

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

SPECIAL MEETING – July 21, 2014

1. CALL TO ORDER

The City Council met in Special Session at 4:05 p.m., Monday, July 21, 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 Members: None

Present: Staff: Bret M. Plumlee, City Manager
Cary Reisman, City Attorney (arrived 4:17 p.m.)
Tony Brandyberry, Public Works Superintendent
Corey Lakin, Community Services Director
Steven Mendoza, Community Development Director
Glenn L. Steinbrink, Interim Admin. Services Director
Windmera Quintanar, CMC, City Clerk

3. SPECIAL ORDERS OF THE DAY

A. Review of the Draft Individual Joint Use Agreement for McAuliffe Field & Draft Master Joint Use Agreement with the Los Alamitos Unified School District & Discussion of Future Individual Joint Use Agreements (Community Services)

This agenda item presented the Draft Individual Joint Use Agreement for McAuliffe Middle School Field, the revised Draft Master Joint Use Agreement between the City of Los Alamitos and the Los Alamitos Unified School District and sought direction from the City Council on the negotiations of future Individual Joint Use Agreements for Oak Middle School sites: Fields, Gymnasium, Outdoor Basketball Courts, Community Restrooms, and Bike/Walk Path to Coyote Creek Park.

City Manager Plumlee introduced the item. Community Services Director Lakin summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Graham-Mejia opened the item for public comment.

Diana Hill, Board Member and City/School District Working Group

Member, thanked Staff for the detail and spoke in favor of a continued partnership.

Mayor Graham-Mejia closed the item for public comment.

Council Member Grose requested the members of the City/School District Working Group share their concerns and issues.

Council Member Kusumoto indicated there have been several meetings and Staff had put in diligent hours. His concerns related to the additional cost for the City. He stated there were no hard figures and the group was trying to be fair and balanced to share costs, including replacement cost in the future.

Mayor Graham-Mejia agreed and pointed out the varying estimated figures. She stated concern for absorbing the track and field in its current state of disrepair; the loss of Oak Gym at \$10,000; the cost of water at its highest of \$24,000; and, the upgrades and Staff time for McAuliffe field at \$55,000. She was uncertain where these increases would be absorbed considering recent budget cuts. She stated support for the School District absorbing the full cost of the crossing guards at \$60,000. She stated concern regarding the \$10,000 for Oak Gym and referenced the City's partnership to upgrade the restroom facilities that were now being used by all. She indicated all costs should be shared. She stated concern that overall the School District would be increasing revenues, while the City would be losing revenues and increasing expenditures.

Council Member Edgar stated concern for the revenue. He indicated there appeared to be fairness and the community values this quality of life and ability to use the fields. He stated the report appeared to be fair, but he was concerned about the numbers. He asked Staff if there were any concerns the Council should be aware of besides the numbers and indicated the long term partnership seemed equitable.

Community Services Director Lakin indicated the original joint use agreements were financially advantageous for the City and the proposed agreements would be more equitable. He stated there were many factors regarding fields that made it difficult to predict actual cost. He added if the agreement was to be equivalent for both groups; the City would pay more to maintain the fields.

Council Member Edgar referred to Section 8, referring to the process to bring the fields up to a certain level. He requested an overview of the project funding, capital costs, and the relationship to the fee increases, specifically how the fees would build up over time.

Community Services indicated the user groups reduced from six down to three. He stated the hourly rental fee was used to cover the ongoing routine costs. In addition, there is a per head fee, or capital direct fee, that is charged per individual using the field from each organization and is set aside into a Capital Improvement Project (CIP) fund. He stated the per head fee goes up incrementally over the next five years. The first season raised approximately \$6,000 that will be retained in the CIP fund by the School District or the City, and Staff's recommendation is to retain those funds until they collectively reach \$50,000 to be used for major capital projects. He stated it could take five to seven years to meet that threshold as the fund was only for major repairs.

Mayor Graham-Mejia referred to legislation that would change the CIP make up and asked the school district to elaborate.

Pattie Meyer, School District representative, indicated the law that allowed for CIP was in place two years ago and this spring the Los Alamitos Unified School District (LAUSD) would be writing regulations on how that law is to be interpreted. The legal group believes the concept of a per head fee was not the intention and may need to be a per acre or usage fee. She indicated the first six months brought in \$6,700 for CIP and may need to be associated with the field of use. She indicated the LAUSD Board was waiting for interpretations before it could move forward. She reiterated a per head fee is not what the State Board wants to see being utilized.

Council Member Edgar indicated \$6,000 a year did not seem like enough and inquired if there was a policy or plan, for the School District or the City, to supplement the funding for the longer term.

Ms. Meyer indicated if the per head fee stays in place and had been fully implemented, the first six months would have brought in \$30,000-\$40,000. She stated it would take a reasonable amount of time for a CIP project and she could not speak to additional funding until the new interpretation is released and the affect on fees and impact to user groups could be assessed. She indicated based on the type of fee that can be utilized, enough funding may not accumulate to do a major project as they are very expensive.

Council Member Edgar asked if the mutual recommendation was to sign the agreement before the legislation was finalized.

Ms. Meyer indicated a master agreement was already in place and dealt with liability and insurance. She stated the legislation was going to continue to change and it would behoove both entities to move forward

and amend the agreements at a later date based on the best information provided by the legal department.

Council Member Edgar asked if the field agreement would have an effect on the strategy or set a precedent that would affect the renegotiations for the pool. He stated that based on the budget discussion, he wanted to ensure everyone was mindful of the bigger picture.

Community Services Director Lakin indicated the proposed Individual Joint Use Agreements (IJUA) proposed a 50/50 split and the City currently pays 100% of expenses at the pool. He indicated the situation at the pool could only improve if the base was willing to share in the expenses.

Mayor Pro Tem Murphy indicated his concerns were fund oriented and questioned the ability to budget for future expenses in the current year. He believed there was no data to do so at this point. He referred to the additional \$50,000 in attachment 3 and asked the reasoning behind the increase.

Community Services Director Lakin indicated through negotiations there was a desire for equality for all entities.

Mayor Pro Tem Murphy asked what percentage Staff would put to those figures.

Community Services Director Lakin indicated Staff had discussed keeping the agreements as is with the School District paying more or entering into an equal partnership. Staff had decided to start with a 50/50 split and revising from that point based on input received from the Council and the School Board.

Mayor Pro Tem Murphy asked if usage had been translated into percentages.

Community Services Director Lakin stated based on 260 days of usage and the availability of hours, on average each entity (LAUSD, User Groups, and the City) uses the fields approximately 1/3 of the time.

Mayor Pro Tem Murphy referred to the user fees that were reduced dramatically and asked if the City was picking up the difference that the User Groups did not want to pay. He asked what was causing the \$50,000 increase.

Community Services Director Lakin stated the reduced fees were mainly relating to the CIP fees; however, by agreeing to bring fields up to a higher level, there was an agreement to absorb additional costs. A certain

percentage would be made up in User fees, but not the full amount. He added there was a reduction in use when the fees increased. He indicated the difference in attachment 3 was due to the changes in the joint use agreements to maintain more acreage and split the cost more equally, and not related to the condition of the fields.

Mayor Pro Tem Murphy requested additional data and indicated the cost could increase significantly in the future for both sides, partially due to nature.

Community Services Director Lakin stated the costs for McAuliffe field are dependent on the labor to bring the field up to standard and maintain it. He stated the cost for fertigation would remain the consistent at approximately \$18,000-21,000, but Staff time to maintain the field would vary.

Public Works Superintendent Brandyberry indicated watering would be reduced and the fields would brown. He stated the drought would be a definite concern.

Mayor Pro Tem Murphy inquired if there were agreements with the User Groups for quality of the fields should water need to be reduced. He cautioned that water prices may still increase to ensure the utilities receive their revenue.

Community Services Director Lakin stated there were no agreements for a watering schedule and felt a discussion regarding the watering and usage would be beneficial so a joint message could be delivered to the User Groups.

Council Member Grose stated concern for the increase in expenses. He recalled the increase in fees was to be spread over five years and believed there was an understanding the improved field quality would occur over time. He stated support for additional studies and felt it was unreasonable to expect all fields to be brought up to highest level in one action. He referred to page 3 of the draft agreement and asked for additional information on the Civic Center Act, particularly in regards to the LAUSD's recent exemption from local regulations. He requested the City Attorney look into the User Fee concern and alternatives to LAUSD collecting fees, use agreements, and possible rental agreements to see if there was a way for the City to collect the money and achieve the same results of the cooperative partnership. He referred to Long Beach producing grey water and requested Staff research the possibility of participating in the program to help address the drought issue. He believed there were alternative ways to irrigate the City's facilities.

The City Council reviewed and discussed the Draft Individual Joint Use Agreement for McAuliffe Middle School Fields and the updated Draft Master Joint Use Agreement between the City of Los Alamitos and the Los Alamitos Unified School District.

Mayor Graham-Mejia closed the item.

B. Interview Applicants for Cable Television and Personnel Appeals Commission (City Clerk)

This report provided relevant information by which the City Council may appoint members to Commission vacancies.

The Mayor and City Council interviewed applicants Chuck Landon and John Underwood.

City Clerk Quintanar advised applicant Robert Lee had not confirmed attendance, but Staff was advised he was out of town and may not return in time. Council may still consider his application for appointment.

RECESS

The City Council took a brief recess at 5:18 p.m.

RECONVENE

The City Council reconvened in Special Session at 5:26 p.m.

The Mayor and City Council interviewed applicant Betty Schmicker-Black.

City Clerk Quintanar passed out the Indication of Support sheets and advised applicant Robert Lee could be considered should the Council desire. The Council agreed to consider Robert Lee's application for appointment. The Indications of Support were given to City Clerk Quintanar to tally.

City Clerk Quintanar read the indications of support aloud: John Underwood – 4; Chuck Landon – 5; Robert Lee – 5; and, Betty Schmicker-Black – 5.

Motion/Second: Edgar/Grose

Unanimously Carried: The City Council appointed the following positions by a roll call vote:

- John Underwood to the Cable Television Commission with a term expiring December 2017
- Chuck Landon to the Personnel Appeals Commission with a term expiring December 2016
- Robert Lee and Betty Schmicker-Black to the Personnel Appeals Commission with terms expiring December 2018

ROLL CALL

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

4. CLOSED SESSION

City Attorney Reisman read items 4A, B, and C aloud.

A. Conference with Labor Negotiator

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

B. Conference with Labor Negotiator

Agency Negotiators: Gregory D. Korduner, Consultant, and Cary S. Reisman, City Attorney
Employee Organization: Police Officers Association
Authority: Government Code Section 54957.6

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pending litigation pursuant to subdivision (d)(2) of Section 54956.9. One potential case.

RECESS

The City Council recessed into Closed Session at 5:35 p.m.

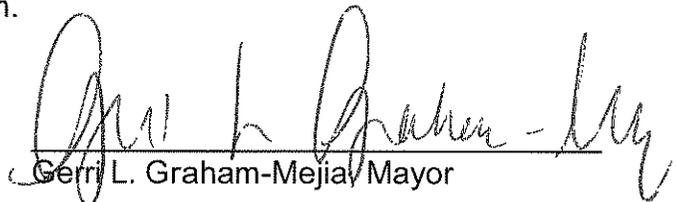
RECONVENE

The City Council reconvened in Special Session at 6:10 p.m.

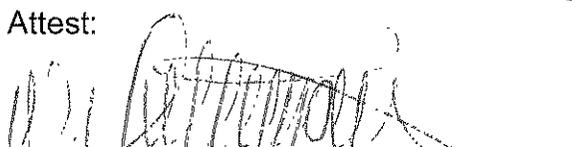
City Attorney Reisman advised there was no reportable action.

5. ADJOURNMENT

The City Council adjourned at 6:10 p.m.


Gerri L. Graham-Mejia, Mayor

Attest:


Windmera Quintanar, CMC, City Clerk