

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

**REGULAR MEETING – September 17, 2018**

**1. CALL TO ORDER**

The City Council met in Regular Session at 5:02 p.m. Monday, September 17, 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  
Les Johnson, Development Services Director  
Emeline Noda, Recreation Manager  
Ron Noda, Recreation Manager  
Eric Nunez, Police Chief  
Robert Acosta, Fire Chief  
Andy Perea, Interim Development Services Director  
Windmera Quintanar, MMC, City Clerk  
Maria-Luisa Valdez, Finance Director

**3. CLOSED SESSION**

City Attorney Daudt referred to the items listed on the agenda.

**A. CONFERENCE WITH LABOR NEGOTIATOR**

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

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager  
Authority: Government Code Section 54957

**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 al.* 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.
- E. 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 (Shenkman & Hughes California Voting Rights Act Reimbursement Request).
- F. 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.

### **RECESS**

The City Council recessed into Closed Session at 5:02 p.m.

### **RECONVENE**

The City Council reconvened in Regular session at 6:02 p.m.

City Attorney Daudt stated items 3A-E as listed on agenda were discussed and item 3F was continued to the end of the meeting.

#### **4. PLEDGE OF ALLEGIANCE**

Council Member Hasselbrink led the Pledge of Allegiance.

#### **5. INVOCATION**

Council Member Chirco gave the Invocation.

#### **6. PRESENTATIONS**

- A. Presentation of Certificate of Appointment to Parks, Recreation, and Cultural Arts Commissioner Jonathan D. Crans**  
Commissioner Crans was not available.
- B. Presentation of a Proclamation to Orange County Fire Authority Chief Acosta for Fire Prevention Week**  
Mayor Edgar and the Council presented a Proclamation to Chief Acosta. Chief Acosta 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 Edgar opened Oral Communications.

Resident requested the municipal code be revised for businesses with a low income. She expressed concern with the fines she was receiving and requested information on a waiver.

Shelley Henderson, Chair Los Al Chamber of Commerce, spoke regarding the newest Chamber members, commended the candidates for the clean forum at the last Chamber Networking Breakfast, and advised of the upcoming Young Professionals Mixer in October.

Larry Strawther advised of upcoming Los Al TV programming and spoke regarding the upcoming Taste of Los Al on October 13.

Henry Josefborg, plaintiff, spoke in opposition to the Council's actions regarding SB54, Go Fund Me Fundraiser, and the City Attorney giving legal advice to a private citizen.

Dean Grose, resident, clarified he did not receive legal advice from the City Attorney and requested Council pull item 11H for discussion.

Rob Feldman, resident, spoke in opposition to the money being spent on litigation regarding SB54, stated there were better ways to use the funds, and opposed the development in Cypress that would request a signal at Enterprise.

Mary Ann Cuiilty, resident, spoke in opposition to the lawsuit regarding SB54, the corrected Press Release, and the amount of money being spent.

Mayor Edgar 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 Chirco spoke regarding attendance at the Budget Standing Committee meeting, Orange County Mosquito and Vector Control District meeting, Casa Youth Shelter Texas Holdem Fundraiser, and the Chamber of Commerce Breakfast as a candidate speaker.

Council Member Murphy spoke regarding the following topics: encouraged residents to register to vote and participate in the upcoming election; requested that political signs be left alone; advised his family members who speak at public comment are speaking of their own volition; opposed the the lack of discussion regarding the expense of the lawsuit; opposition towards the potential cost of the lawsuit; beneficial projects for the City that the money spent on litigation could be used towards; mistake made regarding the Go Fund Me Press Release; believed the Council was spending the City's money incorrectly regarding the lawsuit; and, requested a discussion on the continued costs moving forward.

Council Member Hasselbrink spoke regarding attendance at the League of California Cities (LOCC) Orange County Division meeting, funeral for Los Alamitos High School Coach Eric Bowen, Chamber of Commerce Breakfast as a candidate speaker, LOCC Annual Conference, Honoring Our Fallen Golden Boot Gala, and new businesses Simms BBQ, Wahoo Fish Tacos, and I Love Kickboxing.

Mayor Pro Tem Kusumoto spoke regarding the following topics: attendance at an Eagle Scout Court of Honor; hosted the National Plug In Day as a private citizen; opposition to plaintiff criticizing the City for spending money in defense against his lawsuit; stressed Council's support for local control; structural pension deficit was due to decisions made years ago; and, stated the money the public thinks it will save by not pursuing this litigation will not help the City's budget.

Mayor Edgar spoke regarding the following topics: LOCC Annual Conference; updated on the City's involvement with the regional homelessness solution; spoke regarding the Council's sound decisions and balanced budget over the past 10 years; reiterated Council's support for local control; Council majority understands the intent and is prudently evaluating the process along the way; personally funded trip to Washington to advocate on behalf of the City; addressed the Go Fund Me account and advised Finance Director Valdez was the only person who could access the money; understands the financial concern; stated support for having the case be heard in court; and, requested the communities patience as the Council followed through with the process.

**9. ITEMS FROM THE CITY MANAGER**

City Manager Plumlee thanked Interim Development Services Director Andy Perea for his service and welcomed recently appointed Development Services Director Les Johnson. He advised of the upcoming Celebration of the Beautification of Los Alamitos Boulevard on November 5<sup>th</sup> from 4:30 to 6:00 p.m.

**10. WARRANTS**

Motion/Second: Murphy/Hasselbrink

Unanimously Carried: The City Council approved the Warrants for September 17, 2018, in the amount of \$944,847.30 ratified the Warrants for August 21, 2018 to September 16, 2018 in the amount of \$991,334.19, 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 18, 2018 to October 14, 2018.

**ROLL CALL**

Mayor Edgar	Aye
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 Hasselbrink pulled items 11B and 11F.

Council Member Murphy pulled item 11H as a courtesy for the citizen request.

Motion/Second: Chirco/Murphy

Unanimously Carried: The City Council:

**A. Approval of Minutes (City Clerk)**  
Approved the Regular City Council minutes of August 20, 2018.

**C. Approval of Final Tract Map 18086 (3311 Sausalito Street) (Development Services)**  
The Final Tract Map 18086 for the subdivision of airspace of a single parcel for condominium purposes, located at 3311 Sausalito Street, is ready for submission to the County Recorder's Office for final review. (Applicant: Olson Company)

The City Council:

1. Adopted Resolution No. 2018-17, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TRACT MAP NO. 18086 FOR THE PROPERTY LOCATED AT 3311 SAUSALITO STREET"; and,
2. Directed the City Clerk to endorse on the title sheet of Tract Map 18086, the certificate which embodies the approval of said maps, and submit maps to the County of Orange Recorder's Office.

**D. Treasurer's Quarterly Investment Report – June 2018 (Finance)**  
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 2018.

**E. Award of Bid for Los Alamitos Boulevard Slurry Seal and Striping from 300' north of Katella Avenue to 300' north of Cerritos Avenue (CIP No. 18/19-01) (Development Services)**  
This report recommends award of a bid for the construction of the Los Alamitos Boulevard Slurry Seal and Striping from 300' north of Katella Avenue to 300' north of Cerritos Avenue (CIP No. 18/19-01).

The City Council:

1. Awarded construction of the Los Alamitos Boulevard Slurry Seal and striping from 300' south of Katella Avenue to 300' north of Cerritos Avenue (CIP No. 18/19-01) to American Asphalt South, Inc. in the amount of \$101,960.00; and,

2. Authorized the Mayor to execute the contract with American Asphalt South for the project; and,
3. Authorized City Engineer to add work and execute change orders in an amount not to exceed the contingency reserve of 10% or \$10,196.00.

**G. 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.

The City Council:

1. Authorized the City Manager to pay the reimbursement request of \$30,000 to Shenkman and Hughes, PC, as legally prescribed by Elections Code Section 10010(f); and,
2. Appropriated \$30,000 to the Elections account, 10.511.5233, from the General Fund for this reimbursement request.

**End of Consent Calendar**

**Items Pulled from Consent Calendar**

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

At its regular meeting of August 20, 2018 the City Council introduced for first reading Ordinance No. 2018-06. This is the adoption of a Zoning Ordinance Amendment concerning various sections of the Off-Street Parking and Loading municipal codes to 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.

City Council and Staff discussed the possibility of an exemption for individuals using their recreational vehicles as living quarters during active construction, Zoning Code update scheduled for late spring/end of fiscal year, concerns are only brought to the City's attention from neighbor complaints, and additional review for car requirements in garages for remodels.

Motion/Second: Hasselbrink/Edgar

Unanimously Carried: The City Council adopted 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."

**F. Amendment No. 1 – Data Ticket, Inc. for Parking Citation Processing (Police)**

The City of Los Alamitos contracted for parking citation processing services with Data Ticket, Inc. beginning September 2017. This item proposes extending the agreement for two years as allowed in the contract.

City Council and Staff discussed this item was a continuation of an existing agreement and had not gone out for a Request for Proposal.

Motion/Second: Hasselbrink/Edgar

Unanimously Carried: The City Council authorized the Mayor to execute Amendment 1 with Data Ticket Inc., for a two-year extension for parking citation services between Data Ticket, Inc. and the City of Los Alamitos, through September 30, 2020.

**H. Fiscal Year 2017-18 Results and Fund Balance Reservations (Finance)**

This report provided the City Council with an update on Fiscal Year 2017-18 revenues and expenditures and recommends adjustments to fund balance reserves based on feedback and direction from the Budget Standing Committee.

City Manager Plumlee provided a brief summary and referred to the Staff report.

Mayor Edgar opened the item for public comment.

Dean Grose, resident, questioned if the Police Department vehicles had been lumped together with equipment.

City Manager Plumlee explained there were two separate internal service fund accounts, one for vehicles and one for maintenance and replacement of the 800MHz system.

Motion/Second: Murphy/Chirco

Unanimously Carried: The City Council:

1. Received and filed this year-end report for Fiscal Year 2017-18; and,

2. Approved carryover of appropriations to Fiscal Year 2018-19 for various projects as outlined in this report; and,
3. Approved budget amendments to the Fiscal Year 2017-18 Operating Budget as outlined in this report; and,
4. Adopted Resolution No. 2018-28, 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. 2017-18"; and,
5. Adopted Resolution No. 2018-29, 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. 2017-19"; and,
6. Approved transfers from the General Fund as outlined in this report.

## 12. PUBLIC HEARINGS

### A. **Ordinance No. 2018-07 –Updating Regulations for Accessory Dwelling Units to Continue to Comply with State Legislation (Zoning Ordinance Amendment 18-04) (Development Services)**

On July 25, 2018, the Planning Commission recommended the City Council amend Section 17.38.150 of the Los Alamitos Municipal Code through an ordinance regarding Accessory Dwelling Units (ADUs), to be consistent with State law (City initiated).

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

City Council and Staff discussed this item was mandated by the State and the City's compliance was required, change would allow someone to build an ADU at the same time as a new single family, and concern for parking and density.

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

Mayor Edgar stated he disagreed with this State Mandate but would be voting yes.

Motion/Second: Edgar/Murphy

Unanimously Carried (Kusumoto abstained): The City Council:

1. Introduced for first reading, read by title only, and waive further reading of Ordinance No. 2018-07; and,
2. City Attorney Daudt read the title of Ordinance No. 2018-07, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA)



18-04 TO AMEND LOS ALAMITOS MUNICIPAL CODE SECTION 17.38.150 RELATING TO ACCESSORY DWELLING UNITS TO BE CONSISTENT WITH STATE LAW (CITY INITIATED)."

**RECESS**

The City Council recessed into Closed Session at 7:21 p.m.

**RECONVENE**

The City Council reconvened in Regular session at 8:10 p.m.

City Attorney Daudt advised there was no reportable action for all items except Item 3D.

**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.


The City Council directed the City Attorney to coordinate with and join the Immigration Reform Law Institute (IRLI), along with a coalition other municipalities, to file an amicus curiae ("friend of the court") brief on in support of the United States of America (Plaintiff-Appellant) in the 9th Circuit Court of Appeals case of United States of America v. State of California (Case No. 18-16496). Joining the IRLI brief will not result in any additional costs to the City, and will eliminate additional legal expenses that would otherwise be incurred if a stand-alone amicus curiae brief were prepared and filed by the City Attorney's office. The following vote was taken on this matter:

**ROLL CALL**

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

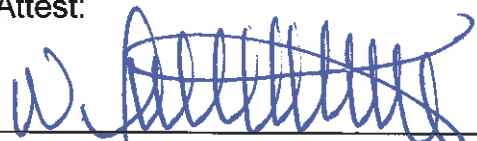
**13. ADJOURNMENT**

The City Council adjourned at 8:10 p.m.



Troy D. Edgar, Mayor

Attest:



Windmera Quintanar, MMC, City Clerk