

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING Monday, July 17, 2023

1. CALL TO ORDER

The City Council met in Regular Session at 6:01 p.m., Monday, July 17, 2023, in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Mayor Doby presiding.

2. ROLL CALL

Present: Council Members: Hasselbrink, Hibard, Murphy
Mayor Pro Tem Nefulda, Mayor Doby

Absent: Council Members: None

Present: Staff: Chet Simmons, City Manager
Michael Claborn, Chief of Police
Michael Daudt, City Attorney
Craig Koehler, Finance Director
Irving Montenegro Jr., Development Services Manager
Emeline Noda, Recreation and Community Services Director
Ron Noda, Development Services Director
Tom Oliver, Associate Planner
Windmera Quintanar, MMC, City Clerk
Chelsi Wilson, Administrative Services Manager

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Nefulda led the Pledge of Allegiance.

4. INVOCATION

Council Member Hasselbrink gave the Invocation.

5. PRESENTATIONS

Mayor Doby and the City Council presented the listed items.

- A. Presentation of a Plaque to Senator Janet Nguyen in Recognition of Being Named Legislator of the Year**
- B. Presentation of Certificates to the Women of Distinction from the State Senate, District 36**
- C. Presentation of a Certificate to Theresa Murphy, Executive Director of Precious Life Shelter in Recognition of Being Featured in the Mayor's Business Spotlight**

- D. Presentation of an Award to Clarissa Graves in Recognition of Being Named the Los Alamitos Police Department's Citizen of the Year**
- E. Presentation of an Award to Corporal DeAngelo Gossett in Recognition of Being Named the Los Alamitos Police Department's Officer of the Year**
- F. Badge Pinning Ceremony for Officer Jesse Lopez**
- G. Badge Pinning Ceremony for Corporal Daniel Kim**
- H. Badge Pinning Ceremony for Corporal DeAngelo Gossett**

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Remarks are to be limited to not more than five minutes per speaker.

Mayor Doby opened Oral Communications. There being no one present wishing to speak, Mayor Doby closed Oral Communications.

7. UPDATES FROM THE MAYOR

At this time, the Mayor may report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken.

Mayor Doby gave an update regarding the July 3rd Spectacular, the Town Hall meeting hosted by Senator Janet Nguyen where she announced funding for Los Alamitos, Congressmember Steel was able to appropriate funding for Los Alamitos shovel ready project, the new Volunteer In Policing (VIP) Program, upcoming improvements at the American Legion Post, and advised she would not be running for higher office.

8. UPDATES FROM THE CITY STAFF

At this time, City Staff 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.

Chief Covey, Orange County Fire Authority, gave a PowerPoint presentation regarding Water Safety.

9. WARRANTS

A. Warrants (Finance)

The attached Warrant Register contains checks and electronic funds transfers for the period from June 1, 2023 to June 30, 2023.

Council Member Hibard asked questions regarding several charges and received answers from Staff.

Council Member Murphy requested all Police carwashes be combined into a single line item.

Motion/Second: Hasselbrink/Hibard

Unanimously Carried: The City Council ratified the Warrants for the period June 1, 2023 to June 30, 2023 in the amount of \$1,550,347.65.

Roll Call

Mayor Doby	Aye
Mayor Pro Tem Nefulda	Aye
Council Member Hasselbrink	Aye
Council Member Hibard	Aye
Council Member Murphy	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.

Motion/Second: Hasselbrink/Nefulda

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

A. Approval of Minutes (Administration)

Approved the City Council Regular Minutes of June 20, 2023.

B. Award of Janitorial Services Agreement to Base Hill Inc., for Janitorial Services at City Facilities (Development Services)

On May 22, 2023, staff received and reviewed bids to the City's Request for Proposals (RFP) 2023-02 for janitorial services for specified City facilities including City Hall 1, City Hall 2, the Council Chamber, the Public Works Garage, the Public Works break room, Community Center, Youth Center, and the Preschool Building. This item seeks award to Base Hill, Inc., in accordance with the fee schedule noted herein.

The City Council:

1. Awarded the bid for RFP 2023-02; and,
2. Authorized the Mayor to execute the Janitorial Services Agreement with Base Hill, Inc. for janitorial services in an amount not to exceed \$69,719.88 annually, for an initial term of two (2) years.

C. Designation of Voting Delegate and Alternate for the League of California Cities' 2023 Annual Conference & Expo (Administration)

The League of California Cities Annual Conference & Expo will be held in Sacramento, California from September 20-22, 2023. The League is requesting City Council designation of a Voting Delegate to the Annual Business Meeting. This item is for Council designation of a Voting Delegate and Alternate.

The City Council:

1. Appointed Mayor Tanya Doby to serve as the City's Voting Delegate for the League of California Cities 2023 Annual Business Meeting; and,

2. Appointed Mayor Pro Tem Jordan Nefulda to serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence.

11. PUBLIC HEARING

A. Annual Appropriations Limit for Fiscal Year 2023-24 (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.

City Manager Simmons introduced the item. Finance Director Koehler summarized the staff report and answered question from the City Council.

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

City Council and staff discussed this report was related to the budget; interest profits would be increasing due to improved market conditions; and, the last adopted Investment Policy allowed Staff to expand the City's investments to advantage of current market conditions.

Motion/Second: Murphy/Hasselbrink

Carried 4/0 (Hibard Abstained): The City Council adopted Resolution No. 2023-19, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-24."

B. Study Session Item: Airport Land Use Commission's Determination of Inconsistency related to the City's 6th Cycle Housing Element Update and the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Development Services)

On January 19, 2023, the Orange County Airport Land Use Commission (ALUC) found the City's 6th Cycle (2021-2029) Housing Element Update to be inconsistent with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan.

The City Council conducted a Study Session in order to review information related to the ALUC's finding of inconsistency. While no vote will take place at this meeting, it is important to note that should the City Council determine to override ALUC's advisory opinion at a future meeting, it will require a four-fifths affirmative vote of the City Council.

City Manager Simmons introduced the item. Development Services Director Noda summarized the Staff report.

Nicole Criste, Terra Nova Planning Consultant, and Josh Karman, Rincon Sound Engineer, provided a PowerPoint presentation.

Mayor Doby opened the Public Hearing for comments.

Carol Churchill made the following comments: does not believe the City needs to worry about the worst case scenario; referred to the letters from CalTrans and ALUC stating their job as state agencies is to protect public health safety and welfare, these agencies were not overruling the Housing Element, but had identified three sites that are inconsistent with public healthy safety and welfare; opposed promoting developer welfare; Lampson Project has been submitted and has the possibility of being affected by this decision; opposed the City spend money on a sound engineer instead of negotiating with ALUC to make the project consistent; proposed the developers work with ALUC to bring a resolution to the City Council; believed a Zoning Ordinance Amendments would allow the Lampson project to move forward; and, her proposal would show Council supports state law.

Elizabeth Hansberg, People with Housing, made the following comments: existence of a State and regional housing shortage; acknowledged the State is requiring cities to facilitate a solution; there is an urgent need for affordable/market rate housing; shortage of housing is causing homelessness and displaced citizens and rents to increase; thanked Terra Nova, Staff, and the Council for all the work the work it took to get a compliant Housing Element; it would be unfortunate to lose the Housing Element due to Council's inability to work together; the City has the right to make decisions and if Council is able to come together future developments would not fall under ALUC's jurisdiction; Court recently found builder's remedy applies; and, stated support for Los Alamitos' certified Housing Element.

Helen made the following comments: there is not a housing crisis; millions of people are leaving the State because they can't afford the State; Los Alamitos contains a military base and there are safety issues ALUC is concerned about; referred to a 1967 plane collision that went into the neighborhood; gave a personal account that living under a flight path is very loud; questioned the absence of the Joint Forces Training Base Sound Engineer as the JFTB did not recommend housing; and, pointed out the large solar panel project at the JFTB has loud generators constantly running.

Maggie Marchese, resident, made the following comments: encouraged the Council and thanked Council for representing Los Alamitos residents; acknowledged the RHNA numbers and Housing Element are not liked topics; opposed the State's approach, but recognized the City has a mandate they must follow; urged Council to proceed in a way that does not risk the City's ability to have a say in how the housing numbers are implemented; and, supported actions to maintain the community in its current direction.

Randy Hill, resident, made the following comments: opposition to the State mandate for additional housing; spoke in support of the Lampson project pointing out it is the best location for the City with minimal negative impacts; ALUC findings is questionable in light of the new study and the fact there are already 2,500 residential homes in the zone; stated building permits would take longer if ALUC was involved; concern the Housing Community Development (HCD) would decertify the City's Housing Element leading to high density affordable housing through builder's remedies; questioned where 792 homes could be built in the small area of Los Alamitos; pointed out four cities have already overruled ALUC; and, stated Council's right not to support ALUC's findings.

Greg Wood indicated he had a comment, but it was not applicable to this item.

Mayor Doby closed the Public Hearing for comments.

City Council, Staff, and Ms. Criste discussed the following topics:

- Staff has not considered a revised housing element as mentioned in ALUC's July 12, 2023 letter
- Ms. Criste has conducted research as the City's Housing Element consultant and her contact information is available through Director Noda
- Contact information for the State Department of Housing Director is on the letter included in the agenda packet
- Orange County cities have been found consistent by ALUC
- ALUC had used an outdated noise contour map for its analysis and elected not to use the updated map provided by the JFTB showing a reduction in noise
- Staff advised they have not received any noise complaints within the past three years regarding JFTB air traffic, but had received complaints regarding the Long Beach airport
- Flight patterns have changed at the JFTB in the past 12-15 months and due to the confidentiality of operations, the 2015 noises contour map is the most recent map available
- Reviewed the noise contour map and legend
- City had followed the proper procedure of approving a Housing Element and then submitting that plan to ALUC
- Concern that if Council does not override ALUC, the City will lose ability to oversee developments and add another layer of oversight for residents
- Reference to the Coastal Commission a
- The ALUC commission is an advisory board made up of five elected commissioners that meets once a month if there is business to discuss
- In the past seven months, ALUC has met three times all to discuss the City of Los Alamitos'
- Pointed out that the Seal Beach Council Member who sits on the ALUC Commission voted to override ALUC findings
- Concern the City will lose business
- The City of Cypress has an approved plan with no inconsistency findings from ALUC because there is no airport in Cypress to review
- Concern that ALUC is an ambiguous body with unclear accountability
- Conversations with the ALUC Chair indicate there is no desire to review the 2020 map and the City could override their findings desired
- Support for maintaining local control with the City's certified Housing Element through an override of ALUC's findings based off information from 2015 that has been revised in 2020 and will not be considered.
- To Staff's knowledge, there have not been any cities that received inconsistency notices from ALUC that did not override ALUC
- Negative impacts on all Los Alamitos residents and businesses should developments have to go through ALUC for approval including an extended review process
- Builders' remedies would allow development anywhere in the City,

- including commercial, regardless of density
- Builders' remedies put the City in position of not being able to over see control limit or condition development projects citywide
- Should the City consider a new Housing Plan, it would be faced with the same challenge of identifying housing sites and any amendments would require HCD approval again
- HCD is the only state agency that has authority to approve or disapprove The City's Housing Plan
- HDC has to be satisfied with the City's proposed Housing Plan
- Housing Element Law sets a process where SCAG assigns the City's RHNA numbers
- SCAG finalized RHNA numbers after multiple appeals from local jurisdictions
- There are no provisions for reassigning housing units
- HCD has rejected any proposals that put housing on the JFTB, although the JFTB acreage is included in assigning RHNA numbers
- ALUC Board changes every two years due to the elected officials in office, leaving the City in a position to have to start the process all over again
- The City had met its requirements to notice ALUC of its intent to override and held a Public Hearing no more than 45 days after such notice
- Concern the longer the Council waits to make a decision, the more likely ALUC would be take control
- Until the City amends the General Plan or overrides the ALUC determination, ALUC can request all permits and approvals be provided to them until the City takes that action
- The 527 units that have been referred to as "gravy" are the difference between the units the City assigned for RHNA and the maximum capacity of the sites that are listed
- There are 11 sites in the City's site inventory
- The acreage for the maximum density of each site equates to 527 more units than required to meet RHNA
- Maximum development is not realistic capacity; however, identifying such is what is required by State law and HCD
- Los Alamitos does not historically develop at maximum density
- Lower densities were calculated to provide a realistic capacity HCD would approve based on development in surrounding city
- The City demonstrated a realistic proposed density which was part of the way the City was able to receive RHNA certification
- 527 units were not part of the RHNA calculation. They reflect the total density allowed

The City Council:

1. Received information related to the Study Session Item; and,
2. Opened the public hearing and received public testimony; and,
3. Would send further questions to City Manager Simmons and Development Services Director Noda.

Motion/Second: Hasselbrink/Nefulda

Unanimously Carried: The City Council continued the public hearing to August 21, 2023 at 6:00 p.m. for consideration of a resolution overruling the ALUC determination.

12. DISCUSSION ITEM

A. Pine StrEATs Grant Program (Development Services)

This item for Council's consideration is an Economic Development driven grant program, Pine strEATs. This program is a supplementary feature to the highly anticipated citywide special event, Celebrate Los Al.

City Manager Simmons introduced the item. Development Services Manager summarized the staff report and provided a PowerPoint Presentation.

Council discussed support for the program.

Motion/Second: Hibard/Murphy

Unanimously Carried: The City Council:

1. Reviewed the Pine strEATs Grant Program; and,
2. Authorized Staff to launch the Pine strEATs Grant Program in conjunction with the Celebrate Los Al event; and,
3. Appropriated funding in the amount of \$110,000 from the American Rescue Plan Act (ARPA) funds towards the Pine strEATs Grant Program.

Mayor Doby reopened Oral Communications.

Greg Wood stated he had a neighborhood issue he'd like to speak to someone about as he had not been successful in reaching anyone.

Mayor Doby advised Mr. Wood he can contact any Council Member and they would assist him in contacting the correct Staff person. She advised him for this issue, he should reach out to Development Services Director Noda. Mr. Wood submitted a letter to Director Noda.

Several members of the audience stated they were present in support of Mr. Wood.

Mayor Doby closed Oral Communications.

13. 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 Hibard spoke regarding the following: does not plan to run for Assembly; Rossmoor/Los Alamitos Library will be under renovations until early 2024; attendance at the Orange County Sanitation District's Honor Walk event, the Police Academy Graduation for Officer Lopez, and July 3rd Spectacular; upcoming Race Los Al

event; and, requested an update regarding the emergency roof repair for the Community Center.

Motion/Second: Hibard/Murphy

Motion: Request a Staff Report to reallocate \$250,000 expenditure for trash receptables from the 2023/24 Adopted Budget to the Police Department.

City Attorney Daudt provided an overview of the Agenda Policy and advised Council a vote would allow this item to be put on the next Council agenda for the Council to provide direction to staff.

Council Member Murphy thanked the community for its participation and advised she was always available for discussion. She advised made a motion at the April 17, 2023, Council meeting to review the scope of services for the City Attorney. She since has reviewed the billing and received additional information. She requested the item be added to the next agenda.

Motion/Second: Murphy/Hibard

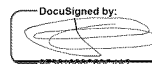
Motion: Request a Staff Report "to discuss the scope of services provided by Mr. Daudt to Mr. Les Johnson, and or any developers, builders or agents who proposed projects with the City of Los Alamitos during Mr. Johnson's employment with the City of Los Alamitos as a Development Services Director and Interim City Manager from September 2018 to January 2020 as there should be deliberation and careful consideration as it appears that there is a conflict of interest."

Council Member Hasselbrink gave a report regarding the safe and sane firework stands, Staff and volunteers working together, success of generating sales, successful sales generated, reduced calls for service regarding fireworks from 9 in 2022 to 4 in 2023, no damage or injuries reported, and thanked everyone for their participation and a successful event.

Mayor Pro Tem Nefulda spoke regarding the following: attendance at the Orange County Sanitation District Board meeting and Administration Committee meeting; attendance at 3rd of July Spectacular; and, thanked Staff for the summer programs including the dog parks, movies, and concert in the park series.

Mayor Doby spoke regarding the following: attendance at the Orange County Council of Governments Board of Directors, the July 3rd Spectacular, and the California Sober Living Task Force meeting.; transparency practices of HCD; participating in the Town Hall meeting with Senator Nguyen; and, the Mayor's Business Spotlight with Precious Life Shelter.

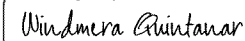
14. ADJOURNMENT

DocuSigned by:


Tanya Doby, Mayor

Attest:

DocuSigned by:



Windmera Quintanar, MMC, City Clerk