

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING MONDAY, AUGUST 1, 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.

Persons wishing to address the City Council on any item on the City Council Agenda will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

1. CALL TO ORDER

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Mayor Stephens

4. INVOCATION

Council Member Kusumoto

5. ORAL COMMUNICATIONS

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

6. REGISTER OF MAJOR EXPENDITURES

August 1, 2011.

Roll Call Vote

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

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.

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

A. Warrants (Finance)
August 1, 2011.

B. Status of Prior City Council Discussion to Seek Sanctions Against Former City Council Candidate Brad Sheridan (Admin)
This item was placed on the agenda at the request Council Member Kusumoto. During a City Council meeting dated June 21, 2010, former City Council Member Dean Zarkos requested staff to investigate the potential for filing an ethics complaint with the California Bar Association in response to comments made by former City Council candidate Brad Sheridan. The City Council took no formal action on the issue.

Recommendation: 1) Receive and file.

C. Approval of Award to Crown Fence for Orville Lewis Park Chain Link Fence Bid and Authorize City Public Works Staff to Construct Concrete Barrier (Public Works)
The fence at Orville Lewis Park is in need of repair and coyotes are digging under the fence to enter into the Highlands Neighborhood. The City received three bids for the replacement of the chain link fence. Staff is requesting authorization to award the project to the lowest responsible bidder and authorize Public Works staff to construct a concrete barrier at the base of the fence.

Recommendation:

1. Authorize staff to execute a Purchase Order with Crown Fence for the Orville Lewis Park chain link fence, in an amount of \$10, 265; and,
2. Authorize a 10% contingency fund of \$1,065.

D. Designation of General Plan and Zoning Assignment to the Planning Commission (Comm. Dev.)

Designation of General Plan and Zoning assignment to the Planning Commission instructing the Planning Commission to begin consideration of future General Plan and Zoning designations within the City's Sphere of Influence.

Recommendation:

1. Adopt Resolution No. 2011-14 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, INITIATING GENERAL PLAN AMENDMENTS AND PRE-ZONING OF THE UNINCORPORATED AREA OF THE COUNTY OF ORANGE BOUND BY WALLINGSFORD ROAD ON THE WEST, KATELLA AVENUE ON THE NORTH, LOS ALAMITOS BOULEVARD ON THE EAST AND HEDWIG ON THE SOUTH**

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

8. PUBLIC HEARINGS

A. Annexation and Pre-zoning of Long Beach properties into the City of Los Alamitos (Comm. Dev.)

Item has been withdrawn by staff and is being sent back to the Planning Commission to consider new information brought forward in a title report.

Recommendation:

1. Postpone Public Hearing; and,
2. Send back to the Planning Commission for additional review of title information impact upon the pre-zoning of the various properties.

B. Zoning Ordinance Amendment 11-01 – Massage Establishments

A consideration to amend the Los Alamitos Municipal Code concerning massage establishments. (City initiated) (Comm. Dev.)

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Adopt City Council Ordinance No. 11-06, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS LOS ALAMITOS, CALIFORNIA REVISING MUNICIPAL CODE CHAPTER 5.32 "MESSAGE ESTABLISHMENTS" AND MESSAGE RELATED PROVISIONS IN SECTIONS 17.10.020 AND 17.76.020 OF THE ZONING CODE (ZOA 11-01) IN THE GENERAL COMMERCIAL (C-G) AND COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICTS."

C. Zoning Ordinance Amendment 11-02 – Body Adornment Establishments (Tattoo) (Comm. Dev.)

A consideration to establish zoning regulations pertaining to body adornment establishments in the Planned Light Industrial (PM) zone. (City Initiated)

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Adopt City Council Ordinance No. 11-07, entitled, "AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO APPROVE ZONING ORDINANCE AMENDMENT 11-02 ADOPTING ORDINANCE SECTION 17.33, AND AMENDING LAND USE TABLE 2-04 AND SECTION 17.76.020 OF THE LOS ALAMITOS MUNICIPAL CODE REGARDING BODY ADORNMENT ESTABLISHMENTS IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE."

9. DISCUSSION ITEMS

A. Direction Regarding Potential City Council Conflicts of Interest on Various Projects (Admin)

During the discussion of the two issues regarding the Los Alamitos Boulevard Revitalization project and the traffic signal at Katella/Lexington at the City Council meeting on July 18, 2011, there was significant discussion of potential conflict of interest issues involving three members of the City council on two different items. This issue has been placed on the agenda to provide the City Attorney specific direction to research any existing and potential conflicts of interest regarding the projects stated above to provide direction for appropriately managing future conflict of interest issues in the City.

Recommendation: Authorize the City Attorney to clarify potential conflict issues regarding the Los Alamitos Boulevard Project and potential improvements on Katella Avenue, including researching the issues, drafting letters to the FPPC and, if necessary, obtaining an MAI standard appraisal to determine the financial effect of the projects on real property interests.

**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 the item on a future Agenda.

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

11. ITEMS FROM THE CITY MANAGER

12. CLOSED SESSION

Public Employee Appointment
Government Code Section 54957
Title: City Clerk

13. ADJOURNMENT

The next meeting of the City Council is scheduled for Monday, August 15, 2011, 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

July 28, 2011
Date

5. ORAL COMMUNICATIONS

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

CITY OF LOS ALAMITOS
Register of Major Expenditures
August 1, 2011

Pages:

01	\$ 514,751.74	Major Warrants	08/01/2011
	\$ 151,445.60	Payroll	07/22/2011
	\$ 89,544.21	Payroll Benefits	07/22/2011

Total **\$ 755,741.55**

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 Director.



this 27th day of July, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
THE BANK OF NEW YORK MELLON TRUST CO.	INTEREST PAYABLE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	74,194.40
	PRINCIPAL PAYABLE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	65,000.00
	TOTAL:			139,194.40
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES 06/11	GENERAL FUND	BUILDING INSPECTION	9,971.46
	NPDES INSPECTIONS 06/11	GENERAL FUND	NPDES	229.00
	TOTAL:			10,200.46
CITY OF CYPRESS	WEST COMM JPA - FY 11/12	GENERAL FUND	COMMUNICATIONS TECHNOL	174,596.10
	TOTAL:			174,596.10
CITY OF LONG BEACH	ANIMAL CONTROL 2010-2011	GENERAL FUND	ADMINISTRATIVE SERVICE	52,874.55
	TOTAL:			52,874.55
CITY OF WEST COVINA	ANNUAL FEES 2011-2012	GENERAL FUND	COMMUNICATIONS TECHNOL	78,020.00
	TOTAL:			78,020.00
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	RENTAL FEES - MCAULIFFE	GENERAL FUND	SPECIAL CLASSES	6,612.00
	RENTAL FEES - OAK	GENERAL FUND	SPECIAL CLASSES	16,876.25
	TOTAL:			23,488.25
REDFLEX TRAFFIC SYSTEMS, INC.	JUN 11 PHOTO ENFORCEMENT	GENERAL FUND	TRAFFIC	13,500.00
	TOTAL:			13,500.00
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,873.27
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	414.40
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	1,913.25
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	310.63
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	1,079.02
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	2,190.74
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	3,096.67
	TOTAL:			22,877.98

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===== FUND TOTALS =====
10  GENERAL FUND                375,557.34
31  LAUREL PARK DEBT SERVICE    139,194.40
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      GRAND TOTAL:              514,751.74
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CITY OF LOS ALAMITOS
A/P Warrants
August 1, 2011

Pages:

01-07	\$ 97,859.21	A/P Warrants	08/01/2011
	\$ 2,039.04	Retiree Benefits	08/01/2011
Total	<u>\$ 99,898.25</u>		

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 Director.



this 27th day of July, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
AHERN RENTALS	ASPHALT ROLLER RENTAL	GENERAL FUND	STREET MAINTENANCE	115.66
			TOTAL:	115.66
ALAMITOS AUTO PARTS	SHOP SUPPLIES	GARAGE FUND	GARAGE	175.60
			TOTAL:	175.60
ALCO TARGET COMPANY	TARGETS	GENERAL FUND	PATROL	55.14
			TOTAL:	55.14
ALLEN TIRE CO.	ALIGNMENT	GARAGE FUND	GARAGE	80.19
			TOTAL:	80.19
AMERICAN RED CROSS	PROCESSING FEE 2011-2012	GENERAL FUND	AQUATICS	2,000.00
			TOTAL:	2,000.00
AMERICAN RENTALS	FLOOR ROLLER RENTAL	GENERAL FUND	BUILDING MAINTENANCE	17.96
			TOTAL:	17.96
AMERICAN SOCCER COMPANY, INC.	SOCCER SERVICES	GENERAL FUND	SPECIAL CLASSES	1,447.30
			TOTAL:	1,447.30
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	80.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	1,135.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	100.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	75.00
			TOTAL:	1,640.00
AW DIRECT	TOOLS	GARAGE FUND	GARAGE	138.24
			TOTAL:	138.24
BEE BUSTERS, INC.	BEE REMOVAL	GENERAL FUND	PARK MAINTENANCE	125.00
			TOTAL:	125.00
BENESYST	FLEX ADMIN SERVICES 08/11	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
ELEANORE BROEKHUIJSEN	REFUND - LEARN TO SWIM	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - LEARN TO SWIM	GENERAL FUND	NON-DEPARTMENTAL	150.00
			TOTAL:	200.00
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	25.55
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	12.82
			TOTAL:	38.37
CALIFORNIA PARK & REC SOCIETY	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	155.00
			TOTAL:	155.00
CAMEL FINANCIAL, INC.	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	330.00
			TOTAL:	330.00
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGES	GENERAL FUND	CITY MANAGER	206.60
			TOTAL:	206.60
CDW GOVERNMENT, INC.	SONICWALL	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,867.00
	APPLE IMAC PC	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,245.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	3,112.00
CITY OF BREA	IT SERVICES 06/11	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	7,578.00
			TOTAL:	7,578.00
CLEANSOURCE	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	627.31
			TOTAL:	627.31
COAST RECREATION	PLAYGROUND EQUIP REPAIR	GENERAL FUND	PARK MAINTENANCE	379.85
			TOTAL:	379.85
BOB COHEN	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	84.00
			TOTAL:	84.00
COMPUTER SERVICE CO.	SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS 06/11	GENERAL FUND	NON-DEPARTMENTAL	2,595.00
			TOTAL:	2,595.00
COUNTY OF ORANGE TREASURER-TAX COLLECT	LAFCO FEES 2011-2012	GENERAL FUND	CITY COUNCIL	1,664.99
	COMM CHARGES 4Q FY 10/11	GENERAL FUND	COMMUNICATIONS TECHNOL	2,539.35
			TOTAL:	4,204.34
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE 06/11	GENERAL FUND	NEIGHBORHOOD PRESERVAT	170.04
			TOTAL:	170.04
DECKSIDE POOL SERVICE	POOL REPAIRS	GENERAL FUND	AQUATICS	475.00
	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
			TOTAL:	1,765.00
DEPARTMENT OF CONSERVATION	SMIP FEES 2Q 2011	GENERAL FUND	NON-DEPARTMENTAL	250.25
			TOTAL:	250.25
DIGITAL MAP PRODUCTS, INC.	GIS SUBSCRIPTION 2011-2012	GENERAL FUND	PLANNING	9,500.00
			TOTAL:	9,500.00
DOG DEALERS, INC.	INSTRUCTOR - DOG OBEDIENCE	GENERAL FUND	SPECIAL CLASSES	44.80
			TOTAL:	44.80
FEDEX	SHIPPING	GENERAL FUND	INVESTIGATION	24.70
	SHIPPING	GENERAL FUND	COMMUNITY DEVEL ADMIN	40.47
			TOTAL:	65.17
GANAHL LUMBER COMPANY	SAFETY EQUIPMENT	GENERAL FUND	STREET MAINTENANCE	99.04
	SAFETY EQUIPMENT	GENERAL FUND	STREET MAINTENANCE	16.15
	PAINT	GENERAL FUND	STREET MAINTENANCE	78.08
	VALVE	GENERAL FUND	PARK MAINTENANCE	8.47
	KEYS MADE	GENERAL FUND	BUILDING MAINTENANCE	4.33
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	9.15
	SCREWS	GENERAL FUND	BUILDING MAINTENANCE	2.67
	SUPPLIES - 4TH OF JULY	GENERAL FUND	SPECIAL EVENTS	43.09
	SILICONE	GARAGE FUND	GARAGE	5.92
			TOTAL:	266.90
GOLDEN STATE WATER COMPANY	BILL CYCLE 6/7-7/8	GENERAL FUND	STREET MAINTENANCE	1,829.85

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	BILL CYCLE 6/7-7/8	GENERAL FUND	PARK MAINTENANCE	341.89
	BILL CYCLE 6/7-7/8	GENERAL FUND	BUILDING MAINTENANCE	676.98
			TOTAL:	2,848.72
GOLF VENTURES WEST	SEAT HINGE	GARAGE FUND	GARAGE	42.12
			TOTAL:	42.12
GREAT PACIFIC EQUIPMENT, INC.	BOOM TRUCK PARTS	GARAGE FUND	GARAGE	238.78
			TOTAL:	238.78
HARRY'S PLUMBING AND DRAINS, INC.	REPLACE URINAL	GENERAL FUND	BUILDING MAINTENANCE	370.00
	PLUMBING REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	600.00
	REPLACE WATER HEATER	BUILDING IMPROVEME	CAPITAL PROJECTS	1,142.00
			TOTAL:	2,112.00
HEART TO HEART CPR	INSTRUCTOR - CPR	GENERAL FUND	SPECIAL CLASSES	163.80
	INSTRUCTOR - FIRST AID	GENERAL FUND	SPECIAL CLASSES	37.80
			TOTAL:	201.60
HI-WAY SAFETY INC.	NO PARK SIGNS - JULY 4TH	GENERAL FUND	SPECIAL EVENTS	76.13
	SUPPLIES - JULY 4TH	GENERAL FUND	SPECIAL EVENTS	120.00
			TOTAL:	196.13
INCREDFLIX STUDIOS	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	709.80
			TOTAL:	709.80
JUDICIAL DATA SYSTEMS CORPORATION	CITATIONS 06/11	GENERAL FUND	TRAFFIC	227.55
			TOTAL:	227.55
KIMBALL MIDWEST	SHOP SUPPLIES	GARAGE FUND	GARAGE	492.16
			TOTAL:	492.16
KNOTT'S BERRY FARM	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	1,033.53
			TOTAL:	1,033.53
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,137.45
			TOTAL:	1,137.45
KUSTOM IMPRINTS	MOVIES IN PARK BANNERS	GENERAL FUND	RECREATION ADMINISTRAT	326.25
	VOLUNTEER T-SHIRTS	GENERAL FUND	SPECIAL CLASSES	366.93
	VOLUNTEER PACKS	GENERAL FUND	SPECIAL CLASSES	340.64
			TOTAL:	1,033.82
LITTLE YOGA MONKEYS	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	146.25
			TOTAL:	146.25
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	58.50
			TOTAL:	58.50
LONG BEACH SOCCER REFEREE ASSOCIATION	ASSIGNING SERVICES	GENERAL FUND	SPECIAL CLASSES	570.00
			TOTAL:	570.00
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPECIAL CLASSES	258.00
			TOTAL:	258.00
MARTIN & CHAPMAN CO.	PERMANENT PAPER	GENERAL FUND	CITY COUNCIL	283.15

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	283.15
MISC. VENDOR	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	105.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	210.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	105.00
	REFUND - COMM CTR DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	53.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	62.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	66.00
	REFUND - PARKING CITE	GENERAL FUND	NON-DEPARTMENTAL	40.00
			TOTAL:	841.00
MWR	POOL INTERNET 6/25-7/25	GENERAL FUND	AQUATICS	143.30
			TOTAL:	143.30
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	295.00
NEWS ENTERPRISE	HEARING NOTICES	GENERAL FUND	PLANNING	443.06
			TOTAL:	443.06
JANIE NILSSON	INSTRUCTOR - SPECIAL NEEDS	GENERAL FUND	SPECIAL CLASSES	260.40
	INSTRUCTOR - SPECIAL NEEDS	GENERAL FUND	SPECIAL CLASSES	260.40
			TOTAL:	520.80
NORM'S AUTOMOTIVE CENTER INC.	CROWN VIC TRANI REBUILD	GARAGE FUND	GARAGE	2,185.63
			TOTAL:	2,185.63
NORTHERN TOOL & EQUIPMENT CO.	TOOLS	GARAGE FUND	GARAGE	155.54
			TOTAL:	155.54
ORANGE COUNTY SANITATION DISTRICT	CONNECTION FEES 06/11	GENERAL FUND	NON-DEPARTMENTAL	2,822.45
			TOTAL:	2,822.45
ORANGE COUNTY TRAINING MANAGER'S ASSOC	MEMBERSHIP DUES 2011-2012	GENERAL FUND	POLICE ADMINISTRATION	70.00
			TOTAL:	70.00
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,195.25
			TOTAL:	1,195.25
PENINSULA SEPTIC SERVICE INC.	PUMP SEPTIC TANK	GENERAL FUND	BUILDING MAINTENANCE	400.00
			TOTAL:	400.00
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	478.40
	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	649.35
			TOTAL:	1,127.75
PRESS-TELEGRAM DISPLAY	ADVERTISING - JULY 4TH	GENERAL FUND	SPECIAL EVENTS	246.66
			TOTAL:	246.66
QUARTERMASTER	UNIFORMS	GENERAL FUND	PATROL	303.37
	UNIFORMS	GENERAL FUND	PATROL	59.24
	UNIFORMS	GENERAL FUND	RECORDS	112.53

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	UNIFORMS	GENERAL FUND	RECORDS	98.74
			TOTAL:	573.88
QUICK CRETE PRODUCTS CORP.	PARK BENCH DONATION	GENERAL FUND	RECREATION ADMINISTRAT	944.97
			TOTAL:	944.97
RBF CONSULTING	MED CTR SPEC PLAN/EIR 4/11	GENERAL FUND	NON-DEPARTMENTAL	3,309.46
	MED CTR SPEC PLAN/EIR 5/11	GENERAL FUND	NON-DEPARTMENTAL	3,911.07
			TOTAL:	7,220.53
RICOH AMERICAS CORP	LEASE COPIER 07/11	GENERAL FUND	RECREATION ADMINISTRAT	574.44
			TOTAL:	574.44
RICOH AMERICAS CORPORATION	MAINT AGRMNT 7/11-9/11	GENERAL FUND	RECREATION ADMINISTRAT	578.48
			TOTAL:	578.48
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	21.70
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	43.40
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	21.70
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	108.50
			TOTAL:	195.30
ROSSMOOR CARWASH	CAR WASHES P/D	GARAGE FUND	GARAGE	172.98
	CAR WASHES REC	GARAGE FUND	GARAGE	20.00
	CAR WASHES P/W	GARAGE FUND	GARAGE	302.99
	CAR WASHES C/D	GARAGE FUND	GARAGE	27.00
			TOTAL:	522.97
ROSSMOOR/LOS ALAMITOS AREA SEWER DISTR	JUL/AUG/SEP PARKING RENT	GENERAL FUND	POLICE ADMINISTRATION	1,500.00
			TOTAL:	1,500.00
RTC MEMORIAL MARKERS, INC.	BENCH PLAQUE	GENERAL FUND	RECREATION ADMINISTRAT	396.45
			TOTAL:	396.45
SKATEDOGS	INSTRUCTOR-SKATEBOARD CAMP	GENERAL FUND	SPECIAL CLASSES	903.00
	INSTRUCTOR-SKATEBOARD CAMP	GENERAL FUND	SPECIAL CLASSES	1,014.30
			TOTAL:	1,917.30
SMART & FINAL	MUSIC & MOVIES SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	148.93
	MUSIC & MOVIES SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	14.57
	SUPPLIES - JULY 4TH	GENERAL FUND	SPECIAL EVENTS	46.98
			TOTAL:	210.48
SO CAL SANITATION LLC	RESTROOM SERVICES	GENERAL FUND	PLAYGROUNDS	138.70
			TOTAL:	138.70
SOUTH COAST SUPPLY & GARDEN DAZE	GLASS BLOCK	GENERAL FUND	PARK MAINTENANCE	15.18
	RETURN - GLASS BLOCK	GENERAL FUND	PARK MAINTENANCE	15.18
			TOTAL:	0.00
SPORT SUPPLY GROUP, INC.	SCOREBOARD INSPECTION	GENERAL FUND	SPECIAL CLASSES	395.00
			TOTAL:	395.00
SPOT LIGHTING SUPPLIES, INC.	LIGHT FIXTURES	BUILDING IMPROVEME	CAPITAL PROJECTS	193.58
	OUTSIDE LIGHTS	BUILDING IMPROVEME	CAPITAL PROJECTS	87.00
			TOTAL:	280.58

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
STATE OF CALIFORNIA DEPARTMENT OF JUST	FINGERPRINT STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	375.00
	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	160.00
			TOTAL:	535.00
SUN NEWSPAPERS	JOB POSTING	GENERAL FUND	ADMINISTRATIVE SERVICE	266.00
			TOTAL:	266.00
TIME WARNER CABLE	ADMIN CABLE SERVICE 07/11	GENERAL FUND	CITY MANAGER	164.96
			TOTAL:	164.96
TRAFFIC CONTROL SERVICE, INC.	TRAFFIC SVCS - JULY 4TH	GENERAL FUND	SPECIAL EVENTS	980.00
			TOTAL:	980.00
JOHN UNDERWOOD	REFUND - COMM CTR RENTAL	GENERAL FUND	NON-DEPARTMENTAL	125.00
			TOTAL:	125.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	49.46
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	821.84
	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	118.57
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	43.77
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	78.91
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	44.21
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.99
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.99
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	43.26
	TOTAL:			1,284.00
VICTORY LOCK AND KEY	REPAIR DOOR	GENERAL FUND	BUILDING MAINTENANCE	191.01
			TOTAL:	191.01
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	6,871.10
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	311.18-
	CNG FUEL	GARAGE FUND	GARAGE	367.79
	TOTAL:			6,927.71
KENNY WAGNER	INSTRUCTOR - COMPUTER	GENERAL FUND	SPECIAL CLASSES	71.50
	INSTRUCTOR - COMPUTER	GENERAL FUND	SPECIAL CLASSES	42.90
	TOTAL:			114.40
CHRISTINA J. WANTLAND	INSTRUCTOR - ETIQUETTE	GENERAL FUND	SPECIAL CLASSES	66.60
			TOTAL:	66.60
WEST COAST ARBORISTS, INC.	TREE MAINTENANCE	GENERAL FUND	PARK MAINTENANCE	341.00
	TREE MAINTENANCE	GAS TAX	CAPITAL PROJECTS	4,643.00
	TREE MAINTENANCE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	1,465.00
	TOTAL:			6,449.00
WHITTIER FERTILIZER COMPANY	SEED COVER	GENERAL FUND	PARK MAINTENANCE	1,272.38
			TOTAL:	1,272.38
DOUGLAS WOOD	VIDEO CC MEETINGS	GENERAL FUND	CITY COUNCIL	400.00
	VIDEO CC MEETINGS	GENERAL FUND	CITY COUNCIL	400.00
	CONTRACT SERVICES	LOS ALAMITOS TV	LOS ALAMITOS TV	1,150.00
	CONTRACT SERVICES	LOS ALAMITOS TV	LOS ALAMITOS TV	1,200.00
	TOTAL:			3,150.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ZUMAR INDUSTRIES	SIGNS	GENERAL FUND	STREET MAINTENANCE	<u>90.35</u>
			TOTAL:	<u>90.35</u>

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

10	GENERAL FUND	66,323.77
20	GAS TAX	4,643.00
25	BUILDING IMPROVEMENT	1,422.58
28	LOS ALAMITOS TV	2,350.00
44	TRAFFIC IMPROVEMENT	1,465.00
50	GARAGE FUND	10,964.86
53	TECHNOLOGY REPLACEMENT	10,690.00

	GRAND TOTAL:	97,859.21

City of Los Alamitos

Agenda Report Consent Calendar

August 1, 2011
Item No: 7C

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: David Hunt, City Engineer
Tony Brandyberry, Public Works Superintendent

Subject: Approval of Award to Crown Fence for Orville Lewis Park Chain Link Fence Bid and Authorize City Public Works Staff to Construct Concrete Barrier

Summary: The fence at Orville Lewis Park is in need of repair and coyotes are digging under the fence to enter into the Highlands Neighborhood. The City received three bids for the replacement of the chain link fence. Staff is requesting authorization to award the project to the lowest responsible bidder and authorize Public Works staff to construct a concrete barrier at the base of the fence.

Recommendations:

1. Authorize staff to execute a Purchase Order with Crown Fence for the Orville Lewis Park chain link fence, in an amount of \$10,265; and,
2. Authorize a 10% contingency fund of \$1,065.

Background

Orville Lewis Park is located in the southeast corner of the Highlands Neighborhood near Reagan Street and Kempton Drive. The park backs up to the Joint Forces Training Base (JFTB). The JFTB's fence is in need of repair and coyotes are digging under the fence to enter into the neighborhood. The existing fence is 5 feet, 6 inches tall with 2 feet of barb wire on the top and is 330 lineal feet long between the homes on either side. There is no funding source available to the JFTB for fence replacement. Therefore, rather than installing a new fence on City property which would result in having two fences at the park, the JFTB will allow the City to replace the existing fence on the JFTB property.

Discussion

The project will be under \$15,000, which allowed staff to use the Open Market Procedures outlined in Los Alamitos Municipal Code, Section 2.60.040. Staff received three bids from the following companies:

1.	Crown Fence	\$10,265
2.	Guardian Fence, Inc.	\$12,210
3.	A-1 Fence Company	\$14,166

Staff is recommending Crown Fence to construct the chain link fence. Crown Fence was the lowest responsible bidder at \$10,265. A temporary cloth mesh fence will be installed on the base property during construction. The ten foot tall fence will replace the existing fence and will attach to the homes on either side.

As part of construction, staff will construct 330 lineal feet by 2 feet deep of concrete barrier at the bottom of the fence. This barrier will help to prevent coyotes from digging under the fence.

Fiscal Impact

Funding for this project is included in the 2011/2012 Landscaping Maintenance Budget, under account number 10.543.5298.

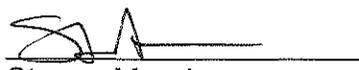
Submitted By:


David Hunt, PE
City Engineer

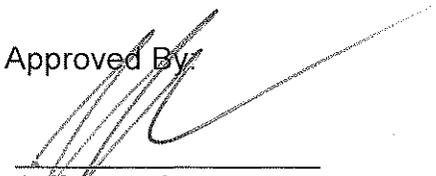
Submitted By:


Tony Brandyberry
Public Works Superintendent

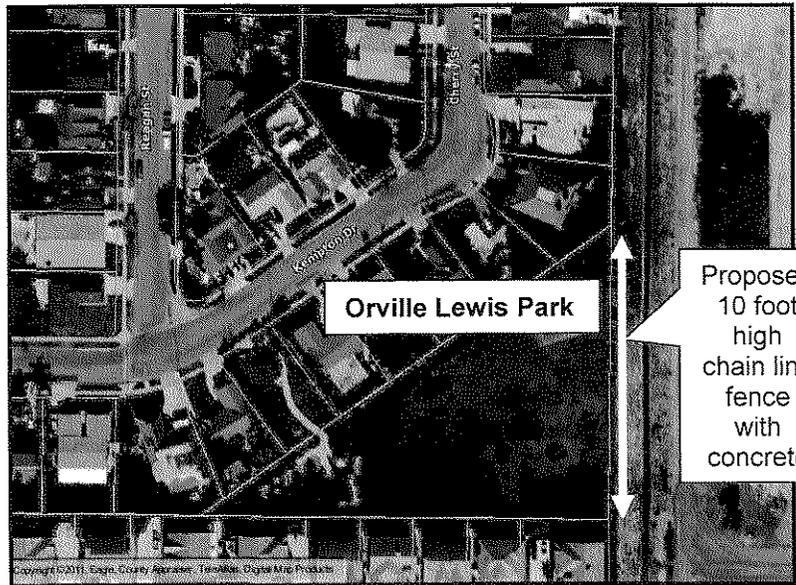
Reviewed By:


Steven Mendoza
Director of Community
Development

Approved By:


Jeffrey L. Stewart
City Manager

Attachment: 1. Received bids



CROWN FENCE
12118 Bloomfield Ave
Santa Fe Springs CA 90670

CROWN FENCE

Fax: 562-864-2529

Jul 26 2011 02:34pm P001/001
Phone: (562) 864-5177x230
Fax: (562) 864-2529
State Lic. 1315



Since 1923

PROPOSAL:

PROJECT: Orville Louis Park TO: City of Los Alamitos
CONTACT: Cecil Warbrick ATTENTION: Tony Brandyberry
DATE: 6/7/2011 FAX: 562-493-0678

Plans & Specs: Yes Bondable: Yes
Installed: Yes Rate: 0.95%
Tax Included Yes DBE/WBE: NO
Wage: non-prevailing Addendum: 0

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
#1	Furnish and Install 10' high galvanized chain link fence. Includes: 2 ea. End posts and 32 ea. Intermediate posts @ 10' o.c. max. Top rail , bottom rails , & horiz. Braces Posts to be short set in trench, stem wall by others 2 ea. Move ons , 1 to set posts , 1 to frame, stretch and complete. note : spoils from footing removed by others OPTIONAL : F.F.I 9 GA. ADD: #735.00	330 lf +-5'		

Clarifications: Bid contingent upon approval of surety on bonded projects. TOTAL \$9,530.00

Exclusions:

- | | | |
|-----------------------------------|-----------------------------------|----------------------------|
| Engineering | Welding Inspection and Procedure | Bond Premiums |
| Concrete Coring/Saw Cutting | Certified Welding | Finish Paint |
| Staking or Surveying | Electronic Shop/As Built Drawings | Finish Hardware |
| Location of Underground Utilities | Structural Calculations | Spoils Removal |
| Grading / clearing / grubbing | Maintenance of Installed Fence | Fence Removals |
| Concrete other than post footings | Patching and Restoration | Waiver of Subrogation Fees |
| Permits/Fees | Traffic Control | Grounding |

Crown will not be responsible for damage to underground facilities not properly and accurately located by those forces other than Crown's. For projects where some or all of the work is located within a site not serviced by Underground Service Alert, forces other than Crown's shall properly lay out, locate, and mark said facilities by any and all means available, and Crown assumes no responsibility therefore.

**GUARDIAN FENCE, INC
17223 JERSEY AVENUE
ARTESIA, CA 90701**

**562-924-5496
562-924-5719 FAX
Email: diane@buyafence.com**

July 21, 2011

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720-5600

Attn: Tony Brandyberry

Project: 10' high chain link fencing

REVISED PROPOSAL FOR NEW 10' HIGH CHAIN LINK FENCE

Furnish and install 330' of 10' high 9 gauge 2" mesh chain link fence. End posts to be 2 7/8" OD full weight pipe and line posts will be 2 3/8" OD full weight pipe set 10' on center. All posts will be set in a 12" diameter X 42" deep concrete footing. Fence will have a 1 5/8" OD structural pipe top rail and 1 5/8" OD structural brace rail at the two end posts. Fence will have a 9 gauge bottom tension wire. All material is galvanized.

Total price, including material and installation.....\$11,220.00
Add for bottom rail in lieu of bottom tension wire.....\$ 990.00

EXCLUSIONS: Plans, building permits and/or permit fees, clearing, grubbing and grading, engineering, and surveying. Disposal of Spoils. Bond Premium. Location of underground utilities. Concrete cutting and/or coring, asphalt and/or concrete patching, fill and compaction. Any required electrical grounding of the fencing. Prevailing wages.

Submitted by:
Diane Airhart

City of Los Alamitos

Agenda Report Consent Calendar

August 1, 2011
Item No: 7D

To: Mayor Kenneth Stephens & Members of the City Council
Via: Jeffrey L. Stewart, City Manager
From: Steven A. Mendoza, Director of Community Development
Subject: Designation of General Plan and Zoning Assignment to the Planning Commission

Summary: Designation of General Plan and Zoning assignment to the Planning Commission instructing the Planning Commission to begin consideration of future General Plan and Zoning designations within the City's Sphere of Influence.

Recommendation:

1. Adopt Resolution No. 2011-14 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, INITIATING GENERAL PLAN AMENDMENTS AND PRE-ZONING OF THE UNINCORPORATED AREA OF THE COUNTY OF ORANGE BOUND BY WALLINGSFORD ROAD ON THE WEST, KATELLA AVENUE ON THE NORTH, LOS ALAMITOS BOULEVARD ON THE EAST AND HEDWIG ON THE SOUTH.**

Background

On June 6, 2011 the Los Alamitos City Council awarded a contract to complete a comprehensive update of the City's General Plan, including its entire Sphere of Influence. The General Plan is on a tight 18 month schedule, and the City Council should begin forwarding assignments to the Planning Commission as appropriate.

It is now appropriate for the Planning Commission to begin considering General Plan designations and future zoning of the parcels bound by Wallingsford Road on the West, Katella Avenue on the North, Los Alamitos Boulevard on the East and Hedwig Road on the South.

Section 17.70.020 of the Los Alamitos Zoning Code requires that such discussion be initiated by resolution of an applicant, the Planning Commission or the City Council.

Staff has prepared the attached resolution for the City Council to direct the Planning Commission to begin processing General Plan and zoning designations on the abovementioned properties.

Fiscal Impact

None.

Submitted By:



Steven Mendoza
Director of Community Development

Approved By:



Jeffrey L. Stewart
City Manager

Attachment: 1. Resolution No. 2011-14

City of Los Alamitos

Agenda Report Public Hearing

August 1, 2011
Item No: 8A

To: Mayor Kenneth Stephens & Members of the City Council
Via: Jeffrey L. Stewart, City Manager
From: Steven A. Mendoza, Director of Community Development
Subject: Annexation and Pre-zoning of Long Beach Properties into the City of Los Alamitos.

Summary: Item has been withdrawn by staff and is being sent back to the Planning Commission to consider new information brought forward in a title report.

Recommendation:

1. Postpone Public Hearing; and,
2. Send back to the Planning Commission for additional review of title information impact upon the pre-zoning of the various properties.

Background

Staff is removing this item for further review by the Planning Commission. Research has led to questions regarding ownership of the Metropolitan Water District Parcel. Prior to considering pre-zoning or the annexation, staff would like the Planning Commission to take into consideration the new data provided by the title report. LAFCO and the property owners have been advised that no action would be taken this evening.

Fiscal Impact

None.

Submitted By:



Steven Mendoza
Director of Community Development

Approved By:



Jeffrey L. Stewart
City Manager

Attachment: 1. Map depicting Area 7

Per 2011 Title Report - Portion of MWD property granted to adjacent owners in 1975.



Long Beach

Parcel: 7078019906
Owner: City of Los Alamitos

Parcel: 7078019907
Owner: Metropolitan Water District

Parcel: 7078019010
Owner: Santiago Rodriguez

Parcel: 7078019009
Owner: Ralph K & Janet M Earnest

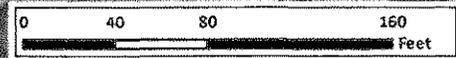
Parcel: 7078019011
Owner: Yee Family Trust

Los Alamitos

Parcel: 7078019007
Owner: Hofheinz Family Trust

Parcel: 7078019006
Owner: Robert & Mary Lee

Parcel: 7078019005
Owner: Rozoliz Family Trust



County Boundary Adjustment - Area 7

*From Los Angeles to Orange County
Detachment from Long Beach & Annexation to Los Alamitos*



Legend

- Existing Boundary
- Proposed Boundary
- Area 7 Parcels

City of Los Alamitos

Agenda Report Public Hearing

August 1, 2011
Item No: 8B

To: Mayor Kenneth Stephens & Members of the City Council
From: Jeffrey L. Stewart, City Manager
Via: Steven A. Mendoza, Community Development Director
Subject: Zoning Ordinance Amendment 11-01 – Massage Establishments

Summary: A consideration to amend the Los Alamitos Municipal Code concerning massage establishments. (City initiated)

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Adopt City Council Ordinance No. 11-06, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA REVISING MUNICIPAL CODE CHAPTER 5.32 "MASSAGE ESTABLISHMENTS" AND MESSAGE RELATED PROVISIONS IN SECTIONS 17.10.020 AND 17.76.020 OF THE ZONING CODE (ZOA 11-01) IN THE GENERAL COMMERCIAL (C-G) AND COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICTS."

Background

Massage Uses and Massage Establishments are regulated within the Los Alamitos Municipal Code Sections 5.32, 17.10.020, and 17.76.020. These sections now require modification to conform to recent legislation that created the California Massage Therapy Council (CAMTC) (Senate Bill 731). Until the CAMTC was developed, masseurs had to obtain background checks in each City. Since the development of the CAMTC, masseurs can undergo one statewide background check and simply apply for a Business License with the specific City. The CAMTC cut out unnecessary duplication. Senate Bill 294 declared the regulations to be of statewide concern and preempted cities from regulating these uses.

On July 11, 2011, the Planning Commission held a duly noticed Public Hearing regarding Massage Establishments. The Planning Commission adopted Resolution 11-12, recommending City Council approve Zoning Ordinance Amendment (ZOA 11-01), regarding chapter additions and amendments contained in City Council Ordinance No. 11-06, pertaining to Massage Establishments citywide.

Since the number of property owners effected by this resolution exceeds one thousand, the Public Hearing Notice was posted in three City posting sites and published in the News Enterprise as a 1/8 page notice.

Discussion

In the proposed draft Ordinance No. 11-06, most of the changes were in response to the creation of the CAMTC by SB 731, in 2006, and the new declaration of its statewide concern in SB 294, effective January 1, 2011. If these Senate Bills expire and are not extended into the future, these new changes will serve the City well in having workable codes beyond that date.

Section 5.32 of the Los Alamitos Municipal Code is the central chapter that governs massage activity in the City. This ordinance will maintain the existing massage ordinance largely intact. Although State law now prohibits any City from imposing professional licensing requirements on an individual massage practitioner or massage therapist who possesses a CAMTC certificate, the City may still require that:

- Any massage establishment have a business license (section 5.32.030)
- Any massage establishment have a massage establishment license (section 5.32.040)
- Any massage establishment comply with the City's facility operational requirements and conditions (section 5.32.060)
- Any massage establishment be located consistent with the City's zoning requirements for the "massage establishment" land use (section 17.10.020, Table 2-04)
- Massage therapist or massage practitioner who does not possess a state CAMTC certification must obtain a local massage practitioner permit (5.32.170)

The proposed subsections of LAMC section 5.32.010, provide definitions needed for interpretation of the code, such as section C that explains what uses are and what uses are not, "massage uses" that are regulated by this chapter. The remaining sections have minor changes to either correct language or to assure compliance with SB 731.

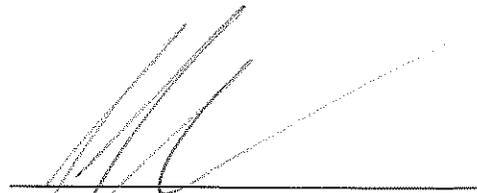
Fiscal Impact

None.

Submitted by:



Steven A. Mendoza
Community Development Director



Jeffrey L. Stewart
City Manager

Attachments:

- 1. Draft City Council Ordinance No. 11-06*
- 2. Planning Commission Staff Report for July 11, 2011 meeting*
- 3. Planning Commission DRAFT Minutes for July 11, 2011 meeting*
- 4. Planning Commission Resolution 11-12*

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

July 11, 2011
Item No: 7B

To: Chair Daniel and Members of the Planning Commission
From: Steven A. Mendoza, Community Development Director
Subject: Zoning Ordinance Amendment 11-01 – Massage Establishments

Summary: Consideration to amend the Los Alamitos Municipal Code concerning massage establishments. Citywide. (City initiated)

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Adopt Planning Commission Resolution No. 11-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT 11-01, ADOPTING ORDINANCES AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 5.32, 17.10.020, AND 17.76.020, REGARDING MASSAGE ESTABLISHMENTS CITYWIDE."

Applicant: City Initiated

Location: Citywide

Environmental: The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the amendments will have no significant effect on the environment.

Approval Criteria: Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that upon receipt of a complete application to amend the zoning code, or on initiation by the commission, and following director review, public hearings shall be set before the commission and council not later than forty-five (45) days after the commission's

or council's receipt of the application or resolution. LAMC Section 17.70.030 requires the Planning Commission to forward a written recommendation on an amendment based on the findings in Section 17.70.050 following the close of the public hearing.

Since the number of property owners effected by this resolution exceeded 1000, the Public Notice for this resolution was posted in three City posting sites and published in the News Enterprise as a 1/8 page notice.

Background

On September 20, 2010, the Los Alamitos City Council adopted a forty-five (45) day moratorium on the establishment, use, and operation of massage uses pursuant to Government Code Section 65858 and declaring the urgency thereof. The City Council extended the moratorium for ten and a half (10½) months to September 19, 2011.

The moratorium was in response to the impending passage of SB 294, which declared it a matter of statewide concern that there be a uniform method of certification for massage practitioners and massage therapists, thereby precluding any city (including charter cities) from requiring a local registration or permit of any massage practitioner or massage therapist holding a state-issued certificate, issued by the California Massage Therapy Council (CAMTC). Los Alamitos is a charter city and this regulation is applicable to it.

Massage Uses are currently described in the LAMC, Sections 5.32, 17.10.020, and 17.76.020. These sections required a review in consideration of the requirement for conformity with the State licensing requirements of CAMTC.

At the Planning Commission's Meeting of June 13, 2011, a resolution of intention directed staff to place amendments for massage establishments on tonight's agenda. The Director of Community Development requests the Planning Commission review the above-referenced Los Alamitos Municipal Code sections pertaining to massage establishments.

Discussion

In the proposed draft ordinance, most of the changes were due to the creation of the CMATC by SB 731 in 2006 and the new declaration of its statewide concern in SB 294, effective January 1, 2011. If these Senate Bills expire and are not extended into the future, these new changes will serve the City well in having workable codes beyond that date.

Section 5.32 of the Los Alamitos Municipal Code is the central chapter that governs massage activity in the City. This ordinance will maintain the existing massage ordinance largely intact. Although state law now prohibits any city from imposing

professional licensing requirements on an individual massage practitioner or massage therapist who possesses a CAMTC certificate, the City may still require that:

- any massage establishment have a business license (section 5.32.030);
- any massage establishment have a massage establishment license (section 5.32.040);
- any massage establishment comply with the City's facility operational requirements and conditions (section 5.32.060);
- any massage establish be located consistent with the City's zoning requirements for the "massage establishment" land use (section 17.10.020, Table 2-04);
- and massage therapist or massage practitioner who does not possess a state CAMTC certification must obtain a local massage practitioner permit (5.32.170).

The proposed subsections of section 5.32.010 provide definitions needed for interpretation of the code, such as section C that explains what uses are, and what uses are not, "massage" uses that are regulated by this chapter.

The remaining sections have minor changes to either correct language or to assure compliance with SB 731.

During the June 13th, Planning Commission meeting, the Commission brought up the following concerns:

- Are massage license background checks updated from time to time?

Certification is renewed by the CAMTC every two years.

- Can a client solicit a massage out of a Chiropractic office?

In the proposed ordinance, the chiropractor and the person working for the chiropractor are not required to have a massage license to give a massage outside of the office, if the "massage" is reasonably necessary medical treatment. (section 532.010 C.2(a))

- Can an employee of a chiropractor conduct massage?

They can. Any person working for a chiropractor who is acting in the furtherance of reasonably necessary medical treatment is excluded from the term "massage" according to the new ordinance. (section 532.010 C.2.(a)).

Summary

Staff recommends Planning Commission approval of the above mentioned amendments and requests that the Commission adopt Resolution 11-12, recommending approval of the attached draft Ordinance No. 11-06.

Attachment: 1. Draft Planning Commission Resolution No. 11-12
2. Draft City Council Ordinance No. 11-06

**EXCERPT MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

July 11, 2011

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:00 p.m., Monday, July 11, 2011, in the Council Chambers, 3191 Katella Avenue, Chair Daniel presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Daniel.

3. ROLL CALL

Present: Commissioners: Andrade, Grose, Loe, Sofelkanik, Sutherlin, Vice Chair Riley, Chair Daniel

Absent: Commissioners: None

Present: Staff: Terri Highsmith, Senior Counsel
Steven Mendoza, Community Development Director
Tom Oliver, Planning Intern
Windmera Quintanar, Department Secretary

4B. Zoning Ordinance Amendment 11-01 – Massage Establishments

Consideration to amend the Los Alamitos Municipal Code concerning massage establishments. Citywide. (City initiated)

Community Development Director Mendoza summarized the staff report referring to the information contained therein and answered questions from the Commission.

Commissioner Andrade inquired if the State I.D. was mandated. Director Mendoza answered in the negative, clarifying State I.D. simplified the process for massage practitioners.

Chair Daniel opened the Public Hearing. There being no one present wishing to speak, Chair Daniel closed the Public Hearing.

Commissioner Grose inquired if massage practitioners were still required to obtain a business license. Director Mendoza answered in the affirmative.

Motion/Second: Loe/Grose

Unanimously Carried: The Planning Commission:

1. Opened the Public Hearing; and,
2. Took Testimony; and,

3. Adopted Planning Commission Resolution No. 11-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT 11-01, ADOPTING ORDINANCES AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 5.32, 17.10.020, AND 17.76.020, REGARDING MASSAGE ESTABLISHMENTS CITYWIDE."

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT 11-01, ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 5.32, 17.10.020, and 17.76.020, REGARDING MASSAGE ESTABLISHMENT REGULATIONS CITYWIDE

WHEREAS, The City initiated Zoning Ordinance Amendment ZOA 11-01, proposes to amend Sections 5.32, 17.10.020, and 17.76.020; has been considered by the Community Development Director; and, has been submitted to the Planning Commission; and,

WHEREAS, the Planning Commission opened and continued a duly noticed Public Hearing concerning this Amendment on July 11, 2011; and,

WHEREAS, Chapter 5.32 of the Municipal Code currently regulates massage uses and requires applicants to obtain a locally issued massage license; and,

WHEREAS, SB 731 became effective on January 1, 2008, and many of its provisions became enforceable on September 1, 2009; and,

WHEREAS, SB 731 authorized the creation of the California Massage Therapy Council ("CAMTC"); and,

WHEREAS, the CAMTC issues licenses to massage practitioners and massage therapists to allow them to operate in cities notwithstanding local massage regulations to the contrary; and,

WHEREAS, Los Alamitos is a charter city; and,

WHEREAS, State legislation cannot apply to a charter city unless it is a matter of statewide concern; and,

WHEREAS, SB 731 did not declare the regulation of massage to be a matter of statewide concern; and,

WHEREAS, pursuant to SB 294, on January 1, 2011, Section 4614 was added to the Business and Professions Code declaring the regulation of massage practitioners and massage therapists to be a matter of statewide concern; and,

WHEREAS, notwithstanding SB 731 and SB 294, Los Alamitos may still regulate massage practitioners that have not obtained a certificate from the CAMTC; and,

WHEREAS, the City wishes to maintain its existing regulation of massage therapists and massage establishments to the extent that doing is not in conflict with State law; and,

WHEREAS, pursuant to Section 4620 of the Business and Professions Code, the legislation enacted pursuant to SB 731 and SB 294 will expire on January 1, 2015, and will be repealed "unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date." and,

WHEREAS, the City wishes to continue to have regulations that will apply should the legislation enacted by SB 731 and SB 294 expire; and,

WHEREAS, the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment; and,

WHEREAS, after consideration of all applicable staff reports and all public testimony, and evidence presented at the Public Hearing, the Planning Commission does hereby make the following findings of fact for a Zoning Ordinance Amendment for modification to Los Alamitos Municipal Code Sections 5.32, 17.10.020, and 17.76.020 related to Massage Establishments as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code. The proposed amendment to Sections 5.32, 17.10.020, and 17.76.020, related to massage establishments, is not a significant change to Chapter 5.32 Massage Establishments and the modifications add clarity by modifying the definition of the term "massage" -- allowing for easier interpretation; and eliminates the duplication of services currently supplied by the CAMTC.
2. That the proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City. There are no adverse impacts anticipated in the clarification of definitions and the amended regulation of massage. The modification of the code concerning massage will serve to establish a consistent set of standards by which to regulate this use.
3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures. The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the Code Amendments will have no significant effect on the environment.
4. The proposed amendment is internally consistent with other applicable provisions of this zoning code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends to the City Council of the City of Los Alamitos to approve Zoning Ordinance Amendment 11-01 adopting an ordinance amending Sections 5.32, 17.10.020, and 17.76.020, of the Los Alamitos Municipal Code.

PASSED AND APPROVED this 11th day of July, 2011, by the following vote:

AYES:	Loe, Grose, Andrade, Sofelkanik, Sutherlin, Riley, Daniel
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:



Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

City of Los Alamitos

Agenda Report Public Hearing

August 1, 2011
Item No: 8C

To: Mayor Kenneth Stephens & Members of the City Council
From: Jeffrey L. Stewart, City Manager
Via: Steven A. Mendoza, Community Development Director
Subject: Zoning Ordinance Amendment 11-02 - Body Adornment Establishments (Tattoo)

Summary: A consideration to establish zoning regulations pertaining to body adornment establishments in the Planned Light Industrial (PM) zone. (City initiated)

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Adopt City Council Ordinance No. 11-07, entitled, "AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO APPROVE ZONING ORDINANCE AMENDMENT 11-02 ADOPTING ORDINANCE SECTION 17.33, AND AMENDING LAND USE TABLE 2-04 AND SECTION 17.76.020 OF THE LOS ALAMITOS MUNICIPAL CODE REGARDING BODY ADORNMENT ESTABLISHMENTS IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE."

Background

Tattoos, the process of applying them (via the tattoo artist), and the tattoo business/establishment have all been held to be a protected First Amendment right by the U.S. Court of Appeal, 9th Circuit in the case of Anderson v. City of Hermosa Beach (2010) 621.F.3d 1051.

On July 11, 2011, the Planning Commission held a duly noticed Public Hearing regarding Body Adornment Establishments (Tattoo). The Planning Commission adopted Resolution 11-13, recommending City Council approve Zoning Ordinance Amendment (ZOA 11-02) regarding Body Adornment Establishments in the Planned Light Industrial (P-M) Zone. As the Los Alamitos Municipal Code (LAMC) stands today,

Tattoo Uses are not addressed. The Planning Commission requests the City Council consider the proposed Ordinance No. 11-07, pertaining to body adornment establishments.

Public notices were mailed to all property owners and commercial tenants within the P-M zones and to those within 500 feet of these areas, published in the News Enterprise, and posted at three City locations. Approximately 1,700 notices were mailed. Staff received one written response from a resident addressing this issue (attachment 5).

Discussion

The proposed draft ordinance follows current State law which regulates all body adornment (including tattoos, permanent cosmetics, and body piercing – with exceptions for certain piercing of earlobes, branding, and scarification). Other than to define these various terms, neither the state nor this ordinance makes any regulatory distinction between the types of “body adornment.” The City Attorney has placed tattoo parlors under the new umbrella of body adornment establishments, which includes all of the above types of procedures. In the proposed ordinance there are no distinctions drawn between permanent makeup and tattoos. Both processes use the same intrusive procedure of piercing the skin with a needle and applying ink under the skin. The State Health and Safety Code, section 119300 et seq., treats both of these types of body adornment in the same manner.

Staff extensively researched the issue of crime and tattoo parlors. In that research staff found no evidence linking tattoo parlors and an effect on crime for the area in which they are located. Tattoos and the tattoo business/establishment are deemed to be protected expression under the First Amendment; therefore, the City can only impose neutral time, place, and manner restrictions. It was suggested that a space around such establishment be imposed based on public health concerns and proximity to where minors may congregate therefore staff has included buffer zones as described in section 17.33.060.

The proposed City Council Ordinance, which if adopted, would:

- Add chapter 17.33, “Body Adornment Establishments,” to the LAMC, since this land use previously did not exist
- Amend the Land Use Table to include “Massage Establishments” (section 17.10.020, Table 2-04)
- Add an explanation of “Massage Establishments” to definitions (section 17.76.020)

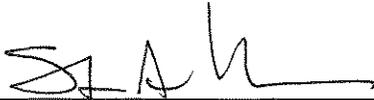
Regarding other regulatory requirements, tattoo practitioners need a state license. They must register once with the Orange County Health Department. An annual inspection from the Health Department pursuant to Section 119303 of the California Health and Safety Code, is also required. Business owners and employees are not required to have a City background check. However, the proprietors of the

establishment must show that they have registered with the Orange County Health Department pursuant to the Health and Safety Code.

Fiscal Impact

None.

Submitted by:



Steven A. Mendoza
Community Development Director



Jeffrey L. Stewart
City Manager

Attachments:

1. *Draft City Council Ordinance No. 11-07*
2. *Planning Commission Staff Report for July 11, 2011 meeting*
3. *Planning Commission DRAFT Minutes for July 11, 2011 meeting*
4. *Planning Commission Resolution 11-13*
5. *Correspondence from interested party*

City of Los Alamitos

Agenda Report Discussion Items

**August 1, 2011
Item No: 9A**

To: Mayor Kenneth Stephens & Members of the City Council

From: Jeff Stewart, City Manager

Subject: Direction Regarding Potential City Council Conflicts of Interest on Various Projects

Summary:

During the discussion of the two issues regarding the Los Alamitos Boulevard Revitalization project and the traffic signal at Katella/Lexington at the City Council meeting on July 18, 2011, there was significant discussion of potential conflict of interest issues involving three members of the City Council on two different items. This issue has been placed on the agenda to provide the City Attorney specific direction to research any existing and potential conflicts of interest regarding the projects stated above to provide direction for appropriately managing future conflict of interest issues in the City.

Recommendation: Authorize the City Attorney to clarify potential conflict issues regarding the Los Alamitos Boulevard Project and potential improvements on Katella Avenue, including researching the issues, drafting letters to the FPPC and, if necessary, obtaining an MAI standard appraisal to determine the financial effect of the projects on real property interests.

Background and Discussion

During the City Council discussion of the Los Alamitos Boulevard Revitalization project and the Lexington/Katella traffic signal during the July 18 meeting, there were discussions of conflicts of interest and potential conflicts of interest involving three members of the Council. The City Attorney was able partially to resolve issues regarding two members of the Council on the Los Alamitos Boulevard issue and one member had benefit of acting in response to a previously obtained opinion from the Fair Political Practices Commission (FPPC). However, during the ensuing discussion at the dais, the Council directed staff to bring back to the Council a status of the remaining work on the Los Alamitos Boulevard Revitalization and to continue discussions with the interested parties on the Katella/Lexington project.

In order to more definitively resolve the question of whether disqualifying conflicts exist, it will be necessary for the City Attorney to research the issues further and potentially draft letters to the FPPC seeking an opinion regarding the potential conflicts and/or obtain an MAI appraisal (i.e., an appraisal by a Member of the Appraisal Institute) to

assess the potential economic impact of the Los Alamitos Boulevard Project and potential improvements on Katella Avenue on real property within the City.

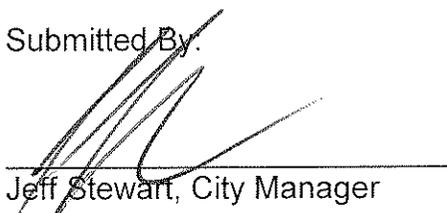
Because both issues may require a vote of the Council in the future and because subsequent to the direction provided to staff on July 18, two members of the City Council have requested clarification from the FPPC regarding the exact nature of their potential conflicts on the projects, it is appropriate that this item be placed on the City Council agenda for direction and clarification.

Specifically, staff is requesting that the City Council authorize the City Attorney to clarify potential conflict issues regarding the Los Alamitos Boulevard Project and potential improvements on Katella Avenue, including researching the issues, drafting letters to the FPPC and, if necessary, obtaining an MAI standard appraisal to determine the financial effect of the projects on real property interests at a cost not to exceed \$4,000.00

Fiscal Impact

The fiscal impact is not anticipated to exceed \$7,000

Submitted By:



Jeff Stewart, City Manager

Attachments: None