

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

REGULAR MEETING – September 16, 2013

1. CALL TO ORDER

The City Council met in Regular Session at 5:00 p.m., Monday, September 16, 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
Tony Brandyberry, Public Works Superintendent
Dave Hunt, City Engineer
Corey Lakin, Community Services Director
Linda Magnuson, Interim Finance Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager
Authority: Government Code Section 54957

B. CONFERENCE WITH LABOR NEGOTIATOR

Title: Conference with Labor Negotiator
City Negotiator: Gregory D. Korduner, Interim City Manager
Represented Employee: Los Alamitos Police Officers Association
Authority: Government Code Section 54957.6

Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9. Three potential cases.

D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

City Attorney Reisman read the Closed Session titles aloud.

RECESS

City Council recessed into Closed Session at 5:02 p.m.

RECONVENE

City Council reconvened in Regular Session at 6:04 p.m.

City Attorney Reisman advised there was no reportable action for the two items discussed and the remainder of the items would be discussed before adjournment.

4. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Graham-Mejia led the Pledge of Allegiance.

INVOCATION

Council Member Grose gave the invocation.

5. PRESENTATIONS

A. Presentation of a Proclamation to Chief Robert Acosta, Orange County Fire Authority, for Fire Prevention Week

The Mayor and Council presented a Proclamation to Chief Acosta. Chief Acosta spoke briefly.

B. Presentation by Sandy Lamoureux, Friends of the Los Alamitos Rossmoor Library (LAR), regarding Support The Community Front Porch Project

Ms. Lamoureux gave a PowerPoint presentation and answered questions from the City Council.

C. Presentation by Robert Hanford, Orange County District Manager for Golden State Water Company, regarding Orange County Water District Annexation Issues

Mr. Hanford gave a presentation and answered questions from the City Council.

Council Member Edgar indicated he understood the approach of no capitalization on the front end and inquired if more users would make future improvements more affordable.

Mr. Hanford answered in the negative and added the supply was finite.

Council Member Edgar indicated there were no annexation financials available. He indicated there was not enough information of what was being requested to make a determination. He stated he was interested in learning more about Golden State Water's (GSW) perspective as he was already aware of the Orange County Water District's (OCWD).

Mr. Hanford indicated the concern was not GSW's to fix and the decision was up to the agencies.

Council Member Edgar inquired if the purpose of the presentation was to predispose the Council to the information so Council could influence the residents regarding the future rates that could be extraordinarily higher.

Mr. Hanford clarified future rates would not be extraordinary higher and the impact to the pumping percentage would be gradual. He added there would not be an impact to customer billing for this event for three to four years. He indicated GSW was being responsible and proactively sharing the information with Council as the event would have long term impacts on the citizens.

Council Member Edgar indicated citizens are already paying a significant portion towards funding for groundwater replenishment. He felt the capital investment was already made and requested additional information.

Mr. Hanford stated he would be willing to provide Council with a workshop.

Mayor Pro Tem Graham-Mejia and Council Member Edgar expressed interest in a workshop.

Council Member Grose inquired if annexation approval was certain.

Mr. Hanford indicated the process started in 2010. He stated the OCWD would consider the Environmental Impact Report (EIR) at its October 2 Board meeting and comments were already due. He added the OCWD Board would also consider annexation agreements with the annexation districts. If both items are approved on October 2, it would move forward to LAFCO for certification.

Council Member Grose expressed concern the Council was being asked for support so late in the process. He indicated he did not feel a letter of submittal at this point would hold much merit and was unclear if a workshop would be beneficial. He stated he was unsure the Council could influence the process and wished the City had been involved in the EIR stage.

Mayor Pro Tem Graham-Mejia stated support for a workshop to be better informed. She inquired where the funds from the buy in agencies would go.

Mr. Hanford indicated it would be a national offset. He speculated the funding could be used towards OCWD expanding the groundwater replenishment system although that was not being proposed at this time.

Mayor Pro Tem Graham-Mejia clarified the funds paid to join the group would go towards enlarging the capacity of filtered water.

Mr. Hanford stated it would improve the supply to everyone in the basin.

Mayor Pro Tem Graham-Mejia inquired if there were other options available.

Mr. Hanford indicated surrounding cities had submitted letters on May 9th indicating they were not in opposition to annexation, but needed financial offsets.

Mayor Pro Tem Graham-Mejia indicated there had been increases due to infrastructure. She stated support for the proposed annexations being financially responsible since they would have access to the water.

Council Member Murphy inquired what the effect of a letter at this point would be.

Mr. Hanford indicated the concern was Irvine Ranch was a large, powerful, and sophisticated water agency. He stated he was unclear on the effect a letter would make other than a political stance.

Mayor Kusumoto summarized the nature of the business was to have all consumers share in the cost for infrastructure whether or not a direct benefit was received. He inquired what stating support at this point would accomplish for the longer term potential of the residents. He inquired if the costs would be passed through.

Mr. Hanford answered in the affirmative and added GSW would maintain a stewardship role. He stated cost could be offset or mitigated if necessary for GSW customers. He clarified the timing issue was due to the late response to GSW's EIR comments. GSW had received comments less than two weeks ago and had just recently seen the agreements.

Mayor Kusumoto inquired why other cities had been involved in the process early on and Los Alamitos was just now being approached.

Mr. Hanford speculated cities that do not run utilities have multiple responsibilities to focus on. He added as a special district who specializes in water as the only public service provided, GSW is able to focus on the issue of water.

Mayor Kusumoto indicated Huntington Beach and Fountain Valley took a position of not opposed to annexation, but wanting to ensure equitability. He inquired why Los Alamitos had not been informed.

Mr. Hanford indicated he had discussed with previous city Staff and had met with every City Manager that would be affected.

Mayor Kusumoto thanked Mr. Hanford and stated support for a workshop to provide detailed information and an understanding of the financial climate.

Mr. Hanford reiterated there would be no immediate impact to constituents' water bills and development would take years.

Mayor Pro Tem Graham-Mejia stated support for sending a letter for the record that would state there should be a monetary cost to the groups joining. She felt whether or not it impacted the decision, it would be important to have the City's position known.

Mayor Kusumoto indicated the Legislative Platform could be invoked for such.

6. ORAL COMMUNICATIONS

Mayor Kusumoto opened the meeting for Oral Communications.

Mr. Hammond, resident, spoke regarding following the topics: opposition to slurry seal in Greenbrook; concerns regarding recent tricaster purchase process; concerns regarding the September 12 Cable Commission meeting; and, support for giving the LATV Technical Committee responsibilities.

Lisa Lee, Youth Center Community Relations Director, spoke regarding the following topics: thanked community for its support; 38 scholarships available for this year; summer music classes; free drop in after school program; and, thanked the City for providing transportation during the winter holiday.

John Underwood, Cable Commissioner, spoke regarding the following topics: concerns for the September 12 Cable Commission meeting; concerns regarding the emergency requisition of the tricaster; concern for sense of transparency and process; and, concern for the amount of funding going towards van operations while studio operations received minimal support.

Ashish Katana, Shopoff Group, spoke regarding the SuperMedia site and urged Council to consider mixed use zoning.

Alice Jempsa, resident, expressed concern regarding the lack of direction for the Cable Commission and support for replacing the street signs with new metal signs.

Mayor Pro Tem Graham-Mejia requested a status on the street signs.

Public Works Superintendent Brandyberry indicated the signs had been ordered and will be installed in time to meet the 2018 compliance regulations.

Mayor Kusumoto closed the meeting for Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for September 16, 2013, in the amount of \$18,308.71, ratified the Register of Major Expenditures for August 20, 2013, to September 15, 2013, in the amount of \$995,013.06 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 September 17, 2013, to October 20, 2013.

Roll Call Vote

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

8. CONSENT CALENDAR

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

Council Member Grose pulled items 8B and 8K.

Mayor Pro Tem Graham-Mejia pulled items 8C, 8E, 8H, and 8M.

Council Member Edgar pulled item 8G.

Motion/Second: Graham-Mejia/Edgar

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 August 12, 2013.

2. Approved the Minutes of the Regular Meeting of August 19, 2013.

Interim City Manager Korduner thanked City Clerk Quintanar for noting the minutes to clarify the discrepancy regarding the League delegate.

Mayor Pro Tem Graham-Mejia stated her appreciation as well.

Mayor Kusumoto abstained from item 8A1 as he was not present.

Council Member Edgar abstained from item 8A2 as he was not present.

D. Second Reading of Ordinance 13-05 - Zoning Ordinance Amendment (ZOA) 13-03 – Adoption of Reasonable Accommodation Ordinance (Community Development)

At its Regular meeting of August 19, 2013, the City Council conducted a first reading of Ordinance No. 13-05. This ordinance removed governmental constraints to housing for individuals with disabilities. The laws also prohibited discriminatory public or private land use practices, decisions and finally, required that zoning laws be amended to provide for reasonable accommodation. Additionally, Policy Action 3.3 of the City's Housing Element required the City to adopt accommodation procedures.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-05; and,
2. Mayor Kusumoto read the title of Ordinance No.13-05 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE ZONING CODE OF THE CITY OF LOS ALAMITOS BY ADDING A NEW CHAPTER 17.35 TO PROVIDE REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES (ZOA 13-03) (CITYWIDE)"; and,
3. Adopted Ordinance No. 13-05.

F. 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 including ten opportunity sites that may be subject to a land use change at a later date. A Citywide land use concept was drafted and presented to Commissioners through focused joint meetings and to the Planning Commission prior to Council consideration. Council reviewed this Land Use Plan during a June 17, 2013, Study Session and an August 5, 2013 Open House. The Land Use Plan will create the basis for the General Plan Land Use map and the proposed project to be analyzed within the Environmental Impact Report (EIR) under CEQA.

The City Council directed Staff to study the Land Use Plan in the General Plan Environmental Impact Report.

I. Approval of Specifications, and Authorization to Bid for On-Call Concrete Contractor (City Engineer)

This report recommended actions to begin facilitating the construction of various concrete items of work throughout the city to aid the Public Works Department in Removal and Replacement of Curb and Gutters, Cross Gutters, ADA Ramps, Driveway Aprons and Sidewalks in various locations throughout the City.

The City Council:

1. Approved the plans and specifications for the construction of the Miscellaneous Concrete Items Project (CIP No. 13/14-02); and,
2. Authorized Staff to advertise and solicit bid proposals.

J. Race on the Base Shirt Purchase (Recreation)

This item authorized the City Manager to purchase participant and volunteer shirts for the Race on the Base. Every participant in each race receives a shirt as part of his/her registration fee. Race volunteers also receive a shirt. This item was placed on the agenda because the cost of the purchase exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the shirts so there is no impact to the General Fund.

The City Council authorized the City Manager to purchase 2014 Race on the Base participant shirts from Leslie Jordan in an amount not to exceed \$45,000.

L. Amendment No. 1 to Professional Services Agreement with West Coast Arborists, Inc. for Tree Trimming and Related Services (PW)

This item was to consider an amendment to the Professional Services Agreement with West Coast Arborists to increase the total yearly compensation to match the yearly adopted budget. An increase was requested to the Tree Trimming CIP budget of \$20,000 to cover emergency tree related costs.

The City Council:

1. Authorized the Mayor to execute Amendment 1 to the Professional Services Agreement with West Coast Arborists, Inc. for tree trimming and tree related services; and,

2. Authorized the appropriation of \$20,000 from the Traffic Improvement Fund to the Tree Trimming CIP Budget to cover emergency tree removals on Howard Avenue.

End of Consent Calendar

Items Pulled from the Consent Calendar

B. Warrants (Finance)

Council Member Grose referred to the tricast purchase and indicated he was part of the Ad Hoc Committee meeting. He indicated his understanding the tricast had been withheld from its regular repair process and it was needed in six to seven days for van operations. He stated there was no operating funding to purchase the equipment so the Ad Hoc Committee had agreed to purchase it and then request the Cable Commission transfer funds from the reserves to the operating expenses. He clarified the Commission had the opportunity to deny the request. He indicated there needed to be a process in place for future items and hoped the Commission was able to develop an effective and fair policy.

Mayor Pro Tem Graham-Mejia indicated she was also an Ad Hoc Committee member and expressed her frustration with the dysfunction of the LATV. She stated the urgency was due to an upcoming football game that the community took pride in. She stated the involved parties were unable to agree which brought upon this necessary decision. She thanked the Commission for its approval.

Interim City Manager Korduner added administrative offices do receive many complaints when football games are not aired.

Council Member Edgar stated concern for the process. He indicated the Council had a joint meeting to discuss this item and had advised the City Manager to bring in a third party consultant. He expressed concern the purchase was made as an emergency due to an upcoming football game. He added the City Manager has expenditure approval up to \$10,000. He indicated he would vote no because it was not an appropriated expenditure. He stated Council and the Commission needed to establish a policy.

Mayor Pro Tem Graham-Mejia clarified the tricast could be used for things other than football. Due to the interested parties' inability to come to a conclusion, the Ad Hoc Committee reached a point where the City Manager was required to make a decision. She indicated the Council needed to take a firmer stand regarding LATV. She stated although she would like to see the station stay in Los Alamitos, if the disagreements continued she would support moving forward with a Joint Power Authority studio.

Council Member Murphy stated concern for the process. He expressed support, but reminded Council the issue needed to be resolved.

Mayor Kusumoto agreed with Council Member Edgar. He did not feel upcoming sports events was a compelling reason for the purchase, however, the City Manager had the authority to make the purchase. He stated support as the Commission had approved the purchase.

Interim City Manager Korduner reiterated the tricaster was purchased for upcoming events, including Council meetings, not just for football.

Motion/Second: Grose/Graham-Mejia

Carried 4/1 (Edgar cast the dissenting vote): The City Council approved the Warrants for September 16, 2013, in the amount of \$37,468.30, and ratified the Warrants for the time period for August 20, 2013, to September 15, 2013, in the amount of \$89,855.11, and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period of September 17, 2013, to October 20, 2013.

C. Second Reading of Ordinance 13-04 - Zoning Ordinance Amendment (ZOA) 12-03 - Adoption of Senate Bill 2 Requirements (Community Development)

At its Regular meeting of August 19, 2013, the City Council conducted a first reading of Ordinance No. 13-04. This ordinance will approve an amendment to the Municipal Code concerning Senate Bill 2 (SB 2), which requires the City to adopt Code amendments related to emergency shelters, transitional & supportive housing and single room occupancy (SROs).

Mayor Pro Tem Graham-Mejia stated she would vote in opposition to remain consistent with her previous vote.

Council Member Edgar summarized the process to date. He indicated the original planned zoning was R-2 and expressed concerns regarding public safety and quality of life. He had stated opposition at the Planning Commission level. He indicated the Planning Commission had considered the concern and had eliminated R-2 zoning, which left Industrial zoning. He expressed concern regarding the timing as Staff was considering the General Plan. He stated support for rezoning the residential behind Gahnal to R2-1 to differentiate it from the R2 Parkewood neighborhood. He stated he was not supportive of a piecemeal approach

Motion/Second: Grose/Murphy

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

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-04; and,
2. Mayor Kusumoto read the title of Ordinance No. 13-04 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CA MAKING AMENDMENTS TO THE ZONING CODE TO PROVIDE HOUSING OPPORTUNITIES IN COMPLIANCE WITH THE CITY OF LOS ALAMITOS' HOUSING ELEMENT BY AMENDING THE DEFINITIONS RELATING TO VARIOUS TYPES OF RESIDENTIAL USES, SPECIFYING ZONING FOR TRANSITIONAL HOUSING/SUPPORTIVE HOUSING/RESIDENTIAL CARE FACILITIES/ EMERGENCY SHELTERS/ SINGLE ROOM OCCUPANCY UNITS, SPECIFYING STANDARDS FOR EMERGENCY SHELTERS AND SINGLE ROOM OCCUPANCY UNITS, AND AMENDING THE PARKING STANDARDS FOR STUDIOS AND AFFORDABLE HOUSING UNITS (ZOA 12-03) (CITYWIDE)."
3. Adopted Ordinance No. 13-04.

**E. Consolidated Disposal's Public Education and Outreach Program
(Community Development)**

This report provides the details related to the Public Education and Outreach Program conducted by Consolidated Disposal Services (Republic) as a provision of its five-year contract.

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

Mayor Pro Tem Graham-Mejia referred to attachment 2, Annual Multi Family Clean Up Days, and inquired if the unspent portion of the allocated funds rolled over every year.

Community Development Director Mendoza answered in the affirmative and added Consolidated was billed for every event. He indicated four to five events were done the first year, no events were done in the current year, and events were planned to start up again next year.

Mayor Pro Tem Graham-Mejia inquired if the same amount was allocated every year or if the amount rolls over.

Community Development Director Mendoza referenced the far right hand column and indicated the total amount would be spent over five years.

Mayor Pro Tem Graham-Mejia stated she had received several calls regarding the fireworks show and residents who were not able to see the

show from their home. She had spoken with the Recreation department who stated it would cost an additional \$8,000-10,000 to boost the fireworks up higher. She inquired if any of the unspent funds could be applied to the 4th of July.

Community Development Director Mendoza indicated there may be a few areas that could be modified.

Mayor Pro Tem Graham-Mejia requested Council's support as many residents appreciated the 4th of July show.

Council Member Edgar stated at the time the contract was approved it was important to Council to have Consolidated invest back into the community. He referred to Section 6.03 which had specific quantitative numbers and inquired if Consolidated had been released of its contractual obligation to spend \$80,000 in Public Outreach in the first year of its contract.

Community Development Director Mendoza stated to his knowledge the requirement was not waived and it was understood it would be made up in future years.

Council Member Edgar indicated if it was a contractual requirement. He inquired if the \$20,000 payment for LATV equipment had been made.

Interim Finance Director Magnuson answered in the affirmative.

Council Member Edgar inquired if was part of the Public Outreach portion and indicated he did not see where it was accounted for.

Interim Finance Director Magnuson stated she did not believe the payment was part of the public outreach portion since it was for equipment.

Council Member Edgar questioned the accuracy of the spreadsheet.

Community Development Director Mendoza referred to paragraph 6.3 and stated the \$280,000 included \$80,000 the first year and \$50,000 every year thereafter. He indicated the \$20,000 towards LATV was separate.

Council Member Edgar stated concern the contract was not being honored and the \$20,000 was not being recorded properly. He inquired what Consolidated believed it had agreed to.

Sam Hall, Republic, confirmed the \$20,000 towards LATV had been made. He stated his interpretation of the language was the \$20,000 was included in the \$280,000, and was left out of the matrix.

Council Member Edgar stated if \$20,000 was added to the matrix there was not an additional \$10,000 for fireworks. Mr. Hall agreed.

Council Member Edgar inquired if Mr. Hall had an accounting of what was actually spent towards the \$80,000 in the first year.

Mr. Hall indicated he was not present during the first year of the contract, but could provide the information at a later date. He added since he began managing the contract he has had several discussions with Staff regarding the big belly and other items. Republic was ready to move forward once the City made a decision.

Council Member Edgar referred to the Chamber Directory and inquired the mechanics for payment since another agency was involved.

Mr. Hall stated the City approved the use of the funds for that purpose which gave Consolidated the direction to work with the Chamber of Commerce. He indicated there had been some changes and he was working with the Chamber CEO. He added Consolidated would move forward with what the Council approved.

Council Member Edgar expressed frustration nothing had been done with the Chamber two and half years later. He inquired if the Chamber should bill the City or Consolidated directly.

Interim City Manager Korduner indicated Staff was working with the Chamber and Mr. Hall and was still waiting on assistance.

Council Member Edgar inquired how much funding was outstanding.

Johnnie Stroynehyer, Chamber of Commerce, gave the following breakdown of the past due expenses and indicated it was roughly \$8,500. The figure included sponsorships and the redesign of the new website versus creating the directory.

Council Member Edgar inquired what would happen to the \$280,000 if it was not used by the end term of the contract.

Mr. Hall stated his understanding the City would receive the remainder at the end of the contract.

Council Member Edgar referred to the 4th of July and expressed concern for increasing funding for residents who chose not to come to the Joint Forces Training Base. He indicated Consolidated had unilaterally imposed a fee increase on the City and he was concerned with the vendor's performance. He requested Staff reevaluate the compliance Section 6.03 of the contract and ensure everything is on track.

Mayor Kusumoto inquired how many cities had agreements similar to Section 6.03. He inquired about in kind services, direct monetary compensation, and company's finances.

Mr. Hall stated it was not common to have a dedicated amount. He added Consolidated operated off a budget like other companies.

Mayor Kusumoto stated concern for requiring philanthropy from a service provider. He indicated since it was a contractual requirement, it would behoove Mr. Hall to investigate the direct dollars and in kind services spent in relation to the contract. He directed the City Manager to reevaluate what benefits were realized and thanked Mr. Hall for being present.

Mr. Hall stated it was a pleasure to be a partner and invested in the community.

Council Member Grose stated concern for presented information in the attachment as it was misleading and requested a reconciliation of the payments received. He stated preference for third party payments in relation to the contract to go through the City for proper accountability and advised a policy should be established.

Council Member Murphy agreed with Council Member Grose. He inquired what the City's contract review policy was.

Interim City Manager Korduner confirmed Council's concerns would be addressed by Staff.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: The City Council directed Staff to do additional research and provide a spreadsheet which accurately reflects the funds received in relation to Consolidated Disposal Public Education and Outreach Program.

K. Appropriation of \$7,000 from the Los Alamitos Cable TV Fund reserves for the purchase of equipment (Finance)

Each year Los Alamitos Cable TV (LATV) films and broadcasts local athletic events in addition to City Council meetings and other City events. The equipment that has been used included a piece of equipment called a Tricaster which is a computer programmed specifically for video production and live internet streaming. This Tricaster has been in disrepair for quite some time. Since the football season was fast approaching, it was taken in for repairs and it was found that it would be more cost effective to purchase new equipment.

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

Mayor Pro Tem Graham-Mejia stated this item was addressed in the warrants.

Mayor Kusumoto questioned if the warrants were regarding the repair.

Interim Finance Director Magnuson clarified this item was for a budget appropriation. City Manager Korduner added the purchase was not budgeted and now required an appropriation.

Mayor Kusumoto inquired if the appropriation was approved by the Cable Commission.

Interim City Manager Korduner answered in the affirmative, and clarified there was one "no" vote.

Council Member Grose requested the original tricaster be returned to the City so Staff could analyze how critical the unit was. He indicated the repairs normally went to Texas; however, this time it had been sent to Pasadena. He requested additional details regarding the unit.

Mayor Pro Tem Graham-Mejia stated her recollection was due to the urgency the equipment was sent for repairs locally. She indicated there was no agreement for repairs. Interim City Manager Korduner agreed.

Council Member Edgar indicated he would be voting no due to the process of the appropriation. He stated he had voted no on the payment and would remain consistent.

Motion/Second: Edgar/Graham-Mejia

Carried 4/1 (Edgar cast the dissenting vote): The City Council approved the appropriation of \$7,000 from the Los Alamitos Cable TV Fund reserves.

M. Consideration of 3-Hour Time Limit Parking Request at the Laurel Park Parking Lot (City Engineer)

The Laurel Park parking lot holds 24 cars and has one driveway entrance on Bloomfield Street just north of Katella Avenue. Recent area construction activities have resulted in a full parking lot at all hours during the day from area employees, making it impossible for residents to use the parking lot. To allow residents to use the parking lot during the day and evening it is proposed to post a 3-hour parking time limit 7 days a week.

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

Mayor Pro Tem Graham-Mejia recalled previous requests to extend the parking lot. She indicated support for the item and inquired if the item could be reviewed in six months and if complaints were not received by residents; permanently implement the restrictions at that time.

City Engineer Hunt stated Staff had monitored the site which was always full and the City's Traffic Engineer recommended the 3 hour restriction for safety issues. He added the City was being proactive. He stated Los Alamitos Medical Center (LAMC) was doing a good job with its shuttle service; however, there were a few workers still using the parking lot.

Mayor Pro Tem Graham-Mejia stated she would trust the experts. She inquired Staff's opinion on a six month trial basis that would allow for discontinuation if met with negative feedback.

City Engineer Hunt indicated there were no concerns with a time frame. He suggested an 18 month period as the construction would be complete by that time.

Mayor Pro Tem Graham-Mejia stated she would agree with Council's recommendation. She requested Council consider expanding the parking lot for increased safety in the next budget discussion.

Council Member Edgar pointed out the Traffic Commission had not met this month and inquired why the Commission was not being utilized.

Interim City Manager Korduner stated Staff believed this was an urgent matter. He pointed out the construction was taking up parking and the residents were not able to utilize the parking lot.

Council Member Edgar acknowledged Staff's concerns for the temporary issues related to hospital construction and stated support for temporary restriction. He inquired if any signs had been posted prior to requesting the change in policy.

City Engineer Hunt answered in the negative.

Council Member Edgar questioned the urgency and stated support for the item going before the Traffic Commission for consideration.

Council Member Murphy inquired if the 3 hour parking limit signs could include verbiage for no medical parking.

Mayor Pro Tem Graham-Mejia indicated it was public parking and could not be prohibitive. Police Chief Mattern confirmed.

Mayor Pro Tem Graham-Mejia indicated support for moving forward with a smaller amount of time.

Council Member Grose inquired if there was 3 hour parking restriction anywhere else in the City.

City Engineer Hunt answered in the negative and explained 3 hours was chosen to allow enough time for individuals to make it through a game, but not long enough to allow workers to move their vehicles at lunch.

Council Member Grose stated concern for 3 hour parking and restrictions remaining consistent throughout the City. He questioned the effectiveness if there was no enforcement. He stated if Staff was certain it was construction workers, Staff could work with LAMC to mitigate the concern. He stated opposition to creating three hour parking.

City Engineer Hunt clarified it was not construction vehicles parked in the lot and Staff believed it was workers crossing Bloomfield, possibly to the hospital site.

Council Member Grose stated the issue should be addressed with the hospital staff to ensure they start utilizing the shuttle.

Police Chief Mattern indicated he had spoken with LAMC management who was supportive of this item. LAMC indicated its attempt to get employees to use the shuttle service had been unsuccessful.

Council Member Grose felt two hours would be sufficient and Staff could use signs in stock. He reiterated the City would be reliant on cooperation since there was not enough man power to issue citations.

Mayor Kusumoto agreed the item should go to the Traffic Commission to properly evaluate the concerns of urgency and 2 versus 3 hours. He stated support for sending the item to the Traffic Commission.

Mayor Pro Tem Graham-Mejia inquired when the next Traffic Commission meeting would be.

City Engineer Hunt stated October 9, the second Wednesday of the month.

Mayor Pro Tem Graham-Mejia stated support for moving forward tonight due to the negative impact on the school and people using the parking lot. She stated LAMC was supportive and a shorter time period would allow

the City to revoke the restriction if needed. She stated support for three hours and inquired how long a typical game lasts.

Community Services Director Lakin stated the games last approximately 1-1.5 hours, including warm up and socializing, it could easily be over two hours. He stated with proper notification to users, Staff did not see an issue.

Mayor Pro Tem Graham-Mejia inquired if there were 2 hour signs already in stock.

Public Works Superintendent Brandyberry indicated he would get back to Council and added the cost for two hours versus three hours was the same.

Mayor Pro Tem Graham-Mejia stated support for temporary action tonight that would allow the Police Department to start enforcing and sending the issue back to the Traffic Commission for further consideration.

Council Member Edgar made a motion to send the item to the Traffic Commission for Review.

Council Member Murphy made a motion to approve Staff's recommendation.

Motion/Second: Murphy/Graham-Mejia

Motion Failed 2/3 (Edgar, Grose, and Kusumoto cast the dissenting votes): Approve Resolution No. 2013-23, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING 3-HOUR PARKING AT LAUREL PARK PARKING LOT".

Council Member Edgar made a motion, seconded by Council Member Murphy, to send the item to the Traffic Commission for Review.

Mayor Pro Tem Graham-Mejia inquired if Council Member Grose's opposition was in regards to the two versus three hour restriction. She indicated she felt three hours was appropriate, but would amend her motion for two hours and sending the item to the Traffic Commission.

Council Member Grose stated concern for the City owned parking lot being used by the School District for parent drop off. He indicated the School District should address its own traffic concerns. He suggested temporary no parking during school hours. He stated support for two hour parking and sending the item to the Traffic Commission. He reiterated opposition to three hour parking.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council sent the item to the Traffic Commission for an expeditious recommendation.

G. Reject all Bids for Pool Project (CIP No. 13/14-01) (Public Works)

On August 5, 2013, construction bids were publicly opened for the construction of Pool Project (CIP No. 13/14-01). One (1) bid was received, from Commercial Pool Systems from Costa Mesa with the total bid amount of \$210,108. However, the bid significantly exceeds the appropriated construction budget of \$80,000. This bid amount exceeds the appropriated construction budget for this project, and staff recommends that the City Council reject the bids.

Council Member Edgar indicated he had received his answer from Staff previously and apologized for pulling the item.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: The City Council:

1. Rejected all bids received for the construction of Pool Project (CIP No. 13/14-01); and
2. Authorized the City Engineer to re-advertise for bids to construct the project at the lowest cost to the City.

**H. Amended Salary Resolution for Non-Represented Employees
(City Manager)**

This Resolution amends the Salary Resolution to increase the non-represented safety employees' CalPERS contributions to 9% of salary instead of 8%, and to increase salaries of such employees by 10% instead of 9%, to cover the costs. This Resolution also cancels and eliminates the requirement for form agreements for Middle Management and Confidential employees and modifies the agreement with the Chief of Police.

Mayor Pro Tem Graham-Mejia indicated she would be voting no to remain consistent with her previous vote.

Interim City Manager Korduner stated Staff would like to pull the item and requested no action this evening.

Mayor Kusumoto pulled the item.

RECESS

The City Council took a brief recess at 8:18 p.m.

RECONVENE

The City Council reconvened in Regular session at 8:30 p.m.

9. PUBLIC HEARINGS

A. Zoning Ordinance Amendment (ZOA) 13-02 - Secondhand Dealer/Consignment Store Definitions (Community Development)

A Zoning Ordinance Amendment to clarify contradictory definitions of the term "secondhand dealer and/or consignment store" (Citywide) (City initiated).

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

Community Development Director Mendoza provided additional clarification.

Council Member Grose inquired if an existing second hand dealer would be subject to the new zoning if it were to relocate.

Community Development Director Mendoza stated the use would be conditionally allowed in the CG zone.

Council Member Grose inquired if a Conditional Use Permit (CUP) was required.

Community Development Director Mendoza answered in the affirmative and added the use would be subject to a Public Hearing, conditions, fingerprinting, and background checks.

Council Member Grose inquired if there were any other zones where the business would be permitted.

Community Development Director answered in the negative and added the action tonight was not in regards to location. He stated the definition was being simplified.

Mayor Pro Tem Graham-Mejia inquired if this would negatively impact existing businesses.

Community Development Director Mendoza stated existing business would be grandfathered in and would not require zoning approval.

Mayor Pro Tem Graham-Mejia stated an identical business practice would be required to get a CUP.

Community Development Director Mendoza stated if a site was available in the CG zone, a second hand dealer would need to apply for a CUP,

and, the Planning Commission would render a final decision, unless appealed to Council or the Commission.

Mayor Kusumoto inquired how existing businesses were approved if the Code was in conflict.

Community Development Director Mendoza stated no issues have arisen, but the discrepancy was noticed by Staff in the process.

Mayor Kusumoto opened the Public Hearing.

Shelly Henderson inquired if Grateful Hearts operation would be impacted.

Community Development Director Mendoza answered in the negative.

Mayor Kusumoto closed the Public Hearing.

Council Member Grose referred to the business on Los Alamitos Blvd. that had consignment businesses that were not able to make it and inquired if the CUPs would remain with the land.

Community Development Director Mendoza answered in the affirmative and clarified if the use was abandoned for 30 days the approvals were void.

Council Member Edgar expressed concern that pawn shops, second hand dealers, and thrift shops were being approved on the retail corridor. He stated the General Plan was focusing on retail and inquired if Council was sending an unclear message to Staff. He stated support for the item since it would apply stricter regulations on thrift stores. He indicated thrift stores did not generate point of sale. He stated concern the Council was sending an inconsistent message to the Planning Commission regarding retail. He supported being consistent in the Council policy for the City.

Interim City Manager Korduner stated if the Council desired, Staff could review the concept and bring a recommendation to Council.

Council Member Edgar inquired if Council needed to provide clarification and pointed out the last projects approved do not generate point of sale. He stated the General Plan was supportive of retail and was just approved for EIR study.

Community Development Director Mendoza clarified the General Plan being worked on is not enforceable today. He stated that once the General Plan was approved on a policy level, design standards would be discussed and then zoning. He indicated this item provided a remedy to the situation in the meantime and added the current General Plan and

Zoning Code were dated and inconsistent. The items had not been revised and would be coming back to Council in the future.

Council Member Edgar stated support for focusing on point of sale businesses.

Council Member Grose made a motion to approve Staff recommendation.

Council Member Edgar requested the motion include an advisory item to the Planning Commission to review consistency in regards to thrift stores and second hand dealers.

Council Member Grose stated it would be unclear to add it to the motion as it did not relate to the ordinance being adopted. He suggested providing direction to Staff to update the Planning commission.

Council Member Edgar inquired to the process for such.

Mayor Kusumoto indicated direction would be given to Staff to place the item on the Planning Commission agenda for discussion.

Mayor Pro Tem Graham-Mejia expressed concern for directing the Planning Commission on specific items. She stated the building in question has had consistent turnover and vacancies and stated support for seeing a business with longevity occupy the space. She stated there were other things to take into consideration besides retail. She stated opposition to directing the Planning Commission to discuss the item.

Council Member Edgar indicated he would support the item if there was direction giving to Planning Commission.

Interim City Manager Korduner suggested having the Planning Commission study the topic versus providing Council direction.

City Attorney Reisman stated the item was for introduction of the ordinance. He stated Staff could provide a sense of the Council's discussion without providing direction.

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

1. Opened the Public Hearing; and,
2. Introduced, waived reading in full, authorized reading by title only of Ordinance No. 13-06, and set for second reading; and,

3. City Attorney Reisman read the title of Ordinance No. 13-06, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 13-02 BY ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.76.020 AND 5.36.010, CONCERNING THE DEFINITIONS ONLY OF THE TERMS 'SECONDHAND DEALER' AND 'SECONDHAND/CONSIGNMENT STORE' (CITYWIDE) (CITY INITIATED) AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA."

10. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

Mayor Pro Tem Graham-Mejia spoke about and reported attendance at the Orange County Vector Control Board meeting and the St. Isidore Festival.

Council Member Murphy spoke about and reported attendance at Kevin T. Olszewski's Eagle Scout Court of Honor, attendance at the Legislative Mixer and congratulated Council Member Grose on a successful event.

Council Member Grose spoke regarding the following topics: activities detailed on his website at www.losal.net; attendance at the Change of Command Ceremony at the Joint Forces Training Base (JFTB); and, Change of Responsibility Ceremony at the JFTB.

Council Member Edgar spoke regarding the following topics: attendance at Kevin T. Olszewski's Eagle Scout Court of Honor; attendance at the Orange County Sanitation District Board meeting; congratulated Cottonwood Church on its 30th anniversary; thanked the local media; encouraged residents to support the preservation of St. Isidore Historical Plaza; upcoming Casa Youth Shelter's Commanders Ball on November 16; advised of the construction on Valley View in the City of Garden Grove; upcoming State of the School District on September 25, from 6:30 to 7:30 p.m.; and, provided a quick update on LAMC construction.

Mayor Kusumoto spoke regarding the following topics: Orange County Fire Authority Structural Fire Fund; thanked Council Members Edgar and Murphy for attending Kevin T. Olszewski's Eagle Scout Court of Honor; attendance at the Legislative Mixer and congratulated Council Member Grose on a successful event; and, upcoming follow-up meeting with Congressman Lowenthal.

11. ITEMS FROM THE CITY MANAGER

Interim City Manager Korduner spoke regarding the following topics: including Cable TV funding on the agenda for Congressman Lowenthal; request from mayor Pro Tem Graham-Mejia for a presentation regarding human trafficking; attendance at the Legislative Mixer; and, attendance at St. Isidore's Thursday night event.

Council Member Edgar reported the Federal Grant for Casa Youth was reduced by 6.4%, which was minor in regards to the original estimate. He requested Staff thank Congressman Lowenthal for his support as the funding was critical to Casa Youth Shelter.

RECESS

The City Council recessed into Closed Session at 9:13 p.m.

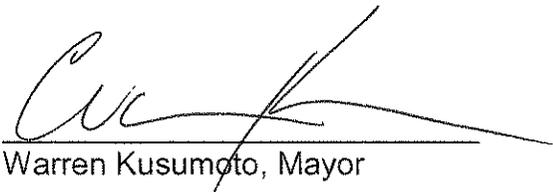
RECONVENE

The City Council reconvened in Regular session at 10:50 p.m.

Direction was provided to Staff.

12. ADJOURNMENT

The City Council adjourned at 10:50 p.m.


Warren Kusumoto, Mayor

Attest:


Windmar Quintanar, CMC, City Clerk