

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

SPECIAL MEETING – July 29, 2013

1. CALL TO ORDER

The City Council met in Special Session at 6:01 p.m., Monday, July 29, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose, Murphy, Mayor Pro Tem Graham-Mejia, Mayor Kusumoto

Absent: Council Members: None

Present: Staff: Gregory D. Korduner, Interim City Manager
Cary Reisman, City Attorney
Lisa Kranitz, Assistant City Attorney
Corey Lakin, Community Services Director
Steven Mendoza, Community Development Director
Tom Oliver, Planning Aide
Windmera Quintanar, CMC, City Clerk

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.

Mayor Pro Tem Graham-Mejia pulled item 3A.

Motion/Second: Edgar/Murphy

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

B. Resolution No. 2013-19 – Designation of City Treasurer (Finance)

This report sought consideration of a resolution designating Linda Magnuson, Interim Finance Director, as City Treasurer.

The City council adopted Resolution No. 2013-19, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING INTERIM FINANCE DIRECTOR, LINDA MAGNUSON, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2013-05 IN ITS ENTIRETY".

C. Increase of Contract Amount with Fuscoe Engineering, Inc. for the Development of Annual Program Effectiveness Assessment (PEA) for Annual NPDES Reporting (Community Development)

To address new County requirements for the annual filing of the NPDES Program Effectiveness Assessment (PEA), a new scope exceeding the City Manager's \$10,000 authority must be approved by the City Council.

The City Council authorized the City Manager to execute a Professional Services Agreement Amendment with Fuscoe Engineering, Inc. to prepare the 2012-2013 Program Effectiveness Assessment (PEA) including additional County requirements not to exceed \$14,595.

End of Consent Calendar

Items Pulled from the Consent Calendar

A. School Resource Officer Agreements (Police)

The purpose of this report was to request authorization for the City of Los Alamitos to enter into agreements with the Los Alamitos Unified School District and the City of Seal Beach to share costs for the School Resource Officer.

Mayor Pro Tem Graham-Mejia applauded her fellow Council Members for directing Staff to secure the dual indemnification before approval.

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

Motion/Second: Graham-Mejia/Murphy
Unanimously Carried: The City Council:

1. Authorized the Mayor to execute the Agreement between the City of Los Alamitos and the Los Alamitos Unified School District for the School Resource Officer; and,
2. Authorized the Mayor to execute the Agreement between the City of Los Alamitos and the City of Seal Beach for the School Resource Officer.

4. SPECIAL ORDERS OF THE DAY

A. Introduction to the Housing Element's Senate Bill 2 Requirements

This report provides the City Council with a general overview of Zoning Ordinance Amendment (ZOA) 12-03 that addresses Housing Element requirements imposed by California Senate Bill 2 for subjects such as Emergency Shelters, Transitional & Supportive Housing, and Single Room

Occupancy (SRO) units that will be addressed at a future regularly scheduled public hearing. Tonight's meeting will allow the Assistant City Attorney to properly prepare the City Council for the August 19, 2013 required public hearing on this topic.

Community Development Director Mendoza gave a brief introduction and introduced Assistant City Attorney Kranitz.

Assistant City Attorney Kranitz summarized the Staff report referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the City Council.

Mayor Pro Tem Graham-Mejia asked for clarification on the different zoning.

Community Development Director Mendoza pointed out the different high density areas that are zoned for apartments.

Council Member Edgar stated he held a position on the Casa Youth Shelter Board and inquired if he had a conflict of interest.

Assistant City Attorney Kranitz inquired if it was a non-paid position on a non-profit board.

Council Member Edgar answered in the affirmative.

City Attorney Reisman stated there was no conflict.

Council Member Edgar stated he appreciated the due diligence the Planning Commission had done to date and inquired if the Commission had any concerns.

Community Development Director Mendoza indicated the Commission's outstanding issue dealt with abandoning a development using reasonable accommodations. He added the concern had been addressed in the amendments.

Council Member Edgar stated he had attended the Planning Commission and spoke as a resident. He had stated concern since he was in the intended zoning area.

Assistant City Attorney Kranitz stated the first draft of the ordinance included the R2 zone; however, after Planning Commission discussion, it was decided Emergency Shelters would be better suited in the PM zone.

Council Member Edgar inquired what the approval process was.

Assistant City Attorney Kranitz stated State Law requires at least one designated zone for Emergency Shelters. She stated Council could choose an alternate zone to allow the use. She pointed out without including Emergency Shelters in a zone the City would have a noncompliant Housing Element.

Council Member Edgar inquired if the Municipal Code was updated to allow the use, if it would still need to go through an approval process.

Assistant City Attorney Kranitz stated Emergency Shelters with 20 beds were permitted as of "right" and the City did not have discretion according to State Law.

Council Member Edgar inquired why the R3 parking standards were being relaxed. He stated concern for protecting the quality of life in Los Alamitos and the existent traffic problems. He stated that relaxing parking standards seemed counterproductive to the General Plan and inquired if the policy could be stricter.

Assistant City Attorney Kranitz explained the Housing Element purposes and indicated the last Housing Element was approved in December 2009. At that time, Housing and Community Development (HCD) had indicated the parking requirements negatively impacted development feasibility and the City needed to review and reduce specific requirements. By adopting the Housing Element, the City agreed to do such.

Council Member Edgar inquired which requirements were mandatory and stated support for implementing the minimum legally required and protecting the quality of life. He inquired if credit was received for organizations such as Casa Youth that provided transitional housing. He stated he could not follow the strategy.

Community Development Director Mendoza clarified the relaxed parking standards were only for studio or affordable housing developments. He stated that type of housing was not marketable in Los Alamitos because of the school districts. He indicated it was important to have a compliant approved Housing Element.

Council Member Edgar inquired if the process could be drawn out to ensure it was being done correctly. He inquired the amount of CDBG funding the City would lose if it was noncompliant. He indicated the City did not have a lot of development and did not receive a lot of State funding. He inquired if Staff had researched the cost of a potential developer lawsuit.

Community Development Director Mendoza stated he had not researched potential legal cost. He stated the City had received approximately \$100,000 in CDBG funds last year and \$200,000 the year before that.

Council Member Grose recalled when housing rates fell and homes were purchased and later turned into halfway homes that resulted in State legislation, and inquired if this item was related. He thought that situation would not occur in Los Alamitos due to the School District, lack of availability, and such a buyer would not be focused in this area.

Community Development Director Mendoza stated SB2 laws were developed before the mentioned Newport cases. He added surrounding cities were adopting the regulations now to ensure compliance with adopted Housing Elements.

Council Member Grose stated it was a factor of protecting the City in the future and felt there was some latitude. He reiterated he did not believe the City would be faced with the demand for Emergency Shelters to any major extent.

Community Development Director Mendoza stated the economics of Los Alamitos did not lend itself to such, but they could change and this would allow guidelines for those uses in Los Alamitos.

Mayor Pro Tem Graham-Mejia referred to page 9 of the Staff report regarding exceptions, and inquired what formula was used to decide how many emergency shelters and transitional housing units a City was required to have. She stated support for caring for the elderly and homeless families, but was concerned about changing the makeup of the City and protecting the residents.

Assistant City Attorney Kranitz stated based on the adopted Housing Element, the City needs to show space for 121 individuals.

Mayor Pro Tem Graham-Mejia inquired how the number was determined and if it could be adjusted.

Assistant City Attorney Kranitz stated it was calculated by taking the percentage of Countywide homeless population and applying the same percentage to Los Alamitos.

Mayor Pro Tem Graham-Mejia indicated Los Alamitos was a personal community that had many nonprofit groups that assist those in need. She stated concern for the State mandating the City to take in the overflow from neighboring cities. She indicated she had voted no when this item was previously addressed and felt the City should send a letter of opposition to the State.

Council Member Murphy stated support for meeting the minimum legal requirements. He supported additional discussion along with those guidelines.

Mayor Kusumoto asked for clarification if the count of 21 homeless beds was a percentage based off the County.

Assistant City Attorney Kranitz answered in the affirmative and clarified it was based on Los Alamitos population and the County did not impose such.

Community Development Director Mendoza added a city's fair share is based off the County's need, averaged out to the cities, based on population. He clarified the City was not absorbing surrounding cities numbers and was only accounting for its fair share based on the City's population.

Mayor Kusumoto commented if a City had a higher population of homeless, the burden would be on Los Alamitos.

Community Development Director Mendoza stated the counter argument was those cities provided additional services, therefore the burden was on them.

Mayor Kusumoto referenced Villa Park and indicated the same formula was applied to them although they likely had a lower number than Los Alamitos. He inquired the cost of noncompliance regarding CDBG and State funds.

Community Development Director Mendoza indicated approximately \$500,000.

Planning Aide Oliver stated there would be the additional cost of having to do a Housing Element more frequently.

Community Development Director Mendoza indicated the City would use a consultant and it cost approximately \$30,000.

Council Member Grose inquired if it was mandated to accept the homeless population figure or if it was formulated as a guide for cities.

Community Development Director Mendoza stated the figure was not a State mandate, it was provided a guide.

Mayor Kusumoto inquired what funds were at risk besides CDBG.

Interim City Manager Korduner stated State Park funds.

Community Development Director Mendoza stated an additional risk would be the uses are allowed where the State designates them versus where the City would prefer them.

Mayor Kusumoto stated he would like to see hard numbers of what was at risk. He indicated the figures would be beneficial in understanding exactly what was at risk. He stated a preference for a slower process.

Council briefly discussed the affordable housing project in Seal Beach.

Mayor Kusumoto inquired if Seal Beach was also in the process of updating their Housing Element.

Assistant City Attorney Kranitz stated all Southern California Association of Governments (SCAG) region cities were working on completing Housing Elements by October.

Mayor Pro Tem Graham-Mejia stated support for taking care of residents of Los Alamitos that needed assistance. She reiterated her concern of providing housing for surrounding cities and her desire to lobby against such mandates if feasible.

Council Member Grose stated his belief the City only needed to allow for the service and was not obligated to provide the service.

Mayor Pro Tem Graham-Mejia stated she understood the mechanics and reiterated as a platform, she would like Los Alamitos to provide for Los Alamitos residents and did not feel the City should be expected to take in other cities numbers.

Council Member Grose indicated he was unsure if the City was able to hinder nonresidents.

Mayor Pro Tem Graham-Mejia agreed.

Council Member Edgar inquired what the process for starting an emergency shelter or transitional housing is and what notification would be made.

Community Development Director Mendoza indicated the project would not come to the City for any level of approval unless there was construction, and the owners would occupy the home like any other buyer. He clarified there was a separate process for residential care facilities.

Council Member Edgar inquired what remedies were available to community members should their quality of life down be negatively affected.

Assistant City Attorney Kranitz stated remedies were limited unless there were a lot of nuisances and police calls.

Council Member Edgar inquired if theoretically residents could call and complain to raise the nuisance level.

Assistant City Attorney Kranitz clarified the calls would need to be grounded and based on problems caused by the home.

Council Member Edgar inquired if there was anything that could be done to stop the process at the Planning Commission Level.

Assistant City Attorney Kranitz answered in the negative and added State law already allows for such uses.

Council Member Edgar stated this item was just for information and Council could not influence the decision since it was State law.

Assistant City Attorney Kranitz stated the use was already allowed without being called out in the City's Municipal code.

Mayor Pro Tem Graham-Mejia referred to the Staff report and asked for clarification of the exception for announcing transitional housing.

Assistant City Attorney Kranitz stated the law is transitional housing needs to be treated the same as every other case in the City. If the City were to announce the details of every home purchase, then it could list transitional housing.

Mayor Pro Tem Graham-Mejia stated the Council had addressed all perspectives and did not have any remedies. She stated the issue could be lobbied against in the future.

Mayor Kusumoto opened the item for public comment.

Art DeBolt, resident, spoke regarding the following topics: desire to know if a business was being run in his neighborhood; opposition to relaxing R3 parking standards and support for a process that would allow owners to request an exception; requested additional clarification regarding the decision maker for reasonable accommodations; opposition to requirement to remove the structure; and, support for notifying residents.

Jody Shloss, resident, spoke regarding the City of Cypress adoption of the Housing Element and supported Staff researching a modification to 121 figure.

Assistant City Attorney Kranitz briefly addressed the following concerns: HDC had required, and the City had agreed, the City would remove impediments and relax the parking standards; she stated the State did not mandate the process for approval and the City could readdress if desired; the City was

required to show it could accommodate 121 units for homeless and remove existing barriers per its adopted Housing Element; the number could be revised in the next Housing Element adoption; and, addressed the penalties from HDC's website for a noncompliant Housing Element.

Ms. Shloss stated the residents of Los Alamitos should vote on whether or not they wanted grant funds or such housing.

Mayor Kusumoto closed the item for public comment.

Council Member Edgar recalled the 2009 Housing Element and advised he was focused on the Regional Housing Needs Assessment (RHNA) numbers. He stated the 121 could theoretically be lowered and inquired how many units the City already has and what credits could be used.

Assistant City Attorney Kranitz explained the process for credit. She added the number could not be revised now; it would need to be done in the next Housing Element.

Council Member Edgar stated support for taking inventory of the available units to apply towards the 121 required units and stated support for having a procedure to work through for approval.

Assistant City Attorney Kranitz indicated the policy could be redrafted to have requests go the Planning Commission instead of the Community Development Director. She added the process was not mandated by State; however, the City needed a starting point.

Council Member Murphy inquired how many of the 121 beds were already accounted for.

Community Development Director Mendoza indicated approximately 37.

Council Member Grose inquired if hotels could be applicable in the same way.

Assistant City Attorney Kranitz stated that would be dependent on whether or not Single Room Occupancy (SRO) could go into the zones the hotels are in as of "right".

Mayor Pro Tem Graham-Mejia requested Staff inquire with the churches regarding temporary housing in hotels.

Council Member Murphy referred to the removal of impediments and stated support for removing the clause.

Assistant City Attorney Kranitz indicated the impediments were required to be removed when the cost to remove them would exceed 25% of the value. She indicated documentation needed to be submitted for reasonable accommodations and the City had not had any.

Mayor Pro Tem Graham-Mejia stated concern for accepting grant funds that committed the City to unfavorable accommodations. She indicated support for reasonable accommodations coming directly to Council to negate any delays in the process. She inquired if a family were to take in an elderly parent and added on to their home, if they would be required to remove the addition.

Assistant City Attorney Kranitz indicated if the structure did not exceed standards, they would only need a building permit. She indicated it would only be considered a reasonable accommodation if it was exceeding standards (i.e. pushing into the setback).

City Attorney Reisman advised elderly did not necessarily equate disabled.

Mayor Pro Tem Graham-Mejia stated concern for requiring modifications (i.e. additions) be removed. She felt certain modifications (i.e. elevators) should be removed. She indicated certain items could be reasonable, but did not feel removal should be a standard procedure.

Assistant City Attorney Kranitz clarified if removal was required, residents could apply for a variance. She indicated 25% was not a set value and was only a starting point for Council to consider as a process needed to be established for reasonable accommodations.

Council Member Grose inquired if the proposed changes would fit in with the General Plan changes.

Community Development Director Mendoza stated the changes would be made to the Housing Element that is a section of the General Plan. All changes will be in the Zoning Code.

Council Member Grose inquired if the changes were compatible.

Community Development Director Mendoza stated if the Housing Element is approved by Council and the State, it would be good for eight years.

Council Member Grose referred to Senator Correa's desire to meet with local officials. He stated support for attending to express Council's desire for more local control. He stated he would report back on the dialogue.

Mayor Kusumoto inquired Council's preference for the process regarding reasonable accommodations.

Council Member Edgar and Council Member Grose stated support for Planning Commission review.

Mayor Pro Tem Graham-Mejia stated concern for causing unreasonable delays and felt the process would be delayed if required to go to Planning Commission before the City Council.

Assistant City Attorney Kranitz stated the regular procedure is for Planning Commission recommendation with appeal to the City Council. She advised having a different procedure than usual may appear to be slowing the process down.

Council Member Edgar stated support for remaining consistent with the Planning Commission approval and appeal to the City Council.

Mayor Kusumoto agreed.

City Attorney Reisman advised the item was for discussion only and action was not required or permitted.

Mayor Kusumoto closed the item.

Mayor Kusumoto inquired if anyone present would like to speak on items 3B or 3C. No one present wished to speak.

Mayor Pro Tem Graham-Mejia requested a quick update on the coyote issue.

Interim City Manager Korduner advised signs had been placed to advise residents and Staff was meeting with the appropriate parties to prepare for trapping. He advised Staff was keeping a close watch on the issue and being diligent.

5. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

Authority: Government Code Section 54957

City Attorney Reisman read the title of Item 5A aloud.

RECESS

The City Council recessed into Closed session at 7:50 p.m.

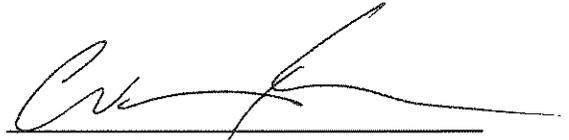
RECONVENED

The City Council reconvened in Special session at 8:55 p.m.

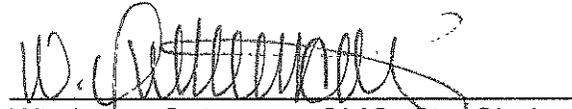
There was no reportable action.

6. **ADJOURNMENT**

The City Council adjourned at 8:55 p.m.


Warren Kusumoto, Mayor

Attest:


Windmera Quintanar, CMC, City Clerk