham-Mejia had asked items 10B and 10C be moved to the next regular Council meeting.

A. **Rescission of City Council Action Against Council Member Warren Kusumoto and Reimbursement for Legal Fees Expended**

(City Attorney)

In 2011, the City Council voted to refer a claimed Brown Act violation to the appropriate authorities for criminal prosecution. The Statute of Limitations on any criminal violations expired and criminal prosecution would not be possible. Civil action would also be difficult and an unnecessary waste of municipal resources. Reimbursement of Council Member Kusumoto's legal fees is permissible but not mandatory. This item was continued from the February 18, 2014, and March 17, 2014, meetings.

Council Member Kusumoto indicated he would recuse himself from item 10A. He stated a preference for having Mayor Graham-Mejia present; however, he had no issue with proceeding.

Council Member Grose indicated this item had already been continued several times.

Council Member Kusumoto indicated it had been delayed once because Council Member Edgar was out of town and a second time because Council Member Edgar was expected to leave early. He stated support for continuing the item another month and pointed out the issue was not getting any worse.

Mayor Pro Tem Murphy stated the item would be continued to the next regular meeting.

- B. Park Maintenance Discussion (Public Works)**
Discuss maintenance items at Labourdette Park as well as other parks within Los Alamitos.

Recommendation: Receive and file, and/or provide direction to staff for 2014/2015 budget discussions.

The item was continued to the May 19, 2014, City Council meeting.

- C. Consider Contribution Towards Townsend Public Affairs (TPA) Contract for Continued Advocacy Efforts Relating to the I-405 Improvement Project (City Manager)**

This item is in consideration of a proposal for the continuation of services for Townsend Public Affairs (TPA) for advocacy efforts relating to the I-405 Improvement Project. TPA's previous contract expired in April 2013. Since that time, TPA has remained engaged in the process and continues to help the Corridor Cities with the following objectives: prevent the reconsideration, adoption and implementation of Alternative 3 and promote the adoption and implementation of modified Alternative 2 as the locally preferred alternative for the I-405 Improvement Project.

Recommendation:

1. Consider paying the City's share, \$5,000, to the City of Costa Mesa for the Townsend Public Affairs, September 2012, contract; and,
2. Consider paying the City's share, \$5,000, to the City of Westminster for the Townsend Public Affairs, January 2013, contract; and,
3. Authorize the City Manager to enter into an agreement with Townsend Public Affairs, in a form approved by the City Attorney, in an amount not to exceed \$5,000.

The item was continued to the May 19, 2014, City Council meeting.

11. MAYOR AND COUNCIL INITIATED BUSINESS

- A. Southern California Association of Governments (SCAG) 2014 Regional Conference and General Assembly (City Clerk)**
The Southern California Association of Governments (SCAG) Regional Conference will be held May 1-2, 2014, at the Renaissance Esmeralda Resort and Spa in Indian Wells, California. Each year, SCAG's member cities select a Delegate and/or Alternate to represent their City and

participate at the conference. Council Member Kusumoto expressed an interest in attending the conference.

City Clerk Quintanar summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Kusumoto indicated there were four items of discussion for the General Assembly and referred to the item regarding the Salton Sea. He indicated his preference for a vote in opposition and stated he was not in favor of spending the State's money if it did not benefit the whole State.

Council Member Edgar stated support for Council Member Kusumoto being the delegate. He indicated he was familiar with the Salton Sea and did not have a preference.

Council Member Grose and Mayor Pro Tem Murphy agreed.

Council Member Kusumoto indicated he would vote in opposition for that item. He referred to election of SCAG Officers and indicated he would vote in favor with the consensus.

City Council consensus was received to appoint Council Member Kusumoto to attend and serve as the City's Voting Delegate for the Southern California Association of Governments (SCAG) General Assembly and direction was provided regarding the General Assembly's action items.

B. Orange County Sanitation District (OCSD) Update from Appointed Los Alamitos representative, Council Member Edgar

Council Member Edgar has consistently reported significant activities in his role as your appointed Los Alamitos representative to the Orange County Sanitation District (OCSD). He has served on this board since 2008 and was unanimously elected Chairman of the Board for the last two years. Although the term is reappointed from the City Council every year, his current term as Chairman ends in June 2014. Considering that, he wanted to provide an update of the Board's accomplishments over the last two years and answer any questions.

Council Member Edgar gave an overview of his two year term on the Orange County Sanitation Board (OCSD) as the Chair and spoke regarding the following topics: 25 member Board; Council policy regarding appointment to Boards; approval of rate case; Groundwater Replenishment System; and, EPA Dissent Decree. He stated being a

Board Member had been a rewarding experience and he thanked the Council for its support.

Council Member Grose thanked Council Member Edgar for his leadership. He stated appreciation for Council Member Edgar keeping the Council informed on Board issues and stated support for allowing Council Members to stay involved and committed on the Board. He thanked Council Member Edgar for a job well done.

Council Member Kusumoto agreed and thanked Council Member Edgar for his service. He referred to his experience on the Orange County Fire Authority (OCFA) Board and believed serving more than a year is beneficial for overall effectiveness in helping the community and the Board. He appreciated his opportunity to impact the OCFA Board and thanked Council Member Edgar for his impact with the OCSD.

Mayor Pro Tem Murphy thanked Council Member Edgar for his many accomplishments as Chairman. He indicated this experience highlights what can be done when someone is dedicated and sticks to a cause.

Motion/Second: Grose/Kusumoto

Unanimously Carried: The City Council received and filed the report.

C. Council Announcements

Council Member Kusumoto spoke regarding the following topics: attendance at the Eagle Scout Court of Honor for Mark Hansberry and Jackson Fortune; attendance at the Precious Life banquet; requested an analysis of possibility of waiving business license fees for sole proprietors that have a license in an adjacent City and attracting more business; and, establishing a policy for Commission Chairs to be able to add agenda items.

Mayor Pro Tem Murphy recognized Debbie Feldman in the audience and invited her to speak briefly.

Debbie Feldman, Jewish Family and Children Service of Long Beach Board Officer, spoke briefly regarding the organization and invited everyone to participate in the Race with a View on Sunday, May 18.

Rob Feldman, Jewish Family and Children Service of Long Beach Board Officer, read a testimonial regarding the services provided.

Council Member Grose spoke regarding the following topics: provided background information regarding the Military Academy nominees; events attended are listed at www.losal.net; upcoming Budget Workshop on May 5; and encouraged residents to participate in the June 3, 2014, Primary Election.

Council Member Edgar spoke regarding the following topics: service of Ann Busenkell; support for Race with a View; continued improvements at Coyote Creek Park and acknowledgement for Dave Hunt and Steven Mendoza for their work on the project; request to recognize Ed Bremel at the next Council meeting for being a community advocate; progress on the Budget Ad Hoc Committee in preparation for the May 5 Workshop; retirement of Michele Finney from the Los Alamitos Medical Center; and, recent travel for OCSD.

Mayor Pro Tem Murphy spoke regarding the following topics: upcoming American Legion Post 716 Law & Order Appreciation Night, April 25; upcoming Coffee with Congressman Lowenthal, April 26; congratulated the Military Academy nominees; and, attendance at the Water Department tour of Northern California.

12. ITEMS FROM THE CITY MANAGER

City Manager Plumlee stated the Spring Carnival the past Saturday was very successful and well received. He thanked the Community Services Staff for another great job.

13. CLOSED SESSION

A. Conference with Labor Negotiator

Agency Negotiators: Bret M. Plumlee, City Manager
Unrepresented Employee: City Clerk
Authority: Government Code Section 54957.6

B. Conference with Labor Negotiator

Agency Negotiators: Gregory D. Korduner, Consultant
Employee Organization: Los Alamitos City Employee Association
Authority: Government Code Section 54957.6

C. Conference with Labor Negotiator

Agency Negotiators: Gregory D. Korduner, Consultant
Employee Organization: Police Officers Association
Authority: Government Code Section 54957.6

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pending litigation pursuant to subdivision (d)(4) of Section 54956.9. Three potential cases.

City Attorney Reisman read the titles of items 13A, B, C, and D aloud.

Council Member Edgar recused himself from one potential case under Item 13D for a conflict of interest.

RECESS

The City Council recessed into Closed Session at 7:11 p.m.

RECONVENE

The City Council reconvened in Regular Session at 10:18 p.m.

There was no reportable action.

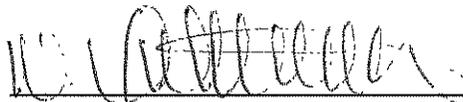
14. ADJOURNMENT

The City Council adjourned at 10:18 p.m.



Richard D. Murphy, Mayor Pro Tem

Attest:



Windmera Quintanar, CMC, City Clerk