

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

REGULAR MEETING – July 16, 2018

1. CALL TO ORDER

The City Council met in Regular Session at 6:12 p.m. Monday, July 16, 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
Emeline Noda, Recreation Manager
Ron Noda, Recreation Manager
Eric Nunez, Police Chief
Robert Acosta, Fire Chief
Andy Perea, Interim Development Services Director
Windmera Quintanar, CMC, City Clerk
Maria-Luisa Valdez, Interim Administrative Services Director

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Kusumoto invited Orange County Fire Authority Chief Fennessy to lead the Pledge of Allegiance. OCFA Chief Fennessy led the Pledge of Allegiance.

4. INVOCATION

Council Member Hasselbrink led the Invocation.

5. PRESENTATION

A. Presentation of a Tile Plaque to Steven A. Mendoza for His Service as Development Services Director

Mayor Edgar and the City Council presented a Tile Plaque to Steven A. Mendoza. Mr. Mendoza spoke briefly.

B. Presentation of Grant Check Towards Recreation & Community Services Scholarship Fund from Run Seal Beach

Mayor Edgar and the City Council accepted the grant check from Tim Kelsey, Recreation Manager. Mr. Kelsey spoke briefly.

C. Presentation of Certificates of Appreciation to Barb Ringhofer for Coordinating the Annual Rossmoor Highlands 4th of July Parade and Festival

Mayor Edgar and the City Council presented a Certificate of Recognition to Barb Ringhofer. Ms. Ringhofer spoke briefly.

- D. Presentation of a Proclamation to Parks, Recreation, and Cultural Arts Chair, Tanya Doby, for Parks Make Life Better Month**
Mayor Edgar and the City Council presented a Proclamation to Tanya Doby. Ms. Doby spoke briefly.
- E. Introduction of New Orange County Fire Authority Chief Brian Fennessy**
Mayor Edgar and the City Council presented a Certificate of Recognition to Chief Fennessy. Chief Fennessy spoke briefly.
- F. Presentation by District Attorney Rackauckas Regarding Human Exploitation and Trafficking (HEAT) Unit**
District Attorney Rackauckas was unable to attend.

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 Edgar opened Oral Communications.

Shelley Henderson, Chair of Los Alamitos Chamber of Commerce, thanked Council Member Hasselbrink for agreeing to speak at August Networking Breakfast and spoke briefly about the California Supreme Court ruling regarding employees and independent contractors.

Henry Josefsberg expressed appreciation for Mr. Mendoza and the firefighters. He spoke regarding the different characteristics of each neighborhood, his belief that districting would dilute the votes of the community, opposition to the Green map, and a preference for the maps that were submitted by residents.

Joel Block, Rossmoor resident, spoke regarding the outcome of the Federal District Court case and stated opposition for Council's adopted Ordinance 2018-04 and continued use of taxpayer funds to defend its decision. He stated comprehensive immigration reform was needed and suggested Council use taxpayer's money to help reconcile the complex issues related to immigration.

Barbara Farrell, resident, spoke in opposition to the Green map stating it silenced renters in Apartment Row, cuts across too many neighborhoods, and doesn't use natural boundaries such as Katella and Los Alamitos Blvd. She stated the residents who spoke at the Public Hearing had opposed the Green map and there was no public knowledge of residents who stated support, as referenced by Council at the last meeting. She opposed spending money on the lawsuit to defend Council's decision on SB54 and thanked the firefighters for their service.

Dean Grose, resident, questioned if Staff had followed up on the Homeland Security grant process for its defense related to SB54. He stated the districting process was an attempt at extortion and suggested Council bring forward a criminal case against the Malibu attorney who filed suit. He referred to results of a grassroots study that indicated there was not an increase in Latino officials.

Art DeBolt, resident, stated support for Council's decision regarding SB54 and encouraged Council to continue on its path. He gave a brief history of American history and encouraged the Council to stay strong and defend its oath and the Constitution.

Monica Teramino, resident, recalled Mayo Edgar's statement there was not an illegal immigrant problem in Los Alamitos and stated opposition to the Council's continued fight. She referred to ongoing issues in her neighborhood created by legal residents of Los Alamitos.

Mayor Edgar 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 regarding attendance at the Chamber Breakfast, Music and Movie in the Park sponsored by Randy Hill, and thanked the residents who came forward during the districting process and encouraged them to stay involved.

Council Member Hasselbrink gave an update on Orange County Fire Authority membership and budget, attendance at the 4th of July Fireworks Spectacular, Music and Movies in the park, Serve Los Al Day, and she thanked the Recreation Department for its successful back to back events and the residents for participating.

Council Member Chirco spoke regarding attendance at the 4th of July Fireworks Spectacular, 4th of July Parade in the Highlands, voting district Public Hearings, Music and Movies in the Park, and Serve Los Al Day.

Mayor Pro Tem Kusumoto advised he was in Washing, D.C. for 4th of July, he spoke regarding litigation costs due to members of the community suing the City, Council's support for local control, City's participation in legal districting process, and announced he would be running for this third and final term this November.

Mayor Edgar spoke regarding attendance at the 4th of July Fireworks Spectacular, Serve Los Al Day, Council's stance on SB54 had to do with maintaining local control of the police department and nothing to do with racism or immigration, Sessions lawsuit is related but does not have a direct effect on what the Council is doing, the City's rights as a Charter City, and requested the City Manager Performance Evaluation be added to the July 30th Council meeting.

8. ITEMS FROM THE CITY MANAGER

City Manager Plumlee thanked Staff, Council, and the City's partners for their support on a great 4th of July Fireworks Spectacular.

Council Member Murphy took a moment to thank Colonel Bond for his assistance in reestablishing the relationship with the City and the Base and allowing the City a platform to move forward.

Mayor Edgar spoke briefly regarding the districting process and the special events in neighborhoods. He stated the Council should equally represent all the neighborhoods.

9. WARRANTS

Motion/Second: Hasselbrink/Murphy

Unanimously Carried: The City Council approved the Warrants for July 16, 2018, in the amount of \$21,609.83 ratified the Warrants for June 19, 2018 to July 15, 2018 in the amount of \$1,621,903.40, 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 July 17, 2018 to August 19, 2018.

ROLL CALL

Mayor Edgar	Aye
Mayor Pro Tem Kusumoto	Aye
Council Member Chirco	Aye
Council Member Hasselbrink	Aye
Council Member Murphy	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 Murphy pulled item 8A.

Mayor Edgar pulled item 8D.

Motion/Second: Hasselbrink/Chirco

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

- B. Amendment No. 1 – Race on the Base Management Contract (Recreation)**
This agenda item was a contract extension for management of Race on the Base.

The City Council authorized the Mayor to execute Amendment No. 1 to the Professional Services Agreement with RUN Racing, LLC., extending the contract term to March 30, 2019.

- C. Approval of Final Tract Map 17841 (10742 Walnut Street)
(Development Services)**

The Final Tract Map 17841 for the subdivision of airspace of a single parcel for condominium purposes, located at 10742 Walnut Street, is ready for submission to the County Recorder's Office for final review. (Applicant: Nick Zamvakellis)

The City Council:

1. Adopted Resolution No. 2018-24 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TRACT MAP NO. 17841 FOR THE PROPERTY LOCATED AT 10742 WALNUT STREET"; and,

2. Directed the City Clerk to endorse on the title sheet of Tract Map 17841, the certificate which embodies the approval of said maps, and submit maps to the County of Orange Recorder's Office.

End of Consent Calendar

Items Pulled from Consent Calendar

- A. Approval of Minutes (City Clerk)**
Approve the City Council Minutes of June 18, 2018 – Special, June 18, 2018 – Regular, and July 9, 2018 – Regular.

Council Member Murphy referred to page 9, paragraph 2, of the June 18 Regular minutes. He clarified the direction to have representatives present was from one Council Member and not the entire Council. He suggested moving forward that the Council only be referred to as a whole when there is a motion that is acted upon.

Council and Staff briefly discussed the actions of the meeting and the minute process moving forward.

Motion/Second: Murphy/Chirco

Unanimously Carried: The City Council approved the City Council Minutes of June 18, 2018 – Special, June 18, 2018 – Regular, and July 9, 2018 – Regular.

- D. Approval of Notice of Completion for Los Alamitos Blvd Median Project CIP (16/17-08) (Development Services)**

The Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08) project 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 Contract Codes.

City Council and Staff discussed the restriping of Los Alamitos Blvd. and the timeline. Concerns were raised the process for restriping was taking too long. Council was advised striping, repaving, and new crosswalks still needed to be completed.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council

1. Accepted as complete the construction contract by GMC Engineering Inc for the Los Alamitos Boulevard Median Improvement Project (CIP No. 16/17-08); 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 \$80,423.98, thirty-five (35) days after recordation of the Notice of Completion.

11. PUBLIC HEARINGS

A. Fifth 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.

Mayor Edgar received clarification from City Attorney Daudt it was at the presiding officer's discretion to allow speakers to comment on this topic again. He advised since it was an important topic, he would allow all speakers to comment again.

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

City Clerk Quintanar summarized the Staff report and advised Dr. Justin Levitt, the City's demographer from NDC, was available for questions if needed.

Mayor Pro Tem Kusumoto asked if all the maps provided were legally compliant and defensible. He questioned if there was a basis for a lawsuit.

Dr. Levitt advised all the maps were population balanced and met the basic requirements of the Voting Rights Act (VRA). He stated the case would be heard in Federal court and there were higher standards to meet. He referred to the Green map and advised the map kept two demographics, Asian-American and Hispanic, together. This was the intent of the VRA that could be used as part of the City's defense in choosing the map.

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

1. Conducted a public hearing to receive public input on district boundaries and election sequencing; and,
2. Introduced for first reading, read by title only, and waive further reading of Ordinance No. 2018-05, and set for adoption at an Adjourned Regular meeting on July 30, 2018; and,
3. City Attorney Daudt read the title of Ordinance No. 2018-05 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A DISTRICT-BASED ELECTION SYSTEM FOR MEMBERS OF THE CITY COUNCIL."

12. DISCUSSION ITEMS

A. Annual Dues Assessment for City Council Memberships (Administrative Services)

Council asked staff to agendaize a report to discuss and provide direction regarding the City Council's memberships.

City Manager Plumlee summarized the Staff report.

City Council received a PowerPoint presentation from Association of California Cities - Orange County (ACC-OC) Chief Executive Officer, Heather Stratman, and discussed the following topics:

- Membership of ACC-OC included cities, special districts, and agencies
- Model ordinances and white papers were not used by staff
- Legislative tracker tool was still available under the member's only section, but was not publicized as much as prior years
- In regards to the City's action on SB54, ACC-OC does not take legislative positions for individual City's or request its membership to take a position
- ACC-OC's involvement regarding AB 448 addressing the homelessness issue in Orange County
 - Board would be made up of nine representatives
 - Participating agencies would join a trust and sign a contract
- ACC-OC Board has not set a directive to address the Districting issue and need for legislative reform at this time
- ACC-OC Budget of \$900,000 per year
- ACC-OC continues to address the sober living home issue because it believes the law is flawed and needs reform
- Concern SB54 attacks charter cities and local control without any support from ACC-OC for reform
- Council and City Manager's involvement in the North Orange County Service Planning Area, Santa Ana's threat of litigation, and Judge Carter's order for participation to address homelessness
- ACC-OC is involved with the process and has taken on the legislative portion with AB 448
- Orange County Board of Supervisors voted 4/1 to support the bill, with Supervisor Steele dissenting

BREAK

The City Council took a brief recess at 8:18 p.m.

RECONVENE

The City Council reconvened at 8:30 p.m.

City Council received a PowerPoint presentation from Orange County Division League of California Cities (League) Public Affairs Regional Manager, Tony Cardenas, and discussed the following topics:

- Orange County Division of the League still exists; however, it no longer collects dues
- Cities are automatically included in the appraiate division when dues are paid
- Only cities can be members of the League
- League does not support the gas tax, but it does support the ensuring that cities receive their fair share of the funds
- Questions regarding opposing the repeal of gas tax and having the state tax on repairing freeways

City Council received a PowerPoint presentation from Southern California Association of Governments (SCAG) Board President and Mayor Pro Tem of Ontario, Alan Wapner and discussed the following topics:

- Lack of updates for District 20 representative
- Thanked President Wapner for presenting to the Council
- Upcoming opportunity to serve on the Orange County Council of Governments (OCCOG) board

City Council and Staff discussed the following topics:

- Concern for lack of involvement in ACC-OC and high membership dues
- Concern for lobbyist activities of the ACC-OC and possible conflicts of interests
- Legislative tracker tool was not as robust as previous years and the availability of the tool was not marketed well
- Events are held at inconvenient hours for full-time workers and still included a cost
- Staff did not utilize the tools available from ACC-OC
- League legislative emails were more pertinent to the City and utilized on a consistent basis
- More than half of ACC-OC membership were non-city entities and advocacy was not City focused
- ACC-OC may still provide benefits without the City paying dues
- Concerns regarding ACC-OC's involvement with the homelessness bill including having lobbyists involved in the process

Motion/Second: Hasselbrink/Murphy

Unanimously Carried: The City Council voted to continue membership in all associations, except the Association of California Cities – Orange County due to lack of participation.

Mayor Edgar pulled item 12D forward.

- D. Los Alamitos Museum Historical Designation Plaque (Recreation)**
 This report sought consideration of an application submitted by the Los Alamitos Museum Board of Directors to the Orange County Historical Commission for a

Historic Site Plaque at the former Los Alamitos Fire Station, and current home to the Los Alamitos Museum, located at 11062 Los Alamitos Blvd.

Recreation Manager Ron Noda summarized the Staff report and answered questions from the City Council.

Mayor Edgar clarified this item was brought forward by the Orange County Historical Commission and not by the Museum Board. He questioned the location of the plaque.

Recreation Manager Noda advised it would be mounted in a publicly visible location. He would seek input from the Board on the location.

Marilynn Poe, Vice President Los Alamitos Museum Board, confirmed this was a request from the Orange County Historical Commission. She advised Margaret Kendrick was the Second District Representative and had retired from the Museum Board after 30 years of service. Ms. Kendrick was now a non-voting meritorious member of the Museum Board.

City Council and Staff discussed the following topics:

- Plaque would be on the outside of the building and would not limit the ability to move the building
- History of the historical plaque designation request that started in 2015
- Deed for the museum requires it to be used for a public place. Should the museum vacate the property, the City could use it for a Community Center
- This designation would not encumber the building
- Council's approval was specific to the County of Orange process and did not include moving forward with State or Federal designations
- Approval was a plaque that recognizes the building
- City's only obligation would be to notify the County and return the plaque should the designation no longer be wanted

Motion/Second: Kusumoto/Murphy

Unanimously Carried: The City Council authorized the City Manager to sign the Orange County Historical Commission Historical Plaque Program Property Owner Agreement for the Historical Designation Plaque for the former Los Alamitos Fire Station.

B. Designation of Voting Delegate and Alternate for the League of California Cities' 2018 Annual Conference & Expo (City Clerk)

The League of California Cities Annual Conference & Expo will be held at the Long Beach Convention Center, September 12-17, 2018. The League is requesting City Council designation of a Voting Delegate to the Annual Business Meeting.

Mayor Edgar and Council Member Hasselbrink expressed an interest in attending.

Motion/Second: Chirco/Murphy

Unanimously Carried: The City Council:

1. Appointed Mayor Edgar to serve as the City's Voting Delegate for the League of California Cities 2018 Annual Business Meeting; and,
2. Appointed Council Member Hasselbrink to serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence.

C. Recreation and Community Services Foundation Options (Recreation)

This agenda item provides an opportunity to discuss the possibility of creating a 501(c)3 nonprofit Recreation and Community Services Foundation.

Recreation Manager Emeline Noda summarized the staff report and answered questions from the City Council.

Mayor Edgar advised he had met with Recreation Managers Emeline and Ron Noda and City Manager Plumlee to address his questions. He would withhold comment until after his colleagues had a chance to speak.

Mayor Pro Tem Kusumoto and Staff discussed the following topics:

- Option 2 would save approximately \$6,000
- Caution regarding City Management and operation of a 501(c)3
- Consideration of the LAEF model
 - LAEF has staff members, La Palma does not
 - LAEF has an annual solicitation of fundraising
- Concern regarding how to establish a governing body, how members would be appointed, if they would be restricted to residents, ensuring the Board stated focused on the mission statement
- Senior Club has options to change as needed and has a Staff member that advises on best practices
- Senior Club currently does not pay rent
- Support for a model similar to LAEF with dedicated staff, partnership with the City to use facilities and resources

TIME LIMITS

Per Resolution 2013-09 "Council Meeting Time Limits", City Council considered extending the time limits.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council voted to continue discussion until 10:00 p.m.

Council Member Chirco indicated he had spoken with Recreation Managers Emeline and Ron Noda and City Manager Plumlee and believed it was great idea. He stated he was unfamiliar with the City's previous involvement with non-profits.

Council Member Murphy questioned how this would assist in raising funds and did not recall Council support for this item when it was previously brought up. Staff advised a non-profit could supplement staff's fundraising efforts. It would also allow the City to apply for grants and more businesses may donate for the tax

deduction. It was unknown how much additional funds would be brought it, but it provided an additional mechanism for Staff to generate funds.

Council Member Hasselbrink stated Staff needed the tools to compete with local non-profits. She cautioned Council against letting former negative experiences with 501(c)3 discourage the City from exploring all possible funding avenues.

Mayor Edgar spoke regarding the following topics: 501(c)3 could provide a fundraising tool to the City, benefit to businesses to allow for tax deduction, concern regarding direct donations for specific programs, marketing benefits, concern this would eliminate the personal side of the City in establishing relationships with the Chamber and local businesses, concern a Board of Directors may eventually drive funding towards their preferred event/program, concern the City would become dependent on the 501(c)3 for funding, not sure if this is the right tool for the City, support for giving the City the right tools and hearing other perspectives, and supportive of Staff continuing with their fundraising efforts as is.

Mayor Pro Tem Kusumoto referred to the Public Facilities Corporation used to refinance Laurel Park where the Council is also the Board of Directors, and suggested a similar structure for fundraising.

Council Member Chirco asked if La Palma or La Mirada had experienced any loss of control or difficulties with foundations. Recreation Manager Emeline Noda indicated City Staff had met with both cities and neither had made such an indication. She added Staff was able to work through the personality conflicts they came across with the Senior Club and would continue to do so.

Council Member Hasselbrink referred to LAEF and stated there was clear governance and various personalities. She reiterated she did not want to lose out on an opportunity based off past negative experiences.

City Manager Plumlee advised City Attorney Daudt's firm had recently worked with the City of Garden Grove on a similar project and could assist in further analysis.

Motion: Hasselbrink

Directed staff to start forming a Community Foundation and do the necessary research needed for the Senior Club option.

Motion died for lack of a second.

Mayor Edgar tabled the item.

13. CLOSED SESSION

Mayor Edgar questioned if there was anything new to report at this time. City Attorney Daudt stated there were no pending court dates since the last council meeting.

Council Member Hasselbrink suggested we only add the item if needed instead of consistently putting it on the agenda to ensure the message is not that Council is constantly working on the lawsuit.

City Attorney Daudt advised it was included on the agenda so any last minute information could be provided to Council.

Council Member Hasselbrink stated the agenda could be revised within 72 hours. Mayor Edgar stated emergency items could also be added.

Mayor Edgar advised Closed Session would not be held as there was nothing new to report.

A. 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.

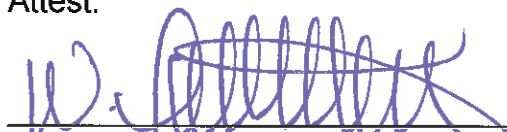
14. ADJOURNMENT

The City Council adjourned at 9:55 p.m. to Monday, July 30, 2018 at 6:00 p.m.



Troy D. Edgar, Mayor

Attest:



Windmera Quintanar, CMC, City Clerk