

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

SPECIAL MEETING – July 9, 2018

1. CALL TO ORDER

The City Council met in Special Session at 6:02 p.m. Monday, July 9 2018, in the Council Chamber, 3191 Katella Avenue, Mayor Edgar presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Bret Plumlee, City Manager
Sean Connolly, Police Captain
Michael Daudt, City Attorney
Eric Nunez, Police Chief
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION

City Attorney Daudt read the item aloud.

- A. 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 (Re: March 27, 2018 correspondence from Shenkman & Hughes, PC).

RECESS

The City Council recessed into Closed Session at 6:03 p.m.

RECONVENE

The City Council reconvened in Special Session at 6:45 p.m.

City Attorney Daudt stated there was no reportable action.

4. PUBLIC HEARING

- A. FOURTH PUBLIC HEARING OF FIVE – TRANSITION TO DISTRICT
BASED CITY COUNCIL ELECTIONS (City Clerk)**
The purpose of this public hearing is to receive input from the City Council and public regarding draft maps and election sequencing for a district-based election system.

City Clerk Quintanar summarized the Staff report and advised Dr. Doug Johnson, NDC, was available for questions.

Mayor Edgar opened the Public hearing for Comments.

Linda Hikeman Bell, resident, understood the Council was legally obligated to move in this direction and stated the City had always been responsive to concerns. She stated districts would not achieve the goal of more responsive representation as it reduced the resident's voice from 100% to 20%. She stated the only time she did not feel represented by local government was when she lived in cities with district-based elections. She urged residents from Apartment and Carrier Row to participate in Commissions and run for Council.

Michael Bell, resident, believed these were forced circumstances made by individuals who bore false witness against the City. He thanked the Council for its valor and decency and stated support for trying to make the best out of a bad situation.

Henry Josefberg, plaintiff, resident, and business owner, requested clarification on the deviations from the ideal proportions in the draft maps. He believed the colored maps were designed to dilute voting in Carrier and Apartment row area and they were being divided in an unfair manner. He indicated the deviations were less in the resident submitted maps. He stated concern the demographer was present during closed session.

Barbara Farrell, resident, believed the four colored maps were gerrymandering Apartment Row into silence. She stated Apartment Row was a neighborhood of common interest and represented 45% of the population. She stated the residents did vote and many were too poor to run for office, but would go door to door. She opposed to Council using religion as a demographic. She urged Council to vote for El Ouradani Map 3 or 4 and to not dilute Apartment Row's vote.

John Alvares, resident, was concerned Council was being told under statute to break the City up into districts. He supported Council listening to the advice of the demographer and stated support for the Green map as it was balanced and includes a mix of businesses and suburban tracts and would provide a deeper pool of candidates. He stated concern for districts that were comprised mostly of renters.

Phillip Sauvé, resident, stated support for El Ouardani Map 3 or 4. He believed this would comply with the CVRA and stated support for Apartment Row having two Council Members. He indicated Apartment Row was a unique community with renters, low income, higher ethnic diversity and local issues. He urged Council to reject the colored maps and stated opposition

to Apartment Row being divided into four or five districts as it would dilute apartment Row's vote. He stated Council would be sued for not complying with the law if they adopted the colored maps.

Joel Block, Rossmoor resident, urged Council to disregard the four colored maps and stated support for El Ouradani Map 4. This map preserves the neighborhood character, minimizes dividing Apartment Row, conserves Carrier Row, is consistent with zoning, and the natural lines of the City. He believed the concentration of renters and homeowners in separate districts was due to the way the City is laid out. He supported keeping Katella together on both sides.

John Pasanese, resident, stated opposition to districts and dividing the City. He supported the job Council was doing and believed districts would pit parts of the City against each other, as evidenced with the speakers present tonight. He stated support for leaving the Council as is with at-large elections. He urged residents who felt unrepresented to run for Council.

Vicki Treseli stated changing the voting process had to be done because it is the law. She indicated it was false assumption that Apartment Row residents did not vote, were low income, and uneducated. She stated she was retired and on a fixed income. She believed Apartment Row was viable community. Homeowners and renters were all important. Inclusion and equality were important for all. Including Apartment Row without dividing it up would be best for the community.

Tamar Madison, resident, stated the CVRA provided a great opportunity to gerrymander and disenfranchise residents. Apartment Row represents 45% of the population and should have two representatives. She supported El Ouradani Map 4 because it was not confusing. She urged Council to adopt the map and comply with the spirit of the law.

Monica T, resident, stated she was offended at the last meeting when apartment Row was accused of not voting and pointed out the variance was only slightly lower compared to the other various maps. Apartment Row has unique issues she felt were not addressed properly or timely (i.e. trees falling, flooding, alleys, loitering, traffic on Farquhar). Splitting up Apartment Row would not provide proper representation and would dilute the votes.

Dean Grose, resident, outlined the Staff reports reference to electing a Mayor at large. He believed the letter from Mr. Shenkman was an attempt at extortion. He referred to the City of Santa Ana putting the item on the ballot and questioned if the City could do the same. He stated support for letting the voters decide if they wanted districts.

Mayor Edgar closed the Public Hearing for comments.

Council Member Murphy stated he had been misquoted and clarified he had questioned if religion was a demographic used in the early phases when Council was learning the process.

Mayor Edgar requested Dr. Johnson to address the questions raised by the public.

Dr. Johnson stated there were deviations in the maps because they were based off the census blocks. He stated in apartment Row there were lots of census blocks with lots of apartments. It was not possible to divide the census blocks without deviations in a small city.

Mayor Edgar advised he attends events and activities throughout the City and he has not heard that all citizens are supportive. He indicated there was a focused group exercising its options. Council's responsibility was to take in the whole community's perspectives.

City Attorney Daudt advised the CVRA safe harbor requires the city to adopt an ordinance within 90 days. Moving forward with a Charter amendment for voter approval would fall outside that period and expose the City to further litigation.

Dr. Johnson added the City of Santa Ana is in litigation and incurring extensive legal fees.

Mayor Edgar stressed the importance of the safe harbor provision and capping litigation expenses at \$30,000. He stated not adopting districts and moving forward with a Charter amendment would put the City at risk for litigation. He was hopeful the legislature would rescind this law before by-district elections for the city took place in 2020. He thanked everyone for their input and advised Council would do what was best to minimize risk to the City.

Council Member Murphy referred to El Ourdani Map and verified the low voter turnout numbers of apartment Row with the demographer.

Council Member Chirco referred to Mr. Suave's threat of litigation for failure to comply with the law if his preferred map was not chosen. He asked Dr. Johnson if the drafted maps were legally compliant and drawn without any input from the City Council. Dr. Johnson confirmed.

Council Member Hasselbrink asked if there had been any candidates from Apartment Row in the past two elections. City Clerk Quintanar stated no.

Mayor Pro Tem Kususmoto took offense to the term gerrymandering and clarified Council had no input on the drawing of the maps. He expressed

concern for having enough voters for each district, low voter turnout, and not getting the best representation for those districts. He stated Council had no intention of gerrymandering. He supported the Strawther Map 2.

Mayor Edgar reiterated Council had not had any private time with demographer. He had requested the information on an at-large Mayor with four districts and was told such would require a ballot measure and could not be accomplished during the safe harbor. His intent was to have his vote count for 25% of the City instead of 20%.

Mayor Edgar stated tonight's goals were to select a preferred map and sequencing. He stated support for the Green map as it had fair representation and was balanced. There was a good balance of renters and homeowners and was consistent across the City. For sequencing he suggest District 1 for 2020 since that was Council Member Murphy's district and he was up for election in 2020 and District 3 since no one lived in that district. Districts 2, 4, and 5 would be up in 2022.

Council Member Hasselbrink supported the Green map because it kept chunks of the neighborhoods together. Her preferred sequencing was Districts 1 and 3 in 2020 and Districts 2, 4, and 5 in 2022.

Council Member Chirco stated the Green map was his third choice. He indicated Apartment Row was in four districts, Council Members had to care about all residents, voter turnout numbers were not too misappropriated, and were spread out.

Mayor Pro Tem Kusumoto favored Strawther Map 2. He advised Green, as well as the others, were acceptable.

Council Member Murphy opposed the Yellow, Tan, and El Ouardani Map 4. He supported Carrier Row having its own district for the issues they face with traffic and building. He stated support for the Green or Purple map and the suggested sequencing based off the Green map.

Motion/Second: Edgar/Murphy

Motion: Designate the Green Map as Council's preferred map with the preferred sequencing of Districts 1 and 3 in 2020, and 3, 4, and 5 in 2022.

Council Member Chirco stated his top choice was the Purple map because it offered a good compromise and gave Apartment Row its own District. He stated concern the voter turnout was historically low. The geographical division was logical.

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

1. Received the report from staff on the draft maps of district boundaries and election sequencing; and,
2. Conducted a public hearing to receive public input on district boundaries and election sequencing; and,
3. Designated the Green map as the preferred district boundary map; and,
4. Determine the preferred sequence of district based elections would be Districts 1 and 3 in 2020, and 2, 4, and 5 in 2022; and,
5. Directed Staff to bring forward an Ordinance for introduction at the July 16, 2018 regular City Council Meeting establishing a by-district electoral system.

5. CLOSED SESSION

City Attorney Daudt read the items aloud.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of Case: Cross-Complaint by City of Santa Ana, *Orange County Catholic Worker v. Orange County et. al.* United States District Court, Central District of California – Southern Division, Case No. SACV18-0155-DOC.

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of Case: *Los Alamitos Community United, et al. v. City of Los Alamitos, et al.* Superior Court of California, County of Orange, Case No. 30-2018-00987018-CU-WM-CXC.

RECESS

The City Council recessed into Closed Session at 7:38 p.m.

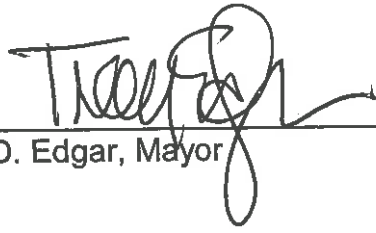
RECONVENE

The City Council reconvened in Regular session at 8:45 p.m.

City Attorney Daudt advised there was no reportable action.

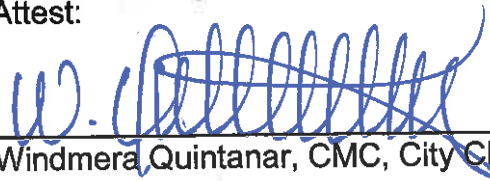
6. **ADJOURNMENT**

The City Council adjourned at 8:45 p.m.



Troy D. Edgar, Mayor

Attest:



Windmera Quintanar, CMC, City Clerk