

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING MONDAY, JANUARY 3, 2011 – 7:00 p.m.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.ci.los-alamitos.ca.us once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

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

1. CALL TO ORDER

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Edgar

4. INVOCATION

Mayor Stephens

5. PRESENTATIONS

A. By Raul Alvarez, Cypress College, Americana Awards

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

7. REGISTER OF MAJOR EXPENDITURES

January 3, 2011.

Roll Call Vote

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

8. CONSENT CALENDAR

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

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

A. Approval of Minutes (City Clerk)

1. Approve Minutes of Regular Meeting – November 1, 2010.
2. Approve Minutes of Special Meeting – November 15, 2010.
3. Approve Minutes of Regular Meeting – November 15, 2010.
4. Approve Minutes of Adjourned Meeting – November 29, 2010.
5. Approve Minutes of Special Meeting – December 6, 2010.
6. Approve Minutes of Regular Meeting – October 4, 2010.

B. Warrants (Finance)

January 3, 2011.

C. Approval of Plans and Specifications and Authorization to Bid the Roof Repairs at the Museum, Community Center, Pool and the Laurel Park Restroom (Public Works)

This report recommends actions that facilitate construction of the roof repairs at the Museum, Community center, Pool and the Laurel Park Restroom.

Recommendation:

1. Approve the plans and specifications for the Roof Repairs at the Museum, Community Center, Pool and the Laurel Park Restroom; and,
2. Authorize staff to advertise and solicit bid proposals.

D. Resolution No. 2011-05 – Approval of Non-Exclusive Permit Contracts to Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal for the Provision of Residential Roll-off and Temporary Bin Service (City Manager)

The City approved an exclusive franchise agreement with Consolidated Disposal Services for residential and commercial refuse collection services in June 2010. That agreement specifies that the provision of residential roll-off and temporary bin services shall be competitive and

non-exclusive. In response to a Request for Proposals (RFP), the City received four (4) responses. Staff recommends that the City Council approve permit contracts with the four firms that responded to the RFP.

Recommendation: 1) Staff recommends that the City Council approve Resolution No. 2011-05 and authorize the Mayor to execute the non-exclusive permit contracts with Athens Services, Rainbow Disposal Company, Universal Waste Systems, and Ware Disposal.

E. Approval to Publish an Availability Notice for City Commission Recruitment (City Clerk)

In accordance with City Council policy, staff is asking for Council approval to publish an Availability Notice for recruitments to the Parks, Recreation and Cultural Arts, Traffic, and Personnel Appeals Commissions for a 30-day period, beginning January 15, 2011.

Recommendation: Approve the publication of an Availability Notice for recruitments to the Parks, Recreation and Cultural Arts, Traffic, and Personnel Appeals Commissions.

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

9. PUBLIC HEARING

Consideration of Appeal to Planning Commission Denial of Pawn Shop Conditional Use Permit No. 10-04 (Comm. Dev.)

At its October 11, 2010 meeting, the Planning Commission denied Conditional Use Permit C10-04 for a pawnbroker/secondhand dealer at 3351 Katella Avenue. The applicant is appealing the Planning Commission's decision.

Recommendation: Staff recommends the City Council:

1. Take Testimony; and,
2. Adopt City Council Resolution No. 2011-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FOOT TENANT SPACE IN AN EXISTING 5,300 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)"

10. DISCUSSION ITEMS

Consideration of Los Alamitos Boulevard Beautification Project Update and Funding Request (Comm. Dev.)

This staff report request \$90,000 be funded toward the development of phase two and three to implement the Los Alamitos Boulevard Beautification Project.

This item also outlines efforts made on the Boulevard Beautification Project along with next steps.

Recommendation: It is recommended that the City Council review the information and discuss funding options to move this project forward by allocating \$90,000 from General Fund Available Fund Balance to accomplish Phase 2 and 3.

11. MAYOR AND COUNCIL INITIATED BUSINESS

A. City Council Member Appointments/Reappointments as Representatives to Other Agencies and City Ad Hoc Committees (City Clerk)

This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation: Review the List of Assignments, and provide direction as appropriate.

B. Council Announcements

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

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

12. ITEMS FROM THE CITY MANAGER

13. ADJOURNMENT

The next meeting of the City Council is scheduled for Tuesday, January 18, 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

Adria M. Jimenez, CMC
City Clerk

December 30, 2010

Date

CITY OF LOS ALAMITOS
Register of Major Expenditures
January 3, 2011

Pages:

01	\$ 73,559.20	Major Warrants	01/03/2011
02-04	\$ 154,427.00	Major Warrants	12/20/2010
	\$ 146,104.29	Payroll	12/24/2010
	\$ 131,989.60	Payroll Benefits	12/24/2010
	\$ 152,460.36	Payroll	12/10/2010
	\$ 80,436.66	Payroll Benefits	12/10/2010

Total **\$ 738,977.11**

Statement:

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



 this 29th day of December, 2010

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COLANTUONO & LEVIN, PC	LOS AL MED CENTER 11/10	GENERAL FUND	NON-DEPARTMENTAL	2,880.00
	TRASH LITIGATION 11/10	GENERAL FUND	NON-DEPARTMENTAL	6,506.00
	GENERAL COUNSEL 11/10	GENERAL FUND	CITY ATTORNEY	11,537.02
	TOTAL:			20,923.02
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	6,855.42
	SLO-PITCH FLD/LAUREL PARK	GENERAL FUND	PARK MAINTENANCE	700.54
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	467.15
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	284.04
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	882.29
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,791.32
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	2,385.37
	TRAFFIC SIGS/ST LIGHTS	GAS TAX	STREET MAINTENANCE	7,056.51
TOTAL:			20,422.64	
STATE OF CALIFORNIA	POOL USAGE 7/10-9/10	JFTB POOL FUND	AQUATICS	18,158.29
	POOL USAGE 7/10-9/10	JFTB POOL FUND	AQUATICS	129.75
	POOL USAGE 7/10-9/10	JFTB POOL FUND	AQUATICS	8,462.45
	POOL USAGE 7/10-9/10	JFTB POOL FUND	AQUATICS	3,236.36
	POOL USAGE 7/10-9/10	JFTB POOL FUND	AQUATICS	2,226.69
	TOTAL:			32,213.54

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===== FUND TOTALS =====
10 GENERAL FUND                34,289.15
20 GAS TAX                      7,056.51
77 JFTB POOL FUND              32,213.54
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GRAND TOTAL:                   73,559.20
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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COLANTUONO & LEVIN, PC	LOS AL MED CENTER 10/10	GENERAL FUND	NON-DEPARTMENTAL	2,525.50
	TRASH LITIGATION 10/10	GENERAL FUND	NON-DEPARTMENTAL	412.50
	LOS AL MED CENTER 9/10	GENERAL FUND	NON-DEPARTMENTAL	3,866.50
	GENERAL COUNSEL 10/10	GENERAL FUND	CITY ATTORNEY	16,333.50
	GENERAL COUNSEL 9/10	GENERAL FUND	CITY ATTORNEY	14,343.05
			TOTAL:	37,481.05
CONSOLIDATED DISPOSAL SRVS #902	OCTOBER TRASH	GENERAL FUND	NON-DEPARTMENTAL	46,558.90
	SEPTEMBER TRASH	GENERAL FUND	NON-DEPARTMENTAL	8,301.53
			TOTAL:	54,860.43
RBF CONSULTING	LOS AL MED CENTER 9/10	GENERAL FUND	NON-DEPARTMENTAL	23,403.85
			TOTAL:	23,403.85
REDFLEX TRAFFIC SYSTEMS, INC.	NOV 10 PHOTO ENFORCEMENT	GENERAL FUND	TRAFFIC	13,500.00
			TOTAL:	13,500.00
U.S. BANK	SR. MEAL SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	12.49
	SR. MEAL SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	9.39
	TRAINING	GENERAL FUND	CITY COUNCIL	540.00
	TRAVEL	GENERAL FUND	CITY COUNCIL	161.40
	REIMBURSE - MEETING	GENERAL FUND	CITY COUNCIL	135.12-
	DISHWASHING SOAP	GENERAL FUND	CITY COUNCIL	7.35
	BEVERAGES	GENERAL FUND	CITY COUNCIL	16.80
	REFRESHMENTS	GENERAL FUND	CITY COUNCIL	47.81
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	35.07
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	8.00
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	48.94
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	17.94
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	62.33
	2011 CALENDAR	GENERAL FUND	CITY MANAGER	11.66
	2011 CALENDAR	GENERAL FUND	CITY MANAGER	16.94
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	38.30
	PAPER	GENERAL FUND	ADMINISTRATIVE SERVICE	25.66
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	227.91
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	59.38
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	459.18
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	15.43
	CA STATE FLAG	GENERAL FUND	POLICE ADMINISTRATION	59.05
	PAPER	GENERAL FUND	POLICE ADMINISTRATION	25.66
	REFERENCE BOOKS	GENERAL FUND	PATROL	86.90
	LATEX GLOVES	GENERAL FUND	PATROL	251.76
	CITATION JACKETS	GENERAL FUND	PATROL	50.58
	ENTERSECT ONLINE	GENERAL FUND	INVESTIGATION	79.00
	OFFICE SUPPLIES	GENERAL FUND	RECORDS	67.97
	OFFICE SUPPLIES	GENERAL FUND	RECORDS	34.00
	OFFICE SUPPLIES	GENERAL FUND	RECORDS	127.41
	FILE JACKETS	GENERAL FUND	RECORDS	1,019.53
	WEBSITE	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEBSITE	GENERAL FUND	COMMUNITY OUTREACH	14.95
	MOTORCYCLE GLOVES	GENERAL FUND	TRAFFIC	61.80
	TONER CARTRIDGES	GENERAL FUND	COMMUNITY DEVEL ADMIN	100.10
	PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	25.67
	OFFICE SUPPLIES	GENERAL FUND	PLANNING	108.01
	PAPER	GENERAL FUND	PUBLIC WORKS ADMIN	25.67
	STREET SIGN CLAMPS	GENERAL FUND	STREET MAINTENANCE	233.81

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	BRACKETS	GENERAL FUND	STREET MAINTENANCE	100.46
	STREET SIGNS	GENERAL FUND	STREET MAINTENANCE	502.87
	SIGN POSTS	GENERAL FUND	STREET MAINTENANCE	89.07
	CHAINSAW	GENERAL FUND	PARK MAINTENANCE	632.59
	CONCRETE CART RENTAL	GENERAL FUND	PARK MAINTENANCE	188.47
	SAND BAG TOOL	GENERAL FUND	BUILDING MAINTENANCE	123.95
	PUMP SEPTIC TANK	GENERAL FUND	BUILDING MAINTENANCE	400.00
	POSTAGE	GENERAL FUND	RECREATION ADMINISTRAT	16.87
	PAPER	GENERAL FUND	RECREATION ADMINISTRAT	25.67
	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	145.00
	VOLUNTEER LUNCH	GENERAL FUND	COMMUNITY SERVICES	44.75
	HALLOWEEN SUPPLIES	GENERAL FUND	SPORTS	272.82
	HALLOWEEN SUPPLIES	GENERAL FUND	SPORTS	101.48
	HALLOWEEN SUPPLIES	GENERAL FUND	SPORTS	106.25
	RACE ON BASE - SPONSORSHIP	GENERAL FUND	SPECIAL CLASSES	371.00
	50TH ANNIV - GIFTS	GENERAL FUND	SPECIAL EVENTS	790.45
	50TH ANNIV - CENTERPIECES	GENERAL FUND	SPECIAL EVENTS	346.66
	50TH ANNIV - SUPPLIES	GENERAL FUND	SPECIAL EVENTS	6.73
	50TH ANNIV - SUPPLIES	GENERAL FUND	SPECIAL EVENTS	8.23
	50TH ANNIV - SUPPLIES	GENERAL FUND	SPECIAL EVENTS	44.95
	50TH ANNIV - CENTERPIECES	GENERAL FUND	SPECIAL EVENTS	10.21
	TRAFFIC PAINT	GAS TAX	CAPITAL PROJECTS	692.96
	TRAFFIC PAINT	GAS TAX	CAPITAL PROJECTS	1,042.00
	TAX CHARGE	GAS TAX	CAPITAL PROJECTS	8.79
	CHIP SEAL	GAS TAX	CAPITAL PROJECTS	54.88
	GLASS REFLECTOR BEADS	GAS TAX	CAPITAL PROJECTS	408.27
	STENCILS	GAS TAX	CAPITAL PROJECTS	514.90
	STENCILS	GAS TAX	CAPITAL PROJECTS	257.45
	RED CURB PAINT	GAS TAX	CAPITAL PROJECTS	1,399.53
	MOWER SPRING	GARAGE FUND	GARAGE	20.29
	CHAINSAW OIL	GARAGE FUND	GARAGE	75.69
			TOTAL:	12,874.92
WILLDAN ENGINEERING	ALLEY IMPROVEMENT - DESIGN	C.D.B.G	CAPITAL PROJECTS	6,951.40
	ALLEY IMPROVEMENT - DESIGN	C.D.B.G	CAPITAL PROJECTS	2,894.00
	ALLEY IMPROVEMENT - DESIGN	GAS TAX	CAPITAL PROJECTS	695.14
	ALLEY IMPROVEMENT - DESIGN	GAS TAX	CAPITAL PROJECTS	289.40
	ALLEY IMPROVEMENT - DESIGN	RESIDENTIAL STREET	CAPITAL PROJECTS	1,042.71
	ALLEY IMPROVEMENT - DESIGN	RESIDENTIAL STREET	CAPITAL PROJECTS	434.10
			TOTAL:	12,306.75

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
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===== FUND TOTALS =====
10  GENERAL FUND                137,645.49
19  C.D.B.G                     9,845.40
20  GAS TAX                     5,363.32
24  RESIDENTIAL STREET/ALLEYS  1,476.81
50  GARAGE FUND                 95.98
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                                GRAND TOTAL: 154,427.00
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TOTAL PAGES: 3

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

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

REGULAR MEETING – NOVEMBER 1, 2010**1. CALL TO ORDER**

The City Council met in Regular Session at 7:08 p.m., Monday, November 1, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

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

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Stephens led the Pledge of Allegiance.

4. INVOCATION

Council Member Zarkos gave the Invocation.

5. PRESENTATIONS**A. National Family Caregivers Month**

Mayor Poe presented Irene Clemente with a proclamation in recognition of National Family Caregivers Month. Ms. Clemente thanked the City Council for the proclamation; pictures with Mayor Poe followed.

Mayor Poe announced Items #9, #10A, #10B, and #10C, which are Public Hearings, will be held prior to Oral Communications in an attempt to allow residents who are here to speak on those items an opportunity to do so in a timely manner.

7. REGISTER OF MAJOR EXPENDITURES

November 1, 2010.

Motion/Second: Zarkos/Edgar

Carried 4/1 (Graham-Mejia "No") The City Council approved the Register of Major Expenditures for November 1, 2010, in the amount of \$363,435.16.

Roll Call Vote

Council Member Edgar	Aye
Council Member Graham-Mejia	No
Council Member Zarkos	Aye
Mayor Pro Tem Stephens	Aye
Mayor Poe	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.

Council Member Graham-Mejia requested Items #8A be pulled from the Consent Calendar.

Motion/Second: Zarkos/Edgar

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

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

B. Warrants

November 1, 2010.

C. Approval of Notice of Completion, Highlands – Residential Street Resurfacing Project (CIP No. 09/10-02)

Highlands - Residential Street Resurfacing Project is complete and in compliance with the plans and specifications. Staff is therefore recommending that the City Council accept the work as complete, direct filing of the Notice of Completion and retention release as prescribed by the Public Contracts Codes.

Recommendations:

1. Increased construction contingency reserve from \$57,138.00 to \$71,356.00; and,
2. Accepted as complete the construction contract by All American Asphalt for the Highlands - Residential Street Resurfacing; and,
3. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's Office; and,
4. Authorized staff to release the 10% retention, in the amount of \$64,273.11, thirty-five (35) days after recordation of the Notice of Completion.

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

8A. Approval of Minutes

Approve Minutes of the Regular Meeting – October 4, 2010

Council Member Graham-Mejia stated she pulled Item #8A from the Consent Calendar because she would like additional information added to the Council Comments portion of the minutes, which addressed comments made by residents during Oral Communications.

Motion/Second: Graham-Mejia/Edgar

Unanimously carried: Amend the Minutes of October 4, 2010 to add additional comments from Council Member Graham-Mejia and return to City Council for approval.

9. PUBLIC HEARING

Consideration to Adopt 2010 California Environmental Quality Act (CEQA) Guidelines

This is a request for City Council to adopt Resolution No. 10-22, a Resolution adopting 2010 CEQA Guidelines.

Steven Mendoza, Community Development Director, provided a staff report on the adoption of the CEQA guidelines.

Mayor Poe opened the Public Hearing at 7:24 p.m.

Cathie Salai, resident, asked for additional information on the CEQA guidelines and inquired if there was an additional expense or cost to the residents if the guidelines are adopted by the City Council.

Mr. Mendoza advised the guidelines do not implement any additional expenses or costs to residents unless the resident applies for an Environmental Impact Report (EIR) or CEQA review of an application. Mr. Mendoza explained new construction, or new environmental impacts such as noise or air would trigger a CEQA review. Mr. Mendoza also advised that the guidelines help the City have regulations to help implement CEQA and establish the role of the staff, the Planning Commission, and the City Council in the review of CEQA items.

Sandra Levin, City Attorney, advised that the State requires agencies to adopt local guidelines and provides the statutory framework for the agencies. City Attorney Levin stated State law requires that the CEQA process occur, and the City is allowed to define how that process works, and, the clearer the City can be in that process the less expensive it is for property owners and developers who want to go through the process. City Attorney Levin further advised that, in general, single family residential home projects or remodeling is exempt from CEQA, and does not affect individual homeowners, unless there is something extraordinary about the nature of the development.

Ms. Salai asked if an agency is accountable to anyone, or is only to itself, not to the voters.

City Attorney Levin advised that CEQA is a law, adopted by the State Legislature, the City has no control in what CEQA states. The only control given is the adoption of the guidelines which say how we are going to implement CEQA within our agency.

There being no other persons wishing to speak, Mayor Poe, at 7:28 p.m., closed the Public Hearing.

Steven Mendoza, Community Development Director, and Sandra Levin, City Attorney, answered Council Member questions regarding guideline adoption, fees, impacts on business residents and the effect of AB32 on the proposed CEQA guidelines.

Additional discussion ensued.

Motion/Second: Poe/Edgar

Unanimously carried (5/0): Conducted a Public Hearing on adoption of 2010 California Environmental Quality Act (CEQA) Guidelines; and, adopted Resolution No. 2010-22, entitled, "A RESOLUTION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE §§ 21000 ET SEQ.)."

Council Member Graham-Mejia asked it be noted that the City Council will readdress and amend the adopted guidelines dependent on the outcome of AB32.

10. ORDINANCES

Council Member Zarkos recused himself from the discussion and vote on Items #10A and #10B stating the he is a Board Member of the Apartment Association of Orange County, which has submitted a letter in opposition of Item #10B.

A. **Consideration to Adopt Ordinance No. 10-07 Adopting New California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes, and Other Related Codes**

The State's Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction. The construction codes include: the California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes, and other related codes. If the City Council approves Ordinance No. 10-07, the most recent editions of the construction codes with the applicable amendments will be in effect within the City of Los Alamitos as required by State law.

B. **Consideration to Adopt Ordinance No. 10-08 Adopting New Fire Code Including Amendments**

Consideration to adopt the New Building Code including amendments recommended by Orange County Fire Authority (OCFA).

Steven Mendoza, Community Development Director, provided a staff report on Items #10A and #10B concurrently. Mr. Mendoza noted the addition of OCFA's recommendation requiring home owners to install fire sprinklers to new home additions which increase in size by 33% and 1,000 sq. ft., which would increase the costs of construction.

Dennis Grubb, Assistant Fire Marshall, Orange County Fire Authority, presented information and showed a video on the importance of requiring home owners to add residential fire sprinklers to home additions.

Mayor Poe opened the Public Hearing at 7:58 p.m.

Kathie Salai, resident, expressed her concern of requiring residents to install fire sprinklers in all portions of the home when adding to their home. Ms. Salai asked if other considerations, such as sprinkler leakage or flooding, were taken into account when making the recommendations; and, if there are any effects on homeowner insurance.

Mr. Mendoza advised Ms. Salai fire sprinklers would need to be installed throughout the entire residence only if the new construction adds both 33% and 1,000 sq. ft. to the home.

Assistant Fire Marshall Grubb stated in his years of experience he has seen very few cases of homes having problems with sprinkler leaks.

Laura Herzog, resident, stated she is currently collecting donations for a CERT volunteer whose home burnt down this past week, and hopes the City Council supports the installation of fire sprinklers in residences.

Richard Murphy, resident, expressed his disappointment in how the meeting was being conducted.

Mayor Poe advised the City Council is conducting the business of the City, and asked if there was anyone in the audience who would like to speak on Item #10A.

Dave Emerson, resident, commented on the Planning Commission's meeting and review of the Hospital Expansion EIR, and how the meeting was being conducted, noting he does not believe it is right that agenda items are taken out of order. Mr. Emerson stated he is unable to stay to read a prepared statement.

Mayor Poe advised Mr. Emerson that if he cannot stay, he may submit his statement and it will be read for him.

RECESS/RECONVENE

Mayor Poe recessed the City Council Meeting at 8:06 p.m. At 8:16 p.m., Mayor Poe reconvened the City Council Meeting with all Council Members present.

Mayor Poe advised the audience that it is legal to move the Oral Communications after the Public Hearing items. Mayor Poe again asked for public comment having to do with City business.

Laura Christensen, resident, commented on the number of candidate flyers she received over the past week. Ms. Christensen stated she does not appreciate having to be subjected to the amount of flyers left at her home. Ms. Christensen also asked for additional information on the type of e-waste and bulky items are available for pick-up by the solid waste collector.

Javier Mejia, resident, asked if the fire sprinklers automatically shut off after a fire, or do they need to be turned off manually.

Assistant Fire Marshall Grubb advised once the fire is out the sprinkler does continue to run until it is turned off by the responding fire department.

There being no other persons wishing to speak, Mayor Poe, at 8:22 p.m., closed the Public Hearing.

Council Member Graham-Mejia asked the discrepancies in the installation costs between the City and OCFA be resolved prior to the City Council voting on this item. Council Member Graham-Mejia made a motioned that this item be tabled to a future meeting.

Mr. Mendoza, Assistant Fire Marshall Grubb, and City Attorney Levin answered additional questions from City Council.

Motion/Second: Graham-Mejia/Edgar

Unanimously carried (5/0): Opened the Public Hearings on Item #10A and #10B and incorporated comments received on Item #10A into Public Hearing Item #10B; and, requested Items #10A and #10B be brought back to the City Council for further discussion.

Council Member Zarkos returned to the dais.

C. Consideration to Adopt Ordinance No. 10-09 - To Extend Current Moratorium for Tattoo Parlors and Massage Establishments for 10.5 months to September 19, 2011

Due to a recent court case, staff is recommending extending the moratorium to allow staff and the City Attorney more time to review the City's Municipal Code as it relates to Tattoo Parlors and Massage Establishments.

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

Mayor Poe opened the Public Hearing at 8:43 p.m. There being no one wishing to speak, Mayor Poe closed the Public Hearing at 8:44 p.m.

Motion/Second: Poe/Stephens

Unanimously carried:

1. Conducted a Public Hearing on the proposed extension of the current moratorium for tattoo parlors and massage establishments for 10.5 months to September 19, 2011; and,
2. Introduced by title only and waive further reading of Ordinance No. 10-09, and set for second reading; and,
3. Mayor Poe read the title of Ordinance No. 10-09, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS EXTENDING AN EXISTING INTERIM MORATORIUM ON THE ESTABLISHMENT, USE AND OPERATION OF TATTOO PARLORS AND MASSAGE USES PURSUANT TO GOVERNMENT CODE SECTION 65858 AND DECLARING THE URGENCY THEREOF.

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council.

Mayor Poe asked residents to abide by the City Council's Rules of Decorum, as outlined in the City's Municipal Code.

Sandra Levin, City Attorney, provided information on the City's Ordinance with regard to distribution of flyers to homes.

Pete Carbajal, resident, spoke about the recent negative election campaigning and stated he received a flyer during the weekend which alleged a candidate was removed from a Commission for an unethical violation, which was not true. Mr. Carbajal stated he is not supportive of this type of campaigning.

Beth Piburn, resident, expressed her concerns about the visual pollution and blight in the City due to the election. Ms. Piburn also commented on vandalizing a person's property, and the conflict of interest of past defeated candidates who fund current elections.

Karen Farren, resident, requested the City trim her Mulberry Tree, which has not been trimmed in approximately 3 years.

Candace Drucker, resident, stated she loves living in the City, but does not like the disrespect she has seen demonstrated to all five Council Members. Ms. Drucker agreed asked Council to address sign pollution after the election. Ms. Drucker commented on Council Members' trips to Texas and Louisiana and stated she believes they were unnecessary. Ms. Drucker stated she wished more people would become involved in saving St. Isidore's Plaza, and stated she believes the City Manager has done a good job and does not support any more changes.

Warren Kusumoto, resident, requested Council Members Mejia, Zarkos, and Edgar, repudiate the election flyer recently distributed to residents stating he was removed from the Traffic Commission for an unethical violation.

Council Member Graham-Mejia stated there was never a problem with Mr. Kusumoto's ethics, and added he did seek appointment to one of the City's other commissions.

Robert Graham, resident, stated people should be able to post any type of sign on their property supporting a candidate as long as it is not liable or slander. Mr. Graham commented on the City Council's Rules of Decorum.

Heather Madla, resident, stated she believes it is disturbing that accusations about someone can be made without facts behind the accusations. Ms. Madla further stated the flyers everyone is commenting on are handed out by volunteers for candidates who are running grassroots campaigns.

Brad Taylor, resident, addressed each of the Council Members. Mr. Taylor stated he believes his freedom of speech is being violated and commented on candidate campaign financing and the donation of his time as a Traffic Commissioner.

Mike Sanford, resident, commented on candidate campaigns being backed by private citizens, and the lack of their identity on flyers.

Pat Blancher, resident, commented on the First Amendment and stated Mr. Taylor untruthfully stated in the newspaper that trash fees are going to be \$53 a month. Ms. Blancher stated she is embarrassed to be here tonight to see the candidate clothing and apologized to all of the candidates and hopes it does not happen again.

Brad Sheridan, resident, commented on: the slate mailers and flyers received during the election; candidates Grose, Zarkos, and Edgar, Graham-Mejia, Kusumoto; and, the accusation of his authoring an article on lowering attorney ethical standards. Mr. Sheridan commented on being removed from the Traffic Commission for ethical violations and stated Council Member Edgar should have recused himself from voting on the solid waste contract.

Barbara Forsythe, resident, stated she is not proud of what she has seen during this election – people entering private property and removing signs of candidates they don't support. Ms. Forsythe commented on a previous speaker's statement stating residents have a choice in what they wear and for whom they vote.

Catherine Davis, resident, thanked Council Member Graham-Mejia for her assistance with Katella Deli's delivery truck's early morning schedule. Ms. Davis said everyone should be ashamed of the way the meeting has been conducted.

Javier Mejia, resident, agreed that there have been a lot of flyers and believes one is substantiated by truth and the others are mistruths. Mr. Mejia commented on Council Member Edgar's campaign finances and stated he believes it is the residents who should donate to support the candidates they want.

Richard Murphy, resident, thanked the City Council for their service to the City. Mr. Murphy stated he does not believe the City should donate money to the Chamber of Commerce's Wings, Wheels, and Rotors Expo, and disagrees with the Chamber's candidate endorsement. Mr. Murphy stated he would like to see the "no-clapping" rule changed, and commented on having police officers at tonight's meeting.

Judy Klabouch, Chamber of Commerce President, reported an additional \$2500 was collected during the Wings, Wheels, and Rotors Expo, and thanked Beverly Rigby, Susan Morales and Greg Franklin for their assistance. Ms. Klabouch stated the Chamber of Commerce did not receive \$6400 from the City for the event; the money was for traffic control for the Police Department. Ms. Klabouch stated the State of the City is on November 10th. Ms. Klabouch stated she is proud of Council Member Edgar, Council Member Zarkos, and Candidate Grose's leadership to the business community, and that is the reason the Board of Directors decided to support the candidates.

J.M. Ivler, resident, commented on: positive and negative campaigning; the 3 page election flyer and other election flyers recently received by residents with false information; defamation of character and lies. Mr. Ivler asked City Council to remove Mr. Sylvia's name from a meeting room.

Bob Villegas, resident, asked residents to do their research on the solid waste contract and commended Council Member Graham-Mejia for standing up against the contract.

Cathy Salai, resident, spoke about the Republican Women Federation Candidate Roundtable, and commented on North Orange County Community College District Board Members' approval of lifetime medical benefits. Ms. Salai stated candidates Sheridan, Mejia, and Kusumoto stated their biggest supporter is Dave Emerson, who runs a website with negative articles on the City.

Catherine Driscoll, resident, thanked Council Member Graham-Mejia for standing up for what she believes is right. Ms. Driscoll spoke about the pending lawsuit and allegations regarding monies and stated residents are disheartened by the things that have been done in the City. Ms. Driscoll asked that the negative campaigning stop and stated candidates Kusumoto, Sheridan and Graham-Mejia did not deserve to have election flyers sent out slandering their characters.

John Ellinger, resident, commended Mayor Poe, Mayor Pro Tem Stephens, Council Member Edgar, and Council Member Zarkos for balancing the City's budget; and, commented on candidate Sheridan's comments regarding CDS and George Briggeman at the candidate forum.

Richard Varderman, resident, read a statement prepared by Chuck Sylvia regarding his involvement in the City's election, the vandalizing of his property, and the fear of his safety. Mr. Sylvia, through his letter, stated there are good reasons the slate of three candidates are not supported by upper-level elected officials.

Mr. Varderman stated he received an election flyer stating candidates Graham-Mejia, Kusumoto, and Sheridan are going to sue the City to null and void the contract for trash collection. Mr. Varderman stated this is a frivolous lawsuit, and was appalled to learn the candidates would subject the tax payers of this City with needless legal expenses.

Jody Shloss, resident, commented on candidate endorsement by upper-level elected officials. Ms. Shloss stated she knows candidates Graham-Mejia, Kusumoto, and Sheridan, have not given donations to Ed Royce, or Jim Silva. Ms. Shloss commented on the lawsuit.

Laura Herzog, JFTB, provided information on the upcoming construction and groundbreaking of JFTB and alternate entrance to the pool; advised JFTB has a Facebook and Twitter account; reported on the Wings, Wheels, and Rotors Expo, and invited residents to the Veteran's Day Celebration.

Art DeBolt, resident, stated he is appearing on behalf of Citizens for a Fair Trash Contract and read a prepared statement on why a Petition for Writ of Mandate was filed. Mr. DeBolt stated the petition contains the concerns raised by citizens in the various City Council Meetings both before and after the decision to award the trash contract.

Gary (last name unknown), resident, stated he has lived in Los Alamitos for approximately 10 years and it is a good small City with good schools. Gary stated this year's election has many negative accusations of corruption and is wondering what happened to the City. Gary commented on the lawsuit.

Council Member Graham-Mejia read a statement prepared by Klaus Wojak, former Traffic Commissioner, stating he is shocked of the allegations made against Warren Kusumoto by Los Alamitos Tax Payers Association.

Council Member Graham-Mejia read a statement prepared by Dave Emerson, regarding the Planning Commission's public hearing on the Los Alamitos Medical Center 25-year expansion plan and the public comment deadline.

RECESS/RECONVENE

Mayor Poe at 10:11 p.m., recessed the City Council Meeting. At 10:14 p.m., the Council Meeting was reconvened with all Council Members present.

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

Mayor Pro Tem Stephens reported on his attendance at an Eagle Scout Award Ceremony held at St. Hedwig's Church; apologized to Los Alamitos for the

negative statements and malicious actions some people have done within the community. Mayor Pro Tem Stephens apologized to a resident who had damage done to his personal property for having candidate signs on his lawn. Mayor Pro Tem Stephens commented on the lawsuit, and was told about it by a reporter last week and is concerned by the timing of the lawsuit, and seems to be politically charged and very inappropriate. Mayor Pro Tem Stephens asked residents to vote tomorrow and know that we do have a strong City, and we are not similar to the City of Bell.

Council Member Zarkos reported on his attendance at the Eagle Scout Court of Honor and commended the families of the Boys who received the awards; stated he attended the Chamber of Commerce's on the Wings, Wheels, and Rotors Expo and congratulated them on a great event; commented on the Heroes of the Heart Award TIP Program and congratulated Officer Kim.

Mayor Poe asked City Manager Stewart, City Manager to respond to the comment regarding additional police officers at the tonight's meeting.

City Manager Stewart, stated in his years of experience having additional police officers at Council Meetings is a common practice and he was airing on the side of caution.

RECESS/RECONVENE

Mayor Poe recessed the meeting at 10:38 p.m. Mayor Poe reconvened the City Council Meeting with all Council Members present at 10:53 p.m.

Council Member Edgar addressed questions asked during the Oral Communications portion of the meeting, repudiated the claims made against candidate Kusumoto, spoke about his endorsements of elected officials; outlined the solid waste contract process and the three main reasons for voting in favor of the contract. Council Member Edgar addressed the negative election flyers, websites and blogs attacking his character. Council Member Edgar commented on the candidate forum and the candidate TV interviews. Council Member Edgar commented on his previous recall attempt by residents, and his reason for voting Mr. Sheridan off the Traffic Commission. Council Member Edgar commented on the lawsuit noting it is unverified which means the lawyer will not sign an affidavit stating the claims has been vetted and it is a legal claim. Council Member Edgar further stated he believes the lawsuit is a political hit piece filed by a fictitious person/group. Council Member Edgar wished the candidates luck and stated he hopes the community will get back together after the election.

Council Member Graham-Mejia commented on: election flyers, candidate finance support, approved travel, cell phones and credit cards for Council Members, and the trash contract and stated she does not feel it is a good deal for the residents. Council Member Graham-Mejia stated the reason her candidate team came together is because the trash contract ordinance was not followed. She further stated the lawsuit is a substantial document and at the end we will have the truth. Council Member Graham-Mejia stated running as a team shows good fiscal responsibility and noted their campaign is a grassroots campaign with donations from neighbors and friends. Council Member Graham-Mejia

commented on subsidizing the pool. She commented on the candidate interviews and the accusations made noting her team wanted to give students an opportunity to film the interviews. Council Member Graham-Mejia commented on: the candidate forum, statements made regarding her involvement with JFTB, Council Member Edgar's recall, her volunteerism in the community and schools, residents being removed from Commissions, the derogatory comments made about her vocation, and the lawsuit, noting she does not have any information about the lawsuit and who filed the lawsuit.

Council Member Graham-Mejia inquired if other Council Members have responded to e-mails from people regarding the potential City skate park, and a resident asking to speak to Council Members.

Council Member Graham-Mejia stated she believes there is a lack of leadership on the Council reflected in what happened tonight, and commented on the four police officers at tonight's meeting. She commented on the Wings, Wheels, & Rotors Expo funding for police traffic control for last year and this year, and stated there is a great deal of manipulation going on behind the scenes. She commented on the accusations made about Art DeBolt and Dave Emerson, stating it is wrong to demonize them because they are good men who have given volunteer time to this community.

Council Member Graham-Mejia asked residents to look at the positive information they were given and asked residents to do their research and vote that way.

Mayor Poe stated the allegations against Mr. Kusumoto are absolutely not true and thinks Mr. Kusumoto is a very honorable person who resigned from the Traffic Commission. Mayor Poe congratulated Justin Kim for receiving the Heroes of the Heart award, and reported on the recent 50th Anniversary Committee Meeting, noting the committee has not used the \$5,000 allocated from City funds for this event.

Angie Avery, Community Services Director, provided the surplus amounts for the 50th Anniversary parade and carnival, and the 50th Anniversary Courtyard brick sales.

Mayor Poe reported on the Wings, Wheels, and Rotors Expo held at JFTB, and the Mayor's Meeting. She invited residents to attend the State of the City on November 10th, and the 50th Anniversary Gala on November 20th. Mayor Poe apologized if residents thought she was trying to manipulate the meeting. She stated after viewing the meeting two weeks ago, she decided to conduct the business of the City first, and not make those from other agencies, such as OCFA, wait for hours after public comment. Mayor Poe said she is shocked at the accusations made about her, and noted she never held a meeting in her home to plan smear meetings against others. Mayor Poe said she has never taken any funds from any trash collectors, and when she ran two years ago, her campaign was a grassroots campaign with donations received from the residents and herself and Mayor Pro Tem Stephens did not come to Council Meetings to campaign during Public Comments. Mayor Poe commented on the lawsuit and

stated she believes it is frivolous and wished it would have been filed in a more timely manner, not right before the election. Mayor Poe also commented on the quantity of election flyers distributed in the City. Mayor Poe commented on the cell phones, credit cards and conferences attendance by previous Council Members. Mayor Poe stated she thinks the people in our community have been given a disservice by all of the negative campaigning. She stated she hopes the residents feel the trash contract is good for our community and that we have done a good job for this community. Mayor Poe asked residents to vote for candidates who work towards progress in the City.

12. ITEMS FROM THE CITY MANAGER

Jeffrey L. Stewart, City Manager had no comments.

13. ADJOURNMENT

The City Council Meeting was adjourned on Tuesday, November 2, 2010 at 12:42 a.m.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

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SPECIAL MEETING – NOVEMBER 15, 2010

1. CALL TO ORDER

The City Council met in Special Session at 4:41 p.m., Monday, November 15, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, City Attorney
Adria M. Jimenez, City Clerk

3. ORAL COMMUNICATIONS

Richard Murphy, resident, spoke on the Los Alamitos Hospital Expansion and asked the City Council to reach out to the residents. Mr. Murphy commented on the State of the City and stated it was a great event with good information and Mayor Poe did an excellent job.

4. CLOSED SESSION

At 4:45 p.m., Mayor Poe recessed the Special City Council Meeting to go into Closed Session.

Conference with Legal Counsel – Existing Litigation

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.

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)

RECONVENE

At 6:43 p.m., Mayor Poe reconvened the City Council Meeting with all Council Members present.

City Attorney Levin announced that the City Council has decided to contest the lawsuit paid for by Consolidated Disposal Services.

5. ADJOURNMENT

The meeting was adjourned at 6:44 p.m.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

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REGULAR MEETING – NOVEMBER 15, 2010**1. CALL TO ORDER**

The City Council met in Regular Session at 7:03 p.m., Monday, November 15, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

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

3. PLEDGE OF ALLEGIANCE

Mayor Poe led the Pledge of Allegiance.

4. INVOCATION

Mayor Pro Tem Stephens gave the Invocation.

5. PRESENTATIONS**A. Monthly Update by the City's 50th Anniversary Committee**

Pete Carvajal, Chair, updated the City Council on the following 50th Anniversary Events: 50th Anniversary Gala, Courtyard brick purchases, and the time capsule.

B. Recognition of Reserve Firefighter Program

Mayor Poe advised this presentation has been postponed to a future meeting.

C. Proclaiming the Week of November 15 – 21, 2010 as Entrepreneur Week

Mayor Poe presented Hugo Gonzalez and John Gonzalez with a proclamation in recognition of Entrepreneur Week. Pictures with Mayor Poe followed.

Mayor Poe announced that tonight's meeting was originally scheduled for the Joint Forces Training Base (JFTB) in recognition of the City's 50th Anniversary. Mayor Poe provided history on the base and the relationship between The Base and the City of Los Alamitos.

Mayor Poe invited Judy Klabouch from the Chamber of Commerce, and Kathleen Banja and Laura Herzog from JFTB forward and presented them with Proclamation in Recognition of Military Family Month.

Ms. Klabouch presented Ms. Banja and Ms. Herzog with a check from the proceeds of the Wings, Wheels and Rotors Expo for \$20,000. Pictures with Mayor Poe followed.

City Attorney Levin announced at the Special Meeting held today at 4:30 p.m., the City Council decided to contest the lawsuit which will be paid for by Consolidated Disposal Services.

6. ORAL COMMUNICATIONS

Judy Klabouch, Chamber of Commerce President, stated there is still availability for the March trip to China; reported the State of the City was a successful event; and, the next event will be the Wings, Wheels, and Rotors.

Cathie Salai, resident, expressed her disappointment with the City Council and public speakers during the last meeting and felt it was an unfair representation of the City. Ms. Salai asked for a public apology from Council Member Graham-Mejia regarding a disrespectful statement made about her at a prior meeting.

Laura Herzog, JFTB Representative, reported the following: JFTB is now on Facebook and Twitter; Airfield Repair was delayed due to a deployment request and construction began today; Operation New Dawn deployed on November 11; Race on the Base is the next JFTB event; and, the Veteran's Day Celebration was a success. Ms. Herzog indicated at the Veteran's Day event a Purple Heart Ceremony was held for Retired Lieutenant John Maye.

Laura Christensen, resident, indicated her displeasure for the manner in which she was treated at the previous Council meeting during Public Comments.

Pat Blancher, resident, requested a change in the format for Council Comments that would call for order.

John Underwood, resident, stated all of the 50th Anniversary events have been recorded by LATV and are being re-broadcasted.

Mayor Poe read a letter from Governor Schwarzenegger congratulating the City on its 50th Anniversary.

7. REGISTER OF MAJOR EXPENDITURES November 15, 2010.

Motion/Second: Edgar/Zarkos

Unanimously carried: The City Council approved the Register of Major Expenditures for November 15, 2010, in the amount of \$367,589.79.

Roll Call Vote

Council Member Edgar	Aye
Council Member Graham-Mejia	Aye
Council Member Zarkos	Aye
Mayor Pro Tem Stephens	Aye
Mayor Poe	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: Graham-Mejia/Zarkos

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

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

A. Warrants

November 15, 2010.

B. Race on the Base Participant Shirt Purchase

This item is to authorize the City Manager to purchase participant shirts for the Race on the Base. Every participant in each race receives a shirt as part of his or her registration fee. This item has been placed on the agenda because the cost of the purchase exceeds the purchasing limit of the City Manager.

Recommendation: Authorized the City Manager to purchase 2011 Race on the Base participant shirts from Pacifica Racewear in an amount not to exceed \$22,000.

C. Approval of Plans and Specifications and Authorization to Bid the Community Center Energy Upgrade

This report recommends actions that facilitate construction for the Community Center Energy Upgrade.

Recommendation:

1. Approved the plans and specifications for the Community Center Energy Upgrade; and,
2. Authorized staff to advertise and solicit bid proposals.

D. Second Reading of Ordinance No. 10-09 - To Extend Current Moratorium for Tattoo Parlors and Massage Establishments for 10.5 months to September 19, 2011

At its regular meeting of November 1, 2010, the City Council conducted a first reading of Ordinance No. 10-09, which extends an existing interim moratorium for Tattoo Parlor and Massage Establishment uses.

Recommendations:

1. Waived reading in full and authorized reading by title only of Ordinance 10-09; entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS EXTENDING AN EXISTING INTERIM MORATORIUM ON THE ESTABLISHMENT, USE AND OPERATION OF TATTOO PARLORS AND MASSAGE USES PURSUANT TO GOVERNMENT CODE SECTION 65858 AND DECLARING THE URGENCY THEREOF".
2. Adopted Ordinance No. 10-09 by the following roll call vote:

Roll Call Vote

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

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

Council Member Zarkos recused himself from Item #9 stating he serves as a Board Member on the Apartment Association, which submitted a letter to the City opposed to the adoption of the Ordinances.

9. ORDINANCES

Consideration to Adopt New California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes, and Other Related Codes and Fire Code

The State's Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction. The construction codes include: the California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes, and other related codes. If the City Council approves first reading of the Ordinances, Urgency Ordinances will be adopted at the next meeting in order to meet the January 1, 2011 due date.

Steven Mendoza, Community Development Director, provided a staff report to the City Council.

Dennis Grubb, Assistant Fire Marshall, Orange County Fire Authority, answered questions from City Council and provided information on installation fees for sprinklers.

Mayor Poe at 7:54 p.m., opened the Public Hearing.

Cathy Salai, resident, expressed her concern regarding the costs of installing sprinklers into the older construction of homes and clarification on computing the square footage requirements.

Asst. Fire Marshall Grubb advised Ms. Salai there installation is not a concern for contractors with installing sprinklers into the existing portion of the homes, noting there are a variety of tools available to help minimize the potential costs and disruption in the home.

At 7:56 p.m., Mayor Poe closed the Public Hearing.

Motion/Second: Graham-Mejia/Edgar
Unanimously carried (4/0/1 Zarkos Abstain):

1. Conducted a Public Hearing on Adoption of Ordinances 10-07 and 10-08; and,
2. Adopted the codes without a requirement for residential sprinklers for room additions; and,
3. Introduced by title only and waive further reading of Ordinance No. 10-07 and Ordinance No. 10-08, and set for second reading; and,
4. Mayor Poe read the title of Ordinance No. 10-07, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS REPEALING CHAPTER 15.04 OF TITLE 15 OF THE LOS ALAMITOS MUNICIPAL CITY CODE AND ADDING A NEW CHAPTER 15.04, ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2010 CALIFORNIA BUILDING CODE, (INCORPORATING AND AMENDING THE 2009 INTERNATIONAL BUILDING CODE), THE 2010 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2009 INTERNATIONAL RESIDENTIAL CODE), THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2010 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2008 NATIONAL ELECTRICAL CODE), THE 2010 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2009 UNIFORM MECHANICAL CODE), THE 2010 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2009 UNIFORM PLUMBING CODE), AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE;" and,
5. Mayor Poe read the title of Ordinance No. 10-08, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING TITLE 15.08 OF THE LOS ALAMITOS MUNICIPAL CODE BY ADOPTING THE 2010 EDITION OF THE CALIFORNIA FIRE CODE WITH APPENDICES AND AMENDMENTS THERETO AND REPEALING ORDINANCE NO. 7-06."

10. DISCUSSION ITEMS

Dog License Late Fee Amnesty Program

This report proposes the implementation of a one-month amnesty program to waive the \$30 late fee for expired dog licenses which may provide some

budgetary relief to residents while increasing compliance with Los Alamitos Municipal Code Section 6.08 – Dog Licensing.

Cassandra Palmer, Support Services Manager, provided a staff report and answered questions from the City Council.

Motion/Second: Edgar/Zarkos

Unanimously carried: Adopted Resolution No. 2010-20, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS LOS ALAMITOS, CALIFORNIA, PROVIDING FOR A TEMPORARY AMNESTY PROGRAM WAIVING LATE PENALTY FEES FOR DOG LICENSES FOR THE PERIOD FROM DECEMBER 1 THROUGH DECEMBER 31, 2010."

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

Council Member Graham-Mejia thanked staff for their hard work and encouraged residents to attend the 50th Anniversary Gala. She apologized to Ms. Salai and indicated it was not her intent to offend her.

Mayor Pro Tem Stephens reported attendance at the following events: OCFA Closed Session, November 8; OCFA Budget and Finance Meeting, November 11; and, the Veteran's Day Remembrance at JFTB. Mayor Pro Tem Stephens indicated he was touched by the Purple Heart Ceremony and was honored to have met Retired Lieutenant Maye. Mr. Stephens stated his nephew was being deployed and wished him and everyone else overseas a safe and speedy return home. Mayor Pro Tem Stephens encouraged residents to thank our Veterans year-round.

Council Member Zarkos congratulated Council Member-Elect Kusumoto and indicated ballots were still being counted. Council Member Zarkos stated he enjoyed his time on the Council and working with Staff, and thanked everyone for their encouragement and support.

Council Member Edgar reported on his attendance at the League of California Cities Meeting and briefed Council on the voting that had occurred. Council Member Edgar thanked Mayor Poe for her presentation at the State of the City and thanked Council Member-Elect Kusumoto for attending the event. Council Member Edgar reported on his attendance at the Diabetes Day fundraiser held at the Fish Company. Council Member Edgar reported on two of his concerns regarding the OCSD: 1) increase in fees within the next two to three years, and 2) solid waste concerns. Council Member Edgar thanked everyone for attending the Veteran's Day Celebration and stated as a veteran he still appreciates the Thank You. Council Member Edgar thanked the community for their support during the election, and stated he looks forward to serving the next four years moving the City forward.

Mayor Poe reported on her attendance at: the Chamber Breakfast, November 10; State of the City Lunch, November 10; and the City/School District Working Group Ad Hoc meeting, November 10. Mayor Poe congratulated Council Member-Elect Kusumoto on his recent election. Mayor Poe cautioned residents that coyotes are still at-large and indicated the City would continue to look for solutions. Mayor Poe advised tickets were still available for the 50th Anniversary Gala; and, thanked her fellow Council Members for attending the League Dinner and Veteran's Day Celebration as she was out of town.

12. ITEMS FROM THE CITY MANAGER

Jeffrey L. Stewart, City Manager had nothing to report.

13. ADJOURNMENT

The City Council Meeting was adjourned to Monday, November 29, 2010, 5 p.m., City Council Chambers.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

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ADJOURNED MEETING – NOVEMBER 29, 2010

1. CALL TO ORDER

The City Council met in Adjourned Session at 5:01 p.m., Monday, November 29, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Adria M. Jimenez, City Clerk
Steven Mendoza, Community Development Dir.
Dave Hunt, City Engineer
Tony Brandyberry, Public Services Supt.
Tom Oliver, Intern

3. ORAL COMMUNICATIONS

Mayor Poe opened Oral Communications. Having no one come forward, Mayor Poe closed Oral Communication.

4. WARRANTS

November 29, 2010.

Motion/Second: Zarkos/Graham-Mejia

Unanimously carried: The City Council approved the Warrants for November 29, 2010, in the amount of \$5,328.00

Roll Call Vote

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

5. SPECIAL ORDERS OF THE DAY

Community Development Block Grant (CDBG) Project List for Year 2011-12

This report sets forth a recommended project list for Fiscal Year 2011-2012 of the County's Community Development Block Grant (CDBG) Program and approval of the City's participation in the program which is due on December 1, 2010.

Steven Mendoza, Community Development Director, provided a staff report and details regarding: application deadline requirements, CDBG project requirements, CDBG project areas within the City, and previous City CDBG funded projects. Mr. Mendoza reviewed then reviewed the suggested project list and staff's recommendations.

Mayor Poe opened the Public Hearing at 5:09 p.m.

Warren Kusumoto, resident, stated Orville Lewis Park wall is in serious disrepair and needs to be replaced. Mr. Kusumoto also requested the Council consider street repairs for Via El Mercado.

Dean Grose, resident, stated the City has received CDBG monies in previous years and asked if the Council is going to prioritize the projects. Mr. Grose expressed his concern for Old Town West, specifically the streets, driveways, and flooding issues on the streets south of Florista.

With no one else wishing to speak, Mayor Poe closed the Public Hearing at 5:16 p.m.

Mayor Pro Tem Stephens asked for additional information on the total costs and matching funds.

Mr. Mendoza stated \$1,043,750 is the amount requested; \$1,207,500 is the total project amount. Mr. Mendoza stated the County does not required 100% match and prefer to see "good faith."

Council Member Zarkos asked if there is additional information on where leveraged funds are coming from, and asked if there any money is coming from the General Fund.

Mr. Mendoza, stated most of the funds are Gas Tax, Measure M, and some Park Funds; none are from the General Fund.

Council Member Edgar requested staff utilize the CIP budget process in spring to categorize possible CDBG projects for the upcoming year.

Council Member Edgar stated his first priority is design of the Los Alamitos Blvd. Beautification Project which fits cleanly with economic development goals and helps the City move toward being shovel-ready in July.

Council Member Edgar further stated he is supportive of the projects in Old Town West and East the curb and gutter replacement and street rehabilitation projects. Council Member Edgar expressed his hesitation on the alley reconstruction and reconstruction of the City parking lot.

Council Member Edgar asked Mr. Mendoza to confirm the costs for the handicap access ramps in apartment row.

Mr. Mendoza stated the \$7,500 is for design only, not construction of the ADA ramps.

Council Member Edgar stated he is supportive of \$110,000 to replace/upgrade the ADA ramps.

Mr. Mendoza advised \$10,000 is for design; \$100,000 is for construction, and staff believes it can be done in the same year.

Mr. Mendoza and Dave Hunt, City Engineer, provided information on the drainage Master Plan and advised the project is already a part of the CIP budget and adding it to the CDBG project list will help find funds from other sources.

Council Member Edgar asked if the fencing at Little Cottonwood Park is the chain-link fence at the entry way or the entire fence around the park.

Tony Brandyberry, Public Services Superintendent, advised it is the existing chain-link fence that borders the base, and it would be extending the block wall the entire length of the park and adding a rolling mechanism to the top to prevent coyotes from grabbing a hold and jumping over.

Council Member Graham-Mejia asked for information on the application submittal process.

Mr. Mendoza advised all the applications are submitted in one notebook and the County will review and choose projects they believe should be funded.

Council Member Graham-Mejia confirmed why Orville Lewis Park cannot be added to the CDBG project list.

Council Member Graham-Mejia requested Orville Lewis Park be assessed when reviewing next year's CIP.

Mr. Hunt advised that the Old Town East and West street improvement projects are top priorities and are part of this year's CIP. The projects should be going out to bid in the spring.

The City Council prioritized the CDBG project applications in the following order:

1. Design of Los Alamitos Beautification Project
2. Handicapped Access Ramps in Apartment Row/Old Town East/Old Town West
3. Little Cottonwood Park Fencing
4. Old Town East/West Improvement Projects
5. Preparation of Drainage Master Plan

Council Member Edgar expressed his concern of the Old Town East/West Improvement Projects, specifically the alley reconstruction, between Katella Avenue & Catalina Street, Pine to Reagan; and, reconstruction of the City parking lot.

Mayor Poe asked for additional information on the Senior Meals Outdoor Eating Area Project.

Mr. Brandyberry stated there the concrete pathway has some trip and fall hazards and drainage issues, and it is recommended both repairs be made concurrently while adding an outdoor eating area for the seniors. Mr. Brandyberry stated there is no current liability, but there is the possibility of future liability. The pathway can be temporarily fixed with slurry seal or similar repairs.

Mayor Poe stated she would like to see the parking lot reconstruction removed from the project list.

City Manager Stewart suggested the City Council separate the project and make the reconstruction of the parking lot its own project.

Council Member Graham-Mejia expressed her support for the Drainage Master Plan Project stating flooding is a safety issue and could cause difficulty for emergency vehicles access, and has seen water flood up to the front door steps of some homes.

The City Council unanimously agreed to modify the Old Town West/East Street Improvements and submit the reconstruction of the City Parking Lot as its own project and prioritized the projects as follows:

1. Design of Los Alamitos Beautification Project
2. Handicapped Access Ramps in Apartment Row/Old Town East/Old Town West
3. Little Cottonwood Park Fencing
4. Old Town East/West Improvement Projects
5. Preparation of Drainage Master Plan
6. Reconstruction of the City Parking Lot

Recommendation:

- 1) Opened the public hearing and accepted comments regarding proposed CDBG projects; and,
- 2) Adopted Resolution No. 2010-24 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving the City's Participation in the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Program with the County of Orange;" and,
- 3) Directed staff to prepare applications for submittal to the County of Orange; and,
- 4) Authorized the City Manager to execute all CDBG Program documents for Fiscal Year 2011-2012 and appropriate amendments, if any, as they become available.

6. ADJOURNMENT

The City Council Meeting was adjourned at 6:03 p.m., to December 6, 2010.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

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

SPECIAL MEETING – DECEMBER 6, 2010

1. CALL TO ORDER

The City Council met in Special Session at 5:03 p.m., Monday, December 6, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, City Attorney
Adria M. Jimenez, City Clerk

3. ORAL COMMUNICATIONS

At 5:04 p.m., Mayor Poe opened Oral Communications. Having no one come forward, Mayor Poe closed Oral Communications at 5:05 p.m.

4. CLOSED SESSION

At 5:06 p.m., Mayor Poe recessed the Special City Council Meeting to go into Closed Session.

Public Employee Performance Evaluation

Title: City Manager

Authority: Government Code Section 54957.6

RECONVENE

At 6:41 p.m., Mayor Poe reconvened the Special City Council Meeting with all Council Members present.

City Attorney Levin announced there was no reportable action.

5. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC, City Clerk

MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – OCTOBER 4, 2010

ITEM NO. 8A6

**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 7:10 p.m., Monday, October 4, 2010, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, City Attorney
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 Zarkos led the Pledge of Allegiance.

4. INVOCATION

Mayor Poe gave the Invocation.

5. PRESENTATIONS

Mayor Poe advised the Presentations will be taken out of order.

D. Certificate of Recognition to Sean Parker

Mayor Poe presented Sean Parker a Certificate of Recognition from the City Council for saving his friend, Matt Terrell, from drowning. Pictures with Council followed.

A. Introduction of New City Employees

Anita Agramonte, Finance Manager

Samantha Mathias, Los Alamitos Police Officer

Mayor Poe introduced and welcomed Ms. Agramonte and Ms. Mathias to the City and presented them with City mementos. Pictures with City Council followed.

B. Presentation of Proclamation in Recognition of Fire Prevention Week October 3 – October 9, 2010

Mayor Poe presented a proclamation in recognition of Fire Prevention Week to Chief Valbuena, OCFA. Pictures with City Council followed.

C. Presentation of Proclamation in Recognition of World Polio Day

Mayor Poe read and presented a proclamation in recognition of World Polio Day to Sean Payne of the Los Alamitos-Seal Beach Rotary Club. Pictures with City Council followed.

E. Presentation by Becky Esparza, Orange County Human Relations Commission, on its Annual Report.

Becky Esparza, Orange County Human Relations Commission, provided information on its Annual Report. Ms. Esparza thanked the City Council for their cooperation and presented the City Council with a Certificate of Appreciation.

6. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council.

Nancy Karmelich, resident, provided an update on the Banners of Honor program, noting banners are still available and sponsors are needed. Ms. Karmelich thanked the current banner sponsors, the City and JFTB for approving the program.

Judy Klabouch, Chamber of Commerce, provided information on the following upcoming Chamber events: Candidate Forum, October 14, 7:00 p.m., Community Center; Wings, Wheels, Rotors, and Expo, October 24, JFTB; and, State of the City Luncheon, November 10. Ms. Klabouch advised the Casa Youth Shelter Gala was a very successful event and thanked everyone for participating.

Rob Feldman, resident, thanked the City Council for serving the residents and commented on the campaign phone polling conducted over the past weekend. Mr. Feldman stated the poll identified itself as being conducted by the City of Los Alamitos and he does not believe this is a good use of tax dollars.

Dave Emerson, resident, provided information and commented on the campaign phone polling conducted in the City over the weekend. Mr. Emerson encouraged residents to attend the public hearing on the Los Alamitos Hospital expansion project. Mr. Emerson also commented on his inability to obtain copies of the weekly briefings.

Laura Herzog, JFTB, reported repairs on 22-L have begun and are expected to be complete by the first week of January and provided hours of construction. Ms. Herzog read a statement addressing a recent article in the News Enterprise; stated JFTB is providing a new weekly community awareness piece providing information on upcoming JFTB construction, training and other activities for residents; and, provided information on the upcoming CERT Training, and

training missions being held on the base. Ms. Herzog also provided information on the Wings, Wheels, Rotors, and Expo event on October 24th.

Art DeBolt, resident, commented on the City's solid waste contract and provided clarity on how the estimate of \$6.5 million is calculated. Mr. DeBolt stated the residents will be receiving a savings, but the businesses and apartment owners will not. Mr. DeBolt stated he sent letters to the businesses and apartment owners encouraging them to attend tonight's Council Meeting to voice their displeasure.

Brad Sheridan, resident, commented on the phone polling, stating the push polling negatively targeted his reputation. Mr. Sheridan addressed each of the items stated in the phone polling.

Jody Shloss, resident, commented on the phone polling, noting she received 11 calls in one day. Ms. Shloss addressed each of the questions asked in the phone poll and stated she recorded her conversations with the research company and has copies available for those who are interested. Ms. Shloss also referred to prior election campaign contributions and expenditures.

Chuck Sylvia, resident, stated the \$6.5 million dollar calculation regarding the solid waste contract is fictitious and stated if the City illegally awarded the solid waste contract the City would have been sued, which it had not. Mr. Sylvia also commented on a current Council Member's statements regarding not running for reelection.

Lisette Gabler, resident, commented on the absence of a candidates' night in a previous election, anonymous campaign flyers she has received, and past actions of a current Council Member. Ms. Gabler spoke in favor of Council Member Zarkos and his campaign for re-election, having previously worked with him.

JM Ivler, resident, provided information about his personal business and stated he was asked to build a website for three Council Candidates and spoke about their identity/slogan. Mr. Ivler spoke about campaign expenditure statements and contributions and Council Members' conflict of interest as it relates to the trash contract.

Warren Kusumoto, resident, expressed his disappointment of the push polling conducted in the City and provided facts on push polling. Mr. Kusumoto reviewed contributions and expenditures of past elections and Council Members. Mr. Kusumoto said if he is elected he would propose an Ordinance to make push polling illegal in the City.

Alice Jempsa, resident, spoke about the push polling calls she received over the weekend and stated her experience was a positive experience and not at all similar to other residents' experiences. Ms. Jempsa did state she asked who authorized the poll and the person advised they were unable to provide that information.

Pat Blanchard, resident, stated she has tracked contributions from two previous elections where both Mayors received big contributions from businesses within the City. Ms. Blanchard also voiced her displeasure of hearing advertising for resident's blogs during public comment.

Sarah Wickstrom, resident, stated she is saddened by the gossiping and rumors circulating in the City. Ms. Wickstrom stated she wants to be proud to be a resident of Los Alamitos and asked the City Council to make her proud of the City.

Catherine Driscoll, resident, thanked Pete Carvajal and the City for their work on the 50th Anniversary Courtyard and inquired why the firework show was not included in the budget, but support for the Chamber of Commerce's event (Wings, Wheels, and Rotors Expo) was. Ms. Driscoll stated she does not see a City united and asked when is the Council going to stop allowing an outside source to make decisions for the City.

RECESS/RECONVENE

At 8:40 p.m., Mayor Poe recessed the City Council Meeting. At 8:53 p.m., Mayor Poe reconvened the City Council Meeting with all Council Members present.

7. REGISTER OF MAJOR EXPENDITURES

October 4, 2010.

Motion/Second: Zarkos/Edgar

Unanimously carried: The City Council approved the Register of Major Expenditures for October 4, 2010, in the amount of \$314,964.75.

Roll Call Vote

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

Council Member Graham-Mejia pulled Consent Calendar Items #8A1 and #8A2.

Motion/Second: Zarkos/Edgar

Unanimously carried: Approved the following Consent Calendar Item #8B.

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

B. Warrants

October 4, 2010.

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

8A. Approval of Minutes

1. Approve Minutes of the Regular Meeting – August 16, 2010
2. Approve Minutes of the Regular Meeting – September 7, 2010

Council Member Graham-Mejia stated she pulled this item because she would like clarification added to her statement regarding City monetary support of the Wings, Wheels, and Rotors Expo Event to the Minutes of September 7, 2010.

Council Member Graham-Mejia also asked her request to review and revise solicitation permits be included.

Council Member Graham-Mejia requested Item #8A1, Minutes of the Regular Meeting of August 16, 2010, and Item #8A2, Minutes of September 7, 2010, be amended and brought back to the City Council for approval at the meeting of October 18, 2010.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: Amend the Minutes of August 16, 2010 and September 7, 2010, to include Council Member Graham-Mejia’s comments and return to City Council for approval.

9. ORDINANCES

A. Second Reading of Ordinance No. 10-03, “Repealing Portions of Chapter 2.04.070, “Preparation of Minutes – Retention of Tapes,” of the Los Alamitos Municipal Code

At its Regular Meeting of September 20, 2010, the City Council conducted the first reading of Ordinance No. 10-03, “Repealing Chapter 2.04.070, Subsections B, C and D, “Preparation of Minutes – Retention of Tapes,” of the Los Alamitos Municipal Code.

Motion/Second: Edgar/Zarkos

Carried 4/1 (Graham-Mejia “No”): Waived further reading and adopted Ordinance No. 10-03, “Repealing Chapter 2.04.070, Subsections B, C and D, “Preparation of Minutes – Retention of Tapes,” by the following roll call vote:

Roll Call Vote

Council Member Edgar	Aye
Council Member Graham-Mejia	No
Council Member Zarkos	Aye
Mayor Pro Tem Stephens	Aye
Mayor Poe	Aye

Council Member Graham-Mejia noted she was opposed to this item because she believes this item represents a lack of transparency.

B. Ordinance No. 10-06 Amending Section 12.08.320 of the Los Alamitos City Code Regarding Street Excavations and Utility Work Performed on City Streets

During the August 2, 2010 City Council meeting, Council reviewed a presentation regarding the City's current standards related to utility construction within our streets. To extend the life of our City streets, the City Engineer is requesting the existing thirty-six (36) month moratorium on excavating in City streets, be increased to sixty (60) months, after the entire width of the street has been paved, resurfaced with an overlay, or a slurry seal.

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

Council Member Edgar thanked Mr. Hunt for bringing this item forward and stated he believes the moratorium will provide reassurance to the community that the City is not tearing up streets, fixing them, and then tearing them up again.

Council Member Graham-Mejia thanked staff for bringing this item forward and stated this item follows the City's vision for the future while saving money.

Mayor Pro Tem Stephens thanked staff for bringing this forward and for doing a good job.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: Waived further reading and adopted Ordinance No. 10-06 entitled, "AN ORDINANCE OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTION 12.08.320 OF THE LOS ALAMITOS MUNICIPAL CODE, TO ESTABLISH MINIMUM STANDARDS FOR STREET EXCAVATION AND REPAIR."

10. DISCUSSION ITEMS

A. Consideration of Modification to Residential Parkway Regulations

This staff report provides City Council with information regarding existing landscaping requirements in public parkways and recommendations to redraft the Parkway regulations.

Dave Hunt, City Engineer, provided a staff report to the City Council and reviewed photos of Parkway inconsistencies in the City. Mr. Hunt reviewed the recommendations and answered questions from City Council.

Council Member Graham-Mejia inquired: if parkways are property of the City; about the liability concerns associated with the upkeep of the parkways and sidewalks; and, the possibility of "grand-fathering" in residents who have acceptable parkway landscaping that is not consistent with the City's Code. Council Member Graham-Mejia also expressed her

concern with the inconsistency of neighborhoods and asked the City provide guidelines for residents. Council Member Graham-Mejia also noted she was in favor of allowing residents to utilize artificial turf in the parkways.

City Attorney Levin clarified the City's liability of the parkways.

Mayor Pro Tem Stephens expressed his concern over the impact of existing parkways and asked if those parkways that are considered unsafe would be excluded from being grand-fathered. Mayor Pro Tem Stephens also expressed his support of using artificial turf in parkways.

Council Member Zarkos stated he supports the staff's recommendation as noted in the report.

Council Member Edgar stated the objectives of this policy are unclear and would like the City Council to prioritize the concerns of beautification, re-gentrification of the neighborhoods, and safety. Council Member Edgar also stated the City Council should be clear why this issue is being considered and would like more specifics on how this ordinance will be enforced.

Additional discussion ensued.

Council Member Zarkos, with the consensus of the City Council, asked this item be re-evaluated by the Planning Commission to incorporate the Council's concerns, and then brought back to the City Council for future consideration.

11. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

Mayor Pro Tem Stephens reported on his attendance at: the OCFA Board of Directors Meeting, the Las Vegas Nights Fundraiser, the Casa Youth Shelter Gala, the Grand Opening of the 50th Anniversary Courtyard, and Fire Station #2 Open House. Mayor Pro Tem Stephens also thanked the OC Human Relations Committee for their annual report, noting special attention to their Mission Statement.

Council Member Zarkos commented on his attendance at: the Casa Youth Shelter Fundraiser, the Open House at Fire Station #2, the Las Vegas Nights Fundraiser, noting it was a big success, and, the 50th Anniversary Courtyard Dedication. Council Member Zarkos reported on the recent SB 32 vote conducted by the League of California Cities, advising Council a new organization which represents smaller cities, such as Los Alamitos, has been formed in an effort to give small cities more of a voice with issues such as SB 32.

Council Member Graham-Mejia corrected a statement made earlier by a resident regarding a conversation between herself and Council Member Edgar; inquired if raffle tickets are still available for the Police Officers Association car raffle; asked Angie Avery, Community Services Director, to provide information on the type of items that can be included in the time capsule; asked the City Council agendaize an opportunity for residents to comment on the downtown revitalization project; reported concerns of excess sidewalk debris on Bloomfield and Ball; asked the City Manager to re-instate the weekly briefings. Council Member Graham-Mejia stated the following in response to public comments: LATV is still in fact a work in progress, and the ad-hoc committee is meeting this week; did not use "incumbent" as her ballot designation so it does not present her with an unfair advantage, and noted she is not trying to hide something; commented on the phone polling and the surveyor's question of, "Would you more or less likely vote for her because she is a manicurist and resides in an apartment?" stating residents are upset because these statements are vile and mean; commented on previous Mayors accepting donations from a business, which is not illegal, but it is wrong for current Council Members to accept money and then vote on an item that involves the business, without recusing themselves; and, encouraged residents to become involved with CERT.

Council Member Edgar reported on his attendance at the following events: Sanitation District Meeting, the Casa Youth Shelter Fundraiser, St. Isidore's Fundraiser, the Las Vegas Nights auction, and the 50th Anniversary Courtyard Dedication. Council Member Edgar addressed comments and clarified concerns made by members of the public regarding the election and the phone poll which occurred over the weekend. Council Member Edgar invited residents to contact him directly if they have any questions or concerns.

Mayor Poe reported on her attendance at: the Mayor's Meeting, noting the participating communities are looking for funding to permanently repair the JFTB runway, and are also considering methods to make the 4th of July Spectacular a revenue neutral event. Mayor Poe also reported on her attendance at the Casa Youth Shelter Fundraiser and the 50th Anniversary Courtyard Dedication and thanked the 50th Anniversary Committee, Parks and Recreation and Public Works staff for their work over the past year. Mayor Poe provided information on the upcoming 50th Anniversary Gala. Mayor Poe stated on October 10th, Kenny Brandyberry will be recognized as the Honorary Citizen by the Los Alamitos Museum. Mayor Poe thanked the City Council for letting her serve as Mayor during the 50th Anniversary year.

12. ITEMS FROM THE CITY MANAGER

City Manager Jeffrey L. Stewart, had nothing to report.

13. ADJOURNMENT

At 10:24 p.m., the City Council Meeting was adjourned in memory of Jim Cole, long-time City resident and Director of Space and Arrowhead Products.

Marilynn M. Poe, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

CITY OF LOS ALAMITOS
A/P Warrants
January 3, 2011

Pages:

01-05	\$ 56,512.98	A/P Warrants	01/03/2011
06-10	\$ 65,593.80	A/P Warrants	12/20/2010
	\$ 2,039.04	Retiree Benefits	01/01/2011

Total **\$ 124,145.82**

Statement:

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



this 29th day of December, 2010

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ACE INDUSTRIAL SUPPLY, INC.	PIPE WRENCH	GARAGE FUND	GARAGE	327.98
	SHOP TOOLS	GARAGE FUND	GARAGE	281.08
			TOTAL:	<u>609.06</u>
AEI	REBUILD ALTERNATOR	GARAGE FUND	GARAGE	100.00
			TOTAL:	<u>100.00</u>
ALAMITOS AUTO PARTS	OIL FILTER	GARAGE FUND	GARAGE	15.73
	LEAK STOP ADDITIVE	GARAGE FUND	GARAGE	6.50
	PULLEYS	GARAGE FUND	GARAGE	69.56
			TOTAL:	<u>91.79</u>
ALCO TARGET COMPANY	TRAINING TARGETS	GENERAL FUND	PATROL	50.08
			TOTAL:	<u>50.08</u>
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	80.00
			TOTAL:	<u>330.00</u>
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	2.51
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	8.05
			TOTAL:	<u>10.56</u>
CALIFORNIA JOINT POWERS INSURANCE AGEN	TRAINING	GENERAL FUND	STREET MAINTENANCE	50.00
			TOTAL:	<u>50.00</u>
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	226.53
			TOTAL:	<u>226.53</u>
CHARLES ABBOTT ASSOCIATES, INC.	PLAN CHECK SVCS 11/10	GENERAL FUND	NPDES	5,639.02
	NPDES INSPECTIONS 11/10	GENERAL FUND	NPDES	2,054.00
			TOTAL:	<u>7,693.02</u>
CITY OF BREA	LABOR 11/10	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	6,867.56
			TOTAL:	<u>6,867.56</u>
COMPUTER SERVICE CO.	MAINTAIN INTERSECT 11/10	GENERAL FUND	STREET MAINTENANCE	1,240.00
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	47.88
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	95.75
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	407.64
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	128.58
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	47.88
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	100.50
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	160.53
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	100.50
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	309.76
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	100.50
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	232.32
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	88.50
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	177.00
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	178.55
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	161.39
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	200.82
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	121.95
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	313.13
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	140.55

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	TRAFFIC SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	4,082.14
			TOTAL:	8,435.87
CONSOLIDATED DISPOSAL SRVS #902	SWEEPER DISPOSAL FEE	GENERAL FUND	STREET MAINTENANCE	1,093.54
			TOTAL:	1,093.54
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	702.53
			TOTAL:	702.53
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	38.03
	SHIPPING	GENERAL FUND	INVESTIGATION	15.03
			TOTAL:	53.06
GANAHL LUMBER COMPANY	PAINT SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	46.56
	HARDWARE	GENERAL FUND	BUILDING MAINTENANCE	7.26
	DOOR LOCK	GENERAL FUND	BUILDING MAINTENANCE	43.49
	LUMBER	GENERAL FUND	BUILDING MAINTENANCE	18.02
	RAGS & PAINT THINNER	BUILDING IMPROVEME	CAPITAL PROJECTS	41.17
	PAINT	GARAGE FUND	GARAGE	24.21
	DRILL	GARAGE FUND	GARAGE	108.74
			TOTAL:	289.45
GLENN E. THOMAS CO.	WASHER PUMP	GARAGE FUND	GARAGE	43.22
			TOTAL:	43.22
GOLDEN STATE WATER COMPANY	BILL CYCLE 10/11-12/09	GENERAL FUND	STREET MAINTENANCE	2,640.34
	BILL CYCLE 10/11-12/09	GENERAL FUND	PARK MAINTENANCE	2,820.94
			TOTAL:	5,461.28
HARRY'S ROOTER & PLUMBING	AUGER TOILET	GENERAL FUND	BUILDING MAINTENANCE	35.00
			TOTAL:	35.00
HI-WAY SAFETY INC.	SPEED SIGNS	GENERAL FUND	STREET MAINTENANCE	71.78
			TOTAL:	71.78
HUNTINGTON BEACH HONDA	MOTORCYCLE MAINTENANCE	GENERAL FUND	TRAFFIC	1,427.54
			TOTAL:	1,427.54
J SINS CUSTOMZ	ALUMINUM WELDING	GARAGE FUND	GARAGE	155.00
			TOTAL:	155.00
JDS TANK TESTING & REPAIR	DESIGNATED OPERATOR 11/10	GARAGE FUND	GARAGE	140.00
	ANNUAL TESTING	GARAGE FUND	GARAGE	775.00
			TOTAL:	915.00
JOHNSTONE SUPPLY OF LONG BEACH	FAN MOTOR	GENERAL FUND	BUILDING MAINTENANCE	53.44
			TOTAL:	53.44
JUDICIAL DATA SYSTEMS CORPORATION	CITATIONS 11/10	GENERAL FUND	TRAFFIC	370.85
			TOTAL:	370.85
K&S AIR CONDITIONING, INC.	A/C REPAIR	GENERAL FUND	BUILDING MAINTENANCE	125.00
			TOTAL:	125.00
KONICA MINOLTA BUSINESS SOL	COPIER LEASE - ADMIN	GENERAL FUND	ADMINISTRATIVE SERVICE	274.10
	BW COPY CHARGES	GENERAL FUND	ADMINISTRATIVE SERVICE	43.39

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	COLOR COPY CHARGES	GENERAL FUND	ADMINISTRATIVE SERVICE	96.33
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	398.88
	BW COPY CHARGES	GENERAL FUND	ADMINISTRATIVE SERVICE	204.56
			TOTAL:	1,017.26
LOS ALTOS TROPHY	PLAQUE	GENERAL FUND	CITY COUNCIL	18.71
			TOTAL:	18.71
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICAL	GENERAL FUND	ADMINISTRATIVE SERVICE	135.00
			TOTAL:	135.00
MISC. VENDOR	REFUND - PARKING CITATION	GENERAL FUND	NON-DEPARTMENTAL	50.00
			TOTAL:	50.00
RICK MOORE	TUITION REIMBURSEMENT	GENERAL FUND	POLICE ADMINISTRATION	1,014.00
			TOTAL:	1,014.00
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	295.00
NEWS ENTERPRISE	PUBLISH ENERGY UPGRADE BID	EECBE GRANT	CAPITAL PROJECTS	320.86
			TOTAL:	320.86
NORM'S AUTOMOTIVE CENTER INC.	REPLACE SENSOR	GARAGE FUND	GARAGE	175.86
			TOTAL:	175.86
THOMAS OLIVER	PLANNING SERVICES	GENERAL FUND	PLANNING	292.50
	COMM DEV SERVICES	GAS TAX	CAPITAL PROJECTS	7.50
			TOTAL:	300.00
PACIFIC PLUMBING SPECIALTIES	DRAIN SNAKE PARTS	GARAGE FUND	GARAGE	141.51
			TOTAL:	141.51
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,393.88
			TOTAL:	1,393.88
TOM RASO	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	525.00
			TOTAL:	525.00
REDFLEX TRAFFIC SYSTEMS, INC.	NOV 10 AT&T INTERSECT COMM	GENERAL FUND	TRAFFIC	71.77
			TOTAL:	71.77
SIR SPEEDY	PRINTED FILE JACKETS	GENERAL FUND	RECORDS	149.21
			TOTAL:	149.21
JACOB SORENSEN	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	1,200.00
			TOTAL:	1,200.00
SOUTH COAST SUPPLY & GARDEN DAZE	PENCILS & BUCKETS	BUILDING IMPROVEME	CAPITAL PROJECTS	8.90
	PENCILS	BUILDING IMPROVEME	CAPITAL PROJECTS	6.71
			TOTAL:	15.61
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	13.81
	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	397.70

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	71.65
			TOTAL:	483.16
SPRINT	ACTIVITY THRU 12/21/10	GENERAL FUND	CITY MANAGER	35.94
	ACTIVITY THRU 12/21/10	GENERAL FUND	ADMINISTRATIVE SERVICE	35.95
	ACTIVITY THRU 12/21/10	GENERAL FUND	POLICE ADMINISTRATION	35.95
	ACTIVITY THRU 12/21/10	GENERAL FUND	COMMUNITY DEVEL ADMIN	35.95
	ACTIVITY THRU 12/21/10	GENERAL FUND	PUBLIC WORKS ADMIN	35.95
	ACTIVITY THRU 12/21/10	GENERAL FUND	RECREATION ADMINISTRAT	35.95
			TOTAL:	215.69
SUNNY SLOPE TREES	TREES	GENERAL FUND	PARK MAINTENANCE	955.92
			TOTAL:	955.92
SY NURSERY	PLANTS & FLOWERS	GENERAL FUND	PARK MAINTENANCE	205.89
			TOTAL:	205.89
TRILLIUM TELECOM SERVICES, LLC	REFUND-PLANNING PERMIT FEE	GENERAL FUND	NON-DEPARTMENTAL	1,500.00
			TOTAL:	1,500.00
TYLER TECHNOLOGIES	SOFTWARE MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	2,569.22
			TOTAL:	2,569.22
JOHN UNDERWOOD	LATV LABOR 11/1 - 11/11	LOS ALAMITOS TV	LOS ALAMITOS TV	562.50
			TOTAL:	562.50
USA MOBILITY WIRELESS, INC.	PAGER FEES 12/10	GENERAL FUND	PUBLIC WORKS ADMIN	19.94
			TOTAL:	19.94
VERIZON CALIFORNIA, INC.	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	110.92
			TOTAL:	110.92
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	5,500.73
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	317.58
	CNG FUEL	GARAGE FUND	GARAGE	1,090.21
			TOTAL:	6,273.36
WEST COAST ARTWEAR	T-SHIRTS	GENERAL FUND	PARK MAINTENANCE	526.35
	SWEATSHIRTS	GENERAL FUND	PARK MAINTENANCE	317.55
	HATS	GENERAL FUND	PARK MAINTENANCE	163.13
			TOTAL:	1,007.03
WESTERN ILLUMINATED PLASTICS, INC.	LIGHT COVERS	BUILDING IMPROVEME	CAPITAL PROJECTS	524.52
			TOTAL:	524.52

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE INC.	PRINTING SERVICES	GENERAL FUND	RECREATION ADMINISTRAT	3,480.00
			TOTAL:	3,480.00
ALL AMERICAN OFFICIALS	SERVICES 11/11 TO 12/06	GENERAL FUND	SPECIAL CLASSES	100.00
			TOTAL:	100.00
THE ASLAN GROUP, INC.	CONSTRUCTION MANAGEMENT	GAS TAX	CAPITAL PROJECTS	1,650.00
			TOTAL:	1,650.00
AT & T MOBILITY	BILL CYCLE 10/24-11/23	GENERAL FUND	PATROL	388.93
	JFTB WIRELESS	JFTB POOL FUND	AQUATICS	45.60
			TOTAL:	434.53
B&H PHOTO	LATV EQUIPMENT	LOS ALAMITOS TV	LOS ALAMITOS TV	760.95
	LATV EQUIPMENT	LOS ALAMITOS TV	LOS ALAMITOS TV	654.95
			TOTAL:	1,415.90
BENESYST	FLEX ADMIN SERVICES 12/10	GENERAL FUND	ADMINISTRATIVE SERVICE	161.44
			TOTAL:	161.44
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	22.63
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	31.94
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	124.26
			TOTAL:	178.83
CAMERON WELDING	WELDING TOOLS & SUPPLIES	GARAGE FUND	GARAGE	167.64
	GAS TANK ADAPTOR	GARAGE FUND	GARAGE	17.53
	TOOLS & WELDING GAS	GARAGE FUND	GARAGE	62.64
			TOTAL:	247.81
COMPETITOR GROUP, INC.	RACE ON THE BASE 2011 AD	GENERAL FUND	SPECIAL CLASSES	1,800.00
			TOTAL:	1,800.00
CONSOLIDATED DISPOSAL SRVS #902	SWEPPER WASTE CHARGES	GENERAL FUND	STREET MAINTENANCE	754.42
	12 YARD ROLL-OFF	GENERAL FUND	STREET MAINTENANCE	1,341.55
			TOTAL:	2,095.97
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS 10/10	GENERAL FUND	NON-DEPARTMENTAL	1,881.00
			TOTAL:	1,881.00
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE 10/10	GENERAL FUND	NEIGHBORHOOD PRESERVAT	654.94
			TOTAL:	654.94
DIEHL EVANS & COMPANY, LLP	AUDIT FY END 6/30/10	GENERAL FUND	ADMINISTRATIVE SERVICE	7,000.00
			TOTAL:	7,000.00
ERIN MARIE STUDIOS	GRAPHIC DESIGN SERVICES	GENERAL FUND	SPECIAL CLASSES	685.00
			TOTAL:	685.00
FOREST WOOD FIBER PRODUCTS	PLAYGROUND WOOD CHIPS	GENERAL FUND	PARK MAINTENANCE	2,520.30
			TOTAL:	2,520.30
GANAHL LUMBER COMPANY	GRAFFITI REMOVAL	GENERAL FUND	STREET MAINTENANCE	38.46
	CONCRETE PATCH	GENERAL FUND	STREET MAINTENANCE	9.77
	TARP	GENERAL FUND	BUILDING MAINTENANCE	27.18
	SHOP LOCKS	GENERAL FUND	BUILDING MAINTENANCE	6.51

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SHOE COVERS	GAS TAX	CAPITAL PROJECTS	7.38
			TOTAL:	89.30
GH PIN COMPANY	RACE ON BASE MEDALS	GENERAL FUND	SPECIAL CLASSES	719.88
			TOTAL:	719.88
GLENN E. THOMAS CO.	IGNITION SWITCH/WATER PUMP	GARAGE FUND	GARAGE	276.99
	IGNITION CYLINDER	GARAGE FUND	GARAGE	131.59
			TOTAL:	408.58
GLOBALSTAR USA	SATELLITE PHONE 11/10	GENERAL FUND	EMERGENCY PREPAREDNESS	26.16
			TOTAL:	26.16
GOLDEN STATE WATER COMPANY	BILL CYCLE 9/10-12/10	GENERAL FUND	STREET MAINTENANCE	2,754.94
	BILL CYCLE 9/10-12/10	GENERAL FUND	PARK MAINTENANCE	3,752.37
	BILL CYCLE 9/10-12/10	GENERAL FUND	PARK MAINTENANCE	2,874.07
	BILL CYCLE 9/10-12/10	GENERAL FUND	BUILDING MAINTENANCE	611.17
			TOTAL:	9,992.55
HARBOR CHEVROLET	ARMREST FOR P/W TRUCK	GARAGE FUND	GARAGE	59.60
			TOTAL:	59.60
HARTZOG & CRABILL, INC.	MED CTR - PLAN REVIEW	GENERAL FUND	NON-DEPARTMENTAL	1,007.50
	TRAFFIC ENGINEER SVCS	GENERAL FUND	CITY ENGINEER	307.50
			TOTAL:	1,315.00
HDL SOFTWARE, LLC	BUSINESS LICENSE MAINT	GENERAL FUND	BUILDING INSPECTION	3,184.51
			TOTAL:	3,184.51
HI-WAY SAFETY INC.	STREET SIGNS	GENERAL FUND	STREET MAINTENANCE	92.44
			TOTAL:	92.44
HYDRO-ELECTRICS	IRRIGATION CONTROL REPAIR	GENERAL FUND	PARK MAINTENANCE	273.75
			TOTAL:	273.75
HYDRO-SCAPE PRODUCTS, INC.	STOVER SEED	GENERAL FUND	PARK MAINTENANCE	1,712.81
	FERTILIZER - MCAULIFFE	GENERAL FUND	PARK MAINTENANCE	450.42
			TOTAL:	2,163.23
J SINS CUSTOMZ	ALUMINUM WELDING	GARAGE FUND	GARAGE	155.00
			TOTAL:	155.00
KONICA MINOLTA BUSINESS SOL	COPIER LEASE 11/10	GENERAL FUND	POLICE ADMINISTRATION	302.00
			TOTAL:	302.00
LAYNE CHRISTENSEN COMPANY	REPAIR IRRIGATION	GENERAL FUND	PARK MAINTENANCE	1,050.00
	REPAIR PUMPS	GENERAL FUND	PARK MAINTENANCE	1,050.00
			TOTAL:	2,100.00
MICHELLE LINDSEY	INSTRUCTOR - PAINTING	GENERAL FUND	SPECIAL CLASSES	124.80
	INSTRUCTOR - PAINTING	GENERAL FUND	SPECIAL CLASSES	54.60
			TOTAL:	179.40
MAILFINANCE	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	83.97
			TOTAL:	83.97

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPECIAL CLASSES	192.00
			TOTAL:	192.00
MARTIN & CHAPMAN CO.	ARCHIVAL PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	91.72
			TOTAL:	91.72
STEVEN MENDOZA	GRANT APPLICATION DIVIDERS	GENERAL FUND	COMMUNITY DEVEL ADMIN	53.22
			TOTAL:	53.22
MISC. VENDOR	BUILDING PERMIT REFUND	GENERAL FUND	NON-DEPARTMENTAL	11.00
	BUILDING PERMIT REFUND	GENERAL FUND	NON-DEPARTMENTAL	43.29
	BUILDING PERMIT REFUND	GENERAL FUND	NON-DEPARTMENTAL	223.25
	ELECTRICAL PERMIT REFUND	GENERAL FUND	NON-DEPARTMENTAL	95.25
	REFUND - YOGA CLASS	GENERAL FUND	NON-DEPARTMENTAL	46.00
	REFUND - YOGA CLASS	GENERAL FUND	NON-DEPARTMENTAL	46.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	250.00
			TOTAL:	889.79
NEWS ENTERPRISE	NOTICE OF ADOPTION	GENERAL FUND	CITY COUNCIL	85.00
	PUBLIC HEARING NOTICE	GENERAL FUND	PLANNING	110.50
	PUBLIC HEARING NOTICE	GENERAL FUND	PLANNING	93.50
			TOTAL:	289.00
NEXTEL COMMUNICATIONS	BILL CYCLE 10/25-11/25	GENERAL FUND	TRAFFIC	20.19
			TOTAL:	20.19
NORM'S AUTOMOTIVE CENTER INC.	REPLACE FUEL PUMP	GARAGE FUND	GARAGE	469.25
	REPLACE WATER PUMP	GARAGE FUND	GARAGE	171.38
	REPLACE RADIATOR	GARAGE FUND	GARAGE	464.67
			TOTAL:	1,105.30
THOMAS OLIVER	PLANNING SERVICES	GENERAL FUND	PLANNING	75.00
	COMM DEV SERVICES	GAS TAX	CAPITAL PROJECTS	202.50
			TOTAL:	277.50
PRO FORCE LAW ENFORCEMENT	TASER CARTRIDGES	GENERAL FUND	PATROL	1,310.38
			TOTAL:	1,310.38
RED SCORPION MARTIAL ARTS	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	33.80
			TOTAL:	33.80
RED WING SHOE STORE	STEEL TOED BOOTS FOR PW	GENERAL FUND	STREET MAINTENANCE	258.39
			TOTAL:	258.39
RICOH AMERICAS CORP	COPIER LEASE 11/10	GENERAL FUND	RECREATION ADMINISTRAT	565.50
	COPIER LEASE 12/10	GENERAL FUND	RECREATION ADMINISTRAT	565.50
			TOTAL:	1,131.00
MARSHA ROE	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	19.20
	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	12.00
			TOTAL:	31.20
ROSSMOOR CARWASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	124.99
	CAR WASHES - REC	GARAGE FUND	GARAGE	19.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CAR WASHES - COMM DEV	GARAGE FUND	GARAGE	18.00
			TOTAL:	161.99
SALLY LOW & ASSOCIATES, INC.	TRANSLATING FEES	GENERAL FUND	CITY MANAGER	545.00
			TOTAL:	545.00
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	CITY COUNCIL	18.49
	PRINT INSPECTION MANUAL	GENERAL FUND	PUBLIC WORKS ADMIN	100.21
			TOTAL:	118.70
MICHAEL SISTONI	REIMBURSE TUITION	GENERAL FUND	PATROL	1,787.39
			TOTAL:	1,787.39
SOUTH COAST SUPPLY & GARDEN DAZE	FERTILIZER	GENERAL FUND	PARK MAINTENANCE	51.09
	FERTILIZER	GENERAL FUND	PARK MAINTENANCE	28.14
	COMPOST	GENERAL FUND	PARK MAINTENANCE	20.76
	COMPOST	GENERAL FUND	PARK MAINTENANCE	10.39
	COMPOST	GENERAL FUND	PARK MAINTENANCE	20.76
	SLO-PITCH SUPPLIES	GENERAL FUND	SPECIAL CLASSES	295.33
	MORTAR	BUILDING IMPROVEME	CAPITAL PROJECTS	133.02
	PALLET OF CONCRETE	ASSET SEIZURE	CAPITAL PROJECTS	172.35
	PALLET OF CONCRETE	ASSET SEIZURE	CAPITAL PROJECTS	156.60
			TOTAL:	888.44
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	67.00
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	188.76
			TOTAL:	255.76
SPARKLETTS DRINKING WATER	SERVICE & RENTAL	GENERAL FUND	BUILDING MAINTENANCE	303.02
			TOTAL:	303.02
STATE OF CALIFORNIA DEPARTMENT OF JUST	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	64.00
			TOTAL:	64.00
STATE WATER RESOURCES CONTROL BOARD	WASTE FEES 2010-2011	GENERAL FUND	NPDES	5,400.00
			TOTAL:	5,400.00
TIME WARNER CABLE	ADMIN CABLE SERVICE 12/10	GENERAL FUND	CITY MANAGER	164.96
	SR. CENTER - INTERNET	GENERAL FUND	RECREATION ADMINISTRAT	60.90
			TOTAL:	225.86
UNDERGROUND SERVICE ALERT OF SO. CALIF	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	18.00
			TOTAL:	18.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	48.18
	P/D RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.48
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	790.72
	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	894.20
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	42.98
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	77.23
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	43.36
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.17
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.17
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	41.42
			TOTAL:	2,099.91

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
VERIZON WIRELESS	POLICE	GENERAL FUND	POLICE ADMINISTRATION	43.79
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	22.31
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	286.62
			TOTAL:	<u>352.72</u>
VICTORY LOCK AND KEY	REPAIR DOOR LOCKS	GENERAL FUND	BUILDING MAINTENANCE	156.00
			TOTAL:	<u>156.00</u>
VMI BROADCAST AND PROFESSIONAL VIDEO	LATV HP COMPUTER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,700.17
			TOTAL:	<u>1,700.17</u>
XEROX CORPORATION	COPIER LEASE 11/10	GENERAL FUND	ADMINISTRATIVE SERVICE	382.26
			TOTAL:	<u>382.26</u>

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===== FUND TOTALS =====
10  GENERAL FUND                57,972.00
20  GAS TAX                      1,859.88
25  BUILDING IMPROVEMENT         133.02
27  ASSET SEIZURE                328.95
28  LOS ALAMITOS TV             3,116.07
50  GARAGE FUND                  2,138.28
77  JFTB POOL FUND               45.60
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                                GRAND TOTAL:    65,593.80
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City of Los Alamitos

Agenda Report Consent Calendar

January 3, 2011
Item No: 8C

To: Mayor Kenneth Stephens and Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: David Hunt, City Engineer

Subject: Approval of Plans and Specifications and Authorization to Bid the Roof Repairs at the Museum, Community Center, Pool, and the Laurel Park Restroom

Summary: This report recommends actions that facilitate construction of the roof repairs at the Museum, Community Center, Pool and the Laurel Park Restroom.

Recommendations:

1. Approve the plans and specifications for the Roof Repairs at the Museum, Community Center, Pool and the Laurel Park Restroom; and,
2. Authorize staff to advertise and solicit bid proposals.

Background

The last several years we have had leaks at the Museum, Community Center, Pool and the Laurel Park Restroom. Four roof repair projects were combined to get better prices from contractors by combining similar projects, and also reduce staff time by having one contractor to work with, thus concentrating the City's inspection time. The projects are at the Museum, Community Center, Pool and the the Laurel Park Restroom.



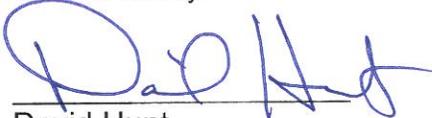
Discussion

In the past, Public Works staff prepared specifications and worked with several contractors to get leaking roofs repaired. Due to the age of our facilities and the number of leaks, we currently have we brought on board an architect to prepare plans and specifications for the four roofs to provide a better and longer lasting product. These plans and specifications have also been reviewed through the City's Building Department to insure they meet the City's requirements.

Fiscal Impact

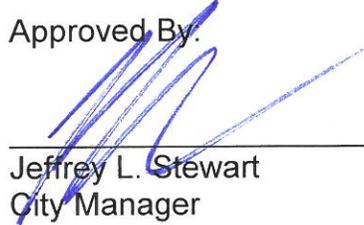
There is \$35,000 from the 2009/2010 budget and \$20,000 from the 2010/2011 budget for roof repairs from the building funds to cover the Community Center and Museum, and money from the Parks Department to cover the Laurel Park Restroom and Pool roofs.

Submitted By:



David Hunt
City Engineer

Approved By:



Jeffrey L. Stewart
City Manager

Reviewed By:



Steven Mendoza
Director of Community Development

Attachment: 1) Plans and Specifications (available for review in City Clerk's Office)

City of Los Alamitos

Agenda Report Consent Calendar

January 3, 2011
Item No: 8D

To: Mayor Kenneth Stephens & Members of the City Council

From: Jeff Stewart, City Manager

Subject: Resolution No. 2011-01 - Approval of Non Exclusive Permit Contracts to Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal for the Provision of Residential Roll Off and Temporary Bin Services

Summary:

The City approved an exclusive franchise agreement with Consolidated Disposal Services for residential and commercial refuse collections services in June 2010. That agreement specifies that the provision of residential roll off and temporary bin services shall be competitive and non-exclusive. In response to a Request for Proposals (RFP), the City received four (4) responses. Staff recommends that the City Council approve permit contracts with the four firms that responded to the RFP.

Recommendation:

1) Staff recommends that the City Council approve Resolution No. 2011-01 and authorize the Mayor to execute the non exclusive permit contracts with Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal.

Background and Discussion

Section 9.02.03 of the City's exclusive franchise with Consolidated Disposal Services (CDS) specifies that the provision of the residential roll-off and temporary bin services shall be "non exclusive." In an effort to assure that the provision of those services remain competitive and fairly administered, staff issued an RFP to interested refuse collection firms seeking rate sheet proposals for residential roll off and temporary bin services. Under the permit contract process outlined in the RFP, the City ensures a competitive environment for residential roll off and temporary bin services and adherence to the solid waste diversion and reporting requirements imposed by the State of California and the

California Integrated Waste Management Board. Four firms responded to the RFP. Those firms are: Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal.

Because the intent is not to “award” a bid for services, but to approve qualified providers staff is recommending that the City Council approve a resolution allowing all four respondents to the RFP to compete for residential roll off and temporary bin services based on the rates specified on the sheets attached. If approved, the permit contract executed by the respective firms specifies a one year term expiring on December 31, 2011 and that the contracts would be automatically renewed for four (4) additional one-year terms, unless the City, at its sole option, provides written notice that the permit contract will not be renewed. Approved firms may adjust their rates annually.

In addition, staff anticipates that other firms may seek to compete for the services in the future. If that proves to be true, the City Council will have the option of adopting future resolutions to approve additional firms as haulers permitted to provide residential roll off and temporary bin services. Upon approval by the City Council, the rate sheets will be available at City Hall and on the City’s website. Residents would be free to select services from any of the approved firms.

Attached is a draft permit contract and the rate sheets submitted by the four firms that responded to the RFP.

Fiscal Impact

No fiscal impact.

Submitted By:



Jeff Stewart, City Manager

- Attachments:*
- 1) Resolution No. 2011-05
 - 2) Draft Permit Contract
 - 3) Rate Sheets submitted by Athens Services, Rainbow Disposal Company, Universal Waste Systems and Ware Disposal

RESOLUTION NO. 2011-05

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS
APPROVING THE AWARD OF NON- EXCLUSIVE PERMIT CONTRACTS
TO ATHENS SERVICES, RAINBOW DISPOSAL COMPANY, INC., WARE
DISPOSAL COMPANY, INC., AND UNIVERSAL WASTE SYSTEMS, INC.,
FOR THE PROVISION OF ROLL OFF AND TEMPORARY BIN
SERVICES FOR RESIDENTIAL CUSTOMERS**

WHEREAS, the City awarded an exclusive franchise for residential and commercial solid waste collection to Consolidated Disposal Services on June 21, 2010; and

WHEREAS, Section 9.02.03 of the exclusive franchise agreement states that in order to assure that rates for roll-offs and temporary bins remain equitable and competitively established, Consolidated Disposal Services' right provide such services shall be non-exclusive ; and

WHEREAS, to establish a competitive rate environment for residential roll-off and temporary bin service, staff solicited rate sheets from all interested proposers through a formal Request for Proposals (RFP) process and received responses from Athens Services, Rainbow Disposal Company, Inc., Universal Waste Systems, Inc., and Ware Disposal Company, Inc.; and

WHEREAS, to ensure that business practices remain competitive and fairly administered, the City requested interested proposers to submit rates for the provision of roll-off and temporary bin services that will remain in effect for a period of five (5) years and may be adjusted once annually; and

WHEREAS, Consolidated Disposal Services previously submitted a rate sheet for the provision on residential roll-off and temporary bin services and was previously permitted to compete for residential roll-off and temporary bin services under the authority of the firm's exclusive franchise with the City, but under the identical terms and conditions that will govern the firms authorized to compete upon adoption of this resolution; and

WHEREAS, the City will reserve the right to approve from time to time additional waste collection companies the opportunity to compete for residential roll-off and temporary bin service, as additional firms express interest in competing for business in the City; and

WHEREAS, the permit contract executed by the respondents to the RFP specifies a one-year term expiring on December 31, 2011 and the contracts will be automatically renewed for four (4) additional one-year terms, unless the City, at its sole option, provides written notice that the permit contract will not be renewed; and

WHEREAS, under the permit contract process, the City will ensure a competitive environment for residential roll-off and temporary bin services and will ensure adherence to the solid waste diversion and reporting requirements imposed by the State of California and the California Integrated Waste Management Board.

BE IT RESOLVED that the City Council of the City of Los Alamitos hereby approves non exclusive permit contracts (full copies are attached to this resolution) with Athens Services, Rainbow Disposal Company, Inc., Universal Waste Systems, Inc., and Ware Disposal Company, Inc.

BE IT FURTHER RESOLVED that the permit contracts will commence on January 1, 2011 and will remain in effect until December 31, 2011, and that the contracts will be automatically renewed for four (4) additional one-year terms, unless the City, at its sole option, provides written notice that the permit contract will not be renewed.

PASSED, APPROVED AND ADOPTED this 3rd day of January, 2011.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

Proposing Company: Athens Services
Date: December 22, 2010

Maximum Residential Roll-Off Service Rates

ITEM	SERVICE	FEE
A.	Per Pull	\$ 250.00
B.	Per Ton - MRF Processing Fee	\$ 65.00
D.	Daily rental (after 7 days with no dump)*	\$ 27.17
E.	Dead Run	\$ 92.39

* Rates include an 8% franchise fee

Maximum Residential Temporary Bin Service Rates

ITEM	TEMPORARY BIN SERVICE	Fee
A.	3-Yard Bin: Delivery and Removal * 1st Dump	\$ 110.00
B.	3-Yard Bin: Each additional dump	\$ 64.13
C.	3-Yard Bin Dead run	\$ 70.65
D.	3-Yard Bin rental after 7 days with no dump	\$ 27.17

* Rates include an 8% franchise fee



P.O. BOX 1026 • HUNTINGTON BEACH, CA 92647-1026 • (714) 847-3581 FAX: (714) 841-4660

Exhibit 1 – Initial Rates

Maximum Roll-Off Service Rates

ITEM	SERVICE	Fee
A.	Per Pull (includes hauling for delivery and removal)	\$200.00
B.	Per Ton – MRF Processing Fee	\$ 51.20
C.	Per Ton Overload Charge	\$ 55.95
D.	Daily Rental (after 7 days with no dump)	\$ 15.00
E.	Dead Run	\$100.00

Maximum Temporary Bin Service Rates

ITEM	TEMPORARY BIN SERVICE	Fee
A.	3-Yard Bin: Delivery and Removal * 1 st Dump	\$130.00
B.	3-Yard Bin: Each additional dump	\$130.00
C.	3-Yard Bin: Dead run	\$ 65.00
D.	3-Yard Bin: Rental after 7 days with no dump	\$ 15.00/day

Rainbow Disposal Co., Inc. guarantees that the rates above will not be exceeded for the term of the contract per Article 9; unless done so in accordance with Section 6.01.

UNIVERSAL WASTE SYSTEMS, INC.

Exhibit 1 – Initial Rates

Maximum Roll-Off Service Rates

ITEM	SERVICE	Fee
A.	Per Pull	\$ 150.00
B.	Per Ton – MRF Processing Fee	\$ 62.00
C.	Per Ton Overload Charge	\$ 62.00/ton
D.	Daily Rental (after 7 days with no dump)	\$ 10.00/day
E.	Dead Run	\$ 100.00

Maximum Temporary Bin Service Rates

ITEM	TEMPORARY BIN SERVICE	
A.	3-Yard Bin: Delivery and Removal * 1 st Dump	\$ 125.00
B.	3-Yard Bin: Each additional dump	\$ 75.00
C.	3-Yard Bin Dead run	\$ 50.00
D.	3-Yard Bin Rental after 7 days with no dump	\$ 10.00/day

Exhibit 1 – Initial Rates

Maximum Roll-Off Service Rates

ITEM	SERVICE	Fee
A.	Per Pull	\$125.00
B.	Per Ton – MRF Processing Fee	\$51.25
C.	Per Ton Overload Charge	\$51.25
D.	Daily Rental (after 7 days with no dump)	\$10.00
E.	Dead Run	\$55.00

Maximum Temporary Bin Service Rates

ITEM	TEMPORARY BIN SERVICE	
A.	3-Yard Bin: Delivery and Removal * 1 st Dump	\$ 70.00
B.	3-Yard Bin: Each additional dump	\$ 70.00
C.	3-Yard Bin Dead run	\$ 55.00
D.	3-Yard Bin Rental after 7 days with no dump	\$ 5.00

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT
CONTRACT



**PERMIT CONTRACT
FOR THE PROVISION OF
NONEXCLUSIVE SOLID WASTE SERVICES**

**Executed Between the
City of Los Alamitos and**

(Contractor)

This _____ day of _____ 2011

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

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LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

This Nonexclusive Solid Waste Services Contract ("Contract") made and entered into this _____ day of _____, 2011, by and between the **City of Los Alamitos**, hereinafter referred to as "City" and _____, hereinafter referred to as "Contractor".

Now, therefore, in consideration of the mutual covenants, contracts and consideration contained herein, the City and Contractor hereby agree as hereinafter set forth:

ARTICLE 1. DEFINITIONS

For the purpose of this Contract, the definitions contained in this Article shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The meaning of terms or words not defined herein shall be as commonly understood in the solid waste Collection Services industry when the common understanding is uncertain.

1.01 ACT

"Act" means the California Integrated Management Act of 1989 (California Public Resources Code Section 40000 et seq.), as it may be amended from time to time.

1.02 AFFILIATE

"Affiliate" means all businesses (including corporations, limited and general partnerships and sole proprietorships) which are directly or indirectly related to Contractor by virtue of direct or indirect ownership interest or common management. An Affiliate shall include a business in which Contractor owns a direct or indirect ownership interest, a business which has a direct or indirect ownership in Contractor and/or a business which is also owned, controlled or managed by any business or individual which has a direct or indirect ownership interest in Contractor. For purposes of determining whether an indirect ownership interest exists, the constructive ownership provisions of Section 318(a) of the Internal Revenue Code of 1986, as in effect on the date of this Contract, shall apply.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.03 ANNUAL DIVERSION REPORT

"Annual Diversion Report" means the annual report submitted by the Contractor to the City describing the previous year's diversion activities, diversion percentages and associated calculations and the description of the diversion activity planned for the upcoming year, if applicable. The Annual Diversion Report shall be prepared in a manner that directly corresponds to the reporting requirements of the CIWMB and the CIWMB Act, as amended.

1.04 BILLINGS

"Billings" or "Billing" or "Bill" means the statement(s) of charges provided to Customers for services rendered by Contractor.

1.05 BIN

"Bin" means a detachable metal container with a capacity of less than ten (10) cubic yards, equipped with a lid, and designed for mechanical pick-up by collection vehicles.

1.06 BIN SERVICE

"Bin Service" means Solid Waste Services in which a Bin is used for the Collection of Solid Waste.

1.07 BIOHAZARDOUS OR BIOMEDICAL WASTE

"Biohazardous or Biomedical Waste" means any waste which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are waste resulting from the operation of medical clinics, hospitals, and other facilities processing wastes which may consist of, but are not limited to, human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, sharps, contaminated clothing and surgical gloves.

1.08 BROWN GOODS

"Brown Goods" means electronic equipment such as stereos, televisions, computers, VCRs and other similar items.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.09 BULKY WASTE

“Bulky Waste” means Solid Waste that cannot and/or would not typically be accommodated within a Cart including specifically furniture (including chairs, sofas, mattresses, and rugs); appliances (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing, small household appliances and other similar items, commonly known as “white goods”); electronic equipment (including stereos, television, computers, VCRs and other similar items commonly known as “brown goods”); residential wastes (including wood waste, tree trunks and large branches if no larger than two feet (2’) in diameter and four feet (4’) in length, scrap wood, debris from building remodeling, rocks, sod and earth, in the aggregate not exceeding one cubic yard per collection); clothing and tires. Bulky Waste does not include car bodies, Construction and Demolition Debris or items requiring more than two persons to remove. In the event a question ever arises as to whether a specific item or category of items meets the definition of Bulky Waste, City shall be responsible to determine whether said definition shall apply, which determination shall be final and binding on the Parties. Bulky Waste does not include items herein defined as Exempt Waste. Bulky Waste must have been generated on the Customer’s Premises in order to qualify for removal.

1.10 CART

“Cart” means a plastic Container with a hinged lid and wheels serviced by an automated or semi-automated truck with a capacity of no less than 30- and no greater than 101-gallons.

1.11 CELL PHONES

“Cell Phones” means all telephones used for mobile or cellular communications including batteries used to power cell phones.

1.12 CITY

“City” means the City of Los Alamitos, California.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.13 CITY COUNCIL

“City Council” means the City Council of the City of Los Alamitos, California.

1.14 CITY MANAGER

“City Manager” means the City Manager of the City of Los Alamitos or the City Manager’s designee.

1.15 CIWMB

CIWMB is the California Integrated Waste Management Board.

1.16 COLLECTION

“Collection” means the process whereby Solid Waste is removed and transported from within the City.

1.17 COMPACTOR

“Compactor” refers to any mechanical apparatus that serves to compact the content of a refuse or recycling collection bin, regardless of size, whether stationary or mobile.

1.18 CONSTRUCTION AND DEMOLITION DEBRIS

“Construction and Demolition Debris” means Solid Waste generated at a Premises that is directly related to construction, remodeling, repair or demolition activities occurring thereon.

1.19 CONTAINER

“Container” means any and all types of Solid Waste receptacles, including Carts, Bins and Roll-Off Boxes.

1.20 CONTRACT

“Contract” means this Contract and all amendments hereto.

1.21 CONTRACT ADMINISTRATOR

“Contract Administrator” means the person, or his designee, designated by the City to administer and monitor the provisions of this Contract.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.22 CONTRACT YEAR

“Contract Year” means each twelve (12) month period from January 1 to December 31, beginning January 1, 2011.

1.23 CONTRACTOR

“Contractor” means the person or entity entering into this Contract with the City, as identified in the introductory paragraph of this Contract.

1.24 COUNTY

“County” means Orange County, California.

1.25 CUSTOMER

“Customer” means a Person receiving Solid Waste Services from Contractor pursuant to the terms of this Contract.

1.26 DISPOSAL

“Disposal” means the ultimate disposition of Solid Waste Collected by Contractor at a landfill or otherwise in full regulatory compliance. The Orange County Landfill System is the designated Disposal Site as of the effective date of this Contract.

1.27 DISPOSAL SITE(S)

“Disposal Site(s)” means the Solid Waste Handling Facility or Facilities utilized for the ultimate Disposal of Solid Waste Collected by Contractor.

1.28 ELECTRONIC WASTE

“Electronic Waste” means “Covered Electronic Wastes” as defined in the Act (Section 42463 of Public Resources Code) including discarded electronic equipment such as, but not limited to, television sets, computer monitors, central processing units (CPUs), laptop computers, and peripherals (e.g., external computer hard drives, computer keyboards, computer mice, and computer printers), and other similar items commonly known as “brown goods” and “e-waste”.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.29 EXEMPT WASTE

“Exempt Waste” means Biohazardous or Biomedical Waste, Hazardous Waste, Sludge, Stable Matter, Green Waste or lumber that is more than four (4) feet in length in its longest dimension or two (2) feet in diameter, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, and those wastes under the control of the Nuclear Regulatory Commission.

1.30 LICENSE FEE

“License Fee” means the fee imposed by the City on the Contractor and which, *inter alia*, is intended to provide funding necessary for planning, implementing, administering, and enforcing this Contract, as well as implementing additional waste management programs serving the licensed areas, including waste reduction and public outreach programs, special collection services, community cleanup activities, and illegal dumping prevention activities.

1.31 GREEN WASTE OR YARD WASTE

“Green Waste” or “Yard Waste” means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than four (4) feet in its longest dimension or two (2) feet in diameter. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Holiday trees, and other forms of organic waste that is generated at the Premises wherein the Green Waste is collected. Green Waste excludes yucca and palm fronds, which should be collected as Refuse. Green Waste does not include items herein defined as Exempt Waste or materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic wastes, oil, and painted or treated wood products.

1.32 GROSS REVENUES

“Gross Revenues” means any and all revenue or compensation in any form derived directly or indirectly by a Solid Waste Collector, its affiliates, subsidiaries, parents and any person or entity in which a Solid Waste Collector has a financial interest, from the collection, transportation, processing, disposal and other services with respect to solid

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

waste collected within the City of Los Alamitos, including Recyclable Materials and Green Waste pursuant to a franchise, permit, or license.

1.33 HAZARDOUS WASTE

“Hazardous Waste” is any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such law or regulations may be amended from time to time.

1.34 HOUSEHOLD BATTERIES

“Household Batteries” means disposable or rechargeable dry cells (e.g., A, AA, AAA, B, C, D, 9-volt, button-type) commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, nickel metal hydride, alkaline, mercury, mercuric oxide, silver oxide, zinc oxide, nickel-zinc, nickel iron, lithium, lithium ion, magnesium, manganese, and carbon-zinc batteries, but excluding automotive lead acid batteries.

1.35 HOUSEHOLD HAZARDOUS WASTE (HHW)

“Household Hazardous Waste” means hazardous waste generated at a residential property.

1.36 MATERIALS RECOVERY FACILITY (“MRF”)

“Materials Recycling Facility” or “MRF” means a fully permitted facility where Solid Waste, Recyclable Materials, and other materials are processed, sorted or separated for the purposes of recovering reusable or Recyclable Materials, processing or composting.

1.37 NON-COLLECTION NOTICE

“Non-Collection Notice” is a form developed and used by the Contractor, as approved by the City, to notify Customers of the reason for non-collection of materials set out by the Customer for Collection by Contractor pursuant to this Contract.

1.38 OCCUPANT

“Occupant” refers to a person who occupies Premises.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.39 ORANGE COUNTY LANDFILL SYSTEM

“Orange County Landfill System” means any landfill owned or operated by the County of Orange, currently including landfills known as Brea Olinda, Frank R. Bowerman, and Prima Deshecha.

1.40 OWNER

“Owner” means the Person holding legal title to the real property constituting the Premises to which Solid Waste service is to be provided under this Contract.

1.41 PERSON

“Person” means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, the State of California, the County of Orange, cities, and special purpose districts.

1.42 PREMISES

“Premises” means any land or building where Solid Waste is generated or accumulated.

1.43 REBUILT VEHICLE

For purposes of this Contract, “rebuilt” means, at a minimum, replacement of worn parts and reconditioning or replacement of hydraulic systems, transmissions, differentials, electrical systems, engines, and brake systems. In addition, the rebuilt vehicle must be repainted and its tires must have at least eighty-five percent (85%) of tread remaining.

1.44 RECYCLING

“Recycling” means the processing of Recyclable Materials for the purpose of returning them to the economy in the form of raw materials for new, reused, or reconstituted products. The Collection, transportation or Disposal of Solid Waste not intended for, or capable of, reuse is not Recycling. Recycling does not include use of Solid Waste for conversion to energy.

1.45 RECYCLABLE MATERIALS

“Recyclable Materials” means those materials that are capable of being recycled. These materials will be as defined by the City. Recyclable Materials include: newsprint

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

(including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding ten (10) pounds in weight nor two (2) feet in any dimension for any single item); steel including "tin" cans and small scrap (not exceeding ten (10) pounds in weight nor two (2) feet in any dimension for any single item); bimetal containers; mixed plastics such as plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; and aseptic containers. Polystyrene foam and film plastic, including plastic bags are specifically excluded from collection and processing.

1.46 REFUSE

"Refuse" means putrescible and non-putrescible Solid Waste.

1.47 RESIDENTIAL PREMISES

"Residential Premises" means a detached building, or each unit of multi-family dwelling of four (4) or fewer units, with separate bathing and cooking facilities.

1.48 RESIDENTIAL SERVICE

"Residential Service" means services performed at and for Residential Premises.

1.49 ROLL-OFF BOX

"Roll-Off Box" means a metal container with a capacity of (10) or more cubic yards that is normally loaded onto a motor vehicle and transported to an appropriate facility.

1.50 SERVICE AREA

"Service Area" means the corporate limits of the City of Los Alamitos.

1.51 SOLID WASTE

"Solid Waste" means all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including Refuse, Construction and Demolition Debris, Bulky Waste, Recyclable Materials, and Green Waste, or any combination thereof which are permitted to be disposed of in a Class III landfill, and which are included in the definition of "Non-Hazardous Solid Waste" set forth in the California Code of Regulations.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

1.52 SOURCE SEPARATED

“Source Separated” means the segregation by the Waste Generator of materials that would otherwise become Solid Waste (such as glass bottles, metal cans, newspapers, cardboard, plastic containers, etc.) into separate Containers(s) for the purpose of allowing the Recycling of such materials.

1.53 TRANSFER STATION

“Transfer Station” means a Facility that receives Solid Waste from collection vehicles and transfers the material to larger vehicles for transport to landfills and other destinations. Transfer Stations may or may not also include MRFs, transferring residual Refuse (Refuse left after the sorting of Recyclable Materials) to landfills and Recyclable Materials, including Green Waste and/or Construction and Demolition debris, to processors, brokers or end-users.

1.54 UNIVERSAL WASTE OR U-WASTE

“Universal Waste” or “U-Waste” means all waste defined by Title 22, Subsections 66273.1 through 66273.9 of the California Code of Regulations. These include, but are not limited to, batteries, fluorescent light bulbs, mercury switches, and Electronic Waste.

1.55 WHITE GOODS

“White Goods” means inoperative and discarded refrigerators, microwave ovens, ranges, water heaters, freezers, and other similar household appliances.

1.56 WORK DAY

“Work Day” means any day, Monday through Saturday that is not a holiday as set forth in Article 3 of this Contract.

ARTICLE 2. TERM OF CONTRACT

2.01 EFFECTIVE DATE; COMMENCEMENT OF SERVICES

This Contract shall become effective at the date first set forth above (the "Effective Date"). The obligations of the parties hereunder shall commence on _____, 2011.

2.02 TERM

The initial term of this Contract shall be for a period beginning _____, 2011, and terminating on December 31, 2011. The contract will be automatically renewed for four (4) additional one (1) year terms, unless City, at City's sole option, provides written notice to Contractor no later than November 1 that the Contract will not be renewed for the year commencing on the January 1 immediately following such written notice, in which case the Contract shall terminate on the December 31 immediately following the notice.

ARTICLE 3. SCOPE OF CONTRACT

3.01 GRANT OF CONTRACT

Except as otherwise provided in this Contract, the Contractor is herein granted the nonexclusive right to collect, transfer, transport, Recycle, process, and dispose of Solid Waste from Residential Premises in the Service Area using temporary Roll-Off Boxes and temporary bins. No exclusive right is granted by this Contract. No right is granted by this Contract that has been exclusively granted to, or would interfere with the exclusive rights of, Consolidated Disposal Services, the waste hauling contractor providing exclusive regular residential and commercial collection and disposal services within the City by contract dated June 21, 2010.

ARTICLE 4. COLLECTION SERVICES

4.01 GENERAL

The work to be done by Contractor pursuant to this Contract shall include, but not be limited to, the furnishing of all labor, supervision, equipment, materials, supplies, and all other items necessary to perform the services required. The work to be done by Contractor pursuant to this Contract shall be accomplished in a thorough and professional manner so that all Customers are provided reliable, courteous and high-quality Solid Waste Services at all times. The enumeration of, and specification of requirements for, particular aspects of service quality shall not relieve Contractor of the duty of accomplishing all other aspects in the manner provided in this section, whether such other aspects are enumerated elsewhere in the Contract or not.

4.02 SOLID WASTE ROLL OUT SERVICES

Contractor shall provide "Roll-Out" Services as requested by the Customer on a temporary, limited term basis. Roll-Out Services shall include, but not be limited to moving manually or by a specialized "scout" truck the Bins or Carts from their storage location for Collection and returning the Bins or Carts to their storage location.

4.03 HOUSEHOLD HAZARDOUS WASTE, UNIVERSAL WASTE & ELECTRONIC WASTE

Contractor shall not provide Household Hazardous Waste Collection Service or collect or dispose of Household Hazardous Waste.

ARTICLE 5. DISPOSAL, PROCESSING, AND DIVERSION REQUIREMENTS

5.01 TRANSPORTATION OF SOLID WASTE

Contractor shall transport all Refuse Collected to a Transfer Station, MRF, Transformation Facility or Disposal Site. Contractor agrees to make all reasonable efforts to separate Green Waste and Recyclable Materials from Refuse for diversion from landfill Disposal. Contractor shall maintain accurate records of the quantities of Solid Waste transported to the Transfer Station, MRF, Transformation Facility or

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

Disposal Site and will cooperate with City in any audits or investigations of such quantities. Contractor shall cooperate with the operator of any Transfer Station, MRF, Transformation Facility or Disposal Site with regard to operations therein, including, for example, complying with directions from the operator to unload Collection vehicles in designated areas, accommodating to maintenance operations and construction of new facilities, cooperating with its Hazardous Waste exclusion program, and so forth.

5.02 DISPOSAL

Contractor shall dispose of all Refuse in compliance with applicable law. Any Disposal Site utilized by Contractor shall be designed and constructed in accordance with 23 California Code of Regulations Section 2510 et seq. ("Subchapter 15"). Any such Disposal Facility shall have been issued all permits from federal, state, regional, county and city agencies necessary for it to operate as a Class III Sanitary Landfill and be in full regulatory compliance with all such permits. The Orange County Landfill System is the designated Disposal Site as of the effective date of this Contract.

5.03 GREEN WASTE PROCESSING SERVICES

Contractor shall deliver all Collected Green Waste to a fully permitted Green Waste Processing Facility or a fully permitted Green Waste transfer station. All expenses related to Green Waste processing and marketing will be the sole responsibility of Contractor. Contractor shall ensure that all Green Waste collected pursuant to this Contract are diverted from the landfill in accordance with the Act and any subsequent or other applicable legislation and regulations. Contractor shall ensure that the Green Waste collected pursuant to this Contract is not disposed of in a landfill, except as a residue resulting from processing. Contractor must provide end uses for Green Waste that maximize diversion credits for City according to regulations established by the California Integrated Waste Management Board. Contractor is responsible for monitoring how the Green Waste will be diverted at selected facilities and for selecting alternative facilities if necessary to ensure full diversion credit. Failure to do so places the Contractor in default.

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

5.04 RECYCLABLE MATERIALS

Contractor shall be responsible for marketing and sale of all segregated Recyclable Materials Collected pursuant to this Contract. Contractor may retain revenue from the sale of Recyclable Materials. All expenses related to processing and marketing of Recyclable Materials will be the sole responsibility of Contractor. Contractor shall ensure that all Recyclable Materials collected pursuant to this Contract are diverted from the landfill in accordance with the Act and any subsequent or other applicable legislation and regulations. Contractor shall ensure that the Recyclable Materials collected pursuant to this Contract is not disposed of in a landfill, except as a residue resulting from processing. Contractor must provide end uses for Recyclable Materials that maximize diversion credits for City according to regulations established by the California Integrated Waste Management Board. Contractor is responsible for monitoring how the Recyclable Materials will be diverted at selected facilities and for selecting alternative facilities if necessary to ensure full diversion credit. Failure to do so places the Contractor in default.

5.05 OWNERSHIP OF SOLID WASTE

City and Contractor understand and agree that it is Contractor, and not City, who will arrange to collect Solid Waste, that City has not, and, by this Contract does not, instruct Contractor on its Collection methods, nor supervise the Collection process; nor do the Parties intend to place title to Solid Waste collected by Contractor in City. Rather, the Parties intend that whatever, if any, title in and to the Solid Waste that is collected by Contractor which otherwise might exist in or with City in the absence of this Contract is hereby transferred to Contractor; and further that if Contractor gains title to such Solid Waste it is by operation of law and agreement with its Customers and is not the result of this Contract. At no time does City obtain any right of ownership or possession of Solid Waste or Recyclable Materials placed for Collection, and nothing in this Contract shall be construed as giving rise to any inference that City has any such rights. City and Contractor agree that, for the purposes of the Uniform Commercial Code and all other laws imposing liability for defective products, it is Contractor, and not City which is to be considered the merchant of goods recycled pursuant to this Contract. Subject to the

LOS ALAMITOS NONEXCLUSIVE SOLID WASTE SERVICES PERMIT CONTRACT

provisions of this Contract, and unless City exercises its rights to direct the location for Disposal and processing of Solid Waste, Contractor shall have the right to retain, Recycle, process, dispose of, and otherwise use Solid Waste collected pursuant to the terms hereof in any lawful fashion or for any lawful purpose; and, further, shall have the right to retain any benefit resulting from its right to retain, Recycle, process, dispose of, or reuse the Solid Waste which it collects.

ARTICLE 6. OTHER SERVICES

6.01 RESPONSIBILITY FOR SERVICE BILLING AND COLLECTION

The Contractor shall be responsible for the billing and collection of payments for Collection Services within the Service Area. The Collector will be required to conduct annual billing audits of Collector's records and the City shall maintain the right to engage a third party for an independent audit of the results of the billing audit.

Annual Rate Notification

Collector must annually, within 60 days prior to the effective date of a rate change, prepare and distribute a notice to the City and to each customer setting forth the Collector's rates, annual holiday schedule, recycling programs offered, and a general summary of services required to be provided and optional services that may be furnished by Collector. Notice may be included with billings.

6.02 CUSTOMER SERVICE

6.02.1 Inquiries and Complaints

All service inquiries and complaints shall be directed to the Contractor. A representative of the Contractor shall be available to receive the complaints during normal business hours. Service complaints received by City shall be directed to Contractor. Contractor shall keep daily logs of complaints forwarded to it for a minimum of three (3) years. All service complaints will be handled by the Contractor in a prompt and efficient manner. In the case of a dispute between the Contractor and a Customer, the matter will be reviewed and a decision made by the Contract Administrator, whose decision shall be

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final. Nothing in this section is intended to affect the remedies of third parties against Contractor.

6.02.2 Emergency Contact

The Contractor shall provide the Contract Administrator with an emergency phone number where the Contractor can be reached in person, not by voice-mail, at all times, twenty-four (24) hours per day.

6.02.3 Contract Liaison

Contractor shall designate in writing a "Contract Liaison" who shall be responsible for working with City and/or City's designated representative(s) to resolve Contract-related issues. The Contractor must respond to all inquiries from the City within twenty-four (24) hours from the time of the inquiry. City shall have the right to approve the Contractor's choice for a liaison. City shall be notified in advance of any change in Contract Liaison.

6.03 WASTE GENERATION/CHARACTERIZATION STUDIES

Contractor acknowledges that City must perform solid waste generation and disposal characterization studies periodically to comply with the requirements of state law. Contractor agrees to participate and cooperate with City and its agents and to accomplish studies and data collection and prepare reports, as needed and directed by City, to determine weights and volumes of Solid Waste collected and characterize Solid Waste generated, disposed, transformed, diverted or otherwise handled/processed, to satisfy the requirements of state law.

ARTICLE 7. REQUIREMENTS FOR OPERATIONS, EQUIPMENT, AND PERSONNEL

7.01 DAY AND TIME OF COLLECTION

To preserve peace and quiet, no solid waste may be collected between 6:00 P.M. and 5:00 A.M. in commercial areas, or between 6:00 P.M. and 6:00 A.M. from Residential Premises. Contractor must adjust the early morning start point of collection routes to

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address and minimize service complaints when warranted and as practicable. The Contract Administrator may require the Contractor to change hours of operations in Residential or Commercial/Industrial areas if disruption occurs.

7.02 COLLECTION STANDARDS

7.02.1 Servicing Containers

Contractor shall Collect the contents and return each Container to the location where the Occupant properly placed the Container for Collection. Contractor shall place the Containers upright with lids properly closed and secured. Contractor shall use due care when handling Containers. Contractor shall not throw, roughly handle, damage, or break Containers.

7.02.2 Non-Collection Notices

In the event of non-collection, Contractor shall affix to the Container a Non-Collection Notice explaining why Collection was not made. The Non-Collection Notice shall be affixed prominently onto the Container to ensure that it is not inadvertently removed from Cart due to weather conditions. The Non-Collection Notices must be protected from rain, if precipitation is present or forecasted, by placing the Notice in a clear plastic bag prior to affixing to Container.

7.02.3 Care of Private Property

Contractor's employees shall follow the regular walk for pedestrians while on private property and shall neither trespass nor cross property to the adjoining premises unless the occupant or owner of both properties has given permission. Care should be taken to prevent damage to property, including flowers, shrubs, and other plantings. Contractor shall repair, to its previous condition, all damage to private or public property caused by its employees.

7.02.4 Spillage and Litter

The Contractor shall not litter premises and shall exercise all reasonable care and diligence in providing Collection Services so as to prevent spilling or dropping of Solid Waste. The Contractor shall not be responsible for cleaning up sanitary conditions

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caused by the carelessness of the Customer; however, the Contractor shall clean up any material or residue that are spilled or scattered by the Contractor or its employees. Contractor shall immediately, at the time of occurrence, clean up any spilled or dropped Solid Waste. Equipment oil, hydraulic fluids, spilled paint, or any other liquid or debris resulting from the Contractor's operations or equipment repair shall be covered immediately with an absorptive material and removed from the street surface. When necessary, Contractor shall apply a suitable cleaning agent to the street surface to provide adequate cleaning, and shall notify the Contract Administrator, and applicable Hazardous Materials Management Agencies within two (2) hours of such a spill or leak. Contractor shall meet or exceed for National Pollutant Discharge Elimination System (NPDES). The above paragraphs notwithstanding, Contractor shall clean up any spillage or litter caused by Contractor within two (2) hours upon notice from the City.

7.02.5 Vehicles Equipped with Absorbent, Broom and Shovel

To facilitate such clean-up, Contractor's vehicles shall at all times carry sufficient quantities of petroleum absorbent materials along with a broom and shovel.

7.03

VEHICLES

7.03.1 Specifications

1. Collection vehicles shall be designed and operated so as to prevent Collected materials from escaping from the vehicles. Hoppers shall be closed on top and on all sides with screening material to prevent Collected materials from leaking, blowing or falling from the vehicles. All trucks and containers shall be watertight and shall be operated so that liquids do not spill during Collection or in transit.
2. At all times during the term of this Contract, Contractor's Collection Vehicles shall comply with South Coast Air Quality Management District Requirements and the California Air Resource Board's emission standards as they may be approved for Refuse removal vehicles, as well as other Federal, State and local laws and regulations that may be enacted during the term of this Contract.

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3. All vehicles used by Contractor in providing Collection Services under this Contract, except those vehicles used solely on Contractor's premises, are to be registered with the California Department of Motor Vehicles.
4. All Collection Vehicles must comply with U.S. EPA noise emission regulations, currently codified at 40 CFR Part 205, and other applicable state noise control regulations.
5. All Collection Vehicles using compaction mechanisms during the stationary compaction process shall not exceed a single-event noise level of seventy-five (75) decibels (Db)A at a distance of twenty-five (25') from the collection vehicle measured at an elevation of five (5') above ground level. Contractor shall submit to City, upon City's request, a certificate of vehicle noise level testing by an independent testing entity, for any collection vehicle which has been the subject of more than one noise complaint in a twelve-month period.

7.03.2 Vehicle Identification

Collection vehicles shall be marked with Contractor's name, telephone number, and the number of the vehicle painted in letters of contrasting color, at least three (3) inches high, on each side and the rear of each vehicle.

7.03.3 Vehicle Maintenance

Collection Vehicles, which are not operating properly, shall be removed from service until repaired and operating properly. Contractor shall perform all scheduled maintenance functions upon Collection Vehicles in accordance with the manufacturer's specifications and schedule. Contractor shall repair, or arrange for the repair of, all of its vehicles and equipment for which repairs are needed because of accident, breakdown or any other cause so as to maintain all equipment in a safe and operable condition. Contractor shall maintain accurate records of repair, which shall include the date, nature of repair and the verification by signature of a maintenance supervisor that the repair has been properly performed.

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7.03.4 Vehicle Operation

Vehicles shall be operated in compliance with Federal, State and local laws and regulations including, but not limited to, the California Vehicle Code, the regulations of the California Air Resources Board (CARB) Waste Collection Vehicle Regulations as established in the California Code of Regulations Title 13 Section 2700 et seq., and all applicable safety and local ordinances. Contractor shall not load vehicles in excess of the manufacturer's recommendations or limitations imposed by Federal, State, or local weight restrictions on vehicles or roads.

7.03.5 Vehicle Certification

For each Collection vehicle used in the performance of services under this Contract, Contractor shall obtain a certificate of compliance (smog check) issued pursuant to Part 5 of Division 26 of the California Health and Safety Code (Section 43000 et seq.) and regulations promulgated thereunder and/or a safety compliance report issued pursuant to Division 14.8 of the California Vehicle Code (Section 34500 et seq.) and the regulations promulgated thereunder, as applicable to the vehicle.

7.03.6 California Heavy-Duty Inspection Program

No later than September 1, 2011, Contractor shall submit to the Contract Administrator verification that each of the Contractor's Collection Vehicles has passed the California Heavy-Duty Vehicle Inspection. Thereafter, Contractor shall cause each vehicle in Contractor's Collection Fleet to be tested annually in the California Heavy-Duty Inspection Program and shall submit written verification to City within ten (10) Work Days of the completion of such test. Contractor shall not use any vehicle that does not pass such inspection.

7.04 PERSONNEL REQUIREMENTS

The Contractor shall employ and assign qualified personnel to perform all services set forth herein. The Contractor shall be responsible for ensuring that its employees comply with all applicable laws and regulations and meet all federal, state and local requirements related to their employment and position.

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- The City may request the transfer of any employee of the Contractor who materially violates any provision hereof, or who is wanton, negligent, or discourteous in the performance of his duties.
- Contractor's field operations personnel shall be required to wear a clean uniform shirt bearing the Contractor's name. Contractor's employees, who normally come into direct contact with the public, including drivers, shall bear some means of individual photographic identification such as a name tag or identification card.
- Each driver of a Collection vehicle shall at all times carry a valid California driver license and all other required licenses for the type of vehicle that is being operated.
- Each driver of a Collection Vehicle shall be proficient in written and spoken English.
- Each driver of a Collection Vehicle shall at all times comply with all applicable state and federal laws, regulations and requirements.
- Contractor's employees, officers, and agents shall at no time be allowed to identify themselves or in any way represent themselves as being employees of the City.
- The Contractor's name and the Customer Service telephone number shall be properly displayed on all Collection Vehicles.

ARTICLE 8. FEES PAID TO THE CITY

In addition to any other consideration set forth herein, as part of its consideration for entering into this Contract, and for the nonexclusive right and privilege to provide Solid Waste Services as specified herein, Contractor shall provide the following:

8.01 LICENSE FEE PAYMENT

The License Fee Payment to the City shall be due on the 20th day of the month following the end of each preceding month that revenues are collected. Each such payment shall be accompanied by an accounting that sets forth Contractor's gross receipts collected during the preceding month and the amount of the License Fee. Failure of Contractor to make any payment within the appropriate time period shall result in interest, compounded daily, accruing thereon at the maximum rate permitted

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under California law, in addition to all remedies of the City pursuant to this Contract. The License Fee shall be a percentage of Contractor's Gross Revenues collected each month for all services provided in the City under the terms of this Contract. Revenue received by the Contractor from the sale of Recyclable Materials, including California Redemption Value, not shall be considered as Gross Revenue for purposes of the calculation of Franchise Fees. The License Fee percentage shall be eight percent (8%) of Gross Revenue during the term of this Contract unless adjusted by the City.

8.02 CONTRACTING FEE PAYMENT

The Contractor shall make a one-time, lump sum payment of Five Hundred Dollars (\$500) within seven (7) business days of execution of this Contract to reimburse the City for costs it incurred in connection with entering this Contract.

8.03 CONTRACTOR AUDITS

The City reserves the right to conduct audits of Contractor's payments, operations and financial records. The Contractor shall cooperate with the City in connection therewith, including permitting City employees or agents, designated by the Contract Administrator, to ride in the Collection vehicles, to inspect records consistent with the terms of this agreement and to review and inspect all other information and facilities necessary to conduct the audits. The Contractor shall have no responsibility or liability for the salary, wages, benefits or worker compensation claims of any person designated by the Contract Administrator to conduct such audits. The scope of the audit, and auditing party, will be determined by City and the scope may include, but is not limited to, Customer Service levels and Billing, fee payments, Gross Receipts, tonnage and verification of diversion rate. If inaccuracies are found, City may expand the scope of the audit and recover from the Contractor any additional audit costs resulting from the expanded scope.

8.04 ACCEPTANCE OF PAYMENT BY CITY

No acceptance by City of any payment shall be construed as an accord that the amount is the correct amount, nor shall such acceptance of payment be construed as a release of any claim City may have against Contractor for any additional sums payable under

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the provisions of this Contract. All amounts paid shall be subject to independent audit and recompilation by City. If, after the audit, such recompilation indicates an underpayment, Contractor shall pay to City the amount of the underpayment within ten (10) days of receipt of written notice from City that such is the case. If, after the audit, such recompilation indicates an underpayment of more than one-half percent (0.5%) of the amounts as specified in Section 8.01, Contractor shall reimburse City for all reasonable costs and expenses incurred in connection with the audit and recompilation, within ten (10) days of receipt of written notice from City that such is the case. Contractor shall pay interest to the City for any underpayment at an annual rate of ten percent (10%). Should an audit disclose that Customers were overcharged for the period under review, Contractor shall refund to Contractor's Customers or to City, as directed by City, any overcharges within thirty (30) days following the date of the audit. Undercharges shall not be billed in arrears for more than ninety (90) days of service, with any remaining undercharges absorbed by Contractor. Should an audit disclose that fees were overpaid by the Contractor to City, City shall issue a credit against future fees payable by Contractor in the amount of any overpayments made during the period ninety (90) days prior to the date of the audit, less costs and expenses incurred in connection with the audit and recompilation.

ARTICLE 9. CHARGES AND RATES

The rates that Contractor may charge Customers commencing January 1, 2011 shall not exceed the rates set forth in Exhibit 1. Thereafter, Contractor may adjust the rates to be charged customers so long as written notice has been provided to the City as set forth in Section 6.01 above.

ARTICLE 10. RECORD KEEPING AND REPORTING REQUIREMENTS

10.01 GENERAL

Contractor shall compile and maintain records related to its performance under this Contract as necessary to meet its obligations under this Contract, including developing the reports required by this Contract. Contractor agrees to conduct data collection, information and record keeping, and reporting activities needed to comply with and to meet the reporting and Solid Waste program management needs of the City, the Act, other Applicable Laws, and the requirements of this Contract. Record keeping and reporting requirements specified in this Contract shall not be considered limiting or necessarily complete. Contractor shall maintain all records necessary to allow the City to determine Contractor's compliance with the Terms of the Contract and compliance with the Performance Standards presented in this Contract. The records shall be maintained in a manner that allows for easy verification of Contractor's performance. This Article 10 is intended to highlight the general nature of records and reports and their minimum content and is not meant to comprehensively define the scope and content of the records and reports.

10.02 RECORD KEEPING

10.02.1 General

Contractor shall maintain records required to conduct its operations, to support requests it may make to City, and to respond to requests from City. Contractor shall maintain full, complete and separate financial, statistical and accounting records, pertaining to cash, billing, and provisions of all Collection Services, prepared on an accrual basis in accordance with generally accepted accounting principles. Contractor shall maintain and retain records relating to Customer and Billing information including, but not limited to, Customer contact information, Quantities of Residential Solid Waste by type (e.g., Solid Waste, Recyclable Materials, Green Waste) collected; and Tonnage of Solid Waste, Recyclable Materials, and Green Waste Materials listed separately by materials type and Service Sector and the facility where materials were delivered. All records

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shall be maintained for five (5) years after the expiration or early termination of this Contract.

10.02.2 Inspection of Records

City shall have the right to inspect or review all records relating to the performance by Contractor under this Contract, including but not limited to, payroll tax reports, Billings and Billing collections, Collection Vehicle maintenance records, disposal records, proof of compliance with recycling and diversion requirements and regulations, etc. The City, its auditors and other agents selected by the City, shall have the right, during regular business hours, to conduct unannounced on-site inspections and review of the records and accounting systems of Contractor and to make copies of any documents relevant to this Contract.

10.03 ANNUAL REPORTING

10.03.1 Annual Financial Reports

Contractor shall prepare an annual Financial Report for submittal to the City by April 1, 2010, and each April 1st thereafter covering the Contractor's prior calendar year operations. At a minimum, the Financial Report shall include the number of Customers provided with Collection Services, including any additional services, and the Contractor's gross billing and amount collected for each type of Customer, per ton and total annual disposal and processing fees paid, and the amount received for the sale of recyclable materials.

10.03.2 CIWMB Reports

Contractor shall assist the City to prepare annual reports for information required by the California Integrated Waste Management Board (CIWMB).

10.03.3 Additional Reporting

The Contractor shall furnish the City with any additional reports as may reasonably be required, such reports to be prepared within a reasonable time following the reporting period.

ARTICLE 11. INSURANCE

11.01 INSURANCE POLICIES

Contractor shall secure and maintain throughout the term of this Contract insurance with insurance company admitted to write insurance in California, or carriers with a rating of, or equivalent to, A-:VII by A. M. Best & Company to, and approved by the City, against claims for injuries to persons or damages to property which may arise from or in connection with Contractor's performance of work or services under this Contract. Contractor's performance of work or services shall include performance by Contractor's employees, agents, representatives and subcontractors.

11.01.1 Minimum Scope of Insurance

Insurance coverage shall be at least this broad:

- Insurance Services Office Form No. GL 0002 (Ed. 1/96) covering Comprehensive General Liability and Insurance Services Office Form No. GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001), including X, C, U where applicable.
- Insurance Services Office Form No. CA 0001 (Ed. 12/93) covering Automobile Liability, code 1 "any auto", or code 2 "owned autos" and endorsement CA 0025. Coverage shall also include code 8, "hired autos" and code 9 "non-owned autos".
- Workers' Compensation insurance as required by the California Labor Code and any other applicable statutes.
- Pollution, Hazardous Waste and Environmental Impairment Liability Insurance.

11.02 MINIMUM LIMITS OF INSURANCE

Contractor shall maintain insurance limits no less than:

- Comprehensive General Liability: (\$1,000,000) combined single limit per occurrence and (\$2,000,000) aggregate for bodily injury, personal injury and property damage. If Commercial General Liability insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to

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this Contract or the general aggregate limit shall be twice the required limit. The insurance shall be written on an "occurrence" basis (rather than a "claims made" basis) in a form at least as broad as the most current version of the Insurance Service Office commercial general liability occurrence policy form (CG0001).

- Automobile Liability: (\$5,000,000) combined single limit per accident for bodily injury and property damage.
- Workers' Compensation: Workers' Compensation limits as required by the California Labor Code and other applicable law.
- Pollution, Hazardous Waste and Environmental Impairment Liability: \$(1,000,000) per occurrence.

11.03 DEDUCTIBLES AND SELF-INSURED RETENTION

Any deductibles or self-insured retention must be declared to, and approved by the City. At the option of City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the Indemnities; or Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses in an amount specified by City's Risk Manager.

11.04 ENDORSEMENTS

The policies are to contain, or be endorsed to contain, the following provisions:

11.04.1 General Liability and Automobile Liability Coverage

- The City, its officers, employees, agents and contractors are to be covered as additional insureds as respects: Liability arising out of activities performed by, or on behalf of, Contractor; products and completed operations of Contractor; premises owned, leased or used by Contractor; and automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, employees, agents and contractors.
- Contractor's insurance coverage shall be primary insurance as respects City, its officers, employees, agents and contractors. Any insurance, or self-insurance

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maintained by City, its officers, employees, agents or contractors shall be in excess of Contractor's insurance and shall not contribute with it.

- Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its officers, employees, agents, or contractors.
- Coverage shall state that Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

11.04.2 All Coverage

Each insurance policy required by this Contract shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced in limits except after thirty (30) calendar days prior written notice has been given to City.

11.05 ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers authorized to do business in the State of California and with a rating in the most recent edition of Best's Insurance Guide of category VII or larger, and a rating classification of A- or better acceptable to City's Risk Manager.

11.06 VERIFICATION OF COVERAGE

Contractor shall furnish City with certificates of insurance and with original endorsements affecting coverage required by this Contract. The certificates and endorsement for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Contractor shall furnish City with a new certificate of insurance and endorsements on each renewal of coverage or change of insurers. Proof of insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Clerk:

CITY OF LOS ALAMITOS
CITY CLERK
3191 KATELLA AVE
LOS ALAMITOS, CA 90720

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11.07 SUBCONTRACTORS

Contractor shall include all subcontractors as insured under its policies or shall obtain separate certificates and endorsements for each subcontractor.

11.08 MODIFICATION OF INSURANCE REQUIREMENTS

The insurance requirements provided in this Contract may be modified or waived by City's Risk Manager, in writing, upon the request of Contractor if the City's Risk Manager determines such modification or waiver is in the best interest of City considering all relevant factors, including exposure to City.

11.09 RIGHTS OF SUBROGATION

All required insurance policies shall preclude any underwriter's rights of recovery or subrogation against City with the express intention of the parties being that the required insurance coverage protects both parties as the primary coverage for any and all losses covered by the above-described insurance. Contractor shall ensure that any companies issuing insurance to cover the requirements contained in this Contract agree that they shall have no recourse against City for payment or assessments in any form on any policy of insurance. The clauses 'Other Insurance Provisions' and 'Insured Duties in the Event of an Occurrence, Claim or Suit' as it appears in any policy of insurance in which City is named as an additional insured shall not apply to City.

ARTICLE 12. INDEMNIFICATION AND BOND

12.01 INDEMNIFICATION

Contractor shall indemnify and hold harmless City, public officials, officers, directors, employees, agents and other contractors, from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals as well as all Court or other dispute resolution costs), liabilities, expenditures or causes of action of any kind (including negligent, reckless, willful or intentional acts or omissions of the Contractor, any subcontractor, any supplier, any person or organization directly or indirectly employed

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by any of them to perform or furnish any services or anyone for whose acts any of them may be liable), arising from, relative to or caused by the performance of the services authorized or required by this Contract. This indemnity includes but is not limited to claims attributable to bodily injury, sickness, disease or death and to injury or destruction of tangible property. Contractor agrees, at Contractor's expense, after written notice from the City, to defend any action against the City that falls within the scope of this indemnity, or the City, at the City's option, may elect not to tender such defense and may elect instead to secure its own attorneys to defend any such action and the reasonable costs and expenses of such attorneys incurred in defending such action shall be payable by Contractor. Additionally, if Contractor, after receipt of written notice from the City, fails to make any payment due under this Contract to the City, Contractor shall pay any reasonable attorneys' fees or costs incurred by the City in securing any such payment from Contractor. Payment of any amount due pursuant to the foregoing indemnity shall, after receipt of written notice by Contractor from the City that such amount is due, be made by Contractor prior to the City being required to pay same, or in the alternative, the City, at the City 's option, may make payment of an amount so due and Contractor shall promptly reimburse the City for same, together with interest thereon at the rate of 12% per annum simple interest from the date of receipt by Contractor of written notice from the City that such payment is due.

Contractor agrees to protect and defend City with counsel selected by Contractor and approved by City, to pay all attorneys' fees, and to indemnify and hold City harmless from and against all fines or penalties imposed by the California Integrated Waste Management Board if the diversion goals specified in California Public Resources Code Section 41780 as of the date hereof and hereafter throughout are not met by the City with respect to the Materials Collected by Contractor and if the lack in meeting such goals are attributable to the failure of the Contractor to implement and operate the recycling or diversion programs or undertake the related activities required by this Contract.

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12.02

HAZARDOUS SUBSTANCES INDEMNIFICATION

Without regard to any insurance coverage or requirements, and without limiting the above general indemnification obligation in any way, Contractor specifically agrees to and shall, to the maximum extent permitted by law, defend (with counsel acceptable to City), reimburse, indemnify, and hold harmless Indemnitees from and against any and all claims, actions, liabilities, damages, demands, judgments, losses, costs, liens, expenses, suits, actions, attorneys' fees, consultant fees, penalties and any and all other losses, damages, fees and expenses of whatever kind or nature ("Claims") (including but not limited to response costs, investigative costs, assessment costs, monitoring costs, treatment costs, cleanup costs, removal costs, remediation costs, and similar costs, damages and expenses) that arise out of or are alleged to arise out of or in any way relate to any action, inaction or omission of Contractor that:

1. Results in any demand, claim, notice, order, or lawsuit, asserting that any Indemnitee is liable, responsible or in any way obligated to investigate, assess, monitor, study, test, treat, remove, remediate, or otherwise clean up, any Hazardous Contaminant (as defined herein); or
2. Relates to material collected, transported, recycled, processed, treated or disposed of by Contractor.

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Contractor's obligations pursuant to this section shall apply, without limitation, to:

1. Any Claims brought pursuant to or based on the provisions of any Environmental Law;
2. Any Claims based on or arising out of or alleged to be arising out of the ownership, use, lease, sale, design, construction, maintenance or operation of Contractor of any Facility;
3. Any Claims based on or arising out of or alleged to be arising out of the marketing, sale, distribution, storage, transportation, disposal, processing or use of any materials recovered by Contractor;
4. Any Claims based on or arising out of or alleged to be arising out of any breach of any express or implied warranty, representation or covenant arising out of or in connection with this Contract.

The foregoing indemnity and defense obligations shall apply irrespective of the negligence or willful misconduct of Contractor or any Affiliate of Contractor.

For purposes of this section, the term "Hazardous Contaminant" shall mean any Hazardous Substance, any Hazardous Waste any crude oil or refined or unrefined petroleum product or any fraction or derivative thereof; and any asbestos or asbestos-containing material. The term "Hazardous Contaminant" shall also include any and all amendments to any referenced statutory or regulatory provisions made before or after the date of execution of this contract.

THE PROVISIONS OF THIS SECTION SHALL NOT TERMINATE OR EXPIRE, SHALL BE GIVEN THE BROADEST POSSIBLE INTERPRETATION AND SHALL SURVIVE THE EXPIRATION OR EARLIER TERMINATION OF THIS CONTRACT.

12.03

THE ACT INDEMNIFICATION AND GUARANTEE

To the extent authorized by law, Contractor agrees to indemnify and hold harmless City from and against all fines and/or penalties imposed by the California Integrated Waste Management Board in the event the source reduction and recycling mandates or any other requirement of the Act or other state law regarding waste diversion, reduction or recycling are not met by City.

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Contractor warrants and represents that it is familiar with City's waste characterization study as set forth in City's Source Recovery and Recycling Element (SRRE), and that it has the ability to and will provide sufficient programs and services to ensure City will meet or exceed the diversion requirements (including, without limitation, amounts of Solid Waste to be diverted, time frames for diversion, and any other requirements) set forth in the Act.

12.04 PERFORMANCE BOND

Within ten (10) calendar days from the date the City Council approves this Contract, the Contractor shall furnish to the City, and keep current, a Performance Bond in a form substantially similar as set forth in Exhibit 2 which is included in and attached to this Contract, for the faithful performance of this Contract and all obligations arising hereunder in an amount as follows:

- From January 1, 2011, the Contractor shall maintain a performance bond throughout the term of this Contract in the amount of Five Thousand Dollars (\$5,000).
- The performance bond shall be executed by a surety company licensed to do business in the State of California, having an, A:VII or better rating, and approved by the City; and included on the list of surety companies approved by the Treasurer of the United States.

12.04.1 Letter of Credit

As an alternative to the performance bond required by Section 12.04, at City's option, Contractor may deposit with City an irrevocable letter of credit in an amount as set forth in this Contract. If allowed, the letter of credit must be issued by an FDIC-insured banking institution chartered to business in the State of California, in the City's name, and be callable at the discretion of the City. Nothing in this Section shall, in any way, obligate the City to accept a letter of credit in lieu of the performance bond.

12.05 FOREFEITURE OF PERFORMANCE BOND

In the event Contractor shall for any reason become unable to, or fail in any way to, perform as required by this Contract, City may declare a portion or all of the

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performance bond which is necessary to recompense and make whole the City forfeited to the City. Upon partial or full forfeiture of the performance bond, Contractor shall restore the performance bond to its face amount within thirty (30) days of the City's declaration. Failure to restore the performance bond to its full amount within thirty (30) days shall be a material breach of the Contract.

12.06 PERFORMANCE SECURITY BEYOND SERVICE TERM

Some Contract requirements extend beyond the Term of this Contract and other requirements will not be substantiated until after the final service date. Therefore, the Contractor shall not terminate the performance bond or letter of credit, and will renew them to ensure continuous availability to the City, until receiving a written release from the City. Any performance bond or letter of credit will automatically expire at the end of 36 months after the end of the Term of this Contract. Permission from the City to discontinue holding these performance securities does not relieve Contractor of payments to the City that may be due, or may become due.

12.07 EXCEPTION

Notwithstanding other provisions of this Contract, Contractor's obligation to indemnify, hold harmless and defend City, its officers and employees shall not extend to any loss, liability, penalty, claim, damage, action or suit arising or resulting from acts or omissions constituting willful misconduct or active negligence of the City or its officers or employees, provided such active negligence or willful misconduct is determined by agreement between the parties or by findings of a court of competent jurisdiction. In instances where City, its officers and/or employees are shown to have been actively negligent or engaged in willful misconduct and where that negligent or willful misconduct accounts for only a percentage of the liability involved, the obligation of Contractor, will be for the entire portion or percentage of liability not attributable to the active negligence or willful misconduct of City, its officers and/or employees, or from the City's direction to deliver Solid Waste to a MRF, or processing center other than a facility owned and operated by Contractor or an affiliate.

ARTICLE 13. DEFAULT OF CONTRACT

13.01 TERMINATION

The City may cancel this Contract, except as otherwise provided below in this Section, by giving the Contractor thirty (30) calendar days' advance written notice, to be served as provided in this Contract, upon the happening of any one of the following events:

1. The Contractor shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy (court) or a petition or answer seeking an arrangement for its reorganization or the readjustment of its indebtedness under the Federal bankruptcy laws or under any other law or statute of the United States or any state thereof, or consent to the appointment of a receiver, trustee or liquidator of all or substantially all of its property; or
2. By order or decree of a Court, the Contractor shall be adjudged bankrupt or an order shall be made approving a petition filed by any of its creditors or by any of the stockholders of the Contractor, seeking its reorganization or the readjustment of its indebtedness under the Federal bankruptcy laws or under any law or statute of the United States or of any state thereof, provided that if any such judgment or order is stayed or vacated within sixty (60) calendar days after the entry thereof, any notice of default shall be and become null, void and of no effect; unless such stayed judgment or order is reinstated in which case, the default shall be deemed immediate; or
3. By, or pursuant to, or under the authority of any legislative act, resolution or rule or any order or decree of any Court or governmental board, agency or officer having jurisdiction, a receiver, trustee or liquidator shall take possession or control of all or substantially all of the property of the Contractor, and such possession or control shall continue in effect for a period of sixty (60) calendar days; or
4. The Contractor has defaulted, by failing or refusing to pay in a timely manner the liquidated damages or other monies due the City and the default is not cured within thirty (30) calendar days of receipt of written notice by City to do so; or

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5. The Contractor has defaulted by allowing any final judgment for the payment of money to stand against it unsatisfied and the default is not cured within thirty (30) calendar days of receipt of written notice by City to do so; or
6. In the event that the monies due the City under Section 13.01.4 above or an unsatisfied final judgment under Section 13.01.5 above is the subject of a judicial proceeding, the Contractor shall not be in default if the sum of money is bonded. All bonds shall be in the form acceptable to the City Attorney; or
7. The Contractor has defaulted, by failing or refusing to perform or observe the terms, conditions or covenants in this Contract or any of the rules and regulations promulgated by the City pursuant thereto or has wrongfully failed or refused to comply with the instructions of the Contract Administrator relative thereto and the default is not cured within thirty (30) calendar days of receipt of written notice by the City to do so, or if by reason of the nature of such default, the same cannot be remedied within thirty (30) calendar days following receipt by the Contractor of written demand from the City to do so, the Contractor fails to commence the remedy of such default within thirty (30) calendar days following such written notice or having so commenced shall fail thereafter to continue with diligence the curing thereof with the Contractor having the burden of proof to demonstrate (a) that the default cannot be cured within thirty (30) calendar days, and (b) that it is proceeding with diligence to cure the default, and such default will be cured within a reasonable period of time.

13.02

VIOLATIONS

Notwithstanding the foregoing and as supplemental and additional means of termination of this Contract under this Article, in the event that the Contractor's record of performance shows that the Contractor has frequently, regularly or repetitively defaulted in the performance of any of the covenants and conditions required herein to be kept and performed by the Contractor, in the opinion of the City and regardless of whether the Contractor has corrected each individual condition of default, the Contractor shall be deemed a "habitual violator", shall be deemed to have waived the right to any further notice or grace period to correct, and all of the defaults shall be considered cumulative

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and collectively shall constitute a condition of irredeemable default. In order to be deemed a "habitual violator" such violation must have occurred not less frequently than three (3) times in any Contract Year. The City shall thereupon issue the Contractor a final warning citing the circumstances therefore, and any single default by the Contractor of whatever nature, subsequent to the occurrence of the last of the cumulative defaults, shall be grounds for immediate termination of the Contract. In the event of any such subsequent default, the City may terminate this Contract upon giving of written final notice to the Contractor, such cancellation to be effective upon the date specified in the City's written notice to the Contractor, and all contractual fees due hereunder plus any and all charges and interest shall be payable to that date, and the Contractor shall have no further rights hereunder. Immediately upon the specified date in such final notice the Contractor shall proceed to cease any further performance under this Contract.

13.03 EFFECTIVE DATE OF TERMINATION

In the event of events specified in Sections 13.01 or 13.02, and except as otherwise provided in these subsections, termination shall be effective upon the date specified in the City's written notice to the Contractor and upon that date this Contract shall be deemed immediately terminated and upon such termination all liability of the City under this Contract to the Contractor shall cease, and the City shall have the right to call the performance bond and shall be free to negotiate with other contractors for the operation of the herein specified services. The Contractor for failure to perform shall reimburse the City all direct and indirect costs of providing interim Collection Services.

13.04 IMMEDIATE TERMINATION

City may terminate this Contract immediately upon written notice to Contractor in the event Contractor fails to provide and maintain the performance bond as required by this Contract, Contractor fails to obtain or maintain insurance policies endorsements as required by this Contract, Contractor fails to provide the proof of insurance as required by this Contract, or Contractor offers or gives any gift prohibited by City Municipal Code.

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13.05 TERMINATION CUMULATIVE

City's right to terminate this Contract is cumulative to any other rights and remedies provided by law or by this Contract.

13.06 LIQUIDATED DAMAGES

In the event Contractor fails to perform the services set forth in this Contract, City may assess liquidated damages against Contractor in the following amounts:

LIQUIDATED DAMAGES		
a.	Failure or neglect to resolve each complaint within the time set forth in this Contract.	\$100 per incident per Customer
b.	Failure to clean up spillage or litter caused by Contractor.	\$100 per incident per location.
c.	Failure to repair damage to Customer property caused by Contractor or its personnel.	<u>\$100</u> per incident per location.
d.	Failure to maintain equipment in a clean, safe, and sanitary manner.	<u>\$100</u> per incident per day.
e.	Failure to have a vehicle operator properly licensed.	<u>\$100</u> per incident per day.
f.	Failure to maintain office hours as required by this Contract.	<u>\$100</u> per incident per day.
g.	Failure to maintain or timely submit to City all documents and reports required under the provisions of this Contract.	<u>\$100</u> per incident per day.
h.	Failure to properly cover materials in Collection Vehicles.	<u>\$100</u> per incident.
i.	Failure to display Contractor's name and Customer Service phone number on Collection Vehicles, except for reserve vehicles.	<u>\$100</u> per incident per day.
j.	Failure to comply with the hours or days of operation as required by this Contract.	<u>\$1,000</u> per incident per day.
k.	Commingling of materials collected inside and outside the City of Los Alamitos without prior approval by the City.	<u>\$500</u> per incident.
l.	Failure to have Contractor personnel in proper uniform.	<u>\$100</u> per incident per day.
m.	Disposal of Recyclable Materials in the Disposal Facility without first obtaining permission of the City.	<u>\$500</u> per occurrence
n.	Failure to provide required communications equipment.	<u>\$100</u> per incident per day.

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LIQUIDATED DAMAGES		
o.	Failure to deliver any collected materials to the Disposal Facility, Materials Recycling Facility, or Green Waste Processing Facility, as appropriate, except as otherwise expressly provided in this Contract.	<u>\$1,000</u> per incident
p.	Delivery to the Disposal Facility of any Solid Waste collected outside of the city boundaries of Los Alamitos commingled with Solid Waste collected as part of this Contract without prior approval by the City.	<u>\$1,000</u> per incident

13.07

PROCEDURE FOR REVIEW OF LIQUIDATED DAMAGES

The City Manager may assess liquidated damages pursuant to this Contract on a monthly basis. At the end of each month during the term of this Contract, the City Manager shall issue a written notice to Contractor (“Notice of Assessment”) of the liquidated damages assessed and the basis for each assessment.

1. The assessment shall become final unless, within ten (10) calendar days of the date of the notice of assessment, Contractor provides a written request for a meeting with the City Manager to present evidence that the assessment should not be made.
2. The City Manager shall schedule a meeting between Contractor and City Manager or designee as soon as reasonably possible after timely receipt of Contractor’s request.
3. The City Manager or the City Manager’s designee shall review Contractor’s evidence and render a decision sustaining or reversing the liquidated damages as soon as reasonably possible after the meeting. Written notice of the decision shall be provided to Contractor.
4. In the event Contractor does not submit a written request for a meeting within ten (10) calendar days of the date of the Notice of Assessment, the City Manager’s determination shall be final and City may deduct the liquidated damages from amounts otherwise due to Contractor.
5. City’s assessment or collection of liquidated damages shall not prevent City from exercising any other right or remedy, including the right to compel performance or

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terminate this Contract, for Contractor's failure to perform the work and services in the manner set forth in this Contract. Liquidated damages shall be in addition to any applicable fines or penalties imposed by third parties, damages owed to third parties and actual clean up costs.

ARTICLE 14. OTHER AGREEMENTS OF THE PARTIES

14.01 INDEPENDENT CONTACTOR

In the performance of services pursuant to this Contract, Contractor shall be an independent contractor and not an officer, agent, servant or employee of City. Contractor shall have exclusive control of the details of the services and work performed and over all persons performing such services and work. Contractor shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Neither Contractor nor its officers, employees, agents, contractors or subcontractors shall obtain any right to retirement benefits, workers' compensation benefits, or any other benefits which accrued to City employees and Contractor expressly waives any claim it may have or acquire to such benefits.

14.02 COMPLIANCE WITH LAW

In the performance of this Contract, Contractor shall comply with all applicable laws, regulations, ordinances and codes of the federal, state and local governments, including without limitation California statutes and the City of Los Alamitos Municipal Code.

14.03 NO ASSIGNMENT

No assignment of this Contract or any right occurring under this Contract shall be made in whole or in part by the Contractor without the express prior written consent of the City. The City shall have full discretion to approve or deny, with or without cause, any proposed or actual assignment by the Contractor, except for an assignment to an affiliate of Contractor, which shall not be withheld unreasonably. Any assignment of this Contract made by the Contractor without the express written consent of the City shall be null and void and shall be grounds for the City to declare a default of this Contract and

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immediately terminate this Contract by giving written notice to the Contractor, and upon the date of such notice this Contract shall be deemed immediately terminated, and upon such termination all liability of the City under this Contract to the Contractor shall cease, and the City shall have the right to call the performance bond and shall be free to negotiate with other contractors, the Contractor, or any other person or company for the service which is the subject of this Contract. In the event of any assignment, the assignee shall fully assume all the liabilities of the Contractor.

14.04 USE OF SUBCONTRACTOR

The use of a subcontractor to perform services under this Contract shall not constitute an assignment of Contractor's duties provided that Contractor has received prior written authorization from the Contract Administrator to subcontract such services and the Contract Administrator has approved a subcontractor who will perform such services. Contractor shall be responsible for directing the work of Contractor's subcontractors and any compensation due or payable to Contractor's subcontractor shall be the sole responsibility of Contractor. The Contract Administrator shall have the right to require the removal of any approved subcontractor for reasonable cause.

14.05 SUBCONTRACTORS

The Contractor shall require all subcontractors to enter into a contract containing the provisions set forth in the preceding subsection in which contract the subcontractor agrees that Contractor and subcontractor are independent contractors and have no other agency relationship with City.

14.06 NONDISCRIMINATION

In the performance of all work and services under this Contract, Contractor shall not discriminate against any person on the basis of such person's race, sex, color, national origin, religion, marital status or sexual orientation. Contractor shall comply with all applicable local, state and federal laws and regulations regarding nondiscrimination, including those prohibiting discrimination in employment.

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14.07 MODIFICATIONS

The City shall have the power to make changes in this Contract as the result of changes in law, changes in the City of Los Alamitos Municipal Code, or both, to impose new rules and regulations on the Contractor under this Contract relative to the scope and methods of providing Collection Services as shall from time to time be necessary and desirable for the public welfare. The City shall give the Contractor notice of any proposed change and an opportunity to be heard concerning those matters.

ARTICLE 15. MISCELLANEOUS PROVISIONS

15.01 GOVERNING LAW

The law of the State of California shall govern the rights, obligations, duties and liabilities of City and Contractor under this Contract and shall govern the interpretation of this Contract.

15.02 JURISDICTION

The parties agree that any litigation between City and Contractor concerning or arising out of this Contract shall be filed and maintained exclusively in the Municipal or Superior Courts of Orange County, State of California, or in the United States District Court for the Central District of California to the fullest extent permissible by law. Each party consents to service of process in any manner authorized by California law.

15.03 WAIVER

Waiver by City or Contractor of any breach for violation of any term, covenant or condition of this Contract shall not be deemed to be a waiver of any other term, covenant or condition or any subsequent breach or violation of the same or of any other term, covenant or condition. The subsequent acceptance by City of any fee, tax, or any other monies which may become due from Contractor to City shall not be deemed to be a waiver by City of any breach for violation of any term, covenant or condition of this Contract.

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The failure of the City at any time to require performance by the Contractor of any provision hereof shall in no way affect the right of the City thereafter to enforce same. Nor shall waiver by the City of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

15.04 ENTIRE CONTRACT

This document incorporates and includes all prior negotiations, correspondence, conversations, contracts and understandings applicable to the matters contained in this Contract and the parties agree that there are no commitments, contracts or understandings concerning the subject matter of this Contract that are not contained in this document. Accordingly, it is agreed that no deviation from the terms of this Contract shall be predicated upon any prior representations or Contracts, whether oral or written. This Contract and the Exhibits attached hereto constitute the entire Contract and understanding between the parties hereto, and it shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto. Each Exhibit referred to in this Contract forms an essential part of this Contract. Each such Exhibit is a part of this Contract and each is incorporated by this reference.

15.05 SECTION HEADINGS

Headings in this document are for convenience of reference only and are not to be considered in any interpretation of this Contract.

15.06 CONSIDERATION

It is specifically understood and agreed that the consideration inuring to the Contractor for the execution of this Contract consists of the promises, payments, covenants, rights and responsibilities contained in this Contract.

15.07 SEVERABILITY

If any provision of this Contract or the application of it to any person or situation shall to any extent be held invalid or unenforceable, the remainder of this Contract and the application of such provisions to persons or situations other than those as to which it

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shall have been held invalid or unenforceable, shall not be affected, shall continue in full force and effect, and shall be enforced to the fullest extent permitted by law.

15.08 DAMAGE BY CONTRACTOR

If Contractor's employees or subcontractors cause any injury, damage or loss to City property, including but not limited to City streets or curbs, Contractor shall reimburse City for City's cost of repairing such injury, damage or loss. Such reimbursement is not in derogation of any right of City to be indemnified by Contractor for any such injury, damage or loss. With the prior written approval of City, Contractor may repair the damage at Contractor's sole cost and expense.

15.09 ACKNOWLEDGMENT

It is acknowledged that each party was, or had the opportunity to be, represented by counsel in the preparation of and contributed equally to the terms and conditions of this Contract and, accordingly, the rule that a contract shall be interpreted strictly against the party preparing the same shall not apply herein due to the joint contributions of both parties.

15.10 CONTRACTOR STATUS

Contractor represents and warrants that it is duly organized, validly existing and in good standing under applicable laws. It is qualified to transact business in the State of California and has the power to own its properties and to carry on its business as now owned and operated and as required by this Contract.

15.11 CONTRACTOR AUTHORIZATION

Contractor represents and warrants that it has the authority to enter into and perform its obligations under this Contract. The Board of Directors of Contractor (or the shareholders, if necessary) has taken all actions required by law, its articles of incorporation, its bylaws or otherwise to authorize the execution of this Contract. The Persons signing this Contract on behalf of Contractor have authority to do so. Contractor shall authorize one employee for the City as a single point of contact for issues arising under this Contract, and Contractor acknowledges and agrees that City

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may expect and assume that this employee's actions are taken on behalf of and with the full approval of the Contractor.

15.12 REPRESENTATIONS

Contractor warrants and represents that no elected official, officer, agent or employee of the City has a financial interest, directly or indirectly, in this Contract, the compensation to be paid under it and, further, that no City employee who acts in the City as a "purchasing agent" as defined in the appropriate Section of California Statutes, nor any elected or appointed officer of the City, nor any spouse or child of such purchasing agent, employee or elected or appointed officer, is a partner, officer, director or proprietor of the Contractor and, further, that no such City employee, purchasing agent, City elected or appointed officer, or the spouse or child of any of them, alone or in combination, has a material interest in the Contractor. Material interest means direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of the Contractor. Contractor represents that Contractor is familiar with City's prohibition against the acceptance of any gift by a City officer or designated employee. Contractor shall not offer any City officer or designated employee any gifts prohibited by the City or by any other applicable law.

15.13 PERMITS & LICENSES

Contractor shall obtain, at its own expense, all permits and licenses required by law or ordinance and maintain same in full force and effect throughout the term of this Contract. Contractor shall provide proof of such permits, licenses or approvals and shall demonstrate compliance with the terms and conditions of such permits, licenses and approvals upon the request of the Contract Administrator.

15.14 CITY OWNERSHIP

All reports, documents, brochures, public education materials, and other written, printed, electronic or photographic materials developed by City or Contractor in connection with the services to be performed under this Contract, whether developed directly or indirectly by City or Contractor shall be and shall remain the property of City without limitation or restrictions on the use of such materials by City. Notwithstanding the

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above, all financial records and data remain the property of Contractor. Contractor shall not use such materials in connection with any project not connected with this Contract without the prior written consent of the Contract Administrator.

ARTICLE 16. NOTICES

Except as provided herein, whenever either party desires to give notice to the other, it must be given by written notice addressed to the party for whom it is intended, at the place last specified and to the place for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective persons and places for giving of notice:

As to the CITY:

City of Los Alamitos
City Manager or His Designee
3191 Katella Ave
Los Alamitos, CA 90720

As to the CONTRACTOR:

Notices shall be effective when received at the address as specified above. Changes in the respective address to which such notice is to be directed may be made by written notice. Facsimile transmission is acceptable notice, effective when received; facsimile transmissions received (i.e., printed) after 4:30 p.m. or on weekends or holidays will be deemed received on the next business day. The original of items that are transmitted by facsimile equipment must also be mailed as required herein.

EXHIBIT 1 – INITIAL RATES

EXHIBIT 2
PERFORMANCE BOND

(To be inserted after contract award)

City of Los Alamitos

Agenda Report Consent Calendar

January 3, 2011
Item No: 8E

To: Mayor Kenneth Stephens & Members of the City Council
Via: Jeffrey L. Stewart, City Manager
From: Adria M. Jimenez, CMC, City Clerk
Subject: Approval to Publish an Availability Notice for City Commission Recruitment

Summary: In accordance with City Council policy, staff is asking for Council approval to publish an Availability Notice for recruitments to the Parks, Recreation and Cultural Arts, Traffic, and Personnel Appeals Commissions for a 30-day period, beginning January 15, 2011.

Recommendation: Approve the publication of an Availability Notice for recruitments to the Parks, Recreation and Cultural Arts, Traffic, and Personnel Appeals Commissions.

Background

The City Clerk is seeking City Council approval to post and publish an "Availability Notice" for 30 days for the below Commission terms, asking interested residents to submit an application for appointment, per the below procedures for Commission appointments adopted by City Council on January 16, 2007:

1. An Availability Notice, detailing the Commission/Board's purpose, meeting location/time and current vacancy would be prepared. The Notice would specify a thirty (30) day filing period in which applications would be accepted. The Notice would be sent to the local newspaper and posted at City Hall, the City's Recreation Center and the Museum; and,
2. Rather than continuing the practice of keeping previous applications on file for two years and sending letters of interest to prior applicants, only new applications would be considered for current vacancies. Residents who are not current appointees and are interested in serving on a Commission/Board would complete and submit a new application during the thirty (30) day filing period. Each Commission application will be specific to that Commission. Letters, accompanied with a new application, will still be sent to incumbents interested in reappointment; and,
3. Once the application deadline is met, a date will be scheduled for City Council to interview all applicants for the vacancy under consideration. Thereafter, the appointment will be agendized for City Council consideration.

The following indicates the status of the open positions on City Commissions as of December 21, 2010:

Parks, Recreation and Cultural Arts Commission (5 Openings)

Three open positions with terms expired in September 2010
(Ric Magdaug, Beth Piburn, Michael Spillane)

Two open positions with terms expired in December 2010
(Pete Carbajal, Eileen Doerrer)

Personnel Appeals Commission (2 Openings)

Two open positions with terms expired in August 2010
(Betty Schmicker-Black, Robert Lee)

Traffic Commission (3 Openings)

Two open positions with terms expired in December 2010
(Irma Austin, Brad Taylor)

One vacant position
(Brad Sheridan)

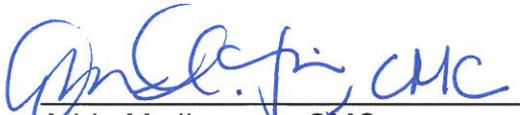
Cable Television Commission (5 Openings)

The Cable Television Commission will continue to be inactive until further direction from City Council. Recruitment for this Commission is not requested at this time.

Fiscal Impact

There are minimal fees associated with the publication of the Availability Notice in the News Enterprise. These fees are currently budgeted.

Submitted By:



Adria M. Jimenez, CMC
City Clerk

Approved By:



Jeffrey L. Stewart
City Manager

- Attachments:
- 1) 2011 Local Appointment List
 - 2) Draft Availability Notice

CITY OF LOS ALAMITOS

3191 Katella Avenue, Los Alamitos, CA 90720

LOCAL APPOINTMENTS LIST

NOTICE IS HEREBY GIVEN that the City of Los Alamitos encourages residents to apply for positions on City Commissions, Boards and Committees that will have vacancies in 2011. At the end of each year, the City releases a list of expiring appointed terms for the coming year, names of incumbents, and the dates of their appointments. The following is a complete list for 2011. Interested residents may contact the Office of the City Clerk for applications and additional information, (562) 431-3538, Ext. 220.

QUALIFICATIONS AND REQUIREMENTS: Members of the following Commissions and Boards shall be appointed, and shall be subject to removal, by motion of the City Council adopted by a majority vote. The members thereof shall be appointed from the qualified electors of the City, none of who shall hold any paid office or employment in the City government and shall serve until their respective successors are appointed and qualified. If a member of a Board or Commission is absent from three (3) consecutive meetings of such Board or Commission, unless by permission of such Board or Commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall become vacant and shall be so declared by the City Council.

Planning Commissioners are designated "code filers" under California Government Code Section 87200. All other Boards/Commissions are designated "code filers" under the City's Conflict of Interest Code (COIC). Financial disclosure must be made periodically on specific forms and become documents of public record.

CABLE TELEVISION COMMISSION - The Cable Commission consists of five members, plus one-full time student member who is at least 16 years of age. The Commission meets on the third Wednesday of January, March, May, July, September & November, at 7:00 p.m., in the Los Alamitos Council Chambers, 3191 Katella Avenue, Los Alamitos. The Cable Commission is responsible for the administration of the local cable television access program. Applicants must be interviewed by the City Council prior to appointment. Currently, the Commission is inactive but it is anticipated that the City Council will review this matter in mid-2011.

Commission (3 years)	Members	Appointment	Exp. Date
CABLE TV Student	VACANT	May-07	Jul-08
CABLE TV	VACANT	Jul-07	Jul-09
CABLE TV	Shelly Hasselbrink	May-07	Jul-10
CABLE TV	VACANT	May-07	Jul-10
CABLE TV	VACANT		Jul-10
CABLE TV	VACANT		Jul-10

PARKS, RECREATION & CULTURAL ARTS COMMISSION - This is a seven-member Commission, which meets on the first Wednesday of each month at 7:00 p.m. in the City Council Chambers, 3191 Katella Avenue, Los Alamitos. It is responsible for advising the City Council in all matters pertaining to public recreation and parks, including problems of development of recreation areas, facilities, programs and services and formulating policies on recreational services, and also programming yearly events within the community that promote fine arts.

Commission (3 years)	Members	Appointment	Exp. Date
PR & CA	Ric Magdaug	Jan-08	Sep-10
PR & CA	Beth Piburn	Oct-09	Sep-10
PR & CA	Michael Spillane	Feb-05	Sep-10
PR & CA	Pete Carvajal	Feb-03	Dec-10
PR & CA	Eileen Doerrer	Jul-06	Dec-10
PR & CA	Samuel Manning	Jul-09	Dec-11
PR & CA	Elliot Singer	Oct-08	Dec-11

PERSONNEL APPEALS COMMISSION - This is a five-member Commission, which meets on an as-needed basis. The Personnel Appeals Commission receives and hears appeals on personnel matters.

Commission (4 years)	Members	Appointment	Exp. Date
PERSONNEL APPEALS	Betty Schmicker-Black	Sep-94	Aug-10
PERSONNEL APPEALS	Robert Lee	Feb-03	Aug-10
PERSONNEL APPEALS	Cathie Salai	Aug-08	Aug-12
PERSONNEL APPEALS	Brad Gill	Oct-08	Aug-12
PERSONNEL APPEALS	Daniel Patz	Oct-08	Aug-12

PLANNING COMMISSION - This is a seven-member Commission that meets on the second Monday of each month at 7:00 p.m. in the Los Alamitos Council Chambers, 3191 Katella Avenue, Los Alamitos. The Planning Commission is responsible for recommendations and implementation of the City's General Plan and zoning ordinances, as well as review of development proposals.

Commission (3 years)	Members	Appointment	Exp. Date
PLANNING	Victor R. Sofelkanik	Aug-00	Jul-11
PLANNING	Will Daniel	Feb-05	Dec-11
PLANNING	John Riley	Jul-09	Jul-12
PLANNING	Benjamin Sutherlin	Jul-09	Jul-12
PLANNING	Larry Andrade	Jan-10	Dec-12
PLANNING	Gary Loe	Jan-10	Dec-12
PLANNING	Wendy Grose	Jan-10	Dec-12

TRAFFIC COMMISSION - This is a seven-member Commission that meets monthly on the second Wednesday of each month at 7:00 p.m. in the Los Alamitos Council Chambers, 3191 Katella Avenue, Los Alamitos. The Traffic Commission is responsible for reviewing complaints, requests or suggestions concerning traffic safety conditions and making recommendations to the City Council.

Commission (3 years)	Members	Appointment	Exp. Date
TRAFFIC	Irma Austin	Feb-05	Dec-10
TRAFFIC	VACANT	Feb-07	Dec-10
TRAFFIC	Brad Taylor	Jul-07	Dec-10
TRAFFIC	Pauline Bloom	May-10	Dec-13
TRAFFIC	Shawn Utley	May-10	Dec-13
TRAFFIC	James Wilhelm	May-10	Dec-13
TRAFFIC	Norman Wray	May-10	Dec-13

DRAFT

CITY OF LOS ALAMITOS
3191 Katella Avenue, Los Alamitos, CA 90720

Attachment 2

AVAILABILITY NOTICE

**PARKS, RECREATION & CULTURAL ARTS COMMISSION
PERSONNEL APPEALS COMMISSION
TRAFFIC COMMISSION**

NOTICE IS HEREBY GIVEN that the City of Los Alamitos encourages residents to apply for open positions on City Commissions. **Applications are now being accepted for the Parks, Recreation & Cultural Arts Commission, Personnel Appeals Commission, and the Traffic Commission.**

PARKS, RECREATION & CULTURAL ARTS COMMISSION - This is a seven-member Commission, which meets on the first Wednesday of each month at 7:00 p.m. in the City Council Chambers, 3191 Katella Avenue, Los Alamitos. It is responsible for advising the City Council in all matters pertaining to public recreation and parks, including problems of development of recreation areas, facilities, programs and services and formulating policies on recreational services, and also programming yearly events within the community that promote fine arts.

5 Openings: 3 positions with terms expiring in September 2013
 2 positions with terms expiring in December 2010

PERSONNEL APPEALS COMMISSION - This is a five-member Commission, which meets on an as-needed basis. The Personnel Appeals Commission receives and hears appeals on personnel matters. Commissioners serve 4-year terms.

2 Openings: Terms expires August 2014

TRAFFIC COMMISSION - This is a seven-member Commission that meets monthly on the second Wednesday of each month at 7:00 p.m. in the Los Alamitos Council Chambers, 3191 Katella Avenue, Los Alamitos. The Traffic Commission is responsible for reviewing complaints, requests or suggestions concerning traffic safety conditions and making recommendations to the City Council.

3 Openings: Terms expiring December 2013

Members of City Commissions are appointed, and subject to removal, by majority approval of the City Council and **must be qualified electors (registered voters)** of the City. No person shall be appointed to a City Commission who holds any salaried public office or employment within the City government. Commissioners serve until their respective successors are appointed and qualified. If a Member is absent from three consecutive meetings (unless by permission of the Commission expressed in its official minutes), or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall be declared vacant.

Interested residents may contact the City Clerk's Office for applications and additional information, (562) 431-3538, Ext. 220.

**COMPLETED APPLICATIONS MUST BE SUBMITTED
TO THE CITY CLERK'S OFFICE
BY WEDNESDAY, FEBRUARY 9, 2011**

City of Los Alamitos

Agenda Report Public Hearing

January 3, 2011
Item No: 9

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Steven A. Mendoza, Community Development Director
Mark Staples, Interim Planner

Subject: Consideration of Appeal to Planning Commission Denial of Pawn Shop Conditional Use Permit No. 10-04

Summary: At its October 11, 2010 meeting, the Planning Commission denied Conditional Use Permit 10-04 for a pawnbroker/secondhand dealer at 3351 Katella Avenue. The applicant is appealing the Planning Commission's decision.

Recommendation: Staff recommends the City Council:

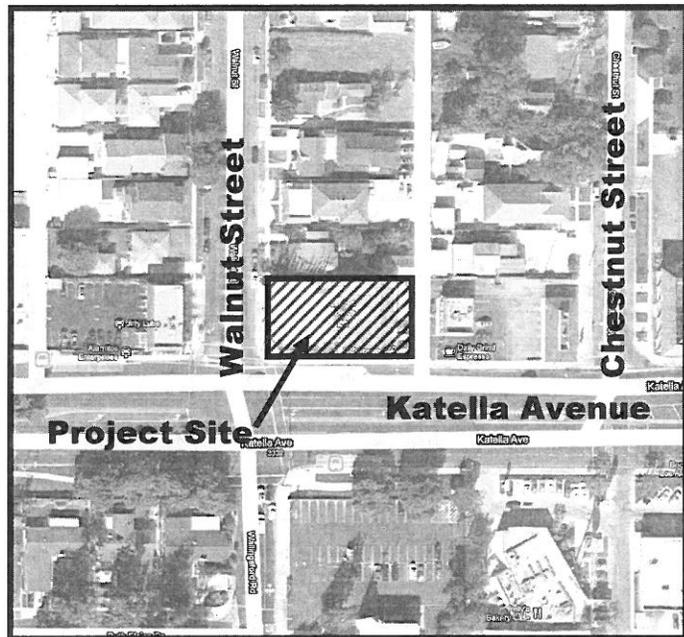
1. Take Testimony; and,
2. Adopt City Council Resolution No. 2011-01, entitled, "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FOOT TENANT SPACE IN AN EXISTING 5,300 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)**"

Background

Lori Craven-Doss filed an application for a Conditional Use Permit on May 7, 2010 to operate a pawn shop (pawnbroker), known as Katella Collateral Lenders, to be located in the south-facing tenant space at 3351 Katella Avenue, an existing commercial building located at the northeast corner of Katella Avenue and Walnut Street.

At its August 9, 2010 meeting, the Planning Commission directed staff to 1) hand deliver public hearing notices to all residences within a 500 feet radius of the subject property, and 2) directed staff to bring back findings of approval for Conditional Use Permit 10-04 to the October 11, 2010 meeting of the Commission.

At its October 11, 2010 meeting, the Planning Commission could not make findings to support and approve the proposed pawn shop. Therefore, the Planning Commission adopted Resolution No. 10-11 denying the project. Mrs. Craven-Doss filed an appeal of the Planning Commission's decision with the City Clerk on November 1, 2010.



At its December 6, 2010 meeting, the City Council heard a brief report by City Staff regarding the appeal of the Planning Commission denial of Conditional Use Permit No. 10-11. The Council opened the public hearing to take comments on the item. However, no one in attendance wished to speak on the item. In order to give the Council, including a newly elected Councilmember, sufficient time to review the project, the item was continued, with the public hearing still open, to tonight's meeting.

Discussion

The subject site, located at 3351 Katella Avenue on the northeast corner at Walnut Street, is currently developed with a two-story commercial structure. The adjacent properties are developed and zoned as follows:

- North: Developed with residential uses in the Multi-family (R-3) Zoning District.
- East: Developed with commercial uses in the General Commercial (C-G) Zoning District and residential uses in the Multi-family (R-3) Zoning District.
- South: Developed with residential, religious, and commercial uses in the County Island of Rossmoor.
- West: Developed with commercial uses in the General Commercial (C-G) Zoning District and residential uses in the Multi-family (R-3) Zoning District.

Description of Proposed Use

The business is proposing to locate in a 1,200 square feet tenant space in the existing 5,300 square feet building on an 11,400 square feet lot. The applicant is requesting approval for a secondhand collateral lender, or pawnbroker (pawn shop), called Katella Collateral Lenders. The applicant's business plan describes the business model as a "high-end alternative to the stereotypical pawn shop... providing an upscale facility with brand name merchandise and discrete and private lending." The proposal further describes the items carried for resale as fine jewelry, estate jewelry, coins, watches, cameras, video games, computer laptops, iPods, vintage and new musical instruments, high-end sports equipment, and professional tools.

The applicant has stated that the pawnbroker business will primarily cater to middle-income residents of the area who are facing short-term cash flow problems as a result of the national economic downturn and other temporary financial concerns. The customer will bring various types of merchandise into the store, and leave the items there in exchange for a short-term loan. The business' profits are drawn primarily from the finance charges related to the loans. The applicant has indicated that the typical customer will return to retrieve the pawned item.

The proposed floor plan illustrates the layout of the shop, including the retail space, jewelry cases, loan counter, safe, and wrought iron security entrance cages to be located at both the front and the rear entrances to the shop which will allow for controlled access to the shop through a lock and buzzer operated by the staff. Additional security is proposed that includes an alarm system, digital cameras, video recorders, and audio sensors, and a backup system.

Planning Commission Reviews and Actions

At its August 9, 2010 meeting, the Planning Commission opened the public hearing and took testimony on the project. The project applicant, property owner, and about six others spoke in favor of the project stating that the negative stigma of pawn shops is unfounded. One person spoke in opposition of the project, along with a letter received by Staff also was against the project; with both having concern with its location near the path where children walk to school and to the nearby residential area. The Commission discussed the possibility to approve the project, but wanted residents of the apartments near the project to be notified of the hearing and not just the property owners. The Commission continued the item and directed staff to: 1) hand deliver public hearing notices to all residences within a 500 feet radius of the subject property, and 2) directed staff to bring back findings of approval for Conditional Use Permit 10-04 to the October 11, 2010 meeting of the Commission.

At its October 11, 2010 meeting, the Planning Commission could not make findings to support and approve the proposed pawn shop. The applicant, her spouse, her business associate, and the property owner all spoke in favor of the project. A City resident, who is also a local business owner and member of the Board of Directors for the Youth Center, spoke in opposition of the project having concerns with its proximity to the middle school and Youth Center. Staff received two letters in opposition of the project; the first letter was a second letter received from the same person (Donna Viestenz) who opposed the project at the August meeting, with the second letter from a City resident on Kearsarge Avenue. The Commission addressed the negative perception of pawn shops and took testimony from Captain McAlpine regarding the Police Department's safety concerns with the proposed project. The Commission upheld Staff's findings that the proposed pawn shop was not compatible with the adjacent residential uses, the nearby Oak Middle School, and the student's path of travel from the Rossmoor area to/from Oak Middle School. Therefore, the Planning Commission adopted Resolution No. 10-11 denying the project.

Appeal by Applicant

On November 1, 2010, the applicant, Lori Craven-Doss, filed an appeal of the Planning Commission's denial of the proposed pawn shop with the City Clerk. Mrs. Craven-Doss identified two items regarding the project in her appeal letter:

1. The Fiscal Analysis of the cost of processing pawn slips by the Los Alamitos Police Department, and
2. Planning Commission Resolution No. 10-11 Finding No. 1 stating "That the use will endanger the public health, safety or general welfare if located where proposed and developed, and that the use will allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor or vibrations[...] The potential nuisance impacts from law enforcement oversight of the pawn shop operations and the criminal activities represent incompatibility with the adjacent medium density, multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses[...] Since this type of use lends itself to a risk of criminal activity particularly the pawning of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be traveling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

Fiscal Analysis Issue

At the August 9, 2010, Planning Commission meeting, the staff report identified that the fiscal impact to the City would be an approximately \$400 retail sales revenue. The Police Department reevaluated the processing costs of pawn slips and determined the cost to be approximately \$12,602 for the first year, which was presented at the October 11, 2010, Planning Commission hearing. The cost figures were an analysis provided by the Police Department for presentations made to the City Council on September 7 and 20, 2010, on potential pawnbroker fees to be charged to such business for processing pawn slips. The City Council did not act or adopt a pawn slip fee, however, the potential cost to the Police Department remains.

The applicant's appeal letter asks "to leave negotiations open for an agreement on fees for both parties." Since the City Council did not adopt a pawn slip fee, there is no fee to negotiate. The cost and additional staff time for the Police Department to process pawn slips remains and issue of concern for City Staff. However, the Commission's findings for denial did not consider or include the potential fiscal impact to the Police Department.

Pawn Shop Potential Nuisance Issue

The applicant's appeal letter asked questions and provided comments on the suitability of the pawn shop on the proposed site:

1. "How did we get to this point and where is the danger?"

2. "Had the property zoning been listed as "not allowed" under pawnshops I would not have secured the property."
3. "Several, if not all the commissioners mentioned they didn't have an issue with approving our CUP other than the designated location. The location came into question because staff suggested the business wasn't safe and school kids cross Katella to go to and from home in Rossmoor... There was no factual information presented by the committee to support this."
4. "The safety of the children and residence would be no more affected by a pawnshop at this location than any other business."
5. "The business would not have any effect on the neighborhood whatsoever, aesthetically or socially."
6. "I would like to appeal the commission's decision, because it was void of a factual basis, (and more on bias), instead of with regard to safety and harmony."

The primary issue with the proposed use is its close proximity to Oak Middle School, the Youth Center, and the path of travel for its students. Schools uses and school children are two of the most sensitive issues that a City must plan for and mitigate against non-compatible uses. Such non-compatible uses may include high traffic commercial uses, industrial uses, uses that may handle hazardous materials or emit foul odors and loud noises, and uses that have the potential for criminal activity or require additional oversight by the Police Department. The proposed use dealing with the pawning of second hand goods and requiring additional oversight by the Police Department were found to be incompatible, by City Staff and the Planning Commission, with the close proximity to Oak Middle School and the path of travel for its students.

Below is an excerpt of the discussion presented to the Planning Commission on October 11, 2010, related to the proposed uses compatibility with the surrounding area; the full report can be found in the staff report attachments:

Compatibility with the Surrounding Area

Pursuant to LAMC Section 17.10.020, the proposed pawn shop (pawnbroker) use requires the approval of a Conditional Use Permit. The purpose of a CUP is to ensure the compatibility of a use in terms of configuration, design, location, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with the surrounding uses, and the suitability of the use to the site, to ensure the protection of the public convenience, health, interest, safety, and welfare (LAMC Chapter 17.42.010 A, B).

One of the CUP findings required to be met by the applicant for this proposed use is that the proposed use will not endanger the public health, safety or general welfare if located where proposed and developed. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. First, the proposed

use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The potential nuisance impacts from law enforcement oversight of the pawn shop operations and criminal activities represent incompatibility with the adjacent medium density multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses.

Second, the property is situated directly in the primary pedestrian path for Rossmoor-area students who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use; and the Youth Center, an after-school day care center, is located approximately 740 feet from the proposed use. Since the proposed use lends itself to a risk of criminal activity and law enforcement oversight of the operations, staff is concerned that children who may be travelling on foot to or from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity. This student traffic will be walking immediately adjacent to the proposed pawn shop use.



Children's walking path to school, day care, and community center.
(From August 9, 2010, Planning Commission Staff Report)

Existing surrounding commercial uses on Katella Avenue include an automobile tune-up shop, a small strip center containing low-intensity commercial uses such as a barber, a frame shop, a cleaning company. In addition, adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, CVS/Pharmacy, an automobile service business, and a strip center, all typical

neighborhood commercial uses. Although these are general commercial uses, none represent the higher level of criminal activity risk that a pawn shop use is more likely to engender.

General Plan Consistency and Findings

Another requirement for the approval of a conditional use permit is that the approved use will be in general conformity with the Los Alamitos General Plan. Staff has researched the General Plan's goals, policies and implementation strategies to determine consistency with this application's proposed use in making the required findings. Included here are staff's findings regarding the proposed use and consistency with the City's General Plan:

- 1. Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses: Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods.*
- 2. Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods: Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence.*
- 3. Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods: The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop has a statistically significant increase in crime rate that is not true of other acceptable land uses.*

Given that the characteristics of the pawn shop use and its incompatibility with the proposed location have not changed since the last Planning Commission meeting, and since, after due diligence in attempting to make positive findings in support of the pawn shop use at this location, staff is unable to support approval of the application and recommends denial of the Conditional Use Permit application.

On October 11, 2010, the Planning Commission did consider an approval resolution for the proposed use. However, with the findings above and testimony given during the public hearing, the Commission upheld Staff's recommendation to deny the Conditional Use Permit.

CONCLUSION

The appeal letter provided by the applicant and the arguments made therein did not provide substantial information for the Community Development Staff to change their recommendation on the project. The appeal letter also didn't provide new information for Staff's consideration. Therefore, Staff recommends that the City Council uphold the Planning Commission's denial of Conditional Use Permit 10-04.

Fiscal Analysis

The following fiscal analysis was presented to the Planning Commission on October 11, 2010:

The pawn shop's revenues are primarily derived from finance charges generated from lending activities, not from any retail sales activity. Revenue to the City from any retail sales activity will likely not exceed \$400.00 per year. The estimated costs to the City in the Police Department processing of pawn slips, based on an average of eight (8) slips per day is \$12,602.00 for the first year.

As stated previously, since the City Council did not adopt a pawn slip fee to recover the additional cost to the Police Department for processing, there is no fee to negotiate. The cost and additional staff time for the Police Department to process pawn slips remains an issue of concern for City Staff. However, the Commission's findings for denial did not consider or include the potential fiscal impact to the Police Department.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Jeffrey L. Stewart
City Manager

- Attachments:
1. Appeal Letter from Lori Craven-Doss
 2. Site Plan, Rendering, and Business Profile
 3. Draft Denial Resolution No. 2011-01
 4. October 11, 2010 Planning Commission Packet including Minutes
 5. August 9, 2010 Planning Commission Packet including Minutes
 6. Public Hearing Notice

To the City of Los Alamitos,

I am writing to appeal the following:

Resolution no. 10-11

Fiscal Analysis

RECEIVED

NOV 01 2010

City Clerk's Office
City of Los Alamitos

What is the actual cost of processing pawn slips in this age of technology?

The aspect of the Fiscal Analysis presented by the staff at the recent hearing, stating that Los Alamitos Police Dept. would spend an estimated \$12,000 for the first year for processing pawn slips, I would like to leave negotiations open for an agreement on fees for both parties.

Section 2. no.1

1. That the use will endanger the public health, safety or general welfare if located where proposed and developed, and that the use will allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor or vibrations. The potential nuisance impacts from law enforcement oversight of the pawn shop operations and the criminal activities represent incompatibility with the adjacent medium density, multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses. Since this type of use lends itself to a risk of criminal activity particularly the pawning of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be traveling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

How did we get to this point and where is the danger?

May of 2010, I called for information on a property available for lease at 3351 Katella. At the same time I checked the zoning restrictions with the city. Having learned that the property was zoned CUP for Pawnshops, I secured the property and began the application process.

Had the property zoning been listed as "not allowed" under pawnshops I would not have secured the property.

I have done everything I have been asked to do, and yet I now have to appeal the commission's decision to approve staff's recommendation to deny my application based on nothing but fear. We presented facts and they made their decision based on possible criminal activity and stereotypical image of the Pawnbrokers industry. According to the National Pawnbrokers Association (NPA) 2010, "Less than half of one percent of all pawned merchandise is identified as stolen goods. That is because customers must provide identification and a complete description of the merchandise.

This information is regularly transmitted to law enforcement, which dramatically decreases the likelihood that a thief would bring stolen merchandise to a pawn store." We are a highly regulated business!

Several, if not all the commissioners mentioned they didn't have an issue with approving our CUP other than the designated location. The location came into question because staff suggested the business wasn't safe and school kids cross Katella to go to and from home in Rossmoor.

I object to this. There was no factual information presented by the committee to support this. The safety of the children and residence would be no more affected by a pawnshop at this location than any other business. In fact, if I meet the conditions imposed by staff in the resolution to approve, I might suggest this would be the safest business in town. At both hearings for this business, not one Rossmoor parent came to object this issue raised about passing by the pawnshop, to or from school!

Additionally, staff suggested the business would not be in harmony with the neighborhood. I object to this. The business would not have any effect on the neighborhood whatsoever, aesthetically or socially. Business hours would be between 10 and 5, Monday thru Saturday.

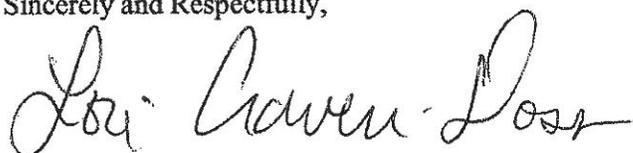
I don't have hazardous materials, foul odors, and loud music or bright parking lights. The store front will be visually inviting, and will bring very low traffic and the parking lot is more than sufficient for our needs.

In conclusion, I would like to appeal the commission's decision, because it was void of a factual basis, (and more on bias), instead of with regard to safety and harmony. I would portray this business akin to a variety store with a bank inside that would greatly benefit your community.

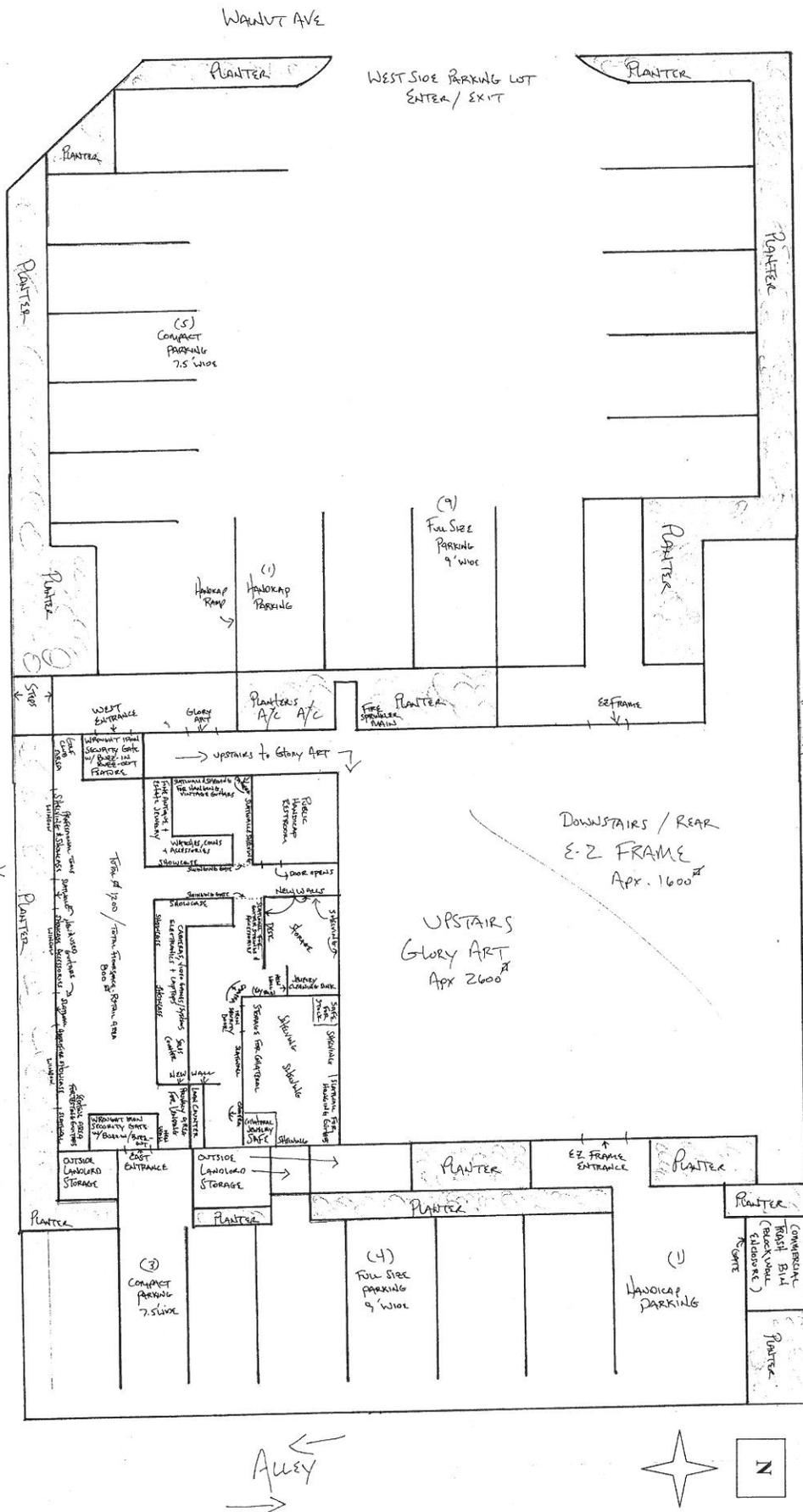
Through this appeal I would hope you are more enlightened, about this business. We are constantly evolving and are state regulated (unlike other second hand businesses). The focus in my business is to provide exceptional customer service, and I would be active in your community, both politically and in local charities.

I would like to make my points regarding these findings to the city council on appeal.

Sincerely and Respectfully,

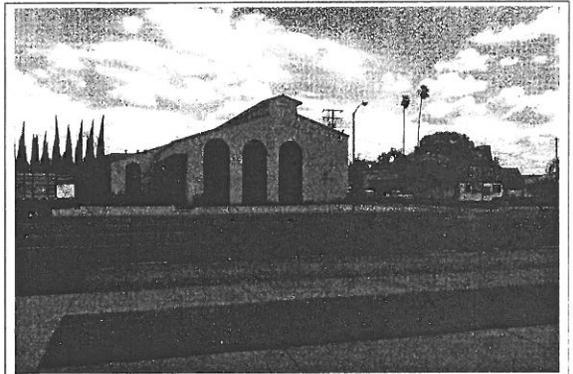
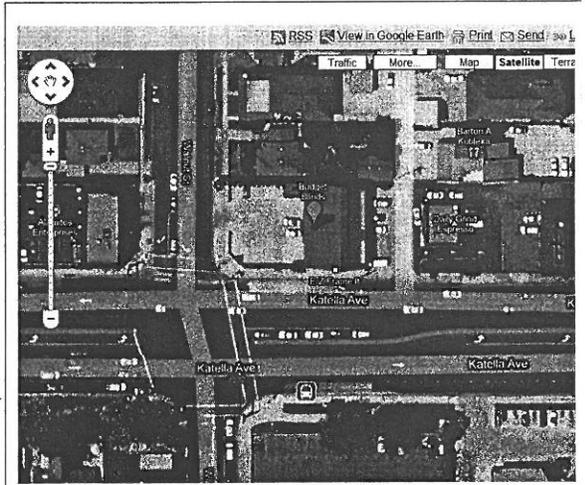


Lori Craven-Doss
Hopeful Proprietor of
Katella Collateral Lenders



**Katella
Collateral
Lenders**

SCALE: 1/4 in. = 1 ft. (1:48)



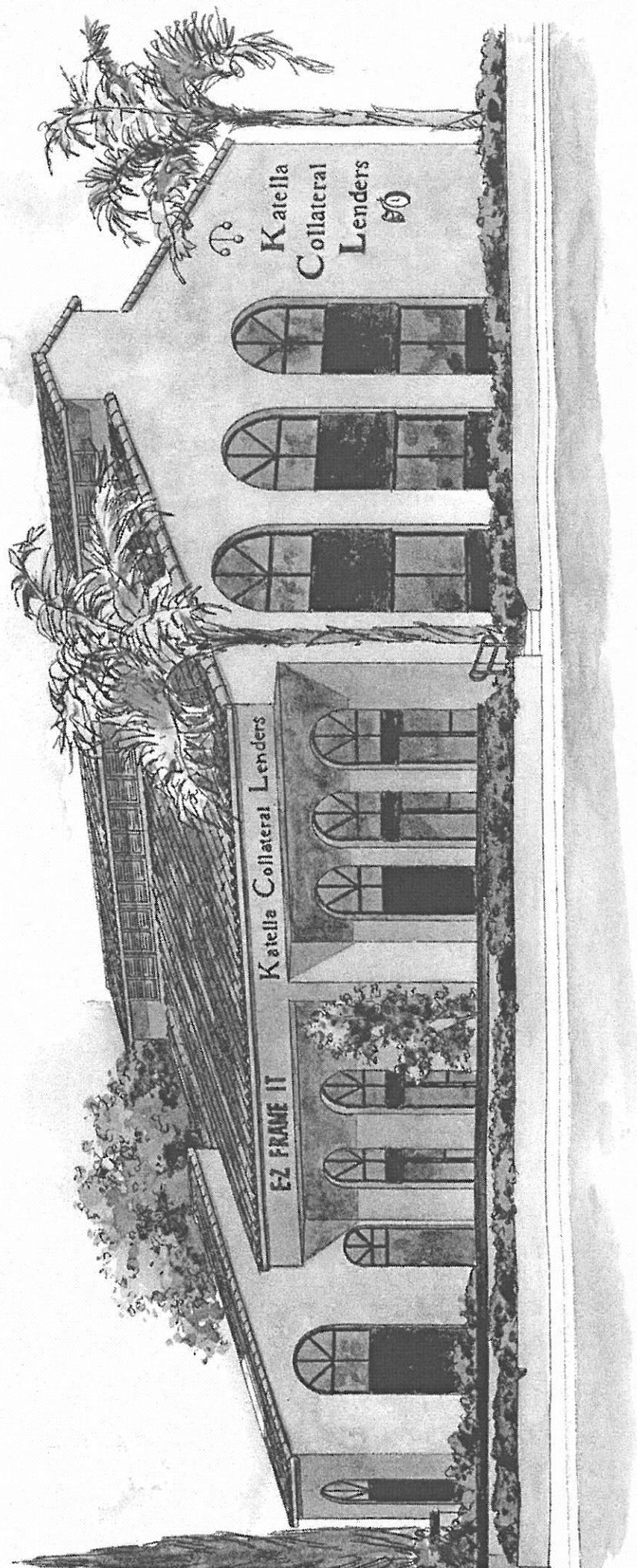
Subject property is approx. 80 ft. North to South by 143 ft. East to West. The property is bordered by public sidewalks to the South and West, by an ally to the East and by a residential property to the North owned by Mr. Chen the owner of the subject property. The estimated total sq. ft. of subject property including parking and planter boxes is 11,400 sq. ft. The subject property is approx 5,300 sq. ft. with approx. 8,000 sq. ft. of area for parking and planters. Within 100 ft. to the East is The Daily Grind and 100 ft. to the West is Jiffy Lube. There are two residential properties within 100 feet to the North. Katella is immediately to the South...see south side elevation pictured above.

Currently the site is being used as a private art studio and gallery upstairs (Glory Art) and a framing store (A-1 framing) downstairs.

Proposed additional use is for a retail store/collateral lender (Katella Collateral Lenders). The store will retail fine jewelry, estate jewelry, coins, watches, cameras, video games, laptops, ipod's, vintage and new musical instruments, high-end sports equipment and professional tools.

Applicant:
Lori Craven-Doss
516 Laguna Place
Seal Beach, CA 90740

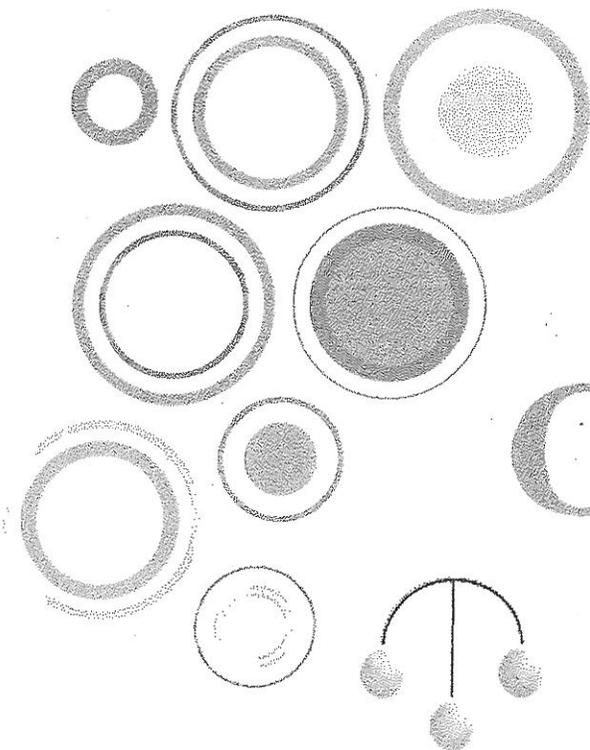
Site:
3351 Katella Ave
Los Alamitos, CA 90720



Katella
Collateral
Lenders

Katella Collateral Lenders

EZ FRAME II



Katella Collateral Lenders

KCL

www.TBD.com/562.TBDxxxx
3351 Katella Ave. Los Alamitos, CA 90720

This document contains confidential information. It is disclosed to you for informational purposes only. The contents shall remain the property of KCL and shall be returned to KCL when requested.

This is a business plan and does not imply an offering of securities.

Executive Summary

A troubled financial industry and shrinking credit markets have helped to increase worldwide demand in the collateral lending business. Low-income markets have been well served for thousands of years however these "Pawn Shops" are not well positioned to serve middle and high-end markets. Struggling business owners trying to make payroll, dual income families now surviving on a single income and professional businessmen and women experiencing shrinking paychecks are all experiencing the same thing, higher expenses and lower credit. Katella Collateral Lenders will meet this market demand with a high-end alternative to the stereotypical "Pawn Shop". KCL will offer a safe, clean and professional upscale facility; professionally staffed with valuable brand name merchandise and discrete and private lending.

KCL will serve the communities of Los Alamitos, Rossmoor, Seal Beach, So. Long Beach, Cypress and nearby cities.

Principle Bio's

Lori Craven-Doss

Lori has worked at Brown's Jewelry and Loan in Rosemead (established 1958) since 1985 and took over as owner in 1992. With 25 years of experience in the collateral lending business she has grown her business every year. Lori currently serves on the Board of Directors for the Rosemead Chamber of Commerce and recently nominated for **Rosemead Business of the Year for 2010**. Lori is enrolled in continuing education courses at the world-renowned Gemology Institute of America. Lori is a member of the National Pawnbrokers Association and the California Collateral Lenders Association. Lori lives with her husband in the city of Seal Beach. Their four children attend Oak and McAuliffe Middle Schools and Los Alamitos High School.

Chris Musgrave

Chris has worked at Valley Pawn and Brown's Jewelry and Loan for over 20 years. He has developed a high degree of work experience with a specific expertise in electronics, professional tools and musical instruments. Chris graduated from Cal Poly Pomona with a BS in Human Resources. Chris is married with an eight-year-old daughter. Chris and his wife will be relocating to Los Alamitos soon after the opening of the store and their daughter looks forward to attending a local school in the fall.

Security

KCL will provide a safe a secure facility for our patrons. Having been in the collateral lending business for almost 20 years we have first hand knowledge of the requirements and importance of redundant systems. Here is a list of the security components to be installed at 3351 Katella:

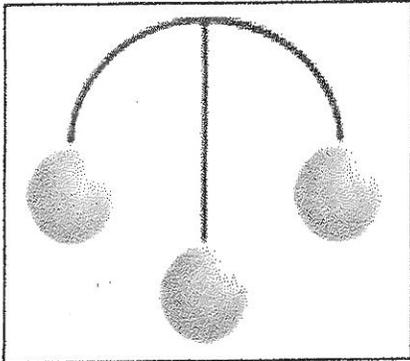
- Digital Video Recorder for recording security footage is a Ganz 500GB 9 Channel DVR M#DR16NC-500
- (1) AC UPS backup battery system for DVR M#ON1000XA in case of wire cutting or power failure
- (6) Digital Watchdog M#v-1363TIR Digital Cameras. (1) Honeywell Entrance keypad for the front door entrance.
- Altrons 24V power supply for the entire security system.
- Security entry wrought iron gates with "buzz-in/buzz-out" feature.
- Keypad for contacts perimeter points of entry.
- (2) Sentrol 5885 ShatterPro break-glass sensors.
- (3) C&K Motion and Intrusion detectors DT435.
- Backup battery for alarm system.
- (1) loud siren Federal Signal 300GC (goes off when burglar trips alarm).
- (1) backup communication battery.
- (2) 15" American Dynamics ADMNM1LCD15 Security LCD Monitor.
- (3) Audio Sensors installed and monitored by Sonitrol.
- **Safes: Amsec Armvault TL-15 & TL-30 classification.**

Explanation of the TL-15 and TL-30 terms. "Our High Security Composite safes have passed Underwriter's Laboratories most recent testing procedures ensuring you today's best protection. TL-15 and TL-30 U.L. listed composite safes qualify for Merchantile & Broadform Insurance Class ER (TL-15) and F (TL-30) with a Bank Rating of BR (TL-15) and G (TL-30). Two Hour Class 350°F manufacturers' fire label. Standard finish is Parchment. Other colors available on request".

Advertising and Marketing

Marketing plan is under development and will be offered as an appendix when complete. It will consist of local and regional advertising medium including newspaper and direct mail as well as targeted promotional campaigns and cable TV. The company will invest a minimum of \$10,000 in total marketing over the first 12 months.

KCL Signage and Logo Concepts

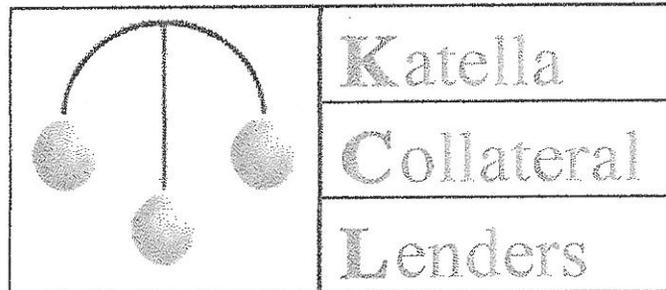


Front and Back Door Decals

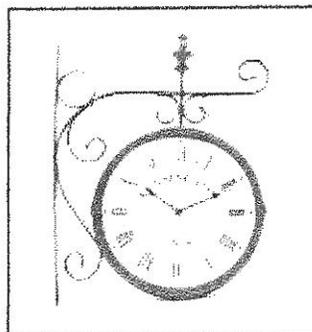
3351 Katella Ave.
562.111.2222



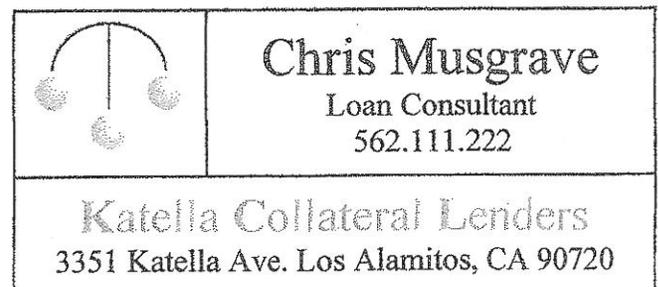
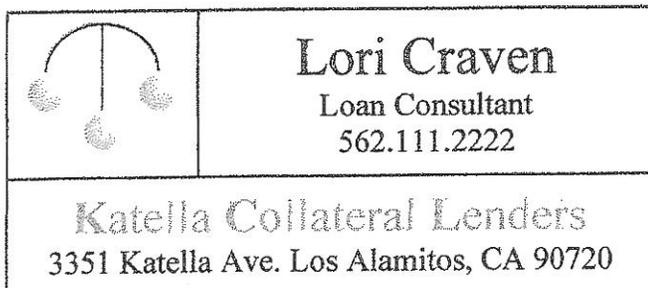
Street Signs
(approx. 4' x 6')



Clock
(mounted at approx. 30' high on south side of building)



Business Cards



RESOLUTION NO. 2011-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

WHEREAS, that an application for a Conditional Use Permit was submitted on May 7, 2010 to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District; and,

WHEREAS, that said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010; and,

WHEREAS, at this Public Hearing, the applicant, its representatives and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, the Planning Commission continued the public hearing, with the written concurrence of the applicant, to October 11, 2010, directing staff to hand deliver public notices to all residents in a 500 feet radius from the subject property and submitting a resolution for approval of the application; and,

WHEREAS, the Planning Commission continued its discussion regarding the merits of the application and expressed its concern regarding the compatibility of the pawn shop use in the proposed location, which is adjacent to multi-family residences and a primary path by way of which schoolchildren walk to school, as this type of use potentially involves criminal activity particularly associated with the possibility of pawning stolen goods; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010 and continued to October 11, 2010, and based upon the evidence presented, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code have not been met and that denial of the application is appropriate; and,

WHEREAS, that an appeal letter for Conditional Use Permit 10-04 was submitted by on November 1, 2010, a request to the City Council to overturn the Planning Commission's denial of the project; and,

WHEREAS, on December 6, 2010, a duly noticed public hearing as prescribed by law on said application was held and continued by the City Council; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was re-opened on said application by the City Council on January 3, 2011, and based upon the evidence presented, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code have not been met and that City Council will affirm the Planning Commission's denial of the application.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

SECTION 2. The City Council has determined that the below referenced findings, in conjunction with all written and oral evidence presented to the Planning Commission and City Council at the hearings, including staff reports, public testimony, Commission and Council deliberation, constitutes substantial evidence for the recommendation of denial based on the following:

1. That the use **will** endanger the public health, safety or general welfare if located where proposed and developed, and that the use **will** allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. The proposed use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The potential nuisance impacts from law enforcement oversight of the pawn shop operations and the criminal activities represent incompatibility with the adjacent medium density, multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses.

Also, the property is situated directly in the primary pedestrian path for Rossmoor-area students who attend Oak Middle School, which is located

approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Students will be walking immediately adjacent to the proposed pawn shop use. Since this type of use lends itself to a risk of criminal activity particularly the pawing of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be travelling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

2. That the location and character of the use, if developed according to the plan as submitted for approval, **will not** be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan;

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. The property is situated directly in the primary pedestrian path for students who live in the Rossmoor area who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Students will be walking and riding immediately adjacent to the proposed pawn shop use. Since this type of use potentially involves criminal activity particularly associated with the possibility of pawning stolen goods, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be travelling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use propose. The proposed pawn shop is to be located directly across from a church and two (2) restaurants located in Rossmoor. Adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, a dry cleaner, CVS/Pharmacy, an automobile business and a small strip center. These uses represent typical neighborhood commercial uses. The proposed pawn shop would not be in harmony with these typical neighborhood uses.

The proposed use will not be in general conformity with the Los Alamitos General Plan, as follows:

(a) Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the

compatibility of new land uses with existing uses: Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods. As set forth above, this Land Use Element Policy is not met because no natural or artificial buffer exists between the proposed use and the immediately adjacent single and multi-family uses.

(b) Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods: Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence and is in close proximity to over 20 multi-family structures.

(c) Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods: The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop may contribute to an increase in a crime rate that is not true of other acceptable land uses. As set forth above, this Land Use Element Policy is not met because the proposed pawn shop has a potential risk for crime particularly associated with the pawning of stolen goods not compatible with surrounding residential neighborhoods.

3. That the decision to approve, conditionally approve, or disapprove the application for a Conditional Use Permit is based on substantial evidence in view of the record as a whole before the commission, or council on appeal.

That the decision to deny the appeal to overturn the Planning Commission's denial for the Conditional Use Permit is based on substantial evidence in view of the record as a whole before the Council based on both written and oral testimony in the Public Hearing on December 6, 2010.

SECTION 3. Based upon such findings and determinations, the City Council hereby denies the appeal of Conditional Use Permit 10-04, affirming the Planning Commission's denial to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District.

SECTION 4. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution, forward a copy of this Resolution to the applicant, and their counsel, if any, together with a proof of mailing in the form required by law and any person requesting the same, together with a proof of mailing in the form required by law,

and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 3rd day of January 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

APPROVED AS TO FORM

Sandra J. Levin, City Attorney

City of Los Alamitos

Agenda Report Public Hearing

October 11, 2010
Item No: 7A

To: Chairman Sofelkanik and Members of the Planning Commission
Via: Steven A. Mendoza, Community Development Director
From: Dani Wray, Associate Planner
Subject: Conditional Use Permit C10-04

Summary: At its August 9, 2010 meeting, the Planning Commission directed staff to 1) hand deliver public hearing notices to all residences within a 500 feet radius of the subject property, and 2) directed staff to bring back findings of approval for Conditional Use Permit C10-04 to the October 11, 2010 meeting of the Commission.

Recommendation: The Planning Commission may consider taking one of the following actions:

1. The Planning Commission shall approve the project by making the necessary findings in Resolution No. 10-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS).

OR

2. Adopt Resolution No. 10-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS).

Background

The applicant, Lori Craven-Doss, filed an application for Conditional Use Permit C10-04 on May 7, 2010 for pawn shop (pawnbroker), known as Katella Collateral Lenders, to be located in the south-facing tenant space at 3351 Katella Avenue, an existing commercial building located at the northeast corner of Katella Avenue and Walnut Street.

At its August 9, 2010 meeting, the Planning Commission directed staff to 1) hand deliver public hearing notices to all residences within a 500 feet radius of the subject property, and 2) directed staff to bring back findings of approval for Conditional Use Permit C10-04 to the October 11, 2010 meeting of the Commission.

Discussion

Notice of Public hearing

The Los Alamitos Municipal Code requires public noticing for a conditional use permit to be provided to all residential property owners, commercial property owners, and commercial tenants within a 500 feet radius of the subject property. Residential renters (occupants) are not regularly noticed, and as directed by the Commission, staff hand delivered a total of 126 public hearing notices to all residential properties located in a 500 feet radius from the subject property on October 4, 2010. A copy of that public hearing notice is attached.

Findings Required for Approval of Conditional Use Permit

Written "findings of fact" are required in order to support the decision of the hearing body to approve or deny a conditional use permit (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506). Findings are the legal footprints left by local decision-makers, such as members of the Planning Commission, to show how the decision-making process progressed from the initial facts to the decision.

Findings are important in discretionary approvals. They "bridge the analytical gap between the raw evidence and ultimate decision" (*Topanga*, supra). If the decision is challenged, a court will examine the evidence supporting the findings to determine whether the hearing body abused its discretion when acting on a conditional use permit. Such an abuse of discretion is to be found when: (1) the agency did not proceed in a manner prescribed by law; (2) the agency's decision is not supported by findings; and (3) the agency's findings are not supported by evidence in the administrative record.

At the August 9, 2010 meeting, the Commission directed staff to bring back findings of approval for the pawn shop use that is proposed for the site located at the northeast corner of Katella Avenue and Walnut Street. After the August 9, 2010 meeting of the Commission, staff has diligently attempted to make the findings necessary to approve

the application. However, given that the specific concerns that staff raised in the original staff report regarding compatibility with surrounding single- and multi-family residential uses, and location in the primary pedestrian path of students walking to Oak Middle School, the Youth Center, and the Community Center have not changed, staff has not been able to make the findings necessary to approve the application. If the Planning Commission considers approval of the application, staff requests that the Planning Commission articulate the required findings for approval of this application and that such language be inserted into Resolution No. 10-11.

The Los Alamitos Municipal Code Section 17.42.050 requires certain findings be made to approve an application for a conditional use permit. The required findings and a description of the analysis necessary to adequately support those findings are as follows:

1. *Required Finding:* A determination that the use will or will not endanger the public health, safety or general welfare if located where proposed and developed, and that the use will or will not allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.

Under this finding, the Planning Commission may consider and articulate the reasons why the public health, safety and welfare will not be negatively impacted by the proposed use, including any residential uses that are adjacent to the proposed use that are not separated by physical, virtual, or natural buffers separating the uses, children's pedestrian pathways that exist where the proposed use will operate, and why nuisance conditions would not be generated because of the nature of the business activity.

2. *Required Finding:* That the use does or does not meet the required conditions and specifications set forth in the zoning district where it proposes to locate;

Under this finding, the Planning Commission may consider and articulate how the proposed use meets all the conditions required of a business proposing to locate in the General-Commercial (C-G) Zoning District. The Planning Commission may consider the purpose of a Conditional Use Permit in determining compatibility in regards to the configuration, design, location, and potential impacts of the proposed use to surrounding uses; evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site to ensure the protection of the public convenience, health, interest, safety, and welfare.

3. *Required Finding:* That the location and character of the use, if developed according to the plan as submitted for approval, will or will not be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan;

Under this finding, the Planning Commission may consider and articulate how the proposed use will be in harmony with the surrounding area, including buffers between the proposed use and pedestrian pathways, and how the proposed use will further the orderly development and arrangement of compatible uses in the surrounding area. Consideration must also be given to conformity with the General Plan Land Use

C10-04

October 11, 2010

Page 3 of 6

Element Goals, Policies, and Implementation Strategies that pertain to compatibility of adjacent uses.

4. *Required Finding:* That the decision to approve, conditionally approve, or disapprove the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the commission, or council on appeal.

Under this finding, the Planning Commission may consider and articulate why there is substantial evidence in the record, including testimony and any other evidence submitted at the time of the hearing before the Commission to conditionally approve the application.

Reasons for Denial of Application for Conditional Use Permit

Another option available to the Planning Commission is to deny the application for a Conditional Use Permit. As staff presented at the Commission's August 9, 2010 meeting, the following sets forth the reasons for denial of the application for a Conditional Use Permit:

Compatibility with the Surrounding Area

Pursuant to LAMC Section 17.10.020, the proposed pawn shop (pawnbroker) use requires the approval of a conditional use permit. The purpose of a CUP is to ensure the compatibility of a use in terms of configuration, design, location, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with the surrounding uses, and the suitability of the use to the site, to ensure the protection of the public convenience, health, interest, safety, and welfare (LAMC Chapter 17.42.010 A, B).

One of the CUP findings required to be met by the applicant for this proposed use is that the proposed use will not endanger the public health, safety or general welfare if located where proposed and developed. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. First, the proposed use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The potential nuisance impacts from law enforcement oversight of the pawn shop operations and criminal activities represent incompatibility with the adjacent medium density multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses.

Second, the property is situated directly in the primary pedestrian path for Rossmoor-area students who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use; and the Youth Center, an after-school day care center, is located approximately

740 feet from the proposed use. Since the proposed use lends itself to a risk of criminal activity and law enforcement oversight of the operations, staff is concerned that children who may be travelling on foot to or from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity. This student traffic will be walking immediately adjacent to the proposed pawn shop use.

Existing surrounding commercial uses on Katella Avenue include an automobile tune-up shop, a small strip center containing low-intensity commercial uses such as a barber, a frame shop, a cleaning company. In addition, adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, CVS/Pharmacy, an automobile service business, and a strip center, all typical neighborhood commercial uses. Although these are general commercial uses, none represent the higher level of criminal activity risk that a pawn shop use is more likely to engender.

General Plan Consistency and Findings

Another requirement for the approval of a conditional use permit is that the approved use will be in general conformity with the Los Alamitos General Plan. Staff has researched the General Plan's goals, policies and implementation strategies to determine consistency with this application's proposed use in making the required findings. Included here are staff's findings regarding the proposed use and consistency with the City's General Plan:

1. *Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses:* Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods.
2. *Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods:* Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence.
3. *Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods:* The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop has a statistically significant increase in crime rate that is not true of other acceptable land uses.

Given that the characteristics of the pawn shop use and its incompatibility with the proposed location have not changed since the last Planning Commission meeting, and since, after due diligence in attempting to make positive findings in support of the pawn

shop use at this location, staff is unable to support approval of the application and recommends denial of the Conditional Use Permit application.

CONCLUSION

If the Planning Commission desire to approve the pawn shop use at this location, after opening the public hearing and taking testimony, the Planning Commission is asked to review attached Resolution and articulate the findings for approval and insert that language into the Resolution and review the conditions for approval.

If the Planning Commission desires to deny the application for a Conditional Use Permit, it shall adopt the Resolution for denial.

Fiscal Analysis

The pawn shop's revenues are primarily derived from finance charges generated from lending activities, not from any retail sales activity. Revenue to the City from any retail sales activity will likely not exceed \$400.00 per year. The estimated costs to the City in Police Department processing of pawn slips, based on an average of eight (8) slips per day is \$12,602 for the first year. A cost recovery method for pawn shop uses is pending before the City Council.

- Attachments:*
1. *Draft Denial Resolution No.10-11*
 2. *Draft Approval Resolution No. 10-11*
 3. *August 9, 2010 PC Packet*
 4. *Excerpts of the August 9, 2010 PC Minutes*
 5. *Public Hearing Notice*

RESOLUTION NO. 10-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

WHEREAS, that an application for a Conditional Use Permit was submitted on May 7, 2010 to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District; and,

WHEREAS, that said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010; and,

WHEREAS, at this Public Hearing, the applicant, its representatives and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, the Planning Commission continued the public hearing, with the written concurrence of the applicant, to October 11, 2010, directing staff to hand deliver public notices to all residents in a 500 feet radius from the subject property and submitting a resolution for approval of the application; and,

WHEREAS, the Planning Commission continued its discussion regarding the merits of the application and expressed its concern regarding the compatibility of the pawn shop use in the proposed location, which is adjacent to multi-family residences and a primary path by way of which schoolchildren walk to school, and that this type of use lends itself to criminal activity particularly associated with the pawning of stolen goods; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010 and continued to October 11, 2010, and based upon the evidence presented, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code have not been met and that denial of the application is appropriate.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. The Planning Commission has determined that the below referenced findings, in conjunction with all written and oral evidence presented to the Planning Commission at the hearings, including staff reports, public testimony, and Commission deliberation, constitutes substantial evidence for the recommendation of denial based on the following:

1. That the use **will** endanger the public health, safety or general welfare if located where proposed and developed, and that the use **will** allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. The proposed use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The potential nuisance impacts from law enforcement oversight of the pawn shop operations and the criminal activities represent incompatibility with the adjacent medium density, multi-family residential uses that do not have a physical or natural buffer to separate the incompatible uses.

Also, the property is situated directly in the primary pedestrian path for Rossmoor-area students who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Students will be walking immediately adjacent to the proposed pawn shop use. Since this type of use lends itself to a risk of criminal activity particularly the pawing of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be travelling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

2. That the location and character of the use, if developed according to the plan as submitted for approval, **will not** be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan;

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the

type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. The property is situated directly in the primary pedestrian path for students who live in the Rossmoor area who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Students will be walking and riding immediately adjacent to the proposed pawn shop use. Since this type of use lends itself to a risk of criminal activity particularly the pawing of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be travelling to and from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.

The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use propose. The proposed pawn shop is to be located directly across from a church and two (2) restaurants located in Rossmoor. Adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, a dry cleaner, CVS/Pharmacy, an automobile business and a small strip center. These uses represent typical neighborhood commercial uses. The proposed pawn shop would not be in harmony with these typical neighborhood uses.

The proposed use will not be in general conformity with the Los Alamitos General Plan, as follows:

(a) *Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses:* Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods. As set forth above, this Land Use Element Policy is not met because no natural or artificial buffer exists between the proposed use and the immediately adjacent single and multi-family uses.

(b) *Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods:* Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence and is in close proximity to over 20 multi-family structures.

(c) *Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods:* The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop may contribute to an increase in a crime rate that is not true of other acceptable land uses. As set forth above, this Land Use Element Policy is not met because the proposed pawn shop has a potential risk

for crime particularly associated with the pawning of stolen goods not compatible with surrounding residential neighborhoods.

3. That the decision to approve, conditionally approve, or disapprove the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the commission, or council on appeal.

That the decision to deny the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the Commission based on both written and oral testimony in the Public Hearings of August 9th and October 11th 2010.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby denies C10-04, a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District.

SECTION 4. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution, forward a copy of this Resolution to the applicant, and her counsel, if any, together with a proof of mailing in the form required by law and any person requesting the same, together with a proof of mailing in the form required by law, and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 11th day of October 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

RESOLUTION NO. 10-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

WHEREAS, Table 2-04 (Allowed Uses and Permit Requirements) of the Los Alamitos Municipal Code allows pawn shop (pawnbroker) uses in the General Commercial (C-G) Zoning District with Planning Commission approval of a Conditional Use Permit; and,

WHEREAS, that an application for a Conditional Use Permit was submitted on May 7, 2010 to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District; and,

WHEREAS, that said verified application constitutes a request as required by Section 17.10.020 (Land Uses and Permit Requirements); and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010; and,

WHEREAS, at this Public Hearing, the applicant, its representatives and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, the Planning Commission continued the public hearing to October 11, 2010, directing staff to hand deliver public notices to all residents in a 500 feet radius from the subject property and to bring back a resolution of approval of the application; and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on October 11, 2010; and based upon the evidence presented, makes the findings required by Chapter 17.42.050 of the Los Alamitos Municipal Code.

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

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

SECTION 2. The Planning Commission, based upon the evidence presented, makes the following findings required by Chapter 17.42.050 of the Los Alamitos Municipal Code, for approval of Conditional Use Permit C10-04:

1. That the use will or will not endanger the public health, safety or general welfare if located where proposed and developed, and that the use will or will not allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.

2. That the use does or does not meet the required conditions and specifications set forth in the zoning district where it proposes to locate.

3. That the location and character of the use, if developed according to the plan as submitted for approval, will or will not be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan.

4. That the decision to approve, conditionally approve, or disapprove the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the commission, or council on appeal.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit C10-04, a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G), subject to the following conditions:

Standard Conditions

Planning

1. Approval, with conditions and modifications, of this application is to allow a pawn shop, Katella Collateral lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building at 3351 Katella Avenue, as shown on the drawings submitted by the applicant as part of C10-04, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans, subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. This approval is for the pawning of new and used merchandise for cash loans in a 1,200 square feet tenant space in an existing 5,300 square feet building at 3351 Katella Avenue. Any proposal to expand the use beyond that which is shown in the relevant drawings and all documents that are a part of this application that are included in this approval shall require a modification to be approved by the Planning Commission.
3. The applicant shall defend, indemnify and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
4. All lighting in off-street parking area shall be directed or shielded so as not to reflect onto adjoining properties or the public right-of-way.
5. All landscaping in the site, including, without limitation, trees, shrubs and other vegetation, drainage and irrigation systems, shall be permanently

maintained in good, first class condition, healthy, without deterioration, free of waste and debris. Dead or diseased plants shall be promptly replaced with landscaping similar in type, size and quality. Automatic irrigation systems shall be properly maintained and other reasonable and adequate landscape maintenance facilities and procedures shall be provided to fulfill the foregoing requirements.

6. The applicant agrees to maintain the site per Section 17.14.070 related to property maintenance of the Los Alamitos Municipal Code.
7. The applicant will insure that improvements to the building and site shall conform to the applicable requirements of the Americans with Disabilities Act of 1990 and State of California Title 24 requirements for accessibility.
8. Approval of Conditional Use Permit C10-04 shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.
9. Conditional Use Permit C10-04 is approved exclusively as a precise plan for the location and design of the tenant space as shown on the relevant drawings referenced in No. 1, above, and subject to such additions, revisions, changes or modifications as may be required by the Planning Commission hereunder. Any relocation, alteration, addition to, or use of any design, color, or material not specifically approved will nullify this approving action. If any changes are proposed regarding the location or alteration of the structure or use, an amendment to this permit must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit and intent of this approval action, and that action would have been the same for the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.
10. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of this approval as per Chapter 17.42.060(B)(2).
11. Prior to the issuance of the conditional use permit, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
12. Prior to permit issuance, the property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department. The property owner/applicant shall be

required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.

13. Any signs shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and/or any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Director.
14. Failure to comply with applicable City, County, and/or State regulations, including but not limited to California Financial Code section 21208 et seq and Business & Professions Code 21625 and Los Alamitos Municipal Code Chapter 5.36, may result in revocation of the conditional use permit as per Chapter 17.42.060(B)(2).

Building Department

15. The applicant/operator shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements.
16. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 a.m. until 8:00 p.m. during the week; 7:00 a.m. until 8:00 p.m. on Saturday; and not at all on Sunday or federal holidays.

Police Department

17. The applicant shall install specialized video and audio surveillance equipment to the satisfaction of the Chief of Police that have the following capabilities:

A. Exterior Security – The applicant shall install an exterior surveillance system that is required at minimum to include:

- i. Video cameras with High Definition recording and playback capabilities which cover the entire expanse of the main parking lot to the west and rear parking lot to the east.
- ii. Video cameras that are placed to a level so as to capture vehicle license plates and persons loitering or entering the facility.
- iii. Video equipment with the capability of capturing facial images.
- iv. Video equipment shall have the capability to transmit images for live monitoring to the applicant's alarm system provider the applicant shall be required to maintain.
- v. There should be adequate exterior lighting, of a type and placement that does not overexpose video images.

B. Interior Security– The applicant shall install an interior surveillance system that is required at minimum to include:

- vi. Video cameras that cover each interior and exterior entry / exit point within the business with facial recognition capability.
 - vii. Cameras shall be of a sufficient number to also to provide full view of the shop area from multiple angles. Cameras shall be placed at eye level at every monetary or trading transaction point with facial recognition and audio pick-up and recording features.
 - viii. Audio surveillance, such as a Sonitrol system which is voice / noise activated.
 - ix. Web based / IP accessible surveillance system that can be activated or accessed remotely by the owner or emergency contact. The Police Department shall have access to the system should an emergency contact person be unavailable.
18. The applicant shall provide and maintain current emergency contact information to the Police Department.
 19. The applicant shall participate in the City's alarm permit program administered by the Los Alamitos Police Department.
 20. Structural alterations to the building to enclose the loft that is open to the first floor in order to provide the necessary security for the merchandise, staff, and customers.
 21. Access points such as the rear doors and adjoining building walls should be reinforced to provide barriers to unlawful entry.
 22. Outside storage areas should be enclosed to provide barriers to unlawful.
 23. A structurally pleasing, accessibility compliant man trap, not made of wrought iron, but from another, more aesthetically pleasing material. There should be only one (1) customer access point.
 24. The applicant shall file with the Chief of Police the application for licensure as a pawnbroker as required by Section 21300 of the California Financial Code and Section 21641 of the Business and Professions Code, and as required in Los Alamitos Municipal Code Chapter 5.36. In addition, the applicant shall submit, on forms designed by the Chief of Police, sworn statements from the applicant and each partner or officer of the applicant, as well as each person who will have management or supervision of the proposed pawn shop business. Such statements shall include such identifying information (including fingerprints) as the Chief of Police may require as well as a description of any convictions in any

jurisdiction of the declarant during the prior ten years of any crimes, misdemeanors or violations, the nature of such offense, the date and location thereof, and the punishment assessed therefore.

25. The applicant prepare and submit to the Chief of Police all reports required by State Law regarding goods bought or received by the applicant in the course of business. The applicant shall keep such records as required by State Law.
26. The applicant and successors shall file with the city a bond in the sum of five thousand dollars (\$5,000.00). The bond shall run to the city and to any person who has a cause of action against the pawn shop licensed hereunder and such bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of the ordinance and the pawnbroker regulations contained in the Financial Code of the State of California.
27. The applicant and successors shall retain in his/her possession for a period of thirty (30) days all personal property reported under the provisions of LAMC Chapter 5.36 The thirty (30) day holding period with respect to such personal property shall commence with date the report of its acquisition was made to the Chief of Police by the secondhand dealer or pawnbroker.
28. A police officer of the city may require any secondhand dealer or pawnbroker, upon written notice, to hold property which the police officer has reason to believe is stolen for a period not to exceed ninety (90) days from the date of placing such hold. Such property may be released only upon written authorization of a police officer of the city.
29. The applicant shall have a complete record of all personal property pledged to, purchased, received or sold by him which record shall contain all the matters required to be shown in the reports referred to in Section 5.36.110 and of this 05.36.150. Every such record shall be open at all times during business hours to the inspection of any law enforcement officer.
30. The applicant shall obtain approval for a Pawnbroker and Secondhand Dealer License as per Los Alamitos Chapter 5.36.
31. Should the application for a Pawnbroker and Secondhand Dealer permit be approved and a permit issued, separate from this approval for a conditional use permit, said Pawnbroker and Secondhand Dealer permit shall expire annually and concurrently with the business license. Expiration of permit without renewal is grounds for revocation of this conditional use permit.

32. All transactions should be accompanied by the customer's fingerprints and digitally photograph the customer and a copy of ID or passport. Include all PD requirements for documenting, reporting transactions, the length of time the goods must be held by the operator, the posting of fees, must have a contract, off-site items must be returned in 2 days, 10-day notice to customer before the end of the holding period, bonding requirements.
33. Applicant shall provide to the satisfaction of the Chief of Police proof of pawnbroker state license obtained for the location and that the applicant meets all of the State Law requirements for operating a pawn shop/secondhand dealer operation.

Orange County Fire Authority

34. The tenant use and tenant improvements shall be in compliance with Orange County Fire Authority regulations and will obtain all required permits.

Project Specific Conditions

35. Conducting business in an unlawful manner to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public may result in revocation of the Conditional Use Permit.
36. Negligent or intentional receipt of stolen goods shall be grounds for revocation of this conditional use permit.
37. The applicant or his designee shall not accept property or pledges of property from any person under the age of eighteen (18) years.
38. Persons under the age of eighteen (18) years shall not be allowed on the premises or inside the pawn shop during the hours of 8:00 a.m. to 3:00 p.m. when school is in session, nor shall a minor be allowed to access cage materials or enter the premises unless accompanied by parent or legal guardian.
39. Applicant shall be required to post a security guard, certified by the California Department of Consumer Affairs, on the premises during the hours of 2:30 p.m. to 4:00 p.m. when local schools let out to ensure no minors enter the premises.
40. The hours of operation of the pawn shop shall be limited to between 8:00 a.m. and 9:00 p.m. daily and shall not be operated on Sundays or holidays. Any extension of operating hours beyond that, which is approved herein, is subject to the approval of the Planning Commission through modification of this conditional use permit.

41. Certain items may not be accepted for pawn or sold in regards to this approval. Those items shall include cars, boats, recreational vehicles, firearms and pornography (sale or display of adult books, videos, magazines, or posters).
42. Applicant shall pay all required city fees related to renewal of Pawnbroker/Secondhand Dealer Permit and Business License, or other applicable fees adopted by the City Council. Failure to pay all required city fees is grounds for revocation of this conditional use permit.
43. There shall be no outdoor display of merchandise or the use of outdoor loudspeakers allowed.
44. Applicant shall provide written notice to the City 60 days before the business is sold to another operator.
45. All landscaping shall be kept in a manner that does not block view of the building and parking area from any public right-of- way.
46. Any short-term activity that is not a part of this approval shall require approval of a temporary use permit or a special event permit.
47. Staff shall report back to the Commission (non-public hearing) in six (6) months time from the date of this approval with a status update on the use and note any impacts that may have arisen as a result of this approval wherein the Planning Commission could decide to set a public hearing if warranted.
48. The conditional use permit shall be reviewed (non-public hearing) every 12 months by the Director or the Planning Commission to determine conformity with conditional use permit and to assess impacts to the neighborhood. If there are violations or concerns, a modification or revocation of the conditional use permit may be initiated by the Planning Commission.

SECTION 4. The design of the project, as conditioned, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. According to the guidelines for implementing the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt pursuant to Section 15301 (Class 1) of CEQA and the City's Local Guidelines for implementing the CEQA.

SECTION 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution, forward a copy of this Resolution to the applicant, and her counsel, if any, together with a proof of mailing in the form required by law and any person requesting the same, together with a proof of mailing in the form required by law, and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 11th day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

Excerpts from the August 9, 2010 PC Minutes

7. PUBLIC HEARINGS

Considering the number of people in the Chambers, Chair Sofelkanik asked for a show of hands of those who wished to speak on item 7B, CUP 10-04: Katella Collateral Lenders. Seeing a majority, he moved to hear that item first.

B. Conditional Use Permit C10-04 – This is a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori Craven-Doss)

Commissioner Grose recused herself from this item, having property within 500 feet.

Associate Planner Dani Wray provided a brief summary of this report and the information contained therein. Ms. Wray expressed staff's concerns that this location was not best suited for this business, due to the proximity of Oak Middle School, the Community Center and its pre-school, and the Youth Center, as well as the homes and apartments in the area and the church across the street; there is no buffer between this business and children walking to and from school. Staff's concern was the compatibility of this proposed business with this area. Ms. Wray answered questions from the Commission.

Los Alamitos Police Captain Bruce McAlpine answered questions from the Commission and provided a brief history of the police department's research pertaining to this business. His detectives visited the applicant's other business site in Rosemead and the proposed site in Los Alamitos, to ascertain unforeseen future issues with regard to the placement of video cameras and security devices. Safety concerns aside, consideration was also directed on the additional duties and responsibilities the police department would assume, should this business open in the City; pawn slips, inspections, fees, and follow-up would all impact our small department. The staff report's Fiscal Analysis estimated costs to the City with the police department processing of pawn slips, based on an average of eight (8) slips per day to be \$26,886 for the first year.

Assistant City Attorney Yvette Abich Garcia explained how the City recovers fees when certain businesses open, depending on type of use.

Chair Sofelkanik opened Public Comment.

Steve Samuelson – Rossmoor resident, does not see a problem with a pawn shop opening in the City; a new business would bring revenue and character. His children attended Los Alamitos schools. The prominent Colorado Street in Pasadena has a

pawn shop in close proximity to Tiffany's and other high-end stores. He does not see a conflict.

Michael Doss – Seal Beach resident and husband of the applicant, provided a PowerPoint Presentation with an overview of his wife's business background, education, community activities, and the integrity of their employees. He briefly discussed the history of the pawn business and basic business practices.

Lori Craven-Doss – Seal Beach resident and applicant, provided a brief history of her background. She addressed concerns about the safety and suitability of her business in Los Alamitos. Since buying her Rosemead business in 1992, she has never been robbed and on the rare occasion a pawned item turned up as stolen, the owners were always happy to get their property back. She wants to open a higher end business, closer to home, and reduce her commute to be closer to her children's and the community's activities. She stated that her business was no different, nor posed more trouble than others found in the City, i.e., check-cashing, drive-thru restaurants and pharmacies, or any retail business handling cash transactions. Her daytime business hours would not negatively impact adjacent homes or businesses.

Tony DeMarco – Rossmoor resident, has three children who attend Los Alamitos schools. He owns two pawn shops in other cities. There is a stigma bias against pawn brokers; their licenses are the same as second-hand dealers (coin dealers and jewelers) who make small collateralized loans. They make loans similar to a bank, but smaller.

Esther Murphy – Tustin resident, grew up in Los Alamitos. She received the notice because her mother lives on Walnut. She is concerned about this business opening in the City. Following internet research on this type of business, she learned about the regulations involved, but she is still concerned about the proximity of the children walking to school. Because this location is so close to the freeway, it might appeal to potential robbers. She thinks another location would be better.

Trevor Samuelson – Rossmoor resident, thinks it would be cool to have a pawn shop in Los Alamitos. He would buy his video games there.

Stan Haccun - Long Beach resident, would like to have a pawn shop closer than Los Angeles or downtown Long Beach. A police presence already exists near the school for traffic control and kids see their parents receive citations when they break the law.

Dr. Tai Chen – Long Beach resident – His parents own the property in question, and he lives right next to the property. He thinks it does not look good for the City of Los Alamitos to have this property vacant for a long time. He thinks this business would be good for the City. If he had a concern about this business opening in the City, he would not support it, but he thinks this would be okay for the City.

Rachael DeMarco – Rossmoor resident, owns two pawn shops with her husband. She thinks the issue of people loitering near pawn shops is inaccurate and absurd. It's not like a Home Depot where people loiter outside waiting for jobs. If people were really familiar with pawn shops, their opinion would change.

Ching Chen – Rossmoor resident and owner of the property. His family came from Taiwan in 1979 and moved to Rossmoor in 1981. He bought the property in 1986. Over the years, he has given the City \$30,000 towards street lights and improvements; he believes in supporting the City. He sees children walk in front of the building every day and his property does not have any crime.

Rob Noblin – Rossmoor resident - His son attended Oak Middle school. The on-going traffic problem exists for any Los Alamitos business. He thinks staff is overly focused on negatives. The numerous business vacancies do more to threaten the area than anything else.

Cori Intenicihu – Is the applicant's sister. She and her husband own a pawn shop where her two daughters have visited all of their lives. They have never been robbed. Her sister is a hard worker and would be an asset to the City.

Ramon Pacheo - Whittier resident - Is attending tonight's meeting in support of the applicant, whom he's known for eight years. He's never seen any unsavory people frequent her Rosemead business. He has purchased items from her business for his family and his church.

Chair Sofelkanik closed Public Comment.

Chair Sofelkanik clarified that no "findings" have been made and that the Commission was simply provided with a staff report. He had learned a lot about this industry and how it's regulated; he appreciated the speakers' support for the applicant. One of his concerns is that if this CUP is approved, this property would always be permitted for pawn shop use. Should Ms. Craven-Doss ever move on, another, less reputable applicant could move in.

Assistant City Attorney Garcia said that while the applicant is requesting a CUP, under Business and Professions, Chapter 5.36, pawn shops and second-hand dealers must also obtain a special business license to operate. Any future applicant would have to adhere to exacting regulations and would be subject to investigation by the police department; they could not inherit or assume permission or permits to operate at that location.

Responding to Commissioners' questions, Assistant City Attorney Garcia recited the character conditions upon which an applicant's request is based.

Community Development Director Mendoza clarified conditions of a CUP in general, and the Code's definition of the guidelines to which a second-hand store must adhere.

Moreover, Mr. Mendoza stated that the General Plan, written by the City Council and affecting the direction of our City, applies specifically to our City, not Rossmoor. The General Plan lays the ground-work for the Zoning Code, which specifies which businesses are permitted and where. Moreover, a CUP can be revoked under a fully vetted case history, involving Code Enforcement documentation of violations, etc.

Commissioner Sutherlin stated that this choice of location may not be compatible with the guidelines in the City's General Plan, but the City would like to have this business in the City, just not perhaps at this location. If the speakers think this is such a beneficial business, perhaps it should open in Rossmoor instead?

Associate Planner Wray added that a CUP must be effectuated within 18 months of approval; if the business does not open within that time, the CUP expires. However once instituted, if an ice cream store were to move in, and then two years later another pawn shop moved in, the CUP would still be in effect, because the entitlement rides with the land.

Chair Sofelkanik asked, if approved, what conditions would be applied? Assistant City Attorney Garcia responded that, if approved, a Resolution to Approve would be drafted, and the conditions would be stated in that Resolution. The Commission could review those conditions at that time.

Chair Sofelkanik clarified that there were two options: 1.) Move to accept the Resolution to Deny, or 2.) Move this item to the next scheduled meeting, requesting a Resolution to Approve, containing the conditions of approval. Assistant City Attorney Garcia confirmed that was correct, stating that if a Resolution to Approve were drafted, the Commission would then have the opportunity to review the conditions.

Chair Sofelkanik stated that all who voiced their support for this application were residents of other cities, not from Los Alamitos

Associate Planner Wray said that while this item was published in the local newspaper and Public Noticed to all home-owners within a 500 foot radius of the property, the majority of the residents are renters and therefore did not receive the Public Notice; this procedure follows Code.

Community Development Director Mendoza said because renters are not identified in public records, in order to notify them, the information would have to be distributed via a hand-delivered, door-to-door walking campaign. The Planning Commission agenda is posted in three places: 1) Next to Council Chambers, 2) The Museum, and 3) The Community Center.

Commissioner Loe said that he did not think this business was particularly subject to robbery more than any other business in the City. Did the applicant investigate other possible venues in the City that were not so close to schools?

Associate Planner Wray responded that the City held several meetings with the applicant and identified other available venues, i.e., Los Alamitos Plaza, some buildings on Katella Avenue, the area north-east of the Plaza, with zero or minimal residential nearby, which did not have the impact of this location.

There was discussion on the process of resubmitting an application for another address.

Commissioner Andrade (Daniel?) said that while it might be unfair to associate pawn shops in a negative light, public perception still exists, correct or not. The fact remains that with children walking past daily, the location does not appear to be a good fit.

Chair Sofelkanik re-opened Public Comment.

Lori Craven-Doss said that they had investigated other locations. The high volume traffic of Katella Avenue is appealing and beneficial. Her Rosemead store is near a residential area, with children walking past, and that store has no "buffer." The majority of her new business comes from drive-by traffic, while her steady business is repeat customers. The parking lot in front of the Los Alamitos store would be perfect.

Chair Sofelkanik closed Public Comment.

Motion/Second: Sutherlin/Sofelkanik

Died: To approve staff recommendation to adopt Resolution No. 10-04, denying this application.

AYES: None
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

SECOND Motion/Second: Andrade/Loe

Carried: Moved that the CUP 10-04 should return to staff for further review, to prepare findings for approval, with added conditions; in addition to notifying all tenants, renters included, who live within a 500 foot radius of this property concerning this CUP request. This item will be brought back to the Planning Commission meeting scheduled of October 11, 2010. Applicant will sign agreement to move request to October 11, 2010.

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

At 10:00 PM, Chair Sofelkanik called for a ten minute break.

PUBLIC NOTICE

CITY OF LOS ALAMITOS

City Council Chambers
3191 Katella Avenue
Los Alamitos, CA 90720

DATE: Monday, October 11, 2010

TIME: 7:00 PM

At the above reference date and time, the Planning Commission of the City of Los Alamitos will conduct a Public Hearing in the City Council Chambers at 3191 Katella Avenue, Los Alamitos, CA to consider the following item:

Conditional Use Permit C10-04 – This is a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square foot tenant space in an existing commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori-Craven-Doss)

This is a Public Hearing and you are invited to attend and comment on the proposed action described above. If you challenge any action related to the proposed action above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Questions or comments can be directed to the Community Development Department, (562) 431-3538, Ext. 300, City Hall, 3191 Katella Avenue, Los Alamitos, California 90720. Written and oral testimony is invited.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Community Development Department at (562) 431-3538, Ext. 301. Notification by noon on the date of the public hearing will enable the City to make arrangements to assure accessibility to this meeting.

Respectfully Submitted,

Steven Mendoza, Director of Community Development

Dated: September 27, 2010
Publish: September 29, 2010

CITY OF LOS ALAMITOS
NOTICE OF PUBLIC HEARING REGARDING A CONDITIONAL USE PERMIT
TO ALLOW A PAWN SHOP AT 3351 KATELLA AVENUE

Good Evening

10-11-10

My name is Donna Duesting. I am a resident and property owner in old Town West. My property is located within one block of the proposed Pawn Shop.

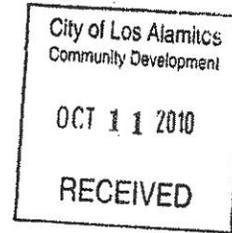
On 8-5 of this year I sent a letter to the Planning Commission regarding my feelings and my 100% opposition to this business issue and its location. I have explained my reasons at length in the letter and have once again submitted copies to you. This is a small city. We do not need a Pawn Shop. I feel this business will have more of a negative than positive impact on Residents, City Staff, Police Personnel and the City Budget. I feel this business is a risk to children as the location is in close proximity to a middle school, the Youth Center, a pre-school and school pedestrian areas.

I hope the Planning Commission will consider turning down this application.

Thank you.

Donna J. Duesting

October 9, 2010



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

Attn: Planning Commission

Subject: Pawn Shop/Katella Collateral Lenders

I understand the Planning Commission will be reviewing a request for a pawn shop (Katella Collateral Lenders) to occupy a building at 3351 Katella Avenue, Los Alamitos.

I respectfully request that this business not be allowed to occupy this location since it is close to Oak Middle School, the Youth Center, the City Recreation Dept. and children will be passing by in large numbers from Monday to Friday. Unsavory characters are known to frequent this type of business and this business will expose our children to a risk they do not currently have.

Please do not allow this business to locate there. If a suitable location could be found in an industrial area, I think this would not pose the same amount of risk .

Sincerely,

A handwritten signature in cursive script that reads "Carolyn T. Sylvia".

Carolyn T. Sylvia
5081 Kearsarge Avenue
Los Alamitos, CA 90720

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

October 11, 2010

1. CALL TO ORDER

A regular meeting of the Planning Commission was called to order at 7:00 p.m. on October 11, 2010, in the Council Chambers, 3191 Katella Avenue, Los Alamitos, Vice Chair Will Daniel presiding.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Commissioners: Andrade, Daniel, Grose, Loe, Riley, Sutherlin

Absent: Commissioners: Sofelkanik

Staff Present: Steven A. Mendoza, Community Development Director
Yvette Abich Garcia, Assistant City Attorney
Sharon Nowell, Public Services Department Secretary

4. ORAL COMMUNICATIONS

None

5. MINUTES

A. Approval of the September 13, 2010 Planning Commission Meeting minutes.

Motion/Second: Sutherlin/Loe

Carried: 5/0 Approve the September 13, 2010 Planning Commission minutes.

AYES: Andrade, Daniel, Grose, Loe, Sutherlin

NOES: None

ABSENT: Sofelkanik

ABSTAIN: Riley

RECUSE: None

6. STAFF REPORTS

None

7. PUBLIC HEARINGS

A. Conditional Use Permit C10-04 – (Continued from August 9, 2010). This is a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori Craven-Doss)

Community Development Director Steven Mendoza provided a brief summary of this report and the information contained therein. While public notices were mailed to all property owners within a 500 foot radius of the address, following direction from the August 9, 2010 Planning Commission meeting, staff hand-delivered 126 public notices for tonight's meeting to all residents, apartment renters, including Rossmoor, who live within this radius. As directed, staff prepared resolutions to both approve and deny this CUP for tonight's meeting, however the existing conditions have not changed since the August meeting; the close proximity of this business to Oak Middle School, the Youth Center, the Community Center's Day Care, and multi-family apartment dwellers still exist. Another concern is the significant increase in financial costs and time-impact to the police department personnel, which, over the past few years has absorbed severe cut-backs of both funding and staffing levels. Location compatibility within the community is the issue.

Commissioner Grose recused herself from this item, due to her proximity to the site, leaving the dais and the Chamber at 7:07 p.m.

Public Hearing

Michael Doss – Seal Beach resident and husband of applicant, stated that, with all due respect for the Commission and staff, he believes the recommendation is extremely unfair and biased. His wife, the applicant, told him the staff was "ignorant and paranoid" and he agrees. The pawn business provides real people with a valuable service and works closely with the police department to protect the city. Katella Collateral Lenders will have no negative effect on school children, neighboring businesses or residents. Captain McAlpine said that this business would not pose a higher robbery risk than the local coffee drive-thru. His wife's other pawn shop in Rosemead has never been robbed. This business deals with used items; there are ten other businesses in Los Alamitos doing the same thing, which do not have to adhere to the constraints imposed in this staff report. His wife is the current Rosemead Business of the Year. The Jiffy Lube nearby has more traffic, hazardous waste, is open longer hours, and is more likely to be a victim of robbery than Katella Collateral Lenders. He expects the Commission's decision to be fair and unbiased, unlike staff's.

Norm Wray – Los Alamitos resident and local business manager. He is on the Board of Directors for the Youth Center. It is up to the residents to decide which businesses would be good for the City, not Rosemead, Rossmoor, or Seal Beach residents. The proximity of school children to this business is a bad thing. He has personal experience with people who conduct business with pawn shops not in their neighborhoods; people will come from other cities to pawn their items here.

Chris Musgrave – Monrovia resident, has worked for the applicant for 18 years. If her business opens here, he plans to move his family to Los Alamitos to work at this store; his family would bring revenue in many forms to the City. The business in Rosemead has a good working relationship with their police department. Simply, they deal with second-hand goods, not nefarious items. This retail space has been vacant a long time. Their business would be part of the solution to bring a well-rounded variety of stores to the City. The applicant is an excellent business woman and would be an asset to the City. She has been the recipient of many awards for her business acumen.

Tai Chen – His parents own the building and he lives nearby on Walnut Street. Small businesses have always leased this property. The applicant became aware of the building's vacancy because her children attend Oak Middle School. Many of the neighboring businesses, like Blockbuster or the florist, are barely staying afloat and many are closing. Small towns should support small local businesses.

Lori Craven-Doss – Applicant, stated that while she is not a resident here, she is in Los Alamitos every day, taking her children to and from school, dining in restaurants, and shopping. She's never viewed being a pawn broker as a negative; her children don't view her profession as a bad thing. She views her customers as family and is mindful of all safety aspects for her employees and customers. She looks forward to the Commission's approval and to conducting business in Los Alamitos.

Vice Chair Daniel closed the Public Hearing.

Commissioner Sutherlin stated that he is not in opposition to the business itself, but the location is a concern. Director Mendoza distributed three letters of opposition. One letter was from Carol Sylvia and two from Donna Viestenz. Director Mendoza read the letters into the record at the request of the Assistant City Attorney.

Commissioner Andrade stated that none of the residents, renters or owners, who received a public notice were in attendance to express approval or disapproval.

Commissioner Andrade stated that he keeps hearing about the "risk to the children." He has two children and he doesn't see the risk here, nor does he see the endangerment to either the City or the public's general welfare. Captain McAlpine said that while he knows of no specific statistics that attribute additional crime directly to pawn shops, they do provide an opportunity for increased criminal activity. Comparatively, it is impossible to say that another similar business, check cashing store or a bank, would not also see an increase in possible criminal activity. He stated that there is no way that he could say absolutely that a pawn shop increases criminal activity or poses a danger to the public. The majority of crimes in Los Alamitos, about 75% to 80%, deal with theft of property or fraud. Officers take crime reports every day.

Commissioner Andrade suggested that if a bank were to open at this location, the risk to children would increase because of additional traffic. Captain McAlpine stated that the location is not his direct concern; his focus would be the impact this business would have on his department, pertaining to costs, time, and staffing to track, catalog, and follow-up on pawn slips.

Commissioner Andrade asked why pawn shops are associated with such negative imagery, especially given the increased regulation and oversight precautions. Captain McAlpine said he could not account for perception, but the issue of opening a pawn shop in Los Alamitos is new. He has no doubt that the applicant would cooperate fully with the police department. The police are as concerned for the safety of the community, as well as the business itself; the conditions stated within the staff report are meant to protect everyone. Responding to a question, Captain McAlpine said that the proposed location is about 750 feet from the police department.

Commissioner Andrade asked how the additional responsibilities would impact the police department, which has experienced reduced budget cuts and staffing levels. Who absorbs the increased or related cost? Director Mendoza said that taking on an entirely new task at this time, for any City department, including the police department, would pose an added burden. Moreover, he clarified that a pawn shop is not the same thing as a second-hand dealer; pawn shops loan money, second-hand dealers do not.

Community Development Director Mendoza stated that the City has considered the implementation of additional fees to neutralize the fiscal impact on the Police Department, but the applicant's attorneys have threatened litigation should this occur. Should this application be approved, the use will always be permitted for this property. Therefore, should the applicant leave, another, less reputable pawn shop could move in, which could be of concern in the future.

Motion/Second: Sutherlin/Daniel

Carried: 4/1: Moved to adopt Resolution No. 10-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

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

A brief recess was called at 8:05 PM.

Vice Chair Daniel reconvened the meeting to order at 8:15 PM.

B. Site Plan Review SPR10-04 – This is a request to construct a four (4) unit apartment building with a detached garage at 10972 Oak Street. APN 242-191-06. (Applicant: Channa and Jim Hardin)

Staff recommended that the Planning Commission continue the public hearing to Monday, November 8, 2010 to provide staff with an opportunity to properly re-notice the public hearing.

Motion/Second: Andrade/Daniel

Carried: 6/0 Moved to continue the public hearing to Monday November 8, 2010 at 7 p.m.

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

C. Los Alamitos Medical Center Specific Plan SP09-01 – This is to consider a Specific Plan SP 09-01 and Related General Plan and Zoning Amendments and a Draft EIR for consideration of the Los Alamitos Medical Center's (LAMC) application for the 25 year development plan of their nine parcels upon 18.3 acres at and around 3751 and 3651 Katella Avenue. During this first public hearing for the Los Alamitos Medical Center Specific Plan, City Staff will provide the Planning Commission with a presentation on the project and prepare the Planning Commission for future meetings where they will take action on the applications including an Environmental Impact Report.

Community Development Director Mendoza provided an extensive summary of this report and the information contained therein, and distributed a hard copy of the PowerPoint Presentation which followed. The topics within the 18-page staff report included: 1) Project Location, 2) Background, 3) Explanation of Specific Plan as a Development Tool, 4) Specific Plan Document, 5) Land Use Summary by Phase, 6) Hospital /Patient Care Buildings and Emergency Room Re-Location, 7) Central Plant, 8) Land Use Regulations, 9) General Development Standards, 10) Landscaping Requirements, 11) Parking Requirements, 12) Signage, 13) Development Standards Modifications, 14) Compliance with California Environmental Quality Act, 15) Conformance with the General Plan, 16) Public Communications and, 17) Staff Recommendation.

In the next staff report, Director Mendoza said he would address 1) Property Ownership, 2) Benefits to the Community, 3) Impact upon Future Development, 4) Impact upon Neighboring Property Owners, 5) Storm Drain Capacity, and 6) Greenhouse Gases. A Specific Plan provides an entire overview of the long-range building goals.

Collette Morse, Vice President of Planning & Environmental Services with RBF Consulting discussed the specifics of the California Environmental Quality Act (CEQA) and the environmental impacts of the LAMC EIR Specific Plan.

Director Mendoza said that LAMC's EIR and Specific Plan are available for review via a link on the City's website: <http://www.ci.los-alamitos.ca.us/links/information.html>

This link provides access to the Signed Notice of Completion (NOC), the LAMC Specific Plan Initial Study, the August 2010 Draft LAMC Specific Plan, and the September 2010 EIR.

Vice Chair Daniel opened the Public Hearing and called for speakers.

Art Debolt – Los Alamitos resident - Discussed the impact of this project on future planning and mitigations within the City. It appears that LAMC's Specific Plan is a zone within a zone, with its own set of development standards which may deviate from specific issues, such as parking. Mr. Debolt recommended that City staff provide a side-by-side comparison on the Specific Plan versus the City Zoning Ordinance.

Beth Piburn - Los Alamitos resident – Works at LAMC, but is not attending tonight at the request of her boss. A larger medical center is crucial to the public's welfare. The waiting time for the emergency room is inexcusably too long, too often. LAMC is

frequently at maximum capacity, unable to serve the needs of the public. They need more space.

Duane Lee - Los Alamitos resident – Works at LAMC and sees patient capacity reached frequently. They now have people coming from neighboring cities. A larger medical center would benefit the community.

Richard Kickline - Los Alamitos resident – Was the Human Resources Director for Arrowhead Products for 20 years and worked closely with LAMC staff for medical screening, emergency treatment for employees, and wellness training and programs. He always respected and appreciated staff's professionalism. He is comforted knowing that excellent medical care is available five minutes from home. This City is fortunate to have this facility here and should support their efforts to expand and upgrade size and services.

Judy Klabouch - Rossmoor resident and Los Alamitos business owner for over 30 years. The care and treatment she has received from LAMC has always been first rate, as was her father's toward the end of his life. She has also experienced having to wait in the emergency room with a loved one, until a space became available; very frustrating. The medical center needs and deserves the City's support.

Allen McLean – Rossmoor resident and Los Alamitos business owner for over 27 years. He's on the Board of Governors for the LAMC and has been a member of the Los Alamitos Area Chamber of Commerce for over 25 years. LAMC is a large anchor business which supports numerous medium and small businesses throughout the community. This expansion is critically important during today's recession for five reasons: 1) LAMC purchases goods and services from Los Alamitos businesses, 2) LAMC attracts people from other areas, 3) LAMC employees frequent local businesses, 4) the expansion of LAMC has the potential for additional revenue to the City, and 5) the majority of local businesses support the expansion of LAMC. He urged the City to support the LAMC expansion.

Darrell Essex – Cypress resident and former Cypress City Manager – He commended City staff on their efforts to assist with this expansion. He looks forward to the City's approval, following a careful review.

Mark Brothersen – He has supported Los Alamitos for over 40 years. He and his family own three commercial properties and a small manufacturing business in Los Alamitos, all nearby LAMC. While he supports LAMC, he is concerned about how this expansion will affect his properties' values, lease-ability, use, traffic congestion, and zoning. How will the City protect his businesses? He approves of the expansion project, but he wants to remind the Commission and the City that the small businesses exist and need protection.

Name Inaudible – Long Beach resident – Works for LAMC and supports this project. This project is good and patients need protection.

J. M. Ivler – Los Alamitos resident - He had prepared a speech, but because this item will be moved for discussion to the November meeting, he will reserve his major comments until then. He wanted to point out that while LAMC keeps saying that they "need" this expansion to help the patients, their first phase adds only medical offices, not additional

hospital beds. He said this expansion is about rental income and space for doctors. If this project was truly about the patients, the last phase would be medical offices.

Richard Murphy – Los Alamitos resident - Thanked the Commission for their time and efforts. He agrees with Mr. Ivler. He also wonders how the increased traffic congestion will be handled.

Johnnie Strohmyer – Cypress resident - Her husband's dental practice has been on Katella for 35 years. She spoke in favor of LAMC and their expansion project.

Rob Feldman - Los Alamitos resident – He completely disagrees with Mr. Ivler's comments. Before the old building is demolished, a new medical office building for the doctors is necessary. The everyday workings of a hospital are enormously complex; all facets are needed to sustain a comprehensive medical center. He would like to keep the dialog going.

Jody Shloss – Los Alamitos resident – She agrees that LAMC needs upgrading. She hopes that the parking will be free to the patients and their families. For the most part, the speakers tonight are the most participatory community members in the City. *The News Enterprise* runs stories about all the City's activities, but there have been no articles concerning this project, the largest this City will ever see, except for the Public Notice in the back. She would like more transparency. People should be made aware of this project prior to its implementation.

Vice Chair Daniel continued the Public Hearing to the next meeting in November.

Motion/Second: Andrade/Daniel

Carried: 6/0 Moved to continue the Public Hearing to the regularly scheduled meeting of the Planning Commission on Monday, November 8, 2010.

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

D. Zoning Ordinance Amendment ZOA10-02 – This is to request consideration to amend the City's Zoning Regulations related to window signage. Citywide (City initiated)

Motion/Second: Andrade/Daniel

Carried: 6/0 Moved to continue the public hearing to its next regular meeting on November 8, 2010 and direct staff to bring back an amendment to Chapter 17.28 of the Los Alamitos Municipal Code modifying regulations pertaining to window signs for the Planning Commission's consideration.

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

8. COMMUNITY DEVELOPMENT REPORTS

Director Mendoza briefly mentioned the brochure: "*Understanding Land Use and Planning*" which was included in the August packet. He requested that the Commissioners review the information for discussion at the November meeting.

9. COMMISSIONER REPORTS

None.

10. ADJOURNMENT

Adjournment at 10:10 p.m., to a meeting of the Planning Commission on Monday, November 8, 2010 at 7 p.m. in the City Council Chambers.

Steven Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

City of Los Alamitos

Agenda Report Public Hearing

August 9, 2010
Item No: 7B

To: Chairman Sofelkanik and Members of the Planning Commission

Via: Steven A. Mendoza, Community Development Director

From: Dani Wray, Associate Planner

Subject: Conditional Use Permit C10-04

Summary: This is a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori Craven-Doss)

Recommendation: Staff recommends the Planning Commission:

1. Conduct a public hearing; and,
2. Adopt Resolution No. 10-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

Applicant: Lori Craven-Doss

Location: 3351 Katella Avenue, APN 242-202-29

Environmental: A Categorical Exemption pursuant to Section 15301 (Class 1) (a) has been prepared for the proposed project in accordance with the California Environmental Quality Act.

Approval Criteria: Section 17.10.020 (Land Uses and Permit Requirements), Table 2-04 (Allowed Uses and Permit Requirements) of the Los Alamitos Municipal Code

(LAMC) allows pawn shops (pawnbroker) in the General Commercial (C-G) Zoning District with the approval of a conditional use permit.

Background

The applicant, Lori Craven-Doss, filed an application for Conditional Use Permit C10-04 on May 7, 2010 for pawn shop (pawnbroker), known as Katella Collateral Lenders, , to be located in the south-facing tenant space at 3351 Katella Avenue, an existing commercial building.

Discussion

The subject site, located at 3351 Katella Avenue on the northeast corner at Walnut Street, is currently developed with a two-story commercial structure. The adjacent properties are developed and zoned as follows:

- North: Developed with residential uses in the Multi-family (R-3) Zoning District.
- East: Developed with commercial uses in the General Commercial (C-G) Zoning District and residential uses in the Multi-family (R-3) Zoning District.
- South: Developed with residential, religious, and commercial uses in the County Island of Rossmoor.
- West: Developed with commercial uses in the General Commercial (C-G) Zoning District and residential uses in the Multi-family (R-3) Zoning District.

Description of Proposed Use

The business is proposing to locate in a 1,200 square feet tenant space in the existing 5,300 square feet building on an 11,400 square feet lot. The applicant is requesting approval for a secondhand collateral lender, or pawnbroker (pawn shop), called Katella Collateral Lenders. The applicant's business plan describes the business model as a "high-end alternative to the stereotypical pawn shop... providing an upscale facility with brand name merchandise and discrete and private lending." The proposal further describes the items carried for resale as fine jewelry, estate jewelry, coins, watches, cameras, video games, computer laptops, iPods, vintage and new musical instruments, high-end sports equipment, and professional tools.

The applicant has stated that the pawnbroker business will primarily cater to middle-income residents of the area who are facing short-term cash flow problems as a result of the national economic downturn and other temporary financial concerns. The customer will bring various types of merchandise into the store, and leave the items there in exchange for a short-term loan. The business' profits are drawn primarily from the finance charges related to the loans. The applicant has indicated that the typical customer will return to retrieve the pawned item.

The proposed floor plan illustrates the layout of the shop, including the retail space, jewelry cases, loan counter, safe, and wrought iron security entrance cages to be located at both the front and the rear entrances to the shop which will allow a for controlled access to the shop through a lock and buzzer operated by the staff.

Additional security is proposed that includes an alarm system, digital cameras, video recorders, and audio sensors, and a backup system.

Police Department Recommendations

A. Structural Considerations

There are several concerns expressed by the Los Alamitos Police Department that may be addressed by structural modifications to the tenant space and building. Given the nature of the business transactions that occur in a pawnbroker setting, it is recommended by the Police Department that the following structural alterations to the building be required:

- 1) The existing structure includes a loft that is open to the first floor below. The Police Department has expressed concern that the open ceiling would provide easy unlawful entry to the pawnbroker by persons with criminal intent and is asking that structural alterations be required that will enclose the tenant space that the pawnbroker will occupy in order to provide the necessary security for the merchandise, staff, and customers.
- 2) Access points such as the rear doors and adjoining building walls should be reinforced to provide barriers to unlawful entry.
- 3) Outside storage areas will again provide easy access to unlawful entry to that which is stored within.
- 4) A structurally pleasing, accessibility compliant man trap, not made of wrought iron, but from another, more aesthetically pleasing material. There should be only one (1) customer access point.

B. Security and Surveillance Equipment

The Police Department has indicated that state-of-the-art surveillance equipment should be provided because of the nature of the business transactions being proposed and the large sums of money that may be generated:

- 1) Exterior
 - a. Exterior surveillance capability should minimally include video cameras that cover the entire expanse of both parking lots.
 - b. Cameras placed at a lower level to capture vehicle license plates and persons that are loitering and that are capable of capturing images of faces.
 - c. Adequate exterior lighting, sufficient to illuminate persons and vehicles, but not too bright as to 'wash out' effectiveness of the cameras.

2) Interior

- a. Video cameras that cover each interior and exterior entry/exit point to and from the business as well as within the business.
- b. Video cameras which monitor the overall interior of the shop.
- c. An eye level camera at every transaction point that has facial characteristics capturing ability.
- d. Audio surveillance such as a Sonitrol system that is voice activated.
- e. A web based – IP accessible surveillance system that can be accessed remotely by the owner or emergency contact. It is recommended that the Police Department have access as well.
- f. Glass breakage and motion sensors and a sufficient number of panic buttons for alarm activation. This would include all employees having remote panic buttons.
- g. Surveillance camera at entry point will take a facial photo of every customer who enters the shop.
- h. Laminate windows and display cases to help prevent glass breakage and to reduce the incidence of theft and burglary.

3) Operations

- a. All transactions should be accompanied by the customer's fingerprints and verification of identification against a government issued identification card or passport.
- b. Compliance with the Los Alamitos Municipal Code Chapter 5.36 as it applies to pawnbrokers and secondhand dealers.

Compatibility with the Surrounding Area

Pursuant to LAMC Section 17.10.020, the proposed pawn shop (pawnbroker) use requires the approval of a conditional use permit. The purpose of a CUP is to ensure the compatibility of a use in terms of configuration, design, location, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with the surrounding uses, and the suitability of the use to the site, to ensure the protection of the public convenience, health, interest, safety, and welfare (LAMC Chapter 17.42.010 A, B).

One of the CUP findings required to be met by the applicant for this proposed use is that the proposed use will not endanger the public health, safety or general welfare if located where proposed and developed. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. First, the proposed use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The applicant has stated that she expects initial traffic to be up to fifteen (15) patrons per day, or approximately ninety (90) per week. The commercial use and the generation of patron and vehicular traffic in and out of the establishment between

the hours of 9:30 a.m. and 5:30 p.m. would be disruptive and incompatible with the adjacent residential uses.

Second, the property is poised directly in the primary pedestrian path for students who live in the Rossmoor area who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Since this type of use lends itself to a risk of criminal activity and law enforcement presence will be required to oversee the operations of the proposed use, staff is concerned that children who may be travelling on foot to or from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity.



Children’s walking path to school, day care, and community center.

The proposed pawn shop is to be located on Katella Avenue and Walnut Street, directly across from a church and two (2) restaurants located in Rossmoor. Adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, a dry cleaner, CVS/Pharmacy, an automobile service business, and a small strip center, all typical neighborhood commercial uses.

Another finding is that the location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area. The intersection at Katella Avenue and Walnut Street (Wallingsford Road in Rossmoor) is used by students walking to and from Oak Middle School, the Youth Center, and the Los Alamitos

Community Center for recreational classes. This student pedestrian and bicycle traffic will be walking and riding immediately adjacent to the proposed pawn shop use. This type of use lends itself to a risk of criminal activity related to the pawning of stolen property. The use proposes to locate immediately adjacent to the Multi-family (R-3) Zoning District and is not in harmony with the residential uses as a statistical increase in crime that is typical for such uses is not compatible with residential uses that are located in such close proximity without a natural or contrived buffer zone.

General Plan Consistency and Findings

Another required finding for a CUP is that the use will be in general conformity with the Los Alamitos General Plan. Staff has researched the General Plan's goals, policies and implementation strategies to determine consistency with this application's proposed use in making the required findings. Included here are staff's findings regarding the proposed use and the General Plan:

1. *Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses:* Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods. As set forth above this Land Use Element Policy is not met because no buffer exists between the proposed use and the immediately adjacent single and multi-family uses.
2. *Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods:* Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence and is in close proximity to over 20 multi-family structures.
3. *Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods:* The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop has a potential risk for crime particularly associated with the pawning of stolen goods not compatible with surrounding residential neighborhoods.

State Regulations

Pursuant to Business & Professions Code 21641 and Financial Code section 21300, City and county licensing agencies are delegated the responsibility to implement the State Secondhand Dealer and State pawnbroker licensing process into their local

program. As such, the City Council adopted Chapter 5.36 which regulates pawnbroker and secondhand dealer permit. The permit expires every year concurrent with the permittee's business license. A permit under this Chapter 5.36 will be required as a condition to a CUP approval. The City will be considering adopting new fees related to the regulation of pawnbrokers and secondhand dealers in the City to recover the significant costs to the City should this application, or any other application for pawnbroker or secondhand dealer, be approved.

At the time of this writing, staff has received one phone call in opposition of the pawn shop use at that location.

Recommendation

After meeting with the applicant on multiple occasions, and researching the proposed location, it is the opinion of staff that the application for conditional use permit C10-04 be denied. There are many other locations in the City that would be more appropriate for such a use such as locations that are available in both the general Commercial (C-G) and Commercial Office (C-O) Zoning Districts that are not located immediately adjacent to residential uses without sufficient buffer or schoolchildren's pedestrian and bike paths. The proximity of the proposed use to the residential neighborhoods would be disruptive and incompatible due to the high patron and vehicular traffic. Its location adjacent to the intersection at Katella Avenue and Walnut Street (Wallingsford Road in Rossmoor) that is used by students walking to and from Oak Middle School, the Youth Center, and the Los Alamitos Community Center who pass directly in front of the proposed location, and presents a safety concern as there may be law enforcement activity and oversight in the area.

The Planning Commission may deny the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the Commission based on both written and oral testimony in the Public Hearing.

Fiscal Analysis

The pawn shop's revenues are primarily derived from finance charges generated from lending activities, not from any retail sales activity. Revenue to the City from any retail sales activity will likely not exceed \$400.00 per year. The estimated costs to the City in Police Department processing of pawn slips, based on an average of eight (8) slips per day is \$26,886 for the first year. There is presently no cost recovery device in the City's Municipal Code or adopted fee schedules.

Attachments:

1. *Draft Resolution No.10-11*
2. *Application and Site Plan*

RESOLUTION NO. 10-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C10-04, A REQUEST TO ALLOW A PAWN SHOP, KATELLA COLLATERAL LENDERS, IN A 1,200 SQUARE FEET TENANT SPACE IN AN EXISTING 5,300 SQUARE FEET COMMERCIAL BUILDING LOCATED AT 3351 KATELLA AVENUE IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-202-29. (APPLICANT: LORI CRAVEN-DOSS)

WHEREAS, that an application for a Conditional Use Permit was submitted on May 7, 2010 to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District; and,

WHEREAS, that said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010; and,

WHEREAS, at this Public Hearing, the applicant's representatives and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, the Planning Commission discussed the merits of such a request and expressed its concern regarding the absence of meaningful retail activity in the proposal and the resulting loss of revenue opportunities for the City; and,

WHEREAS, the Planning Commission continued its discussion regarding the merits of the application and expressed its concern regarding the costs to the City in providing monitoring and reporting services as required by state law and the City's own Municipal Code; and,

WHEREAS, the Planning Commission continued its discussion regarding the merits of the application and expressed its concern regarding the compatibility of the pawn shop use in the proposed location, which is adjacent to multi-family residences and a primary path by way of which schoolchildren walk to school, and that this type of use lends itself to criminal activity particularly associated with the pawning of stolen goods; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 9, 2010 and

based upon the evidence presented, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code have not been met:

1. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. . The proposed use would operate from a building located immediately adjacent to a Multi-family (R-3) Zoning District to the north where there are more than twenty (20) apartment buildings within one block of the subject location and would share a common property line with a single-family home. The applicant has stated that it is expected that initial traffic to be up to fifteen (15) patrons per day, or approximately ninety (90) per week. The commercial use and the generation of patron and vehicular traffic in and out of the establishment between the hours of 9:30 a.m. and 5:30 p.m. would be disruptive and incompatible with the adjacent residential uses.

2. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use proposed, and may endanger the public health, safety and welfare if allowed to establish at this location. . The property is poised directly in the primary pedestrian path for students who live in the Rossmoor area who attend Oak Middle School, which is located approximately 685 feet from the proposed use; the City of Los Alamitos Community Center where children frequent for recreational classes is located approximately 670 feet from the proposed use and is operated year-round; and the Youth Center, an after-school and summer day care center, is located approximately 740 feet from the proposed use. Student pedestrian and bicycle traffic will be walking and riding immediately adjacent to the proposed pawn shop use. Since this type of use lends itself to a risk of criminal activity particularly the pawing of stolen property, and there will be a need for law enforcement presence to oversee the operations, staff is concerned that children who may be travelling and from from the Oak Middle School, the Youth Center, and the Los Alamitos Community Center may be exposed to such activity..

3. The location where the Katella Collateral Lenders proposes to locate, at the northeast corner of Katella Avenue and Walnut Street, is not suitable for the type of use propose. The proposed pawn shop is to be located directly across from a church and two (2) restaurants located in Rossmoor. Adjacent to the east and west are other commercial uses, such as a drive-through coffeehouse, a dry cleaner, CVS/Pharmacy, an automobile busienss and a small strip center. These uses represent typical neighborhood commercial

uses. The proposed pawn shop would not be in harmony with these typical neighborhood uses.

4. The proposed use will not be in general conformity with the Los Alamitos General Plan, as follows:

(a) Land Use Element: Policy 1-1.1: Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses: Accepted planning practice dictates that uses that have the propensity to negatively impact the health, safety, and well-being of residential neighborhoods be buffered from those neighborhoods. As set forth above this Land Use Element Policy is not met because no buffer exists between the proposed use and the immediately adjacent single and multi-family uses.

(b) Land Use Element: Policy 1-1.3: Adopt feasible mitigation measure throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods: Mitigation measures, such as distance buffering, are not possible with this location, as the commercial building in which the pawn shop proposes to locate shares a property line with a residence and is in close proximity to over 20 multi-family structures.

(c) Land Use Element: Policy 1-1.4: Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods: The Los Alamitos Municipal Code allows a variety of uses in the General Commercial (C-G) Zoning District that are compatible with the adjacent residential uses. The proposed pawn shop has a statistically significant increase in crime rate that is not true of other acceptable land uses. As set forth above, this Land Use Element Policy is not met because The proposed pawn shop has a potential risk for crime particularly associated with the pawning of stolen goods not compatible with surrounding residential neighborhoods.

5. That the decision to deny the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the Commission based on both written and oral testimony in the Public Hearing.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. The Planning Commission has determined that the above referenced findings, in conjunction with all written and oral evidence presented to the Planning Commission at the hearing, including staff reports, public testimony, and Commission deliberation, constitutes substantial evidence for the recommendation of denial.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby denies C10-04, a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing 5,300 square feet commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District.

SECTION 4. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution, forward a copy of this Resolution to the applicant, and her counsel, if any, together with a proof of mailing in the form required by law and any person requesting the same, together with a proof of mailing in the form required by law, and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 9th day of August 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

MEMORANDUM

Date 08/09/2010

File No. _____

From: Investigator Debra Sewell

To: [REDACTED] Craven-Doss

Subject: Pawn shop activities at Brown's Jewelry and Loan, Rosemead, California

This is to verify that Brown's Jewelry and loan is in compliance with all mandatory laws governing pawnshops as per California State Business and Professions codes. All business licenses are current and posted for public view. The shop is in compliance with proper identification and fingerprinting procedures. They comply with proper timeframes and amounts charged per loan. Their interest rates are properly posted for public view. We have no incidents of clients or victims complaining about this store.

In my eight years assigned to Brown's I have heard of no incidents at this shop as far as any burglaries at this store. On the other hand, banks, restaurants, convenience stores and fast food facilities in Rosemead and neighboring cities have had incidents.

As with all pawn shops, jewelry stores, or 2nd hand businesses in L.A. county we routinely place a 90 day hold on items believed to be pawned fraudulently by a customer. We investigate and resolve any discrepancies. Brown's has been cooperative and even have brought to our attention when there is suspicious activity at their store such as frequent pawning by one individual. They have been cooperative if we come in to check a suspect name or when we come in looking for a particular item that is missing.

Investigator Sewell (562) 946-8287
Los Angeles County Sheriffs Dept. Major Crimes Bureau Pawn Detail

FOR YOUR INFORMATION.

REPORT ON RESULTS REQUIRED.

VERBAL REPORT ONLY; CONFIDENTIAL.



CITY OF EL MONTE



POLICE DEPARTMENT



Chief
THOMAS ARMSTRONG

Assistant
STEVE SCHUS

Captain
MARCIA VAIL

Captain
GEORGE HOPKINS

Captain
DAN BUEHLER

Lori Craven-Doss
8222 E. Garvey Avenue
Rosemead, CA 91770

August 7, 2010

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

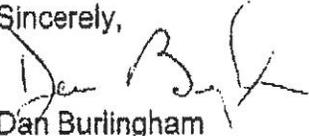
Dear City Council:

It is with great pleasure that I have the opportunity to recommend Lori Craven-Doss. I have known Lori and her family for over twenty years. We have known each other since she started working for her father at the Valley Jewelry & Loan in the city of El Monte.

Lori Craven-Doss has always displayed a high degree of integrity, responsibility, and ambition. She has established herself as a community leader rather than a follower. She has always been a great help to our community and to our police department. When she took over Brown's Jewelry & Loan, in Rosemead, we have continued to help each other, help others when there is a need.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Dan Burlingham
Lieutenant
El Monte Police Department
(626) 807-0408

Dani Wray

From: Lori Craven-Doss [craven.doss@gmail.com]
Sent: Monday, August 09, 2010 11:42 AM
o: Dani Wray
Subject: Letter for council for Lori Craven-Doss

----- Forwarded message -----

From: John Nelson <vintagegear@qnet.com>
Date: Mon, Aug 9, 2010 at 6:59 AM

Vintage Gear Hollywood LLC

7501 Sunset Blvd.

Los Angeles CA 90046

(323) 876-9862

To City Council,

August 7, 2010

My name is John Nelson; I am a known guitarist, vintage guitar expert and successful retail business owner engaged in the business of buying and selling vintage musical instruments. I grew up in Los Alamitos and consider it to be my home town; I lived there from approximately 1956-1976.

I have known Lori Craven and her family for approximately 25 years and have been doing business with them for as long. They are above reproach ethically and have permeated a reputation of honesty and integrity throughout all of their business practices. They have always been civic minded and immersed in local community related activities; they have also been very active members within the Collateral Lenders net works and associations. The local patrons and customer base have the highest regard for them as people, utilize their business and appreciate the service they provide for the community. Many of their business associates and customers consider them friends, I know I do.

There are some misconceptions regarding collateral lending that I would like to dispel and present a case for why allowing this proposed business to exist within my hometown is a good idea.

Collateral lending can be a law enforcement tool, it can function to identify or roust out stolen and problematic items. The process involved provides a transparent view of all used and second hand transactions as well as securely documents the participant's identification. The protocol for collateral lending allows law enforcement complete unrestricted access to all product data and gives them at least a 30 day window to respond. All communities are going to have their share of stolen goods, this cannot be avoided, by allowing the collateral lending system to exist in your community provides local law enforcement with access to item data and the people involved in any questionable transactions. Therefore any transaction at a pawn shop whether a loan, buy or sale is the most documented transaction in the retail world. If providing a safe and legal environment for all transaction restricted to used items is the ambition, having a fully licensed and legitimate collateral lender within the city limits is a great way to provide this for the community.

Which brings me to the next point, right now people need money even in Los Alamitos, things are tight banks are not providing easily gotten low interest loans. My combined retail businesses gross well over a million dollars a year and yet I take advantage of collateral lending. Recently I borrowed twenty thousand dollars from an associate collateral lender of the Craven's as I needed money to buy some great guitars at recession prices. I have already paid back the principal and interest after making a modest profit; this would not have been possible otherwise.

Collateral lending no longer suffers from the stigma of existing only in economically deprived communities, my retail stores are on Sunset Blvd. in Hollywood, there are collateral lenders in Beverly Hills, and my recent loan was procured from a collateral lender in Newport Beach. Everybody needs money sometimes, even successful people with money.

Many communities would want to encourage an independent woman entrepreneur with an existing long term successful business model already in place. As you know small businesses employ the majority of people in the United States, they contribute to the tax base of local communities and provide a necessary service for the people in that community.

There is no documented data or study that I'm aware of that indicates any actual negative impact on a communities' commerce or law enforcement capacity by allowing collateral lending. My experience is contrary, local law enforcement usually works hand in hand with the collateral lenders. Collateral lending reduces crime and enhances accountability. I've been told on many occasions by local Police and other law enforcement officials that pawnshop bought guitars are the cleanest as they've already been vetted through the legal process required by law for all items. This is an opportunity to know when something is stolen and provides the opportunity with the cooperation of law enforcement to return the item to the rightful owner. It also provides the means to identify, catch and successful prosecute criminals because of the necessary data collected as part of the process. You can build better cases with the data and identify criminals in your community.

I've yet to mention the best part, the store may have that very rare antique watch you've always wanted; I recommend you learn to negotiate.

Los Alamitos is my home town, I love my home town and would never recommend anything I feel would be detrimental or harm it in anyway. I know this family well and all of their employees, you couldn't do better, these are solid hard working and honest people, a genuine credit to any community, and you would be wise to welcome them into Los Alamitos. Thank you for your valuable time.

Sincerely Yours,

John Nelson



Lori Craven <cravenla@gmail.com>

Fwd:

1 message

Lori Craven <craventhis@gmail.com>
To: cravenla@gmail.com

Sat, Aug 7, 2010 at 2:53 PM

----- Forwarded message -----

From: John Nelson <vintagegear@qnet.com>
Date: Sat, Aug 7, 2010 at 2:19 PM
Subject:
To: craventhis@gmail.com

Vintage Gear Hollywood LLC

7501 Sunset Blvd.

Los Angeles CA 90046

(323) 876-9862

To whom it may concern,

August 7, 2010

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Sincerely Yours, John Nelson

To: Planning Commission
City of Lee Alameda
3191 Katella Ave.
Lee Alameda, Ca. 90730

From: Wanda J. Vesting
Property owner
10861-69 Chestnut St
Lee Alameda, Ca. 90720

Date: 8-5-10

Re: CUP 10-04

I received the notice of request for
a Conditional Use Permit C 10-04 to
allow a Pawn Shop at 3351 Katella Ave.

I must say, I am terribly dismayed
to think that the City of Lee Alameda would
allow this type of business in close proximity
to a Middle School as well as an Intersect
exit to local freeways. This would also
be located one block from my apartment
complex which I consider to be my business
as I am required to have a business

License to run same

For six years here I was a Civilian investigator for a local Law Enforcement Agency. Some of my duties were to handle the "Pawn Detail" and narcotics offenders registrants. These details are mandated by the State of California Department of Justice. In handling these details I found connections between the narcotics offenders and the same subjects who would pawn/sell items to local Pawn - Second hand dealers. I also found that many criminal offenders reportedly pawned/sold items to these businesses. Each Pawn shop must complete a Department of Justice Pawn slip (completely) and submit same to the local Law Enforcement Agency within thirty days. How often I saw Pawn slips not being turned in in a timely manner, and also determined "Criminal elements" were coming to the city from outside areas. It appeared they were hoping to not be recognized by a Law Enforcement Agency away from the area in which they resided. Many of these persons not only need

monies, but make a life of crime to eventually obtain same. Many of the business owners also have the opportunity to "look the other way" in transactions which might benefit them in a significant financial way.

This is not the type of business we need in the City of Los Alamitos. It will put a burden on the City and Police Department most financially. The Police Department would need to introduce a "Pawn Detail". I do not believe the City would receive a significant revenue from this business to offset the burden. I do not believe the City would benefit from this business in many ways.

I have do not considered this Conditional Use Permit. We are a small city and why would we need such a business? While this is a synopsis of things which might occur, it is not all of the things which might occur in a pawn shop/second hand dealer business.

Thank you in advance for your time and consideration in this matter.

Report fully submitted,

Dorinda J. Distefano

cc: Steven Mendoza
Community Development

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

August 9, 2010

1. CALL TO ORDER

A regular meeting of the Planning Commission was called to order at 7:00 p.m. on August 9, 2010, in the Council Chambers, 3191 Katella Avenue, Los Alamitos, Chair Victor Sofelkanik presiding.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Absent: Commissioners: None

Staff Present: Steven A. Mendoza, Community Development Director
Dani Wray, Associate Planner
Yvette Abich Garcia, Assistant City Attorney

4. ORAL COMMUNICATIONS

None

5. MINUTES

A. Approval of the June 14, 2010 Planning Commission Meeting minutes.

Motion/Second: Daniel/Sofelkanik

Carried: Approve the June 14, 2010 Planning Commission minutes.

AYES: Andrade, Daniel, Grose, Riley, Sofelkanik,

NOES: None

ABSENT: None

ABSTAIN: Loe, Sutherlin

RECUSE: None

B. Approval of the July 12, 2010 Planning Commission Meeting minutes.

Motion/Second: Sofelkanik/Loe

Carried: Approve the July 12, 2010 Planning Commission minutes.

AYES: Grose, Loe, Riley, Sofelkanik, Sutherlin

NOES: None

ABSENT: None

ABSTAIN: Andrade, Daniel

RECUSE: None

6 STAFF REPORTS

A. Planned Sign Program 10-01 – This is a request to implement a planned sign program for 3502 Katella Avenue at the Chase Bank, located in the General Commercial (C-G) Zoning District, APN 222-091-22, (Applicant: AKC Services, Inc.)

Associate Planner Dani Wray provided a brief summary of this report and the information contained therein. Using a PowerPoint Presentation, Ms. Wray detailed locations of all the existing signs associated with this building, and responded to Commissioner's questions concerning the number, size, and location of various signs.

Chair Sofelkanik opened Public Comment

Chris Polster, AKC Services, Inc. spoke on behalf of Chase Bank. He apologized for the installation of the wrong signs, adding that error would be rectified immediately. The bullet-proof glass on the front is translucent, day and night, to comply with safety concerns. Because there are other tenants in the building, the number of signs in the parking lot is to ensure available parking for bank customers only.

Sarah Glenn, Chase Bank, spoke concerning the ATM windscreens saying that they provide some measure of security for their customers. She apologized for the non-compliant signs, saying it would be rectified immediately.

Ms. Wray clarified that the Planned Signed Program applies to all tenants within a building and to every sign related to that building; while window signage is exempt from regulation, it is still limited to 25% of the aggregate window area.

Chair Sofelkanik closed Public Comment.

Clarification of Code guidelines and restrictions were discussed.

Motion/Second: Loe/Grose

Carried: Motion passed to adopt the Planned Sign Program 10-01, and Resolution No. 10-09: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONDITIONALLY APPROVING PLANNED SIGN PROGRAM PSP10-01, CONSISTING OF FIVE (5) WALL SIGNS, ONE (1) POLE SIGN, TWELVE (12) DIRECTIONAL AND REGULATORY SIGNS, AND TWO (2) ATM WINDBREAK SURROUND SIGNS FOR THE PROPERTY LOCATED AT 3502 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 222-091-22 (APPLICANT: AKC SERVICES, INC)" *with the amendment of "three (3) logo "Bank Parking Only" signs and other signs approved by staff, not to exceed six (6) feet."*

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

B. Planned Sign Program 10-02 – This is a request to implement a planned sign program for 4141 and 4143 Katella Ave and 10909 Portal Drive, located in the General Commercial (C-G) Zoning District, APN 241-241-18, (Applicant: Don Gibbs.)

Community Development Director Steven Mendoza provided a brief summary of this report and the information contained therein. Using a PowerPoint Presentation, Mr. Mendoza explained the lay-out of the parcel and the three proposed monument signs in particular. Mr. Mendoza reminded the Commission that although a planned sign program allows for flexibility from the Code, there is always a sensitivity to how far they can stray.

Commissioner Grose recused herself from this item, having property within 500 feet.

Chair Sofelkanik opened Public Comment

Don Gibbs, applicant, thanked staff for their professionalism and support with this project. He reviewed the history of this property and discussed the differences between pole and monument signs. Following discussion and clarification relating to LAMC 17.16.140 and 17.28.080.C.10.a, Mr. Gibbs said he had yielded to previous concerns related to keep the trees and grass berms, and now feels as if his requests for larger signs are in jeopardy due to the height of the grass berms.

Director Mendoza apologized to the Commission, saying that he thought the issues concerning this report were closer to resolution than they appear to be tonight.

Chair Soflekanik suggested that Mr. Gibbs conclude his presentation and requested that his statements remain brief. Others who wished to speak could do so, after which he would close Public Comment for Commission discussion.

Mr. Gibbs continued that the City is holding up the Certificate of Occupancy. He does not want the Commission to delay their decision.

Chair Soflekanik noted that no one else came forward to speak on this issue, and in consideration of the applicant's urgency, he suggested that this item be moved to the end of the meeting to allow for further discussion, without having the other items wait.

The Commission agreed to move this item to after item 7C.

7. PUBLIC HEARINGS

Considering the number of people in the Chambers, Chair Sofelkanik asked for a show of hands of those who wished to speak on item 7B, CUP 10-04: Katella Collateral Lenders. Seeing a majority, he moved to hear that item first.

B. Conditional Use Permit C10-04 – This is a request to allow a pawn shop, Katella Collateral Lenders, in a 1,200 square feet tenant space in an existing commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori Craven-Doss)

Commissioner Grose recused herself from this item, having property within 500 feet.

Associate Planner Dani Wray provided a brief summary of this report and the information contained therein. Ms. Wray expressed staff's concerns that this location was not best suited for this business, due to the proximity of Oak Middle School, the Community Center and its pre-school, and the Youth Center, as well as the homes and apartments in the area and the church across the street; there is no buffer between this business and children walking to and from school. Staff's concern was the compatibility of this proposed business with this area. Ms. Wray answered questions from the Commission.

Los Alamitos Police Captain Bruce McAlpine answered questions from the Commission and provided a brief history of the police department's research pertaining to this business. His detectives visited the applicant's other business site in Rosemead and the proposed site in Los Alamitos, to ascertain unforeseen future issues with regard to the placement of video cameras and security devices. Safety concerns aside, consideration was also directed on the additional duties and responsibilities the police department would assume, should this business open in the City; pawn slips, inspections, fees, and follow-up would all impact our small department. The staff report's Fiscal Analysis estimated costs to the City with the police department processing of pawn slips, based on an average of eight (8) slips per day to be \$26,886 for the first year.

Assistant City Attorney Yvette Abich Garcia explained how the City recovers fees when certain businesses open, depending on type of use.

Chair Sofelkanik opened Public Comment.

Steve Samuelson – Rossmoor resident, does not see a problem with a pawn shop opening in the City; a new business would bring revenue and character. His children attended Los Alamitos schools. The prominent Colorado Street in Pasadena has a pawn shop in close proximity to Tiffany's and other high-end stores. He does not see a conflict.

Michael Doss – Seal Beach resident and husband of the applicant, provided a PowerPoint Presentation with an overview of his wife's business background, education, community activities, and the integrity of their employees. He briefly discussed the history of the pawn business and basic business practices.

Lori Craven-Doss – Seal Beach resident and applicant, provided a brief history of her background. She addressed concerns about the safety and suitability of her business in Los Alamitos. Since buying her Rosemead business in 1992, she has never been robbed and on the rare occasion a pawned item turned up as stolen, the owners were always happy to get their property back. She wants to open a higher end business, closer to home, and reduce her commute to be closer to her children's and the community's activities. She stated that her business was no different, nor posed more trouble than others found in the City, i.e., check-cashing, drive-thru restaurants and pharmacies, or any retail business handling cash transactions. Her daytime business hours would not negatively impact adjacent homes or businesses.

Tony DeMarco – Rossmoor resident, has three children who attend Los Alamitos schools. He owns two pawn shops in other cities. There is a stigma bias against pawn brokers; their licenses are the same as second-hand dealers (coin dealers and jewelers) who make small collateralized loans. They make loans similar to a bank, but smaller.

Esther Murphy – Tustin resident, grew up in Los Alamitos. She received the notice because her mother lives on Walnut. She is concerned about this business opening in the City. Following internet research on this type of business, she learned about the regulations involved, but she is still concerned about the proximity of the children walking to school. Because this location is so close to the freeway, it might appeal to potential robbers. She thinks another location would be better.

Trevor Samuelson – Rossmoor resident, thinks it would be cool to have a pawn shop in Los Alamitos. He would buy his video games there.

Stan Haccun - Long Beach resident, would like to have a pawn shop closer than Los Angeles or downtown Long Beach. A police presence already exists near the school for traffic control and kids see their parents receive citations when they break the law.

Dr. Tai Chen – Long Beach resident – His parents own the property in question, and he lives right next to the property. He thinks it does not look good for the City of Los Alamitos to have this property vacant for a long time. He thinks this business would be good for the City. If he had a concern about this business opening in the City, he would not support it, but he thinks this would be okay for the City.

Rachael DeMarco – Rossmoor resident, owns two pawn shops with her husband. She thinks the issue of people loitering near pawn shops is inaccurate and absurd. It's not like a Home Depot where people loiter outside waiting for jobs. If people were really familiar with pawn shops, their opinion would change.

Ching Chen – Rossmoor resident and owner of the property. His family came from Taiwan in 1979 and moved to Rossmoor in 1981. He bought the property in 1986. Over the years, he has given the City \$30,000 towards street lights and improvements; he believes in supporting the City. He sees children walk in front of the building every day and his property does not have any crime.

Rob Noblin – Rossmoor resident - His son attended Oak Middle school. The on-going traffic problem exists for any Los Alamitos business. He thinks staff is overly focused on negatives. The numerous business vacancies do more to threaten the area than anything else.

Cori Intenicihu – Is the applicant's sister. She and her husband own a pawn shop where her two daughters have visited all of their lives. They have never been robbed. Her sister is a hard worker and would be an asset to the City.

Ramon Pacheco - Whittier resident - Is attending tonight's meeting in support of the applicant, whom he's known for eight years. He's never seen any unsavory people frequent her Rosemead business. He has purchased items from her business for his family and his church.

Chair Sofelkanik closed Public Comment.

Chair Sofelkanik clarified that no "findings" have been made and that the Commission was simply provided with a staff report. He had learned a lot about this industry and how it's regulated; he appreciated the speakers' support for the applicant. One of his

concerns is that if this CUP is approved, this property would always be permitted for pawn shop use. Should Ms. Craven-Doss ever move on, another, less reputable applicant could move in.

Assistant City Attorney Garcia said that while the applicant is requesting a CUP, under Business and Professions, Chapter 5.36, pawn shops and second-hand dealers must also obtain a special business license to operate. Any future applicant would have to adhere to exacting regulations and would be subject to investigation by the police department; they could not inherit or assume permission or permits to operate at that location.

Responding to Commissioners' questions, Assistant City Attorney Garcia recited the character conditions upon which an applicant's request is based.

Community Development Director Mendoza clarified conditions of a CUP in general, and the Code's definition of the guidelines to which a second-hand store must adhere. Moreover, Mr. Mendoza stated that the General Plan, written by the City Council and affecting the direction of our City, applies specifically to our City, not Rossmoor. The General Plan lays the ground-work for the Zoning Code, which specifies which businesses are permitted and where. Moreover, a CUP can be revoked under a fully vetted case history, involving Code Enforcement documentation of violations, etc.

Commissioner Sutherlin stated that this choice of location may not be compatible with the guidelines in the City's General Plan, but the City would like to have this business in the City, just not perhaps at this location. If the speakers think this is such a beneficial business, perhaps it should open in Rossmoor instead?

Associate Planner Wray added that a CUP must be effectuated within 18 months of approval; if the business does not open within that time, the CUP expires. However once instituted, if an ice cream store were to move in, and then two years later another pawn shop moved in, the CUP would still be in effect, because the entitlement rides with the land.

Chair Sofelkanik asked, if approved, what conditions would be applied? Assistant City Attorney Garcia responded that, if approved, a Resolution to Approve would be drafted, and the conditions would be stated in that Resolution. The Commission could review those conditions at that time.

Chair Sofelkanik clarified that there were two options: 1.) Move to accept the Resolution to Deny, or 2.) Move this item to the next scheduled meeting, requesting a Resolution to Approve, containing the conditions of approval. Assistant City Attorney Garcia confirmed that was correct, stating that if a Resolution to Approve were drafted, the Commission would then have the opportunity to review the conditions.

Chair Sofelkanik stated that all who voiced their support for this application were residents of other cities, not from Los Alamitos

Associate Planner Wray said that while this item was published in the local newspaper and Public Noticed to all home-owners within a 500 foot radius of the property, the

majority of the residents are renters and therefore did not receive the Public Notice; this procedure follows Code.

Community Development Director Mendoza said because renters are not identified in public records, in order to notify them, the information would have to be distributed via a hand-delivered, door-to-door walking campaign. The Planning Commission agenda is posted in three places: 1) Next to Council Chambers, 2) The Museum, and 3) The Community Center.

Commissioner Loe said that he did not think this business was particularly subject to robbery more than any other business in the City. Did the applicant investigate other possible venues in the City that were not so close to schools?

Associate Planner Wray responded that the City held several meetings with the applicant and identified other available venues, i.e., Los Alamitos Plaza, some buildings on Katella Avenue, the area north-east of the Plaza, with zero or minimal residential nearby, which did not have the impact of this location.

There was discussion on the process of resubmitting an application for another address.

Commissioner Andrade (Daniel?) said that while it might be unfair to associate pawn shops in a negative light, public perception still exists, correct or not. The fact remains that with children walking past daily, the location does not appear to be a good fit.

Chair Sofelkanik re-opened Public Comment.

Lori Craven-Doss said that they had investigated other locations. The high volume traffic of Katella Avenue is appealing and beneficial. Her Rosemead store is near a residential area, with children walking past, and that store has no "buffer." The majority of her new business comes from drive-by traffic, while her steady business is repeat customers. The parking lot in front of the Los Alamitos store would be perfect.

Chair Sofelkanik closed Public Comment.

Motion/Second: Sutherlin/Sofelkanik

Died: To approve staff recommendation to adopt Resolution No. 10-04, denying this application.

AYES:	None
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

SECOND Motion/Second: Andrade/Loe

Carried: Moved that the CUP 10-04 should return to staff for further review, to prepare findings for approval, with added conditions; in addition to notifying all tenants, renters included, who live within a 500 foot radius of this property concerning this CUP request. This item will be brought back to the Planning Commission meeting scheduled

of October 11, 2010. Applicant will sign agreement to move request to October 11, 2010.

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

At 10:00 PM, Chair Sofelkanik called for a ten minute break.

A. Site Plan Review SPR10-02 – Application has been withdrawn and the applicant is considering other sites.

No further action is necessary.

C. Conditional Use Permit C10-05 and Tentative Parcel Map 10-01 – This is a request to convert an existing, but under construction, 12,242 square feet two-story commercial office building, over two (2) floors of parking, to six (6) commercial condominiums at 3742 Katella Avenue in the Commercial and Professional Office (C-O) Zoning District. APN 222-101-06 and 07. (Applicant: BWC Properties, LLC.)

Associate Planner Dani Wray summarized the staff report, referring to the information contained therein. She reiterated the issue concerning the parking lot and the partial subterranean garage.

The Commissioners sought clarification on the history of this building and its issues.

Chair Sofelkanik opened Public Comment.

Nick Zanvakellis, applicant, thanked staff for their guidance and support with his application. He explained that initially he wanted to lease space in this building, but market forces indicated that there are more viable buyers. His wife, a dentist, will utilize one unit for her practice. His request to change the units from five to six stemmed from feedback he'd had with potential buyers who preferred a slightly smaller square footage. Each unit has been reduced from approximately 2,000 square feet to about 1,500 square feet; everything else is exactly the same.

Chair Sofelkanik closed Public Comment.

Discussion ensued concerning the conditions and the building's CC&Rs.

Motion/Second: Loe/Grose

Carried: Move to approve CUP 10-05 and adopt Resolution No. 10-12.

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

Recommendation: Adopt Resolution No. 10-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT C10-05, A REQUEST TO ALLOW THE CONVERSION OF AN EXISTING OFFICE BUILDING TO SIX (6) COMMERCIAL CONDOMINIUM UNITS AT 3742 KATELLA AVENUE, WITH CONDITIONS, IN THE COMMERCIAL OFFICE (C-O) ZONING DISTRICT, APN 222-101-06 AND 222-101-07 (APPLICANT: BWC PROPERTIES, LLC.)"

Motion/Second: Daniel/Grose

Carried: Move to approve TPM 10-01 and adopt Resolution No. 10-14: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM10-01, A REQUEST TO SUBDIVIDE THE AIRSPACE FOR COMMERCIAL CONDOMINIUM PURPOSES AT 3742 KATELLA AVENUE, WITH CONDITIONS, IN THE COMMERCIAL OFFICE (C-O) ZONING DISTRICT, APN 222-101-06 AND 222-101-07 (APPLICANT: BWC PROPERTIES, LLC.)"

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

B. Planned Sign Program 10-02 – This is a request to implement a planned sign program for 4141 and 4143 Katella Ave and 10909 Portal Drive, located in the General Commercial (C-G) Zoning District, APN 241-241-18, (Applicant: Don Gibbs.)

Commissioner Grose recused herself from this item, having property within 500 feet.

As **Public Comment** had not been closed on this item earlier, the applicant returned to address the Commission.

Don Gibbs, applicant - He has reviewed the Code in an attempt to understand the restrictions imposed. He does not want to have small signs. It would be best for the overall project to permit a 50 square foot sign. Could the sign be high enough to look over the bus-stop sign?

Chair Sofelkanik closed Public Comment.

Community Development Director Mendoza condensed the two issues in question. 1.) The monument sign should be reduced from 20 feet tall to 10.5 feet tall to better reflect signage in the area. 2.) The 50 foot total sign area would be acceptable, consisting of a 10 foot by 5 foot face on each side of the sign. An extra tenant could be added to the restaurant sign.

The Commission discussed the color, size, height, location, and number of signs permitted for this property. Director Mendoza reassured the Commission that the Resolution contained conditions in clear language to curtail any deviation of signage.

Chair Sofelkanik asked the applicant if he would accept staff recommendations. Mr. Gibbs responded in the affirmative.

Motion/Second: Daniel/Andrade

Carried: Move to approve PSP 10-02 and adopt Resolution No. 2010-xx, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.28.050(C), EXEMPTING FROM A SIGN PERMIT WINDOW SIGNAGE NOT EXCEEDING TWENTY-FIVE (25) PERCENT OF EACH WINDOW PANE” with the addition of the following amendments: *condition 2B stating it will be 50 feet in sign area; condition C describing the sign will contain only two (2) tenant signs; and a new condition 12, channel letter signs shall only be permitted, canned signs are not permitted.* (Bumping existing condition 12 to 13.)

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

D. Resolution of Intention No. 10-14 - Consideration to initiate amendments to the City’s Zoning Regulations related to window signage. Citywide. (City initiated).

Discussion between the Commission and staff on the subject of “*What is the function of a window?*” Is it for advertisement? Super graphics? Display? To allow light and visibility?

What types of buildings are appropriately set-up for window signage? Office buildings? Commercial buildings? Regulations concerning this issue are lax and the verbiage could be sharpened-up. How many signs are too many? Should window “signs” be included?

Community Development Director Mendoza said when less expensive alternatives increase in a community, the quality of commercial areas diminishes.

Motion/Second: Andrade/Sofelkanik

Carried: Move to adopt Resolution No. 10-14: “A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION TO REEVALUATE SECTION 17.28.030, SECTION 17.28.050(C), AND SECTION 17.28.140 OF THE LOS ALAMITOS MUNICIPAL CODE REGARDING WINDOW SIGNS. (CITYWIDE)”

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

E. Zoning Ordinance Amendment ZOA10-02 – This is to request consideration to amend the City’s Zoning Regulations related to window signage. Citywide (City initiated)

Motion/Second: Andrade/Daniel

Carried: Continue Public Hearing to the next regular meeting of the Planning Commission on October 11, 2010 at 7:00 p.m.

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

8. COMMISSIONER TRAINING - Presentation of training materials from the California League of Cities.

9. COMMUNITY DEVELOPMENT REPORTS

None

10. COMMISSIONER REPORTS

None

11. ADJOURNMENT

Adjournment at 11:17 p.m., to a Meeting of the Planning Commission on Monday, September 13, 2010 at 7 p.m. in the City Council Chambers.

Steven Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

PUBLIC NOTICE

CITY OF LOS ALAMITOS

City Council Chambers
3191 Katella Avenue
Los Alamitos, CA 90720

DATE: Monday, December 6, 2010

TIME: 7:00 PM

At the above reference date and time, the **City Council** of the City of Los Alamitos will conduct a Public Hearing in the City Council Chambers at 3191 Katella Avenue, Los Alamitos, CA to consider the following item:

Appeal of Conditional Use Permit 10-04 – A request to overturn the Planning Commission's denial of a Conditional Use Permit for a pawn shop, Katella Collateral Lenders, in a 1,200 square foot tenant space in an existing commercial building located at 3351 Katella Avenue in the General Commercial (C-G) Zoning District, APN 242-202-29. (Applicant: Lori-Craven-Doss)

This is a Public Hearing and you are invited to attend and comment on the proposed action described above. If you challenge any action related to the proposed action above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Questions or comments can be directed to the City Clerk, (562) 431-3538, City Hall, 3191 Katella Avenue, Los Alamitos, California 90720. Written and oral testimony is invited.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (562) 431-3538. Notification by noon on the date of the public hearing will enable the City to make arrangements to assure accessibility to this meeting.

Respectfully Submitted,

Steven Mendoza, Director of Community Development

Dated: November 22, 2010
Publish: November 24, 2010

City of Los Alamitos

Agenda Report Discussion Item

January 3, 2011
Item No: 10

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: David Hunt, City Engineer
Steven A. Mendoza, Community Development Director

Subject: Consideration of Los Alamitos Boulevard Beautification Project Update and Funding Request

Summary: This staff report request \$90,000 be funded toward the development of phase two and three to implement the Los Alamitos Boulevard Beautification Project. This item also outlines efforts made on the Boulevard Beautification Project along with next steps.

Recommendation: It is recommended that the City Council review the information and discuss funding options to move this project forward by allocating \$90,000 from General Fund Available Fund Balance to accomplish Phase 2 and 3.

Background

The Commercial Corridors Plan became the catalyst for the development of a capital improvement project on Los Alamitos Boulevard. To facilitate an accelerated schedule toward implementing the project, staff spent the last several months searching for funding opportunities and provided informal public outreach with the business owners. Staff has found several upcoming grants and has applied for Community Development Block Grant (CDBG) funds. If awarded, the CDBG funds could be used to engineer the project beginning in July 2011. The goal established for such a large scale project exceeds the City's internal resources as we are limited to a part time City Engineer. Staff is therefore requesting \$40,000 for Conceptual Design Engineering and \$50,000 for Public Outreach and the Traffic Study portion of the project. Staff will secure proposals from experienced grant writers and request funding from City Council at a later date.

At the September 7, 2010 meeting, the City Council was presented information which explained how the project was broken down into five phases.

Phase 1 – Funding and Preliminary Public Outreach

- Seek available funding opportunities
- Begin Public Outreach

Phase 2 - Conceptual Design

- Gather data
- Prepare 1"=40' Existing Condition Maps
- Prepare 1"=40' Preliminary Concept of Plan
- Identify utility relocations, water, sewer, storm drain, electrical, gas, oil, telephone, cable TV, manholes, vaults, bus pads, poles, and lights
- Identify right-of-way requirements for public improvements
- Prepare construction cost estimates
- Present Conceptual Design to City Council

Phase 3 - Public Outreach

- Prepare Public Outreach material and presentation
- Traffic Study
- Present Conceptual Design to business owners
- Prepare Final Alternative
- Present Final Alternative to City Council and business owners

Phase 4 – Environmental Documentation

- Prepare Negative Declaration
- Public review period
- Finalize report

Phase 5 – Construction Documents

- Final Plan
- Specification
- Estimates
- Prepare Community Outreach for construction activities

City Council gave direction to City Staff to seek available funding opportunities and start in-house preliminary public outreach on the project.

Discussion

Available Funding

Staff attended the Federal Grants Supermarket to meet with federal agencies about grant opportunities. The Federal Grants Supermarket was a unique event offering the opportunity to meet personally with representatives of key federal agencies to discuss our needs. Staff used this opportunity to “shop” for grants by meeting with the agency representatives. Through previous successful experience with this firm, staff met with California Strategies to see what opportunities may be out there for such a project. Staff obtained a proposal from them that Council may be interested in. At this early date, staff has not released an RFP for consultation services so we are providing a copy for informational purposes only. The following are funding sources staff has applied for, and is tracking for future applications.

CA – State Community Development Block Grant

Community Development Block Grant (CDBG) monies fund programs for neighborhood revitalization, economic development, improvement of community facilities and infrastructure. The County of Orange released a Notice of Funding Availability (NOFA) on October 28, 2010 and accepted until December 1, 2010. The City turned in an application for the beautification project along Los Alamitos Boulevard from Katella Avenue to Cerritos Avenue with the goal to design streets to be safe for residents and every form of transportation -- be they children, families, workers, or customers who walk, bike, ride transit, or drive along the corridor. The staff placed this project as our priority project in the application. The City will hear back from CDBG in March 2011 if this project will receive funding.

CA – Infrastructure State Revolving Fund - Low interest Rate

The Infrastructure State Revolving Fund (ISRF) Program provides low-cost financing to public agencies for a wide variety of infrastructure projects. ISRF Program funding is available in amounts ranging from \$250,000 to \$10,000,000, with loan terms of up to 30 years. This provides seed money for construction and the loan can be paid back by the City or from an assessment district. Applications can be submitted anytime.

Eligible infrastructure projects including any street, avenue, boulevard, road, parkway, drive, or other way that is one of the following: An existing municipal roadway; or the project is shown upon a plat approved pursuant to law and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, bridges, shoulders, gutters, curbs, guardrails, sidewalks, parking areas, benches, fountains, plantings, lighting systems, and other areas within the street lines, as well as equipment and facilities used in the cleaning, grading, clearance, maintenance, and upkeep thereof.

CA – State-Local Partnership Program

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B on November 7, 2006, authorized \$1 billion to be deposited in the State-Local Partnership Program (SLPP) Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission over a five-year period to eligible transportation projects nominated by an applicant transportation agency. The Bond Act required a dollar for dollar match of local funds for an applicant agency to receive state funds under the program.

The Commission will adopt an annual program of projects for the SLPP, by October for each fiscal year. The program will consist of projects nominated by eligible applicants for the formula program and projects selected by the Commission under the competitive grant program to match uniform developer fees. SLPP project funding will match eligible local funding for project construction or equipment acquisition, consistent with Section 8879.70. The Commission will not program or allocate SLPP funding to match local funding for preconstruction work. This is a dollar per dollar match with applications due in October of each year.

CA – Safe Routes to School

Safe Routes to School is an international movement that has taken hold in communities throughout the United States. The concept is to increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure, lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community. Infrastructure projects must be within 2 miles of a grade school or middle school. Applications are due in July of each year.

OCTA Measure M projects

OCTA has several funding sources but all relate to improving the flow of traffic by increasing capacity of the street or signals and therefore do not apply to this project.

- *Arterial Highway Rehabilitation Program* - Funding has yet been identified
- *Transit Extensions to Metrolink (Project S)* - the need for future call for projects is unknown
- *Metrolink Gateways (Project T)* – the need for future call for projects is unknown
- *Community Based Transit/ Circulators (Project V)* Call for projects may be issued in 2011
- *Regional Capacity Program (RCP)* – Applications due January 28, 2011
 - Arterial Capacity Enhancements (ACE)
 - Intersection Capacity Enhancements (ICE)
 - Freeway Arterial/Streets Transition (FAST)
- *Regional Grade Separation Program (RGSP)* – Future calls for projects for grade separations are not anticipated
- *Regional Traffic Synchronization Program*

Public Outreach

In order to increase the visibility of the proposed Los Alamitos Boulevard Beautification Project, staff has met with various members of the community both through outreach and through them approaching us. Staff has outreached to the following in an effort to increase interest in the City of Los Alamitos Boulevard Beautification Project.

Real Estate Brokers:	Sandy Yavitz of the Yavitz Companies, Jim St. Omer Roy of Daum Commercial Brokerage, Mac Vaugh & Co Commercial Real Estate Services and Remax College Park Realty.
Business Owners:	Mike and John Anderson of Tank Farm Clothing, Paul Nicolau of Paul's Place, Shawn Afshani, Summer Sands of Roland Sands Designs, Harold Rothman of Katella Deli.
LAUSD:	Provided a presentation to Greg Franklin
County Officials:	Provided a copy of the study to the staff of Orange County Second District Supervisor John Moorlach
City of Seal Beach:	Community Development Director-Mark Persico

Lobbyist/Grant Writers: John Withers of California Strategies, E Civis Grant Database
 RCSD: Henry Taboada and Board Members.

There have been several businesses that have visited City Hall seeking information about the project because of the word of mouth. While there is much interest in the project and staff has been diligent at bringing awareness to the project, staff is in need of funds to take this project from awareness to full blown organized outreach campaign. We are doing what we can within the constraints of our adopted budget which did not include this Capital Improvement Project. Although completing outreach with the limited presentation drawings developed by SCAG is useful and informative, there is a need to take the project further to properly inform businesses of how such a design might impact them. In addition staff will need a traffic study to verify some of the assumptions within the Compass Blueprint Report. We currently lack the funds for which we can develop more marketing material based upon design drawings. At this early stage there are many outside firms capable of providing assistance in obtaining funding for our project, of course at a price. At this time, there is no funding available for services by outside consultants. In order to take the project to the next level including engineering, traffic studies and outreach, funding is needed.

Grant Writer

Staff has realized that our in house capacity to secure funds is limited and that to aggressively approach various grant funds, staff is in need of outside funding for a Grant Writer.

We have requested and received a proposal from California Strategies who works with the projects' grant writers, or if needed brings in grant writers capable of preparing high-scoring project proposals. They offer strategy, messaging, and revise text, graph, executive summary, and collateral material, as needed, to maximize the proposal's score. Their approach focuses on the grant scoring criteria and then works backwards to highlight high-scoring elements. They work with the project team to craft clear messages tailored for decision-makers, emphasizing project elements that will help our grant proposal receive the highest weighted score. While California Strategies is a fine company with outstanding relationships, any firm selected for Grant Writing, will have to be secured through a formal procurement process. Staff will secure proposals and then request appropriate funding from the City Council at a later date.

Phasing

Design Engineering, Public Outreach and preparing the proper traffic study to support CEQA documentation and Construction Documents are estimated at 15% of construction, or \$320,000. The approximate breakdown of this is as follows:

Phase 1	Funding and Public Outreach	\$00
Phase 2	Conceptual Design	\$40,000
Phase 3	Public/Business Outreach	\$50,000
Phase 4	Environmental Documentation	\$40,000
Phase 5	Construction Documents	<u>\$190,000</u>
	Total	\$320,000

Recommendation

It is recommended that the City Council allocate \$90,000 from General Fund Available Fund Balance for Phase 2 and Phase 3 as follows.

Phase 2 - Conceptual Design - \$40,000

- Gather data
- Prepare 1"=40' Existing Condition Maps
- Prepare 1"=40' Preliminary Concept of Plan
- Identify utility relocations, water, sewer, storm drain, electrical, gas, oil, telephone, cable TV, manholes, vaults, bus pads, poles, and lights
- Identify right-of-way requirements for public improvements
- Prepare construction cost estimates
- Present Conceptual Design to City Council

Phase 3 - Public Outreach – \$50,000

- Prepare Public Outreach material and presentation
- Traffic Study
- Present Conceptual Design to business owners
- Prepare Final Alternative
- Present Final Alternative to City Council and business owners

The work related to the above mentioned phases will be completed by Willdan Engineering augmented by the City's Traffic Engineer Hartzog Crabill.

Fiscal Impact

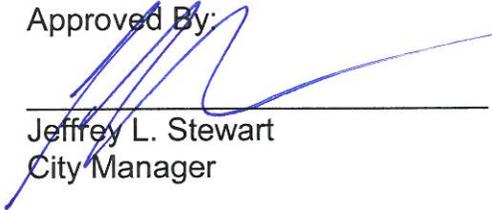
There is currently no funding for this Capital Improvement Project. Allocation of the \$90,000 would come from the unsecured General Fund Available Fund Balance.

Submitted By:



for David Hunt
City Engineer

Approved By:



Jeffrey L. Stewart
City Manager

Reviewed By:



Steven A. Mendoza
Community Development Director

Attachment: 1) *Project Timeline*
2) *California Strategies Proposal*



CALIFORNIA STRATEGIES, LLC

September 7, 2010

Steven A. Mendoza
Community Development Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos Ca 90720
(562) 431-3538 x 300
Smendoza@ci.los-alamitos.ca.us

Dear Steven:

Thank you for sharing the background materials on the Los Alamitos Commercial Corridors Compass Blueprint Concepts and Strategies. We enjoyed learning more about the City of Alamitos's vision to improve livability, create pedestrian-friendly, context-specific environments with clustered land uses that promotes alternative transportation—all to help achieve vibrant, thriving communities throughout the City of Los Alamitos.

Firm Background:

California Strategies is a leading full-service government relations and advocacy firm headquartered in Sacramento, with offices in Los Angeles, Irvine, San Diego, Inland Empire, Modesto, and the Silicon Valley. Our bipartisan firm has unrivaled experience across all three branches of government, at all three levels of government, in every state agency, and on both sides of the political aisle. We have the political and technical abilities to develop broad strategic visions and implement the targeted actions needed to achieve results and exceed expectations.

We provide superior legislative, administrative, and regulatory advocacy, useful policy analysis, and innovative governmental strategies that achieve the objectives of our clients. Our clients include government entities, real estate developers, companies, corporations, industry associations, and non-profit organizations. Our firm is dedicated to solving their problems and accomplishing real results.

Our people, all experienced policymakers and strategists, have proven records of achievement in government, business, and not-for-profit sectors. Our expertise is in navigating the public policy and government decision-making processes. We have written, secured approval for, and implemented legislation and regulations, secured grants, incentives, and permits, and implement comprehensive governmental affairs strategies.

Operationally, one or two principals are responsible for managing client contact and expediting communications between our clients and our firm. Day-to-day strategic decisions are made on the basis of our staff members' expertise and well-established relationships with the administration, executive branch officials, legislators, regulatory agencies, and key stakeholders.

This structure allows for targeted involvement of all of the members of the California Strategies team.

Results-based Grants and Incentives Approach:

California Strategies employs a governmental affairs, outcomes-based, approach to navigating the grant and incentives process. Our approach has consistently achieved success and exceeded expectations by pursuing programs that offer the greatest potential benefits—highest funding levels, quickest timing, and best likelihood of success.

First, we conduct one or more strategy sessions with the project team to define planning and infrastructure improvement needs, focusing on elements that offer the greatest public benefits and are the best fit for existing and upcoming incentive programs. Based on project needs and specific project elements, such as sustainability, water quality improvements, water recharge potential, energy efficiency, renewable energy generation, open space, habitat protection, parks, transportation benefits, job creation, and other public benefits, we then develop a comprehensive matrix of available public funding opportunities to provide a menu of options for key decision makers.

The comprehensive matrix helps target funding opportunities with the highest likelihood of success, prioritizing the greatest potential funding sources and allowing us to pursue funds with the fastest timelines and the most certainty for success. We then work with the project team to refine our understanding, prioritize target programs and projects, and develop and carryout our implementation strategy. If needed, we work with state agencies to shape grant criteria to fit the elements of our client's project in order to recognize key public benefits and to maximize the likelihood of success.

California Strategies works with the projects' grant writers, or if needed brings in grant writers capable of preparing high-scoring project proposals. We offer strategy, messaging, and revise text, graph, executive summary, and collateral material, as needed, to maximize the proposal's score. Our strategic approach focuses on the grant scoring criteria and then works backwards to highlight high-scoring elements. We help fold in project components and attractive phases that highlight top policy goals and perfectly fit the objectives of the specific grant program. We work with the project team to craft clear messages tailored for decision-makers, emphasizing project elements that will help our grant proposal receive the highest weighted score, which positions our proposals for success.

Throughout the process we engage with the Governor's Office, Business Transportation and Housing Agency, Resources Agency, State Water Board, HCD, Caltrans, regional agencies, local government, and/or others to create champions for the project. These champions reinforce our bottoms-up, technical approach and provide the additional support needed for success. Targeted support by top decision makers is essential for successfully securing competitive state and federal grant proposals, especially during the current economic downturn, with many more competing projects pursuing relatively scarce funds.

Our governmental affairs approach includes continued coordination with key stakeholders and influencers, including engaging the top folks who oversee the agencies with the grant scoring

panels. Ultimately, this approach has helped secure millions of funds and incentives for our clients' projects, including securing more than \$18 million in the last six months and positioning several projects to secure tens of millions more in the coming months.

Scope of Services

The following activities will be carried out for the Client:

Phase I (30-60 Days)

1. Conduct strategy sessions with Client and project team to define and understand the planning, infrastructure, and other implementation needs.
2. Explore existing and upcoming incentive programs, timelines, and funding opportunities
3. Develop a comprehensive matrix to identify available public funding programs that can support implementation of the Los Alamitos Compass Blueprint Commercial Corridors Plan.
4. Target programs the greatest potential benefits—highest funding levels, quickest timing, and best likelihood of success.
5. Work with Client team to refine understanding, prioritize target programs and projects, and develop implementation strategy.
6. Participate in ongoing coordination calls and meetings with the Client project team.

Phase II (Implementation Phase)

1. Assist in carrying out the implementation strategy to secure public funding.
2. Offer guidance and engagement to navigate the process to help secure the maximum level of available regional, state and federal grants and loans.
3. Craft messages tailored for decision-makers.
4. Engage to create champions within the Governor's Office, Business Transportation and Housing Agency, Resources Agency, OCTA, SCAG, other regional agencies, Caltrans, State Water Board, HCD, US EPA, and/or others.
5. Provide strategy and support for the preparation of competitive grant proposals.
6. Reach out to key stakeholders and influencers.
7. Help secure funds and incentives for projects.
8. Participate in ongoing coordination calls and meetings with the Client and project team.

California Strategies Team:

California Strategies Principals specializing in successfully navigating the state and federal grant process include Ted Harris and John Withers, with value added by the entire California Strategies' team. Our team includes more than 20 Principals and half dozen Associates and Project Managers. The collective experience and relationships of our team augments the project team and helps maximize the level of grant and incentives identified and secured for our clients.

Ted Harris has exceptional experience in planning and policy, including successfully overseeing large transportation, development, sustainability, water, energy, and environmental grant processes. Harris applies his experience and expert knowledge of public funding processes, clear understanding of agencies' goals, and his strong relationships in the Administration and key agencies to help clients successfully navigate the grant and incentives process.

John Withers brings over twenty years of local government experience including the planning and funding of infrastructure on both local and regional boards. As an elected official he is especially in tune with the perspectives of both elected officials and staff. Withers has served as a senior executive of one of California's leading master planned community developers and understands practical project considerations. He has an extensive record of successfully delivering public and private projects.

Background on the entire California Strategies team is available at www.calstrat.com.

Bios are included below.

TED HARRIS

Ted Harris' extensive experience in local, state, and federal levels of government and proven expertise in environmental policy and strategy helps clients successfully resolve environmental, energy, and development issues.

Since joining California Strategies, Harris has applied his understanding of regulatory process, government planning efforts, and environmental strategy to help clients succeed. Harris has helped clients achieve unanimous approvals before the California Coastal Commission, saved hundreds of family wage jobs, secured over \$20 million in incentives and grants for California companies, shaped effective green building standards, improved air quality regulations, developed sustainability programs, led green jobs launch events with the Governor, and developed one of the first LEED Platinum, Net Zero, renewable energy infill projects in the nation.

Harris leads the firm's planning and policy efforts, including:

- Identifying and securing maximum public funding for development, energy, and green projects
- Achieving approvals for complex developments
- Attaining air quality and water quality regulatory solutions
- Developing successful strategies to grow and finance green companies
- Shaping effective green building standards
- Creating effective communications strategies
- Effectively integrating sustainability programs, and
- Assisting clients with Coastal Act and California Environmental Quality Act (CEQA) guidance.

While working in senior positions at the Southern California Association of Governments (SCAG), Harris polished his deep understanding of a broad range of planning and policy areas, including air quality, water quality, development, and sustainability. He was a core founding member of the organization's Compass Blueprint process, designed to guide Southern California toward a cleaner, more sustainable urban form. As part of that effort, Harris led the

environmental review process for the 2004 Regional Transportation Plan, and produced a comprehensive Environmental Impact Report covering 25 years of growth and development for the six-county region. Harris also managed the air quality team, where he directed technical staff, led the interagency Working Group, and advised elected officials. Harris also developed programs and policies for SCAG's Energy and Environment Committee and the Water Policy Task Force.

Prior to joining SCAG, Harris worked as an environmental consultant and as a researcher at the University of California, Berkeley's Institute of Urban and Regional Development. While at Berkeley, Harris helped local and state government prioritize storm-drain retrofitting throughout the California coastal zone by estimating the economic value of improving beach water quality.

In the 1990s, Harris served on a policy team at the United States Environmental Protection Agency in Washington, D.C., where he managed the Endangered Species Protection Program within the Pesticide Registration Division. He worked directly with businesses, farmers, environmentalists and the public to reduce the risks and the costs of pesticide registrations.

Harris earned a master of science degree in ecology and environmental policy from the University of California, Davis, where he also taught California Environmental Quality Act (CEQA) and Environmental Planning courses and developed an expert knowledge of environmental policy analysis and the policy process. He has a B.S. in biology from the University of Georgia, where he studied as a National Merit Scholar and graduated Phi Beta Kappa.

Harris serves as a Young Member of the National Academy of Science Transportation Research Board's Transportation and Air Quality Committee and has served on numerous national and regional committees and advisory groups.

He and his wife Melissa live in Sacramento with Wallace, their 14-year-old bulldog.

Contact: tharris@calstrat.com

J O H N B . W I T H E R S

John Withers applies his extensive background in project management, land development, real estate asset enhancement, water resource management and local government to find solutions to challenging regulatory, resource, and development issues.

- Water Resource Management
- Strategic Regulatory Consulting
- Land Use Entitlement and Development Strategies
- Infrastructure Funding
- Business and Government Issues Management

John Withers brings to California Strategies more than 28 years of results-oriented experience in water resources and regulation; real estate development, entitlement and asset protection, and government relations. He is able to find pathways to solutions that others miss because he has worked on all sides of the issues, attacking problems as an applicant, an elected official, a regulator and a consultant.

Since joining California Strategies, Withers has:

- Worked with developers of large master-planned communities, including Lennar, Lewis Operating Corp, DMB and Suncal, to solve complex issues
- Helped leading merchant builders and REITS, including William Lyon Homes, Centex, Shea, Sares Regis and Western National Properties, strategically reposition assets in a challenging marketplace
- Assisted public agencies such as the San Bernardino Valley Water Conservation District, Inland Empire Utility Agency, Palmdale Water District, the City of Chino, the City of Desert Hot Springs and others accomplish key goals
- Guided companies such as Fluor, RBF, HDR, Turner Construction and others wishing to do business with government understand the context and intricacies of that process.

Withers has served in a variety of development and policy assignments including Director of Governmental Affairs for the Orange County chapter of the California Building Industry Association and as a Legislative Advocate in Sacramento for the statewide chapter.

Recognizing his management and regulatory expertise, Lewis Operating Corporation, one of the nation's premier land development and real estate investment firms, hired him as Vice President, responsible for the entitlement and development of a 9,000-unit master-planned community in the Chino agriculture preserve.

California Strategies clients benefit from the government relations insights Withers has gained from his numerous elected and appointed government positions. He has served for over 20 years as an elected director (and former Board President) of the Irvine Ranch Water District, for 17 years as a commissioner (and former Chairman) of the Orange County Local Agency Formation Commission (LAFCO), and as a governor's appointed board member (and former Chairman) of the Santa Ana Regional Water Quality Control Board. He is especially proud to have been appointed to the Water Quality Control Board by Republican Governors Pete Wilson and Arnold Schwarzenegger and Democratic Governor Grey Davis.

His expertise in water issues has been recognized by the National Water Research Institute, and the Urban Water Institute, which have invited him to serve on their Boards of Directors. He also serves on the statewide AB331 Blue Ribbon Committee that is working to remove obstacles to expand the use of recycled water.

A native Southern Californian, Withers attended Los Angeles city schools and received his Bachelor of Arts degree in economics and urban studies from UCLA. He was one of the few selected to be a Coro Foundation fellow and earned a Master of Arts degree in urban studies from Occidental College.

Contact: jwithers@calstrat.com

Compensation:

The Client agrees to provide to the Consultant the following compensation in return for the services as detailed in the Scope of Services above:

A fixed fee of US \$8,000.00 per month for Phase I. The Consultant will submit an invoice to the Client each month for the total amount due, including any expenses incurred during the billing period. The invoice should be addressed to:

Steven A. Mendoza
Community Development Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos CA 90720

All invoices will be paid within 30 days of receipt.

Other Expenses:

The Consultant shall be reimbursed by the Client for reasonable expenses incurred in the normal course of business in support of Consultant's efforts on behalf of Client. "Expenses" may also include costs incurred to retain subcontracted consulting or professional services, should such retention be necessary. Prior approval from Client shall be obtained for items costing in excess of \$1,000. Any expenses incurred on behalf of Client shall be documented and billed as they occur. Should subcontracted consulting or professional services become necessary, a

management and administration fee not to exceed 10% of subcontractor fee(s) will apply in addition to the actual fees charged by any subcontractor(s).

Duration:

The services to be rendered by the Consultant under this Agreement, for which a fee shall be paid, will commence September 15, 2010 and conclude November 15, 2010 with the opportunity to continue the relationship if mutually agreeable. Either party may terminate this Agreement, without liability, with 30 days advance written notice.

Upon completion of Phase I Client and Consultant will determine terms and conditions for the Phase II implementation effort.

Assignment:

This Agreement may not be assigned by either party except upon the express written consent of the other party.

Mutual Indemnification:

Notwithstanding any provision of this Agreement to the contrary, neither party shall be liable to the other for indirect, incidental or consequential damages. In the event any damage, liability, loss, expense or cost, including attorneys' fees, is the result of a negligent act, error, or omission of a party to this Agreement or any person employed by it, and arises out of the performance of this Agreement, the negligent party shall indemnify, defend and hold the other party harmless.

Confidentiality:

The Consultant agrees to protect confidential information against unauthorized disclosure. The Consultant will protect such information using a reasonable degree of care as is used to protect its own confidential information of a like nature. The Consultant agrees to protect confidential information disclosed under this agreement in both a) a tangible form, clearly labeled confidential at time of disclosure, and b) in non-tangible form, pertaining to matters disclosed in writing or orally which protect or enhance the competitive position of the Client. This Agreement covers confidential information the Consultant has obtained to date and will obtain in the future. The Consultant's obligations regarding confidential information received under this Agreement shall survive for two years following any termination hereof.

Code of Ethics:

In respect to the performance of its Scope of Services, the Consultant specifically represents, warrants and agrees that, in respect of its involvement in the Client, no payment or offer of payment has been made or shall be approved or made by the Consultant with the intention or understanding that any part of such payment is to be used to influence or attempt to influence, corruptly or unlawfully, any decision or judgment of any official of any government or of any subdivision, agency, or instrument thereof or any political party in connection with the Client. The obligations in this paragraph shall survive the termination of this Agreement.

Independent Contractor Status:

By execution of this agreement, the Consultant acknowledges that it is an independent contractor and neither it nor its employees are employees of the Client for any purpose whatsoever. The

Consultant has no right or authority to assume or create any obligation or responsibility, express or implied, on behalf of the Client, except as expressly authorized in writing by the Client.

Other Conditions:

The scope of consulting services contemplated under this agreement does not include “lobbying” as that term is defined under the Political Reform Act (Gov. Code §§ 81000 et. seq.) or local law. Consequently, the Client hereby agrees that no payments to Consultant will be classified as payments made to lobbyists or lobbying firms on any lobby disclosure reports filed by the Client, if any. Should at any time a question arise regarding lobbying activities, the Client and Consultant agree to discuss immediately and take the appropriate action. If the scope of services needs to be amended to include lobbying activities the Client and Consultant agree to make such amendments immediately and file the appropriate paperwork with the Secretary of State.

This Agreement will be governed by, and construed and enforced in accordance with, the laws of the State of California.

This Agreement may be amended only by a written and signed agreement of both the Consultant and the Client.

Please review this Agreement and indicate your acceptance by signing below and returning to Gigi Neverkovec in our Sacramento Office.

We look forward to working with you.

Best regards,

John B. Withers

ACCEPTED & AGREED:

City of Los Alamitos

California Strategies, LLC

By: _____
Steven Mendoza, Community
Development Director

By: _____
Gary Hunt, Principal

Date: _____

Date: _____

Contact Information:

Please provide your relevant contact information below:

Contact Name:	
E-mail:	
Office Phone:	
Fax:	
Mobile Phone:	
Address:	

City of Los Alamitos

Agenda Report Council Member Business

January 3, 2011
Item No: 11A

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Adria M. Jimenez, CMC, City Clerk

Subject: City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees

Summary: This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation: Review the List of Assignments, and provide direction as appropriate.

Background

The City Council Members represent the City on various County and regional boards and committees. These external bodies range from the League of California Cities to the Orange County Transportation Authority. The issues and topics covered by these bodies range from housing to police dispatch services. Appointees serve as voting members on some of these boards and committees.

Discussion

As a follow-up to the annual City Council reorganization, it would be appropriate for the City Council to review its current appointments and consider new appointments and reappointments. Staff has prepared a list to facilitate the City Council's annual review of appointments. It should be noted that current Orange County Vector Control District Board Member, Ken Parker, was appointed to a four-year term in December 2007 and has one more year to serve.

Additionally, each year the League of California Cities requires separate City Council action to formally designate its representative and alternate to the LOCC annual conference. That selection may differ from the appointment currently under consideration based on who will be attending the annual conference.

Fiscal Impact

None.

Submitted By:



Adria M. Jimenez, CMC
City Clerk

Approved By:



Jeffrey L. Stewart
City Manager

Attachments: 1) *City Council Assignments as of December 2010*

2010 City Council Representatives to Other Agencies & Ad Hoc Committees

AGENCY	MEETING INFORMATION	2010		2011	
		Delegate	Alternate	Delegate	Alternate
League of California Cities		Zarkos	Graham-Mejia		
League of California Cities-Orange County Division 600 W. Santa Ana, Suite 214 Santa Ana, CA 92701		Zarkos	Graham-Mejia		
Orange County Sanitation District - Board of Directors 10844 Ellis Avenue Fountain Vallev, CA	7:00 p.m. 4th Wednesday of Every Month	Edgar	Stephens		
Orange County Fire Authority - Board of Directors 1 Fire Authority Road Irvine, CA 92602	6:30 p.m. 4th Thursday, odd numbered months Plus: All Board Members may also serve on 1 of 3 committees which meet monthly. Certain Members also attend Executive Board Mtgs.	Stephens	Zarkos		
West Cities Communications Center - Joint Powers Authority Board 911 Seal Beach Blvd. Seal Beach, CA 90740	4:00 p.m. 3rd Tuesday in February, May, August & November	Poe	Stephens		
Orange County Library Advisory Board Tustin Branch Library - Community Room 345 E. Main Street Tustin, CA	Meets 4 times a year (dates TBD)	Poe			
Growth Management Area (GMA) Group No. 2 City of Garden Grove - Community Meeting Center 11300 Stanford Avenue Garden Grove, CA 92842	TBD	Poe	Zarkos		
OCTA - I-405 Policy Working Group 600 S. Main Street Orange, CA 92868	Meet on an As-Needed Basis	Poe			
California Joint Powers Insurance Authority (CJPIA) - Board of Directors 8081 Moody Street La Palma, CA 90623	Meet In July (once a year)	Poe	Stephens		

AGENCY	MEETING INFORMATION	2010		2011	
		Delegate	Alternate	Delegate	Alternate
Los Alamitos Unified School District/City Working Group Location: TBD	Meet on an As-Needed Basis	Graham-Mejia	Poe		
Los Alamitos/JFTB Ad Hoc Committee (Enhance Use Leasing Program) Location: TBD	Meet on an As-Needed Basis	Poe	Graham-Mejia		
LATV Ad Hoc Committee Los Alamitos City Hall	Meet on an As-Needed Basis	Graham-Mejia	Stephens		
General Plan Ad Hoc Committee Los Alamitos City Hall	Meet on an As-Needed Basis	Zarkos	Graham-Mejia		
Orange County Vector Control District 13001 Garden Grove Blvd. Garden Grove, CA 92643	3:00 p.m. 3rd Thursday of every month Plus: Assigned to 1 or 2 (out of 7) committees which meet monthly		Ken Parker Term Expires (12/31/11)		Ken Parker Term Expires (12/31/11)