

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

ADJOURNED REGULAR MEETING – JULY 31, 2017

1. CALL TO ORDER

The City Council met in Adjourned Regular Session at 6:08 p.m. Monday, July 31, 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
Jason Al-Imam, Administrative Services Director
Dave Hunt, City Engineer
Ron Noda, Recreation and Community Services Manager
Steven A. Mendoza, Development Services Director
Eric Nunez, Police Chief
Windmera Quintanar, CMC, City Clerk

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Edgar led the Pledge of Allegiance.

4. INVOCATION

Council Member Kusumoto gave the Invocation.

5. PRESENTATION

A. Presentation of a GFOA Certificate of Achievement to Kim Engel, Accountant, and Jason Al-Imam, Administrative Services Director for Excellence in Financial Reporting for the City of Los Alamitos' Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016

Mayor Hasselbrink and the Council presented the award to Administrative Services Director Al-Imam and Accountant Engel. Director Al-Imam spoke briefly.

B. Presentation of a Proclamation to Pete Carvajal, Parks, Recreation, and Cultural Arts Commission Chair, for Parks Make Life Better Month

Mayor Hasselbrink and the Council presented a Proclamation to Chair Carvajal, Commissioner Doby, and Commissioner Estrada. Chair Carvajal spoke briefly.

C. Presentation by City Engineer, Dave Hunt, Providing a Coyote Creek Bike Trail Update

City Engineer Hunt gave a PowerPoint presentation.

City Attorney Reisman advised there was a technical issue posting the agenda to the City's website and based on the Attorney General's opinion regarding technical malfunctions, the meeting could continue.

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.

Mayor Hasselbrink opened Oral Communications.

Lawrence McMillian, resident, spoke in opposition of the red light camera program.

Dean Grose, resident, spoke regarding the incident two weeks prior and voiced continued support for the Police Department.

Mayor Hasselbrink closed Oral Communications.

7. 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.

Council Member Murphy spoke briefly regarding the incident in Seal Beach involving deceased Police Captain Moore. He thanked the Staff and Police Department for their professionalism and stated support for the police force.

Council Member Kusumoto agreed with his colleague and spoke regarding attendance at the Orange County Mosquito and Vector Control District meeting, Legislative Round Table with Congressman Lowenthal, and 4th of July Spectacular.

Council Member Wilson thanked the business community for its support surrounding the incident and spoke regarding attendance at the 4th of July Spectacular, Orange County Transportation Authority's Open House, and Olson Company's Open House.

Mayor Pro Tem Edgar spoke briefly regarding the incident and stated support for the Police Department. He requested the meeting be adjourned in memory of longtime resident and former Commissioner, Tom Rothwell, and reported attendance at the Cypress Run.

Mayor Hasselbrink spoke regarding attendance at the Army Ball, Movies in the Park, and Chamber Breakfast. She advised of the following upcoming events: National Night Out, Los Alamitos Day at the Orange County Fair, and Los Alamitos Youth Baseball Bronco World Series Opening Day.

8. ITEMS FROM THE CITY MANAGER

City Manager Plumlee spoke briefly regarding the incident and thanked Council for its support in canceling the July 17th meeting to assist the organization in healing. He thanked the community for its outstanding support. He requested and received a brief update on the Los Alamitos Blvd. Beautification Project.

9. WARRANTS

Motion/Second: Edgar/Wilson

Unanimously Carried: The City Council ratified the Warrants for June 20, 2017 to July 31, 2017, in the amount of \$2,236,885.83, 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 August 1, 2017 to August 20, 2017.

ROLL CALL

Council Member Kusumoto	Aye
Council Member Murphy	Aye
Council Member Wilson	Aye
Mayor Pro Tem Edgar	Aye
Mayor Hasselbrink	Aye

10. 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 10G.
Council Member Wilson pulled item 10E.

Motion/Second: Edgar/Murphy

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

A. Approval of Minutes (City Clerk)
The City Council approved the Special and Regular Minutes of June 19, 2017, City Council meetings.

B. Adopt Ordinance 2017-01 – An Ordinance to Expand Traffic Commission Authority – Advisory (City Initiated) (Development Services)
At its regular meeting of June 19, 2017 the City Council conducted a first reading of Ordinance No. 2017-01. This report facilitates a Municipal Code amendment expanding the authority of the Traffic Commission to include On-Street Parking in an advisory capacity.

The City Council waived the reading in full and adopted Ordinance No. 2017-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTION 2.40.60 EXPANDING THE AUTHORITY OF THE TRAFFIC COMMISSION FOR ON-STREET PARKING (CITYWIDE) (CITY INITIATED)."

C. Amendment No. 1 to Professional Services Agreement with AdminSure Inc. for Claims Administration Services (Administrative Services)

The purpose of this report was to amend the Professional Services Agreement with AdminSure Inc., extending the term to June 30, 2018 and modifying the fees for Fiscal Year July 1, 2017 through June 30, 2018, for claims administration services.

The City Council authorized the Mayor to execute Amendment No. 1 to the Professional Services Agreement with AdminSure Inc., extending the term to June 30, 2018 and modifying the fees for Fiscal Year July 1, 2017 through June 30, 2018, for claims administration services.

D. Legal Services Related to Labor and Employment Law (Administrative Services)

This report recommended approval of an agreement with Liebert Cassidy Whitmore for legal services related to labor and employment law.

The City Council:

1. Authorized the Mayor to enter into the Agreement for Special Services (“Agreement”) with Liebert Cassidy Whitmore for legal services related to labor and employment law; and,
2. Reviewed and approved the Scope of Services as set forth in the Agreement.

F. Annual Update of the Records Management Program (City Clerk)

On October 19, 2015, the City Council adopted Resolution 2015-27 regarding to the City-wide Records Management Program. Part of this Program included a day dedicated to records management and annual updates to the retention schedule. This item recommends changes to the policy to ensure continued success of the program.

The City Council adopted Resolution 2017-10, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A RECORDS MANAGEMENT PROGRAM AND REPEALING RESOLUTION NO. 2015-30 IN ITS ENTIRETY”.

H. Hourly Rate for Part-Time Receptionist (Administrative Services)

This report requested that the City Council consider adjusting the hourly rate for the part-time non-benefited receptionist classification.

The City Council adopted Resolution No. 2017-15, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE HOURLY RATE SCHEDULE EFFECTIVE JULY 31, 2017 AND REPEALING RESOLUTION NO. 2016-39.”

End of Consent Calendar

Items pulled from Consent Calendar

E. Authorization to Extend the Agreement for the Red Light Camera Enforcement Program for Four (4) Additional Years (Police)

The Police Department seeks authorization to extend the contract for the red light camera photo enforcement program for an additional four years. In addition, we recommend a modification to the contract to include "Malfunction Rate" and "Downtime" clauses to the existing contract for professional services from Redflex Traffic Systems, Inc.

Police Chief Nunez summarized the Staff report and answered questions from the City Council.

Council Member Wilson expressed concerns regarding automating traffic enforcement. He thanked staff for negotiating for a lower priced contract and suggested the contract should take into consideration a price break for the length of the contract, similar to other cities.

The Council discussed the program was a cost effective safety measure for the City.

Motion/Second: Kusumoto/Edgar

Carried 4/1 (Wilson voted no): The City Council authorized the Mayor to execute the Second Amendment to the agreement with Redflex Traffic Systems, Inc.

G. Request for Appropriation (Development Services)

This report seeks an appropriation for additional tasks related to the Highest and Best Use (HABU) Study currently underway by Jones Lang LaSalle.

Council Member Wilson and Kusumoto, members of the Ad Hoc Committee, gave a brief summary of the request.

City Council and Staff discussed the following: funding would come from General Fund Reserves; desire for a hotel feasibility study; lack of space; potential for a bond item; feasibility of repairs needed to stay on site; feasibility study would be an investment in the City's future and incorporated into the City's ten-year financial plan; deliverable items from this contract and the previous contract with consultant; study would provide factual data and options; concern for sending an inconsistent message regarding the City's budget; and, the need to study the Transient Occupancy Tax (TOT).

Motion/Second: Edgar/Kusumoto

Unanimously Carried: The City Council:

1. Approved Budget appropriation of \$49,900.00, from the General Fund to the Development Services Department for implementation of the program for Fiscal Year 2017-2018; and,

2. Authorized the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Jones Lang LaSalle (JLL).

11. PUBLIC HEARING

A. Adoption of Master Fee Schedule (Administrative Services)

On June 19, 2017 a study session was held with the City Council on the City's User Fees and Charges. The City Council concurred with proceeding with a public hearing to consider adoption of the recommended fees on July 17, 2017. The City's current fee and cost recovery model was adopted by the City Council in 2008. The proposed Master Fee Schedule is based on a study completed by NBS, which was a coordinated effort among all City departments and was the culmination of 18 months of work.

Mayor Hasselbrink opened the Public Hearing.

Mayor Hasselbrink opened the item for public comments.

Adam Wood, BIA, requested the increased fees be phased in.

Mayor Hasselbrink closed the item for public comments.

Administrative Services Director Al-Imam summarized the Staff report and answered questions from the City Council.

Staff advised the item would be updated on a yearly basis.

Motion/Second: Wilson/Murphy

Carried 4/1 (Edgar voted no): The City Council:

1. Conducted a public hearing on the Proposed Master Fee Schedule; and,
2. Adopted Resolution No. 2017-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING AND REPLACING RESOLUTION NUMBERS 1895, 2033, 2008-12 AND 2012-07 AND ESTABLISHING A MASTER FEE SCHEDULE".

12. DISCUSSION ITEM

A. Business and Residential Improvement Program 2.0 (Development Services)

This report sought adoption of a second version of the Los Alamitos Business and Residential Improvement Program first instituted by the City Council on March 5, 2012.

Development Services Director Mendoza summarized the Staff report and answered questions from the Council.

City Council and Staff discussed the following: number of permits issued; concern for sending an inconsistent message regarding the City's budget; and, support for the program, but not needed at this time.

Motion/Second: Wilson/Kusumoto

1. Adopt City Council Resolution No. 2017-14 approving a fiscal year 2017-2018 term of the Los Alamitos Business and Residential Improvement Program 2.0; and,
2. Approve Budget appropriation of \$75,000.00, from the General Fund to the Development Services Department for implementation of the program for Fiscal Year 2017-2018.

Council Member Kusumoto received clarification from Council Member Wilson that this item was brought forward to coincide with the fee study.

Substitute Motion made by Council Member Kusumoto and accepted by Council Member Wilson to table the item to allow Staff time to research a compelling reason for this program to move forward.

City Council and Staff discussed the following: interest in the number of permits issued; where materials are being bought; benefits to the businesses; process for qualifying for rebates; and, monitoring the industry to see if there is a need.

Kusumoto/Wilson

Unanimously Carried: The City Council tabled the item with the possibility of bringing it forward at a future time.

RECESS

The City Council took a brief recess at 7:31 p.m.

RECONVENE

The City Council reconvened in Adjourned Regular session at 7:43 p.m.

13. ORDINANCES

A. Dissolution of Cable Television Commission (Administrative Services)

This item requests that the City Council consider repealing Chapter 2.50 to Title 2 of the Los Alamitos Municipal Code, which would dissolve the Cable Television Commission.

Administrative Services Director Al-Imam summarized the Staff report and answered questions from the City Council.

Mayor Hasselbrink opened the item for public comment. There was no one present wishing to speak. Mayor Hasselbrink closed the item for public comment.

Motion/Second: Kusumoto/Murphy

Unanimously Carried: The City Council:

1. Introduced, waived reading in full, and authorized reading by title only of Ordinance No. 2017-02, and set for second reading; and,

2. City Attorney Reisman read the title of Ordinance No. 2017-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING CHAPTER 2.50 TO TITLE 2 OF THE LOS ALAMITOS MUNICIPAL CODE DISSOLVING THE CABLE TELEVISION COMMISSION AND REPEALING ORDINANCE 07-02".

B. Consideration of an Urgency Interim Ordinance Establishing a Temporary Moratorium on the Enforcement of Zoning Restrictions against Existing Recreational Uses in the Planned Light Industrial Zone

Council Members Kusumoto and Wilson are requesting Council Consideration of an ordinance to prohibit enforcement against recreational uses in that area of the City with a Planned Industrial General Plan Land Use Designation/Planned Light Industrial Zoning Designation

Assistant City Attorney Kranitz summarized the staff report and answered questions from the City Council.

Mayor Hasselbrink opened the item for public comment.

David Real-Brook, business owner, stated support for the item and summarized the letter he had submitted to Council.

Mayor Hasselbrink closed the item for public comment.

Council Member Kusumoto requested and received clarification regarding where recreational uses were permitted in the City and the use of the General Plan and Zoning Code.

Council Member Wilson stated support for the item.

Council Member Edgar briefly recalled the history of the item, specifically Mr. Real-Brook's business CrossFit Los Al. He stated concern this item was brought forward under the guise of being city-wide when there were other pressing matters within the City.

Council and Staff discussed that Mr. Real-Brook had approximately two years to correct or vacate the illegal expansion of his business' second store front.

Council Member Murphy stated concern a moratorium was brought forward instead of an item to address the individual business. Assistant City Attorney Kranitz advised this was the only available mechanism to bring the item before Council. Development Services Director Mendoza added the appeal period had expired two years ago.

Council and Staff discussed the time line of the allowed original storefront, the zoning code update that grandfathered the first store front and disallowed future recreational uses, and the illegal expansion of the second store front.

Assistant City Attorney Kranitz explained that all existing recreation uses were approved before the General Plan/Zoning update had changed to prohibit such uses. Based on the City's nonconforming use section, those businesses were allowed to remain. The City was made aware of the business expansion after the change and therefore could no longer apply for a Conditional Use Permit for recreational uses. The expansion was illegal due to the fact Mr. Real-Brook did not come in and apply for a CUP for the second store front when it was allowed. Business could only be grandfathered in after a code change if they had received the proper approvals to begin with.

Motion/Second: Kusumoto/Wilson
Motion: Move for adoption.

Council Member Murphy questioned how long this would be in effect if approved.

City Attorney Reisman advised 45 days assuming there were no changes and gave a brief review of possible extensions.

Council Member Murphy was in favor of allowing staff additional time to research the individual business.

Mayor Hasselbrink confirmed the timing was off for Council to be able to discuss the individual business and the only way to bring back discussion was to consider this ordinance.

Mayor Pro Tem Edgar stated concern it sends the wrong message to the business community and pointed out Mr. Real-Brook had two years to address the issue. He stated opposition for the item as the due process timing had passed for this and it was brought back under false pretense. He stated

Council Member Wilson advised he could support the item if the intent was to allow recreational uses as a whole within this zone.

Council Member Kusumoto stated support for property owners in the industrial areas being allowed to rent to recreational uses should they choose. He stated support finding a way to allow the use of the second store front to be legal retroactively.

Motion/Second: Kusumoto/Murphy
Motion Failed 2/3:

ROLL CALL

Council Member Kusumoto	Aye
Council Member Murphy	No
Council Member Wilson	Aye
Mayor Pro Tem Edgar	No
Mayor Hasselbrink	No

Recommendations:

1. Adopt by a 4/5 Roll Call Vote, waive reading in full, and authorize reading by title only of Urgency Ordinance No. 2017-03; and,
2. City Attorney Reisman read the title of Urgency Ordinance No. 2017-03, entitled, "AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ENFORCEMENT OF ZONING RESTRICTIONS AGAINST EXISTING RECREATIONAL USES IN THE PLANNED INDUSTRIAL GENERAL PLAN LAND USE AREA/PLANNED LIGHT INDUSTRIAL ZONING DISTRICT PENDING THE REVIEW AND POSSIBLE AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT AND ZONING CODE TO BECOME EFFECTIVE IMMEDIATELY".

City Attorney Reisman received clarification no further follow up was needed.

14. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

Council Member Wilson requested the Traffic Commission being review of the parking permit program and requested a discussion item for the retail of recreational marijuana.

Mayor Hasselbrink directed City Manager Plumlee to bring the items forward.

Council Member Murphy thanked Public Works Staff Member, Danny Barnet, for his excellent job removing graffiti within the City. He thanked staff for the 4th of July event and encouraged the community to attend National Night Out.

15. CLOSED SESSION

City Attorney Reisman read the items aloud.

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pending Litigation pursuant to Government Code sec. 54956.9, (d)(1)
The Inland Oversight Committee v. City of Los Alamitos and Katella Property Owner LLC, Orange County Superior Court Case No. 30-2017-00918694-CU-WM-CJC

B. 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.) 2 potential cases.

- C. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**
Pending Litigation pursuant to Government Code sec. 54956.9, (d)(4) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) 1 potential case.

RECESS

The City Council recessed into Closed Session at 8:32 p.m.

RECONVENE

The City Council reconvened in Adjourned Regular session at 9:46 p.m.

City Attorney Reisman advised the City Council had provided direction to Staff.

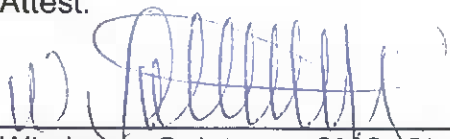
16. ADJOURNMENT

The City Council adjourned in memory of Tom Rothwell at 9:46 p.m.



Shelley Hasselbrink, Mayor

Attest:



Windmera Quintanar, CMC, City Clerk