

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

**REGULAR MEETING – September 18, 2017**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:07 p.m. Monday, September 18, 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  
Sean Connolly, Police Captain  
Dave Hunt, City Engineer  
Corey Lakin, Recreation and Community Services Director  
Steven A. Mendoza, Development Services Director  
Eric Nunez, Police Chief  
Windmera Quintanar, CMC, City Clerk  
Maria-Luisa Valdez, Interim Administrative Services Director

**3. CLOSED SESSION**

**A. CONFERENCE INVOLVING A JOINT POWERS AGENCY, THE ORANGE COUNTY FIRE AUTHORITY (OCFA)**

Discussion will concern: Information obtained in a closed session of the OCFA pertaining to significant exposure to litigation regarding pension liability.

OCFA Board Member: Shelley Hasselbrink, Mayor

Authority: Government Code Section 54956.96(b)

City Attorney Reisman read the item aloud.

**RECESS**

Council recessed into Closed Session at 5:07 p.m.

**RECONVENE**

City Council reconvened in Regular Session at

City Attorney Reisman stated the item was informational only and no votes were taken or requested.

**4. PLEDGE OF ALLEGIANCE**

Council Member Murphy led the Pledge of Allegiance.

**5. INVOCATION**

Council Member Wilson gave the Invocation.

**6. PRESENTATION**

Mayor Hasselbrink and the City Council presented a Proclamation to Vickie Soffa, Volunteer from Alzheimer's Orange County. Ms. Soffa spoke briefly.

Mayor Hasselbrink and the City Council presented a plaque to Carey Reisman for Walling, Kres, Reisman and Kranitz, for his firms dedicated service as City Attorney. Mr. Reisman spoke briefly.

**A. Presentation by Tracey Farmer, on behalf of LA Seismic, Regarding "Seismic Survey 2017"**

Mr. Farmer and Dan Hollis, Seismologist, gave a PowerPoint presentation and answered questions from the City Council.

**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.

Stephen Hammond, resident, spoke in opposition to dissolving the Cable Commission, current operations of Los Al TV, and requested reinstatement of a public oversight commission for Los Al TV.

Jeff Snow, Board Member of Aerospace Education Foundation of Huntington Beach, spoke regarding the upcoming Breitling Air Show in Huntington Beach on September 29-October 1.

John Boufani, business owner, spoke in opposition to item 11D, questioned if the Council should go out to bid for the new service, the City's role in the program and the fairness of spreading the cost to all commercial properties when only 11-12 generate the waste.

**8. 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 Kusumoto spoke regarding the upcoming Orange County Mosquito and Vector Control District Board meeting and participation/hosting of the National Drive Electric Week hosted at City Hall.

Council Member Murphy spoke regarding the Casa Youth Shelter Fundraiser hosted by the Klabouchs, completion of the Kinmount Improvement Project, concern regarding air traffic patterns, and questioned the rights of the citizens during construction.

Council Member Wilson thanked Council Member Kusumoto for National Drive Electric Week and the Klabouchs for their fundraiser. He spoke regarding attendance at the Youth Center Open House and the West Orange County (WOC) Legislative Mixer.

Mayor Pro Tem Edgar asked for and received support to have an item regarding CA Water Fix on the next agenda. He spoke regarding the passing of Alice Jempsa and requested the meeting be adjourned in her honor. He attended the Casa Youth Shelter Fundraiser, WOC Legislative Mixer, requested an update on the Olson Company project, and encouraged interested parties to attend the Public Hearing.

Development Services Director Mendoza advised the 50-unit residential condominium complex on Sausalito is scheduled for its first Public Hearing on September 27<sup>th</sup> at 7:00 p.m. with the Planning Commission.

Mayor Hasselbrink spoke regarding attendance at the Los Alamitos Museum Fundraiser at Brew Kitchen, Los Alamitos Chamber Breakfast, appointment to the Orange County Fire Authority's Search Committee for a new Chief, attended the deployment of soldiers at the Joint Forces Training Base, the League of California Cities Annual Conference in Sacramento, meeting with Senator Nguyen, and stated the meeting would be adjourned in memory of Alice Jempsa.

## **9. ITEMS FROM THE CITY MANAGER**

City Manager Plumlee thanked City Attorney Reisman for his service to the City and introduced Interim Administrative Services Director Maria-Luisa Valdez. He spoke regarding attendance at the League of California Cities Annual Conference, meeting with Senator Nguyen, advised Staff was working with Congressman Lowenthal regarding events on the JFTB, and requested an update on Los Alamitos Beatification Project.

City Engineer Hunt gave an update on the project and answered questions from the City Council. He advised the center median tree would need to come back to Council for approval as it was not part of the project specifications.

## **10. WARRANTS**

Council Member Kusumoto received clarification that the street tress on page 8 were not related to the Los Alamitos Beatification Project.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council approved the Warrants for September 18, 2017, in the amount of \$96,305.22 ratified the Warrants for August 22, 2017 to September 17, 2017, in the amount of \$1,378,722.09, 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 September 19, 2017 to October 15, 2017.

## **ROLL CALL**

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

**11. 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 11B and 11D.

Council Member Murphy pulled item 11I.

Motion/Second: Murphy/Edgar

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

**A. Approval of Minutes (City Clerk)**  
Approved the Regular and Special City Council Minutes of August 21, 2017.

**C. The CalPERS Educational Forum, City Manager Travel (City Manager)**  
This report sought authorization for City Manager, Bret Plumlee to attend the 2017 California Public Employees Retirement System (CalPERS) Educational Forum.

The City Council authorized the City Manager to attend the conference and all associated travel expenses in an amount not to exceed \$1,200.

**E. Appointment of City Attorney (City Manager)**  
This report recommended appointment of Michael S. Daudt of Woodruff, Spradlin & Smart as City Attorney and approval of an agreement for City Attorney Services and Kendra Carney and Jason McEwen as Assistant City Attorneys.

The City Council authorized the Mayor to enter into an Agreement for City Attorney Services with Woodruff, Spradlin & Smart naming Michael S. Daudt as City Attorney and Kendra Carney and Jason McEwen as Assistant City Attorneys.

**F. Treasurer's Quarterly Investment Report – June 2017 (Administrative Services)**  
The item for City Council consideration is receipt of the Treasurer's Quarterly Investment Report.

The City Council received and filed the Treasurer's Quarterly Investment Report – June 2017.

**G. Resolution No. 2017-17 – Designation of City Treasurer (City Manager)**  
This report sought consideration of a resolution designating Maria-Luisa Valdez, Interim Director of Administrative Services, as City Treasurer.

The City Council adopted Resolution 2017-17, entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING

MARIA-LUISA VALDEZ, INTERIM DIRECTOR OF ADMINISTRATIVE SERVICES, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2014-31 IN ITS ENTIRETY.”

**H. Fiscal Year 2016-17 Results and Fund Balance Reservations  
(Administrative Services)**

This report provided the City Council with an update on Fiscal Year 2016-17 revenues and expenditures and recommends adjustments to fund balance reserves based on feedback and direction from the Budget Standing Committee.

The City Council:

1. Received and filed this year-end report for Fiscal Year 2016-17; and,
2. Approved carryover of appropriations to Fiscal Year 2017-18 for various projects as outlined in this report; and,
3. Approved budget amendments to the Fiscal Year 2016-17 Operating Budget as outlined in this report; and,
4. Adopted Resolution No. 2017-18, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A FUND BALANCE POLICY FOR THE GENERAL FUND AND REPEALING RESOLUTION NO. 2016-31”; and,
5. Adopted Resolution No. 2017-19, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A FUND BALANCE POLICY FOR THE INTERNAL SERVICE FUNDS AND REPEALING RESOLUTION NO. 2016-32”; and,
6. Approved transfers from the General Fund in the amounts of \$100,000 to the Facilities, Streets and Parks Capital Fund, \$100,000 to the Vehicles & Equipment Fund, and \$100,000 to the Technology Replacement Fund.

**J. Amending the Capital Improvement Program Budget to include RMRA Funding for the Road Repair and Accountability Act of 2017  
(Development Services)**

The City of Los Alamitos receives transportation funding from the State in the form of grants or direct allocation of Motor Vehicle Fuel Tax (Gas Tax) through the Highway Users Tax Account (HUTA). The Road Repair and Accountability Act of 2017 (SB1) provides new funding for the maintenance and repair of local streets and roads through a Road Maintenance and Rehabilitation Account (RMRA). To be eligible for funding, the City must submit a proposed project list to the California Transportation Commission along with a resolution documenting the approval of the City’s amended Capital Improvement budget to include the project to receive RMRA funding. Staff recommends the use of the RMRA funding to supplement funding for road improvements for a portion of the Greenbrook Neighborhood including Lassen, San Joaquin and Sierra Circle in the amount of \$66,321.

The City Council:

1. Determined that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and,
2. Adopted Resolution No. 2017-20, A Resolution of the City Council or the City of Los Alamitos, California, Amending the Adopted Capital Improvement Program Budget for Fiscal Year 2017-18 to Include Road Maintenance and Rehabilitation Account (RMRA) Funding Under the Road Repair and Accountability Act of 2017.

### **End of Consent Calendar**

#### **Items pulled from Consent Calendar**

**B. Adopt Ordinance No. 2017-04 – Amending Title 15 of the Los Alamitos Municipal Code Adding Chapter 15.14 Expedited Permitting Process for Electric Vehicle Charging Stations (Development Services)**

At its August 21, 2017 meeting, the City Council conducted a first reading of Ordinance 2017-04, which facilitates a Municipal Code Amendment for a streamlined process for installation of electric vehicle charging stations.

Council Member Kusumoto questioned if the process could be delayed to allow electric vehicle (EV) infrastructure to be included. Development Services Mendoza and Building Official Mark Abbott advised that ordinance needed to be in place within 30 days and that State law would require all new developments to include EV infrastructure.

Motion/Second: Kusumoto/Edgar

Unanimously Carried: The City Council adopted Ordinance No. 2017-04, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA AMENDING TITLE 15 OF THE LOS ALAMITOS MUNICIPAL CODE TO ADD CHAPTER 15.14 EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS".

**D. Organic Waste Recycling Services (Development Services)**

Consideration and acceptance of negotiated proposal pricing from Republic Services to provide State mandated organic waste recycling services to all commercial accounts meeting the State's threshold.

City Manager Plumlee introduced the item and advised Mike Balliet, AB 1826 consultant was available for questions. Mr. Balliet summarized the Staff report and answered questions from the City Council.

City Council, Staff, and Mr. Balliet discussed the following topics:

- Procedure for identifying which customers had organic waste and would require a program
- Negotiations for the cost of service, specifically the dump fee/ton
- Advantages of a pilot program include coming into compliance with State mandates, ability to adjust the rate later if necessary, opportunity to provide raw data before 2019 compliance deadline
- Los Alamitos is a small city and purchasing 1/13<sup>th</sup> of a truck for the program
- Pilot program will allow fees to be adjusted in six months and again in October 2018
- Overview of the other cities that are in compliance and the City's potential to face fines if it waits to implement the program after it is mandated
- Concern for the financial impact to all commercial businesses or just the 11 affected businesses
- Under State Law, the City is required to administer, monitor, and report on the program
- Difficulty in comparing other cities to Los Alamitos as the needs are not the same
- Concern that other companies (i.e CR&R and Waste Management) were informally asked if there was interest and no formal request for proposals went out
- Fees are not subject to Prop 218 because the program is State mandated and the City is not Collecting the user fees
- Discussion regarding only charging the 11 affected businesses and allowing the market to take care of itself by passing the fees on to the consumers
- Precise data from the pilot program will assist with the program being in effect by the January 2019 mandated deadline
- Haulers may be interested in servicing the City since they already service surrounding areas and the Los Alamitos Unified School District
- Support for pushing for a formal response from haulers to ensure the best for the businesses

## **RECESS**

The City Council took a brief recess at 7:45 p.m.

## **RECONVENE**

The City Council reconvened in Regular session at 7:58 p.m.

Motion/Second: Hasselbrink/Murphy

Motion: Reject Staff's recommendation and direct Staff to request bids from other competitors providing services to other municipalities in the community and local cities.

City Council, Staff, and Mr. Balliet discussed the following topics:

- Spreading the fees across all businesses or the 11 affected could be part of the next discussion
- Support for receiving formal response from providers in the area

- Staff clarified a Letter of Interest would be the first appropriate step, followed by an RFP should any interest be expressed
- RFP process requires hiring a consultant to prepare the RFP and rate the respondents
- Compliance with AB 939 would require the pilot program be in place by December
- During negotiations the current hauler expressed an interest in the City putting the entire waste contract out to bid as it was losing money
- Sensitive to the fact the community is concerned about its waste hauler contract
- Request the Chamber hold a workshop to get feedback from the 11 affected businesses
- Option to proportionately allocate the cost to each business based on its organic waste needs
- City could possibly get fined for implementing a cost prohibitive program that charges one business more than the other

Mayor Hasselbrink amended her motion. Council Member Murphy accepted.

Motion/Second: Hasselbrink/Murphy

Amended Motion: The City Council unanimously:

1. Reject Staff's recommendation; and,
2. Directed Staff to release a Letter of Interest to haulers with an emphasis that they currently provide the service in or around the City. To be followed up with a Request for Proposal if there is interest; and,
3. Requested Staff ask the Chamber to hold a workshop with the 11 affected businesses.

**I. Approval of Notice of Completion for the Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06) (City Engineer)**

The construction of the Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06) is complete and in compliance with the plans and specifications; therefore, Staff recommends 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.

Council Member Murphy congratulated everyone involved for the completion of this beautiful project and appreciated that people were taking advantage of the trail.

Motion/Second: Murphy/Edgar

Unanimously Carried: The City Council:

1. Accepted as complete the construction contract by El Camino Asphalt Paving Corporation for the Coyote Creek Bike Trail Resurfacing Project (CIP No. 16/17-06); 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 \$14,438.44, thirty-five (35) days after recordation of the Notice of Completion.

## 12. ORDINANCES

### A. **Consideration of Urgency Ordinance No. 2017-05 – Relating to Prosecution of Municipal Code Violations by the City Attorney; and, Ordinance No. 2017-06 – Relating to Prosecution of Municipal Code Violations by the City Attorney (City Attorney)**

The Municipal Code as currently written, prohibits the City Attorney from prosecuting criminal violations. The City Council desires to remove that prohibition so that the same law firm that serves as the City's contract City Prosecutor can also serve as the contract City Attorney.

City Attorney Reisman summarized the Staff report and answered questions from the City Council.

Motion/Second: Murphy/Edgar  
 Motion: Approve Staff's recommendation.

Council Member Kusumoto questioned why the Council would want to broaden the City Attorney's authority. City Attorney Reisman advised the Council should have the ability to instruct the City Attorney as needed in line with State Law and the approval of the District Attorney.

Mayor Pro Tem Edgar understood the logic as the City Council would still need to meet in Closed Session and direct the City Attorney.

Council Member Wilson started opposition to the red light camera program; however, understood the Council's will to continue enforcing so would support the item.

Motion/Second: Murphy/Edgar  
 Carried 4/1: The City Council

1. Adopt by a 4/5 Roll Call Vote, waived reading in full, and authorized reading by title only of Urgency Ordinance No. 2017-05 and
2. City Attorney Reisman to read the title of Ordinance No. 2017-05 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING AND RESTATING SECTION 2.20.010 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO PROSECUTION OF MUNICIPAL CODE VIOLATIONS BY THE CITY ATTORNEY AND DECLARING THE URGENCY THEREOF".

**ROLL CALL**

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

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

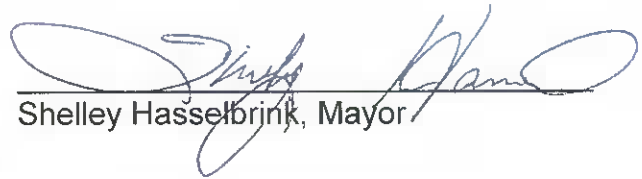
3. Introduce, waive reading in full, authorize reading by title only of Ordinance No. 2017-06; and,
4. City Attorney Reisman to read the title of Ordinance No. 2017-06, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING AND RESTATING SECTION 2.20.010 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO PROSECUTION OF MUNICIPAL CODE VIOLATIONS BY THE CITY ATTORNEY."

**13. MAYOR AND COUNCIL INITIATED BUSINESS**

**A. Council Announcements**  
None.

**14. ADJOURNMENT**

The City Council adjourned at 8:20 p.m. in memory of Alice Jempsa.

  
\_\_\_\_\_  
Shelley Hasselbrink, Mayor

Attest:

  
\_\_\_\_\_  
Windmera Quintanar, CMC, City Clerk