1. **CALL TO ORDER**
The City Council met in Regular Session at 6:05 p.m. Monday, October 16, 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
Michael S. Daudt, 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

3. **PLEDGE OF ALLEGIANCE**
Council Member Wilson led the Pledge of Allegiance.

4. **INVOCATION**
Mayor Hasselbrink gave the Invocation.

5. **PRESENTATION**

A. **Presentation of Certificates of Recognition to the Los Alamitos Youth Volunteer Program (LAVP) Participants**
Mayor Hasselbrink and the City Council presented Certificates of Recognition to the LAVP Participants.

B. **Presentation of a Plaque to Corey Lakin, Recreation and Community Services Director, for 10 Years of Dedicated Service**
Mayor Hasselbrink and the City Council presented a Tile Plaque to Director Lakin. Mayor Pro Tem Edgar spoke briefly. Director Lakin spoke briefly.

6. **ORAL COMMUNICATIONS**

Mayor Hasselbrink opened Oral Communications.

Robert Acosta, Orange County Fire Authority (OCTA) Division Chief, gave a PowerPoint presentation update on the Canyon II fire.
Shelley Henderson, Orange County Breeze editor, submitted information regarding a security breach for Wi-Fi enabled devices.

John Boufani, commercial property owner, spoke in opposition to AB 1826, organic waste. He questioned if the City should have a role in implementing a recycling program and strongly opposed distributing the costs to all commercial accounts.

Larry Strawther, Los Al TV, spoke regarding the failing server and requested Council consider replacement at a future meeting. He spoke briefly regarding the Taste of Los Al and thanked Council for attending.

Mayor Hasselbrink closed Oral Communications.

7. COUNCIL ANNOUNCEMENTS

Council Member Kusumoto advised he would be attending the Orange County Mosquito and Vector Control District and cautioned residents to remove standing water and report day biting.

Council Member Murphy reported attendance at Mobility 21 and the St. Hedwig Carnival.

Council Member Wilson spoke regarding attendance at the State of the District and expressed an interest in electrical vehicle charging stations in the City.

Mayor Pro Tem Edgar expressed support for Council Member Wilson applying for the Rivers and Mountains Conservancy Board. He indicated his mother had passed away and thanked Staff and the community for their support.

Mayor Hasselbrink spoke regarding attendance at the 79th Sustainment Change of Support, the Huntington Beach Airshow, North Orange County Women's Conference, St Hedwig Carnival, and Los Alamitos Unified High School's 50th Anniversary. She stated support for Los Al TV and its involvement in the community. She spoke briefly about Maxine Edgar and advised the meeting would be adjourned in her honor.

8. ITEMS FROM THE CITY MANAGER

City Manager Plumlee thanked Recreation and Community Services Director Lakin for his 10 years of service and welcomed City Attorney Michael Daudt to his first meeting.

9. WARRANTS

Motion/Second: Edgar/Murphy
Unanimously Carried: The City Council approved the Warrants for October 16, 2017, in the amount of $20,526.61 ratified the Warrants for September 19, 2017 to October 15, 2017, in the amount of $1,509,196.86, 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 October 17, 2017 to November 19, 2017.

ROLL CALL
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 items 10B and 10D.

Council Member Murphy pulled items 10F and 10H and advised he would recuse himself from item 10J.

Council Member Wilson advised he would recuse himself from item 10G.

Motion/Second: Edgar/Kusumoto  
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 September 18, 2017.

C. **Race on the Base Management Contract** 
(Recreation)  
This agenda item considered a contract for management of Race on the Base.

The City Council authorized the City Manager to execute a one-year contract with two optional one-year extensions with RUN Racing, LLC. for professional race management services for the Race on the Base.

E. **Extension of Professional Services Agreement with Lance, Soll & Lunghard, for Professional Independent Financial Auditing Services** 
(Administrative Services)  
This agenda item sought approval for a two-year extension of the agreement with Lance, Soll & Lunghard, LLP, to provide professional independent financial auditing services for the City of Los Alamitos.

The City Council authorized the Mayor to execute Amendment 1 to the Professional Services Agreement between the City of Los Alamitos and Lance, Soll & Lunghard, LLP, for professional independent financial auditing services for fiscal years 2017-18 and 2018-19, in an amount not to exceed $57,746.

G. **Extra Request for Main Tree and Electrical Conduit in Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08)** 
(Engineering)  
This report recommended action to add the main tree and electrical conduit to the construction of the Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08).
The City Council (Wilson recused) authorized the City Manager to purchase tree from Element Wholesale in Costa Mesa, CA and add the electrical conduit required by Edison using a portion of the available construction contingency budget for the project.

I. Award of Bid for Community Development Block Grant (CDBG) American with Disabilities Act (ADA) Ramp in New Dutch Haven and Sidewalk Project (CIP No. 17-1801)

This report recommended awarding a bid for the ADA Ramps in New Dutch Haven and Sidewalks throughout the City.

The City Council:

1. Awarded Bid and Authorized the Mayor to execute the contract for ADA Ramps in New Dutch Haven and Sidewalks throughout the City to Golden State Constructors, Inc., in the amount of $65,255.00; and,

2. Authorized an additional $43,840.00 of sidewalk work to the bid price and execute change orders, in an amount not to exceed the contingency reserve of $10,905.00 and $30,000 for design, construction management for a maximum contract amount of $150,000.00.

J. Acceptance of Street Dedication at 3342 Cerritos Ave for Street Purposes

A street dedication has been offered to the City by the property owner of 3342 Cerritos Avenue. The owners want to provide clarity to the title as it creates confusion with the lenders for this property. The City currently has a Street Easement over Cerritos Avenue and Sausalito Street for these areas and is responsible for both these areas of the streets.

The City Council (Murphy recused) adopted Resolution No. 2017-23, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO ACCEPT TWO STREET DEDICATIONS FROM MONTE COLLINS AND DEBORAH COLLINS SLIMMER, OF ASSESSOR'S PARCEL NUMBER (242-222-11) AT 3342 CERRITOS AVE. ALONG THE SOUTH SIDE OF CERRITOS AVENUE AND THE NORTH SIDE OF SAUSALITO STREET".

K. Ratify Committee Members for Zoning Code Update Committee

The staff report outlined the nominations for the Zoning Code Update Committee and requests ratification of the nominees.

The City Council ratified and appointed the following individuals to the Zoning Code Update Committee: Council Members Warren Kusumoto and Josh Wilson; Planning Commissioners Art DeBolt and John Riley; Traffic Commissioner Dave Emerson; and Business Persons Jason Twomey and Joe Maggiore.

L. Award of Purchase for Additional IT Storage

This report recommended award of a bid for additional IT storage.
The City Council authorized the Mayor to execute the 5-year lease agreement with SHI for additional IT storage.

**End of Consent Calendar**

**Items pulled from Consent Calendar**

**B. Adopt Ordinance No. 2017-06 – Relating to Prosecution of Municipal Code Violations by the 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.

Council Member Kusumoto stated support for limiting the role to prosecuting red light camera violations and stated concern the additional authority could be abused in the future.

Council Member Kusumoto made a motion to adopt with the change to reduce the powers and limit authority to red light cameras. Motion died for lack of a second.

Motion/Second: Edgar/Murphy

**D. Consulting Services Agreement – On Call Solid Waste Related Consulting Services**

This formalizes the services of Mike Balliet to provide on call consulting for Solid Waste Related services.

Council Member Kusumoto stated concern the consultant had provided false information, questioned if Staff had done any preliminary research, and believed this item was premature.

City Manager Plumlee advised the services provided to date have been outstanding and Mr. Balliet is an expert in the industry. With limited resources, consultants are necessary for these types of projects.

Council Member Kusumoto moved to deny the recommendation for lack of information and need for a consultant at this time. Motion died for lack of a second.

Motion/Second: Murphy/Wilson
Carried 4/1 (Kusumoto voted no): The City Council authorized the Mayor to execute and enter into the Consulting Services Agreement with MBC (Mike Balliet Consulting).
F. California WaterFix and California EcoRestore (City Manager)

Los Alamitos recognizes the importance of the California WaterFix and EcoRestore project and would like to formally support the project.

Council Member Murphy questioned the cost of the project and why the City would take a position at this time.

Mayor Pro Tem Edgar gave a brief overview of the project and the importance of funding the $15 billion dollar tunneling project. He advised the infrastructure was crucial to maintain a long term sustainable water supply for Southern California. He indicated this item could have been approved via the City’s Legislative Platform, but he felt it was important for the Council to have an open discussion. He advised a representative from Metropolitan Water District was available to discuss specifics.

Council Member Murphy advised he was not against the project; however, he felt there was not enough information available to make an informed decision. He stated a preference for seeing other available options and cost analysis.

Brett Barbre, Metropolitan Water District (MWD), gave a brief history of the project, the various options that were discussed, and the cost of the project and rate payers. He advised the tunnels would provide 100% reliability for water delivery at an affordable rate. All cities that have been asked, have provided support as well as the County Board of Supervisors and several Congressman.

Council Member Murphy questioned why some water departments have come out against the project. Mr. Barbre provided a brief history of the different water companies involved up to the Federal districts. He advised MWD had completed a study to determine long term reliability, and with the delta fix it would increase from 3 out of 10 to 9 out of 10. Due to regulatory decisions and lawsuits, water reliability will continue to decrease until the plumbing is fixed. This project is best for the delta.

Motion/Second: Edgar/Wilson

H. Approval of Plans and Specifications, and Authorization to Bid for Community Center Roof Repair Project (CIP No. 17/18-02) (Engineering)

This report recommends actions to begin facilitating the construction of portions of the Community Center Roof Repair Project.

Council Member Murphy understands the need for this emergency repaired, but questioned how it fits into the long term future.

Staff advised this is a standalone project needed due to last year’s weather, unrelated to the sustainability study currently underway. The roof is estimated to
last three to four years. The results of the sustainability study are due within the next couple of weeks. Staff advised the Subcommittee’s goal was bring something to Council by the end of the year.

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

1. Approved the plans and specifications for the construction of the Community Center Roof Repair Project (CIP No. 17/18-02); and,

2. Authorized Staff to advertise and solicit bid proposals.

11. PUBLIC HEARINGS

A. Ordinance No. 2017-09 – Deleting Chapter 17.39 of the Los Alamitos Municipal Code in its entirety and adding a new Chapter 17.39 relating to Medical and Adult Use Cannabis (Development Services)

City Council adopted Resolution No. 2017-16 during its August 21, 2017 meeting initiating a Zoning Ordinance Amendment concerning recreational marijuana to comply with new State legislation. The City Attorney has drafted Ordinance 2017-09. The Los Alamitos Planning Commission held a Public Hearing on September 27, 2017 and recommended adoption as presented.

Steven Mendoza, Development Services Director, provided an overview of the Staff report and answered questions from the City Council.

Mayor Hasselbrink opened the Public Hearing.

There being no one present wishing to speak, Mayor Hasselbrink closed the Public Hearing for comments.

Mayor Hasselbrink advised she had participated in webinar that advised it was within the City’s legal jurisdiction to add a stipulation for renters to obtain the property owner’s permission to cultivate.

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

1. Introduced for first reading, read by title only, and waived further reading, Ordinance No. 2017-09; and,

PERSONAL CULTIVATION OF CANNABIS, AND ADDITIONALLY AMENDING TABLES 2-02, 2-04 AND 2-06 TO REFLECT THE SAME”.

B. Ordinance No. 2017-08 – Regulations for Accessory Dwelling Units in the Residential Zones in the City to Comply with New State Legislation (Development Services)

This is the consideration of an Ordinance Amendment to repeal and replace existing regulations and adopting new regulations for accessory dwelling units to comply with new state legislation requirements of SB 1069 and AB 2299 (City initiated).

Steven Mendoza, Development Services Director, provided an overview of the Staff report and answered questions from the City Council.

Mayor Hasselbrink opened the Public Hearing.

There being no one present wishing to speak, Mayor Hasselbrink closed the Public Hearing for comments.

City Council and Staff discussed the following topics:

- Minimum standards
- Residency requirement enforcement through covenants and deed restrictions
- Enforcement of additional parking and possibility of residential parking program
- Concern for reduction of local control and potential to impact neighborhoods
- Appreciation for the Planning Commission’s due diligence

Motion/Second: Edgar/Murphy
Carried 4/0 (Murphy abstained): The City Council:

1. Introduced for first reading, read by title only, and waived further reading Ordinance No. 2017-08; and,

2. City Attorney Daudt read the title of Ordinance No. 2017-08, entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 17-01 TO REPEAL AND REPLACE THE LOS ALAMITOS MUNICIPAL CODE SECTION 17.38.150 RELATING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES OF THE CITY AS WELL AS MAKE CHANGES TO TABLE 3-01 IN SECTION 17.26.040 AND TABLE 2.02 OF SECTION 17.08.020 TO COMPLY WITH NEW STATE LEGISLATION (CITY INITIATED).”

C. 3621 Fenley Drive – General Plan Amendment and Zoning Ordinance Amendment Changing the Land Use Designation (Development Services)

Consideration of a General Plan Amendment (GPA 17-01) and Zoning Ordinance Amendment (ZOA 17-02) to change both the General Plan designation and the zoning district for a parcel from Open Area (O-A) to Single Family Residential (R-
1). This parcel is to the rear of 3621 Fenley Drive, APN 242-301-52. (Applicant: Carl T. Blum).

Council Member Kusumoto recused himself as he lives within 500 feet of the property and left the dais.

Steven Mendoza, Development Services Director, provided an overview of the Staff report and answered questions from the City Council.

Mayor Hasselbrink opened the Public Hearing.

There being no one present wishing to speak, Mayor Hasselbrink closed the Public Hearing for comments.

Council Member Wilson asked for and received confirmation that the Planning Commission had directed Staff to look into the other proprieties with a similar circumstance. He stated support for waiving the fees for others if possible.

Motion/Second: Edgar/Murphy
Carried 4/0 (Kusumoto recused): The City Council:

1. Opened the Public Hearing; and,

2. Determined that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,


4. Introduced for first reading, read by title only, and waive further reading Ordinance No. 2017-10; and,

5. City Attorney Daudt read the title of Ordinance No. 2017-10 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 17-02 TO CHANGE THE ZONING DISTRICT FOR A 10,488 SQUARE FOOT PARCEL FROM OPEN AREA (O-A) TO SINGLE FAMILY RESIDENTIAL (R-1) FOR A PARCEL TO THE REAR OF 3621 FENLEY DRIVE, APN 242-301-52 (APPLICANT: CARL T. BLUM).”
A. Organic Waste Recycling Services Update (City Attorney)

Further consideration of negotiated proposal pricing from Republic Services to provide State-mandated organic waste recycling services to all commercial accounts meeting the State’s threshold, including consideration of a letter of interest submitted by Ware Disposal.

City Attorney Daubt summarized the Staff Report and answered questions from the City Council.

Mayor Hasselbrink opened the item for public comments.

John Boufani, commercial property owner, opposed the Council implementing a mandatory recycling program and spreading the fees to all businesses.

City Council, Staff, and consultant, Mike Balliet, discussed the following topics:

- Various fees for other Orange County cities
- CR&O has an existing organic waste facility
- The City does not contract for the state mandated Fats, Oils, and Grease (FOG) requirement
- Difficulty in comparing like for like services with other cities due to varying factors (i.e. when the franchise agreement was entered into, the hauler providing the service, the exact services provided by the hauler, etc.)
- Various options for spreading the fee for the program
- Support for researching the City’s responsibility
- Support for receiving feedback from a workshop for the affected/interested parties
- Majority of cities have opted to go with current waste hauler since business are mandated to comply and do not have the ability to individually contract with waste haulers
- City’s obligation to adopt a program, educate, and monitor; no requirement on how to handle the cost of the program
- Council can adopt whichever type of program to divert organic waste it wants; however, it should be able to be reasonably implemented
- Option to adopt a program to educate the businesses and direct them where to divert organic waste
- The City’s current franchise agreement expires in 2021
- Pilot program with Republic will cost $129,000 and includes all affected commercial businesses with an option to re-evaluate the actual cost after 12 months
- $129,000 is a negotiated price to give the City a competitive rate, individual businesses would not receive the same rate
- Concern for getting aggressively involved and mandating fees to businesses
- Support for explaining the responsibility to businesses and how to reach compliance with the state mandate
- Concern that the mandate does not have strict requirements for implementation

Motion: Murphy

1. Direct Staff to bring a plan that is legally compliant, but reduces the City’s responsibility and involvement; and,

2. Direct Staff to bring back a plan for full implementation of an organic waste program including various options to spread the cost of the program.

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

- Lack of political will or desire to spread cost at this point
- Explore various ways to spread the costs (i.e. amongst the 11 businesses either evenly or proportionally to all businesses, etc.)
- Preparation of an organics rate sheet to share with affected businesses
- 163 businesses and 48 multi-family developments will need to comply by January 2019

Jeff Snow, Republic Services, suggested Council request a legislative interpretation from the City Attorney on the City’s legal requirements. He advised Republic would support re-negotiating the contract to include full compliance and would also welcome new haulers to bid on a new agreement. He stated support for working with the City to find a solution and advised the goal is to adopt a successful program.

Mayor Hasselbrink stated the importance of receiving adequate information to fully understand all the impacts so Council could make an educated decision.

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

1. Direct Staff to bring a plan that is legally complaint, but reduces the City’s responsibility and involvement; and,

2. Direct Staff to bring back a plan for full implementation of an organic waste program including various options to spread the cost of the program; and,

3. Directed the City Attorney to provide a legal analysis on the City’s requirements.

Council Member Murphy requested an overview be prepared of all upcoming laws regarding waste hauling that will affect the City in the next five to seven years. He stated support for holding a workshop with the Chamber of Commerce and
Planning Commission to provide as much information as possible regarding the changing laws.

Mayor Hasselbrink stated support for discussing the request at a future meeting.

13. CLOSED SESSION

Closed Session was not needed at this time.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Existing litigation pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9.
Name of case: McKeon v. City of Los Alamitos, et al., Orange County Superior Court Case No. 30-2017-00943887-CU-PC-CJC.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: 1 potential case.

14. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements
None.

15. ADJOURNMENT
The City Council adjourned at 8:36 p.m. in memory of Maxine Edgar.

Shelley Hasselbrink, Mayor

Attest:

Windmera Quintanar, CMC, City Clerk