

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

**REGULAR MEETING – November 18, 2013**

**1. CALL TO ORDER**

The City Council met in Regular Session at 5:33 p.m., Monday, November 18, 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  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Director  
Cassandra Palmer, Support Services Manager  
Windmera Quintanar, CMC, City Clerk

Mayor Kusumoto pulled Item No. 5 forward.

**5. SPECIAL ORDERS OF THE DAY**

**A. Presentation of a Plaque of Appreciation to Outgoing Interim City Manager Gregory D. Korduner**

Mayor Pro Tem Graham-Mejia welcomed incoming City Manager, Bret Plumlee. She stated Interim City Manager Korduner would be missed and she appreciated he was equitable and fair. She indicated she had enjoyed the service he provided and thanked his wife for her support.

Council Member Grose stated it had been a pleasure working with Interim City Manager Korduner and his experience with prior endeavors had been helpful. He appreciated Mr. Korduner agreeing to continue his service as the negotiator for the police contract.

Council Member Murphy indicated the highest compliment is to be considered a professional and a gentleman and he believed interim City Manager Korduner was both. He stated Mr. Korduner was an active City

Manager who was present at many events and his efforts were outstanding.

Council Member Edgar also appreciated Interim City Manager Korduner's attendance at community events and expressed it had been an honor working with Mr. Korduner.

Mayor Kusumoto opened the item for public comment.

Sherry Kropp, Los Alamitos Unified School District (LAUSD) Superintendent, thanked Interim City Manager Korduner for his service and indicated it had been joyous working with him. She felt he had been easy to work with even when making difficult decisions. She appreciated his attendance at events and the growing partnership with the City and LAUSD. She stated her hope to see him at events and expressed it had been a privilege to know him.

Diana Hill, LAUSD Board Member, indicated it had been easy to work with Interim City Manager Korduner and he was accessible and open. She appreciated the relationship Mr. Korduner had continued to grow with the District and Working Group. She wished him good luck in his future endeavors and hoped to see him at events.

Mayor Kusumoto closed the item for public comment.

Interim City Manager Korduner thanked the Mayor and City Council for the opportunity and indicated it had been a privilege and a pleasure working with a professional City Council. He stated he had learned a lot even though he had experience. He expressed appreciation for the Department Heads and the employees who provide daily service to the residents. He stated the residents of the community had been very supportive and he enjoyed working with them and the business community. He commended the City Council for its selection of Mr. Plumlee and felt he had great experience and would do a great job. He indicated it had been a pleasure working with LAUSD and Chief Jones, Orange County Fire Authority. He reiterated his appreciation for the opportunity and introduced his wife of 26 years, Karen Korduner.

Mayor Kusumoto and the Council invited Karen to join and presented a plaque of appreciation to Interim City Manager Korduner.

Council Member Edgar stated it had been an honor and explained Mr. Korduner was leaving due to the limited hours he could work as a retiree. He thanked Mr. Korduner for assisting with the recruitment and presented a letter of appreciation from the City Council.

**B. Introduction of Incoming City Manager Bret Plumlee**

Mayor Kusumoto introduced incoming City Manager, Bret Plumlee.

Mr. Plumlee thanked the Council for bringing him on board and thanked Mr. Korduner for his work and assisting him in his transition. He looked forward to the community working together with LAUSD and the business community and was excited to work with the Council and executive staff. He expressed him and his family were excited for the opportunity and looked forward to starting. He stated he would start on Wednesday and would hit the ground running.

**RECESS**

The City Council took a brief recess at 5:47 p.m. for a reception in Council Chamber Lobby.

**RECONVENE**

The City Council reconvened in Regular session at 6:01 p.m.

Mayor Kusumoto requested roll call.

**ROLL CALL**

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

**3. PLEDGE OF ALLEGIANCE**

Council Member Edgar led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Pro Tem Graham-Mejia gave the invocation.

**6. PRESENTATIONS**

**A. Presentation of Plaques of Appreciation to Former Commissioners for Their Dedicated Service to the Community: Larry Andrade, Planning Commission; Althea Miller, Cable Television Commission; Daniel Patz, Personnel Appeals Commission; Beth Piburn, Parks, Recreation, and Cultural Arts Commission; and, Norman Wray, Traffic Commission**

The Mayor and City Council presented plaques of appreciation to the Commissioners.

**B. Presentation of a Proclamation for Small Business Day to Shaun Ward, PPE Suppliers**

The Mayor and City Council presented a Proclamation to Mr. Ward.

Council Member Edgar encouraged residents to support local business.

**C. Project Update by Dave Hunt, City Engineer, Regarding Coyote Creek Park**

City Engineer Hunt gave a PowerPoint presentation regarding Coyote Creek and answered questions from the City Council.

Mayor Pro Tem Graham-Mejia inquired if there was an area for bikers to stop and rest.

City Engineer Hunt stated it was part of the bike path system and allowed a safer location for pedestrians to stop and cool down.

Mayor Pro Tem Graham-Mejia expressed it was a wonderful opportunity and indicated Council Member Edgar and former Council Member Ken Parker had been instrumental in securing the grant. She stated it was a beautiful asset for the community and additional open space.

Council Member Edgar indicated there had been challenges with Los Alamitos Unified School District (LAUSD) and the City had partnered with them for the entrance of the park to go through Oak Middle School. He clarified this project did not include pavement from Seal Beach to the 405 but request could be filed through the City.

City Engineer Hunt confirmed additional pavement was not part of this project. He indicated after the project was complete the City planned to apply to the Rivers and Mountains Conservancy (RMC) to improve the project further up including additional bridges. He clarified the LA County Flood Control maintained the actual channel and the City maintained the wood bridges.

**D. Presentation by Dustin Reilich, Director of Municipal Development, Regarding the HERO Program**

Dustin Reilich, gave a PowerPoint Presentation and answered questions from the City Council.

Mayor Kusumoto stated the project was a funding vehicle for property owners who meet certain criteria. He inquired what the typical interest rates are.

Mr. Reilich stated rates started at 5.95% up to 8% and ranged from 5-25 years.

Mayor Kusumoto inquired if homeowners would still be eligible for federal and state rebates for solar and inquired to the number of employees needed.

Mr. Reilich answered in the affirmative and clarified employees are CA Hero program employees, not City employees. He indicated there were 10-15 dedicated employees that execute documents.

- E. Presentation by Chief Jones, Orange County Fire Authority (OCFA), regarding the Ambulance Request for Proposals (RFP) Process**  
Mayor Kusumoto pulled Item No. 6E, and indicated Staff would remain in contact with OCFA.

Council Member Murphy requested item 10A be moved forward.

Mayor Kusumoto indicated item 10A would be considered after Oral Communications.

## **7. ORAL COMMUNICATIONS**

Johnnie Strohmyer, Chamber of Commerce, spoke regarding the upcoming Wine Stroll at Center Plaza and Winter Wonderland, Saturday December 7, from 4:00 to 8:00 p.m., hosted by Bandai Foundation.

Sherry Kropp, LAUSD Superintendent, spoke regarding the track and field complex, recent achievements of the athletic teams, upcoming LAEF King and Queen Event, importance of a strong partnership and working together, encouraged concerned residents to contact her directly, and, thanked the Council for the School Resource Officer (SRO).

Mayor Kusumoto recognized Naomi Rockenmacher, Kumon of Los Alamitos, and presented a Proclamation for Small Business Day.

Lisa Farrel spoke regarding the upcoming Free Them Event at Cottonwood Church on January 24, 2014, at 6:30 p.m.

JM Ivler, resident, spoke in opposition to the City funding the museum.

Mayor Kusumoto pulled item 10A forward.

## **10. PUBLIC HEARINGS**

- A. Consideration of an Appeal of a Planning Commission Approval for an Indoor Recreational Establishment & Retail Business in the Planned Light Industrial (P-M) Zoning District (Batting Cages) Conditional Use Permit No. 13-04 (Community Development)**  
At its September 9, 2013, meeting, the Planning Commission approved Conditional Use Permit CUP 13-04 for a batting cage business at 10714 Reagan Street. An appeal of the Planning Commission's decision has been filed by Scott Stirton, the owner of The Cage, a competing business.

Council Member Grose stated this was an appeal of a Planning Commission decision and his wife was a member of the Planning

Commission. He pointed out the City Attorney indicated he did not have a Conflict of Interest but in an abundance of caution he would recuse himself from the discussion. He made the Council aware the appellant had contacted him and requested a special meeting of which he declined since the public hearing was the opportunity for all sides to be heard. He recused himself and left the dais.

Interim City Manager Korduner introduced the item.

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

Mayor Kusumoto stated he had met with Scott and Bill Stirton on November 6<sup>th</sup> and had informed them of the appeal process. He indicated he had not arrived at a decision.

Mayor Pro Tem Graham-Mejia indicated she had met with the Stirton's as well regarding the process.

Mayor Kusumoto inquired the time frame for 200 car trips.

Community Development Director Mendoza stated it was for the peak hour of the day.

Council Member Edgar indicated he had met with Mr. Stirton and discussed the process and criteria. He stated he had come to the meeting with an open mind.

Mayor Kusumoto opened the Public Hearing.

Bill Stirton, appellant, 10660 Humbolt St., submitted a packet to Council and thanked the City Council and Staff for their patience during this process. He gave a brief history of the purchase of the batting cage from Vince Leone and the process he had gone through to receive a Conditional Use Permit (CUP). He indicated the previous CUP for batting cages had to be abandoned to allow for approval of his CUP. He questioned why the City would have him go through the process of abandonment and reapplying and then allow another CUP for the same use. He added the instructors at the facility were from Los Alamitos High School and \$100,000 was invested in the facility to ensure it was first class. He indicated the desire for a successful business and pointed out he did not have a consultant to assist in the process and he had never been in a small business before. He expressed disappointment and felt more questions should have been asked. He questioned the proximity of the new batting cage and pointed out most cities did not have two batting cages. He indicated his predecessor had been successful and felt two

similar businesses that close to each other would not be successful. He questioned why the competing business chose the location. He reiterated this was the first endeavor for a small business and steps had been taken to ensure things were done correctly. He pointed out LAHS students and coaches were hired. He expressed disappointment he had to abandon the existing CUP, be approved for a new CUP, and then a similar business was approved and encouraged to locate elsewhere. He indicated his son, Scott Stirton, would speak on parking issues and expressed his frustration.

Mayor Pro Tem Graham-Mejia stated Bill Stirton had made reference to a response from Community Development Director Mendoza in his packet and asked for clarification.

Bill Stirton indicated it was on page 5 of 15 of the minutes.

Mayor Pro Tem Graham-Mejia questioned the specific language of the CUP.

Community Development Director Mendoza referred to the recommendation block on the first page and read the title of the resolution.

Scott Stirton, appellant, 10660 Humbolt St., indicated residents had expressed concern regarding the CUP at 10714 Reagan and indicated the appeal was filed to have questions answered. He stated the appeal was based on market conditions and not competition. He questioned the Planning Commission decision being based off the Staff report and not taking into consideration market. He stated the 2010 census reported roughly 11,000 residents and Los Alamitos Youth Baseball (LAYB) was 6.1% of the population with 700 kids. He pointed out it was a small market and did not allow for the support of two similar businesses. He referred to Staff's assessment regarding parking and felt a bowling alley would have been a more comparable use. He indicated the parking would not be accessible coming and going and all spaces would be utilized. He felt light industrial was not designed for recreational uses. He referred to the upcoming General Plan and pointed out it was yet to be approved and studied. He stated The Cage would be a similar use with 17 parking spaces and no other recreational uses around with surrounding business closing around 4:30 p.m. providing additional parking. He indicated peak hours were weekends and holiday weekends. He reiterated the General Plan was still under consideration and felt Staff had not done the appropriate amount of research. He indicated parking spaces would disappear with no room to expand with 3-4 people within each lesson plan and 5 instructors. He pointed out Archery Outpost had gated off some parking area causing a bottleneck effect at the entry way. He indicated his business location could not be compared to theirs as they were already running out of parking spaces.

Mayor Kusumoto asked Scott Stirton how many parking spaces were used during business hours with the cages fully occupied.

Scott Stirton stated during peak hours it was approximately 20-30 spaces.

Council Member Edgar inquired how many parking spaces Scott Stirton was approved for.

Scott Stirton indicated there were 17 spaces.

Council Member Edgar stated using the same argument Mr. Stirton's project should be rejected as well.

Scott Stirton indicated the landlord had agreed to give them additional spaces if needed.

Phillip Schwartz, planning Consultant for Excel Baseball, 31103 Rancho Viejo Road, San Juan Capistrano, responded to the appellant's comments and indicated he was in the process of opening a batting cage within 300 feet of an existing cage and indicated there were two batting cages in the same business park in San Juan Capistrano. He indicated he had read and fully understands the conditions of approval and he was available to answer any questions. He requested the audience in favor of Excel Baseball raise their hands. He referred to the previous award of Small Business Proclamations and was hopeful Excel Baseball would be next. He indicated Excel Baseball felt there was a larger market to be tapped into and had invested their money in Los Alamitos.

Mayor Kusumoto referred to the appellant's concern regarding parking and asked Mr. Schwartz if 20-30 parking spaces were needed in his experience.

Mr. Schwartz answered in the negative and pointed out the majority of patrons were dropped off. He indicated he felt there was more than sufficient amount of parking and Staff had been provided with a professional study that addressed parking. He stated the study suggested 10 or 11 spaces and the business was guaranteed 18.

City Attorney Reisman requested the audience raise their hands to show support for Excel Baseball. He estimated 50 people in support.

Mayor Pro Tem Graham-Mejia indicated she had stayed with her son during his batting practices. She inquired if Mr. Schwartz had worked with or had a relationship with anyone on Staff previously.

Mr. Schwartz answered in the negative.

Steven Fock, property owner, 10714 Regan St, indicated he had purchased the property in 2003 and gave a brief history on the tenants Kidnastic and Archery Outpost. He stated he had bought an industrial park and it had turned into a successful recreational activity center. He stated when the previous tenant's lease expired, he requested his broker look for a recreational use. He indicated he felt the tenant would be successful as Los Alamitos had a strong market for youth oriented physical activity. He stated he was pleased to have space available to accommodate such. He indicated support for the direction of the General Plan process and indicated he had submitted a letter containing thoughts and concerns for the appeal.

Mayor Pro Tem Graham-Mejia referred to the appellant's concern a designated area for parking was no longer available.

Mr. Fock indicated it was three spaces that had been converted into an outdoor BBQ area. He indicated as the landowner he had come across interesting challenges with parking, especially in regards to the loading dock. He indicated parking shortages could be addressed now and in the future.

Mayor Pro Tem Graham-Mejia inquired if Mr. Fock was willing to modify the parking.

Mr. Fock answered in the affirmative and added his goal was to keep his tenants satisfied.

Council Member Murphy inquired if the Stirtons' concerns had been covered by the Planning Commission.

Community Development Director Mendoza indicated Mr. Stirton had addressed the Planning Commission and the base of his concerns had been broadened and were more detailed.

Council Member Murphy inquired if the parking requirements were met.

Community Development Director Mendoza answered in the affirmative and stated there was sufficient parking for the site including all uses.

Mayor Pro Tem Graham-Mejia inquired if the new owners of The Cage had been informed the City was focusing on this area for children related sports.

Community Development Director Mendoza stated The Cage had applied to move a business and this location was not available at the time. He indicated Staff had become aware of the community's desire through experience.

Mayor Pro Tem Graham-Mejia questioned if it had been mentioned.

Community Development Director Mendoza indicated it was not on Staff's radar at the time.

Mayor Kusumoto indicated the General Plan had not been approved and requested Staff describe the three year process, specifically the 10 opportunity sites.

Community Development Director Mendoza gave a brief overview of the process and indicated Staff wanted to allow industrial and recreational uses in the same area. The first step was to put the infrastructure in place through the General Plan. He pointed out the hospital was another targeted area.

Council Member Edgar indicated he had met with Mr. Stirton and thanked him for using the process afforded by the City. He stated the Planning Commission serves at the will of the City Council and the Council is elected to the positions. He stated his biggest focus was on the redevelopment of the Los Alamitos Medical Center and remaining business friendly. He inquired if there was any additional information that had not been introduced at the Planning Commission level. He indicated he struggled with the concept of competition or the presence of a technical problem with the process. He pointed out Cities do not adjudicate competition. He indicated the only additional information provided was regarding parking and he was not moved yet to reject the appeal.

Mayor Pro Tem Graham-Mejia indicated she had met with Mr. Stirton. She believed there was a misunderstanding in which they believed they were vacating the CUP for the original facility of The Cage and that would somehow protect them from a sprawl of similar business. She indicated her belief they felt applying for a new CUP was disallowing another facility in the same PM zone. She expressed a better job could have been done in clarifying what zone was being discussed. She sympathized with the frustration and indicated they were a good community partner in hiring students from the community. She was hopeful both businesses would succeed.

Council Member Murphy made a motion, seconded by Council Member Edgar to approve Staff's recommendation.

Mayor Kusumoto indicated looking at the facts and data nothing new had been presented. He felt there was no error made and the biggest issue was the amount of car trips and parking spaces. He indicated he did not see anything compelling enough to continue with the appeal.

Mayor Pro Tem Graham-Mejia indicated she would vote no. She clarified it was not in opposition to the other facility, but due to her belief there was a huge misunderstanding regarding competition.

Motion/Second: Murphy/Edgar  
Carried 3/1 (Graham-Mejia cast the dissenting vote):

1. Opened the Public Hearing; and,
2. Took testimony; and,
3. Adopted City Council Resolution No. 2013-27, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND APPROVING CONDITIONAL USE PERMIT CUP 13-04, A REQUEST TO ALLOW AN INDOOR RECREATIONAL ESTABLISHMENT USE (BATTING CAGES), AND A RETAIL SALES USE, IN AN EXISTING 8,868 SQUARE FOOT SPACE AT 10714 REAGAN STREET, UNIT #A, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 242-242-69 (APPLICANT: PHILLIP SCHWARTZE OF THE PRS GROUP ON BEHALF OF XCEL BASEBALL; APPELLANT: SCOTT STIRTON )."

#### **RECESS**

The City Council took a brief recess at 7:47 p.m.

#### **RECONVENE**

The City Council reconvened in Regular session at 8:03 p.m.

Council Member Grose resumed his seat at the dais.

#### **8. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Graham-Mejia/Murphy

Unanimously Approved: The City Council approved the Register of Major Expenditures for November 18, 2013, in the amount of \$205,837.95, ratified the Register of Major Expenditures for October 22, 2013, to November 17, 2013, in the amount of \$670,019.92, 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 November 19, 2013, to December 15, 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

9. **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 pulled items 9C and 9I.  
Council Member Murphy pulled item 9M.  
Council Member Edgar pulled items 9G and 9K.

Motion/Second: Graham-Mejia/Edgar  
Unanimously Carried: The following Consent Calendar items were approved:

**A. Approval of Minutes (City Clerk)**  
Approved the Minutes of the Regular Meeting of October 21, 2013.

**B. Warrants (Finance)**  
Approved the Warrants for November 18, 2013, in the amount of \$68,674.04 and ratified the Warrants for the time period for October 22, 2013, to November 17, 2013, in the amount of \$90,247.82, 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 November 19, 2013, to December 15, 2013.

**D. Amendment to Interim City Manager Agreement – Gregory D. Korduner (City Attorney)**  
The amendment to Gregory D. Korduner's employment agreement established terms and conditions of his continued employment, on a part-time basis, to assist new City Manager Bret Plumlee with the transition, and to act as the City's Labor Negotiator for the negotiations with employee organizations and unrepresented employees.

The City Council approved the Amendment to Interim City Manager Agreement between the City of Los Alamitos and Gregory D. Korduner.

**E. Authorization to Replace the Roll-up Fire Door (Public Works)**  
This report recommended replacement of the Community Center's roll-up fire door.

The City Council authorized the City Manager to execute a purchase order for the lowest responsible bid to Lawrence Roll-Up Doors, Inc., in the amount of \$11,700.00, and reject all other bids for the replacement of the Community Center's roll-up fire door.

**F. Award of Bid for On-Call Concrete Contractor (CIP No. 13/14-02) (City Engineer)**  
This report recommended action 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 sidewalk in various locations throughout the City.

The City Council:

1. Awarded construction of the On-Call Concrete (CIP No. 13/14-02) to Ruiz Concrete and Paving Inc. in the amount of \$63,065; and,
2. Authorized the Mayor to execute the contract for the project; and,
3. Authorized City Engineer to add work and execute change orders in an amount not to exceed the contingency reserve of \$14,935 for a maximum contract amount of \$80,000 to match the two CIP budgets for miscellaneous concrete work in 2013/2014.

**H. Community Development Block Grant (CDBG) Project List for Fiscal Year 2014-15 (Community Development)**

This report recommended a project list for Fiscal Year 2014-2015 of the County's Community Development Block Grant (CDBG) program and approval of the City's participation in the program which may be due in January 2014.

The City Council:

1. Adopted Resolution No. 2013-26 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE CITY'S PARTICIPATION IN FISCAL YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITH THE COUNTY OF ORANGE"; and,
2. Directed Staff to prepare applications for submittal to the County of Orange; and,
3. Authorized the City Manager to execute all CDBG program documents for Fiscal Year 2014-2015 and appropriate amendments, if any, as they become available.

**J. Resolution Adopting the June 30, 2013, Measure M2 Expenditure Report (Finance)**

Each agency which receives Measure M2 funds is required by OCTA to adopt via resolution an annual Expenditure Report to account for the use of Measure M2 funds.

The City Council adopted Resolution No. 2013-28 entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS,

CALIFORNIA, CONCERNING THE JUNE 30, 2013 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LOS ALAMITOS”.

- L. LATV Operations Update (City Manager)**  
City Council requested a comprehensive equipment list and a fiscal analysis of all available options regarding LATV Operations. Staff diligently researched various components. This report summarized the progress to date.

The City Council continued this matter to the December 16, 2013, City Council meeting thus allowing Staff the opportunity to further research the PCTA JPA and refine the costs presented by the LATV Tech Committee.

**End of Consent Calendar**

**Items pulled from Consent Calendar**

- C. 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 attached Ordinances implement the adoption. This item had first reading on October 21, 2013.

Mayor Kusumoto continued this item until the next meeting to allow for a series of workshops with the incoming City Manager.

Mayor Pro Tem Graham-Mejia supported the request.

The item was continued.

- G. 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. This item was continued from the October 21, 2013, Council Agenda.

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

Council Member Edgar thanked Chief Jones and Chief Zeller for meeting with him on this topic and strongly urged the Council to reject this item.

He gave a brief summary on the history of Orange County Fire Authority (OCFA) and indicated the City of Irvine believed it was a donor city and was seeking reimbursement. He indicated Irvine was one of 16 structural fire fund cities and services were paid through property taxes. He believed approval would set a bad precedent and would mark the end of OCFA. He stated Irvine residents were not paying more and summarized Prop 13. He disagreed with Irvine accepting revenue through property taxes and OCFA putting money into Irvine's general fund. He stated Irvine would have to go through Prop 218 if it desired its property taxes lowered. He believed the item would be challenged and pointed out the City of Irvine itself did not unanimously vote to accept the proposal and was facing issues regarding the use of the money. He acknowledged OCFA's efforts, but felt it was a political move. He speculated the \$4-6 million payment to Irvine would not go away, pointed out real services were provided by that money and inquired if service levels would drop. He referenced the upcoming OCERS decision that could possibly result in \$10-12 million payment. He believed there was a deeper structural concern and did not feel this was best policy wise for OCFA. He urged the Council to vote no.

Mayor Warren acknowledged Council Member Edgar's concerns. He summarized his understanding as an OCFA Board Member was that this agreement would guarantee Irvine stays in the structural fire fund through 2030. He indicated his concerns were in regards to equity and stated his long standing neighbor's property tax was 1/10<sup>th</sup> of the home he purchased in 2000. He stated Irvine would continue to build more homes and pay more taxes and this agreement made it more palpable for them. He agreed with the policy and indicated property taxes could be appealed to a certain point. He believed Irvine leaving would be the demise of OCFA and it would recast the authority into a different light. He indicated he would vote the will of the Council on the OCFA Board.

Council Member Grose indicated he attended the meeting with Council Member Edgar and referenced a letter received by a member of the public, Stephen Wontrobski. He indicated Irvine could exercise its right to opt out and be done by 2020. He agreed there was an issue with process by taking in property taxes and rebating it back in another form. He questioned the legality of the process and indicated there appeared to be excess funds in the account to accommodate this request. He agreed this was not good policy to get started on. He pointed out 2/3 of the cities' approval was required to move forward and although opposing the item may not stop the process, it would make the City's position known moving forward.

Council Member Edgar inquired to the approval needed.

Chief Jones stated 16 total of the cities were needed and to date 14 have approved the agreement and two were against. He read the list of actions from the cities to date.

Council Member Grose stated his understanding this would not affect any rate changes or fees for Los Alamitos. He stated concern regarding the OCERS outcome.

Chief Jones stated he had attended the OCERS meeting and it was still going strong when he had left. He indicated he believed OCERS had approved option #2 and 20 years but he was unsure. He stated OCERS had come to a conclusion.

Council Member Edgar inquired if that was down from 25 years and the amount of unfunded liability would increase.

Chief Jones indicated he was not certain and would confirm with Chief Zweller.

Council Member Murphy asked for confirmation there were a total of 24 cities and OCFA needed the approval of 16. 16 cities were accounted for, 14 in favor, and 2 against, so approval was only needed from 2 of the next 8 cities.

Chief Jones stated that was correct. He pointed out the bigger complex issue was regional fire protection. He indicated regional fire protecting works and it's good for the whole. He stated this ensured Irvine remain in OCFA until 2030. Without the amendment Irvine could give notice in 2018 and leave in 2020 at which point service delivery would become questionable.

Council Member Murphy indicated Council Member Edgar had made some points and questioned if OCFA could respond to those points for discussion purposes.

Mayor Kusumoto stated the items had previously been brought forward and answered. He requested questions be answered as they arise.

Mayor Pro Tem Graham-Mejia asked for clarification that older homes protected by Prop 13 do not contribute.

Chief Jones stated they receive the same level of service for their assessed tax.

Mayor Pro Tem Graham-Mejia supported residents paying their fair share of the services. She stated if there was a disproportionate amount of people paying a lower tax and receiving the same services someone else must be picking up the share. She supported an equitable solution that

would spread the cost across the board. She inquired what the City's budget for fire services was.

Interim City Manager Korduner indicated there was no budget for fire services and pointed out the residents paid for it through their property taxes.

Mayor Pro Tem Graham-Mejia questioned the purpose of initially joining OCFA.

Council Member Edgar stated there were originally 16 cities that banded together and gave a brief history of the cities that joined as cash cities.

Chief Jones indicated he was not prepared to address that question.

Mayor Pro Tem Graham-Mejia inquired if there were a majority of people paying the lower Prop 13 tax, if the City could break away and maintain its own fire department.

Chief Jones answered in the affirmative.

Mayor Pro Tem Graham-Mejia indicated Irvine could do such based on its growth, but she did not feel Los Alamitos could afford such. She pointed out it was an advantage to pay less and receive the same services. She felt it was fair for the City to pay its portion and not expect another City to help pay the way. She stated opposition to blaming Irvine and inquired to the legality.

City Attorney Reisman stated the validation act would address such by receiving the Court's approval.

Mayor Pro Tem Graham-Mejia believed there would be no legal issues as action was based on the Court's decision. She inquired what would happen if the court denied the request.

Chief Jones stated the process was for the cities to vote and approve. The next step would be to receive the court validation at which point if it was not approved the process would stop and OCFA would need to find another way to address Irvine's concerns.

Mayor Pro Tem Graham-Mejia summarized Irvine could potentially leave in 2020 if the issue was not resolved. She inquired if Irvine would be guaranteed to stay until 2030 if the court approved.

Chief Jones answered in the affirmative.

Mayor Kusumoto clarified the issue was not to raise property taxes and agreed with the policy in some ways.

Chief Jones pointed out the formula would change every year.

Mayor Kusumoto stated the City of Stanton was a cash city with older residential homes. He pointed out Prop 13 establishes property tax.

Council Member Murphy asked for clarification that Irvine would receive approximately \$5 million and there was an additional \$5 million for pensions for a total of \$10 million loss.

Chief Jones clarified the rebate to Irvine was calculated at \$4 million the first year and would increase over time. He stated OCERS decided to go to 20 years and in one scenario that could be a positive outcome for OCFA.

Council Member Murphy questioned how OCFA could afford a \$5 million deduction and still pay its expenses.

Chief Jones spoke on a personal note and stated if Irvine were to leave, OCFA would have to negotiate the property tax funds with the County. He indicated with Irvine's membership and OCFA making equity payments, OCFA would pay \$134 million but would gain \$1.375 billion. He pointed out Irvine keeps OCFA strong and ensures service delivery. He acknowledged there was a regional issue that needed to be addressed regarding cities that don't pay the actual cost and donor cities.

Council Member Murphy questioned what would happen if Irvine backs out in 2020.

Chief Jones stated Chief Zweller had calculated the numbers and OCFA believes it will remain solvent, but it does foresee impending trouble. He stated if Irvine was successful in leaving it would diminish regional fire protection. He spoke briefly about the City of Long Beach. He indicated the great services citizens receive will become a question.

Council Member Murphy inquired how that would affect response in disasters.

Chief Jones indicated master mutual aid would still be intact.

Council Member Murphy reiterated the figures and believed the City would receive 10 to 1 for its investment.

Chief Jones urged the Council to look at the regional perspective. He pointed out Irvine was a strong component and in the center of the County.

Council Member Edgar referenced the Orange County bankruptcy and pointed out there were other options. He indicated it was a business decision and if Irvine left, another city going through redevelopment and new development would believe it was a donor city. He clarified he was not vilifying Irvine, but was reaching out and asking them not to break down the regional structure. He challenged OCFA to condition itself to spend less revenue and assume Irvine was leaving so the authority could survive instead of investing for Irvine to stay. He believed Irvine would be the first of many cities to leave and urged them to reconsider. He questioned getting approval of the cities before getting court's decision.

Mayor Pro Tem Graham-Mejia questioned if it was uncommon to receive the support of the cities before going to court.

City Attorney Reisman stated it was not uncommon and an appropriate means for making a determination. He pointed out validation acts were uncommon and were usually declaratory relief action.

Mayor Pro Tem Graham-Mejia stated it was a choice of process.

City Attorney Reisman stated he did not look at the act in detail, but pointed out the Court did not appropriate deciding issues that were not concrete and speculative in nature. He pointed out if 18 cities support the item it would appear more serious.

Mayor Pro Tem Graham-Mejia clarified she did not say 16 cities had already approved it so the City should as well. She indicated she felt the City should pay its fair share. She indicated support as it allowed Irvine to be reimbursed for money paid above and beyond. She indicated the City was getting the benefit for the small portion paid.

Chief Jones indicated it was important to understand why OCFA wanted Irvine to stay until 2030 and outlined several scenarios. He summarized Chief Zweiler had done her due diligence and presented a solid plan that would pay down unfunded liability and leave OCFA in a better position.

Mayor Pro Tem Graham-Mejia indicated 2030 would allow a longer period for OCFA to strategize a plan for Irvine's departure. She stated regional fire authority was a benefit, especially in times of emergencies or disasters. She pointed out regional protection ensured everyone understood the process and rules and it was a huge benefit to have in place.

Council Member Murphy believed the process was out of order, but understood the Court would not address a law until it was brought forward.

Council Member Edgar stated at a local level he believed this was tax payer fraud. He indicated property tax was taken for a specific reason and now there was debate on what to do. He stated disapproval of Irvine's actions and felt even if it passed by 17 or 18 cities he felt the City should fight it on principal.

Council Member Grose agreed from that perspective. He stated OCFA would still benefit even while making payments. He stated concern other cities would follow suit and pointed out Irvine had a clause that locked them in till 2030. He questioned what guarantees there were that other cities stay would stay through 2030.

Chief Jones indicated there was no guarantee. He stated all cities had the option to give notice in 2018 to opt out in 2020 and then notice in 2028 to opt out in 2030. He pointed out many cities had approved the agreement which indicated no one planned to leave. He believed County of Orange felt OCFA was strong. He indicated some cities wanted to send a message and all cities had the option to opt out.

Mayor Kusumoto clarified there was a formula established by the committee that would establish which cities receive a refund. He pointed out the qualification criteria would continually change.

Chief Jones stated he did not see the County or Irvine falling below the threshold, but many cities were close.

Mayor Kusumoto inquired if each City who accepted refunds would be locked in for 30 years.

Chief Jones stated only Irvine would be guaranteed till 2030.

Mayor Kusumoto believed cities who received payment could be asked to commit to 2030. He questioned if Irvine would have difficulties spending the money since it could only be spent on public safety.

Chief Jones clarified the original formula restricted the funds and the new formula allowed the funds to be spent as desired. He indicated the Council was undecided on how to spend the funds.

Council Member Edgar indicated Chief Zweller had confirmed if a full payment could not be made then OCFA would pay Irvine half a payment and accrue interest on the remaining as an open loan.

Chief Jones indicated he was unsure.

Council Member Edgar reiterated concerns regarding OCERS payments and pointed out the bigger issue for OCFA was South County versus

North County. He indicated that issue was already present on the Library Board, LAFCO, and water issues. He believed in 3 to 5 years Irvine would be considered part of old Orange County and the next equity City would step up.

Mayor Pro Tem Graham-Mejia inquired if the payments could be deferred before interest occurred.

Mayor Kusumoto stated he did not recall the details and would request Chief Zweller provide them.

Council Member Edgar made a motion to reject Staff's recommendation. The motion died for lack of a second.

Mayor Pro Tem Graham-Mejia made a motion for Staff recommendation, seconded by Council Member Murphy.

City Attorney Reisman read the motion aloud.

Council Member Murphy inquired if delaying the item to address some of Council Member Edgar's concerns would be beneficial.

Council Member Edgar answered in the negative and indicated he would go with the will of the Council. He appreciated the opportunity to express his concerns and would be voting no.

Mayor Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Kusumoto closed the item for public comment.

Mayor Kusumoto requested a roll call vote.

Motion/Second: Graham-Mejia/Murphy  
Carried 3/2: The City Council:

1. Approved and directed the City Manager to execute the submitted Second Amendment to the Amended Orange County Fire Authority JPA Agreement; and,
2. Authorized the City Attorney to join in supporting the OCFA's validation action, when filed, seeking to obtain a judicial declaration of the validity of the Second Amendment to the Amended JPA Agreement.

**Roll Call Vote**

Council Member Edgar	No
Council Member Grose	Aye

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

**I. Meeting Between United States Congressman Alan Lowenthal and City of Los Alamitos Representatives to Discuss Various Topics (City Manager)**

This report summarizes the November 4, 2013, meeting between United States Congressman Lowenthal and Staff.

Mayor Kusumoto requested a report and expressed gratitude to the Council and Staff in attendance.

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 indicated LATV additional options to increase funding for LATV had been discussed and asked for an update.

Interim City Manager Korduner indicated the information had been discussed. He indicated there was a great deal of concern and the remaining funds needed to be spent wisely. He indicated Staff would stay apprised of the issue and comply with requirements for eligibility.

Council Member Grose indicated he had requested and personally met with Congressman Lowenthal on a personal level. He stated he had discussed LATV funding and the runways at the Joint Forces Training Base (JFTB). He indicated Congressman Lowenthal was supportive of the JFTB at this time.

Mayor Pro Tem Graham-Mejia indicated they had discussed the JFTB in regards to sequestration. Congressman Lowenthal had expressed support for the JFTB to be a location for disasters and homeland security base. She stated it was understood the City supported the JFTB.

The City Council received and filed the report.

**K. Approval of Plans and Specifications for Rossmoor Storm Channel (OCFCD Facility No. C01S02) Improvement Project (from Los Alamitos Boulevard to Rochelle Street) (Engineering)**

This report recommended actions to begin facilitating the construction of the Rossmoor Storm Channel (OCFCD Facility No. C01S02) Improvement Project (from Los Alamitos Boulevard to Rochelle Street).

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

Council Member Edgar indicated the Council had worked hard over the last five years to have this issue resolved. He recognized resident Ed Bremmel for his continued effort to resolve the problem. He requested a timeline for construction and an update on the staging area, planning, finance, and any resident complaints.

City Engineer Hunt indicated the construction staging area was originally proposed at Cottonwood Park; however, the County had agreed to allow the contractor to utilize its right of way space along the channel. He indicated the contractor may desire a more suitable land closer to the site and could possibly choose to negotiate with the City at a later time.

Council Member Edgar questioned the construction staging removal of rocks and potential concrete breaking.

City Engineer Hunt stated it would be mainly an equipment storage trailer. He added the removal of dirt and moss would be hauled away as it was not reusable. He reiterated the storage would mainly be equipment and trailers.

Council Member Edgar inquired if the project was fully funded by the County and when the start of construction would occur.

City Engineer Hunt indicated the project was fully funded. He indicated the bids would be opened December 11 and construction would start approximately 12 weeks after. He stated construction would most likely start around April 15<sup>th</sup> to avoid the rainy season and begin before the next winter. He added the County had notified residents of the necessary steps regarding drains from their back yards into the channel and a public meeting was held at City Hall. Three to four residents attended and all their questions were answered.

Mayor Pro Tem Graham-Mejia indicated this would be beneficial for Orange County Vector Control as they had to spray to stay on top of concerns. She inquired how residents would handle the flow once their drains were capped.

City Engineer Hunt stated the drains would be redirected to the front of the house or they could install a sub pump in their back yard. He indicated residents were being worked with to come up with ideas to keep costs minimal.

Mayor Pro Tem Graham-Mejia inquired if residents were contacted.

City Engineer Hunt answered in the affirmative and added the County by-laws were explained to residents and informed assistance was available.

Council Member Grose indicated St. Hedwig had concerns regarding traffic should the staging area be located in the storm drain to the east of Rochelle. He stated the contractor had been given the number for the new command at the JFTB and he had hoped the staging would not occur around Rochelle.

Mayor Kusumoto opened the item for public comments. There being no one present wishing to speak, Mayor Kusumoto closed the item for public comments.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council approved the plans and specifications for the construction of the Rossmoor Storm Channel (OCFCD Facility No. C01S02) Improvement Project (from Los Alamitos Boulevard to Rochelle Street).

**M. Los Alamitos Race Course Track Extension - Initial Study/Environmental Checklist (Community Development)**

The City of Cypress has received an application to extend the track at the Los Alamitos Race Course. The application also includes the modification of an existing artificial lake, the extension of an existing fence, and the relocation of an existing camera tower. Staff is providing the City Council with the Initial Study/Environmental Checklist and the Traffic Impact Study. The Traffic Study was discussed by the Traffic Commission during the November 13, 2013 meeting.

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

Council Member Murphy expressed concern there was an assumption of no additional parking. He stated Cypress needed to be asked the right questions as they were indicating there would be no impacts. He stated support for seeing an expanded study to ensure their assumptions were correct. He stated support for Council taking an approach similar to the one it took with Prologis. He stressed the importance of asking the right questions to ensure there is no effect from the additional training of horses year round and five weeks of racing during the year. He expressed concern five weeks would grow into more.

Mayor Pro Tem Graham-Mejia stated the additional 200 stalls were no longer being discussed and felt it was similar to when Prologis was proposing truck bays. She was supportive of being very inquisitive about the effects this project would have. She questioned if the horses coming in and out were taken into consideration when the conclusion of no negative impact was reached. She stated the letter submitted by Dave Emerson had several interesting questions and requested Staff review it.

Council Member Edgar expressed appreciation the Traffic Commission was proactive in starting this process and the community wanted a proactive approach. He questioned the constructiveness in documenting concerns involved in an Environmental Impact Report (EIR).

Community Development Director Mendoza clarified Cypress is recommending a Mitigated Negative Declaration (MND), a level below an EIR.

Council Member Edgar inquired what the role of the Council would be in that process to provide constructive feedback and provide questions.

Community Development Director Mendoza stated comments could be provided in a letter or public comments made during the night of approval. He pointed out this was a lower level of review and a formal comment and response period was not required.

Council Member Edgar inquired if there was no CEQA process with mitigations declared, what ability do residents have to formally negotiate.

Community Development Director Mendoza clarified a MND is a CEQA process and Cypress is conducting the level they feel is appropriate for this project and following legal requirements.

Council Member Edgar inquired if Council would want to push for a MND and see if Cypress would accept. He indicated the use was not changing and it was expanding and making structural changes. He referred to the Los Alamitos High School track and field project, and inquired if Council would want to send a similar letter stating its position.

Community Development Director Mendoza indicated Staff had not responded to Cypress as it was waiting for the Traffic Commission and Council's direction. At this point, a traffic consultant could be hired to review the various impacts (i.e. noise, air quality, lighting, etc.) to see if study was needed above what Cypress is considering. He stated Council would have to find fault in every category of the extensive draft study required by CEQA law. He added Council would need to back up the claims and convince Cypress an EIR was needed.

Council Member Edgar inquired if the legal path would be to submit comments and if Cypress would not need to negotiate or discuss any remediation or mitigation efforts the City may see.

Community Development Director Mendoza stated the City would need to raise enough concern for Cypress to question the decision and do an EIR. He pointed out Cypress could decline and continue on its desired path.

Council Member Edgar inquired what specific policy direction was needed from Council tonight.

Community Development Director Mendoza indicated it was a technical point of view and a traffic engineer needed to study the items of interest. Council needed to provide direction on how much information was needed. He clarified Council was not being asked to support the MND.

Council Member Grose agreed the City should stay on top of the item. He was unsure the MND would address the concerns the City had. He indicated he wanted to ensure there wasn't any development occurring that the City was not aware of. He stated support for having Lexington widened and was unsure that could be used as a negotiating tool at this point. He stated the Mayor had sent a letter regarding Lexington to the City of Cypress and no response had been received. He stated support for being visibly up front with the City's concerns regarding the entire property.

Mayor Kusumoto stated his understanding the Race Track usage was established in the past and traffic counts were included in its CUP. He indicated there were less car trips and parking than there used to be and he believed the entitlement was not being fully utilized. He referenced the hospital's Specific Plan that included traffic counts that they were entitled to use, not the actual counts. He believed there were concerns but questioned if the impacts go beyond the entitlements in place.

Council Member Murphy provided a brief recap of upcoming race dates and stated concern the race track had already made promises to the CA Horse Racing Board that it would be obligated to maintain. He indicated if an EIR was going to be done it would be through the City's efforts as the race track did not have the time needed for construction and performing an environmental study.

Mayor Kusumoto opened the item for public comment.

JM Ivler, resident, gave a brief history on the Cottonwood project and widening of Lexington Ave. He indicated this would be the opportunity to have Lexington widened.

Gina Biri, resident, thanked Council Member Edgar, Murphy, and Grose and agreed with their perspectives.

Shelly Henderson, Cypress resident, requested Council modify the signal at Lexington if it was going to pursue the widening of Lexington.

Mayor Kusumoto closed the item for public comment.

Mayor Pro Tem Graham-Mejia made a motion to direct Staff to fully research the documents brought forward by Cypress for inadequacies and inconsistencies to the fullest extent and to research the possibility of requesting Cypress raise the review to an EIR level which would include mitigation measures for the City.

Council Member Edgar requested an amendment to include providing a mathematical formula for the exiting entitlements, review of the LART agreement, and historical background to ensure a balanced perspective.

Mayor Pro Tem Graham-Mejia agreed all items of concern should be investigated for potential issues.

Community Development Director Mendoza requested approval for Staff to hire consultants as necessary.

Mayor Kusumoto suggested the maker of the motion include consultant costs up to the City Manager's spending authority.

City Attorney Reisman suggested including authorizing Staff to prepare and submit comments.

Mayor Pro Tem Graham-Mejia agreed to the proposed modifications.

#### **TIME LIMITS**

Per Resolution 2013-09 "Council Meeting Time Limits", Council Member Edgar made a motion, seconded by Council Member Murphy, and carried 4/1 to waive the time limits and continue discussion of the agenda items.

Council Member Grose indicated he had voted no as the purpose of the policy was for Council to control themselves. He referred to the 4:30 p.m. Special meeting, reception and public timing. He stated opposition to extending the meeting.

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

1. Directed Staff to fully research the documents brought forward by Cypress for inadequacies and inconsistencies to the fullest extent and to research the possibility of requesting Cypress raise the review to an EIR level which would include mitigation measures for the City; and,
2. Authorized Staff to hire the necessary consultants for proper research up to \$10,000; and,
3. Authorized Staff to prepare and submit a response to the City of Cypress.

Mayor Kusumoto pulled item 12B forward.

**B. St. Isidore Historical Plaza Discussion (Community Development)**

The report provided the basis of discussion for the City's future involvement in St. Isidore Historical Plaza and provides an opportunity to openly discuss the Mayor's newly introduced proposal.

Interim City Manager Korduner introduced the item.

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

Mayor Kusumoto stated his understanding the Committee Del Amor would raise the funds to purchase St. Isidore and then gift it to the City. He expressed an interest in discussing the operational cost, means of acquisition and refurbishment cost. He was unclear on the parcel tax and relation to business property owners.

City Attorney Riesman stated he was unsure if the tax would be for total voters or property owners.

Mayor Kusumoto stated if it was for total voters he would not be supportive due to inequity. He reiterated interest in acquisition and refurbishment cost as starting points.

Mayor Pro Tem Graham-Mejia stated she had received support from residents, but there were concerns regarding the disrepair of the building. She stated repairs to the building would cost more if it was owned by the City. She was supportive of discussing using the funds raised to improve and retrofit the building to bring it up to Code with the Committee Del Amor and Diocese. She indicated support preserving the building as a community building and working with the parties to see what can be done.

Mayor Kusumoto opened the item for public comment.

Bruce Murphy, President of Committee Del Amor, thanked the Mayor and Mayor Pro Tem for their support and proposed ballot measure. He indicated the Executive Council of the Committee Del Amor had not been contacted and were not able to provide any input. He stated in the 14 years of fundraising it had not been proposed to ask the tax payers to fund the project. He stated the goal was for the Committee to purchase the building and retrofit the chapel, after which historical status would be applied for. Once the building was approved it would be given as a historical gift to the City to be used in partnership with the Committee who would continue to fund and maintain the building. He stated there were

many ways the City could form a partnership; however, he did not feel a ballot measure was required. He stated opposition to a ballot measure that would tax the residents of Los Alamitos.

Mayor Kusumoto thanked Mr. Murphy for his comments.

JM Ivler, resident, stated opposition to the City being involved with the project.

Dave Emerson, resident, stated support for the encouragement of historic homes.

John Underwood, resident, stated support for preserving historic buildings.

Mayor Kusumoto closed the item for public comment.

City Attorney Reisman advised a parcel tax would be voted on by all voters and requires a 2/3 vote for approval.

Mayor Pro Tem Graham-Mejia stated she had attended many events at St. Isidore and had been approached to see if the City could assist. She stated her understanding there was a pressure of time and concerns for meeting the purchase amount. She inquired if the Committee was close to its goal.

Mr. Murphy indicated the Committee had a meeting with the Diocese on Thursday and would know more information at that point. He indicated the deadline to give a decision was March 1, and provided a brief background on the history. He added there may be further complications if the City were to attempt to purchase the property as the agreement was already in place with the Committee. He reiterated the Committee's desire to purchase the building and apply for State Historical status before turning it over to the City.

Mayor Pro Tem Graham-Mejia stated support and advised that was not the information she had received.

Council Member Murphy indicated the main concern would be the price.

Mr. Murphy indicated his belief the property could be purchased after the deadline and understood there was much to be done after the purchase. He stated many promising ideas had come from the meeting with Staff and felt once the purchase was complete firm plans to retrofit the property could begin.

Mayor Pro Tem Graham-Mejia indicated the Council just wanted to assist if the Committee was up against a deadline. She stated she did not want to interfere with all the hard work that had taken place through the years. Mr. Murphy stated it was not an interference and reiterated the Executive Committee had not been consulted.

Mayor Pro Tem Graham-Mejia apologized and indicated the Board, not the Executive Committee had requested assistance.

Mr. Murphy clarified while assistance was needed, there would be issues asking the Diocese to wait till after the November election and the purchase agreement was already in place with the Committee as the purchaser.

Mayor Pro Tem Graham-Mejia thanked Mr. Murphy.

Council Member Murphy referred to the agreement purchase price and suggested the Committee negotiate for the true value of the property. He referred to several other properties for sale and indicated the contract price for the property was too high.

Mr. Murphy indicated they were in negotiations and did not want to comment on pricing at this time. He stated the Diocese has made it clear it desires to sell the property.

Mayor Kusumoto thanked Staff for the research.

Motion/Second: Kusumoto/Graham-Mejia  
Unanimously Carried (Edgar abstained): The City Council received and filed the report.

Council Member Edgar abstained stating he was a member of the Board.

Council Member Murphy requested discussion with Staff and the Committee regarding what is important to St. Isidore including what is being saved and how the City moves forward.

## 11. ORDINANCE

- A. Adopt Urgency Ordinance No. 13-09 for 3-Hour Time Limit Parking Restriction at the Laurel Park Parking Lot (City Engineer)**  
The Laurel Park parking lot holds twenty-four (24) cars and has one driveway entrance on Bloomfield Street just north of Katella Avenue. Recent construction activities in the area 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. On November 30, 2013, the City Council adopted Resolution No. 2013-23, to post a 3-hour parking time limit seven

(7) days a week pursuant to the authority of Vehicle Code section 22519. The City would like the Police Department to immediately begin enforcing this parking restriction by citation in order to ensure that there is parking for park patrons; and it is necessary to adopt an ordinance amendment to provide the Police Department with the authority to issue citations for violation of the prohibitions established by signs posted.

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

Council Member Grose stated Council took action in September and to his knowledge some enforcement had been implemented.

Police Chief Mattern indicated citations had not been issued, but tires were chalked and warnings had been placed on vehicles.

Council Member Grose expressed confusion for the process and indicated he had asked at approval in September if the limit should be two or four hours as they were already allowed. He inquired if the action was back tracking to allow for citation of three hours.

City Attorney Reisman answered in the affirmative.

Council Member Grose expressed opposition to handling of the item and indicated he would be voting no.

Council Member Murphy referred to the second page, paragraph three, where it indicated "Council adopted resolution" and inquired what the correction should be.

Interim City Manager Korduner stated it should read September instead of November.

Mayor Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Kusumoto closed the item for public comment.

Motion/Second: Edgar/Graham-Mejia

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

1. Waived reading in full and authorized reading by title only of Ordinance No. 13-09; and,
2. City Attorney Reisman read the title of Ordinance No. 13-09 entitled "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTION 10.24.040 OF THE CITY OF LOS ALAMITOS MUNICIPAL CODE,

RELATING TO CITY COUNCIL REGULATION OF PARKING AND DECLARING THE URGENCY THEREOF"; and,

3. Adopted Ordinance No. 13-09 by a roll call vote.

**Roll Call Vote**

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

**12. DISCUSSION ITEMS**

**A. Review of Council Meeting Time Limits (City Clerk)**

On June 17, 2013, the City Council adopted Resolution 2013-09, establishing Council meeting time limits and directed Staff to bring a follow-up report in four months.

This item was continued to a later date.

**13. MAYOR AND COUNCIL INITIATED BUSINESS**

**Council Announcements**

**Council Member Grose** indicated a list of meetings attended could be found on his website ([www.losal.net](http://www.losal.net)) and requested the meeting be adjourned in honor of former Planning Commissioner, Ben Sutherlin.

**Council Member Murphy** spoke regarding the following topics: requested the Parks, Recreation, and Cultural Arts Commission review the parks for potential liability and to ensure the parks were being used to the fullest potential; requested the Traffic Commission review intersections for potential liability; requested discussion of Commission appointment and encouraged participating; requested discussion regarding Chairman term limits and policy regarding absence from meeting; supportive of citizen legislature; requesting County remove deed restrictions on the museum; and, requested installation of neighborhood cameras be considered.

**Council Member Edgar** spoke regarding the following topics: attendance at the Chamber of Commerce Wake Up Breakfast; upcoming LAEF fundraiser; Los Alamitos High School Track and Field lighting test on November 20; response from Los Alamitos Unified School District denying City's request to repeal resolutions exempting itself from local laws; upcoming Commander's Ball hosted by Casa Youth Shelter; and, inquired about the field at Stansbury park.

Public Works Superintendent Brandyberry indicated there had been an underground water leak. Metropolitan Water District (MWD) maintenance vehicle

got stuck. He indicated repairs were in progress and the goal was to allow the grass to grow and the ground to get solid again.

Council Member Edgar discussed the disrepair of Stansburry Park and inquired if MWD could be contacted for repairs.

Public Works Superintendent Brandyberry indicated he would look into the possibility.

**Mayor Pro Tem Graham-Mejia** requested cameras at the 605 freeway be considered as part of Council Member Murphy's request and inquired if there were cameras on the major arterials through the community.

Police Chief Mattern stated there may be cameras for traffic engineering, but none that were monitored for information.

Mayor Pro Tem Graham-Mejia inquired if the cameras could be accessed in event of a crime.

Police Chief Mattern answered in the negative.

Mayor Pro Tem Graham-Mejia requested cost for cameras to track crime be investigated. She discussed the following topics: OCTA final decision regarding toll lanes on December 9; support for Chairman term limits; and, request for Commissioner term limits.

**Mayor Kusumoto** discussed the following topics: attendance at I-405 toll lane discussion; requested public workshops from OCTA; request for maintenance of the bare trees in the Greenbrook area; attendance at the Museum's Honored Citizens Recognition; attendance at the Parks, Recreation, and Cultural Arts Commission meeting; attendance at the Planning Commission meeting; attendance at the Seal Beach State of the City; possibility of eliminating out of city business license; expressed caution regarding having Commissioners assess risk management; and, infrastructure and monitoring of cameras.

#### **14. ITEMS FROM THE CITY MANAGER**

Interim City Manager Korduner advised tomorrow would be his last day and thanked Council for the opportunity and amending his agreement to continuing services.

#### **15. CLOSED SESSION**

City Attorney Reisman read the titles for Item 15 aloud.

##### **A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9. Two potential cases.

**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

**RECESS**

The City Council recessed into Closed Session at 10:37 p.m.

**RECONVENED**

The City Council reconvened in Regular Session at 12:18 p.m.

Direction was provided to Staff for Items 12A and 12B. There was no reportable action for Item 12C.

**16. DISCUSSION ITEMS**

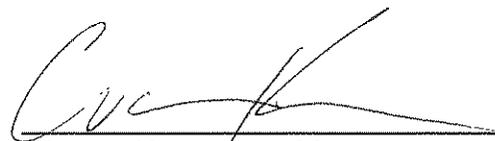
**A. Amended Salary Resolution for Non-Represented Employees  
(City Manager)**

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, and October 21, 2013, Council agendas.

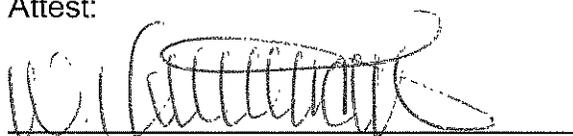
This item was postponed.

**17. ADJOURNMENT**

The City Council adjourned at 12:18 p.m.

  
Warren Kusumoto, Mayor

Attest:

  
Windmera Quintanar, CMC, City Clerk