

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

**REGULAR MEETING – October 20, 2014**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:06 p.m., Monday, October 20, 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  
Tony Brandyberry, Public Works Super  
Dave Hunt, City Engineer  
Corey Lakin, Community Services Director  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Director  
Cassandra Palmer, Support Services Manager  
Windmera Quintanar, CMC, City Clerk  
Glenn L. Steinbrink, Interim Admin. Services Director

**3. PLEDGE OF ALLEGIANCE**

Council Member Kusumoto led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Pro Tem Murphy gave the Invocation.

**5. PRESENTATIONS**

**A. Presentation of a Certificate of Recognition to Cassandra Palmer, Support Services Manager, for Emergency Preparedness**

Mayor Graham-Mejia and the Council presented a Certificate of Recognition to Support Services Manager Palmer. Ms. Palmer gave a quick overview of the City's participation in the Great Shakeout Earthquake Drill.

**B. Presentation of a Proclamation to Greg Gillaspy, Proclaiming Los Alamitos as a Red Shirt City**

Mayor Graham-Mejia and the Council presented a Proclamation to Mr. Gillaspy. Mr. Gillaspy spoke briefly.

**C. Presentation of a Proclamation to Mark Korando, Senior Vice President of Orange County Habitat for Humanity, Proclaiming October as World Habitat Month**

Mr. Korando was not present.

**6. ORAL COMMUNICATIONS**

Mayor Graham-Mejia opened Oral Communications.

Jared Dever, Director of Communications, Orange County Vector Control District, gave an update on the latest evasive species of mosquitoes and provided helpful hints for residents to stay aware.

Mayor Graham-Mejia showed a picture of the mosquitoes and pointed out the differences. She advised an information piece had been prepared to make residents aware of the risk and that it was available online, LATV-3, and would be shared with surrounding communities.

Greg Shellenberger, candidate, spoke regarding his candidacy for the Los Alamitos Unified School District.

Tom Von Hoffgarden, resident, spoke in favor of finding a compromise for the 4<sup>th</sup> of July Fireworks and suggested allowing safe and sane fireworks for two years to help raise funds for the show.

JM Ivler, resident, advised information regarding candidates was available at [www.losalnews.com](http://www.losalnews.com) and encouraged residents to vote.

Robert Graham, resident, spoke in favor of safe and sane fireworks.

Mayor Graham-Mejia closed Oral Communications.

**7. WARRANTS**

Council Member Grose advised he had dialogued with City Staff regarding several items, particularly charges against the Los Alamitos Television Fund. Staff had advised later action on the agenda will address his concerns.

Motion/Second: Grose/Murphy

Unanimously Carried: The City Council approved the Warrants for October 20, 2014, in the amount of \$69,906.18, ratify the Warrants for

September 16, 2014, to October 19, 2014, in the amount of \$705,354.01, and authorize 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 October 21, 2014, to November 16, 2014.

**ROLL CALL:**

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Kusumoto	Aye
Mayor Pro Tem Murphy	Aye
Mayor Graham-Mejia	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 Grose pulled item 8E.

Council Member Edgar pulled items 8B, 8D, and 8F.

Mayor Graham-Mejia requested item 9A be considered before Consent Calendar and asked if that was feasible.

City Attorney Reisman indicated as Mayor, she could so order unless the majority of Council overruled.

Council consensus was received to move item 9A forward.

**9. DISCUSSION ITEMS**

**A. 4<sup>th</sup> of July Fireworks Options (Community Services)**

This agenda item provided the City Council with information about the two previous locations of the fireworks display at the annual 4<sup>th</sup> of July Fireworks Spectacular event located at the Joint Forces Training Base (JFTB) and responses from the various stakeholders including the Joint Forces Training Base, City of Cypress, City of Seal Beach and the Community of Rossmoor. The item was first submitted to Council on September 15, 2014. Mayor Graham-Mejia requested it be postponed until October. Council consensus was received to postpone the item without discussion.

City Manager Plumlee introduced the item. Community Services Director Lakin summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Graham-Mejia opened the item for public comment.

Mike Spillane, resident, stated since the firework location moved neighborhood participation has declined. He urged Council to look at the firework show and how it affects the residents and felt that the 2,000 residents in Carrier Row had been negatively affected. He thought safe and sane fireworks was an interesting idea and suggested looking into shooting the fireworks higher and reducing the amount, raising money for a bigger display, and relocating the show.

Art DeBolt, resident, stated concern the fireworks may be eliminated or dramatically reduced. He referred to a previous social contract between the Council and residents to give up safe and sane fireworks for a firework show. He indicated the old firework show provided a tradition for families and believed the Carrier Row residents had valid arguments. He suggested Council take Staff's recommendation to raise the fireworks, relocate the show, and encourage residents to raise the money. If the money could not be raised, the City should fund the event.

Susie Barnhill, resident, stated concern that family traditions were being altered since the firework show had been moved. She indicated family no longer wanted to visit because the show could not be seen. She was questioned if security was being compromised by not having access to the tarmac to defend the community. She felt her neighborhood had been taken out of the fun.

JM Ivler, resident, did not feel the problem was being solved. He pointed out the community had offered to fundraise for the event. He suggested having the Commission review the event and make recommendations. He stated the show had been moved while a facility was being built and that reason did not exist anymore and he did not believe there was a good reason the show could not be moved back. He did not believe the item needed to be decided tonight and supported sending it back to the Commission for community input and further recommendations.

Javier Mejia, resident, referred to three years ago when the show was almost canceled due to lack of funding, but due to sponsorships was now able to stand on its own. He believed the issue needed to be fixed and other ideas should be explored. He stated concern for the smoke screen that would occur if the fireworks were raised. He suggested having the event on the tarmac, but shooting the fireworks in the old location. He pointed out that Carrier Row had dealt with all the parking issues the event brought and now they are being forgotten. He referred to large stadium shows and felt a solution could be found.

"Resident", stated concern the family gatherings that the 4<sup>th</sup> of July event brought was gone. She stated she had moved to the City for the family BBQs and gatherings and they were no longer present. She felt Council

had a great opportunity to fix this by putting their minds together and bringing the event back to what it was.

Mayor Graham-Mejia requested members in the audience raise their hands if they are present for the item, but not wishing to speak.

Mayor Graham-Mejia closed the item for public comment.

Mayor Graham-Mejia advised she had attended the Elected Officials group at the Joint Forces Training Base (JFTB) where JFTB Representatives had very clearly stated the firework show would not be moved back for reasons stated in letter and that moving the fireworks further down airfield is more plausible due to logistics and storage of Blackhawks. She indicated the old location was not an option for the Council to consider.

Mayor Pro Tem Murphy believed the three issues were location, safe and sane fireworks, and shooting the fireworks higher. He believed the location has been decided. He was supportive of starting the process to review the possibility of allowing safe and sane fireworks, including the Parks, Recreation, and Cultural Arts Commission, Police, and Fire input. He stated concern that the Grand Jury report noted "organized mayhem", but believed it was something the community could work out. He felt the answer lied in shooting the fireworks higher so the whole community could benefit and enjoy the show from their homes. He proposed the Mayor and community leaders from Carrier Row meet with the City Attorney to figure out a fundraising mechanism for next year. He pointed out a surplus has been building for future years when the trash contract no longer contributes.

City Manager Plumlee indicated a surplus has been building because Cypress had partnered up with the City for staffing. He stated there was a carryover plan to use when the funding does stop.

Mayor Pro Tem Murphy stated according to the Staff report there was a \$12-13,000 issue; however, the event was making a profit of \$9,000. He felt the event was almost there and needed a fundraising effort. He thanked Mr. Hoffgarden for bringing the idea forward and felt with a little coordination it would be plausible. He supported concentrating on working together to develop a plan to raise funds.

Council Member Kusumoto asked why the fireworks were moved from grass to tarmac two years ago.

Community Services Director Lakin stated it was due mainly to safety reasons. He referred to attachment 7, letter from the JFTB Fire

Department, and read the list of safety reasons why the firework show was relocated.

Council Member Kusumoto recalled the move was to be temporary and asked if former Director Angie Avery had made the decision to move the show.

Community Services Director Lakin stated he was not aware of a temporary relocation and advised the relocation decision had been made while he was the Director and Angie Avery was the City Manager.

Council Member Kusumoto referred to the letter from the City of Seal Beach and believed they did not have any liability. He indicated the agreements were with Cypress, Los Alamitos, and the JFTB. He believed if a claim was filed it would be against the City. He asked what the fall out zone would be if the shells were shot higher in their current location and if would encroach on the golf course.

Community Services Director Lakin indicated if Seal Beach were to provide Staff there would be liability. He stated the fall out zone depended on the size of the shell and gave an example of an 8 foot shell having an 800 foot fall out zone. He stated according to the map it would not encroach, but would come approximately 1,000 feet from the golf course and 12,000-14,000 spectators.

Council Member Kusumoto stated concern for the possible negative effect to the Rossmoor Highland neighborhood. He recalled his neighborhood experience in College Park North and that it no longer occurred due to lack of visibility. He stated support for finding a way to move the show to its original location. He indicated he was not in favor of safe and sane, but would support it due to the impact to Carrier Row's family gatherings.

Council Member Grose believed the main issues were the location, safe and sane fireworks, and shooting the fireworks higher. He spoke regarding the 10,000-12,000 people that attend the event and participate in organized activities. He indicated there was not anything that prevented anyone from any neighborhood in the City from going and enjoying the show. He believed the real issue was money and recalled a Rossmoor resident donating \$15,000 to ensure the show continued. He stated Council did not want to impede the community enjoying the national holiday. He indicated the JFTB has been a good partner and there were significant issues raised, including the pool and changes at the JFTB. The problem for the City over years is funding for the show and once the \$15,000 mandated by the refuse contract expires there would be a major impact. Sponsors were currently a major source of funding for the show. He stated interest in the opportunity for fundraising, but felt creating a non-

profit for the sole purpose of funding the firework show would be problematic. He believed it would be possible for the community and Staff to work together to find a solution. He was unsure if higher fireworks were the solution, valued quality of life for families, and spoke regarding the Navy Golf Course charging to view the City's free show. He was supportive of passing the issue to the commission, but on the other hand did not want the issue further down the road. He stated support for a community summit facilitated with Commissioners and Council to discuss possible solutions. He spoke regarding safe and sane fireworks, the probable opposition from the Fire department, opposition to spending funds on a ballot initiative that could be used for the show. He spoke regarding support for finding a solution that benefits the entire community. He reiterated support for a Town Hall meeting and indicated the City could accept donations for the firework show. He believed the event was good for the community and was supportive of figuring out the best way to continue in 2016 and beyond.

Council Member Edgar thanked the residents of Carrier Row for expressing their concerns constructively and agreed a solution could be found by working together. He stated support for the Parks, Recreation, and Cultural Arts Commission reviewing the issue. He believed the issues were funding and safe and sane fireworks. He reviewed the budget and indicated for a small city; Los Alamitos puts on a large number of events including Race on the Base, 4<sup>th</sup> of July, and an aquatics program. He believed the City was fortunate to have a partnership with the JFTB and indicated the relocation of the show went through an evaluation by 4-5 different organizations. He stated support for increasing funding and was intrigued by the fundraising opportunity. He felt the community would have to spearhead the fundraising and indicated his wife and he would help the effort get started with a \$500 donation. He advised you cannot see the show from his community and had always been a participant on the base and had always hoped everyone in the community could attend the event. He encouraged the community to move forward with fundraising and was supportive of Mayor Graham-Mejia being the lead with the community. He felt it was important that Kenny Brandyberry be recognized for his community involvement and willingness to help. He believed \$50,000 needed to be raised and was opposed to safe and sane fireworks based on statistics from Orange County Fire Authority (OCFA). He stated support for the Commission reviewing the idea and ensuring all costs were received for law enforcement. He indicated an interim event to bridge the first two years would be needed. He stated support for raising money and indicated he did not personally see extra funding. He was supportive of being constructive and finding a solution.

Mayor Graham-Mejia advised the request for additional funding for higher fireworks was brought up two years ago. She believed more

neighborhoods were affected by the change in location, but Carrier Row residents were the only ones willing to come forward and express their opinions. She felt it was a priority to ensure community and tradition did not break down. She recalled growing up with safe and sane fireworks and believed they could be practiced safely and they create an opportunity for a community environment. The tradition was able to remain when the show at the JFTB was visible, but now it was completely out of sight. She stated the show was 4,000 feet further away and there was an inability to see due to the smoke generated. She stated concern Staff had not followed direction and instead of bringing a solution brought back negative impacts from surrounding cities. She indicated she had spoken to an elected official in another City who was also frustrated Staff had not brought the item forward for discussion. She felt all the concerns regarding safe and sane fireworks were ironic since she had grown up with fireworks. She questioned how to make this work and finding a source of funding. She wanted to find innovative ways that would be best for the community. She stated a representative from TNT Fireworks was available to present data. She stated support for meeting with the community, possibility of safe and sane fireworks to raise funds to help sustain a higher and grander show.

City Manager Plumlee advised Staff had dedicated significant research to the report and had taken Council's direction with no bias. Staff had gathered facts from the surrounding communities and asked the basis opinion for relocating the show. He stated safety had been the main concern (i.e. fall out zone, traffic, and parking). He reiterated Staff had done an outstanding job researching the topic and presenting the facts with no bias. He believed Staff made the best attempt to do fact finding and safety was the primary concern of everyone.

Mayor Graham-Mejia stated Staff's direction was to bring the event back to the original location and had taken the item to surrounding Staff members instead of to the councils for discussion. She indicated Staff has a vested interest. She discussed the fall out zone, affordability of higher fireworks, and indicated there will always be traffic issues. She reiterated her concern that the Staff report was very thorough one way and the item should have been handled by the elected officials and not Staff. She referred to the unlevel field and indicated boy scouts camp on the field all the time. She understood the liability concerns, but felt the report was skewed. She indicated she had spoken with JFTB personnel prior to the meeting and they had showed an interest, and after the meeting the Staff report reported otherwise. She indicated it may be her perception and requested the gentleman from TNT speak regarding possible revenue generation and a possible pilot program.

John Kelley, Vice President, TNT Fireworks, spoke regarding the following topics: seven cities in Orange County that allow state approved fireworks; Huntington Beach and Villa Park concluded pilot programs and will be putting the issue to the voters; spoke regarding the OC Grand Jury's report and the main concerns that were specific to the non-profit status; Mayor's responses to the report that there would not be a ban on safe and sane; determining how much a non-profit could make would require additional research; advised Villa Park generated \$100,000 in retail revenue with two locations; industry is growing with 291 cities throughout California; safe and sane consumers are looking to stay at home with their kids and neighbors; company based in Orange County and personally oversees all operations in Orange County; and, strongly encouraged staff to contact Huntington Beach or Villa Park to discuss the positive and negative effects during the two year trial.

Council Member Kusumoto asked what the seven cities were.

Mr. Kelley stated Costa Mesa, Santa Ana, Garden Grove, Stanton, Westminster, Fullerton, and Buena Park.

Council Member Kusumoto found it interesting most of the cities were members of OCFA. He asked about the trial periods in Huntington Beach and Villa Park.

Mr. Kelley stated Huntington Beach did a one year trial and the item was on the ballot. Villa Park completed a two year trial and would be allowing the residents to vote.

Mayor Graham-Mejia understood OCFA's concerns, but had done some research and learned there was no structure fires related to the firework show in the old location. She did not feel structure fires were a real problem, but understood the concerns. She referred to OCFA's concerns about speed humps in the alleys and how the project had been a huge benefit to the community. She referred to the \$5,000 paid towards Wings, Wheels, and Rotors and other events at the JFTB that the City expended money on and felt this was similar and should not be an issue. She stated she had gone to Huntington Beach this year because she could not see the fireworks from her home and safe and sane are not allowed. She stated concern people would become so frustrated they would turn to illegal activity. She stated support for starting the process to allow safe and sane fireworks and allowing the people to vote. She did not feel there would be a big change to the 4<sup>th</sup> of July show in the interim. She encouraged Council to take the residents input seriously. She supported forming a community group and meeting with Staff to consider safe and sane for a minimum of one year, potentially two, but felt taking the item back to the Commission would have a negative effect because of the long

process. She states support of raising funds for a larger show or putting in initial money to have the show at a higher level to benefit everyone. She indicated residents who did not want to participate in safe and sane didn't have to. She was opposed to telling residents they could celebrate 4<sup>th</sup> of July, but not the way they want to. She recommended having a community group including herself and Staff meet to review other options, including safe and sane fireworks for two years as fundraising event to potentially use the funds to bolster or sustain the current show.

Council Member Grose referred to Villa Park generating \$100,000 in gross sales and indicated he had spoken to a Council Member in Villa Park who had confirmed the sales had gone to the school groups and the City did not receive any money and had to increase law enforcement. He stated negative impacts included increased traffic, use of illegal fireworks, and fire hazards. He indicated there were concerns because safe and sane fireworks were sold in Hawaiian Gardens and surrounding Los Angeles county cities and he was unsure if selling within city limits was the real issue. He referred to the OC Grand Jury report and indicated there was not a big profit margin and the City needed a sustainable funding source. He was supportive of finding a solution that would use the community to come together and find a solution that will allow fireworks and enhance the quality of life. He did not believe safe and sane fireworks were the answer. He indicated it was illegal fireworks that injured people and felt the City was looking in the wrong direction by considering allowing such, as opposed to what could be done as a fundraiser. He indicated the Parks, Recreation, and Cultural Arts Commission had done an admirable job securing sponsorships for the Race on the Base and felt the Council should engage with the community to see what could be done. He indicated he would have a difficult time supporting a safe and sane trial and felt Mr. Kelley was also biased from a revenue generating stand point. He referred to the leadership changes at the JFTB and believed Staff should work with them to figure out what was best. He encouraged Mayor Graham-Mejia to engage the community on what they can do to sustain a long term deal. He believed the City needed to make a commitment it was willing to budget and set aside a certain amount of money to help fund the show, but sponsorships and fundraising would need to take care of the rest of the expenses.

Council Member Kusumoto indicated Villa Park was half the size of Los Alamitos and had two locations. He questioned if theoretically, Los Alamitos could have four locations. He asked what the ratio for retail sales and profit were.

Mr. Kelley indicated the locations are tied to the populations. On average the profit margin was 30-35%.

Council Member Kusumoto believed it would be an advantage to non-profits because there was no labor component and they could net approximately \$3,500 from \$100,000 in sales.

Mayor Pro Tem Murphy stated he could not support safe and sane fireworks without a thorough investigation. He indicated this was an important issue in Los Alamitos and should receive its own hearing. He was under the impression the discussion would be for higher fireworks and relocating the show. The option for safe and sane was not discussed before today. He would like the item to go to the Police and Fire department and be discussed by the Parks, Recreation, and Cultural Arts Commission so the community is aware of what Council is considering. He indicated if 1/6<sup>th</sup> of the community felt the show as worthwhile, it would be a good use of reserves. He stated the City could commit to the \$12,000 needed for higher fireworks this year, and then analyze safe and sane fireworks. He indicated there was five to six months to analyze and commit one way or the other. He was supportive of going with the will of the people, but ensuring the will of the people was to allow safe and sane. He suggested using survey monkey to gather community support and stated the item needed to be discussed further.

Council Member Edgar stated concern higher fireworks may not be the solution. He indicated he was focused on the financials and believed the City could modify spending in the short term to come up with \$12,000. He questioned the line of sight from 4,000 feet away. He felt it was unfortunate the event has grown and is not able to be sustained. He reiterated support for seeing if higher is better and if the line of site is still an issue.

Mayor Graham-Mejia stated the residents were attempting to be good partners by suggesting higher may be better. She indicated all neighborhoods were effected, not just Carrier Row. She stated concern if the higher wasn't better it would be another year the community did not have its traditions. She stated support starting the process of looking at safe and sane fireworks, without making a commitment. She was unsure how the survey would work.

Council Member Edgar indicated Survey Monkey had been used to place "In God We Trust" in the Council Chambers.

Mayor Graham-Mejia stated support for Council doing the work and allowing the community an opportunity to weigh in. She reiterated starting the process would not commit the City to anything. She recalled non-profits decline in ability to raise funds and referred to the proactive approach of allowing remote caller bingo to raise funds. She believed safe and sane would be another opportunity for non-profits to raise funds.

She did not see any negative impacts to researching safe and sane. She clarified she was not requesting a special election, but wanted to ensure residents knew Council was listening. She cautioned Council about spending reserves and recalled how the budget had slowly dwindled from spending reserves in the past. She believed this would be a benefit to the City.

Council Member Edgar stated Council had the ability to authorize safe and sane fireworks. He referred to Huntington Beach doing a pilot program and then submitting it to a vote of the people. He stated he appreciated that the Council deliberates on items and makes a decision so the people know they are being heard. He stated there was time to do this correctly and would like to see additional data. He questioned how many City residents actually attend the 4<sup>th</sup> of July event and if the City valued the event and wanted to continue the partnership. He indicated if there wasn't support, the funding, law enforcement, and fire could be freed up. He reiterated additional information was needed.

Mayor Graham-Mejia supported starting the research process. She questioned if Council had a desire to dedicate some money towards the survey as it was difficult to get a response from the whole City with a free service. She wanted to find a true way to receive information from everyone in the community and indicated she would not force safe and sane if that was not what the community wanted. She stated the JFTB had plans to make the event regional and the original intent was for the community to enjoy.

Council Member Edgar supported allowing the Commission to discuss the survey.

Council Member Grose pointed out the event was not just Los Alamitos residents and included a partnership with Cypress, Rossmoor, and Seal Beach. He believed a true picture would not be gathered if neighboring community's citizen's opinions were not included.

Mayor Graham-Mejia believed if the Los Alamitos community was not engaged, it was not a good investment of the City's money.

Council Member Grose stated concern the JFTB wanted to grow the event that was currently free and pointed out they did not financially contribute to the event.

Mayor Graham-Mejia stated the intent to grow the show was a concern for her as well and she did not believe it was the intent of the people to grow the show. She indicated she was ready to meet with the community group and encouraged them to contact her.

Council Member Edgar supported having a kick off community event and agendaizing the item for the Parks, Recreation, and Cultural Arts Commission to discuss. He stated support for receiving a timeline and strategy as soon as possible.

Mayor Graham-Mejia indicated her term would conclude in December and would like to see the item move quickly. She stated support for working through the community group and simultaneously agendaizing the item for the Parks, Recreation, and Cultural Arts Commission. She was supportive of a Special meeting if needed to finalize the survey and ensure the best method of receiving true feedback from the community.

Council Member Grose suggested posting the survey to the website and allowing Cypress, Seal Beach and Rossmoor to do the same.

Council Member Edgar believed the issue was a Los Alamitos issue to see if the regional event had fallen out of favor.

Council Member Grose reiterated the event was done in partnership with Cypress and if the decision was to not move forward, the stakeholders should be engaged.

Mayor Graham-Mejia recalled Cypress had discussed pulling funding from the event a year ago and indicated they had not been concerned about the other cities. She stated her concern was for Los Alamitos residents.

Council Member Edgar clarified the message was not to eliminate the event. He believed the intent was to do an evaluation and, when appropriate, the City would be a good neighbor and share its timeline with the surrounding neighbors. He indicated there was no predisposition.

Council Member Grose reiterated the intent was not to eliminate the event and there were stakeholders involved that needed to have an opportunity to weigh in.

Mayor Pro Tem Murphy clarified the \$12,000 needed was for one year at which point it would be clear if shooting the fireworks higher would be a solution. Council could then decide if it should be an ongoing expense to include in the budget and what should be eliminated. He questioned the discussion regarding non-profits making money.

Council Member Edgar indicated Garden Grove does not receive any money from the fundraising.

Mayor Pro Tem Murphy thought the intent was for the City to fundraise for the event.

Mayor Graham-Mejia indicated the intent was for the non-profit to understand the funds were to go back to the City for fireworks.

Mayor Pro Tem Murphy believed it should be made clear the fundraising would not be to benefit something else. He stated there would be value to spend the \$12,000 to accommodate 3,000-4,000 citizens and felt the funds could be found during mid-year. He stated he was willing to look at safe and sane fireworks at a slower pace and with the idea to achieve something for this year. He supported investigating the possibility of shooting the fireworks higher.

Mayor Graham-Mejia was unsure the perception was good for the community.

Mayor Pro Tem Murphy stated the Council could shoot off fireworks with the community group and know pretty quickly if shooting them higher would solve the problem.

Mayor Graham-Mejia suggested increasing the parking donation to \$10 and reducing the ground barrage to allow the fireworks to be shot higher. She felt that would be good for all the neighborhoods and reiterated the event should benefit everyone. She indicated there was support for her leading a community group and having the Parks, Recreation, and Cultural Arts Commission agendaize the topic. She questioned if there were any concerns with survey monkey.

Council Member Edgar indicated Staff could determine the best course.

Community Services Director Lakin indicated survey monkey had been successfully used in the past. He stated the difficult part would be securing an email address. Feasible options were including link on the website and a creating a Press Release to get the information out.

Mayor Pro Tem Murphy asked if the emergency notification system could be used.

Support Services Manager Palmer stated the contract only allowed for emergency announcements, not for community announcements.

Mayor Graham-Mejia believed there were four items for the survey and that the Commission may have more.

City Manager Plumlee clarified the Commission would weigh in on the survey.

Mayor Graham-Mejia stated the Commission should weigh in on the questions received from the community group. She wanted to ensure everyone participated in the process. She was supportive of a Press Release and producing survey questions via the community group and Commission.

Council Member Edgar stated concern the Commission would indicate it had already weighed in. He appreciated the refinement of survey questions and involving the community.

Mayor Pro Tem Murphy asked if the Commission had discussed the use of safe and sane fireworks.

Community Services Director Lakin answered in the negative and advised the Commission had reviewed this year's event summary and provided input for next year. He advised the Commission had a meeting in two weeks and questioned if the survey questions should go to them at that time. He summarized the questions as: 1. Do you attend the event; 2. Do you support the event; and, 3. Thoughts on Safe and Sane fireworks in the community.

Mayor Graham-Mejia advised she'd like to start with the community group with these questions. She was supportive of a Special meeting before December if needed and felt this was a good starting point.

Mayor Pro Tem Murphy suggested having an additional Council Member participate with the community group for continuity.

Mayor Graham-Mejia was supportive and advised Staff would also be a part of the group. She felt the questions could be provided via the weekly, cross referenced with the community group, and brought back to Council if needed.

Mayor Pro Tem Murphy stated the safe and sane issue would not be settled before December.

Mayor Graham-Mejia agreed.

Mayor Pro Tem Murphy reiterated support for an Ad Hoc Committee for continuity.

City Manager Plumlee suggested the Mayor and another Council Member.

Mayor Pro Tem Murphy was supportive.

Mayor Graham-Mejia stated City Manager Plumlee was suggesting Mayor Pro Tem Murphy would take over when she left Council.

Mayor Pro Tem Murphy stated it did not have to be him, but he would be happy to participate.

Mayor Graham-Mejia clarified City Manager Plumlee was suggesting it would be the Mayor and an additional Council Member. Mayor Pro Tem Murphy would take over in December.

Council Member Edgar believed the survey context was set. He felt the Press Release should inform the community the Council was trying to determine if the event was still good for the community, if the community was interested in raising money for a higher, better event, and thoughts regarding safe and sane fireworks. He was supportive of a low budget survey. He indicated the Press Release should frame the subject in the right reference.

City Manager Plumlee indicated direction had been received from Council.

City Attorney Reisman advised if there was no objection that could be the order.

## **RECESS**

The City Council took a brief recess at 8:57 p.m.

## **RECONVENE**

The City Council reconvened in Regular session at 9:08 p.m.

### **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 Grose withdrew his request to pull item 8E.

Council Member Edgar pulled items 8B, 8D, and 8F.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council approved the following Consent Calendar items by Roll Call vote:

#### **A. Approval of Minutes**

**(City Clerk)**

1. Approved the Minutes of the Regular Meeting of August 18, 2014.
2. Approved the Minutes of the Special Meeting of September 8, 2014.
3. Approved the Minutes of the Special Meeting of September 15, 2014.
4. Approved the Minutes of the Regular Meeting of September 15, 2014.

**C. Approval of Amendment No. 2 to Professional Service Agreement for Interim Finance Services (Finance)**

Interim Finance Director Linda Magnuson's last day was March 6, 2014. City Manager Plumlee entered into a Professional Service contract for interim help with MV Cheng & Associates for financial services not to exceed \$9,950.00. The Director of Administrative Services position has not yet been filled, and it is necessary to extend the agreement for an additional not to exceed \$10,000 in anticipation of filling the position before the end of the calendar year 2014.

The City Council authorized the City Manager to execute Amendment 2 to extend the contract for financial consulting services with MV Cheng & Associates in an amount not to exceed \$10,000.

**E. Selection of Consultant to Prepare ADA Self Evaluation and Transition Plan (Community Development)**

To meet the requirements of the Americans with Disabilities Act (ADA), it is necessary for the City to develop an ADA Self-Evaluation and Transition Plan. Toward that effort, a Request for Proposal (RFP) was released to secure qualified firms to develop this plan. This report demonstrated how Staff came to recommend Disability Access Consultants (DAC) to complete this task and recommended an appropriation.

The City Council:

1. Authorized the City Manager to negotiate with Disability Access Consultants(DAC) of Oroville, California in the amount not to exceed \$54,655.00; and,
2. Authorized the City Manager to execute a Professional Services Agreement in a form to be approved by the City Attorney; and,
3. Authorized an appropriation of \$54,655.00 (Contract Amount) and \$1,000.00 (Legal) from undesignated funds to the Capital Improvement Plan.

**G. Appropriation Carryovers and Budget Adjustments-2014/2015 Adopted Budget (Finance)**

This agenda item sought Council approval of adjustments to the Appropriation Carryovers and Appropriations included in the 2014-2015 Adopted Budget

The City Council:

1. Increased carryover appropriations in the amount of \$139,193 for various capital projects; and,

2. Increased appropriations in the amount of \$20,000 in the General Fund for non-capital expenditures of Los Alamitos Television, and \$15,000 for consultant services in connection with the implementation of parking meters in certain areas of the City.

**H. Adopt Resolution No. 2014-28 – Amend the City’s Conflict of Interest Code (City Clerk)**

To comply with the requirements of State law, Resolution No. 2014-28 proposed to amend the City’s Conflict of Interest Code by updating the list of designated employees that have significant involvement in the City’s decision-making process and updating the disclosure categories to differentiate between positions.

The City Council adopted Resolution No. 2014-28, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY AND REPEALING RESOLUTION 2012-01.”

**ROLL CALL**

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

Mayor Graham-Mejia clarified for the future Consent Calendar did not require a Roll Call vote.

**End of Consent Calendar**

**Items pulled from the Consent Calendar**

**B. Memorandum of Understanding with Los Alamitos City Employees Association**

This Resolution adopts the four year Memorandum of Understanding (MOU) with the Los Alamitos City Employees Association (CEA), effective November 1, 2014, through October 31, 2018.

Council Member Edgar indicated this was one of two unions and would solidify a four year labor contract. He indicated the message received from Staff was well received and felt it was beneficial to have stability. He thanked Staff for all the work they do. He felt it was important to pull the item to ensure the final message was thank you.

Motion/Second: Edgar/Grose

Unanimously Carried: The City Council adopted Resolution No. 2014-30, entitled, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ALAMITOS AND THE LOS ALAMITOS CITY EMPLOYEES ASSOCIATION EFFECTIVE NOVEMBER 1, 2014 THROUGH OCTOBER 31, 2018."

**D. Approval of the Strategic Planning Consultant Request for Proposal  
(City Manager)**

This agenda item sought Council approval for Staff to release a Request for Proposal for Strategic Planning Consultant services.

Council Member Edgar stated this item was for the City Manager to hire a strategic planner to take Council through the process. He advised Council had committed to evaluate the City Manager's goals and felt there had been a disconnect. He stated support for completing the City Manager's evaluation before approving this item. He referenced the hiring of an Administrative Services Director and possible relocation of City Hall and felt the Council had a strategic footprint laid out and established goals. He requested the item be continued until a later date and requested the City Manager's evaluation be scheduled for the next Closed Session meeting to ensure he is meeting the goals.

Mayor Pro Tem Murphy indicated this item was requesting approval to receive proposals and it would still need to come back to Council for approval.

Council Member Edgar questioned support for the City Manager's evaluation.

Mayor Pro Tem Murphy agreed.

Council Member Grose stated concern for the fiscal impact. He recalled the last strategic planning session was done in 2007 and had questioned at what point another one would be done. He questioned if this was the appropriate time to go out to bid and if the proposals would have to be rebid if they were not used for six months.

City Manager Plumlee advised his evaluation was scheduled for the next meeting.

Council Member Kusumoto asked if the bid prices could be locked in for a certain period of time.

City Manager Plumlee stated there was a time period in which they would get stale. He advised Council should release the RFP, complete his

evaluation, and then decide what to do next. He indicated this coincides with next year's goal and was in line with his goals for year one. Staff could postpone or release and bring the results at a later time

Council Member Kusumoto questioned adding more work to Staff and stated support for continuing the item until after the City Manager's evaluation.

Mayor Graham-Mejia agreed. She recalled having difficulty completing City Manager's evaluations in a timely fashion and did not want to add to the work load. She believed this would not negatively affect City Manager Plumlee's evaluation as he had taken the necessary action.

City Manager Plumlee advised ideally this process would coincide with the budget process with a target date of February, mid-year budget. He recommended moving forward on an annual basis at this time, even if it was not done with the budget process the first year.

Mayor Pro Tem Murphy asked for a time line.

City Manager Plumlee stated if approved tonight, the proposals were due back November 13, and it would be brought back to Council in January since the December meeting was going to be light.

Mayor Pro Tem Murphy indicated approving now would not cost anything and would allow the process to start early next year.

City Manager Plumlee agreed.

Council Member Edgar was supportive of having a good start and questioned if it would be appropriate to have Council Member-Elect Hasselbrink participate in the discussion.

City Attorney Reisman advised it would be appropriate.

Council Member Edgar was supportive of Council Member-Elect Hasselbrink participating in the discussion.

Mayor Pro Tem Murphy advised he would like to start moving quickly next year and the way the timing works, it would be mid-February before the goals were set.

Council Member Edgar advised the Orange County Sanitation District (OCSD) had done something similar and spent \$25,000. He indicated Council had a successful meeting discussing City Hall Funding and the

downtown project. He questioned how much more the City could successfully take on.

Mayor Graham-Mejia indicated Council had identified significant items that were still in process. She did not feel the City was in a position to add more projects and felt this project was premature.

Mayor Pro Tem Murphy disagreed and felt this would get the discussion started and did not cost the City any money. He questioned if a specialist was needed and suggested having a Town Hall meeting where Council would listen to the public and then establish goals. He reiterated support for setting goals as early as possible next year and pointed out a strategic planning session had not been done in the two years he had been on Council. He stated this would start the process and did not cost anything.

Council Member Grose stated it did cost money and felt it was insincere to the companies submitting proposals. He summarized his experience with the bid process and felt Council should be committed before moving forward. He indicated the Staff report did not reflect a fiscal impact.

Mayor Pro Tem Murphy felt the proposal should be done to determine the cost and questioned if it was better to do internally.

Mayor Graham-Mejia stated it was better to do internally and referenced the savings with the General Plan. She felt Council had identified enough goals.

Motion/Second: Edgar/Graham-Mejia

Carried 4/1 (Murphy cast the dissenting vote): The City Council tabled the release of a Request for Proposals for Strategic Planning Services.

**F. Resolution Making Findings Related to Approval of the Second Amendment to OCFA Joint Powers Authority Agreement – Equity (City Manager)**

This item was submitted to request approval of a Resolution by each of the Orange County Fire Authority's member agencies making findings related to approval of the Second Amendment to the Amended Joint Powers Authority (JPA) Agreement seeking to address the equity issue.

Council Member Kusumoto gave a brief summary and advised he would be supportive.

**TIME LIMITS**

Per Resolution 2013-09 "Council Meeting Time Limits", City Council consensus was reached to waive time limits and continue with agenda items.

Council Member Edgar stated he would vote no. He gave an overview of his understanding of the issue. He stated opposition to Irvine politically pushing this item through the Orange County Fire Authority (OCFA) Board. He pointed out Irvine had not decided what to use the equity payments for and questioned the funds being collected through property tax and then returned to a municipality. He questioned spending additional money on an appeal in the name of equity and was opposed to voting on a Resolution of continued support when there was no new evidence. He believed it would send a strong message to vote no and that the message this was unacceptable should be sent to Irvine. He respectfully requested his colleagues to reconsider.

Motion/Second: Edgar/Grose

Motion: Deny Resolution No. 2014-29.

Council Member Grose recalled this would extend Irvine's contract past 2020 to 2030. He stated concern if Irvine withdrew it would severely impact the fire services for the County as a whole. He indicated the same equity issue was occurring with the county libraries. He was supportive of Council Member Edgar's concerns, but was more concerned with the effect on the residents and the potential to lose fire services if funding decreased. He stated concern OCFA would come back with a new formula of increased costs to keep par with fire services.

Council Member Edgar believed the City could contract with the City of Long Beach and was not concerned from that standpoint. He stated if this item passed, cities would be taxed more. He stated concern this was an illegal shift of tax money and Council should have learned something was wrong from the first time. He questioned supporting this an additional time.

Council member Grose recalled Chief Zeller stating this would not affect Los Alamitos if it failed and was under the impression OCFA wanted the request to go to a court on appeal.

Council Member Kusumoto stated his understanding the rate at which the City is taxed is set by a formula. He understood the inequity of property tax rates. He believed Irvine must use the money for safety related items and could not use the funds for playgrounds and parks. He indicated he was willing to support the item again. He indicated a few cities have not supported the item and he was willing to support it even if it was a losing cause. He stated the issue was equity and Irvine could continue to build housing and throw the formula off track. He questioned how the City would get past the issue of true taxation.

Mayor Pro Tem Murphy agreed this item may not pass. If it did pass, it would be cheaper for the City in the long run. He was willing to support the item, fully expecting it would not pass.

Council Member Edgar questioned it being cheaper.

Mayor Pro Tem Murphy indicated based on the analysis Chief Zeller provided, it would be cheaper under the current model.

Council Member Edgar indicated OCFA would be using reserve funds to shift the equity payment. He indicated he had met with OCFA and was strategically more concerned for 2030. He felt this was an opportunity for Irvine to show leadership. He stated Council had supported the first time and felt nonsupport this time would not kill the request, but would send a strong message. He believed the City would be paying for this.

Mayor Graham-Mejia indicated she had met with Council Member Kusumoto and had a clearer understanding. She felt the process had already started and Council should see it through. If it failed it would set precedence should they attempt to revisit the issue on the library board. If it is successful, Irvine would state and everyone would receive better service overall.

Council Member Kusumoto indicated he attends all OCFA meetings and felt the community was willing to pay its share. He stated he would not support this item as it would be inequitable no matter the outcome. He stated Irvine was threatening to pull out of OCFA, but as part of the structural fund services would remain the same even if they were slightly different later on. The appeal would still move forward with or without the City's support.

Motion/Second: Edgar Grose

Motion: Deny Resolution No. 2014-29, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT."

Substitute Motion: Graham-Mejia/Murphy

Failed 2/3 (Edgar, Grose, Kusumoto cast the dissenting votes): Adopt Resolution No. 2014-29, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT."

Motion/Second: Edgar Grose

Carried 3/2 (Graham-Mejia and Murphy cast the dissenting votes): Deny Resolution No. 2014-29, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT."

**B. Discussion of the City Attorney Fees (City Attorney)**

This agenda item sought Council discussion of the City Attorney Fees for Fiscal Year 2014-2015.

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

Council Member Grose asked the total amount approved for the 2014/15 Budget for the City Attorney.

Interim Administrative Services Director Steinbrink stated \$150,000 for Legal Services and \$5,000 for litigation.

Council Member Grose stated his concern this item was over budgeted. He stated the retainer was \$6,000 per month which worked out to \$72,000, and there was \$150,000 budgeted. He asked at what point the Council had oversight and indicated the City Attorney was appointed by the Council. He understood there were certain situations (i.e. labor negotiations and Planning Commission items) that would cost more. He felt the Council may have lost control or perhaps the Ad Hoc Committee had budgeted the same amount since it was not used last year. He stated support for reducing the budget to the actual amount spent last year.

City Attorney Reisman gave the approximate budget for the last three years, \$100,000, \$150,000, and \$250,000.

Council Member Grose indicated some years were different firms and felt this should be discussed so Council had an understanding of where the money was being spent. He stated concern the response was always we are within budget when the budget was well over the retainer amount. He stated support for having a realistic figure for the budget and suggested moving \$30,000 to undesignated reserves and setting the budget at \$120,000. He questioned if Council should be agreeing to the charges and if restraints should be established. He questioned if he could call the City Attorney as an individual Council Member and recalled the City Attorney stating he did not work for the citizens he worked for the community.

City Attorney Reisman clarified he worked for the City of Los Alamitos and was not the Council Member's lawyer.

Council Member Grose understood and wanted to ensure Council was in agreement. He reiterated the budget was over by \$50,000-\$60,000 and wanted to ensure Council was comfortable with that. He felt this was a good opportunity to discuss such.

Mayor Graham-Mejia referred to a previous firm that had a larger allotment until the budget was reduced. She believed the Staff report explained where the money was going and the special circumstances. She did not have an issue with budgeted \$150,000 and did not want to reduce it in case it was needed later. She believed it was a fair budget and less than it used to be. She did not want to micromanage Staff and did not have any issues.

Mayor Pro Tem Murphy indicated this could be addressed at mid-year to see if it needed to be tightened up.

City Manager Plumlee advised mid-year in February would be a good time to review. He advised Council was receiving copies of the City Attorney bills and if there were any questions or concerns, Staff would report back. He indicated in the future, detailed expenditure reports could be provided that would show the actual expenditures and the budgeted amount.

Mayor Pro Tem Murphy appreciated the thoroughness and discussing the item. He indicated it was tempting to reduce the budget, but felt it would be erroneous to reduce the budget and realize it was needed.

City Manager Plumlee added the hourly rate on retainer was reasonable rate. He advised Staff would continue to monitor activity and work with the City Attorney. He advised the team did a great job of researching items before involving the City Attorney and felt there was a good working relationship with City Attorney Reisman.

Council Member Edgar summarized the process used to retain a City Attorney. He indicated the rates were competitive. He stated on a policy level Council could decide what specific help was needed at what point. He suggested attendance at Staff meetings once a month and then having all other items go through the City Manager before going to the City Attorney. He indicated the City Attorney could get involved when he felt it was necessary, which was not always when Council felt it was necessary. He stated support for reviewing the City Attorney's firm to discuss the role of the City Attorney, ensure the firm is meeting expectations, and evaluation the services received. He was supportive of budgeting a

realistic figure versus a discretionary amount. He suggested having an evaluation and setting expectation in a structured way.

Council Member Grose indicated he had discussed several items with City Manager Plumlee and Interim Administrative Services Director Steinbrink and understood some of the expenses were not going to occur again for several years. He suggested identifying subcategories within the budget and felt Council should evaluate how it functions in the process. He questioned what items were intended to be included in the 40 hour retainer, if that was sufficient, and if any negotiations for the rate needed to occur. He indicated Staff met weekly and questioned how often the City Attorney attends.

City Manager Plumlee stated he attended once a month, the week prior to a Council meeting.

Council Member Grose questioned what was included in the 40 hours and what steps were in place to control staying within 40 hours. He indicated he was not trying to micromanage Staff.

City Attorney Reisman indicated it was not necessary to control the hours as long as they remained under 40 hours. He indicated there months where only the \$6,000 retainer was billed because there were no extra services rendered (i.e. labor negotiations and the General Plan). He stated the retainer included the Planning Commission, Staff reports, and research. He advised the month of August included the retainer and \$6,000 of special services due to planning matters. He advised the firm provided many services that are kept within the retainer. He indicated there were items he had brought up on his own because it was legally important to have considered; coincidentally it was during months the retainer was not exceeded. He advised if only 25 hours are spent out of the 40 hours that is a good time to spend time on items the City needs. Council has the discretion to reject such items. He advised a resolution regarding prevailing wage would be on the next agenda and Council had not asked for it, but State law indicates the City must be in compliance by January 1.

Council Member Grose questioned if 40 hours was sufficient.

City Attorney Reisman indicated it was reasonable and there were some months that went a little more. He indicated he previously offered the option of no retainer and working on hourly basis of \$250/hour. Council had had chosen the retainer and he felt it was beneficial to the City since his firm had been retained.

Council Member Edgar supported reviewing the contract and evaluating the services. He stated concern regarding the retainer and the City Attorney's discretion to work on items he felt were needed due to extra time. He referred to an email the City Attorney had been proactive on that led to additional work behind the scenes. He reiterated support for reviewing the contract and making sure there was a clear discussion on the structure to avoid miscommunications.

City Attorney Reisman advised he had committed to two years at such rate. He advised had he not been proactive, the City would have been sued. He considered it his job to keep the City from being sued, he supported his action, and would do it again. He indicated he may speak with the Mayor beforehand, but had the Council not considered such, the City would have been sued.

Mayor Graham-Mejia indicated the City Attorney was the legal expert and that's why the Council had hired him. She recalled paying previous firms more and cautioned Council establishing a relationship where the City Attorney would charge for every single action to justify the retainer hours. She recalled the fees were reasonable. She stated opposition to dictating what should and should not be done, but felt specific instances could be discussed in Closed Session. She stated there had been a lot of turnover in the past for reasons to do with Council and felt a comfortable stride had been established. Council was working well together and she did not want to create an environment where no one wanted to work for the City. She believed the City Attorney had done a good, thorough job and stated her preference for preventing litigation.

Council Member Grose clarified his intent was for an open discussion and not to be adversarial. He stated the discussion was not to be based on quality or quantity of service, but to have an explanation of charges. He indicated the Ad Hoc Committee could use numbers based on past experiences moving forward. He stated he was not attempting to micromanage Staff, but did not like being surprised with higher bills without any explanation. He advised Council was four months into the budget and he wanted to ensure Council was not shocked at the end of the year. The only purpose in bringing up the item was to allow for discussion.

Mayor Graham-Mejia stated an interest in the historical trend was the same as the past year.

Council Member Grose did not think that could be determined as the firm was not the same type of operations. It was a smaller partnership and he felt Council was receiving the service it expected. He reiterated concern a

large portion of the budget was undesignated. He stated support to receive and file the report.

Council Member Edgar asked if there was a provision in the contract that allowed for an evaluation process.

City Attorney Reisman indicated he did not recall but would be willing to participate if Council so chose.

Council Member Edgar indicated it would build the team and provide constructive feedback. He stated two Council Members were uncomfortable and Council should be mindful of what works and what does not. He supported evaluation of the contract to provide constructive feedback.

Council Member Kusumoto indicated the budget had been determined at the beginning of the Fiscal year and felt an exact number could not be hit every billing cycle. He felt the budget was being maintained and the firm was doing a good job of coming under. He stated support for doing an evaluation and providing constructive feedback.

Council Member Edgar questioned the timing and asked if Mayor Graham-Mejia wanted to be a part of the process.

Mayor Graham-Mejia stated she would like to be involved and suggested scheduling it for the next regular meeting.

Council Member Edgar questioned if Council Member-Elect Hasselbrink could be involved.

Mayor Graham-Mejia indicated she would not have any input as she had not worked with him.

Council Member Kusumoto questioned having Assistant City Attorney Kranitz participate.

Mayor Graham-Mejia stated support for having both City Attorney Reisman and Assistant City Attorney Kranitz present. She stated if her colleagues should have specific concerns ready, if any.

City Manager Plumlee advised there were several items scheduled for Closed Session already. He suggested City Clerk Quintanar poll Council for a Special Meeting to discuss, if needed.

City Council consensus was received to hold a Special Meeting to evaluate the City Attorney.

## 10. PUBLIC HEARINGS

### A. **Introduce Ordinance 14-09 - Zoning Ordinance Amendment (ZOA) 14-03 to Allow Retail Uses in the Planned Light Industrial Zone (Citywide) (City initiated) (Community Development)**

This item was a consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (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 Graham-Mejia opened the Public Hearing. There being no one present wishing to speak, Mayor Graham-Mejia closed the Public Hearing.

Council Member Kusumoto inquired if this was consistent with the ongoing General Plan Update.

Community Services Director Mendoza indicated this was separate from the General Plan update, but did not conflict. It is in line with the goals for economic development.

Council Member Kusumoto questioned why it was not part of the General Plan.

Community Development Director Mendoza indicated this zoning and the General Plan was policy driven. He advised after the General Plan was adopted, many of these amendments would come forward.

Mayor Graham-Mejia indicated she was supportive of this along the corridor, but did not want to move into the industrial area any further. She stated for a small City, it was well balanced with industrial, retail, and residential.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council:

1. Opened the Public Hearing; and,
2. Determined that the proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility

that the activity may have a significant effect on the environment:  
and,

3. Introduced, waived reading in full and authorized reading by title only of Ordinance No. 14-09, and set for second reading; and,
4. City Attorney Reisman read the title of Ordinance No. 14-09, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 14-03 TO AMEND SECTION 17.10.020 OF THE LOS ALAMITOS MUNICIPAL CODE TO ALLOW "RETAIL SALES, GENERAL" AS A PERMITTED USE IN THE STOREFRONTS FACING KATELLA AVENUE, LOS ALAMITOS BOULEVARD, AND CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE OF THE CITY WITHOUT A CONDITIONAL USE PERMIT AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

## 11. MAYOR AND COUNCIL INITIATED BUSINESS

### A. Council Announcements

**Mayor Graham-Mejia** spoke regarding the following items: Public Works diligence to upgrade the parks by seeking a grant for rubberized surfaces; attendance at Orange County Vector Control District meeting; attendance at Retirement Ceremony for Major General Keith Jones; thanked the JFTB for being a good community partner; attendance at the Elected Officials meeting at the JFTB; attendance at the City/School Working Group meeting; and, Los Alamitos Unified School Districts and Arrowhead's concerns with zoning changes.

**Council Member Grose** spoke regarding the following topics: a list of meetings attended is available at [www.losal.net](http://www.losal.net); attendance at Retirement Ceremony for Major General Keith Jones; and, encouraged residents to vote on November 4.

**Council Member Kusumoto** spoke regarding the following topics: attendance at the Candidates Forum in Rossmoor; reiterated the concerns for zoning from the Los Alamitos Unfired School District; and, attendance at the Taste of Los Al.

**Mayor Pro Tem Murphy** spoke regarding the following topics: congratulated Los Alamitos Medical Center (LAMC) and Staff on the completion of the parking structure; attendance at Taste of Los Al; and, encouraged residents to vote on November 4.

**Council Member Edgar** spoke regarding support for The Branch community church and requested an agenda item to discuss the selection of Police Chaplin.

Mayor Graham-Mejia supported the request.

Council Member Edgar spoke regarding the following issues: attendance at LAMC Grand Opening; update on hospital steps to prevent Ebola; attendance at Retirement Ceremony for Major General Keith Jones; and, encouraged the Planning Commission to have conviction in their decisions regarding the General Plan.

Mayor Graham-Mejia gave an update regarding the I-405 movement for no tolls without a vote of the people.

Council Member Edgar thanked Mayor Graham-Mejia for her involvement.

## **12. ITEMS FROM THE CITY MANAGER**

City Manager Plumlee requested Community Services Director Lakin give an update on Trunk or Treat.

Community Services Director Lakin spoke regarding Trunk or Treat to be held at Little Cottonwood Park on Saturday from 5:00-8:00 p.m.

City Manager Plumlee spoke regarding the following topics: attendance at the Elected Officials meeting at the JFTB; attendance at the Taste of Los Al; attendance at the LAMC Grand Opening; attendance at the Planning Commission meeting; and, thanked the Planning Commission for all their hard work which would make the Council adoption smoother.

Mayor Graham-Mejia congratulated the newly appointed Commissioners, Stephen Hammond, Cable Television Commission, and Josh Wilson, Parks, Recreation, and Cultural Arts Commission.

Council Member Grose advised of the upcoming Wings, Wheels, and Rotors Exposition to be held at the JFTB on Sunday from 10:00 a.m. to 4:00 p.m.

## **13. CLOSED SESSION**

City Attorney Reisman advised Council had met during Special Session at 5:00 p.m. and there was no action for Item 4A and direction had been provided to Staff for Item 4B.

City Attorney Reisman requested Council make a finding of need for immediate action regarding a letter received from AT&T today threatening to turn off phone

service used for CAD RMS by the City and West-Comm based upon ongoing disputes for well over a year.

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council called for an emergency Closed Session.

City Attorney Reisman read the title of 13A aloud.

**A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pending litigation pursuant to subdivision (d)(4) of Section 54956.9. One potential case.

**RECESS**

The City Council recessed into Closed Session at 10:54 p.m.

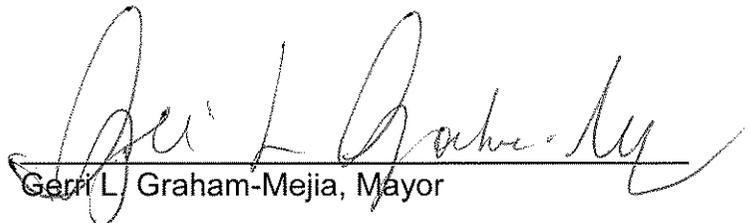
**RECONVENE**

The City Council reconvened in Regular Session at 11:25 p.m.

There was no reportable action.

**14. ADJOURNMENT**

The City Council adjourned at 11:25 p.m.

  
Gerri L. Graham-Mejia, Mayor

Attest:

  
Windmera Quintanar, CMC, City Clerk