

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

**REGULAR MEETING – August 1, 2011**

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:02 p.m., Monday, August 1, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

**2. ROLL CALL**

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

**Absent:** Council Members: None

**Present:** Staff: Jeffrey L. Stewart, City Manager  
Sandra Levin, City Attorney  
Anita Agramonte, Finance Director  
Angie Avery, Community Services Director  
Dave Hunt, City Engineer  
Adria M. Jimenez, City Clerk  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Dir.

**3. PLEDGE OF ALLEGIANCE**

Mayor Stephens led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Kusumoto gave the Invocation.

**5. ORAL COMMUNICATIONS**

Pat Blanchard, resident, commented on the Lexington Avenue agreement between the Cities of Cypress and Los Alamitos. Ms. Blanchard read a statement in opposition to the Council's decision at the previous meeting.

Alice Jempsa, resident, spoke in opposition of changing the Lexington Avenue agreement with the City of Cypress.

**6. REGISTER OF MAJOR EXPENDITURES**

August 1, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for August 1, 2011, in the amount of \$755,741.55.

**Roll Call Vote**

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye

Mayor Pro Tem Edgar  
Mayor Stephens

Aye  
Aye

7. **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 Kusumoto pulled Consent Calendar Item #7B.

Council Member Graham-Mejia pulled Consent Calendar Item #7D.

Motion/Second: Edgar/Graham-Mejia

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

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

A. **Warrants**

August 1, 2011.

C. **Approval of Award to Crown Fence for Orville Lewis Park Chain Link Fence Bid and Authorize City Public Works Staff to Construct Concrete Barrier**

The fence at Orville Lewis Park is in need of repair and coyotes are digging under the fence to enter into the Highlands Neighborhood. The City received three bids for the replacement of the chain link fence. Staff is requesting authorization to award the project to the lowest responsible bidder and authorize Public Works staff to construct a concrete barrier at the base of the fence.

Recommendation:

1. Authorized staff to execute a Purchase Order with Crown Fence for the Orville Lewis Park chain link fence, in an amount of \$10, 265; and,
2. Authorized a 10% contingency fund of \$1,065.

\*\*\*\*\*END OF CONSENT CALENDAR\*\*\*\*\*

B. **Status of Prior City Council Discussion to Seek Sanctions Against Former City Council Candidate Brad Sheridan**

This item was placed on the agenda at the request Council Member Kusumoto. During a City Council meeting dated June 21, 2010, former City Council Member Dean Zarkos requested staff to investigate the potential for filing an ethics complaint with the California Bar Association in response to comments made by former City Council candidate Brad Sheridan. The City Council took no formal action on the issue.

Council Member Kusumoto stated he pulled this item for a correction in the report; Mr. Brad Sheridan was not a City Council candidate, he was a former Traffic Commissioner.

Jeffrey L. Stewart, City Manager, advised the correction will be made.

Motion/Second: Council Member Kusumoto made a motion to receive and file. Motion died due to lack of a second.

Substitute Motion/Second: Edgar/Poe  
Request this item be reevaluated by staff to verify the comments made by Mr. Brad Sheridan.

Motion/Second: Edgar/Poe  
Carried: 3/2 (Kusumoto/Graham-Mejia "No")  
To substitute the motion and open it up for Council discussion.

Each of the Council Members commented on the substitute motion. After discussion, the substitute motion vote was taken:

Substitute Motion/Second: Edgar/Poe  
Carried: 3/2 (Kusumoto/Graham-Mejia "No")  
Request this item be reevaluated by staff to verify the comments made by Mr. Brad Sheridan.

**D. Designation of General Plan and Zoning Assignment to the Planning Commission**

Designation of General Plan and Zoning assignment to the Planning Commission instructing the Planning Commission to begin consideration of future General Plan and Zoning designations within the City's Sphere of Influence.

Steven Mendoza, Community Development Director, summarized the staff report for City Council.

Council Member Graham-Mejia confirmed the area in the staff report is the same area referred to as the "fourth corner."

Mr. Mendoza responded in the affirmative.

Motion/Second: Council Member Poe/Edgar  
Carried: 4/1 (Graham-Mejia "No")  
Adopted Resolution No. 2011-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, INITIATING GENERAL PLAN AMENDMENTS AND PRE-ZONING OF THE UNINCORPORATED AREA OF THE COUNTY OF ORANGE BOUND BY WALLINGSFORD ROAD ON THE WEST, KATELLA AVENUE ON THE NORTH, LOS ALAMITOS BOULEVARD ON THE EAST AND HEDWIG ON THE SOUTH

## 8. PUBLIC HEARINGS

### A. Annexation and Pre-zoning of Long Beach properties into the City of Los Alamitos

Item has been withdrawn by staff and is being sent back to the Planning Commission to consider new information brought forward in a title report.

Council Member Kusumoto recused himself from this item, stating he owns property within the 500' radius of the location. Council Member Kusumoto stepped down from the dias.

Steven Mendoza, Community Development Director, requested this item be withdrawn from the City Council agenda and sent back to the Planning Commission due to an error in the LAFCO map.

Motion/Second: Graham-Mejia/Edgar

Carried 4/0/1 (Kusumoto "Abstain")

Postponed the Public Hearing to a future date to be determined; and, send this item back to the Planning Commission for additional review of title information impact upon the pre-zoning of the various properties.

Council Member Kusumoto returned to the dias.

### B. Zoning Ordinance Amendment 11-01 – Massage Establishments

A consideration to amend the Los Alamitos Municipal Code concerning massage establishments. (City initiated)

Steven Mendoza, Community Development Director, summarized the staff report.

At 7:31 p.m., Mayor Stephens opened the public hearing.

Having no one come forward, at 7:32 p.m., Mayor Stephens closed the public hearing.

Mr. Mendoza answered questions from the City Council.

Motion/Second: Edgar/Poe

Unanimously Carried:

1. Opened the public hearing and took testimony; and,
2. Introduced by title only and waived further reading of Ordinance No. 11-06; and,
3. Read the title of Ordinance No. 11-06, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS LOS ALAMITOS, CALIFORNIA REVISING MUNICIPAL CODE CHAPTER 5.32 "MESSAGE ESTABLISHMENTS" AND MESSAGE RELATED PROVISIONS IN SECTIONS 17.10.020 AND 17.76.020 OF THE ZONING CODE (ZOA 11-

01) IN THE GENERAL COMMERCIAL (C-G) AND COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICTS.”

**C. Zoning Ordinance Amendment 11-02 – Body Adornment Establishments (Tattoo)**

A consideration to establish zoning regulations pertaining to body adornment establishments in the Planned Light Industrial (PM) zone. (City Initiated)

Steven Mendoza, Community Development Director, summarized the staff report and answered questions from City Council.

At 7:40 p.m., Mayor Stephens opened the public hearing.

Having no one come forward, at 7:41 p.m., Mayor Stephens closed the public hearing.

After Council discussion, the following motion was made:

Motion/Second: Edgar/Poe  
Carried: 4/1 (Graham-Mejia “No”)

1. Opened the Public Hearing and took testimony; and,
2. Denied staff's recommendation to move forward with introducing and waiving further reading of Ordinance No. 11-07, entitled, “AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO APPROVE ZONING ORDINANCE AMENDMENT 11-02 ADOPTING ORDINANCE SECTION 17.33, AND AMENDING LAND USE TABLE 2-04 AND SECTION 17.76.020 OF THE LOS ALAMITOS MUNICIPAL CODE REGARDING BODY ADORNMENT ESTABLISHMENTS IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE.”

**9. DISCUSSION ITEMS**

**A. Direction Regarding Potential City Council Conflicts of Interest on Various Projects**

During the discussion of the two issues regarding the Los Alamitos Boulevard Revitalization project and the traffic signal at Katella/Lexington at the City Council meeting on July 18, 2011, there was significant discussion of potential conflict of interest issues involving three members of the City council on two different items. This issue has been placed on the agenda to provide the City Attorney specific direction to research any existing and potential conflicts of interest regarding the projects stated above to provide direction for appropriately managing future conflict of interest issues in the City.

City Manager Stewart advised at the last meeting there were two specific items that came up that resulted in lengthy discussions on potential conflicts of interest among multiple members of the City Council, and on both of those items there was direction given to come back for the consideration by the City Council. Because of the unexpected stalemate on the Los Alamitos Boulevard Project

staff is looking for direction from the City Council on clarifying those potential conflicts of interests among the affected Council Members and requesting an expenditure of a nominal sum of money in order to make that happen. The expenditure would be for the potential of obtaining appraisals, if that were necessary. Staff is looking for the direction to move forward with allowing the City Attorney to conduct research on this item.

Sandi Levin, City Attorney, advised that this item does include authorization for the possible drafting of letters to the Fair Political Practices Commission (FPPC) or obtaining an appraisal, if necessary. She asked that if the City Council were to move forward, she be allowed the discretion to determine whether that seems like it might be productive. If the City has gone through the analysis and it looks as though there is a conflict and it would not be resolved by a letter to the FPPC or with an appraisal, than staff would not want to incur that expense on behalf of the City.

After discussion by the City Council, a consensus was reached to table this item and allow the City Attorney to respond to and resolve potential conflicts of interest inquiries from the City Council.

**10. MAYOR AND COUNCIL INITIATED BUSINESS**  
**Council Announcements**

**Mayor Pro Tem Edgar** reported he attended the tour of the Abe Lincoln at the Naval Center in Long Beach; provided an update on the Rivers and Mountains Conservancy project; reported on the Orange County Sanitation District Board Meeting advising four Union contracts with the District have been finalized; and, advised the redistricting is finalized and thanked City Manager Stewart for his work on the item.

**Mayor Stephens** reported on the OCFA Board Meeting and advised a new computer awareness program which will provide information on pool safety, shrub abatement and other fire hazards is currently in the testing stage.

**Council Member Graham-Mejia** welcomed home and thanked the 300 soldiers who arrived at The Base early in the day; asked for an update on the coyote trapping at The Base; reported on her attendance at a School District Working Group Meeting and asked if there was any progress regarding the gym at Oak, and advised the school district will be attending the traffic working meetings. She requested the meeting be adjourned in memory of Mr. Wyatt, Los Alamitos resident.

Mr. Stewart advised three coyotes were trapped in one week. He also advised that City staff and school district staff visited the gym at The Base to find out if there was an equitable way to share the gym. The school district did not think they gym would fit their needs.

Angie Avery, Community Services Director, advised City staff and the school district are close to an agreement in regards to use of the gym.

**Council Member Kusumoto** reported on his attendance at the CJPIA meeting. He advised he attended the tour of the USS Abe Lincoln; and, asked the City Council Meeting be adjourned in memory of Michael Shope, Los Alamitos resident who died in a plane crash.

**Council Member Poe** thanked Mr. Mendoza, the Planning Commission, and staff for their work on the tattoo ordinance; she reported on her attendance at the School District Working Group Meeting; and, advised due to other obligations she was unable to attend the tour of the USS Abe Lincoln.

**11. ITEMS FROM THE CITY MANAGER**

Mr. Stewart advised that he and Mr. Mendoza met with residents on Denwood and discussed mitigation issues at the Base. Mr. Stewart provided additional information on the coyotes that were trapped during the week.

**12. CLOSED SESSION**

At 8:32 p.m., Mayor Stephens recessed into Closed Session pursuant to the Agenda.

Public Employee Appointment  
Government Code Section 54957  
Title: City Clerk

**13. RECONVENE/ADJOURNMENT**

Mayor Stephens reconvened the City Council Meeting at 9:38 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting in memory of Michael Shope and Mr. Wyatt.

  
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Kenneth Stephens, Mayor

ATTEST:

  
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Adria M. Jimenez, CMC  
City Clerk