

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

REGULAR MEETING – March 18, 2013

1. CALL TO ORDER

The City Council met in Regular Session at 6:02 p.m., Monday, March 18, 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: Gregory D. Korduner, Interim City Manager
Steve Skolnik, Interim City Attorney
Corey Lakin, Community Services Director
Tony Brandyberry, Public Work Superintendent
Joshua A. Brooks, Finance Director
Bruce McAlpine, Police Captain
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. PLEDGE OF ALLEGIANCE

Council Member Murphy led the Pledge of Allegiance.

4. INVOCATION

Council Member Edgar gave the Invocation.

5. PRESENTATIONS

A. Presentation of an Award by Mothers Against Drunk Driving (MADD) Representative to Officer Samantha Mathias for DUI Officer of the Year

MADD representative presented an award to Officer Samantha Mathias for DUI Officer of the Year.

B. Presentation by Orange County Transportation Authority (OCTA) Representatives, Dennis Mak, Project Manager, and Sarah King, Outreach Manager, Regarding OCTA Projects and Programs

Mr. Mak and Ms. King gave a PowerPoint presentation and answered questions from the City Council.

C. Presentation by Orange County Sanitation District (OCSD) Representatives Jim Herberg, Assistant General Manager, and Lorenzo Tyner, Director of Finance and Administrative Services, Regarding Proposed Sewer Fee Schedule

Council Member Edgar introduced the item. Mr. Herberg and Mr. Tyner gave a PowerPoint presentation and answered questions from the City Council.

6. ORAL COMMUNICATIONS

Mayor Kusumoto opened the meeting for Oral Communications.

Gerri Graham-Mejia, resident, spoke regarding services for Tony Gianformaggio.

Dr. Sherry Kropp, Los Alamitos Unified School District (LAUSD) Board representative, spoke regarding the school resource officer.

Diana Hill, LAUSD Board Member, spoke regarding the partnership between the District and the City and the school resource officer.

Emanuel Patroscu, District Director for Assemblyman Travis Allen, stated the local office was now open and located at 17011 Beach Blvd., #570, Huntington Beach, CA.

Laura Chistensen, resident, spoke in opposition to the proposed development in the City of Cypress.

Sallie Rodman, resident, stated concerns regarding traffic and noise from the Joint Forces Training Base (JFTB).

Marc Loopesko, Director for Run Seal Beach, spoke regarding the 39th Annual Run Seal Beach event to be held on April 13, 2013.

Jody Shloss, resident, spoke in opposition to the proposed development in the City of Cypress and reiterated the concerns regarding the JFTB.

Council Member Edgar encouraged residents to bring forward their concerns regarding the JFTB so Council could present them at the Elected Officials meeting.

Lois Waddle, resident, spoke in opposition to the proposed development in the City of Cypress.

Dave Emerson, resident, stated local news coverage for the City had declined and stated opposition to the proposed development in the City of Cypress.

Javier Mejia, resident, spoke in opposition to the proposed development in the City of Cypress.

JM Ivler, resident, spoke regarding the upcoming Show Choir event at the High School and spoke in opposition to the proposed development in the City of Cypress.

Mayor Kusumoto closed the meeting for Oral Communications.

RECESS

City Council took a brief recess at 7:42 p.m.

RECONVENE

City Council reconvened in Regular session at 7:52 p.m.

7. REGISTER OF MAJOR EXPENDITURES

Council Member Grose inquired about the two charges for National Notary Association (NNA). Staff indicated the charges were for City Clerk Quintanar's Commission and included necessary training, bonding, and supplies.

Council Member Edgar inquired if the Laurel Park payment was for one year. Finance Director Brooks stated he would confirm at a later date.

Council Member Edgar inquired if the \$225,000 water main extension was budgeted. Community Development Director Mendoza answered in the affirmative and stated it was paid up front and reimbursable.

Council Member Grose stated the NNA charge was part of the Warrants.

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for March 18, 2013, in the amount of \$184,583.75, ratified the Register of Major Expenditures for February 20, 2013 to March 17, 2013 in the amount of \$1,304,915.67 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 March 19, 2013 to April 14, 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.

Mayor Pro Tem Graham-Mejia pulled item 8A.
Council Member Grose pulled item 8G.

Motion/Second: Graham-Mejia/Edgar
Unanimously Carried: the City Council approved the following Consent Calendar items:

B. Warrants (Finance)

City Council approved the Warrants for March 19, 2013 in the amount of \$82,643.41 and ratified the Warrants for the time period for February 20, 2013 to March 17, 2013 in the amount of \$100,137.89, 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 March 19, 2013 to April 14, 2013.

C. Second Reading of Ordinance No. 13-01 – Amending Chapter 9.14 of the Los Alamitos Municipal Code (City Manager)

At its Regular meeting of February 19, 2013, the City Council conducted a first reading of Ordinance No. 13-01. This ordinance will allow for an amendment to Chapter 9.14 to address various potential legal issues raised by Appellate Division of the Orange County Superior Court decision.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-01; and,
2. Mayor Kusumoto read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION"; and,
3. Adopted Ordinance No. 13-01.

- D. Resolution No. 2013-05 – Designation of City Treasurer (Finance)**
This report sought consideration of a resolution designating Joshua A. Brooks, Finance Director, as City Treasurer.

The City Council adopted Resolution No. 2013-05, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING FINANCE DIRECTOR, JOSHUA A. BROOKS, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2012-19 IN ITS ENTIRETY".

- E. Budget Appropriation - Speed Humps (Public Works)**
This report served to clarify a mid-year budget adjustment necessary to complete the Speed Hump Project previously approved by Council.

The City Council approved the request and authorized a budget amendment in the amount of \$9,120 in additional funds from the Traffic Safety Fund to account 44.570.5501.1306 to complete the speed hump project.

- F. Liability Coverage & Agreement with the Los Alamitos Senior Club (Community Services)**

The Los Alamitos Senior Club is a 501(c)3 non-profit organization incorporated in 1976 and has operated since then without liability coverage. According to the Memorandum of Liability Coverage issued to the City of Los Alamitos administered by the California Joint Powers Insurance Authority (CJPIA), any nonprofit California corporation associated under written contract approved by the Member's council, can be considered a "Protected Party" and be extended liability coverage for occurrences arising out of the functions described in the contract.

The City Council:

1. Authorized the Interim City Manager to execute the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement; and,
2. Designated the Los Alamitos Senior Club as a Protected Party for the purpose of extending liability coverage only for occurrences arising out of the functions described in the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement.

End of Consent Calendar

Items pulled from Consent Calendar

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

Mayor Pro Tem Graham-Mejia stated the current minute format did not clearly depict what occurred at the meetings. She urged Council to consider the potential of a combination of action and summary minutes to give a clear idea of what transpired at the meetings.

Motion/Second: Edgar/Murphy

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

1. Approved the Minutes of the Special Meeting of February 4, 2013
2. Approved the Minutes of the Special Meeting of February 14, 2013.
3. Approved the Minutes of the Special Meeting of February 19, 2013.
4. Approved the Minutes of the Regular Meeting of February 19, 2013.

G. **Stansbury Park Lease Renewal with Metropolitan Water District** (Community Development)

This report provided background on the lease of park land from Metropolitan Water District (MWD) and new lease terms proposed by MWD.

Community Development Director Mendoza 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:

- Property ownership and possibility of purchasing the parcel
- Limited use of the park by the City and residents
- Concern with the increase and term of the agreement
- Police dispatches to the park
- Possible future improvements for the park
- Possibility of abandoning the portion owned by Metropolitan Water District (MWD)
- Possessory Tax liability
- Possibility of helping residents purchase property from MWD
- Maintenance cost for the park
- Negotiating lease terms with MWD
- Support for receiving community input
- Yearly cost for the park was relatively inexpensive and a benefit to the community
- Support for open space

- Year to year lease gives Staff the opportunity to negotiate with MWD for future years, and has the option to terminate with 90 day notice
- Late penalty
- Opposition to removing the trees

Motion/Second: Graham-Mejia/Murphy

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

1. Authorized the Interim City Manager to sign the lease agreement for a term of one year; and,
2. Authorized a budget amendment in the amount of \$3,310 from the Park Development Fund to account 10.534.5201; and,
3. Directed Staff to research options for purchasing the property, lobbying on behalf of the residents to purchase the property, forfeiting the property, and engage in community outreach.

9. DISCUSSION ITEMS

Mayor Kusumoto moved item 9C forward.

C. **Thirty-Three Acre Katella Industrial Development in the City of Cypress (Community Development)**

This report provided an update on the proposed development of Thirty-Three acres in the City of Cypress.

Community Development Director Mendoza 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:

- The legal process, California Environmental Quality Act (CEQA), the project would go through
- Interested parties ability to participate in the process and requirement for participation should litigation be pursued
- The project is in the early stages of CEQA
- CEQA includes several steps including numerous public hearings, submission of written and oral comments, draft Environmental Impact Report (EIR), comment period, etc.
- City's ability to impede the project would depend on various factors including the nature of the project and mitigation measures determined by the EIR
- Preparation of the EIR was not an entirely objective process

- To early in the process to stop the project since specific facts needed do not exist yet
- Specific Plan would have operational conditions for future expansion of the project
- Response to the Notice of Preparation (NOP) tells the City of Cypress what issues should be studied and included in the EIR
- Including all potentially impacted intersections in the NOP response
- Not allow the left-hand egress
- The need for the developer to work with the Carrier Row residents
- Maintaining the working relationship with the City of Cypress
- Council's desire for a preemptive position that preserves all options and expands the scope to preserve all parameters
- Council's desire to see a theoretical timeline for the project
- Working with the community to find out what projects would be acceptable for that location
- Updating the Council on appropriate issues through the Confidential Weekly Memo in a timely manner
- Working towards a mutually beneficial solution for all interested parties
- Exact project is still unknown at this time
- Opposition to only entrance on Katella Ave.
- Prologis perceived attempt to fast track the project

Mayor Kusumoto opened the item for public comment.

The following residents spoke in opposition to the development in the City of Cypress: JM Ivler and Ticonderago resident.

Nancy Schultz, Prologis representative, stated Prologis had bought the property and encouraged residents to present their concerns at the Prologis meeting tomorrow.

Mayor Kusumoto closed the item for public comment.

City Council and Staff discussed the following topics:

- Interest in reviewing the Specific Plan for that area as it exists today
- Council had each met with Prologis independently
- Cypress is not negatively impacted by project, but Los Alamitos would be
- Concern for the residents' voices being heard
- Interest in reviewing the ballot language for the property rezone
- Council can share information on their involvement with the project through the Confidential Weekly Memo without violating the Brown Act

- Council desire to present a unified position and gathering all the facts
- Encouraged residents to get involved and voice their opinions at the Prologis meeting

City Council received and filed the report.

A. City Council Policy on Amendment of City Council Minute Format (City Clerk)

On August 2, 2010, the City Council adopted Resolution 2010-06 which established the policy for Action Minute format. Mayor Pro Tem Graham-Mejia asked to agendize this item to readdress the format in which minutes are prepared.

Council postponed the item to the April 15, 2013 Council meeting.

B. Selection of Top Proposers for City Attorney Services (Com. Dev.)

This report provided an update on the Permanent City Attorney recruitment process.

Interim City Manager Korduner indicated this item could be discussed in Closed Session. Interim City Attorney Skolnik concurred.

City Council deferred discussion to Closed Session.

D. Community Give-Back Program (City Manager)

This report gave the City Council the opportunity to act on the Ad Hoc Committee's recommendation to fund the top four ranked programs from the Community Give-Back survey.

Interim City Manager Korduner 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:

- Preference for addressing in the upcoming budget process
- Commitment to fund 50% of School Resource Officer (SRO)
- Concern for total amount in the Reserve

Motion/Second: Murphy/Edgar

Motion: Postpone the item and address it during the budget process.

City Council and Staff discussed the following topics:

- Support for continuing the process started by the Ad Hoc Committee
- Intent for projects not to have an ongoing cost
- Expansion of the Parks programs was for a three year duration
- \$60,000 spent on Holiday decorations
- Support for planting additional trees
- Goal of the program was to give back Reserves to the community that wouldn't benefit from the Business and Residential Rebate Program
- Concern for going against what the residents have voted for
- Sensible reserve policy and returning funds to the residents
- Support for responsibly budgeting the projects

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, stated more community input was needed, support for the program being addressed as part of the budget process, and support for knowing the amount of Reserves.

Mayor Kusumoto closed the item for public comment.

Mayor Pro Tem Graham-Mejia indicated resident input was requested through the survey that was included in the Parks and Recreation brochure. She requested Council not change the top four voted projects.

Motion/Second: Murphy/Edgar

Motion: Postpone the item and address it during the budget process.

Substitute Motion/Second: Graham-Mejia/Kusumoto

Failed 2/3 (Edgar, Grose, Murphy cast the dissenting vote): Postpone the item and address it during the budget process, without changing the rank listing for the top four voted projects.

Motion/Second: Murphy/Edgar

Carried 4/1 (Graham-Mejia cast the dissenting vote): Postpone the item and address it during the budget process.

10. MAYOR AND COUNCIL INITIATED BUSINESS

A. Designation of Voting Delegate and Alternate for the Southern California Association of Governments (SCAG) 2013 General Assembly (City Clerk)

The Southern California Association of Governments (SCAG) General Assembly will be held May 2 – 3, 2013 at the JW Marriott Desert Springs

Resort & Spa in Palm Desert, California. Each year, SCAG's member cities select a Delegate and/or Alternate to represent their City to participate at this Annual Meeting.

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

Motion/Second: Edgar/Graham-Mejia
Unanimously Carried: The City Council:

1. Appointed a Mayor Kusumoto to attend and serve as the City's Voting Delegate for the Southern California Association of Governments (SCAG) General Assembly; and,
2. Appoint Mayor Pro Tem Graham-Mejia to attend and serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence.

B. Request by Congressman Alan Lowenthal (City Manager)

Mayor Kusumoto has been contacted by Congressman Alan Lowenthal's office requesting that the Los Alamitos City Council meet with him and provide a prioritized list of concerns.

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

The City Council discussed topics to address with Congressman Lowenthal.

Motion/Second: Murphy/Grose
Unanimously Carried: The City Council appointed Mayor Pro Tem Graham-Mejia and Council Member Edgar to attend the meeting with Congressman Lowenthal to discuss the following topics:

- Sequestration (including effects on the Joint Forces Training Base and Casa Youth Shelter)
- Infrastructure (Including improvements to the 605 Freeway)
- Economic Stimulation (Business and Residential Rebate Program and CDBG funding)
- What the Congressman can offer the City

C. Council Announcements

Council Member Murphy reported attendance at the Weaver Leadership Group and thanked the residents for offering constructive criticism.

Council Member Grose reported attendance at the Weaver Leadership Program and stated additional meeting attendance could be found on www.losal.net.

Mayor Kusumoto discussed the following topics: attendance at the CA Republican Party event with Council Member Grose; upcoming meeting with Supervisor Moorlach; administered the Oath of Office for Police Officer Brent Malatesta; meeting with City Manager to discuss the City Attorney selection process; and, attendance at the Orange County Fire authority orientation.

Mayor Pro Tem Graham-Mejia reported attendance at the Police Officer Appreciation Lunch and Vector Control Ad Hoc meetings.

Council Member Edgar discussed the following topics: attendance at Orange County Sanitation District meetings; attendance at the Los Alamitos Unified School District meeting; attendance at the Crisis Hotline Group event; attendance at the Precious Life Shelter Fundraiser; attendance at the Police Officer Appreciation Lunch; and, the upcoming City Hall tour for Girl Scout Troop 980.

11. ITEMS FROM THE CITY MANAGER

None.

12. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Title: City Attorney

Authority: Government Code Section 54957

B. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

Authority: Government Code Section 54957

C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

One potential case: City adv. Santa Ana Regional Water Quality Control Board

RECESS

City Council recessed into Closed Session at 10:30 p.m.

RECONVENE

City Council reconvened in Regular Session at 11:48 p.m.

There was no reportable action.

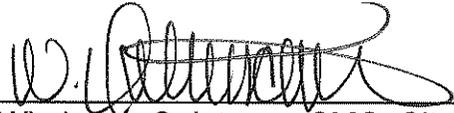
13. ADJOURNMENT

The City Council adjourned at 11:48 p.m.



Warren Kusumoto, Mayor

Attest:



Windmeira Quintanar, CMC, City Clerk