

CITY OF LOS ALAMITOS

3191 Katella Ave.
Los Alamitos, CA 90720

CITY COUNCIL AGENDA SPECIAL MEETING

Monday, August 5, 2020 – 5:00 p.m.

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos City Council Meeting referenced above 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 the 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: 819 6487 2640. 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). Comments **received by 3:00 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 telephone conference can submit their requests to cityclerk@cityoflosalamitos.org **until the start of the meeting.** 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

1. CALL TO ORDER

2. ROLL CALL

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

3. SPECIAL ORDERS OF THE DAY

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

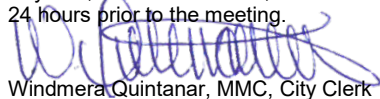
This is an opportunity for Council to consider whether to submit a rebuttal argument to the Argument Against the Measure for a proposed one and one-half cent (1.5%) Sales Tax. Due to the constraints of the Brown Act, development or approval of a rebuttal argument by more than two Council Members must occur at a noticed public meeting. Accordingly, advance consideration of the process for developing and approving a rebuttal argument will help avoid a last-minute crisis or missed opportunity.

ROLL CALL

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

4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at City Hall, 3191 Katella Ave., Los Alamitos, CA 900720 and on the City's website at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.



Windmera Quintanar, MMC, City Clerk
Date: August 4, 2020

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 5, 2020

ITEM NUMBER: 3A

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

Via: Chet Simmons, City Manager

**From: Windmera Quintanar, MMC, City Clerk
Michael S. Daudt, City Attorney**

Subject: Consideration of the Process for City Council Submission of a Rebuttal Ballot Argument to the Argument Against a Proposed One & One-half Cent (1.5%) Sales Tax (Transactions and Use) Measure

SUMMARY

This is an opportunity for Council to consider whether to submit a rebuttal argument to the Argument Against the Measure for a proposed one and one-half cent (1.5%) Sales Tax. Due to the constraints of the Brown Act, development or approval of a rebuttal argument by more than two Council Members must occur at a noticed public meeting. Accordingly, advance consideration of the process for developing and approving a rebuttal argument will help avoid a last-minute crisis or missed opportunity.

BACKGROUND

At the City Council meeting of July 20, 2020 the City Council approved placing a One & One-half Cent (1.5%) Sales Tax (Transactions and Use) measure on the ballot at the November 3, 2020 election ("Sales Tax Measure"). At the same meeting Council directed Mayor Pro Tem Chirco and Council Member Hasselbrink to prepare a draft argument in support of the Sales Tax Measure for Council's approval. Council approved the argument with modification at an Adjourned Regular meeting on July 27, 2020.¹

Based upon the time reasonably necessary to prepare and print the arguments and Voter Information Guide for the election, the City Clerk's Office set August 3, 2020 as the deadline to submit arguments. The City Clerk's Office received one Argument For and one Argument Against the City Measure.

¹ The City Council approved the argument in favor of the measure by a 4-0 vote (Council Member Grose absent).

Elections Code Section 9295 allows for a 10-calendar day review period immediately following the filing deadline of arguments. This review period will run from August 4 through August 13, 2020.

DISCUSSION

During the 10-calendar day review period, rebuttal arguments may be submitted as outlined in Elections Code Section 9285 and City Council Resolution 2020-26.

Rebuttal arguments must meet the following criteria:

- The Authors or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument.
- A rebuttal argument shall not exceed 250 words.
- A rebuttal argument relating to a city measure shall be filed with the City Clerk no later than 10 days (August 13, 2020) after the final filing date for primary arguments.
- A rebuttal argument relating to a city measure shall not be signed by more than five persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments are optional. The Council has an opportunity to designate its own members as the authors of the rebuttal argument to the Argument Against the Sales Tax Measure. Should the Council not wish to prepare a rebuttal argument or designate someone to prepare and submit the rebuttal argument on its behalf, a rebuttal argument to the Argument Against the Sales Tax Measure would not be printed in the Voter's Guide.

CONCLUSION AND ALTERNATIVES

The City Council has the opportunity to author a rebuttal argument to the argument Against the proposed Sales Tax Measure. To avail itself of this opportunity, the City Council may either:

1. Designate two Council Members to draft and sign a Rebuttal Argument with no further action by the full City Council;
2. Designate two Council Members to draft a Rebuttal Argument for consideration and signature by Council Members and direct that an item be placed on the August 11, 2020, Special Meeting agenda to consider approval or modification of that argument; or,

3. Direct that an item be placed on the August 11, 2020 Special Meeting agenda to allow the City Council to draft and approve a ballot argument during the public meeting.

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

Attachments:

1. *City Council Resolution 2020-26*
2. *Argument in Favor of Measure*
3. *Argument Against Measure*

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 13, 2020. 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.

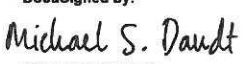
PASSED, APPROVED AND ADOPTED this 20th day of July, 2020.


Richard D. Murphy, Mayor

ATTEST:


Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

D3A022E0E4DF418...
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:	Hasselbrink, Doby, Chirco, Grose, Murphy
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None


Windmera Quintanar, MMC, City Clerk

Ballot Name:

Protect Los Alamitos' quality of life and police services - Vote YES on ___! Measure ___ provides reliable, locally-controlled funding for our community's priorities:

- Maintaining 911 Police Response, neighborhood patrols, crime prevention and investigation services
- Maintaining parks, facilities, and senior and youth programs
- Maintaining infrastructure: streets, storm drains, and sidewalks

YES on ___ Keeps Taxpayer Funds Local – by law, Sacramento cannot touch this money.

YES on ___ Maintains Our Local Los Alamitos Police Department – Los Alamitos is one of the few small cities in Orange County with its own police department - guaranteeing proactive police patrols and one of the quickest 911 response times in Orange County.

YES on ___ allows us to maintain our local police department with officers who know our community and make your safety their first and only priority.

YES on ___ Keeps Los Alamitos A Special Place To Live – Los Alamitos has an outstanding quality of life. The City responded to a major drop in revenues by reforming employee pensions, reducing the workforce by more than 30%, reducing employee pay/benefits, delaying infrastructure maintenance, reorganizing departments, and cutting City services, including a reduction in police officers. Even with these significant cuts, the City continues to have a structural deficit. There is simply no more room to cut and keep our community a safe, clean place to live and work.

YES on ___ protects our quality of life and keeps Los Alamitos the special community it is for businesses, residents and families.

YES on ___ maintains programs attracting businesses/jobs. Measure ___ is NOT a tax on your property and is not applied to prescription medication or food groceries. Out-of-towners share the cost.

Join your City Council members and fellow residents -- vote YES on ___ to preserve Los Alamitos' quality of life and public safety services.

The undersigned proponents or authors of the Direct Argument in favor of ballot Measure ___ at the Municipal Election for the City of Los Alamitos to be held on November 3, 2020 hereby state that such argument is true and correct to the best of their knowledge and belief.

Signed: [Redacted] Date: <u>7-29-20</u>	Signed: [Redacted] Date: <u>7/29/20</u>
Name/Title: <u>Richard Murphy/ Mayor Pro Tem</u>	Name/Title: <u>Mark Chirco / Mayor Pro Tem</u>
Bus or Org: <u>City Council</u>	Bus or Org: <u>City Council</u>

Signed: [Redacted] Date: <u>7/29/20</u>	Signed: [Redacted] Date: <u>8/1/20</u>
Name/Title: <u>Tanya Doby / Council Member</u>	Name/Title: <u>Stella Hasselbrook / Council Member</u>
Bus or Org: <u>City Council</u>	Bus or Org: <u>City Council - Los Alamitos</u>

Signed: _____ Date: _____

Name/Title: _____

Bus or Org: _____

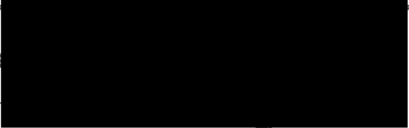
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CITY OF LOS ALAMITOS

ARGUMENTS

FORM OF STATEMENT TO BE FILED BY AUTHORS OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure relating to the one and one-half cent (1.5%) sales tax (transaction and use tax) at the General Municipal Election for the City of Los Alamitos to be held on November 3, 2020 hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print <u>RICHARD MURPHY</u>	Name	Signature 
Title <u>MAYOR</u>		Date <u>7-29-20</u>
Print <u>TANYA DOBY</u>	Name	Signature 
Title <u>COUNCIL MEMBER</u>		Date <u>7/29/20</u>
Print <u>Mark Chirco</u>	Name	Signature 
Title <u>Mayor Pro Tem</u>		Date <u>7/29/20</u>
Print <u>Stelley Hasselbrink</u>	Name	Signature 
Title <u>COUNCIL MEMBER</u>		Date <u>8/1/2020</u>
Print _____	Name	Signature _____
Title _____		Date _____

All Authors must print his/her name **and sign this form** (EC 9600), AND print his/her name **and sign the Argument itself** (EC 9283), AND Print his/her name **and sign the Rebuttal Argument itself** (EC 9285)

Further, pursuant to Election Code § 9282, printed arguments submitted to the voters shall be titled either "Argument In Favor Of Measure ____" or "Argument Against Measure ____".

Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure ____" or "Rebuttal to Argument Against Measure ____".

Give this form to Council Members and Opponents of Measures

Measure 905

~~ARGUMENT AGAINST CITY OF LOS ALAMITOS QUALITY OF LIFE, 911
POLICE RESPONSE, BUSINESS/JOB PROTECTION MEASURE~~

Friends and neighbors have lost their jobs. Many business are closing forever, some are allowed to partially open and some are not allowed to open at all. Both people and businesses are dipping into their savings and taking out loans just to keep up with the rent and bills. A sales tax increase is not what Los Alamitos needs right now. **Vote NO!**

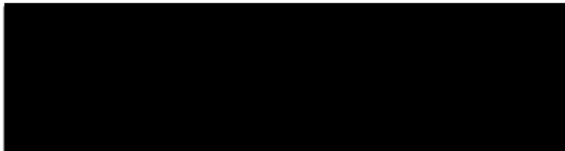
Now is the time to show compassion toward business, families, the unemployed and seniors on fixed income. Los Alamitos unemployment is now over 14% and nobody is certain what is going to happen with the economy. This is the worst time to discuss a tax increase. **Vote NO!**

Don't be misled by the title of this measure. The tax is a general tax that goes into the general fund. It will not be earmarked for a specific purpose like they want you to believe. This city council and future city councils can use this money for whatever they want. Also, 911 medical and fire emergencies calls are paid for by other revenue sources. Are they going to hang up on you if you dial 911 for a police emergency? **Vote NO!**

Let's not burden our great citizens and businesses in this time of need. We should use our reserves and give our people time to recuperate and bring the sales tax measure back in 2022.

Vote NO on the sales tax measure and support the people and businesses of our great city.

Phil Silverthorn
Democratic Club of West Orange County VP
25 year Los Alamitos resident.



2020 JUN 30 PM 2:00
CITY OF LOS ANGELES

ARGUMENTS

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Print <u>Phil Silverthorn</u> Title <u>Democratic Club of West Orange County VP</u>	Name	Signature  Date <u>7-30-2020</u>
Print _____ Title _____	Name	Signature _____ Date _____
Print _____ Title _____	Name	Signature _____ Date _____
Print _____ Title _____	Name	Signature _____ Date _____
Print _____ Title _____	Name	Signature _____ Date _____

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Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure ____" or "Rebuttal to Argument Against Measure ____".

Give this form to Council Members and Opponents of Measures