

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

REGULAR MEETING – October 21, 2013

1. CALL TO ORDER

The City Council met in Regular Session at 5:02 p.m., Monday, October 21, 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
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION

Mayor Kusumoto opened the item for public comment.

Stephen Hammond, resident, spoke regarding the lack of explanation given for purchasing LATV equipment. He suggested a City Manager candidate with experience would be beneficial to LATV.

Mayor Kusumoto closed the item for public comment.

City Attorney Reisman read the Closed Session titles aloud.

A. CONFERENCE WITH LABOR NEGOTIATORS

City Representatives: Council Member Edgar and Interim City
Manager Korduner

Unrepresented Employee: Potential City Manager Candidate

Authority: Government Code Section 54957.6

B. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

Authority: Government Code Section 54957

C. Conference with Labor Negotiator

City Negotiator: Gregory D. Korduner, Interim City Manager

Unrepresented Employees: Executive Management, Middle
Management and Non-Management
Employees

Authority: Government Code Section 54957.6

D. Conference with Labor Negotiator

City Negotiators: Gregory D. Korduner, Interim City Manager
Employee Organization: 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.

E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

RECESS

The City Council recessed into Closed Session at 5:07 p.m.

RECONVENE

The City Council reconvened in Regular Session at 6:18 p.m.

Closed Session was continued to the end of the meeting.

4. ROLL CALL

Present: Council Members: Edgar, Grose, Murphy, Mayor Pro Tem
Graham-Mejia, Mayor Kusumoto

Sunburst Youth Academy Student Council:

Viviana Rodriguez	Joseph Delgado	Noe Munoz
Carlos Andrade	Spencer Berellez	Dawnish Carter
Jeronimo Hernandez	Devon Lester	Jonathan Luna
Angelina Diaz	Jessina Mendoza	Miguel Arroyo
Gabriel Ruiz		

Absent: Council Members: None

Student Council: 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
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

5. PLEDGE OF ALLEGIANCE

Student Council President Rodriguez led the Pledge of Allegiance.

6. INVOCATION

Student Council Vice President Delgado gave the Invocation.

Mayor Kusumoto thanked Council Member Grose for his coordination with Sunburst Youth Academy for its participation in the meeting.

7. PRESENTATIONS

A. Presentation of Retirement Plaque to Lieutenant Colonel Russell in Appreciation of Service to the City at the Joint Forces Training Base

Mayor Kusumoto and the City Council presented Lt. Col. Russell with a Retirement Plaque. Lt. Col. Russell spoke briefly.

B. Presentation of a Proclamation to Robert and Vic Luna, Affiliate Coordinators, and Steve Vargas, Volunteer, of Pancreatic Cancer Action Network for Pancreatic Cancer Awareness Month, October 2013

Mayor Kusumoto and the City Council presented a Proclamation to the Pancreatic Cancer Network representatives. Ms. Luna spoke briefly.

C. Presentation of a Proclamation to Dr. Sunghie Okino, Los Alamitos Elementary School Principal, for Red Ribbon Week, October 21-25, 2013

Mayor Pro Tem Graham-Mejia and the City Council presented a Proclamation to Dr. Okino and Debbie Rodriguez. Dr. Okino spoke briefly.

D. Presentation by Kendra Tankersley-Davis, OC Free Them, and Linh Tran, CSP, regarding OC Human Trafficking Task Force

Ms. Tankersley-Davis gave a PowerPoint presentation and answered questions from the City Council.

Mayor Pro Tem Graham-Mejia thanked Ms. Tankersley-Davis for the presentation and asked for additional information on the jewelry program.

Ms. Tankersley-Davis stated the program was iSanctuary. She indicated survivors were taught the trade of jewelry making. The jewelry is sold at local events and all profits go back into the program. She indicated the program provided survivors with the opportunity to work in a safe and appropriate environment for fair wages.

Mayor Pro Tem Graham-Mejia expressed the importance of teaching self-esteem and providing students with the knowledge needed to avoid becoming vulnerable. She stated support for educating children and protecting them in the future.

Ms. Tankersley-Davis stated interest in working with foster homes as it is usually the vulnerable child that is targeted.

Mayor Pro Tem Graham-Mejia referred to the Sunburst Youth Academy and congratulated them for making positive changes for their future. She indicated the community was very supportive of its youth.

E. Presentation Update by Schelly Sustarsic, Corridor Cities Representative, regarding the I-405 Policy Working Group

Ms. Sustarsic gave an update regarding the I-405 Policy Working Group and the toll lane concerns.

F. Presentation by Gary Hewitt, Manager of Transit and Non-Motorized Planning, regarding 1st and 2nd District Bikeways Collaborative

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

Council Member Edgar stated the City had previously had a bikeway project included in the 7-year Capital Improvement Program (CIP), but it had been removed due to lack of funding. He stated concern for the proposed path that avoids Los Alamitos Blvd. and zig zags through the neighborhoods. He expressed interest in having the Coyote Creek trail paved to Los Alamitos Blvd. He inquired if the project was incorporated into the General Plan and stated if feedback was required, the item should be agendaized.

Community Development Director Mendoza answered in the negative and indicated Council feedback would be needed before the Circulation Element was adopted.

Council Member Edgar indicated support and encouraged Staff to be responsive and engaged in the process.

Mayor Pro Tem Graham-Mejia suggested Ms. Sustarsic meet with the Traffic Commissioners that were present.

G. Presentation by Chief Jones, Orange County Fire Authority (OCFA), regarding Amendment to OCFA Joint Powers Authority Agreement – Equity

Chief Jones gave a PowerPoint presentation and answered questions from the City Council.

Mayor Kusumoto spoke regarding the unfair taxation system and supported OCFA starting the process to restore equity. He thanked Chief Jones for the explanation and reiterated the structural fire fund contribution would not increase. Chief Jones confirmed.

Council Member Edgar stated, as a former OCFA Board Member, he was familiar with the budget. He stated his understanding of the equity payment tiers. He expressed concern the budget could not afford less revenue, other members would not be charged more, and Irvine would be

building a credit with interest. He referenced the unfunded liability and the compounding cost that would occur. He indicated he understood Irvine's position, but could not support the amendment without seeing what was being done to reduce cost in order to make the equity payment.

Chief Jones indicated OCFA had planned for the situation well and asked Chief Zeller to explain the details.

Chief Zeller, Assistant Chief of OCFA, indicated a large 17 year financial forecast had been completed. She indicated OCFA would not offer a proposal that would un-stabilize the finances. She explained the equity payments would only carry over if the budget was unbalanced in the first two years and there was no interest. Past the first two years, payments would be made in full every year. She indicated the forecast included the unfunded liability and showed a balanced budget. Cost cutting measures have been implemented during the past three years and included labor group concessions. She added trigger formulas were built into the budget and with these collective measures, OCFA was financially stable.

Council Member Edgar inquired the amount to be given back to Irvine.

Chief Zeller indicated it was \$4.5 million in the first year and then increased from there.

Council Member Edgar inquired about the plan to bridge the timing gap until cost cutting measures were implemented.

Chief Zeller indicated cost cutting measures were already in place and Worker's Compensation was the only growing expense.

Council Member Edgar inquired if the budget was balanced and asked what cost cutting measures were in place.

Chief Zeller answered in the affirmative and indicated the biggest item was the employees phasing in paying their 9% contribution to retirement.

Council Member Edgar inquired if there was a pay increase associated with paying their 9%.

Chief Zeller answered in the negative and gave a brief description.

Council Member Edgar stated OCFA was part of OCERS and inquired how the change would affect the budget over the next two years and inquired to the amount of time to pay down the debt.

Chief Zeller stated the change had already been approved and was a .5% reduction in the interest rate assumption which impacted the budget by \$7

million for the next two years. She stated the Board had voted to leave the current pay-down as it is. Any new liabilities would be paid down over 25 years. OCFA strategized to take on an aggressive pay down pension plan which would occur in 16 years, or if everything remained the same then it would be 29 years. She stated these scenarios were already built into the forecast.

Council Member Edgar inquired if it could take longer.

Chief Zeller answered in the affirmative, but added voluntary excess payment was built into the budget and the impact should not be too negative.

Council Member Murphy inquired to the change in rate of return and last year's rate.

Chief Zeller clarified it was earnings on investments and had moved from 7.75% to 7.25%. She stated last year's rate was in excess of 12%, and as of the end of September, this year's rate was at 6.65%.

Council Member Grose stated his understanding of the structural fire fund cities and cash contract cities. He stated concern that Los Alamitos was a small city with only one fire station, paying the same rate as the other cities and questioned the equability. He appreciated the equity payments to Irvine would not affect the City. He expressed concern the rate would not go down and inquired if other cities' operations were being looked into.

Chief Zeller stated OCFA had 16 structural fund cities and 8 cash contract cities. She explained the amendment was drafted to redo the calculations every year. If growth occurred, the rate could possibly change if the average number changes. She stated the rates could change depending on where the growth occurred and in what parts of the City relative to OCFA's jurisdiction.

Council Member Grose inquired if Irvine was currently paying too much in taxes.

Chief Zeller clarified Irvine was paying its fair share under California Property tax. She stated the amount happens to be higher due to property tax which is unacceptable to Irvine.

Council Member Grose stated the cost to establish a fire department would be substantial. He indicated he did not fully understand the process and inquired why the tax would be taken in the first place if it was just going to be returned.

Chief Zeller stated the calculation would be redone every year and clarified with Proposition 13 limitations, OCFA did not have the authority to change the percentage.

Mayor Kusumoto thanked Chief Jones and Chief Zeller for the presentation.

H. Presentation by Chief Jones, Orange County Fire Authority (OCFA), regarding the Ambulance Request for Proposals (RFP) Process
Presentation post-poned per Chief Jones request.

Mayor Kusumoto called Major Armstrong forward to speak about the Sunburst Youth Academy program.

Major Armstrong gave a brief background on the program and advised of the upcoming graduation for Class 12 on December 13 at Cottonwood Church. He thanked the Council for the opportunity to participate.

Council Member Grose congratulated Major Armstrong on his upcoming advancement to Lieutenant Colonel.

8. ORAL COMMUNICATIONS

Shelly Henderson spoke in support of the installed stop signs at Green and Bloomfield.

Alice Jempsa, resident, spoke regarding traffic concerns on Farquhar and appreciation for the professional manner with which the Traffic Commission addressed the parking lot at Bloomfield and Katella.

JM Ivler, resident, spoke in opposition to Consolidated increasing the rates after the Council had voted no.

Javier Mejia, resident, requested the alleyways be street swept and requested fully functioning holiday decorations be displayed early.

9. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Grose/Murphy

Unanimously Carried: The City Council approved the Register of Major Expenditures for October 21, 2013, in the amount of \$1,304,354.73, ratified the Register of Major Expenditures for September 17, 2013, to October 20, 2013, in the amount of \$1,482,569.35 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 October 22, 2013, to November 17, 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

10. 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 Kusumoto advised item 10E would be continued.

Council Member Murphy pulled item 10G.

Council Member Edgar pulled item 10A2 and 10C.

Council Member Grose pulled item 10J.

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 September 7, 2013.
3. Approved the Minutes of the Special Meeting of September 30, 2013.
4. Approved the Minutes of the Special Meeting of October 7, 2013.

B. Warrants (Finance)

Approved the Warrants for October 21, 2013, in the amount of \$36,134.14, and ratified the Warrants for the time period of September 17, 2013, to October 20, 2013, in the amount of \$127,322.02, 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 October 22, 2013, to November 17, 2013.

D. Second Reading of Ordinance 13-06 - Zoning Ordinance Amendment (ZOA) 13-02 – Secondhand Dealer/Consignment Store Definitions (Community Development)

At its regular meeting of September 16, 2013, the City Council conducted a first reading of Ordinance No. 13-06. This ordinance clarifies contradictory definitions of the term “secondhand dealer and/or consignment store” (Citywide) (City initiated).

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-06; and,
2. 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." and,
3. Adopted Ordinance No. 13-06.

F. Approval of Notice of Completion for Commercial Street Improvement Project (CIP No. 12/13-06) (Public Works)

The Commercial Street Improvement Project (CIP No. 12/13-06) which consisted of four commercial streets that included: Cerritos Avenue between Bloomfield Street and Santa Clara Street, Los Vaqueros Circle, southern section of Humbolt Street and Reagan Street between Briggeman Drive and Catalina Street, is complete and in compliance with the plans and specifications.

The City Council:

1. Accepted as complete the construction contract by Sequel Contractors for the Commercial Street Improvement project; and,
2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorized Staff to release the 5% retention to the contractor, in the amount of \$30,038.81, thirty-five (35) days after recordation of the Notice of Completion.

H. Adopt Resolution No. 2013-25 - Support for Assembly Bill (AB) 1102 (City Manager)

Representatives for Orange County in the California State Legislature are encouraging cities to support Assembly Bill 1102, which would protect the local community tradition of beach bonfires.

The City Council adopted Resolution No. 2013-25, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS

ALAMITOS SUPPORTING ASSEMBLY BILL 1102 AND THE PROTECTION OF BEACH BONFIRES.”

- I. **Avoid the 38–DUI Campaign Memorandum of Understanding (Police)**
In an effort to reduce occurrences of driving under the influence (DUI) and related collisions, the Los Alamitos Police Department participates with other Orange County law enforcement agencies in the Avoid the 38 - State of California Office of Traffic Safety Grant for Fiscal Year 2013-14.

The City Council:

1. Authorized the Chief of Police to execute the Memorandum of Understanding for participation in the “Avoid the 38” State of California Office of Traffic Safety DUI grant; and,
2. Amended the Fiscal Year 2013-14 budget by increasing the anticipated grant revenue in account 29.4331 in the amount of \$3,500; and,
3. Amended the Fiscal Year 2013-14 budget by increasing estimated grant expenditures in account 29.528.5120 in the amount of \$3,500, resulting in no net change in the City budget.

End of Consent Calendar

Items pulled from the Consent Calendar

- A. **Approval of Minutes** **(City Clerk)**
2. Approve the Minutes of the Regular Meeting of September 16, 2013.

Council Member Edgar referred to the discussion regarding water rates, beginning on page 2. He summarized his understanding there was not support for opposition and felt there was a miscommunication in sending out the letter under the Legislative Platform. He stated he did not have any issues with the letter being sent out as the vote had already taken place and the letter did not have an impact. He stated moving forward he wanted to ensure the City Manager and/or City Clerk managed the Council if the direction was unclear. He stated support for a process that allows Council review of letters before they are sent out.

Interim City Manager Korduner stated several methods were discussed and a tally sheet would be used in the future.

Mayor Pro Tem Graham-Mejia suggested including the letters in the agenda so the option is available and agendaized.

Interim City Manager Korduner stated that could be incorporated.

Motion/Second: Edgar/Graham-Mejia

The City Council approved the Minutes of the Regular Meeting of September 16, 2013.

**C. Amendment to OCFA Joint Powers Authority Agreement – Equity
(City Manager)**

This item was submitted to request approval of the Orange County Fire Authority's Second Amendment to the Amended Joint Powers Authority (JPA) Agreement seeking to address the equity issue.

Council Member Edgar indicated he would like to support the item, but would like to see it postponed at this time.

Mayor Kusumoto postponed the item to November and felt confident the facts would speak for themselves.

Interim City Manager Korduner indicated OCFA had requested a response by the end of the year.

**E. 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. This item was continued from the September 16, 2013, Council agenda.

The item was postponed to the next meeting.

**G. Modify Cable Commission Dates and Times of Meetings
(City Manager)**

The Los Alamitos Municipal Code (LAMC) stipulates the schedule for meetings of the Cable Television Commission shall be established by Council Resolution. The Cable Commission has requested a change to the established meeting schedule.

Council Member Murphy requested the item be discussed with items 12B and 12C. He expressed concern a 4:00 p.m. start time would preclude working residents from applying.

Mayor Kusumoto postponed discussion till item 12B.

J. Employment Agreement–City Manager (Bret Plumlee) (City Manager)

The employment agreement outlines terms and conditions with new City Manager appointee Bret Plumlee.

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

Council Member Grose moved approval and requested Mr. Plumlee be introduced.

City Attorney Reisman stated the City Council had met in Closed Session and negotiated the following changes in the Employment Agreement: Section 3.3.3: after 3% add, "equivalent for entire calendar year," and Section 3.4.3: add to the end of the section, "Premiums shall continue for year 3 subject to the outcome of the market survey in section 3.3.3."

Council Member Edgar thanked Interim City Manager Korduner for the work he has done and felt Mr. Plumlee would be a great addition to the community. He stated the salary was the same as the previous City Manager and would be for the next three years. He indicated Mr. Plumlee was utilizing the market survey available to all Staff and had taken a decreased salary to be in Los Alamitos.

Mayor Kusumoto thanked Interim City Manager Korduner for his skill and perseverance and thanked the Council for its deliberate discussion. He felt Mr. Plumlee was a good hire.

Mayor Pro Tem Graham-Mejia indicated she looked forward to working with Mr. Plumlee and was saddened to see Interim City Manager Korduner depart.

Mayor Kusumoto introduced Mr. Plumlee in the audience.

Mr. Plumlee thanked Council for the opportunity to work in Los Alamitos and stated he looked forward to working with Staff and Council.

City Attorney Reisman indicated the start date was left blank and Mr. Plumlee had indicated it would be no later than November 20, 2013.

Motion/Second: Grose/Murphy

Unanimously Approved: The City Council approved the employment agreement between the City of Los Alamitos and Bret Plumlee.

Mayor Kusumoto pulled item 12D forward.

D. Los Alamitos Unified School District's Exemption from Local Zoning Laws (City Manager)

Council Member Edgar requested an update on the Los Alamitos Unified School District resolution exempting themselves from Local Zoning Laws pursuant to Government Code California Gov't Code § 53094.

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 asked for clarification on the code for classrooms, specifically in regards to fields.

City Attorney Reisman stated the California Court of Appeals has interpreted the language for classrooms to include fields. The Court determined a classroom includes everything having to do with education of the students. He stated there was no dispute, a field is considered a classroom.

Mayor Pro Tem Graham-Mejia inquired if sports played on the field, other than Physical Education, were considered an extension of the classroom.

City Attorney Reisman answered in the affirmative.

Council Member Edgar outlined the relationship between the City and Los Alamitos Unified School District (District) including the purchase of Laurel Park. He expressed concern for actions that unilaterally exempt the District from local regulations and pointed out when asked, the District could only provide one similar example from Marina Harbor. He stated support for school modernization, but was surprised to see field lights and a stadium added after the track was complete. He indicated residents were concerned and the Council was trying to balance the relationship with the District while protecting the quality of life for the residents. He spoke regarding his communication with District Board Members who indicated they were listening to the concerns. He expressed concern the District adopted a Resolution exempting itself while trying to mitigate the concerns of the residents. He inquired if it was community wide and if the residents of the District were on board. He urged Council to examine the issue and decide what, if anything needed to be done. He questioned the relationship with the District as the Council was not aware of the decision to exempt itself until 10 days after the fact. He reiterated he had heard from many concerned residents and felt it was important to communicate to the community what was happening with the project. He indicated the same situation occurred in the City of Fountain Valley and the Council had issued a resolution of protest. He stated the District was addressing concerns, but felt the issues needed to be mitigated in writing. He encouraged an open dialogue for the benefit of the community.

Mayor Kusumoto opened the item for public comment.

Jennifer Fisler and Jim and Yvonne Phillips were unavailable for comment at this time.

The following residents spoke in opposition to the project: Dana Ferrarelli, Richard Vardeman, Pam Rozolis, Dianne Schmidt, Mike Foote, John Reyes, Javier Mejia, and JM Ivler.

Alice Jempsa, resident, spoke regarding item 12A.

Mayor Kusumoto advised her comments would be recorded for that item.

Larry Strawther gave a brief background on the project. He spoke in support of the lights, but felt the process was not transparent.

Mayor Kusumoto closed the item for public comment.

Mayor Pro Tem Graham-Mejia encouraged residents to look into permit parking for the neighborhood to help mitigate the concerns for the time being. She inquired how tall the lights were.

Audience consensus was 80 feet.

Mayor Pro Tem Graham-Mejia inquired if there was a screen that could be used to mitigate the light and maintain the quality of life.

Community Development Director Mendoza indicated his attendance at the District Board meetings and its attempts to mitigate the concerns. He stated there were limitations to shielding the light and still having it be effective.

Mayor Pro Tem Graham-Mejia inquired what the Council could do to influence the project at this point.

City Attorney Reisman explained the District Board was its own entity equal to the Council and in this case, more than equal. He explained the Council did not have the ability to regulate the zoning issues of concern. He suggested working with the Board to find a remedy, political pressure, and legal action from the neighbors.

Mayor Pro Tem Graham-Mejia stated support for assisting in mitigation measures to help minimize the effect on the neighbors. She expressed disappointment the neighbors were not notified by the District and reiterated the City Council and District Board were two separate entities. She encouraged the residents to take the necessary steps to protect their rights.

Council Member Grose spoke regarding the following topics: lack of noticing by the District; encouraged Council and residents to attend District Workshops; reiterated the CA Court of Appeals decision;

commended the residents for moving forward with their commitment; encouraged the residents to seek out the Council's assistance; recent partnership in regards to the School Resource Officer (SRO) and Oak Gym renovations; the pros and cons of permit parking and Council's willingness to assist in that regard; SRO was assisting with directing traffic when his duties should be on the campus; the importance of the Board realizing the Council is part of the community and should be included and engaged as partners; reference to unchallenged School Board elections and the possibility of the public applying political pressure; encouraged residents to hold elected officials accountable for their decisions; advised the Council was notified late in the process and the City Attorney advised of the CA Court of Appeals decision; importance of having a working relationship and the District putting mitigation efforts in writing; support for keeping students in one place to play sports and the importance of District realizing the impacts on the community; and, Council's desire to work with the community and maintain quality of life.

Council Member Murphy referred to the recent increase in field fees and stated the School Board does respond to pressure. He encouraged residents to continue applying pressure and advised resolutions would not occur in one meeting. He stated a unified approach, similar to the City's approach to Prologis, needed to occur. He reiterated the City's options were limited; however, the Council was willing to assist the residents in communicating with the School Board to assure concessions are made to maintain their quality of life.

Council Member Edgar stated support for Council deciding what steps to take regarding issues with the District and wanted to ensure the City was not being taken advantage of. He stated support for the Council sending a letter to the School District requesting the voluntary repeal of the Resolution as it appeared aggressive and could be misinterpreted, and consideration of a voluntary Environmental Impact Report (EIR) to reach agreement on issues. He referred to the recent school bond and the impact to the property taxes. He stated it was important for the Council to make the School Board aware of the Council's intention as not to ruin the relationship. He was supportive of being proactive and allowing the School District an opportunity to respond.

Mayor Kusumoto stated support for evaluating the relationship with the School District. He requested a motion.

Council Member Edgar made a motion to issue a letter to Los Alamitos Unified School District requesting voluntary withdrawal of the District-wide resolution exempting itself, discussing the evaluation of an EIR, and addressing the loss of property value and quality of life for the residents.

Mayor Kusumoto inquired if a Special Meeting would be needed to approve the letter.

Mayor Pro Tem Graham-Mejia stated the draft letter could be sent to Council and Staff could move forward without Council opposition.

Mayor Kusumoto stated a Special Meeting would be the default if Council objection was received.

Motion/Second: Edgar/Grose
Unanimously Carried: The City Council:

1. Directed Staff to issue a letter to Los Alamitos Unified School District requesting voluntary withdrawal of the District-wide resolution exempting itself, discussing the evaluation of an EIR, and addressing the loss of property value and quality of life for the residents; and,
2. Provide Council with a draft letter.

11. PUBLIC HEARINGS

A. **Adoption of 2013 California Administrative, Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes, 2012 International Swimming Pool and Property Maintenance Code and Housing Code (Ordinance No. 13-07) and Adoption of 2013 California Fire Code (Ordinance No. 13-08) with related amendments for both (Community Development)**

Every three years the City of Los Alamitos must adopt new codes related to construction. The proposed Ordinances implement the adoption.

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

Council Member Edgar stated he was supportive of Staff's recommendation. He was concerned about overriding State law, but was advised this recommendation was acceptable.

Mayor Kusumoto opened the Public Hearing. There being no one present wishing to speak, Mayor Kusumoto closed the Public Hearing.

Motion/Second: Grose/Murphy
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. 13-07 and Ordinance No. 13-08, and set for second reading; and,
3. City Attorney Reisman read the title of Ordinance No. 13-07, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING CHAPTER 15.04 OF TITLE 15 OF THE LOS ALAMITOS MUNICIPAL CITY CODE AND ADDING A NEW CHAPTER 15.04, ADOPTING BY REFERENCE: VARIOUS PROVISIONS OF THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, THE CALIFORNIA EXISTING BUILDING CODE; AND THE CALIFORNIA REFERENCED STANDARDS CODE; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; THE 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE, 2012 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND THE STATE HOUSING CODE."
4. City Attorney Reisman read the title of Ordinance No. 13-08, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DELETING CHAPTER 15.08 OF THE LOS ALAMITOS MUNICIPAL CODE AND ADDING A NEW CHAPTER 15.08 ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE (TITLE 24, PART 9) WITH APPENDICES AND AMENDMENTS THERETO."

12. DISCUSSION ITEMS

A. Consolidated Disposal's Public Education and Outreach Program (City Manager)

This report, continued from September 16, 2013, provided the details related to the Public Education and Outreach Program conducted by Consolidated Disposal Services (Republic) as a provision of its five-year contract.

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 inquired if the unspent carry-over money could be used towards enhancing the fireworks show. She stated last meeting unspent funds were identified in multi-family clean-up days, additional mailings, sponsorships, and big belly solar powered compactors. She inquired how many compactors could be purchased for the listed amount.

Community Development Director Mendoza stated two.

Mayor Pro Tem Graham-Mejia stated her belief the community would enjoy the fireworks from their homes rather than having two solar belly compactors. She stated due to the new fireworks location she had received several calls from families who no longer had visibility. She requested the Council identify funding to be used towards the fireworks show. She stated the residents had given up their ability to have safe and sane fireworks for the benefit of a fireworks show and felt the show should be high enough for everyone to enjoy.

Council Member Edgar inquired what occurs if the budget is not approved.

Community Development Director Mendoza stated the contract required Consolidated Disposal Services (CDS) to submit a budget by September 1 of every year. He stated this budget was Staff's recommendation as a budget had not been received.

Council Member Edgar stated concern that the relationship with CDS was deteriorating. He indicated Council had recently voted to deny a rate increase and CDS had implemented it anyway and CDS had not provided a budget figure. He cautioned using the funds for fireworks as residents were already wary of the Community Outreach budget being in the contract and they may not see the correlation. He expressed support for the Chamber of Commerce billing the City for the amounts CDS had committed to and allowing the City to collect through the contract. He stated opposition to the item as additional work was needed and indicated relations with the company needed to be addressed.

Council Member Murphy referred to the last Council meeting and indicated his understanding was unused funds would be paid to the City.

Community Development Director Mendoza stated he did not recall and funds were rolled over each year.

Council Member Murphy inquired what would happen to the roll-over funds at the end of the contract.

Community Development Director Mendoza stated that was open to interpretation.

Council Member Murphy stated he felt the funds were owed to the City. He agreed the big belly might not be the best use of the funds, but disagreed with spending funds on fireworks. He inquired to the options moving forward to ensure the funds are paid and the issue is resolved. He stated opposition to a piece-meal budget. He indicated clarification on the unused funds and a process for moving forward was needed.

Council Member Grose inquired if CDS representative, Sam Hall, would like to address any of the concerns.

Mr. Hall stated he was open to answering questions.

Council Member Grose stated Mr. Hall had previously stated the company would honor its contractual commitments, but funds from year one were still unpaid. He inquired to the company's plan to work with the City and resolve the issue.

Mr. Hall indicated he understood Council concerns and would work with Staff and Council to identify a budget for upcoming years. He stated his desire to work with the City and make the best of the situation moving forward.

Council Member Grose expressed his appreciation and encouraged resolution as soon as possible. He indicated working with Staff to come to an agreement on the funds owed would be beneficial. He felt the big belly met the commercial recycling requirements and to remove the project now would not be logical. He encouraged working together and moving forward in a positive manner. He indicated support for the Chamber of Commerce billing the City to ensure proper tracking.

Mayor Kusumoto thanked Mr. Hall for being present. He asked for clarification that the budget was City generated.

Community Development Director Mendoza answered in the affirmative and gave a brief background on the creation of the budget which included items that would address the needs of businesses, commercial recycling, and education. He indicated the Council had previously requested to review the budget on September 1 of each year. The 2014 budget before Council had not been submitted by CDS and could be altered by Council.

Mayor Kusumoto stated his perspective on this type of funding was unusual in a contract. He referenced Council's recent direction to Staff for contract management and expressed opposition to contractual philanthropy. He referred to in-kind services and indicated it would be

difficult to track for the contract requirements. He stated opposition to the item and expressed the contract was difficult to manage.

Mayor Kusumoto opened the item for public comment.

Alice Jempsa, resident, spoke in support of using the funds to do a collection of prescription drugs.

Mayor Kusumoto closed the item for public comment.

Mayor Pro Tem Graham-Mejia asked for clarification that former City Manager, Jeff Stewart, had initiated the budget document.

Community Development Director Mendoza clarified former Recreation Director, Angie Avery, was working under the direction and coordination of former City Manager Stewart when the budget was created.

Mayor Pro Tem Graham-Mejia asked for clarification the funds were contractually required.

Community Development Director Mendoza answered in the affirmative.

Mayor Pro Tem Graham-Mejia stated her understanding it was up to the Council to review the budget every year and decide on which items should be included, not CDS. She stated concern for the funds that were not yet paid.

Council Member Edgar indicated CDS has been a significant partner for years. He stated it would be difficult to account for in-kind services and felt it may be more conducive to request a lump sum and have the Council decide annually where to spend the funds. He indicated a special fund with budgeting parameters could be created. He pointed out CDS may choose to opt out of other services, but did not feel in-kind services should be attributed to this contractual obligation. He requested Staff work with CDS to account for the total amount of funds received and reach a payment schedule. Council should be responsible for allocating the funds as the contractual requirements of what the funding should be used for. He stated support for working with CDS and having it continue to be a part of the community.

Council Member Murphy asked for clarification regarding the \$280,000 versus \$300,000.

Council Member Edgar indicated the Outreach budget was \$280,000 and the \$20,000 was a separate requirement.

Council Member Grose made a motion for Staff to work with CDS to resolve the financial issues pursuant to the contract and bring back a resolution to Council at the November meeting. Staff should pursue options such as annual budget, reconciling past due amounts, and allocating lump sum payments for future years.

Council Member Edgar provided an example of having a fund set up to charge approved expenditures from.

Council Member Grose encouraged CDS to continue philanthropy. He requested Council revisit the funds should CDS decide to withdraw from future events (i.e Taste of Los Al and Chamber of Commerce).

TIME LIMITS

Per Resolution 2013-09 "Council Meeting Time Limits", Council Member Murphy made a motion, seconded by Mayor Pro Tem Graham-Mejia, and unanimously carried to waive the time limits and continue discussion of the agenda items.

Motion/Second: Grose/Edgar

Carried 4/1 (Kusumoto cast the dissenting vote): The City Council directed Staff to work with Consolidated Disposal Services to reach a resolution and bring back to Council for approval in November.

Mayor Kusumoto stated opposition to the item and stated his belief that this requirement was not good contractually.

B. Authorization for LATV Equipment Purchase (City Manager)

Per a unanimous vote of the Ad Hoc Technical Committee and Cable Television Commission, it is recommended one full camera package totaling approximately \$10,100 be appropriated.

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

Council Member Edgar discussed the following topics: request for a unified CIP budget for equipment needed; disagreement between the Cable Commission and the Technical Advisory Committee; frustration with unbudgeted purchases and lack of a process; concern that the Council appointed Cable Commission is being paralyzed by the Commission appointed Technical Committee; Chair Underwood had advised it was difficult to get meetings together; expressed frustration that Chair Underwood was waiting through the proper process and was not receiving equipment while unbudgeted purchases for football emergencies were being made; stated support for making the studio whole should the Council wish to approve the item; frustration regarding the authority of the Cable Commission versus the Technical Committee; frustration no action

had been taken since Council provided direction back in August; belief Council had given Staff authority to hire a manager for \$10,000 to manage the Commission; expressed a desire to have a unified approach and not approve one piece at a time; expressed frustration the Council did not heed the advice of the appointed Commission; and, inquired if the Commission should be disbanded.

Mayor Pro Tem Graham-Mejia stated the information that had been forwarded to the Commission misrepresented the Technical Committee's recommendation and added the Technical Committee had been put in place to provide technical expertise. She stated support for a position that would manage the station and van operations in a unified manner. She added the Cable Commissioners have been very patient. She expressed opposition to hiring a General Manager as the real issue was a conflict of interest as a recipient of grant money was also the Chair of the Commission. She clarified she believed Mr. Underwood does a good job and it was nothing personal, however, it was the appearance to the community. She felt Mr. Underwood would still be influential even if he was not voting and felt he was driving a specific agenda for the station. She supported exploring an individual who was not part of the Commission or Tech Committee that would benefit the overall station. She encouraged receiving additional information regarding a Joint Powers Agreement (JPA) for studio use while still maintaining the van. She indicated the community was very invested in seeing their children play sports. She stated as a member of the ad hoc committee she felt they were at an impasse and supported looking into alternatives if a unified list could not be reached.

Council Member Murphy referred to the minutes of the Joint meeting of August 12th and indicated direction had been given to discuss the possibility of a General Manager, JPA, and direct the commission to review the policies and procedures. He indicated he did believe authority was given to hire a General Manager.

Mayor Pro Tem Graham-Mejia agreed.

Council Member Murphy stated the Council owed the Commission and the City a decision. He stated support for options regarding a JPA and a General Manager, including job descriptions, duties, and potential salary. He stated there needed to be an individual in charge to make decisions. He expressed frustration progress had not been made since the joint meeting and reiterated his desire to see all available options outlined so an informed decision could be made.

Interim City Manager Korduner indicated he had presented the Cable Commission with the possibility of a JPA and it was not receptive to the idea so he did not pursue the option.

Council Member Grose indicated he has served on the Ad Hoc Committee since January and the same issues and disputes are present. He stated opposition to the City Manager managing the Cable Commission and felt it was erroneous that Council allowed it to occur. He referred to item 12C and stated the decision to hire a General Manager was convoluted and the availability of funds was still unknown. He indicated he had reviewed the revenue and expenditures and expressed his belief that management could occur for less than \$25,000. He pointed out there was no supervision of contract employee Mr. Woods besides the City Manager approving the invoices. He referred to the recent equipment rentals and repairs. He referred to a producer threatening to resign if not allowed to run advertising on LATV. He stated the decision should not occur at the Council level and staff should make a recommendation to the City Manager for approval by Council. He pointed out if there was a conflict of interest action should be taken to replace that member. He stated the Commissioners were all committed and worked on a volunteer basis. He expressed frustration a decision had not been made regarding the future of LATV going digital or staying analog. He indicated there was lobbying from both sides to the Council and reiterated a policy needed to be in place to allow the Commission to move forward. He referred to PEG fees and proper budgeting. He pointed out the Commission still had not forwarded policies and procedures to the Council and had only just appointed two members to start the process. He supported making the difficult decision in order to move LATV and the community forward. He indicated item 12C would allow the position the opportunity to make decisions and report back to Council.

Mayor Pro Tem Graham-Mejia inquired who was assigned to the Commission Ad Hoc Committee.

Interim City Manager Korduner advised it was Commissioner Hasselbrink and Commissioner Rothwell.

Mayor Kusumoto acknowledged the frustration and indicated he had requested the City Manager track the labor hours used in conjunction with the Cable Commission. He expressed frustration with the process and indicated he had missed the joint meeting; however, from his perspective decisions for resolution were attempted, but the parties were at odds. He stated he had met with Chair Underwood to discuss the architecture of LATV. He indicated there were three groups that needed to coexist with a limited and shrinking budget. He explained his understanding the Tech Committee was created as an advisory committee to the Commission by Former City Manager Avery and was not chartered by the Commission or the Council. He viewed the Tech Committee as an ad hoc committee since two Commissioners were on the committee. He spoke regarding the system engineering and maximizing use of the core equipment. He felt it was optimal for one type of production to best utilize

the limited money. He advised overall architecture should be addressed by what is needed and the components needed to achieve the desired goals. He advised avoiding name brands and model numbers and focusing on the capability. He stated technology was always evolving and an open architecture was needed to begin the building blocks. He stated concern there was no policy and decisions were being made with money that will never be recovered. He stated he was not in support of this item.

Mayor Kusumoto opened the item for public comment.

Alice Jempsa, resident, declined commenting at this time.

Tom Rothwell, Cable Commissioner, stated opposition to a producer being appointed to the Commission, who also happens to be the Chair.

John Underwood, Cable Commission Chair, spoke regarding the following topics: active producer of LATV, but currently choosing not accepting money from the City to avoid false perceptions; advice of former City Attorney and Fair Political Practices Commission (FPPC) indicated it was solely his decision to recuse himself; good faith attempts made to reach a consensus with the Tech Committee had failed; three members of the Tech Committee make decisions without collaborating with him as a Tech Committee member; Tech Committee as an information group with no voting rights; frustration that a Commission approved recommendation was postponed by lobbying efforts of an informal ad hoc committee; frustration for inability to mentor prospective producers and students who have shown an interest; agreement to move forward with digital equipment; primary interest in the studio and broadcasting; and, stated the architecture in the studio should be open and modifiable in the future to allow for service and upgrades as needed.

Mayor Kusumoto inquired to the technical proposal.

Mr. Underwood stated he had submitted a proposal in the interest of future producers for a simple open architecture that can be easily incorporated.

Mayor Kusumoto inquired if Interim City Manager Korduner had such a proposal.

Interim City Manager Korduner answered in the negative.

Mayor Kusumoto indicated a point of discussion was not looking at a General Manager, but perhaps sending a proposal to an independent studio to analyze the pros and cons.

Larry Strawther, producer, spoke regarding ensuring Mr. Underwood's proposal fits into an open architecture; recent issues with the tricasters;

majority of the Tech Committee's belief one camera was sufficient and could possibly be upgraded in the future; and, referred to past purchase that was not useable in all applications.

Mayor Kusumoto inquired if was possible to rent equipment.

Mr. Strawther indicated all camera options were viable and there were only slight difference in the camera functions. He indicated the Tech Committee and Commission had compromised on one camera suggested by Mr. Underwood as a compromise.

Council Member Edgar inquired if Mr. Strawther believed the Tech Committee overruled the Cable Commission. Mr. Strawther answered in the negative.

Council Member Edgar pointed out the majority of the Commission had recommended the purchase and if the Tech Committee had disagreed, it was only advisory.

Mr. Strawther clarified what was presented to the Commission was not what was voted on by the Tech Committee.

Council Member Edgar stated his belief the Tech Committee was undermining the Commission and was hopeful the groups would be able to come to an understanding. He expressed frustration recordings in the field were considered urgent matters and in the studio are postponed. He felt the Council was reinforcing the Tech Committee's perceived authority by giving them purchasing power. He reiterated van operations had received what it needed under the guise of an emergency and felt it would be fair to get the equipment needed for the studio. He stated concern regarding the role of the advisory committee.

Mr. Strawther opposed the misrepresentation of the Tech Committee's recommendation. He indicated it had not seen Mr. Underwood's proposal while his proposal has been available. He stated he was not an expert and felt mistakes were made when the City dissolved the non-profit. He expressed frustration with Council's decision and indicated he was losing credibility in the community.

Mayor Pro Tem Graham-Mejia inquired if the recent equipment purchase was analog or digital.

Mr. Strawther stated it was a hybrid and required some conversion for digital.

Council Member Grose stated he was unclear why the monitors had to be upgraded to digital with the purchase of the multicaster. He stated the

decision had not been made to choose between analog and digital and felt the purchase decisions were premature.

Mayor Kusumoto stated this item was not regarding analog versus digital.

JM Ivler, resident, stated the equipment was agreed upon and should make Council's decision easier. He indicated further decisions could be had at a later date.

Mayor Kusumoto closed the item to the public.

Motion/Second: Kusumoto/Murphy

Motion: Deny the purchase of equipment and direct Staff to explore renting vs. buying the equipment.

Mayor Kusumoto inquired to the feasibility of renting versus buying.

Mr. Strawther stated that option was presented a couple months ago.

Council Member Edgar expressed frustration the only difference from what was proposed in August is the switcher. He reiterated the process was broken. He reiterated the Council was not taking the recommendation of the Commission and was empowering the Tech Committee. He stated support for fairness to all operations and expressed an interest in seeing studio production pick up with the same sense of urgency as van operations.

Council Member Edgar made a substitute motion to support the purchase or rental of the proposed equipment and the purchase of a switcher.

Interim City Manager Korduner referred to Mr. Underwood for price.

Mr. Underwood indicated the switcher was \$7,500, plus additional equipment.

Council Member Murphy inquired if this was an agenda item.

Council Member Edgar believed it was related.

City Attorney Reisman advised a budgeted amount and list of equipment had been recommended.

Mayor Kusumoto inquired if discussion was acceptable.

City Attorney Reisman stated discussion was appropriate, but Council could not appropriate funds at this time.

Mayor Pro Tem Graham-Mejia inquired if the switcher could also be used in the van.

Mr. Underwood stated it would be dedicated to the studio.

Council Member Edgar asked for clarification regarding available actions.

Interim City Manager Korduner apologized for the miscommunication and indicated he believed the recommendation could be expanded upon.

Council Member Edgar asked for final clarification on what could be decided.

Mayor Kusumoto agreed the subject was equipment purchase and discussion was not out of the scope.

City Attorney Reisman advised the recommendation had a specific camera package and amount. He indicated a broader recommendation would have been to generally authorize equipment purchase for LATV.

Mayor Kusumoto stated support for the substitute motion; however, it could not be entertained.

Council Member Edgar withdrew his substitute motion.

Mayor Kusumoto called for comments on the original motion.

Mayor Pro Tem Graham-Mejia spoke regarding the following topics: Mr. Underwood's undue influence on the Commission by bringing forward a recommendation and voting on the recommendation; what was brought forward to the Commission was not what was recommended by the Tech Committee; proposal was for the station only and did not have a global view; reference to Council switching insurance due to the misleading information that was provided; frustration information provided by Mr. Underwood is done the day of and not in advance; concern that purchases needed to be best for the entire station; support for an unbiased perspective to come up with a global product for the station; and, support for soliciting recommendations from technicians Kirk Stephens and Doug Wood for equipment for van and studio operations.

Council Member Edgar disagreed and indicated Mr. Wood and Mr. Stephens were good with the details, but felt Mr. Strawther and Mr. Underwood understood the bigger picture.

Mayor Pro Tem Graham-Mejia felt Mr. Wood and Mr. Stephens were not emotionally charged and could assist in moving LATV-3 forward. She indicated Council should know what needs to be done and ensure the best

cost. She pointed out emergency purchases were needed because Council was not able to take action. She stated her believe that Mr. Wood and Mr. Strawther were experts and could decide what needed to be done in a portion of the time. She referred to the last camera purchase when Council was advised they would last 10 years and had only lasted a fraction of that time. She stated she did trust recommendations from non-experts.

Council Member Grose disagreed and felt while Mr. Wood and Mr. Strawther had the knowledge; they were also aligned with the disputing parties.

Mayor Pro Tem Graham-Mejia believed they showed independent thinking through the process.

Council Member Grose stated opposition.

Mayor Kusumoto acknowledged Mayor Pro Tem Graham-Mejia's point and indicated it was not appropriate to discuss at this time.

Motion/Second: Kusumoto/Murphy

Failed 2/3 (Edgar, Grose, and Kusumoto cast the dissenting vote): Deny the purchase of equipment and direct Staff to explore renting vs. buying the equipment.

Council Member Edgar made a motion to refer the item back to the Commission and request a thorough review for short term buys based on parity. He requested the recommendation from the Commission come back to Council.

Council Member Edgar indicated the Commission and Council needed a process to move forward and suggested an additional workshop. He stated a decision needed to be made and piece-mealing was not the solution. He reiterated support for both sides having the equipment needed and suggested disbanding the Commission and consideration of the future of LATV.

Mayor Pro Tem Graham-Mejia requested the motion include Mr. Underwood recuse himself.

Council Member Edgar stated opposition. He pointed out Mr. Strawther received money from sports and Mr. Clayton received money from Church groups. He indicated legally Mr. Underwood needed to state the potential conflict.

Mayor Pro Tem Graham-Mejia stated opposition to a Commissioner voting on his proposal.

Mayor Kusumoto called a point of order.

Council Member Grose seconded the motion for purposes of discussion.

Mayor Pro Tem Graham-Mejia made a substitute motion to move forward with the recommend action.

Motion failed for lack of a second.

Council Member Murphy made a substitute motion to send the item back to Staff and have them explore various options including: General Manager with job description; JPA; and, review of necessary equipment. He stated support for making the decision from the top and then directing the Commission to implement. He stated opposition to disbanding the Commission.

Council Member Edgar requested the motion be amended to include a financial analysis including the cost for a fully funded JPA and General Manager.

Council Member Murphy agreed.

Mayor Pro Tem Graham-Mejia stated a manager should be considered first and the manager could handle these decisions.

Council Member Murphy stated his motion included a JPA, General Manager, and additional options. He felt the manager would decide on the type of equipment.

Mayor Kusumoto summarized the motion was for a complete analysis including a JPA, Station Manager, and financial analysis.

Council Member Edgar clarified options of closing the station and finding other options for the regulatory PEG money be included.

Council Member Murphy agreed.

Council unanimously agreed to accept the substitute motion.

Motion/Second: Murphy/Edgar

Unanimously Carried: The City Council directed Staff to bring back a comprehensive analysis that included utilizing a JPA, hiring a General Manager, studio operations, financial analysis, purchase options, and closing LATV.

Mr. Underwood stated opposition to the dissolution of LATV.

Mayor Kusumoto advised it was just an option to be considered in the Staff report.

C. Proposed LATV General Manager Position (City Manager)

At the August 12, 2013 Joint Meeting of the City Council and the Los Alamitos Cable Commission, direction was given to secure the services of a General Manager for LATV.

This item was postponed.

13. MAYOR AND COUNCIL INITIATED BUSINESS

**A. Orange County City Selection Committee Appointments
(Mayor Kusumoto and Council Member Edgar)**

The Orange County City Selection Committee will vote on appointments on November 14, 2013. Council Member Edgar has expressed an interest in continuing to serve on the RMC Board.

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

Mayor Kusumoto stated support for Council Member Edgar and requested direction from Council.

Council Member Edgar cautioned sensitivity for the Orange County Transportation Authority (OCTA) seat and advised Matt Harper was involved with the carpool issues.

Mayor Pro Tem Graham-Mejia made a motion for Staff recommendation.

Council Member Grose expressed an interest in applying for the Local Agency Formation Commission (LAFCO).

Council Member Edgar stated the seat was open and was not restricted by District. He indicated applicants need to lobby for the position. He added should Council Member Grose decide to apply with Council support, a strategy to quickly distribute a letter of support should be discussed.

Council Member Grose expressed he would like to apply for the position and felt the City had issues for LAFCO.

Council Member Murphy thanked Council Member Grose for his efforts.

Mayor Pro Tem Graham-Mejia modified her motion to include support for Council Member Grose to the LAFCO position and associated lobbying efforts.

Mayor Kusumoto stated support for Council Member Grose.

Motion/Second: Graham-Mejia/Murphy

Unanimously Carried: The City Council:

1. Stated support for Council Member Edgar as the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) representative; and,
2. Stated support for Council Member Grose as the Local Agency Formation Commission (LAFCO) representative; and,
3. Authorized the Mayor to vote as he deems appropriate on the remaining Boards, Committees, and Commissions.

B. Council Announcements

Council Member Murphy discussed the following topics: appreciation for Mr. Strawther for a successful Taste of Los Al event; attendance at a tour for Trend Offset Printing; thanked former Traffic Commissioner Wray for his involvement with the four way stop sign approval; thanked the Cable Commission for participation in the meeting; Grateful Hearts charity event; and, the successful partnership of citizens and the Council during the proposed Prologis event and encouragement to work with Cypress to ensure the quality of life for both cities is maintained.

Council Member Grose discussed the following topics: thanked Sunburst for their participation and wished them well with their December graduation; attendance at the tour for Trend Offset Printing; meetings and events are listed at www.losal.net; and, thanked City Manager Appointee Plumlee for staying engaged in the process.

Interim City Manager Korduner stated Mr. Plumlee's start date would be November 20, 2013.

Council Member Edgar discussed the following topics: Coyote Creek progress; attendance at the Seal Beach Triathlon; attendance with Council Member Murphy at the Orange County Sanitation District (OCSD) meeting; and, requested an agenda item for Council to support the preservation of St. Isidore Historical Plaza.

Mayor Pro Tem Graham-Mejia inquired if Staff was engaged in the League of California Cities (LOCC) request for input on its 2014 Statewide priorities.

Interim City Manager Korduner stated he would discuss with Staff.

Mayor Pro Tem Graham-Mejia spoke regarding the following topics: Laurel Park parking lot project; attendance at the Orange County Vector Control (OCVC) Board meeting; attendance at the LOCC Annual Conference; encouraged involvement in the Human Trafficking event in January; encouraged attendance at the I-405 Town Hall meeting to voice opposition to toll roads; and, wished Greta Anderson, gold medalist and swim instructor, a speedy recovery.

Council Member Edgar expressed concern that the City of Costa Mesa was looking into filing a lawsuit. He expressed his opinion the City did not have the funds for litigation and wanted to ensure that was clear.

Mayor Pro Tem Graham-Mejia cautioned dismissing the idea completely. She stated she had heard there may be a lawsuit and cost would be proportional to the size of the City. She indicated many cities felt betrayed the preferred recommendation was being dismissed.

Mayor Kusumoto discussed the following topics: attendance at the tour of Trend Offset Printing; attendance at the Taste of Los Al; advised of upcoming City of Seal Beach prescription drop off; and, requested an update on Wings, Wheels and Rotors (WWR).

Council Member Grose advised the event would be Sunday from 9:00 to 4:00 p.m. He advised due to the Government Shutdown, it was uncertain if military planes would be present. The event was free and family oriented.

Mayor Kusumoto continued discussion of the following topics: upcoming race dates at Los Alamitos Race Track and working with the City of Cypress to mitigate effects to the surrounding communities; encouraged attendance at Tuesday at the Plaza event; and, submitted a request for a possible November ballot measure for the acquisition, renovation, and operating expenses for St. Isidore Historical Plaza.

Council Member Edgar stated it would need to be a Special election due to the timeline.

Mayor Kusumoto stated a special election would cost money and supported putting the item to the people.

14. ITEMS FROM THE CITY MANAGER

Interim City Manager Korduner indicated he was pleased with the communication with SeniorServe during the federal government shut down. He stated there had been no interruption to critical services.

City Attorney Reisman stated there was no reportable action from Closed Session and Item 3E would be discussed now.

RECESS

City Council recessed in Closed Session at 11:37 p.m.

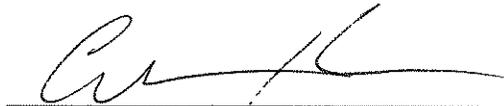
RECONVENED

City Council reconvened in Regular Session at 12: 25 a.m.

There was no reportable action.

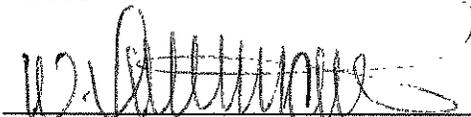
15. ADJOURNMENT

The City Council adjourned at 12:25 a.m.



Warren Kusumoto, Mayor

Attest:



Windmera Quintanar, CMC, City Clerk