

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

**REGULAR MEETING – January 22, 2013**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:07 p.m., Tuesday, January 22, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

**2. ROLL CALL**

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

**Absent:** Council Members: None

**Present:** Staff: Angie Avery, City Manager  
Sandra J. Levin, City Attorney  
Tony Brandyberry, Public Works Superintendent  
Corey Lakin, Community Services Director  
Linda Magnuson, Interim Finance Director  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Director  
Cassandra Palmer, Support Services Manager  
Windmera Quintanar, CMC, City Clerk

**3. PLEDGE OF ALLEGIANCE**

Council Member Edgar led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Kusumoto gave the Invocation.

**5. PRESENTATIONS**

**A. Presentation of a Commendation to Tom Rothwell for his Dedicated Service to the Community Through "RACES"**

Mayor Kusumoto and the City Council presented Mr. Rothwell with a Commendation for his service to the City. Mr. Rothwell spoke briefly regarding his service.

**B. Presentation of a Certificate of Recognition to Nesi Stewart for Printmasters 5<sup>th</sup> Anniversary**

Mayor Kusumoto and the City Council presented Nesi and Carl Stewart with a Certificate of Recognition. Ms. Stewart spoke briefly regarding the business.

**C. Presentation of a Proclamation to North Orange County ROP Representative for "Career and Technical Education Month"**

Mayor Kusumoto and the City Council presented Meg Cutuli and Julie Dentler with a Proclamation for "Career and Technical Education Month". Ms. Cutuli spoke briefly regarding ROP.

**D. Presentation by Raul, Alvarez, Director for Cypress College Foundation, regarding the Annual Americana Awards**

Jenelle Godges, Chairwoman Cypress Americana Awards, spoke regarding the upcoming Americana Awards to be held on February 23, 2013, at the Disneyland Grand Hotel.

**6. ORAL COMMUNICATIONS**

Mayor Kusumoto opened the meeting for Oral Communications.

Mark Wattman, resident, spoke in favor of speed bumps in the alleys.

Shelly Henderson, representing City of Cypress, spoke regarding the upcoming Cypress Festival to be held on July 27<sup>th</sup> at Oak Knoll Park.

Pat Blancher, resident, thanked City Attorney Levin and City Manager Avery for their service to the City, she stated opposition to a Council Member's recent behavior, and congratulated newly elected Council Members Grose and Murphy.

Irene Dogolf requested Council ban use of plastic bags in Los Alamitos.

Richard Elgenson, Long Beach resident, spoke in opposition to Item 9A.

Dianna Hill, resident and Los Alamitos Unified School District Board Member spoke regarding the Sugar Beet Festival and the School District's upcoming request to fund two School Resource Officers.

JM Ivler, resident, spoke regarding the Chamber of Commerce operations.

Mayor Kusumoto closed the meeting for Oral Communications.

**7. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for January 22, 2013, in the amount of \$147,893.00, ratified the Register of Major Expenditures for December 17, 2012 to January 21, 2013 in the amount of \$603,156.11, 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 January 23, 2013 to February 18, 2013.

**Roll Call Vote**

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

**8. CONSENT CALENDAR**

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

Council Member Murphy pulled Item 8A.

Motion/Second: Murphy/Grose

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

**B. Warrants (Finance)**  
Approved the Warrants for January 22, 2013, in the amount of \$42,212.01 and ratified the Warrants for the time period December 18, 2012 to January 21, 2013 in the amount of \$90,147.84.

**C. Payments Made to John Underwood for Services to LATV (C.M.)**  
The Council requested information regarding payments and/or reimbursements made to John Underwood for services related to LATV.

The City Council received and filed the report.

**D. Disposal of Surplus Equipment (Public Works)**  
This report set forth a recommendation to dispose of surplus equipment.

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

**E. Purchase of Two (2) Hybrid Trucks Using AB 2766 Grant Funds (PW)**  
This report set forth the purchase of two (2) hybrid vehicles to replace two (2) non-hybrid vehicles. This report sought to "piggy back" on the National Joint Powers Alliance (NJPA) contract for acquisition of both vehicles.

The City Council authorized the City Manager to purchase two (2) 2014 Chevrolet Silverado 1500 Hybrid Vehicles from National Auto Fleet Group, under the NJPA Contract.

- F. **Approval of the Fiscal Year 2013-14 Budget Calendar (Finance)**  
This report sought City Council approval of the Fiscal Year 2013-14 Budget Calendar.

The City Council approved the recommended Budget Calendar for Fiscal Year 2013-14.

- G. **Resolution No. 2013-04 – Establish New Part-Time Position Classifications in the City of Los Alamitos Hourly Positions Resolution, Amend Hourly Rate Schedule and Adopt Findings to Hire a PERS Annuitant as a Temporary Part-time Deputy City Clerk (C.M.)**  
This agenda item sought authorization to establish one new classification within the part-time hourly employee resolution and adjust the part-time hourly rate schedule to comply with the minimum wage law.

The City Council adopted Resolution No. 2013-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME POSITION CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM ("PERS") ANNUITANT AS A TEMPORARY PART-TIME DEPUTY CITY CLERK".

- H. **On-Call Environmental Services - Request for Proposal (Com. Dev.)**  
This report set forth a recommended Request for Proposal (RFP) for On-Call Environmental Services in accordance with the California Environmental Quality Act (CEQA).

The City Council approved scope of work for on-call environmental consulting services, and instructed Staff to release the RFP.

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

This report provided information about Public Safety Realignment and Postrelease Community Supervision and sought authorization to execute a Memorandum of Understanding with the County of Orange for enhanced law enforcement overtime 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 Postrelease

Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures.

### End of Consent Calendar

#### Items pulled from Consent Calendar

- A. Approval of Minutes** (City Clerk)
1. Approve the Minutes of the Regular Meeting of December 17, 2012.
  2. Approve the Minutes of the Special Meeting of January 7, 2013.

Council Member Murphy inquired if he was eligible to vote on item 8A1 as he was sworn in for the entire meeting.

City Attorney Levin answered in the affirmative.

Motion/Second: Murphy/Grose  
Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council:

1. Approved the Minutes of the Regular Meeting of December 17, 2012.
2. Approved the Minutes of the Special Meeting of January 7, 2013.

#### RECESS

The City Council took a brief recess at 6:53 p.m. for a reception in Council Chamber lobby for outgoing City Attorney, Sandra J. Levin.

City Attorney Levin gave a brief statement.

#### RECONVENE

The City Council reconvened in Regular Session at 7:09 p.m.

#### 9. PUBLIC HEARING

- A. 7-Eleven's Appeal of Planning Commission Decision Regarding Operational Hours** (Community Development)

The Planning Commission considered a 24-hour 7-Eleven at the northwest corner of Ball and Bloomfield. After deliberation and public input, the Commission restricted 7-Eleven to open from 6:00 a.m. to midnight with alcohol sales from 6:00 a.m. to 10:00 p.m. 7-Eleven is now appealing that decision alternatively requesting to open from 5:00 a.m. to midnight with alcohol sales from 6:00 a.m. to midnight. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Appellant: Steven Ybarra – SA Design Concepts).

Council Member Grose recused himself out of concern for bias and requested the City Attorney elaborate.

City Attorney Levin stated there was no legislation stating a Council Member could not vote on a decision made by a spouse on a Commission, she advised Council should air on the side of caution and recues themselves when an appearance of bias could be perceived.

Council Member Grose recused himself and left the dais.

Mayor Kusumoto requested the comments made previously by Mr. Elgenson be incorporated into the record.

*Richard Elgenson, Long Beach Resident, stated opposition for the 7-Eleven and Chase Bank project. He commented on noise pollution and stated support for limiting alcohol sales to 10:00 p.m. and felt the Planning Commission had already been generous to their needs. He stated opposition to corporations taking over small business and concluded he did not support 24 hour operation.*

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

City Council and Staff discussed the following topics:

- Support for Planning Commissions thorough evaluation
- Applicant did not request 5:00 a.m. start time at the time of hearing
- 5:00 a.m. start time was never considered by the Planning Commission
- A petition was circulated by Ms. Riley in opposition to 24 hour operation
- The site has had ongoing concerns with different business operations
- Current business hours of operation were from 6:00 a.m. to 10:00 p.m.
- Support for having a quality tenant on site
- Concern for after hour operation versus earlier operation
- City requirement that for a Conditional Use Permit (CUP) for operation past 10:00 p.m.
- Current tenant did not require a CUP because the Code changed in 2006 after the tenant had already occupied the space
- A CUP would not be necessary should the applicant choose to stay with the current hours of 6:00 a.m. to 10:00 p.m.

Mayor Kusumoto invited the applicant to address the Council.

Steven Ybarra, applicant, gave an overview of the 7-Eleven business plan. He reiterated the request was for one additional hour in the morning and for the hours of alcohol sales to match the hours of operation. He pointed out local businesses, Starbucks and Firehouse Café, both opened at 5:00 a.m.

Mayor Kusumoto opened the Public Hearing.

Aaron Swerdlow, property owner and developer, stated support for 7-Eleven as a quality tenant. He felt the business would be a good anchor for the property. He stated 7-Eleven had revised the business plan in response to the residents' concerns, but felt the additional hours were vital. He stated 7-Eleven as a tenant would be beneficial for long term stabilization of project site.

John Riley, resident, spoke regarding the following topics: opposition to extended hours; tenants at this location have been an issue for years; residents are willing to compromise and feel they had done so; noise pollution; preference for businesses that fit the established zoning; 7-Eleven on Los Alamitos Blvd. had different circumstances, including a buffer from residents; appreciation for applicant's community outreach; residents signed a petition in opposition; can't control who patronizes the business; preference for a business that will offer stability and be a good neighbor; and, stated support for returning the hours of operation to 6:00 a.m. to 10:00 p.m.

Christian Charbonnet, 7-Eleven representative, stated the requested hours of operation are always 24 hours and then modified if needed. He indicated less hours of operation would not be profitable for the location, and the floor area ratio of alcohol sales was only 7-10% versus 40% of a usual liquor store. He concluded truncated hours would not be beneficial because the flow from profit was different.

Shelby Riley, resident, stated her biggest concern was the operation hours would stay with the land and weren't specific to the tenant.

Richard Elgenson, stated there has not been stability on that property in the 9.5 years of his residency and stated opposition to the project.

Charlotte Anderson, resident, stated opposition to 24 hour operation and stated support for the Planning Commission approval. She stated concern for traffic and noise pollution.

Community Development Director Mendoza introduced two letters of support into the record from Chase Bank and Spirits Stop Liquor into the record.

Mayor Kusumoto closed the Public Hearing.

City Council, Staff, and the applicant discussed the following topics:

- Zoning compatibility of a market store versus a convenience store
- Support for remanding back to Planning Commission
- Support for Planning Commission to review market versus convenience store
- Support for refunding the appeal fee to the applicant
- Starbucks and Firehouse Café are not near residential properties
- Property owners willingness to put a barrier between the parking lot and residential properties
- Limited hours of operation have a regional effect on company profit
- In general, revenue is expected at \$70,000- \$100,000 per year
- Ralph's extended hours would be a direct competitor to the location
- Studies regarding behavior patterns of patrons have indicated a patron will leave if an item they need is not available
- Limited parking and hour of delivery
- City's ability to attract and retain quality tenants that will beautify the City
- Expected lease would be for a 10 year term with 20 years of options
- Appreciation for residents and applicants remaining calm and professional
- Council's desire to reach a compromise that will benefit all parties involved
- Applicants preference for a decision tonight
- Permissible uses are defined by the Los Alamitos Municipal Code (LAMC) by use and not by title
- Council could request Planning Commission make additional findings to support the use

Mayor Pro Tem Graham-Mejia made a motion to remand the decision back to the Planning Commission and requested clarification on "convenience store" LAMC Section 17.10.020, refund the appeal fee, and requested the Planning Commission hold a Special Meeting to address the issue.

City Attorney Levin stated the LAMC required the Council to request a Code Amendment. She stated the motion should be clear to indicate a Code Amendment or to make necessary findings as needed for the project at hand.

The City Council discussed the procedure, possible ramifications regarding zoning, and stated the intent was not to stall or void the project.

Mayor Kusumoto inquired if the maker would offer a modification to the motion.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried (Grose recused): The City Council:

1. Conducted a Public Hearing; and,
2. Remanded the decision back to the Planning Commission; and,
3. Refunded the applicants Appeal Fee; and,
4. Requested the Planning Commission hold a Special Meeting to address the item; and,
5. Directed staff to clarify the Zoning Code in regards to "convenience store".

#### **RECESS**

City Council took a brief recess at 8:15 p.m.

#### **RECONVENE**

City Council reconvened in Regular Session at 8:23 p.m.

Council Member Grose took his seat at the dais.

#### **10. DISCUSSION ITEMS**

**A. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)**

The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.

City Manager Avery summarized the Staff Report, referring to the information contained therein, and answered questions from the City Council.

City Council and Staff discussed the following topics:

- Finance Director applicant acceptance of the position was contingent on tonight's approval
- Delete "prior" at the end of Section 10

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, spoke in opposition.

Mayor Kusumoto closed the item for public comment.

City Council and Staff discussed the following topics:

- No correlation between pay of citizens and pay of City Staff
- Comparisons should be made by job descriptions
- City Manager has authority to hire personnel
- City Charter requires Council to provide guidance on rate schedules
- Proposed policy would allow for performance based increases
- Policy requires comparison with cities that have a population of less than 30,000
- Level of scurrility for public sector employees
- Council only appoints City Manager, City Clerk, and City Attorney
- Non-represented employee benefits are not in line with other City Employees
- Non-represented employees have made concessions
- Concern regarding the Market Adjustment Policy due to new City Manager
- Any salary increases would be within the approved budget
- Council's desire to have all employees pay their full share of PERS retirement
- Comparable cities would include a minimum all Orange County cities with a population of less than 30,000 and the City of Cypress and Seal Beach, capped at the lowest of all cities
- Concern benchmarks for comparison should include size, budget, and reserve
- Support for City Staff
- Support for Non-represented paying 4% of PERS
- City Employee Association (CEA) and Police Officers Association (POA) benefits

- Market Adjustment Policy constrained by approved budget and Council's ability to give the City Manager feedback
- Concern regarding public's perception of large employee salaries
- Section 7, Item E, regarding Sick Leave pay out
- Concern regarding City's Reserves, unfunded pensions, and long term debt
- Fiscal Impact of \$30,000 to \$31,000 per year was manageable in comparison to the overall budget
- Non-represented employees appeared to be underpaid in comparison to other cities
- Support for Non-represented paying the full employee share now versus a portion at a time
- Desire to fully address Reserves during mid-year budget review

Motion/Second: Edgar/Grose

Motion: Approve Staff recommendation.

Second Motion: Graham-Mejia/Grose

Motion: Approve Staff recommendation excluding the Market Adjustment Policy.

City Council and Staff discussed the following topics:

- Addressing the Market Adjustment Policy at a later date, possibly when the permanent City Manager is selected
- Concern regarding the timing of bringing the policy back to Council
- Purpose of the policy was to provide a mechanism to bring Staff to market level
- Market Adjustment policy would help address compaction issues
- Concern regarding the upcoming vacant City Manager position
- Hiring a new City Manager
- Raises could only be made if the budget allowed for such.

Second Motion: Graham-Mejia/Grose

Motion Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting vote):  
Approve Staff recommendation excluding the Market Adjustment Policy.

Motion/Second: Edgar/Grose

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council:

1. Adopted Resolution 2013-02 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2009-12"; and,

2. Authorized the City Manager to enter into Employment Agreements with all non-represented employees (except the City Clerk who reports directly to the City Council) in the forms attached and on the terms described herein; and,
3. Approved the amended position descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant to conform to actual and current duties.

**B. Cost Savings of One City Council Meeting Per Month (City Manager)**

This Staff report provides information to the Council regarding the cost savings of having one Council meeting per month.

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

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, suggested if Council decides to stay with once a month meetings, it hold regular Workshops for community discussions.

Mayor Kusumoto closed the item for public comment.

City Council and Staff discussed the following topics:

- Once a month meetings have been an effective use of Staff time
- Support for regular Community Workshops
- Once a month meetings have been smoother and more cost effective
- Council is always accessible to the community
- Workshops would still require an agenda that would stated open discussion and no action to be taken
- City Attorney and Staff attendance at workshops would be at the Council's discretion

Council Member Grose made a motion to receive and file the report, explore Community Workshops for discussion purposes only on a quarterly base with minimal Staff attendance.

Mayor Pro Tem Graham-Mejia requested an amendment to have the meetings on an "as-needed" basis.

Motion/Second: Grose/Graham-Mejia

Motion: Receive and file the report; and conduct, at a minimum, quarterly Community Workshops.

Council discussed the benefits of having Community Workshops that addressed a specific issue versus open forum Workshops. Council discussed the option of bring a topic forward during Council Comments.

Substitute Motion: Edgar/Graham-Mejia  
Motion: Receive and File.

Council voted 3/2 (Kusumoto and Murphy cast the dissenting vote) to accept the substitute motion.

Substitute Motion: Edgar/Graham-Mejia  
Carried 4/1 (Murphy cast the dissenting vote): The City Council received and filed the report.

Council Member Murphy inquired as to the procedure to call a Community Workshop.

City Attorney Levin stated the request would be made to the City Manager during Council Comments.

- C. City Attorney Services – Schedule and Request for Proposal (C.M.)**  
This report is a second step toward a recommended schedule, evaluation criteria, and scope to be incorporated into a Request for Proposal (RFP) for City Attorney Services.

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

Mayor Pro Tem Graham-Mejia indicated she would not be present at the February 19, 2013 Council meeting.

Mayor Kusumoto opened the item for Public Comment. There being no one present wishing to speak, Mayor Kusumoto closed the item for Public Comment.

Motion/Second: Edgar/Graham-Mejia  
Unanimously Carried: The City Council approved the schedule for City Attorney Services and instructed Staff to release the RFP.

## **11. MAYOR AND COUNCIL INITIATED BUSINESS**

- A. City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees**

This report provided relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

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

Mayor Kusumoto opened the item for Public Comment. There being no one present wishing to speak, Mayor Kusumoto closed the item for Public Comment.

Mayor Kusumoto indicated Mayor Pro Tem Graham Mejia should be the Delegate for Orange County Sanitation District (OCSD) Board of Directors and he would be the alternate.

Council Member Edgar stated his interest in serving on the OCSD Board as he was currently the Chair until June 2014.

City Council and Staff discussed the following topics:

- Mayor's preference to accept the assignments as a whole
- Support for Council Member Edgar as the representative to OCSD
- Association of California Cities-Orange County (ACC-OC) would be discussed at the next Council meeting
- Request to reinstate the Rossmoor/Los Alamitos Working Group
- Preference for Mayor Pro Tem Graham-Mejia to remain the Orange County Vector Control District (OCSD) Board of Directors representative
- Request to create a committee to address the possible Joint Forces Training Base (JFTB) closure
- City Attorney Selection committee would be addressed at the next Council meeting
- Inequity of having the same Council Member serve on a Board for over 4 years

Motion/Second: Kusumoto/Graham-Mejia

Motion: Accept the Appointments as is, with the correction to OCSD.

Substitute Motion/Second: Edgar/Grose

Motion: Appoint Council Member Edgar as the Delegate to the OCSD.

City Council and Staff discussed the following topics:

- Representative for OCVCD
- Representative for West-Comm
- Concern regarding Council rotation for the OCSD
- Opposition to appointing Council Member Edgar to OCSD for a two year term
- Chair of the OCSD is appointed for a term of two years
- Past Council Member Silvia had been appointed to the OCSD for 24 years
- Having a specific rotation provides parity for the entire City Council
- Concern regarding switching representatives on OCSD due to the amount of knowledge and investment required
- Council Member Edgar would have had to resign as the OCSD Chair had he been successful in his election

Mayor Kusumoto opened the item for Public Comment.

JM Ivler, resident, spoke regarding Council Member Edgar's recent Assembly campaign and the need for new representation at OCSD.

Mayor Kusumoto closed the item for Public Comment.

Council Member Edgar stated he had made the OCSD Board aware of his campaign and the Board had made the conscious decision to vote him as Chair. He stated the importance of the opportunity to the City.

City Council and Staff discussed the following topics:

- OCSD had the highest paying stipend and meets most frequently
- All Council should be afforded the opportunity to serve and network
- OCSD Delegate would not replace Council Member Edgar as Chair
- Concern for accepting the appointments as a whole
- Concern regarding OCVCD and that a resident could serve as the representative

Council Member Murphy stated interest in being the alternate for OCSD.

Mayor Pro Tem Graham-Mejia stated interest in remaining the alternate for OCSD and added if the rotation continues next year she would potentially be Mayor and would appreciate the chance to serve as the delegate for OCSD.

Council Member Edgar modified his motion to appointment himself as the OCSD Delegate and Mayor Pro Tem Graham-Mejia as the Alternate.

Council Member Grose withdrew his second.

Council Member Edgar withdrew his motion.

Motion/Second: Kusumoto/Graham-Mejia

Motion Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting votes):  
Accept the Appointments as is, with the correction to OCSD.

City Council and Staff discussed the following topics:

- Support for Council Member Edgar finishing his appointment as Chair to OCSD with the compromise to step down at the end of his term
- Alternate would have an opportunity to serve on OCSD for five months
- Benefits for the City's reputation to have stability

Council discussed the appointments line by line.

Council added the Rossmoor/City Working Group as the City had been approached by Rossmoor to continue dialogue.

Council agreed to discuss the potential for the JFTB closure in the future.

Council added the Los Alamitos Television Ad Hoc Committee.

Motion/Second: Graham-Mejia/Murphy

Unanimously Carried: The City Council:

1. Approved the appointments/reappointments for Representatives to Other Agencies and City Ad Hoc Committees List (Attachment 1); and,
2. Adopted City Council Resolution 2013-03, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS"; and,
3. Authorized the City Clerk to complete California Form 806, Agency Report of: Public Official Appointments and post on the City's website.

## **B. Council Announcements**

**Council Member Edgar** discussed the following topics: 1) OCSD possible rate increases; 2) Americana Awards; 3) Chamber of Commerce; 4) regulations excluding dialogue with the public at a Council meeting; and, 5) opposition to residents previous comments.

**Council Member Grose** discussed the following topics: 1) Chamber of Commerce; 2) Wings, Wheels, and Rotors; 3) attendance at the Ribbon Cutting for the 79<sup>th</sup> Sustainment Headquarters and retirement party; 4) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Murphy; 5) interest in a policy that would give an end time to start a new agenda item; and, 6) requested a goal setting workshop for Council.

**Council Member Murphy** discussed the following topics: 1) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Grose; 2) requested audience to direct comments to the Council as a whole; 3) support for his decision regarding Mayor Pro Tem; 4) appreciation for positive news reporting; 5) thanked Staff for their work; 6) requested the agenda be distributed a week in advance; and, 7) planned attendance at upcoming Association of California Cities-Orange County (ACC-OC) New Council Members Conference.

Council Member Grose stated he had registered for the ACC-OC Conference also.

**Mayor Pro Tem Graham-Mejia** discussed the following topics: 1) welcomed newly appointed Commissioners; 2) reported attendance at the Orange County Vector Control District Board Meeting; 3) concern for low hanging detour signs; 4) request to agendize minute format; 5) availability of Wi-Fi in the Council Chamber; 6) Wings, Wheels, and Rotors; and, 7) support for residents being able to address Council as they see appropriate.

**Mayor Kusumoto** discussed the following topics: 1) thanked Council Member Grose for attending the Ribbon Cutting and Retirement event; 2) requested Council attendance at the upcoming event in Santa Ana; 3) attendance at a meeting with the Cypress Race Track Developers, Frank Sharon and Patrick Maloney; 4) congratulated new Commissioners and thanked all applicants who applied; and, 5) meeting with Cal-Optima representatives.

Council Member Grose reported meeting with the Race Track Developer and indicated Council Member Murphy and Mayor Pro Tem Graham-Mejia had also met with the developer.

**12. ITEMS FROM THE CITY MANAGER**

City Manager Avery thanked City Attorney Levin for her dedication to the City and wished her success with her new position.

**13. CLOSED SESSION**

**Conference with Legal Counsel**

The City Council found, based on advice from legal counsel, that discussion in Open Session would prejudice the position of the local agency in the litigation.

**A. Existing Litigation (G.C. 54956.9(a))**

Name of Case: John Doe v. The City of Los Alamitos

Case Number: United States District Court, Central District of California, Southern Division, Case #SACV122166 DOC (ANx)

Authority: Government Code Section 54956.9(a)

**RECESS**

City Council recessed into Closed Session at 11:15 p.m.

**RECONVENE**

City Council reconvened in Regular Session at 11:56 p.m.

Mayor Kusumoto reported the City Council would seek a continuance on the lawsuit and directed the City Attorney to investigate a Stay and options for modifying or rescinding the ordinance.

**14. ADJOURNMENT**

The City Council adjourned at 11:57 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

---

Warren Kusumoto, Mayor

Attest:

---

Windmera Quintanar, CMC, City Clerk

**Council Member Grose** discussed the following topics: 1) Chamber of Commerce; 2) Wings, Wheels, and Rotors; 3) attendance at the Ribbon Cutting for the 79<sup>th</sup> Sustainment Headquarters and retirement party; 4) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Murphy; 5) interest in a policy that would give an end time to start a new agenda item; and, 6) requested a goal setting workshop for Council.

**Council Member Murphy** discussed the following topics: 1) attendance at the League of California Cities New Mayors and Council Members Conference with Council Member Grose; 2) requested audience to direct comments to the Council as a whole; 3) support for his decision regarding Mayor Pro Tem; 4) appreciation for positive news reporting; 5) thanked Staff for their work; 6) requested the agenda be distributed a week in advance; and, 7) planned attendance at upcoming Association of California Cities-Orange County (ACC-OC) New Council Members Conference.

Council Member Grose stated he had registered for the ACC-OC Conference also.

**Mayor Pro Tem Graham-Mejia** discussed the following topics: 1) welcomed newly appointed Commissioners; 2) reported attendance at the Orange County Vector Control District Board Meeting; 3) concern for low hanging detour signs; 4) request to agendize minute format; 5) availability of Wi-Fi in the Council Chamber; 6) Wings, Wheels, and Rotors; and, 7) support for residents being able to address Council as they see appropriate.

**Mayor Kusumoto** discussed the following topics: 1) thanked Council Member Grose for attending the Ribbon Cutting and Retirement event; 2) requested Council attendance at the upcoming event in Santa Ana; 3) attendance at a meeting with the Cypress Race Track Developers, Frank Sharon and Patrick Maloney; 4) congratulated new Commissioners and thanked all applicants who applied; and, 5) meeting with Cal-Optima representatives.

Council Member Grose reported meeting with the Race Track Developer and indicated Council Member Murphy and Mayor Pro Tem Graham-Mejia had also met with the developer.

## 12. ITEMS FROM THE CITY MANAGER

City Manager Avery thanked City Attorney Levin for her dedication to the City and wished her success with her new position.

**13. CLOSED SESSION**

**Conference with Legal Counsel**

The City Council found, based on advice from legal counsel, that discussion in Open Session would prejudice the position of the local agency in the litigation.

**A. Existing Litigation (G.C. 54956.9(a))**

Name of Case: John Doe v. The City of Los Alamitos

Case Number: United States District Court, Central District of California,  
Southern Division, Case #SACV122166 DOC (ANx)

Authority: Government Code Section 54956.9(a)

**RECESS**

City Council recessed into Closed Session at 11:15 p.m.

**RECONVENE**

City Council reconvened in Regular Session at 11:56 p.m.

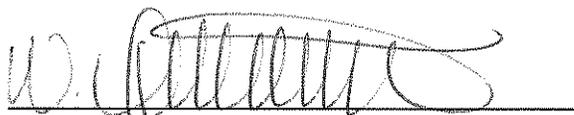
Mayor Kusumoto reported the City Council would seek a continuance on the lawsuit and directed the City Attorney to investigate a Stay and options for modifying or rescinding the ordinance.

**14. ADJOURNMENT**

The City Council adjourned at 11:57 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

  
Warren Kusumoto, Mayor

Attest:

  
Windmera Quintanar, CMC, City Clerk