

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING TUESDAY, February 18, 2014 – 6:00 P.M.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the City Council on any item on the City Council Agenda should complete a blue "Request to Speak" card and will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

1. **CALL TO ORDER**
2. **ROLL CALL**
 - Council Member Edgar
 - Council Member Grose
 - Council Member Kusumoto
 - Mayor Pro Tem Murphy
 - Mayor Graham-Mejia
3. **PLEDGE OF ALLEGIANCE** Council Member Grose
4. **INVOCATION** Council Member Kusumoto
5. **PRESENTATIONS**
 - A. **Presentation of a Certificate of Recognition to Tom and Hattie Stretz for their Volunteer and Community Involvement**

B. Presentation of the Orange County Human Relations Annual report by Representative Becky Esparza

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Remarks are to be limited to not more than five minutes per speaker.

7. REGISTER OF MAJOR EXPENDITURES

Approve the Register of Major Expenditures for February 18, 2014, in the amount of \$12,615.00, ratify the Register of Major Expenditures for January 22, 2014, to February 17, 2014, in the amount of \$852,248.14, and authorize 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 February 19, 2014, to March 16, 2014.

ROLL CALL

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

8. CONSENT CALENDAR

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

A. Approval of Minutes (City Clerk)

1. Approve the Minutes of the Regular Meeting of January 21, 2014
2. Approve the Minutes of the Adjourned Regular Meeting of January 27, 2014.
3. Approve the Minutes of the Adjourned Regular Meeting of February 2, 2014.

B. Warrants (Finance)

Approve the Warrants for February 18, 2014, in the amount of \$36,715.47, ratify the Register of Warrants for January 22, 2014, to February 17, 2014, in the amount of \$97,296.01, and authorize 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 February 19, 2014, to March 16, 2014.

C. City Manager Goals (City Manager)

Consider approval of City Manager's goals for the first year of his agreement.

Recommendation: Approve the City Manager's goals for year one.

9. PUBLIC HEARINGS

A. **Call for Review – Planning Commission's Decision to Remove Local Landmark Designation of 10872 Chestnut Street in the Multiple-Family Residential (R-3) Zoning District (APN 242-203-02)** (Community Development)

At its January 13, 2014 meeting, the Planning Commission adopted Resolution No. 2014-03 "AUTHORIZING THE REMOVAL OF PROPERTY AT 10872 CHESTNUT STREET, LOS ALAMITOS, CALIFORNIA 90720 (APN 242-203-02) FROM THE INVENTORY OF ARCHITECTURAL, CULTURAL, AND HISTORIC RESOURCES AND FURTHER REMOVE ANY LOCAL LANDMARK DESIGNATION".

That same resolution also further recommended that the local landmark designation on the remaining properties be brought back before the Planning Commission at the next meeting for removal. City Councilmember Warren Kusumoto has requested that the January 13, 2014 action be brought up to the City Council in accordance with "Call for Review", as allowed under Section 17.68.040 of the Municipal Code.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Discuss the item and decide if any action should be taken.

10. ORDINANCES

A. **Seconding Reading of Ordinance No. 2014-01 – Amend Los Alamitos Municipal Code to Allow Prosecutorial Discretion to Treat Misdemeanors as Infractions** (City Attorney)

This Ordinance allows prosecutors to charge misdemeanors as infractions in appropriate cases.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 14-01; and,
2. City Attorney Reisman read the title of Ordinance No.14-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING VARIOUS

PROVISIONS OF THE LOS ALAMITOS MUNICIPAL CODE TO PROVIDE FOR TREATMENT OF SOME MISDEMEANORS AS INFRACTIONS”; and,

3. Adopt Ordinance No. 14-01.

11. DISCUSSION ITEMS

A. Consideration of Limiting Council Comments (City Clerk)

Mayor Graham-Mejia requested Staff research the possibility of limiting Council comments. This item reviews the Council’s current policy and gives an overview of surrounding city policies.

Recommendation: Action as Council deems appropriate.

B. Conflict of Interest Test and Small Jurisdiction Modification (City Attorney)

Council Member Warren Kusumoto has requested a City Attorney opinion regarding conflicts of interest, and that staff provide maps showing 500 foot and 300 foot radii for Planning Commissioners and City Council Members. Staff will provide those maps. As for the Request for City Attorney opinion, one Council Member is not generally entitled to incur expenses on behalf of the City such as City Attorney time. Therefore, unless the City Council orders a City Attorney opinion, this short form should suffice.

Recommendation:

1. Receive and file; or,
2. Direct the City Attorney to provide an opinion on Council Member Kusumoto’s Conflict of Interest; or,
3. Action as Council deems appropriate.

C. Rescission of City Council Action Against Council Member Warren Kusumoto and Reimbursement for Legal Fees Expended (City Attorney)

In 2011, the City Council voted to refer a claimed Brown Act violation to the appropriate authorities for criminal prosecution. The Statute of Limitations on any criminal violations expired and criminal prosecution would not be possible. Civil action would also be difficult and an unnecessary waste of municipal resources. Reimbursement of Council Member Kusumoto’s legal fees is permissible but not mandatory.

Recommendation: Consider: 1) reversing the stigmatizing recommendation for City Attorney referrals for prosecution, and/or 2) reimbursing Council Member Kusumoto for his legal fees incurred.

12. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

13. ITEMS FROM THE CITY MANAGER

14. CLOSED SESSION

A. Conference with Labor Negotiator

Agency Negotiators: Gregory D. Korduner, Consultant
Employee Organization: Los Alamitos City Employee Association
Authority: Government Code Section 54957.6

B. Conference with Labor Negotiator


Agency Negotiators: Gregory D. Korduner, Consultant
Employee Organization: Police Officers Association
Authority: Government Code Section 54957.6

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

15. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.



Windmera Quintanar, CMC
City Clerk

2/12/14

Date