

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

REGULAR MEETING – August 15, 2016

1. CALL TO ORDER

The City Council met in Regular Session at 5:01 p.m., Monday, August 15, 2016, in the Council Chamber, 3191 Katella Avenue, Mayor Murphy presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Bret M. Plumlee, City Manager
Cary S. Reisman, City Attorney
Jason Al-Imam, Administrative Services Director
Tony Brandyberry, Public Works Superintendent
Dave Hunt, City Engineer
Corey Lakin, Recreation and Community Services Director
Steven A. Mendoza, Development Services Director
Rick Moore, Police Captain
Eric R. Nuñez, Chief of Police
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION

Mayor Murphy read the items aloud.

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1)
City of Los Alamitos v. Teresa Tapia Hernandez, et al.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pending Litigation pursuant to Government Code sec. 54956.9 (d) (2) (A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.) 1 potential case.

C. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pending Litigation pursuant to Government Code sec. 54956.9, (d)(4) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) 2 potential cases.

RECESS

The City Council recessed into Closed Session at 5:02 p.m.

RECONVENE

The City Council reconvened in regular session at 6:02 p.m.

City Attorney Reisman advised no formal votes were taken or requested.

4. PLEDGE OF ALLEGIANCE

Council Member Edgar led the Pledge of Allegiance.

5. INVOCATION

Council Member Grose gave the Invocation.

6. PRESENTATIONS

A. Presentation of a Certificate of Recognition to new Parks, Recreation, and Cultural Arts Commissioner, Judy Estrada

Mayor Murphy and the City Council presented a Certificate to Judy Estrada. Commissioner Estrada spoke briefly.

7. ORAL COMMUNICATIONS

Mayor Murphy opened Oral Communications.

JM Ivler, stated opposition to Staff negotiating with landowners in private, spoke regarding the role of the Planning Commission, and requested the Planning Commission be dissolved as the Council was not properly utilizing it.

John Underwood, resident, gave an update regarding Los Al TV's operation upgrades. He stated support for purchasing the following items for the studio: dedicated switcher for the studio, teleprompter, tally lights, basic intercom, and pre-set lighting grid. He spoke positively about his working relationship with Mr. Strawther, Studio Operations Manager.

Sue Douglas, Cypress resident, spoke regarding traffic on Cerritos Ave. and stated opposition to the proposed development project in Cypress.

Lois Waddle, resident, spoke in opposition to the proposed Cypress project and the traffic it would cause without a Cerritos Ave. exit.

Mayor Murphy closed Oral Communications.

8. WARRANTS

Motion/Second: Kusumoto/Hasselbrink

Unanimously Carried: The City Council approved the Warrants for August 15, 2016, in the amount of \$58,234.35, ratified the Warrants for July 19, 2016 to August 14, 2016, in the amount of \$2,290,947.52, 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 of August 16, 2016 to September 18, 2016.

ROLL CALL

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Kusumoto	Aye
Mayor Pro Tem Hasselbrink	Aye
Mayor Murphy	Aye

9. CONSENT CALENDAR

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

Motion/Second: Kusumoto/Hasselbrink

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

A. Approval of Minutes (City Clerk)
 Approved the Minutes of July 18, 2016 Regular Council meeting.

B. Legal Services Related to Labor and Employment Law (Administrative Services)
 This report recommended approval of an agreement with Liebert Cassidy Whitmore for legal services related to labor and employment law.

The City Council:

1. Authorized the Mayor to enter into the Agreement for Special Services ("Agreement") with Liebert Cassidy Whitmore for legal services related to labor and employment law; and,
2. Reviewed and approved the Scope of Services as set forth in the Agreement.

C. Amendment to Professional Services Agreement with OUR Los AI for Cable Operations Manager Services and Suspension of Cable Television Commission for an Additional Six Months (Administrative Services)
 The purpose of this report was to amend the Professional Services Agreement with OUR Los AI, extending the term to June 30, 2017, for Cable Operations Manager services and to suspend the Cable Television Commission for an additional six months.

The City Council:

1. Authorized the Mayor to execute Amendment No. 1 to the Professional Services Agreement with OUR Los AI, extending the contract term to June 30, 2017; and,
2. Suspend the Cable Television Commission for an additional six months.

D. Approval of Non-Exclusive Permit Contract to Consolidated Disposal Service, L.L.C. dba Republic Services for Non Exclusive Residential Roll Off and Temporary Bin Services (City Manager)

The City's exclusive franchise agreement for residential and commercial refuse collections services specifies that the provision of residential roll-off and temporary bin services shall be competitive and non-exclusive. Staff recommends that the City Council approve permit contracts with Consolidated Disposal Services, LLC, dba Republic Services.

The City Council adopted Resolution No. 2016-30 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING THE AWARD OF NON-EXCLUSIVE PERMIT CONTRACT TO CONSOLIDATED DISPOSAL SERVICE, L.L.C. DBA REPUBLIC SERVICES FOR THE PROVISION OF ROLL-OFF AND TEMPORARY BIN SERVICES FOR RESIDENTIAL CUSTOMERS AND AMENDING RESOLUTION NO 2016-09 TO EXCLUDE RAINBOW ENVIRONMENTAL SERVICES."

E. Amend Professional Services Agreement with Wallin, Kress, Reisman and Kranitz, LLP for City Attorney Services (City Attorney)

The City entered into a five year Professional Services Agreement with Wallin, Kress, Reisman and Kranitz, LLP, ("WKRK") effective April 16, 2013. The Agreement called for WKRK to refrain from increasing fees for the first two years of the agreement. WKRK is requesting minor adjustments to its agreement with the City while refraining from increasing the retainer amount or the hourly rate charged to the City for the balance of the term of the agreement.

The City Council authorized the Mayor to approve the First Amendment to Professional Services Agreement with Wallin, Kress, Reisman and Kranitz, LLP.

F. Approval of Cerritos Ave. Bridge Repair Project (CIP No. 16/17-03) (Engineering)

This report recommended actions to facilitate the construction of the Cerritos Ave. Bridge Repair Project (CIP No. 16/17-03).

The City Council:

1. Approved the plans and specifications for the construction of the Cerritos Ave. Bridge Repair Project (CIP No. 16/17-03); and,
2. Authorized Staff to advertise and solicit bid proposals.

10. PUBLIC HEARING

A. Introduce Ordinance No. 2016-05 – Consideration of General Plan Amendment and Zoning Map Amendment for 4411 Katella Avenue (Development Services)

Continued consideration of a General Plan Amendment and Zoning Map Amendment to the 28-acre site commonly known as the Arrowhead property. The change would amend the General Plan Designation (Planned Industrial with

Retail Overlay) to Retail Business and amend the Zoning Map (Planned Light Industrial with Retail Overlay) to General Commercial (C-G). More specifically this property is identified as Orange County Assessor Parcel Nos. 241-241-08, 241-241-09, 241-241-10 and 241-241-11 (4411 Katella Avenue) (Owner: JCB, Inc. Tincum Corp.).

City Attorney Reisman read the titles of the Resolutions aloud and advised the property owner has requested a continuance of this matter till March 20, 2017 to fully explore the options and ramifications.

Council Member Grose recused himself because of property interest in the area and left the dais.

Mayor Murphy opened the Public Hearing for public comment.

Susan Hori, representing JBC, Inc., landowner of 4411 Katella, advised a request had been submitted for an additional six months to consider development options for the property. The purpose of the extension would be to look at acceptable land uses that are compatible with the surrounding area and conduct outreach. She advised it has been instructive for clients to hear concerns from residents and City Staff regarding the development of site and items that need to be addressed in future proposals. She referred to the comment regarding the Planning Commission and advised an application for the property had been submitted, but has since expired and been taking off the City's files. Any new development proposal for that site would require a new application. She requested an opportunity to readdress Council should it intend to take action on the items tonight.

JM Ivler, resident, also requested to come back and address, if needed. He gave an overview of history of the site and advised Council had filed the Planning Commission's recommendation regarding undesired uses. He suggested the Council do the first reading tonight of tonight's item, bring back the item that was filed at the next meeting, and then decide which item to adopt at the third meeting. He stated opposition for trucking terminals in the area.

Judy Estrada, resident, stated there would always be change in the City and asked that all new developments take into consideration the need for ample parking and green space.

Mayor Murphy closed the Public Hearing for public comments.

City Council and Staff discussed the following topics:

- Additional time would allow the application to consider all potential land uses
- Support for removing retail overlay zone
- Support for a fair dependable process
- Support for reviewing zoning for whole City, not just the one parcel

Motion/Second: Edgar/Murphy

Motion Failed 2/2 (Hasselbrink and Kusumoto voted no): Continue the discussion of this matter to the March 20, 2017 City Council meeting.

Motion/Second: Hasselbrink/Kusumoto

Motion: Adopt Resolution No. 2016-29, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT (GPA) 16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY TO RETAIL BUSINESS FOR THE PROPERTY LOCATED AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS) (OWNER JCB INC. TINICUM CORP.)".

Mayor Murphy opened the Public Hearing for public comment.

Ms. Hori understood the desire for more retail and uses contribute to sales tax revenue. She stated the action needed to be considered on city wide basis and not just this property. She stated Arrowhead was the largest private employer in the City and intends to remain on the site as long as possible. The long term lease with Arrowhead made it impossible to provide retail on back property as there was no access and no visibility from Katella Ave.. She pointed out that retail uses would promote additional traffic. She stated her concern that by not looking city wide, this individual property was being singled out for spot zoning and advised there must be a public interest when singling out zoning and land use when compared to other properties. Arrowhead was surrounded by business parks and other industrial uses. To designate this one property retail, would constitute spot zoning and no public interest being served as there would be a greater environmental impact due to the traffic generated by retail uses. Singling out this property also sends a negative message to business and land owner's that their property can be singled out to prohibit and constrain their ability to use their property. She stated legally the land owners had very limited opportunities for use of site and stated opposition to the item.

JM Ivler stated the City Council had approved the General Plan where in two areas had been rezoned retail overlay and disputed the accusation of spot zoning. Two areas on Katella Ave. had been rezoned to higher profitable zone for revenue to the City and for opportunities for the community. He stated it was clear the community did not want a trucking terminal and currently such uses were allowed. He stated opposition to the Council not acting on the Planning Commission's recommendation for industrial uses and reiterated his request for tonight's action. He requested the Council protect the community.

Judy Estrada requested Council keep in mind parking and green space so the City could avoid turning into an industrialized city. She stated retail was positive and suggested adding things for people to do. She stated support for a small attraction that would encourage people to stay in Los Alamitos.

Lois Waddle stated opposition to a trucking terminal and opposition to the lack of ingress/egress of that property. She stated there would be negative impacts to Cerritos Ave. and Katella Ave. and used the buses from the Joint Forces Training Base that utilized the neighborhoods as a thoroughfare as an example.

Mayor Murphy closed the Public Hearing for public comment.

City Attorney Reisman clarified that Resolution 2016-29 would be adopted upon Council's action and did not require a first and second reading.

RECESS

The City Council took a brief recess.

RECONVENE

The City Council reconvened in Regular session.

Mayor Murphy suggested extending the item for a shorter period of time and suggested January.

Development Services Director Mendoza provided an overview of the application process.

Motion/Second: Hasselbrink/Kusumoto

Motion: Adopt Resolution No. 2016-29, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT (GPA) 16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY TO RETAIL BUSINESS FOR THE PROPERTY LOCATED AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS) (OWNER JCB INC. TINICUM CORP.)".

City Council and Staff discussed the following items:

- General Plan Adoption process and the introduction of the retail overlay zone
- Allegation of spot zoning for this particular parcel
- Support for a fair due process that supports property rights
- Moratorium discussion from March 1, resulted in a Resolution of intent to the Planning Commission to review the use table in all zones
- Community's opposition to trucking terminals
- Support for allowing developers additional time to evaluate options
- Compromise on three months, January 2017, for continuing the item

Mayor Murphy made a substitute motion to reopen and continue the Public Hearing on this matter to November 21, 2016, at 6:00 p.m.

Mayor Pro Tem Hasselbrink pulled her motion

Motion/Second: Murphy/Kusumoto

Motion Carried 3/1 (Hasselbrink voted no): The City Council reopened and continued the Public Hearing on this matter to November 21, 2016, at 6:00 p.m.

City Council and Staff discussed bringing back the tabled item for permitted uses and were advised the item was not on the agenda for discussion.

RECESS

The City Council took a brief recess.

RECONVENE

The City Council reconvened in Regular session. All Council Members present.

11. MAYOR AND COUNCIL INITIATED BUSINESS

A. November 8, 2016 General Municipal Election – Cypress Ballot Initiative (Los Alamitos Race Track Property)

The City Council requested an opportunity to discuss options available in light of the proposed 170 acre development in the City of Cypress. This discussion was continued from the July 18, 2016 Council Meeting.

City Manager Plumlee introduced the item. Development Services Director Mendoza summarized the Staff report and answered questions from the City Council.

Mayor Murphy opened the item for public comment. There was no one present wishing to speak. Mayor Murphy closed the item for public comment.

City Council and Staff discussed the following topics:

- Conducting a public workshop to provide facts about the project and including information on the website
- Development Application process including entitlements, approved development, utilities and agencies ability to provide service, car trips, and the City's right to weigh in on all applications and Environmental Impact Reports (EIR)
- Elected Officials ability to pass a statement of overriding considerations on an EIR to bypass mitigation efforts
- Development of the undefined project would be a 10-15 year process
- Concern for high density and increased traffic impacts
- Documenting the history of the project so future Councils would understand the project and the concerns of the Community and previous Councils
- Support for taking a position on the project
- Support for a Standing Committee with all stakeholders to formalize the stakeholder partnership, keep the history of the project and continue to improvement the relationship with Cypress
- Support for developing numbers for mitigation costs

- Support for a Regional Ad Hoc Committee comprised of the surrounding areas to address open spaces
- Support for the size comparisons of the development and providing Cypress examples
- Support for beginning to establish possible mitigation measures and opportunities

Mayor Murphy opened the item for public comment.

Sue Douglas, Cypress Resident, stated support for Council's discussion and looked forward to Los Alamitos working with Cypress. She stated opposition to additional traffic and houses. She stated support for a workshop and a handout that could be distributed.

Unidentified Speaker, stated support for getting information out sooner rather than later and suggested using examples from Cypress for comparisons so Cypress residents could relate.

John Underwood, resident, stated opposition to the traffic on Katella Ave. and advised the project had the potential to be bigger than expected.

JM Ivler, resident, stated CalTrans was still working on adding lanes to the 405 freeway which would also increase traffic and diminish the quality of life in Los Alamitos.

Mayor Murphy closed the item for public comment.

City Council and Staff discussed the following topics:

- Positive level of cooperation and understanding between City Staff and Cypress Staff
- Timing of the workshop, resources required, format of workshop, scope of analysis, and appropriation for a consultant
- Objective of the workshop to educate residents with facts and data, recommend a position for the Council to take regarding the project, provide a factual handout, and document the project's benefits and consequences for future Councils
- Support for including Cypress comparables in the information
- Issue would be decided by Cypress voters and the whole project had the possibility to change
- Support for having an item come back at the next meeting to allow the public an additional opportunity to voice concerns and allow the Council to take a position on the project based on the City's Legislative Platform
- Direction to Staff to begin the process with Cypress Council to establish an Ad Hoc Committee regarding future development of the property
- Direction to Staff to invite Land Owner to the next Council meeting

Frank Sherren, representative for the land owner, stated he recognized the negative impacts and believed it would be a great project for all communities involved. He stated he would make himself available to answer questions at the next meeting.

City Council directed Staff to:

1. Bring back an item to allow Council to take a position on the ballot measure in an open and public meeting where all perspectives may be shared; and,
2. Develop factual materials, including the City's position on the measure to be shared on the City's website in a way that emphasizes facts and does not use inflammatory language or argumentative rhetoric. The materials should not encourage the public to adopt the City's views, vote one way or another, or take any other actions supporting or opposing the measure; and,
3. Begin the process with Cypress Council to establish an Ad Hoc Committee regarding future development of the property.

B. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

Council Member Grose spoke regarding the following topics: list of events attended could be found at www.losal.net; upcoming Legislative Mixer on August 26th; and, upcoming Veteran's Ride.

Council Member Kusumoto spoke regarding attendance at the following events: Orange County Fair for Los Alamitos Day and Flag ceremony with Mayor Pro Tem Hasselbrink and Council Member Grose; Mighty Kitchen's soft opening; National Night Out; Bronco World Series; and, Orange County Mosquito and Vector Control District Board Meeting and advised a West Nile infection had been found in Los Alamitos.

Council Member Edgar spoke regarding the following topics: two upcoming events on Saturday, Mariachi Divas at St. Isidore Historical Plaza and Poker Night for Casa Youth Shelter; Rivers and Mountains Conservancy Board Meeting; provided an update on the Purple Pipe Grant; received an update from Staff regarding Coyote Creek Bike Path; and, received an update from Council Member Grose regarding Brigadier general Reddicks upcoming retirement.

Mayor Pro Tem Hasselbrink spoke regarding the following topics: attendance at Music and Movies at Orville Lewis Park and support for continued use of Orville Lewis Park; participated in the Cypress 5K Run/Walk; attended Mighty Kitchen's Soft Opening, Bronco World Series, and Orange County Fire Authority (OFCA)

Board Meeting; appointment to OCFA's Budget and Finance Committee; and, advised she will be out of the country for November 21st Council meeting and will not be able to attend.

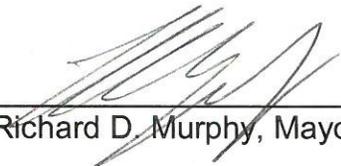
Mayor Murphy spoke regarding the following topics: attendance at Music and Movies at Orville Lewis Park; meetings with Congressman Lowenthal and Senator Nguyen regarding relocating to the Joint Forces Training Base; attendance at Mighty Kitchen's Grand Opening, Rustic Eats Grand Opening, and National Night Out; thanked Council Member Edgar for his work on Coyote Creek Park; and, thanked Staff for the house warming gift.

12. ITEMS FROM THE CITY MANAGER

City Manager Plumlee advised the last Music and Movies would be August 20th and stated the USA Women's Water Polo Team would be invited to the September Council meeting.

13. ADJOURNMENT

The City Council adjourned at 9:11 p.m.


Richard D. Murphy, Mayor

Attest:


Windmera Quintanar, CMC, City Clerk