

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

**REGULAR MEETING – February 18, 2014**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:04 p.m., Tuesday, February 18, 2014, in the Council Chamber, 3191 Katella Avenue, Mayor Graham-Mejia presiding.

**2. ROLL CALL**

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

**Absent:** Council Member: None

**Present:** Staff: Bret M. Plumlee, City Manager  
Cary Reisman, City Attorney  
Tony Brandyberry, Public Works Superintendent  
Corey Lakin, Community Services Director  
Todd Mattern, Police Chief  
Linda Magnuson, Interim Finance Director  
Steven Mendoza, Community Development Director  
Cassandra Palmer, Support Services Manager  
Windmera Quintanar, CMC, City Clerk

**3. PLEDGE OF ALLEGIANCE**

Council Member Grose led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Kusumoto gave the Invocation.

**5. PRESENTATIONS**

**A. Presentation of a Certificate of Recognition to Tom and Hattie Stretz for their Volunteer and Community Involvement**

Mayor Graham-Mejia and Mayor Pro Tem Murphy presented the Stretzs with a certificate. Mr. Stretz spoke briefly.

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

Ms. Esparza gave the annual report for Orange County Human Relations. She presented an Award of Recognition to Mayor Graham-Mejia and thanked her for the City's continued support.

Council Member Grose indicated he had attended an excellent forum in Anaheim and looked forward to receiving best practice information from Ms. Esparza. He stated the public had ability to exercise their First Amendment rights, but should do so in a civil manner.

Mayor Pro Tem Murphy made a motion to pull item 9A and 11C. He indicated he was uncomfortable moving forward with item 9A without a title report. He requested item 11C be revised to include information from July 2012.

Council Member Kusumoto inquired the purpose of postponing item 11C.

Mayor Pro Tem Murphy expressed his belief the report needed to be updated to include the minutes he just received as they weren't addressed in the Staff report.

Mayor Graham-Mejia indicated there was a consensus to postpone item 11C.

Council Member Kusumoto indicated he had requested item 9A and inquired the purpose of postponing it.

Mayor Pro Tem Murphy indicated he believed the item should be postponed because the Planning Commission had not resolved the issue yet and there was lack of a title report.

Mayor Graham-Mejia believed the item had already been addressed and it was the other three properties that were still pending.

City Attorney Reisman stated the Planning Commission did not act based on who owned the property. He indicated the Planning Commission acted and resolved to remove the designation for that property because it had not been a Public Hearing. He pointed out a title report would not be significant.

Mayor Pro Tem Murphy believed the item was premature.

Council Member Edgar agreed. He stated procedurally this item was a Call for Review and he did not have a concern waiting for a title report.

Mayor Graham-Mejia stated the Planning Commission had already addressed the item and the other three properties were not being discussed. She indicated she was comfortable with City Attorney's advice to move forward.

Council Member Grose inquired if he needed to recuse himself at this time.

City Attorney Reisman indicated he could remain at the dais, but advised him to remain silent and recuse himself when the item is called.

Council Member Kusumoto stated the Planning Commission had undone the decision for one property and that is what he's called for review. He stated direction to Staff to provide a title report could come out of the discussion from the item and indicated his preference for discussing the item tonight.

Council Member Edgar stated the Council was split and requested the meeting continue.

## **6. ORAL COMMUNICATIONS**

Mayor Graham-Mejia opened Oral Communications.

Diana Hill, Sugar Beet Festival Co-Chair, spoke regarding this year's Sugar Beat Challenge. She advised the Festival would be at the Shops at Rossmoor and they were hopeful they would be able to keep the challenge race portion in Los Alamitos.

Mayor Graham-Mejia stated it was a great small town event and felt it was a loss to the City. She requested Council consider working with the entity to reduce fees for the event, similar to the in-kind services provided to Wings, Wheels, and Rotors.

Ms. Hill stated the event would be on June 7, 2014, and registration would open after Race on the base.

Jim Rozolis, resident, spoke in opposition to the track and field project at Los Alamitos High School.

Pam Rozolis, resident, requested Council involvement with the Los Alamitos homeowners who are opposed to the track and field project at Los Alamitos High School and referred to Los Alamitos Unified School District (LAUSD) not following CEQA requirements.

Mike Foote, resident, spoke in opposition to the track and field project at Los Alamitos High School and referred to the loud PA system. He submitted signatures of 80 residents opposed to the project and requested the Council assist the homeowners with their lawsuit. He indicated LAUSD was dismissive of the resident concerns and had not followed CEQA requirements.

Don Keller, resident, indicated there was a rise in crime in his neighborhood and stated Police response has been excellent. He requested Council address the light and sound situation and support the residents' efforts to see CEQA requirements followed.

Council Member Grose requested Mr. Keller identify the referenced area.

Mayor Graham-Mejia state representatives from College Park North, Greenbrook, and Woodcrest were present.

Lisa Lee, Youth Center Relations Director, thanked the community for its support, spoke of the recent volunteer recognition event, and gave a brief overview of the services provided at the Youth Center.

Shelly Hasselbrink, resident and Youth Center President, thanked Mayor Graham-Mejia and Council Member Edgar for their attendance at the volunteer recognition event.

Mayor Graham-Mejia and Council Member Edgar spoke briefly regarding the event.

Richard Vardeman, resident, spoke in opposition to the noise and light pollution at the track and field project at Los Alamitos High School and requested the Council's financial and additional support. He expressed frustration the City did not have representation on the LAUSD School Board and clarified his frustration was with the current School Board Members and not the District itself.

Richard Rose, resident, spoke in opposition to LAUSD exempting itself from local rules and regulations. He believed LAUSD was running a business and spoke of common nuisances to his property.

Samuel Manning, resident, spoke in opposition to spending taxpayer money on potential litigation and encouraged residents and the Council to use political leverage to get LAUSD to hear the residents' concerns. He encouraged residents to run for seats on the LAUSD School Board.

Tom Highdork, resident, stated LAUSD had been responsive to his concerns regarding early baseball practices and early hour maintenance of the field. He indicated his understanding the field was great for the students, but was concerned about the lights.

JM Ivler, resident, stated support for the Staff and Council working together during the mid-year budget review. He questioned the \$75,000 in guaranteed sales tax. He expressed concern the funds were not being received properly and there could be a possible violation of Proposition 218. He hoped the item would be cleared up with the upcoming waste hauler audit and looked forward to Council enforcing the full terms of the contract.

Mayor Graham-Mejia noted for the record receipt of a letter from Florence Layton.

Troy Edgar, resident, spoke regarding the track and field project at Los Alamitos High School and the negative effects on the neighborhood's quality of life. He

referred to a home that had fallen out of escrow due to the project and the decrease in the neighborhood's property values.

City Attorney Reisman advised Council Member Edgar had a conflict of interest and should only speak regarding his property.

Mr. Edgar requested the Council support the neighborhood, indicated his property value had decreased and was concerned there were not any enforceable covenants for the project.

Mayor Graham-Mejia closed Oral Communications.

Council Member Grose spoke briefly on regarding LAUSD's ability to exempt itself from local regulations. He encouraged residents to continue to work with LAUSD to reach a resolution as litigation would be very costly. He indicated the City would continue to work with LAUSD. He added changing the complexion of the LAUSD Board would be another option. He indicated as elected officials representing the entire City, the Council wanted to do what was best for the community and encouraged the residents to continue applying pressure to LAUSD.

Mayor Graham-Mejia thanked the residents for expressing their concerns.

## **7. REGISTER OF MAJOR EXPENDITURES**

Council Member Grose referred to the Planning Center, page 1, and inquired what the referenced race track monthly meetings, biological resources, was in regards to.

Community Development Director Mendoza indicated it was for analysis of the Environmental Impact Report for the Los Alamitos Race Track.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council approved the Register of Major Expenditures for February 18, 2014, in the amount of \$12,615.00, ratified the Register of Major Expenditures for January 22, 2014, to February 17, 2014, in the amount of \$852,248.14, 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 February 19, 2014, to March 16, 2014.

### **ROLL CALL**

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

**8. CONSENT CALENDAR**

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

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council approved the following Consent Calendar items:

**A. Approval of Minutes (City Clerk)**

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

**B. Warrants (Finance)**

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

**C. City Manager Goals (City Manager)**

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

The City Council approved 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 further recommended that the local landmark designation on the remaining properties be brought back before the Planning Commission at the next meeting for removal. Council Member Kusumoto has requested 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.

Council Member Grose recused himself and indicated he had property interest within the radius area and left the dais.

Council Member Kusumoto referred to the Conflict of Interest item and inquired if Council Member Grose was still conflicted out.

City Attorney Reisman answered in the affirmative and indicated his property was within 300 feet.

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

Council Member Kusumoto indicated Mayor Pro Tem Murphy had requested the item be delayed and stated he would be willing to entertain delaying the item, but was unsure what would be gained. He inquired if the 20 day limit for a Call for Review would be affected.

City Attorney Reisman indicated the Call for Review was made within 20 days.

Council Member Kusumoto referred to the threat of litigation and stated his belief the item should have come to Council first. He indicated his understanding there was a lack of proper noticing for a Public Hearing regarding the original item from May 2012 and as the approving body, the Planning Commission undid that process. He referred to the language from the Claimant's Attorney, fraud, forgery, gross neglect, \$500,000 claim, and reiterated concern the item did not come before Council.

Mayor Graham-Mejja opened the Public Hearing.

JM Ivler, resident, gave an overview of his understanding of the timeline. He expressed concern the item was brought before the Planning Commission due to a threat of litigation and it should have been addressed by the Council in Closed Session. He reiterated his concern the item should not have been on the Planning Commission agenda and should have been addressed by Council.

Council Member Kusumoto indicated he had spoken with City Manager Plumlee and asked for an explanation of the investigative body looking into the matter.

City Manager Plumlee indicated the alleged forgery had been forwarded to the District Attorney.

Police Chief Mattern indicated when the incident was reported to the City, an initial crime report and investigation were done.

Mayor Pro Tem Graham-Mejia inquired if any information could be shared regarding the concerns heard tonight.

City Attorney Reisman stated the matter was brought to the Planning Commission due to homeowner threatening to sue claiming the signature was forged. He indicated preliminary investigation took place and it was discovered there were two homeowners, only one had signed. The Planning Commission did not act on the basis of forgery. It acted on the basis the item had not been properly noticed. Since there had been no Public Hearing, the four properties should not have been designated. The designation falls into the Planning Commission's duties and was the appropriate body to handle the issue. He stated the Planning Commission reversed the action as the process was not properly handled. He pointed out it was the only item before the Commission as concerns had already arisen. He added the designations were not legal since they were not properly noticed as a Public Hearing. He indicated the Planning Commission had done the proper thing by reversing the first property and added the remaining properties would come before the Planning Commission on its next agenda. He indicated the process had not been done properly and should not be an issue, regardless of potential litigation. He indicated the claimant's Attorney had stated it would be a moot point if the Council did not act. He reiterated the Planning Commission had taken the right action.

Council Member Kusumoto asked for clarification that the legal claim for \$500,000 would be moot and once the designation was lifted, the matter would be settled.

City Attorney Reisman stated the claim could still be pursued, but it would be defensible.

Council Member Kusumoto inquired if the other aspects of the claim (i.e. fraud, forgery) would continue to run their own course.

City Attorney Reisman answered in the affirmative.

Council Member Kusumoto expressed concern regarding the inconsistency of noticing interested parties.

City Attorney Reisman indicated the item could have proceeded without being notice, but was noticed due to the interest in the item.

Council Member Kusumoto expressed concern for hastening the process.

City Attorney Reisman indicated the haste was with good reason due to the threat of litigation and the unclear title. He reiterated the item had not been properly noticed the first time. He added there was time for proper noticing and the public had expressed an interest so noticing was done.

Mayor Graham-Mejia inquired if the Police Department referring the forgery item to the District Attorney was standard procedure.

Police Chief Mattern stated it was to avoid any perceived conflicts of interest.

Mayor Graham-Mejia indicated there was concern in the community the property owners were not informed of the strict restrictions that would be placed on their properties with the designations. She inquired who the homeowners on each side of the property were.

City Manager Plumlee indicated the City did not have title reports.

Community Development Director Mendoza indicated the properties were run through GIS, which contains information from the County Recorder's Office, and all properties within 500 feet were noticed.

Mayor Graham-Mejia clarified the City did not know who owned the property.

Community Development Director Mendoza clarified all owners were noticed for the Planning Commission hearing.

Mayor Graham-Mejia inquired who the landowners on either side of the Chestnut property were.

City Attorney Reisman advised against publicly announcing landowners.

Mayor Graham-Mejia indicated there was concern in the community that the historical designation was made for self serving reasons. She requested the property owners be identified and taken into consideration with the alleged forgery. She stated it was the Council's responsibility to look out for those who have been taken advantage of.

City Attorney Reisman advised that is what the District Attorney is investigating. He added it was the District Attorney's responsibility and the City doing an investigation would interfere.

Mayor Graham-Mejia stated she did not want to interfere. She clarified her intent to ensure seniors were taken care of and felt strongly this matter should be looked into.

Council Member Edgar inquired if the owner of the house had filed a report.

Police Chief Mattern believed she was a co-owner.

Council Member Edgar inquired what the process was regarding fraudulent signatures in the context of historical designation from that point.

Police Chief Mattern stated he was reluctant to discuss the details.

Council Member Edgar requested just the definitions.

City Attorney Reisman advised forgery was writing that purports to be someone else and is intended to defraud. Fraud loosely defined is meant to take advantage of someone in an illegal manner with monetary consequences.

Council Member Edgar referred to the newspaper article about the District Attorneys fraud investigation and the theory that the museum is out trying to harm seniors. He expressed frustration details were unknown and wanted to know what was being investigated and who was being talked about.

City Attorney Reisman referred to Penal Code section 470 which defined the situation.

Council Member Edgar inquired if the Council was convinced there was fraud by the historical group.

City Attorney Reisman indicated the District Attorney was investigating the issue and advised Council from making a decision.

Council Member Edgar referred to the newspaper article and indicated it mentioned a former Council Member and makes a nexus that fraud occurred. He expressed concern the District Attorney would not pursue a 501(c)(3) and would prosecute a specific person. He stated the City Attorney had indicated the claim would be moot if the action was fixed and inquired what would happen with the District Attorney's charge.

City Attorney Reisman clarified the claim for \$500,000 would be moot, not the investigation of the District Attorney's Office.

Council Member Edgar stated the item had been voted on by the Planning Commission 4-1 and overturning the vote would open the City up to liability. He stated this item was not in reference to fraud and forgery, and

the Planning Commission had not made a decision on such. He clarified the item was for historical land use that needed to be corrected because it was procedurally done wrong. He inquired why the Council was discussing fraud and forgery.

City Attorney Reisman stated the item was regarding failure to have a noticed Public Hearing in 2012 when the original resolution was adopted. He advised that was the item with Council's jurisdiction at this time.

Council Member Edgar inquired to Council Member Kusumoto's objective so he could focus on the issue.

Council Member Kusumoto referred to his opening comments and stated the letter from the claimant's attorney stated fraud, forgery, gross negligence, and a claim for \$500,000. He reiterated his belief this item should have come to Council for discussion during Closed Session. He understood the City Attorney's haste to correct the issue but believed inconsistent procedures were being applied. He stated not everything was noticed as a public hearing and the procedural concerns leave the City open for additional litigation.

Council Member Kusumoto made a motion to take no action with respect to the Planning Commission's decision of local landmark. He indicated he would like to address the other portions, but understood it could not be done tonight.

Council Member Edgar stated his belief there was not a need for a Call for Review and this was a venue for a character assassination of the historical society. He expressed frustration that this was a waste of time, did not help the City, and no new information was provided.

Mayor Pro Tem Murphy seconded Council Member Kusumoto's action.

Mayor Graham-Mejia inquired if there were limitations for changes to homes designated as historical.

Community Development Director Mendoza indicated changes would go through the Conditional Use Permit (CUP) process.

Mayor Graham-Mejia asked for clarification there were additional steps needed to make changes and certain things that you could and could not do to preserve the historical look.

Community Development Director Mendoza stated changes were subject to review.

Mayor Graham-Mejia referred to the text within the submitted letter, "take away rights as property owner and citizen." She believed the Council was acting responsibly and accusations of a character assassination were incorrect. She stated procedurally there was a mistake, signatures weren't verified and people did not understand what they were agreeing to. She clarified a Council Member's name was not mentioned. She indicated there was a potential to buy the property for less and concern in the community that the process was not innocent.

Motion/Second: Kusumoto/Murphy  
Carried 4/0: The City Council took no action.

Council Member Grose took his seat at the dais.

## 10. ORDINANCES

### A. **Second 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.

City Attorney Reisman summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Graham-Mejia inquired if a vote was needed due to the changes.

City Attorney Reisman answered in the negative.

Council Member Edgar inquired to the time line and what would occur if the clean up did not occur.

City Attorney Reisman advised there were two parts to the Ordinance; raising the fine from \$500 to \$1,000 and ability to charge infractions as misdemeanors. He indicated it was a good tool, requested by the City Prosecutor, that he supports. He advised similar cities made the same provision and made the process easier.

Council Member Edgar inquired who the City Prosecutor is and how many cases there are per year.

City Attorney Reisman advised it is Dapeer, Rosenblit & Litvak and he was unsure of the cases per year.

Council Member Edgar requested Staff not introduce legislation. He stated this was a costly item that did not need to be fixed. He indicated the City does not have a full time Prosecutor, and a contractor is hired as needed. He referred to the two components, and inquired which component was beneficial and why the ordinance was not completely eliminated.

City Attorney Reisman indicated both components were beneficial. He advised he had not billed the City for the full 10 hours of work once he realized his error and it was not a costly item to the City.

Council Member Edgar stated the Council could fix half the ordinance or expunge it completely. He referred to Staff's time to execute the ordinance and indicated it did not make sense to continue.

City Attorney Reisman advised it would be beneficial to the community as it allowed Staff and the Prosecutor to work with offenders to lower the charge. He advised there were no negative effects and would save money overall.

Mayor Pro Tem Murphy stated support and felt the flexibility was good to have.

Council Member Kusumoto referred to the recent Transient Occupancy Tax Appeal where it would have been beneficial to have some leeway with levying the fine. He believed it was good to have some leeway for out of court settlements. He indicated support.

Council Member Edgar made a motion to approve Staff recommendation and requested the City Attorney not to bill for any cost related to this item. Motion died for lack of a second.

Motion/Second: Kusumoto/Grose  
Approve Staff recommendation.

Council Member Grose was supportive of the flexibility and the latitude to charge for an infraction versus a misdemeanor.

Council Member Kusumoto indicated he did not support the previous motion because the City Attorney had already confined his billing to an hour.

Council Member Edgar stated opposition and requested Staff be mindful of requesting policy changes in the future.

Motion/Second: Kusumoto/Grose  
Carried 4/1 (Edgar cast the dissenting vote): The City Council:

1. Waived reading in full and authorized 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. Adopted 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.

City Clerk Quintanar summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Graham-Mejia indicated she had requested this item and it was not her intent to hinder the Council's ability to comment. She stated Council met once a month and there were restrictions on time limits. At times there had been lots of debate with no resolution and she believed limiting the time for questions and response might be helpful and produce a more effective and efficient meeting. She referred to the City of Stanton's policy and recommended council limit questions and comments to three minutes each.

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council received and filed the report.

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

Council Member Warren Kusumoto 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 provided 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, the provided short form should suffice.

City Attorney Reisman summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Kusumoto referred to a Closed Session where he had recused himself because his property was within 500 feet of the matter under consideration. He indicated he had done this despite advice from the City Attorney that he could participate due to the long understanding of 500 foot radius. He stated he wanted to establish the 300 foot radius as how the Council will calculate its conflict of interest zone. From his perspective, he could now participate in Closed Session based on the 300 foot applied test. He indicated this 8 step process has been in place since January 13, 2007, according to the Fair Political Practice Commission's (FPPC) website.

City Attorney Reisman advised the Small Jurisdiction Exception was six steps and the mentioned date was correct.

Council Member Kusumoto pointed out this process could have been in place for the last seven years and referred to an instance his property had precluded him from participating because it intersected his 500 foot radius by 1 foot. He asked for clarification that the radius was 300 feet from his domicile.

City Attorney Reisman indicated that was correct.

Council Member Kusumoto referred to a May 2008 published handbook from the League of California Cities that outlined the same rule. He referred to an instance where a Council Member had requested an analysis to be able to participate and could have under the small jurisdiction rule. He indicated he would be participating in Closed Session and thanked Staff for the analysis. He stated support for Council to receive and file the report.

Council Member Edgar referred to the email from Council Member Kusumoto to the City Attorney, and asked for clarification that Council Member Kusumoto would now be participating in the discussions regarding the High School Track and Field.

Council Member Kusumoto stated if Council received and filed the report and established the 300 foot radius, then yes he would be participating.

Mayor Graham-Mejia opened the item for public comment. There being no one present wishing to speak, she closed the item.

Motion/Second: Kusumoto/Murphy

Unanimously Carried: The City Council received and filed the report.

**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.

This item was postponed.

**12. MAYOR AND COUNCIL INITIATED BUSINESS**

**A. Council Announcements**

**Council Member Grose** discussed the following topics: events attended are listed at [www.losal.net](http://www.losal.net); health of Ed Bremmel; and, health of Marv Jemsa.

**Council Member Kusumoto** discussed the following topics: attendance at State of the County; attendance at OCFA's Best and Bravest Dinner; and, attendance at Senior Club Volunteer Lunch.

**Council Member Edgar** discussed the following topics: attendance at the Youth Center Volunteer Recognition; attendance at St. Isidore's Monte Carlo Night; attendance at the Chase Bank Ribbon cutting; reported on recent actions of the Orange County Sanitation District; encouraged residents to attend the Race on the Base Saturday; and, upcoming Americana Awards.

**Mayor Pro Tem Murphy** discussed the following topics: attendance at St. Isidore's Monte Carlo Night; attendance at State of the County; attendance at the Chase Bank Ribbon cutting; and, attendance at Senior Club Volunteer Lunch.

**Mayor Graham-Mejia** discussed the following topics: attendance at Orange County Vector Control District's meeting; attendance at the previously mentioned events; meeting with the School District regarding human trafficking; attendance at an Eagle Scout ceremony; and, requested Pastor Bailey be kept in thought.

### 13. ITEMS FROM THE CITY MANAGER

City Manager Plumlee advised registration was still being accepted for the Race on the Base, February 22<sup>nd</sup>. He advised Interim Finance Director Magnuson would be leaving the City and thanked her for her assistance.

Council Member Grose requested information on the Police Officers Appreciation Lunch and referred to an emergency delivery by a Police Officer.

Police Chief Mattern indicated the event was hosted through the Chamber of Commerce and would be March 12 at the Eagle's Nest. He added Chris Karrer had delivered his own child over the weekend and everyone was well.

Council Member Edgar spoke regarding Pastor Bailey and gave a brief background on his injuries. He requested the Council meeting be closed in honor of John Teutimez and read a brief biography.

### 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.

City Attorney Reisman read the titles for Items 14A, 14B, and 14C aloud.

Council Member Edgar recused himself from one potential case under Item 14C for a conflict of interest.

### RECESS

City Council recessed into Closed Session at 8:29 p.m.

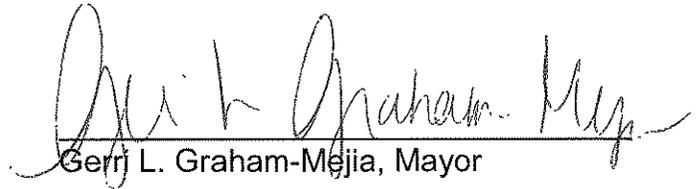
### RECONVENE

City Council reconvened in Regular Session at 11:42 p.m.

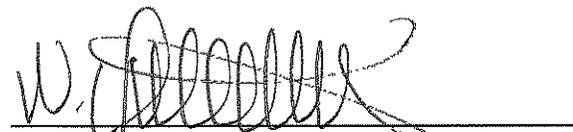
Direction was provided to Staff.

15. **ADJOURNMENT**

The City Council adjourned at 11:42 p.m. in honor of John Teutimez.

  
Gerri L. Graham-Mejia, Mayor

Attest:

  
Windmera Quintanar, CMC, City Clerk