

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA CITY COUNCIL REGULAR MEETING MONDAY, AUGUST 15, 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](http://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 Pro Tem Edgar**

**4. INVOCATION**

**Mayor Stephens**

**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 15, 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. Approval of Minutes (City Clerk)**

1. Approve Minutes of the Special Meeting – June 6, 2011.
2. Approve Minutes of the Regular Meeting – June 20, 2011.
3. Approve Minutes of the Regular Meeting – July 5, 2011.
4. Approve Minutes of the Special Meeting – July 18, 2011.
5. Approve Minutes of the Regular Meeting – July 18, 2011.
6. Approve Minutes of the Regular Meeting – August 1, 2011.

**B. Warrants (Finance)**

August 15, 2011.

**C. Second Reading of Ordinance No. 11-06, regarding Massage Establishments (Zoning Ordinance Amendment 11-01) (Comm. Dev.)**

At its meeting of August 1, 2011, the City Council conducted the first reading of Ordinance No. 11-06, regarding massage establishments. The Ordinance revises Los Alamitos Municipal Code Sections 5.32, 17.10.020, and 17.76.020.

Recommendation: Waive further reading and adopt 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 MASSAGE 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."

**D. Award of Professional Services Agreement (PSA) for Tree Maintenance Services (Public Works)**

On July 27, 2006, staff issued a Request for Proposals (RFP) for annual tree maintenance services. The project provides for maintenance, removal, and replacement of trees within the City's community forest.

Recommendation: It is recommended that the City Council award a PSA and authorize the City Manager to execute it to West Coast Arborists, Inc. (WCA) for annual tree maintenance services in the City of Los Alamitos, in an amount not to exceed \$30,000 per year.

**E. Authorization to Purchase Two Replacement Police Vehicles  
(Public Works)**

This is a request to purchase two (2) 2012 Dodge Charger Patrol Units. Per Los Alamitos Municipal Code 2.60.110 – Purchases through other agencies, this report requests authorization to utilize Purchase Order #4554 agreement between the City of Visalia and McPeek's Dodge of Anaheim.

Recommendation: Authorize the City Manager to purchase two (2) 2012 Dodge Charger Patrol Units utilizing Purchase Order #4554 between the City of Visalia and McPeek's Dodge of Anaheim.

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

**8. PUBLIC HEARING**

**Supplemental Law Enforcement Services Fund (SLESF) (Police)**

The Supplemental Law Enforcement Services Fund (SLESF) provides for the allocation of State funds to eligible local jurisdictions to enhance public safety. The City of Los Alamitos' portion of these funds for Fiscal Year 2011-2012 is anticipated to be \$100,000.

Recommendation:

1. Conduct a public hearing for the allocation of the SLESF; and,
2. Adopt Resolution No. 2011-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE RECOMMENDED EXPENDITURE PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND."
3. Accept SLESF allocation in the amount of \$100,000 into account 22.4340, and appropriate a \$100,000 transfer to the General Fund to fully fund the motor officer.

**9. DISCUSSION ITEMS**

**A. Council Discussion Regarding Potential Request for Sanctions Regarding Public Comments Made by Brad Sheridan (Admin.)**

The City Council discussed this item on August 1, 2011 and requested that the issue be placed on the next agenda for further discussion. The City Attorney has reviewed a transcript of the comments made by Brad Sheridan on June 7, 2010. There is no further recommended action on this issue.

Recommendation: 1) Receive and file.

**B. Policy Direction Regarding Travel to 2011 League of California Cities Conference and California Joint Powers Insurance Authority (CJPIA) Annual Risk Management Educational Forum (Admin.)**

This item was placed on the agenda at the request of Councilmember Kusumoto. The League of California Cities will hold its Annual Conference next month in San Francisco. The California Joint Powers Insurance Authority (CJPIA) will host its Annual Risk Management Forum in late October. To date, the City has not instituted a ban on out of town travel. However, the Council has been selective about the meetings and conferences attended by staff and members of the City Council. Staff is seeking policy direction with regard to the City's representation at the League and CJPIA annual meetings.

Recommendation: 1) Provide direction regarding attendance at the 2011 League of California Cities Annual Conference and the California Joint Powers Insurance Authority Annual Risk Management Forum by members of the City Council and staff.

**C. Resolution No. 2011-15 – Temporary Designation of City Clerk Responsibilities to the City Manager and Discussion of Options Regarding Selection of Permanent City Clerk (Admin.)**

Effective July 14, 2011, the City Council accepted the resignation of Adria Jimenez, City Clerk. Section 2.12.030A of the Municipal Code requires the appointment of the City Clerk by Resolution. The City Council has multiple options with regard to the selection of the next City Clerk, which the City Council may or may not wish to discuss on August 15. While those issues are considered and agreed upon by the Council, it is necessary to designate an interim City Clerk to remain in compliance of the Municipal Code. The attached Resolution would confirm the appointment of the City Manager as City Clerk until the selection process for the permanent City Clerk has been completed.

Recommendation: 1) Adopt Resolution No. 2011-15, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPOINTING THE CITY MANAGER AS INTERIM CITY CLERK OF THE CITY OF LOS ALAMITOS" 2) Discuss options regarding selection of permanent City Clerk; 3) Alternatively, discuss and take other 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 the item on a future Agenda.

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

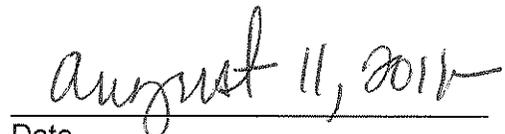
**11. ITEMS FROM THE CITY MANAGER**

**12. ADJOURNMENT**

The next meeting of the City Council is scheduled for Tuesday, September 6, 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

  
\_\_\_\_\_  
Date

**CITY OF LOS ALAMITOS**  
**Register of Major Expenditures**  
**August 15, 2011**

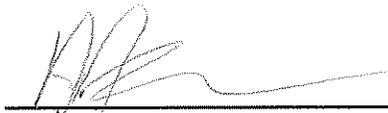
**Pages:**

<b>01</b>	<b>\$ 39,072.99</b>	<b>Major Warrants</b>	<b>08/15/2011</b>
	<b>\$ 154,150.03</b>	<b>Payroll</b>	<b>08/05/2011</b>
	<b>\$ 150,996.66</b>	<b>Payroll Benefits</b>	<b>08/05/2011</b>

**Total      \$ 344,219.68**

**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 10<sup>th</sup> day of August, 2011**

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
REDFLEX TRAFFIC SYSTEMS, INC.	JUL 11 PHOTO ENFORCEMENT	GENERAL FUND	TRAFFIC	13,500.00
			TOTAL:	13,500.00
SCIENTIA CONSULTING GROUP	COMPUTER MONITOR	ASSET SEIZURE	POLICE ADMINISTRATION	1,417.99
	IT SERVICES 07/11	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
	IT SERVICES 08/11	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
			TOTAL:	12,817.99
WILLDAN ENGINEERING	CITY ENGR & TRAFFIC RPTS	GENERAL FUND	CITY ENGINEER	5,700.00
	PLAN CHECKING	GENERAL FUND	CITY ENGINEER	3,800.00
	PARCEL MAP PLAN CHECK	GENERAL FUND	CITY ENGINEER	405.00
	605 @ CERRITOS STUDY	MEASURE M	CAPITAL PROJECTS	570.00
	COYOTE CREEK PARK	RIVERS/MTNS. CONSE	CAPITAL PROJECTS	2,280.00
			TOTAL:	12,755.00

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

10	GENERAL FUND	23,405.00
26	MEASURE M	570.00
27	ASSET SEIZURE	1,417.99
41	RIVERS/MTNS. CONSERVANCY	2,280.00
53	TECHNOLOGY REPLACEMENT	11,400.00
-----		
	GRAND TOTAL:	39,072.99
-----		

# ITEM NO. 7A1

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

## MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – June 6, 2011

### 1. CALL TO ORDER

The City Council met in Special Session at 5:06 p.m., Monday, June 6, 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  
Anita Agramonte, Finance Director  
Angie Avery, Community Services Director  
Dave Hunt, City Engineer  
Adria M. Jimenez, City Clerk  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Dir.  
Tony Brandyberry, Public Services Supt.

### 3. ORAL COMMUNICATIONS

At 5:08 p.m., Mayor Stephens opened Oral Communications. Having no one come forward to speak, Mayor Stephens closed Oral Communications.

### 4. SPECIAL ORDERS OF THE DAY

#### **Review of Proposed Fiscal Year 2011-12 Operating Budget**

This report provides the City Council with the preliminary Fiscal Year 2011-12 Proposed Operating Budget.

Anita Agramonte, Finance Director, provided an introductory statement and advised the budget presented tonight is balanced and the City is projecting a surplus. Ms. Agramonte outlined the items for tonight's discussion and also addressed special funds and capital improvement funds.

**Laurel Park Debt Service** – On May 9, 2006, the City issued \$3,365,000 Certificates of Participation Series 2006. Interest on the bonds is payable semiannually on September 1 and March 1, commencing March 1, 2007, at rates which range from 4.375% to 4.85%. The proceeds from these bonds were utilized for the acquisition of Laurel Park. As of June 30, 2010 the outstanding principal balance was \$3,235,000, and the Fiscal Year 2011-12 Proposed Budget includes \$65,000 principal payment and \$146,967 in interest payable. Staff has researched the possibility to refinance the bonds and found that the bonds have a ten (10) year hold, meaning that prepayments cannot be made prior to

September 1, 2016. Additionally, the interest rate for a similar bond issuance is currently over 5%.

Council Member Poe asked if prepayments can be made on the principal.

Ms. Agramonte advised prepayments cannot be made and it would not be beneficial to the City.

Council Member Graham-Mejia confirmed the City has no option to get a new loan until 2016.

Ms. Agramonte responded in the affirmative.

**GASB 45 – Other Post Employment Benefit (OPEB) Financing** – GASB 45 requires cities to report liabilities pertaining to Other Post Employment Benefit (OPEB) in the City's financial statement. How a government actually finances benefits is a policy decision to be made by government officials. Fiscal year 2009-10 marked the inception of GASB 45 reporting requirements for the City of Los Alamitos. During the mid-year budget review, the City Council designated \$250,000 for OPEB funding. The City has contracted to have an actuarial report prepared (Attachment A). The report calculates \$2,695,891 in OPEB liabilities, over a 30 year amortization period. The calculated payment for Fiscal Year 2009-10 is \$216,797. Of this, the City paid \$133,729 in health care costs for its retirees. The remaining \$83,068 represents the amount necessary to prefund these future benefits for the City's current employees. The City has three options for funding the benefits:

1. Establish an irrevocable trust fund through CalPERS, setting aside money on an annual basis. This is the only funding alternative that qualifies as prefunding of OPEB under GASB 43 and 45.
2. Establish an internal funding mechanism (i.e. general fund reserve or separate internal service fund) to designate funding for OPEB.
3. Continue on the pay as you go plan. This means that the City would continue to pay only for current costs incurred and funding would not be set aside for future OPEB costs.

Council Member Kusumoto asked if the irrevocable trust fund covers more than just current retirees; and, approximately how much will need to be set aside to fund it.

Ms. Agramonte responded in the affirmative, noting it will set aside for future needs of the current staff.

Mr. Stewart advised it will be \$83,000; currently, the City pays \$133,000 which meets the current retirees needs. The first actuarial study stated it would be an additional \$83,000.

Ms. Agramonte advised an actuarial study is completed every two years and the rate is adjusted as time goes on based on new trends and new figures. Council Member Kusumoto asked Ms. Agramonte to elaborate on the internal funding mechanism.

Ms. Agramonte stated it could be anything the City Council wishes. Currently, \$250,000 has been set-aside which could potentially be a funding mechanism.

Mr. Stewart added that Council took action to earmark \$250,000 towards the funding of current benefits in the future, and if that is the direction Council wants to take no other action needs to be taken; however, it is not recorded as an asset.

Council Member Kusumoto asked what is the downside of not having it recorded as an asset.

Ms. Agramonte advised that the interest the City earns is far less than what could be obtained through the PERS plan. The PERS plan can go as high as 7% to 8%; whereas, the City is only receiving ½%.

Mr. Stewart advised if the City were to go into an irrevocable trust with PERS it can only be used against the benefits moving forward. If it is an Internal Service Fund, it is a color of money argument. Future Councils can decide to take a different approach.

Council Member Poe asked if the only action that qualifies for GASB 43 and GASB 45 is to establish an irrevocable trust. She asked if the City is currently abiding by the law.

Mr. Stewart stated the City has met the standard of GASB 43 and GASB 45 by accounting for the costs of future benefits for current employees. The only way the City can record this as an asset is to set the money aside. He confirmed the City is abiding by the law.

Council Member Poe asked Mr. Stewart to address an article that indicated the City was in financial trouble.

Mr. Stewart stated the general health of the City is how general fund monies are managed. The article discussed drawing down from monies saved for Public Works projects in Special Funds, which included OPEB funds. This is money the City Council has set aside and saved. With regards to the money for OPEB that is General Funds, it is one time revenues that the Council prudently took action to put aside to address these costs. The other funds are Special Funds and Capital Improvement Funds which generally come from outside agencies, are earmarked for specific purposes, and cannot be used for General Fund expenditures. Mr. Stewart provided examples of Special Funds and how the funds can be used.

Mayor Pro Tem Edgar stated the City addressed GASB 45 in 2009, and at that point the City was responsible to account for liability. Today's liability is \$2.7 million, which is for non-pension related expenses such as medical and takes into account everyone at the City today, and how long they will be here. He stated there are a lot of policy details he does not see such as, how long does this have to be projected for, and what type of rate is conservative that the City would want to underestimate a rate of return or growth rate. He stated he does not know what the policy decisions the City provided to come to \$2.7 million other than a best practice within the industry. How can the city place \$250,000 into covering this liability, but the money is not spent. He asked how much the City has spent this year on the pay-as-you-go program.

Ms. Agramonte advised last fiscal year the City spent \$133,000; this year it is projected to remain about the same, approximately \$133,144.

Mayor Pro Tem Edgar stated the amount spent is what is budgeted for in the City's normal budgeting process. If the City decides that the actuarial table was the current amount of \$133,000 and the City needs to have 30 years coverage, which should cover all employees, it can be mathematically equated. He asked what the City's assumptions for that liability are. The pay-as-you-go process is accepted, as long as the City acknowledges how much the liability is and state in accounting disclosures what the City is going to account for in the budget, as was done in the past. We are currently accounting for it. Mayor Pro Tem Edgar noted he is leaning towards the pay-as-you-go program as his first choice, and the last choice for him is the irrevocable trust. He stated in his opinion an irrevocable trust is the most encumbered way to go about it. He stated if the City is going to be aggressive and set money aside for the next 30 years, at a minimum or maximum it would go into is a special fund, set up by policy and if the City has a short term liquidity problem in the next 2-3 years the City can change that policy at the next meeting and have access to the funds. He stated he would like to follow the investment policy to be able to have liquidity first and not encumber on an amount.

Mr. Stewart advised the City will do a second actuarial report to determine what the actual amount is.

Mayor Pro Tem Edgar stated he does not see a material value or the benefit of having a second actuarial report completed because he does not like the way it is calculated because he does not understand the policy and details are not provided.

Mr. Stewart stated this can be brought back at a later time with the requested information.

**Revised Seven Year Capital Improvement Plan (Attachment B).** Changes from the previous meeting include the Council's direction to increase the Arterial and Residential Tree Program budget by \$10,000, which was added into the current figures provided to Council.

Staff is recommending removal of the Katella Bus Pads and Bloomfield/ Los Alamitos Elementary School Traffic Signal projects from years 5 and 6 of the CIP. Additionally, the Fencing at Orville Lewis Park project was planned for year two and shown as unfunded. Additional research was conducted and staff recommends the addition of \$18,000 to the Parks Maintenance Division budget in the General Fund for this project which will be completed in-house.

Tony Brandyberry, Public Services Superintendent, stated the project is scheduled to start in July and will take approximately two months to complete.

Mayor Stephens asked for information on the Bloomfield/Los Alamitos Elementary School Traffic Signal project.

Dave Hunt, City Engineer, advised he contacted previous City Engineers and determined the project was initially placed on the CIP at the request of the School District, who were going to fund the project. The School District decided not to fund the project, and it was never removed from the CIP. Mr. Hunt believes this is no longer a valid project, with two major signals close by and justification for a signal for exiting the school property even with the hospital coming in is not justified.

Council Member Graham-Mejia asked if other projects were scheduled for Orville Lewis Park in the current CIP, other than the fencing.

Mr. Stewart advised that resurfacing the basketball courts will be included as a change order.

Council Member Graham-Mejia asked what the future plans in the CIP were for Orville Lewis Park and how much was projected for the project. She stated she does not want to remove the project from the CIP if there were other items the City was going to address at the park.

Mr. Stewart advised \$60,000 was budgeted for the project and stated there were no other specific projects for the park; the money was budgeted for the block wall.

Council Member Graham-Mejia asked if the rollers were included at the top of the fence in the \$18,000, and confirmed it includes the brick bottom so the coyotes cannot dig below the fence and will it show above the dirt.

Mr. Stewart stated the fence is approximately 10 ft. high to match the current fencing south of the park, and should meet the need to keep the coyotes from jumping the fence.

Mr. Brandyberry confirmed the fence will include the brick bottom to prevent the coyotes from digging and noted the brick will not show above the dirt.

Council Member Graham-Mejia asked when items are removed from the CIP, the City is left with additional monies, unless the projects were unfunded.

Ms. Agramonte stated the projects recommended for removal are for years 5 and 6, which were unfunded.

Council Member Poe asked for information on the Katella Avenue Bus Pads.

Mr. Hunt advised the Katella Avenue Bus Pads was a "wish list item" placed on the CIP by a previous City Engineer. In reviewing the project and reviewing the Katella Smart Street project, the bus pads were not warranted at that time, as such, he has removed the project from the CIP. Mr. Hunt the project was not to add bus stops, but to enhance the bus pads that were already in existence.

Council Member Poe asked for information if the lawn is mowed lower at Orville Lewis Park, does that decrease the risk of tripping in the gopher holes.

Mr. Brandyberry stated it does not reduce the risk. If staff mows the grass lower, there will not be a difference. By placing the 24 inch depth of concrete block we are trying to eliminate the gophers from coming across. Mr. Brandyberry provided additional information on gophers within the City.

Mayor Pro Tem Edgar referred to Attachment B and spoke in regards to current Fiscal Year 2011/12. He asked staff to profile the two big expenditures on the schedule: Residential Street Improvements \$370,000; and, Cerritos Avenue/Via El Mercado \$310,000.

Mr. Hunt stated the residential streets are the last of the seven-year CIP between overlays, rehabilitation, slurry seals on the residential streets: Old Town East/West and a few small neighborhoods that will be finished this year, which will finish the 7-year plan approved previously. With the new Pavement Management Plan (PMP) a new seven-year plan will be implemented.

Mr. Stewart asked Mr. Hunt to explain the improvement of the pavement rating.

Mr. Hunt advised staff conducted a rating scale of the streets in Los Alamitos; the City was averaging in the 50's and now it is in the 80's, by repaving the streets. If the City continues to maintain the streets every five to six years, the City will not have to completely reconstruct the streets in 20 years.

Mayor Pro Tem Edgar confirmed that Old Town East/West will be repaved this year, and asked if the hospital's project will impact will have the repaving of the City's streets.

Mr. Hunt responded in the affirmative. Mr. Hunt noted that the hospital will have its own improvements on our street system which they are paying for. There will not be a duplication of effort.

Mayor Pro Tem Edgar asked for information on the Cerritos Avenue/Via El Mercado and asked specifics on costs.

Mr. Hunt this is a commercial area where the streets are in disrepair. Mr. Hunt advised staff is now focusing on the commercial streets. Mr. Hunt stated this is two specific projects which require a lot of rehabilitation work, and staff is going out to bid with other street improvement project carryovers from last year, which includes ramps and streets in residential areas. Mr. Hunt stated staff will go out to RFP and will review the costs of design and construction. Current projects have come out approximately 30% less than estimated.

Mayor Pro Tem Edgar requested information on Chestnut.

Mr. Hunt advised that project is in the FY 11/12 carryover items and not in the current CIP.

Ms. Agramonte advised there is one carryover request which is the full balance of the Laurel Park Field Renovations Project, as work on this project is to be delayed until the fall of 2011.

Council Member Graham-Mejia asked to confirm the total project cost for this item.

Mr. Hunt advised the total budget includes engineering, construction management, plus construction and ended with approximately \$150,000 for construction and bids came in at \$248,000. Four or five of the key mid-size landscape firms were booked for the summer and were not interested in bidding on this project. Smaller firms came in and raised the price above what the City budgeted. Tonight's staff report is to reject the bids received and re-advertise the project and construct the project in winter which will downsize the project and the City might be able to receive lower bids.

Council Member Graham-Mejia stated she wished the park renovations were not going to be delayed because the park is in dire need of reconstruction. She asked if the City re-advertises the project, how much the City Engineer believe the City will save. She also asked if finances improve in the future, will the City be able to do the other improvements. She also asked if the school district has been contacted regarding the construction.

Mr. Hunt advised the project will be re-scoped to remove the parking lot and sidewalk rehabilitation; it will only include the grading, sod, and irrigation system, and reconstruct the park in the winter season. Mr. Hunt stated this construction will not prohibit the City from improving the park in the future.

Mr. Stewart advised the City has discussed the park construction with the school district and will continue to do so.

Council Member Poe asked if there was a proposal to enlarge the parking area of Laurel Park.

Mr. Hunt advised it was to provide sidewalk around the parking lot and repave it, add handicap parking spots closer to the ramp, and add new handicap ramps – upgrade the parking lot, but not add additional parking spaces.

**Capital Project Funds – Possible Elimination/Incorporation into General Fund** – During the May 2 budget study session, Council inquired about closing out the Residential Streets and Alleys Fund, the Building Improvement Fund and the Park Development Fund and including them in the General Fund Budget. Staff has researched the origination of these funds and has found that the Residential Streets Fund and the Building Improvement Fund were established with the use of General Fund resources. However, the Park Development Fund derived its revenues from Developer Impact fees as authorized under the Quimby Act of 1975. These revenues are restricted to expenditures for park improvements therefore, until the funds are fully expended on such projects the fund cannot be eliminated.

Ms. Agramonte referred to the powerpoint presentation, noting the two charts depict how incorporating the two funds into the General Fund would potentially look.

Council Member Graham-Mejia stated she would like to keep the funds separate.

Council Member Kusumoto referred to the chart, pointing out the deficit between the two fiscal years and asked why is the difference so large.

Ms. Agramonte advised it is approximately \$61,000 to -\$119,000 for the projects that are included in the Capital Projects List.

Council Member Poe asked how much as the Park Development Fund grown in the past five years.

Ms. Agramonte advised there has not been a lot of revenue in the fund because it is Quimby Act monies, which is generated with large improvements.

Council Member Poe confirmed it does not apply to single family residential improvements.

Ms. Agramonte responded in the affirmative. Ms. Agramonte advised the balance projected at the end of this year is \$239,000, and this is the fund that is currently funding the Laurel Park project.

Council Member Poe commented on the Residential Street Improvement Fund, and stated she was on the Council when it was established. The Fund set money aside to allow the Council to see how the fund was growing and made it easy for the community to see that money was set aside for repair of the residential streets. She stated she does not have a problem with leaving it as-is.

Mayor Pro Tem Edgar referred to Attachment B & E, noting the different types of Capital Improvement Projects. Mayor Pro Tem Edgar noted that the projects are funded by many different sources which makes it difficult to understand. Mayor Pro Tem Edgar noted that the two funds the City Council is discussing is funded by City Council decision – it is a matter of moving money from one fund to the other. Mayor Pro Tem Edgar used the Park Development Fund as an example.

Mayor Pro Tem Edgar asked if City Council has every approved a discretionary move of money from the General Fund to the Park Development Fund.

Ms. Agramonte stated in the past 7 years, she has not seen the transfer from the General Fund.

Mayor Pro Tem Edgar stated he is okay with the Park Development Fund, and confirmed interest is received in that fund.

Ms. Agramonte confirmed interest is received in that fund, which is allocated to each fund based on its balance.

Mayor Pro Tem Edgar further commented on simplifying the Special Funds.

Ms. Agramonte advised the next request that came up at the Budget Study Session was the possible elimination of the Internal Services Funds.

**Internal Service Funds – Possible Elimination/Incorporation into the General Fund** – During the May 2 budget study session Council also inquired about closing out the Garage Fund and the Technology Replacement Fund and incorporating them into the General Fund. These internal service funds account for services provided by one department to other departments of the City, serving two purposes:

1. They account for the operations of the Garage and Information Technology functions; and,
2. They account for the fixed assets/equipment necessary for those operations.

The operations of these funds are financed with the use of charges to the departments benefiting from the services they provide. For example, each department pays a quarterly fee into the Technology Replacement Fund based on the number of computers it operates. Similar to Capital Project Funds, Internal Service also tend to fluctuate from year to year showing surpluses as funds built up for future purchases of equipment/vehicles and similarly, showing deficits as these funds are spent on these assets. Merging these funds into the General Fund would also result in unusual fluctuations in the General Fund and would also present additional potential for unbalanced budgets. Therefore, staff does not recommend the elimination of these funds. Staff recommends that an equipment replacement program be established including a plan for the funding of future equipment and vehicle purchases.

Ms. Agramonte referred to the PowerPoint presentation, noting the two charts depict how incorporating the two funds into the General Fund would potentially look.

Council Member Graham-Mejia expressed her concern with incorporating the two funds into the General Fund.

Council Member Kusumoto referred to the PowerPoint presentation, FY 11/12 with a deficit of \$114,000. He asked if incorporating the Capital Projects Funds and Internal Services Funds into the General Fund would show a deficit of \$250,000.

Ms. Agramonte responded in the affirmative.

Council Member Poe stated she understands Mayor Pro Tem Edgar's argument. She stated she does not see a problem with incorporating the two funds into the general fund. Council Member Poe asked for the City's vehicle replacement schedule.

Tony Brandyberry, Public Services Superintendent, stated the replacement of vehicles is determined by mileage, year of the vehicle, and how the vehicle is operating. Currently, staff is looking at returning to Council with a policy on vehicle replacement. Mr. Brandyberry stated police vehicles run an average of 75,000 to 90,000 miles, 3-5 years; other vehicles 8-10 years, 80,000 – 100,000 miles.

Council Member Poe stated she is not sure whether the Garage Fund and Technology Replacement should be Special Funds.

Mayor Pro Tem Edgar referred to the PowerPoint presentation and asked Ms. Agramonte to explain how general fund revenue decreases in the chart.

Ms. Agramonte advised that part of the current fiscal year General Fund FY 10/11 there is a budgeted transfer from the Garage Fund of \$89,000; that transfer was made from the Garage Fund to the General Fund – that is what is represented as the decrease in revenues because had the funds been mingled there would not be a fund to transfer from.

Mayor Pro Tem Edgar stated the chart would have three different characteristics: revenues, expenditures, and transfers. And, transfers are not represented, and are basically buried in revenue.

Ms. Agramonte advised it is on both sides, and also reduced from the expenditures. It would have been a expenditure in the Garage Fund and a revenue on the General Fund; both were eliminated.

Mayor Pro Tem Edgar stated the concern he has with this chart is that the transfers are not denoted. He stated the decrease or increase of transfers is not shown on the chart.

Ms. Agramonte advised that transfers are considered a revenue into the General Fund.

Mayor Pro Tem Edgar stated they are considered a revenue, but they are not a new generated revenue. Mayor Pro Tem Edgar further commented on revenue, special funds, and the Garage Fund.

Mr. Stewart asked how much is currently in the Garage Fund.

Ms. Agramonte advised that the projected balance for the end of this fiscal year is \$510,000; the Technology Fund has \$205,000.

Mr. Stewart advised if the funds went away, the reserves go up. He advised that if the funds were incorporated into the General Fund, the City would show a fund transfer the first year and an increase in the reserves. Next year and future years a fluctuation in the way the reserves are spent would be seen if purchases are needed.

Mayor Pro Tem Edgar stated the reason he would like to incorporate the Special Funds into the General Fund is because he would rather be more acute to spending less, being more conservative because it looks like raw money. He stated he believes the Council is missing an opportunity.

Mr. Stewart advised what the chart does not show is the increase in reserves and the transfer do not matter.

Ms. Agramonte responded in the affirmative; and, advised an extra line would be added which designates the amount for vehicles, garage or equipment.

Mr. Stewart advised if the funds were abolished today, the General Fund Reserve would go up \$700,000 and the outlay, the capital we would spend is an additional \$114,000; and, would show an increase in the General Fund Reserves and an increase in the reserves being spent, but much less than was actually contributed.

Additional discussion ensued.

Mayor Stephens stated he was concerned about it being easier to utilize funds from Special Funds.

Mr. Stewart stated nothing changes, a contribution to the special fund would be done, based on what staff the schedule of the equipment placement is. In past years, the Council has reduced contributions to the Garage Fund in order to balance the General Fund Budget.

Mayor Stephens confirmed that if the Specials Funds were incorporated into the General Fund, an approval by the City Council would still be needed.

Mr. Stewart responded in the affirmative. He stated the two directions in which the Council can move forward are: 1) Decide this item tonight; eliminate the Garage and Technology Replacement Funds, and direct staff to come back with schedules of replacement updating current information showing a five-year outlay, and how it is going to impact the reserves; 2) This could be addressed during the mid-year budget process.

Council Member Graham-Mejia stated what she does not want to see happen is that the money is not set aside for use when it is needed. She addressed the issue of misuse of funds such as grant monies which could have resulted in fines to the City – it was not using General Fund money, it was using money set for certain items which it was not used for. Council Member Graham-Mejia stated she does not have any problems with decreasing the amount in the Special Funds and place the remainder into the General Fund.

Council Member Kusumoto asked if there is a significant workload difference in tracking the funds.

Ms. Agramonte advised that from a finance standpoint, it is actually easier to track the money in a separate fund.

Council Member Kusumoto asked if the City did not have the special fund designated for rehabilitation of the streets and alleys, would the work have been completed. He stated if the Special Fund did not set the money aside for the work the street rehabilitation might have been put off from year-to-year.

Council Member Poe requested additional information on the accusation of misuse of funds by previous City Councils. Council Member Poe stated she has no problem with the Garage and Technology Fund being absorbed into the General Fund, as long as the City has a good replacement schedule. She stated she is okay with doing it now or at mid-year.

Mayor Pro Tem Edgar stated he is trying to simplify the budget needs to be communicated well to the community or it could cause confusion. Mayor Pro Tem Edgar stated he believes there is a more methodical way and is willing to postpone till mid-year.

The City Council reached a consensus to address incorporating the Garage and Technology Fund into the General Fund during the Mid-Year Budget process and staff will present a schedule for equipment and technology replacement.

**CJPIA Contract Update** – The City joined the California Joint Powers Insurance Authority (CJPIA) in 2007 in an effort to stabilize its costs with respect to Workers Compensation and Liability claims. Previously the City was on a pay as you go program, paying for claims as they arose which could vary significantly from year to year. At that time the City had a number of outstanding claims or “tail claims” that were not covered by the CJPIA. The City is still incurring charges from tail claims. However, these have decreased from over \$260,000 in fiscal year 2007-08 to under \$40,000 this fiscal year to date. Since joining the CJPIA the City pays

an annual contribution into the pool which covers claims filed against the City within the established insurance limits. The funding estimate for the annual contribution is calculated based on an actuarial study of the Authority's claims experience. The total funding requirement is allocated to each member using loss experience and payroll, relative to other members of the pool. The anticipated cost for Fiscal Year 2011-12 is \$478,000.

For the City of Los Alamitos, the new cost allocation formula is calculated based 70% on Payroll and 30% on Performance. This formula was adopted in an effort to minimize annual cost fluctuations and eliminate the necessity for retrospective adjustments.

Council Member Graham-Mejia stated when the City Council first looked at information for joining, the information was grossly misstated. She stated she has not been comfortable with this from the beginning and asked if being a member of CJPIA has saved the City money.

Ms. Agramonte stated that being a member will save us money in the future but cannot say that it has to date because the City is paying against two – the old tail claims and the new policy.

Council Member Graham-Mejia asked how many years out is the City going to be paying the tail claims.

Mr. Stewart stated it cannot be much longer, the City is four years in.

Council Member Graham-Mejia stated she does not know if it is financially smart for the City to discontinue their membership with CJPIA and go back to the previous insurance, if the City is going to pay more for this instead of making the payments. She asked if it is logical to look for different insurance because the costs seem to be going up. She asked if the City knows when the yearly amount will be when it levels out.

Mr. Stewart stated what CJPIA provides is the comfort is having real insurance versus the self-insured potential loss. Mr. Stewart stated that the reasons the costs have not gone down is because CJPIA changed their formula to be more payroll based, which will smooth the contributions by the member agencies; and, the loss history has been great in the last three years and have paid large settlements. Mr. Stewart stated he does not know what the yearly amount will be.

Council Member Graham-Mejia stated the City should look at alternatives.

Council Member Kusumoto stated he would rather have insurance and understands it may not be much a savings.

Council Member Poe stated she has a problem with CJPIA changing the formula after the City joined the membership. Council Member Poe stated she has no

problem with the City looking for something that might be better. She suggested staff return at Mid-Year with options.

Mayor Pro Tem Edgar stated he agreed with Council Member Graham-Mejia, and stated that he believes this is something the City needs to address. Mayor Pro Tem Edgar also stated he would like to see a potential alternative evaluated.

Mr. Stewart advised there is a mid-year notification requirement if the City is thinking about making a change, which is January 2012. He stated Council will need to have a discussion on this item in October or November.

The City Council reached a consensus to review alternatives for insurance and address this issue in October or November.

Ms. Agramonte advised there are a few **Council Special Items**, which include:

1. City Web Site update – \$5,000 setup cost and \$1,000 annual maintenance thereafter. Technology Replacement Funds can be utilized for this purpose.
2. Web Streaming of City Council Meetings – Year 1 - \$15,000 setup plus \$9,060 operation/maintenance; Year 2 and forward - \$13,080 operation/maintenance.
3. Telephone Notification System for Public Outreach – \$6,000 in setup costs. Technology Replacement Funds can be utilized for this purpose.

Council Member Graham-Mejia stated she liked the idea of saving money on the website; the web streaming would come from PEG money/LATV and asked if there is any extra money with the new contract that could be applied toward the web streaming.

Ms. Stewart advised he is concerned with the out-year costs of maintaining the system.

Council Member Graham-Mejia stated the web streaming is a great idea but would not support it because of limited funds available. She requested additional information on the Telephone Notification System.

Todd Mattern, Police Chief, advised the Police Department currently has the mass notification system, Alert OC, which sends out telephone messages throughout the City for emergency notifications. The same vendor also offers the service for non-emergency use; however, comes as a cost of \$1.50 per household, and does not use the same 911 database and will only send messages to published numbers in the City and those that opt into the system.

Council Member Graham-Mejia stated she brought this item forward because residents expressed an interest in attending certain meetings and had no way of obtaining the information. She asked if staff looked into other companies. She

stated this could be a great tool for the Council and asked if there is a year-to-year contract.

Todd Mattern, Police Chief, advised this is the system the City currently uses and believes it is probably less expensive than other vendors.

Ms. Agramonte stated from her understanding \$6,000 is an annual fee that would have to be paid every year.

Council Member Graham-Mejia referred to Attachment B – alley street limit signs, \$10,000. She stated she requested previously if those signs can be changed to speed humps for one alley on a trial basis. She stated she believes the money would be better spent on the humps versus the signs. Council Member Graham-Mejia asked when the ADA Ramps will be completed.

Mr. Hunt advised the ramps will be completed by the end of the summer. He stated the request to go out to bid would be at the next Council Meeting.

Council Member Kusumoto stated he is in support of upgrading the City's website. In regards to the web streaming, the Year 2 and forward costs will be funded out of PEG funds.

Ms. Agramonte advised there is approximately \$95,000 in the PEG Fund.

Mr. Stewart advised it could, but the problem is the on-going costs. The City is going to spend what is in the fund for operations, most of the \$44,000. Secondly, the \$44,000, with the increase in satellite TV, could start to shrink. The City will go through the reserves, \$13,000, is something that the majority if not all would come out of the reserve and with \$96,000 in reserve do we want to use the reserves for this item.

Council Member Kusumoto stated he is familiar with the school's phone notification system. He stated he does not think we can do that in-house, but there may be alternatives that capture what the City needs to accomplish. He stated it would be nice to have a comparison to see how much the school spent on their system and asked if the City could obtain that information.

Council Member Poe stated she is fine with the website. In regards to the web streaming, she stated she is not in favor because the City Council is just setting up the LATV Commission and does not have information about the budget. She requested additional information about the telephone notification system, and heard comments that the school's system was used too often and it became something people just ignored. Council Member Poe likes that the City has the system for emergencies, but feels that we need to conduct additional research on this item.

Todd Mattern, Police Chief, added that the City does have an e-mail notification system that residents can sign up for and the Police Department will frequently send out messages via e-mail and Twitter to get non-emergency information out.

Mayor Pro Tem Edgar stated the website he would go forward; web streaming he would like to wait till the City figures out what it is going to do; and, the telephone notification system he would also like to wait.

**5. ADJOURNMENT**

Mayor Stephens adjourned the Special City Council Meeting at 7:20 p.m.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk

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

**REGULAR MEETING – June 20, 2011**

**ITEM NO. 7A2**

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

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:04 p.m., Monday, June 20, 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 Director  
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**

Council Member Graham-Mejia led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Poe gave the Invocation.

**5. PRESENTATIONS**

**A. To Los Alamitos High School Girls' Varsity Lacrosse Team in Recognition of their the Southern Section CIF Championship**

Mayor Stephens and Members of the City Council presented Certificates of Recognition to those in attendance of the Girls' Varsity Lacrosse Team. Pictures with Council followed.

**B. To the City Council From the Orange County Transportation Authority in Appreciation of Measure M**

Larry Crandall, OCTA, presented a Certificate of Appreciation to the City Council. Pictures with Council followed.

**C. Update on the West County Connectors Project by Kenneth Oh, OCTA**

Kenneth Oh and Christina Byrne, OCTA, presented an update on the West County Connectors Project and provided information to City Council.

**6. ORAL COMMUNICATIONS**

Boris Reebok, spoke regarding LATV and spoke in support of John Underwood.

Richard Murphy, resident, commented on Item #9, remarked on the congressional redistricting; requested posting the agenda on the website be returned to its original format for ease of use; and, congratulated the City Council and City on the Thursday Night food truck event.

Greg Buseca, spoke in support of John Underwood.

Michael Manard, RCSD, commented on Item #10D.

**7. REGISTER OF MAJOR EXPENDITURES**

June 20, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for June 20, 2011, in the amount of \$472,228.93.

**Roll Call Vote**

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

**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.

Motion/Second: Poe/Edgar

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

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**A. Warrants**

June 20, 2011.

**B. Approval of Notice of Completion, Alley Rehabilitation Project between Green Avenue and Howard Avenue, from Reagan Street to Maple Street (CIP No. 10/11-03), CDBG Project No. KC 10937**

The Alley Rehabilitation Project between Green Avenue and Howard Avenue, from Reagan Street to Maple Street is complete and in compliance with the plans and specifications. Staff is therefore recommending the City Council accept the work as complete, direct filing of the Notice of Completion and release the 10% retention as prescribed by the Public Contracts Codes.

1. Accepted as complete the construction contract by United Paving for the Alley Rehabilitation Project between Green Avenue and Howard Avenue, from Reagan Street to Maple Street; and,
2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's Office; and,
3. Authorized staff to release the 10% retention, in the amount of \$13,954.57, thirty-five (35) days after recordation of the Notice of Completion.

**C. Information Technology Support Services Agreement**

The purpose of this report is to award a contract for information technology (IT) support for July 1, 2011 until June 30, 2013.

Authorized the City Manager to execute an Agreement with Scientia Consulting Group, in an amount not to exceed \$100,000 per year, for ongoing information technology support for the period of July 1, 2011 to June 30, 2013, with an option for two one-year extensions.

**D. Adoption of the City of Los Alamitos Fiscal Year 2011-12 Annual Appropriations Limit**

Article XIII B of the California Constitution specifies the amount of allowable revenue the City of Los Alamitos can appropriate from the proceeds of taxes.

Adopted Resolution No. 2011-11 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12."

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

**9. PUBLIC HEARING**

**Adoption of the City of Los Alamitos Fiscal Year 2011-12 Annual Operating and Capital Improvement Program (CIP) Budget**

City Charter Sections 1201-1205 govern the development and adoption of the City's Annual Budget. Section 1203 requires a public hearing for public input on the proposed budget. Thereafter, the City Council shall adopt the budget with revisions, if any; establish estimated revenues, expenditure appropriations, and transfers of funds of the City.

Jeff Stewart, City Manager, introduced this item and addressed the issue of the "visual deficit." Mr. Stewart asked Ms. Agramonte, Finance Director, to provide the staff report.

Anita Agramonte, Finance Director, summarized the following items discussed at the previous budget study sessions: General Fund Revenues, General Fund Expenditures, General Fund Summary and Fund Balances, and reviewed the performance of the General Fund Balance over the last few years. Ms.

Agramonte also reviewed Special Revenue Funds, Debt Service Funds, Internal Services Funds, and Capital Project Funds.

Ms. Agramonte answered questions from the City Council.

Mayor Stephens opened the Public Hearing. Having no one come forward, Mayor Stephens closed the Public Hearing.

After City Council discussion, the following motion was made:

Motion/Second: Edgar/Stephens  
Carried 4/1: (Graham-Mejia "No")

City Council:

1. Conducted a public hearing on the Proposed Annual Operating and Capital Improvement Program Budget; and,
2. Adopted Resolution No. 2011-10 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING THE ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2011-12."

Council Member Graham-Mejia requested the following statement be placed in the record:

"Thanked the City Council and Public Works for working so hard to restore Orville Lewis Park because that is something that is going to be great for the community. Also, I just thanked the Council for the support on the speed humps. I really would like to see if that's something that can protect the residents that live over in the apartments, but because of some issues with the budget, and you did a phenomenal job, Anita, Los Alamitos Rehab, I wasn't here, unfortunately, for the designation of that \$200,000; that's not something that I'm comfortable with and I know that that's something near and dear to the Council's heart so I'm not going to argue that issue and also the internal service funds being put into the general fund, I'm opposed to that for the reasons I stated earlier. It's not that you didn't do a great job and that I don't support the Council, but I have to vote no with those issues."

## 10. DISCUSSION ITEMS

Mayor Stephens advised Item #10B will be taken out of order and discussed prior to Item #10A.

### B. Authorization to Accept Donation of Tree and Plaque

This report seeks City Council acceptance of the donation to purchase a tree and plaque to honor a resident that has recently passed.

Steven Mendoza, Community Development Director, summarized the staff report and introduced Mr. Moazaez to the City Council and invited him to come forward for comments.

Motion/Second: Graham-Mejia/Kusumoto

Unanimously Carried: Accepted the donation for a Cottonwood tree and plaque to memorialize Ms. Forough Moazaez on behalf of her family.

**A. Consideration of Alternatives for Production of Public Access Portion of the City's PEG Programming**

The City's cable television station (LATV) currently airs regular governmental and educational programming, and programming that has been submitted by members of the public, in accordance with LATV guidelines and policies. The public access portion of LATV has not been addressed fully. Staff is presenting options regarding the production of public access programming on LATV for the City Council's consideration, including a proposal for specific services from Mr. John Underwood.

Mr. Stewart summarized the staff report and answered questions from the City Council.

Mr. John Underwood was requested to step forward and answer questions from the City Council.

City Council discussion continued.

Motion/Second: Kusumoto/Graham-Mejia

Return this item to City Staff and ask them to create an RFP to go out to bid for LATV services.

Mr. Larry Strawther was also requested to step forward and answer questions from the City Council.

Additional City Council discussion proceeded.

Amended Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: Send this item back to the City Manager for refinement of a policy and bring back to the City Council for further discussion and direction.

**RECESS/RECONVENE**

Mayor Stephens recessed the City Council Meeting at 9:45 p.m. At 9:54 p.m., Mayor Stephens reconvened the City Council Meeting with all Council Members present.

**C. Professional Services Agreement with Moss, Levy & Hartzheim, LLP, for Professional Independent Financial Auditing Services**

This agenda item seeks approval of an agreement with Moss, Levy & Hartzheim, LLP, to provide professional independent financial auditing services for the City of Los Alamitos.

Finance Director Agramonte summarized the staff report and answered questions from the City Council.

Motion/Second: Poe/Kusumoto

Unanimously Carried: Authorized the City Manager to execute a Professional Services Agreement between the City of Los Alamitos and Moss, Levy & Hartzheim, LLP, for professional independent financial auditing services for fiscal years 2010-11, 2011-12, and 2012-13 in amounts not to exceed \$24,975 per year.

**D. Request to Appoint a City Council Ad Hoc Subcommittee to Discuss and Make Recommendations to the City Council Regarding Potential Annexation Issues**

During the past two years, the City Manager has included the potential annexation of the southwest corner of Los Alamitos Boulevard and Katella Avenue in his goals and objectives. Staff is recommending the appointment of a City Council Ad Hoc subcommittee to discuss potential annexation issues, identify specific goals and report back to the City Council with recommendations for further action.

Mayor Stephens opened this item up for public comment.

Richard Murphy, resident, commended the City Council on their forward thinking and for being proactive with regard to this item.

Michael Manard, RCSD, spoke in opposition to this item.

Each Council Member commented on this item.

Council Member Graham-Mejia recommended the City Council appoint Council Member Kusumoto and Mayor Stephens to serve as the ad-hoc subcommittee to discuss potential annexation issues.

Mayor Pro Tem Edgar recommended the City Council appoint Council Members Kusumoto and Poe to serve as the ad-hoc subcommittee to discuss potential annexation issues.

Mayor Stephens thanked Council Member Graham-Mejia for her nomination and declined the nomination due to other commitments.

After further City Council discussion, the following motion was made:

Motion/Second: Edgar/Stephens

Appoint Council Member Kusumoto and Council Member Poe to serve as the ad-hoc subcommittee to discuss potential annexation issues.

City Council further commented on this item. After additional discussion occurred, the following substitute motion was made:

Substitute Motion: Kusumoto/Graham-Mejia  
Failed 2/3: (Edgar, Poe, Stephens "No")  
Appoint Council Members Poe and Graham-Mejia to serve as the ad-hoc subcommittee to discuss potential annexation issues.

Mayor Pro Tem Edgar withdrew his original motion to appointment Council Member Kusumoto and Council Member Poe to serve as the ad-hoc subcommittee.

Motion/Second: Poe/Stephens  
Carried 3/1/1: (Graham-Mejia "No" Kusumoto "Abstain")  
Re-Appoint Council Members Poe and Mayor Pro Tem Edgar to continue to serve as the ad-hoc subcommittee to discuss potential annexation issues.

## 11. **MAYOR AND COUNCIL INITIATED BUSINESS** **Council Announcements**

**Council Member Graham-Mejia** advised she received a call from the Laras of the Rossmoor Predator Management Team requesting assistance with cleaning brush as some of the homes in the area and appreciated the Laras reaching out to her. She asked for the status of a proclamation in recognition of the hard work; and wished the community a great two weeks. Council Member Graham-Mejia requested information on parking permits for residents of Carrier Row on July 4<sup>th</sup>.

**Council Member Kusumoto** stated the College Park North 4<sup>th</sup> of July Parade and Picnic is coming up; apologized to the other neighborhoods for not being to attend their parades; stated he will be attending a JPIA meeting next week in south Orange County; and, asked Twin Grill be contacted to assist with them with opening earlier in the mornings.

**Council Member Poe** reminded everyone of the importance of home pool safety and asked the information be placed on the City's website; provided information and commented on the Suburbia 4<sup>th</sup> of July Parade; thanked Angie Avery, Community Services Director and her staff for their work on the 4<sup>th</sup> of July Spectacular and asked Ms. Avery to provide information for the public; and, requested a list of groups from Los Alamitos High School to be included in the Museum's Hall of Fame to be displayed for an entire year. Council Member Poe requested an update on the redistricting.

**Mayor Pro Tem Edgar** inquired how local musician Eric Calvit could be placed in the Museum's Hall of Fame; welcomed home Christopher Fishbeck, a 24-year old soldier from Victorville; thanked the Rossmoor Predator Management Team for meeting with the City Manager and stated it was a good example of a constructive working group; reported on the congressional redistricting; reported on his recent trip to Washington D.C. with OCSD; and, provided an update on the Coyote Creek project.

**Mayor Stephens** asked Ms. Avery to provide information on the 4<sup>th</sup> of July Spectacular such as entrance areas and fees. He thanked Nancy Karmelich and her committee for their work on the Banners of Honor Program and advised of the upcoming June 30<sup>th</sup> unveiling. Mayor Stephens thanked William Legarza from Southland Credit Union for the generous thank you letter.

**12. ITEMS FROM THE CITY MANAGER**

The City Manager had nothing to report.

**13. ADJOURNMENT**

At 11:13 p.m., Mayor Stephens adjourned the City Council Meeting in memory of Ms. Forough Moazez.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS**  
**REGULAR MEETING – July 5, 2011**

**ITEM NO. 7A3**  
THESE MINUTES ISSUED FOR  
INFORMATION ONLY AND ARE  
SUBJECT TO AMENDMENT AND  
APPROVAL AT THE NEXT  
MEETING

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:03 p.m., Tuesday, July 5, 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 Director  
Angie Avery, Community Services Director  
Dave Hunt, City Engineer  
Adria M. Jimenez, City Clerk  
Todd Mattern, Police Chief

**3. PLEDGE OF ALLEGIANCE**

Council Member Kusumoto led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Pro Tem Edgar gave the Invocation.

**5. ORAL COMMUNICATIONS**

Mark Lupesco, Seal Beach, thanked the City Council for their support of the Run Seal Beach 5K event. Mr. Lupesco encouraged participation for the April 2012 event.

Seth Egger, Seal Beach, provided statistical information on the Run Seal Beach 5K event and provided grant information to organizations located within Los Alamitos. Mr. Egger thanked the City Council for their support.

Dean Grose, resident, commented on the approval of city-wide CIP programs and provided historical information on Old Town West street rehabilitation. Mr. Grose thanked Seal Beach for their contributions to Los Alamitos and extended his condolences to Ed Brummel on his recent loss.

Ed Brummel, resident, advised the City Council that his mother Mary Cook, who passed away on Friday due to health issues. Mr. Brummel provided service information.

Mert Perishal, positively commented on the food trucks and stated it is good for the community; provided history on LATV and expressed her support for John Underwood; and, asked the City Attorney if there is a legal issue with Council Members receiving text messages during Council Meetings.

City Attorney Levin advised that it is legal to receive text messages during Council Meetings, it may be a public record depending on how many Council Members receive the message; however, there is no law against it.

**6. REGISTER OF MAJOR EXPENDITURES**

July 5, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for July 5, 2011, in the amount of \$724,489.15.

**Roll Call Vote**

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	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 Poe requested Item #7D be pulled.

Council Member Graham-Mejia requested Items #7A and #7B be pulled

Motion/Second: Graham-Mejia/Edgar

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

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**C. Approval of Plans and Specifications and Authorization to Bid the Community Pool Deck Shading System**

This report recommends actions to begin facilitating the installation of the Community Deck Shading System at the pool located at the Joint Forces Training Base.

1. Approved the plans and specifications for the construction of the Community Pool Deck Shading System; and,
2. Authorized staff to advertise and solicit bid proposals.

- E. Acceptance of Easement at 10792 Oak Street for Alley Purposes**  
An easement for alley purposes has been offered for dedication to the City by the property owner of 10792 Oak Street, and must be accepted before the property owner can finalize the construction of improvements at that location.

The City Council authorized the City Clerk to accept the attached grant of easement to the City of Los Alamitos, for alley purposes, at 10792 Oak Street.

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

**A. Approval of Minutes**

1. Approve Minutes of the Special Meeting – May 2, 2011.

Council Member Graham-Mejia advised she pulled this item because she is opposed to Action Minutes and would like to see them restored to their original Summary format.

Motion/Second: Edgar/Poe

Carried 4/1: (Graham-Mejia “No”)

Approved Minutes of the Special Meeting – May 2, 2011.

**B. Warrants**

July 5, 2011.

Council Member Graham-Mejia requested information on SCAG Membership Dues and payment for Trauma Intervention.

Mr. Stewart, City Manager, advised it is in the best interest of the City to remain a member of SCAG.

Additional discussion regarding SCAG Membership and the City representative ensued. Council Member Poe expressed interest in serving at the City’s representative to SCAG.

Police Chief Mattern advised payment to Trauma Intervention Programs, Inc. is for is for annual membership dues.

Motion/Second: Edgar/Poe

Unanimously Carried: Approved the Warrants of July 5, 2011.

**D. Approval of Plans and Specifications and Authorization to Bid for Six Capital Improvement Projects**

This report recommends actions to begin facilitating the construction of six capital improvement projects that have been bundled into one bid. The projects are as follows: Citywide Concrete Repairs; Curb Return and Traffic Signal Improvements at Cerritos Avenue and Humbolt Street; Catch Basin Enlargement on Katella Ave. and Siboney St., Walnut and Chestnut Street Curb and Gutter Replacement, and Corporate Center Drive and Calle Lee Street Rehabilitation.

City Engineer Dave Hunt provided a staff report and answered questions from Council Members.

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: 1) Approved the plans and specifications for Citywide Concrete Repairs; Curb Return Improvements at Cerritos Avenue and Humbolt Street; Walnut Street and Chestnut Street Curb and Gutter Replacement; and Corporate Center Drive and Calle Lee Street Rehabilitation; and, 2) Authorized staff to advertise and solicit bid proposals.

## 8. DISCUSSION ITEMS

### **Approval of Measure M Capital Improvement Program (CIP) for FY 2011-12 through FY 2017-18, and Resolution of the City Council of the City of Los Alamitos Concerning the Status of the Circulation Element for the City of Los Alamitos**

In order to remain eligible to receive Measure M Turnback funds, the Orange County Transportation Authority (OCTA) requires that all local jurisdictions comply with a variety of requirements, including annual submittal of an adopted Seven-Year Capital Improvement Program (CIP) and Resolution of the City Council of the City of Los Alamitos concerning the status of the Circulation Element for the City of Los Alamitos. Staff has prepared a Capital Improvement Program covering the Fiscal Years 2011-12 through 2017-18 that the City Council approved on June 20, 2011, and is prepared to submit this and other required documentation to OCTA upon approval by the City Council.

To complete the necessary submittals staff is recommending: 1) Adopt Resolution No 2011-12; 2) Approve the attached Seven-Year Capital Improvement Program (for transportation projects) for FY 2011/12 o 2017/18; 3) Direct the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2011/12 to 2017/18 and the required Measure M eligibility documents to the Orange County Transportation Authority.

Mr. Hunt provided a summary of the staff report and answered questions from the City Council.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: 1) Adopted Resolution No. 2011-12, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT OF THE CITY OF LOS ALAMITOS"; and, 2) Approved the attached Seven-Year Capital Improvement Program (for transportation projects) for FY 2011/12 to 2017/18, and which was submitted and approved by the City Council on June 20, 2011; and, 3) Directed the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2011/12 to 2017/18, and the required Measure M eligibility documents to the Orange County Transportation Authority.

## 9. MAYOR AND COUNCIL INITIATED BUSINESS

### A. Council Member Kusumoto - Conference and Meeting Report – California Joint Powers Insurance Authority

Council Member Kusumoto provided an oral report his recent attendance at the CJPIA Newley Elected Council Members Academy. The City Council received and filed the report.

### B. Council Announcements

**Council Member Kusumoto** thanked Mayor Stephens for allowing him to deliver a Certificate of Recognition to Major General Harrel; reported on his participation in the 4<sup>th</sup> of July Spectacular and thanked Angie Avery and her staff for their hard work. Council Member Kusumoto further commented on LATV funding; and, asked that the ethical issue regarding Brad Sheridan be brought back to City Council for resolution.

**Council Member Poe** thanked Council Member Kusumoto for his CJPIA report; reported on her attendance at the recent Chamber Mixer at Los Al Eye Care; advised that every Thursday St. Isidore is hosting food trucks and will be having a beer garden; thanked residents of Suburbia for the invitation to attend their parade and apologized for not attending as she was at the College Park North Parade; and, advised she was unable to attend the 4<sup>th</sup> of July Spectacular at the base and asked Ms. Avery for an update on the festivities.

Ms. Avery provided information on the 4<sup>th</sup> of July Spectacular and advised this event was operated at no cost to the City. Ms. Avery also provided information on attendance.

**Mayor Pro Tem Edgar** reported on his attendance at the OCSD Board Meeting; thanked Nancy Karmelich for work on the Banners of Honor Program; thanked Suburbia residents for the 4<sup>th</sup> of July Parade; reported on recent events at the Rivers and Mountains Conservancy; provided an update on the redistricting; asked the City Manager to meet with residents from Suburbia regarding Construction at the Base; and, reported on his attendance at the Chamber of Commerce Mixer at the Los Al Eye Care.

**Mayor Stephens** requested information on construction at the Base; advised he attended the 4<sup>th</sup> of July Spectacular and thanked staff, volunteers, Police, and surrounding cities' Police for their work on the event; reported that he spoke to Loretta Sanchez and Jim Silva regarding their support for the military; thanked Suburbia residents for the 4<sup>th</sup> of July parade invitation; and, thanked his colleagues for attending events on his behalf.

**Council Member Graham-Mejia** stated she has received input from business on the food trucks in regards to taxes and asked the City Manager for information. Council Member Graham-Mejia further commented on the food trucks and thanked the community for a good time. She stated she met with a representative from SCE with regards to the RMC project and asked the City Manager for an update. Ms. Graham-Mejia commented on the

redistricting; asked for copies of the trash contract litigation press release; responded to the comments made by a resident regarding texting at the dias; and asked for information on how the change of the State's Users tax which sunsets on July 1<sup>st</sup> effects Los Alamitos.

Mr. Stewart advised the food trucks self-report on taxes; however, the City is collecting fees on business licenses, which started approximately 6-8 weeks ago.

Mr. Stewart advised that according to Ms. Froisland, the plans will be submitted in two weeks.

Sandi Levin, City Attorney, addressed the issue of texting during Council Meetings.

Mayor Stephens confirmed the trash contract litigation press release is available on the City's website.

**10. ITEMS FROM THE CITY MANAGER**

The City Manager did not have anything to report.

**11. CLOSED SESSION**

At 8:22 p.m., Mayor Stephens recessed into Closed Session pursuant to the Agenda.

**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.

- A. 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.

- B. Existing Litigation (G.C. 54956.9(a))  
Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract  
Case Number: Orange County Superior Court Case #00420414  
Authority: Government Code Section 54956.9(a)

**12. RECONVENE/ADJOURNMENT**

Mayor Stephens reconvened the City Council Meeting at 10:30 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk



## ITEM NO. 7A4

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

### MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – July 18, 2011

#### 1. CALL TO ORDER

The City Council met in Special Session at 5:06 p.m., Monday, July 18, 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  
Adria M. Jimenez, City Clerk

#### 3. ORAL COMMUNICATIONS

At 5:07 p.m., Mayor Stephens opened Oral Communications. There being no one present wishing to speak, Mayor Stephens closed Oral Communications at 5:08 p.m.

#### 4. SPECIAL ORDERS OF THE DAY

##### **Interview Applicants for the Cable and Parks, Recreation & Cultural Arts, Commissions**

Several openings have occurred on two of the City's Commissions: five openings (4 adult positions; 1 student position) on the Cable Commission; three on the Parks, Recreation, and Cultural Arts Commission. Availability Notices were posted at City Facilities and published in the local newspapers inviting residents to apply for these positions.

City Clerk Jimenez summarized the staff report and explained how the interview process would work. Each Council Member will ask one of five questions which were provided to each applicant. The applicant will respond to the questions and either at the beginning or the end of the interview, the applicant will be able to provide additional comments or ask questions of the City Council.

##### **Cable Commission**

The City Council interviewed the following applicants for the Cable Commission: Alice Jempsa, Althea Miller, Carol Cochrane, Thomas Rothwell and Steve Clayton.

City Clerk Jimenez advised Shelley Hasselbrink is currently the only Commissioner remaining on the Cable Commission. Her term was automatically extended to July 2013; thus, she was not required to submit an application.

Council Member Graham-Mejia advised she spoke with Ms. Hasselbrink who stated she no longer wished to remain on the Cable Commission and suggested the Council move forward with appointing those who interviewed this evening.

City Clerk Jimenez announced the number of indications of support for each of the Cable Commission applicants: 5-Jempso; 5-Miller; 5-Cochrane; 5-Rothwell; and, 5-Clayton.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council appointed Alice Jempso, Althea Miller Carol Cochrane, Thomas Rothwell, and Steve Clayton to the Cable Commission.

### **Parks, Recreation, and Cultural Arts Commission**

The City Council interviewed the following applicants for the Parks, Recreation & Cultural Arts Commission: Cathy Ruark and Chuck Landon.

City Clerk Jimenez advised Candace DeWitt-Drucker is out of town and was unable to attend tonight's interview.

Council Member Graham-Mejia asked the City Council to address the issue of moving forward on appointing applicants who do not attend the interview.

Council Member Graham-Mejia asked that it be noted for the record that she does not want it to look like there is favoritism being played.

After discussion by City Council regarding procedures for appointing commissions, Mayor Stephens requested the City Clerk review the procedures for commission appointment.

### **RECESS/RECONVENE**

Mayor Stephens recessed the Special City Council Meeting at 6:12 p.m. At 6:18 p.m., Mayor Stephens reconvened the Special City Council Meeting.

City Clerk Jimenez read the Procedures for Commission Appointment adopted by the City Council on January 16, 2007.

Council Member Graham-Mejia stated she believes there are procedures adopted since and will conduct her own research.

City Clerk Jimenez announced the number of indications of support for each of the Parks, Recreation and Cultural Arts Commission applicants: 5-Cathy Ruark; 5-Chuck Landon; 5-Candace DeWitt-Drucker.

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: The City Council appointed Cathy Ruark, Chuck Landon, and Candace DeWitt-Drucker to the Parks, Recreation, and Cultural Arts Commission.

**5. ADJOURNMENT**

The meeting was adjourned at 6:25 p.m.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk



**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS  
REGULAR MEETING – July 18, 2011**

**ITEM NO. 7A5**  
THESE MINUTES ISSUED FOR  
INFORMATION ONLY AND ARE  
SUBJECT TO AMENDMENT AND  
APPROVAL AT THE NEXT  
MEETING

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:01 p.m., Monday, July 18, 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 Director  
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**

Council Member Poe led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Graham-Mejia gave the Invocation.

**5. ORAL COMMUNICATIONS**

J.M. Ivler, resident, commented on the City's website upgrade and provided recommendations on the process.

Judy Klabouch, business resident, thanked Council Members Kusumoto and Poe and Mayor Pro Tem Edgar for attending the Chamber Mixer at Los Alamitos Eye Care; advised the next mixer will be at St. Isidore's; and, the Legislative Mixer will be August 25<sup>th</sup> in Stanton; she thanked Los Alamitos Eye Care for sponsoring Los Alamitos in the Legislative Mixer. She advised the Chamber is coordinating the Wings, Wheels, and Rotors event and provided sponsorship information.

Dave Emerson, resident, commented on community outreach for the Los Alamitos Boulevard Revitalization project and asked a series of town hall meetings be held to discuss the vision for the City.

John Underwood, resident, reported on the Relay for Life event; and, asked the LATV Studio be re-opened for editing and production use.

Jeff Stewart, City Manager, advised LATV Studio is open and anyone who is trained to operate the equipment has the ability to do that with a qualified producer; and, Mr. Underwood is able to enter the studio at any time.

Javier Mejia, resident, asked for information on the City's graffiti removal plan; thanked the City Council for agendizing the Lexington Avenue issue; and, asked for information on speeding in the alleys.

Mr. Stewart advised graffiti is removed by in-house staff, and is done on an as-needed basis. He stated he will obtain information from Mr. Mejia regarding the graffiti locations and issues.

Steven Mendoza, Community Development Director, advised last week the Traffic Commission approved a pilot project installing speed humps in the alley.

Brad Taylor, resident, spoke in regards to Lexington Avenue and the agreement with the City of Cypress and stated the City should remove the traffic sign and not amend the agreement with Cypress and Cottonwood.

## **6. REGISTER OF MAJOR EXPENDITURES**

July 18, 2011.

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for July 18, 2011, in the amount of \$398,212.07.

### **Roll Call Vote**

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	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 and #7B.

All Consent Calendar Items were pulled for discussion.

### **A. Approval of Minutes**

1. Approve Minutes of the Special Meeting – May 16, 2011.
2. Approve Minutes of the Special Meeting – June 13, 2011.
3. Approve Minutes of the Regular Meeting – June 6, 2011.

Council Member Graham-Mejia made reference to the meeting minutes and expressed her opposition to action minutes. She would like the minutes to have more reflection so there is a history for future Councils to go from.

Mayor Pro Tem Edgar asked for information on the definitions of absent and excused.

City Clerk Jimenez advised absent is when a member does not show up for a meeting and does not provide advance notice; and, excused is when the member provides notice before the meeting that the member will not be in attendance.

Motion/Second: Edgar/Poe

Carried: 4/1 (Graham-Mejia "No")

1. Approved Minutes of the Special Meeting – May 16, 2011.
2. Approved Minutes of the Special Meeting – June 13, 2011.
3. Approved Minutes of the Regular Meeting – June 6, 2011.

## **B. Warrants**

July 18, 2011.

Council Member Graham-Mejia referred to the warrant for bee abatement and asked for additional information on the possibility of increased bees in the City.

Mr. Stewart advised he does not believe there is an infestation of bees in the City, and will look into the concern further.

Council Member Graham-Mejia referred to page 6, Samuel J. Wells, attorney services.

Jeff Stewart, City Manager, advised the expenditure is for a personnel investigation.

Motion/Second: Graham-Mejia/Kusumoto

Unanimously Carried: Approved the Warrants of July 18, 2011.

## **8. DISCUSSION ITEMS**

### **A. Consideration of Proposals to Conduct Outreach Related to the Los Alamitos Boulevard Revitalization Project**

The following is a summary of the consultants considered to complete the City's Outreach Program related to the Los Alamitos Boulevard Revitalization Project in response to the City's Request for Proposal (RFP).

Council Member Poe recused herself from this item because she owns property within 500' of the project location. Council Member Poe stepped down from the dias.

Council Member Graham-Mejia stated she conducted research and she does not have a conflict in regard to this item.

Mayor Stephens opened this item for public comment.

J.M. Ivler, resident, spoke in opposition of this item and requested his letter be attached to the meeting minutes.

Brad Taylor, resident, spoke in opposition of this item.

Judy Klabouch, business owner, spoke in favor of this item.

Javier Mejia, resident, spoke in opposition of this item.

Dean Grose, resident, spoke in favor of this item.

Having no one else wishing to come forward to speak, Mayor Stephens closed this item for public comment.

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

After Council discussion, the following motions were made:

Motion/Second: Edgar/Stephens

Tie Vote/No Action: 2/2 (Graham-Mejia/Kusumoto "No")

Authorize the City Manager to approve a Professional Services Agreement with RBF Consultants for the Outreach Component of the Los Alamitos Blvd. Revitalization project at an amount not to exceed \$35,800.00.

Motion to Reconsider/Second: Edgar/Stephens

Tie Vote: 2/2 (Graham-Mejia/Kusumoto "No")

Allow additional discussion on this item.

City Council Members commented further on this item.

The original motion stands:

Motion/Second: Edgar/Stephens

Tie Vote/No Action: 2/2 (Graham-Mejia/Kusumoto "No")

Authorize the City Manager to approve a Professional Services Agreement with RBF Consultants for the Outreach Component of the Los Alamitos Blvd. Revitalization project at an amount not to exceed \$35,800.00.

Mayor Stephens requested the City Attorney provide an interpretation of the action on this item.

City Attorney Levin advised that tonight the City Council was given a proposal for the retention of a firm to conduct outreach. The City Council voted 2/2, which means no action was taken and the contract will not be executed. There will be no outreach program conducted. Staff has said they will consider the input given by Council this evening and will bring back an item if they can find a way to move forward with this item and present something else for Council otherwise the project at this moment is stalled.

Mr. Stewart clarified the public outreach portion of this project, as originally conceived, is for the moment stalled.

Mayor Pro Tem Edgar requested additional clarification.

Mr. Stewart advised there was no decision made on the approval of this professional services agreement to conduct public outreach as staff conceived it originally – no action will be taken. As for the remainder of the project, staff is going to move forward. The public outreach portion, right now, for the moment is dead.

Council Member Graham-Mejia requested the additional parts of the project be agendized.

Mr. Stewart advised if he is going to agendize this item, he is going to agendize the tasks staff are working on and continuing to work on, and if the Council wishes to do so they can make a decision at that point to carry-on, but until such time staff is continuing to work on the project.

Council Member Graham-Mejia requested everything staff is working on with regards to this project be agendized so council can address the project piece-by-piece.

**B. Approval of Professional Services Agreement with Watershed Conservation Authority, for Project Manager and Construction Manager Services of Coyote Creek Park**

The City is seeking to construct a low impact recreation parkway area in the SCE right-of-way along the Coyote Creek, behind Oak Middle School. Toward that end, the City has received a grant from the Rivers and Mountains Conservancy (RMC) in the amount of \$1,440,000. To complete the project, it is necessary to obtain approvals from numerous agencies, including the Southern California Edison Company, the Orange County Flood Control District, Los Angeles Flood Control District, Golden State Water Company and other entities. To date, those approvals have been very difficult to coordinate. With a looming deadline for construction on June 1, 2012, the RMC recommended strongly that the City utilize a project manager from the Watershed Conservation Authority (WCA) and agreed that compensation for that project manager would be a reimbursable part of the project. Accordingly, staff is requesting that the City hire the Watershed Conservation Authority (WCA) to help the City get the project finished within the time frame of the grant.

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

Mayor Stephens opened this item for public comment.

Dean Grose, resident, provided a historical prospective on this item.

Having no one else come forward, Mayor Stephens closed this item for public comment.

After Council discussion, the following motion was made:

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried: Authorized the City Manager to execute a Professional Services Agreement with Watershed Conservation Authority, in the amount of \$99,656 to be Project Manager and Construction Manager. The funds required would be fully reimbursed by the Rivers and Mountains Conservancy.

**C. Approval of Lease Agreement between Southern California Edison (SCE) and the City of Los Alamitos for the Coyote Creek Park**

The City is seeking to construct a low impact, recreation parkway area in the SCE right-of-way along the Coyote Creek behind Oak Middle School, with a \$1,440,000 grant received from the Rivers and Mountains Conservancy (RMC). To complete the project, it is necessary to obtain a lease agreement from the Southern California Edison Company. The City Attorney has reviewed the draft lease and finds it acceptable for the purposes of a low impact, recreational parkway.

Jeff Stewart, City Manager, provided the staff report and answered questions from the City Council.

After Council discussion, the following motion was made:

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: Authorized the City Manager, City Attorney and City Clerk to sign the lease.

**RECESS/RECONVENE**

Mayor Stephens recessed the City Council Meeting at 9:00 p.m. At 9:11 p.m., Mayor Stephens reconvened the City Council Meeting with all Council Members present.

**D. Steps Necessary to Modify Intersection at Lexington Drive and Katella Avenue to Allow Southbound Lexington Drive Traffic to Travel through the intersection into the Apartment Row Neighborhood**

On January 18, 2011 Councilmember Mejia requested staff to research methods of modifying the traffic signal at the intersection of Lexington Drive and Katella Avenue to allow southbound traffic to cross Katella Avenue into the Apartment Row neighborhood. In researching the issue, staff learned that the traffic signal was constructed to not allow through traffic on southbound Lexington Drive in compliance with the terms of a three-party agreement between the cities of Los Alamitos and Cypress, and Cottonwood Church. Because the modification, if effected would require a change in the street markings on Lexington Drive, immediately north of Katella Avenue, staff was obligated also to discuss the issue with Arrowhead Products, with whom the City has a separate agreement regarding traffic modifications.

Staff researched the request by Councilmember Mejia, determined that modification of the signal to allow southbound traffic on Lexington Drive, south of Katella Avenue would provide additional convenience to persons living in the Apartment Row and Carrier Row neighborhoods, and met with the affected

parties seeking input and concurrence. Accordingly, staff has prepared draft letters to the City of Cypress, Cottonwood Church, and Arrowhead Products requesting the modification discussed above in exchange for modifications of the three-party agreement that reflects additional traffic modifications requested by the City of Cypress and Cottonwood Church.

Mayor Stephens requested City Attorney Levin advise which Council Members might possibly have a conflict on this item.

City Attorney Levin advised there are three out of five Council Members with potential conflicts, each at different sites. The main issue tonight is regarding modification of the signalization at Lexington and Katella and there was an issue raised as to whether Council Member Graham-Mejia has a conflict. There is a subsidiary issue that is the center island in front of 24-Hour Fitness on Katella, and so there is a question raised as to whether Mayor Stephens has a conflict there because of his employment with 24-Hour Fitness. And, there is an additional condition that is proposed for consideration that is at Katella and Enterprise and there is a question as to that condition as to whether Council Member Poe has a conflict of interest based on real property owned. The City Attorney stated that what she would propose in terms of process is that the City Council break this item into pieces so that everyone can participate in as much of the item as they possibly can, and consider first the question of whether the City would like to request changes to the signalization at Lexington and Katella and if the answer to that is yes, then go through and consider whether the various conditions, one at a time, are acceptable to the City as a price to pay to get that deal to change the signalization at Lexington and Katella. In that way, each Council Member can participate in as much as the decision as possible and if there is a condition under discussion that you have a conflict with, then Council Members can sit out that portion of the discussion.

Council Member Graham-Mejia asked for a point of clarification: She stated she reviewed the staff report and her hope is to have the Council instead of addressing all the issues, just address the one issue where the City solicits the right to go forward with nothing else, and handle these items individually, that way the Council does not need to discuss the other items. We send the letters to Cottonwood and Cypress without any of the recommendations and see what we get from there first.

City Attorney Levin advised that would be one possible outcome of the discussion that would happen. She advised her proposal is not a summative one; it is not suggesting any outcome one way or the other. She is suggesting a process that would allow for maximum participation. She stated she understands that Council Member Graham-Mejia has discussed with the Fair Political Practices Commission (FPPC) and determined that she does not have a conflict with respect to this issue based on facts beyond her knowledge; that is fine and if the FPPC has cleared it than Council Member Graham-Mejia can participate. She advised the City Council can move forward at this time.

Mr. Stewart suggested the Council hear the staff report first, make a determination of whether you want to move forward on the first part, and then if there is going to be discussion on the conditions, consider those after the fact.

City Attorney Levin clarified the Council would have a discussion on whether they would want to request changes to the signalization at the intersection. If the answer is yes, then a discussion needs to be had about whether the Council would want to consider other conditions at this point in time. If the answer to that is yes, then Council would discuss the specific conditions and Council Member Poe and Mayor Stephens might need to step out for their respective conditions.

Council Member Graham-Mejia advised she contacted FPPC and they gave her the section of the Political Reform Act she needed to review and that is where she obtained her information from, believing she is cleared from this.

Steven Mendoza, Community Development Director, provided a staff report.

Mayor Stephens opened this item for public comment.

J.M. Ivler, resident, spoke in opposition to amending the agreement with the City of Cypress.

Shelly Henderson, Cypress resident, provided information on how she travels from Cypress to The Base; and spoke in support of this item.

Having no one else come forward, Mayor Stephens closed this item for public comment.

City Attorney Levin provided additional information regarding obtaining her opinion on conflicts of interest, the different types of conflicts of interests, and answered questions from the City Council.

Council Members commented on the thru-way of Lexington.

City Attorney Levin advised if the City Council is going to expand the conversation beyond the first item, City Council will need to address the conflicts of interests.

Motion/Second: Graham-Mejia/  
Died for lack of a second.

Move forward with a letter to the City of Cypress with no concessions asking them to state why they feel the recommendation is unreasonable, and, if they have reasons to please list them so the City of Los Alamitos can address those.

Mr. Stewart reconfirmed that this item is a policy decision on whether the City would like to move forward and try to open up a three-party agreement and amend it or not.

Additional discussion ensued.

Substitute Motion/Second: Kusumoto/Graham-Mejia

Ask the City of Cypress for permission to alter the intersection without offering any other concessions from Los Alamitos.

Council Member Graham-Mejia requested a point of clarification: she asked the City Manager if Cypress has already made it clear that they are not interested in doing that without the concession.

Mr. Stewart stated what the City of Cypress made clear was that they have motivations and Cypress believes they were saddled with overweening concerns as well. Mr. Stewart stated he is speculating and would have no idea what they would officially say.

Amendment to the Substitute Motion/Second: Edgar/Poe

Discuss one item at a time and work towards the conditions. Ask the City Council for reconsideration that a motion be made on the original strategy, which is a vote to go with Lexington signal change, as recommended in the staff report and that we would take the conditions separately as agreed.

Mayor Pro Tem Edgar relinquished his amendment to the substitute motion and asked Council Member Kusumoto for consideration on his original substitute motion that the City would move forward with whether we want to approve the Lexington project at this point, and handle the conditions brought forward by the City Manager on the next vote to see if there is a problem moving forward.

Council Member Kusumoto requested Mayor Stephens call for the vote.

Substitute Motion/Second: Kusumoto/Graham-Mejia

Defeated: 0/5 (Graham-Mejia, Kusumoto, Poe, Edgar, Stephens "No")

Ask the City of Cypress for permission to alter the intersection without offering any other concessions from Los Alamitos.

Additional discussion ensued.

Motion/Second: Edgar/Poe

Carried: 4/1 (Graham-Mejia "No")

Move forward with the Lexington signal fix as recommended in the staff report and address the potential conditions in the following actions individually.

Council Member Poe requested information regarding FPPC advice and conflicts of interests.

City Attorney Levin provided information on the Public Generally Exception.

Council Member Poe advised she has a conflict of interest at the request to install a signal at Katella and Enterprise.

City Attorney Levin advised the City Council in the original agreement there is language that states some of the actions that the City would have to take are administrative and some of them are discretionary and require more of a public process. If there is anything related to any of the conditions that is a

discretionary approval that requires public notification or allows for public input, you cannot agree to it in a letter. Similar to the language in the settlement agreement, you would have to allow for due process and public hearings on those items. As we go through and discuss each of the items, Council will need to review each one to see if it is a concession the City can guarantee without going through a further process. We will do that as we review each item.

Mayor Stephens asked City Attorney Levin for her legal opinion on whether or not he has a conflict.

City Attorney Levin advised whether or not Mayor Stephens has a conflict on some of the numbers involved.

Mayor Stephens asked what constitutes the conflict. He explained he no longer works at that location and happens to work for a company.

Levin advised it is not a matter of location; it is who pays your salary.

Motion/Second: Edgar/Poe  
Include Item #1 in, as noted in Attachment 4, in the letter.

Additional discussion regarding the motion ensued.

Amended Motion/Second: Graham-Mejia/  
Agree to allow the City of Cypress to discontinue the traffic study every year to a 5-year component matched with the numbers and in 5 years it be revisited.

Mayor Pro Tem Edgar requested clarification on the motion.

Mr. Stewart clarified Council Member Graham-Mejia's motion and Item #1.

Council Member Graham-Mejia rescinded her amended motion.

Additional Council discussion ensued regarding the traffic study noted in Item #1 of Attachment 4 and the project.

Mayor Pro Tem Edgar withdrew his motion.

The City Council reached a consensus to include Item #1 in the letter.

Mayor Stephens advised the Council will now review Item #2, as noted in Attachment 4; and, requested an additional explanation from the City Attorney regarding whether or not he has a conflict of interest.

City Attorney Levin provided Mayor Stephens with her assessment of whether or not he has a conflict of interest.

Mayor Stephens recused himself from voting on Item #2, as noted in Attachment 4. Mayor Stephens stepped down from the dias.

Mayor Pro Tem Edgar read Item #2 for the City Council, and noted this is a "soft" approval, not a legislative approval of this process.

Mayor Pro Tem Edgar opened this item for public comment. Having no one come forward, Mayor Pro Tem Edgar closed this item for public comment.

Mayor Pro Tem Edgar opened this item up for Council discussion. Each Council Member commented on Item #2 and expressed their support or opposition to the project.

Mayor Pro Tem Edgar advised he was going to make a motion on approving staff's recommendation.

Council Member Poe advised she needed to step down from the dias as Mayor Pro Tem Edgar's motion would include items in which she has a conflict of interest. Council Member Poe stepped down from the dias.

Motion/Second: Edgar/

Died for lack of a second.

Approve staff's recommendation as noted in the staff report.

Mayor Stephens and Council Member Poe returned to the dias.

Motion/Second: Graham-Mejia/Kusumoto

Carried: 3/2 (Edgar/Poe "No")

Close this item and deny staff's recommendation; and, continue dialogue with Cottonwood and the City of Cypress regarding the items on which Council previously reached a consensus.

Mayor Pro Tem Edgar asked the following statement be placed into the record:

"I Believe we missed a tremendous opportunity to bridge the gap with Cypress and better our community and I think we are still letting the past get in the way and I hope that this council will start to move forward in the future."

Council Member Graham-Mejia asked the following statement be placed into the record:

"I tried to dispel the belief that there is somehow some vendetta which was mentioned by one of the Council Members. We're looking out for the safety and benefit of this community and while we would like to support Cypress when we can, this is not a time when we can do that. We've tried to make concessions here tonight and have been told that they are not adequate and I think that tells us what cypress is willing to do and not do."

## 9. MAYOR AND COUNCIL INITIATED BUSINESS

### Council Announcements

**Council Member Poe** stated she was sorry she was unable to attend the Relay for Life, but was happy with hearing the event was well-attended; advised she attended the services for resident Mary Cook; and, suggested Suburbia residents who are planting trees to obstruct the view of the new JFTB buildings, be selective in the type of tree they choose.

**Mayor Pro Tem Edgar** reported he attended the Precious Life event and thanked staff for their work on the event and program; reported on his attendance at the OCSD Committee Meeting; commented on his attendance at the Relay for Life event and the Luminaria Ceremony; thanked the City Manager for setting up the meeting with residents from Suburbia regarding the construction at JFTB; stated the City has been receiving request to conduct joint trapping at the base and asked the City Manager to provide an update; commented on a note received from a Greenbook resident regarding a pine tree; and, provided an update on redistricting and thanked those who sent letters to the Commission.

Mr. Stewart, advised the City will be starting the trapping of coyotes on Monday, and JFTB will allow access to the base.

**Mayor Stephens** reported on his attendance at the Relay for Life event and thanked John Underwood for his coverage of the event; reported on the OCFA Budget and Finance Committee Meeting; reported on the appointment of new City Commissioners; and, further explained why he recused himself from voting earlier.

**Council Member Graham-Mejia** asked when resurfacing of Apartment Row was last conducted and advised there are many cracks and patches in the area and also noticed there are no stripes down the street; stated she was not informed there was a press release in regards to the trash contract litigation and stated residents are advising there were two versions to the press release; asked questions submitted by a resident be included in the Minutes under her Council Comments; and, commented on the issue at Lexington and stated the concern is not only the traffic, but also the penalty for the traffic violation and asked the City look at the possibility of clarifying the signage. Council Member Graham-Mejia clarified a statement that she was asking for the Lexington traffic issue to be taken care of to benefit Carrier and Apartment Rows; clarified a Traffic Commission staff report which stated Council Member Graham-Mejia requested that the alley on Green between Lexington and Noel be the site for the speed humps – she advised that was not the case. Council Member Graham-Mejia stated she was unable to attend the Relay for Life and thanked the American Cancer Society for the pin she received in support of the Relay for Life. Council Member Graham-Mejia congratulated the new City Commissioners.

**Council Member Kusumoto** reported on his attendance at the Relay for Life Opening Ceremonies and commented on the keynote speaker's remarks; advised he will be attending the JPIA Executive Committee Meeting on Thursday.

**10. ITEMS FROM THE CITY MANAGER**  
The City Manager had nothing to report.

**11. ADJOURNMENT**  
Mayor Stephens adjourned the City Council meeting at 12:12 a.m.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk



MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – August 1, 2011

ITEM NO. 7A6

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

1. **CALL TO ORDER**

The City Council met in Regular Session at 7:02 p.m., Monday, August 1, 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 Director  
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**

Pat Blanchard, resident, commented on the Lexington Avenue agreement between the Cities of Cypress and Los Alamitos. Ms. Blanchard read a statement in opposition to the Council's decision at the previous meeting.

Alice Jempsa, resident, spoke in opposition of changing the Lexington Avenue agreement with the City of Cypress.

6. **REGISTER OF MAJOR EXPENDITURES**

August 1, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for August 1, 2011, in the amount of \$755,741.55.

**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 Kusumoto pulled Consent Calendar Item #7B.

Council Member Graham-Mejia pulled Consent Calendar Item #7D.

Motion/Second: Edgar/Graham-Mejia

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

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**A. Warrants**

August 1, 2011.

**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**

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. Authorized 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. Authorized a 10% contingency fund of \$1,065.

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

**B. Status of Prior City Council Discussion to Seek Sanctions Against Former City Council Candidate Brad Sheridan**

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.

Council Member Kusumoto stated he pulled this item for a correction in the report; Mr. Brad Sheridan was not a City Council candidate, he was a former Traffic Commissioner.

Jeffrey L. Stewart, City Manager, advised the correction will be made.

Motion/Second: Kusumoto/  
Receive and file.

Substitute Motion/Second: Edgar/Poe  
Request this item be reevaluated by staff to verify the comments made by Mr. Brad Sheridan.

Motion/Second: Edgar/Poe  
Carried: 3/2 (Kusumoto/Graham-Mejia Poe "No")  
To substitute the motion and open it up for Council discussion.

Each of the Council Members commented on the substitute motion. After discussion, the substitute motion vote was taken:

Substitute Motion/Second: Edgar/Poe  
Carried: 3/2 (Kusumoto/Graham-Mejia Poe "No")  
Request this item be reevaluated by staff to verify the comments made by Mr. Brad Sheridan.

**D. Designation of General Plan and Zoning Assignment to the Planning Commission**

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.

Steven Mendoza, Community Development Director, summarized the staff report for City Council.

Council Member Graham-Mejia confirmed the area in the staff report is the same area referred to as the "fourth corner."

Mr. Mendoza responded in the affirmative.

Motion/Second: Council Member Poe/Edgar  
Carried: 4/1 (Graham-Mejia "No")  
Adopted 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

## 8. PUBLIC HEARINGS

### A. Annexation and Pre-zoning of Long Beach properties into the City of Los Alamitos

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.

Council Member Kusumoto recused himself from this item, stating he owns property within the 500' radius of the location. Council Member Kusumoto stepped down from the dias.

Steven Mendoza, Community Development Director, requested this item be withdrawn from the City Council agenda and sent back to the Planning Commission due to an error in the LAFCO map.

Motion/Second: Graham-Mejia/Edgar

Carried 4/0/1 (Kusumoto "Abstain")

Postponed the Public Hearing to a future date to be determined; and, send this item back to the Planning Commission for additional review of title information impact upon the pre-zoning of the various properties.

Council Member Kusumoto returned to the dias.

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

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

Steven Mendoza, Community Development Director, summarized the staff report.

At 7:31 p.m., Mayor Stephens opened the public hearing.

Having no one come forward, at 7:32 p.m., Mayor Stephens closed the public hearing.

Mr. Mendoza answered questions from the City Council.

Motion/Second: Edgar/Poe

Unanimously Carried:

1. Opened the public hearing and took testimony; and,
2. Introduced by title only and waived further reading of Ordinance No. 11-06; and,
3. Read the title of 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 "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.”

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

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

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

At 7:40 p.m., Mayor Stephens opened the public hearing.

Having no one come forward, at 7:41 p.m., Mayor Stephens closed the public hearing.

After Council discussion, the following motion was made:

Motion/Second: Edgar/Poe  
Carried: 4/1 (Graham-Mejia “No”)

1. Opened the Public Hearing and took testimony; and,
2. Denied staff's recommendation to move forward with introducing and waiving further reading of 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**

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.

City Manager Stewart advised at the last meeting there were two specific items that came up that resulted in lengthy discussions on potential conflicts of interest among multiple members of the City Council, and on both of those items there was direction given to come back for the consideration by the City Council. Because of the unexpected stalemate on the Los Alamitos Boulevard Project

staff is looking for direction from the City Council on clarifying those potential conflicts of interests among the affected Council Members and requesting an expenditure of a nominal sum of money in order to make that happen. The expenditure would be for the potential of obtaining appraisals, if that were necessary. Staff is looking for the direction to move forward with allowing the City Attorney to conduct research on this item.

Sandi Levin, City Attorney, advised that this item does include authorization for the possible drafting of letters to the Fair Political Practices Commission (FPPC) or obtaining an appraisal, if necessary. She asked that if the City Council were to move forward, she be allowed the discretion to determine whether that seems like it might be productive. If the City has gone through the analysis and it looks as though there is a conflict and it would not be resolved by a letter to the FPPC or with an appraisal, than staff would not want to incur that expense on behalf of the City.

After discussion by the City Council, a consensus was reached to table this item and allow the City Attorney to respond to and resolve potential conflicts of interest inquiries from the City Council.

## 10. **MAYOR AND COUNCIL INITIATED BUSINESS** **Council Announcements**

**Mayor Pro Tem Edgar** reported he attended the tour of the Abe Lincoln at the Naval Center in Long Beach; provided an update on the Rivers and Mountains Conservancy project; reported on the Orange County Sanitation District Board Meeting advising four Union contracts with the District have been finalized; and, advised the redistricting is finalized and thanked City Manager Stewart for his work on the item.

**Mayor Stephens** reported on the OCFA Board Meeting and advised a new computer awareness program which will provide information on pool safety, shrub abatement and other fire hazards is currently in the testing stage.

**Council Member Graham-Mejia** welcomed home and thanked the 300 soldiers who arrived at The Base early in the day; asked for an update on the coyote trapping at The Base; reported on her attendance at a School District Working Group Meeting and asked if there was any progress regarding the gym at Oak, and advised the school district will be attending the traffic working meetings. She requested the meeting be adjourned in memory of Mr. Wyatt, Los Alamitos resident.

Mr. Stewart advised three coyotes were trapped in one week. He also advised that City staff and school district staff visited the gym at The Base to find out if there was an equitable way to share the gym. The school district did not think their gym would fit their needs.

Angie Avery, Community Services Director, advised City staff and the school district are close to an agreement in regards to use of the gym.

**Council Member Kusumoto** reported on his attendance at the CJPIA meeting. He advised he attended the tour of the USS Abe Lincoln; and, asked the City Council Meeting be adjourned in memory of Michael Shope, Los Alamitos resident who died in a plane crash.

**Council Member Poe** thanked Mr. Mendoza, the Planning Commission, and staff for their work on the tattoo ordinance; she reported on her attendance at the School District Working Group Meeting; and, advised due to other obligations she was unable to attend the tour of the USS Abe Lincoln.

**11. ITEMS FROM THE CITY MANAGER**

Mr. Stewart advised that he and Mr. Mendoza met with residents on Denwood and discussed mitigation issues at the Base. Mr. Stewart provided additional information on the coyotes that were trapped during the week.

**12. CLOSED SESSION**

At 8:32 p.m., Mayor Stephens recessed into Closed Session pursuant to the Agenda.

Public Employee Appointment  
Government Code Section 54957  
Title: City Clerk

**13. RECONVENE/ADJOURNMENT**

Mayor Stephens reconvened the City Council Meeting at 9:38 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting in memory of Michael Shope and Mr. Wyatt.

---

Kenneth Stephens, Mayor

ATTEST:

---

City Clerk

**CITY OF LOS ALAMITOS**  
**A/P Warrants**  
**August 15, 2011**

**Pages:**

01-08	\$ 98,038.01	A/P Warrants	08/15/2011
-------	--------------	--------------	------------

**Total**            **\$ 98,038.01**

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 10<sup>th</sup> day of August, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ACE INDUSTRIAL SUPPLY, INC.	TOOLS	GARAGE FUND	GARAGE	216.49
			TOTAL:	216.49
ALL AMERICAN SIGN COMPANY	P/D DOOR LETTERING	GENERAL FUND	BUILDING MAINTENANCE	50.78
			TOTAL:	50.78
AMERICAN RENTALS	CONCRETE	GENERAL FUND	RECREATION ADMINISTRAT	147.26
			TOTAL:	147.26
CHRIS ANDERSON	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	760.43
			TOTAL:	760.43
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00
			TOTAL:	615.00
ART INNOVATORS	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	666.00
			TOTAL:	666.00
AT & T	BILL CYCLE 7/19-8/18	GENERAL FUND	COMMUNICATIONS TECHNOL	356.69
			TOTAL:	356.69
AT & T MOBILITY	BILL CYCLE 6/24-7/23	GENERAL FUND	PATROL	389.14
			TOTAL:	389.14
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	97.39
	COMMISSIONER NAME PLATES	GENERAL FUND	RECREATION ADMINISTRAT	42.83
	OFFICE SUPPLIES	GENERAL FUND	SPECIAL CLASSES	70.05
			TOTAL:	210.27
C.A. WEB DESIGN, INC.	WEBSITE SERVICES	GENERAL FUND	RECREATION ADMINISTRAT	55.00
			TOTAL:	55.00
CAMEL FINANCIAL, INC.	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	230.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	330.00
			TOTAL:	560.00
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	169.11
			TOTAL:	169.11
CARTRIDGE WORLD OF LOS ALAMITOS	TONER CARTRIDGE	GENERAL FUND	CITY MANAGER	56.02
			TOTAL:	56.02
CHICAGO TITLE COMPANY	COYOTE CREEK TITLE RPT	RIVERS/MTNS. CONSE	CAPITAL PROJECTS	2,250.00
			TOTAL:	2,250.00
CITY OF SEAL BEACH	JUNE BOOKINGS	GENERAL FUND	PATROL	500.00
			TOTAL:	500.00
COMPUTER SERVICE CO.	SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
CONSTRUCTION EQUIPMENT 4 LESS.COM	GRINDER BITS	GARAGE FUND	GARAGE	504.63
			TOTAL:	504.63
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	1,290.00
IM ENGEL	TUITION REIMBURSEMENT	GENERAL FUND	ADMINISTRATIVE SERVICE	1,020.00
			TOTAL:	1,020.00
AIRA ESPOSITO	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	48.75
			TOTAL:	48.75
UN ON THE FARM, INC.	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	44.80
			TOTAL:	44.80
ALLS / LONG BEACH UNIFORM	UNIFORM	GENERAL FUND	PATROL	173.42
	UNIFORM	GENERAL FUND	PATROL	508.92
			TOTAL:	682.34
ANAHL LUMBER COMPANY	PLYWOOD	GENERAL FUND	STREET MAINTENANCE	64.63
	PLYWOOD	GENERAL FUND	STREET MAINTENANCE	16.10
	RETURN - PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	7.32
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	45.19
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	7.32
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	4.84
	DOOR PARTS	GENERAL FUND	BUILDING MAINTENANCE	60.32
	PAINT	GENERAL FUND	BUILDING MAINTENANCE	32.31
	CEILING TILES	GENERAL FUND	BUILDING MAINTENANCE	135.73
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	18.79
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	7.51
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	6.24
	PAINT	BUILDING IMPROVEME	CAPITAL PROJECTS	300.51
	PAINT SUPPLIES	BUILDING IMPROVEME	CAPITAL PROJECTS	31.75
			TOTAL:	723.92
LENN E. THOMAS CO.	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	314.64
	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	761.70
	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	40.00
	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	515.25
	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	52.50
	P/D CHARGER REPAIRS	GARAGE FUND	GARAGE	259.43
	CHARGER SUSPENSION PARTS	GARAGE FUND	GARAGE	435.71
			TOTAL:	2,379.23
GLOBALSTAR USA	SATELLITE PHONE	GENERAL FUND	EMERGENCY PREPAREDNESS	26.29
			TOTAL:	26.29
BOLF VENTURES WEST	MOWER PARTS	GARAGE FUND	GARAGE	38.89
			TOTAL:	38.89
HARRY'S PLUMBING AND DRAINS, INC.	PLUMBING REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	135.00
			TOTAL:	135.00
HARTZOG & CRABILL, INC.	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	1,966.25
	LOS AL BLVD REVITILIZATION	GENERAL FUND	CITY ENGINEER	230.00
	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	1,161.00
	TRAFFIC STUDY-605@CERRITOS	MEASURE M	CAPITAL PROJECTS	156.25
			TOTAL:	3,513.50
HI-WAY SAFETY INC.	SAFETY VESTS	GENERAL FUND	STREET MAINTENANCE	179.44

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	179.44
HINDERLITER, DE LLAMAS & ASSOCIATES	SALES TAX 3Q 2011	GENERAL FUND	ADMINISTRATIVE SERVICE	1,126.38
			TOTAL:	1,126.38
HUNTINGTON BEACH HONDA	MOTORCYCLE TUNE-UP	GENERAL FUND	TRAFFIC	1,957.71
			TOTAL:	1,957.71
KELTERITE CORPORATION	ASPHALT	GENERAL FUND	STREET MAINTENANCE	393.14
			TOTAL:	393.14
KIDDIE TECHIE ENRICHMENT	SPECIAL INTEREST CAMP	GENERAL FUND	SPECIAL CLASSES	127.40
			TOTAL:	127.40
KUSTOM IMPRINTS	JR. LIFEGUARD T-SHIRTS	GENERAL FUND	AQUATICS	138.92
	BASKETBALL T-SHIRTS	GENERAL FUND	SPORTS	386.09
	BASKETBALL T-SHIRTS	GENERAL FUND	SPORTS	320.40
	SOCCER T-SHIRTS	GENERAL FUND	SPORTS	845.38
	SLO-PITCH T-SHIRTS	GENERAL FUND	SPORTS	342.95
			TOTAL:	2,033.74
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	58.50
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
			TOTAL:	195.00
LOS ALAMITOS AUTO PARTS	BATTERY	GARAGE FUND	GARAGE	61.85
			TOTAL:	61.85
LOS ALAMITOS ORTHOPEDIC	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	248.00
			TOTAL:	248.00
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	212.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	148.75
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	127.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	127.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	127.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	106.25
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	170.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	148.75
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	233.75
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	127.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	170.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	170.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	106.25
			TOTAL:	1,976.25
MAD SCIENCE OF W. ORANGE COUNTY	SCIENCE CAMP	GENERAL FUND	SPECIAL CLASSES	858.00
			TOTAL:	858.00
MAILFINANCE	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50
			TOTAL:	166.50
MISC. VENDOR	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	318.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	106.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	94.00

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	81.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	94.00
	NOTARY RECERTIFICATION	GENERAL FUND	POLICE ADMINISTRATION	40.00
			TOTAL:	833.00
IWALL CORPORATION	AMMUNITION	GENERAL FUND	PATROL	1,048.38
			TOTAL:	1,048.38
YNDA MOORE	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	147.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	470.40
			TOTAL:	617.40
ICK MOORE	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	1,221.35
			TOTAL:	1,221.35
IWR	POOL INTERNET 7/25-8/25	GENERAL FUND	AQUATICS	143.30
	JULY 4TH FIREWORKS	GENERAL FUND	SPECIAL EVENTS	2,355.00
			TOTAL:	2,498.30
IEWS ENTERPRISE	PUBLISH NOTICE	GENERAL FUND	PLANNING	174.25
	PUBLISH NOTICE	GENERAL FUND	PLANNING	110.50
	PUBLISH NOTICE	GENERAL FUND	PLANNING	112.63
			TOTAL:	397.38
EXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	19.83
			TOTAL:	19.83
EXUS IS, INC.	CONTRACT MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,206.57
			TOTAL:	1,206.57
OC DANCE PRODUCTIONS	CHEERLEADING CAMP	GENERAL FUND	SPECIAL CLASSES	343.20
			TOTAL:	343.20
ICTA	PARATRANSIT - 05/11	GENERAL FUND	COMMUNITY SERVICES	134.39
			TOTAL:	134.39
OMEGA INDUSTRIAL SUPPLY, INC.	AIR FRESHENERS	GENERAL FUND	BUILDING MAINTENANCE	1,252.43
			TOTAL:	1,252.43
HE ORANGE COUNTY REGISTER	NEWSPAPER SUBSCRIPTION	GENERAL FUND	CITY MANAGER	78.44
			TOTAL:	78.44
ORANGE COUNTY COUNCIL OF GOVERNMENTS	FEES & DUES FY 11/12	GENERAL FUND	CITY COUNCIL	2,947.99
			TOTAL:	2,947.99
ORANGE COUNTY HEALTH CARE AGENCY	FUEL TANK FEES 2011-2012	GARAGE FUND	GARAGE	1,689.00
			TOTAL:	1,689.00
ORANGE COUNTY SANITATION DISTRICT	CONNECTION FEES 05/11	GENERAL FUND	NON-DEPARTMENTAL	6,159.80
			TOTAL:	6,159.80
ORANGE COUNTY TREASURER-TAX COLLECTOR	COYOTE CREEK COST SHARE	GENERAL FUND	NPDES	1,769.18
			TOTAL:	1,769.18
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	82.64
PAPER RECYCLING SPECIALISTS	SHREDDING SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	74.00
			TOTAL:	74.00
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	72.15
	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	97.50
			TOTAL:	169.65
PETTY CASH	ICE - JULY 4TH	GENERAL FUND	POLICE ADMINISTRATION	60.00
	PARKING	GENERAL FUND	POLICE ADMINISTRATION	9.00
	BOOTS	GENERAL FUND	PATROL	113.84
	OFFICE SUPPLIES	GENERAL FUND	PATROL	20.84
	AMMUNITION	GENERAL FUND	PATROL	39.08
	VEHICLE KEYS	GENERAL FUND	INVESTIGATION	12.51
	PRINTER CARTRIDGE	GENERAL FUND	INVESTIGATION	38.78
			TOTAL:	294.05
PHILLIPS STEEL COMPANY	TRAILER REPAIR	GARAGE FUND	GARAGE	62.43
			TOTAL:	62.43
PLAYPOWER LT FARMINGTON, INC	PLAYGROUND SWING	GENERAL FUND	PARK MAINTENANCE	129.59
	PLAYGROUND EQUIP PARTS	GENERAL FUND	PARK MAINTENANCE	129.22
			TOTAL:	258.81
PRIORITY MAILING SYSTEMS, LLC	POSTAGE METER INK	GENERAL FUND	ADMINISTRATIVE SERVICE	243.16
			TOTAL:	243.16
QUALITY CODE PUBLISHING LLC	MUNI CODE PUBLICATIONS	GENERAL FUND	CITY MANAGER	1,015.90
			TOTAL:	1,015.90
QUEST PRINTING	BUSINESS LICENSE PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	152.25
			TOTAL:	152.25
RED WING SHOE STORE	RED WING WORK BOOTS	GENERAL FUND	STREET MAINTENANCE	245.13
	RED WING WORK BOOTS	GENERAL FUND	STREET MAINTENANCE	260.00
			TOTAL:	505.13
REFRIGERATION UNLIMITED, INC	REFRIGERATOR REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	439.64
			TOTAL:	439.64
REVENUE EXPERTS INC.	CODE ENFORCE CITES 06/11	GENERAL FUND	NEIGHBORHOOD PRESERVAT	14.00
			TOTAL:	14.00
RIVERSIDE COUNTY SHERIFF'S DEPARTMENT	TUITION	GENERAL FUND	POLICE ADMINISTRATION	75.00
			TOTAL:	75.00
RTC MEMORIAL MARKERS, INC.	BRONZE PLAQUE	GENERAL FUND	RECREATION ADMINISTRAT	222.99
			TOTAL:	222.99
SIR SPEEDY	BUSINESS LICENSE ENVELOPES	GENERAL FUND	COMMUNITY DEVEL ADMIN	207.83
			TOTAL:	207.83
MICHAEL SISTONI	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	1,136.40
			TOTAL:	1,136.40

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
KYHAWKS SPORTS ACADEMY, INC.	SPORTS CAMP	GENERAL FUND	SPECIAL CLASSES	271.05
			TOTAL:	271.05
SOUTH COAST SUPPLY & GARDEN DAZE	FISH FOOD	GENERAL FUND	PARK MAINTENANCE	20.42
			TOTAL:	20.42
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS SPRINKLERS SPRINKLERS	GENERAL FUND	STREET MAINTENANCE	55.28
			GENERAL FUND	PARK MAINTENANCE
		GENERAL FUND	PARK MAINTENANCE	175.90
		TOTAL:	246.99	
SOUTHERN CALIFORNIA GAS	3614 FENLEY 3191 KATELLA 10911 OAK ST.	GENERAL FUND	STREET MAINTENANCE	14.89
		GENERAL FUND	BUILDING MAINTENANCE	78.98
		GENERAL FUND	BUILDING MAINTENANCE	60.89
		TOTAL:	154.76	
SPARKLETTS DRINKING WATER	SERVICE & RENTAL	GENERAL FUND	BUILDING MAINTENANCE	235.43
			TOTAL:	235.43
SPOT LIGHTING SUPPLIES, INC.	LIGHT BULBS LIGHT BULBS BALLASTS	GENERAL FUND	PARK MAINTENANCE	77.58
		GENERAL FUND	BUILDING MAINTENANCE	75.64
		BUILDING IMPROVEME	CAPITAL PROJECTS	145.46
		TOTAL:	298.68	
SPRINT	ACTIVITY THRU 7/21/11 ACTIVITY THRU 7/21/11 ACTIVITY THRU 7/21/11 ACTIVITY THRU 7/21/11 ACTIVITY THRU 7/21/11 ACTIVITY THRU 7/21/11	GENERAL FUND	CITY MANAGER	34.14
		GENERAL FUND	ADMINISTRATIVE SERVICE	34.14
		GENERAL FUND	COMMUNICATIONS TECHNOL	34.13
		GENERAL FUND	COMMUNITY DEVEL ADMIN	34.13
		GENERAL FUND	PUBLIC WORKS ADMIN	34.13
		GENERAL FUND	RECREATION ADMINISTRAT	34.13
		TOTAL:	204.80	
SY NURSERY	MEMORIAL TREE MEMORIAL TREE STREET TREE	GENERAL FUND	RECREATION ADMINISTRAT	218.73
		GENERAL FUND	RECREATION ADMINISTRAT	218.73
		GAS TAX	CAPITAL PROJECTS	34.26
		TOTAL:	471.72	
TIME WARNER CABLE	P/D CABLE SERVICE 08/11 INTERNET - COMPUTER CENTER	GENERAL FUND	COMMUNICATIONS TECHNOL	132.84
		GENERAL FUND	RECREATION ADMINISTRAT	69.95
		TOTAL:	202.79	
TYLER TECHNOLOGIES	SOFTWARE CONVERSION SOFTWARE CONVERSION SOFTWARE CONVERSION SOFTWARE CONVERSION SOFTWARE CONVERSION	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	248.18-
		TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	10,768.76
		TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	677.21-
		TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	62.50
		TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	89.72
		TOTAL:	9,995.59	
J.S. BANK	SR. MEALS SUPPLIES SR. MEALS SUPPLIES SR. MEALS SUPPLIES VOLUNTEER LUNCHEON SR. REFERRAL GUIDE PRINTER TONER OFFICE SUPPLIES OFFICE SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	19.58
		GENERAL FUND	NON-DEPARTMENTAL	164.24
		GENERAL FUND	NON-DEPARTMENTAL	54.48
		GENERAL FUND	NON-DEPARTMENTAL	170.00
		GENERAL FUND	NON-DEPARTMENTAL	57.93
		GENERAL FUND	CITY MANAGER	206.60
		GENERAL FUND	POLICE ADMINISTRATION	113.55
		GENERAL FUND	POLICE ADMINISTRATION	65.53

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	106.48
	NOTARY SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	314.19
	LATEX GLOVES	GENERAL FUND	PATROL	165.67
	EVIDENCE BAGS	GENERAL FUND	RECORDS	261.76
	EVIDENCE BAGS	GENERAL FUND	RECORDS	56.36
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	HAM RADIOS	GENERAL FUND	EMERGENCY PREPAREDNESS	585.29
	OFFICE SUPPLIES	GENERAL FUND	COMMUNITY DEVEL ADMIN	25.43
	OFFICE SUPPLIES	GENERAL FUND	PLANNING	25.44
	MOVIES IN PARK	GENERAL FUND	RECREATION ADMINISTRAT	16.20
	WEBINAR TRAINING	GENERAL FUND	RECREATION ADMINISTRAT	699.00
	MOVIES IN PARK	GENERAL FUND	RECREATION ADMINISTRAT	1,213.00
	MOVIES IN PARK	GENERAL FUND	RECREATION ADMINISTRAT	243.60
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	118.70
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	301.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	34.87
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	13.68
	DAY CAMP BOUNCER	GENERAL FUND	DAY CAMP	165.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	814.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	117.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	1.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	619.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	60.00
	REFUND-DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	60.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	131.78
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	187.20
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	239.50
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	975.00
	YOUTH SPORTS SUPPLIES	GENERAL FUND	SPECIAL CLASSES	30.99
	CLASS SUPPLIES	GENERAL FUND	SPECIAL CLASSES	32.55
	DAY CAMP SUPPLIES	GENERAL FUND	SPECIAL CLASSES	269.63
	DAY CAMP SUPPLIES	GENERAL FUND	SPECIAL CLASSES	212.12
	DOMAIN NAME	GENERAL FUND	SPECIAL EVENTS	11.62
	WEB HOSTING	GENERAL FUND	SPECIAL EVENTS	118.80
	RACE ON BASE	GENERAL FUND	SPECIAL EVENTS	15.00
	FUEL	GARAGE FUND	GARAGE	14.90
	COMPUTER SOFTWARE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	76.07
	COMPUTER SOFTWARE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	438.23
			TOTAL:	9,649.87
UNDERGROUND SERVICE ALERT OF SO. CALIF	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	30.00
			TOTAL:	30.00
JOHN UNDERWOOD	FILMING - RELAY FOR LIFE	LOS ALAMITOS TV	LOS ALAMITOS TV	250.00
	FILMING - JULY 4TH	LOS ALAMITOS TV	LOS ALAMITOS TV	700.00
			TOTAL:	950.00
USA MOBILITY WIRELESS, INC.	PAGER FEES 07/11	GENERAL FUND	PUBLIC WORKS ADMIN	20.35
			TOTAL:	20.35
VERIZON CALIFORNIA, INC.	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	905.61
			TOTAL:	905.61
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	POLICE ADMINISTRATION	33.36
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	26.29

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	288.95
			TOTAL:	348.60
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	1,621.57
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	97.01-
	CNG FUEL	GARAGE FUND	GARAGE	95.83
	FUEL	GARAGE FUND	GARAGE	4,978.11
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	215.94-
	CNG FUEL	GARAGE FUND	GARAGE	337.62
			TOTAL:	6,720.18
WEBER PRINTING COMPANY, INC.	PRINTING SERVICES	GENERAL FUND	RECREATION ADMINISTRAT	3,680.00
			TOTAL:	3,680.00
WEIDENHOEFER DESIGN STUDIO	ACTIVITIES GUIDE	GENERAL FUND	RECREATION ADMINISTRAT	1,725.00
			TOTAL:	1,725.00
SAMUEL J. WELLS, APC	LEGAL SERVICES	GENERAL FUND	CITY ATTORNEY	3,594.00
			TOTAL:	3,594.00
WESTERN OIL SPREADING SERVICES	ASPHALT OVERLAY	GENERAL FUND	STREET MAINTENANCE	149.50
			TOTAL:	149.50
YORK INSURANCE SERVICES GROUP, INC. -	STORAGE FEES 2010-2011	GENERAL FUND	INSURANCE	3,000.00
			TOTAL:	3,000.00
SHANNON ZEEMAN	INSTRUCTOR - SIGN LANGUAGE	GENERAL FUND	SPECIAL CLASSES	19.20
			TOTAL:	19.20

```

===== FUND TOTALS =====
10 GENERAL FUND          70,765.72
20 GAS TAX                34.26
25 BUILDING IMPROVEMENT  477.72
26 MEASURE M             156.25
28 LOS ALAMITOS TV       950.00
41 RIVERS/MTNS. CONSERVANCY 2,250.00
50 GARAGE FUND           11,687.60
53 TECHNOLOGY REPLACEMENT 11,716.46
-----
GRAND TOTAL:            98,038.01
-----

```

# City of Los Alamitos

## Agenda Report Consent Calendar

August 15, 2011  
Item No: 7C

**To:** Mayor Kenneth Stephens & Members of the City Council  
**From:** Jeffrey L. Stewart, City Manager  
**Via:** Steven A. Mendoza, Community Development Director  
**Subject:** Second Reading of Ordinance No. 11-06, regarding Massage Establishments (Zoning Ordinance Amendment 11-01)

**Summary:** At its meeting of August 1, 2011, the City Council conducted the first reading of Ordinance No. 11-06, regarding massage establishments. The Ordinance revises Los Alamitos Municipal Code Sections 5.32, 17.10.020, and 17.76.020.

**Recommendation:** Waive further reading and adopt 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 MASSAGE 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

On August 1, 2011, the City Council approved the first reading of Ordinance 11-06, regarding Massage Establishments. 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, masseuses 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 Ordinance 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.

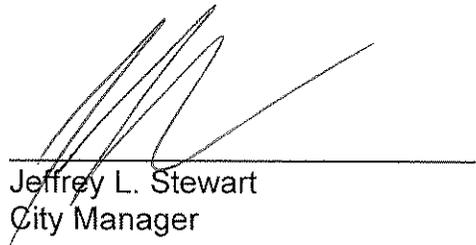
## Fiscal Impact

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

**ORDINANCE NO. 11-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA REVISING MUNICIPAL CODE CHAPTER 5.32 "MASSAGE ESTABLISHMENTS" AND MASSAGE RELATED PROVISIONS IN SECTIONS 17.10.020 AND 17.76.020 OF THE ZONING CODE (ZOA 11-01)**

**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 so 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,

**NOW, THEREFORE**, the City Council of the City of Los Alamitos does hereby ordain as follows:

**Section 1. Municipal Code Amendment.** Municipal Code Chapter 5.32, entitled “Massage Establishments”, is hereby revised as set forth in Exhibit “A” to this ordinance, attached hereto, and incorporated by this reference.

**Section 2. Municipal Code Amendment.** Table 2-04 of the Municipal Code, located within Table 2-04 of the Municipal Code entitled, “Allowed Uses and Permit Requirements for Commercial / Industrial Zoning Districts” (located within Municipal Code section 17.10.020) is hereby revised to delete the following row in the “Services” section of that table:

Land Use	PERMIT REQUIRED BY ZONING DISTRICT			Specific Use Regulations
	C-O	C-G	P-M	
Massage Therapy	P	P <sup>(5)</sup>	-	LAMC 5.32

The following row shall replace the deleted row:

Land Use	PERMIT REQUIRED BY ZONING DISTRICT			Specific Use Regulations
	C-O	C-G	P-M	
Massage Establishment	P	P	-	LAMC 5.32

**Section 3. Municipal Code Amendment.** The following is deleted from Section 17.76.020 of the municipal code:

“Massage therapy” means therapeutic (nonsexual) rubbing or kneading of parts of nonspecified anatomical areas of the body to aid circulation or to relax muscles, provided by a licensed professional.”

The following is added to Section 17.76.020 of the municipal code:

“Massage establishment” is defined in Chapter 5.32.”

**Section 4. California Environmental Quality Act.** This ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because this ordinance merely relates to the permitting process for massage establishments and massage practitioners, and because any potential impacts of this ordinance are purely speculative, and cannot be studied.

**Section 5. Severability.** If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

**Section 6. Effective Date.** The City Clerk shall cause this Ordinance to be published in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the City Council.

**PASSED, APPROVED AND ADOPTED,** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria Jimenez, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss.  
CITY OF LOS ALAMITOS         )

I, Adria Jimenez, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 10-06 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_ and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, by the following roll-call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

ABSTAIN:        COUNCIL MEMBERS:

---

Adria Jimenez, CMC, City Clerk

**EXHIBIT A**

**to Los Alamitos Ordinance \_\_\_\_\_**

**5.32.010 Definitions.**

For the purposes of this chapter, the words, terms, and phrases set forth in this section shall have the meanings herein set forth below unless the context clearly requires a different meaning.

- A. "CAMTC" means the California Massage Therapy Council.
  
- B. "City Manager" means the city manager of the city of Los Alamitos or his or her designee.
  
- C. "Massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing tapping, pounding, vibrating, or stimulating the external parts of the human body, pressure points, with the hands, or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations for purposes of compensation.
  - 1. The term "massage" also includes the following businesses, callings, or occupations if the practice of massage as defined above is an integral part thereof:
    - a. Acupressure including, but not limited to, the manual pressure over the body's acupuncture points wherein the stimulation over these points will balance the flow of ki throughout the body by the restoration of the energy flow to help improve the patient's health according to Eastern philosophies (e.g. reflexology);
    - b. Anatomy care;
    - c. Body wrap;
    - d. Holistic health center or practitioner;
    - e. Holistic therapy;
    - f. Hydro therapy;
    - g. Public bath including, but not limited to, any place where there is given steam baths; electric lights baths; electric tub baths; shower baths; sponge baths; sunbaths; mineral baths; mud baths; vapor baths; Russian, Swedish, or Turkish baths; or any other type of baths, fomentations, alcohol rubs or any other types of rubs; or giving salt glows or any type of therapy; any public bathing place which has in connection therewith a steam room, hot dry room, plunge, shower bath, or sleeping accommodations; or any public bathing place where there is communal bathing or communal use of spa or whirlpool facilities and a massage service is also performed;
    - h. Sports massage;
    - i. Stress management center including, but not limited to any business, calling, or occupation identified above involves any method of pressure

on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or would otherwise constitute a massage as defined herein. Such businesses, callings, or occupations are not covered by this definition to the degree the same is done in conjunction with a licensed, medical or health care practitioner or facility.

j. Toxic herbal massage.

2. The term "massage" excludes massage provided by the following businesses, callings, or occupations even if the practice of massage as defined above is an integral part thereof:

a. Any physician, surgeon, chiropractor, osteopath, podiatrist, acupuncturist, physical therapist, registered nurse or vocational nurse duly licensed to practice their respective profession in the state acting within the scope of their license, and any similarly licensed person working for such a person acting in the furtherance of reasonably necessary medical treatment.

b. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the California Business and Professions Code or any other law of the state.

c. Barbers, cosmetologists, estheticians, and manicurists licensed to practice their respective profession under the laws of the state while performing activities within the scope of their license, provided that such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons.

d. State-licensed hospitals, nursing homes, and other state-licensed physical or mental health facilities and their employees.

e. Registered schools and their employees that provide massage therapy education or training and their students in training, provided that such students perform massage therapy only under the direct personal supervision of an instructor.

f. Persons administering massages or health treatments involving massage to other persons who are participating in a recreational or special event that has been approved by the city, provided that the following conditions are met:

i. Massage services are made available equally to all participants in the event;

ii. The event is open to participation by the general public or a significant segment of the public;

iii. The massage services are provided during the event in an open environment at the site of the event;

iv. The sponsors of the event have approved the provision of massage services at the event;

v. The persons providing the massage services are in compliance with all applicable city codes and other laws.

D. "Massage establishment" means any establishment having a fixed place of business where any individual, person, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals that engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on for consideration, massages, baths, or health treatments involving massages as regular functions.

E. "Massage establishment license" or "license" means the license to operate a massage establishment as required by this Chapter.

F. "Massage practitioner" means a person who provides massages.

G. Reserved.

H. "Massage Practitioner Permit" or "Permit" means the permit each individual massage practitioner is required to obtain pursuant to this chapter prior providing any massage.

I. "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

J. "Person working" includes every owner, partner, manager, supervisor, and worker, whether paid or not, and whether an employee or an independent contractor, who renders personal services of any nature;

K. "Person who has engaged in disqualifying conduct" means a person who:

1. Within five years immediately preceding the date of filing of the application in question or, in the case of revocation or suspension proceedings, within five years of the date of notice of hearing pursuant to Section 5.32.250, has been convicted in a court of competent jurisdiction of:

a. Any crime specified in Government Code Section 51032, or

b. Any misdemeanor or felony offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner or operator or as a massage practitioner, or

c. Any felony the commission of which occurred on the premises of a massage establishment; or

2. Within five years immediately preceding the date of the filing of the application in question or, in the case of revocation or suspension proceedings, within five years of the date of notice of revocation or suspension hearing, whichever is applicable, has had any massage establishment, operator, massage practitioner, or

trainee license or permit issued by the state of California, the CAMTC, or any county or city revoked; or

3. Within five years immediately preceding the date of the filing of the application, or in the case of revocation or suspension proceedings, within five years of the date of notice of revocation or suspension hearing, whichever is applicable, has been convicted in a court of competent jurisdiction of:

a. Any violation of California Penal Code Sections 266(h), 266(i), 315, 316, 318, or Section 647(b), or

b. Conspiracy or attempt to commit any such offense, or

c. Any offense in a jurisdiction outside the state of California which is the equivalent of any of the aforesaid offenses, or

d. Any felony offense involving the sale of a controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058, or

e. Has been found guilty of or pleaded nolo contendere to any lesser-included offense of the above, or

f. Has been found guilty of or pleaded nolo contendere to any crime specified in Government Code Section 51032; or

4. Is required to register under the provisions of California Penal Code Section 290; or

5. Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code Sections 11225 through 11235 or any similar provisions of law in a jurisdiction outside the state of California.

L. "Specified anatomical areas" means and includes any of the following human anatomical areas:

1. Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

M. "State or national organization devoted to the massage specialty and therapeutic approach" means an organization which the city manager or designee determines

meets each of the following five requirements or qualifies for subsection (M)(6) of this section:

1. Has tax exempt status under Internal Revenue Code Section 501(c).
2. The organization or association requires that its members meet minimum educational requirements. The educational requirements must include at least five hundred (500) classroom hours or its equivalent in anatomy, physiology, hygiene, sanitation, massage practice, and ethics of massage practice.
3. The organization or association requires participation in continuing education programs as a condition of continuing membership.
4. The organization or association has established rules of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the rules of ethics.
5. The organization is open to members of the general public meeting the requirements for membership on either a statewide or national basis and, in fact, maintains a membership which reflects substantial statewide or national participation by persons engaged in the business of therapeutic massage.

Or,

6. The organization prepares or administers national certification examinations which have been recognized by objective standards to fairly evaluate professional levels of skill, safety, and competence, as determined by the National Commission for Certifying Agencies or similar certifying agencies meeting criteria specified in subsections (M)(1) through (5) of this section.

**5.32.020 Massage establishment license and massage practitioner permit required.**

A. **Massage Establishment License.** No massage practitioner may provide a massage except at a massage establishment. It is unlawful and a misdemeanor subject to punishment in accordance with Section 1.20.010 et seq. of this code, for any person, an owner or operator to engage in, conduct, or carry on, in or upon any premises within the city the operation of a massage establishment without that location having a massage establishment license obtained from the city manager or designee as required by this chapter. A separate massage establishment license shall be obtained for each separate massage establishment operated by such person. Upon payment of the appropriate massage establishment license application fee, a massage establishment license shall be issued to any person who has complied with the requirements of this chapter and all other applicable provisions of the code, unless grounds for denial of such massage establishment license are found to exist.

B. Massage Practitioner Permit. Each massage practitioner must obtain a massage practitioner permit to the extent required by Section 5.32.170.

**5.32.030 Massage establishment license application fee — Other licenses and fees excluded.**

A. Any application for a massage establishment license shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The application fee shall be used to defray the costs of investigation, report, and related application processing issues.

B. Permits and fees required by this chapter shall be in addition to any license, permit, or fee required under any section or chapter of this code, including, but not limited to, the annual business license and associated tax pursuant to Chapter 5.04.

**5.32.040 Application for massage establishment license.**

A. No person shall operate any massage establishment prior to having obtained a massage establishment license pursuant to this chapter. Any application for a massage establishment license shall be filed with the city manager.

B. The application shall set forth the following information:

1. Work Performed. The exact nature of the massage, bath, or health treatments to be administered;
2. Address. The proposed place of business and facilities therefor, and the name and address of the applicant.
3. Fingerprints. The applicant must furnish fingerprints for purposes of establishing identification.
4. Prior Addresses. The previous addresses of applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
5. Proof of Age. Written proof that the applicant is at least eighteen (18) years of age;
6. Massage History. The history of the applicant as to the operation of any massage establishment or similar business or occupation within five years immediately preceding the filing of the application. Such information shall include, but shall not be limited to, a statement as to whether or not such person, in previously operating a massage establishment within this state under a permit or license or CAMTC certificate, has had such permit, license, or CAMTC certificate revoked or suspended and the reasons thereto; and the

business, activity or occupation the license applicant engaged in subsequent to such action of revocation or suspension;

7. Criminal Convictions. All criminal convictions or offenses described in Section 5.32.010(K); whether the applicant is required to register under the provisions of California Penal Code Section 290; whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under California Penal Code Sections 11225 through 11235 or any similar provisions of law in a jurisdiction outside the state of California;
8. Applicant's description. Applicant's height, weight, and color of eyes and hair;
9. Photographs. Two prints of a recent passport-size photograph of applicant;
10. Employment History. Business, occupation, or employment history of the applicant for the five years immediately preceding the date of the application;
11. Corporation or Partnership Information. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent of the stock of the corporation, along with the amount of stock held. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
12. Employees/Independent Contractors. The names and residence addresses of each person working currently or intended to be a person working in the massage establishment, including the names and addresses of any CAMTC certificate holder and any person working under a massage practitioner permit pursuant to Section 5.32.170 along with the proposed or actual nature of the work performed or to be performed, and recent passport-sized photographs, suitable for the city manager to process the application of each such employee. The city manager shall require such persons to furnish fingerprints for the purpose of establishing identification;
13. Consent of Property Owner. If the applicant is not the property owner of the location proposed for the massage establishment, the applicant shall submit the written consent of the property owner for the applicant seeking a massage establishment license;

14. Penalty of Perjury. A statement in writing by the applicant that he or she certifies under penalty of perjury that the foregoing information contained in the application is true and correct, said statement being duly dated;
15. Investigations Authorized. Authorization for the city, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the massage establishment license; and
16. Other Information. Such other information as may reasonably be deemed necessary by the city manager.

C. Notwithstanding the fact that an application filed hereunder may be a public record under Government Code Section 6250 et seq., certain portions of such application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established herein which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Such information includes, but is not limited to, the applicant's residence address and telephone number, the applicant's date of birth and/or age, the applicant's driver's license and/or Social Security Number, and/or personal financial data. The city council in adopting the application and licensing and/or permit system set forth herein has determined in accordance with Government Code Section 6255 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant's privacy, confidentiality, or security interests are protected. The city clerk shall cause to be obliterated from any copy of a completed massage establishment license application and any massage practitioner permit made available to any member of the public, the information set forth above.

#### **5.32.050 Approval or denial of massage establishment license.**

A. Within sixty (60) working days following receipt of a completed application, the city manager shall either issue the massage establishment license or mail a written statement of the reasons for denial thereof.

B. The city manager shall deny a massage establishment license to the massage establishment license applicant where any of the following conditions exist:

1. The applicant has made one or more material misstatements on the written application for a massage establishment license, business license, or has made one or more material misstatements in application process, including, but not limited to, during any background investigation; or

2. The applicant, if an individual, or the stockholders holding more than five percent of the stock of the corporation, the officers and directors and each of them if the applicant be a corporation, or the partners, including limited partners, and each of them,

if the applicant be a partnership, and the manager or other person principally in charge of the operation of the business, or any such individuals, is a person who has engaged in disqualifying conduct in the past five years, as described in Section 5.32.010(K); or

3. The massage establishment, as proposed by the massage establishment license applicant, if permitted, would not comply with all the applicable laws, including, but not limited to, all the city's building, fire, zoning, and health regulations; or

4. Any persons to be employed by applicant are persons who have engaged in disqualifying conduct as described in Section 5.32.010(K) within ten days unless after notice of the same to the applicant by the city, the applicant submits a revised application to the city deleting such person or persons as an on-site or out-call employee or potential on-site or out-call employee thereof; or

5. In the last 5 years, the applicant has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments; or

6. The applicant is less than eighteen (18) years of age.

C. In no event shall the decision to grant or deny the massage establishment license be based on information authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600 to 900.

**5.32.060 Massage establishment facilities and operations requirements.**

All massage establishments shall comply with the following facilities and operations requirements:

A. Massage establishments shall comply with all applicable code requirements.

B. A minimum of one toilet and wash basin shall be provided in every massage establishment.

C. Cabinets or other covered space shall be provided for the storage of clean linen. Receptacles shall be provided for the storage of all soiled linen and paper towels

D. Minimum ventilation shall be provided in accordance with the applicable building codes of the city. To allow for adequate ventilation in cubicles, rooms and areas provided for patrons' use, which are not serviced directly by required windows or mechanical systems of ventilation, partitions shall be constructed so that the height of partition does not exceed seventy-five (75) percent of the floor-to-ceiling height of the area in which they are located.

E. All plumbing and electrical installations shall be installed under permit and inspection of the building inspection department. Such installations shall be installed in accordance with Title 15 of the Municipal Code (Buildings and Construction). Minimum

lighting shall be provided in accordance with Title 15, and at least one artificial light of not less than forty (40) watts shall be provided in each enclosed room or booth where massage services are being performed on a patron or customer.

F. The walls in all rooms where water or steam baths are given shall have a washable, mold-resistant surface.

G. All lavatories or washbasins shall be provided with hot and cold running water, soap, and single service towels in wall-mounted dispensers. A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels, placed in permanently installed dispensers or operating automatic hand dryers.

H. All massage establishments shall be provided with clean and sanitary towels, sheets, and linens in sufficient quantity. Towels, sheets, and linens shall not be used by more than one person. Reuse of such linen is prohibited unless the same has first been laundered. Heavy white paper may be substituted for sheets; provided that such paper is used once for each person and then discarded into a sanitary receptacle.

I. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities including appliances and apparatuses or the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

J. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing any of massage and said instruments shall be disinfected and sterilized after each use.

K. Pads used on massage tables shall be covered with durable, washable plastic or other acceptable waterproof material.

L. To assure patrons' health, safety, sanitation, and comfort, all employees and massage practitioners shall be clean and dressed appropriately in attire which does not expose any specified anatomical areas when performing services upon the premises. Dressed appropriately shall further mean clothing which, at a minimum, shall not expose the massage practitioner's undergarments, and shall comply with at least the following requirements, as applicable:

1. Skirts. Hems of dresses, skirts, smocks, or other similar garments shall not be more than two inches above the top of the knee.

2. Shorts. Cuffs or hems of shorts, culottes, pants, or other similar garments shall not be more than six inches above the top of the knee.

There shall be no nudity by employees of the establishment while customers or patrons are present. All patrons shall be appropriately draped with a clean, opaque towel or sheet sufficient to cover specified anatomical areas while receiving such services.

M. All arrangements for services to be performed shall be made in a room in the massage establishment which is not used for administration of massages, baths, or health treatments, unless no other room exists in the establishment. No massage practitioner shall, after the commencement of any service for any patron, advise, suggest, or otherwise indicate to such patron that any additional service not authorized or permitted to be conducted on the premises is available, or ask or inquire of such patron whether such patron desires any additional service to be performed which service is not authorized or permitted to be conducted on the premises. No massage practitioner shall perform any service for any patron which was not ordered by such patron prior to the commencement of performance of any service rendered.

N. No massage establishment shall be kept open for business between the hours of ten p.m. and six a.m.

O. No alcoholic beverages shall be sold, served, furnished, kept, or possessed on the premises of any massage establishment.

P. No additional massage service shall be performed for any patron beyond that service authorized or permitted by this chapter.

Q. No massage establishment licensed under the provisions of this chapter shall place, publish, distribute, disseminate, or broadcast, or cause to be placed, published, distributed, disseminated, or broadcasted, any advertising matter that would reasonably suggest to prospective patrons that any service is available other than those services described in Section 5.32.010 or which is otherwise permitted on the premises, nor shall any massage establishment indicate in the text of any advertising that any service is available other than those services described in Section 5.32.010 or which is otherwise permitted on the premises. All advertisements placed, published, distributed, disseminated, or broadcasted shall contain the establishment's business telephone number.

R. All doors to a massage establishment shall remain unlocked during regular business hours except when there is no staff available to assure security for clients and massage staff who are behind closed doors.

**5.32.070 Reserved.**

**5.32.080 Inspection by officials.**

A. Any and all investigating officials of the city shall have the right to enter massage establishments from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing, or health regulations, and to ascertain whether there is compliance with the provisions of this chapter.

B. The owner of the massage establishment shall maintain and promptly make available to the city manager/designee: ledger books, daily journals, and other accounting records which truly and correctly show the income, the expenses, and the distribution of all profits, if any, pertaining to the massage establishment licensed under this chapter. The purpose of the foregoing is to provide the city with a means to determine whether or not there has been a transfer of any interest in the establishment and to determine the identity of any and all persons and entities who or which own an interest therein. The city manager/designee may require such other financial information and records to effectuate the foregoing purpose. If application is made to continue or to recommence the operation of a previously licensed establishment, in addition to the information required of the applicant by this chapter, the city manager/ designee shall be provided with the foregoing financial records relating to the prior operation of the applicant.

C. Every person, association, firm, or corporation operating a massage establishment shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the massage practitioner administering such treatment. Each and every patron shall be required to supply reliable verification of his or her identity. The records shall be open to inspection by officials charged with the enforcement of these provisions. The information furnished or secured as a result of any such record shall be used only to ensure and enforce compliance with this code and other applicable laws and shall otherwise be confidential. Any unauthorized disclosure or use of such information by an employee of the establishment or the city shall constitute a misdemeanor, and such employee shall be subject to the penalty provisions of this code in addition to any other penalties provided by law. Such records shall be maintained for a period of two years.

D. No massage practitioner may provide any massage unless the person has proof that the massage was provided at a licensed massage establishment.

#### **5.32.090 Issuance of notice of violation.**

Whenever the city manager makes an inspection of a massage establishment and finds that any provision of this chapter has been violated, the city manager shall give notice of such violation by means of an inspection report or other written notice. In any such notification, the city manager shall:

A. Set forth the specific violation or violations found;

B. Establish a specific and reasonable period of time for the correction of the violation or violations. If the city manager determines that the violation or violations are minor in nature, the city manager may issue a warning to the massage establishment licensee or massage practitioner permittee that any further violation of this chapter may result in the filing of a complaint for revocation or suspension of the massage establishment license or massage practitioner permit;

C. State that failure to comply with any notice issued in accordance with the provisions of this chapter may result in the city manager filing a complaint for revocation or suspension of the massage establishment license(s) or massage practitioner permit(s).

#### **5.32.100 Business name.**

No person licensed to operate a massage establishment shall operate under any name or conduct business under any designation not specified in the applicable license.

#### **5.32.110 Business location change.**

Upon a change of location of a massage establishment, an application for a business location change shall be made to the city manager, and such application shall be granted, provided all applicable provisions of this chapter are complied with, and a change of location fee in an amount established by city council resolution to defray the costs of investigation and report has been paid to the city.

#### **5.32.120 Sale or transfer of massage establishment interest.**

A sale or transfer of any interest in a massage establishment, which interest would be reported as required in this chapter upon application for a massage establishment license, shall be reported to the city manager within ten days of such sale or transfer. The city manager shall investigate any person receiving any interest in a massage establishment as a result of such sale or transfer, and if such person satisfies the requirements relating to massage establishment license applicants, the existing license shall be endorsed to include such person. A fee as set forth by resolution of the city council shall be paid to the city for the investigation by the city manager necessitated by each such sale or transfer.

#### **5.32.130 Display of permits, licenses.**

The owner or operator of a massage establishment shall display the massage establishment license and the massage practitioner permit or CAMTC certificate of each and every massage practitioner employed in the establishment in an open and conspicuous place on the premises. Passport-size photographs of the massage establishment licensee, CAMTC certificate holders, and massage practitioner permittees shall be affixed to the respective massage establishment license, CAMTC certificates, and massage practitioner permits on display pursuant to this section.

**5.32.140 Notification of any new person working**

Any massage establishment licensee shall notify the city in writing of the names, addresses, and nature of the work, of any new person working at the massage establishment, within five days of knowledge that the person would be working at the massage establishment. The massage establishment licensee shall also supply the photographs of the people working, as described in Section 5.32.040. Massage practitioners who do not hold a CAMTC certificate shall allow fingerprints to be taken for the purpose of identification upon request; massage practitioners who do hold a CAMTC certificate must provide a copy of the certificate to the city and adequate proof of identification.

**5.32.150 Reserved.**

**5.32.160 Reserved.**

**5.32.170 Massage practitioner permit required.**

A. It is unlawful and a misdemeanor, subject to punishment in accordance with Section 1.20.010 et seq. of this code, for any person to provide massages unless such person holds a valid permit issued by the city manager or holds a valid CAMTC certificate and is in full compliance with the provisions of Business & Professions Code section 4601 et seq. and the requirements of this Chapter, including sections 5.32.020, 5.32.040, 5.32.060, 5.32.100, 5.32.110, 5.32.120, and 5.32.130.

B. A massage practitioner permit shall be issued to any person who has fulfilled the requirements of Section 5.32.190 and all other applicable provisions of this chapter unless grounds for denial of such massage practitioner permit are found to exist. The city manager may deny a massage practitioner permit to the permit applicant if:

1. The applicant made a material misstatement in the application or application process for a massage practitioner permit; or

2. The applicant is a person who has engaged in disqualifying conduct as described in Section 5.32.010(K); or

3. The applicant has violated any provision of this chapter or of any similar ordinance, law, rule or regulation of another public agency which regulates the operation of massage practitioners; or

4. The applicant has failed to meet the training requirements described in Section 5.32.190; or

5. The applicant has failed to furnish an appropriate medical doctor's certificate as required by Section 5.32.190.

C. In no event shall the decision to grant or deny the permit be based on information authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600 to 900.

D. If the provisions of Business & Professions Code 4601 et seq. sunset on December 31, 2015, and a massage practitioner who held a valid CAMTC certificate would have otherwise been in compliance with all of the requirements of this Chapter and Business & Professions Code 4601 et seq., then such a person may continue to provide massages in the city until March 31, 2016. On and after April 1, 2016, such persons must have obtained a massage practitioner permit to continue to provide massages.

#### **5.32.180 Massage practitioner application fee and renewal.**

Any application for a massage practitioner permit shall be accompanied by a nonrefundable fee. A massage practitioner permit shall be renewed annually and a renewal fee shall be paid. The massage practitioner permit fee and the renewal permit fee shall be in amounts as set by city council resolution. Any person who applies for a massage establishment license and who desires to act as a massage practitioner within said establishment shall not be required to pay the fee required by this section but shall be required to furnish the materials and information set forth in Section 5.32.040, and to show qualifications for and obtain a massage practitioner permit.

#### **5.32.190 Application for massage practitioner permit.**

A. Any application for a massage practitioner permit shall be made with the city manager.

B. Within sixty (60) working days following receipt of a completed application, the city manager shall either issue the massage practitioner permit or mail a written statement of the reasons for denial thereof. The city manager shall require that the applicant furnish fingerprints for the purpose of establishing identification. The applicant shall furnish the information required under Section 5.32.040(B)(1), (2), (4), (5), (6), (7), (10) and (12), and the following additional information:

1. Social Security Number and driver's license number, if any.
2. The name and address of the establishment where the applicant is to be employed or engaged in the practice of massage if self-employed; and the name of the owner operator of the same. Any massage practitioner granted a massage practitioner permit pursuant to this section must report any change in massage establishment employment within five days of said change.

3. The applicant shall present to the city manager proof of membership in good standing of a state or national organization devoted to the massage specialty and therapeutic approach as defined in 5.32.010(M).

4. Certificate from a medical doctor stating that the applicant has, within thirty (30) days immediately prior to the filing of the application, been examined and found to be free from any contagious or communicable disease capable of being transmitted to the public or to fellow employees by the type of conduct and interaction with fellow employees and the public involved in the performance of the job of massage practitioner.

5. Statement written by the applicant made under penalty of perjury that the information furnished is true and correct, said statement being duly dated.

C. Notwithstanding the fact that an application filed hereunder may be a public record under Government Code Section 6250 et seq., certain portions of such application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established herein which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Such information includes, but is not limited to, the applicant's residence address and telephone number, the applicant's date of birth and/or age, the applicant's driver's license and/or Social Security Number, and/or personal financial data. The city council in adopting the application and licensing and/or permit system set forth herein has determined in accordance with Government Code Section 6255 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant's privacy, confidentiality, or security interests are protected. The city clerk shall cause to be obliterated from any copy of a completed massage practitioner permit application made available to any member of the public, the information set forth above.

#### **5.32.200 Appeals.**

All appeals from a denial of a massage establishment license or massage practitioner permit shall be made in accordance with the provisions of Section 5.32.250 of this code.

#### **5.32.210 Reserved**

#### **5.32.220 Reserved**

#### **5.32.230 Suspension or revocation of massage establishment license.**

A. After an investigation, notice, and hearing, any massage establishment license may be revoked or suspended by the city manager where any of the following is found:

1. The licensee has violated any provisions of this chapter; or

2. The licensee is a person who has engaged in disqualifying conduct as described in Section 5.32.010(K); or

3. The licensee has failed to comply with one or more of the facilities and operations requirements of Section 5.32.060; or

4. The licensee has engaged in fraud, misrepresentation, or false statement in conducting the massage establishment; or

5. The licensee has continued to operate the massage establishment after the license has been suspended; or

6. The licensee has allowed a person to work as a massage practitioner who:

a. Does not have a valid massage practitioners permit or CAMTC certificate, or

b. Has engaged in conduct or has been convicted of an offense described in Section 5.32.010(K) when the licensee has actual or constructive knowledge of such conduct or conviction.

#### **5.32.240 Suspension or revocation of massage practitioners permit.**

After an investigation, notice, and hearing, any massage practitioner permit may be revoked or suspended by the city manager where it is found that:

A. The massage practitioner permittee has violated any provision of this chapter; or

B. The massage practitioner permittee is a person who has engaged in disqualifying conduct as described in Section 5.32.010(K); or

C. The massage practitioner permittee has continued to function as a massage practitioner after the permit has been suspended; or

D. The massage practitioner permittee has made a material misstatement in the application for a permit.

#### **5.32.250 Hearing on revocation or suspension of massage establishment license or massage practitioner permit.**

A. Upon determining that grounds for revocation or suspension exist, as set forth in Sections 5.32.230 and/or 5.32.240, the city manager shall furnish written notice of the proposed revocation or suspension to the licensee/permittee. Such notice shall summarize the principal reasons for the proposed revocation or suspension; shall state that the licensee/permittee may request a hearing within fifteen (15) days of the

postmarked date on the notice; and shall be delivered both by posting the notice at the location of the massage establishment and by sending the notice by certified mail, postage prepaid, addressed to the licensee/permittee as that name and address appear on the license. Within fifteen (15) days after the mailing or posting of the notice, the licensee/permittee may file a request for hearing with the city manager. If the request for a hearing is filed within fifteen (15) days of the mailing or posting of the notice referred to herein, the city manager shall send the request to the city council, and the hearing shall be provided.

B. Upon receipt of a written request for a hearing, the city clerk shall schedule the matter for a hearing before the city council. The city council shall conduct a hearing within forty-five (45) days of the filing of such request by the licensee/permittee. Notice of time and place of the hearing shall be given to the licensee/permittee by personal service or via certified mail postage prepaid, at least ten days in advance of the date set for the hearing. At the hearing, the licensee/permittee and the city shall be entitled to present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The city council shall not be bound by the statutory rules of evidence in the hearing, except that hearsay evidence may not be the sole basis for the determination of the city council.

C. At the conclusion of the hearing, the city council shall decide whether the grounds for revocation or suspension exist and shall submit a written report to the city manager. Such written report shall contain a brief summary of the evidence considered and shall state findings, conclusions, and directives to the city manager regarding whether the license/ permit is to be revoked or suspended. If the city council determines that any grounds for revocation or suspension exist, as provided in Sections 5.32.230 and/or 5.32.240 of this chapter, the city manager, (based upon the report of the city council, or if no hearing was required by the licensee/permittee, based upon the report of the city staff), shall immediately revoke or suspend the appropriate license(s)/permittee(s). A copy of such report shall be forwarded by certified mail, postage prepaid, to the licensee/permittee on the day it is filed with the city manager.

D. The decision of the city council shall be final and conclusive.

#### **5.32.260 Reapplication after denial.**

A. An applicant for either a massage establishment license or a massage practitioner permit under this chapter whose application for such massage establishment license or massage practitioner permit has been denied may not reapply for such license or permit for a period of one year from the date such notice of denial was deposited in the mail or received by the applicant, whichever occurs first. However a reapplication prior to the termination of one year may be made if accompanied by evidence that the ground or grounds for denial of the application no longer exist.

B. A licensee or a permittee under this chapter whose massage establishment license or massage practitioner permit has been revoked, cancelled, or terminated may

not reapply for such license or permit for a period of one year from the date such revocation, cancellation, or termination. However a reapplication prior to the termination of one year may be made if accompanied by clear and convincing evidence that the ground or grounds for denial of the application no longer exist.

**5.32.270 No refund of fee.**

No refund or rebate of a license or permit shall be allowed by the reason of the fact that the licensee or permittee discontinues an activity for which a license or permit is required pursuant to this chapter, or that the license or permit is suspended or revoked.

**5.32.280 Return of license or permit.**

In the event that a license or permit is cancelled, suspended, revoked, or invalidated, the licensee or permittee shall forward it to the city clerk not later than the end of the third business day after notification of the cancellation, suspension, revocation, or invalidation.

**5.32.290 Violations declared a public nuisance.**

In addition to the punishment provided for in this chapter for a violation of any provision of this chapter, a violation of any provision hereof—including the failure to obtain a massage establishment license or massage practitioner permit—or the failure to abide by a condition of approval constitutes a public nuisance and is subject to abatement as such. Said declaration and abatement of a public nuisance is in addition to and not in lieu of any other remedy or punishment provided at-law or in-equity.

**5.32.300 Conflicting ordinances repealed.**

All ordinances or parts of ordinances, or regulations, in conflict with the provisions of this chapter are hereby repealed.

# City of Los Alamitos

## Agenda Report Consent Calendar

August 15, 2011  
Item No: 7D

**To:** Mayor Kenneth Stephens & Members of the City Council

**Via:** Jeffery L. Stewart, City Manager

**From:** Steven Mendoza, Community Development Director  
Tony Brandyberry, Public Works Superintendent

**Subject:** Award of Professional Services Agreement (PSA) for Tree Maintenance Services

**Summary:** On July 27, 2006, staff issued a Request for Proposals (RFP) for annual tree maintenance services. The project provides for maintenance, removal, and replacement of trees within the City's community forest.

**Recommendation:** It is recommended that the City Council award a PSA and authorize the City Manager to execute it to West Coast Arborists, Inc. (WCA) for annual tree maintenance services in the City of Los Alamitos, in an amount not to exceed \$30,000 per year.

## Background

The City of Los Alamitos has approximately 1,300 street and parkway trees comprising its community forest. In order to provide the best possible tree care to maintain the City's community forest at an acceptable level; staff prepared an RFP to seek proposals from qualified contractors to provide annual services for maintenance, removal, and replacement of trees, as needed.

## Discussion

On June 29, 2011, the RFP was sent to five contractors, as well as listed on the City's website before the July 21<sup>st</sup> deadline. One proposal was received. Staff evaluated the proposal based on the following criteria:

1. Quality and completeness of the proposal
2. Firm's qualifications
3. Reference check
4. Fee schedule

West Coast Arborists, Inc.'s was the only proposal received. They responded to all the questions raised in the RFP. The firm has been in existence since 1972 and they have numerous contracts with public agencies throughout California, including the City of Los Alamitos since 2001. Staff has received favorable comments from the Cities of Santa Ana, Santa Monica, and Los Alamitos on WCA's performance. WCA's proposed fee schedule is less than in other cities. For example, grid pruning of an average sized tree in the City of Diamond Bar costs \$40 per tree; City of Laguna Hills costs \$45 and Los Alamitos' current contract with WCA costs \$44. The proposed new cost with WCA will be \$34 per tree. Based on the above criteria, West Coast Arborists, Inc. is the most qualified, responsive and responsible firm for the annual tree maintenance services in the City of Los Alamitos.

West Coast Arborists proposes to provide the following services in accordance to the RFP requirements on an as-needed basis for both arterial and residential streets:

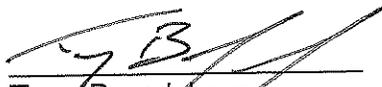
DESCRIPTION		COST	
1	Grid Tree Trimming	Small/medium/large	Per tree \$ 34.00
2	Tree & Stump Removal	Tree & stump removal	Per dbh inch \$ 17.00
		Tree & stump removal over 30"	Per dbh inch \$ 23.00
		Tree removal only	Per dbh inch \$ 12.00
		Tree removal only over 30" dbh	Per dbh inch \$ 18.00
		Stump removal only	Per dbh inch \$ 6.00
3	Tree Planting	15 gal. tree w/root barrier	Per tree \$ 110.00
		15 gal. tree w/out root barrier	Per tree \$ 95.00
		24 in. box tree w/root barrier	Per tree \$ 215.00
		24 in. box tree w/out root barrier	Per tree \$ 195.00
4	Clean up & disposal and/or recycling of generated green waste	Information Only	
5	Root Pruning & root barrier installation	Linear Foot	\$ 14.00
6	Online tree inventory and management	No Charge	
7	Small Tree Care	Per Day	\$ 441.00
8	Emergency on-call services	Per hr/Per Man	\$ 75.00
9	Certified Tree Arborist Services	Varies as needed	

The term of the agreement is for three (3) years with an additional two (2) optional one-year extensions. An annual CPI increase is included after the 3<sup>rd</sup> year of service, subject to a maximum increase of 2.5%.

## Fiscal Impact

The funding for this project is included in the FY 2011/2012 Capital Improvement Program. The total budget for this project is \$30,000 per year, in which \$15,000 (Account No. 20.570.5501.1201) is for arterial streets, and \$15,000 (Account No. 44.570.5501.1201) for all other streets in the City.

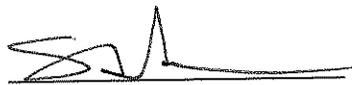
Submitted By:

  
Tony Brandyberry  
Public Works Superintendent

Approved By:

  
Jeffery L. Stewart  
City Manager

Reviewed By:

  
Steven Mendoza  
Community Development Director

- Attachments:*
- 1) *Professional Services Agreement Including Scope/Fee Schedule*
  - 2) *Insurance Evidence*
  - 3) *Business License Certificate*
  - 4) *Request for Proposal*

**PROFESSIONAL SERVICES AGREEMENT**  
(City of Los Alamitos / *West Coast Arborists, Inc.*)

**1. IDENTIFICATION**

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into by and between the City of Los Alamitos, a California municipal corporation ("City") and West Coast Arborists, Inc. an Incorporated Corporation, ("Consultant").

**2. RECITALS**

- 2.1 City has determined that it requires the following professional services from a consultant: Tree Maintenance
- 2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

**3. DEFINITIONS**

- 3.1 "Scope of Services": Such professional services as are set forth in Consultant's *July 21, 2011* proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 "Approved Fee Schedule": Such compensation rates as are set forth in Consultant's July 21, 2011 fee schedule to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.3 "Commencement Date": August 15, 2011
- 3.4 "Expiration Date": August 15, 2014, with a 2 year option to extend by the City.

**4. TERM**

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 ("Termination") below.

**5. CONSULTANT'S SERVICES**

- 5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any

such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of Thirty Thousand Dollars (\$30, 000, 00) *per* year unless specifically approved in advance and in writing by City.

- 5.2 Consultant shall obtain a City business license prior to commencing performance under this Agreement.
- 5.3 Consultant shall perform all work to the highest professional standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.4 During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant's performance of such work.
- 5.5 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Tony Brandyberry, Public Works Superintendent** shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.

## 6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.

- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Consultant shall be entitled to increase the fees in this fee schedule at such time as it increases its fees for its clients generally; provided, however, in no event shall Consultant be entitled to increase fees for services rendered before the thirtieth day after Consultant notifies City in writing of an increase in that fee schedule.

**7. OWNERSHIP OF WRITTEN PRODUCTS**

All reports, documents or other written material ("written products" herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

**8. RELATIONSHIP OF PARTIES**

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

**9. CONFIDENTIALITY**

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

**10. INDEMNIFICATION**

- 10.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant acknowledges that City would not

enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.

- 10.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and when the City requests with respect to a claim provide a deposit for the defense of, and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of the City. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice, expert fees and all other costs and fees of litigation.
- 10.3 City shall have the right to offset against any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and any amount due City from Consultant arising from Consultant's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Consultant under this Section 10 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the

performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

## **11. INSURANCE**

- 11.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:
- 11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.
- 11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.
- 11.1.3 Worker's Compensation insurance as required by the laws of the State of California.
- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay the premium thereon at Consultant's expense.

- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The general liability and automobile policies of insurance required by this Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 11.8 The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond in the amount of the deductible or self-insured retention to guarantee payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

**12. MUTUAL COOPERATION**

- 12.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 12.2 If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

**13. RECORDS AND INSPECTIONS**

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

**14. PERMITS AND APPROVALS**

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.

**15. NOTICES**

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City

City of Los Alamitos  
3191 Katella Avenue  
Los Alamitos, CA 90720  
Telephone: (562) 431-3538  
Facsimile: (562) 493-1255

If to Consultant:

*West Coast Arborists, Inc.*  
*2200 E. Via Burton Street*  
*Anaheim, CA 92806*  
Telephone: (714) 991-1900  
Facsimile: (714) 956-3745

With courtesy copy to:

Sandra J. Levin, Esq.  
Los Alamitos City Attorney  
Colantuono & Levin, P.C.  
300 S. Grand Ave., Suite 2700  
Los Angeles, CA 90071  
Telephone: (213) 542-5700  
Facsimile: (213) 542-5710

**16. SURVIVING COVENANTS**

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.2 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

**17. TERMINATION**

17.1. City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant may terminate this Agreement for any reason on thirty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

**18. GENERAL PROVISIONS**

18.1 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.

18.2 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.

- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.4 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing.
- 18.5 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. If legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California and Consultant hereby consents to jurisdiction in Los Angeles County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held

invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

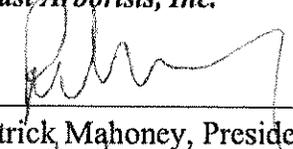
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.
- 18.10 Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the services under this Agreement are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and the project site. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

**"City"**  
City of Los Alamitos

**"Consultant"**  
West Coast Arborists, Inc.

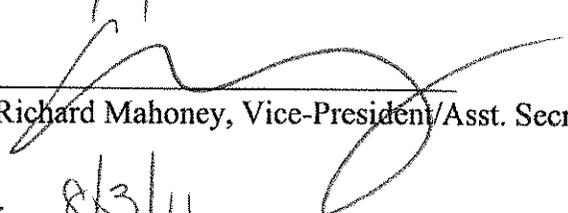
By \_\_\_\_\_

By:  \_\_\_\_\_

Patrick Mahoney, President

Date: \_\_\_\_\_

Date: 8/3/11

By:  \_\_\_\_\_

Richard Mahoney, Vice-President/Asst. Secretary

Date: 8/3/11

Attest:

By \_\_\_\_\_

City Clerk

Date: \_\_\_\_\_

Approved as to form:

By \_\_\_\_\_

Sandra J. Levin, City Attorney

Date: \_\_\_\_\_

# SCOPE OF SERVICES/FEE SCHEDULE

## CITY OF LOS ALAMITOS TREE MAINTENANCE SERVICES

### 'EXHIBIT A'

#### 1. GRID OR ANNUAL TREE PRUNING:

Tree pruning per pre-designed districts, grids or prune routes on a set cycle to include all trees. Pruning will include structural pruning, crown raising, cleaning and light thinning in accordance with the standards set forth by the International Society of Arboriculture Pruning Standards (Best Management Practices) and the ANSI A300 Standards. Special projects that are difficult to assess, require the need for specialty equipment (i.e., 95-foot tower), service request pruning, or pruning to reduce and/or pruning to restore would fall under Crew Rental.

<b>Small, Medium &amp; Large Trees</b>	<b>Per tree</b>	<b>\$ <u>34.00</u></b>
--	-----------------	------------------------

#### 2. FULL PRUNE BASED ON SERVICE OR SPECIAL REQUESTS:

Trees requiring service prior to their regularly scheduled grid or annual prune to rectify a specific problem such as blocked street lighting or signs, right-of-way clearance for utility lines, or broken limbs will be performed as a "Service Request."

<b>0"-6" dbh</b>	<b>Per tree</b>	<b>\$ <u>34.00</u></b>
<b>7"-12" dbh</b>	<b>Per tree</b>	<b>\$ <u>67.00</u></b>
<b>13"-18" dbh</b>	<b>Per tree</b>	<b>\$ <u>97.00</u></b>
<b>19"-24" dbh</b>	<b>Per tree</b>	<b>\$ <u>137.00</u></b>
<b>25"-30" dbh</b>	<b>Per tree</b>	<b>\$ <u>167.00</u></b>
<b>31" dbh &amp; over</b>	<b>Per tree</b>	<b>\$ <u>257.00</u></b>
<b>Washingtonia Robusta</b>	<b>Per tree</b>	<b>\$ <u>37.00</u></b>
<b>Phoenix Canariensis</b>	<b>Per tree</b>	<b>\$ <u>127.00</u></b>
<b>Palm Tree Skinning</b>	<b>Per tree</b>	<b>\$ <u>8.00</u></b>

#### 3. CLEARANCE PRUNE:

Trees will be raised to a standard height established by the City for the purpose of creating adequate room for utility vehicles, paving equipment, pedestrian traffic, clearance for buildings and signs in accordance with standards set forth by the International Society of Arboriculture Pruning Standards (Best Management Practices) and the ANSI A300 Standards under "Pruning to Raise." Clearance prunes are performed on a grid system or on a street-by-street basis.

<b>Small, Medium &amp; Large Trees</b>	<b>Per tree</b>	<b>\$ <u>20.00</u></b>
--	-----------------	------------------------

#### 4. TREE & STUMP REMOVAL:

City prepares list of trees to be removed, marks trees, notifies homeowners and submits lists to contractor. Contractor calls U.S.A. and prepares internal work order. Crew removes tree and hauls all debris. Crew grinds stumps to a depth of 18 inches. All holes will be backfilled; as well as all debris cleaned up and hauled away.

<b>Tree and stump removal</b>	<b>Per dbh inch</b>	<b>\$ <u>17.00</u></b>
<b>Tree and stump removal over 30"</b>	<b>Per dbh inch</b>	<b>\$ <u>23.00</u></b>
<b>Tree removal only</b>	<b>Per dbh inch</b>	<b>\$ <u>12.00</u></b>
<b>Tree removal only over 30" dbh</b>	<b>Per dbh inch</b>	<b>\$ <u>18.00</u></b>
<b>Stump removal only</b>	<b>Per dbh inch</b>	<b>\$ <u>6.00</u></b>

**5. TREE PLANTING:**

Planting includes the tree, root barrier (when required by specifications), stakes, ties, and complete installation. Planting lists should be compiled by the Inspector and submitted monthly or as-needed. Contractor will guarantee the life of the tree for a period of ninety days (90), excluding vandalism and extreme weather conditions.

15 gallon tree with root barrier	Per tree	\$ <u>110.00</u>
15 gallon tree without root barrier	Per tree	\$ <u>95.00</u>
24 inch box tree with root barrier	Per tree	\$ <u>215.00</u>
24 inch box tree without root barrier	Per tree	\$ <u>195.00</u>

**6. CREW RENTAL:**

The standard crew is three (3) men, one chipper truck, one chipper, one aerial tower and all necessary hand tools. The crew and equipment can be modified to complete any type of miscellaneous tasks including special projects that may consist of extraordinary work such as hanging flags, changing light bulbs, or pruning specific trees requiring immediate attention prior to their scheduled prune.

Per hour \$ 147.00

**7. EMERGENCY RESPONSE:**

Contractor will respond to emergency calls on a 24-hour basis. Emergency work will begin on-site within (2) hours from the time of notification from the City. The crew will do what is necessary to render the hazardous tree or tree-related condition safe.

Per hour/  
Per man \$ 75.00

**Certificate of Insurance**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON YOU THE CERTIFICATE HOLDER. THIS CERTIFICATE IS NOT AN INSURANCE POLICY AND DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED BELOW. POLICY LIMITS ARE NO LESS THAN THOSE LISTED, ALTHOUGH POLICIES MAY INCLUDE ADDITIONAL SUBLIMITS/LIMITS NOT LISTED BELOW.

This is to Certify that

WEST COAST ARBORISTS, INC

2200 EAST VIA BURTON

ANAHEIM

CA 92806

NAME AND ADDRESS OF INSURED



**Liberty Mutual**

is, at the issue date of this certificate, insured by the Company under the policy(ies) listed below. The insurance afforded by the listed policy(ies) is subject to all their terms, exclusions and Conditions and is not altered by any requirement, term or condition of any contract or other document with respect to which this certificate may be issued.

TYPE OF POLICY	EXP DATE		POLICY NUMBER	LIMIT OF LIABILITY	
	<input type="checkbox"/> CONTINUOUS	<input type="checkbox"/> EXTENDED			
WORKERS COMPENSATION STATUTORY	7/1/2012		WA2-66D-039499-071	COVERAGE AFFORDED UNDER WC LAW OF THE FOLLOWING STATES: CA	
				EMPLOYERS LIABILITY	
				Bodily Injury by Accident \$1,000,000 Each Accident	
				Bodily Injury By Disease \$1,000,000 Policy Limit	
COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> OCCURRENCE <input type="checkbox"/> CLAIMS MADE	7/1/2012		TB2-661-039499-011	General Aggregate \$2,000,000	
				Products / Completed Operations Aggregate \$2,000,000	
				Each Occurrence \$1,000,000	
				Personal & Advertising Injury \$1,000,000 Per Person / Organization	
	RETRO DATE			Other FIRE DAMAGES \$100,000	
				Other MEDICAL PAYMENTS \$5,000	
AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> OWNED <input checked="" type="checkbox"/> NON-OWNED <input checked="" type="checkbox"/> HIRED	7/1/2012		AS7-661-039499-031	Each Accident—Single Limit \$1,000,000 B.I. And P.D. Combined	
				Each Person	
				Each Accident or Occurrence	
				Each Accident or Occurrence	
OTHER Umbrella Excess Liability	7/1/2011 7/1/2012	TH7-661-039499-041	\$5,000,000 PER OCCURRENCE/AGGREGATE		
ADDITIONAL COMMENTS See Addendum Attached.					

\* If the certificate expiration date is continuous or extended term, you will be notified if coverage is terminated or reduced before the certificate expiration date.

NOTICE OF CANCELLATION: (NOT APPLICABLE UNLESS A NUMBER OF DAYS IS ENTERED BELOW.) BEFORE THE STATED EXPIRATION DATE THE COMPANY WILL NOT CANCEL OR REDUCE THE INSURANCE AFFORDED UNDER THE ABOVE POLICIES UNTIL AT LEAST 30 DAYS NOTICE OF SUCH CANCELLATION HAS BEEN MAILED TO:

Liberty Mutual Insurance Group

Certificate Holder

City of Los Alamitos  
City Clerk's Office

3191 Katella

Los Alamitos

CA 90720

*Elaine Ulan*

Elaine Ulan

Los Angeles / 0603 AUTHORIZED REPRESENTATIVE  
818 W 7th Street, Suite 850 0564408  
Los Angeles CA 90017 213-624-1171 6/15/2011  
OFFICE PHONE DATE ISSUED

This certificate is executed by LIBERTY MUTUAL INSURANCE GROUP as respects such insurance as is afforded by those Companies NM 772 07-10

## CERTIFICATE - ADDENDUM

**NAMED INSURED**

WEST COAST ARBORISTS, INC  
2200 EAST VIA BURTON  
ANAHEIM CA 92806

**CERTIFICATE HOLDER**

City of Los Alamitos  
City Clerk's Office  
3191 Katella  
Los Alamitos CA 90720

6/15/2011

RE: Tree Trimming.

Per form CG 2010 0704, City of Los Alamitos, its directors, officials, officers, employees, agents, and volunteers are additional insured under the General Liability policy if required by a written contract with the Named Insured, but only for the coverages and limits provided by the policy and the additional insured endorsement. WC Waiver of Subrogation: City of Los Alamitos (Per form WC 040306). This insurance shall be excess over any other coverage available to the additional insured, unless a written agreement obligates the named insured to provide insurance to the additional insured on another basis. In that event, this policy will apply on the basis required by the written agreement.

## BUSINESS LICENSE CERTIFICATE

## CITY OF LOS ALAMITOS

The person, firm or corporation named below is granted this certificate pursuant to the provisions of the Town Business Tax Ordinance to engage in, carry on or conduct the business, trade, calling, profession, exhibition or occupation described below. Issuance of certificate is not an endorsement, nor certification of compliance with other ordinances, or laws, nor an assurance that the proposed use is in conformance with the town zoning regulations. This certificate is issued without verification that the taxpayer is subject to or exempt from licensing by the State of California.

**Business Name:** West Coast Arborists, Inc  
**Business Location:** 2200 E Via Burton St, Anaheim, CA 92806  
**Business Owner:** Patrick Mahoney

**Business Type:** 215  
**Description:** CONTRACTOR-OUT OF CITY

WEST COAST ARBORISTS, INC  
2200 E VIA BURTON ST  
ANAHEIM CA 92806

**BUSINESS LICENSE NUMBER:** 45283  
**Effective Date:** August 01, 2010  
**Expiration Date:** July 31, 2011

**TO BE POSTED IN A CONSPICUOUS PLACE**

**NOT TRANSFERABLE**

**CITY OF LOS ALAMITOS  
REQUEST FOR PROPOSAL  
TREE MAINTENANCE SERVICES**

**1. BACKGROUND**

The City of Los Alamitos is soliciting Requests for Proposals from qualified firms to provide annual services for maintenance, removal and replacement of trees, as needed, within the City's Community Forest. The City has approximately 1,300 street and park trees comprising its Community Forest.

The purpose of this maintenance Professional Services Agreement is to provide the City of Los Alamitos with the best possible tree care to maintain the City's Community Forest at a level expected by the City's residents, City Council, City staff, and visitors to the community. The selected firm will work closely with the Public Works Superintendent and other City staff to insure the most appropriate care and maintenance of the City's Community trees with sensitivity to the City of Los Alamitos, its residents and visitors.

It is the intent of the City to award a Professional Services Agreement in a form approved by the City Attorney, to the selected firm. The City reserves the right to further negotiate the terms and conditions of the Agreement. The City shall preserve the right to reject any proposal for noncompliance with Agreement requirements and provisions, or to not award an agreement because of unforeseen circumstances or if it is determined to be in the best interest of the City. This project will be awarded based on demonstrated ability and performance providing similar services at a fair and reasonable cost. This Agreement may not be awarded to the lowest respondent. The City Council will approve, as part of the annual budget, an annual agreement amount. The City does not guarantee a specific amount of work and the quantity of work may increase or decrease depending on the annual needs of the Community.

**2. SCOPE OF WORK (Task Description)**

A. It shall be understood that the Contractor will be required to perform and complete the proposed landscape and/or tree maintenance work in a thorough and professional manner, and to provide all labor, tools, equipment, materials and supplies necessary to complete all the work in a timely manner that will meet the City's requirements. Contractor shall be required to perform the following tree maintenance activities at various sites throughout the City:

1. Tree trimming.
2. Tree removal.
3. Tree planting.
4. Clean up and disposal and/or recycling of generated green waste.
5. Root pruning and root barrier installation.
6. On-line tree inventory and management.
7. Small tree care.

8. Emergency on-call services.
9. Certified Tree Arborist Services

B. Contractor shall submit a recommended annual pruning program based upon a three (3) year, street tree pruning cycle. Proposals shall provide suggested time schedules, personnel and vehicles that would be required to complete the annual pruning schedules. Depending on the City's current and future pruning needs the recommended pruning schedule may require multiple crews to perform concurrently.

### 3. PROJECT EXPECTATIONS

This work consists of tree trimming for traffic clearance, palm trimming, and/or trimming and shaping of trees as specified in the contract scope of work and/or Requests for Proposal. All pruning methods shall comply with the ISA and ANSI Standards.

#### A. Definitions

Where "as directed", "as required", "as permitted", "approve", "acceptance", or words of similar import are used, it shall be understood that the direction, requirement, permission, approval or acceptance by the City of Los Alamitos is intended unless otherwise stated. As used herein, "provide" shall be understood to mean "provide complete", in total. The word "site" as used hereinafter shall be understood to mean the location receiving the service. The use of the word "Contractor" shall be held to mean the Contractor and/or any person employed by them and working under the agreement to the awarded Contractor.

This work consists of tree trimming for traffic clearance, palm trimming, and/or trimming and shaping of trees as specified in the Professional Services Agreement scope of work and/or Requests for Proposal. All pruning methods shall comply with the ISA and ANSI Standards.

#### B. Work Quality

1. All tree trimming shall comply with good arboreal practice for the particular species of trees being trimmed. The Contractor shall be consistent with the pruning standards as adopted by the International Society of Arboriculture, ANSI A-300 Part 1)2008 accompanied by Best Management Practices, Tree Pruning (Revised 2008). The Contractor shall also meet the requirements of the American National Standards, ANSI-Z133.1-2008 entitled "Safety Requirements for Tree Pruning, Trimming, Repair or Removal," published by the Tree Care Industry Association, Inc. at 136 Harvey Road – Suite B101-110, Londonderry, NH 03035.
2. The Public Works Superintendent shall determine if the Contractor has met all trimming requirements and payment shall not be made for trimming that is not in accordance with the above standards. The Contractor shall be deemed in agreement default, if they consistently fail to comply with the aforementioned standards.

### C. Standards

1. Prior to beginning the work, the Contractor shall review with the Public Works Superintendent the various methods, tools, and work scheduling to be used on the project. Unless otherwise indicated, tree trimming shall include, but not be limited to, accepted pruning activities.
2. Any structural weakness, decayed trunk or branches, or split crotches or limbs discovered by the Contractor during the course of trimming shall be reported to the Public Works Superintendent for determination of the appropriate course of action.
3. The use of "lopping shears" shall be specifically approved by the Public Works Superintendent.
4. Daily tree trimming operations shall commence no earlier than 8:30 AM and shall be completed each day no later than 5:00 PM.
5. Limbs one inch (1") in diameter or greater shall be precut to prevent splitting. When there is a chance of bark tearing at the crotch, remove large limbs with three cuts. Make the first cut on the underside of the branch one foot (1') to two feet (2') from the crotch. The undercut should be at least one-third (1/3) of the diameter. Make the second cut one-inch (1") to three inches (3") further from the crotch than the first. The final cut is made at the crotch in a manner to favor the earliest possible covering of the wound by callus growth. Cuts shall not be made so large that they will prevent sap flow. All cut branches three and one-half inches (3 1/2") or larger in diameter shall be lowered by proper ropes to the ground. Any damage caused by dropping limbs shall be repaired within three (3) days at the Contractor's expense and to the satisfaction of the Public Works Superintendent. All debris resulting from tree trimming operations shall be removed from the work site on a daily basis.
6. Removal of all vines entwined in the tree or around its trunk, and the removal of sucker growth on tree trunks is required on all trees.

### D. Tool Sanitation

On all trees, including palms, known or suspected to be diseased, pruning tools and cut surfaces shall be disinfected with a ten (10) percent chlorine bleach solution after each cut and between trees where there is danger of transmitting the disease on tools. Fresh solution shall be mixed daily.

### E. General Trimming and Shaping of Conifers

1. Two basic classes of conifers can be found in Los Alamitos, those with branches radiating out from the trunk in whorls such as Pine trees or Cedar trees and those that sprout branches in a random manner such as Juniper or Taxus. Conifers shall typically be pruned in late winter or early spring. Typically, no more than thirty percent (30%) of the live foliage may be removed.

2. Contractor shall avoid damaging the central leader on all conifers. In specific cases the Public Works Superintendent may direct the Contractor to remove the central leader in an effort to limit the height of specific trees.
3. At the time of pruning, the Public Works Superintendent shall determine which trees shall have the new growth pinched back in an effort to control canopy size.
4. To control the growth of large, mature conifers, Contractor shall be required to prune the new growth of lateral limbs.
5. Typical pruning of conifers shall consist of removing crossed limbs, deadwood or unwanted branches from the interior of the canopy.

F. General Trimming and Shaping of Broadleaf Trees

Follow the shape indicated by the natural growth habits of each tree species. Trimming and shaping of trees shall be as directed by the Public Works Superintendent and in accordance with the following:

1. Cuts to laterals to preserve the natural form of the tree, leaving the head open enough for the branching system to show and permitting the dead material to be easily cleaned out and light to show through the head. Tree foliage shall be reduced by at least twenty-five percent (25%) but no more than fifty percent (50%).
2. Trim to remove dead wood or weak, diseased, insect-infested, broken, low, or crossing limbs. Branches with an extremely narrow angle of attachment should normally be removed. Small limbs, including suckers and waterspouts, shall be cut close to the trunk or branch from which they arise.
3. Heading cuts and/or topping will not be allowed under any circumstances. Heading, rounding over, or stubbing shall not be an accepted practice for reducing the size or the framework of any tree.

G. General Trimming and Shaping of City Trees:

1. The objective is to control canopy size and basic structure while maintaining an aesthetically pleasing appearance.
2. City trees in the business districts shall be pruned on an annual cycle. The objective is to prune the trees in a manner that will provide clearance for business signs and storefronts while maintaining the natural shape and beauty of individual street trees. Contractor shall be required to meet the schedule requirements as outlined in the Professional Services Agreement requirements and make every attempt possible to reduce the impact on businesses and business patrons during the course of pruning activities.

3. City trees in residential neighborhoods shall be pruned on a bi-annual cycle. The objective shall be to prune the trees in a manner that will provide sunlight for private landscapes, and buildings or homes while maintaining shade over the streets and sidewalks.

#### H. Trimming for Traffic Clearances

Tree trimming for traffic clearances shall provide clearances of at least fourteen feet (14') and no greater than sixteen feet (16') above finish grade for moving vehicles within the traveled roadway, for pedestrians on sidewalks. Clearances for adjacent structures and their connecting utility lines (service drops), shall be determined by the Public Works Superintendent and conform to the following:

1. The maximum clearance under trees within the street right-of-way shall be sixteen feet (16') over the traveled road, and ten feet (10') over the curb line and the sidewalk side of the tree. When pruning the bottom branches, care shall be given to obtain a balanced appearance when viewed from across the street immediately opposite the tree.
2. Cut to laterals to preserve the natural form of the tree. Remove lateral branches at their point of origin, or shorten the length of a branch by cutting to a lateral, which is large enough to assume leadership.
3. When cutting back, avoid cutting back to small suckers. Remove smaller limbs and twigs in such a manner as to leave the foliage pattern evenly distributed.

#### I. Trimming Palm Trees.

Palm tree trimming shall consist of the removal of all dead fronds, dead frond sheaths, fruit clusters and other vegetation from the trunks of all palms listed in the Agreement Project Requirements in a manner selected by the Contractor and approved by the Public Works Superintendent, and in accordance with the following:

1. Dead fronds, and parts thereof, including stubs, shall be removed along the entire length of the trunk of each palm, leaving a clean unsheathed appearance slicked from the ground to approximately twenty-four to thirty-six inches (24" – 36") from the base of the green fronds at the top of the tree. The frond stubs (cut close to trunk) shall be left in place within a span of at least eighteen inches (18") but no greater than thirty-six inches (36").
2. Only the full, green, undamaged fronds shall remain at the crown of the tree. The Contractor shall be required to remove and dispose of any fallen or hanging fronds for a period of thirty (30) days after completion of the Professional Services Agreement.
3. The use of climbing spurs or spike shoes for the purpose of climbing palm trees is prohibited, unless specifically approved by the Public Works Superintendent.

The Contractor shall be required to use an aerial tower with a height reach of one hundred feet (100') for the purpose of trimming City Palm trees.

4. *Trachycarpus fortunei*, *Chamaerops humilis*, and *Phoenix roebeleni* species as well as other palm trees having a trunk height not more than eight (8) feet above the ground shall be trimmed but not slicked.

J. Small Tree Care

The City requires an active approach to the care of its young and newly planted trees. The Contractor shall be required to perform basic maintenance that will include but not be limited to tree well adjustments and watering, removal of weeds from tree wells, pruning, re-staking when necessary. The maintenance of small trees shall begin as soon as each individual tree has been planted by the Contractor. This work shall continue until the tree has been in the ground for a period of one year. If the tree dies to what is determined negligence on the Contractor's part, it shall be replaced at Contractor's expense.

K. Utility Line Clearance

During the course of this Professional Services Agreement, the Contractor may be required to perform utility line clearance in conjunction with routine or non-routine trimming activities. The Contractor shall be required to furnish all supervision, labor, equipment and materials necessary to accomplish the work in accordance with the Professional Services Agreement. The Contractor has the responsibility for compliance with safety and health standards of the California Occupational Safety and Health Act (OSHA) and all applicable rules, regulations and orders. The competency of Contractor's personnel shall be maintained through regular training. All persons performing tree work on City trees in or around primary electrical lines shall be trained to do so in accordance the "Electrical Safety Orders" of the State of California.

L. Tree Removals

1. During the course of trimming activities for a specified street, Contractor shall notify the Public Works Superintendent of any trees which may be dead, hazardous, or in need of removal for any reason. The Public Works Superintendent shall make the final determination to remove or provide public noticing for removal at a later date. Removals shall be conducted in good workmanlike manner in accordance with the standards of the arboricultural profession.
2. All wood from removed trees is the property of the City and shall be disposed of at the direction of the Public Works Superintendent. No wood shall be left along public right-of-way unless approved by the Public Works Superintendent. All tree parts are to be loaded into transport vehicles or containers. The vehicles or containers must have the front, sides and rear solid and the top shall be tarped, or otherwise tightly enclosed. The transporting of tree parts must be made so that no debris escapes during the transport. Branches, suckers, bark and other

tree parts that are chipped are to be covered while transported and hauled to the disposal site during the workday.

3. Contractor shall be required to call Underground Alert at least two (2) days before stumps are to be ground out. All tree stumps must be removed to at least eighteen (18) inches below the lowest soil level adjacent to the stump, or until deep roots are no longer encountered. The Contractor shall grind the stump a minimum distance of one and one half (1½') feet either side of the outer circumference of the stump, or until surface roots are no longer encountered.
4. Stumps should be cut low enough to the ground where routing can be done safely. This may be accomplished by cutting the stump at the time of grinding, or at the time of tree removal. All stumps are to be ground within forty-eight (48) hours of tree removal. Holes created by stump and root grinding must be filled the same day. The resultant chips from routing may be used to fill the hole to two (2) inches above normal ground level unless a new tree is to be planted in the same location and clean fill dirt will be required as a backfill. All excess routing chips debris will be removed and loaded into transport vehicle for disposal. Any damaged paved surfaces shall be restored to their original condition.

#### M. Pest Control

The City may periodically require the Contractor to treat for insects or disease. Treatment will be done only when specifically requested by the Public Works Superintendent and shall be made in the form of soil injections. Contractor shall be required to provide the City with a written recommendation provided by a State Licensed Pest Control Advisor.

#### N. Crew Rental Services

Contractor shall provide a minimum standard crew of three (3) persons, one (1) chipper truck, one (1) chipper, one (1) aerial tower truck and all necessary saws and hand tools. Crew complement should also be capable of modification in order to perform miscellaneous tree care tasks. The Public Works Superintendent shall provide a description of the work and recommended tools required to complete the assignment in an efficient and timely manner.

#### O. Emergency Response Service

1. The Contractor shall be required to provide emergency on call response for damaged trees as a result of storms or other reasons. Emergency calls may occur at any given time. The Contractor will be provided with locations and the work to be done at each location via telephone from a City authorized representative. Emergency work shall begin within two (2) hours of the initial telephone call.

2. Contractor shall be required to provide twenty-four (24) hour emergency phone numbers and the names of at least five (5) individuals upon award of Professional Services Agreement. Should the contact persons or their phone numbers change during the course of the Professional Services Agreement, those changes shall be submitted to the City within two (2) working days.
3. Contractor shall be required to provide all necessary traffic control during the course of emergency work. Should the work involve any high voltage power lines or any utility lines the Contractor shall be required to notify the responsible utility company.
4. Work performed under the emergency provision of this Professional Services Agreement shall be paid for on a "crew hour" basis. This shall include all labor, tools equipment, disposal fees and necessary materials.

P. Traffic Control

1. Contractor shall be required to supply the necessary equipment to provide adequate traffic control measures during tree trimming operations. This shall include but not be limited to high visibility arrow boards where appropriate. The contractor must abide by the most current edition of the Work Area Traffic Control Handbook, or W.A.T.C.H. manual, for traffic control. The City, prior to use, must approve all traffic control measures.
2. Tree trimming operations may be conducted on one side of the street at a time and at no time may streets be closed unless authorized, in advance, by the Public Works Superintendent or his designee. During all tree trimming operations adequate provisions shall be made by the Contractor to accommodate normal traffic flow over public streets. Means of ingress and egress shall be provided for occupants of adjacent property with convenient access to driveways, buildings, businesses or private residences. Pedestrian traffic shall be accommodated on adjacent sidewalks.
3. Contractor shall be required to provide and maintain barriers, guards, and lights whenever and wherever necessary in order to effectively protect the public from the dangers associated with the tree trimming operations. Contractor shall be required to post proper notices and signals for the public regarding detours and the conditions of work currently in progress.

Q. Public Noticing of Tree Trimming Operations

1. Contractor shall be required to notify residents and/or businesses of scheduled tree trimming operations at least seven (7) calendar days prior to the work being performed. Notifications shall be made in the form of door hangers, or letters mailed through the US Postal system.
2. City approved "No Parking" signs shall be posted on individual trees scheduled for trimming twenty-four (24) hours prior to the work being performed. Signs shall be taped or tied and not nailed or stapled to the trees.

R. Disposal of Debris

All brush generated from tree trimming operations shall be recycled where practical.

S. Green Waste Report

Green waste that is transported to an off site facility for grinding into mulch shall be documented and submitted to the Public Works Superintendent on a monthly basis. Weight slips shall be required as proof of disposal and shall be included in the monthly Green waste Report.

T. Wood Chips

Chips generated from trimming operations within the City of Los Alamitos may be dumped and spread at a City designated site.

At the direction of the Public Works Superintendent, wood waste generated from tree removals shall be chipped into pure wood chips with an even uniform size. These chips shall be dumped and spread in specified locations in the City.

U. Milling

At the direction of the Public Works Superintendent, large tree trunks, which meet proper specifications, will be required to be milled into lumber suitable for use in a variety of applications. Milled lumber shall be returned to the City at a cost to be included in the proposal.

V. Invoice

Contractor shall be required to submit invoices on a monthly basis. Invoice format shall include but not be limited to: a list of each street where trimming operations took place; the address of each individual tree trimmed; the species and its current condition; and the height, trunk diameter, and canopy spread of each individual tree that was trimmed. Each invoice shall include an exact copy in electronic format that is compatible with the City's Tree Inventory program. Failure to submit invoices in this format may result in non-payment until these requirements are met.

W. Inspections

1. The Public Works Superintendent shall be furnished with every reasonable facility for ascertaining full knowledge of the daily tree maintenance operations involving the workmanship, character of materials and equipment used and employed in the work.
2. Each week, the Contractor shall be required to submit a complete working schedule of all tree maintenance operations including but not limited to trimming, planting, removals, stump grinding and watering.

3. Inspection of the work shall not relieve the Contractor of any obligations to complete the work as outlined in this document. Defective work shall be made good even if the defective work was not pointed out during the initial inspection and the work was accepted for payment.
4. Any work found to be unacceptable will be noted in writing. Upon receipt of notice these deficiencies; the Contractor shall make a reasonable good faith effort to correct the deficiencies within ten (10) calendar days. If unacceptable conditions are not corrected within this time period the City shall have the right to deduct payment or terminate the Professional Services Agreement.

X. Withholding Payment

The City may withhold payment to such extent as may be necessary to protect the City from loss due to one or more of the following reasons:

1. Defective or inadequate work not corrected.
2. Claims filed or reasonable evidence indicating probable filing of claims.
3. Failure of the Contractor to make proper payments to subcontractors or for materials or labor.
4. A reasonable doubt that the Professional Services Agreement can be completed for the balance unpaid.

Y. Minor Modifications and/or Additional Work

1. The City may modify these specifications with the joint approval of the Contractor and the City of Los Alamitos. All modifications shall be in writing.
2. In the event that the City of Los Alamitos should require additional work beyond the requirements of these specifications, the Contractor shall perform all work at a competitive price as listed.
3. Additional work may be added to the Professional Services Agreement work as the need arises. The Contractor shall perform all specified and approved additional work at the unit prices submitted with this proposal.
4. The Contractor must be willing to provide a competitive price for additional work that may be added to the Professional Services Agreement. Contractor will be required to demonstrate the ability to properly execute the expanded workload with the necessary increase in labor, materials and equipment needed to complete the additional work in a timely manner.
5. The Contractor must have the ability to receive and respond to emergency situations and must respond to emergency call outs within two (2) hours of receipt of the call.

#### **4. CONSULTANT RESPONSIBILITIES**

- A. Award will be made to the firm who best meets the City's requirements for the all criteria described in this document. All firms submitting proposals must hold a valid State California C-27 and a C-61/ D49 Contractor's License. Both licenses must be in good standing for the previous 7 consecutive years without any official unresolved record of complaints registered or filed with the Board or California Department of Consumer Affairs.
- B. Proposals shall include OSHA certification of all aerial equipment and the most recent California Highway Patrol Commercial Vehicle Inspection reports for equipment to be used throughout the term of this project. Both of these provisions shall be provided with the submission of proposals.
- C. Proposals shall include a list of all key persons that will be supervising, scheduling and/or performing the work outlined in the Professional Services Agreement. Personnel must be qualified and trained in the tree maintenance industry. This will include the staffing of an on-site Supervisor who shall be an ISA Certified Arborist and fluent in the English language. At all times during contracted tree maintenance activities, the firm shall have work crews on site that are represented by an English speaking supervisor who can receive and carry out instructions given by proper authorities.
- D. The firm shall be held liable for the faithful observance of any lawful instructions of the City, not in conflict, with the Professional Services Agreement, which may be delivered to said party or his representatives on the work.
- E. Proposals shall include a list of at three (3) similar and separate Southern California municipal multi-year tree maintenance Professional Services Agreements which have been successfully completed within the last five (5) years. Each project shall be of comparable size and scope of this project (descriptions of these projects and contact persons must be provided with submission).

#### **5. ADDITIONAL CONSULTANT RESPONSIBILITIES**

The consultant shall be responsible for completing the specified services in accordance with the City's Professional Services Agreement.

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the services under this Agreement are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem

wages for each craft, classification, or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and the project site. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

## 6. TERM

The term of the agreement is for three (3) with an additional two (2) optional one-year extensions. An annual CPI increase is included after the 3<sup>rd</sup> year of service, subject to a maximum increase of 2.5%.

## 7. PROPOSAL REQUIREMENTS

- A. Award will be made to the firm who best meets the City's requirements for the all criteria described in this document. All firms submitting proposals must hold a valid State California C-27 and a C-61/ D49 Contractor's License. Both licenses must be in good standing for the previous 7 consecutive years without any official unresolved record of complaints registered or filed with the Board or California Department of Consumer Affairs.
- B. Proposals shall include OSHA certification of all aerial equipment and the most recent California Highway Patrol Commercial Vehicle Inspection reports for equipment to be used throughout the term of this project. Both of these provisions shall be provided with the submission of proposals.
- C. Proposals shall include a list of all key persons that will be supervising, scheduling and/or performing the work outlined in the Professional Services Agreement. Personnel must be qualified and trained in the tree maintenance industry. This will include the staffing of an on-site Supervisor who shall be an ISA Certified Arborist and fluent in the English language. At all times during contracted tree maintenance activities, the firm shall have work crews on site that are represented by an English speaking supervisor who can receive and carry out instructions given by proper authorities.
- D. The firm shall be held liable for the faithful observance of any lawful instructions of the City, not in conflict, with the Professional Services Agreement, which may be delivered to said party or his representatives on the work.
- E. Proposals shall include a list of at three (3) similar and separate Southern California municipal multi-year tree maintenance Professional Services Agreements which have been successfully completed within the last five (5) years. Each project shall be of comparable size and scope of this project (descriptions of these projects and contact persons must be provided with submission).

## 8. SUBMITTAL

Firms wishing to have their proposals considered for this project shall submit the following:

- A. A Statement of firm's qualifications applicable to this project, including the following:
  - 1. State of California Contractor's License number and expiration date.
  - 2. Names, qualifications and proposed duties of staff to be assigned to this project. The firm shall identify at least two (2) ISA Certified Arborists who will be responsible for providing project management for the duration of the project as well as a full-time English speaking Site Supervisor, who is an ISA Certified Arborist, capable of communicating with any City representative and be authorized to act on behalf of the firm.
  - 3. List of staff qualifications including certifications, specialists, and licenses.
  - 4. Technical ability and experience similar in scope to this project. References to include contact names and telephone numbers.
  - 5. Statement of past project disqualification(s) and litigation.
  - 6. Letters of Reference.
- B. Detailed Proposal including pricing.
- C. A written description of the firm's plan to report green waste generated and the method for its disposal.
- D. A written statement describing the firm's ability to acquire and purchase trees for the City's Community Forest. Also describe the facility, where the trees are to be stored.
- E. Completed 'Attachment A' – pricing sheet.

One (1) original and five (5) copies of the proposal must be submitted no later than 5:00 p.m., July 21, 2011. It is the sole responsibility of the proposer to insure that their proposal is received by the deadline. Postmarks and/or faxes are not acceptable. Proposals must be titled "RFP for Tree Maintenance Services". Proposals must be submitted to:

Tony Brandyberry  
Public Works Superintendent  
City of Los Alamitos  
3191 Katella Avenue  
Los Alamitos, CA 90720

Questions related to this Request for Proposals may be referred to Public Works Superintendent at 562-431-3538, ext. 105. Proposals not received on or prior to the date and time specified will not be considered.

## 9. SELECTION CRITERIA

The process will adhere to the current City of Los Alamitos policies for the award of

Professional Services Agreements. Each proposal will be evaluated based on firm qualifications and the required submittals. Firm selection will be made by utilizing the criteria described in this document. Each firm will be evaluated on their qualification submissions. All respondents will be notified as to the results of this evaluation. The evaluation criteria used in the selection process includes, but is not limited to, the following:

A. Quality & Completeness of Proposal

1. Relevance & Conciseness of Proposal and Statement of Qualifications.
2. Work Statement and Quality Control Plan.

B. Corporate Capability

1. Qualifications and experience of staff.
2. Quantity and types of equipment.
3. Internal training program for employees.
4. Green waste recycling capabilities.
5. Experience in the management of electronic tree inventory databases.

C. Pruning Program

1. Ability to recommend and meet Project Schedules.

D. Reference Evaluation

1. Quantity and Quality of work previously performed.
2. References: Names and Numbers provided.

E. Fee Schedule

1. The firm's current Fee Schedule.

**10. CLARIFICATION OF SPECIFICATIONS**

If any respondent, prior to submitting their proposal should find any discrepancies and/or omissions from the specifications or other Professional Services Agreement documents, or if they should be in doubt as to the true meaning of any part thereof, they shall at once make a written request to the City of Los Alamitos Public Works Superintendent for corrections, clarification, or interpretation of the points in question. The person submitting such request shall be responsible for its prompt delivery.

In the event that the City of Los Alamitos Public Works Superintendent receives a request and it should be found that certain essential information is not clearly and fully set forth, or if the City discovers errors, omissions, or points requiring clarification in these documents, a written addendum will be mailed to each person to whom a proposal has been delivered. The City will not be responsible for any instructions, explanations, or interpretations of the documents presented to respondents in any manner other than the aforementioned written addendum.

**CITY OF LOS ALAMITOS  
TREE MAINTENANCE SERVICES  
ATTACHMENT 'A'**

**1. GRID OR ANNUAL TREE PRUNING:**

Tree pruning per pre-designed districts, grids or prune routes on a set cycle to include all trees. Pruning will include structural pruning, crown raising, cleaning and light thinning in accordance with the standards set forth by the International Society of Arboriculture Pruning Standards (Best Management Practices) and the ANSI A300 Standards. Special projects that are difficult to assess, require the need for specialty equipment (i.e., 95-foot tower), service request pruning, or pruning to reduce and/or pruning to restore would fall under Crew Rental.

<b>Small, Medium &amp; Large Trees</b>	<b>Per tree</b>	<b>\$ _____</b>
--	-----------------	-----------------

**2. FULL PRUNE BASED ON SERVICE OR SPECIAL REQUESTS:**

Trees requiring service prior to their regularly scheduled grid or annual prune to rectify a specific problem such as blocked street lighting or signs, right-of-way clearance for utility lines, or broken limbs will be performed as a "Service Request."

0"-6" dbh	Per tree	\$ _____
7"-12" dbh	Per tree	\$ _____
13"-18" dbh	Per tree	\$ _____
19"-24" dbh	Per tree	\$ _____
25"-30" dbh	Per tree	\$ _____
31" dbh & over	Per tree	\$ _____
Washingtonia Robusta	Per tree	\$ _____
Phoenix Canariensis	Per tree	\$ _____
Palm Tree Skinning	Per tree	\$ _____

**3. CLEARANCE PRUNE:**

Trees will be raised to a standard height established by the City for the purpose of creating adequate room for utility vehicles, paving equipment, pedestrian traffic, clearance for buildings and signs in accordance with standards set forth by the International Society of Arboriculture Pruning Standards (Best Management Practices) and the ANSI A300 Standards under "Pruning to Raise." Clearance prunes are performed on a grid system or on a street-by-street basis.

<b>Small, Medium &amp; Large Trees</b>	<b>Per tree</b>	<b>\$ _____</b>
--	-----------------	-----------------

**4. TREE & STUMP REMOVAL:**

City prepares list of trees to be removed, marks trees, notifies homeowners and submits lists to contractor. Contractor calls U.S.A. and prepares internal work order. Crew removes tree and hauls all debris. Crew grinds stumps to a depth of 18 inches. All holes will be backfilled; as well as all debris cleaned up and hauled away.

Tree and stump removal	Per dbh inch	\$ _____
Tree and stump removal over 30"	Per dbh inch	\$ _____
Tree removal only	Per dbh inch	\$ _____
Tree removal only over 30" dbh	Per dbh inch	\$ _____
Stump removal only	Per dbh inch	\$ _____

**5. TREE PLANTING:**

Planting includes the tree, root barrier (when required by specifications), stakes, ties, and complete installation. Planting lists should be compiled by the Inspector and submitted monthly or as-needed. Contractor will guarantee the life of the tree for a period of ninety days (90), excluding vandalism and extreme weather conditions.

<b>15 gallon tree with root barrier</b>	<b>Per tree</b>	<b>\$ _____</b>
<b>15 gallon tree without root barrier</b>	<b>Per tree</b>	<b>\$ _____</b>
<b>24 inch box tree with root barrier</b>	<b>Per tree</b>	<b>\$ _____</b>
<b>24 inch box tree without root barrier</b>	<b>Per tree</b>	<b>\$ _____</b>

**6. CREW RENTAL:**

The standard crew is three (3) men, one chipper truck, one chipper, one aerial tower and all necessary hand tools. The crew and equipment can be modified to complete any type of miscellaneous tasks including special projects that may consist of extraordinary work such as hanging flags, changing light bulbs, or pruning specific trees requiring immediate attention prior to their scheduled prune.

**Per hour**      **\$ \_\_\_\_\_**

**7. EMERGENCY RESPONSE:**

Contractor will respond to emergency calls on a 24-hour basis. Emergency work will begin on-site within (2) hours from the time of notification from the City. The crew will do what is necessary to render the hazardous tree or tree-related condition safe.

**Per hour**      **\$ \_\_\_\_\_**

# City of Los Alamitos

## Agenda Report Consent Calendar

August 15, 2011  
Item No: 7E

**To:** Mayor Kenneth Stephens & Members of the City Council

**Via:** Jeffery L. Stewart, City Manager

**From:** Steven Mendoza, Director of Community Development  
Tony Brandyberry, Public Works Superintendent

**Subject:** Authorization to Purchase Two Replacement Police Vehicles

**Summary:** This is a request to purchase two (2) 2012 Dodge Charger Patrol Units. Per Los Alamitos Municipal Code 2.60.110 – Purchases through other agencies, this report requests authorization to utilize Purchase Order #4554 agreement between the City of Visalia and McPeek's Dodge of Anaheim.

**Recommendation:** Authorize the City Manager to purchase two (2) 2012 Dodge Charger Patrol Units utilizing Purchase Order #4554 between the City of Visalia and McPeek's Dodge of Anaheim.

### Background

The Police Patrol Units are on a rotational replacement schedule which is determined by age and mileage for its application. Unit #3 & #7 are over 65,000 miles and 4 years old. These two units will be retired from Patrol use and reused as undercover Detective units before the age and miles become too excessive for Detective use. To facilitate this purchase, staff requests authorization to purchase these vehicles utilizing a "piggy back" agreement between the City of Visalia and McPeeks Dodge of Anaheim, Purchase Order #4554, for a total purchase price of \$54,931.20.

According to Los Alamitos Municipal Code 2.60.110, the City Council may authorize the purchase of materials, supplies or equipment for the City; and where the City Manager determines that another public agency has within six months immediately preceding the Council authorization proceeded with steps pursuant to its purchasing ordinance to obtain bids and award a contract to the lowest responsible bidder for the same materials, supplies or equipment.

## Discussion

Listed below are the unit numbers to be retired from Patrol use and reused as Detective Units. Their mileage is as follows:

- |        |                      |        |
|--------|----------------------|--------|
| • 48-3 | Dodge Charger Patrol | 72,442 |
| • 48-7 | Dodge Charger Patrol | 68,053 |

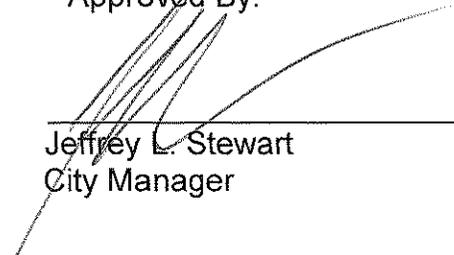
## Fiscal Impact

Vehicle replacement funds in the amount of \$63,000 for the Patrol Units (account #50.546.5440) were appropriated in the Fiscal Year 2011-2012 Budget.

Submitted By:

  
\_\_\_\_\_  
Tony Brandyberry,  
Public Works Superintendent

Approved By:

  
\_\_\_\_\_  
Jeffrey L. Stewart  
City Manager

Reviewed By:

  
\_\_\_\_\_  
Steven Mendoza, Director of  
Community Development

*Attachments:*    1) *City of Visalia Purchase Order*  
                          2) *Quote from McPeek's Dodge of Anaheim*

# CITY OF VISALIA

PURCHASING DIVISION  
707 W. ACEQUIA AVE.  
VISALIA, CA 93291  
(559) 713-4334

MAIL TWO COPIES OF  
YOUR INVOICE TO:

CITY OF VISALIA FINANCE DEPT.  
P.O. BOX 5078  
VISALIA, CALIFORNIA 93278

<b>PURCHASE ORDER</b>	
No.	4554
PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKING SLIPS, CARTONS AND CORRESPONDENCE.	
ORDER DATE	07/21/11

VENDOR: MCPEEKS DODGE OF ANAHEIM (09) DELIVERY LOCATION: CTY OF VISALIA/CORP YARD  
1221 S AUTO CENTER DRIVE 336 N BEN MADDOX WAY  
17739 ANAHEIM CA 92806 VISALIA CA 93292  
Attn: KEVIN BUZZARD

REQUISITIONER	REQUISITIONER	TERMS	F.O.B.	QUOTATION	DATE
		NET 30			

COMMENTS:

FURNISH THE FOLLOWING GOODS OR SERVICES IN ACCORDANCE WITH CONDITIONS SPECIFIED HEREIN. NO CHARGES ALLOWED EXCEPT AS STATED.

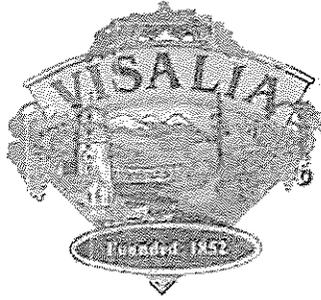
ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	1		2012 DODGE CHARGERS WITH UP FITTING AS OUTLINED IN RFB-10-11-71 AND BID SUBMITTAL ATTACHED.	0.00	0.00
2	8	EA	PATROL VEHICLES: 7-PATROL, 1 K9 TOP AN 4 DOORS WHITE	25,909.00	207,272.00
3	2	EA	PATROL VEHICLE - GANG UNIT - ALL BLACK	25,309.00	50,618.00
4	10	EA	TIRE FEE (NON TAXABLE)	8.75	87.50
5	7	EA	PATROL UP FITTING	19,251.00	134,757.00
6	1	EA	K-9 UP FITTING	21,531.00	21,531.00
7	2	EA	GANG UNIT UP FITTING	18,237.00	36,474.00
<p>ALL INVOICES MUST REFERENCE THIS P.O. NUMBER</p>					
*****					
Memo Accounting Information Only					
General Ledger Account Number				Distribution	
5012-21202-720000-71212-9223				341,470.85	
5012-21202-720000-71512-9223				51,243.95	
5012-21202-720000-72311-9223				94,076.86	

**IMPORTANT INSTRUCTIONS**  
THIS ORDER SUBJECT TO TERMS AND  
CONDITIONS ON REVERSE SIDE HEREOF.  
BY ACCEPTING THE ORDER OR ANY PART  
THEREOF, SELLER AGREES TO AND  
ACCEPTS SAID TERMS AND CONDITIONS.

DO NOT ACCEPT THIS ORDER  
UNLESS SIGNED BELOW

*Elizabeth Hobbs*  
PURCHASING OFFICER

SUB. TOTAL	450,739.50
SALES TAX	36,052.16
FREIGHT	0.00
<b>TOTAL</b>	<b>486,791.66</b>



707 West Acequia Ave., Visalia, CA 93291

Tel: (559) 713-4334 Fax: (559) 713-4802

July 25, 2011

McPeeks Dodge of Anaheim  
1221 S. Auto Center Drive  
Anaheim, CA 92806  
Attn: Kevin Buzzard

**NOTICE TO PROCEED**  
RFB-10-11-71, 2012 Dodge Chargers with Up Fitting

The City Council has approved the recommendation to award to your company. You are hereby notified to proceed with the RFB-10-11-71, 2012 Dodge Chargers with Up Fitting. Please contact the Project Manager for further details.

**Additional Information:**

Project Manager Contact: Dexter Valencia @ 559-713-4655

You are required to return an acknowledged copy of this NOTICE TO PROCEED.

Enclosed is PO # 4554 issued for the above purchase as well as a copy of your bid submittal. Please reference this PO number on your payment requests to the City, submitted through the Project Managers.

If you have any questions, please contact me at (559) 713-4334.

Sincerely,

Mary Lou Quatacker  
Purchasing Department

cc: file

Receipt of the above NOTICE TO PROCEED is hereby acknowledged.

Printed Name: Kevin Buzzard Title: Fleet Mgr  
Date: 7-25-11 Phone: 714-254-2613  
Signature: [Handwritten Signature]

## **I. DEFINITIONS**

For the purposes of this RFB NO. 10-11-71, the following terms shall have the meanings indicated:

1. "City" means the City of Visalia
2. "City Council" means the Council of the City of Visalia
3. "Bidder", "Vendor", "Supplier", "Consultant", "Contractor" and "Subrecipient" are used interchangeably throughout this invitation to mean the person, firm, or corporation or other entity submitting a Bid in response to the Request for Bid.
4. "Bid" and "Proposal" are used interchangeably to mean an individual's or entity's offer in response to this Request for Bid.
5. "RFB" means Request for Bid No. 10-11-71.

## **II. INTRODUCTION**

The City of Visalia Purchasing Division is soliciting Bids for ten (10) 2012 Up-Fitted Dodge Chargers for the Visalia Police Department.

The successful bidder shall be responsible for providing all services and products necessary to fulfill the requirements of this Invitation to Bid.

In an effort to encourage local businesses to provide goods and services to the City, Council has enacted a local preference. The local preference will apply to any business that has a business address within Tulare County for a minimum of six months. A Post Office Box will not be accepted as a business address. The City reserves the right to request proof of Tulare County address.

The local preference for bids consists of a match preference in which a local vendor whose bid is within 5% of the apparent low bidder will be given three (3) business days, from date notified, to match or beat the low bid. If there is more than one local vendor that is within the 5% range, the offer goes to the local vendor that is closest to the low bid.

## **III. INSTRUCTIONS**

1. Fill out attached Bid Form (Exhibit "A") in ink or typewriting completely.
2. Cross out and initial mistakes in ink and place the correct response next to same.
3. Timely submit Bid in a sealed envelope addressed and marked as follows:

**To:**

City of Visalia Purchasing Division  
707 W. Acequia Avenue  
Visalia, California 93291

**Marked:**

**2012 Dodge Chargers**  
**RFB NO. 10-11-71**  
**CLOSING DATE: Friday, June 10, 2011**

4. Submit each of the required Certifications, Affidavits, Assurances, Statements and Questionnaires as well as optional waiver(s) to City with sealed Bid. City will not consider Bids which are not accompanied by the required completed forms.
5. **Inquiries:** Instructions to Vendor, Specifications and Bid Forms may be inspected and obtained by visiting our web site at <http://www.visaliapurchasing.org> or by calling (559) 713-4334, or by FAX (559) 713-4802. However, to prevent misinterpretations, the Purchasing Division would prefer that all questions be sent by email to [purchasing@ci.visalia.ca.us](mailto:purchasing@ci.visalia.ca.us).

***Questions about this bid must be received by Friday, June 3, 2011***

#### **IV. SCOPE OF SERVICES/PROJECT**

The City of Visalia is requesting bids for ten (10) 2012 Up-Fitted Dodge Chargers. Awarded Vendor will be responsible supplying ten (10) new, fully-functional 2012 Dodge Chargers which meet the specifications and requirements of this RFB to the delivery points specified in this RFB.

- Awarded Vendor must deliver fully functional Dodge Chargers as specified in this RFB to the destination specified within 90 days from the City's issuance of Notice to Proceed.

#### **VEHICLE SPECIFICATIONS**

Vehicle specifications are described in Exhibit "D" of this RFB.

#### **V. BID OPENING AND CONFIDENTIALITY**

1. **Bid Opening.** Bids shall be opened publicly in the presence of attendees, if any, on Friday, June 10, 2011 at 1:00 p.m. at 707 W Acequia, Visalia CA, City Hall. The name of each Bidder and the amount of each Bid shall be open to public inspection at the Bid opening and after an award decision has been made. Other Bid information will not be available for public review during the evaluation phase or until the award of the contract.
2. **Bid Confidentiality.** The City favors full and open disclosure of all Bid records. The City will not expend public funds defending claims for access to, inspection of, or to be provided copies of any such records. By submitting a Bid, a Bidder agrees to indemnify and defend the City against all claims or actions brought against it to seek access to, or compel disclosure of, any records or documents in the City's possession.

After the award, the City intends that its selection process will be open and public. Respondents are advised that the California Public Records Act ("PRA") provides that any person may inspect or be provided a copy of any identifiable public record or document that is not exempted from disclosure by the express provisions of the Act. The Federal Freedom of Information Act ("FOIA") contains a similar provision. Each Bidder shall clearly identify any information within its Bid that it intends to ask the City to withhold as exempt under either the PRA or FOIA. Any information contained in a Bidder's submission which the Bidder believe qualifies for exemption from public disclosure as "Proprietary" or "Confidential" must be identified as such at the time of first submission of Bidder's Bid to this RFB. Any failure to identify information contained in a Bidder's Bid to this RFB as "Proprietary" or "Confidential" shall constitute a waiver of Bidder's right to object to the release of such information upon request under either Act.

#### **VI. AWARD**

1. **Most Responsive, Responsible Bidder.** Award shall be made to the most responsive, responsible Bidder whose Proposal meets the requirements and criteria set forth in this RFB, price and other factors considered, and whose Bid is determined to result in the optimum economic advantage to the City. A responsible Bidder is one who has the capability, financial capacity and integrity to perform the contract. A responsive Bidder is one who commits to all of the material terms, for example, price, quantity, quality and delivery, of this RFB.

The City of Visalia reserves the right to award bids received on the basis of splitting the purchases/services as described in this bid and awarding to more than one vendor and to accept the bid that is in the best interest of the City of Visalia.

2. Reservation of Rights. The City reserves the right to reject any item or items in the Bid; to waive informalities, technical defects, and minor irregularities in Bids received; and to select the Bid(s) deemed most advantageous to the City.

## VII. PROTESTS/APPEALS

Because it is essential that Bidders have confidence in the procurement procedures for soliciting and awarding contracts, it is the policy of the City to offer Bidders the opportunity to appeal award of contracts. The following procedures shall apply in regard to appeals:

1. Any actual Bidder who is aggrieved in connection with this RFB or award of a contract hereunder may protest to the City of Visalia Purchasing Division in writing within five (5) working days after such aggrieved Bidder knows, should have reasonably known, or could reasonably be expected to know of the facts giving rise thereto; and
2. Should identify only the areas regarding bid contradictions, procurement errors, quotation rating discrepancies, legality of procurement context, conflict of interest in the rating process and inappropriate or unfair competitive procurement grievance regarding the Bid process.
3. The City's Purchasing Division shall have the authority to settle and resolve each protest. The resolution will be provided to Bidder in writing within five (5) working days of receipt of the appeal unless the Bidder is notified more time is required.
4. Further levels of appeal may be made in accordance with the appeals provision contained in Chapter 5 of the City's "Purchasing and Contract Procedures" which is available through City's Purchasing Division.

## VIII. SPECIAL CONDITIONS

1. Product Issues
  - a. Complete Project. The successful Bidder shall be responsible for providing all materials, products, equipment and/or services necessary to fulfill the requirements of this RFB.
  - b. Product Inspection. The City will have ten (10) working days to inspect equipment for workmanship, appearance, proper functioning of all equipment, and conformance to all other requirements of this specification. If deficiencies are detected, the equipment will be rejected and the vendor will be required to make necessary repairs, adjustments, or replacements. Payment and/or commencement of a discount period, if applicable, will not be made until the defects are corrected and the equipment re-inspected and accepted.
2. City-Contractor Relations
  - a. Project Manager's Responsibility and Authority. City will designate a Project Manager. The Project Manager shall decide issues of quality and acceptability of materials, products, equipment, and all questions related to fulfillment of the contract for the project. Project Manager shall not have control over acts or omissions of the Contractor, their agents or employees.
  - b. Control of Materials:
    - (1) Source of Supply and Quality of Materials Guarantee. All materials, parts and equipment supplied by the Contractor shall be new and/or of a quality equal to that specified.

- (2) Equivalent Materials. Trade names or manufacturer's catalog information, where used, are a means of indicating kind, type, design, style, finish, durability or quality desired and are not intended to exclude or omit the products of any responsible manufacturer, if such products are equal in every respect to those specified. The burden of proof of compliance with the specifications is the responsibility of Contractor. City shall be the sole judge as to the adequacy of any item for substitution.
- (3) Manufacturer's Directions. Manufactured articles, materials and equipment shall be applied, installed, connected, erected, used, cleaned and conditioned as directed by the manufacturer.

**IX. GENERAL CONDITIONS**

1. It is the policy of the City to provide equal opportunity to all candidates when selecting Bidders to provide public services. Bidders are expected to be equal opportunity employers.

The City hereby affirmatively ensures that Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit a Bid in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, disability, gender or religion in any consideration leading to the award of contract.

No qualified disabled person shall, on the basis of disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

Bidder shall provide to the City a list of all instances within the last ten (10) years where a complaint was filed or pending against Bidder in a legal or administrative proceeding alleging that Bidder discriminated against its employees, subcontractors, vendors or suppliers. A description of the status or resolution of that complaint, including any remedial action taken is required.

2. Post-Closing Date Corrections are prohibited.
3. Bids will not be accepted unless signed in ink (not typed) in the appropriate space(s) by an authorized officer or employee of the Bidder.
4. Bids must be submitted on or before the Closing Date. Any Bids received after the Closing Date shall be returned, unopened, to the Bidder, provided the request number, opening date, and Bidder's return address are on the envelope.
5. Bids may be withdrawn prior to the Bid Closing Date by writing to the Purchasing Division.
6. Telegraphic, telephonic, electronic and facsimile Bids and withdrawal requests will not be accepted.
7. Prices submitted are considered accurate for a period of ninety (90) days and cannot be withdrawn after the Closing Date.
8. All Bids are the property of the City after submission.
9. City is not responsible for Bid errors and omissions.

10. Bids should be prepared in a straightforward, concise manner. Information provided which was not specifically requested will be considered only in City's discretion.
11. A written amendment or addenda issued by City's Purchasing Division is the only method which should be relied on with respect to changes to the RFB. Respondent is responsible to contact City's Purchasing Division prior to submitting a Bid to determine if any amendments were made to the RFB.
12. Any contract resulting from the RFB will be jointly administered by the City's Purchasing Division, and the Department requesting Bids.
13. Prior to conducting business in the City, a business tax certificate (license) must be obtained. Call 559-713-4326 for more information.
14. Bidder shall provide insurance as required by law and as indicated in the proposed contract.
15. Pursuant to the City's Charter, all other things being equal, tie Bids shall be awarded to a local merchant to the extent quality and prices are equal. If neither is a local vendor, the Bid shall be awarded by the flip of a coin by the Purchasing Division in the presence of at least one witness.
16. The City may make such investigation of the Bidder and information in the Bid as it determines necessary. This may include the collection of criminal history information, contractual and business associations and practices, employment histories and reputation.
17. All California agencies may purchase off the Proposal submitted at the same prices, terms, conditions and specifications. The City of Visalia shall incur no responsibility in connection with another agency's purchase.
18. Each Bidder, will be required to submit Affidavits which are attached in Exhibit "B".
19. Bidders shall satisfy themselves by personal examination of the specifications and other contract documents and by any other means as they believe necessary, as to the actual physical conditions, requirements, and difficulties under which the project must be performed. The submission of a Bid shall be conclusive evidence that the Bidder has investigated, and is satisfied as to the conditions encountered, as to the character, quality, and quantities of work to be performed, and the materials or equipment to be furnished, and as to the requirements of the RFB and the City. No allowance shall subsequently be made because of lack of such examination or knowledge.
20. All Bidders are required to make a Bid on the complete Bid Form (Exhibit "A"). Bidder may be required to submit Proposals on alternate items. The City reserves the right to award to the contract based on the lowest combination or combinations of Proposal items and alternate proposed items.
21. No mention shall be made in the Proposal of sales tax, use tax or any other tax, as all amounts Bid will be deemed and held to include any such taxes, which may be applicable. The City is not exempt from California State Sales Tax. The City is exempt from Federal Excise Taxes. Do not include Federal Excise Taxes in the prices quoted in this bid. The City will furnish exemption certifications upon request.
22. The City of Visalia is not liable for any costs incurred by Bidder in responding to this Request for Bid.

**EXHIBIT "A" TO RFB NO. 10-11-71**  
**BID FORM**  
**Project: Ten (10) 2012 Up-Fitted Dodge Chargers**

TO: THE CITY OF VISALIA PURCHASING DIVISION:

In compliance with the City's Notice Inviting Sealed Bids No. 10-11-71 dated: \_\_\_\_\_, the undersigned BIDDER hereby proposes to furnish all materials, equipment, tools, and labor required for the above stated project as set forth in the RFB, including all Exhibits and related contract documents therefore.

BIDDER declares that this proposal is based upon careful examination of the Instructions to BIDDERS, and the contract requirements. If this bid is accepted for award, BIDDER agrees to enter into a contract with CITY at the unit and/or lump sum prices set forth in the following Bid Schedule.

BIDDER understands that a bid is required for the product and that compensation under the contract will be based upon the product condition received as stated in the bid specifications. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in amounts bid, unit prices shall govern over extended amounts.

BIDDER further declares that he/she has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said bid.

BIDDER has read and hereby agrees to the conditions stated in this bid by affixing his/her signature on the bid form.

2012 DODGE CHARGERS Per Specifications of RFB-10-11-71	Unit Price	Quantity	Bid Amount (Includes all freight and taxes)
2012 Dodge Chargers – Patrol & K-9 (white top & 4 doors)	\$ 25,909 <sup>00</sup>	8	\$ 225,996 <sup>48</sup>
2012 Dodge Chargers – Gang Units (all black)	\$ 25,309 <sup>00</sup>	2	\$ 55,191 <sup>12</sup>
Patrol Upfitting	\$ 19,251 <sup>00</sup>	7	\$ 146,885 <sup>13</sup>
K-9 Upfitting	\$ 21,531 <sup>00</sup>	1	\$ 23,468 <sup>79</sup>
Gang Unit Upfitting	\$ 18,237 <sup>00</sup>	2	\$ 39,756 <sup>00</sup>
TOTAL BID AMOUNT (Delivered to 309 So. Cain Street, Visalia, CA)			\$ 491,298 <sup>18</sup>

Delivery FOB Destination Visalia, CA Delivery Time: 90-120 Days ARO (After Receipt of Order)

Terms/Discount: net 30 Warranty: 3 yr / 100,000 mi car

Company to Up-fit Cars: Lehr Auto Does the Bid meet specifications: X Yes    No

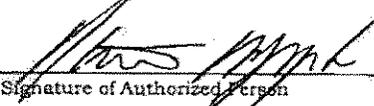
If "No", and in order to assist the City in the evaluation of bids, please indicate variances, no matter how slight, on a separate sheet and attach detailed specifications on the item(s) deviating from specifications.

(1) Mc Peek's Dodge of Anaheim  
Bidding Firm

(2) \_\_\_\_\_  
Corporation, Partner, Joint Venture

(3) 1221 S Auto Center dr Anaheim CA 92806  
Business Address City State Zip Code

714-254-2613 714-254-2614 Kevinb@McPeckdodge.com  
Telephone Number Fax Number E-mail Address

(4)  6-8-2011  
Signature of Authorized Person (Date)

Kevin Buzzard  
Type or Print Authorized Person's Name

**PLEASE SEE THE FOLLOWING INSTRUCTIONS REGARDING SIGNATURE**

(1) If the BIDDER is an individual, enter name here in style used in business; if a joint venture, exact name of entities joining in the venture; if a partnership, the correct trade style of the partnership; if a corporation, the exact name of the corporation.

(2) If BIDDER is other than an individual, identify here its character, i.e., joint venture, partnership, corporation, including the state of incorporation. If BIDDER is an individual operating under a trade name, state "an individual dba (trade name in full)".

(3) State on this line, the address to which all communications and notices regarding the Bid Proposal, and any contract awarded thereunder, are to be addressed.

(4) If BIDDER is a joint venture, signature must be by one of the joint venturers, and if one or both of the joint venturers is a partnership or a corporation, each participating partnership must sign by a general partner, and each corporation by an authorized officer or employee; if a partnership, by a general partner; if a corporation, by an authorized officer or employee. The title of the person signing must appear after his/her signature. Where BIDDER is a partnership or corporation, the names of all other general partners, or the president or secretary of the corporation and their business addresses must be shown below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: All names must be typewritten under written signature. All Addresses must be complete with street number, city, state and zip code.

City of Visalia Business Tax Certificate No.: \_\_\_\_\_

(A City Business Tax Certificate (License) is not required to submit a bid; however, vendor is required to obtain a City License prior to commencement of work or if vendor is presently transacting business within the City of Visalia regardless of whether the business address is actually located within the City. Contact the Business License Division for clarification of questions at 559-713-4326.

Federal Tax I.D. No.: 95-2119275

**REFERENCES**

Please list (3) companies as references of approximately the same size and characteristics of the product and/or equipment and/or materials as described in this bid.

<u>Company Name</u>	<u>Tel. No.</u>	<u>Contact</u>	<u>Product(s)</u>
1. City of Visalia	559-713-4334	Mary Lou Swatbker	Police Cars
2. City of Fresno	559-621-1107	Tim Olday	Police Cars
3. City of Clovis	559-324-2461	John Naubemer	Police Cars

EXHIBIT "B-1"

**NON-COLLUSION AFFIDAVIT  
To Accompany Bid Form**

STATE OF CALIFORNIA )  
 ) ss  
CITY OF VISALIA )

McPeck's Kevin Buzzard, being first duly sworn, deposes and says that he or she is Fleet Mgr of McPeck's Dodge the party making the foregoing Bid; that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the BIDDER has not directly or indirectly induced or solicited any other BIDDER to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any BIDDER or anyone else to put in a sham Bid, or that anyone shall refrain from Bidding; that the BIDDER has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid price of the BIDDER or any other BIDDER, or to fix any overhead, profit, or cost element of the Bid price, or of that of any other BIDDER, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Bid are true; and, further, that the BIDDER has not, directly or indirectly, submitted his or her Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham Bid.

Company: McPeck's Dodge of Anaheim  
Business Address: 1221 S Auto Center Dr, Anaheim CA 92806  
Signature: [Signature]  
Name of Signing Official: Kevin Buzzard  
Title of Signing Official: Fleet Mgr  
Date: 6-8-2011

Company Seal:

State of California  
County of ORANGE

On this 16<sup>th</sup> day of June, 2011 before me, RAJENDRA C. AMIN, a Notary Public, personally appeared KEVIN BUZZARD, who proved to me on the basis of satisfactory evidence to be the person whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature Rajendra C. Amin (Seal)

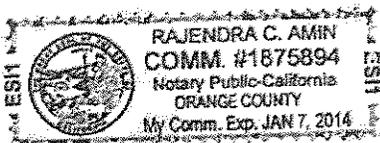


Exhibit "C"  
Attachment I  
GENERAL CONTRACT PROVISIONS

- A. **Successors and Assigns:** This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties.
- B. **Prohibition of Assignment:** Neither party shall assign, delegate or transfer their rights and duties in this Agreement without the written consent of the other party.
- C. **Notices:** Notice shall be sufficient hereunder if personally served upon the City Clerk of the CITY or an officer or principal of the CONTRACTOR, or if sent via the United States Postal Service, postage prepaid, addressed as follows:

CITY OF VISALIA  
707 W. Acequia Ave.  
Visalia, CA 93291  
Attention: City Clerk

CONTRACTOR  
*McPeck's Dodge of Anaheim*  
*1221 S Auto Center Dr Anaheim, CA 92806*  
Attention: *Kevin Buzzard*

- D. **Jurisdiction/Venue/Waiver Of Removal:** This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be in California. Any action brought to interpret or enforce this Agreement, or any of the terms or conditions hereof, shall be brought in Tulare County, California. The CONTRACTOR hereby expressly waives any right to remove any action to a county other than Tulare County as permitted pursuant to Section 394 of the California Code of Civil Procedure.
- E. **Integration/Modification:** This Agreement and each of the documents and exhibits or attachments referenced herein, which are incorporated by reference, represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by the parties, unless otherwise explicitly authorized.
- F. **Conflict With Law:** If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said law, but the remainder of the Agreement shall be in full force and effect.
- G. **Indemnification:** The CONTRACTOR waives any and all claims and recourse against the CITY, including the right of contribution of loss or damage to person or property arising from, growing out of, or in any way connected with, or incidental to the CONTRACTOR's performance of this Agreement, except claims arising from the concurrent or sole negligence of the CITY or its officers, agents or employees. The CONTRACTOR will indemnify, hold harmless, and defend (at CITY's option) the CITY against any and all claims, demands, damages, costs, expenses, or liability arising out of the CONTRACTOR's performance of this Agreement except for liability arising out of the concurrent or sole negligence of the CITY or its officers, agents, or employees.
- H. **Guarantees and Warranties:**
1. **IN GENERAL:** All guarantees and warranties specifically called for by the specifications and/or this Agreement shall expressly run to the benefit of the CITY.
  2. **WARRANTIES:** Warranties required by the Invitation to Bid or this Agreement shall commence on the date of acceptance of the product by CITY.

QUOTE  
 CITY OF LOS ALAMITOS  
 2012 DODGE CHARGER POLICE CAR  
 BLACK / WHITE PATROL  
 BASED OFF CITY OF VISALIA CONTRACT  
 RFB-10-11-71 / P.O#4554

INCLUDES OPTIONS	
29A DODGE CHARGER POLICE PKG	
5.7 LITER V-8	
HD CLOTH BUCKET SEATS W/CLOTH REAR	
FULL SIZE SPAIR	
4 KEYS/4 REMOTES	
BLACK LEFT SPOT LIGHT (LNF)	
MATCHING RIGHT SPOT LIGHT (LNA)	
BLACK VINYL FLOOR COVERING (CKJ)	
DEACTIVATE REAR DOORS/WINDOWS (CW6)	
KEY ALIKE (FREQ 1)	
POWER SEAT (JPR)	
POWER HEATED MIRRORS FOLD AWAY	
CAR TO BLACK AND WHITE	
SELLING PRICE	25,909.00
OPTIONS NEEDED AND NOT NEEDED	
DELETE CONVENIENCE GROPE 1	-427.00
(PWR/PASS SEAT- PWR/PEDELS)	
SUB TOTAL	25,482.00
SALES TAX 7.75%	1,974.85
CA TIRE TAX	8.75
<b>TOTAL FOR EACH CAR</b>	<b>27,465.60</b>

**NOTES;**

- 1 NEW WARRENTY FOR THE 2011 MODELS ARE  
3YR/36,000 ON THE CAR  
5YR/100,000 ON THE POWER TRAIN**
- 2 IF BALLISTIC DOORS ARE NEEDED PLEASE  
ADD 2,790.00 PLUS TAX TO QUOTE**
- 3 DELIVERY TIME IS 60-120 DAYS ARO**

McPeek's Dodge of Anaheim  
1221 AUTO CENTER DR  
ANAHEIM, CA 9280  
714-254-2613 OFC  
714-254-2614 FAX  
714-264-1867 CELL  
[KEVINB@MCPEEKDODGE.COM](mailto:KEVINB@MCPEEKDODGE.COM)

# City of Los Alamitos

## Agenda Report Public Hearings

August 15, 2011  
Item No: 8

**To:** Mayor Kenneth Stephens & Members of the City Council  
**Via:** Jeffrey L. Stewart, City Manager  
**From:** Todd W. Mattern, Chief of Police  
**Subject:** Supplemental Law Enforcement Services Fund (SLESF)

**Summary:** The Supplemental Law Enforcement Services Fund (SLESF) provides for the allocation of State funds to eligible local jurisdictions to enhance public safety. The City of Los Alamitos' portion of these funds for Fiscal Year 2011-2012 is anticipated to be \$100,000.

### **Recommendation:**

1. Conduct a public hearing for the allocation of the SLESF; and,
2. Adopt Resolution No. 2011-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE RECOMMENDED EXPENDITURE PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND."
3. Accept SLESF allocation in the amount of \$100,000 into account 22.4340, and appropriate a \$100,000 transfer to the General Fund to fully fund the motor officer.

### **Background**

In Fiscal Year 2000-2001, legislation was passed to enhance public safety by ensuring the continuation of the Supplemental Law Enforcement Services Fund (SLESF). This legislation also increased the allocation to at least \$100,000 per law enforcement agency with the intention to continue this level of funding for at least three years. It is anticipated that this funding will continue to be offered to local jurisdictions for Fiscal Year 2011-2012.

Legislation stipulates the SLESF be used exclusively for front line law enforcement. The intent of the legislation is to increase the number of police officers in the community; however, as defined in the legislation, front line uses may also include gang/youth diversionary programs as well as crime prevention programs. The funds may be used for personnel and/or equipment, but shall not be used to supplant any existing funding for law enforcement services already provided by the City. The SLESF Law Enforcement Oversight Committee reviews the expenditures within the County each year and, in compliance with program requirements, an "Expenditure Intent" plan was submitted by City staff to that committee for review in July.

## Discussion

The motorcycle officer continues to be an integral part of the traffic safety program in Los Alamitos and has been funded by the SLESF for several years. If approved by City Council, this year's funds will again be designated to offset personnel costs for the "overfill" motorcycle officer.

## Fiscal Impact

It is anticipated that the Supplemental Law Enforcement Services Fund will provide \$100,000 in Fiscal Year 2011-2012 for the Police Department's Traffic Safety Program, which is supported by this State funding allocation.

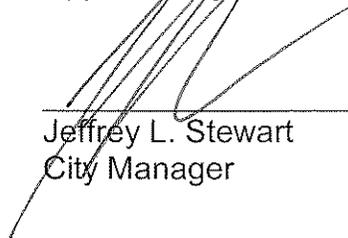
Submitted By:



---

Todd W. Mattern  
Chief of Police

Approved By:



---

Jeffrey L. Stewart  
City Manager

Attachment: 1) Resolution No. 2011-13

**RESOLUTION NO. 2011-13**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE RECOMMENDED EXPENDITURE PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND**

**WHEREAS**, the State of California allocates Supplemental Law Enforcement Services Funds (SLESF) to local law enforcement agencies for front line law enforcement services; and,

**WHEREAS**, the City of Los Alamitos receives an annual allocation of \$100,000 for personnel, equipment, or programs to support front line law enforcement services; and,

**WHEREAS**, the Supplemental Services Fund may not be used to supplant any other existing funding; and,

**WHEREAS**, the Orange County Supplemental Law Enforcement Oversight Committee is responsible for reviewing and approving proposed and actual SLESF expenditures for all local agencies in the County of Orange; and,

**WHEREAS**, a public hearing is held to give the community the opportunity to comment on the proposed use of these funds; and,

**WHEREAS**, the City Council shall appropriate anticipated money exclusively to front line municipal police services, in accordance with written requests submitted by the Chief of Police.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:**

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

SECTION 2. The City Council hereby approves the allocation of the Supplemental Law Enforcement Services Fund for personnel costs and supplies for a Police Motorcycle Officer, which is an overfill position in the Police Department.

SECTION 3. The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 15th day of August, 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra Levin, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) ss  
CITY OF LOS ALAMITOS    )

I, Adria M. Jimenez, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a meeting of the City Council held on the 15<sup>th</sup> day of August, 2011, by the following vote to wit:

AYES:           COUNCILMEMBERS:

NOES:           COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Adria M. Jimenez, CMC, City Clerk

# City of Los Alamitos

## Agenda Report Discussion Items

August 15, 2011  
Item No: 9A

**To:** Mayor Kenneth Stephens & Members of the City Council  
**From:** Jeff Stewart, City Manager  
**Subject:** Council Discussion Regarding Potential Request for Sanctions  
Regarding Public Comments Made by Brad Sheridan

### Summary:

The City Council discussed this item on August 1, 2011 and requested that the issue be placed on the next agenda for further discussion. The City Attorney has reviewed a transcript of the comments made by Brad Sheridan on June 7, 2010. There is no further recommended action on this issue.

**Recommendation:** 1) Receive and file.

### Background and Discussion

Staff reported on August 1, 2011 that previous analysis of public comments made by Brad Sheridan on June 7, 2011 did not reach the threshold of requiring action to report the comments to the California State Bar as a potential ethics violation. Pursuant to Council direction at that meeting, this item has been placed on agenda for further discussion. Attached is a verbatim transcript of the comments to be discussed. It is clear that they impart a view that the action to be considered by the Council on June 7, 2010, in Mr. Sheridan's view, was improper. Additionally, Mr. Sheridan stated:

"...I want you to know that we, the residents of Los Alamitos, we will not let you request, or certainly receive any city funds or taxpayer funds when you're defending your, the actions against you by the District Attorney for corruption and other items that relate to this decision. You still have time to change your mind, let's hope you make it, the right decision."

The quote implies that there may be intervention by the Orange County District Attorney's office to stop the Council's subsequent action to award a solid waste collection franchise (a prediction that, of course, did not come to pass), and expressly states that Mr. Sheridan would act to ensure that taxpayers would not be responsible for any criminal defense that might result.

The City Attorney was asked to review whether this statement violated the California Rules of Professional Conduct, specifically the rule prohibiting attorneys from threatening criminal charges. The Rules are "intended to regulate professional conduct

of members of the State Bar through discipline.” Rule 1-100. The particular Rule of Professional Conduct in question here states: “A member shall not threaten to present criminal, administrative, or disciplinary charges to obtain an advantage in a civil dispute.” California Rules of Professional Conduct, Rule 5-100.

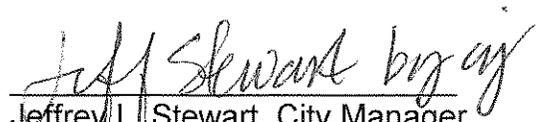
In this case, the comments did not specifically state or imply that Mr. Sheridan was engaged in professional conduct as a member of the bar at the time he made the comments, nor did they state or imply that he, as a lawyer, would initiate litigation against the City on behalf of himself or a client. Rather, the statement presumed that – through an unidentified means – the District Attorney might take action.

Accordingly, it is the City Attorney’s opinion that the content of Mr. Sheridan’s comments on June 7, 2010 do not establish a violation of the Professional Rules of Conduct.

### **Fiscal Impact**

None

Submitted By:

  
Jeffrey L. Stewart, City Manager

Attachments: Transcript of comments made by Brad Sheridan on June 7, 2010

City Council Meeting – June 7, 2010

Mr. Brad Sheridan's Comments during Oral Communications:

*"Good evening, ah, Brad Sheridan, live on Bennington Street in our City, Los Alamitos, on January 5, 2009, you, the City Council made a covenant with the Los Alamitos residents. That covenant was published, and anyone who wishes to read about it in the News Enterprise back then, or in, or in our City Hall, you can find it. That covenant, we know a covenant is a promise, and in that covenant, it said, "we resolve to always place the community's best interest above our own personal preferences." Well, you broke that promise when you decided to enter into a waste management contract with Consolidated Disposal, who happens to be the company that gave \$21,000 to you for your election campaigns. Your personal preference is obviously to reward the company who paid to get you elected, makes sense. But your kickback of \$6 to 9 million dollars to that company is clearly not in the best interest of Los Alamitos' residents. Especially in this recession...you would've cancelled the Fourth of July Celebration if we didn't, for budgetary reasons, if we didn't have some wonderful people step up and give private donations. But you have no problem lining the pockets of Consolidated Disposal and those related to it for buying your seats into the City Council, and that's a shame. Your covenant also said, "...we resolve to conduct all business openly and transparently, in accordance with the City Municipal Code." There's other codes mentioned too, but City Municipal Code section 2.60 clearly states contracts shall be awarded to the City Council, by the City Council to the lowest responsible bidder. Consolidated Disposal, on the other hand, was the highest bidder and yet they're the ones who gave \$21,000 to you, interesting. You violated the municipal code, and your covenant to advance your own agenda to reward your election partner with a \$6 to \$9 million dollar gift of our tax dollars. Ironically, though, I don't want to leave out the good news, you did choose to fulfill one paragraph of your covenant, the paragraph which states, "...elected officials should never forget who placed them in office." Your gift of \$6 to \$9 million dollars of tax payer money and a ten year contract to the company who gave you \$21,000 not too long ago, shows everyone that you only honor the covenant for those who pay for them. While we are on the topic of payment at the moment, I want you to know that we, the residents of Los Alamitos, we will not let you request, or certainly receive city funds or tax payer funds when you're defending your, the actions against you by the District Attorney for corruption and other items that relate to this decision. You still have time to change your mind, let's hope you make it, the right decision. Thank you."*



# City of Los Alamitos

## Agenda Report Discussion Items

August 15, 2011  
Item No: 9B

**To:** Mayor Kenneth Stephens & Members of the City Council

**From:** Jeff Stewart, City Manager

**Subject:** Policy Direction Regarding Travel to 2011 League of California Cities Conference and California Joint Powers Insurance Authority (CJPIA) Annual Risk Management Educational Forum

### Summary:

This item was placed on the agenda at the request of Councilmember Kusumoto. The League of California Cities will hold its Annual Conference next month in San Francisco. The California Joint Powers Insurance Authority (CJPIA) will host its Annual Risk Management Forum in late October. To date, the City has not instituted a ban on out of town travel. However, the Council has been selective about the meetings and conferences attended by staff and members of the City Council. Staff is seeking policy direction with regard to the City's representation at the League and CJPIA annual meetings.

**Recommendation:** 1) Provide direction regarding attendance at the 2011 League of California Cities Annual Conference and the California Joint Powers Insurance Authority Annual Risk Management Forum by members of the City Council and staff.

### Background and Discussion

In past years, members of the City Council and staff have attended "out-of-town" conferences held by the League of California Cities, SCAG and other Associations. During the last two fiscal years, staff and Council have attended only a handful of out-of-town conferences. The last time a member of the Council and staff traveled to attend the full League annual conference, for example, was in 2009. Former Councilmember Zarkos also drove to the Annual Conference in San Diego last year for one day to participate in the annual vote on League Resolutions.

This year the League's Annual Conference will be held in San Francisco from September 21 through September 23, 2011. The Conference always proves to be informative and the this year's event should prove to be equally worthwhile. (The Conference Program has been attached for the Council's review). Additionally, the CJPIA is hosting its annual Risk Management Educational Forum from October 26 through October 28 in Indian Wells. The CJPIA is a highly professional organization, and its events generally prove to be detailed, experience-based discussions of municipal loss control and risk management techniques.

It is clear that during the current difficult fiscal times, it is prudent to carefully consider every dollar spent for travel. Both the League and CJPIA have a history of planning worthwhile and educational forums. It is appropriate that the City Council consider and provide direction regarding attendance at these events by members or the City Council and/or staff.

## **Fiscal Impact**

The estimated cost of one person attending both conferences is \$1,700.00. The CJIA Forum provides for free registration, but rooms at the Conference Hotel are \$200.00/day. Including meals and travel costs, the CJPIA Forum should not exceed \$500.00. The League Annual Conference registration fee is \$525.00/person. Hotel cost is also approximately \$200/night. Including travel costs and meals, the total cost of attending that conference is approximately \$1,200.00/person

Submitted By:



---

Jeff Stewart, City Manager

Attachments:    1) *League of California Cities 2011 Annual Conference Program.*  
                         2) *California Joint Powers Insurance Authority 2011 Risk Management Educational Forum Program.*

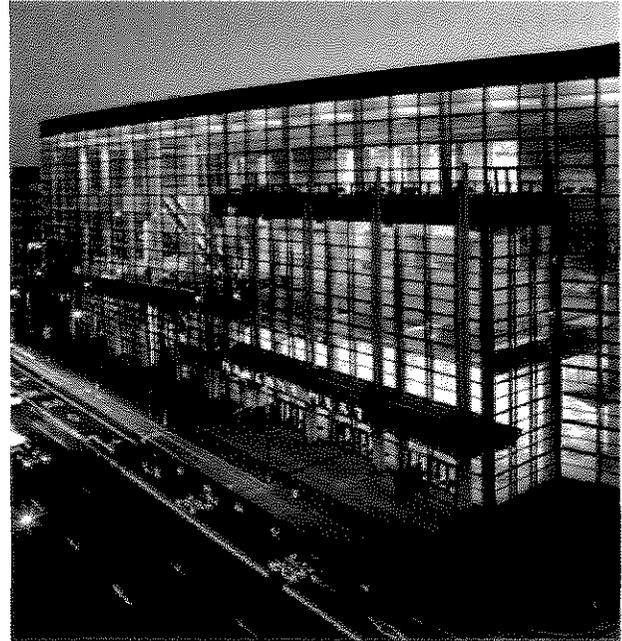


## The value of your registration includes:

- \* Electronic access to all program materials
- \* Admission to all sessions and the Expo
- \* One breakfast and two lunches
- \* Host City and Caucus Receptions

**OPTION ONE** (credit card) - Register online for Conference confirmation and a link to online Headquarter Hotel reservations

**OPTION TWO** (check) - Full payment must accompany the registration form. Print the check registration form to mail with payment. Fax registrations are not accepted. Check payable to the League of California Cities. The League is unable to accept purchase orders. After Tuesday, August 30, register onsite.



### Onsite Badge Pick Up

You must pick up an official 2011 Annual Conference badge at the registration desk at Moscone West Convention Center. be open:

Wednesday, September 21 ..... 8:30 a.m. - 6:00 p.m.  
 Thursday, September 22 ..... 7:30 a.m. - 4:00 p.m.  
 Friday, September 23 ..... 7:30 a.m. - 10:00 a.m.

If you have questions, please contact the League Conference Registration Office at (916) 658-8291.





## Tentative Schedule of Events

as of April 2011 (Schedule Subject to change)

### Wednesday, September 21

8:30 a.m. - 6:00 p.m.	Registration Opens at Moscone West Convention Center
9:00 - 10:30 a.m.	Thursday policy committees
11:00 a.m. - 12:30 p.m.	Friday policy committees
12:30 - 1:30 p.m.	First Time Attendee Orientation
2:00 - 3:30 p.m.	Department Meetings <i>(conference registration required)</i>
4:00 - 6:00 p.m.	Opening General Session - Annual Report & Keynote Address
6:00 - 7:00 p.m.	Host City Reception <i>(No competing events are permitted at this time)</i>
7:15 p.m.	Sixth Annual Leadership Gala Casino Night

### Thursday, September 22

7:30 a.m.	Registration Open
8:00 - 9:30 a.m.	Concurrent Sessions
9:45 - 10:45 a.m.	General Session - Keynote Address
11:00 a.m. - 5:00 p.m.	Expo Open <i>(11:00 a.m. - 1:00 p.m. Expo exclusive hours)</i>
11:45 a.m. - 1:00 p.m.	Lunch on Expo Floor
1:15 - 2:45 p.m.	Concurrent Sessions
3:15 - 4:45 p.m.	Concurrent Sessions
4:00 - 5:30 p.m.	General Resolutions Committee
Evening	Caucus Networking Receptions

### Friday, September 23

7:30 a.m.	Registration Open
7:30 - 8:45 a.m.	Regional Networking Breakfasts <i>(additional fee may apply)</i>
8:15 - 9:30 a.m.	Board of Directors & League Partners Recognition Breakfast
9:00 - 10:30 a.m.	Concurrent Sessions
9:30 - 11:00 a.m.	Board of Directors Meeting
10:15 a.m. - 1:45 p.m.	Expo Open <i>(12:15 - 1:30 p.m. Expo exclusive hours)</i>
11:00 a.m. - 12:15 p.m.	Concurrent Sessions
12:15 - 1:30 p.m.	Expo Lunch-around
1:30 - 2:30 p.m.	Featured Closing Sessions
2:30 - 4:00 p.m.	Closing General Session Keynote Address, Installation of New Board and Officers Concluding Annual Business Meeting - General Assembly <i>(voting delegates required to register and stay until conclusion)</i>

[www.cacities.org/ac](http://www.cacities.org/ac)



## Featured Speakers

Wednesday, September 21



Featuring keynote speaker **Chris Vein**, Deputy U.S. Chief Technology Officer, Executive Office of the President, White House, Washington DC and past Public Information Officer, San Francisco.

Thursday, September 22



Enjoy a morning conversation with **Dave Barry**, humor columnist and Pulitzer Prize winner for Commentary. For 25 years he was a syndicated columnist whose work appeared in more than 500 newspapers in the United States and abroad.

Friday, September 23



**Dom Sagolla** helped create Twitter in 2006 and authored *140 CHARACTERS: Style Guide for Short Form*. In the digital age, it has become increasingly important to harness the power of well-written short sentences with simplicity, honesty, and humor. Find out how elected officials have used this communication format for effective community engagement, creating issue buzz and winning campaigns.



## Wednesday, September 21

### Registration Opens

8:30 a.m. - 6:00 p.m.

### Thursday Policy Committees

9:00 - 10:30 a.m.

#### Public Safety

#### Employee Relations

### City Clerks Department Pre-Conference Workshop

#### Public Hearings: the Good, the Bad, and the Complicated

10:30 a.m. - 3:00 p.m. (additional registration fee of \$100 per person, accredited for 1 CMC Education point or 1 MMC Advanced Education point). Public hearings are good because they encourage citizen participation and transparency in government. Hear how public hearings can get out-of-control situations result in new case law and legislation. Learn about the complicated processes associated with public hearings and the implications of Proposition 26.

#### Speakers:

Michael Jenkins, City Attorney, Cities of Diamond Bar, Hermosa Beach, Rolling Hills and West Hollywood, Jenkins & Hogin, LLP  
Betsy Strauss, Special Counsel, League of California Cities

### Friday Policy Committees

11:00 a.m. - 12:30 p.m.

#### Revenue and Taxation

#### Administrative Services

### First Time Attendee Orientation

12:30 - 1:30 p.m.

Join League leadership and staff as you begin your first annual conference experience. Hear about the League and most importantly, how to get the most out of your conference attendance.

### Department Meetings

2:00 - 3:30 p.m.

### Opening General Session

4:00 - 6:00 p.m.

### Host City Reception

6:00 - 7:00 p.m.

### Sixth Annual Leadership Gala Casino Night

7:15 p.m.

In conjunction with the hospitality reception hosted by Willdan, Keenan & Associates and Piper Jaffray, CitiPAC will present Leadership Gala Casino Night. Join the League Board of Directors for this exciting evening of entertainment. This year's event will take place on Wednesday, September 21st at the beautiful St. Regis Hotel located just one block from the Moscone Center. The event begins at 7:15 p.m. Entry is free and casino chips are available for a suggested contribution of \$50 per person and \$75 per person. All proceeds for this event go to support CitiPAC.



## Thursday, September 22

### Registration Opens

7:30 a.m. - 4:00 p.m.

### Concurrent Sessions

8:00 - 9:30 a.m.

#### Hot Topics in Labor Negotiations

Cities can count on one another to share similar experiences during the labor negotiation process. Learn about the topics at table and trends that are occurring across California. Hear ideas, alternatives, and actions to keep you out of hot water and hot topics.

##### Speakers:

Peter Brown, Partner, Liebert Cassidy Whitmore  
Jeff Kolin, City Manager, Beverly Hills

#### Smart Grid: What Cities Can Expect

During 2011, the three investor owned utilities will have submitted required plans on how to transform to a grid that is more reliable, and technologically advanced. Explore how citizens and government will be dramatically impacted by electrical vehicle greater use of renewable energy, improve energy efficiency, educate workforces, and how to save energy and money with e

##### Speakers:

Lee Krevat, Director, Smart Grid, San Diego Gas & Electric  
Reiko Takemasa, Sr. Product Manager, Electric & Natural Gas Vehicles, Pacific Gas & Electric Company  
Dean Taylor, Senior Program Project Manager, Plug-In Electric Vehicle Readiness, Advanced Technology, Southern California Edison

#### Fire Management Service Consolidation: Expanding Service While Reducing Inefficiencies

Learn how four jurisdictions have consolidated fire protection management service to expand service for all jurisdictions while costs. Discuss consolidation challenges and opportunities with the key players who pushed to make this public sharing idea

##### Speakers:

Tony Michel, Fire Protection District Fire Chief, Rancho Santa Fe  
Mark Muir, Fire Chief, Encinitas  
David Ott, City Manager, Solana Beach

#### Current Developments in Finance Law & Policy

Provide a legal update on Proposition 26 and understand developments under other Propositions, such as 13, 62 and 218. current finance policy developments in the Capital that directly impact local government.

##### Speakers:

Michael Colantuono, Attorney, Colantuono & Levin, PC, Auburn & Calabasas  
Michael Coleman, Fiscal Policy Advisor, League of California Cities, CaliforniaCityFinance.com

#### Signs of a Successful Downtown

Learn how to revitalize your city through effective zoning and land-use signage regulations. In a mobile society, well-designed and commercial business signage is key to navigating the community and sets the tone for business success or failure. Explore thinking about signage, community branding, and how to draft zoning codes to achieve mutually beneficial business and goals. Review the latest data and studies on electronic message signs.

##### Moderator and Speaker:

Jeff Aran, Government Affairs Director, California Sign Foundation

##### Speakers:

Joanne Bouldt Sanders, Mayor Pro Tem, Sonoma  
Joseph Horwedel, AICP, Director, Planning, Building and Code Enforcement, City of San Jose

#### Approaches to Immigrant Integration in California Cities: Opportunities for Local Officials

California's cities are home to an increasing number of recent immigrants and their families. The successful integration of new the civic and political life of their broader community offers opportunities to strengthen cities and local governance. Hear from leaders whose support efforts include: building relationships between foreign-born and native-born populations, supporting local engagement, and providing resources to support eligible legal residents to become citizens. Planned with the Institute for Local Government.

##### Speakers:

Patricia Brown, Executive Director, Redwood City 2020  
David Knapp, City Manager, Cupertino  
[www.cacities.org/ac](http://www.cacities.org/ac)

Blong Xiong, District 1 Council Member, Fresno

### General Session

9:45 - 10:45 a.m.

### City Managers Department Business Meeting

10:45 - 11:45 a.m.

### Expo Open

11:00 a.m. - 5:00 p.m.

Meet sellers face-to-face inside the League's 34th Annual Expo inside the exhibit hall. The League has pooled resources from 225 city-government product and service-related companies to help communities do a better job of self-government and provide opportunities to network and conduct business. Exhibitors display a wide array of products and services including wireless technology systems, financial services, insurance, lighting, ordinance codification, water and wastewater supplies and many more.

### Lunch in Expo Hall

11:45 a.m. - 1:00 p.m.

### Concurrent Sessions

1:15 - 2:45 p.m.

### City Attorneys

- Department Business Meeting
- Land Use and CEQA Litigation Update  
*Speaker: Andrew W. Schwartz, Shute Mihaly & Weinberger*
- Liquor Stores, Bars and Nightclubs: Conditional Use Permits and Best Practices for Regulating Alcohol Sales  
*Speaker: Steven T. Mattas, Meyers Nave*

### Parliamentary Procedure for Mayors and Council Members

Need a refresher to make your meetings effective and procedurally correct? Review practical parliamentary procedure for cities to include and inform the public, how to run effective meetings, and how to handle difficult members.

*Speaker:*

David Rosenberg, Judge, Superior Court, Yolo County

### Public Contracting Alternatives and Challenges in a Fiscally Constrained Environment

Become aware of alternative contract delivery methods (design-build, design-build-operate, etc.) for public works projects and their use. Regardless of the method, the challenge to actively oversee the project remains the same. Manage ultra-low bid contractors and contractors who try to increase their profits by gaming the system. Discuss when forcing the work for bid may be a decision for both parties. Understand the value and complexity of project/construction management across the spectrum of alternatives.

*Speakers:*

Randy L. Breault, P.E., Director of Public Works / City Engineer, Brisbane  
Joseph L. Seibold, P.E. FCMAA, Executive Vice President, ARCADIS U.S., Inc.  
Paul W. Taylor, Of Counsel, Hefner Stark & Marois, LLP

### CEQA and Greenhouse Gases: Lay Perspectives on CEQA's New Regulations

In 2010, new guidelines implementing the California Environmental Quality Act require cities to consider the effects of greenhouse emissions from new projects. Gain a lay-person's explanation of what the new guidelines do and do not require. Determine if a project's greenhouse gas emissions are significant and thus must be considered, what types of mitigation measures are appropriate and how to streamline the process. Highlight local agency experiences implementing the new rules, practice tips and lessons learned.

*Speakers:*

Christopher Calfee, Senior Counsel, Governor's Office of Planning and Research, State of California  
Diane Jenkins, AICP, Principal Planner, Community Development Department, Planning Division, Riverside

### Retail Landscape - the Facts and the Future

The economic slowdown has had a major impact on the bottom line and expansion plans of the nation's retailers. Retail vacancy is a major challenge, with a snowball effect on co-tenancies and sales tax revenue. However, a small minority of retailers continue to survive and some are expanding. Look at what shopping center formats are performing poorly and address the impact of the recession on strip and downtown retail. Adopt strategies to re-use empty "big boxes" and auto dealerships. Adopt tactics to revitalize underperforming retail.

*Speakers:*

Kelly Kline, Economic / Redevelopment Manager, Cupertino  
Robert Montano, Project Manager, Economic Development Division, Office of the City Manager, Pasadena  
Craig Semmelmeier, Principal, Main Street Property Services

### Caught in the Net: Tools and Tips for Managing Employee Misconduct and Other Issues in Social Media

Facebook, Twitter, MySpace, Blogging issues arising from employee social networking are becoming more prevalent in the workplace.

Address ways to respond to inappropriate employee use of new media. Identify when employers can use this same media, confines of the law, in hiring, investigations and discipline. Discuss privacy, speech rights, and best practices for public age employees.

*Moderator and Speaker:*

Laura Kalty, Associate, Liebert Cassidy Whitmore

### **Inundated by Storm Drain Costs?**

Gain perspective on the current storm drain requirements and the increased efforts required by the rules of the National Pollutant Discharge Elimination System (NPDES) and the Regional Water Quality Control Boards' actions. Evaluate the impact and upcoming increased requirements for eliminating trash and other pollutants from the storm water. Discuss funding strategies case studies.

*Moderator and Speaker:*

Jeanette Hahn, Director of Financial Consulting, NBS

*Speakers:*

Dan Schaaf, Principal, Schaaf & Wheeler

Joe Teresi, Senior Engineer, Public Works Engineering, Palo Alto

### **Concurrent Sessions**

3:15 - 4:45 p.m.

#### **City Attorneys**

3:15 - 4:45 p.m.

- General Municipal Litigation Update

*Speaker:* Wynne S. Furth, Burke, Williams & Sorensen

- City Council Salaries and Benefits

*Speaker:* Brian M. Libow, City Attorney, San Pablo

### **Turning Civic Passions into Action: Volunteers as Strategic Resources for Cities**

Offer participants understanding of the value, and the strategic and planned use of volunteers to augment city services during economic times. Topics include the many different roles that volunteers can play, the importance of city leadership and over required for success and approaches to build service partnerships with community organizations. Identify cities of service per cost/benefit considerations, and the funding sources to support these programs. Planned with the Institute for Local Government

*Speakers:*

Keith Hart, Chief Service Officer, Office of the Mayor, Sacramento

Sue Irey, Community Volunteer Coordinator, Carlsbad

Tish Sammon, Community Resources Manager, Monterey

### **Engaging Public Employees in Uncertain Times**

The success and stability of an organization is highly dependent upon keeping employee motivation levels high. During budget layoffs, employees may be frustrated, disengaged, and looking for answers. Maintaining high levels of employee engagement not impossible. Focus on challenges faced by public sector agencies and discuss ways to keep employees motivated and face the most challenging of circumstances.

*Speaker:*

Marnie Green, Principal Consultant, Management Education Group, Inc.

### **Using Council Protocols to Build Consensus and Make Ethical Decisions**

In an environment with growing public mistrust, local government needs powerful tools to help build consensus and respect members while laying down clear guidelines for official conduct and ethical decision making. Having a Council work together and then implement protocols is a productive method of discussing difficult but necessarily addressed issues regarding transparency, expressing dissent, communicating the City's message to the public, managing Council relationships with consultants and vendors, and how to make decisions in a manner that solidifies community trust.

*Speakers:*

Tom Chavez, Mayor, Temple City

John Danielson, Danielson Associates

Judy Nadler, Senior Fellow, Government Ethics, Markkula Center for Applied Ethics, Santa Clara University

### **Back to Basics - Fire Chiefs Survival Guide**

Join this annual question and answer dialogue, for both veteran and aspiring fire chiefs, to open the doors on everything from art/piercings to labor negotiations. Understand new ways to overcome everyday challenges from your peers' real-life successes.

*Speaker:*

Bruce Martin, Fire Chief, Fremont

### **Parking - Enforcing Large Vehicle Restrictions and other Community Concerns**

A common problem in many communities is long-term parking of RVs and other oversized vehicles on city streets. Reveal how communities worked collaboratively to craft an ordinance to meet vehicle owner needs of RV while addressing public safety and aesthetic concerns. Weigh the pros/cons of strict bans. Discuss other areas of concern, such as local meters and ticketing, speed bumps and

*Speakers:*

Scott Mitnick, City Manager, Thousand Oaks

Ariel Pierre Calonne, City Attorney, San Buenaventura

#### **When Flat is the New Up. Economic Development Tools for the New Reality**

The economic expansion of the last two decades was primarily developer driven. The coming decade's focus will be more on revitalization and will require a more systematic and strategic approach by local governments particularly for smaller community market areas. Concentrate on innovative approaches to business targeting and financing, use land leases to create businesses and leverage new opportunities from businesses already in the community.

*Speakers:*

Lloyd de Llamas, Partner, HdL Companies

Julio Fuentes, City Manager, Alhambra

Rick Gittings, Hilltop Group, Inc.

#### **Library Services for Today and Tomorrow**

Are traditional library service models sustainable? Hear about innovative staffing approaches and how volunteers fit in. What if the printed book becomes obsolete and where does technology fit into a post print world? Identify community impact and implications of closing under-performing library branches. Examine the library's role in e-government to streamline and consolidate intergovernmental activities. Tackle big questions about the future of public libraries, such as innovative approaches to library technology, facilities, and more.

*Moderator and Speaker:*

Joan Frye Williams, Library Consultant and Futurist

*Speakers:*

Kim Bui-Burton, Community Services and Library Director, Monterey

Lisa G. Rosenblum, Director of Library and Community Services, Sunnyvale

#### **General Resolutions Committee**

4:00 - 5:30 p.m.

#### *Evening Networking*

#### **Gay Lesbian Bisexual Transgender Reception**

6:00 - 8:00 p.m.

#### **Women's Caucus Reception**

6:30 - 8:30 p.m.

#### **Latino Caucus Gala Reception**

6:00 - 9:00 p.m.

#### **Asian Pacific Islander Caucus Reception**

9:00 p.m. - 12:00 a.m.



## Friday, September 23

### Registration Opens

7:30 - 10:00 a.m.

### Regional Networking Breakfasts

7:30 - 8:45 a.m.

### Concurrent Sessions

9:00 - 10:30 a.m.

#### City Attorneys

- FPPC Update

*Speaker:* Robert F. Epstein, City Attorney, San Rafael, Ragghianti Freitas

- Private Development or "Public Work?" Update on Case Law, Administrative Decisions and Legislation affecting California

#### Wage Laws

*Speaker:* Ethan Walsh, Best Best & Krieger

- Labor and Employment Litigation Update

*Speaker:* John A. Ontiveros, Jackson Lewis

### Linking Generational Differences for a Stronger City

For the first time in history, there are four generations in the workplace. Managing their unique perspectives and expectations is challenging. Highlight what the different generations bring to the table and how to effectively motivate each. Examine perspectives on authority, respect, feedback, and reward. Identify the role of human resources and management to help eliminate bias and stereotypes that exist about each generation.

*Speaker:*

Jennifer Brown Shaw, Esq., Partner, Shaw Valenza LLP

### Leadership Strategies in Times of Economic Meltdown

With budgets cut to the bone, leaders' abilities to respond to new needs is increasingly constrained. Identify specific strategies for leading during these tumultuous times, including identifying the core of what the city wants to offer its residents, supporting risk-taking in pursuit of innovation, collaborating with private, nonprofit and other partners. Address how to maintain and/or grow an organization's talent pool to meet the challenges of the day. Planned with the Institute for Local Government.

*Speakers:*

Frank Benest, Senior Advisor, ICMA

Greg Larson, Town Manager, Los Gatos

### Winning Marketing and Networking Strategies For Economic Development Success

Building successful business attraction/economic development programs is more important than ever for California cities facing tight budgets. New businesses mean jobs and a jolt to a community's economic health. Use marketing strategies and ways to recruit corporate leaders to create profitable economic development programs. Learn marketing strategies, understand which industries to target and communicate key messages. Develop a social media program that will entice businesses to move in and specific corporate efforts that city staff can implement.

*Moderator and Speaker:*

Dennis Erokan, President, The Placemaking Group

*Speakers:*

Scott Corey, Marketing Manager, Suisun City

Curt Johnston, Economic Development Division Manager, Fairfield

### Got Nightlife? Harness Sociability as an Economic Engine

Whether your city has too little nightlife or too much, shed light on how to sustain safety and vibrancy. Find out the secrets and lessons learned. Collaboration between diverse stakeholders is critical. Learn how agencies work together to support business and retention, license and regulate nightlife venues, and coordinate city resources. Take away practical tools to address the challenges with public safety, noise, trash and disturbances.

*Speakers:*

Jocelyn Kane, Executive Director, San Francisco Entertainment Commission

Rachael Snedecor, Executive Director, Livermore Downtown, Inc.

Leland Wilcox, Downtown Manager, City Manager's Office, San Jose

[www.cacities.org/ac](http://www.cacities.org/ac)

### **Underfunded Landscape and Lighting Districts: Ending General Fund Subsidies**

Many districts were formed before voters approved Proposition 218, most cities have been hesitant to deal with their fiscal issues. Cities can no longer afford to ignore the general fund subsidization of special benefit assessment districts. Hear success stories from agencies that employed a cost effective holistic approach that not only ensured Prop. 218 compliance, but resulted in a projected increase in the per parcel benefit assessments that are collected, ending general fund subsidies and freeing up vast discretionary dollars.

*Speakers:*

Catherine Lew, President & CEO, The Lew Edwards Group  
Tom Tait, Public Works Director, Arcadia

### **Beacon Award - Recognizing Local Leadership in Sustainability and Climate Change**

9:45 - 10:45 a.m.

The Institute for Local Government's sustainability and climate change recognition program celebrates cities and counties that reduce greenhouse gas emissions, save energy and promote sustainability. Join us to exchange ideas about sustainability activities. Other participants are meeting the award recognition criteria, ask questions about the program and recognize program participants.

### **Expo Open**

10:15 a.m. - 1:45 p.m.

Spend time on the final day to meet city-government related businesses that can solve your product and service needs and community to find budget solutions. Visit the League Partners lounge for prize drawings and a Tweet-up with Dom Sagolla.

### **Concurrent Sessions**

11:00 a.m. - 12:15 p.m.

#### **City Attorneys**

11:00 a.m. - 12:15 p.m.

- Municipal Tort and Civil Rights Litigation Update

*Speaker:* Eugene P. Gordon, Office of the City Attorney, San Diego

- Gang Injunctions: How to Get One – What You Know is Out of Date

*Speaker:* Tricia L. Hynes, Esq., Meyers Nave

### **Pension Adequacy: Myth, Magic, or Scare Tactics**

A great deal of discussion centers on pension sustainability. Dissect the myths of how much retirement income a person needs. Do the PERS formulas match (or exceed) those needs. Demystify the idea that pensions can never change as we explore both short- and longer-term available options to reduce costs within the system and still provide pensions which meet the needs of the employees.

*Speakers:*

John Bartel, President, Bartel Associates  
Travis Gaertner, FSA, EA, MAAA, Aon Hewitt  
Paul Navazio, Interim City Manager, Davis

### **Strategic Use of Roundabout Intersections**

The use of roundabout intersections has expanded following the lead of other States. Reasons include: capacity features suitable for road widening, increased safety; decrease in queuing accommodation of alternative modes; visual aesthetics; reduction in fuel consumption; and, air quality benefits. Local examples on local street and State Highway connections include: Grass Valley with freeway connections; Berkeley proposed roundabout interchange; Calistoga approved roundabout on SR-29; and, Chico corridor.

*Speakers:*

Fritz McKinley, PE, Building & Development Services Director, Chico  
Stephen Weinberger, PE, PTOE, Principal, W-Trans

### **Guide to Crisis Communications and Strategic Solutions**

Every city's affairs are being more closely scrutinized with a bias towards what's going wrong versus what's working well. The community and City Council reputational damage, intense media scrutiny, and personal liability. Learn from seasoned professionals who have experience in dealing with a wide range of local, national and political issues. Identify new types of crisis plans to create messages and deliver them in today's high tech world.

*Speakers:*

Jeff Montejano, President Public Affairs, KCOMM  
Rod Pacheco, Former Riverside District Attorney, State Assemblyman, Partner, SNR Denton  
Patrick H. West, City Manager, Long Beach

### **Cities as Billboard Regulator, Billboard Landlord, and Billboard Operator**

In the age of digital conversion and street furniture advertising, many cities are considering partnerships with private companies to produce significant, new, non-tax revenue streams. Explore the financial, legal and policy considerations of such deals.

*Speakers:*

Dennis Hathaway, President, Coalition to Ban Billboard Blight  
Randal Morrison, Partner - Attorney, Sabine & Morrison

Jim Rinehart, Economic Development Director, Sacramento

### **Local Regulation of Medical Marijuana Dispensaries**

Overview California local agencies ability to regulate and/or prohibit medical marijuana dispensaries. Discuss relevant federal statutes, including the federal Controlled Substances Act, the California Compassionate Use Act, and the California Medical Program Act, as well as a discussion of recent appellate court decisions providing the parameters of medical marijuana dispensation in California. Address enforcement mechanisms available to local agencies.

*Speakers:*

Michael Fry, City Attorney's Office, Sacramento

Jonathan Hobbs, Attorney, Kronick Moskowitz Tiedemann & Girard

Steven Rudolph, City Attorney, Galt

### **Lunch in Expo Hall**

12:15 - 1:30 p.m.

### *Featured Closing Sessions*

1:30 - 2:30 p.m.

### **City Attorneys**

- MCLE: Elimination of Bias

*Speaker:* Ruthe Catolico Ashley, Esq., President & Founder, Diversity Matters

### **Twitter**

Dom Sagolla helped create Twitter in 2006 and authored 140 CHARACTERS: Style Guide for Short Form. In the digital age increasingly important to harness the power of well-written short sentences with simplicity, honesty, and humor. Find out how officials have used this communication format for effective community engagement, creating issue buzz and winning campaigns.

### **Paradigm Shift: Transparency, Sustainability & Accountability in Public Sector Employee Compensation**

Provide recent trends driven in largely by the significant economic downturn and the new scrutiny given to public sector compensation packages. Review where our cities have been: bankruptcy; efforts to repeal arbitration and impose reforms; scandal leading the Attorney General; and, labor unrest and mixed reactions to efforts to achieve concessions. Suggest a new and emerging transparency and fiscal sustainability with respect to labor and employment compensation packages.

*Moderator and Speaker:*

Art Hartinger, Principal and Chair of Labor and Employment Practice Group, Meyers Nave

*Speaker:*

Bob Deis, City Manager, Stockton

### **Financial Essentials: Community Involvement, Consolidations and Contracting for Services**

It is becoming increasingly clear that the new normal will not support traditional service delivery models. Cities must find less ways to provide and preserve both essential and quality of life services to their community. Creating and implementing these demands willingness to innovate, embrace change and promote a progressively oriented service delivery plan. Learn how to teach the community about these new models and insure support for their successful transition.

*Speakers:*

Mike Bakaldin, Public Works Services Director, San Leandro

Dan Drummond, Police Chief, West Sacramento

Mike Oliver, President, Municipal Resource Group

### **Closing General Session**

2:30 - 4:00 p.m.



## GENERAL INFORMATION

### Brown Act and League Conferences

The Brown Act permits the attendance of a majority of the members of a legislative body at a conference or similar gathering public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body. However, a majority of the members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the local agency's subject matter jurisdiction.

### First Timers Activities

Special arrangements to welcome first-time attendees include an orientation briefing on Wednesday, September 21, at 12:30 PM to check the First Time Attendee box during the online registration.

### Helen Putnam Award for Excellence

This program, supported by the League Partners, recognizes outstanding cities that deliver the highest quality and level of service in the most effective manner possible. Visit the special displays by cities that won the 2011 prestigious awards program and learn how they can adapt from their success.

### Institute for Local Government

The Institute for Local Government is the 501c3 research affiliate of the California State Association of Counties and the League of California Cities.

### Mayors and Council Members Academy

A training certificate program and consists of specific educational programs and community activities that enhance knowledge and skills needed to be more effective in office. Three levels include Leadership, Advanced Leadership, and Leadership in Action. You can participate in all three levels at the same time.

### Student Program

College students studying local government and who are not city employees may apply to volunteer at the conference to receive a \$100 or no cost registration, if their primary academic advisor makes such a request, in writing, to the League of California Cities Conference Registration. Limited volunteer opportunities are available. The 2011 Annual Conference will not offer a high school student program.



## HOW TO PARTICIPATE IN THE LEAGUE'S ANNUAL CONFERENCE RESOLUTIONS PROCESS

Policy development is a key part of the League's legislative effectiveness. The League's Annual Conference Resolutions process is a way that city officials can directly participate in the development of League policy. The 2011 Annual Conference Resolution Events identifies the key points in the process.

### Submission of Resolutions

Any elected or appointed city official, individual city, division, department, policy committee, or the board of directors may submit a resolution for consideration at the conference. Resolutions must be submitted to the League's Sacramento office no later than 10 days before the opening of the conference. Resolutions should focus on direct municipal issues of statewide importance.

### Consideration of Resolutions

The League President refers the resolutions to the League policy committees for review and recommendation at the Conference. Resolutions are next considered by the General Resolutions Committee (GRC), which consists of representatives from each department, policy committee and individuals appointed by the League President. Resolutions that are approved by the GRC are next considered by the General Assembly. Resolutions approved by the General Assembly become League policy. Other action on resolutions can be: refer back to a committee, amend, disapprove, or no action.

### Late-Breaking Issues

Resolutions to address late-breaking issues may be introduced by petition at the Annual Conference. To qualify, a petitioner must be signed by 10 percent of the voting delegates and submitted at least 24 hours before the beginning of the Conference. All qualified petitioned resolutions are forwarded to the General Assembly for consideration, regardless of the action recommended by the GRC. The petition resolution process should be reserved for late-breaking issues. If the parliamentarian finds that a petitioned resolution is identical or substantially similar in substance to a resolution already under consideration, the General Resolutions Committee may disqualify it.

## 2011 RESOLUTIONS CALENDAR AND DEADLINES

Before the Conference

#### Thursday, June 30

Deadline for submitting appointments to the General Resolutions Committee.

**Friday, July 22, 5:00 p.m.**, for submittals by regular mail; or **Saturday, July 23, midnight**, for submittals by e-mail or fax. Deadline for submitting resolutions to the League office.

#### Early August

Resolutions distributed to city officials and posted on the League website.

At the Conference

#### Wednesday, September 21

9:00 - 10:30 a.m. (Thursday committees)

11:00 - 12:30 p.m. (Friday committees)

Policy committees meet to review resolutions and make recommendations to the General Resolutions Committee on resolutions to each committee.

#### Thursday, September 22, 2:30 p.m.

Deadline to submit signatures to qualify a petitioned resolution.

[www.cacities.org/ac](http://www.cacities.org/ac)

**Thursday, September 22, 4:00 p.m.**

General Resolutions Committee meets to consider and make recommendations on resolutions.

**Friday, September 23, 2:30 p.m.**

Consideration of resolutions by cities in the General Assembly at the Annual Business Meeting.

(Voting Delegates must be registered at conference and must stay until conclusion of voting. They may register for Friday o



## HOTEL & TRAVEL

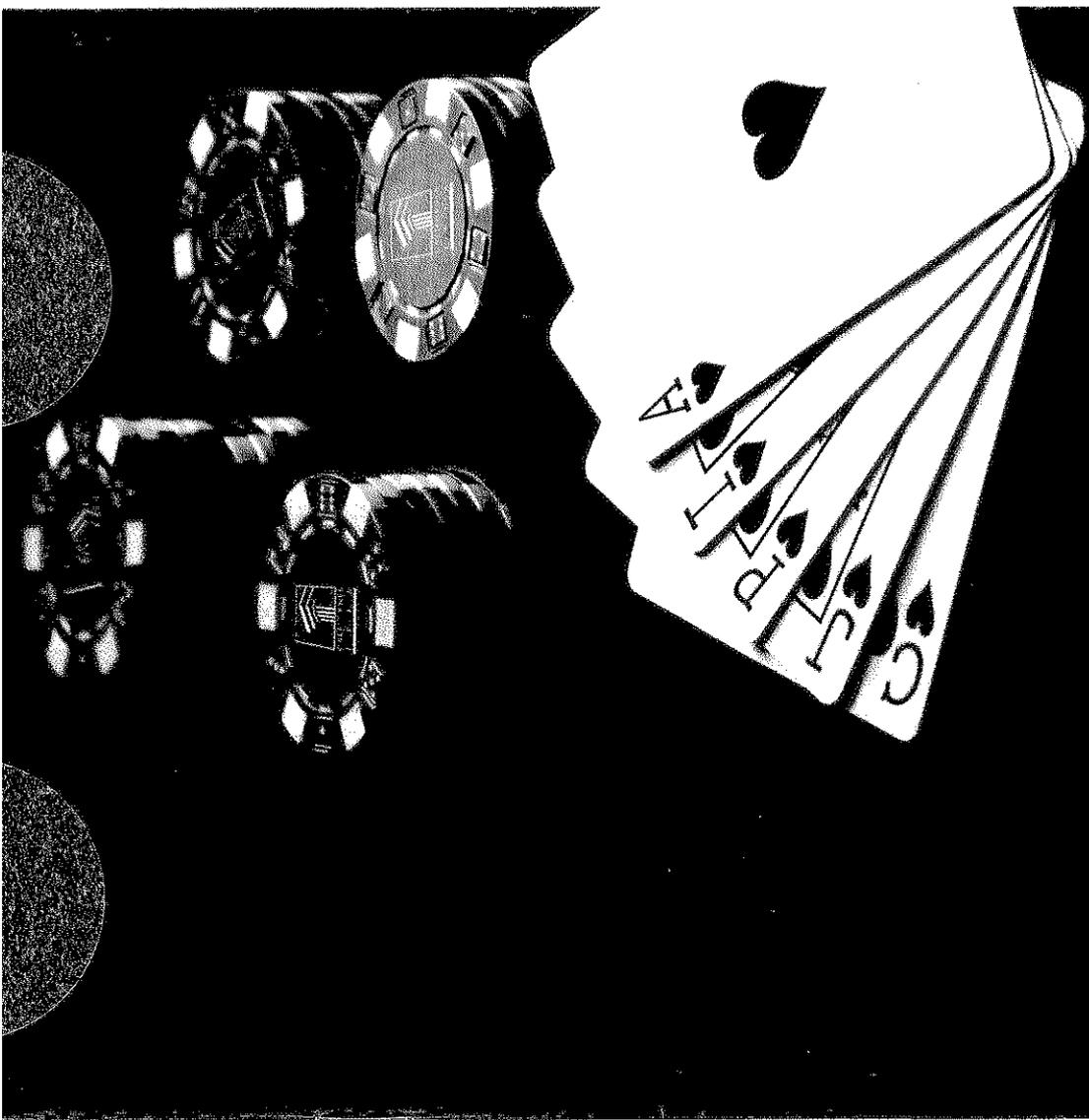
### Conference Headquarters Hotel

Hilton San Francisco Union Square 333 O'Farrell Street, San Francisco

City delegates must register for the conference first.

Click on a quick link (left column, IN THIS SECTION) for more info.

If exhibiting, please refer to the Exhibitors Service Kit (Link) that has been emailed to your expo contact person. Need the E Service Kit (Link) emailed to you? Email us at [snasirian@cacities.org](mailto:snasirian@cacities.org)



# DON'T GAMBLE WITH RISK MANAGEMENT



CALIFORNIA JOINT POWERS INSURANCE AUTHORITY  
16TH ANNUAL RISK MANAGEMENT EDUCATIONAL FORUM  
OCTOBER 26 - 28, 2011    INDIAN WELLS, CA

## EDUCATIONAL FORUM

Isn't it ironic that the first two things that get cut with a tight economy and reduced budgets are training and travel? We all know that the one thing that can have the greatest benefit to any organization is training. And statistics prove, too, that one of the most important things done to retain talented employees is to provide them with opportunities for training and development. To that end, the Authority's annual risk management educational forum is the yearly opportunity to learn, network, and grow both personally and professionally.

# DON'T GAMBLE WITH RISK MANAGEMENT

For 2011, we're betting the farm that you'll like what we have planned. First of all, we've renamed the event, which is now called the Risk Management Educational Forum. Why the change? Because, we've learned that the most important thing people want in our conference is education and training; and the new name better represents what it truly is. Secondly, we have special things planned, centered on our theme: **Don't Gamble with Risk Management.**

No matter what game of risk you're talking about — recreation, public safety, land use, public works or employee relations — don't leave risk management to chance. It's time to stack the odds in your favor, so ante up and place your bets on our three-day educational forum. Go big by joining us in Indian Wells and learning more about the risks of probability, odds, and luck.

## SPONSORS

### CALIFORNIA LEVEL

Carl Warren & Company  
Cihigoyenette, Grossberg & Clouse  
Law Offices of Scott C. Haith, APC  
Lee A. Wood, Attorney at Law Inc.  
York Insurance Services

### CATALINA LEVEL

Kutak Rock LLP  
Markel

### EL CAPITAN LEVEL

Alliant Insurance Services  
Burke, Williams & Sorenson, LLP  
Pollak, Vida & Fisher  
Ringler Associates  
Safety National Casualty Corporation  
Wells Fargo Insurance Services

### SIERRA LEVEL

Brit Insurance  
CHSI Technologies  
Declues, Burkett & Thompson LLP  
Hayford & Felchlin, LLP  
Kessel & Associates  
PFM Asset Management LLC  
Poms & Associates  
RJN Investigations  
Robin, Carmack and Gonja, LLP  
Risk Placement Services, Inc. (RPS)  
RTW, Inc.  
Siegel, Moreno & Stettler, APC  
Towers Watson  
Wesierski & Zurek LLP

### MOJAVE LEVEL

Crawford Technical Services  
Daley & Heft, LLP  
Law Offices of Alan E. Wisotsky  
Law Offices of Barber & Bauermeister  
Law Offices of Michael R. Nebenzahl, APC  
McCormick & Mitchell, APC  
RWI

11:30 am Educational Forum Golf Tournament  
at Desert Willow Golf Course

11:30 – 12:00 pm Opening Session Registration and Buffet Lunch

12:00 – 4:00 pm Opening Session **Understanding the Odds: Liability War Stories**

2:00 – 5:00 pm Forum Registration

6:00 pm Welcome Dinner

7:00 – 8:30 am Buffet Breakfast and Registration

8:30 – 10:00 am Keynote **Ante Up: Nice Bike**  
Mark Scharenbroich

10:00 – 10:30 am Networking Break

**CONCURRENT SESSIONS**

Session I	Session II	Session III
<b>Full House:</b> Human Resources Update	<b>Know the Odds:</b> Liability Update	<b>Play With a Full Deck:</b> Getting the Most from Lexipol

10:30 – 12:00 pm Sponsor Recognition Lunch

<b>House Rules:</b> Understanding and Coordinating Leaves	<b>Stack the Odds in Your Favor:</b> Contracts and Risk Transfer	<b>Playing Your Trump Card:</b> Managing Social Networking in the Workplace
---	--	--

12:00 – 1:30 pm Networking Break

<b>Don't Play Roulette:</b> Volunteer Exposures	<b>Double Down:</b> Doing More with Less	<b>The Pit Boss:</b> Take Charge of Worker's Compensation Claims
--	--	---

3:00 – 3:30 pm Casino Night Reception

6:00 pm Buffet Breakfast

7:00 – 9:00 am **Cash in Your Chips**

8:30 – 9:00 am **Wheel of Fortune:**  
Don't Gamble with Risk Management

9:15 – 10:15 am Networking Break

10:15 – 10:30 am **Go Home Rich:**  
Seven Rules of Admiral Hyman Rickover

10:30 – 11:30 am Closing Session

11:30 – 11:45 am Closing Remarks and Prize Drawing

11:30 AM TO 12:00 PM OPENING SESSION REGISTRATION AND BUFFET LUNCH  
12:00 PM TO 4:00 PM OPENING SESSION

## UNDERSTANDING THE ODDS: LIABILITY WAR STORIES

MCLE: 3.5 credits  
Presented by: Norm Lefmann, Assistant Executive Officer  
California Joint Powers Insurance Authority  
Scott Grossberg, Esq., Partner  
Law Offices of Cihigoyenette, Grossberg & Clouse  
Liz Kessel, Esq., Partner  
Kessel & Associates

The impact of liability claims on the pool during the past five years has been staggering, and the pool constantly faces difficult legal questions. How do you keep a "defensible" case from turning into one that must be settled? How do you settle a case for a reasonable sum when facing a large exposure? Join us as we examine the specific details of actual pool claims and lawsuits, and learn more about the top 12 categories of losses that account for over 75% of the pool's dollars spent. Special focus will center on effectively managing public safety, employment practices, roadway, and slip and trip exposures.

Member staff and elected officials play a role in creating a risk management culture that enhances the organization's ability to comply with its fiduciary responsibilities and to achieve its goals. Discover the liabilities, lessons learned, and practical suggestions to avoid liability loss pitfalls. Gain deeper understanding of your organization's claim exposure, how the defense panel attorneys approach litigation, the importance of claim preparation, and the role you and your agency play in limiting the losses. Your agency's loss control action plan and loss data will be available during the session to help you assess the risk management opportunities discussed. The more you know about the pool and your agency's data, the better you can influence performance and create positive change.

We hope to see you there.

## ANTE UP: NICE BIKE

Presented by: Mark Scharenbroich

Mark Scharenbroich's *Nice Bike* principle connects management to line staff—connects team member to team member—and agency to constituency.

Quite by accident, Mark stumbled onto the Harley-Davidson company's 100th year anniversary celebration in Milwaukee, Wisconsin. While driving his beige rental car around thousands of black leather, bandana wearing, hardcore Harley riders, he kept noticing the two words that really connected rider to rider... "nice bike."

More than a passing compliment, *Nice Bike* is a powerful, memorable philosophy that acts as a catalyst to help build stronger, more effective teams.

The *Nice Bike* principle helps individuals to become more engaged and passionate about serving others. *Nice Bike* is supported by the three action steps of:

- Acknowledging
- Honoring
- Connecting

Mark will inspire you, motivate you, and validate the importance of recognizing people to improve employee and team performance. Whether you are a team of two, or a team of one hundred, you will walk away from this keynote with a reinvigorated spirit for what you do as well as an appreciation of what the other team members around you do.



10:30 AM TO 12:00 PM

## FULL HOUSE: HUMAN RESOURCES UPDATE

MCLE: 1.5 credits  
 Presented by: Steve Filarsky, Esq., Partner  
 Filarsky & Watt, LLP

This session will address the most important employment law developments and significant trends of the year and provide practical, must-have information on the topics—ADAAA, harassment, social networking, and credit/background checks—that impact your agency.

## KNOW THE ODDS: LIABILITY UPDATE

MCLE: 1.5 credits  
 Presented by: Liz Kessel, Esq., Partner  
 Kessel & Associates  
 Scott Grossberg, Esq., Partner  
 Law Offices of Cihigoyenette, Grossberg & Clouse

The world of government case law is ever changing. This session will ensure your agency is not improperly exposing itself to liability in today's climate, and bring you up to date on the latest rulings.

## PLAY WITH A FULL DECK: GETTING THE MOST FROM LEXIPOL

MCLE: 1.5 credits  
 Presented by: Peter Roth, Chief Customer Officer  
 Lexipol

If your agency provides law enforcement, then those responsible need to be at this session. We all know that training is essential in knowledge transfer. The Lexipol Policy Manual and Daily Training Bulletin system is built on that concept, and provides law enforcement with an effective and efficient means of maintaining up-to-date and legally defensible policies, and then delivering needed training to your law enforcement personnel.

## **HOUSE RULES: UNDERSTANDING AND COORDINATING LEAVES**

**MCLE:** 1.5 credits  
**Presented by:** Melanie Poturica, Esq., Partner  
Lieber Cassidy Whitmore, Los Angeles

FMLA, CFRA, PDL and ADA/FEHA – Overlapping and interacting, these leaves will not let us rest! This session will discuss leaves of absence under federal and California law and recent updates that impact you and your employees.

## **STACK THE ODDS IN YOUR FAVOR: CONTRACTS AND RISK TRANSFER**

**MCLE:** 1.5 credits  
**Presented by:** Scott Grossberg, Esq., Partner  
Law Offices of Chigoyenette, Grossberg & Clouse

Is your agency entering into contracts with vendors? The answer is likely "yes," which means decisions regarding contractual liability exposure and risk transfer should be the business of managers and supervisors. Accordingly, this session will take a look at contracts from a high level, and provide the insights into contracts and risk transfer that you need to understand in order to manage your responsibilities effectively.

## **PLAYING YOUR TRUMP CARD: MANAGING SOCIAL NETWORKING IN THE WORKPLACE**

**MCLE:** 1.5 credits  
**Presented by:** Kelly Trainer, Partner  
Burke, Williams & Sorenson, LLP  
Traci Park, Associate  
Burke, Williams & Sorenson, LLP

Social media is transforming our entire culture, let alone our workforce. Come explore the use of social media in and within your agency, from how your staff is using it to how organizations are leveraging it. You'll gain insight into both the positive and negative aspects, and understand the legal liabilities that go along with it.

**3:30 PM TO 5:00 PM****DON'T PLAY ROULETTE: VOLUNTEER EXPOSURES**

MCLE: 1.5 credits  
Presented by: Catherine Jones, Director of Risk Management Services  
Self-Insured Schools of California

Volunteers can be of extreme value and importance to public agencies, particularly in times of fiscal constraint. But, volunteers cannot be brought on effectively without an understanding of volunteer exposures in both the workers' compensation and liability areas. Come learn what these exposures are, and how to mitigate them through effective management.

**DOUBLE DOWN: DOING MORE WITH LESS**

MCLE: 1.5 credits  
Presented by: Panel of City Managers  
Led by Dominic Lazaretto, City of La Palma

Join our expert panel of city managers as we put all the cards on the table and explore how to succeed in the current state of local governance, including strategic thinking, outsourcing, labor negotiations, benefits, and infrastructure. Learn how to maximize your city's effectiveness in an environment of increasing service demands, declining revenues, and reduced staffing.

**THE PTT BOSS: TAKE CHARGE OF WORKERS' COMPENSATION CLAIMS**

MCLE: 1.5 credits  
Presented by: Diana Rich, Workers' Compensation Program Manager  
California JPIA  
Elizabeth Gonia, Partner  
Robin, Carmack & Gonia, LLP  
De Anne Wagner, Unit Manager  
York Insurance Services Group  
Pricilla Meza-Godinez, Unit Manager  
York Insurance Services Group

Much goes on behind the scenes in workers' compensation. Early return to work, modified duty, work restrictions, and the interactive accommodation process all need a watchful eye and effective management to keep costs under control and the agency running efficiently. Join us and learn the tips and tricks that will make your workers' compensation program a "sure bet."

## CASH IN YOUR CHIPS

Presented by: Educational Forum Speakers

The Educational Forums sessions will leave you with some great take-aways. Still have a few unanswered questions? Bring your coffee and join us for a morning of networking, learning, and informal discussions. No microphones, no meeting rooms . . . just an opportunity to meet with speakers and staff, and get answers and additional insights.

## WHEEL OF FORTUNE: DON'T GAMBLE WITH RISK MANAGEMENT

Presented by: Educational Forum Speakers

Jonathan Shull, CEO of the California JPIA, will host an exciting game of *Wheel of Fortune: Don't Gamble with Risk Management*. Contestants compete against a panel of attorneys to answer questions about risk management. So ante up, win prizes, and try your luck at the Wheel of Fortune.

## GO HOME RICH: SEVEN RULES OF ADMIRAL HYMAN RICKOVER

MCLE: 1.0 credits  
Presented by: Gordon Graham

Admiral Hyman Rickover is known as the "Father of the Nuclear Navy." This area of the U.S. Navy has a reputation for excellence as well as a phenomenal safety and reliability record. Admiral Rickover developed some rules for success in dealing with the risks he faced in working with nuclear power. How do these rules apply to you in your organization? This is a funny yet information packed program that applies to any risk-centric organization.

## CLOSING REMARKS AND PRIZE DRAWINGS

## Registration

California JPIA Members  
Non-members

Early  
(until 8/25)

FREE  
\$350

Regular  
(8/26 - 9/22)

FREE  
\$400

### Registration

The Authority's Executive Committee is sensitive to the cost of professional development for your agency, particularly in these times of fiscal constraint. As such, the Executive Committee has again waived educational forum registration fees for members. Non-member attendees will continue to receive the discounted early registration fee of \$350 until August 25, 2011 (\$400 thereafter).

Educational forum registration includes two days of sessions and materials, breakfast for both days, Welcome Dinner (Wednesday), Sponsor Recognition Lunch (Thursday), and Casino Night Reception (Thursday). Wednesday golf or the opening session are optional activities. The registration deadline for all educational forum activities is September 22, 2011. Any and all educational forum fees must be paid by that date.

### Travel and Accommodations

Sparkling lagoons, swaying palms, and views of the Santa Rosa Mountains surround the Moorish architecture of the Hyatt Grand Champions Resort & Spa in Indian Wells. Located two miles from the El Paseo shopping and entertainment district, the hotel includes a fully-equipped fitness club, outdoor pools, and well-appointed accommodations.

The California JPIA group rate, available October 25 - 27, is \$179 on a space available basis. The resort charges an \$18 resort fee per night. Self-parking is available for \$10 per night.

Hotel reservations must be made by September 26, 2011 to receive the discounted rate. Hotel reservations can be made online or by contacting the hotel directly at (888) 421-1442. Ask for the group rate for the California JPIA Educational Forum. The hotel address is 44-600 Indian Wells Lane, Indian Wells, CA 92210.

### Golf Tournament

This year's golf tournament location is Desert Willow Golf Resort, where you can enjoy the austere beauty of the region while navigating through challenging natural hazards and numerous water features. Desert Willow was voted #1 for three consecutive years by Desert Golf Magazine, and is conveniently situated just 15 minutes north of the hotel. A fee of \$125 includes 18 holes of golf, cart, and box lunch. Register for golf when you register for the forum.

The course is located at 38-995 Desert Willow Drive, Palm Desert, CA 92260. (760) 346-7060. [www.desertwillow.com](http://www.desertwillow.com)

### Forum Attire

Business casual attire is appropriate for all forum activities. A light sweater or jacket is recommended for the air-conditioned forum sessions. Indian Wells high temperature in October is 80° and the low is 48°.

### Terms and Conditions

In order to ensure the success of the 2011 Risk Management Educational Forum, all registrants must adhere to strict guidelines regarding cancellations and no-shows. Doing so will enable better planning for instructors, catering, room space, and educational forum materials. As such, all cancellations postmarked on or before September 22, 2011 will automatically receive a full refund for any fees paid.

If you cancel your registration after September 22, 2011, you will be subject to a \$300 cancellation fee, even though there was no charge for registration. You will also forfeit any fees paid for golf, dining, or guest activities, or be billed for owed fees. In addition, if you are a no-show at the educational forum, you will be subject to the same conditions. To avoid any cancellation or no-show fees, any registration may be transferred to another person from the same agency, upon written notification to the Authority prior to October 26, 2011.

If you cancel your registration after September 22, 2011, you will be subject to a \$300 cancellation fee, which will be adjusted against any fees already paid. You will also forfeit any fees paid for golf, dining, or guest activities, or be billed for owed fees. In addition, if you are a no-show at the educational forum, you will be subject to the same conditions. To avoid any cancellation or no-show fees, any registration may be transferred to another person from the same agency, upon written notification to the Authority prior to October 26, 2011.

### **California Joint Powers Insurance Authority**

The California JPIA is the largest municipal self-insurance pool in the state, with pools for both liability and workers' compensation. It also obtains group-purchased insurance for property, pollution and remediation legal liability, and crime. Formed in 1978, members play an active role in the Authority, and also provide advisement on its many programs.

### **Experts in Managing Risk**

The California JPIA offers a variety of programs and services, which are structured to support the Authority's mission statement by providing members with innovative solutions. These solutions are delivered using the Authority's strategic approach to risk management, called LossCAP, which enables members to access expertise in insurance, claims, training, litigation, learning, contracts, education, governmental entity exposures, and loss control.

For more detailed information about LossCAP or any of the California JPIA's programs or services, please call 800-229-2343, and ask to speak to a risk consultant. You may also visit [www.cjpia.org](http://www.cjpia.org).

### **Risk Management**

Consultation and Analysis  
Risk Assessment and Evaluation  
Policy Research and Development

### **Training**

Learning Management  
Training Workshops and Content  
Professional Academies

### **Claims**

Claims Administration  
Trending and Analysis  
Investigation and Litigation Management

### **Insured Programs**

Contractual Review and Coverage  
Evidences  
Excess and Reinsurance Placements  
Group Purchased Coverage Programs



# City of Los Alamitos

## Agenda Report Discussion Items

August 15, 2011  
Item No: 9C

**To:** Mayor Stephens & Members of the City Council

**From:** Jeffrey L. Stewart, City Manager

**Subject:** Resolution No. 2011-15 – Temporary Designation of City Clerk Responsibilities to the City Manager and Discussion of Options Regarding Selection of Permanent City Clerk

**Summary:** Effective July 14, 2011, the City Council accepted the resignation of Adria M. Jimenez, CMC, City Clerk. Section 2.12.030A of the Municipal Code requires the appointment of the City Clerk by Resolution. The City Council has multiple options with regard to the selection of the next City Clerk, which the City Council may or may not wish to discuss on August 15. While those issues are considered and agreed upon by the Council, it is necessary to designate an interim City Clerk to remain in compliance of the Municipal Code. The attached Resolution would confirm the appointment of the City Manager as City Clerk until the selection process for the permanent City Clerk has been completed.

**Recommendation:** 1) Adopt Resolution No. 2011-15, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPOINTING THE CITY MANAGER AS INTERIM CITY CLERK OF THE CITY OF LOS ALAMITOS" 2) Discuss options regarding selection of permanent City Clerk; 3) Alternatively, discuss and take other action related to this item.

## Background and Discussion

On July 14, 2011, Adria Jimenez resigned from the City of Los Alamitos. With Ms. Jimenez's resignation, the City Council must consider an appointment to fill this classification. The past practice of the City has been to appoint the City Manager as the City Clerk until such time as a new City Clerk can be recruited and appointed. Section 2.12.030A of the Los Alamitos Municipal Code requires the appointment be made by Resolution.

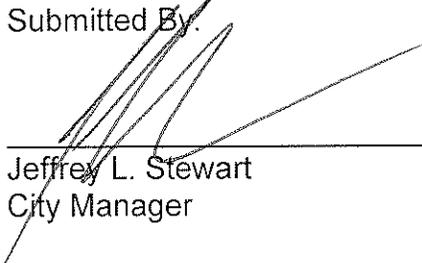
Staff is currently working with multiple entities with regard to contracting for temporary City Clerk services. The contract option appears to be viable, and some consideration may be considered to determine whether City Clerk services should be contracted on a permanent basis. At this time, there is no formal proposal to do that, but staff will exercise due diligence to sort out the issues and, at least, present the option to the City Council. If the Council seeks to provide policy direction with regard to contracting for

City Clerk services, on a temporary or permanent basis, it would be appropriate to discuss those views.

**Fiscal Impact:**

None.

Submitted By.



---

Jeffrey L. Stewart  
City Manager

Attachment: 1) Resolution 2011-15

**RESOLUTION NO. 2011-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LOS ALAMITOS APPOINTING THE CITY MANAGER AS  
INTERIM CITY CLERK OF THE CITY OF LOS ALAMITOS**

**WHEREAS**, the City Charter and the Municipal Code of the City of Los Alamitos provide for a City Clerk whose duties and responsibilities are more specifically defined therein; and,

**WHEREAS**, Section 2.12.030A of the Los Alamitos Municipal Code states that "The City Clerk shall be appointed by the City Council and shall serve at its pleasure. The appointment of the City Clerk shall be by Resolution by the City Council."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:**

SECTION 1. The City Manager is hereby appointed as Interim City Clerk of the City of Los Alamitos.

SECTION 2. Said Interim City Clerk shall have all of the powers and duties as set forth in the Government Code of the State of California, the City Charter, and the Municipal Code of the City of Los Alamitos.

SECTION 3. There shall be no additional compensation paid to the City Manager for serving as Interim City Clerk for the City of Los Alamitos.

SECTION 4. That Resolution No. 2010-02 is hereby repealed.

**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of August, 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin  
City Attorney