

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

**REGULAR MEETING – July 15, 2013**

**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 clarified HOT lanes were originally Option 3 and were now being presented as Option 1. 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 statics 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.

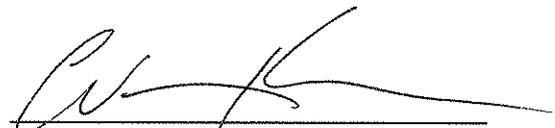
**RECONVENED**

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.

  
Warren Kusumoto, Mayor

Attest:

  
Windmera Quintanar, CMC, City Clerk