

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING Tuesday, February 21, 2023

1. CALL TO ORDER

The City Council met in Regular Session at 6:02 p.m., Tuesday, February 21, 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
Craig Covey, Orange County Fire Authority Chief
Michael Daudt, City Attorney
Craig Koehler, Finance Director
Emeline Noda, Recreation and Community Services Director
Ron Noda, Development Services Director
Tom Oliver, Associate Planner
Andy Perea, Planning Consultant
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. PRESENTATION

A. Presentation Regarding the Upcoming 48th Annual Americana Awards (Saturday, March 11, 2023) by Mr. Howard Kummerman, Executive Director, Cypress College Foundation

Mr. Kummerman gave a PowerPoint presentation and introduced Nesi Stewart, Citizen of the Year.

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.

Carol Churchill, attorney, spoke regarding the following: lack of housing for disabled individuals; special needs housing is not addressed in the General Plan; witnessed individuals in wheelchairs leave at the January Council meeting for inaccessibility; requested the Housing Element make a concentrated effort to provide housing for special needs individuals; low income makes finding housing difficult; and, stated Rossmoor should receive City notices as well since they are in the City's sphere of influence.

Joe Haste, resident, spoke regarding the following: opposition to high density housing; encouraged Council to push back on Sacramento's mandates; requested item 10M be pulled from the Consent Calendar; support for local control; and questioned Council's transparency.

Jean requested a sea level rise study be done and stated concern for flooding.

Mayor Doby closed Oral Communications.

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 Hibard spoke regarding the following: attendance at the Library Advisory Board meeting; working with Michelle Steel's Office to provide medals to Korean War Vets; attendance at the Orange County Sheriff's Mass Shooting training.

Council Member Murphy spoke regarding attendance at the Orange County Sheriff's Mass Shooting training and the Welcome Reception for Don Ortega at the Water District.

Council Member Hasselbrink spoke regarding attendance at the Los Alamitos Community Foundation Board meeting and requested the meeting be adjourned in honor of Victoria McKemy and former Division Chief Ron Roberts.

Mayor Pro Tem Nefulda spoke regarding attendance at the Orange County Sanitation District meeting and stated he looked forward to the return of Parklet Series on Pine St.

Mayor Doby spoke regarding the following: attendance at the Grand Opening for ACEF Enterprises; attendance at the So Cal Mayors Leadership Conference at

Claremont University; meeting with Local Cub Scouts; attendance at the LAEF Royal Gala; attendance at the City Selection meeting; meeting with Senator Nguyen; attendance at Cal Cities speaker series, District lines and boundaries; and, Orange County Mosquito and Vector Control District in person Board meeting.

8. ITEMS FROM THE CITY MANAGER

None.

9. WARRANTS

A. Warrants (Finance)

The attached Warrant Register contains checks and electronic funds transfers for the period from January 1, 2023 to January 31, 2023.

Motion/Second: Hasselbrink/Hibard

Unanimously Carried: The City Council ratified the Warrants for the period from January 1, 2023 to January 31, 2023 in the amount of \$1,817,966.29

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.

Council Members Hasselbrink and Murphy pulled items 10I and 10M.
Mayor Doby pulled item 10M.

Motion/Second: Doby/Murphy

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

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (Administration)

For the City Council to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the City Council make specific findings at least every thirty (30) days.

The City Council made the following findings by a majority vote:

1. A state of emergency has been proclaimed by California's Governor

due to the COVID-19 pandemic, and continues to be in effect; and,

2. The City Council has reconsidered the circumstances of the state of emergency; and,
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

B. Annual Update of the Records Management Program (Administration)

In October 2015, the City Council adopted the City-wide Records Management Program. Part of this Program included a day dedicated to records management and annual updates to the retention schedule. This item recommends changes to the policy to ensure continued success of the program.

The City Council adopted Resolution 2023-05, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A RECORDS MANAGEMENT PROGRAM AND REPEALING RESOLUTION NO. 2022-01 IN ITS ENTIRETY".

C. Administrative Rules and Regulation Updates (Administration)

The Administrative Rules and Regulations (ARs) are a cumulation of policies that were adopted by Council, approved by the City Manager, and/or are administered by the Departments. Many of the policies are in need of updating and/or are now obsolete. Staff has identified policies originally approved by Council that are now obsolete and should be formally repealed.

The City Council:

1. Rescinded Administrative Regulation 2.6 - Challenge Coins; and,
2. Authorized the City Manager to implement, and modify as needed, Administrative Regulation 4.10 - Deputy City Manager Designation; and,
3. Repealed Resolution No. 2015-14, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING THE CITY OF LOS ALAMITOS TRAVEL AND REIMBURSEMENT POLICY DATED JUNE 1, 2015 AND REPEALING RESOLUTION NO. 2009-02"; and,
4. Authorized the City Manager to implement, and modify as needed, Administrative Regulation 6.1 - Travel and Reimbursement Policy.

D. Treasurer's Quarterly Investment Report - December 2022 (Finance)

The item for City Council consideration is receipt of the Treasurer's Quarterly Investment Report.

The City Council received and filed the Treasurer's Quarterly Investment Report – December 2022.

E. California Teamsters Local 911 Side Letter (Administration)

This report seeks approval of the California Teamster Local 911 side letter amending the November 1, 2021 to October 31, 2024 Memorandum of Understanding (MOU) between the City of Los Alamitos ("City") and the Teamsters Local 911 ("Teamsters").

The City Council:

1. Adopted Resolution No.2023-06, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ALAMITOS AND THE TEAMSTERS LOCAL 911 EFFECTIVE NOVEMBER 1, 2021 THROUGH OCTOBER 31, 2024.
2. Authorized the Mayor to execute the side letter agreement amending the California Teamsters Local 911 Memorandum of Understanding (MOU).

F. Police Officers Association (POA) Side Letter (Administration)

This report seeks approval of the Police Officers Association (POA) side letter amending the July 1, 2021 to June 30, 2024 Memorandum of Understanding (MOU) between the City of Los Alamitos ("City") and the Los Alamitos Police Officers Association ("POA").

The City Council:

1. Adopted Resolution No.2023-07, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ALAMITOS AND THE POLICE OFFICERS ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2024"; and,
2. Authorized the Mayor to execute the side letter agreement amending the Police Officers Association (POA) Memorandum of Understanding (MOU).

G. Amendment No. 1 with Fireworks and Stage FX America, Inc. for Public Fireworks Display (Recreation)

This report allows for a change to the contract with Fireworks and Stage FX America, Inc. to reflect July 3 as the date for the City's annual fireworks display.

The City Council authorized the Mayor to execute Amendment 1 to the Professional Services Agreement with Fireworks and Stage FX America, Inc. to reflect the new event date of July 3.

A. Amendment No. 2 with North Star Land Care for Landscape Maintenance Services (Development Services)

This item is for continuing services with North Star Land Care to provide citywide landscape maintenance services for one additional year. The current Professional Services Agreement (PSA) expired on January 19, 2023 and can be extended for a one-year term by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 2 to the Professional Services Agreement (PSA) with North Star Land Care for a one-year contract extension ending on February 21, 2024, for an annual cost of \$114,067.92.

J. Lease Agreement with The Institute of Electrical and Electronic Engineers for Warehouse Space (Development Services)

This item seeks authorization for a three (3) year lease agreement between the City of Los Alamitos and The Electrical and Electronic Engineers for warehouse space at 10662 Los Vaqueros Circle for \$12,000 per month.

The City Council authorized the Mayor to execute a three (3) year lease agreement with The Institute of Electrical and Electronic Engineers for the use of warehouse space located at 10662 Los Vaqueros Circle in an amount not to exceed \$453,960.

K. Resolution No. 2023-08 - Beverage Container Recycling City/County Payment Program Funding (Development Services)

This item requests Council's approval of a resolution concerning the City's participation in Fiscal Year (FY) 2022-2023 California's Department of Resources Recycling and Recovery (CalRecycle) Beverage Container Recycling City/County Payment Program. This program intends to aid in achieving and sustaining high recycling rates throughout the state of California.

The City Council:

1. Adopted Resolution No. 2023-08, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA,

APPROVING THE CITY'S PARTICIPATION IN CALRECYCLE'S BEVERAGE CONTAINER RECYCLING CITY/COUNTY PROGRAM DISTRIBUTION INTENDED TO AID ACHIEVING AND SUSTAINING HIGH RECYCLING RATES"; and,

2. Authorized the City Manager to execute all Beverage Container Recycling Program documents concerning beverage container recycling program funds distributed.

L. Notice of Completion (NOC) for the Installation of Catch Basin CPS (Connector Pipe Screens) Citywide Project (CIP No. 21/22-05) (Development Services)

This capital improvement project installed Connector Pipe Screen (CPS) trash collecting units within 101 catch basins citywide. These CPS units are screens that are mounted at the outlet pipe of the catch basin to collect trash for disposal before entering the storm drain and eventually discharging into the ocean waters. This full-capture system was installed in existing catch basins as a requirement of the State Water Quality Control Board.

The City Council:

1. Accepted as complete the construction by United Stormwater, Inc. for the Installation of Catch Basin CPS (Connector Pipe Screens) Citywide Project (CIP No. 21/22-05); and,
2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's Office; and,
3. Authorized Staff to release the 5% retention to the contractor, in the amount of \$4,129.92, thirty-five (35) days after recordation of the Notice of Completion.

End of Consent Calendar

Items Pulled from Consent Calendar

I. Amendment No. 2 with Terra Nova Planning & Research, Inc. for City's General Plan Housing Element Consultation (Development Services)

This item seeks approval of Amendment No. 2 with Terra Nova Planning & Research, Inc., to continue to provide preparation and consultation for the update on the City's General Plan Housing Element until June 30, 2023 for an amount not to exceed \$15,000. The current Professional Services Agreement (PSA) expired on December 31, 2022.

City Manager Simmons introduced the item. Development Services Noda summarized the Staff report and answered questions from the Council.

City Council and Staff discussed the following:

- Clarified any future developments would require individual Environmental Impact Reports
- Staff was working with the Joint Forces Training Base for information sharing
- Original scope of work included two community workshops and any additional workshops would come with an additional cost
- Additional services for the contract include continued communication with the State to ensure a certified Housing Element and filing of proper documentation

Mayor Doby opened the item for public comment.

Carol Churchill spoke regarding the following: support for an expanded Scope of Work to include an additional Community Forum; concern the Housing Element does not include liquefaction and earthquake fault area remedies; and, referenced the process in Seal Beach regarding liquefaction. Ms. Churchill referred to item 10M stating Council should not ignore an agency that specializes in public safety and airplanes. She recommended Council not over turn ALUC's findings.

City Council and Staff briefly discussed liquefaction and how any future developments would have individual Environmental Impact Reports (EIR) to address such concerns.

Motion/Second: Hasselbrink/Nefulda

Unanimously Carried: The City Council authorized the Mayor to execute Amendment No. 2 with Terra Nova Planning & Research, Inc., in an amount not to exceed \$15,000 and a term expiring June 30, 2023.

M. Resolution No. 2023-04 - Notice of Intent to Overrule the Airport Land Use Commission (ALUC) for Orange County Finding of Housing Element Inconsistency (Development Services)

On January 19, 2022, the Orange County Airport Land Use Commission ("ALUC") reviewed the City's General Plan Housing Element Update 2021-2029 6th Cycle and found the Housing Element Update to be inconsistent with the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos. The City Council will consider initiating the two-step process to overrule the ALUC determination in accordance with State Law.

City Attorney Daudt summarized the Staff report and answered questions from the City Council.

Mayor Doby opened the Item for Public Comment.

Dan Brandt summarized his understanding of how other cities addressed overruling ALUC's findings and stated the City would be open to more liability if Council overruled ALUC.

Mayor Doby closed the Item for Public Comment.

City Council and Staff discussed the following:

- This finding would be the first step in a process to open the dialogue with ALUC
- Confirmation the City had followed the legal requirements
- Confirmation ALUC's findings for the Joint Forces Training Base (JFTB) were a public document

Brian Kibbler spoke from the audience and requested Council continue the item for 90 days.

City Council and Staff discussed the following:

- Difference between noise contours and sound attenuation
- ALUC's findings based on 2014 sound contour map state concerns for building on sites six and 10
- JFTB study based on a 2022 sound contour map indicate sites six and 10 could be developed with noise mitigations in accordance with the California Building Code
- Concern the 2022 map was not provided to Council and Council could not verify claimed inconsistencies
- Clarification the 2022 map would be provided as part of the Public Hearing; however, the time and effort to compile and develop a Public Hearing can be labor intensive hence Staff requesting Council direction before proceeding
- Clarification tonight's item was not to overrule ALUC; it was the first step to alert ALUC there was an intention to overrule and provide Staff direction to move forward with procuring new maps and expert findings
- Developers bear the cost for sound mitigation required by the California Building Codes for any new development
- Clarification the City Council has adopted the State of California Building Code 2022, Green Book
- Clarification regarding the costs and experts required to make the findings required to be presented at a Public Hearing
- Clarification tonight's item does not commit Council to overrule ALUC
- Consequences of not overruling ALUC and having an inconsistent General Plan could include relinquishing local control for future projects to ALUC

Motion/Second: Hasselbrink/Nefulda

Carried 3/2 (Hibard and Murphy voted no): The City Council:

1. Adopted Resolution No. 2023-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING DRAFT FINDINGS AND NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,
2. Authorized the City Manager to submit Resolution No. 2023-04 to the Orange County Airport Land Use Commission and the State Division of Aeronautics and schedule a public hearing pursuant to Public Utilities Code Section 21676.

11. DISCUSSION ITEM

A. **Non-Represented Employees Agreement Amendment (Administration)**

This report seeks approval for two changes to the Non-Represented Agreement.

City Manager Simmons introduced the item. City Attorney Daudt summarized the Staff report.

Motion/Second: Hasselbrink/Nefulda

Unanimously Carried: The City Council adopted Resolution No.2023-09, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NUMBERS 2021-25, 2022-07 AND 2022-24 IN THEIR ENTIRETY."

12. ORDINANCE

A. **Ordinance No. 2023-03 - Modify Regulation and Sale of Fireworks (Administration)**

This report proposes a change to the requirements for the regulation, use, and sale of safe and sane fireworks on the 4th of July.

City Manager Simmons summarized the Staff report.

Motion/Second: Nefulda/Murphy

Unanimously Carried: The City Council:

1. Introduced for first reading, read by title only, waive further reading of Ordinance No. 2023-03, and set for adoption; and,
2. City Attorney Daudt read the title of Ordinance No. 2023-03, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTION 5.60.110(B) OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO THE LOCATION OF TEMPORARY FIREWORKS STANDS".

13. PUBLIC HEARING

A. Comprehensive Update of the City's Housing Element for the Reporting Period of 2021-2029 (GPA 21-01) and General Plan Amendment (GPA) 22-02 Zoning Ordinance Amendment (ZOA) 22-03 (Development Services)

City Council considered the revised draft of the comprehensive update of the City's Housing Element for the reporting period of 2021-2029 (GPA 21-01). Upon adoption of the Housing Element, Council will consider a resolution and an ordinance for 1) the creation of a higher-density R-4 Zoning District in Los Alamitos; 2) rezoning certain properties to the new R-4 District; and 3) modifying the Town Center Mixed Use (TCMU) Zoning District to allow higher density.

These changes would be implemented to comply with the newly adopted Housing Element and would be made through General Plan Amendment (GPA) 22-02 and Zoning Ordinance Amendment (ZOA) 22-03.

City Manager Simmons introduced the item. Development Services Director Noda introduced Tom Oliver, Associate Planner, and Andy Perea, Planning Consultant. Director Noda summarized the Staff report and gave a PowerPoint presentation.

City Council and Staff discussed the following:

- Summarized the outreach process since the final draft was approved at a noticed Public Hearing by the Planning Commission in August 2022, including paid ads in the News Enterprise, social media posts, notice posted at City Hall, and legal notices published in the News Enterprise
- Attendance at the community workshops was not as high as attendance at tonight's meeting

- Citywide mailers, door hangers, and notice in the activity guide were delivered to every household in Los Alamitos
 - Surrounding municipalities were notified; however, due to jurisdictional boundaries notice to residents was not provided by City staff
 - Staff provided the following timeline:
 - August 2021 – Mass mailings to residents began
 - October 2021 – Letters to surrounding agencies inviting participation in the process were sent
 - February and March 2022 – City Mailer to all residents
 - July 2022 – Letters to property owners
 - Community engagement began in regard to a specific site, not for the Housing Element itself
 - Community became aware of West Ed site when the property sold in the early summer of 2022
 - Council acknowledged the residents present interested in this evening's discussion
 - Council requested improvement in community outreach
 - Staff indicated the standard of the law regarding notice was exceeded for Los Alamitos residents
 - Clarification was provided regarding the difference between the Housing Element process and potential upcoming projects
 - Housing Element is a State mandate that the City has a legal requirement to comply with
 - Having an adopted Housing Element allows the City to approve future applications and plans
 - Mitigation efforts for developments occur during the application process
 - Staff explained the requirement for “realistic potential” for housing development
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- Due to long term leases within the City and requests from property owners, several larger properties were eliminated from the Housing Plan as they could not realistically be developed within the proposed housing cycle
 - Intent with the inventory sites was to spread the locations throughout the City and not concentrate housing in one location
 - City submitted the Housing Element on time; however, the deadline to adopt a Housing Element was October 15, 2022
 - State requested changes to the City's submitted plan and in working with the Auditor for the City it is assumed the plan will be adopted as drafted
 - Mayor Doby expressed displeasure there was nothing the City could do regarding this State mandate and that Council was being forced to adopt RHNA numbers it did not agree with to ensure as much local

- control as possible is maintained
- Staff indicated a 90-day continuance would not change the proposed Housing Element. Additional education and outreach could be performed; however, risk mitigation and potential loss of local control for submitted applications in the interim should be considered
- Staff provided a brief explanation regarding the risks of not having a certified Housing Element including losing the ability to deny a development due to zoning and standard conflicts
- Staff reiterated the Housing Element pertained to the City as a whole and not to any specific one project
- Council discussed the La Habra project that was denied in 2020, but since they did not have a certified Housing Element, the developer was able to submit the project for approval
- Staff briefly described Development Services long and detailed approval process for specific projects. Large projects can take anywhere from 16-30 months for final approval.
- Staff highlighted that specific projects were not being decided on now and that once a completed application was received the projects would go through a process including studies, public input, and mitigation efforts; none of which could be offered tonight as Council was not considering any specific project
- Under a Builder's Remedy there would be no constraints to affordable housing and the City would lose its ability to deny the project
- Explanation of fees and that they can only be charged at a rate to recover the service provided and must be properly noticed before any changes are considered by Council
- Staff believed working relationships with builders in the City was favorable; but, cautioned developer's goals was to make a profit

Mayor Doby opened the Public Hearing for public comment.

Ilya Reyngold, Seal Beach resident, stated opposition to the Lampson project stating concern for traffic accidents, speeding, fatalities, and negative impacts to the school. He did not hear Seal Beach was notified and urged the Council to hear their concerns.

Christine Arfrvdsen, Parkwood resident, requested clarification on how a Builder's Remedy would affect the Lampson project and the City's ability to limit the number of units. Development Services (DS) Director Noda stated the site in reference is currently zoned for R3, without an adopted Housing Element, local control is lost and a Builder's Remedy would allow for a development of R4. With an adopted Housing Element, Staff has the ability to limit the units with the approved zoning limits. Christine referred to the 102 acres in Parkwood and stated concern there was a lack of parking, safety of the project, lack of an eastbound left turn, safety of pedestrians, and

speed of traffic. She stated she was not opposed to additional housing, but felt this project was not safe. She stated appreciation for what the City was trying to do.

Helen stated Mr. Les Johnson had stated government subsidizing of \$25,000 would be provided for low income housing. She thanked staff for the informative presentation and indicated she had a helpful and informative meeting with DS Director Noda and Associate Planner Oliver. She stated the following concerns for high density affordable housing: residents are unaware of the project; expedited process; concern for infrastructure (i.e. water, sewer) and the cost to maintain it; lack of a noise study; noise level next to the Joint Forces Training Base (JFTB) is rated at 65%; methodology for affordable living plan is flawed as admitted by the government; Environmental Impact Report (EIR) has not been recirculated with answers to her submitted questions and concerns; requested a 90-day continuance and additional educational workshops; and, belief that as the City has submitted it's plan there is more time to slow the process down.

Barbra Farrell, resident, thanked staff for the informative presentation. She stated the following concerns: desire to see more affordable senior housing in Los Alamitos; currently on a five-year waiting list in Fountain Valley; belief that affordable housing makes communities safer as it allows caregivers and emergency responders to be closer; community has become used to a certain amount of space and State is eliminating that option; she acknowledged Staff's effort to find the best way to mitigate resident concerns and state requirements; and, stated the planning process in Los Alamitos is much better than San Francisco.

Laura Tanner, Rossmoor resident, spoke regarding the following topics: lack of awareness of the incoming project in Rossmoor of 605 units; request for Council to participate in a Town Hall meeting if residents could coordinate the logistics; desire to have an open dialogue of questions and answers; support to fight State mandates to do what's best for the community; and, opposed the small size of the Council Chamber and suggested using Los Alamitos High School auditorium.

Carol Churchill spoke regarding the following: resident concerns regarding Builder's Remedy (BR) and fines for the City; read from the Housing Accountability Act regarding BR; belief that Los Alamitos has met it's requirement by submitting it's Housing Element to the State and therefore has a very minimal risk of BR; stated the Government Code reads fees are only imposed by the City denies an applicants development; belief risk are low should a 90 day continuance be approved; concern certain zones are well above the required RHNA numbers allowing developers to meet and exceed RHNA numbers; and, concern high density alters character of the community.

Brian Kibler spoke regarding the following: appreciation for Council's hard work; requested a 90-day continuance to allow for education, community buy in, and a better Housing Element; stated no cities have been fined; believed DR was used as a scare tactic; support for additional housing; support for being a part of a fair and transparent process.

Cynthia Sentento spoke regarding the housing needs for veterans. She referred to the abandoned Naval housing on the JFTB and indicated infrastructure was already in place. She supported building veteran and homeless housing on that property to fulfill affordable housing requirements and honor veterans.

Paul Kaylor, Parkewood resident, spoke regarding the following: provided a brief background of his history in Los Alamitos; support for working hard to get far in life; opposed to giving away prime real estate in Los Alamitos when so many people had worked hard to live in the City; support for the small town feel of Los Alamitos; and, concern for the people that will join the community with the amount of people leaving California and the judicial systems release of incarcerated individuals

Michael Gotto, resident, spoke regarding the following: concern for the safety of his four children; concern for safety, traffic congestions, and air quality on Lampson; indicated the community was concerned; and, requested a 90-day continuance to allow for additional discussion and research.

Jeff Smith, Seal Beach resident, spoke regarding the following: requested the council reject the Housing Element and a continuance for the vote; requested a reduction in zoning to R2 for the project; concern for the foundation of continued safety; concern for the size and scope of the project; provided his experience of unsafe traffic on Lampson Ave.; concern for ongoing effects of car accidents on adolescents; and, project location lacks parking and has difficulties with ingress and egress. He reiterated his request for Council to reduce the size of the project or delay the vote on the Housing Element.

Mary Aboseif, College Park East, spoke regarding the following: did not receive notification regarding the Housing Element; four kids that attend the Los Alamitos Unified School District (LAUSD); soccer being a big part of the community and the recent loss of Arbor Park; concern for the influx of students this new project will bring; concern the teachers have not been notified that additional students will be joining LAUSD; concern for the influx of new residents; concern for safety and emergency response; concern Los Alamitos Medical center is not a trauma center; concern for the amount of

accidents on Lampson and the ability to get emergency services; concern for safety of pedestrians; and, requested a 90-day continuance to allow additional education.

Frank Marchese spoke regarding the following: background in real estate construction and understanding of the application process; opposed to new construction because the community likes the City as is; Housing Element took years to study and develop; concern for density, increased cars, and the impact on the community; concern for the impact surrounding city developments will have on the City; support for approving Housing Element as is; opposed 90-day continuance; support for the City not being fined; acknowledged the State mandate; and, thanked Council for everything they do for the City.

Dan Brandt spoke regarding the following: lack of understanding by the community; requested a 90-day continuance; concern for the Lampson project; concern residents were unaware of the project; requested additional workshops be held to educate the community on what is being done and why; indicated five out of 109 cities have adopted a compliant Housing Element; concern for changes happening at the State level; concern community was not involved in the process; acknowledged the cumulative impact of the Housing Element; 90-day continuance would allow for additional community input and possibility of identifying additional sites; concerns regarding the lack of a geological study and liquefaction impacts; believed the risk of Builders remedies and fines was relatively low; concern for the Lampson plans; and, desire to work together to figure it out.

John Lang, Parkewood Home Owners Association President, stated concern for the methodology used to calculate the sound impacts. He indicated when F16s fly over his home he needs to cover his years.

Candace Dewitt, resident, spoke regarding the following: opposition to a large project on Lampson; former Parks, Recreation, and Cultural Arts Commissioner; support for parks and open space; concern for possible builders remedies; questioned why additional housing was needed in California if so many people were leaving; support for housing at the former housing site at the JFTB; support for mixed use development; concern for State mandates; concern for the possibility of businesses leaving Los Alamitos; voted yes on Measure Y; support for keeping the community safe; and, stated support for additional education meetings.

Patty Campbell, College Park East resident, spoke regarding the following: 1967 and 1970 air strip incidents on the JFTB that affected Lampson homes; spoke regarding the Airport Land Use Commission (ALUC) purpose; and, concern for the transfer of liability the City will face if it overrules ALUC findings.

Donna M spoke regarding the following: opposition to Lampson project; concern regarding accidents and lawsuits against the City of Seal Beach; Lampson Ave. is not properly banked; possible litigation from ALUC; provided her account of historical knowledge from 1980; encouraged the City to carefully review the EIR and CEQA as Lampson and McCloud were already at capacity for traffic; concern the Lampson project will not pass CEQA requirements; concern reports will be altered to meet requirements; cautioned Council to slow down the process; concern for increased density and lack of park space; concern for incoming developments in the surrounding area; and, concern for decreased quality of life.

Enea Ostrich spoke regarding the upcoming development project at the Old Ranch Country club. She stated concern regarding the La Habra development and urged Council to investigate the risks before rushing to approval.

Ford Rogers spoke regarding the following: concern for traffic on Lampson; Lampson Project is isolated from other roads and can not handle additional traffic; encouraged Council to work with other cities to take the fight to Sacramento; stated opposition to State mandates; and, opposed to Lampson Project for all reasons stated by previous speakers.

Jen Penny spoke regarding the following: opposition to the Lampson project; requested a 90-day continuance to allow for community education; concern for the lack of information regarding the Lampson project and desire for additional discussion; support for preserving local government control; concern compliance with State mandates will encourage continued mandates; support for joining with surrounding cities to build a forum for communication; and, concern for continued State mandates.

John Avery, resident, spoke regarding the following: support for tonight's discussion; support for the City's effort thus far; concerns regarding the EIR for the Lampson project; concern for infrastructure and emergency response costs for new development; and, concerns for timeline for project approvals and the City's ability to support increased occupancy density. Joy spoke regarding the following: provided a brief history on herself; support for the level of education, programs, and sports provided by the LAUSD; concern for pedestrian safety on Lampson and the decreased quality of driving; support for Huntington Beach fighting against its allocated RHNA numbers; concern for the State mandates; concern for gentrification negative impacts on the character of a neighborhood; and, support for fighting State mandates.

Unidentified female spoke regarding the following: requested a 90-day continuance for additional outreach and to allow the two new Council

Members to get caught up; concern for the lack of liquification and geology studies; indicated the community is not opposed to additional housing and are requesting to be a part of the process; stated support for a larger town hall meeting to provide answers and reassurances; and, believed there was little risk to continue the item as the City is already built out and the topic warrants more discussion.

Mark Mihalco, College Park East resident, spoke regarding the following: requested a 90-day continuance to allow for a larger town hall meeting; support for involving Seal Beach, Cypress, and College Park East in the discussion; support for addressing all the points that were brought up tonight and improved communication; and, support for a bigger forum for communication in the next 90 days.

Mary Ramsden, College Park East Resident, spoke regarding the following: when she purchased her home in 1988 the area was federal land and is surprised it's being rezoned for high density housing project; stated support for single family homes; stated concern for changing the neighborhood and decreased property values; believed the Lampson project was ideal for the City as it put all the housing on the outskirts of the City; stated opposition to the Lampson project; and requested a 90-day continuance.

The following individuals submitted speaker cards, but were not present when called upon: N. Mantle, Garden Grove resident; Beth Culver; Kirk Dottr; Tom Almanzan, Parkewood resident, opposed; and, Amine Kallala.

Mayor Doby closed the Public Hearing for public comments.

Mayor Doby spoke regarding the following: her attempts to meet with the City's representatives in Sacramento; the City's has joined surrounding cities in an attempt to fight the RHNA allocations; the shift of RHNA allocations from Los Alamitos to Buena Park; leadership above the local level dictates the RHNA numbers and there is no interest to change those despite the City's best interest to fight them; Huntington Beach can afford to continue litigating; Los Alamitos has exhausted every avenue available and will join with any City that is successful in fighting; opposed unnecessary risks and possibility of builders remedies; recognizes in order to maintain as much local control the City must acknowledge the City's RHNA allocation by adopting the Housing Element; and, reiterated she has been to Sacramento in the room filled with policy makers, and this was not a policy they were willing to change.

Council Member Hasselbrink spoke in opposition to the unproven accusations from the community regarding her ethics and reputation and the negative effects it is having on her family. She spoke regarding the following: a State approved Housing Element allows the City to hold

developers to a standard; an unapproved Housing Element allows developers to submit applications under builders remedies removing the City's ability to deny applications; opposed losing additional local control; provided a summary of Orange County's RHNA allocations and process of submittal; pointed out this was a state-wide problem; stated concerns for non-compliance with State mandates including loss of local control; RHNA allocations are State mandated; local cities have been fighting the RHNA allocations for over two years with no success; adopting the Housing Element allows the City to maintain some local control; policy changes have to come from the Governor; pointed out that low income housing does not increase crime; and, low income housing includes elderly individuals living on a pension, military personnel and young all of whom are good, productive citizens.

Mayor Pro Tem Nefulda spoke regarding the following: full confidence in Staff and the City's consultants competence; proper noticing was provided over the two year long process; the community is frustrated with a project introduced six months ago and not the two year process that has been taking place; and, he reiterated his support for Staff and thanked them for their efforts.

Council Member Murphy spoke regarding the following: need for improved communication as many residents present were unaware; understood the concerns regarding communication; reviewed the packet and personally feels more time is needed for additional research and to allow staff to provide adequate information to proceed; concern for lack of a full understanding even after doing additional research; and, stated support for additional outreach and communication.

Council Member Hibard spoke regarding the following: need for improved community outreach; many of her neighbors had not been notified; and, thanked the community for participating this evening.

Council Member Hibard asked for and received the following answers to questions posed during public comment:

- The developer would be financially responsible for the installation of utilities at the Lampson Project
- Senior Housing components could be incorporated to future individual projects
- RHNA allocations have been unsuccessfully litigated by surrounding cities
- Huntington Beach has submitted a Housing Element; however, it has announced it will exempt itself from Builders remedies which is likely to be litigated
- Additional housing allocations above the RHNA designations is a

function of the zoning code itself. The amount of units in future development projects will be at the City's discretion within the zoning limits.

- Traffic on Lampson will be studied should a completed project application be submitted
- Lampson traffic signals are under the jurisdiction of Seal Beach. Studies regarding the need for additional signals will be borne by the project applicant.
- Potential remedies to reach the community outside of Los Alamitos borders can include additional information on the City's website where interested parties can subscribe to updates; large scale signs with contact information at new project locations; and, requesting surrounding jurisdictions notify effected areas
- LAUSD was notified of the Housing Element. Staff can notify LAUSD should a project be submitted that they should be aware of.
- Confidence that the police response time will not be effected should the Lampson project come to fruition.
- Speed limit on Lampson is regulated by the City of Seal Beach
- Liquification reports are based on each individual site. Each project will have its own Environmental Impact Report (EIR) to ensure proposed projects will stay above ground level.
- Methodology for how sound is calculated would be done before the Public Hearing regarding the City's intent to Overrule ALUC findings
- Housing Element requires the City to show it has the ability to develop additional housing. Laurel Park was included in the inventory list to meet this requirement. There are no proposed projects for Laurel Park at this time. Should a proposal come in the future, the City maintains the control of the sale of the property.
- Legal noticing in additional newspapers can be done for a significant cost increase
- The City is on firm footing to defend against legal challenges to the Housing Element Liability for specific projects is borne by the developer.
- A traffic study on Lampson will offer mitigation solutions for improperly banked streets. Lampson is under the jurisdiction of Seal Beach.
- The City has done a significant amount of work to ensure our representatives are aware of our opposition to RHNA allocations. City is prepared to over any knowledge and testimony in support of efforts made by surrounding cities.
- Reassurance was provided that the City is hearing the community's concerns
- Broadcasting capabilities effect the City's ability to utilize a larger meeting space. Staff is working with LAUSD for the possibility of using their facilities.

Council Member Hibard thanked everyone for their participation and stated it was a productive discussion. She reiterated there was room for improvement regarding outreach efforts and welcomed the community to reach out to her with any questions or concerns. She indicated she was looking forward to earning the community's trust and will endeavor to be as transparent as possible.

Motion/Second: Hibard/Murphy

Motion Failed 2/3 (Doby, Hasselbrink, and Nefulda voted No): Delay the vote for 90 days.

Motion/Second: Hasselbrink/Nefulda

Motion Carried 3/2 (Hibard and Murphy voted No): The City Council:

1. Conducted a public hearing; and, if appropriate,
2. Adopted Resolution No. 2023-02, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION, AND APPROVING GENERAL PLAN AMENDMENT 21-01, UPDATING THE LOS ALAMITOS HOUSING ELEMENT (2021-2029); and,
3. Considered the draft resolution, and, if appropriate,
4. Adopted Resolution No. 2023-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 22-02 TO ENSURE THAT THE ZONING CODE UPDATES IN ORDINANCE 2023-01 WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED).
5. Considered the draft ordinance; and, if appropriate,
6. Introduced for first reading, read by title only, and waive further reading of Ordinance No. 2023-01; and,
7. City Attorney Daudt read the title of Ordinance No. 2023-01 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING CHAPTERS 17.04, 17.08, AND 17.12 OF THE LOS ALAMITOS MUNICIPAL CODE, AS WELL AS THE LOS ALAMITOS ZONING MAP, CONCERNING THE R-3, R-4, AND TCMU ZONING OF THE CITY OF LOS ALAMITOS (ZOA 22-03) (CITY INITIATED)."

B. Ordinance 2023-02 - State Mandated Update to Accessory Dwelling Unit (ADU) Regulations

Consideration of an ordinance amending and restating Section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units (ZOA 23-01).

City Attorney Daudt summarized the Staff report.

City Council and Staff discussed how associated fees were only allowed to enable staff to recover its costs and could not allow the City to make a profit.

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

Motion/Second: Hasselbrink/Hibard

Unanimously Carried: The City Council:

1. Introduced for first reading, read by title only, and waive further reading of Ordinance No. 2023-02; and,
2. City Attorney Daudt read the title of Ordinance No. 2023-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING AND RESTATING SECTION 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS (ZOA 23-01)."

14. CLOSED SESSION

A. Conference with Legal Counsel

Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One potential case)

City Attorney Daudt read the item aloud.

RECESS

City Council recessed into Closed Session at 10:25 p.m.

RECONVENE

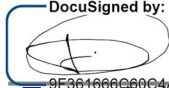
City Council reconvened in Regular Session at 10:51 p.m.

City Attorney Daudt stated there was no reportable action.

15. ADJOURNMENT

The City Council adjourned at 10:52 p.m. in memory of Victoria McKemy and former Division Chief Ron Roberts.

DocuSigned by:



Tanya Doby, Mayor

Attest:

DocuSigned by:



Windmera Quintanar, MMC, City Clerk