MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – January 17, 2017

1. CALL TO ORDER
The City Council met in Regular Session at 5:05 p.m., Tuesday, January 17, 2017, in the Council Chamber, 3191 Katella Avenue, Mayor Hasselbrink presiding.

2. ROLL CALL

Present: Council Members: Kusumoto, Murphy, Wilson
Mayor Pro Tem Edgar, Mayor Hasselbrink

Absent: Council Members: None

Present: Staff: Bret M. Plumlee, City Manager
Cary S. Reisman, City Attorney
Lisa Kranitz, Assistant City Attorney
Jason Al-Imam, Administrative Services Director
Sean Connolly, Police Captain
Dave Hunt, City Engineer
Corey Lakin, Recreation and Community Services Director
Steven A. Mendoza, Development Services Director
Rick Moore, Police Captain
Eric R. Nuñez, Chief of Police
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION
Assistant City Attorney Kranitz read the items aloud.

RECESS
The City Council recessed into Closed Session at 5:05 p.m.

A. CONFERENCE WITH LABOR NEGOTIATOR
Agency Negotiators: Cary S. Reisman, City Attorney
Unrepresented Employee: City Clerk
Authority: Government Code Section 54957.6

B. CONFERENCE WITH LABOR NEGOTIATOR
Agency Negotiators: Cary S. Reisman, City Attorney
Unrepresented Employee: City Manager
Authority: Government Code Section 54957.6

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pending Litigation pursuant to Government Code sec. 54956.9, d) (3) (Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).)
D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pending Litigation pursuant to Government Code sec. 54956.9, d) (2) (A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.) 1 potential case.

E. CONFERENCE WITH LEGAL COUNSEL — PENDING LITIGATION
Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1) and (d) (4) People v. Dennis Loren Bader, Case no. LA045560PE and related cases.

RECONVENE
City Council reconvened in Regular session at 6:05 p.m.

City Attorney Reisman reported items 3A and 3B would be continued to a future meeting and the remaining items would be continued to the end of the meeting.

4. PLEDGE OF ALLEGIANCE
Mayor Hasselbrink led the Pledge of Allegiance.

5. INVOCATION
Mayor Pro Tem Edgar gave the Invocation.

6. PRESENTATIONS

A. Presentation of Certificates of Recognition to the 2016 Holiday Decorating Contest Winners
Mayor Hasselbrink and the Council presented Certificates of Recognition to two Contest Winners.

B. Presentation of a Retirement Plaque to Lisa Scott for her Dedicated Service to the City of Los Alamitos
Ms. Scott was unable to attend.

C. Presentation by Don Hahn, Orange County Human Relations, Regarding the Annual Report
Mr. Hahn submitted the Annual Report for 2015-2016 and thanked Council for its partnership.

D. Presentation by Battalion Chief Edwards, Orange County Fire Authority, Regarding Phase 3 Enhancement
Battalion Chief Edwards gave a brief PowerPoint presentation on Emergency Service Delivery Enhancement, Phase 3.

E. Presentation by Andrea West, Orange County Transportation Authority, Regarding 605 Projects and West County Connectors Landscaping Update
Andrea West, Project Manager, introduced the item. Jeannie Lee, Project Engineer, gave a PowerPoint Presentation on the project overview. Chris Boulcy gave an overview of the public outreach.
7. **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.

James Davidson, President Westminster Chamber of Commerce, spoke in general regarding fraud.

Sherry Kropp, Los Alamitos Unified School District Superintendent, stated support for the median beautification project and requested Council delay start until the summer. She requested Council consider the size and location of the digital sign to be installed at the 605 Village.

Douglas Smith, Rossmoor resident, thanked the Traffic Commission for looking into lengthening the green light at Walnut and Katella. He urged interested parties to educate themselves on the 605 Village and to attend the Public Hearing.

Elaine Legere, Parent Teacher Association member, spoke in opposition to the digital sign at the 605 Village.

Steven Olveda, Parks, Recreation, and Cultural Arts Commissioner, challenged the Council to participate in the Race on the Base.

John Underwood, resident, spoke in opposition to the 605 Village project due to traffic and urged Council to see what could still be negotiated.

Jonathon MacGaugh, Rossmoor resident, spoke in opposition to the 605 Village due to safety, traffic, and the proposed height of the sign.

8. **WARRANTS**

Motion/Second: Edgar/Kusumoto
Unanimously Carried: The City Council approved the Warrants for January 17, 2016, in the amount of $48,410.63, ratified the Warrants for December 31, 2016 to January 16, 2017, in the amount of $1,396,323.24, 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 January 18, 2017 to February 21, 2017.

**ROLL CALL**
Council Member Kusumoto     Aye
Council Member Murphy    Aye
Council Member Wilson     Aye
Mayor Pro Tem Edgar       Aye
Mayor Hasselbrink         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.
Council Member Kusumoto pulled item 9B.
Mayor Pro Tem Edgar pulled item 9E.
Mayor Hasselbrink pulled item 9C.

Motion/Second: Edgar/Murphy
Unanimously Carried: The City Council approved the following Consent Calendar Items:

A. Approval of Minutes (City Clerk)
   Approved the Minutes of November 21, 2016 Regular Council meeting and
   November 21, 2016 Special Council meeting.

D. Fiscal Year 2015-16 Audit Reports (Administrative Services)
   The item for City Council consideration was receipt of the Fiscal Year 2015-16
   audit reports.

   The City Council received and filed the annual audit reports for the Fiscal
   Year 2015-16: Comprehensive Annual Financial Report, Report on
   Appropriations (Gann) Limit, Report on Internal Control and Auditor
   Communication Letter.

F. Award of Bid for Installation of Playground Equipment and Construction of
   Rubberized Surface Project (CIP No. 16/17-07) (City Engineer)
   This report recommended award for the construction bid of the Playground
   Equipment and Construction of Rubberized Surface Project (CIP No. 16/17-07).

   The City Council:

   1. Awarded construction of the Playground Equipment and Construction of
      Rubberized Surface Project (CIP No. 16/17-07) to R.E. Schultz
      Construction, Inc. Orange, Ca. in the amount of $194,280.40; 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 10% or $19,428.04 and
      $10,000 for construction management, for a maximum contract amount of
      $223,708.44.

G. Approval of Notice of Completion for Catalina Street Truck Crossing and
   Sidewalk Rehabilitation Project (CIP No. 15/16-01) (City Engineer)
   The Catalina Street Truck Crossing and Sidewalk Rehabilitation project is
   complete and in compliance with the plans and specifications. Therefore, Staff
   recommended that City Council accept the work as complete, direct filing of the
   Notice of Completion and authorize retention release as prescribed by the Public
   Contracts Codes.

   The City Council:
1. Accepted as complete the construction contract by FS Contractors, Inc. for the Catalina Street Truck Crossing and Sidewalk Rehabilitation project; and,

2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder’s office; and,

3. Authorized Staff to release the 5% retention to the contractor, in the amount of $4,632.00, thirty-five (35) days after recordation of the Notice of Completion.

End of Consent Calendar

Items Pulled From Consent Calendar

B. Adoption of the Legislative Platform for 2017 (Administrative Services)
The Legislative Action Plan identifies the City’s Legislative Platform for 2017 and provides program procedures for the City to effectively participate in the legislative process.

City Council and Staff discussed tenancy on the Joint Forces Training Base (Base), commercial marijuana, City Manager’s ability to quickly take action on urgent items not specifically covered in the platform, and support for adding social issues (i.e. non-profits, human trafficking, cannabis, massage) to the platform.

Motion/Second: Kusumoto/Hasselbrink
Motion: Adopt the Legislative Platform with the inclusion of tenancy on the Joint Forces Training Base.

Council Member Kusumoto withdrew his motion.

Motion/Second: Edgar/Wilson
Unanimously Carried: The City Council directed Staff to bring back the Legislative Platform with changes: modify the sentence regarding tenancy on the JFTB, add a section for social issues, and include additional authority for the City Manager to expeditiously take a position without having to bring the item back to Council.

C. Purchase of NetMotion Wireless Mobility Server (Police)
In order to improve the function and security of our wireless data communications between the police officers in their cars, West-Comm, and the various public safety databases utilized by law enforcement, Staff sought City Council authorization to approve appropriations for the purchase of a new mobile server.

Mayor Hasselbrink asked for and received confirmation of the expiration dates.
Motion/Second: Hasselbrink/Murphy
Unanimously Carried: The City Council approved a Supplemental Appropriation of $4,112 to account number 27-521-5420 in the Asset Seizure Fund to purchase a new mobile server for the Police Department.

E. Award of Bid for Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06) (City Engineer)
This report recommended award of a bid for the construction of the Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06).

Mayor Pro Tem Edgar thanked Staff for its perseverance throughout this project.

Mayor Hasselbrink requested Royal Oak Home Owners Association and Los Alamitos Unified School District be notified when construction starts.

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

1. Awarded construction of the Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06) to El Camino Asphalt Paving Corporation in the amount of $258,872.00; 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 10% or $25,887.20 and $10,000 for construction management for a maximum contract amount of $294,759.20.

10. PUBLIC HEARINGS

A. Approval of Plans and Specifications, and Authorization to Bid for Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08) (Development Services)
This report recommends actions to facilitate the construction of the Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08).

Council Member Wilson advised he had a conflict of interest. Pending the opinion of the Fair Political Practices Commission, he would recuse himself from discussion as his employer was located on the Boulevard. He left the dais.

Development Services Director Mendoza summarized the Staff report.

RECESS
The City Council took a brief recess at 7:46 p.m.

RECONVENE
The City Council reconvened at 7:46 p.m. in regular session. Council Member Wilson had recused himself and was not at the dais.
Mayor Hasselbrink opened the hearing for public comment.

Sandi Yavtz, owner of Center Plaza, advised her partner has submitted a letter. She stated concern all left hand turns had been eliminated and requested consideration for a left hand turn.

Ken Timpton, ABC Pool owner, stated support for the project and no left turn out of his driveway. He requested Council do a scramble cross instead of a crosswalk at Cerritos and Los Alamitos Blvd. This would allow cars to make left hand turns at all four corners without having pedestrians in the way. He requested white striping stating do not block driveway be included.

Mayor Hasselbrink closed the hearing for public comment.

City Council and Staff discussed the 8 year history of the project, bond financing deadline of September 1, 2019, species of plants proposed for the medians, sight distance, study of left turns, permeable services, realistic construction schedule pending weather, lane closures versus traffic rerouting, and the possibility of adding a signal later if needed.

Motion/Second: Edgar/Murphy
Unanimously Carried (Wilson recused): The City Council:

1. Opened the Public Hearing; and,

2. Adopted Resolution No. 2017-01, A RESOLUTION OF THE LOS ALAMITOS CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE LOS ALAMITOS BOULEVARD MEDIAN IMPROVEMENT PROJECT; and,

3. Approved the plans and specifications for the construction of the Los Alamitos Blvd. Median Improvement Project (CIP No. 16/17-08) subject to the Mitigation Measure listed in the IS/MND; and,

4. Authorized Staff to advertise and solicit bid proposals.

Council Member Wilson took his seat at the dais.

B. Introduce Ordinance No. 2016-09 – Continued Consideration of General Plan Amendment and Zoning Map Amendment for 4411 Katella Avenue

(Development Services)
Continued consideration of a General Plan Amendment and Zoning Map Amendment to the 28-acre site commonly known as the Arrowhead property. The change would amend the General Plan Designation (Planned Industrial with Retail Overlay) to Retail Business and amend the Zoning Map (Planned Light Industrial with Retail Overlay) to General Commercial (C-G). More specifically this property is identified as Orange County Assessor Parcel Nos. 241-241-08,
Development Services Director Mendoza summarized the Staff report.

Mayor Hasselbrink opened the hearing for public comment.

Susan Hori, JCB Inc, referred to the 2015 General Plan adoption where extensive community outreach, study by Planning Commission and Council had occurred. The Arrowhead site was extensively studied and it retained light industrial with a retail overlay on the site. This was an appropriate way to address protection of existing business while looking towards future zoning. She requested Council not to make any changes to the zoning. She referred to March 2016 when the amendment was first requested and stated an application had been filed with 14 truck docks. Also at that time, zoning code permitted uses in light industrial substantial truck trips. The application has since expired and City took action to eliminate two types of industrial zone that generate truck traffic. She did not believe changing the General Plan at this time as warranted. Most opportune time to reconsider the General Plan amendment would be once the zoning code study had been completed. She pointed out exclusive retail would not result in more retail as long as Arrowhead was there. She stated it was difficult for retail to be developed on the back site. If any development proposal submitted for this site come before the Planning Commission and Council an Environmental Impact Report would be done and at that point and the City could address compatibility to any proposed use. She requested the City retain current zoning.

Mayor Hasselbrink closed the hearing for public comment.

City Council and Staff discussed actions to date had been reactionary, support for a zoning study and taking a comprehensive look at uses, ordinances had been passed to stop erroneous uses, all construction related projects come before the Planning Commission for approval, and concern for rezoning one property instead of taking a holistic approach.

Motion: Kusumoto
Motion died for lack of a second: Move Staff's recommendation.

Determine that the proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Los Alamitos, California, certified the Final Environmental Impact Report on March 23, 2015 for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The changes in this ordinance are within the scope of the Program EIR which adequately describes the changes for purposes of CEQA as the changes parallel the changes made by the General Plan. As zoning is required to be consistent with the
General Plan, the impacts relating to the zone changes are identical to the impacts that were covered in the Program EIR and there are no new impacts which would occur from such changes; and,


4. Introduce, waive reading in full and authorize reading by title only of Ordinance No. 2016-09, and set for second reading; and,


Motion/Second: Edgar/Hasselbrink
Carried 4/1 (Kusumoto voted no): The City Council voted to leave the zoning as is and continue with the comprehensive zoning plan.

11. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

Council Member Wilson spoke regarding: attendance at the Chamber of Commerce swearing in; Orange County Library Advisory Board meeting; Public Hearing for the Village 605 on January 30; support for using at least two social media sites (i.e. Facebook and Next Door) to communicate with the public; and, requested the meeting be closed in honor of JM Ivler.

Council Member Murphy spoke regarding: Orange County Transportation Authority meeting; Budget Standing Committee meeting; congratulated Daniel Patz for being reappointed as the Traffic Commission Chair; IRI Phone Repair Service did a great job; and, requested the meeting be closed in honor of JM Ivler.

Council Member Kusumoto spoke regarding: Orange County Mosquito and Vector Control District meeting and Orange County Parks Commission.

City Council Minutes
January 17, 2017
Page 9 of 10
Mayor Pro Tem Edgar spoke regarding: Public Hearing for the Village 605 on January 30; succession planning for the city’s Rivers and Mountains Conservancy seat; congratulated Emil Jorge on being appointed the Chamber Chair; Americana Awards on March 4th honoring Kenny Brandyberry; Casa Youth Shelter Fundraiser for Finding Neverland; and, urged the Budget Ad Hoc Committee to stay focused on the PERS issue.

Mayor Hasselbrink spoke regarding: attendance at the Chamber Breakfast; requested Council comments be agendized after public comments; and, requested discussion items for quarterly neighborhood commissions/committees and an off-leash area in Cottonwood Park.

12. ITEMS FROM THE CITY MANAGER
City Manager Plumlee advised he attended his first Orange County Waste Management meeting and requested an update from Community Services director Lakin regarding the Race on the Base.

RECESS
The City Council recessed into Closed Session at 8:59 p.m.

3. CLOSED SESSION

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pending Litigation pursuant to Government Code sec. 54956.9, d) (2) (A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.) 1 potential case.

E. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1) and (d) (4) People v. Dennis Loren Bader, Case no. LA045560PE and related cases.

RECONVENE
The City Council reconvened in Regular session at 9:30 p.m.

City Attorney Reisman stated the Council directed Staff how to proceed.

13. ADJOURNMENT
The City Council adjourned to Wednesday, February 22, 2017, in memory of JM Ivler.

Attest:  

Shelley Hasselbrink, Mayor

Windmera Quintanar, CMC, City Clerk