

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS  
REGULAR MEETING – July 15, 2013**

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FOR THE CITY OF LOS ALAMITOS AND  
ALL OTHERS AT THAT MEETING.

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:00 p.m., Monday, July 15, 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  
Carey Reisman, City Attorney  
Tony Brandyberry, Public Works Supt.  
Joshua A. Brooks, Finance Director  
Dave Hunt, City Engineer  
Corey Lakin, Community Services 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 Grose led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Kusumoto gave the Invocation.

**5. PRESENTATIONS**

**A. Presentation by Seth Eaker, Elizabeth Kane, and Marc Loopesko, RUN SEAL BEACH Volunteer Directors, to the City Council for the 2013 Race Grants**

Elizabeth Kane gave an overview of RUN SEAL BEACH and presented a \$1,500 check for the Summer Recreation Program Grants to Mayor Kusumoto and Recreation and Community Services Director Lakin.

**B. Presentation of Retirement Plaque to Sergeant Rick DeLeon in Appreciation of 30 Years of Dedicated Service to the City of Los Alamitos**

Mayor Kusumoto, Council, and Police Chief Mattern presented a retirement plaque to Sergeant DeLeon.

**C. Presentation of Outgoing Plaque to Records Specialist Susan Brown in Appreciation of 21 Years of Dedicated Service to the City of Los Alamitos**

Mayor Kusumoto, Council, and Police Chief Mattern presented an Outgoing Plaque to Records Specialist Susan Brown.

**D. I-405 Project Update by Orange County Transportation (OCTA) Representatives, Niall Barrett, Project Manager and Christina Byrne, Outreach Manager**

Niall Barrett, Project Manager, gave a PowerPoint presentation update regarding the I-405 Project.

**Mayor Kusumoto pulled item 10B forward.**

**10B. Orange County Transportation Authority's Reintroduction of High Occupancy Toll Lanes within the I-405 Improvement Project  
(Council Member Edgar)**

The possibility of High Occupancy Toll (HOT) lanes on the I-405 is again up for discussion with Orange County Transportation Authority (OCTA) after the option was voted down in 2012. This report provides an opportunity for the City Council to discuss its concerns regarding HOT Lanes and if necessary, a resolution of opposition for Council consideration.

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

Mayor Pro Tem Graham-Mejia stated she was not able to attend the Policy Working Group meeting and had requested representatives give a presentation to Council. She thanked Council Member Edgar for his request. She stated concern that residents and Council had already spoken out against this item and the past OCTA Board had voted it down. She felt it was poor form to reintroduce toll lanes under the pretext of Long Beach's concerns. She stated it was very clear there was no support for toll lanes and reiterated her opposition.

Council Member Edgar stated the Council had until August 12<sup>th</sup> to respond as a legislative body. He understood Long Beach's concerns, but felt the issue was regarding the politics of the High Occupancy Vehicle (HOV) lanes. He recalled the surrounding cities had worked together to ensure taxpayers would not have to pay tolls on top of the M2 funds already being spent. He discussed the recent turnover on the OCTA Board and the City's representation and indicated his belief this was a Staff driven item for efficiency. He stated opposition to HOV lanes and requested Council to oppose High Occupancy Toll (HOT) lanes and support the locally

preferred option. He stated he had spoken with the District representatives, Gary Miller, Matt Harper, and John Moorlach, for support and was hopeful other cities would formally state their opposition. He expressed concern that additional construction would be needed in the next three to four years. He indicated there were two construction projects taking place now, West County Connector (WCC) and I-405 Project, and requested clarification on the scopes of the projects, specifically which freeways were included.

Niall Barrett, OCTA Project Manager, stated the projects included the same freeways. He pointed out the WCC project was able to accommodate any of the three alternatives from the I-405 project.

Council Member Edgar inquired if the widening on I-405 was underway.

Mr. Barret answered in the affirmative clarifying an HOV/Carpool lane was being added in each direction. He added the I-405 project includes an additional general purpose lane that had the potential to be an express lane and the alternatives would not add a new lane.

Council Member Edgar asked for clarification of how many lanes were being added for both projects.

Mr. Barrett stated the WCC project would add an additional lane in each direction and the I-405 project would add up to two lanes in each direction.

Council Member Edgar referred to the Long Beach Environmental Impact Report (EIR) and indicated Carson was not the only route into Long Beach. He stated Council had been interested in an interchange at the 605 freeway and Cerritos Ave. and inquired if that could be taken into consideration.

Mr. Barrett answered in the negative indicating the supplemental EIR had already been released.

Council Member Edgar inquired how the Council could legally influence the process.

Mr. Barrett stated all comments, as individuals or as a body, were welcome.

Council Member Edgar stated this item was in line with the soon to be adopted Legislative Policy in regards to infrastructure and local control. He requested Council consider allowing the Mayor to sign a letter entailing Council's input.

Council Member Murphy stated the people had clearly stated during the first round that they did not want HOV lanes, HOT lanes, or toll roads. He felt adding the topic under the guise of Long Beach was poor form. He felt the information represented as Option 1 was now the HOT lane. He stated OCTA Staff was not giving the people a clear understanding of what was happening.

Mr. Barrett clarified at this point Staff was only screening the ideas and they were not part of the EIR document, unless the Board decides they will become alternatives. He indicated as far as the EIR is concerned, there are only three build alternatives; 1, 2, and, 3.

Council Member Grose agreed with Council Member Edgar's approach. He stated it was clear the item was being readdressed because the composition of the OCTA Board had changed. He recalled the concerns when the I-5 freeway was reconstructed and felt Los Angeles County should have stayed engaged with the process from the beginning. He added there was contention regarding the management of the Seal Beach bridge project. He stated support for the Resolution and made a motion to accept Staff recommendation and follow up with a letter regarding the EIR. He stated disappointment for the process and packaging the same concept differently.

Mayor Kusumoto inquired about the revenue projections for the HOT lane.

Mr. Barrett stated the projection was \$2 billion over 30 years. He stated a financial analysis for future revenue projections was done for a model that would include a private firm as the operator in a revenue share instance. It was projected approximately \$400 million could be realized in the now, which was the approximate cost difference between alternate 1 and alternate 2.

Mayor Kusumoto stated in that model OCTA would be getting a partner to get cash up front to pay for construction. He inquired where the funds from the 30 year revenue stream model would go.

Mr. Barrett indicated it would go to the operation and maintenance of the project corridor. Similar to the 91 freeway, profits would be reinvested into the freeway.

Mayor Kusumoto opened the item for public comment.

Henry Taboada, Rossmoor Community Service District Representative, stated opposition to the proposal. He invited the Mayor to the next Board meeting in which the Mayor of Seal Beach and School Board

Superintendent Kropp would be invited to have an open forum with the community to discuss the topic.

Dave Emerson, resident, stated appreciation for Council's strong stance and the cities working together and discussed traffic concerns.

JM Ivler, resident, stated opposition to HOT lanes and thanked Council for strongly stating its opposition.

Mayor Kusumoto closed the item for public comment.

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

Recommendation:

1. Reviewed and discussed as necessary; and,
2. Adopted Resolution No. 2013-18, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, OPPOSING HIGH OCCUPANCY TOLL LANES WITHIN THE SAN DIEGO FREEWAY (I-405) IMPROVEMENT PROJECT; and,
3. Directed Staff to send a strongly worded letter of opposition before the August 12 deadline for the EIR with copies to the OCTA Board, County Supervisor, and surrounding cities.

## **6. ORAL COMMUNICATIONS**

Mayor Kusumoto opened Oral Communications.

Shelly Henderson, Cypress resident, spoke regarding RUN Seal Beach support; the Sugar Beet Festival; Weiner Nationals at Los Alamitos Race Course; and, Cypress Festival on July 27<sup>th</sup>.

Jenelle Godges, Co-chair Cypress Americana Awards, spoke regarding nominations for the 39<sup>th</sup> Annual Cypress American Awards on February 22, 2014.

Larry Strawther, resident, spoke regarding the Sugar Beet Festival.

JM Ivler, resident, spoke regarding Cypress' Measure M; Sugar Beet Festival; and, summer Recreation programs.

Carol Biri, resident, spoke in opposition to the HOT lanes and thanked Council for their participation in the Sugar Beet Festival.

Richard Vardeman, resident, reported the School District would be holding a workshop at 4:00 p.m. tomorrow to discuss the proposed construction at the High School.

Dave Emerson, resident, spoke regarding the General Plan – Draft Land Use Plan and encouraged Council to slow the process down.

Mayor Kusumoto closed Oral Communications.

## 7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Murphy/Grose

Unanimously Carried: The City Council approved the Register of Major Expenditures for July 15, 2013, in the amount of \$135,861.10, ratified the Register of Major Expenditures for June 17, 2013, to July 14, 2013, in the amount of \$1,255,840.62 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 July 16, 2013, to August 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.

Mayor Pro Tem Graham-Mejia pulled item 8D.

Council Member Grose pulled item 8I.

Motion/Second: Graham-Mejia/Murphy

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

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

1. Approved the Minutes of the Special Meeting of June 3, 2013.
2. Approved the Minutes of the Special Meeting of June 11, 2013.
3. Approved the Minutes of the Special Meeting of June 17, 2013.
4. Approved the Minutes of the Regular Meeting of June 17, 2013.

**B. Warrants (Finance)**

Approved the Warrants for July 15, 2013, in the amount of \$34,176.81, and ratified the Warrants for the time period for June 18, 2013, to July 14, 2013, in the amount of \$76,006.88, 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 July 16, 2013, to August 18, 2013.

**C. Second Reading of Ordinance No. 13-02 – Zoning Ordinance Amendment (ZOA) 13-01 – Ordinance of the City Council Making Amendments to the Zoning Code Concerning “Convenience Store/Mini-Marts” (Community Development)**

At its regular meeting of June 17, 2013 the City Council conducted a first reading of Ordinance No. 13-02. This ordinance approved an amendment to the municipal code concerning Convenience Store/Mini-Mart regulations.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-02; and,
2. City Council adopted Ordinance No. 13-02, entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 13-01 TO AMEND THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.10.020, AND 17.76.020, REGARDING Convenience Store/Mini-Mart REGULATIONS (CITYWIDE).”

**E. Approval to Adopt Resolution 2013-16 Concerning the Status of the Circulation Element and Re-affirmation of the Existing Mitigation Fee Program for the Measure M Capital Improvement Program (CIP) for FY 2013-14 through FY 2019-20 for the City of Los Alamitos**

**(Public Works)**

In order to remain eligible to receive Measure M Turnback funds, the Orange County Transportation Authority (OCTA) requires that all local jurisdictions comply with a variety of requirements, including adoption of a Resolution concerning the status of the Circulation Element for the City of Los Alamitos and re-affirmation of the existing Mitigation Fee Program for the Measure M Capital Improvement Program (CIP) for FY 2013-14 through FY 2019-20 for the City of Los Alamitos. Staff has prepared a Capital Improvement Program covering the Fiscal Years 2013-14 through 2019-20 that the City Council approved on June 17, 2013, and is prepared to submit this and other required documentation to OCTA upon approval by the City Council.

The City Council:

1. Adopted Resolution No. 2013-16, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT, MITIGATION FEE PROGRAM AND ADOPTION OF A LOCAL SYNCHRONIZATION PLAN FOR THE RENEWED MEASURE M (M2) PROGRAM"; and,
2. Re-affirmed the existing Mitigation Fee Program; and,
3. Directed the City Engineer to file the Resolution and the approved Seven-Year Capital Improvement Program for Fiscal Years 2013/14 to 2019/20, and the required Measure M eligibility documents with the Orange County Transportation Authority.

**F. Approval of Amendment No. 1 to the Master Funding Agreement No. C-1-2774 between the Orange County Transportation Authority and the City of Los Alamitos (Public Works)**

The Orange County Transportation Authority (OCTA) requests that Amendment No. 1 to the Master Agreement No. C-1-2774 be executed by the City of Los Alamitos in conformance with the Comprehensive Transportation Funding Programs (CTFP) and the Local Fair Share Program Net Revenues.

The City Council:

1. Approved Amendment No. 1 to the Master Agreement No. C-1-2774 between Orange County Transportation Authority and the City of Los Alamitos; and,
2. Authorized the Mayor to execute said Amendment No. 1 on behalf of the City of Los Alamitos; and,
3. Directed the City Clerk to file the executed copy of Amendment No. 1 to the Master Agreement No. C-1-2774 with the Orange County Transportation Authority.

**G. Establishment of Job Descriptions and Salary Ranges for Part-Time Hourly Department Secretary and Part-Time Hourly Code Enforcement Officer (Community Development)**

Staff developed two corresponding job descriptions and salary ranges for the part-time positions reflected in the City's 2013-2014 Budget adopted June 17, 2013.

The City Council adopted Resolution No. 2013-15, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR THE POSITIONS OF PART-TIME HOURLY DEPARTMENT SECRETARY AND PART-TIME HOURLY CODE ENFORCEMENT OFFICER AND AMENDING RESOLUTION NO. 2013-04".

**H. Establishment of Job Descriptions and Salary Range for the position of Full-Time Accountant (Finance)**

Staff developed the corresponding job description and salary range for the full-time positions reflected in the City's 2013-2014 Budget adopted June 17, 2013.

The City Council adopted Resolution No. 2013-17, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR THE POSITION OF FULL-TIME ACCOUNTANT, AMENDING RESOLUTION NO. 2011-07".

**End of Consent Calendar**

**Items Pulled From Consent Calendar**

**D. General Plan – Draft Land Use Plan (Community Development)**

The next step in the General Plan Update was to lock in the Draft Land Use Plan that includes consideration of ten opportunity sites that may be subject to a land use change. A Citywide land use concept has been drafted and presented to Commissioners through focused joint meetings and formally to the Planning Commission prior to Council consideration. The Land Use Plan will create the basis for the General Plan Land Use map and the proposed project to be analyzed through an Environmental Impact Report (EIR) under California Environmental Quality Act (CEQA).

Interim City Manager Korduner introduced the item.

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

Mayor Pro Tem Graham-Mejia requested the letter from Monte Collins be read into the record.

Community Development Director Mendoza read the letter into the record.

Mayor Pro Tem Graham-Mejia inquired how rezoning the property to residential would be considered in the EIR.

Community Services Director Mendoza indicated the impacts of residential on the site would be studied.

Mayor Pro Tem Graham-Mejia gave her recollection of the property history and stated the Collin's family was currently waiting for the Trust to finalize. She stated the family had concerns the EIR would limit potential opportunities for rezoning.

Community Development Director Mendoza stated if residential was approved in the EIR there would be no concerns. He clarified if Council decided to leave the zoning as it is, the property owners would need to request the rezoning at a later time on their own.

Mayor Pro Tem Graham-Mejia inquired if zoning other than residential or industrial could be studied.

Community Development Director Mendoza stated the EIR would provide all the information to tier off. He indicated residential provided the most density.

Mayor Pro Tem Graham-Mejia stated the family was concerned they would not be able to do as they wished with the property.

Council Member Edgar briefly reviewed the history of the General Plan and encouraged property owners to share their future visions with Council and Staff. He stated the General Plan was a forecast for the future and provided a great opportunity to partner with Council. He stated support for continuing and added the EIR takes all variables into consideration to see what projects would best fit within the City. He stated concern for the future topic of emergency shelters and thanked the Commissions for their work. He asked Mr. Emerson if he felt there was a concern for the process.

Mr. Emerson stated the process was as good as it could be and felt a Town Hall meeting with Council would be a good way to get more people involved.

Council Member Edgar stated he had no objection to an additional workshop and stated his belief that there was public input during the process.

Mr. Emerson reiterated his wish for a Town Hall meeting at 7:00 p.m.

Council Member Murphy stated the challenge for Council is to look at the General Plan as a document to start preparing for the future. He indicated he had visited several surrounding cities' developed "downtown" areas. He encouraged Council to be laying the ground work for development and keeping funds in Los Alamitos. He stated support for a Council and community meeting that would begin the process to start preparing for the next 20 years by discussing zoning and regulations to modernize the City.

Council Member Grose stated opposition to postponing the process. He stated the Commissioners, consultant, and Council were all working together to move in the right direction and public input had been sought and received. He stated support for continuing. He asked if the previous discussion has been published in the newspaper.

Community Development Director Mendoza stated the Planning Commission discussion had been published.

Council Member Grose inquired if the document would be coming back to Council at a later date.

Community Development Director Mendoza stated staff was proactive and keeps the public informed every step of the way. He stated each element would go back to each Commission, the Planning Commission would hold an additional workshop, and the rezoning would go before the Planning Commission and City Council. He stated the action tonight was procedural to continue moving the process forward.

Mayor Kusumoto stated if the project moved forward today it would enable the study of the EIR. He inquired what impacts a delay would cause.

Community Development Director Mendoza stated maximum participation would most likely be best three weeks after school started. He stated the General Plan was scheduled for two years, paid over three years. The City was currently in the third year and within scope and budget.

Mayor Kusumoto clarified the EIR was not set in stone and just allowed the City to be studied.

Community Development Director Mendoza confirmed.

Mayor Pro Tem Graham-Mejia made a motion to postpone for one more meeting. She stated residents were concerned the process was moving too quickly and felt with the recent Prologis development it was an opportunity to get the community involved. She stated the last Traffic Commission meeting was canceled and asked for the date.

City Engineer Hunt stated it was July 10.

Mayor Pro Tem Graham-Mejia stated concern the meeting was canceled due to lack of items to discuss. She felt the Commission could have discussed the I-405 project. She stated the project was not time sensitive and businesses were asking for additional time.

Motion/Second: Graham-Mejia/Edgar

Motion: Postpone the item and hold an additional meeting to allow the public to address the Council.

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, stated support for additional public outreach and suggested the Council go to various neighborhoods within the City for the meetings.

Mayor Kusumoto closed the item for public comment.

Council Member Murphy stated he was not opposed to delaying the item and inquired what would be accomplished during the one month delay.

Mayor Pro Tem Graham-Mejia stated it would allow the Council to receive additional input by holding a Town Hall meeting and meeting with interested residents individually.

Council Member Edgar stated he was supportive of an efficient Town Hall meeting and inquired how far in advance advertising needed to take place to be the most efficient.

Community Development Director Mendoza stated advertising three weeks in advance and again a week in advance had proved successful. He indicated Staff had advertised previously, but had not been impressed by the limited attendance of the community.

Mayor Pro Tem Graham-Mejia encouraged Council to deliver flyers door to door. She was supportive of getting the word out and ensuring the community had a chance to be involved.

Community Development Director clarified the direction was to have a Town Hall meeting a week before the regularly scheduled meeting in August.

Council Member Grose stated he felt numerous meetings and the opportunity for input had already taken place. He indicated certain residents would be involved, but the majority of residents would not. He

stated support for continuing the process and pointed out tonight's action was to approve the study of the EIR and there would be at least three more Public Hearings before any final decisions were made. He stated opposition to delaying the process.

Mayor Pro Tem Graham-Mejia inquired if the Prologis EIR would affect the process.

Community Development Director Mendoza answered in the affirmative.

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: Graham-Mejia/Edgar

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

1. Postponed the item to the August 19 Regular Council meeting; and,
2. Directed Staff to conduct and advertise a Special Town Hall meeting before the next regular meeting.

Mayor Kusumoto thanked Staff for their work and encouraged the Commissioners to help circulate the information. He stated the process has been open to the public.

**I. School Resource Officer Agreements (Police)**

The purpose of this report is to request authorization for the City of Los Alamitos to enter into agreements with the Los Alamitos Unified School District and the City of Seal Beach to share costs for the School Resource Officer.

Interim City Manager Korduner introduced the item.

Police Chief Mattern summarized the Staff report, referring to the information therein, and answered questions from the City Council.

Council Member Grose discussed the following items: concern for providing a School Resource Officer (SRO) to the Los Alamitos Unified School District (District) without having a defined work plan; concern for involvement with reducing substance abuse and truancy enforcement; concern District will terminate existing programs due to the addition of the SRO (i.e. K9 program and new consultant for safety); concern for shift scheduling of four 10 hour days; ensuring the SRO is used to the fullest potential for the City; length of agreement for three years; concern for over-time charges; requested regular reporting on the position to ensure

was being utilized to its fullest potential; concern regarding the payment dates not being the same for the District and the City of Seal Beach; and, inquired to the legality of the use of the terminology "independent contractor".

City Attorney Reisman indicated independent contractor in this context referred to the employee remaining an employee of the City and not of the District. He indicated he was not concerned about future interpretation.

Council Member Grose referred to the indemnity in Item 8 and expressed concern there was no dual indemnification. He stated concern the contract was not ready to be approved.

City Attorney Reisman summarized the negotiating process with the President of the School Board, School Board Superintendent, and District's Attorney stating the District felt firmly that indemnification for the City was not necessary due to Section 8 and had concerns regarding comparative negligence if indemnification was included.

Interim City Manager Korduner stated the Assistant Superintendent was also involved and the parties had discussed different scenarios in which the City would not be liable.

Council Member Grose stated concern if indemnification was not documented properly significant legal time could be expended in the future to make determinations that should be in the agreement.

City Attorney Reisman stated the District had Premises Liability Insurance.

Council Member Grose inquired if the City was named as an additional insured on the policy.

City Attorney Reisman answered in the negative, but indicated it could be requested.

Council Member Grose referred to the insurance requirements of the City and felt the same should be required of the District. He referred to the Seal Beach contract, Item 1, page 2, and stated the terminology for percentage paid (25%) should be spelled out in the District's contract to ensure coverage for changes to labor agreements. He referred to the second paragraph, Annual invoices. He stated his understanding that the contract required payment by November 15<sup>th</sup> of each year beginning 2013. He inquired if the District would be paying initially and then be billed in November for the next Fiscal Year.

City Attorney Reisman answered in the affirmative.

Police Chief Mattern clarified labor increases of more than 5% required notice prior to November.

Council Member Grose requested the item be readdressed and include cross indemnification.

City Attorney Reisman stated if Council only had concerns about the insurance, approval could be given with the caveat that additional insured would be obtained.

Council Member Grose stated support for the additional insured and indicated it would add clarity in the future and better protect the City.

Council Member Murphy stated the amount being discussed was \$179,000 and inquired if the original amount had been \$190,000.

Police Chief Mattern stated initial estimates were fine tuned and reduced by \$10,000.

Council Member Murphy expressed concern with the four 10 hour work day schedule considering school was in session five days a week. He stated support for a five day, eight hour work week.

Police Chief Mattern discussed the following factors: the SRO assignment would require additional time above and beyond the hours spent at the school for preparation, training, processing reports, etc.; 10 hour work day will maximize the work load; the assignment would not be attractive on a five day work schedule and the department wanted to ensure an Officer who wanted the position would take it on; and, stated the flex days would be based on the school schedule.

Council Member Murphy stated concern the school was unprotected 20% of the time.

Police Chief Mattern stated 100% coverage was not feasible due to vacation time, sick days, court days, and situations that would take the SRO off site. He stated the District acknowledged those situations would occur.

Council Member Edgar stated the importance of working through the process and inquired if Staff fully supported the recommendation.

City Attorney Reisman stated the importance for doing what's best for Los Alamitos; however, his preference would have the contract read differently.

Council Member Edgar discussed the following topics: concern about one sided indemnification; allowing Staff to take a tough stance; concern for payment terms; supportive of the position; concern for legal technical coverage; and, inquired why additional coverage was being provided above current coverage with CJPIA.

City Attorney Reisman stated coverage limits were listed, but no additional coverage was being added.

Council Member Edgar inquired if there were legal requirements to notify CJPIA of the special circumstances with the SRO.

Police Chief Mattern stated CJPIA had confirmed the limits were covered.

Council Member Edgar inquired specifically if the Scope of Services were covered.

Police Chief Mattern stated the Scope of Services had not been specially explained.

Council Member Edgar stated concern the role and services provided by the Superintendent of Security Services was unknown and requested an orientation on the position be presented to Council. He inquired if the SRO would be entitled to special pay.

Police Chief Mattern answered in the affirmative adding the SRO would need specialized training and the Department's preference for having an Officer who wanted to be in the position versus assigned to the position.

Council Member Edgar referred to the percentage share of the SRO and stated interest in the scope of services. He indicated he was supportive, but required a better understanding of the process.

Police Chief Mattern stated over time would be accrued more often with an eight hour day versus a 10 hour day. He reiterated the SRO would be involved in investigations, report processing, etc. outside of the expected hours at the school.

Council Member Edgar stated concern the scope of services was still unknown and felt verification from CJPIA was important. He stated the Council was available to help negotiate if needed.

City Attorney Reisman clarified his opinion of the District's position regarding indemnification. He clarified the truancy information was outlined in the Staff report and he did not recall it being part of the agreement.

Police Chief Mattern stated truancy checks were performed by the previous SRO and proved to be valuable. He indicated it did not have to be included.

Council Member Edgar reiterated his desire to understand the scope of services for the SRO. He inquired if there were agreements in 2008 with the last SRO.

Police Chief Mattern stated he did not recall.

Council Member Edgar inquired if a contract was legally required and indicated he felt the City was trying to do a good thing and it was being impeded by legalities.

Police Chief Mattern indicated the details were included in the District agreement and Seal Beach had a simplified version.

City Attorney Reisman stated the previous attorney had drafted the agreement and the District had modified it. He stated they could be modified as Council desired.

Mayor Pro Tem Graham-Mejia agreed with Council Member Edgar and felt the process was becoming very technical. She inquired if crime statistics increased during the summer.

Police Chief Mattern stated he was unsure if the statistics reflected such, but they could be reviewed.

Mayor Pro Tem Graham-Mejia stated she felt an SRO would be an extra benefit to the City. She stated preference for rotating the flex day for the SRO and agreed coverage should be verified with CJPIA. She inquired if other cities had similar contracts and stated opposition to involvement with truancy. She indicated the District would now have coverage four days a week and she was excited a SRO would be present. She stated the importance of having a SRO on site to address things such as safety, program implementation, staff training, and improving campus safety. She added it would be good for the SRO to interact with the community. She indicated she had always supported the SRO position and preferred to start the process as soon as possible to protect the City.

Mayor Kusumoto stated if an officer responded to the District now, the City would have 100% liability and he did not have a concern. He stated he did not have a preference for the work schedule as an officer would be sent to respond to any concerns. He inquired if the agreement put the City at any additional risk.

City Attorney Reisman answered in the negative.

Mayor Kusumoto stated the agreement outlined the risk to the partners.

City Attorney Reisman stated the other partners had little liability.

Mayor Kusumoto inquired if CJPIA needed to be notified of the special circumstances.

Finance Director Brooks stated CJPIA had been notified and understood the situation. He stated there were no extra circumstances.

Mayor Kusumoto stated he understood the concerns of the Council and felt the exposure was the same.

Council Member Grose inquired if the previous SRO worked a 4/10 shift.

Police Chief Mattern answered in the affirmative.

Mayor Kusumoto opened the item for public comment.

Carol Biri, resident, stated support for Police knowing the community and requested Staff wear name tags.

Mayor Kusumoto closed the item for public comment.

Council Member Edgar inquired what the difference would be if an officer was dispatched without the contract.

City Attorney Reisman stated the difference would be both parties would be sued, with the contract the District is being indemnified. He stated the process would be more complicated without a contract.

Council Member Edgar stated his belief that the legal processes were different and felt clarification regarding the indemnity was necessary. He indicated he could not support moving forward without clarification.

Mayor Kusumoto asked for clarification if the indemnification language in the agreement was for the specific SRO and the risk the District bears having a City employee on campus on a permanent basis.

City Attorney Reisman answered in the affirmative.

Mayor Kusumoto asked what the negative effects would be if an officer was dispatched without this agreement.

City Attorney Reisman stated the City would undertake the defense and payment of any damages assessed. He stated if the Council was inclined to direct Staff to renegotiate, to include boundaries for negotiation.

Council Member Edgar inquired if an incident occurred on the weekend if it would be considered under the SRO agreement.

City Attorney Reisman stated if the duties were not relevant the SRO agreement would not be considered. He stated if the incident was not specifically covered indemnification regarding the agreement would be quickly sorted out in court. He added it was not feasible to cover all possible situations in an agreement.

Council Member Grose stated concern the District had presented this agreement and Staff had accepted it without further negotiating. He stated concern for the Errors and Omissions. He inquired if comparisons to other contracts had been done.

City Attorney Reisman clarified the agreement was negotiated.

Council Member Grose stated there were items missing from this contract that were normally required (i.e. additional insured) and felt it would be beneficial to postpone the item. He indicated the importance of fine tuning the agreement and addressing all Council's concerns including insurance coverage through CJPIA.

Police Chief Mattern stated Staff was close to implementing the program which required hiring process of a new Officer. He requested Council consider conditionally approving the agreements in a form to be approved by the City Attorney, to allow the process to continue moving forward.

Mayor Pro Tem Graham-Mejia indicated the items of concern were the indemnification and payment and felt Staff could modify these. She stated the City Attorney had indicated the agreements were acceptable and cautioned Council against not entrusting the professionals to compete their tasks. She indicated there were no additional risks and it was feasible to move forward. She stated she did not have any concerns about an officer responding to a call on the weekends and called for the question. She withdrew her call.

Council Member Murphy inquired the process to instruct Staff for additional negotiations.

City Attorney Reisman stated the subject did not meet Closed Session criteria and instruction needed to be given during open session. He added

he could renegotiate, but without specific Council direction he did not anticipate composing an acceptable agreement.

Motion/Second: Murphy/Edgar

Motion: Direct the City Attorney to negotiate a contract he is comfortable with.

Mayor Pro Tem Graham-Mejia made a substitute motion to move forward with the recommended action and direct City Attorney to address concerns regarding payment dates.

Motion died for lack of a second.

City Attorney Reisman stated it was the Council's intent to direct him to negotiate a position he was comfortable with that would involve indemnification on the District's side.

Mayor Kusumoto inquired if the indemnification would cause the District to withdraw its support.

City Attorney Reisman indicated he was uncertain.

Mayor Kusumoto and City Attorney Reisman reviewed the different liability scenarios with or without a contract.

Council Member Edgar inquired the mechanism for how CJPIA rates work with increased claims.

City Attorney Reisman indicated it was his experience that increased claims would term back to the City. He stated his impression was increased obligations on an item like this would not increase rates; however, that information had not been verified.

Council Member Grose stated he would like to see the payment terms clarified. He added similar SRO agreements could be used to argue the need for cross indemnification.

City Attorney Reisman concurred.

Council Member Grose inquired if sufficient direction had been received.

City Attorney Reisman answered in the affirmative and clarified if he was unable to secure the cross indemnification, the item would come back to Council.

Council Member Grose indicated Council would be having a Special meeting on July 29<sup>th</sup> and the item could be added to that agenda if needed so the process would not be delayed.

Mayor Pro Tem Graham-Mejia stated Staff had been given direction to include cross indemnification and move forward; however, if cross indemnification was not provided, the item would come back to Council.

Council Member Edgar inquired if an agreement was necessary.

City Attorney Reisman stated in order for payment to be received, a contract needed to be in place.

Mayor Kusumoto stated the motion on the floor was to direct the City Attorney to renegotiate a contract he was comfortable with that included cross indemnification.

Mayor Pro Tem Graham-Mejia stated she thought the direction was to verify coverage with CJPIA and renegotiate based on the advice received.

City Attorney Reisman clarified CJPIA could not confirm cross indemnification. He stated Staff would clarify coverage if the District was indemnified under the agreement. If CJPIA confirmed, Staff would renegotiate with the District for cross indemnification. If denied, Staff would provide examples of similar language in similar contracts.

Mayor Pro Tem Graham-Mejia reiterated her understanding the direction was just to verify coverage.

Council Member Grose indicated direction was to give City Attorney authority to renegotiate.

Council Member Murphy stated the item would come back to Council at the July 29<sup>th</sup> Special meeting.

City Attorney Reisman verified the item would come back to Council with or without an agreement.

Council Member Grose stated support for Staff continuing the process.

Motion/Second: Murphy/Edgar

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote): The City Council directed the City Attorney to renegotiate with Los Alamitos Unified School District to include an indemnification clause and to bring the item back to Council on July 29<sup>th</sup>.

**Roll Call Vote**

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Murphy	Aye
Mayor Pro Tem Graham-Mejia	No
Mayor Kusumoto	No

Mayor Pro Tem Graham-Mejia stated she had voted no because she felt Council should rely on Staff's recommendations and utilize its expertise.

**TIME LIMITS**

Per Resolution 2013-09 "Council Meeting Time Limits", City Council consensus was reached to discuss Item 9A and postpone Items 9B and 9C. Mayor Kusumoto requested Council send items of interest for Item 10A to Interim City Manager Korduner within two weeks and postponed the item.

**RECESS**

City Council took a brief recess at 9:48 p.m.

**RECONVENE**

City Council reconvened in Regular session at 9:58 p.m.

**9. DISCUSSION ITEMS**

**A. Designation of Voting Delegate and Alternate for the League of California Cities' 2013 Annual Conference (City Clerk)**

The League of California Cities Annual Conference will be held in Sacramento, September 18-20, 2013. The League is requesting City Council designation of a Voting Delegate to the Annual Business Meeting.

Interim City Manager Korduner summarized the Staff report, referring to the information contained therein.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council:

1. Appointed Mayor Pro Tem Graham-Mejia to serve as the City's Voting Delegate for the League of California Cities 2013 Annual Business Meeting; and,
2. Appointed Mayor Kusumoto to serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence.

**B. Approval of Request for Proposals (RFP) for Video Archive and Meeting Agenda Management (City Clerk)**

This report recommended actions to begin facilitating the implementation of online video archiving and possible agenda management.

**Item was postponed.**

Recommendations:

1. Approve the RFP for Video Archive and Meeting Agenda Management; and,
2. Authorize Staff to advertise and solicit the Request for Proposal; or,
3. Action as Council deems appropriate.

**C. Consideration of the Legislative Platform for 2013 (City Manager)**

The Legislative Action Report identifies the City's Legislative Platform for 2013 and provides program procedures for the City to effectively participate in the legislative process. This item was continued from May 20, 2013, and June 17, 2013, Council meetings.

**Item was postponed.**

Recommendation: Adopt Resolution 2013-13, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE 2013 LEGISLATIVE PLATFORM."

**10. MAYOR AND COUNCIL INITIATED BUSINESS**

**A. Request for Follow-up Meeting with Congressman Alan Lowenthal (Mayor Kusumoto)**

On April 4, 2013, Mayor Warren Kusumoto, Council Member Troy Edgar, Interim City Manager Gregory D. Korduner and Director of Community Development Steven Mendoza met with the Honorable Alan Lowenthal. Mayor Kusumoto is requesting a follow up meeting with the Congressman.

**Mayor Kusumoto requested Council send items of interest for Item 10A to Interim City Manager Korduner within two weeks and postponed the item.**

City Council consensus was received to continue with Item 10C, 11, and 12.

## C. Council Announcements

Mayor Pro Tem Graham-Mejia discussed the following topics: requested Traffic Commission consider a cross walk on Los Alamitos Blvd. at Florista and Southland Credit Union; requested the Traffic Commission look at the I-405 project; requested the Rossmoor Community Service District meeting be posted on the City's website; reported attendance at the Orange County Vector Control District meeting; she requested consideration for a larger firework budget; congratulated Susan Brown and Rick DeLeon for their service to the City; and, wished departing Finance Director Brooks success in his future endeavors.

Council Member Murphy discussed the following topics: congratulated Staff on a fabulous 4<sup>th</sup> of July firework show; congratulated Producer John Underwood for his exemplary work; acknowledged Congressman Lowenthal for last two appearances in the City; success of the Sugar Beet Festival; and, requested a Garage Fund discussion be agendized.

Council Member Grose discussed the following topics: congratulated Larry Strawther and Diana Hill on the Sugar Beet Festival; support for the new location of the fireworks; stated a list of activities he was involved with can be found on his website [www.losalnet](http://www.losalnet); requested a finalized copy of the budget; and, requested month to month or quarterly reports to track the budget.

Council Member Edgar discussed the following topics: attendance at the planeside honor for the Arizona Fire Fighters; attendance at Precious Life event; attendance at the Sugar Beet Festival; the 2014 Cypress Americana Awards; Cypress Community Festival; maintaining a relationship with the City of Cypress; recent retirements and promotions in the Police Department; requested a letter of opposition be signed by the Mayor regarding OCERS unfunded liability decision and support for the current assumption of 7/25% over 25 years; requested options besides CJPIA for self insurance be agendized for September; and, thanked Council for its support regarding OCTA.

Mayor Kusumoto stated support for platforming against OCERS negative amortization.

Council Member Edgar requested an update regarding the City of Irvine and the Orange County Fire Authority.

Mayor Kusumoto, OCFA Board of Directors Delegate, gave a brief overview of Irvine's request for an assessment and resolution. He indicated agencies pay based on taxes paid by property owners. As South County builds and expands, their property taxes increase. OCFA Chief

Zeller is working to provide rough figures. The City of Irvine would consider membership decisions in 2020.

Mayor Kusumoto reported attendance at the promotion of four Police Officers with Mayor Pro Tem Graham-Mejia and congratulated Staff on the 4<sup>th</sup> of July event.

**11. ITEMS FROM THE CITY MANAGER**

Interim City Manager Korduner stated nothing at this time and indicated his vantage point on 4<sup>th</sup> of July was great.

Shelly Henderson requested to speak and commended Southland Credit Union for the support of the Sugar Beet Festival.

**12. CLOSED SESSION**

City Attorney Reisman read the titles of Item 12A and 12B aloud.

**A. PUBLIC EMPLOYEE APPOINTMENT**

Title: City Manager  
Authority: Government Code Section 54957

**B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Authority: Government Code Section 54956.9 (d)(4)  
Potential Cases: One (Proposed Prologis Development, City of Cypress)

**RECESS**

City Council recessed into Closed Session at 10:28 p.m.

**RECONVENED**

City Council reconvened in Regular Session at 11:03 p.m.

City Council provided direction to the City Attorney.

**13. ADJOURNMENT**

The City Council adjourned at 11:03 p.m.

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Warren Kusumoto, Mayor

Attest:

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Windmera Quintanar, CMC, City Clerk

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

**SPECIAL MEETING – July 29, 2013**

FOR THE CITY OF LOS ALAMITOS  
BY: [Signature] CLERK  
DATE: [Signature] CLERK  
AT THE ABOVE SPECIAL MEETING.

**1. CALL TO ORDER**

The City Council met in Special Session at 6:01 p.m., Monday, July 29, 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  
Cary Reisman, City Attorney  
Lisa Kranitz, Assistant City Attorney  
Corey Lakin, Community Services Director  
Steven Mendoza, Community Development Director  
Tom Oliver, Planning Aide  
Windmera Quintanar, CMC, City Clerk

**3. 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 3A.

Motion/Second: Edgar/Murphy

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

**B. Resolution No. 2013-19 – Designation of City Treasurer (Finance)**

This report sought consideration of a resolution designating Linda Magnuson, Interim Finance Director, as City Treasurer.

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

**C. Increase of Contract Amount with Fuscoe Engineering, Inc. for the Development of Annual Program Effectiveness Assessment (PEA) for Annual NPDES Reporting (Community Development)**

To address new County requirements for the annual filing of the NPDES Program Effectiveness Assessment (PEA), a new scope exceeding the City Manager's \$10,000 authority must be approved by the City Council.

The City Council authorized the City Manager to execute a Professional Services Agreement Amendment with Fuscoe Engineering, Inc. to prepare the 2012-2013 Program Effectiveness Assessment (PEA) including additional County requirements not to exceed \$14,595.

**End of Consent Calendar**

**Items Pulled from the Consent Calendar**

**A. School Resource Officer Agreements (Police)**

The purpose of this report was to request authorization for the City of Los Alamitos to enter into agreements with the Los Alamitos Unified School District and the City of Seal Beach to share costs for the School Resource Officer.

Mayor Pro Tem Graham-Mejia applauded her fellow Council Members for directing Staff to secure the dual indemnification before approval.

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: Graham-Mejia/Murphy  
Unanimously Carried: The City Council:

1. Authorized the Mayor to execute the Agreement between the City of Los Alamitos and the Los Alamitos Unified School District for the School Resource Officer; and,
2. Authorized the Mayor to execute the Agreement between the City of Los Alamitos and the City of Seal Beach for the School Resource Officer.

**4. SPECIAL ORDERS OF THE DAY**

**A. Introduction to the Housing Element's Senate Bill 2 Requirements**

This report provides the City Council with a general overview of Zoning Ordinance Amendment (ZOA) 12-03 that addresses Housing Element requirements imposed by California Senate Bill 2 for subjects such as Emergency Shelters, Transitional & Supportive Housing, and Single Room

Occupancy (SRO) units that will be addressed at a future regularly scheduled public hearing. Tonight's meeting will allow the Assistant City Attorney to properly prepare the City Council for the August 19, 2013 required public hearing on this topic.

Community Development Director Mendoza gave a brief introduction and introduced Assistant City Attorney Kranitz.

Assistant City Attorney Kranitz summarized the Staff report referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the City Council.

Mayor Pro Tem Graham-Mejia asked for clarification on the different zoning.

Community Development Director Mendoza pointed out the different high density areas that are zoned for apartments.

Council Member Edgar stated he held a position on the Casa Youth Shelter Board and inquired if he had a conflict of interest.

Assistant City Attorney Kranitz inquired if it was a non-paid position on a non-profit board.

Council Member Edgar answered in the affirmative.

City Attorney Reisman stated there was no conflict.

Council Member Edgar stated he appreciated the due diligence the Planning Commission had done to date and inquired if the Commission had any concerns.

Community Development Director Mendoza indicated the Commission's outstanding issue dealt with abandoning a development using reasonable accommodations. He added the concern had been addressed in the amendments.

Council Member Edgar stated he had attended the Planning Commission and spoke as a resident. He had stated concern since he was in the intended zoning area.

Assistant City Attorney Kranitz stated the first draft of the ordinance included the R2 zone; however, after Planning Commission discussion, it was decided Emergency Shelters would be better suited in the PM zone.

Council Member Edgar inquired what the approval process was.

Assistant City Attorney Kranitz stated State Law requires at least one designated zone for Emergency Shelters. She stated Council could choose an alternate zone to allow the use. She pointed out without including Emergency Shelters in a zone the City would have a noncompliant Housing Element.

Council Member Edgar inquired if the Municipal Code was updated to allow the use, if it would still need to go through an approval process.

Assistant City Attorney Kranitz stated Emergency Shelters with 20 beds were permitted as of "right" and the City did not have discretion according to State Law.

Council Member Edgar inquired why the R3 parking standards were being relaxed. He stated concern for protecting the quality of life in Los Alamitos and the existent traffic problems. He stated that relaxing parking standards seemed counterproductive to the General Plan and inquired if the policy could be stricter.

Assistant City Attorney Kranitz explained the Housing Element purposes and indicated the last Housing Element was approved in December 2009. At that time, Housing and Community Development (HCD) had indicated the parking requirements negatively impacted development feasibility and the City needed to review and reduce specific requirements. By adopting the Housing Element, the City agreed to do such.

Council Member Edgar inquired which requirements were mandatory and stated support for implementing the minimum legally required and protecting the quality of life. He inquired if credit was received for organizations such as Casa Youth that provided transitional housing. He stated he could not follow the strategy.

Community Development Director Mendoza clarified the relaxed parking standards were only for studio or affordable housing developments. He stated that type of housing was not marketable in Los Alamitos because of the school districts. He indicated it was important to have a compliant approved Housing Element.

Council Member Edgar inquired if the process could be drawn out to ensure it was being done correctly. He inquired the amount of CDBG funding the City would lose if it was noncompliant. He indicated the City did not have a lot of development and did not receive a lot of State funding. He inquired if Staff had researched the cost of a potential developer lawsuit.

Community Development Director Mendoza stated he had not researched potential legal cost. He stated the City had received approximately \$100,000 in CDBG funds last year and \$200,000 the year before that.

Council Member Grose recalled when housing rates fell and homes were purchased and later turned into halfway homes that resulted in State legislation, and inquired if this item was related. He thought that situation would not occur in Los Alamitos due to the School District, lack of availability, and such a buyer would not be focused in this area.

Community Development Director Mendoza stated SB2 laws were developed before the mentioned Newport cases. He added surrounding cities were adopting the regulations now to ensure compliance with adopted Housing Elements.

Council Member Grose stated it was a factor of protecting the City in the future and felt there was some latitude. He reiterated he did not believe the City would be faced with the demand for Emergency Shelters to any major extent.

Community Development Director Mendoza stated the economics of Los Alamitos did not lend itself to such, but they could change and this would allow guidelines for those uses in Los Alamitos.

Mayor Pro Tem Graham-Mejia referred to page 9 of the Staff report regarding exceptions, and inquired what formula was used to decide how many emergency shelters and transitional housing units a City was required to have. She stated support for caring for the elderly and homeless families, but was concerned about changing the makeup of the City and protecting the residents.

Assistant City Attorney Kranitz stated based on the adopted Housing Element, the City needs to show space for 121 individuals.

Mayor Pro Tem Graham-Mejia inquired how the number was determined and if it could be adjusted.

Assistant City Attorney Kranitz stated it was calculated by taking the percentage of Countywide homeless population and applying the same percentage to Los Alamitos.

Mayor Pro Tem Graham-Mejia indicated Los Alamitos was a personal community that had many nonprofit groups that assist those in need. She stated concern for the State mandating the City to take in the overflow from neighboring cities. She indicated she had voted no when this item was previously addressed and felt the City should send a letter of opposition to the State.

Council Member Murphy stated support for meeting the minimum legal requirements. He supported additional discussion along with those guidelines.

Mayor Kusumoto asked for clarification if the count of 21 homeless beds was a percentage based off the County.

Assistant City Attorney Kranitz answered in the affirmative and clarified it was based on Los Alamitos population and the County did not impose such.

Community Development Director Mendoza added a city's fair share is based off the County's need, averaged out to the cities, based on population. He clarified the City was not absorbing surrounding cities numbers and was only accounting for its fair share based on the City's population.

Mayor Kusumoto commented if a City had a higher population of homeless, the burden would be on Los Alamitos.

Community Development Director Mendoza stated the counter argument was those cities provided additional services, therefore the burden was on them.

Mayor Kusumoto referenced Villa Park and indicated the same formula was applied to them although they likely had a lower number than Los Alamitos. He inquired the cost of noncompliance regarding CDBG and State funds.

Community Development Director Mendoza indicated approximately \$500,000.

Planning Aide Oliver stated there would be the additional cost of having to do a Housing Element more frequently.

Community Development Director Mendoza indicated the City would use a consultant and it cost approximately \$30,000.

Council Member Grose inquired if it was mandated to accept the homeless population figure or if it was formulated as a guide for cities.

Community Development Director Mendoza stated the figure was not a State mandate, it was provided a guide.

Mayor Kusumoto inquired what funds were at risk besides CDBG.

Interim City Manager Korduner stated State Park funds.

Community Development Director Mendoza stated an additional risk would be the uses are allowed where the State designates them versus where the City would prefer them.

Mayor Kusumoto stated he would like to see hard numbers of what was at risk. He indicated the figures would be beneficial in understanding exactly what was at risk. He stated a preference for a slower process.

Council briefly discussed the affordable housing project in Seal Beach.

Mayor Kusumoto inquired if Seal Beach was also in the process of updating their Housing Element.

Assistant City Attorney Kranitz stated all Southern California Association of Governments (SCAG) region cities were working on completing Housing Elements by October.

Mayor Pro Tem Graham-Mejia stated support for taking care of residents of Los Alamitos that needed assistance. She reiterated her concern of providing housing for surrounding cities and her desire to lobby against such mandates if feasible.

Council Member Grose stated his belief the City only needed to allow for the service and was not obligated to provide the service.

Mayor Pro Tem Graham-Mejia stated she understood the mechanics and reiterated as a platform, she would like Los Alamitos to provide for Los Alamitos residents and did not feel the City should be expected to take in other cities numbers.

Council Member Grose indicated he was unsure if the City was able to hinder nonresidents.

Mayor Pro Tem Graham-Mejia agreed.

Council Member Edgar inquired what the process for starting an emergency shelter or transitional housing is and what notification would be made.

Community Development Director Mendoza indicated the project would not come to the City for any level of approval unless there was construction, and the owners would occupy the home like any other buyer. He clarified there was a separate process for residential care facilities.

Council Member Edgar inquired what remedies were available to community members should their quality of life down be negatively affected.

Assistant City Attorney Kranitz stated remedies were limited unless there were a lot of nuisances and police calls.

Council Member Edgar inquired if theoretically residents could call and complain to raise the nuisance level.

Assistant City Attorney Kranitz clarified the calls would need to be grounded and based on problems caused by the home.

Council Member Edgar inquired if there was anything that could be done to stop the process at the Planning Commission Level.

Assistant City Attorney Kranitz answered in the negative and added State law already allows for such uses.

Council Member Edgar stated this item was just for information and Council could not influence the decision since it was State law.

Assistant City Attorney Kranitz stated the use was already allowed without being called out in the City's Municipal code.

Mayor Pro Tem Graham-Mejia referred to the Staff report and asked for clarification of the exception for announcing transitional housing.

Assistant City Attorney Kranitz stated the law is transitional housing needs to be treated the same as every other case in the City. If the City were to announce the details of every home purchase, then it could list transitional housing.

Mayor Pro Tem Graham-Mejia stated the Council had addressed all perspectives and did not have any remedies. She stated the issue could be lobbied against in the future.

Mayor Kusumoto opened the item for public comment.

Art DeBolt, resident, spoke regarding the following topics: desire to know if a business was being run in his neighborhood; opposition to relaxing R3 parking standards and support for a process that would allow owners to request an exception; requested additional clarification regarding the decision maker for reasonable accommodations; opposition to requirement to remove the structure; and, support for notifying residents.

Jody Shloss, resident, spoke regarding the City of Cypress adoption of the Housing Element and supported Staff researching a modification to 121 figure.

Assistant City Attorney Kranitz briefly addressed the following concerns: HDC had required, and the City had agreed, the City would remove impediments and relax the parking standards; she stated the State did not mandate the process for approval and the City could readdress if desired; the City was

required to show it could accommodate 121 units for homeless and remove existing barriers per its adopted Housing Element; the number could be revised in the next Housing Element adoption; and, addressed the penalties from HDC's website for a noncompliant Housing Element.

Ms. Shloss stated the residents of Los Alamitos should vote on whether or not they wanted grant funds or such housing.

Mayor Kusumoto closed the item for public comment.

Council Member Edgar recalled the 2009 Housing Element and advised he was focused on the Regional Housing Needs Assessment (RHNA) numbers. He stated the 121 could theoretically be lowered and inquired how many units the City already has and what credits could be used.

Assistant City Attorney Kranitz explained the process for credit. She added the number could not be revised now; it would need to be done in the next Housing Element.

Council Member Edgar stated support for taking inventory of the available units to apply towards the 121 required units and stated support for having a procedure to work through for approval.

Assistant City Attorney Kranitz indicated the policy could be redrafted to have requests go the Planning Commission instead of the Community Development Director. She added the process was not mandated by State; however, the City needed a starting point.

Council Member Murphy inquired how many of the 121 beds were already accounted for.

Community Development Director Mendoza indicated approximately 37.

Council Member Grose inquired if hotels could be applicable in the same way.

Assistant City Attorney Kranitz stated that would be dependent on whether or not Single Room Occupancy (SRO) could go into the zones the hotels are in as of "right".

Mayor Pro Tem Graham-Mejia requested Staff inquire with the churches regarding temporary housing in hotels.

Council Member Murphy referred to the removal of impediments and stated support for removing the clause.

Assistant City Attorney Kranitz indicated the impediments were required to be removed when the cost to remove them would exceed 25% of the value. She indicated documentation needed to be submitted for reasonable accommodations and the City had not had any.

Mayor Pro Tem Graham-Mejia stated concern for accepting grant funds that committed the City to unfavorable accommodations. She indicated support for reasonable accommodations coming directly to Council to negate any delays in the process. She inquired if a family were to take in an elderly parent and added on to their home, if they would be required to remove the addition.

Assistant City Attorney Kranitz indicated if the structure did not exceed standards, they would only need a building permit. She indicated it would only be considered a reasonable accommodation if it was exceeding standards (i.e. pushing into the setback).

City Attorney Reisman advised elderly did not necessarily equate disabled.

Mayor Pro Tem Graham-Mejia stated concern for requiring modifications be removed. She indicated certain items could be reasonable (i.e. elevators), but did not feel it should be a standard procedure.

Assistant City Attorney Kranitz clarified if removal was required, residents could apply for a variance. She indicated 25% was not a set value and was only a starting point for Council to consider as a process needed to be established for reasonable accommodations.

Council Member Grose inquired if the proposed changes would fit in with the General Plan changes.

Community Development Director Mendoza stated the changes would be made to the Housing Element that is a section of the General Plan. All changes will be in the Zoning Code.

Council Member Grose inquired if the changes were compatible.

Community Development Director Mendoza stated if the Housing Element is approved by Council and the State, it would be good for eight years.

Council Member Grose referred to Senator Correa's desire to meet with local officials. He stated support for attending to express Council's desire for more local control. He stated he would report back on the dialogue.

Mayor Kusumoto inquired Council's preference for the process regarding reasonable accommodations.

Council Member Edgar and Council Member Grose stated support for Planning Commission review.

Mayor Pro Tem Graham-Mejia stated concern for causing unreasonable delays and felt the process would be delayed if required to go to Planning Commission before the City Council.

Assistant City Attorney Kranitz stated the regular procedure is for Planning Commission recommendation with appeal to the City Council. She advised having a different procedure than usual may appear to be slowing the process down.

Council Member Edgar stated support for remaining consistent with the Planning Commission approval and appeal to the City Council.

Mayor Kusumoto agreed.

City Attorney Reisman advised the item was for discussion only and action was not required or permitted.

Mayor Kusumoto closed the item.

Mayor Kusumoto inquired if anyone present would like to speak on items 3B or 3C. No one present wished to speak.

Mayor Pro Tem Graham-Mejia requested a quick update on the coyote issue.

Interim City Manager Korduner advised signs had been placed to advise residents and Staff was meeting with the appropriate parties to prepare for trapping. He advised Staff was keeping a close watch on the issue and being diligent.

## **5. CLOSED SESSION**

### **A. PUBLIC EMPLOYEE APPOINTMENT**

Title: City Manager

Authority: Government Code Section 54957

City Attorney Reisman read the title of Item 5A aloud.

## **RECESS**

The City Council recessed into Closed session at 7:50 p.m.

## **RECONVENED**

The City Council reconvened in Special session at 8:55 p.m.

There was no reportable action.

**6. ADJOURNMENT**

The City Council adjourned at 8:55 p.m.

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Warren Kusumoto, Mayor

Attest:

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Windmera Quintanar, CMC, City Clerk

## MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

**SPECIAL MEETING – August 5, 2013**

THESE MINUTES ISSUED FOR  
INFORMATION ONLY AND ARE  
SUBJECT TO AMENDMENT AND  
APPROVAL AT NEXT MEETING.

### 1. **CALL TO ORDER**

The City Council met in Special Session at 7:00 p.m., Monday, August 5, 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: Lisa Kranitz, Assistant City Attorney  
Corey Lakin, Community Services Director  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Director  
Tom Oliver, Planning Aide  
Windmera Quintanar, CMC, City Clerk

### 3. **SPECIAL ORDERS OF THE DAY**

#### A. **Town Hall Meeting - Draft Land Use Plan of the General Plan**

A Town Hall meeting was held to provide an opportunity for additional public input into the Draft Land Use Plan.

Community Development Director Mendoza summarized the Staff report, referring to the information contained therein, and provided the layout for the meeting.

### **RECESS**

The City Council took a brief recess at 7:09 p.m. to review the posted information and interact with the public in attendance.

### **RECONVENE**

The City Council reconvened in Special session at 7:37 p.m.

Community Development Director Mendoza introduced Colin Drucker, The Planning Center.

Colin Drucker, The Planning Center, gave a PowerPoint presentation summarizing the General Plan process to date.

Community Development Director Mendoza thanked Council for the opportunity and stated the next step would be to allow for question and comments from the public.

Mayor Kusumoto opened the item for public comment.

Mike Wilson, Cottonwood Church, referred to opportunity site 1 and stated his belief that due diligence was not given to the site. He believed surrounding owners were given more consideration. He requested overlay zoning.

Community Development Director Mendoza stated all parties were given equal opportunity to communicate with Staff. He stated Staff believed a mixed use at this site would be considered spot zoning, which Staff tried to avoid. Staff and the Commission believed retail would not work well at this site and evaluated the surrounding residential uses. He indicated there were ways to amortize uses and the Commission and Staff were willing to work with owners.

Mr. Wilson inquired if the church could not be amortized.

Community Development Director Mendoza stated the church was a residential use and not a conflicting use.

Mr. Drucker added Staff went through all the sites with zoning changes. He indicated some property owners were agreeable, while others had questions. He stated the zone change recommendation to residential would be a better use and the church could still continue to function.

Mr. Wilson reiterated his desire for an overlay versus a straight zone change and did not feel it would be spot zoning.

Bob Acuff, SuperMedia representative, spoke regarding opportunity site 7. He stated opposition to the proposed land use change from professional office to retail and stated support for a land use change to residential.

Ashish Katana, Shopoff Group, stated he was a developer in contract with SuperMedia to buy the property. He stated support for having the site be residential or mixed use with some retail, but primarily residential. He indicated he had done studies that show traffic impacts would be four times worse with retail versus residential use. He indicated residential would be in harmony with the elementary school behind the property. He indicated with primarily residential across the street in Rossmoor and the lack of feasibility in his current studies for pure retail development, he strongly supported residential for this site.

Larry Strawther, Rossmoor resident, inquired why mixed use was not considered on the North side of Florista. He indicated it was a natural corridor

and felt the City would be eliminating individual initiative by limiting possibilities.

Mr. Drucker stated that was considered and is the reason the City is looking at expanding the R2 designation to include live/work. He stated it was appropriate to allow the uses to occur in a single family structure due to the high value of homes. It would not be feasible for a developer to buy the homes, tear them down, and rebuild them.

Mr. Strawther inquired if that limited the uses as his understanding was an owner had to occupy the property for a live/work situation.

Mr. Drucker indicated live/work could be defined in different ways. It would be at the discretion of the Council to have owner/occupant or lease space requirements.

Community Development Director Mendoza added it was Staff's experience with recent vacant parcels that developers could not rationalize demolishing homes to build something else. He stated the "throw away" cost was too high as the property value was not devalued enough to make it affordable.

Mr. Strawther stated concern for the City making the decision.

Community Development Director Mendoza stated zoning is always changeable.

Mr. Drucker explained how a live/work situation on an individual basis could initiate change in a neighborhood and that it left the decision up to the individual owners.

Community Development Director Mendoza stated it was important to evoke change and financial feasibility. He indicated Staff would revisit the idea.

Gina Biri, resident, inquired if it was difficult to do an EIR without having tenants in mind.

Community Development Director Mendoza stated an EIR could be based off of use and explained how the use, square footage, traffic, etc. were taken into consideration.

Ms. Biri inquired if ranges were used.

Community Development Director Mendoza stated the counts were precise and an industry standard.

Ms. Biri inquired who would do the EIR.

Community Development Director Mendoza stated The Planning Center.

Mr. Drucker added the Traffic Engineer was a subcontractor.

Ms. Biri stated support and indicated traffic comes to mind first.

Candy DeWitt-Drucker, resident, stated support for mixed use at the SuperMedia site. She stated the open space in the City is limited and expressed support for requirements of open space on the site. She stated an interest in preserving St. Isidore Historical Plaza.

Mr. Drucker indicated the concerns were related to the General Plan policies. He clarified while the Land Use Element is the most visible component; there is a policy component to the General Plan as well. He clarified the concern might not necessarily be a land use change, but there might be a policy that Council adopts along those guidelines.

Community Development Director Mendoza added there was currently a certain amount of acres per head in the City and the City's intent was not to decrease that ratio. He stated if the EIR showed a decline in those ratios, Staff would reconsider the proposals.

John Underwood, resident, requested clarification on Open Space. He stated support for a community garden and felt with some creative thinking a location could be designated. He referred to the Flood Control land.

Community Development Director Mendoza indicated a zoning change would not be required as it was proposed to remain Open Space and a community garden would be allowable. He stated a zoning change was not recommended due to the lack of feasibility of residential or commercial.

Mr. Drucker stated there was a difference between electrical rights of way and flood control land. He indicated the flood control does not allow for anything to be put into the ground that would impede the flow. He added a policy discussion did take place regarding a community garden, and the conclusion was that there was lack of access and limitations by the flood control. He stated should the property ever become available the City could explore Open Area uses.

Mr. Underwood asked for clarification that it was not precluded.

Community Development Director Mendoza indicated it was restrictions by the land owner.

Mr. Underwood inquired if the park on the Southern California Edison (SCE) easement could be utilized for community use.

Community Development Director Mendoza stated it would be used as a park as prescribed by the lease and grant.

Mr. Underwood inquired if a community garden was precluded from the area.

Community Development Director Mendoza answered in the affirmative, clarifying it would be difficult to change the lease and requirements of funding.

Mr. Underwood inquired if SCE was non-negotiable.

Community Development Director Mendoza indicated that was not included in the original vision and felt the process was closed. He indicated if a community garden was needed, another location would need to be determined.

Mayor Kusumoto closed the item for public comment.

Mayor Kusumoto stated the comments would be accepted as part of the record.

Mayor Pro Tem Graham-Mejia inquired if Staff was open to interviewing people in the audience for input at a later date.

Community Development Director Mendoza answered in the affirmative and added that residents could fill out a comment card or send emails and Staff would do their best to respond.

Council Member Murphy thanked everyone for participating and stated appreciation for the great turn out.

Council Member Edgar appreciated the feedback. He reported he had received concern regarding the possible future use of the Joint Forces Training Base (JFTB) and the community's concern the City did not have a preemptive plan. Surrounding cities were taking the JFTB into consideration and residents were concerned the City was not. He stated support for Arrowhead and the business it does in the City. He agreed that preservation of St. Isidore Historical Plaza, specifically the chapel, was important. He indicated there was development excitement in the community with the hospital construction, Chase bank, and Spin Pizza. Lastly, he stated the City did not have jurisdiction over the proposed lights at the high school field.

Mayor Kusumoto thanked everyone for participating and thanked Council for supporting the additional meeting.

**4. ADJOURNMENT**

The City Council adjourned at 8:37 p.m.

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Warren Kusumoto, Mayor

Attest:

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Windmera Quintanar, CMC, City Clerk