

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

REGULAR MEETING – August 20, 2018

1. CALL TO ORDER

The City Council met in Regular Session at 5:00 p.m. Monday, August 20, 2018, in the Council Chamber, 3191 Katella Avenue, Mayor Pro Tem Kusumoto presiding.

2. ROLL CALL

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

Absent: Council Members: Mayor Edgar

Present: Staff: Bret Plumlee, City Manager
Sean Connolly, Police Captain
Michael Daudt, City Attorney
Ron Noda, Recreation Manager
Eric Nunez, Police Chief
Andy Perea, Interim Development Services Director
Windmera Quintanar, MMC, City Clerk
Maria-Luisa Valdez, Interim Administrative Services Director

3. CLOSED SESSION

Mayor Pro Tem Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Pro Tem Kusumoto closed public comment.

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: SHEILA THRASH vs. LOS ALAMITOS UNIFIED SCHOOL DISTRICT; CITY OF LOS ALAMITOS; CITY OF CYPRESS; KALVNIA RACHELLE BUTLER; HENRY O. MORRIS; Superior Court Case Number 30-2018-01006507-CU-PA-CJC

B. Conference with Labor Negotiator

City Negotiator: Bret M. Plumlee, City Manager
Employee Organization: Los Alamitos Police Officers Association
Authority: Government Code Section 54957.6

C. 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*

a. Superior Court of California, County of Orange, Case No. 30-2018-00987018-CU-WM-CXC.

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: 1 potential case.

RECESS

The City Council recessed into Closed Session at 5:01 p.m.

RECONVENE

The City Council reconvened in Regular Session at 6:08 p.m.

City Attorney Daudt stated there was no reportable action.

At the request of Mayor Pro Tem Kusumoto, City Manager Plumlee introduced Staff that was present.

4. PLEDGE OF ALLEGIANCE

Council Member Chirco led the Pledge of Allegiance.

5. INVOCATION

Mayor Pro Tem Kusumoto gave the Invocation.

6. PRESENTATIONS

A. Presentation of Certificates of Recognition to the Pacific Coast Riptide U14 Girl's Water Polo Team for Winning the National Water Polo Championship
The City Council presented Certificates of Recognition to the Water Polo Team. Head Coach Jason Mills spoke briefly.

B. Presentation of a Certificate of Recognition to City Clerk Windmera Quintanar for Earning the Master Municipal Clerk Designation
The City Council presented a Certificate of Recognition to City Clerk Quintanar. City Clerk Quintanar spoke briefly.

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.

Mayor Pro Tem Kusumoto opened Oral Communications.

Shelley Henderson, Chamber of Commerce, spoke regarding the September Chamber Breakfast in which Council candidates would be offered 3 minutes to speak regarding their campaign.

Matthew Hong, Bend the Arc – Jewish Action representative, spoke in opposition to Council's actions regarding SB54.

Tanya Doby, resident, advised she was a City Council Candidate for the November 6, 2018 election.

Giselle "GiGi" Finch, resident, advised she was a City Council Candidate for the November 6, 2018 election.

Art DeBolt, resident, stated support for Council's actions regarding SB54.

Mayor Pro Tem Kusumoto closed Oral Communications.

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 Hasselbrink spoke regarding the following: attendance at the Young Professionals Mixer, Movies in the Park at Little Cottonwood, and National Night Out; presented at last month's Chamber Breakfast; and, congratulated the Senior students present in the audience.

Council Member Murphy spoke regarding the following: attendance at Orange County Fair Los Alamitos Night, National Night Out, and the Chamber breakfast, stated opposition to the amount of money being spent on defense against SB54, expressed concern for future unknown legal fees that could cost the City millions, questioned if this was the right time for Los Alamitos to take on this issue, and stated support for getting out of the lawsuit businesses.

Council Member Chirco spoke regarding the following: attendance at the Orange County Mosquito and Vector Control Board, Young Professionals Mixer, Zoning Code Technical Advisory Committee (TAC) meeting, National Night Out and the Police Department promotion Ceremony; he was running for Council; and, reiterated concerns regarding the amount of money being spent on legal fees without any tangible benefit to the City.

Mayor Pro Tem Kusumoto spoke regarding the following: attendance at the TAC meeting; attendance at the California Summit in Sacramento; and, advised of an upcoming event he was hosting on September 8th for National Drive Electric Week.

9. ITEMS FROM THE CITY MANAGER

City Manager Plumlee advised Staff was planning an event to celebrate the beautification of Los Alamitos Blvd. with the businesses in November.

10. WARRANTS

Motion/Second: Chirco/Murphy

Unanimously Carried (Edgar Absent): The City Council approved the Warrants for August 20, 2018, in the amount of \$33,636.77 ratified the Warrants for July 17, 2018 to August 19, 2018 in the amount of \$2,590,901.23, 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 21, 2018 to September 16, 2018.

ROLL CALL

Mayor Edgar	Absent
Mayor Pro Tem Kusumoto	Aye
Council Member Chirco	Aye
Council Member Hasselbrink	Aye
Council Member Murphy	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 Murphy pulled item 11C.

Mayor Pro Tem Kusumoto pulled item 11B.

Motion/Second: Hasselbrink/Murphy

Unanimously Carried (Edgar Absent): The City Council approved the following Consent Calendar items:

A. Approval of Minutes (City Clerk)
Approved the Special City Council minutes of August 10, 2018.

D. Approval of Plans and Specifications, and Authorization to Bid for the Purchase of New Playground Equipment, installation, and rubberize surfacing for Labourdette Park Project (CIP No. 18/19-02) (Recreation)
This report recommended actions to facilitate the purchase of new playground equipment, installation, and rubberize surfacing for the Labourdette Park Project (CIP No. 18/19-02).

The City Council:

1. Approved the plans and specifications for the purchase of new playground equipment, removal of existing playground equipment and wood chips, installation of new playground equipment and rubberize surface for the Labourdette Park Playground Project (CIP No. 18/19-02); and,
2. Authorized Staff to advertise and solicit bids.

- E. Approval to Record 2 ½ feet of Alley Dedication from Precious Life Shelter (10833 Cherry Street) (City Engineer)**
Approval to Record 2 ½ feet of Alley Dedication from Precious Life Shelter, located at 10833 Cherry Street, is ready for submission to the County Recorder's Office. (Applicant: Theresa Murphy)

The City Council:

1. Adopted Resolution No. 2018-26 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ACCEPTING 2 ½ FEET OF ALLEY DEDICATION FROM PRECIOUS LIFE SHELTER, LOCATED AT 10833 CHERRY STREET"; and,
2. Directed the City Clerk to record the alley dedication by submitting maps to the County of Orange Recorder's Office.

- F. Approval to Increase Purchase Order 18-0416 Amount for Notification During the Los Alamitos Boulevard Median Island Project (City Engineer)**
Staff requested approval of an additional \$7,235 for added rental time of six electronic message boards warning of traffic congestion along Los Alamitos Boulevard during the construction of the median island project.

The City Council authorized the City Manager to increase purchase order 18-0416 by \$7,235.

- G. Asbestos and Mold Removal for the Community Center Roof Repair Project (CIP No. 17/18-02) (City Engineer)**
This report recommended award of extra funds in the amount of \$27,625 for removal of asbestos and mold found as part of the Community Center Roof Repair Project.

The City Council authorized the City Manager to execute the contract change order for \$27,625 for the removal of asbestos and mold for the Community Center Roof Repair project.

- H. Agreement for Legal Defense Services (City Manager)**
The City received two separate Claim for Damages and Personal Injuries filed by Nguyen Lawyers and Effres & Associates. Both claims were rejected on April 17, 2018. The City received a lawsuit regarding the claim filed by Nguyen Lawyers and needs to retain defense counsel to represent the City on this matter and any additional claims or lawsuits that may be filed regarding the accident that occurred at Ball and Bloomfield Street on October 11, 2017 at 14:09.

The City Council authorized the Mayor to execute a Professional Services Agreement with Kelly Fortin, Fortin Law Group, to represent the City and provide defense services in connection with any the law suits or Claim for Damages and

Personal Injuries that may be filed regarding the accident that occurred at Ball and Bloomfield Street on October 11, 2017 at 14:09.

- I. Professional Services Agreement with Bordin Semmer LLP (City Manager)**
The purpose of this report was to seek approval for a Professional Services Agreement with Bordin Semmer LLP to retain defense counsel to represent the City in claims or lawsuits filed against the City that are unable to be quickly settled.

The City Council authorized the Mayor to execute the Professional Services Agreement with Bordin Semmer LLP to represent the City in connection with future defense lawsuits.

End of Consent Calendar

Items Pulled from Consent Calendar

- B. Repeal Resolution No. 2016-01 – Regarding Participation in the CaliforniaFIRST Program (City Manager)**
This item requests repeal of Resolution No. 2016-01 regarding participation in the CaliforniaFIRST Program.

City Manager Plumlee summarized the Staff report and answered questions from the City Council.

Mayor Pro Tem Kusumoto had requested this resolution be revoked, encouraged interested residents to come to City Hall to discuss participation, and believed this could be an indication PACE was not the right thing for the community.

Motion/Second: Kusumoto/Chirco

Unanimously Carried (Edgar Absent): The City Council adopted Resolution No. 2018-25, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REVOKING THE CITY OF LOS ALAMITOS' PARTICIPATION IN THE CALIFORNIAFIRST PROGRAM, AND REPEALING RESOLUTION NO. 2016-01."

- C. Shenkman and Hughes Reimbursement Request Pursuant to Section 10010(f) of the Elections Code (City Clerk)**
At its adjourned regular meeting of July 20, 2018 the City adopted Ordinance No. 2018-05 which established a district-based election system for members of the City Council, including the adoption of the district map and election sequencing. On August 6, 2018 the City received a reimbursement request from the Law Office of Shenkman and Hughes in the amount of \$30,000.

City Council and Staff discussed the following:

- Ability to change the \$30,000 request
- Review of the Voting Rights Act regulations

- Additional legal fees would be incurred should the matter be disputed
- Payment was due within 45 days of receipt of the reimbursement request letter
- Concern it was likely cheaper than \$30,000 to study the second smallest City in Orange County

Motion/Second: Kusumoto/Murphy
 Unanimously Carried (Edgar Absent): The City Council:

1. Directed City Attorney Dadut to offer a reimbursement of \$20,000 to Shenkman and Hughes, PC; and,
2. Directed Staff to bring the item back in September if unsuccessful.

12. PUBLIC HEARINGS

A. Ordinance No. 2018-06 – Off-Street Parking and Loading, Zoning Ordinance Amendment (ZOA) 18-02 (Development Services)

On June 27, 2018, the Planning Commission recommended that the City Council amend various sections of the Municipal Code to address parking demands in the R-2 and R-3 Zoning Districts as well as clarify existing parking provisions. The proposed Zoning Ordinance Amendment would repeal Municipal Code sections 16.19.030 and 17.34.050(B)(6) regarding parking standards for condominium conversions, and replace each with section 17.26.065 to address parking requirements for converted condominiums, and further clarify open space parking, garage, and carport requirements for multiple-family residential uses in the R-2 (limited multiple-family) and R-3 (multiple-family) residential zoning districts and define "tandem parking," in Title 17.

Interim Development Services Director Perea summarized the staff report and answered questions from the Council.

City Council and Staff discussed the following: changes would affect new construction and any remodel in the R2 and R3 zones and specific changes regarding garages and where the information is contained in the City's Municipal Code.

Mayor Pro Tem Kusumoto opened the Public Hearing for public comment. There being no one present wishing to speak, Mayor Pro Tem Kusumoto closed the Public Hearing for public comment.

Motion/Second: Murphy/Chirco
 Unanimously Carried (Edgar Absent): The City Council:

1. Introduced for first reading, read by title only, and waived further reading of Ordinance No. 2018-06; and,

2. City Attorney Daudt read the title of Ordinance No. 2018-06, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 18-02 TO REPEAL SECTIONS 16.19.030 AND 17.34.060(B)(6) REGARDING PARKING STANDARDS FOR CONDOMINIUM CONVERSIONS, AND REPLACE EACH WITH SECTION 17.26.065, AND FURTHER AMEND TITLE 17 OF THE LOS ALAMITOS MUNICIPAL CODE TO MODIFY OFF-STREET PARKING REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENTIAL USES IN THE R-2 (LIMITED MULTIPLE-FAMILY) AND R-3 (MULTIPLE-FAMILY) RESIDENTIAL ZONING DISTRICTS AND DEFINE "TANDEM PARKING."

13. DISCUSSION ITEMS

A. **Approval of Employment Agreement for Finance Director (City Manager)**

This report seeks consideration to approve Ms. Maria-Luisa Valdez employee contract as Finance Director for the City of Los Alamitos and Adopt Resolution No. 2018-27 revising the salary schedule to include the Finance Director.

Council Member Chirco recused himself for a conflict of interest stating a family member had a financial relationship with Ms. Valdez and left the dais.

City Manager Plumlee summarized staff report.

Mayor Pro Tem Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Pro Tem Kusumoto closed public comment.

Motion/Second: Hasselbrink/Murphy

Unanimously Carried (Chirco Recused/Edgar Absent): The City Council:

1. Authorized the City Manager to enter into an employment agreement with Ms. Maria-Luisa Valdez as Finance Director; and,
2. Adopted Resolution No. 2018-27, entitled, "A RESOLUTION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SALARY SCHEDULE FOR EXECUTIVE MANAGEMENT AND NON-REPRESENTED EMPLOYEES EFFECTIVE AUGUST 20, 2018 AND REPEALING ALL EXHIBITS OF RESOLUTION NO. 2018-22".

Council Member Chirco took his seat at the dais.

B. **Approval of Employment Agreement for Development Services Director (City Manager)**

This report seeks consideration of approval of the Employment Agreement for Mr. Les Johnson as Development Services Director of the City of Los Alamitos.

City Manager summarized the staff report and provided a brief background on the previous cities and relative sizes Mr. Johnson has worked in.

Mayor Pro Tem Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Pro Tem Kusumoto closed public comment.

Motion/Second: Hasselbrink/Chirco

Unanimously Carried (Edgar Absent): The City Council authorized the City Manager to enter into an Employment Agreement with Mr. Les Johnson for Development Services Director.

C. Provide Direction to the Voting Delegate Regarding the 2018 Annual Conference Resolution Packet (City Clerk)

The League of California Cities Annual Conference will be held in Long Beach from September 12-14, 2018. At the meeting of July 16, 2018 the City Council designated Mayor Edgar as its Voting Delegate to the Annual Business Meeting and Council Member Hasselbrink as the Voting Alternate. This is an opportunity for the City Council to provide direction as to its position on the proposed resolutions.

City Clerk Quintanar summarized the staff report.

Council Member Hasselbrink stated both resolutions dealt with preserving local control and she would support both.

For the benefit of the public, Council described their experience with the League of California Cities and how participation benefited the City.

Mayor Pro Tem Kusumoto opened the item for public comment. There being no one present wishing to speak, Mayor Pro Tem Kusumoto closed public comment.

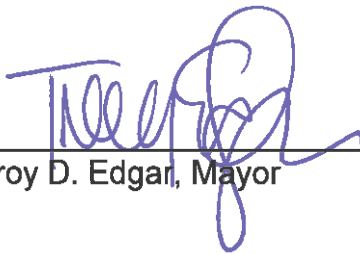
Motion/Second: Chirco/Murphy

Unanimously Carried (Edgar Absent): The City Council directed the City's Voting Delegate to support Resolutions 1 and 2 of the 2018 Annual Conference Resolutions Packet.

Mayor Pro Tem Kusumoto advised he had attended the Eagle Scout Court of Honor for Toben Torres, Ryan Hom, and Adrian Leung.

City Manager Plumlee stated he had attended the Starbase grand opening at the Joint Forces Training Base.

14. **ADJOURNMENT**
The City Council adjourned at 7:11 p.m.



Troy D. Edgar, Mayor

Attest:



Windmera Quintanar, MMC, City Clerk