

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING MONDAY, APRIL 4, 2011 – 7:00 p.m.

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.ci.los-alamitos.ca.us once the agenda has been publicly posted.

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 in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

1. **CALL TO ORDER**
2. **ROLL CALL**
Council Member Graham-Mejia
Council Member Kusumoto
Council Member Poe
Mayor Pro Tem Edgar
Mayor Stephens
3. **PRESENTATION OF COLORS and
PLEDGE OF ALLEGIANCE** Civil Air Patrol
4. **INVOCATION** Council Member Poe
5. **PRESENTATIONS**
 - A. National Public Safety Dispatcher Week
 - B. Certificate of Recognition to Race on the Base Sponsors

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. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

7. REGISTER OF MAJOR EXPENDITURES

April 4, 2011.

Roll Call Vote

- Council Member Graham-Mejia
- Council Member Kusumoto
- Council Member Poe
- Mayor Pro Tem Edgar
- Mayor Stephens

8. CONSENT CALENDAR

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

*****CONSENT CALENDAR*****

A. Approval of Minutes (City Clerk)
Approve Minutes of the Regular Meeting – March 7, 2011.

B. Warrants (Finance)
April 4, 2011.

C. Second Reading of Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code (City Clerk)
At its meeting of March 21, 2011, the City Council conducted the first reading of Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code. The Ordinance allows the public to comment during Oral Communications for five minutes and for three minutes on an agenda item at the time the item is being discussed by the City Council.

Recommendation: Waive further reading and adopt Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code, by a roll call vote.

D. Agreement for Implementation of Water Quality Monitoring (WQM), Reporting, and Studies for Coyote Creek with the County of Orange and Orange County Flood Control District (Comm. Dev.)
Consideration of Agreement to share in Santa Ana Regional Water Quality Control Board water quality monitoring, report, studies along with sharing costs of project in the amount of \$1,803.65.

Recommendation: Authorize the Mayor to execute the Agreement for Implementation of Water Quality Monitoring, Reporting, and Studies for Coyote Creek with the County of Orange and Orange County Flood Control District, to comply with the requirements of the San Gabriel River/Coyote Creek Total Maximum Daily Loads for Copper, Lead, and Zinc.

E. Approval of an Agreement with Community Schools and Media Partnership (CSMP), a Professional Services Agreement with John Underwood for the Provision of Services Related to LATV and Reactivation of the Community Cable Commission to Provide Recommendations to the City Council Regarding Cable Television Issues (Admin.)

On March 21, 2011, the City Council conducted a workshop to discuss the future of LATV operations. During the meeting, the Council requested staff to bring an item back to the Council extending the most recent agreement with Community Schools and Media Partnership (CSMP) for six months, authorizing a six-month professional services agreement with John Underwood to serve in the capacity of Studio Production Coordinator and reactivate and recruit members for a five-member Community Cable Commission.

Recommendation:

1. Authorize a six-month agreement with CSMP for LATV operations under current terms and condition, in ~~an~~^{the} amount of \$2,083.00 per month and in a form approved by the City Attorney; and,
2. Authorize a six-month professional services agreement with John Underwood in an amount not to exceed \$5,000.00 in a form approved by the City Attorney; and,
3. Reestablish a five-member Community Cable Commission and authorize the City Clerk to open the recruitment and advertise for candidates to fill the positions.

*****END OF CONSENT CALENDAR*****

9. **DISCUSSION ITEMS**

- A. **The General Plan Ad Hoc Subcommittee is Seeking Input from the Council Regarding the Selection Process for General Plan Firms (Comm. Dev.)**
Consideration for interview, negotiation, and recommendation policy for the General Plan Subcommittee.

Recommendation: Review, discuss, and provide a recommendation to the General Plan Ad Hoc Subcommittee.

- B. **Authorization to Circulate a Request for Proposal Seeking a Qualified Certified Public Accounting Firm to Audit the City's Financial Statements, including Waste Hauler Franchise Fees (Admin.)**

This report is requesting authorization of the City Council to circulate a request for proposal which seeks a qualified certified public accounting firm to audit the City's financial statements, including waste hauler franchise fees, for three fiscal years, beginning with the fiscal year ending June 30, 2011.

Recommendation:

1. Approve the Request for Proposal; and,
2. Authorize staff to advertise and solicit proposals.

- C. **U.S. Army Reserve Black Hawk Helicopter Company at JFTB (Com. Dev.)**

The City Council has invited Brigadier General Keith Jones and his staff to present an overview of the proposed stationing of a Black Hawk Helicopter Company moving from Victorville to Los Alamitos Joint Forces Training Base.

Recommendation:

1. Receive and file the report; and,
2. Alternatively, discuss and take action related to this item.

10. **MAYOR AND COUNCIL INITIATED BUSINESS**
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 an item on a future Agenda.

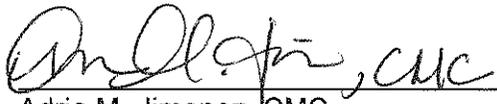
Council Member Graham-Mejia
Council Member Kusumoto
Council Member Poe
Mayor Pro Tem Edgar
Mayor Stephens

11. ITEMS FROM THE CITY MANAGER

12. ADJOURNMENT

The next meeting of the City Council is scheduled for Monday, April 18, 2011, 7:00 p.m., in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.



Adria M. Jimenez, CMC
City Clerk



Date

CITY OF LOS ALAMITOS
Register of Major Expenditures
April 4, 2011

Pages:

01	\$ 63,148.83	Major Warrants	04/04/2011
	\$ 143,615.92	Payroll	03/18/2011
	\$ 82,671.92	Payroll Benefits	03/18/2011

Total \$ 289,436.67

Statement:

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Manager.



 this 30th day of March, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALL AMERICAN ASPHALT	KATELLA AVE. REHAB	GAS TAX	NON-DEPARTMENTAL	28,757.24
			TOTAL:	28,757.24
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES 02/11	GENERAL FUND	BUILDING INSPECTION	8,274.80
	WATER QUALITY SVCS 02/11	GENERAL FUND	BUILDING INSPECTION	1,342.00
	NPDES INSPECTIONS 02/11	GENERAL FUND	NPDES	4,560.00
			TOTAL:	14,176.80
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	7,525.95
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	699.31
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	214.07
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	277.59
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	726.07
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,474.14
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,771.71
	TRAFFIC SIGS/ST LIGHTS	GAS TAX	STREET MAINTENANCE	7,525.95
			TOTAL:	20,214.79

===== FUND TOTALS =====

10	GENERAL FUND	26,865.64
20	GAS TAX	36,283.19

	GRAND TOTAL:	63,148.83

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

THESE MINUTES ISSUED FOR
INFORMATION ONLY AND ARE
SUBJECT TO AMENDMENT AND
APPROVAL AT THE NEXT
MEETING

REGULAR MEETING – March 7, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 7:06 p.m., Monday, March 7, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

2. ROLL CALL

Present: Council Members: Graham-Mejia, Kusumoto, Poe
Mayor Pro Tem Edgar, Mayor Stephens

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, City Attorney
Anita Agramonte, Finance Manager
Angie Avery, Community Services Director
Dave Hunt, City Engineer
Adria M. Jimenez, City Clerk
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir.

3. PLEDGE OF ALLEGIANCE

Mayor Stephens led the Pledge of Allegiance.

4. INVOCATION

Council Member Kusumoto gave the Invocation.

5. ORAL COMMUNICATIONS

Mayor Stephens, at 7:09 p.m., opened Oral Communications.

Jennifer Rodriguez, resident, thanked the City Council for supporting the expansion of the Los Alamitos Medical Center.

Kelly Hanes, resident, thanked the City Council for the expansion of the Los Alamitos Medical Center.

Dr. Greg Kimura, Los Alamitos Medical Center, thanked the City Council for approving the expansion of the Los Alamitos Medical Center.

Seth Ecker, Seal Beach, congratulated the City Council for a successful Race on the Base event and invited the Council and audience to Seal Beach's 37th Run Seal Beach.

Mr. Lee thanked the City Council for the approval of the Medical Center.

Johnnie Strohmeyer, business owner, thanked the three City Council Members who stepped up and saw the vision of the City and the Medical Center.

J.M. Ivler, resident, thanked Council Member Graham-Mejia for having Item #8A agendized; spoke on Item #8B and asked the public outreach include the School District and parents of students at Los Alamitos High School; commented on Commissioner appointments to the Traffic Commission.

Beth Piburn, resident, commented on the Los Alamitos Boulevard Revitalization Project and expressed her concern of the bump-outs on the corners and drainage for the street.

Javier Mejia, resident, commented on the LAMC expansion and traffic concerns; commented on the recent Traffic Commissioner appointments; and, asked the City Council review allowing traffic to travel southbound on Lexington.

Judy Klabouch, business owner, stated that slowing down traffic on Los Alamitos Boulevard will increase sales-tax dollars to the City by attracting more customers; thanked the majority of the Council who supported the expansion of the hospital; and, advised the Police Appreciation Luncheon is on Wednesday March, 9th.

Alan McClean, business owner, thanked Mayor Stephens, Mayor Pro Tem Edgar, and Council Member Poe for supporting the expansion of the Los Alamitos Medical Center.

Chuck Sylvia, resident, commented on the recent Traffic Commission appointments; stated the Traffic Commission did, in fact, review the traffic study of the Los Alamitos Medical Center expansion; commented on recent requests to allow the public to comment for five minutes on each item on the City Council Agenda.

Brad Taylor, resident, commented on not being reappointed to the Traffic Commission stating he is disappointed in their actions; commented on dishonorable actions by residents; and, commented on the trash lawsuit.

Pat Blanchard, resident, stated she is distressed by recent contributor actions, which calls for a recall, when someone sits on a meeting that discusses a lawsuit and they are the litigant; and, stated she is tired of listening to 20 minutes of oral communications when she comes to the meetings to listen to City business.

Mayor Stephens closed Oral Communications at 7:34 p.m.

6. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for March 7, 2011, in the amount of \$240,010.81.

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye

Mayor Pro Tem Edgar
Mayor Stephens

Aye
Aye

7. CONSENT CALENDAR

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

Council Member Graham-Mejia pulled Consent Calendar Items #7A, #7B, and #7C.

*****CONSENT CALENDAR*****

All Consent Calendar Items were pulled for discussion.

*****END OF CONSENT CALENDAR*****

A. Approval of Minutes

1. Approve Minutes of the Regular Meeting – February 7, 2011.
2. Approve Minutes of the Special Meeting – February 22, 2011.

Council Member Graham-Mejia stated she pulled the Meeting Minutes for the Special Meeting of February 22, 2011 because she was not in attendance; however, she did watch the meeting, but does not feel she should vote until she reviews a copy and is abstaining from the item.

Item 7C - Council Member Graham-Mejia stated she did view the meeting and would like to meet with Finance Manager Anita Agramonte before voting on the item.

Item 7B - Council Member Graham-Mejia referred to page one, Cypress College Foundation Americana Awards, and requested copies of cancelled checks from Council Members to confirm those items have been paid.

Jeffrey L. Stewart, City Manager, confirmed Council Members were invoiced for the expense.

Council Member Kusumoto commented on the Minutes of the Regular Meeting of February 7, 2011, referencing page 4, Item 9A, "...changes the plan to a 10-year plan with a 25-year planning window, which is a significant change from the previous meeting. Mr. Mendoza advised the other significant changes to the conditions are the revenue enhancement incorporated with a cell communication agreement..." Council Member Kusumoto stated twice City staff stated there are significant changes to the Specific Plan, yet there is a provision in the Municipal Code that states it goes back to the Planning Commission for a 45-day review which they can absolutely do nothing, and then it passes, but believes the City Council should send this back to them for a cursory review.

Motion/Second: Poe/Kusumoto
Carried 4/0/1 (Graham-Mejia "Abstain" Item #7A2)

For the record, Council Member Graham-Mejia was in support of Item #7A1.

B. Warrants

March 7, 2011.

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Warrant Register of March 7, 2011, in the amount of \$58,040.27.

C. Approval of the Fiscal Year 2011-12 Budget Calendar

This report seeks City Council approval of the Fiscal Year 2011-12 Budget Calendar.

Mayor Pro Tem Edgar asked for clarification from Council Member Graham-Mejia regarding her comment of abstaining from approving the budget calendar for the timing of workshops, etc.

Council Member Graham-Mejia stated she is okay with the workshops; however, she would like to meet with Ms. Agramonte prior to moving forward on any budget issues.

Motion/Second: Poe/Edgar

Carried 4/1 (Graham-Mejia "Abstain")

Approved the recommended Budget Calendar for Fiscal Year 2011-12.

8. DISCUSSION ITEMS

A. Review of City Council Practices Regarding Oral Communications

During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

City Clerk Jimenez summarized the staff report for City Council.

Council Member Graham-Mejia stated several members of the community have come forward and requested the practice of allowing the public to speak for five minutes on each item at the time the item is being heard by the Council be reinstated. She stated she does not see a problem with giving residents an option of speaking on an item instead of limiting their time to five minutes to speak on any item on the agenda, and asked the City Council to reinstate past practice.

Council Member Kusumoto stated he is in favor of allowing the public interested in speaking on an item to do so at that time. He stated from his experience on the Traffic Commission it makes for a more efficient meeting, and clarity of thought in the decision-making process.

Motion/Second: Graham-Mejia/Kusumoto

Allow the public to comment for five minutes on each agenda item at the time the item is being discussed by the City Council.

Mayor Pro Tem Edgar stated this is not an issue of allowing residents to speak; it is an issue of how much time the residents have in a meeting to speak. He stated over time the Council has adopted policies minimizing the amount of time the public is allowed to comment and the Council should look at why. He stated there are some citizens who have not been responsible in their public comments in the past; he asked the community to take responsibility for their comments, be constructive, professional, and courteous.

Mayor Pro Tem Edgar stated this item is also related to meeting minutes, and the accusations that minutes are not transparent because they were consolidated. He stated the reason minutes were consolidated was because the same people that came up and gave their diatribe and personal attacks wanted to make sure those comments were in the minutes; the minutes kept getting pulled and amended. What this Council has tried to do is be more professional; we did not want to see minutes worked two to three times before approved. He stated he wants the City to move forward and if Council is going to open up oral communications at every item, we ask the public to take responsibility for your part in the public process; it comes down to constructive help to the community.

Council Member Poe provided history on public comment at Council meetings and stated there were no speaker cards until 2006 when a previous city manager implemented them. She stated last year was the first year it was not done and provided an explanation. She stated we are here to conduct the business of the city and does not think anyone has been denied the privilege of coming forward and speaking on any item, and does not see any reason to lengthen the meetings by having people come up over and over again. As far as transparency, there is not anything more transparent as having everything discussed out in the open. Council Member Poe compared last year's Closed Sessions to prior years and stated she is in favor of keeping the public comment as-is.

Mayor Stephens thanked everyone who comes forward during Oral Communications and the ones who comment constructively, professionally and are responsible in their actions.

Council Member Kusumoto withdrew his second to the previous motion and made a substitute motion: have oral communications at every subject item and limit to three minutes instead of five minutes.

Council Member Graham-Mejia requested a point of clarification on the motion from Council Member Kusumoto.

Council Member Kusumoto clarified the motion.

Additional Council discussion ensued.

Substitute Motion/Second: Kusumoto/Graham-Mejia

Carried 4/1 (Poe "No") Allow Oral Communications at every subject item with a limit of three minutes.

Sandra Levin, City Attorney, advised a Municipal Code amendment is required to implement what the Council just voted to do.

B. Update on Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach

During Council's February 22, 2011, meeting, Council Member Kusumoto requested an update on the funds spent for the Downtown Revitalization Project. As of March 4, 2011, Willdan Engineering Inc. (the City Engineer) has incurred \$25,867.00, of billable effort toward the Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach - Phases 2 and 3. The deliverable product and billable effort is discussed below.

Dave Hunt, City Engineer, summarized the staff report and reviewed a PowerPoint Presentation for City Council. Mr. Hunt referenced the conceptual design maps for his presentation. Mr. Hunt answered questions from City Council.

Council Member Graham-Mejia asked: how does the conceptual drawing differ from the Compass Blueprint; did the Compass Blueprint address undergrounding and location of pipelines; confirmed the \$2.2 - \$2.5 million dollars for the basic improvements and asked if the City has been successful in receiving grant funding; do the current economic standings have an impact on CDBG funding; how is public outreach for residents being conducted and recommended a letter be sent to residents; and, stated the City should consider not moving forward with the project until community input is received and financial times are better.

Mr. Hunt answered Council Member Graham-Mejia's questions as follows: the Compass Blueprint was done on a small scale and did not detail the total impacts on the properties, nor did it show undergrounding and location of pipelines; these maps provide more detailed information and provide a better cost estimate for the project; confirmed the dollar amount for the project, and stated the City was unsuccessful in receiving CDBG grant funding; however, there are future grants the City is applying for. Mr. Hunt stated most agencies are cautious when funding projects due to unknown factors of state and local budgets. He stated public outreach for residents is budgeted at approximately \$30,000, for internal use to hiring a consultant, to help prepare the materials to make sure the entire community is informed, noting methods of outreach are in the form of notifications in the paper, and on LATV.

Jeffrey L. Stewart, City Manager confirmed public outreach money will be coming from the City's reserves.

Council Member Kusumoto asked what does the \$14,000 balance of Phase 2 go towards; confirmed the curvilinear design does factor the need for bus stops; asked if there is a capacity requirement (number of car trips) for Measure M funding; asked what the \$30,000 for public outreach is for and if the project is

going to be finished on time. Council Member Kusumoto suggested the City, if it can afford the cost, simulate the curvilinear design for a few weeks to provide a real impact as to traffic flow.

Mr. Hunt answered Council Member Kusumoto's questions as follows: the remaining \$14,000 will be used to produce a final product of the conceptual design; the bus stops are not yet called out for in the conceptual plan, however, there are extra parking lanes reserved for them; yes, different streets have different capacities and OCTA will want to make sure we maintain the volume of cars on those streets. In regards to public outreach, Mr. Hunt advised there is approximately one month to do public outreach. If the Council subcommittee would like to review the public outreach plan they would need to extend the timeline. Mr. Hunt advised the curvilinear design will take more time in order to review the curves and properties, while the straight design will be a much easier process. The timing will also depend on the subcommittee's involvement; and, the public outreach may take several months or be quite easily done in one month. Mr. Hunt advised the \$30,000 will be spent by consultants specialized in public outreach coming in and preparing materials, and making sure people's concerns and issues are addressed.

Council Member Poe thanked Mr. Hunt for the update and stated she remembered it was very exciting to review the Compass Blueprint project when it was revealed. She stated she believes this project encompasses a range of solutions for any problems that might be seen. Council Member Poe stated this project is not just for businesses and once everyone has an opportunity to take part in a workshop they will find this project is really going to enhance the community. Council Member Poe stated she does understand the financing and was disappointed to learn the City did not obtain additional CDBG funding, but is hoping the economy does change and funding will become available.

Mayor Pro Tem Edgar thanked Mr. Hunt for the update and the work staff is doing. Mr. Edgar stated the project is paramount to the City's future, and the main vision is to enhance the economic future and improve the quality of life in Los Alamitos. He reviewed the steps taken and accomplished: 1) secure your flagship business; 2) kick-off the this project; and, 3) prepare financially. Mayor Pro Tem Edgar stated the City needs to reset expectations and reviewed the four-step project process: 1) define a project; 2) have the project reviewed by the entire City Council; 3) take a defined project to the public; and, 4) bring the project back to staff to technically vet it. Mayor Pro Tem Edgar spoke about the financial preparation for this project. Lastly, Mayor Pro Tem Edgar stated we need to set the right expectations for the community and need to find a publicly-acceptable project and take advantage of the economic engine created in the City.

Mayor Stephens thanked everyone for the comments and stated this is a project that is long overdue and will have a major impact in the City. He believes that notifying the citizens and the community and providing them an opportunity to express their opinions is important.

The City Council received and filed this report.

C. Consideration of a Zoning Ordinance Amendment 10-02 as it relates to Window Sign Coverage Area

Consideration to amend the City's Sign Code restricting window signage to 25% of a window pane instead of 25% of aggregate window area.

Steven Mendoza, Community Development Director, summarized the staff report and answered questions from City Council.

Mayor Stephens opened the Public Hearing at 8:55 p.m.

Alan McClean, business owner, asked if permits are needed for graphics; and, are window blinds/shades considered window signs. Mr. McClean also stated his windows have a sun-control tint on the glass and hopes that is not in violation of the ordinance.

With no one else wishing to speak, Mayor Stephens closed the Public Hearing at 8:57 p.m.

Council discussion ensued.

Motion/Second: Graham-Mejia/Edgar
Unanimously Carried:

1. Waived reading in full and authorized reading by title only of Ordinance No. 11-04, and set for second reading; and,
2. Read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTION 17.28.030 REGARDING WINDOW SIGN REGULATIONS CITYWIDE;" and,
3. Amend Exhibit A to include part 1 and eliminate part 2-7.

**9. MAYOR AND COUNCIL INITIATED BUSINESS
Council Announcements**

Mayor Stephens reported on his attendance at the Relay for Life Kick-off Event and advised the Relay for Life is scheduled for August 16th and 17th at Los Alamitos High School; congratulated Alice Jempsa on receiving the Americana Awards and stated he was honored to escort her to the stage; asked for an update on the Race on the Base; and, reported he is unable to attend the Police Appreciation Awards due to a work conflict.

Council Member Graham-Mejia stated she spoke with the City Manager regarding obtaining a copy of the Kaylor Street title insurance and requested someone from the title company attend a council meeting and provide information on the title report; requested latent powers for Rossmoor be agendized for Council discussion; reported the Los Alamitos High School Choir is

going to New York in April and advised if someone is interested in donating funds to help a student attend they may contact Mr. Moellenkamp.

Sandra Levin, City Attorney answered Council Member Graham-Mejia questions about the title policy and referred to Scheduled A, noting the title insurance company is prepared to issue a policy stating the fee title to Kaylor Street is held by Los Alamitos Medical Center.

Council Member Graham-Mejia requested to see the chain of transfer (title company's information and how they came up with Kaylor Street being owned by the hospital).

The City Attorney stated the title company has no obligation to give us their research, we can ask the Medical Center to provide the information; however, they do not have an obligation to give it to us. She said it is highly unusual to go behind the insurance policy, and stated she has concerns because it could undermine the policy; the safer way is to rely on the title insurance.

Council Member Kusumoto stated he met with the City Manager about his questions on the Kaylor Street vacation; stated he attended the Race on the Base; and, asked for clarification on a statement made by the City Attorney regarding the issuance of the title insurance policy is conditioned on us vacating; and, reported on what he thought he was going to see on the title insurance policy.

City Attorney Levin provided clarification noting the issuance of this title insurance policy does not show as an exception the City's dedication and easement over Kaylor Street. They are prepared to issue the title insurance policy and have told us that Los Alamitos Medical Center is the owner of fee title and that there are the exceptions listed in the policy, and the only thing remaining for them to clear that and issue the policy is our confirmation of the street vacation. Ms. Levin stated there may not be a grant deed, as is the case in the purchase of one business from another.

Council Member Poe extended her congratulations on a successful Race on the Base; reported on her attendance at the Americana Awards Dinner and congratulated Alice Jempsa on receiving the award; stated she read to a first grade class at Los Alamitos Elementary School to celebrate Dr. Seuss' Birthday; stated she attended the St. Isidore Information Event; and, provided information on the upcoming Police Appreciation Luncheon; commented on the public's comments regarding the Lexington/Katella signal; refuted claims of a Brown Act violation by a public speaker, noting she was in the restroom; and, stated she did not vote for Mr. Taylor to be reappointed to the Traffic Commission because she has been frightful of his outbursts, accusations and threats.

Mayor Pro Tem Edgar highlighted the St. Isidore fundraising activity held on Saturday and asked Maria Teresa Diaz be invited to a Council Meeting to provide an update on the status of fundraising; asked Luciann Maulhardt of Casa Youth Shelter provide a community update at the next Council Meeting; provided information on the We Care upcoming fundraising event on Saturday; reported on his attendance at the Americana Awards and congratulated Alice Jempsa on

receiving the award; advised Casa Youth Shelter is having a blood drive on Friday; reported on his attendance at the OCSD Operations Committee Meeting; asked for the community's prayers and thoughts for previous Council Member Dean Zarkos who was diagnosed with advance stages of ALS; stated he does not understand the intense focus on the title issue and views it as a way to slow down the process, is not comfortable spending any more staff time on this item and requested the City move forward; and, stated he did not vote for Mr. Taylor for reappointment to the Traffic Commission because of his behavior, actions and demeanor.

Mayor Stephens requested the City Attorney provide clarification regarding a the accusation of a Brown Act violation.

City Attorney Levin stated there was no Brown Act violation.

10. ITEMS FROM THE CITY MANAGER

City Manager Stewart stated he had a productive meeting with the Los Alamitos City Employee Association and is withdrawing the Closed Session item.

11. CLOSED SESSION

Mr. Stewart, City Manager, withdrew Closed Session Item #11A Conference with Labor Negotiator.

A. Conference with Labor Negotiator

Agency Negotiators: Jeffrey L. Stewart, City Manager
Employee Organization: Los Alamitos City Employee Association
Authority: Government Code Section 54957.6

RECESS

Mayor Stephens read Closed Session Item #11B and immediately recessed into Closed Session.

B. Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation (G.C. 54956.9(a))
AT&T Mobility Wireless Data Services Tax Litigation, Northern District of Illinois
Case No. 1:10-CV-2278 and

Anticipated Litigation (G.C. 54956.9b(3)(C))
Receipt of Claim pursuant to Tort Claims Act from New Cingular Wireless PCS LLC threatening litigation (copy available for public inspection in City Clerk's office). A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council.

RECONVENE/ADJOURNMENT

Mayor Stephens reconvened the City Council Meeting at 11:33 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

CITY OF LOS ALAMITOS
A/P Warrants
April 4, 2011

Pages:

01-05	\$ 34,463.30	A/P Warrants	04/04/2011
	\$ 2,039.04	Retiree Benefits	04/01/2011

Total **\$ 36,502.34**

Statement:

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Manager.



this 30th day of March, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
0-8 RETROFIT, INC.	BOOM TRUCK LIGHT	GARAGE FUND	GARAGE	831.48
			TOTAL:	831.48
ACE INDUSTRIAL SUPPLY, INC.	GLOVES	GENERAL FUND	PARK MAINTENANCE	174.53
			TOTAL:	174.53
GEORGIANA N. AGRAMONTE	MILEAGE REIMBURSEMENT	GENERAL FUND	ADMINISTRATIVE SERVICE	44.37
			TOTAL:	44.37
ALAMITOS AUTO PARTS	CARBURETOR CLEANER	GARAGE FUND	GARAGE	5.20
	SPARK PLUGS & SHOP TOWELS	GARAGE FUND	GARAGE	31.85
			TOTAL:	37.05
ALLIANT INSURANCE SERVICES, INC.	LIABILITY INSURANCE	GENERAL FUND	SPECIAL CLASSES	366.11
			TOTAL:	366.11
AT & T	BILL CYCLE 3/19-4/18	GENERAL FUND	COMMUNICATIONS TECHNOL	357.22
			TOTAL:	357.22
ROY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	84.60
			TOTAL:	84.60
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	35.66
			TOTAL:	35.66
CANCER SUPPORT FOUNDATION	REIMBURSE-RACE ON BASE 5K	GENERAL FUND	SPECIAL CLASSES	4,620.00
			TOTAL:	4,620.00
CITY OF SEAL BEACH	FEBRUARY BOOKINGS	GENERAL FUND	PATROL	340.00
			TOTAL:	340.00
CPRS DISTRICT X	VOL MERIT AWARD-50TH ANN.	GENERAL FUND	RECREATION ADMINISTRAT	65.00
			TOTAL:	65.00
CRAFCO, INC.	SEALANT	GENERAL FUND	STREET MAINTENANCE	61.44
			TOTAL:	61.44
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE 02/11	GENERAL FUND	NEIGHBORHOOD PRESERVAT	143.84
			TOTAL:	143.84
DECKSIDE POOL SERVICE	POOL MAINTENANCE	JFTB POOL FUND	AQUATICS	1,290.00
			TOTAL:	1,290.00
DIMENSION PRINTER REPAIR	REPAIR PRINTER	GENERAL FUND	COMMUNITY DEVEL ADMIN	45.00
			TOTAL:	45.00
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	POLICE ADMINISTRATION	722.10
			TOTAL:	722.10
DOWLES MATERIALS	REFUSE DUMP	GENERAL FUND	STREET MAINTENANCE	58.65
			TOTAL:	58.65
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	50.88
			TOTAL:	50.88
FUN ON THE FARM, INC.	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	81.60

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>81.60</u>
MAHAHL LUMBER COMPANY	LUMBER	GENERAL FUND	STREET MAINTENANCE	12.80
	POOL DOOR PARTS	GENERAL FUND	BUILDING MAINTENANCE	368.29
	PLYWOOD	GENERAL FUND	BUILDING MAINTENANCE	15.03
	PAINT SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	6.30
	CASTER & SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	12.46
	LOCKS	GENERAL FUND	BUILDING MAINTENANCE	12.38
	PAINT SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	23.79
	PAINT SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	4.98
	WEDGE ANCHORS	BUILDING IMPROVEME	CAPITAL PROJECTS	26.26
	CONCRETE FILLER	BUILDING IMPROVEME	CAPITAL PROJECTS	42.59
	ELECTRICAL PARTS	BUILDING IMPROVEME	CAPITAL PROJECTS	20.19
	GLOVES & SHRINK WRAP	GARAGE FUND	GARAGE	47.24
	TOOLS	GARAGE FUND	GARAGE	6.46
	STAPLES	GARAGE FUND	GARAGE	1.95
	TOOLS	GARAGE FUND	GARAGE	23.01
	BALL VALVE	GARAGE FUND	GARAGE	7.60
			TOTAL:	<u>631.33</u>
MENN E. THOMAS CO.	BATTERY	GARAGE FUND	GARAGE	224.55
			TOTAL:	<u>224.55</u>
HARTZOG & CRABILL, INC.	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	211.25
	SIGNAL OPERATIONS 02/11	GENERAL FUND	CITY ENGINEER	1,240.50
			TOTAL:	<u>1,451.75</u>
HI-WAY SAFETY INC.	STREET SIGNS	GENERAL FUND	STREET MAINTENANCE	141.05
			TOTAL:	<u>141.05</u>
ADRIA M. JIMENEZ	MILEAGE REIMBURSEMENT	GENERAL FUND	CITY MANAGER	25.50
			TOTAL:	<u>25.50</u>
JUDICIAL DATA SYSTEMS CORPORATION	CITATIONS 02/11	GENERAL FUND	TRAFFIC	387.65
			TOTAL:	<u>387.65</u>
CUSTOM IMPRINTS	YOUTH SPORTS SHIRTS	GENERAL FUND	SPECIAL CLASSES	147.94
			TOTAL:	<u>147.94</u>
TING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	78.00
			TOTAL:	<u>78.00</u>
LOS ALAMITOS AREA CHAMBER OF COMMERCE	POLICE LUNCHEON	GENERAL FUND	CITY COUNCIL	35.00
			TOTAL:	<u>35.00</u>
LOS ALAMITOS LOCK SERVICE INC.	KEYS	GENERAL FUND	BUILDING MAINTENANCE	20.11
			TOTAL:	<u>20.11</u>
LOS ALAMITOS ORTHOPEDIC	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	92.80
			TOTAL:	<u>92.80</u>
LOS ALTOS TROPHY	YOUTH SPORTS AWARDS	GENERAL FUND	SPECIAL CLASSES	59.81
			TOTAL:	<u>59.81</u>
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SVCS 02/11	GENERAL FUND	SPECIAL CLASSES	168.00
			TOTAL:	<u>168.00</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MARTIN & CHAPMAN CO.	COUNCIL MINUTE BINDER	GENERAL FUND	CITY COUNCIL	188.65
			TOTAL:	188.65
MISC. VENDOR	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	70.00
	REFUND - EBAY CLASS	GENERAL FUND	NON-DEPARTMENTAL	67.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
			TOTAL:	287.00
NEWS ENTERPRISE	NOTICE - LAMC ZOA	GENERAL FUND	CITY MANAGER	120.06
	NOTICE - LAMC SP	GENERAL FUND	CITY MANAGER	127.50
	NOTICE - CRIMSON FRANCHISE	GENERAL FUND	CITY MANAGER	146.63
			TOTAL:	394.19
FORM'S AUTOMOTIVE CENTER INC.	RADIATOR SERVICE	GARAGE FUND	GARAGE	195.48
			TOTAL:	195.48
FORWALK POWER EQUIPMENT CO.	MOWER PARTS	GARAGE FUND	GARAGE	79.02
			TOTAL:	79.02
RANGE COUNTY TITLE COMPANY-BUILDER SE	TITLE REPORT - KAYLOR ST.	GENERAL FUND	NON-DEPARTMENTAL	530.00
			TOTAL:	530.00
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	11.77
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,370.82
			TOTAL:	1,382.59
ANNIE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	350.35
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	159.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	127.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	95.55
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	222.95
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	286.65
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	286.65
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	159.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	318.50
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	269.75
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	755.30
			TOTAL:	3,031.60
PETTY CASH	RECORDATION FEES	GENERAL FUND	NON-DEPARTMENTAL	16.00
	CITY COUNCIL REFRESHMENTS	GENERAL FUND	CITY COUNCIL	39.50
	CYPRESS LUNCHEON	GENERAL FUND	CITY COUNCIL	81.00
	KITCHEN SUPPLIES	GENERAL FUND	CITY COUNCIL	3.27
	COUNCIL MEETING DINNER	GENERAL FUND	CITY COUNCIL	70.00
	HOLIDAY DECORATIONS	GENERAL FUND	CITY MANAGER	27.57
	FAX CITY ATTORNEY	GENERAL FUND	CITY MANAGER	7.55
	CSMFO TRAINING	GENERAL FUND	ADMINISTRATIVE SERVICE	38.00
	PARKING	GENERAL FUND	POLICE ADMINISTRATION	20.00
	CPOA SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	25.00
	OCTMA SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	40.00
	PARKING	GENERAL FUND	PATROL	2.00
	OFFICE SUPPLIES	GENERAL FUND	PATROL	16.62
	OCTMA MEETING	GENERAL FUND	PATROL	30.00
	OFFICE SUPPLIES	GENERAL FUND	PATROL	6.00
	CAR PHONE CHARGER	GENERAL FUND	PATROL	21.74
	REFRESHMENTS	GENERAL FUND	PATROL	46.34

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	UNIFORM	GENERAL FUND	PATROL	5.48
	DESK CALENDAR	GENERAL FUND	RECORDS	5.21
	DNA KIT SUPPLIES	GENERAL FUND	RECORDS	3.03
	COPSWEST TRADESHOW	GENERAL FUND	COMMUNICATIONS TECHNOL	15.00
	REFRESHMENTS	GENERAL FUND	EMERGENCY PREPAREDNESS	11.00
	COMM DEV REFRESHMENTS	GENERAL FUND	PUBLIC WORKS ADMIN	30.77
			TOTAL:	<u>561.08</u>
UARTERMASTER	EQUIPMENT	GENERAL FUND	PATROL	740.81
			TOTAL:	<u>740.81</u>
.H.F. INC.	RECERTIFY - ULTRA LYTE	GENERAL FUND	PATROL	85.00
	RECERTIFY - ULTRA LYTE	GENERAL FUND	PATROL	85.00
	RECERTIFY - ULTRA LYTE	GENERAL FUND	PATROL	85.00
			TOTAL:	<u>255.00</u>
OM RASO	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	589.75
			TOTAL:	<u>589.75</u>
ICOH AMERICAS CORP	COPIER LEASE 03/11	GENERAL FUND	RECREATION ADMINISTRAT	565.50
			TOTAL:	<u>565.50</u>
EINA RIVERA	INSTRUCTOR - TODDLER	GENERAL FUND	SPECIAL CLASSES	573.30
			TOTAL:	<u>573.30</u>
OSSMOOR CARWASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	67.00
	CAR WASHES - P/W	GARAGE FUND	GARAGE	17.99
			TOTAL:	<u>84.99</u>
IR SPEEDY	BUSINESS CARDS	GENERAL FUND	CITY COUNCIL	18.49
	INSPECTION REQUEST FORMS	GENERAL FUND	BUILDING INSPECTION	136.02
			TOTAL:	<u>154.51</u>
MART & FINAL	KITCHEN SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	136.96
			TOTAL:	<u>136.96</u>
IO CAL SANITATION LLC	RESTROOMS AND HAND WASH	GENERAL FUND	SPECIAL CLASSES	1,945.13
	RESTROOM SERVICES	GENERAL FUND	SPORTS	1,599.83
			TOTAL:	<u>3,544.96</u>
SOUTH COAST SUPPLY & GARDEN DAZE	SAND BAGS - RACE ON BASE	GENERAL FUND	SPECIAL CLASSES	510.91
			TOTAL:	<u>510.91</u>
PRINT	ACTIVITY THRU 3/22/11	GENERAL FUND	CITY MANAGER	36.22
	ACTIVITY THRU 3/22/11	GENERAL FUND	ADMINISTRATIVE SERVICE	36.22
	ACTIVITY THRU 3/22/11	GENERAL FUND	COMMUNICATIONS TECHNOL	36.22
	ACTIVITY THRU 3/22/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	36.21
	ACTIVITY THRU 3/22/11	GENERAL FUND	PUBLIC WORKS ADMIN	36.21
	ACTIVITY THRU 3/22/11	GENERAL FUND	RECREATION ADMINISTRAT	36.21
			TOTAL:	<u>217.29</u>
JOHN UNDERWOOD	FILMING POLICE LUNCHEON	LOS ALAMITOS TV	LOS ALAMITOS TV	350.00
			TOTAL:	<u>350.00</u>
JSAT	REIMBURSE - TRIATHLON REG	GENERAL FUND	SPECIAL CLASSES	6,615.00
			TOTAL:	<u>6,615.00</u>

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ERIZON CALIFORNIA, INC.	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	113.59
			TOTAL:	113.59
ICTORY LOCK AND KEY	LOCK REPAIR - YOUTH CENTER	GENERAL FUND	BUILDING MAINTENANCE	115.00
	RETRIEVE BROKEN KEY	GARAGE FUND	GARAGE	97.50
			TOTAL:	212.50
OLLY WOMACK	INSTRUCTOR - NEEDLECRAFTS	GENERAL FUND	SPECIAL CLASSES	275.60
			TOTAL:	275.60

===== FUND TOTALS =====

10	GENERAL FUND	31,097.93
25	BUILDING IMPROVEMENT	89.04
28	LOS ALAMITOS TV	350.00
50	GARAGE FUND	1,636.33
77	JFTB POOL FUND	1,290.00

	GRAND TOTAL:	34,463.30

City of Los Alamitos

Agenda Report Consent Calendar

April 4, 2011
Item No: 8C

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Adria M. Jimenez, CMC, City Clerk

Subject: Second Reading of Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code

Summary: At its meeting of March 21, 2011, the City Council conducted the first reading of Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code. The Ordinance allows the public to comment during Oral Communications for five minutes and for three minutes on an agenda item at the time the item is being discussed by the City Council.

Recommendation: Waive further reading and adopt Ordinance No. 11-05, "Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code, by a roll call vote.

Background

On March 21, 2011 the City Council approved the first reading of changing its policy on accepting public comment at City Council Meetings. The City Council would like to allow public comment for five minutes during Oral Communications, which is held at the beginning of the meeting. The Council also approved allowing the public to comment for three minutes on an agenda item at the time the item is being discussed by the City Council. Public testimony will continue to be heard during a public hearing, as required by law.

Discussion

The City Council may change the manner in which the public addresses the City Council as long as the Government Code is adhered to. Under Government Code Section 54954.3(a), members of the audience may address the City Council on any item of interest to the public, before or during the Council's consideration of the item, that is within the subject matter jurisdiction of the Council, provided that no action be taken on any item not on the agenda. Government Code 54954.3(b) allows the City Council to adopt reasonable regulations limiting the total amount of time allocated for each individual speaker.

If adopted, Ordinance No. 11-05, "Addressing the Council of Los Alamitos" will read as follows:

Sec. 2.040.170(a) Addressing the council:

Manner of Addressing Council. Each person desiring to address the council shall step up to the microphone in the front of the council chamber, is requested to state his/her name and address for the record, state the subject he/she wishes to discuss, state whom he/she is representing if he/she represents an organization or other persons, and, unless further time is granted by majority vote of the council, shall limit his/her remarks to three minutes at the time an agenda item is called and five minutes during Oral Communications. All remarks shall be addressed to the council as a whole and not to a member thereof. No question shall be asked of a councilmember or a member of the city staff without the permission of the presiding officer.

Upon adoption of Ordinance No. 11-05, the language on the agenda will be changed to designate when the public can address the Council and for how long. An example of the new language is below:

NOTICE TO THE PUBLIC

Persons wishing to address the City Council on any item on the City Council Agenda may do so for three minutes at the time the item is considered by the City Council.

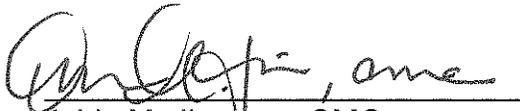
ORAL COMMUNICATIONS

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.

Fiscal Impact

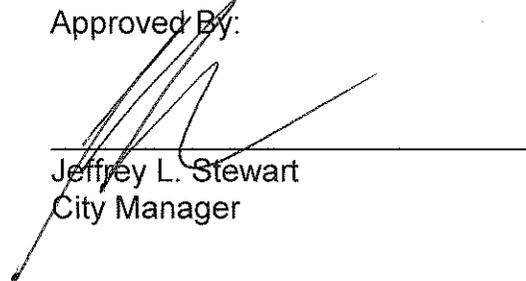
None.

Submitted By:



Adria M. Jimenez, CMC
City Clerk

Approved By:



Jeffrey L. Stewart
City Manager

Attachment: Ordinance No. 11-05, Amending Portions of Chapter 2.04.170(a), "Addressing the council," of the Los Alamitos Municipal Code

ORDINANCE NO. 11-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 2.04.170 ADDRESSING THE COUNCIL OF THE LOS ALAMITOS MUNICIPAL CODE

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

SECTION 1. Section 2.04.170(a) of the Los Alamitos Municipal Code is hereby amended to read as follows:

Sec. 2.04.170(a) Addressing the council:

Manner of Addressing Council. Each person desiring to address the council shall step up to the microphone in the front of the council chamber, is requested to state his/her name and address for the record, state the subject he/she wishes to discuss, state whom he/she is representing if he/she represents an organization or other persons, and, unless further time is granted by majority vote of the council, shall limit his/her remarks to three minutes at the time an agenda item is called and five minutes during Oral Communications. All remarks shall be addressed to the council as a whole and not to a member thereof. No question shall be asked of a councilmember or a member of the city staff without the permission of the presiding officer.

SECTION 2. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED AND APPROVED on this 4th day of April 2011.

Kenneth Stephens
Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

APPROVED AS TO FORM:

Sandra J. Levin
City Attorney

City of Los Alamitos

Agenda Report Consent Calendar

April 4, 2011
Item No: 8D

To: Mayor Kenneth Stephens & Members of the City Council

From: Steven Mendoza, Community Development Director

Via: Jeffrey L. Stewart, City Manager

Subject: Agreement for Implementation of Water Quality Monitoring (WQM), Reporting, and Studies for Coyote Creek with the County of Orange and Orange County Flood Control District

Summary: Consideration of Agreement to share in Santa Ana Regional Water Quality Control Board water quality monitoring, report, studies along with sharing costs of project in the amount of \$1,803.65.

Recommendation: Authorize the Mayor to execute the Agreement for Implementation of Water Quality Monitoring, Reporting, and Studies for Coyote Creek with the County of Orange and Orange County Flood Control District, to comply with the requirements of the San Gabriel River/Coyote Creek Total Maximum Daily Loads for Copper, Lead, and Zinc.

Background

The Federal Clean Water Act requires the control of pollutants from stormwater discharges through the National Pollution Discharge Elimination System (NPDES) permit process, which allows the unlawful discharge of stormwater into the waters of the United States. The California State Water Resources Control Board has delegated to the Santa Ana Regional Water Quality Control Board administration of the NPDES stormwater permits in District 12, which includes Los Alamitos.

Discussion

Under the Santa Ana Regional Water Quality Control Board Stormwater Permit, the County of Orange, Orange County Flood Control District, and cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra, La Palma, Los Alamitos, Placentia, and Seal Beach are required to develop and implement a plan commonly referred to as a Source Control and Monitoring Plan.

This agreement is necessary for the purpose of funding and performing water quality monitoring, reporting, research, and studies related to copper, lead, and zinc as required by the current stormwater permit. The permit requires the principal permittees (County of Orange), in collaboration with the co-permittees (City agencies) with discharges to the San Gabriel River/Coyote Creek and/or their tributaries, to develop a monitoring program to monitor dry weather (for copper) and wet weather (for copper, lead, and zinc) flows in Coyote Creek. The agreement shall continue to be in place until the requirement for performing monitoring, reporting, research, and studies is rescinded by the Santa Ana Regional Water Quality Control Board.

The monitoring and testing is State mandated, under the City's existing Stormwater Permit. In order to minimize costs to the cities, the County suggested a cost-savings alternative by providing the service to all cities based on a shared cost concept. The cost share allocation calculations are based on population, land area, and watershed area data. The City of Los Alamitos' share cost percentage is 2.14% of the \$84,283 budget, or approximately \$1,803.65 for Fiscal Year 2100-12. Failure to approve the proposed NPDES Coyote Creek Agreement would result in the City being responsible to conduct the sampling and monitoring, which would most likely result in significantly higher costs and may place the City at risk for future inspections, fines, penalties, and auditing by the Santa Ana Regional Water Quality Control Board for failure to comply.

Although the cost is within the City Manager's authorization limit, the agreement requires City Council approval.

Fiscal Impact

Approval of this agreement would result in the cost-sharing cost of \$1,803.65 to be included in the City's Fiscal Year 2011-12 Budget.

Submitted By:



Steven A. Mendoza
Director of Community Development

Approved By:



Jeffrey L. Stewart
City Manager

Attachment: 1. Agreement No. D10-071

Agreement No.D10-071

1 AGREEMENT TO FUND IMPLEMENTATION OF WATER QUALITY MONITORING, REPORTING AND STUDIES TO
2 COMPLY WITH THE REQUIREMENTS OF THE
3 SAN GABRIEL RIVER/COYOTE CREEK TOTAL MAXIMUM DAILY LOADS FOR COPPER LEAD AND ZINC

4 THIS AGREEMENT, for purposes of identification numbered D10-071, is made and
5 entered into this _____ day of _____, 2011, by and between the County of Orange
6 (herein called COUNTY), the Orange County Flood Control District (herein called
7 DISTRICT), and the cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra,
8 La Palma, Los Alamitos, Placentia, and Seal Beach, herein called WATERSHED CITY or
9 collectively WATERSHED CITIES). The COUNTY, DISTRICT, and WATERSHED CITIES may be
10 referred to collectively as WATERSHED PERMITTEES or individually as WATERSHED
11 PERMITTEE in this AGREEMENT.

12 WITNESSETH

13 WHEREAS, Congress in 1987 through the Water Quality Act amended Section 402 of
14 the Federal Clean Water Act (33 U.S.C.A. 1342(p)) to require the federal Environmental
15 Protection Agency to promulgate regulations for applications for permits for
16 stormwater discharges; and

17 WHEREAS, these permit regulations require the control of pollutants from
18 stormwater discharges by requiring a National Pollutant Discharge Elimination System
19 (herein called NPDES) permit which allows the lawful discharge of stormwater into
20 waters of the United States; and

21 WHEREAS, the California State Water Resources Control Board has delegated
22 authority to the Regional Water Quality Control Boards for administration of the NPDES
23 stormwater permits within the boundaries of its Region; and

24 WHEREAS, the Environmental Protection Agency Region IX adopted the Total Maximum
25 Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries
26 (hereafter called TMDL) on March 26, 2007, which includes maximum loads for copper,

1 lead, and zinc for Coyote Creek, which in turn is tributary to the San Gabriel River;
2 and

3 WHEREAS, the WATERSHED PERMITTEES are subject to NPDES stormwater permits issued
4 by the Regional Water Quality Control Board - Santa Ana Region (hereafter called
5 RWQCB-SAR); and

6 WHEREAS, the RWQCB-SAR adopted Order No. R8-2009-0030 to renew the Orange County
7 Municipal Stormwater Permit No. CAS618030 (hereafter called NPDES PERMIT); and

8 WHEREAS, the NPDES permit requires the development and implementation of a
9 source control plan and monitoring program for copper, lead, and zinc in Coyote Creek
10 (hereafter called SOURCE CONTROL AND MONITORING PLAN); and

11 WHEREAS, the WATERSHED PERMITTEES are parties to the Stormwater Permit
12 Implementation Agreement D02-048 that provides the basis for municipal program
13 cooperation under the NPDES stormwater permit issued by the RWQCB-SAR. This Agreement
14 was approved on December 18, 1990 and was subsequently amended on October 26, 1993 by
15 Amendment No. 1 and on May 31, 2002 by Amendment No. 2 (herein referred to
16 collectively as PERMIT AGREEMENT); and

17 WHEREAS, the WATERSHED PERMITTEES intend to equitably share the cost of water
18 quality monitoring, reporting, and studies until the requirement to do so in the
19 Coyote Creek watershed is rescinded by the RWQCB-SAR; and

20 WHEREAS, the SOURCE CONTROL AND MONITORING PLAN may be modified from time to
21 time upon approval by the WATERSHED PERMITTEES and with the prior consent of the
22 RWQCB-SAR; and

23 WHEREAS the WATERSHED PERMITTEES have reached agreement on a funding formula,
24 which for the COUNTY and CITIES is based on the watershed land area and population
25 applied to the formula in the PERMIT AGREEMENT as shown in Exhibit A.

26 NOW, THEREFORE, in consideration of the foregoing, the WATERSHED PERMITTEES
agree as follows:

1 Section 1. PURPOSE. This AGREEMENT is entered into for the purpose of funding
2 and performing water quality monitoring, reporting, research and studies related to
3 copper, lead, and zinc in the Coyote Creek watershed, as required by the TMDL.

4 Section 2. TERM. The term of this AGREEMENT shall commence upon approval and
5 execution of this document by all WATERSHED PERMITTEES and shall continue until the
6 requirement for performing monitoring, reporting, research and studies in the Coyote
7 Creek watershed is rescinded by the RWQCB-SAR, unless sooner terminated as provided in
8 Section 8.

9 Section 3. FUNDING. Exhibit A, which is attached and by this reference is made
10 a part hereof, presents the cost share allocation calculations for the WATERSHED
11 PERMITTEES. The individual cost shares for the WATERSHED PERMITTEES will be revised
12 once every year pursuant to the formula provided in Exhibit A, based on changes in
13 watershed land area and population. The percentage share shall be calculated by the
14 COUNTY OC Public Works Department, OC Watersheds, Environmental Resources Section from
15 population, land area and watershed area data. These calculations shall be completed
16 by February 15 of each year and shall be included in the annual budget proposal.

17 Section 4. PROGRAM BUDGET AND COSTS. The COUNTY shall submit a scope of work and
18 a budget for the following fiscal year to each of the WATERSHED PERMITTEES by February
19 15 of each year, commencing in 2011. The budget shall contain an estimate of all
20 planned expenditures and an estimate of the payment required from each WATERSHED
21 PERMITTEE for the following fiscal year.

22 The WATERSHED PERMITTEES shall be permitted to review and approve the program
23 scope of work and budget for the forthcoming year. Criteria for approval shall be
24 affirmative written responses from a majority of the WATERSHED PERMITTEES. The COUNTY
25 and DISTRICT will constitute one approving party.

26 The COUNTY shall be entitled to charge to the program all costs for direct
labor, materials, equipment and outside contract services for costs associated with
carrying out the approved scope of work. Recoverable costs will also include an

1 overhead charge calculated by the County Auditor-Controller which includes OC
 2 Watershed and OC Public Works Department overhead and County-wide cost allocation
 3 plan.

4 Section 5. PAYMENTS. Within 30 calendar days of the effective date of this
 5 AGREEMENT OR 30 days after the start of the 2011-12 fiscal year, whichever comes
 6 later, the COUNTY shall send the WATERSHED PERMITTEES an invoice which constitutes a
 7 deposit of their share of the budgeted costs for fiscal year 2011-12 as identified in
 8 Exhibit B, which is attached hereto and made a part hereof. Each of the WATERSHED
 9 PERMITTEES shall pay the actual costs and the deposit within 45 calendar days of their
 10 respective receipt of the invoice.

11 The COUNTY shall prepare a fiscal year end accounting within 60 calendar days of
 12 the end of the fiscal year. If the fiscal year end accounting results in costs (net
 13 of interest earnings) exceeding the sum of the deposits, the COUNTY shall seek
 14 approval of the excess cost from the WATERSHED PERMITTEES and shall invoice each
 15 WATERSHED PERMITTEE for its prorated share of the excess cost up to the amount of the
 16 revised approved budget. Each WATERSHED PERMITTEE shall pay the billing within 45
 17 calendar days of the date of the invoice. If the fiscal year end accounting results
 18 in the sum of the deposits exceeding costs (net of interest earnings), the excess
 19 deposits will carry forward to reduce the billings for the following year.

20 After the initial billing for the program, the COUNTY shall invoice each
 21 WATERSHED PERMITTEE for its annual deposit at the beginning of each fiscal year. Each
 22 WATERSHED PERMITTEE shall pay the deposit within 45 calendar days of the date of the
 23 invoice. Each WATERSHED PERMITTEE'S deposit shall be based on its prorated share of
 24 the approved annual budget, reduced by its prorated share of any surplus identified in
 25 the prior fiscal year end accounting.

26 Interest earned on the WATERSHED PERMITTEES' deposits will not be paid to the
 WATERSHED PERMITTEES, but will be credited against the WATERSHED PERMITTEES' share of
 the program costs.

1 Upon termination of the program, a final accounting shall be performed by the
 2 COUNTY. If costs remaining after the deduction of interest costs exceed the sum of
 3 the deposits, the COUNTY shall invoice each WATERSHED PERMITTEE for its prorated share
 4 of the deficit. Each WATERSHED PERMITTEE shall pay the invoice within 45 calendar
 5 days of the date of the invoice. If the sum of the deposits, including interest,
 6 exceeds the costs, the COUNTY shall reimburse to each WATERSHED PERMITTEE its prorated
 share of the excess, within 45 calendar days of the final accounting.

7 Section 6. AMENDMENT. This AGREEMENT may be amended in writing only with the
 8 unanimous written approval of the WATERSHED PERMITTEES.

9 Section 7. LIABILITY. It is mutually understood and agreed that, merely by the
 10 virtue of entering into this AGREEMENT, each WATERSHED PERMITTEE neither relinquishes
 11 any rights nor assumes any liabilities for its own actions or the actions of other
 12 WATERSHED PERMITTEES. It is the intent of the WATERSHED PERMITTEES that the rights
 13 and liabilities of each WATERSHED PERMITTEE shall remain the same, while this
 14 AGREEMENT is in force, as it was before this AGREEMENT was made, except as otherwise
 specifically provided in this agreement.

15 Section 8. TERMINATION. Any WATERSHED PERMITTEE wishing to terminate its
 16 participation in this AGREEMENT shall so notify all other WATERSHED PERMITTEES in
 17 writing by March 1 of any year. Such termination shall be effective the following
 18 June 30. The terminating WATERSHED PERMITTEE shall be responsible for financial
 19 obligations hereunder to the extent incurred in accordance with this agreement by the
 20 WATERSHED PERMITTEE prior to the effective date of termination. The balance of the
 21 WATERSHED PERMITTEES may continue in the performance of the terms and conditions of
 22 this AGREEMENT on the basis of a revised allocation of cost based on the funding
 23 formula in Exhibit A. Termination of participation in this AGREEMENT does not release
 any WATERSHED PERMITTEE from its regulatory obligations under the NPDES PERMIT.

24 Section 9. AVAILABILITY OF FUNDS. The obligation of each WATERSHED PERMITTEE
 25 is subject to the availability of funds appropriated for this purpose, and nothing
 26 herein shall be construed as obligating the WATERSHED PERMITTEES to expend or as

1 involving the WATERSHED PERMITTEES in any contract or other obligation for the future
2 payment of money in excess of appropriations authorized by law.

3 Section 10. NO THIRD PARTY BENEFICIARIES. Nothing expressed or mentioned in this
4 AGREEMENT is intended or shall be construed to give any person, other than the
5 WATERSHED PERMITTEES hereto, and any permitted successors, any legal or equitable
6 right, remedy or claim under or in respect of this AGREEMENT or any provisions herein
7 contained. This AGREEMENT and any conditions and provisions hereof is intended to be
8 and is for the sole and exclusive benefit of the WATERSHED PERMITTEES hereto and for
9 the benefit of no other person, agency or entity.

10 Section 11. REFERENCE TO CALENDAR DAYS. Any reference to the word "day" or
11 "days" herein shall mean calendar day or calendar days, respectively, unless otherwise
12 expressly provided.

13 Section 12. ATTORNEYS FEES. In any action or proceeding brought to enforce
14 or interpret any provision of this AGREEMENT, or where any provision hereof is
15 asserted as a defense, each WATERSHED PERMITTEE shall bear its own attorneys' fees and
16 costs.

17 Section 13. ENTIRE AGREEMENT. This AGREEMENT is intended by the WATERSHED
18 PERMITTEES as a final expression of their agreement and intended to be a complete and
19 exclusive statement of the agreement and understanding of the WATERSHED PERMITTEES
20 hereto in respect of the subject matter contained herein. There are no restrictions,
21 promises, warranties or undertakings, other than those set forth or referred to
22 herein. This AGREEMENT supersedes all prior agreements and understandings between the
23 WATERSHED PERMITTEES with respect to such matter.

24 Section 14. SEVERABILITY. If any part of this AGREEMENT is held,
25 determined or adjudicated to be illegal, void, or unenforceable by a court of
26

1 competent jurisdiction, the remainder of this AGREEMENT shall be given effect to the
2 fullest extent reasonably possible.

3 Section 15. SUCCESSORS AND ASSIGNS. The terms and provisions of this
4 AGREEMENT shall be binding upon and inure to the benefit of the WATERSHED PERMITTEES
5 hereto and their successors and assigns.

6 Section 16. NOTICES. All notices required or desired to be given under
7 this AGREEMENT shall be in writing and (a) delivered personally, or (b) sent by
8 certified mail, return receipt requested or (c) sent by telefacsimile communication
9 followed by a mailed copy, to the addresses specified below, provided each WATERSHED
10 PERMITTEE may change the address for notices by giving the other WATERSHED PERMITTEES
11 at least ten (10) days written notice of the new address. Notices shall be deemed
12 received when actually received in the office of the addressee or when delivery is
13 refused, as shown on the receipt of the U.S. Postal service, or other person making
14 the delivery, except that notices sent by telefacsimile communication shall be deemed
15 received on the first business day following transmission.

16 Director of Public Works
17 City of Anaheim
400 East Vermont Avenue
Anaheim, CA 92805

18 Public Works Director
19 City of Brea
1 Civic Center Plaza
20 Brea, CA 92821

21 Director of Public Works
22 City of Buena Park
6650 Beach Boulevard
Buena Park, CA 90622-5009

23 Director of Public Works
24 City of Cypress
5272 Orange Avenue
Cypress, CA 90630

25 Maintenance Services Director
26 City of Fullerton
303 West Commonwealth Avenue

1 Fullerton, CA 92832
2 Director of Public Works
3 City of La Habra
4 201 East La Habra Boulevard
5 La Habra, CA 90631

6 Director of Public Works
7 City of La Palma
8 7822 Walker Street
9 La Palma, CA 90623

10 Community Services Director
11 City of Los Alamitos
12 3191 Katella Avenue
13 Los Alamitos, CA 90720

14 Director of Public Works
15 City of Placentia
16 401 East Chapman Avenue
17 Placentia, CA 92870

18 Director of Public Works
19 City of Seal Beach
20 211 8th Street
21 Seal Beach, CA 90740

22 Director, OC Public Works
23 County of Orange
24 P.O. Box 4048
25 Santa Ana, CA 92702-4048

26 Section 17. EXECUTION OF AGREEMENT. This AGREEMENT may be executed in
counterpart and the signed counterparts shall constitute a single instrument.

Section 18. GOVERNING LAW AND VENUE. This AGREEMENT has been negotiated
and executed in the State of California and shall be governed by and construed under
the laws of the State of California. In the event of any legal action to enforce or
interpret this AGREEMENT, the sole and exclusive venue shall be a court of competent
jurisdiction located in Orange County, California, and the WATERSHED PERMITTEES hereto
agree to and do hereby submit to the jurisdiction of such court, notwithstanding Code
of Civil Procedure section 394. Furthermore, the WATERSHED PERMITTEES have
specifically agreed, as part of the consideration given and received for entering into
this AGREEMENT, to waive any and all rights to request that an action be transferred

1 for trial to another county under Code of Civil Procedure Section 394 or any other
2 provision of law.

3 IN WITNESS WHEREOF, the WATERSHED PERMITTEES hereto have executed this AGREEMENT
4 the day and year first above written:

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ORANGE COUNTY FLOOD CONTROL DISTRICT
A body corporate and politic

By: _____
Chairman of the Board of Supervisors

COUNTY OF ORANGE
A body corporate and politic

Date: _____

By: _____
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF
THIS AGREEMENT HAS BEEN DELIVERED TO
THE CHAIRMAN OF THE BOARD

Date: _____

By _____
DARLENE J. BLOOM
Clerk of the Board of Supervisors of
Orange County, California

APPROVED AS TO FORM
COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By _____
Geoffrey K. Hunt, Deputy

Date: _____

1 CITY OF ANAHEIM

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6 Date: _____

By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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1 CITY OF BREA

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6 Date: _____

By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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1 CITY OF CYPRESS

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By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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CITY OF FULLERTON

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By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

1 CITY OF LA HABRA

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6 Date: _____

By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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1 CITY OF LA PALMA

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6 Date: _____

By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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CITY OF LOS ALAMITOS

Date: _____

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

1 CITY OF PLACENTIA

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6 Date: _____

By: _____
Mayor

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9 ATTEST:

APPROVED AS TO FORM:

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City Clerk

City Attorney

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CITY OF SEAL BEACH

Date: _____

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

EXHIBIT A

EXAMPLE: Cost Share Based on FY09-10 NPDES Funding Formula Data

JURISDICTION	TOTAL SQUARE MILES ¹	SQ. MILES WITHIN WATERSHED ¹	PERCENTAGE OF CITY LAND AREA IN WATERSHED ²	TOTAL POPULATION ³	ESTIMATED POPULATION IN WATERSHED ⁴	WEIGHTED AVERAGE SHARE OF COST (%) ⁵
ANAHEIM	49.9	13.8	27.7	346,823	95,915	15.82
BREA	12.0	8.7	72.5	40,081	29,059	7.26
BUENA PARK	10.6	10.3	97.2	82,768	80,426	12.57
CYPRESS	6.6	4.7	71.2	49,541	35,279	5.61
FULLERTON	22.5	22.3	99.1	137,437	136,215	23.94
LA HABRA	7.4	7.4	100.0	62,635	62,635	9.45
LA PALMA	1.8	1.8	100.0	16,176	16,176	2.38
LOS ALAMITOS	2.0	2.0	100.0	12,191	12,191	2.14
PLACENTIA	6.6	3.5	53.0	51,727	27,431	4.28
SEAL BEACH	4.0	3.4	85.0	25,986	22,088	3.76
ORANGE CO	175.2	4.6	2.6	122,032	3,204	2.79
O.C. Flood Control District ⁶	---	---	---	---	---	10.00
TOTAL	298.60	82.5	---	947,397	520,619	100.00

¹ Source: NPDES Stormwater Permit Implementation Agreement D02-048. Includes Land Area Deductions from agreement exhibit A-

² Percentage of City Land Area in Watershed = Square miles within Watershed/Total Square Miles * 100

³ Taken from California State Dept. of Finance as of 1/1/2009

⁴ Estimated Population in Watershed = Total Population * Percentage of City Land Area in Watershed/100

⁵ Weighted Average Share of Cost = ((Square Miles within Watershed/Total Square Miles of Watershed)*0.5)+((Estimated Population in

⁶ Orange County Flood Control District assumes a flat 10 percent of the total

Exhibit B
Draft Budget for Agreement D10-071

Budget Item	2011-12 Projected
Salaries and Employee Benefits - Account 0100	
Water Quality Planning	\$42,835
Monitoring Programs	\$11,926
Data Management	\$1,511
Administrative	\$913
Laboratory - Account 1500	\$400
Professional and Specialized Services - Account 1900	
Analytical Services - Metals Analysis	\$25,872
General Transport and Travel - Account 2700	\$825
Budget Total	\$84,282

City of Los Alamitos

Agenda Report Consent Calendar

**April 4, 2011
Item No: 8E**

To: Mayor Kenneth Stephens & Members of the City Council

From: Jeff Stewart, City Manager

Subject: Approval of an Agreement with Community Schools and Media Partnership (CSMP), a Professional Services Agreement with John Underwood for the Provision of Services Related to LATV and Reactivation of the Community Cable Commission to Provide Recommendations to the City Council Regarding Cable Television Issues

Summary:

On March 21, 2011, the City Council conducted a workshop to discuss the future of LATV operations. During the meeting, the Council requested staff to bring an item back to the Council extending the most recent agreement with Community Schools and Media Partnership (CSMP) for six months, authorizing a six-month professional services agreement with John Underwood to serve in the capacity of Studio Production Coordinator and reactivate and recruit members for a five-member Community Cable Commission.

Recommendation: 1) Authorize a six-month agreement with CSMP for LATV operations under current terms and conditions, in the amount of \$2,083.00 per month and in a form approved by the City Attorney; 2) Authorize a six-month professional services agreement with John Underwood in an amount not to exceed \$5,000.00 in a form approved by the City Attorney; 3) Reestablish a five-member Community Cable Commission and authorize the City Clerk to open the recruitment and advertise for candidates to fill the positions.

Background and Discussion

During the workshop the City Council discussed several concerns and potential directions for LATV. Though progress was made, the Council has not yet reached clear consensus on the long term structure and governance of LATV. However, there is clear direction regarding the reestablishment of the Community Cable Commission, which is estimated to take up to six months to advertise, recruit and select. During the interim, the City Council also directed staff to bring back an item that maintains a status quo on LATV operations for six months by retaining CSMP for LATV operations and contracting with John Underwood to serve part-time as Studio Production Coordinator, with the responsibility of making the refurbished studio located at 10921 Oak Street fully operational, developing a system of training and check out of the television equipment

located at the studio and, most importantly, developing public access and community programming in Los Alamitos and Rossmoor.

To implement that direction, staff recommends that the City Council authorize a six-month agreement with CSMP to continue its current duties under the terms and conditions, in a form approved by the City Attorney, and in an amount not to exceed \$2,083.00 per month. Staff also recommends approval of a six-month professional services agreement with John Underwood, again in a form approved by the City Attorney, and in an amount that will not exceed \$5,000 during the term of the agreement. It should be noted also that Mr. Underwood has indicated that he would require between \$500.00 and \$1,000.00 to purchase equipment for the studio and make it ready for production. Staff recommends that those funds be allocated separately from Mr. Underwood's agreement. Finally, as stated earlier, it is requested that the City Council reestablish the Community Cable Commission and authorize the City Clerk to take the necessary steps to effect that policy.

During previous discussions, there was concern stated by members of the Council, that the direction stated for a reestablished Community Cable Commission was not clearly defined. To help address that concern, staff recommends that the Commission be selected and seated initially with the following responsibilities:

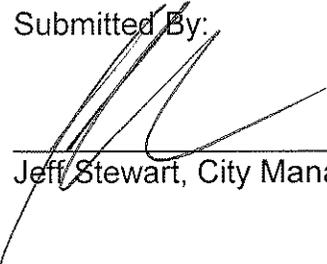
- Oversight of PEG grant funds available for public access/community programming;
- Establish appropriate guidelines on the training that will be provided to community producers in producing community television;
- Review and make recommendations regarding the scheduling of programming on LATV;
- Review and make recommendations regarding the supervision the LATV Studio;
- Review and adoption of guidelines regarding the operation of the studio and the utilization of LATV equipment owned by the City;
- Establish and make recommendations to the City Council regarding the appropriate protocols for LATV fundraising activities;
- Review and make recommendations to the City Council regarding the annual budget for LATV and cable operations;
- Issues as assigned by the City Council and staff.

The Commission would be provided staff support by the City Manager and/or his designee.

Fiscal Impact

The total cost of implementing the staff recommendations would not exceed \$18,500.00. The contract with CSMP would total \$12,500. The professional services agreement with Mr. Underwood would be capped at \$5,000 and \$1,000.00 would be allocated separately for the purchase of equipment required to make the LATV studio at 10921 Oak Street fully operational.

Submitted By:



Jeff Stewart, City Manager

Attachments: *Exhibit A - Proposal from John Underwood*



MEMO

3/21/11

Re: Proposal for continued LATV Studio Operations

To: City Manager
Ad Hoc Committee members
Council members

From: John Underwood

As of June 2010 I had completed principle renovation of the LATV studio as per contractual agreement with the City of Los Alamitos (see Exhibit A). By September I had made the studio production-ready with a modified compliment of new, old, and repaired equipment, and did in fact begin producing the first scheduled programs from the new studio, "Candidate Interviews," (post production completed at my own home studio for lack of adequate computer in studio at the time). The third task assigned to me under the current agreement, to "oversee the management of LATV studio," is now under review.

Based on ongoing outreach to and response from prospective community producers I believe it is possible to enlist financial support from what I call the "institutional" category of community producers to defray some of the costs of their community oriented programs shot in the studio or in the field for air on LATV.

Over the past six years I have gained the confidence of much of the business and non-profit community as an LATV producer and administrator to earn their interest and desire to co-produce studio based productions that deliver a message and a relevance to the community. With my assistance, these producers are ready to move forward now.

With that in mind I would like to propose the following modified consultant arrangement between myself and the City of Los Alamitos regarding my retention as Studio Production Coordinator:

1. That the City continue financial support of the station known as "Studio 1" at its present location of 10921 Oak Street, in the areas of capital expenses (equipment purchase and repair), facility overhead, and incidental administrative costs as needed.
2. That the City continue to retain me (as before on a consultant basis) as Studio Production Coordinator at current level of compensation but at a reduced number of hours. Now that the renovation is complete and once all major operating components of studio equipment are in place and tested, I believe I can manage the facility, oversee studio equipment security and flow (check-in/out), schedule and coordinate multiple in-studio recording sessions a week, post produce and schedule 6 hours of on air public affairs and public access programming a week, and train new volunteers(one-on-one), all on a 10-hour a week compensated schedule. The studio production coordinator would also be charged with working

and conferring cooperatively with other LATV production and management staff in the areas of equipment maintenance, on air scheduling, studio and field production, public outreach, as well as policy and operational guidelines for LATV.

3. That the City allow me to produce and promote on LATV video coverage of some community and City services events and activities as additional and elective duties.
4. That the City retain direct access to television engineer Doug Woods on an as needed basis and allow me to utilize his services on behalf of the LATV studio for special operations, installation, calibration, and server loading needs and emergencies, subject to a case by case basis and with the authorization of the city manager.
5. That the City allow me to expand LATV's representation and scheduling information to other cable outlets, on the internet through various LATV related IP addresses, and to local print media as well.
6. That the City appoint and convene an LATV Commission representative of broad community interests to formulate policy for and to advise council on LATV matters. To administer individual and institutional matching producer grants, to provide financial oversight of LATV and its representatives, and to review and update the existing Policies and Guidelines document to reflect the generally accepted "PBS Guidelines" related to advertising and sponsorship of programming. Studio production coordinator to be available to commissioners at all times for conferring and advising on matters of policy and operations.

I believe I have outlined above a realistic and cost-capping plan that is a simple, equitable, and a PEG world compliant way to move LATV operations forward into an era of renewed relevance to the whole community. Over the last 6-months I have assembled a technical staff that can accomplish this within the current limits of the LATV budget, and as I have performed in the past, I would execute this plan with the cooperation and partnership of all parties to LATV operations for the betterment of LATV and the benefit of the whole Los Alamitos community.

Regards,
John Underwood
LATV-3

City of Los Alamitos

Agenda Report Discussion Items

April 4, 2011
Item No: 9A

To: Mayor Kenneth Stephens & Members of the City Council

From: Jeffrey L. Stewart, City Manager

Via: General Plan Ad-Hoc Subcommittee Members Mayor Pro-Tem Edgar and Councilmember Warren Kusumoto

Subject: The General Plan Ad Hoc Subcommittee is Seeking Input from the Council Regarding the Selection Process for General Plan Firms

Summary: Consideration for interview, negotiation, and recommendation policy for the General Plan Subcommittee.

Recommendation: Review, discuss, and provide a recommendation to the General Plan Ad Hoc Subcommittee.

Background

The City Council General Plan Ad Hoc Subcommittee is currently reviewing proposals from three firms interested in preparing the City's General Plan. Subcommittee Members Mayor Pro-Tem Edgar and Council Member Kusumoto are seeking input from the full Council on the selection and interview process.

Specifically, the Subcommittee would like to determine if the full Council is comfortable with the Subcommittee rating, interviewing, negotiating, and selecting one of the three firms to be presented to the full body of the City Council.

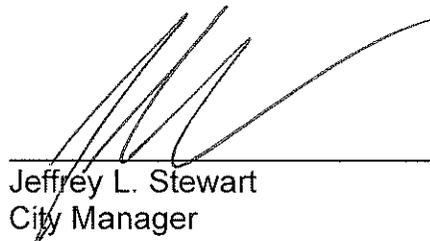
Fiscal Impact

None.

Submitted by:



Steven A. Mendoza
Community Development Director



Jeffrey L. Stewart
City Manager

City of Los Alamitos

Agenda Report Discussion Items

April 4, 2011
Item No: 9B

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Anita Agramonte, Finance Manager

Subject: Authorization to Circulate a Request for Proposal Seeking a Qualified Certified Public Accounting Firm to Audit the City's Financial Statements, including Waste Hauler Franchise Fees

Summary: This report is requesting authorization of the City Council to circulate a request for proposal which seeks a qualified certified public accounting firm to audit the City's financial statements, including waste hauler franchise fees, for three fiscal years, beginning with the fiscal year ending June 30, 2011.

Recommendation:

1. Approve the Request for Proposal; and
2. Authorize staff to advertise and solicit proposals.

Background

The City's current audit contract with Diehl, Evans and Company, LLC has a three year term, ending June 30, 2010, with the option to extend for each of the two years ending June 30, 2011 and 2012. At the City Council meeting of January 17, 2011, staff was instructed to prepare a request for proposal for audit services, and include the evaluation of waste hauler franchise fees, as part of the scope of audit work. At the March 21, 2011 special meeting of the City Council pertaining to Los Alamitos Television (LATV), the assessment of the assets LATV was added to the audit scope.

Discussion

Proposed Scope of Audit

The City of Los Alamitos desires a Comprehensive Annual Financial Report (CAFR) to be prepared by the independent auditor and be fully compliant with GASB requirements for the fiscal year ended June 30, 2011 and each of the subsequent years, June 30, 2012 and 2013 of the audit firm's contract with the City. The City will be planning to submit the CAFR to the Government Finance Officers Association (GFOA) for review in their Certificate of Achievement for Excellence in Financial Reporting program.

The selected independent auditor will be required to perform the following tasks:

1. Audit of all funds of the City of Los Alamitos. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller of the United States. The City's Comprehensive Annual Financial Report (CAFR) will be prepared and word processed by the audit firm. The CAFR will be in full compliance with GASB requirements. The audit firm will render their auditors' report on the basic financial statements which will include both Government-Wide Financial Statements and Fund Financial Statements. The audit firm will also apply limited audit procedures to Management's Discussion and Analysis (MD&A) and required supplementary information pertaining to the General Fund and each major fund of the City.
2. The audit firm will perform a single audit on the expenditures of federal grants in accordance with OMB Circular A-133 and render the appropriate audit reports on Internal Control over Financial Reporting based upon the audit of the City's financial statements in accordance with *Government Auditing Standards* and the appropriate reports on compliance with Requirements Applicable to each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards in Accordance with OMB Circular A-133. The single audit report will include appropriate schedule of expenditures of federal awards, footnotes, findings and questioned costs, including reportable conditions and material weaknesses, and follow up on prior audit findings where required.
3. The audit firm shall perform agreed-upon auditing procedures pertaining to the City's GANN Limit (Appropriations Limit) and render a letter annually to the City regarding compliance.
4. The audit firm shall issue a separate "management letter" that includes recommendations for improvements in internal control, accounting procedures and other significant observations that are considered to be non-reportable conditions. Management letters shall be addressed to the City Manager.

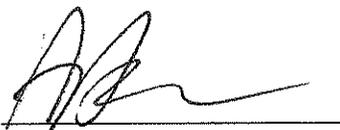
Additional tasks:

1. The audit firm shall review and evaluate the City's exclusive franchise solid waste hauler contract. As part of the fiscal year 2010-11 audit, the audit firm shall evaluate a sampling of franchise fees collected over the last four (4) years of the previous waste collection franchise agreement, analyzing calculations of gross revenues and proper application of franchise fee percentages. An annual evaluation of refuse franchise fees shall be incorporated in each subsequent audit. Based on the findings of the evaluation, the audit firm will make a recommendation on whether a more in depth audit is warranted.
2. The audit firm shall examine the assets of Los Alamitos Television as part of its evaluation of the city's fixed assets.

Fiscal Impact

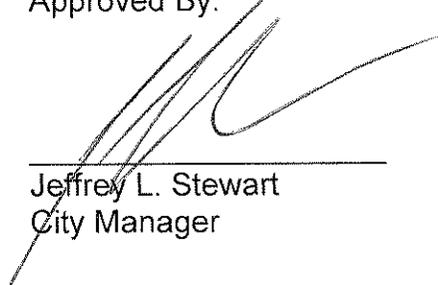
There will be no fiscal impact for issuing and circulating the request for proposal. The cost for consultant services will be determined when the City Council awards a bid for the contract. This cost will be included in the budget for fiscal year 2011-12.

Submitted By:



Anita Agramonte
Finance Manager

Approved By:



Jeffrey L. Stewart
City Manager

Attachments: 1) *[Proposed] Request for Proposal*

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS -
PROFESSIONAL AUDITING SERVICES



PROPOSALS DUE
April 28, 2011 – 5:00 p.m.

Anita Agramonte
Finance Manager

City of Los Alamitos
3191 Katella Ave
Los Alamitos, CA 90720

**CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
PROFESSIONAL AUDITING SERVICES**

I. INTRODUCTION

A. General Information

The City of Los Alamitos is requesting proposals from qualified certified public accounting firms to audit its financial statements for the three fiscal years beginning with the fiscal year ending June 30, 2011, with the option of auditing its financial statements for the two (2) subsequent fiscal years, in addition to performing other financial audits and reviews as specified below. These audits are to be performed in accordance with auditing standards generally accepted in the United States of America, the standards set forth for financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the U.S. Office of Management and Budget (OMB) Circular A-133 *Audits of State and Local Governments and Non-Profit Organizations*.

There is no expressed or implied obligation for the City of Los Alamitos to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. Materials submitted by respondents are subject to public inspection under the California Public Records Act (Government Code Sec. 6250 et seq.), unless exempt.

To be considered, five (5) copies of a proposal must be received by Anita Agramonte, Finance Manager at 3191 Katella Ave, Los Alamitos, CA 90720, on or before **5:00 P.M. on April 28, 2011**. **NO LATE PROPOSALS WILL BE ACCEPTED.**

During the evaluation process, the City of Los Alamitos reserves the right, where it may serve the City's best interest, to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City of Los Alamitos, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City reserves the right to retain all proposals submitted and to use any idea(s) in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in the request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Los Alamitos and the firm selected.

The City anticipates that the selection of a firm will be completed by May 12, 2008 with a contract to be authorized by the Los Alamitos City Council at its **May 16, 2011** meeting. The City reserves the right to reject any or all proposals, to waive any non-material irregularities or information in any proposal, and to accept or reject any items or combination of items.

B. Term of Engagement

It is the intent of the City to contract for the services presented herein for a term of three (3) years. The City of Los Alamitos reserves the right to extend the term of this contract for two (2) additional years, subject to the satisfactory negotiation of terms, including a price acceptable to both the City and the selected firm.

The proposal package shall present all inclusive audit fees for each year of the contract term and two additional years.

II. NATURE OF SERVICES REQUIRED

A. Scope of the Work to be Performed

The City of Los Alamitos desires a Comprehensive Annual Financial Report (CAFR) to be prepared by the independent auditor and be fully compliant with GASB requirements for the fiscal year ended June 30, 2011 and each of the subsequent years, June 30, 2012 and 2013 of the audit firm's contract with the City. The City will be planning to submit the CAFR to the Government Finance Officers Association (GFOA) for review in their Certificate of Achievement for Excellence in Financial Reporting program.

The selected independent auditor will be required to perform the following tasks:

1. Audit of all funds of the City of Los Alamitos. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller of the United States. **The City's Comprehensive Annual Financial Report (CAFR) will be prepared and word processed by the audit firm.** The CAFR will be in full compliance with GASB requirements. The audit firm will render their auditors' report on the basic financial statements which will include both Government-Wide Financial Statements and Fund Financial Statements. The audit firm will also apply limited audit procedures to Management's Discussion and Analysis (MD&A) and required supplementary information pertaining to the General Fund and each major fund of the City.
2. The audit firm will perform a single audit on the expenditures of federal grants in accordance with OMB Circular A-133 and render the appropriate audit reports on Internal Control over Financial Reporting based upon the audit of the City's financial statements in accordance with *Government Auditing Standards* and the appropriate reports on compliance with Requirements Applicable to each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards in Accordance with OMB Circular A-133. The single audit report will include appropriate schedule of expenditures of federal awards, footnotes, findings and questioned costs, including reportable conditions and material weaknesses, and follow up on prior audit findings where required.
3. The audit firm shall perform agreed-upon auditing procedures pertaining to the City's GANN Limit (Appropriations Limit) and render a letter annually to the City regarding compliance.
4. The audit firm shall issue a separate "management letter" that includes recommendations for improvements in internal control, accounting procedures and other significant observations that are considered to be non-reportable conditions. Management letters shall be addressed to the City Manager.

Additional tasks:

1. The audit firm shall review and evaluate the City's exclusive franchise solid waste hauler contract. As part of the fiscal year 2010-11 audit, the audit firm shall evaluate a sampling of franchise fees collected over the last four (4) years of the previous solid waste collection franchise agreement, analyzing calculations of gross revenues and proper application of franchise fee percentages. An annual evaluation of refuse franchise fees shall be incorporated in each subsequent audit. Based on the findings of the evaluation, the audit firm will make a recommendation on whether a more in depth audit is warranted.
2. The audit firm shall examine the assets of Los Alamitos Television as part of its evaluation of the city's fixed assets.

B. Auditing Standards to be Followed

To meet the requirements of this Request for Proposals, the audit shall be performed in accordance with:

1. Generally Accepted Auditing Standards as set forth by the American Institute of Certified Public Accounts;

2. The standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States;
3. The provisions of the Single Audit Act as amended in 1996; and
4. The provisions of U. S. Office of Management and Budget (OMB) Circular A-133, Audits of State and Local Governments and Non-Profit Organizations.

C. Other Communications

The independent auditor shall make all communications to the Administrative Services Director required by the audit standards under which the engagement is performed. The management of the City of Los Alamitos welcomes open discussion of concerns, questions and recommendations and expects the selected audit firm to participate fully in such discussions.

D. Working Paper Retention

All work papers and reports must be retained, at the auditor's expense, for a minimum of five years (or the retention timeframe established by the professional standards, whichever is longer), unless the firm is notified in writing by the City of Los Alamitos of the need to extend the retention period. The work papers are subject to review by federal and state agencies and other individuals designated by the City of Los Alamitos. Accordingly, the work papers shall be made available upon request.

In addition, the firm shall make the work papers generated by these audits available to successor auditors.

III. DESCRIPTION OF THE CITY OF LOS ALAMITOS

A. Background Information

The City of Los Alamitos is located in the northwest portion of Orange County, approximately 30 miles from downtown Los Angeles and 10 miles from Anaheim. It services an area of 4.3 square miles with a population of 12,191. The City's fiscal year begins on July 1 and ends on June 30.

The City of Los Alamitos was incorporated on March 1, 1960 as a Charter City which operates under the Council/Manager form of government. The city government is divided into seven departments: City Council, City Manager/City Clerk, Administrative Services, Police, Community Development, Public Works, and Recreation and Community Services. The City provides many services, including police protection, construction and maintenance of streets and other infrastructure, public improvements, planning and zoning, recreational activities and cultural events, and general administrative and support services. The City contracts for fire protection services.

The City's total expected payroll for the year ended June 30, 2011 is approximately \$6.7 million covering 52 budgeted full-time positions. The total municipal budget for the 2010-2011 fiscal year is \$14.5 million. The accounting and financial reporting functions of the City are centralized in the Administrative Services Department which consists of three (3) full-time staff members. The City utilizes Tyler Technologies Incode Software for financial reporting.

B. Fund Structure

The City of Los Alamitos uses the following fund types in its financial reporting:

Governmental Fund Types

- General Fund (1 fund)
- Special Revenue Funds (11 funds)
- Debt Service Funds (1 fund)
- Capital Projects Funds (3 funds)

Proprietary Fund Types

Internal Service Funds (2 funds)

The City may make additions to and/or deletions from this list and to the component units included in the reporting entity as deemed necessary.

C. Availability of Prior Reports and Work Papers

Diehl, Evans and Company, LLP in Irvine, CA conducted the City's most recent audit. The work papers of the previous audits are the property of the previous auditor and can be reviewed by the successful proposer. The following financial statements were prepared or audited by Diehl, Evans and Company, LLP.

1. City of Los Alamitos Comprehensive Annual Financial Report.

IV. TIME REQUIREMENTS

A. Proposal Calendar

The following is a list of key dates up to, and including, the date proposals are to be submitted:

<u>Date</u>	<u>Activity</u>
April 4, 2011	Request for Proposal issued
April 28, 2011	Due date for proposals (due by 5:00 p.m.)
May 2 to 6, 2011	Oral Interviews (conducted at City's discretion)
May 12, 2011	Successful audit firm notified
May 16, 2011	Contract awarded by City Council

B. Date Audit May Commence

Audit planning, documentation of systems of internal control and compliance and transaction testing should be completed during the interim stage.

Accounting records will be ready for audit by September 12, 2011. The audit fieldwork should begin no earlier than this date, and be completed no later than September 29, 2011. Changes in time requirements for any of these must be approved by the Administrative Services Director in advance. A draft of the Comprehensive Annual Financial Report (CAFR) shall be completed by October 27, 2011.

V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. Administrative Services Department and Clerical Assistance

The Administrative Services Department staff will be available during the audit to assist the firm by providing information, documentation, and explanations. Anita Agramonte, Finance Manager, will be responsible for acting as the liaison between the audit firm and the accounting personnel.

B. Work Area, Telephone, and Office Equipment

The City will provide the auditor with reasonable work space, desks and chairs. The auditor will also be provided with access to a telephone, a computer with access to the general ledger system, and photocopying and FAX machines.

C. Report Preparation

In compliance with the above mentioned scope, reports to be prepared include:

1. **Comprehensive Annual Financial Report (CAFR)**

Preparation of the financial statements, schedules, and accompanying notes are to be prepared by the audit firm for inclusion in the City's CAFR in time to meet the requirements of the GFOA Award program (December 31).

The auditor's report on compliance containing:

The results of evaluating the City's system of internal controls. The report should identify any material weakness and reportable conditions in internal controls and whether the City's internal controls are adequate to provide reasonable assurance that the City's assets are managed in compliance with all laws and regulations governing the City.

A statement of positive assurance with respect to items tested for compliance including compliance with laws, rules, and regulations pertaining to programs and other items which could have a material effect on financial reports. In addition, the auditor's report shall disclose whether the organization has complied with laws and regulations that may have a material effect on the City's financial statements.

2. **Single Audit**

The audit report shall state that the audit was made in accordance with the single audit provisions of OMB Circular A-133. The auditor's report on the study and evaluation of internal control systems should identify whether the organization's significant internal accounting controls provide reasonable assurance that Federal programs are being managed in compliance with laws and regulations. This report should also identify any controls which were not evaluated, and the material weaknesses and other reportable conditions identified as a result of the evaluation.

Ten (10) printed copies of the Single Audit and one (1) copy of the SF-SAC Data Collection Form shall be delivered to the City in time to meet Single Audit reporting requirements.

3. **Letters**

- Agreed upon procedures letter – Gann Limit – Five (5) copies
- Communication to Financial Oversight Body - Ten (10) copies
- Management Letter – Five (5) copies

VI. PROPOSAL REQUIREMENTS

A. General Requirements

1. Inquiries concerning the Request for Proposals and the subject of the Request for Proposals must be made to:

Anita Agramonte
Finance Manager
3191 Katella Avenue
Los Alamitos, CA 90720
(562) 431-3538, ext 222
aagramonte@ci.los-alamitos.ca.us

CONTACT WITH PERSONNEL OF THE CITY OTHER THAN THE ABOVE REGARDING THIS REQUEST FOR PROPOSALS MAY BE GROUNDS FOR ELIMINATION FROM THE SELECTION PROCESS.

2. Submission of Proposal. Five (5) copies of the Proposal shall be received in the office of Administrative Services of the City of Los Alamitos **by 5:00 p.m. on April 28, 2011** for a proposal to be considered. The Proposal should address the items listed below.

The Proposal should be addressed as follows:

City of Los Alamitos
Anita Agramonte
Finance Manager
3191 Katella Avenue
Los Alamitos, CA 90720

B. Format for Technical Proposal

For an audit firm to be considered, the following material is requested to be received by the due date, (April 28, 2011) in a sealed envelope:

1. **Title Page**

The title page shall show the RFP subject, name of the audit firm, local address, telephone number, name and title of contact person, and the firm's California CPA License Number and Firm's Federal Identification Number.

2. **Cover Letter**

The cover letter should briefly state the firm's understanding of the work to be performed, the commitment to perform the work in the required time frame and statements as to why the firm believes it is best qualified to perform the engagement. The cover letter should also make a statement that the firm's offer is a firm, irrevocable offer for 90 days. The cover letter should indicate whether the firm is independent with respect to the City of Los Alamitos and that the firm is an Equal Opportunity Employer.

3. **Table of Contents**

The table of contents should include a clear and complete identification of the materials submitted by section and page number. Cross-referencing to section and page number in the RFP would be helpful.

4. **Content**

The purpose of the Proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake an independent audit in conformity with the requirements of this Request for Proposal. As such, the substance of proposals will carry more weight than their form or manner of presentation. The Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the Request for Proposal requirements.

The Proposal should address all the points outlined in the RFP. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposal. While additional data may be presented, the areas detailed below must be included. They represent the criteria against which the proposal will be evaluated.

The audit firm should set forth the following:

- *License to Practice in California*
An affirmative statement should be included that the firm and all assigned key professional staff are properly licensed to practice in California.
- *Independence*
The firm should provide an affirmative statement that it is independent of the City of Los Alamitos as defined by generally accepted auditing standards as defined by the U.S. General Accounting Office's Government Auditing Standards.
- *Business License*
The independent auditor selected must possess a City of Los Alamitos business license while conducting any work under this contract.
- *Insurance*

The audit firm shall make a positive statement that it has the required insurance policies in force in amounts of coverage for not less than \$1,000,000 for Professional Liability, Workers Compensation, Comprehensive General Liability and Auto (Owned and Non-Owned). Prior to any commencement of audit services, the auditor will be required to provide certificates of insurance coverage to the City of Los Alamitos.

- *Firm Qualifications and Experience*

To qualify the firm must have extensive experience in audits of local governments. The proposer should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed, the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified and the firm that is to serve as the principal auditor should be noted, if applicable.

If the proposer will be subcontracting any portion of the audit to another individual or firm, the proposal must include a list of all subcontractors to be used. No substitutions of subcontractors may be made without prior written consent of the City of Los Alamitos.

The proposer is also required to submit a copy of the report on its most recent external quality control (peer) review, with a statement whether that quality control review included a review of specific government engagements (required by *Government Audit Standards*).

The proposer shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the proposer shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

- *Partner, Supervisory and Staff Qualifications and Experience*

Staff assigned to the City of Los Alamitos audit fieldwork shall include at least one CPA with three (3) or more years of local government auditing experience. This person will be at the supervisory level. There shall be at least one additional person on the audit staff who has completed at least one (1) full year in local government auditing. The total audit staff should be at a level sufficient to complete the audit within the time schedule specified above. In addition, the audit staff should remain constant throughout the audit and at least one (1) staff member from the current year's audit is to be a member of the next year's audit team.

Identify the principal supervisory and management staff, including engagement partners, managers, and other supervisors and specialists, who would be assigned to the engagement and indicate whether each such person is licensed to practice as a certified public accountant in California. Also, provide information on the government auditing experience of each person.

Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. Indicate how the quality of staff will be assured over the term of the agreement.

Principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists may be changed during the course of the agreement, however, the City of Los Alamitos reserves the right to approve or reject replacements. Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

5. **Local Government Client References**

Provide a listing of at least five municipal clients which the firm's local office serves, with preferences to similar government entities who have received financial reporting awards from the GFOA and CSMFO.

Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

6. **Capabilities in General Consulting and Compliance Auditing**

Provide any other information regarding general consulting and special audits provided by the firm.

7. **Approach, Scope and Timing of the Audit**

The proposal should provide in detail the firm's approach to the City of Los Alamitos's audit, including procedures to be performed, tasks required as a part of the A-133 single audit, the use of statistical sampling, the utilization of computers on the audit engagement, analytical procedures that may be used, the consideration of laws and regulations, assistance required from City staff and proposed segmentation of the audit.

The proposal should also provide information of your firm's understanding of the objectives and scope of the engagement. Specifics should be provided of the auditing standards to be followed and reports to be issued by the audit firm.

D. **Contents of Cost Proposal**

1. **Total All-Inclusive Maximum Price**

The cost proposal should contain all pricing information relative to performing the audit engagement as described in this request for proposals. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including all out-of-pocket expenses.

The City will not be responsible for expenses incurred in preparing and submitting the technical proposal or the sealed dollar cost bid. Such costs should not be included in the proposal.

The cost proposal should be submitted in the format provided in Attachment A, "AUDIT WORK COST PROPOSAL FORM".

2. **Manner of Payment**

Progress payment will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's proposal. Interim billings shall cover a period of not less than a calendar month.

VII. **EVALUATION PROCEDURES**

A. **Evaluation Criteria**

Proposals will be evaluated based upon their response to provisions of this Request for Proposal. The following criteria will be used to evaluate responses to this proposal:

1. The firm's licensing, independence with respect to the City of Los Alamitos and results of most recent peer review. This should include any disciplinary actions taken or pending against the firm.
2. Qualifications and related experience of the audit team who will be actually working on and coordinating the City's audit (i.e., Partner, Manager and Senior Auditors), including the firm's on-going efforts to keep its staff current and knowledgeable in governmental accounting practices.
3. Local government client references.
4. Commitment to timeliness in the conduct of the audit.
5. Thoroughness of approach to conducting the audit.
6. Demonstration of the understanding of the objectives and scope of the audit.

7. Maximum fees to conduct the audit.
8. The firm's past experience and performance on comparable government engagements.
9. The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
10. Adequacy of proposed staffing plan for various segments of the engagement.

Attachment A

AUDIT WORK COST PROPOSAL FORM

Service	2010/11	2011/12	2012/13	2013/14	2014/15
City Audit and Related Reports	\$	\$	\$	\$	\$
GANN Limit Review Report	\$	\$	\$	\$	\$
Single Audit and Related Reports	\$	\$	\$	\$	\$
Evaluation of Solid Waste Hauler Franchise Fees	\$	\$	\$	\$	\$
Assessment of Los Alamitos Television Fixed Assets	\$	\$	\$	\$	\$
Total for Fiscal Year (not-to exceed)	\$	\$	\$	\$	\$

City of Los Alamitos

Agenda Report Discussion Items

April 4, 2011
Item No: 9C

To: Mayor Kenneth Stephens & Members of the City Council
From: Steven Mendoza, Community Development Director
Via: Jeffrey L. Stewart, City Manager
Subject: U.S. Army Reserve Black Hawk Helicopter Company at JFTB

Summary: The City Council has invited Brigadier General Keith Jones and his staff to present an overview of the proposed stationing of a Black Hawk Helicopter Company moving from Victorville to Los Alamitos Joint Forces Training Base.

Recommendation:

1. Receive and file the report; and,
2. Alternatively, discuss and take action related to this item.

Background

The United States Army Reserve is proposing to station a Black Hawk Helicopter Company at the Los Alamitos Joint Forces Training Base. The project includes the stationing of an 87 member Aviation (AVN) Company consisting of 29 full-time personnel and 58 part-time Reserve Soldiers. The equipment would include eight HH-60 Black Hawk helicopters, three High Mobility Multi purpose Wheeled Vehicles (HMMWV), three Heavy Expanded Mobility Tactical Trucks (JEMTT), one flatbed trailer, and three fuel trailers.

The Company is currently stationed 95 miles northeast of the City of Los Alamitos at Aviation Support Facility (ASF) Victorville at the Southern California Logistics Airport in San Bernardino County, California. If stationed at JFTB Los Alamitos, the Company would be collocated in Hangar 3. Building 912 would provide maintenance bays, storage, and administrative offices for the ASF personnel. Light helicopter maintenance consists of component replacement.

The Company would store additional helicopters outside at existing tie-down sites at the airfield. Wheeled vehicles and equipment that does not fit within Building 912 would be stored at the Equipment Concentration Site (ECS) 16, located across Constitution Avenue. Unit-level vehicle and equipment maintenance activities would be conducted at

ECS 16. The area surrounding Building 912 includes temporary military equipment parking (MEP), temporary storage area, a washrack, and hazardous materials/waste storage (Figure 2-1).

The United States Army Reserve has prepared an Environmental Assessment (EA) outlining the impacts of this proposed project. The EA states that typically there would only be 3 or 4 aircraft parked on the flight line, with a combined average of 15 additional flights per week (2 to 3 flights Tuesday through Thursday, 1 to 2 flights on Monday and Friday, and the possibility of 1 or 2 flights per weekend). These additional flights would be conducted during regular airfield hours and would last an average of 1½ hours each. The Company would perform helicopter flight training operations from JFTB Los Alamitos, to include utilizing existing arrival and departure procedures from the airfield into the national airspace system. Company pilots would follow established flight patterns already being used by fixed wing and rotary-wing aircraft that operate and train at the Installation.

Changes at the JFTB are subject to a Federal Environmental review process known as NEPA (National Environmental Policy Act). This process is documented within an Environmental Assessment published on March 20, 2011, for 30 days. Comments from area residents, Agencies, and Cities regarding the Environmental Assessment must be postmarked by April 19, 2011, and sent to:

Ms. Carmen Call, 63rd Regional Support Command (RSC)
Directorate of Public Works - Environmental Branch
P.O. Box 63 - Moffett Field, California 94035
Phone: (650) 279-1823 - Email: carmen.call@usar.army.mil

Brigadier General Keith Jones has been invited to introduce the project and respond to questions from the City Council. Upon completion of the 30-day review period and after the Army has considered all comments and taken all appropriate actions, a final decision document in the form of a Finding of No Significant Impact (FNSI) or a Notice of Intent (NOI) to complete an Environmental Impact Statement (EIS) will be issued by the Army. Comments generated during this City Council meeting will be incorporated into the City's response.

Staff has attached the Project Executive Summary that was included in the initial Environmental Assessment document (Attachment 1).

Fiscal Impact

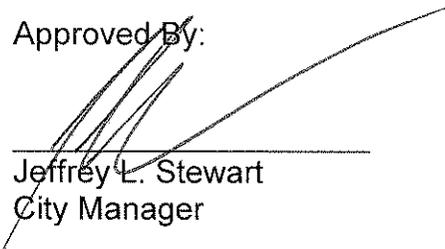
None.

Submitted By:



Steven A. Mendoza
Director of Community Development

Approved By:



Jeffrey L. Stewart
City Manager

Attachment: 1) Project Executive Summary

EXECUTIVE SUMMARY

This Environmental Assessment (EA) analyzes the potential environmental effects associated with the stationing and operation of a United States (U.S.) Army Reserve (USAR) Black Hawk Company (the Company) at Joint Forces Training Base (JFTB) Los Alamitos (also referred to as "the Installation"), California.

The Proposed Action, which is the Army's preferred alternative, involves relocating an 87-member Aviation Company from Aviation Support Facility (ASF) Victorville, California to JFTB Los Alamitos. The Company includes A Company 2-238th AVN Regiment and Detachment 1 from D and E Companies. Its wartime mission is to provide aerial Command and Control support, limited air assault, and air movement for the corps and higher level commands. The Company is part of the 11th AVN Command, headquartered at Fort Knox, Kentucky; however, Detachments within the Company report directly to the 7-158 AVN located at Fort Hood, Texas. The Company consists of 29 full-time personnel and 58 part-time Reserve Soldiers and includes 8 UH-60 Black Hawk helicopters, 2 High Mobility Multipurpose Wheeled Vehicles (HMMWV), 3 Heavy Expanded Mobility Tactical Trucks (HEMTT), 1 flatbed trailer, and 3 fuel trailers.

Implementation of the Proposed Action would allow the USAR to improve long-term readiness for the Company by placing it in a location that provides better opportunities to recruit and retain the highly-qualified skill sets required for this unit. This unit is a high demand organization that is consistently deployed in support of current and future operations. Recruiting and hiring full-time staff for the location at ASF Victorville is costly because the majority of the people who work at ASF reside in the Los Angeles basin. Additionally, ASF Victorville is located in a leased facility, which costs the government a substantial amount of money each year.

The overall use of the Installation is compatible with the unit's mission. JFTB Los Alamitos already accommodates both fixed-wing and rotary-wing (helicopters) aircraft from a variety of military and civilian agencies. The Black Hawk helicopter is already in use at the Installation; there are 20 CAARNG Black Hawk helicopters stationed at Los Alamitos Army Airfield. Previous operations analyzed at the Installation in a 1973 Environmental Impact Statement (EIS) have included up to 98 UH-1 "Huey" helicopters, which was the predecessor to the Black Hawk. Additionally, an internal Sustainability Study conducted by the CAARNG in 2007 assessed the impacts associated with 24 rotary wing aircraft.

A No Action Alternative was analyzed, in addition to the Proposed Action, as required under the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA). The No Action Alternative serves as a baseline or benchmark to be compared with the Proposed Action and alternatives. Under the No Action Alternative, the USAR would not station the Company at JFTB Los Alamitos. The USAR would continue to pay for leased facilities. Recruitment and retention of ASF employees and qualified Soldiers would remain a challenge, impacting the USAR's ability to meet current and future missions and readiness standards.

No significant impacts are anticipated from implementing the Proposed Action. The stationing of the Company at JFTB Los Alamitos would have minor adverse impacts to regional air quality, transportation, and the noise environment. However, these effects would be less than significant. Likewise, the impacts for all other resources evaluated are anticipated to be less than significant. Implementation of the Proposed Action would also have minor direct, beneficial impacts to the local economy. A summary of potential impacts and measures to minimize adverse impacts of the Proposed Action is provided in Table EX-1. Acronyms used in the table are defined in subtext immediately following the table.

Based on the analysis contained herein, it is the conclusion of this EA that the Proposed Action or the No Action Alternative would not constitute a major federal action with significant impact on human health or the environment and that a Finding of No Significant Impact for the Proposed Action should be issued to conclude the NEPA documentation process.

Table EX-1. Summary of Potential Impacts and Measures to Minimize Impacts for the Proposed Action

Resource Area	Level of Impact			Summary of Potential Impacts and Measures to Minimize Impacts
	Significant	Less than Significant	No Impact	
Land use			X	There would be no direct, indirect, or cumulative impacts to land use on or off JFTB Los Alamitos as a result of the Company stationing action. The Company would use existing facilities at the Installation. Operations would be consistent with current activities in use at these facilities. No new construction or changes to existing land use categorizations would result from the Proposed Action.
Topography, Geology, and Soils			X	Stationing the Company at JFTB Los Alamitos and subsequent training missions do not involve any ground disturbance. No adverse impacts to topography, geology, or soils are anticipated.
Hydrology and Water Resources			X	Stationing the Company at JFTB Los Alamitos and subsequent training missions would not result in any modifications to existing surface water drainages or groundwater resources. The Company would comply with the Installation's SPCC Plan and SWPPP to prevent oil products and hazardous substances from reaching waterways. Activities associated with the Proposed Action would be consistent with existing operations on the Installation. No impacts to hydrology or water resources are anticipated.

Resource Area	Level of Impact			Summary of Potential Impacts and Measures to Minimize Impacts
	Significant	Less than Significant	No Impact	
Biological Resources and Wetlands		X		No ground disturbing activities resulting in loss of habitat would occur because the Company would use existing buildings and airfield infrastructure to perform mission requirements. The introduction of additional aircraft would increase the risk of wildlife/aircraft strike hazards. However, due to the small number of additional flights the Company would add to the Installation's existing daily flights, no direct or indirect long term or short term adverse impacts to biological resources are anticipated.
Cultural Resources			X	The Company would not be conducting ground disturbing activities or modifications to any buildings under the Proposed Action. No adverse impacts to cultural resources are anticipated.
Air Quality		X		Air emissions from vehicles, aircraft, and equipment associated with the Company stationing action are anticipated to result in a less than significant, minor adverse impact to local and regional air quality.
Visual Resources			X	Company stationing and subsequent training activities at JFTB Los Alamitos will not result in impacts to visual resources. Black Hawk helicopters are already in use by the CAARNG at the Installation. The Company may conduct some nighttime flying, however most activities would occur over undeveloped and unpopulated areas. The Company would use existing facilities at the Installation and would not require the construction of new buildings or structures.
Noise		X		Minor, long-term adverse impacts to the noise environment are expected to result from operations associated with the Company. Black Hawk helicopters are already in use at the Installation, along with other rotary wing and fixed wing aircraft. Due to the existing noise environment, the addition of the USAR helicopters is anticipated to result in less than significant impacts.
Socioeconomics and Environmental Justice		X		Minor long term beneficial impacts would result from the stationing of the Company at JFTB Los Alamitos. Reservists will travel to the area one weekend a month, which will benefit the local economy.
Transportation and Circulation		X		No significant direct or indirect impacts are anticipated as a result of the Proposed Action. The minor increase in traffic would be negligible in terms of regional transportation and circulation.
Utilities			X	The Company would use existing utilities located on JFTB Los Alamitos. The existing utilities infrastructure has enough capacity to support the Proposed Action. No impacts are anticipated.

Resource Area	Level of Impact			Summary of Potential Impacts and Measures to Minimize Impacts
	Significant	Less than Significant	No Impact	
Hazardous and Toxic Substances		X		Long-term minor adverse impacts related to hazardous materials and waste would be expected as a result of the Proposed Action. There would be an increased use of materials such as petroleum, oils and lubricants, and solvents from maintenance activities. All hazardous materials and waste would be handled in accordance with local, state, and federal regulations and in accordance with the Installation's procedures established in the HMWMP, HMBP, SWPPP, and SPCC Plan. Personnel from the Company that would operate or perform maintenance on helicopters and equipment or perform fueling activities would receive training on the Installation's plans and procedures.
Human Health and Safety		X		No significant long term or short term adverse impacts to human health and safety would be expected. Helicopter flights would use established and approved flight paths. The Proposed Action would not result in a significant impact on local fire, rescue, or law enforcement services, or medical facilities. No adverse impacts to children are expected.

JFTB-Joint Forces Training Base; SPCC- Spill Prevention, Control, and Countermeasures; SWPPP- Stormwater Pollution Prevention Plan; CAARNG- California Army National Guard; HMWMP- Hazardous Materials and Waste Management Plan; HMBP- Hazardous Materials Business Plan

10. MAYOR AND COUNCIL INITIATED BUSINESS

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 an item on a future Agenda.

Council Member Graham-Mejia

Council Member Kusumoto

Council Member Poe

Mayor Pro Tem Edgar

Mayor Stephens