

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

**REGULAR MEETING – November 19, 2012**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:02 p.m., Monday, November 19, 2012, in the Council Chamber, 3191 Katella Avenue, Mayor Edgar presiding.

**2. ROLL CALL**

**Present:** Council Members: Graham-Mejia, Kusumoto, Stephens,  
Mayor Pro Tem Poe, Mayor Edgar

**Absent:** Council Members: None

**Present:** Staff: Angie Avery, City Manager  
Sandra J. Levin, City Attorney  
Linda Magnuson, Interim Finance Director  
Tony Brandyberry, Public Works Superintendent  
Dave Hunt, City Engineer  
Corey Lakin, Community Services Director  
Todd Mattern, Police Chief  
Steven Mendoza, Community Dev. Director  
Tom Oliver, Planning Aide  
Cassandra Palmer, Support Services Manager  
Windmera Quintanar, CMC, Department Secretary

**3. PLEDGE OF ALLEGIANCE**

Council Member Stephens led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Kusumoto gave the invocation.

**5. PRESENTATIONS**

**A. Presentation of a Proclamation to Katherine McNally, McNally Electric, for Small Business Saturday**

Council presented Katherine McNally with a Proclamation for Small Business Saturday. Ms. McNally thanked the Council.

**B. Presentation from Becky Esparza, OC Human Relations, Providing a Yearly Update to the Council**

Ms. Esparza gave a brief update on OC Human Relations and submitted the yearly report to the City Council. She presented Mayor Edgar with a certificate.

**C. Presentation from Mike Hearst, Director, Providing an Update on Orange County Vector Control District**

Jared Dever, MPA, Director of Communications, gave a brief PowerPoint presentation regarding West Nile Virus and Flea-Born Typhus disease and answered questions from the City Council.

City Attorney Sandra J. Levin announced her resignation effective no later than January 31, 2013. She thanked the community, City Council, and Staff for the partnership during her tenure with the City.

Council Member Stephens, Mayor Pro Tem Poe, and Mayor Edgar thanked City Attorney Levin for her service.

**6. ORAL COMMUNICATIONS**

Mayor Edgar opened the meeting for Oral Communications.

JM Ivler, resident, spoke regarding the following topics: November 6, 2012 Election; Wi-Fi access; Council release of privileged communications regarding Brown Act violations; Activities Guide; upcoming tree lighting; and, concern regarding gifts of public funds.

Judy Klabough, resident, spoke regarding the following topics: City Attorney Levin resignation; Wings, Wheels, and Rotors proceeds; and, stated support for the upcoming tree lighting, Mayor Edgar, and the City being pro business.

Beth Piburn spoke regarding the tree lighting.

Mayor Edgar closed the meeting for Oral Communications.

**7. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for November 19, 2012, in the amount of \$88,043.44, ratified the Register of Major Expenditures for October 15, 2012 to November 18, 2012, in the amount of \$958,299.73 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 20, 2012 to December 16, 2012.

**Roll Call Vote**

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

Mayor Pro Tem Poe pulled item 8A.  
Council Member Kusumoto pulled item 8B.

Motion/Second: Stephens/Edgar  
Unanimously Carried: The City Council approved the following Consent Calendar items:

**C. Consideration for a Professional Services Agreement with Johnny Rebs' of Bellflower, Inc. Restaurant to Supply Food for Race on the Base (Community Services)**

This item is to authorize the City Manager to pay for the food for the Race on the Base. The Race on the Base event requires an external food vendor due to the nature of food service handling. This item has been placed on the agenda because the cost of the food exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the food so there is no impact to the General Fund.

Recommendation: Authorize the City Manager to pay for the food from Johnny Rebs' of Bellflower, Inc. for the 2013 Race on the Base in an amount not to exceed \$25,000 and to execute a contract in a form to be approved by the City Attorney.

**D. Approval of Amendment No. 15 to the Cooperative Agreement No. C 95-983 between the Orange County Transportation Authority and the City of Los Alamitos (Engineering)**

The Orange County Transportation Authority (OCTA) requests that Amendment No. 15 to the Cooperative Agreement No. C-95-983 be executed by the City of Los Alamitos in conformance with the Measure M eligibility requirements. Amendment No. 15 revises the close-out procedures for projects.

Recommendation:

1. Approve Amendment No. 15 to the Cooperative Agreement No. C-95-983 between Orange County Transportation Authority and the City of Los Alamitos; and,
2. Authorize the Mayor to execute said Amendment No. 15 on behalf of the City of Los Alamitos; and,
3. Direct the City Clerk to file the executed copy of Amendment No. 15 to the Cooperative Agreement No. C-95-983 with the Orange County Transportation Authority.

**E. Resolution Adopting the June 30, 2012, 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.

Recommendation: Adopt Resolution No. 2012-24 entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS CONCERNING THE FISCAL YEAR 2011-2012 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LOS ALAMITOS".

**End of Consent Calendar**

**A. Approval of Minutes (City Clerk)**

Approve the Minutes of the Regular Meeting of October 15, 2012.

Mayor Pro Tem Poe referred to the motion on the bottom of page 7 and stated it should read Carried 3/2.

Council Member Graham-Mejia stated opposition to the action format of the minutes and expressed support for returning to summary minutes. She stated she would like to meet with the City Clerk to revise her comments on page 4, regarding item 8A.

Motion/Second: Poe/Edgar

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Minutes of the Regular Meeting of October 15, 2012, with changes.

**B. Warrants (Finance)**

Approve the Warrants for November 19, 2012, in the amount of \$31,025.67 and ratify the Warrants for the time period October 14, 2012 to November 18, 2012 in the amount of \$125,393.47.

Council Member Kusumoto stated he previously requested a staff report with greater detail for payments made to Mr. Underwood due to the potential conflict of interest.

City Manager Avery stated Staff had understood Council wanted a description in the Confidential Weekly Memo and such had been provided.

Council Member Kusumoto clarified he wanted the detail to be included with the official record to capture how the payments transpired, who authorized such, and how they were paid.

Motion/Second: Kusumoto/Edgar

Unanimously Carried: The City Council:

1. Approved the Warrants for November 19, 2012, in the amount of \$31,025.67 and ratified the Warrants for the time period October 14, 2012 to November 18, 2012 in the amount of \$125,393.47; and,
2. Directed Staff to provide a detailed Staff report for reimbursements made to Mr. Underwood.

## 9. PUBLIC HEARING

- A. Zoning Ordinance Amendment (ZOA 12-02) – Consideration of Adding “Call for Review” Procedures (Community Development)**  
Consideration to amend the City’s Appeal Procedures to add a “Call For Review” section permitting Council review of Planning Commission decisions without filing a formal appeal. This Code Amendment was supported by the Planning Commission during its October 8, 2012 meeting.

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

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

The City Council and Staff discussed the following topics:

- Support for one Council Member having the ability to request a Call for Review
- Support for two Council Members having the ability to request a Call for Review
- Elected Members of the Council represent the community as a whole
- Concern regarding the importance of an issue if it could not obtain two Council Member’s support for an item
- One Council Member should be able to express concern openly for the benefit of the public and should Council not agree there would be no action, but at least the concern was heard
- All viewpoints should be heard

Motion/Second: Graham-Mejia/Stephens

Carried 4/1 (Poe cast the dissenting vote): The City Council:

1. Opened the Public Hearing; and,

2. Directed Staff to revise the Ordinance to indicate one Council Member could request a "Call for Review"; and,
3. Waived reading in full and authorize reading by title only of Ordinance No. 12-05, and set for second reading; and,
4. City Attorney Levin read the title of Ordinance No. 12-05, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT 12-02, AMENDING THE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.68, CONCERNING THE APPEALS PROCESS, ADDING "CALL FOR REVIEW" REGULATIONS, AND CORRECTING REFERENCES TO APPEALS IN LOS ALAMITOS MUNICIPAL CODE SECTIONS 2.52.070, 16.06.070(G), 16.10.140, 16.26.040(B), 17.32.050, 17.36.080(D), AND 17.40.020 (CITYWIDE)".

**B. Consideration of a 17-unit Single-Family Condominium Development Including a Mitigated Negative Declaration, General Plan Amendment, and Zoning Ordinance Amendment (Com. Dev.)**

This report is the consideration of a 17-unit detached, single-family condominium development project at 3271 Sausalito Street (APN 242-222-01) on 1.53 acres. The project requires a Mitigated Negative Declaration, General Plan Amendment, and Zoning Ordinance Amendment. The General Plan and Zoning Ordinance amendments will include changing the General Plan land use designation on the property from Planned Industrial to Multiple Family Residence and changing the zoning district from Planned Light Industrial (P-M) to Multiple Family Residential (R-3). The proposed project will involve the demolition of several industrial buildings, and construction of 17 detached, single-family condominium units.

Community Development Director Mendoza summarized the staff report, gave a PowerPoint presentation, and answered questions from the City Council.

The City Council and Staff discussed the following topics:

- Building permits would be issued to each individual unit
- Car trips were permitted up to 180, but were not being utilized to date
- Park Impact fee and recent activity of the Parks Special Fund

John Richston and Eric Everhart, The Olson Company, gave a PowerPoint presentation outlining the company and the project.

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

### **RECESS**

The City Council took a brief recess at 7:31 p.m.

### **RECONVENE**

The City Council reconvened in regular session at 7:45 p.m.

The City Council and Staff discussed the following topics:

- Appealing appearance of the project
- The Olson Company was well respected
- Appreciation for including Royal Oaks Mobile Home Park
- Support for Park Fees
- Support for The Olson Company staying involved with the community for 10 years
- Construction would be onsite and would not interfere with traffic except for construction of the sidewalk and drive apron
- Concern for proper placement of fire hydrants and emergency vehicle access
- Orange County Fire Authority would have two additional reviews of the project
- Explanation of the Quimby Act and how park fees are calculated
- Estimated Homeowners Association fees of \$200
- Project complemented surrounding zoning uses and would be an asset to the community
- Appreciation for the Planning Commission and Staff's due diligence in bringing forward a complete package

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: The City Council:

1. Adopted Resolution No. 2012-22, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORT IN CONNECTION WITH ITS APPLICATION FOR GENERAL PLAN AMENDMENT (GPA 12-01), ZONING ORDINANCE AMENDMENT (ZOA 12-01), TENTATIVE TRACT MAP (TTM 12-01), CONDITIONAL USE PERMIT (CUP 12-02) AND SITE PLAN REVIEW (SPR 12-02) PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR DEVELOPMENT OF 17 SINGLE-FAMILY RESIDENTIAL CONDOMINIUMS (HEREAFTER

“PROJECT”) FOR A PROJECT LOCATED AT 3271 SAUSALITO STREET, APN 242-222-01 (HEREAFTER “SUBJECT PROPERTY); (APPLICANT: THE OLSON COMPANY”); and,

2. Adopted Resolution No. 2012-21, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING GENERAL PLAN AMENDMENT (GPA 12-01) TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL TO MULTIPLE FAMILY RESIDENTIAL FOR THE CONSTRUCTION OF 17 SINGLE-FAMILY RESIDENTIAL CONDOMINIUMS FOR A PROJECT LOCATED AT 3271 SAUSALITO STREET, APN 242-222-01 (APPLICANT: THE OLSON COMPANY”); and,
3. Waived reading in full and authorize reading by title only of Ordinance No. 12-06, and set for second reading; and,
4. City Attorney Levin read the title of Ordinance No. 12-06, entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING ZONING ORDINANCE AMENDMENT 12-01 TO CHANGE THE ZONING DESIGNATIONS FROM PLANNED LIGHT INDUSTRIAL (P-M) TO MULTIPLE FAMILY (R-3) RESIDENTIAL FOR THE CONSTRUCTION OF 17 SINGLE-FAMILY RESIDENTIAL CONDOMINIUMS AT 3271 SAUSALITO STREET, APN 242-222-01 (APPLICANT: THE OLSON COMPANY)”.

#### 10. MAYOR AND COUNCIL INITIATED BUSINESS

**Council Member Graham-Mejia** spoke regarding the following topics: requested research be conducted on Wi-Fi access in the Council Chamber; requested follow up to signage at Siboney for access to businesses; stated the speed humps in the alley were working well; and, reported attendance at the Orange County Vector Control District Board meeting.

**Council Member Kusumoto** spoke regarding the following topics: congratulated the recent winners of the November 6, 2012 Election; attendance at the SCG Reception for Elected Leaders at the Discovery Science Center; attendance at the City Selection Committee meeting; requested an agenda item to discuss the value of being a member of both the Association of California Cities – Orange County (ACC-OC) and the League of California Cities; stated support for Small Business Saturday and encouraged residents to participate; requested a report on the nomination from the Orange County Business Council; and, wished everyone a Happy Thanksgiving.

Community Development Director Mendoza stated the City had been awarded the “Turning Red Carpet into Red Tape” Award from the Orange County

Business Council for the Business and Residential Improvement Program. The award would be presented on November 29, 2012.

**Mayor Pro Tem Poe** spoke regarding the following topics: attendance at the WestComm Board of Directors meeting on November 8<sup>th</sup>, the Los Alamitos School District Board meeting on November 13<sup>th</sup>, City Selection Committee meeting on November 16<sup>th</sup>; the importance of being involved in the ACC-OC; thanked residents for voting in favor of Measure DD; poor cell phone reception in the Rossmoor Highlands area; congratulated Council Members-Elect Dean Grose and Richard Murphy; stated the City did not give funds to non-profits; and, wished a Happy 13<sup>th</sup> Birthday to her granddaughter Maddy.

**Council Member Stephens** spoke regarding the following topics: encouraged residents to participate in the Community Giveback Survey; attendance at the Orange County Fire Authority Board of Directors meeting and Budget and Finance Committee meeting; wished everyone a Happy Thanksgiving; and, congratulated Council Members-Elect.

**Mayor Edgar** spoke regarding the following topics: congratulated Council Members-Elect Dean Grose and Richard Murphy; advised of the upcoming State of the City on November 27<sup>th</sup>; his recent Assembly campaign; positive fiscal health of the City; employee labor groups and negotiations; attendance at a meeting with Orange County Council of Government Chairman Leroy Mills to discuss the importance of the City involvement in SCAG and OCCOG; concern for District 20 representation; thanked residents for voting in favor of Measure DD; and, gave a brief history on the City Clerk position to be discussed in Closed Session.

Council Member Graham-Mejia encouraged residents to vote for the Holiday decorations so they can be kept for the upcoming years.

City Council and Staff briefly spoke regarding the upcoming Winter Wonderland and tree lighting on December 2<sup>nd</sup>, from 3:00 to 7:00 p.m. at St. Isidore Historical Plaza.

**11. ITEMS FROM THE CITY MANAGER**

None.

**12. CLOSED SESSION**

**A. Public Employment**

Title: City Clerk

Authority: Government Code Section 54957

**B. Conference with Labor Negotiator**

Title: Conference with Labor Negotiator  
City Negotiator: Angie Avery, City Manager  
Unrepresented Employee: City Clerk  
Authority: Government Code Section 54957.6

**C. Conference with Labor Negotiator**

Title: Conference with Labor Negotiator  
City Negotiator: Angie Avery, City Manager  
Unrepresented employees: Executive Management, Middle Management and Non-Management Employees  
Authority: Government Code Section 54957.6

**RECESS**

The City Council recessed into Closed Session at 8:35 p.m.

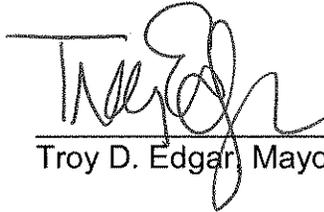
**RECONVENE**

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

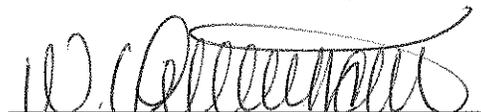
City Attorney Levin stated there was no reportable action.

**13. ADJOURNMENT**

The City Council adjourned at 10:10 p.m. The next meeting of the City Council is scheduled for **Monday, December 17, 2012, at 6:00 p.m.**, in the City Council Chamber.

  
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Troy D. Edgar, Mayor

ATTEST:

  
\_\_\_\_\_  
Windmer Quintanar, CMC  
Department Secretary