CITY OF LOS ALAMITOS  
3191 Katella Avenue Los Alamitos, CA 90720

CITY COUNCIL AGENDA 
REGULAR MEETING

July 20, 2020 – 6:00 p.m.

SAFETY ALERT –NOTICE REGARDING COVID-19
Due to COVID-19, the above meeting of the City of Los Alamitos City Council will be conducted by videoconference pursuant to the provisions of the Governor’s Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, **members of the public may not attend the meeting in person.** Members of the public can access the meeting by phone by dialing +1 (301) 715-8592 and enter the Meeting ID: 845 1349 7489. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM.” Comments received by 4:00 p.m. will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to cityclerk@cityoflosalamitos.org until the start of Oral Communications. The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker’s microphone, and begin the three minute timer. The speaker’s microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the City Council during the meeting shall become public record and subject to applicable disclosure laws.

**NOTICE TO THE PUBLIC** – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk’s Office or on the City’s website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as “for information” or “for discussion” may also be the subject of an “action” taken by the City Council at the same meeting.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection online at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk’s Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.
1. **CALL TO ORDER**

2. **ROLL CALL**
   Mayor Murphy  
   Mayor Pro Tem Chirco  
   Council Member Doby  
   Council Member Grose  
   Council Member Hasselbrink  

3. **PLEDGE OF ALLEGIANCE**
   Council Member Doby will lead the Pledge of Allegiance.  

4. **INVOCATION**
   Mayor Pro Tem Chirco will give the Invocation.  

5. **ORAL COMMUNICATIONS**
   The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM.” Comments received by 4:00 p.m. will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

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6. **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.

7. **ITEMS FROM THE CITY MANAGER**

8. **WARRANTS**
   Ratify the Warrants for July 20, 2020 in the amount of $1,074,573.49 and authorize 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 21, 2020 to August 16, 2020.

**ROLL CALL**
   Mayor Murphy  
   Mayor Pro Tem Chirco  
   Council Member Doby  
   Council Member Grose  
   Council Member Hasselbrink
9. CONSENT CALENDAR
All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

ROLL CALL
Mayor Murphy
Mayor Pro Tem Chirco
Council Member Doby
Council Member Grose
Council Member Hasselbrink

A. Approval of Minutes (City Clerk)

10. PUBLIC HEARING

A. Ordinance No. 2020-03 – State Mandated Elimination of Large Family Daycare Home Regulations (ZOA 19-03) (Development Services)
Consideration of an ordinance amending Los Alamitos Municipal Code Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 as required to address recent changes in state law concerning the regulation of Large Family Daycare Homes (ZOA 19-03) (Citywide). On April 22, 2020, the Planning Commission voted to recommend adoption of the proposed ordinance to the City Council in their April 22, 2020. Notwithstanding their recommendation for approval of the ordinance, the Planning Commission expressed concern with the required finding that approval of ordinance will not be detrimental to the public convenience, health, interest, safety or welfare of the City. This item was tabled at the May 18, 2020 Regular Council Meeting and is being brought back for reconsideration.

Recommendations:

1. Introduce for first reading, read by title only, and waive further reading of Ordinance No. 2020-03; and,


3. Consideration of an exemption from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.
11. DISCUSSION ITEMS

A. Placement of a One & One-half Cent (1.5%) Sales Tax (Transactions and Use) Measure on the November 3, 2020 General Election Ballot for Voter Consideration

The City of Los Alamitos is at a financial crossroads.

Due to significant strains placed upon the City’s finances by outside forces, the City is currently facing a significant structural budget deficit. These challenges have resulted in projected structural shortfalls growing from $1.6M in 2021-22 to over $3.4M in 2027-28 and approximately $3.7M by 2030. Recognizing that the City would need to take extraordinary measures in order to mitigate these projected deficits and loss of existing reserves, the City Council took the proactive step of developing a plan to focus on building future fiscal sustainability for the City of Los Alamitos.

This staff report details some of the various options available and different actions the City Council has identified, studied, and undertaken to address the recognized structural deficit. It also provides the City Council and the community with recommendations and opportunities to resolve the City’s financial condition and existing structural deficit by submitting a one and one-half cent (1.5%) sales tax (transaction and use tax) ballot measure to the voters for consideration in the November general election.

Recommendations:

1. Declare the attached Resolutions are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and,

2. Adopt Resolution No. 2020-24, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO ONE & ONE-HALF CENT (1.5%) SALES TAX (TRANSACTIONS AND USE) AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, AS CALLED BY RESOLUTION NO. 2020-11”; and,
3. Adopt Resolution No. 2020-25, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS”; and,

4. Adopt Resolution No. 2020-26, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS”; and,

4. Introduce for first reading, read by title only, and waive further reading of Ordinance No. 2020-06; and,


ROLL CALL
Mayor Murphy
Mayor Pro Tem Chirco
Council Member Doby
Council Member Grose
Council Member Hasselbrink

B. Consideration of the Process for City Council Submission of a Ballot Argument in Favor of a Proposed One & One-half Cent (1.5%) Sales Tax (Transactions and Use) Measure

The City is considering placing a One & One-half Cent (1.5%) Sales Tax (Transactions and Use) measure on the ballot at the November 3, 2020 election. If the measure is placed on the ballot, the arguments for and against the measure must be submitted to the City Clerk by August 4, 2020. Accordingly, the City Council must decide whether some or all of the Council Members would like to submit an argument in favor of the ballot measure and, if so, draft and approve the text of a ballot argument. Due to the constraints of the Brown Act, development or approval of a ballot argument by more than two Council Members must occur at a noticed public meeting. Accordingly, advance consideration of the process for developing and approving arguments will help avoid a last-minute crisis or missed opportunity.

Recommendations:

1. Consider whether to submit a ballot argument signed by all five Council Members, or by two or less Council Members in favor of the proposed sales tax measure; or,
2. Provide direction to Staff concerning whether to schedule a future agenda item regarding development and/or approval of the ballot measure argument.

ROLL CALL
Mayor Murphy
Mayor Pro Tem Chirco
Council Member Doby
Council Member Grose
Council Member Hasselbrink

12. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.

Windmera Quintanar, MMC, City Clerk
Dated: July 16, 2020
CITY OF LOS ALAMITOS
A/P Warrants
July 20, 2020

To Ratify

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Authorize 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 to July 21, 2020 to August 16, 2020.

Statement:

I hereby certify that the claims or demands covered by the forgoing listed warrants have been audited as to accuracy and availability of funds for payment thereof.

Certified by Craig Koehler, Interim Finance Director

this 7th day of July, 2020
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**Grand Total:** $17,486
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**TOTAL** | $210,000

*Note: All amounts are in USD.*
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Notes:
- Income includes all sources such as salaries, investments, and other earnings.
- Expenses cover various categories including salaries, utilities, and miscellaneous costs.
- Net income is calculated as income minus expenses.
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**City Engineer**

- General Fund
  - Solar Panel Refurbishment
  - Road Repair
  - Electrical Work

- Operations & Maintenance
  - General Fund
  - Electrical Work
  - Road Repair

- Administration
  - General Fund
  - Solar Panel Refurbishment
  - Road Repair

- City Manager's Office
  - General Fund
  - Electrical Work
  - Road Repair
1. CALL TO ORDER
The City Council met in Special Session at 4:08 p.m., Wednesday, June 10, 2020, via videoconference, Mayor Murphy presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the City Council attended via videoconference.

2. ROLL CALL
Present: Council Members: Doby, Grose, Hasselbrink, Mayor Pro Tem Chirco, Mayor Murphy
Absent: Council Members: None
Present: Staff: Chet Simmons, City Manager
Chris Caswell, Orange County Fire Authority Captain
Michael Daudt, City Attorney
Craig Koehler, Interim Finance Director
Emeline Noda, Recreation Manager
Ron Noda, Acting Deputy City Manager
Michelle Muller, Management Analyst
Windmera Quintanar, MMC, City Clerk
Leslie Roseberry, Interim Development Services Director

3. CONSENT CALENDAR
All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

City Manager Simmons pulled all items from the Consent Calendar for discussion.

B. Proposed Budget for Vehicle & Equipment Replacement Schedule
Reviewed and discussed the recommended Vehicle & Equipment Replacement Schedule for Fiscal Year 2020-21.

Interim Finance Director Koehler summarized the Staff report.

City Council and Staff discussed the Code Enforcement vehicle choice, feasibility of using a rental service, and the desire to update the Vehicle Policy Guidelines.
Recommendation: Receive and file the recommended Vehicle & Equipment Replacement Schedule for Fiscal Year 2020-21.

C. **FY 2020-2021 General Fund Budget Gap Measures**
Staff discussed options for closing the Fiscal Year 2020-2021 General Fund budget gap with the City Council. On May 18, 2020, the preliminary budget for Fiscal Year 2020-21 General Fund reported a $1,347,073 budget gap deficit. At this time, staff will discuss budget gap measure options to close the budget gap deficit for Fiscal Year 2020-21.

Interim Finance Director Koehler summarized the Staff report.

Recommendation: Receive and file the Potential General Fund Gap Closures for Budget Fiscal Year 2020-2021.

D. **Other Funds’ Budget Update Fiscal Year 2020-21**
Staff discussed the General Fund and Capital Improvement Projects (CIP) Budgets for the Fiscal Year 2020-21. This report updated the City Council on the budget for all other funds not included in previous reports.

Interim Finance Director Koehler summarized the Staff report.

City Council and Staff discussed highlighting previously allocated funding for CIP projects for clarity.

Recommendation: Receive and file the Other Funds (Other than General Fund and CIP) for Budget Fiscal Year 2020-21.

E. **Community Development Block Grant (CDBG) Resolution for COVID-19 Grants**
This report requested City Council approval of a resolution concerning the City’s participation in the County’s Community Development Block Grant (CDBG-CV) CARES Act distributions due to the COVID-19 pandemic that Staff has applied for, or may apply for in the near future.

City Manager Simmons summarized the staff report.

Recommendations:

1. Adopt Resolution No. 2020-20 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE CITY’S PARTICIPATION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS WITH THE COUNTY OF ORANGE, CONCERNING CARES ACT (H.R. 748) FUNDS DISTRIBUTED DUE TO THE COVID-19 PANDEMIC”; and,
2. Direct Staff to prepare CARES Act fund applications for submittal to the County of Orange; and,

3. Authorize the City Manager to execute all CDBG program documents concerning CARES Act funds distributed due to COVID-19 and appropriate amendments, if any, as they become available.

A. 7-Year Capital Improvement Program
The City Council reviewed and discussed the Preliminary Seven-Year Capital Improvement Program for Fiscal Years 2020-21 through 2026-27.

Interim Finance Director Koehler summarized the staff report. City Engineer Kelley summarized the seven year program and answered questions from the City Council.

Recommendation: Receive and file the Preliminary Seven-Year Capital Improvement Program for Fiscal Years 2020-21 through 2026-27.

Motion/Second: Doby/Grose
Carried 4/1: The City Council approved the recommend actions for items 3A, 3B, 3C, 3D, and 3E.

ROLL CALL
Mayor Murphy No
Mayor Pro Tem Chirco Aye
Council Member Doby Aye
Council Member Grose Aye
Council Member Hasselbrink Aye

4. SPECIAL ORDERS OF THE DAY

A. Emergency Relief Small Business Grant Program
As a result of the COVID-19 pandemic, businesses throughout the country are suffering, with the small business sector being the hardest hit. Los Alamitos is home to hundreds of small businesses that have had to shut down or restrict operations as a result of the stay-at-home orders and basic public safety. With their income impaired, these businesses will struggle to maintain rent, utilities, payroll, and other basic operational costs, even if they have some reserves in place.

Staff has been coordinating with the Small Business Development Center (SBDC) to develop a small business grant program that the SBDC would administer on the City’s behalf. The SBDC is a federally-funded resource that provides small business owners and entrepreneurs with no-cost consulting services, a wide variety of training opportunities, and access to
an extensive network of resources. They administer a variety of other grant programs for different jurisdictions.

Acting Deputy City Manager Noda summarized the Staff report and answered questions from the City Council.

City Council and Staff discussed the following:

- Support for business license requirement of 6 months
- Business eligibility parameters are approved by Council
- CARES act requirement for funding to go to small businesses
- Intent for funding to towards small businesses in the industry/retail zones
- Grant process would include self-certification and two months of bank statements
- Ability to limit the funding for business that were closed due to the COVID-19 pandemic
- Process for accepting applications on first come/first serve versus lottery basis
- Feasibility of a sliding scale for grant funding based on how many applications are received
- SBDC fee is based off the amount of documentation and time spent with each applicant. Should the amount of applicants increase, the fee is likely to increase.
- SBDC is federally funded third party organization
- Discussion regarding sole proprietors, amount of employees, and having a store front with associated bills
- Goal of helping as many small businesses as possible that were negatively impacted by the pandemic

City Council support was received to allow sole properties to apply, require a business license for at least six months, to excluded home businesses and require the businesses to be located in the commercial/industrial areas of the city, to lower the grant amount for each application from $7,500 to $5,000 in a one-time disbursement.

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

1. Authorize the creation of an Emergency Relief Small Business Grant Program in partnership with Small Business Development Center (SBDC) with the changes discussed; and,

2. Authorize the City Manager to apply funding options from the CARES ACT for the City of Los Alamitos Emergency Relief Small Business Grant Program; and,
3. Approve the allocation of $271,876 for the creation of an Emergency Relief Small Business Grant Program from the Community Development Block Grant (CDBG) CARES ACT fund.

ROLL CALL
Mayor Murphy Aye
Mayor Pro Tem Chirco Aye
Council Member Doby Aye
Council Member Grose Aye
Council Member Hasselbrink Aye

5. ADJOURNMENT
The City Council adjourned at 5:39 p.m.

__________________________________________
Richard D. Murphy, Mayor

Attest:

______________________________
Windmera Quintanar, MMC, City Clerk
MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – June 15, 2020

1. CALL TO ORDER
The City Council met in Regular Session at 6:05 p.m., Monday, June 15, 2020, via videoconference, Mayor Murphy presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the City Council attended via videoconference.

2. ROLL CALL
Present: Council Members: Doby, Grose, Hasselbrink, Mayor Pro Tem Chirco, Mayor Murphy

Absent: Council Members: None

Present: Staff: Chet Simmons, City Manager
Michael Daudt, City Attorney
Chris Kelley, City Engineer
Craig Koehler, Interim Finance Director
Emeline Noda, Recreation Manager
Ron Noda, Acting Deputy City Manager
Eric Nunez, Chief of Police
Windmera Quintanar, MMC, City Clerk
Ron Roberts, Battalion Chief, Orange County Fire Authority
Leslie Roseberry, Interim Development Services Director
Chelsi Wilson, Executive Assistant/Benefits

3. PLEDGE OF ALLEGIANCE
Mayor Murphy led the Pledge of Allegiance.

4. INVOCATION
Council Member Hasselbrink gave the Invocation.

5. PRESENTATIONS
The City Council received the listed presentations.

A. Parks Make Life Better Month Overview from Recreation Manager Emeline Noda

B. Small Business Grant Program Overview from Acting Deputy City Manager Ron Noda
6. **ORAL COMMUNICATIONS**

The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM.” Comments received by 4:00 p.m. will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to cityclerk@cityoflosalamitos.org until the start of Oral Communications. The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker’s microphone will automatically be disabled at the end of three minutes.

City Clerk Quintanar advised no requests for Oral Communications were received.

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 Doby reported she was appointed to the Orange County Human Relations Committee for District 2.

Council Member Grose advised he had participated in Zoom meetings for Orange County Council of Governments, Southern California Association of Governments, and the weekly White House call. He reported he was appointed to the Emergency Medical Care Committee.

Council Member Hasselbrink advised she had participated in the virtual Fire Academy graduation and Mayors meeting.

Mayor Murphy advised he was attending at least three Mayors meetings each week, thanked Supervisor Steele for her assistance in getting funding for the City, stated support for the Senior Meals program, had met with the City Manager and Epsom, and thanked his colleagues and the Budget Standing Committee.

8. **ITEMS FROM THE CITY MANAGER**

City Manager Simmons advised Staff would be reopening City facilities and would begin the planning process to return to in person Council meetings.

9. **WARRANTS**

Motion/Second: Grose/Chirco

Unanimously Carried: The City Council ratified the Warrants for June 15, 2020 in the amount of $918,395.92 and authorized the City Manager to approved 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 June 16, 2020 to July 7, 2020.
ROLL CALL
Mayor Murphy    Aye
Mayor Pro Tem Chirco   Aye
Council Member Doby Aye
Council Member Grose Aye
Council Member Hasselbrink 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 Hasselbrink pulled item 10C.

Council Member Grose advised he would be voting no on Item 10F.

Motion/Second: Chirco/Grose
Unanimously Carried (Grose voted no on 10F): The City Council approved the following Consent Calendar items:

ROLL CALL
Mayor Murphy    Aye
Mayor Pro Tem Chirco   Aye
Council Member Doby Aye
Council Member Grose Aye (No on item 10F)
Council Member Hasselbrink Aye

A. Approval of Minutes (City Clerk)
The City Council approved the City Council Regular Minutes of May 18, 2020 and the Special Minutes of June 1, 2020.

B. Resolutions Pertaining to the November 3, 2020 General Municipal Election (City Clerk)
The City of Los Alamitos General Municipal Election will be held on Tuesday, November 3, 2020. It is City policy to consolidate the local election with the County of Orange. In order to enable such consolidation, it is necessary to adopt resolutions calling and giving notice of the election, requesting consolidation with the County, and adopting regulations pertaining to materials prepared by any candidate for a municipal election, including costs of candidates’ statements.

The City Council:

2. Adopted Resolution No. 2020-12, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE”; and,

3. Adopted Resolution No. 2020-13, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020."

D. California Office of Emergency Services (Cal OES) Form 130 (Administration)

This item sought Council’s approval of California Office of Emergency Services (Cal OES) Form 130 Designating Agents Necessary to Provide for All Matters Pertaining to State and Federal Emergency Management Agency (FEMA) Reimbursements.

The City Council adopted Resolution No. 2020-14, entitled, “A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CAL OES FORM 130 WHICH DESIGNATES REPRESENTATIVES RESPONSIBLE FOR FILING AND PROVIDING INFORMATION TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE STATE OF CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY SERVICES (CAL OES) ON BEHALF OF THE CITY"

E. Amendment No. 3 with Willdan Engineering Updating Contracted Rates and Job Titles (Development Services)

This sought approval of Amendment No. 3 with Willdan Engineering, which proposes a revision to the fee schedule. The current Professional Services Agreement (PSA) expires on June 30, 2021.

The City Council authorized the Mayor to execute Amendment No. 3 of the Professional Services Agreement with Willdan Engineering.

F. Award of Bid for Community Center Americans with Disabilities Acts (ADA) Improvements Project (CIP No. 19/20-05) (Development Services)

This report recommended award of a bid to begin construction for the Community Center ADA Improvements Project (CIP No. 19/20-05).

Council Member Grose voted no.

The City Council:
1. Awarded construction for the Community Center ADA Improvements Project (CIP No. 19/20-05) in the amount of $31,650.00 to Golden State Constructors; and,

2. Authorized the Mayor to execute the contract with Golden State Constructors 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 $3,165.00

G. Award of Professional Services Agreement (PSA) for Tree Maintenance Services (Development Services)

On April 1, 2020, Staff received proposals for Request for Proposals (RFP) 2020-01 Tree Maintenance Services. This item provided a basis for annual maintenance, removal, online inventory, and replacement of trees within the City’s community forest.

The City Council:

1. Awarded the bid for annual tree maintenance services, removal, online inventory and replacement of trees within the City’s community forest to West Coast Arborists (WCA) in the amount not to exceed $67,000 annually; and,

2. Authorized the Mayor to execute the Tree Maintenance Services Agreement with West Coast Arborists (WCA).

H. Annual Appropriations Limit (Finance)

Article XIII B of the California Constitution specifies the amount of allowable revenue the City of Los Alamitos can appropriate from the proceeds of taxes.


I. Amendment No. 8 to Professional Services Agreement with Scientia Consulting Group for Information Technology Support Services (Finance)

The purpose of this report was to amend the Professional Services Agreement with Scientia Consulting Group, extending the term to June 30, 2021, for information technology support services.

The City Council authorized the Mayor to execute Amendment No. 8 to the Professional Services Agreement with Scientia Consulting Group.
J. Los Alamitos Museum Association: Proposed Schedule, Activity Plan, and Budget (Recreation)
The Los Alamitos Museum Association’s proposed schedule, activity plan, balance sheet, and budget for the 2020-2021 fiscal year are being provided to the City Council for approval.

The City Council:

1. Approved the Los Alamitos Museum Association’s proposed schedule, activity plan, and budget for Fiscal Year 2020-2021; and,

2. Authorized the City Manager and/or his designee to approve any change to the schedule, activity plan, and budget.

K. Measure M2 Seven Year Capital Improvement Program (Development Services)
Annual submittal of Measure M2 eligibility documentation to the Orange County Transportation Authority (OCTA) is required in order to remain eligible to receive Measure M2 sales tax revenue funds. The submittal documentation this year required City Council approval of an updated Measure M2 Seven Year Capital Improvement Program and adoption of a resolution attesting to the update of the City’s Local Signal Synchronization Plan (LSSP). The updated Local Signal Synchronization Plan report was also provided to supplement this resolution.

The City Council:

1. Approved and authorize Staff to submit to the Orange County Transportation Authority the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2020/21 through 2026/27, to comply with Measure M2 eligibility criteria; and,


11. PUBLIC HEARING

A. Adoption of the Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budget (Finance)
City Charter Sections 1201-1205 govern the development and adoption of the City’s Annual Budget. Section 1203 requires a public hearing for public input on the proposed budget. Thereafter, the City Council shall adopt the budget with revisions, if any; establish estimated revenues, expenditure appropriations, and transfers of funds of the City.

City Manager Simmons introduced the item. Interim Finance Director Koehler summarized the staff report and answered questions form the City Council.
The following department budget overviews were provided by staff: Acting Deputy City Manager Noda – Development Services, Recreation Manager Noda – Recreation and Community Services, Chief Nunez – Police, and City Manager Simmons – Administration.

City Council and Staff discussed the following:

- Gratitude towards Staff for pulling together during these difficult budget times and agreeing to furloughs
- City Hall and facilities will be closed every Friday
- Gratitude to the Budget Standing Committee and Staff for working diligently to balance the budget
- Reductions are only a temporary solution and not sustainable long term

City Clerk Quintanar advised no comments were received for the Public Hearing

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

1. Reviewed, received, and filed the department overviews for Administration (City Manager, City Clerk and Finance), Police, Development Services, and Recreation and Community Services for Fiscal Year 2020-21; and,

2. Conducted a Public Hearing on the Proposed Annual Operating and Capital Improvement Program Budget; and,

3. Adopted Resolution No. 2020-17, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING THE ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2020-21”; and,

4. Adopted Resolution No. 2020-18, entitled, “A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO APPROVE A SIDE LETTER BETWEEN THE CITY OF LOS ALAMITOS AND TEAMSTERS 911 EFFECTIVE JULY 1, 2020 THROUGH JANUARY 1, 2021”; and,

5. Adopted Resolution No. 2020-19, entitled, “A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO ESTABLISH FURLOUGHS FOR THE NON-REPRESENTED EMPLOYEES EFFECTIVE JULY 1, 2020 THROUGH JANUARY 1, 2021 AND AMENDING RESOLUTION NO. 2017-07”.

ROLL CALL
Mayor Murphy Aye
Mayor Pro Tem Chirco Aye
Council Member Doby Aye
Council Member Grose Aye
Council Member Hasselbrink Aye
12. DISCUSSION ITEM

A. Extension for Approved Entitlements during the COVID-19 Pandemic
   (Development Services)
   The Covid-19 pandemic has resulted in unforeseeable delays to development projects and business expansions within the City of Los Alamitos. The City is focused on providing our business community with every possible tool to be successful as they begin to go back to work. As such, Staff recommends the City Council extend all active land use permits and entitlements granted pursuant to the Los Alamitos Zoning Code for one additional year.

   Motion/Second: Murphy/Chirco

ROLL CALL
   Mayor Murphy    Aye
   Mayor Pro Tem Chirco   Aye
   Council Member Doby  Aye
   Council Member Grose  Aye
   Council Member Hasselbrink Aye

B. 2020 4th of July Fireworks Spectacular
   (Community Services)
   This report recommends actions to begin facilitating the planning and implementation of the 2020 4th of July Fireworks Spectacular.

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

   Motion/Second: Grose/Hasselbrink
   Unanimously Carried: The City Council:

   1. Directed staff to proceed with the planning and implementation of the 4th of July Fireworks Spectacular with the proposed plan; or,

   2. Directed staff to postpone the fireworks show to a future date.

ROLL CALL
   Mayor Murphy    Aye
   Mayor Pro Tem Chirco   Aye
   Council Member Doby  Aye
   Council Member Grose  Aye
   Council Member Hasselbrink Aye
13. **ADJOURNMENT**
The City Council adjourned at 7:58 p.m.

________________________________________
Richard D. Murphy, Mayor

Attest:

________________________________________
Windmera Quintanar, MMC, City Clerk
MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – July 1, 2020

1. CALL TO ORDER
The City Council met in Special Session at 5:02 p.m., Wednesday, July 1, 2020, via video conference, Mayor Murphy presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the City Council attended via video conference.

2. ROLL CALL

Present: Council Members: Doby, Grose, Hasselbrink, Mayor Pro Tem Chirco, Mayor Murphy

Absent: Council Members: None

Present: Staff: Chet Simmons, City Manager
Michael Daudt, City Attorney
Emeline Noda, Recreation Manager
Ron Noda, Acting Deputy City Manager
Eric Nunez, Chief of Police
Windmera Quintanar, MMC, City Clerk
Ron Roberts, Orange County Fire Authority Chief
Chelsi Wilson, Executive Assistant/Benefits Coordinator

City Manager Simmons announced that in light of the Governor’s newest restrictions that would impact the City’s businesses, in his role as Director of Emergency Services he would be adopting a Resolution to allow businesses to use their outdoor space with a Temporary Use Permit (TUP). The process would be administered through Development Services and would assist businesses during this time. Each applicant would be considered on a case by case basis to endure there are no ADA or access concerns.

3. SPECIAL ORDERS OF THE DAY

A. 2020 4th of July Fireworks Spectacular (Recreation)
This report recommended actions related to 2020 4th of July Fireworks Spectacular.

City Manager Simmons introduced the item. Acting Deputy City Manager Noda provided an updated overview of the 4th of July Fireworks Spectacular.

City Manager Simmons summarized the following points:

- Expenditures for the event do not impact the General Fund
- Event is paid for by sponsors and proceeds from other events
• Approximately $10,500 to cancel the event ($4,000 fee to the fireworks company, signage, ads, sound system, etc.)
• Summary of the Governor’s newest recommendations regarding restaurants and gatherings
• If event is cancel due to COVID-19 related issues, funds could be recovered through the State process for emergencies
• Provided a COVID-19 update regarding Orange County being on the State’s watch list
• Summary of surrounding cities cancellation of events
• Support for the event
• Concerns regarding Los Angeles County being shut down, excess people in the neighborhood, unknown amount of attendees, COVID-19 safety related issues
• Process for getting onto the base including timing and health screenings
• Potential to repurpose approximately $20,000 of the $61,000 funding dedicated to the event
• Support from the Joint Forces Training Base (JFTB) General for continuing the event
• Support from the community to continue the event
• Reasonable and prudent advertising regarding safety measures
• COVID-19 safety related concerns and how the City is addressing them with health screenings, social distancing, requiring attendees to stay in their cars, and requiring masks
• Possibility of postponing the vent to a later date

Mayor Murphy advised the action tonight was to proceed or to cancel. He asked the Council Members for the preliminary stance on the event and advised he would support the event.

Mayor Pro Tem Chirco and Council Member Doby stated they would not support the event.

Council Members Grose and Hasselbrink stated they would support the vent.

Motion/Second: Murphy/Hasselbrink
Carried 3/2: The City Council directed staff to proceed with the 4th of July Fireworks Spectacular as previously planned.

ROLL CALL
Mayor Murphy Aye
Mayor Pro Tem Chirco No
Council Member Doby No
Council Member Grose Aye
Council Member Hasselbrink Aye

Council Member Doby clarified her vote was no reflection on Staff and she believes Staff is doing amazing work.
Council Member Hasselbrink stated this was a new experience for all of Council and she looked forward to moving on with what is best for the city as a whole.

4. ADJOURNMENT
The City Council adjourned at 6:02 p.m.

__________________________________________
Richard D. Murphy, Mayor

Attest:

__________________________________________
Windmera Quintanar, MMC, City Clerk
1. CALL TO ORDER
The City Council met in Special Session at 5:03 p.m., Monday, July 13, 2020, via video conference, Mayor Murphy presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the City Council attended via video conference.

2. ROLL CALL

Present: Council Members: Doby, Grose, Hasselbrink, Mayor Pro Tem Chirco, Mayor Murphy

Absent: Council Members: None

Present: Staff: Chet Simmons, City Manager
          Michael Daudt, City Attorney
          Craig Koehler, Interim Finance Director
          Emeline Noda, Recreation Manager
          Ron Noda, Acting Deputy City Manager
          Eric Nunez, Chief of Police
          Windmera Quintanar, MMC, City Clerk
          Ron Roberts, Orange County Fire Authority Chief
          Chelsi Wilson, Executive Assistant/Benefits Coordinator

3. SPECIAL ORDERS OF THE DAY

A. Temporary Use Permits for Outdoor Uses (Development Services)
On July 1, 2020 the City Manager in his capacity as the Director of Emergency Services established Temporary Use Permitting (TUP) and standards for outside business operation to allow for social distancing due to the COVID-19 Pandemic (the “TUP Program”). Among other things, the TUP Program provides commercial businesses the ability to expand into common areas and parking lots to more easily accommodate physical distancing requirements for dining and sales areas. City Council approval of the proposed Resolution will confirm and ratify the City Manager’s prior action and prolong the TUP Program.

City Manager Simmons summarized the staff report and answered questions from the City Council.

City Council and Staff discussed the following:
• Suggestion for businesses to use reservations to help limit capacity
• Development Services is monitoring businesses without permits and assisting them to get started on the process
• Concern regarding parity for businesses going through the proper process and businesses that have not
• Goal to get businesses permitted as quickly as possible
• Educating the businesses community on the proper process

Motion/Second: Grose/Chirco
Unanimously Carried: The City Council adopted Resolution No. 2020-23, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING TEMPORARY USE PERMITTING AND STANDARDS FOR OUTSIDE BUSINESS OPERATION TO ALLOW FOR SOCIAL DISTANCING DUE TO THE COVID-19 PANDEMIC”.

ROLL CALL
Mayor Murphy   Aye
Mayor Pro Tem Chirco  Aye
Council Member Doby  Aye
Council Member Grose   Aye
Council Member Hasselbrink   Aye

B. Emergency Relief Small Business Grant Program-Phase II
   (Development Services)
At the City Council’s direction, staff has collaborated with the Small Business Development Center (SBDC) to develop a small business grant program that the SBDC would administer on the City’s behalf. Phase I of the Emergency Relief Grant Program was approved at the June 10, 2020 City Council meeting. An online Zoom webinar was held on June 17, 2020 to introduce the program and to guide interested businesses with the grant process. The application portal was open on June 22, 2020 and closed on June 24, 2020 with approximately 45 applications received. SBDC has reviewed the application and currently less than 10 applicants has met the criteria for receiving the $5,000 grant.

Staff recommended launching a second phase of the Emergency Relief Small Business Grant Program and easing restrictions so businesses that did not qualify in the first phase will be able to receive assistance.

City Manager Simmons summarized the staff report and answered questions from the City Council.

City Council and Staff discussed the following:
• 54 grants are available. 12 applications are being processed. Possibility out of the 12, some may not qualify.
• Modify to allow Schedule C and W2 employees
• 1099 employees are not eligible
• Possibility to allow a third phase of funding with less restrictions should money be left over
• Possibility of an additional federal stimulus package being made available
• If funds are not expended, they will likely need to be returned to the County as they were granted for a specific purpose
• Expenditure reports due to the County in approximately three months
• Potential to disburse any additional funds to the qualified candidate pool up to $10,000 County limit
• Funds are specifically to help businesses and expenditures will need to be accounted for with proper documentation to be audited by the County
• Marketing for the program had been done via email, notification form the Chamber of Commerce, Press release, City’s website, social media and the City’s weekly email newsletter
• Possibility of allowing manicurist/hair stylist who work under an owner’s business license

Motion/Second: Hasselbrink/Doby
Unanimously Carried: The City Council:

1. Authorized the City Manager to apply funding options from the CARES ACT for the City of Los Alamitos Emergency Relief Small Business Grant Program; and,

2. Approved the revised eligibility guidelines for the second phase of the Emergency Relief Small Business Grant Program; and,

3. Approved the remaining allocation after awarding the first phase of grants to the second phase of the Emergency Relief Small Business Grant Program from the Community Development Block Grant (CDBG) CARES ACT fund.

4. Directed Staff to bring the item back if funding was still available for a possible third phase.

ROLL CALL
Mayor Murphy Aye
Mayor Pro Tem Chirco Aye
Council Member Doby Aye
Council Member Grose Aye
Council Member Hasselbrink Aye
4. **ADJOURNMENT**
The City Council adjourned at 5:38 p.m.

________________________________________
Richard D. Murphy, Mayor

Attest:

________________________________________
Windmera Quintanar, MMC, City Clerk
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: July 15, 2020 ITEM NUMBER: 10A

To: Mayor Richard D. Murphy & Members of the City Council

Presented By: Michael Daudt, City Attorney

Subject: Ordinance No. 2020-03 – State Mandated Elimination of Large Family Daycare Home Regulations (ZOA 19-03)

SUMMARY

Consideration of an ordinance amending Los Alamitos Municipal Code Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 as required to address recent changes in state law concerning the regulation of Large Family Daycare Homes (ZOA 19-03) (Citywide). On April 22, 2020, the Planning Commission voted to recommend adoption of the proposed ordinance to the City Council in their April 22, 2020. Notwithstanding their recommendation for approval of the ordinance, the Planning Commission expressed concern with the required finding that approval of ordinance will not be detrimental to the public convenience, health, interest, safety or welfare of the City. This item was tabled at the May 18, 2020 Regular Council Meeting and is being brought back for reconsideration.

RECOMMENDATIONS

1. Introduce for first reading, read by title only, and waive further reading of Ordinance No. 2020-03; and,


3. Consideration of an exemption from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.
BACKGROUND

On September 5, 2019, Governor Newsom approved Senate Bill 234 – Family Daycare Homes, amending the California Child Day Care Act (“SB 234”), which became effective January 1, 2020. Prior to the enactment of SB 234, state law differentiated between small family daycare homes providing care for up to 8 children and large family daycare homes providing care for up to 14 children. Small family daycare homes were considered a residential use of property permitted by right in residential zoning districts. By contrast, cities retained the ability to regulate large family daycare homes by imposing permit requirements and use restrictions. SB 234 removes the distinction between small family daycare homes and large family daycare homes for purposes of land use regulation. Cities are now required to treat large family daycare homes as a residential use of property permitted by right in all residential zoning districts. Further, SB 234 clarifies that such uses are not only permitted in detached single-family residences, but may also be established in a townhouse, multifamily dwelling, or an accessory dwelling unit.

In accordance with Los Alamitos Municipal Code Section 17.58, the Planning Commission considered the proposed code amendment on April 22, 2020 and approved Resolution No. 20-02 recommending to City Council approval of the proposed ordinance. Notwithstanding their recommendation for approval of the ordinance, the Planning Commission expressed concern with the finding required by Los Alamitos Municipal Code Section 17.58.060 that approval of the code amendment will not be detrimental to the public convenience, health, interest, safety or welfare of the City. The Planning Commissioners felt that the passage of the ordinance would adversely affect the character of the City’s residential neighborhoods.

DISCUSSION

The proposed ordinance amends several sections of the Los Alamitos Municipal Code to comport with the mandates of SB 234. The allowable residential land use table has been amended to show that both small and large family daycare home uses are permitted in the City’s residential zones. Prior requirements for additional parking for Large Family Daycare uses have been deleted. Prior regulations specific to Large Family Daycare, which addressed fences and walls, play area equipment, drop-off and pick-up areas, and City inspections among other things have been eliminated. Additionally, the Los Alamitos Municipal Code definitions for Family Daycare Home, Large and Small have been updated.

NOTICING

On May 6, 2020, Notice of Public Hearing was posted at City Hall. It was also published in the News Enterprise on May 6, 2020 as a 1/8th of a page notice. The item was re-noticed in the News Enterprise on July 8, 2020 and posted at City Hall.
FISCAL IMPACT

None.

Submitted by: Michael Daudt, City Attorney
Approved by: Chet Simmons, City Manager

Attachments:
1. Ordinance No. 2020-03
2. Planning Commission Resolution No. 2020-02
ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 17.08.020, 17.22.030, 17.28.140, 17.28.150, AND 17.74.060 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF LARGE FAMILY DAYCARE HOMES (ZOA 19-03)

WHEREAS, on September 5, 2019, Governor Newsom approved Senate Bill 234 – Family Daycare Homes, amending the California Child Day Care Act (“SB 234”); and,

WHEREAS, prior to the enactment of SB 234, state law differentiated between small family daycare homes providing care for up to 8 children and large family daycare homes providing care for up to 14 children; and,

WHEREAS, prior to the enactment of SB 234, state law required cities to treat small family daycare homes as a residential use of property permitted by right in residential zoning districts; conversely cities retained the ability to impose permit requirements and use restrictions regulating large family daycare homes; and,

WHEREAS, SB 234 removes the distinction between small family daycare homes and large family daycare homes for purposes of land use regulation by requiring cities to now also treat large family daycare homes as a residential use of property permitted by right in residential zoning districts; and,

WHEREAS, this Ordinance amends Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code to ensure consistency and compliance with SB 234; and

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this proposed code amendment on April 22, 2020, and recommended City Council approval of this Ordinance; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed code amendment on May 18, 2020; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.
SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the following findings are made in support of this code amendment:

a) This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.

ZOA 19-03 does not conflict with any of the actions, goals, objectives, or policies of the General Plan and will not create any inconsistencies with the Zoning Code.

b) This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.

ZOA 19-03, as mandated by Senate Bill 234, eliminates discretionary review and regulation of Large Family Daycare Homes by the City; however, the State Department of Social Services will continue to license and regulate such facilities. Therefore, this action will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.

c) This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures.

The City Council of the City of Los Alamitos determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

SECTION 3. Section 17.08.020, Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones) of the Los Alamitos Municipal Code is hereby amended by revising the following columns and rows pertaining to Family Daycare Homes:

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>M-H</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Daycare Home – Large</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 17.28.140</td>
</tr>
<tr>
<td>Family Daycare Home – Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 17.28.150</td>
</tr>
</tbody>
</table>
SECTION 4. Section 17.22.030, Table 3-05 (Parking Requirements by Use) of the Los Alamitos Municipal Code is hereby amended by deleting the following column and row (deleted text in strikeout):

<table>
<thead>
<tr>
<th>MEDICAL AND CARE USES</th>
<th>2 on-site parking spaces in addition to any spaces required for the primary residential use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Homes – Large</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 5. Section 17.28.140 of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

17.28.140 Family Daycare Home – Large

All large family daycare homes, as defined in Chapter 17.74 (Definitions), shall comply with all applicable state laws, regulations, and rules governing family daycare homes. Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

SECTION 6. Section 17.28.150 of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

17.28.150 Small Family Daycare Home – Small

All small family daycare homes, as defined in Chapter 17.74 (Definitions), shall comply with all applicable state laws, regulations, and rules governing family daycare homes. Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

SECTION 7. Section 17.74.060 (F Definitions) of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

Family Daycare Home. A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

Family Daycare Home – Large. A large family daycare home is a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.

Family Daycare Home – Small. A small family daycare home is a facility that provides care, protection, and supervision for 8 or fewer children, including children under 10 years of age who reside at the home.
A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.
PASSED, APPROVED, AND ADOPTED this 15th day of June, 2020.

______________________________
Richard D. Murphy, Mayor

ATTEST:

______________________________
Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

______________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF LOS ALAMITOS

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. ____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 18th day of May, 2020 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 15th day of June, 2020, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

______________________________
Windmera Quintanar, CMC, City Clerk
RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS Alamitos, California, Recommending the City Council: (1) Adopt Ordinance No. 20-XX Amending Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 of the Los Alamitos Municipal Code Concerning the Regulation of Large Family Daycare Homes, and (2) Adopt Ordinance No. 20-XX Amending and Restating Sections 17.08.020 and 17.28.020 of the Los Alamitos Municipal Code Concerning the Regulation of Accessory Dwelling Units

WHEREAS, the California State Legislature approved several bills during its 2019-20 Regular Session that impact local regulation of Large Family Daycare Homes (SB 234) and Accessory Dwelling Units (AB 88, SB 13 and AB 68), which became effective January 1, 2020; and,

WHEREAS, on December 18, 2019, the Planning Commission of the City of Los Alamitos, California approved Resolution of Intention No. 19-20 directing Staff to prepare and return to the Planning Commission with proposed amendments to the Los Alamitos Zoning Code to address this legislation (“Amendments”); and,

WHEREAS, on April 22, 2020, the Planning Commission held a duly noticed Public Hearing concerning the proposed Amendments; and,

WHEREAS, the Planning Commission considered all applicable Staff reports, public testimony and evidence presented at the Public Hearing.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 20-xx amending Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 of the Los Alamitos Municipal Code concerning the regulation of large family daycare homes, attached hereto as Exhibit “A”.

SECTION 3. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 20-xx amending and restating Sections 17.08.020
and 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units, attached hereto as Exhibit “B”.

SECTION 4. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of April 2020.

________________________________
Larry Andrade, Chair

ATTEST:

______________________________
Leslie Roseberry, Secretary

APPROVED AS TO FORM:

______________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF LOS ALAMITOS )

I, Leslie Roseberry, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 22nd day of April 2020, by the following vote, to wit:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

______________________________
Leslie Roseberry, Secretary
The City of Los Alamitos is at a financial crossroads.

Due to significant strains placed upon the City’s finances by outside forces, the City is currently facing a significant structural budget deficit. These challenges have resulted in projected structural shortfalls growing from $1.6M in 2021-22 to over $3.4M in 2027-28 and approximately $3.7M by 2030. Recognizing that the City would need to take extraordinary measures in order to mitigate these projected deficits and loss of existing reserves, the City Council took the proactive step of developing a plan to focus on building future fiscal sustainability for the City of Los Alamitos.

This staff report details some of the various options available and different actions the City Council has identified, studied, and undertaken to address the recognized structural deficit. It also provides the City Council and the community with recommendations and opportunities to resolve the City’s financial condition and existing structural deficit by submitting a one and one-half cent (1.5%) sales tax (transaction and use tax) ballot measure to the voters for consideration in the November general election.

RECOMMENDATIONS

1. Declare the attached Resolutions are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because...
it has no potential for resulting in physical change to the environment, directly or indirectly; and,

2. Adopt Resolution No. 2020-24, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO ONE & ONE-HALF CENT (1.5%) SALES TAX (TRANSACTIIONS AND USE) AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, AS CALLED BY RESOLUTION NO. 2020-11”; and,

3. Adopt Resolution No. 2020-25, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS”; and,

4. Adopt Resolution No. 2020-26, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS”; and,

4. Introduce for first reading, read by title only, and waive further reading of Ordinance No. 2020-06; and,


BACKGROUND

At the direction of the City Council, the City of Los Alamitos has been proactively developing a long term fiscal sustainability plan to help identify ways the City can maintain City services. As you know, Los Alamitos combines a small-town ambience with excellent schools, highly effective police services, and a high quality of life to ensure that the community is a nice place to live, visit, and conduct business. The City strives to provide unmatched services to its residents, including first-rate public safety, parks and recreation programs, infrastructure maintenance, youth and senior services as well as several quality large-scale events and community programs. The community is passionate about maintaining Los Alamitos for generations to come. The Council and staff share this view and are committed to ensuring Los Alamitos retains its quality of life and its special small town character.
In 2018, the City launched the “Building Future Sustainability” program to strategically address the financial challenges ahead, and to ensure the City’s commitment to providing a high quality of life could continue to be met. The results of that analysis revealed a number of disturbing truths about the City’s financial structure.

Los Alamitos is facing a structural financial crisis. During the past 10 years, the City of Los Alamitos has consistently managed a balanced budget, focusing on being fiscally responsible and making the hard decisions to cut costs and staff to stay in line with the financial realities of the day. Unfortunately, these steps alone cannot fixed the City’s structural budget challenges. Factors out of the City’s control such as rising cost for staffing (minimum wage, pension, and health care), utilities, insurances, contract services, equipment, deferred maintenance and takeaway by the State of local funding have all contributed to the City’s structural problems.

As part of the “Building Future Sustainability” process, the City developed a 20-year long-term financial plan. Based on these projections, the City will deplete all General Fund cash by 2024. The cumulative deficit would be $23.8 million by 2030 without significant reductions in services and/or revenue enhancement measures. Given these forecasted deficits, it will not be possible for the City of Los Alamitos to maintain the current level of services that residents expect and deserve. It is important to note that the City of Los Alamitos has already made significant cuts and contracted out for City services in an effort to reduce costs. The City has also explored and implemented critical choices that have enabled us to act timely to avoid additional immediate cuts to City services. City staff worked with the Budget Standing Committee to review and evaluate the pros and cons of cost cutting and revenue enhancement options available to the City and presented the findings to City Council on August 19, 2019.

A key part of the Sustainability process involved engaging community stakeholders in order to obtain their feedback on essential City service priorities. Over a dozen community engagement meetings were held prior to the COVID-19 pandemic. Constructive feedback along with city service priorities were identified based on input from hundreds of residents. Another critical item was to obtain direct feedback from registered voters, which included designing and conducting a statistically reliable community survey, which one was completed in November 2019, and an updated survey was completed in May 2020.

City staff gave the City Council and the community an update of the Fiscal Sustainability information on January 14, 2020. The COVID-19 pandemic began in late February and early March, causing the City to re-focus its priorities to address the impacts the stay-at-home order had on the residents and business in Los Alamitos. On June 15, 2020 the 2020-21 City Budget was adopted with over $1.3M in budget gap cost reductions included to cover the projected structural deficit of $1.347M. The projected 2021-22 budget shows a $1.652M deficit.
History and Steps Already Taken

The State of California has taken over $12 million in local tax dollars from Los Alamitos since 1992, and the City continues to lose another $770,000 dollars every year in General Fund property tax revenues which is diverted to the State of California.

The City has faced financial challenges prior to and since the recession in 2008. Despite these challenges and State takeaways, the City of Los Alamitos has consistently managed a balanced budget for the past 10 years by making hard choices and prioritizing those elements that best served the community. In order to combat those challenges the City and City Council have been proactive in addressing the problem by making significant cuts in operating costs, including:

- Reducing full-time staff by 26 FT positions or 27% of the work force;
- Implementing a two tiered retirement structure;
- Requiring all City employees to contribute fully their portions to retirement plans;
- Reduced healthcare subsidies for City employees and elimination of retiree medical for all new employees;
- Reorganization of City departments resulting in cost savings; and
- Contracting out City services including building permitting & inspections; tree and landscaping services; and street sweeping.

While facing these cuts, the City has worked extremely hard to continue to provide exceptional programs and events for our residents. This has been possible primarily through limited grants and the numerous partnerships with dedicated community nonprofits. These partnerships are the key to raising donations, community sponsorships and creating a volunteer workforce which has allowed the City to have quality community events including the annual July 4th Fireworks Spectacular; Music and Movie Event Series; Spring Carnival featuring the Easter Egg Hunt; and Winter Wonderland. While these programs are a cornerstone of our community fabric, they are only possible due our partnerships with the community and are largely achieved without the use of taxpayer dollars.

The City has been innovative with City revenues through economic development (new hotel and relocation of Epson), full cost recovery for most City services, grants and prudent investments. Importantly, the City has been innovative with expenditures through lower tired pension and salary schedules, using third party service providers were appropriate, regional collaborations when possible, and reductions in staffing and other programs where necessary.

Over the last year, City staff worked closely with the Council Budget Standing Committee to review all the pros and cons of cost cutting and revenue enhancement opportunities. This effort resulted in 21 items being presented to the City Council at the meeting of August 19, 2019. The process of proactively engaging the Community through community meetings along with a formal registered voter survey was essential in order to gauge the residents’ priorities, before making any specific formal recommendations for reductions.
to City services or proposing revenue enhancement options to address the budget challenges ahead.

At a Council workshop on January 14, 2020, staff provided a summary of the community stakeholder engagements, the public voter survey research results, and an overview of potential service cuts and revenue enhancement measures. Staff values the open dialogue and appreciate the willingness to discuss ideas, concerns, opportunities, and, especially, how we can work together for beneficial outcomes for our community.

In March 2020 the COVID-19 pandemic was declared and the resulting stay-at-home order and closing of all business activity has led to a significant reduction in City revenues, including sales and TOT taxes and City fees normally received for various City programs and services from recreation and building activity.

On June 15, 2020, the 2020-21 City Budget was adopted with over $1.3M in budget gap cost reductions included to cover the projected structural deficit of $1.347M. These service reductions implemented included cutting 10 FT city staff positions including four police and one code enforcement officer positions; reorganization of the Recreation and Development Services Departments; salary reductions for non-safety personnel; and other costs saving measures. The staff reductions alone equate to further 19% reduction in the full time staffing equivalent. While these step allowed the City to adopt a balanced budget, they are not sustainable through the next budget cycle.

**Important Considerations**

As the City evaluates its short and long term fiscal challenges it is important to note the following:

- If the City does not address the identified fiscal problems, the structural deficit will continue to grow each year;
- The City will run out of cash by 2024/2025, if a permanent solution is not implemented quickly;
- Waiting for “things to get better” is not an option, since the City was at the economic peak prior to the COVID-19 pandemic;
- The COVID-19 pandemic has further eroded revenues and increased costs;
- The City does not have any undesignated reserves and only has limited designated reserves that are required for working cash and other essential costs;
- The City has already made significant cuts in service levels and further cuts will impact public safety and other essential City services; and
- The City addressed the 2020-21 structural deficit with short-term, unsustainable cost cutting measures.

**DISCUSSION & TIMELINE**

Over the last year and a half City staff and elected officials have been pro-actively working on the “Building Future Fiscal Sustainability” plan including the following items:
- October 2018 – Development and Review of 10-year financial plan;
- November 2018 – Budget and Fiscal Sustainability Calendar;
- January 2019 – Discussion of Financial Solutions and Policy Department Sustainability;
- February 2019 – Discussion on the pros and cons of potential gap closures and Development Services Department Sustainability;
- March 2019 – Discussion of revised 15-year forecast and Recreation and Community Services Department Sustainability;
- April 2019 – Discuss on 2019-20 budget and closing budget gap of half-million dollars;
- May 2019 – Discussion of 7-year Capital Improvement Program and Fiscal Year 2019-20 budget gap closure measures;
- June 2019 – Adoption of the 2019-20 Operating Budget;
- July 2019 – Discussion of Community Survey of Priorities and holding Community Meeting soliciting feedback;
- August 2019 – Review of the pro and con list of cuts and enhancements at both the Budget Standing Committee and regular City Council Meeting;
- October 2019 – Continue Community Engagement Meetings;
- November 2019 - Budgetary impact of changes regarding the School Resource Officer / FM3 Registered Voter Community Survey;
- December 2019 – Additional Community Engagement meeting including the planning commission and community seniors;
- January 14 – Presentation of the Fiscal Sustainability Plan update to City Council;
- March – June COVID-19 – Community and City response to pandemic resulting in a reduction of revenues for the City in both the 2019-20 about and 2020-21 fiscal years of just under $1.5M;
- May 2020 – Updated community survey of registered voters by FM3 Research; and
- June 15, 2020 – City Council Adoption of 2020-21 City Budget with $1.3M budget cuts.

Community Meetings and Registered Voter Survey

Staff took the months of September 2019 through February 2020 to commence a proactive public outreach program and voter polling to gauge the Community’s priorities related to City services and programs. In addition, a number of revenue enhancement options were presented to the community. Information was updated and posted to the City website and other social media locations. City Staff held a number of community meetings including:

- Five formal community meetings (Community Center and local parks);
• Presentations to the Planning, Traffic and Parks, Recreation and Cultural Arts Commissions; and
• Other Outreach efforts included:
  o Chamber of Commerce Breakfast
  o Los Alamitos Kiwanis Club
  o Los Alamitos/Seal Beach Rotary Club
  o Los Alamitos Senior Club and Dine-in & Dough House participants
  o City Employee Groups

**Voter Survey’s Conducted November 2019 and Update May 2020**

The motivation for a Los Alamitos Community Voter Satisfaction Study was to design and employ a methodology that would provide the City with a statistically reliable understanding of its residents’ (voter) satisfaction, priorities, and concerns related to services and facilities provided by the City. The statistically reliable community survey was critical for two main research reasons. The first is to use the survey as a community needs assessment and performance measurement tool. That is, the survey is an opportunity to identify residents’ needs and priorities, measure how well the City is performing in meeting those needs through existing services and facilities, and gather data on a variety of quality of life issues.

The second, is that the City was also interested in exploring voters’ willingness to support a local revenue measure to provide additional funding for City services. The results of the survey will provide City Council and staff with information that can be used to make sound, strategic decisions in a variety of areas including services improvements and enhancements, measuring and tracking internal performance, budgeting, policy, planning, and community engagement.

The overall results of the registered voter survey were presented by staff from FM3 Research at the January 14, 2020 City Council Workshop. The high-level results from the survey show there is strong support for a local sales tax adjustment, while maintaining local control of public safety and other City services. It started above two-thirds “yes” and support grows as voters learn more about the fiscal sustainability. Support for a sales tax far exceeds the numbers for other taxing options. Of the other options, only a TOT looks like a viable path for the future. However, any TOT adjustment does not address the current fiscal needs of the City. During the month of May, in the middle of the pandemic, FM3 Research conducted another community survey and the results of that survey will be presented to City Council this evening at the July 20, 2020 City Council Meeting.

**We Heard the Community’s Feedback**

• Voters give positive ratings to the performance of the City government overall
• The top priorities for the measure include public safety, maintaining Los Alamitos’ quality of life, and fiscal accountability
• Over two-thirds of registered voters in the recent survey stated the following were extremely or very important:
o Maintaining the high quality of life;  
o Preserving quick 9-1-1 emergency response times, police patrols of local neighborhoods, parks and recreation areas;  
o Protecting local business and maintaining local jobs;  
o Maintaining youth and afterschool programs and senior services;  
o Maintaining the long-term financial stability of the City;  
o Retaining and attracting qualified police officers & preventing reductions to the number of police officers in the City;  
o Keeping public areas safe and clean;  
o Maintaining streets and improving traffic flow; and  
o Maintaining essential City services.

Deficit Reduction Alternatives

Los Alamitos could attempt to address its growing structural deficit through further expenditure reductions. However, as was previously mentioned, a large number of cost-cutting efforts have already been implemented. One-time reductions were made in the 2020-21 budget which will have a long-term negative impact on roadways, parks, and other important City-wide infrastructure, and are not sustainable. Staff has sought input from the community about other vital City service reductions including:

- Eliminate Police programs including anti-gang, cadet program, and community crossing guards;  
- Future reductions in staffing/layoffs;  
- Eliminate recreation and senior programs or increase user fees to recover the full cost of these services without the use of general taxes;  
- Continue cuts to General Fund contribution to road, park and playground equipment and reduced the number of police and other city vehicles scheduled for replacement;  
- Contract out planning, development services and public works; and  
- Further reduce other City services and programs.

Additional cuts will further reduce vital City services to a level that will be unacceptable for our residents and business community based on community feedback of wanting to maintain current service levels. They also will not be sufficient to close the structural budget gap.

Revenue Augmentation Alternatives

Staff believes that additional staffing or operational cuts would result in service levels that would not be in the best interest of the residents of Los Alamitos and would impact the current quality of life. Feedback from the community also placed a high priority on maintaining vital service levels. Various options to increase revenue have been carefully considered, most require voter consideration. As Staff evaluated the revenue options, a commitment was made that the recommended revenue enhancement must:
• Have local control – State cannot touch a penny of any voter approved funds;
• Be for local Los Alamitos community needs only;
• Maintain quality of life along with local service levels and vital City services;
• Create long term fiscal sustainability;
• Be funded by both residents and visitors to Los Alamitos;
• Not be a specific parcel tax on individual homes or property; and
• Have community accountability and transparency.

Staff has shared with City Council the following revenue enhancement measures which could be given further consideration. It should be noted the City Council does not have the authority to unilaterally enact a tax increase, only to place the measure on the ballot by a 2/3 majority vote of City Council for voter consideration.

The most viable option which meets the goals of local control and local use is:

• Establishing a sales tax (transactions and use tax) measure. A one and one-half cent (1.5%) increase on sales made in the City of Los Alamitos (but excluding food purchased as groceries or prescription medication) would raise approximately $4.1 million per year. Costs of this tax would be shared by residents, businesses and visitors purchasing certain taxable goods and products in the City. This revenue source is protected by the State constitution whereby the State of California cannot take sales tax from local agencies. In order to pass the measure, 50% + 1 of voting residents would need to approve it in an election. Currently, the City’s sales tax rate is 7.75%, which is lower than many other surrounding cities. Garden Grove, Seal Beach and La Palma are all at 8.75%, while Long Beach is at 10.25%.

Less viable options or partial solutions:

• Utility User's Tax (UUT). Every 1% in the UUT would provide ongoing revenues of approximately $350,000. However, closing the current structural deficit and addressing fiscal sustainability would require an 11% UUT rate increase. This tax would be paid fully by every property owner in Los Alamitos and would require approval of 50% + 1 of voting residents in an election. There are ten Orange County cities who have a voter approved UUT in place.

• Impose a Parcel Tax. This would be a fixed amount that would be placed on each and every parcel in Los Alamitos. In order to generate the same amount as a 1% sales tax would require an annual assessment of over $1,200 per resident. This tax would be paid fully by every Los Alamitos property owner and would require approval of 50% + 1 of voting residents in an election.

• Increasing the Hotel Bed Tax also known as the Transient Occupancy Tax (TOT). With 50% + 1 approval of voters in an election, the TOT rate could be increased from the current 8%. A common rate in neighboring cities is 10% to 14%, and if this increase were approved by the voters, the City would receive additional ongoing revenues of approximately $58,000 per year for each one percent.
However, this is only a partial solution and would not address the structural deficit much less the long-term goal of fiscal sustainability. This tax would be paid by visitors to Los Alamitos and there would be no direct impact on residents.

The City is focused on maintaining long-term financial stability – a consistent priority for City Council, staff and our residents and business community. Los Alamitos is very unique for its size, in that it provides a full range of City services that many residents have come to enjoy and rely on. These services take quality, well-trained staff, equipment, and infrastructure. Los Alamitos services are not fee-based, and are heavily used by residents, the business community and non-residents alike. These services rely heavily on other revenues, such as property and sales taxes and Utility User Tax, to cover operational costs, which provide for essential City services.

**Recommendation**

After carefully assessing all the options and listening to community feedback which overwhelmingly indicated a desire to maintain a quality of life and restore public safety service levels and support our business community and economic development, it is Staff’s belief that a local transaction and use tax (sales) tax measure would:

- Keep the small-town ambience with effective public safety services, and maintain a high quality of life to ensure that the community is a nice place to live, work, visit, and conduct business;
- Be critical for keeping safe and clean neighborhoods, police patrols and rapid response to 9-1-1 calls, well-maintained streets, quality local parks that strengthen our community;
- Maintain vital City services and meet the needs of residents and the business community;
- Begin to address the General Fund structural deficit; and
- Move the City towards its stated goal of Fiscal Sustainability, which includes cash solvency / budget solvency / long-term solvency / service solvency.

This additional revenue would accomplish the following for the community:

- Maintain and/or restore vital City services
  - Restore and maintain current level of police protection and 911 emergency services
  - Recreation programs for youth and seniors
  - Restore funding for maintaining City streets, roadways, park and playground equipment
  - Maintain quality public City facilities including Police Department; the Community Center; City Hall and the Public Works Yard

- Payoff or eliminate debt - address other required obligations
  - Set aside in a City controlled trust account amounts to fund the unfunded liability for both pension and OPEB obligations
- Maintain reserves to City adopted policy levels
- Fund essential public works City facility maintenance needs
- Fund pay-go Community Capital Improvement Projects

- Commitment to Accountability and Transparency
  - Annual independent audit of City financial report
  - Including specific information during mid-year financial review and annual budget process
  - Annual Report to City Council during the budget and CAFR process
  - Accountability report posted on City Website

There are a number of reasons why the sales tax measure is a preferred option to any other voter-approved revenue alternative, including:

- Local control for vital Los Alamitos community service needs
- Costs would be shared by residents, businesses and visitors to Los Alamitos who purchase certain taxable goods and products
- The measure would not be applicable to certain indispensable items such as groceries and medicine
- The measure would ensure the funds cannot be taken by Sacramento and they would remain in Los Alamitos (Protected by Proposition 1A – 2004 & Proposition 22 – 2010)
- Is not a parcel tax on homes or property
- The measure would require independent annual audits
- The goal to fund important capital improvement projects and pay down unfunded liabilities and help maintain vital City services could be accomplished with this measure in place.

As such, staff recommends City Council approve Resolutions calling for the placement of a general tax measure on the ballot of the November 3, 2020 election to adopt a transactions and use tax and authorizing guidelines regarding the measure for voter consideration.

We look forward to the continued dialogue with the community, and are thankful to the hundreds of residents who have provided their feedback, ideas, and concerns about the City's Long Term Financial Sustainability. The City’s number one priority is to ensure Los Alamitos’ future is strong for generations to come. We will continue engaging and educating all community members about the revenue generating ballot measure and the impacts on City services if approved by voters.

**Ballot Measure**

Approval of the recommended action would place the one and one-half cent (1.5%) sales tax measure on the November 3, 2020 ballot for voter consideration. The City Clerk would file a certified copy of the resolution with the Board of Supervisors of Orange County and
the Registrar of Voters of Orange County on or before August 7, 2020. Passage of the measure would require 50% + 1 approval of the voters in the City of Los Alamitos.

The following is the recommended ballot question:

<table>
<thead>
<tr>
<th>CITY OF LOS ALAMITOS QUALITY OF LIFE, 911 EMERGENCY RESPONSE, BUSINESS/JOB PROTECTION MEASURE.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain 911 emergency response with local control; protect local businesses, maintain local jobs; prevent property crime; maintain quality of life services by protecting neighborhood/park police patrols, street maintenance, youth, senior programs, other essential services; protect long-term fiscal sustainability, shall the City of Los Alamitos measure establishing 1.5¢ sales tax providing approximately $4,100,000 annually until ended by voters be adopted, requiring independent audits, public spending disclosure, ensuring all funds stay in Los Alamitos?</td>
</tr>
</tbody>
</table>

There are three resolutions and one ordinance recommended to the City Council for approval:

1. Add Measure to Ballot – If the City Council desires to submit a question to the voters relating to the Sales Tax at the General Election on November 3, 2020, the City Council must adopt, by a 2/3 majority vote, the following Resolution:

   • Resolution No. 2020-24 – Ordering the Submission to the Qualified Electors of the City of a Certain Measure relating to One & One-Half Cent (1.5%) Sales Tax (Transactions and Use) at the General Municipal Election to be Held on Tuesday, November 3, 2020, as Called By Resolution No. 2020-11

2. Ballot Arguments - Should the City Council choose to submit the measure to a vote and should the City Council or any member(s) of the City Council wish to file a written argument for or against the question to be submitted to the voters, the City Council must adopt the following Resolution:

   • Resolution No. 2020-25 – Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis

The Elections Code provides that up to five authors may sign the ballot argument. When some or all of the City Council Members submit an argument, that argument has priority over competing arguments, if any. The submission of a ballot argument...
argument by the City Council is optional. Resolution No. 2020-25 also directs the City Attorney to prepare the impartial analysis of the measure as required by the Elections Code.

3. Rebuttal Arguments – Should the City Council choose to submit the measure to a vote and should the City Council wish to authorize rebuttal arguments, the City Council must adopt the following Resolution:

- Resolution No. 2020-26 – Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections

Should the City Council wish to provide for rebuttal arguments, Resolution No. 2020-26 must be adopted at the same meeting as the Resolution ordering the submission of the measure. *The adoption of this Resolution is optional.*

4. Ordinance No. 2020-06 – It is recommended that the City Council vote by a 2/3 majority to introduce for first reading the corresponding Ordinance. If so introduced, the Ordinance will be brought back to the City Council for approval at an adjourned regular meeting on July 27, 2020. The 1.5% sales and use tax contemplated by the Ordinance will not take effect unless and until the measure is approved by a majority vote of the City’s voters. However, City Council approval of the Ordinance in advance of the November election will ensure that the sales and use tax – if approved by the voters – can be implemented as soon as possible. Should Council choose to wait until after voter approval to adopt the Ordinance, the increased rate would not be received until the second sales tax quarter.

**FISCAL IMPACT**

**Election Costs**
The additional cost to add a measure on the November 3, 2000 ballot is approximately between $19,363 - $22,254. Sufficient funds have been included in the FY 2020-21 budget for expenses.

Prepared by: David D. Cain, Fiscal Sustainability Manager
Reviewed by: Craig Koehler, Interim Finance Director
Windmera Quintanar, MMC, City Clerk
Michael S. Daudt, City Attorney
Approved by: Chet Simmons, City Manager

Attachments: 1. Resolution No. 2020-24 – Adding a general tax measure to the already called November 3, 2020 General Municipal Election
   o Exhibit A – Ordinance No. 2020-06
2. Resolution No. 2020-25 – Setting Priorities for Filing Written Arguments regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis
3. Resolution 2020-26 – Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections
RESOLUTION NO. 2020-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO ONE & ONE-HALF CENT (1.5%) SALES TAX (TRANSACTIONS AND USE) AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, AS CALLED BY RESOLUTION NO. 2020-11

WHEREAS, a General election on Tuesday, November 3, 2020, has been called by Resolution No. 2020-11, and consolidated with the County of Orange by Resolution No. 2020-12, adopted on June 15, 2020, and,

WHEREAS, the City Council also desires to submit to the voters at the election a question relating One & One-half Cent (1.5%) Sales Tax (Transactions and Use); and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

| CITY OF LOS ALAMITOS QUALITY OF LIFE, 911 EMERGENCY RESPONSE, BUSINESS/JOB PROTECTION MEASURE. To maintain 911 emergency response with local control; protect local businesses, maintain local jobs; prevent property crime; maintain quality of life services by protecting neighborhood/park police patrols, street maintenance, youth, senior programs, other essential services; protect long-term fiscal sustainability, shall the City of Los Alamitos measure establishing 1.5¢ sales tax providing approximately $4,100,000 annually until ended by voters be adopted, requiring independent audits, public spending disclosure, ensuring all funds stay in Los Alamitos? | YES | NO |

SECTION 2. That the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
SECTION 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2020.

______________________________
Richard D. Murphy, Mayor

ATTEST:

____________________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

____________________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 20th day of July, 2020, by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

____________________________________
Windmera Quintanar, MMC, City Clerk
ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING CHAPTER 3.14 TO TITLE 3 OF THE LOS ALAMITOS MUNICIPAL CODE IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

WHEREAS, people live in Los Alamitos because it offers a better quality of life and better services than other nearby communities; and,

WHEREAS, due to Sacramento takeaways, Los Alamitos has lost almost $13 million in local property tax dollars since 1992, and is continuing to lose another $770,000 every year; and,

WHEREAS, the 20-year long term plan shows that the annual deficit for 2021-22 will be $1.652M and grows to over $3.7 annually by 2030-31; and,

WHEREAS, The City of Los Alamitos has consistently managed a balanced budget for the past 10 years, focusing on being fiscally responsible and making the hard decisions to cut costs and staff as financial realities change; and,

WHEREAS, the City over the last ten years has been very fiscally responsible by lowering costs, including reducing the workforce by 26 full-time positions, reducing healthcare subsidies, implementing a 2-tiered retirement program and 3-tiered salary schedule, and contracting out for various city services including street sweeping thereby reducing costs while maintaining many essential city services; and,

WHEREAS, the City faced a $1.347 million structural budget deficit for fiscal year 2020-21. The City temporarily addressed this structural deficit by furloughing staff; reducing pay for city employees; cutting 10 FT/PT city positions, including 4 police and one code enforcement officer positions; reorganizing the Recreation and Development Services Departments; and reducing other city services; and,

WHEREAS, the City combines a small-town ambience and desires to maintain a high quality of life to ensure that the community is a nice place to live, work, visit, and conduct business; and,

WHEREAS, public safety is a top priority in Los Alamitos and represents over 47% of the City’s General Fund budget, and without additional revenue the City will be forced to significantly cut public safety services, including gang and drug prevention, neighborhood police patrols, and consider reducing senior and youth community programs and other essential City services; and,
WHEREAS, the City desires to maintain and keep rapid 9-1-1 emergency and quick response times, and retain and attract qualified police officers, so that people of Los Alamitos will continue to receive vital police protection services; and,

WHEREAS, among other priorities the City seeks to continue to maintain vital senior and youth programs and numerous community events; and,

WHEREAS, the City strives to stimulate local economic growth and create more good-paying local jobs for residents, and the additional funds will help Los Alamitos remain attractive to businesses, visitors and homebuyers strengthening local property values; and,

WHEREAS, this measure will help to maintain funding for local streets, roadways and park and playground equipment maintenance and repair, repair and maintain city facilities including the Community Center, Police Station, City Hall and Public Works Yards; and,

WHEREAS, additional revenue will allow the City to repair local storm drain systems to prevent flooding; to maintain safety; and help to repair streets and potholes; and,

WHEREAS, this measure will help local property values by making sure Los Alamitos has well-maintained streets, safe and clean neighborhoods, and high quality public safety services, keeping property values strong; and,

WHEREAS, sales taxes are not charged on food purchased as groceries or prescription medication, limiting the measure’s impact on Los Alamitos residents; and,

WHEREAS, in light of the structural deficit, additional revenues are needed in order to preserve essential city services and the high quality of life in Los Alamitos; and,

WHEREAS, all additional revenues raised by this measure will be used to fund essential city services in Los Alamitos, and cannot be taken away by the state or used for other purposes; and,

WHEREAS, the additional revenues raised by this measure will be subject to a clear system of accountability, including annual independent financial audits, adopting annual City budgets during a public meeting and publishing the entire City Budget and Comprehensive Annual Financial Report online to ensure that all funds are accounted for and spent properly.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.
SECTION 2. Subject to and contingent upon the voter approval requirements set forth in Section 3 of this Ordinance, Chapter 3.14 – Transactions and Use Tax is hereby added to Title 3 (Revenue and Finance) of the Los Alamitos Municipal Code to read as follows:


This chapter shall be known as the “Los Alamitos Transactions and Use Tax Ordinance.” The city of Los Alamitos hereinafter shall be called “City”. This chapter shall be applicable in the incorporated territory of the City.


"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance enacting this chapter, the date of such adoption being as set forth below.


This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same
time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.


Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.


For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one and one-half percent (1.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of the ordinance enacting this chapter.

3.14.060 Place of sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.


An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one and one-half percent (1.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.080 Adoption of provisions of State law.

Except as otherwise provided in this chapter and except insofar as they are
inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.14.090 Limitations on adoption of provisions of State law and collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. “A retailer engaged in business in the District” shall also include any retailer that, in the preceding calendar year or the current calendar year, has
total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars ($500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

3.14.100  Permit not required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.


A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

   a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage,
use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.120 Amendments.

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.


No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any
tax or any amount of tax required to be collected.


If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Approval by the Voters. Pursuant to California Elections Code section 9217 and Revenue and Taxation Code section 7285.9, this Ordinance and the transactions and use tax contemplated herein shall take effect only if approved by a majority of the eligible voters of the City of Los Alamitos voting at the Regular Election of November 3, 2020, and shall take effect ten (10) days after the City Council has certified the results of that election by resolution.

PASSED, APPROVED, AND ADOPTED this 27th day of July, 2020.

______________________________
Richard D. Murphy, Mayor

ATTEST:

______________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

______________________________
Michael S. Daudt, City Attorney
I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2020-06 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 20th day of July, 2020 and that thereafter, said Ordinance was duly adopted and passed (pending the majority of eligible voters support at the Regular Election of November 3, 2020) at an adjourned regular meeting of the City Council on the 27th day of July, 2020, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

________________________________________
Windmera Quintanar, MMC, City Clerk
RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Los Alamitos, California, on November 3, 2020, at which there will be submitted to the voters the following measure:

CITY OF LOS ALAMITOS QUALITY OF LIFE, 911 EMERGENCY RESPONSE, BUSINESS/JOB PROTECTION MEASURE.
To maintain 911 emergency response with local control; protect local businesses, maintain local jobs; prevent property crime; maintain quality of life services by protecting neighborhood/park police patrols, street maintenance, youth, senior programs, other essential services; protect long-term fiscal sustainability, shall the City of Los Alamitos measure establishing 1.5¢ sales tax providing approximately $4,100,000 annually until ended by voters be adopted, requiring independent audits, public spending disclosure, ensuring all funds stay in Los Alamitos?

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Elections Code section 9282, the City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the measure. An argument shall not exceed 300 words in length.

Pursuant to Elections Code section 9283, any argument filed by the City Council, or any member or members of the City Council, shall be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. The argument may not be signed by more than five persons. In case any argument is signed by more than five authors, the signatures of the first give shall be printed on the sample ballot.
Pursuant to Elections Code section 9600, any direct argument shall be accompanied by a signed Form of Statement available in the Office of the City Clerk. Direct arguments shall be filed with the City Clerk on or before August 3, 2020 for the filing of primary arguments, and shall be subject to a 10 calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

SECTION 2. If more than one argument for or more than one argument against the ballot measure is submitted, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority to the submitted arguments in accordance with the provisions of Elections Code section 9287.

SECTION 3. The City Council hereby authorizes, instructs, and directs the City Attorney to prepare an impartial analysis of the ballot measure, in accordance with the provisions of the Elections Code section 9280, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis, not exceeding 500 words in length, shall be filed with the City Clerk on or before August 3, 2020.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2020.

____________________________________
Richard D. Murphy, Mayor

ATTEST:

____________________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

____________________________________
Michael S. Daudt, City Attorney
STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 20th day of July, 2020, by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

________________________________________
Windmera Quintanar, MMC, City Clerk
RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

WHEREAS, Elections Code section 9282 provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and,

WHEREAS, Elections Code section 9285 authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Elections Code section 9285 of the Elections Code, when the City Clerk has selected the arguments for and against the measure (not exceeding 300 words each) which will be printed and distributed to the voters, the City Clerk shall send a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. Rebuttal arguments for or against the measure shall be filed with the City Clerk on or before August 17, 2018. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument. Rebuttal arguments shall be subject to a 10-calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 3, 2020, and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of July, 2020.

______________________________
Richard D. Murphy, Mayor

ATTEST:

____________________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

____________________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE    ) ss
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 20th day of July, 2020, by the following vote to wit:

AYES: COUNCILMEMBERS: 
NOES: COUNCILMEMBERS: 
ABSENT: COUNCILMEMBERS: 
ABSTAIN: COUNCILMEMBERS: 

____________________________________
Windmera Quintanar, MMC, City Clerk
SUMMARY

The City is considering placing a One & One-half Cent (1.5%) Sales Tax (Transactions and Use) measure on the ballot at the November 3, 2020 election. If the measure is placed on the ballot, the arguments for and against the measure must be submitted to the City Clerk by August 4, 2020. Accordingly, the City Council must decide whether some or all of the Council Members would like to submit an argument in favor of the ballot measure and, if so, draft and approve the text of a ballot argument. Due to the constraints of the Brown Act, development or approval of a ballot argument by more than two Council Members must occur at a noticed public meeting. Accordingly, advance consideration of the process for developing and approving arguments will help avoid a last-minute crisis or missed opportunity.

RECOMMENDATIONS

1. Consider whether to submit a ballot argument signed by all five Council Members, or by two or less Council Members in favor of the proposed sales tax measure; or,

2. Provide direction to Staff concerning whether to schedule a future agenda item regarding development and/or approval of the ballot measure argument.

DISCUSSION AND LEGAL BACKGROUND

*The Elections Code:* For matters placed on the ballot by the City Council, Elections Code § 9282 authorizes the Council, its members, or “any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and
associations” to file a written ballot argument. Elections Code § 9283 provides that up to five authors may sign a ballot argument, so long as each files the written certification required by Elections Code § 9600. If more than five authors sign the argument, only the first five will be printed. The argument may not exceed 300 words in length.

When some or all of the City Council Members submit an argument that argument has priority under the Elections Code. Specifically, when a legislative body places a measure on the ballot and the body, or one or more of its authorized members, submits a ballot argument, Election Code § 9287 requires the elections official to print that argument, instead of any competing arguments, in the voter materials. The Elections Code ranks the order of preference for competing ballot arguments by authors and signatories as follows:

1. The legislative body, or member or members of the legislative body authorized by that body.

2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.


4. Individual voters who are eligible to vote on the measure.

Therefore, the Council has an opportunity to designate its own members as the authors of the argument in favor of the measure. If the Council does not do so, one of the competing arguments (if any) will be selected by the City Clerk using the order of preference listed above and any other local rules implemented by the City Clerk. (Many elections officials print the earliest received argument if required to choose between arguments of the same status in the statutory priority list.)

Authoring the arguments in favor of the measure will give the Council or Council Members it designates control over the argument. However, because there are five Council Members, no names will appear in support of the argument other than those of the designated Council Members.

Per the Elections Code, once ballot arguments are submitted, the City Clerk, as the elections official for the City, is required to maintain confidentiality as to all ballot arguments until the deadline for submitting arguments has passed, at which time the arguments become open to public inspection. However, once a document has been circulated to the Council in connection with a public meeting, it becomes public (unless privileged). Thus, any proposed ballot argument would become public once disseminated to the Council.

*The Brown Act:* Ballot measures and the subjects they cover are within the jurisdiction of the City Council, the Brown Act requires that any decision or discussion by more than two members of the Council concerning ballot measure arguments take place at a public
meeting. Thus, discussion and action concerning ballot measure arguments should be limited to no more than two Council Members outside of a public meeting. Discussion and action concerning the ballot measure arguments amongst more than two Council Members may only occur at a public meeting.

CONCLUSION AND ALTERNATIVES

The City Council has the opportunity to author the ballot argument in support of the proposed sales tax measure. To avail itself of this opportunity, it is recommended that the City Council either:

1. Designate two Council Members to draft and sign a ballot argument (with or without signatures from up to three additional members of the community) and with no further action by the full City Council;

2. Designate two Council Members to draft an argument for consideration and signature by all five Council Members and direct that an item be placed on the July 27, 2020 Adjourned Regular Meeting agenda to consider approval or modification of that argument; or,

3. Direct that an item be placed on the July 27, 2020 Adjourned Regular Meeting agenda to allow the City Council to draft and approve a ballot argument during the public meeting; or,

FISCAL IMPACT

None at this time.

Prepared by: Windmera Quintanar, MMC, City Clerk
Reviewed by: Michael S. Daudt, City Attorney
Approved by: Chet Simmons, City Manager