

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

REGULAR MEETING – November 17, 2014

1. CALL TO ORDER

The City Council met in Regular Session at 5:04 p.m., Monday, November 17, 2014, in the Council Chamber, 3191 Katella Avenue, Mayor Graham-Mejia presiding.

2. ROLL CALL

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

Absent: Council Members: None

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

3. CLOSED SESSION

City Attorney Reisman read the titles aloud.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager
Authority: Government Code Section 54957

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney
Authority: Government Code Section 54957

C. CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Bret M. Plumlee, City Manager
Unrepresented employees: Executive Management, Middle
Management and Non-Management
Employees
Authority: Government Code Section 54957.6

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 3191 Katella Ave., Los Alamitos, CA 90720
Agency Negotiator: Bret M. Plumlee, City Manager
Steven Mendoza, Community Development Director

Negotiating Parties: Dan Almquist
Under Negotiation: Instruction to negotiator will concern price and terms of payment

E. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9 (d)(4)
Potential Cases: One – Consideration of whether to join Amicus Curiae
Brief to California Supreme Court: State Department of Finance v. Commission on State Mandates (Case No. S214855)

RECESS

The City Council recessed into Closed Session at 5:04 p.m.

RECONVENED

The City Council reconvened in Regular Session at 5:59 p.m.

4. ROLL CALL

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

Sunburst Youth Academy Student Council – Class 14:

Mellon, Bascom	Gonzalez, Gerardo
Ramos, Justin	Hernandez, Omar
Gonzalez, Jacob	Mendez, Anayelli
Brown, David	Mendoza, Michael
Cisneros, Jessica	Poulson, David
Demello, Sapphire	Rodriguez, Stacy
Felix, Christian	Stewart, Adjkelai

Absent: Council Members: None

Student Council: Rios, Penelope

Present: Staff: Bret M. Plumlee, City Manager
Cary Reisman, City Attorney
Jason Al-Imam, Administrative Services Director
Tony Brandyberry, Public Works Super
Dave Hunt, City Engineer
Corey Lakin, Community Services Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Windmera Quintanar, CMC, City Clerk
Glenn L. Steinbrink, Interim Admin. Services Director

5. PLEDGE OF ALLEGIANCE

Student Council, Cadet First Sergeant David Brown led the Pledge of Allegiance.

6. INVOCATION

Student Council President, Cadet Bascom Mellon gave the Invocation.

City Attorney Reisman stated Council had met in Closed Session and no formal votes were requested or taken on Item 3B. He stated Council had voted to refrain from participation in Item 3D. The other matters would be considered at the end of the meeting.

Joel Armstrong, Director of Sunburst Youth Academy, gave a brief description regarding the program and invited Council to attend the next graduation on December 12th at Cottonwood Church. He then presented Mayor Graham-Mejia with tokens of appreciation for her service as a Council Member to the City of Los Alamitos.

7. PRESENTATIONS

A. **Presentation of Certificates of Appointment to: Stephen Hammond – Cable Television Commissioner; Emil Jorge – Parks, Recreation, and Cultural Arts Commissioner; and, Josh Wilson – Parks, Recreation, and Cultural Arts Commissioner**

Mayor Graham-Mejia and the City Council introduced Commissioner Hammond, Commissioner Jorge, and Commissioner Wilson. Each Commissioner spoke briefly.

B. **Presentation of a Commendation to Pauline Foster for Community Service**

Mayor Graham-Mejia and the City Council presented a Commendation to Pauline Foster. Ms. Foster spoke briefly.

C. **Presentation of a Commendation for Small Business Saturday to Yasmine Altuner, Antica Olive Oil**

Community Development Director Mendoza, Mayor Graham-Mejia, and the City Council presented a Commendation to Yasmine Altuner. Ms. Altuner spoke briefly.

D. **Presentation of a Certificate of Recognition to Tom Barclay, Ganahl Lumber**

Community Development Director Mendoza, Mayor Graham-Mejia, and the City Council presented a Commendation to Tom Barclay. Mr. Barclay spoke briefly.

E. **Presentation by Senator Lou Correa Outlining His Term as Senator and Presentation of a Commendation**

Mayor Graham-Mejia advised Senator Correa would arrive later in the evening and would be recognized at that time.

8. ORAL COMMUNICATIONS

Mayor Graham-Mejia opened Oral Communications.

Debbie Feldman, resident, spoke in opposition to the City of Cypress development, urged Council to continue protecting the citizens, and stated opposition for an additional signal on Katella Ave.

Stephen Hammond, resident, requested an explanation regarding the charge to the LATV fund.

Mayor Graham-Mejia advised the City Manager would address the warrants at that time.

Tom Von Hoffgarden, resident, advised of his attendance at the Parks, Recreation, and Cultural Arts Commission Meeting and stated opposition to how the meeting was conducted. He believed Staff was not following direction and stated concern.

JM Ivler, resident, believed Staff was not following direction and stated concern.

Pete Carvajal, Parks, Recreation, and Cultural Arts Commission Chair, spoke regarding the recent meeting and advised the Commission had followed the agenda. He advised the Commission had unanimously agreed the survey was not a good use of resources and would not be representative of the entire community; however, should the Council decide to move forward with a survey, the Commission would review the questions.

Mayor Graham-Mejia closed Oral Communications.

Senator Lou Correa arrived.

7. PRESENTATIONS

F. Presentation by Senator Lou Correa Outlining His Term as Senator and Presentation of a Commendation

Mayor Graham-Mejia and the Council presented a Commendation to Senator Correa. Senator Correa spoke briefly and congratulated the Sunburst Youth Challenge Academy. He then presented Mayor Graham-Mejia a Resolution on behalf of the 34th District thanking her for her service.

9. WARRANTS

Council Member Grose referred to the November 17th Warrants, page 3, and questioned the annual dues for Southern California Association of Governments (SCAG). He questioned the value and Council's involvement with the

organization. He requested sizable dues be agendized for discussion so Council could make policy decisions moving forward.

Motion/Second: Grose/Kusumoto

Motion: Approve the Warrants with the exception of the SCAG dues.

Council Member Kusumoto referred to the October 27th Warrants, page 1, and asked for a justification of the \$850.00 charge for socket sets and questioned if there was a lifetime guarantee.

Public Works Superintendent Brandyberry advised the socket set was a higher grade to be used in the shop; the shop tools would then be recycled for use by the maintenance crew. He advised Sears Craftsman had a lifetime guarantee; however, the downtime for replacements was burdensome. The higher grade socket also has a lifetime guarantee, but would not breakdown as often.

Council Member Kusumoto requested the life of tools and budgeted amounts be reviewed in detail. He advised he understood the explanation.

Motion/Second: Grose/Kusumoto

Unanimously Approved: The City Council approved the Warrants for November 17, 2014, in the amount of \$79,086.91, less the annual dues for SCAG, ratified the Warrants for October 21, 2014, to November 16, 2014, in the amount of \$852,062.67, 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 November 18, 2014, to December 14, 2014.

ROLL CALL

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

10. CONSENT CALENDAR

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

Mayor Pro Tem Murphy pulled Item 10A.

Council Member Edgar requested Item 10K be tabled.

Council Member Grose pulled Item 10L.

Motion/Second: Edgar/Murphy

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

- B. Second Reading of Ordinance No. 14-09, Zoning Ordinance Amendment (ZOA) 14-03, to Allow Retail Uses in the Planned Light Industrial Zone (Citywide) (City initiated) (Community Development)**
At its Regular meeting of October 20, 2014 the City Council conducted a first reading of Ordinance No. 14-09. This Zoning Ordinance Amendment allows more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

The City Council adopted 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)."

- C. Resolution No. 2014-31 – Designation of City Treasurer (City Manager)**

This report sought consideration of a resolution designating Jason Al-Imam, Director of Administrative Services, as City Treasurer.

The City Council adopted Resolution 2014-31, entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING JASON AL-IMAM, DIRECTOR OF ADMINISTRATIVE SERVICES, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2014-06 IN ITS ENTIRETY."

- D. Race on the Base Shirt Purchase (Recreation)**

This item authorized the City Manager to purchase participant and volunteer shirts for the Race on the Base. Every participant in each race receives a shirt as part of his/her registration fee. Race volunteers also receive a shirt. This item has been placed on the agenda because the cost of the purchase exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the shirts so there is no impact to the General Fund.

The City Council authorized the City Manager to purchase Race on the Base participant shirts from Ad Wear & Specialty of Texas, Inc. in an amount not to exceed \$35,000.

E. Race on the Base Medal Purchase (Recreation)

This report addressed the purchase of Race on the Base medals for all race finishers and award winners. Every participant finisher in each race receives a medal as part of his/her registration fee. Overall and age group award winners also receive a medal. This item has been placed on the agenda because the cost of the purchase exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the medals.

The City Council authorized the City Manager to purchase participant and award medals for the Race on the Base from Crown Trophy of Cypress for an amount not to exceed \$13,000.

F. Extension of Contract for On-Call Concrete Contractor (Public Works)

This report recommended the extension of an existing contract for the construction of various concrete items of work throughout the city to aid the Public Works Department in Removal and Replacement of Curb and Gutters, Cross Gutters, ADA Ramps, Driveway Aprons and Sidewalks.

The City Council authorized the Mayor to execute Amendment No. 1 for Ruiz Concrete and Paving, Inc. in the amount of \$60,000.00.

G. Memorandum of Understanding Between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Post-release Community Supervision Cost Reimbursement to Local Law Enforcement Agencies for Enhanced Services and Other Authorized Expenditures (Police)

This report provided information about Public Safety Realignment and Post release Community Supervision and seeks authorization to execute a Memorandum of Understanding with the County of Orange for cost reimbursement for enhanced law enforcement services as needed to achieve the objectives related to Public Safety Realignment.

The City Council authorized the Chief of Police to execute the Memorandum of Understanding between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Post-release Community Supervision Cost Reimbursement to Local Law Enforcement Agencies for Enhanced Services and Other Authorized Services.

H. Resolution No. 2014-32 – Adopting the June 30, 2014, Measure M2 Expenditure Report (Finance)

Each agency who receives Measure M2 funds is required by the OCTA to adopt via resolution an annual Expenditure Report to account for the use of Measure M2 funds.

The City Council adopted Resolution No. 2014-32, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE JUNE 30, 2014 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LOS ALAMITOS."

I. The League of California Cities' 2015 Annual City Managers Department Conference (City Manager)

This report sought authorization for City Manager, Bret Plumlee to attend the 2015 League of California Cities Annual City Managers Department Conference.

The City Council authorized the City Manager to attend the conference and all associated travel expenses in an amount not to exceed \$2,000.

J. Disposal of Surplus Equipment (Public Works)

This report recommended the disposal of surplus equipment.

The City Council declared the listed equipment as surplus, and authorized its disposal in accordance with the Los Alamitos Municipal Code.

M. Grant Application and Environmental Purchasing Policy (City Manager)

This report recommended the filing of various Grant Applications and the adoption of an Environmental Purchase Policy.

The City Council adopted Resolution No. 2014-33 authorizing submittal of grant applications to the California Department of Resources Recycling and Recovery (Calrecycle) and adopting an environmentally preferable purchases and practices policy.

N. Exemption from Prevailing Wage (Community Development)

Charter Cities are entitled to exempt themselves from California's prevailing wage law. In August, 2013, the City of Los Alamitos took advantage of that ability by exempting itself from prevailing wage law in certain situations. SB7 goes into effect on January 1, 2015, necessitating a modification of the City's policy if the City wants to continue to be eligible for certain State funds.

The City Council adopted Resolution No. 2014-34 applying prevailing wage law to certain locally funded public works projects, and exempting others.

End of Consent Calendar

Items Pulled from Consent Calendar

A. Approval of Minutes

(City Clerk)

Mayor Pro Tem Murphy stated concern for verbatim minutes when the meeting was available online and stated a preference for balanced minutes. He stated concern that the intent was clear he was appointed to the Ad Hoc Committee for the 4th of July survey; however, he had not been invited to the meeting.

Mayor Graham-Mejia apologized and advised she did not recall that detail and did not receive Channel 3 which would enable her to watch the Council meeting. She indicated Staff had not reached out to her and she believed there was an inequity. She stated the Community Group had been asking for help for two years and she had reached out to Council Member Kusumoto to start the process. She apologized that she had not recalled Mayor Pro Tem Murphy had been appointed to the Ad Hoc Committee. The Community Group had been reaching out to her for two years and felt that Council did not support them. She reiterated Staff had not taken necessary steps regarding the survey questions.

Mayor Pro Tem Murphy questioned if Staff was in attendance.

Mayor Graham-Mejia stated no and advised Staff did not set up the meeting. She indicated she did not generally reach out to Council and had only asked for Mayor Pro Tem Murphy's support once. The issue had been going on for two years and Staff had not reached out to the Community Group.

City Manager Plumlee stated he had not reached out to the Community Group and had been informed after the fact the Group had already met.

Mayor Graham-Mejia advised she had met with the Community Group sometime after the Council meeting. She reiterated she had been working on the process for two years and Staff was aware she wanted to complete the discussion before her term ended.

City Manager Plumlee stated he had understood the desire and cautioned the item takes time. He advised Staff had been analyzing the different alternatives for fireworks including relocation and the community's position. He recalled the direction to move quickly and that there was multiple directions given during the discussion. He believed Staff was following Council's direction and was not aware the Community meeting had occurred or Staff would have been in attendance. He recalled the Mayor and Mayor Pro Tem had been appointed to the Ad Hoc Committee.

Mayor Graham-Mejia advised she had forgotten Mayor Pro Tem Murphy was appointed, similar to how Staff forgot to reach out to the community.

City Manager Plumlee advised Staff had not forgotten and clarified time had not permitted such.

Mayor Pro Tem Murphy recalled he had stated he would have time available.

Mayor Graham-Mejia indicated a time had not been set and the Community Group had reached out to her. She questioned if an accusation was being made.

Mayor Pro Tem Murphy questioned what she would be accused of.

Mayor Graham-Mejia advised Staff had not taken any steps and her intent was to be proactive to create a list of questions with the Community Group. She stated concern the item did not appear to be a priority even though it was rare to have 20-30 residents speak up. She believed the Commission had already had the opportunity to weigh in and redirecting it back to them would create further delays. She spoke briefly regarding the need for funding.

Council Member Kusumoto called for a point of order and stated the discussion was off topic.

Motion/Second: Murphy/Edgar
Unanimously carried: The City Council:

1. Approved the Minutes of the Special Meeting of October 20, 2014.
2. Approved the Minutes of the Regular Meeting of October 20, 2014.
3. Approved the Minutes of the Special Meeting of October 23, 2014.

- K. Police Chaplain Selection Process (Police)**
This agenda item summarized the selection process for the volunteer position of Police Chaplain.

Council consensus was received to table the item.

- L. First Amendment to Professional Services Agreement with HdL (Finance)**
Staff proposed to add the Business License function to the contract with HdL.

City Manager Plumlee gave a brief summary of the item and introduced the newest member of the executive team, Jason Al-Imam, Administrative Services Director.

Interim Administrative Services Director Steinbrink summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Grose stated support for automation, but requested this item be postponed for further review. He stated concern he was not aware of the ability to use AQMD Funds, Exhibits A, B, and C, had not been provided, and the Staff report appeared to be incomplete. He stated businesses operating without a business license would be impacted. He felt it was unfair to citizens and businesses to take such an aggressive action and suggested an amnesty program. He requested additional information regarding the fees and how they compare to surrounding cities and questioned the urgency of the item due to Staff departure. He reiterated a preference for postponing the item until a thorough Staff report could be completed and the Chamber of Commerce could be made aware. He expressed disappointment the item had not been pulled by Staff.

City Manager Plumlee advised Staff had appreciated Council Member Grose's comments and felt they would be valuable for the entire Council to hear.

Council Member Kusumoto questioned how business license renewals currently functioned.

Interim Administrative Services Director Steinbrink indicated the one employee familiar with Business License was also the Accountant and in charge of payroll. There was concern managing the business license function and training additional employees would take time away from the normal duties.

Council Member Grose questioned how many business licenses were in the City, when they were renewed, and how many were issued per month.

Interim Administrative Services Director advised there were approximately 1,500 licenses which renewed every fiscal year in July and was unsure of the monthly amount.

Council Member Grose indicated there were two to three new businesses a week according to Community Development's weekly report. He stated he was not convinced this item needed to be approved tonight as the

employee would only be impacted by 12 licenses a month until the full process was needed in July.

Council Member Kusumoto questioned if the fee structure was reviewed on a regular basis and how the City compared to surrounding areas.

City Manager Plumlee answered in the negative and indicated there would be advantages to adding such to the next budget process. He clarified the business license could be done sooner if taken alone, but there was potential to do a comprehensive study.

Council Member Kusumoto questioned how long the process would take and cost.

City Manager Plumlee estimated approximately four months and added there was no appropriation for such. Ideally recreation fees and other charges would be addressed at the same time as there was an advantage to consolidating a study all at one time.

Mayor Graham-Mejia questioned if the two items could be addressed separately.

Council Member Kusumoto asked how long it would take to get the system up and running.

Interim Administrative Services Director stated HdL already maintained the City's database and would immediately take over once the program was approved.

Council Member Kusumoto stated opposition at this point and encouraged Staff to bring forward a more substantive report with detailed information next month.

Council Member Edgar requested the total amount spent with HdL as a vendor be provided to Council. He pointed out HdL should have a good handle on fees since they support several surrounding cities.

Mayor Pro Tem Murphy was supportive of postponing the item.

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council postponed the item until additional detailed information could be provided.

Council Member Grose recalled a fee study and structure when he had previously been on the Council that indicated fees had not been

addressed for a number of years. He requested business license fees be addressed as part of this process.

Council Member Edgar indicated the minutes were quite comprehensive and stated support for finding a middle ground.

11. DISCUSSION ITEMS

A. Discussion of Survey Question Regarding the 4th of July Fireworks Spectacular (Recreation)

This agenda item provided the City Council with recommended questions for the 4th of July survey. The Parks, Recreation and Cultural Arts Commission provided recommendations on questions to pose to the Los Alamitos community regarding the interest and participation in the 4th of July Fireworks Spectacular and Safe and Sane Fireworks. In addition, Mayor Graham-Mejia and Council Member Kusumoto met with the community group and will provide a verbal update at the meeting.

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 comments.

Tom Von Hoffgarden, resident, spoke in opposition to how the Parks, Recreation, and Cultural Arts Commission meeting was conducted at its last meeting; asked what Council was going to do regarding his perception that Staff was not following Council's instruction; and, urged the Council to release the five questions the Community Group had come up with.

Mayor Graham-Mejia asked if the questions were available.

Mr. Von Hoffgarden advised they were.

Debbie Feldman, resident, spoke in support of a survey and her right as a citizen to have her voice be heard.

Pete Carvajal, resident, indicated the Commission had provided its opinion to Council regarding the survey. He advised the Commission receives an annual report and the event has positively grown over the years. He stated it would not be possible to please every citizen in the community, stated opposition to the survey, and believed finding ways to improve the show would be a better use of time.

JM Ivler, resident, stated appreciation for Council meeting with the Community Group, stated support for the surveys that allow self

participation for those that are interested, indicated Council would still make the decision, and felt it was important to find out who was coming to the event so if it was in fact a regional event, financial support could be requested from other areas.

Javier Mejia, resident, stated support for a policy that would allow items to automatically be pulled forward to the beginning of all public meetings if residents were in attendance for the item.

Mayor Graham-Mejia closed the item for public comment.

RECESS

The City Council took a brief recess at 7:49 p.m.

RECONVENE

The City Council reconvened at 8:02 p.m.

Council Member Kusumoto apologized for the confusion with the Ad Hoc Committee meeting. He stated he had concerns with supporting safe and sane fireworks, but after hearing how the residents have lost their traditions and family togetherness, he would be able to support safe and sane for those reasons. He suggested trying a program for two years, similar to Villa Park, with well written restrictions and believed it would be a wonderful opportunity for the local community to raise money.

Motion/Second: Kusumoto/Graham-Mejia

Motion: Implement safe and sane fireworks on a trial basis for two years.

City Attorney Reisman advised the Council could vote on the item and that an ordinance would have to come back to Council for adoption.

Council Member Grose stated concern and advised he could not support the motion. He indicated the residents had requested to form a nonprofit that would raise funds for the firework show and if the intent was for something different that would need to be clarified.

Council Member Kusumoto clarified the community could band together and raise money to give back to the City, but he did not want to be that specific. He indicated the intent was to allow for safe and sane fireworks and leave the process general.

Council Member Edgar asked for clarification if the motion was to allow safe and sane fireworks to raise funds for the continuation of the show on the Base or if it was to allow safe and sane fireworks in lieu of a show on the Base.

Mayor Graham-Mejia stated her understanding that the residents would love to keep the show at the Base as long as they could continue to enjoy it. They were willing to operate the booth and donate the money to the City to provide higher fireworks.

Council Member Edgar stated the end objective was to have the fireworks go higher to make it better.

Mayor Graham-Mejia stated there was concern that a higher show would not be visible. She pointed out it was not just Carrier Row, but the whole side of the City that could not see the show.

Council Member Edgar clarified under that scenario, for the next year or two the City would have safe and sane fireworks with a sub-optimal firework show.

Council Member Kusumoto stated opposition to designing the program and legislating where the funding raised would go. He indicated the City would have difficulty finding man-power to staff a booth while a non-profit could provide continuous staffing.

Council Member Edgar asked if the City would then ask the non-profit for money.

Council Member Kusumoto advised there were many factors to be considered when setting up the ordinance and fee structure. He did not feel it was Council's job to make the process too concise. He advised surrounding cities had viable policies and wanted the direction to not be too restrictive.

Council Member Edgar stated he did not feel the survey had been defined well enough to ensure it was not over influenced. He believed the bigger picture was for a better 4th of July show and that safe and sane fireworks would not achieve that. He advised he could not see the show from his home and had always attended the Base's event, this last year being the best show he has seen.

Mayor Pro Tem Murphy expressed concern Council had agreed that reports and studies would need to be done before implementing safe and sane fireworks and that was now the motion before Council. He felt if safe and sane fireworks had been advertised, the Council Chamber would have been filled with residents. He advised he had spoken with Mr. Hoffgarden at break who indicated the most important thing was to get the survey approved and expressed frustration that safe and sane fireworks were now being considered in such an expeditious fashion. He stated he originally thought shooting the fireworks higher would not be a good

resource of funds, but after hearing the concerns of the residents, he felt the additional funding could be found. He made a substitute motion to spend \$12,000 to shoot the fireworks higher with the understanding Staff would work with the Base to provide an optimal viewing area. At the event, Staff could determine what area participants were coming from. He stated there had not been discussion to eliminate the event and pointed out the only complaint was the location.

Substitute Motion: Murphy/Grose

Motion: Allocate \$12,000 to shoot the fireworks higher at the 4th of July event.

City Attorney Reisman advised the motion may not fall under the current agenda item.

Mayor Graham-Mejia indicated the desire was for a survey so the people could indicate their support. She stated opposition to the statement the process was being rushed and felt the item has been postponed and not handled in a timely manner.

Council Member Kusumoto recapped it was the Council's decision to decide what to do, prior concerns for funding a regional event, understanding that the show would not be returning to the old location, and his desire to return the community member's desire for family parties and traditions. He reiterated he was against safe and sane fireworks and had only brought it forward because he had heard the community's wishes. He recalled four years ago when the event was almost eliminated due to lack of funding until a member of the community donated the funding.

Council Member Grose advised the City hosts the event, but is not solely responsible for funding it. Cypress, Rossmoor, Seal Beach, and sponsorships help to offset the costs. He recalled City Attorney Riesman's advice that the substitute motion was out of order, and called for the question on the original motion for safe and sane fireworks.

Council Member Edgar stated concern.

Council Member Grose called a point of order and stated the call for the question had been made and there should be no further debate.

Motion/Second: Kusumoto/Graham-Mejia

Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting vote):
Implement safe and sane fireworks on a trial basis for two years.

Mayor Graham-Mejia referred to the questions for the survey and advised they mirrored what Council had originally suggested.

Motion/Second: Grose/Murphy

Motion: Direct Staff to return at the next meeting a resolution for the additional \$12,000 in funding to shoot the fireworks higher in 2015. At the event, survey the participants to learn what communities are represented. After the event, survey the surrounding communities (Carrier Row, Suburbia, and Highlands) to see if shooting the fireworks higher brought back the quality of the show. Finally, bring forward ideas to increase sponsorship and revenues for the 2016 show.

Substitute Motion: Graham-Mejia/Kusumoto

Motion: Move forward with intent of item and have Council review the questions for the survey so the people have an opportunity to weigh in on the annual show at the Base and support for safe and sane fireworks.

Mayor Pro Tem Murphy expressed frustration with the process. He expressed the two questions before Council should be support for safe and sane fireworks and shooting the fireworks higher. He stated support for agendaizing the questions and having Council vote.

Mayor Graham-Mejia stated the survey was part of this agenda item. She summarized the questions had already gone to the Commission which had no input, she had met with the Community Group to show support, advised she had not spoken with Council Member Kusumoto on his motion for safe and sane, and the Community Group had provided questions. She believed Mayor Pro Tem Murphy's demeanor had indicated the survey would not receive fair consideration.

Council Member Kusumoto advised he had not coordinated his motion with any one and was not in favor of safe and sane. He indicated he would not support a survey and felt the Council could make a decision one way or the other and move forward. He stated support for additional data on shooting the fireworks higher.

Mayor Graham-Mejia pulled her substitute motion.

Council discussed the original motion.

Council Member Kusumoto asked if there were any obstacles to shooting the fireworks higher if the budget could be found.

Community Services Director Lakin advised there was nothing foreseeable at this time; however, Staff did not have discretion if something were to occur on the Base.

Council Member Edgar questioned the use of surveys and if the City would solely be funding the increased height or if it would be seeking support from the other partners.

City Manager Plumlee advised he would communicate with the community partners. He believed if the Los Alamitos City Council was approving a higher show for one year, then it would be appropriate for the City to fund it.

Council Member Edgar stated concern the \$12,000 would not be sufficient for a successful show and that the shortfall for the show's budget would be even more significant in the coming years.

Community Services Director Lakin explained the additional \$12,000 would be in addition to the approved budget and outlined the additional fireworks the funding would purchase. He clarified the entire show would not be higher, only the additional \$12,000 in fireworks would be higher.

Mayor Pro Tem Murphy advised the intent was to add to the show not to reduce it and indicated the \$12,000 would be for a higher show.

Council Member Edgar expressed concern Los Alamitos would always be responsible for the additional \$12,000 and questioned what parameters should be provided to Staff to coordinate with the regional partners.

Council Member Grose advised the motion was to direct Staff to come back and it would be discussed in further detail next month.

Council Member Edgar stated concern and advised he did not want to commit to something the City could not afford.

Mayor Graham-Mejia advised such was the original intent of the survey. Discussion had occurred regarding the funding no longer being contractually obligated and funds from the sale of safe and sane fireworks could possibly cover the cost. She stated her perception that there had been maneuvering behind the scenes to keep the survey from occurring. She referred to parking meters and additional increases coming that residents would not be happy with. She wanted the City to be part of the solution. She felt the questionnaire would be beneficial and referred to the survey for "In God We Trust" and did not understand why this situation was any different. She expressed frustration this process would be a waste of Council, Staff, and resident's time if nothing was done.

Council Member Edgar reiterated his interest in the mechanics of a regional solution.

Council Member Grose clarified a survey would not be necessary and was confident the City would receive feedback on the event. If the event was not successful, different parameters would need to be discussed for 2016, at which point it would be necessary to reach out to the event partners to discuss fundraising.

Motion/Second: Grose/Murphy

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council directed Staff to return to the next Council meeting with an additional \$12,000 in funding to shoot the fireworks higher in 2015. There was further direction to survey the participants at the event to learn what communities were represented. After the event, survey the surrounding communities (Carrier Row, Suburbia, and Highlands) to see if shooting the fireworks higher brought back the quality of the show. Finally, bring forward ideas to increase sponsorship and revenues for the 2016 Show.

B. Approval of the revised Master Joint Use Agreement and the new Individual Joint Use Agreements for Oak and McAuliffe Middle Schools with the Los Alamitos Unified School District (Recreation)

This agenda item presents the revised Master Joint Use Agreement (MJUA) and the Individual Joint Use Agreements (IJUA) for Oak and McAuliffe Middle Schools between the City of Los Alamitos and the Los Alamitos Unified School District and seeks approval from the City Council.

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

Council Member Grose referred to page 3 of the Staff report and asked if the water for Oak and McAuliffe was indeed a 50/50 split.

Community Services Director Lakin stated that was correct and clarified currently the City did not pay for any water at Oak.

Council Member Grose requested an update on acquiring reclaimed water from the City of Long Beach and Golden State Water's (GSW) involvement in the process.

Community Services Director Lakin advised there were several obstacles and summarized the City was in discussion with the Los Angeles County Sanitation District who was in contact with the City of Long Beach. The City would be responsible for getting any unclaimed water to its destination. The process would require coordination with the Flood Control District and Cal-Trans. Los Alamitos Unified School District is permitted to use reclaimed water, but additional investigation is still needed. He

advised there were concerns regarding selling the water to GSW and purchasing it back, since the City was not a utility district. He advised Staff had attempted to reach GSW, but had not received a response to date.

Council Member Grose stated support for continuing the research for reclaimed water and advised he did not want to see the issue forgotten with the approval of the contracts. He stated if the School Board made any changes to the contracts, he wanted to ensure they come back to Council for approval.

Community Services Director Lakin stated the School Board had the same agreements going for approval and any changes would come back to Council.

Council Member Grose advised Council was relying heavily on Staff's negotiations and was in favor of moving forward.

City Attorney Reisman clarified the 50/50 water split at McAuliffe would occur after the School District installs sub-meters for the water.

City Manager Plumlee advised the Parks, Recreation, and Cultural Arts Commission had brought up the same concern and Staff would keep Council apprised of the progress.

Council Member Kusumoto advised he believed there were new regulations from the State that would eliminate the need to go through GSW for the purchase of water. He questioned the inspection criteria for safety on the bike path.

Community Services Director Lakin provided some examples and indicated it would encompass general maintenance and safety to those utilizing the path.

Council Member Kusumoto stated concern for the ambiguity and support for including quantifiable parameters. He questioned if California Joint Powers Insurance Authority (CJPIA) would have established policies.

Community Services Director Lakin believed it was intentionally left ambiguous and was unsure of any existing regulations or policies CJPIA may have.

Council Member Kusumoto stated further definition may be beneficial for the future of the organization, Council, and Staff.

Council Member Grose referred to the design of the path and advised Staff had addressed any issues that had been brought up. He indicated this was a routine item.

Council Member Kusumoto cautioned loose gravel could be considered unsafe.

Council Member Edgar indicated the Parks, Recreation, and Cultural Arts Commission, Ad Hoc Committee and Staff were supportive of the item and indicated his support as well. He stated strong support for bringing reclaimed water to the fields and asked Patti Meyer, Los Alamitos Unified School District (LAUSD) representative, if that would even be an option.

Ms. Meyer advised LAUSD could use reclaimed water for field sprinklers.

Mayor Pro Tem Murphy thanked Staff and the Working Group for their work. He questioned if the 50/50 share was fair.

Community Services Director Lakin stated the 50/50 split was fair and gave a brief summary of the allocation and actual usage of the fields.

Mayor Graham-Mejia advised Staff from both agencies had been very involved and she was encouraged to see the process almost complete. She referred to the Oak Gym and questioned if the City would lose "in perpetuity" standing, LAUSD maintenance of the gym, and LAUSD bearing 100% of utilities. She cautioned Council it may be unintentionally taking on the majority of the field maintenance costs due to the new PRZ standard levels and uncertainty of where Friday Night Lights (FNL) will practice. She stated concern that the lights at Oak Field were not operational.

Community Services Director Lakin advised two light poles were not operational. He stated an electrician had assessed the situation and provided a brief summary. He indicated the two working poles were sufficient for the areas currently being utilized.

Mayor Graham-Mejia asked for a rough estimate regarding the cost of the repairs.

Community Services Director Lakin stated uncertainty due to a variety of possibilities (i.e. underground vault repairs, trenching, wiring). He advised this situation was unusual and Staff was working on identifying the issues and making the necessary repairs.

Mayor Graham-Mejia asked if the total amount of the repair would be an additional cost. She recalled the City pays 100% for overall maintenance. Community Services Director Lakin clarified the City maintains 100% of the electric bills and 100% of the proceeds for usage of the lights.

Mayor Graham-Mejia stated concern this repair would be charged to the City and these agreements would also incur additional costs.

Community Services Director Lakin stated the repairs would be analyzed and the budget would be adjusted accordingly. Should the repairs be extreme, Staff would work with the City Manager and the Finance Department to identify funding. He advised Staff would keep Council informed and has been in communication with the user groups.

Mayor Graham-Mejia asked if Staff had any concerns with the age of the poles and asked for a rough estimate to replace the poles should something dramatic occur.

Community Services Director Lakin advised it would be a significant expense.

Mayor Graham-Mejia indicated that would be a huge negative impact and asked if there were any concerns that the cost was not being split evenly.

Community Services Director Lakin indicated the City had installed the poles and advised LAUSD had no interest in utilizing them. He stated Staff could reach out to LAUSD, but it was unlikely they would have an interest in investing in the lighting for only 1-3 events a year.

Mayor Graham-Mejia cautioned that could be a significant expense in the future. She recommended the Oak Gym agreement be left as is and Council could have the option to donate more in the future should the need arise.

Mayor Pro Tem Murphy asked for clarification on the recommendation as it appeared Oak Gym was not included.

Community Services Director Lakin advised the Master Joint Use Agreement does refer to Oak Gym, but there is not an Individual Joint Use Agreement for Oak Gym. He referred to the City Attorney to address the in perpetuity clause.

City Attorney Reisman stated that in the event of a conflict, the Master Agreement would apply.

Mayor Pro Tem Murphy asked if the City would lose "in perpetuity."

City Attorney Reisman advised nothing should change in regard to the Oak Gym because it is not mentioned in the revised Master Agreement.

Mayor Graham-Mejia advised these concerns were brought up with the working group.

Council called for a brief recess to allow the City Attorney to review the documents in detail.

RECESS

The City Council took a brief recess at 9:31 p.m.

RECONVENE

The City Council reconvened in Regular session at 9:42 p.m.

City Attorney Reisman advised the Master Joint Use Agreement refers to the Individual Joint Use Agreements. The current agreement with Oak Gym was in perpetuity and would remain in effect until a new agreement is adopted or until a court determines otherwise.

Community Services Director Lakin advised the terms in the new Individual Joint Use Agreements refer to the Master Joint Use Agreement and will be in place for five years. However, the Oak Gym Individual Joint Use Agreement (IJUA) has an "in perpetuity" clause and would not be impacted by the Master Joint Use Agreement terms.

Motion/Second: Grose/Kusumoto

Motion: Approve the Master Joint Use Agreement and Individual Joint Use Agreements for: McAuliffe Middle School Fields, Oak Middle School Fields, Oak Middle School Bike/Walk Path, Oak Middle School Community Restroom, Oak Middle School Basketball Courts, with the understanding any changes will come back to Council and Staff will continue to research the use of reclaimed water.

Council Member Grose asked if Section 5.2.3 of the Master Joint Use Agreement needed to be removed.

City Attorney Reisman stated no and advised it would incorporate the IJUA for Oak Gym.

Mayor Graham-Mejia asked Ms. Meyer to comment on the agreements.

Ms. Meyer advised the LAUSD Board had the same agreements before them and she was in agreement. She advised any agreements from the past would not be changed prior to Council and the Board's action.

Mayor Graham-Mejia clarified the approval excluded the IJUA for Oak Gym and it would stand as is with no changes.

Council Member Edgar agreed Oak Gym would stay the same "in perpetuity" and Council was not actively changing anything.

Mayor Pro Tem Murphy stated support for having the specific issue regarding "in perpetuity" addressed as Council and Staff would change over the years.

City Attorney Reisman advised the discussion in the minutes would make it clear that both sides have agreed "in perpetuity" would remain.

Motion/Second: Grose/Kusumoto

Unanimously Carried: The City Council approved the Master Joint Use Agreement and Individual Joint Use Agreements for: McAuliffe Middle School Fields, Oak Middle School Fields, Oak Middle School Bike/Walk Path, Oak Middle School Community Restroom, Oak Middle School Basketball Courts, with the understanding any changes will come back to Council and Staff will continue to research the use of reclaimed water.

TIME LIMITS

Per Resolution 2013-09 "Council Meeting Time Limits", City Council considered extending the time limits.

Council Member Edgar stated the policy was to vote no later than 9:45 p.m. and it was already 9:49 p.m.

Council did not waive the time limits and continued with the meeting.

C. Parks & Landscape Maintenance Contract (Public Works)

This report provided the Los Alamitos City Council with costs associated with contracting out a portion of the City Landscape Maintenance duties within the current budget as an alternative to hiring part-time employees. This would preserve the more experienced maintenance crews for maintaining the new Coyote Creek Park and to bring the existing sports fields up to the new standards provided within the Prescription Root Zone Sports Turf Consulting (PRZ) report.

Public Works Superintendent Brandyberry summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Pro Tem Murphy clarified this would not reduce staffing and would be in addition to current staffing to keep up with field standards previously agreed to by Council and LAUSD.

Public Works Superintendent Brandyberry confirmed.

Council Member Grose asked if the center medians would be included.

Public Works Superintendent Brandyberry stated yes and added all turf in the City limits, besides McAuliffe, would be maintained.

Motion/Second: Murphy/Edgar

Unanimously Carried: The City Council:

1. Authorized the City Manager to execute a Professional Services Agreement with Midori Gardens in a form to be approved by the City Attorney; and,
2. Authorized a budget transfer of \$61,332 from part-time hourly to contractual services; and,
3. Retained the current one (1) part-time landscape maintenance position for a three year period.

D. Discussion of City Council Travel Expenses and Travel Policy

(City Manager)

This agenda item sought Council discussion regarding allocating the budgeted Travel and Meeting funds between Council Members and the possible revision of the Travel Policy to authorize payment to non-profit events.

Council consensus was received to postpone the item.

12. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

Council Member Kusumoto spoke regarding the Orange County Fire Authority's selection of Fire Chief, Jeff Bowen, and attendance at the Golden Boot Award event.

Council Member Grose spoke regarding the following topics: a list of events attended could be found on www.losal.net; attendance CJPIA's 3-day risk management conference; attendance at the 79th Sustainment Dining Out event; and, extended condolences to his wife and family on the passing of her oldest son.

Discussion occurred regarding time limits. City Clerk Quintanar advised the policy stated no new topics could be considered after 10:00 p.m. and Council could finish its comments as the item started before 10:00 p.m.

Council Member Edgar spoke regarding the following topics: meeting with Staff and the Rivers and Mountains Conservancy (RMC) regarding additional funding for the bike path; encouraged residents to attend the

Cypress project meeting on Wednesday at 7:00 p.m.; attendance at the Los Alamitos Museum's Honored Citizen event; attendance at the Wings, Wheels, and Rotors Expo; advised of the upcoming Americana Awards Kick Off meeting Wednesday; recent profile on groundwater replenishment system for Orange County Sanitation District; and, Casa Youth Shelter's Charity Ball on January 10th.

Mayor Pro Tem Murphy passed.

Mayor Graham-Mejia encouraged residents to attend the Cypress project meeting and congratulated the LAUSD School Board on its recent election.

13. ITEMS FROM THE CITY MANAGER

City Manager Plumlee advised of the upcoming Winter Wonderland Event, wished everyone a Happy Thanksgiving, and introduced the new Administrative Services Director, Jason Al-Imam.

3. CLOSED SESSION

City Attorney Reisman advised City Council would continue Closed Session discussions.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager
Authority: Government Code Section 54957

C. CONFERENCE WITH LABOR NEGOTIATOR

City Negotiator: Bret M. Plumlee, City Manager
Unrepresented employees: Executive Management, Middle Management and Non-Management Employees
Authority: Government Code Section 54957.6

E. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Authority: Government Code Section 54956.9 (d)(4)
Potential Cases: One – Consideration of whether to join Amicus Curiae Brief to California Supreme Court: State Department of Finance v. Commission on State Mandates (Case No. S214855)

RECESS

The City Council recessed into Closed Session at 10:11 p.m.

RECONVENED

The City Council reconvened in Regular Session at 12:00 a.m.

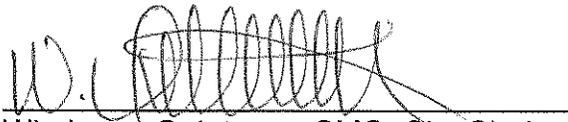
City Attorney Reisman advised there was no reportable action for items 3A and 3C. The Council instructed it's negotiators on item 3D.

14. ADJOURNMENT

The City Council adjourned at 12:00 a.m.


Gerry L. Graham-Mejia, Mayor

Attest:


Windmera Quintanar, CMC, City Clerk