

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING TUESDAY, FEBRUARY 21, 2012 – 6:30 P.M.

NOTICE TO THE PUBLIC

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

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

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

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

1. CALL TO ORDER

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Council Member Graham-Mejia

4. INVOCATION

Council Member Poe

5. CLOSED SESSION

Conference with Legal Counsel

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

- A. Existing Litigation (G.C. 54956.9(a))
 - 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)

6. ORAL COMMUNICATIONS

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

7. REGISTER OF MAJOR EXPENDITURES

February 21, 2012.

Roll Call Vote

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

8. CONSENT CALENDAR

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

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

- A. **Approval of Minutes** (City Clerk)
Approve Minutes of the Regular Meeting – February 6, 2012

- B. **Warrants** (Finance)
February 21, 2012.

- C. **Emergency Roof Repairs - Reaffirmation of Emergency Conditions (Public Works)**

The City of Los Alamitos, when approving emergency public projects, is required to reaffirm such decisions at subsequent Council Meetings until the emergency is resolved. This staff report reaffirms the December 19, 2011, decision to approve an emergency contract for roof repairs to several city buildings to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

Recommendation: City Council, by a 4/5ths vote, ratify and reaffirm the December 19, 2011, City Council action to:

1. Find that significant damage has occurred to the roofs on several city buildings as a result of recent weather events, that the roofs are leaking into work spaces currently in use by employees, that future wind and storm events are predicted in the near future, and that the roofing issues have been inspected and assessed by professionals with pertinent experience who have recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Find that the roofing problems identified in this report are an emergency, that there is not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorize the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorize the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

D. Disposal of Surplus Equipment (Police)

In 2005, the Los Alamitos Police Department utilized funding from the Urban Area Security Initiative to purchase computers for the patrol vehicles. Those computers are at end of life and are recommended for surplus. The value in the computers is limited to use as parts.

Recommendation: Declare the listed equipment as surplus and authorize its disposal in accordance with Los Alamitos Municipal Code 2.60.120.

E. Consideration for a Professional Services Agreement with Johnny Rebs' of Bellflower, Inc. Restaurant to Supply Food for Race on the Base (Recreation)

This item is to authorize the City Manager to pay for the food for the Race on the Base. The Race on the Base event requires an external food vendor due to the nature of food service handling. This item has been placed on the agenda because the cost of the food exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the food so there is no impact to the General Fund.

Recommendation: Authorize the City Manager to pay for the food from Johnny Rebs' of Bellflower, Inc. for the 2012 Race on the Base in an amount not to exceed \$30,000 and to execute a contract in a form to be approved by the City Attorney.

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

9. ORDINANCES

A. **Second Reading of Ordinance 12-01 – Services Contracts and Awarding Franchise Agreements for Solid Waste Collection Services**

At its regular meeting of February 6, 2012, the City Council conducted a first reading of Ordinance No. 12-01, which proposes a code amendment to clarify the Municipal Code regarding waste hauling services within the City and ratifies and reaffirms the existing franchise with Consolidated Disposal.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 12-01; and,
2. Mayor Edgar read the title of Ordinance No. 12-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 8.12.015 AND 2.60.130 OF THE MUNICIPAL CODE, ADDING SECTION 2.60.140 TO THE MUNICIPAL CODE AND REAFFIRMING AND REAWARDING EXISTING FRANCHISES."
3. Adopt Ordinance No. 12-01 by roll call vote.

10. DISCUSSION ITEMS

A. **Increasing Seven Member Planning Commission (Comm Dev.)**

This report outlines the process to amend the City's Municipal Code should Council decide to increase the seven member Planning Commission.

Recommendation:

1. Review and discuss increasing the Planning Commission size; and,
2. Direct staff to draft an Ordinance or other action as deemed appropriate.

B. Conceptual Consideration of Business and Residential Improvement Program (Community Development)

This report conceptually introduces the Los Alamitos Business and Residential Improvement Program to incentivize reinvestment by rebating permit fees. If conceptually approved, formal adoption of this program would be considered at a future Council meeting.

Recommendation:

1. Review and discuss concepts of the program; and,
2. Provide feedback to incorporate into final program guidelines; and,
3. Direct staff and the City Attorney to prepare for next council meeting.

C. Appointment of City Council Ad Hoc Subcommittee to Consider Use of Potential Donated Funds from the Aquatic Foundation for Capital Improvements to the Pool (City Manager)

The Los Alamitos Aquatic Foundation was established as a non-profit 501(c)3 in 1998 to receive grant funds and donations for the renovation of the USA Water Polo National Aquatic Center on the Joint Forces Training Base. The Aquatic Foundation is considering closing it books and making a donation to the City to be used for capital improvements at the pool. An Ad Hoc Subcommittee would assist staff in prioritizing the projects needed at the pool.

Recommendation: Appoint two (2) members of the City Council to serve as an ad hoc subcommittee to prioritize the capital improvement needs at the pool in anticipation of a donation from the Los Alamitos Aquatic Foundation.

D. Consideration of an Administrative Regulation Pertaining to Code of Conduct for City Council and Commissions (City Manager)

This report requests City Council consideration of the adoption of an Administrative Regulation to provide uniform procedures by which the City Council and Commissions should conduct themselves while in office.

Recommendation: Adopt the proposed Administrative Regulation 2.6, Code of Conduct for City Council and Commissions.

E. Potential Brown Act Violations (City Manager)

Staff has been asked to place this item regarding potential Brown Act violations on the agenda.

Recommendation: Discuss the alleged Brown Act violations in the open session City Council meeting and determine whether any follow up is required.

11. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

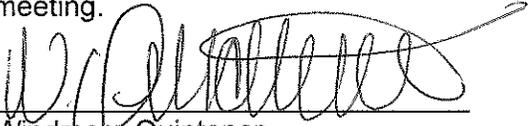
At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

12. ITEMS FROM THE CITY MANAGER

13. ADJOURNMENT

The next meeting of the City Council is scheduled for **Monday, March 5, 2012**, 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.



Windmea Quintanar
Department Secretary

2/10/12

Date

5. CLOSED SESSION

Conference with Legal Counsel

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

- A. Existing Litigation (G.C. 54956.9(a))
 - Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract
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6. ORAL COMMUNICATIONS

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

CITY OF LOS ALAMITOS
Register of Major Expenditures
February 21, 2012

Pages:

01	\$ 80,894.00	Major Warrants	02/21/2012
	\$ 141,834.97	Payroll	02/03/2012
	\$ 90,406.45	Payroll Benefits	02/03/2012

Total \$ 313,135.42

Statement:

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



this 15th day of February, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
DURATECH USA, INC.	RUGGED NOTEBOOK COMPUTERS	ASSET SEIZURE	POLICE ADMINISTRATION	48,721.46
			TOTAL:	48,721.46
REFLEX TRAFFIC SYSTEMS, INC.	AT&T INTERSECT COMM	GENERAL FUND	TRAFFIC	13,500.00
			TOTAL:	13,500.00
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	49.59
	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,769.16
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	167.85
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	471.15
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	68.84
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	344.15
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	682.02
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,384.70
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,735.08
	TOTAL:			18,672.54

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===== FUND TOTALS =====
10  GENERAL FUND                32,172.54
27  ASSET SEIZURE                48,721.46
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      GRAND TOTAL:                80,894.00
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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 NEXT MEETING.

REGULAR MEETING – February 6, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 7:03 p.m., Monday, February 6, 2012, in the Council Chambers, 3191 Katella Avenue, Mayor Edgar presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Angie Avery, City Manager
Sandra J. Levin, City Attorney
Anita Agramonte, Finance Director
Corey Lakin, Community Services Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir.
Cassandra Palmer, Support Services Manager
Windmera Quintanar, Department Secretary

3. PLEDGE OF ALLEGIANCE

Mayor Edgar led the Pledge of Allegiance.

4. INVOCATION

Council Member Stephens gave the invocation.

5. PRESENTATIONS

A. Presentation of Commendation to Meg Cutuli, President of the Los Alamitos Unified School District Board President, for Career and Technical Education Month

The City Council presented a Commendation to Meg Cutuli. Ms. Cutuli gave a brief description of the Career and Technical Education program.

6. ORAL COMMUNICATIONS

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

Art DeBolt, Citizen for a Fair Trash Contract, proposed a settlement offer and requested further settlement discussion be conducting in public for the benefit of the City and everyone involved.

Jody Shloss, resident, spoke regarding alleged Brown Act violations by Council Member Stephen, Mayor Pro Tem Poe, and Mayor Edgar. She requested assistance in contacting Consolidated Disposal to pick up her replacement trash can.

Ralph Balker, resident, expressed concern for the traffic light at Rossmoor Way and Los Alamitos Blvd.

Javier Mejia, resident, expressed the following concerns: traffic signal at Humbolt and Cerritos, graffiti abatement plan, right turn only lanes on northbound Los Alamitos Blvd. between Katella and Cerritos, limit lines added to the alleyways and additional signage, and speed bumps in the alleys.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Poe/Stephens

The City Council approved the Major Expenditures for February 6, 2012, in the amount of \$609,347.00

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Stephens	Aye
Mayor Pro Tem Poe	Aye
Mayor Edgar	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 item 8A.
Council Member Stephens pulled items 8C and 8D.

Motion/Second: Graham-Mejia/Poe

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

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

B. Warrants
February 6, 2012.

(Finance)

F. Consideration of Agreement for Deputy City Clerk Services (Admin)

The City Clerk position became vacant effective August 12, 2011. Between mid-August and January 2012, staff explored several options with the City Council regarding the best way to move forward with the City Clerk position in light of the fact that there will be an election this year. The City Council appointed the City Manager as Interim City Clerk pending further action. The City Council interviewed a number of candidates for the City Clerk position, but was not able to identify a viable full-time clerk candidate willing to take the position at its current salary range. Staff is recommending the City enter into a contract for temporary Deputy City Clerk services, and continue to receive support from Department Secretary, Windy Quintanar, to accomplish the Clerk functions. Staff is recommending the City Council authorize the City Manager to execute an agreement with Intellibridge Partners for Deputy City Clerk services for approximately 20 hours per week through December 2012, or a future date to be mutually agreed upon.

Recommendation: Authorize the City Manager to execute the agreement with Intellibridge Partners for Deputy City Clerk services.

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

A. Approval of Minutes (City Clerk)

1. Approve Minutes of the Special Meeting – January 17, 2012
2. Approve Minutes of the Regular Meeting – January 17, 2012
3. Approve Minutes of the Special Meeting – January 23, 2012

Council Member Graham Mejia stated for the record, "Council minutes in format that they are, are not inclusive of important information that need to be documented in regard to Council action for both historical and legal purposes."

Motion/Second: Poe/Stephens

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote): The City Council:

1. Approved the Minutes of the Special Meeting of January 17, 2012.
2. Approved the Minutes of the Regular Meeting of January 17, 2012.
3. Approve the Minutes of the Special Meeting of January 23, 2012.

C. Emergency Roof Repairs - Reaffirmation of Emergency Conditions (Public Works)

The City of Los Alamitos, when approving emergency public projects, is required to reaffirm such decisions at subsequent Council Meetings until the emergency is resolved. This staff report requested reaffirmation the December 19, 2011, decision to approve an emergency contract for roof repairs to several City buildings to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

Council Member Stephens expressed concern regarding the extent of the repairs and interior damage.

Community Development Director Mendoza stated the project was a roof repair and not a complete tear down. He indicated interior repairs would not commence until the all roof leaks were repaired.

Motion/Second: Stephens/Edgar

Unanimously Carried: The City Council by a 4/5ths vote, ratify and reaffirm the December 19, 2011, City Council action to:

1. Found that significant damage had occurred to the roofs on several City buildings as a result of recent weather events, that the roofs were leaking into work spaces currently in use by employees, that future wind and storm events were predicted in the near future, and that the roofing issues were inspected and assessed by professionals with pertinent experience who recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Found that the roofing problems identified in this report were an emergency, that there was not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorized the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorized the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

D. Race on the Base Equipment Rental (Recreation)

This item is to authorize the City Manager to rent equipment for the Race on the Base. The Race on the Base event requires additional equipment from external vendors due to limited existing City resources. This item has been placed on the agenda because the cost of the rental exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the equipment rental so there is no impact to the General Fund.

Council Member Stephens inquired about the insurance requirements. Community Services Director Lakin clarified the insurance terms.

Motion/Second: Stephens/Graham-Mejia

Unanimously Carried: The City Council authorized the City Manager to rent equipment from Big Top Rentals for the 2012 Race on the Base in an amount not to exceed \$20,000 and to execute a contract in a form to be approved by the City Attorney.

E. Amendment to Justice Assistance Grant MOU (Police)

In 2009, the City of Los Alamitos received \$10,784 in federal funding from the Recovery Act Edward Byrne Memorial Justice Assistance Grant Program (JAG). Although the City of Los Alamitos expended its funding, some Orange County cities did not; therefore, the County of Orange is requested all grant participants sign an amended Memorandum of Understanding authorizing the remaining funds be redirected to the Orange County Pro-Active Methamphetamine Laboratory Investigation Team.

Motion/Second: Graham-Mejia/Poe

Unanimously Carried: The City Council authorized the Mayor to execute the Amendment to the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (ARRA JAG) Memorandum of Understanding.

9. DISCUSSION ITEMS

A. Council Update Regarding Issues in Neighboring Seal Beach (Community Development)

This report provided an update to the City Council regarding development related activities in the City of Seal Beach.

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

Mayor Edgar opened the meeting for Public Comment. There being no one present wishing to speak, Mayor Edgar closed the meeting for Public Comment.

The City Council discussed the following topics:

- The process for establishing the designated housing
- Alternate sites
- Impact of additional traffic
- Grant funding based on approved Housing Elements
- Working together with surrounding communities and maintaining an open dialogue
- Enforcement of the Housing Element
- Proposed retailers and affect on traffic

- General Plan including Cumulative effects
- Staying up to date and engaged with the Seal Beach project
- Attempting to influence the outcome of the low income housing

B. Consideration of Options Regarding Award of Waste Hauling Franchise and Consideration of City Council Ordinance 12-01 Amending Sections 2.60.130 and 8.12.015 of the Los Alamitos Municipal Code, Adding Section 2.60.140 Related to the Award of Services Contracts and Awarding Franchise Agreements for Solid Waste Collection Services (Administration)

A trial judge ruled that the City's current waste franchise was void, but could remain in place for a reasonable period of time until the City Council could take action to provide for future waste hauling services. That decision has been stayed due to the filing of an appeal. The City began the process of amending its ordinances and considering options for the future provision of waste hauling services within the City by directing staff to bring back options for consideration this evening. However, the City paused its efforts to pursue settlement discussions to try to amicably resolve the pending disputes. Settlement discussions have not proven fruitful to date and staff now recommends providing direction or taking action with regard to amending the Code and clarifying the City's position regarding its waste franchise.

City Attorney Levin summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Edgar opened the meeting for Public Comment. There being no one present wishing to speak, Mayor Edgar closed the meeting for Public Comment.

Mayor Edgar summarized the past events.

Council Member Graham-Mejia inquired if Mr. DeBolt's offer could be considered.

Mayor Edgar indicated discussion was open at this point and inquired how much of Closed Session could be discussed.

City Attorney Levin stated nothing from Closed Session could be discussed due to confidentiality. She indicated Mr. DeBolt's proposal could be considered, but background history could not be discussed.

Mayor Edgar stated support for adopting Ordinance 12-01, and stated opposition to Mr. DeBolt's offer.

Council Member Graham-Mejia requested clarification regarding the current appeals.

City Attorney Levin provided an overview of the appeals.

Discussion ensued regarding the appeals process and possible outcomes.

Motion/Second: Graham-Mejia/Kusumoto

Motion Failed 3/2 (Edgar, Poe, Stephens cast the dissenting vote); Discuss the proposed offer with Consolidated Disposal before moving forward.

Council Member Stephens supported adopting Ordinance 12-01, and inquired who was paying for legal fees regarding litigation.

City Attorney Levin indicated the City paid for the legal fees up front, but was reimbursed by Consolidated Disposal.

Mayor Pro Tem Poe gave her recollection of the events that led to the award of the waste hauling franchise and stated support for Ordinance 12-01.

Council Member Kusumoto expressed concern that he did not have all of the information as he was not a part of the Closed Session discussion.

Discussion ensued regarding the previously adopted code and the process to change the code.

Council Member Graham-Mejia gave her recollection of the events that led to the award of the waste hauling franchise and encouraged residents to pay attention and be involved.

Mayor Edgar clarified the item tonight was whether or not to adopt Ordinance 12-01 and gave his recollection of the events that led to the award of the waste hauling franchise.

Motion/Second: Edgar/Poe

Introduce by title only and waive further reading of Ordinance No. 12-01, and set for second reading, with the amendment to remove the five year renew option for the waste hauling franchise and rebid.

Council Member Graham-Mejia requested financials be based on the individual company and not the parent company.

Discussion ensued regarding possible outcomes.

Council Member Stephens encouraged residents to research the facts regarding the trash contract.

Mayor Pro Tem Poe expressed frustration with the speculation surrounding the waste hauling franchise and reiterated her support for moving forward.

Council Member Kusumoto gave his recollection of the judge's ruling.

Discussion ensued regarding possible settlement outcomes.

Mayor Edgar called for a vote for the motion on the floor.

Council Member Graham-Mejia asked for clarification that there would be no Brown Act violation in regards to the decisions being addressed.

City Attorney Levin stated there were no concerns.

Council Member Kusumoto called for a point of order and requested the Ordinance be read in its entirety.

Motion/Second: Kusumoto/Graham-Mejia

Motion died 2/3 (Edgar, Poe, Stephens cast the dissenting vote): City Council read the Ordinance in its entirety.

Council Member Kusumoto called for a point of order and referred to Los Alamitos Municipal Code (LAMC) Section 2.04.280, which required unanimous consent to waive reading in full.

City Attorney Levin referred to LAMC Section 2.04.280, confirmed such, and read Ordinance 12-01 in its entirety.

Mayor Edgar clarified the franchise would be put out to bid for years 6-10.

Motion/Second: Edgar/Poe

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote): The City Council:

1. Discussed and considered options for clarifying the Municipal Code, providing for a current waste franchise, and establishing a procedure for future franchise awards; and,
2. Amend the current waste franchise to exclude the five year renewal and directed staff to go out to bid for years 6-10; and,
3. Introduce Ordinance No. 12-01, and set for second reading; and,

4. City Attorney Levin read the title of Ordinance No. 12-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 8.12.015 AND 2.60.130 OF THE MUNICIPAL CODE, ADDING SECTION 2.60.140 TO THE MUNICIPAL CODE AND REAFFIRMING AND REAWARDING EXISTING FRANCHISES."

Council Member Graham-Mejia stated for the record she did not believe a waste hauling franchise was a professional service contract and felt this Ordinance would not address the concerns.

10. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

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

Council Member Kusumoto reported attendance at the Senior Club Volunteer Lunch and announced February was Black History Month.

Mayor Pro Tem Poe reported attendance at the following events: 1) Retirement Ceremony for Col. Lisa Costanza – January 18; 2) Senior Club Volunteer Lunch – January 27; and 3) Cypress State of the City – February 1. She announced the first General Plan Outreach would be on March 8th.

Community Development Director Mendoza summarized the General Plan Outreach efforts and listed the following Open House Dates:

1. March 8th, 5:30 to 8:00 p.m. – St Isidore Plaza and Food Trucks
2. March 17th, 9:00 a.m. to 4:00 p.m. – Los Alamitos Community Center
3. March 20th, 5:00 to 8:00 p.m. – Los Alamitos Community Center

Council Member Kusumoto requested ¼ page flyers to pass out to residents.

Mayor Pro Tem Poe inquired about the Wink Chase and Pattie Lairds Neighbor 4 Neighbor program.

Discussion ensued regarding the Neighbor 4 Neighbor program and possible expansion efforts.

Mayor Pro Tem Poe requested the following items be looked at by the Traffic Commission: traffic on Farquhar, one way streets on Green and Howard, four way stops, and adding a third lane on Farquhar.

Council Member Stephens inquired the status of the Race on the Base and funding for the Aquatic Foundation.

Community Services Director Lakin provided an update and indicated registration was up 333 from this point last year.

City Manager Avery indicated the Aquatic Foundation would be on the next agenda.

Council Member Graham-Mejia stated concern for the traffic in the alleys and requested Council look at the item before it goes to the Traffic Commission. She indicated she met with Commander Susan Russell and would update the Council when the ideas were concrete. She thanked the residents for staying involved in their community.

Mayor Edgar reported attendance at the following events: 1) Orange County Sanitation District Board; 2) Veterans Affairs hospital dedication for Robert Sulstas; 3) Senior Club Volunteer Lunch; 4) promotion of Lt. Col. Mayhue at the Joint Forces Training Base; and, 5) Cypress State of the City Lunch. He spoke regarding the following topics: sending an extension request letter to Rivers and Mountains Conservancy, welcomed Dr. Rayhanabad, breast cancer surgeon, to the City, the Chambers progress and continued growth, and requested capital improvement projects for the pool be agendized.

Council Member Graham-Mejia requested the Brown Act violation concerns listed in Ms. Shloss letter be agendized for the next meeting.

Council Member Kusumoto submitted a prepared statement about the appearance of Brown Act violations and provided a brief summary. He requested the items be agendized for the next meeting.

11. ITEMS FROM THE CITY MANAGER

City Manager Avery requested an update from Police Chief Mattern.

Police Chief Mattern gave a brief overview of the Neighbor 4 Neighbor program and stated the Police Department endorsed the program. He stated there were rumors of an increased crime wave in the Highlands and clarified that the Police Department did not have a concern about an increase in crime. He encouraged residents to report any suspicious behavior and indicated there was an awareness of crime now that the department released its crime statistics.

Mayor Edgar requested the number for the Police Department for non-emergency calls. Police Chief Mattern provided the number, (562) 594-7232.

Discussion ensued regarding reporting non-emergency crimes.

City Manager Avery reported on the following items: 1) construction on Katella and Chestnut; 2) Mid-year budget meeting on Tuesday, February 21; 3) General Plan Outreach would begin on March 8 and had 3 dates in total; 4) new business in town, Dr. Jessica Rayhanabad at the Total Care pavilion; 5) update about construction at the Joint Forces Training Base near Building 22.

Mayor Edgar thanked staff for bringing business to the Chamber breakfast and requested staff facilitate a program to visit top sales tax producing businesses in the City.

12. CLOSED SESSION

Conference with Legal Counsel

The City Council/Agency finds, based on advice from legal counsel, that discussion in Open Session will prejudice the position of the local agency in the litigation.

INITIATION OF LITIGATION: (G.C. 54956.9(c)) One Case
(adv. Council Member Kusumoto)

Council Member Kusumoto recused himself and left the dais.

City Council recessed into Closed Session at 9:52 p.m.

City Council reconvened in Regular Session at 11:55 p.m.

There was no reportable action.

12. ADJOURNMENT

City Council adjourned at 11:56 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 21, 2012**, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Windmera Quintanar, Department Secretary

CITY OF LOS ALAMITOS
A/P Warrants
February 21, 2012

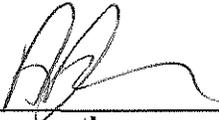
Pages:

01-08	\$ 70,550.50	A/P Warrants	02/21/2012
09-10	\$ 1,226.00	Advance Warrant	01/31/2012
11	\$ 1,476.46	Advance Warrant	02/02/2012

Total **\$ 73,252.96**

Statement:

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



this 15th day of February, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MARK ABBOTT	WEBSITE DESIGN & HOSTING	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,900.00
			TOTAL:	1,900.00
ADAMSON POLICE PRODUCTS	EQUIPMENT	GENERAL FUND	PATROL	765.03
			TOTAL:	765.03
ALL AMERICAN SIGN COMPANY	DECALS	GENERAL FUND	BUILDING MAINTENANCE	50.62
	VEHICLE LETTERING	GARAGE FUND	GARAGE	503.88
			TOTAL:	554.50
ART INNOVATORS	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	369.60
			TOTAL:	369.60
ASCAP	SUBSCRIPTION/DUES	GENERAL FUND	RECREATION ADMINISTRAT	320.00
			TOTAL:	320.00
AT & T MOBILITY	BILL CYCLE 12/24-01/23	GENERAL FUND	PATROL	409.27
			TOTAL:	409.27
BENESYST	FLEX ADMIN SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
BMI	ANNUAL LICENSE FEE	GENERAL FUND	RECREATION ADMINISTRAT	320.00
			TOTAL:	320.00
ROY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	84.60
			TOTAL:	84.60
BUSINESS PRODUCTS DISTRIBUTORS	PAPER	GENERAL FUND	CITY MANAGER	226.28
	PAPER	GENERAL FUND	ADMINISTRATIVE SERVICE	226.28
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	31.95
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	7.50
	PAPER	GENERAL FUND	POLICE ADMINISTRATION	226.28
	PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	226.27
	PAPER	GENERAL FUND	PUBLIC WORKS ADMIN	226.27
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	37.03
	PAPER	GENERAL FUND	RECREATION ADMINISTRAT	226.27
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	60.26
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	28.68
			TOTAL:	1,523.07
CALIFORNIA FORENSIC PHLEBOTOMY INC.	BLOOD TESTS	GENERAL FUND	PATROL	225.00
			TOTAL:	225.00
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGE	GENERAL FUND	CITY MANAGER	56.02
			TOTAL:	56.02
CAVENAUGH & ASSOCIATES	DUI SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	499.00
			TOTAL:	499.00
CITY OF CYPRESS	COMMAND POST MAINTENANCE	GENERAL FUND	EMERGENCY PREPAREDNESS	595.88
			TOTAL:	595.88
COP WARE, INC.	LEGAL SOURCE BOOK	GENERAL FUND	POLICE ADMINISTRATION	300.00
			TOTAL:	300.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS	GENERAL FUND	NON-DEPARTMENTAL	1,650.00
			TOTAL:	1,650.00
COUNTY OF ORANGE TREASURER-TAX	OCATS	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	305.00
CRAFCO, INC.	MACHINE MOUNT	GARAGE FUND	GARAGE	15.09
			TOTAL:	15.09
CAROLINA DOUSDEBES	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	146.25
			TOTAL:	146.25
ELIANA DREW	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	138.60
			TOTAL:	138.60
ECS IMAGING, INC.	SOFTWARE RENEWAL	GENERAL FUND	CITY MANAGER	2,600.00
			TOTAL:	2,600.00
EMPLOYMENT DEVELOPMENT DEPT.	UI 12/31/11	GENERAL FUND	PATROL	5.00
	UI 12/31/11	GENERAL FUND	TRAFFIC	331.00
	UI 12/31/11	GENERAL FUND	TRAFFIC	735.00
	UI 12/31/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	4,500.00
	UI 12/31/11	GENERAL FUND	AQUATICS	28.00
	UI 12/31/11	GENERAL FUND	COMMUNITY SERVICES	364.00
			TOTAL:	5,963.00
JIM FAGEN	INSTRUCTOR - GUITAR	GENERAL FUND	SPECIAL CLASSES	331.20
			TOTAL:	331.20
TALESE A. FERNBACH	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	27.30
			TOTAL:	27.30
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	12.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	180.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	21.00
			TOTAL:	214.20
FUN ON THE FARM, INC.	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	44.80
	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	89.60
			TOTAL:	134.40
GALLS / LONG BEACH UNIFORM	EQUIPMENT	GENERAL FUND	PATROL	754.24
			TOTAL:	754.24
GANAHL LUMBER COMPANY	KEYS	GENERAL FUND	STREET MAINTENANCE	10.72
	CLEANER	GENERAL FUND	BUILDING MAINTENANCE	6.78
	PHONE PARTS	GENERAL FUND	BUILDING MAINTENANCE	5.15
	CABLE & PINS	GARAGE FUND	GARAGE	2.93
			TOTAL:	25.58
GLOBALSTAR USA	SATELLITE PHONE	GENERAL FUND	EMERGENCY PREPAREDNESS	26.61
			TOTAL:	26.61
GOLDEN STATE WATER COMPANY	BILL CYCLE 10/22-12/20	GENERAL FUND	STREET MAINTENANCE	1,351.92
	BILL CYCLE 10/22-12/20	GENERAL FUND	PARK MAINTENANCE	1,768.46
	BILL CYCLE 10/22-12/20	GENERAL FUND	PARK MAINTENANCE	2,406.51

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	5,526.89
HARRY'S PLUMBING AND DRAINS, INC.	PLUMBING REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	494.00
			TOTAL:	494.00
HI-WAY SAFETY INC.	SIGNS	GENERAL FUND	STREET MAINTENANCE	522.49
			TOTAL:	522.49
HINDERLITER, DE LLAMAS & ASSOCIATES	SALES TAX 1Q 2012	GENERAL FUND	ADMINISTRATIVE SERVICE	1,203.19
			TOTAL:	1,203.19
HOSE-MAN, INC.	HOSES	GARAGE FUND	GARAGE	185.14
			TOTAL:	185.14
INTELLIBRIDGE PARTNERS, LLC	ACCOUNTING ASSISTANCE	GENERAL FUND	ADMINISTRATIVE SERVICE	495.00
			TOTAL:	495.00
JDS TANK TESTING & REPAIR	GAS TANK CERTIFICATION	GARAGE FUND	GARAGE	995.00
			TOTAL:	995.00
KELTERITE CORPORATION	ASPHALT	GENERAL FUND	STREET MAINTENANCE	195.55
			TOTAL:	195.55
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	436.39
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	465.92
	COPIER LEASE - P/D	GENERAL FUND	POLICE ADMINISTRATION	302.00
			TOTAL:	1,204.31
LEAGUE OF CALIFORNIA CITIES	MONTHLY MEETING	GENERAL FUND	CITY COUNCIL	25.00
			TOTAL:	25.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	48.75
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	48.75
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	48.75
			TOTAL:	146.25
LOS ALAMITOS MEDICAL CENTER	BLOOD DRAWS	GENERAL FUND	PATROL	50.00
			TOTAL:	50.00
MAILFINANCE	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	78.97
	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	78.97
	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	78.97
	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	170.62
	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	167.74
	POSTAGE MACHINE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50
			TOTAL:	741.77
MATTHEW-BENDER & CO., INC.	CODE BOOKS	GENERAL FUND	POLICE ADMINISTRATION	433.10
			TOTAL:	433.10
MISC. VENDOR	REFUND - INFANT CLASS	GENERAL FUND	NON-DEPARTMENTAL	38.00
	REFUND - INFANT CLASS	GENERAL FUND	NON-DEPARTMENTAL	38.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - SLO-PITCH	GENERAL FUND	NON-DEPARTMENTAL	405.00
	REFUND - GUITAR CLASS	GENERAL FUND	NON-DEPARTMENTAL	68.00
			TOTAL:	613.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MWR	POOL INTERNET	GENERAL FUND	AQUATICS	143.30
			TOTAL:	143.30
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	17.48
			TOTAL:	17.48
NEXUS IS, INC.	CONTRACT MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,206.59
	PHONE MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	236.00
			TOTAL:	1,442.59
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
			TOTAL:	82.64
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	331.50
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	464.10
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	165.75
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	198.90
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	298.35
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	132.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	198.90
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	195.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	39.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	351.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	78.00
			TOTAL:	2,453.10
DIANA C. PEREZ	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	227.50
	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	195.00
			TOTAL:	422.50
PETTY CASH	MILEAGE REIMBURSEMENT	GENERAL FUND	NON-DEPARTMENTAL	39.96
	COMMISSIONER DINNER	GENERAL FUND	CITY COUNCIL	18.98
	COMMISSIONER BADGES	GENERAL FUND	CITY COUNCIL	29.08
	NOTARY STAMP	GENERAL FUND	ADMINISTRATIVE SERVICE	36.58
	NOTARY FILING FEE	GENERAL FUND	ADMINISTRATIVE SERVICE	34.00
	BOTTLED WATER	GENERAL FUND	PATROL	35.09
	LOCKER NAMEPLATE	GENERAL FUND	PATROL	10.78
	EYE WASH	GENERAL FUND	PATROL	5.38
	HOLIDAY DECORATING	GENERAL FUND	RECREATION ADMINISTRAT	65.79
	DEPT. HOLIDAY CARDS	GENERAL FUND	RECREATION ADMINISTRAT	52.40
	CLEANING SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	24.08
	AMERICANA BOARD ENTRY	GENERAL FUND	RECREATION ADMINISTRAT	73.84
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	19.56
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	6.00
	YOUTH BASKETBALL	GENERAL FUND	SPORTS	56.50
	KICKBALL	GENERAL FUND	SPORTS	28.26
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	5.00
	STAFF IN-SERVICE FOOD	GENERAL FUND	SPECIAL CLASSES	142.23
	PARKING	GENERAL FUND	SPECIAL EVENTS	2.00
	FUEL	GARAGE FUND	GARAGE	53.00
	FUEL	GARAGE FUND	GARAGE	29.19
	FUEL	GARAGE FUND	GARAGE	10.00
			TOTAL:	777.70
POWER DISTRIBUTORS, INC.	SERVICE OAK LIGHTS	GENERAL FUND	SPORTS	1,500.00
	SERVICE MCAULIFFE LIGHTS	GENERAL FUND	SPORTS	649.44

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>2,149.44</u>
QUARTERMASTER	UNIFORMS	GENERAL FUND	PATROL	148.50
	UNIFORMS	GENERAL FUND	PATROL	166.37
			TOTAL:	<u>314.87</u>
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	46.20
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	92.40
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	46.20
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	92.40
			TOTAL:	<u>277.20</u>
REINA RIVERA	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	386.10
	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	351.00
			TOTAL:	<u>737.10</u>
RTC MEMORIAL MARKERS, INC.	ANNIVERSARY BRICKS	GENERAL FUND	SPECIAL EVENTS	162.38
			TOTAL:	<u>162.38</u>
RUN RACING	RACE ON BASE BIKE RACKS	GENERAL FUND	SPECIAL EVENTS	2,507.24
			TOTAL:	<u>2,507.24</u>
SCIENTIA CONSULTING GROUP	IT SERVICES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
			TOTAL:	<u>5,700.00</u>
SCMAF	MEMBERSHIP	GENERAL FUND	RECREATION ADMINISTRAT	20.00
			TOTAL:	<u>20.00</u>
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	CITY COUNCIL	33.95
	BUSINESS CARDS	GENERAL FUND	CITY COUNCIL	33.94
	BUSINESS CARDS	GENERAL FUND	CITY MANAGER	33.94
	STREET INDEXES	GENERAL FUND	PATROL	551.12
	BUSINESS CARDS	GENERAL FUND	BUILDING INSPECTION	21.01
	BUSINESS CARDS	GENERAL FUND	BUILDING INSPECTION	21.01
	BUSINESS CARDS	GENERAL FUND	RECREATION ADMINISTRAT	31.25
	BUSINESS CARDS	GENERAL FUND	RECREATION ADMINISTRAT	93.74
			TOTAL:	<u>819.96</u>
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	17.26
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	407.29
			TOTAL:	<u>424.55</u>
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEE	GENERAL FUND	AQUATICS	44.00
			TOTAL:	<u>44.00</u>
SPARKLETT'S DRINKING WATER	WATER COOLERS	GENERAL FUND	BUILDING MAINTENANCE	40.41
			TOTAL:	<u>40.41</u>
SPRINT	ACTIVITY THRU 1/21/12	GENERAL FUND	CITY MANAGER	31.88
	ACTIVITY THRU 1/21/12	GENERAL FUND	ADMINISTRATIVE SERVICE	31.88
	ACTIVITY THRU 1/21/12	GENERAL FUND	COMMUNICATIONS TECHNOL	31.88
	ACTIVITY THRU 1/21/12	GENERAL FUND	COMMUNITY DEVEL ADMIN	31.88
	ACTIVITY THRU 1/21/12	GENERAL FUND	PUBLIC WORKS ADMIN	31.88
	ACTIVITY THRU 1/21/12	GENERAL FUND	RECREATION ADMINISTRAT	31.87
			TOTAL:	<u>191.27</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	132.84
	INTERNET - COMPUTER CENTER	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	367.75
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
			TOTAL:	500.00
J.S. BANK	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	12.46
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	173.01
	DISTRICT MTG REFRESHMENTS	GENERAL FUND	CITY COUNCIL	70.74
	STATE OF COUNTY LUNCH	GENERAL FUND	CITY COUNCIL	30.00
	AMERICANA AWARDS	GENERAL FUND	CITY COUNCIL	450.00
	COUNCIL DINNER	GENERAL FUND	CITY COUNCIL	87.97
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
	STATE OF COUNTY LUNCH	GENERAL FUND	CITY MANAGER	30.00
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	361.39
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	50.63
	DATE STAMP	GENERAL FUND	POLICE ADMINISTRATION	89.82
	SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	450.00
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	233.57
	CSI CASES	GENERAL FUND	PATROL	207.92
	CSI SUPPLIES	GENERAL FUND	PATROL	54.24
	BATTERIES	GENERAL FUND	PATROL	181.96
	ENTERSECT ONLINE	GENERAL FUND	INVESTIGATION	79.00
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	JOB AD	GENERAL FUND	PLANNING	99.95
	OFFICE SUPPLIES	GENERAL FUND	PLANNING	14.05
	GUARDRAIL	GENERAL FUND	STREET MAINTENANCE	768.26
	RETURN - GUARDRAIL	GENERAL FUND	STREET MAINTENANCE	135.87
	GUARDRAIL	GENERAL FUND	STREET MAINTENANCE	135.87
	GUARDRAIL	GENERAL FUND	STREET MAINTENANCE	93.31
	DRYCLEANING	GENERAL FUND	BUILDING MAINTENANCE	20.00
	VACUUM PARTS	GENERAL FUND	BUILDING MAINTENANCE	84.26
	POOL PARTS	GENERAL FUND	BUILDING MAINTENANCE	93.40
	TRASH CANS	GENERAL FUND	BUILDING MAINTENANCE	172.38
	TRASH CAN	GENERAL FUND	BUILDING MAINTENANCE	86.19
	CONFERENCE	GENERAL FUND	RECREATION ADMINISTRAT	339.00
	CONFERENCE	GENERAL FUND	RECREATION ADMINISTRAT	105.00
	SR. LUNCH INVITES	GENERAL FUND	COMMUNITY SERVICES	42.01
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	27.85
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	11.93
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	14.30
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	12.02
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	112.93
	SPORTS SUPPLIES	GENERAL FUND	SPORTS	39.27
	RACE TRI SANCTION	GENERAL FUND	SPECIAL EVENTS	210.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.22
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	RACE ON BASE SOUND	GENERAL FUND	SPECIAL EVENTS	400.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00	
RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00	

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	30.00
	PROPANE	GARAGE FUND	GARAGE	29.79
			TOTAL:	<u>5,649.68</u>
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	19.50
			TOTAL:	<u>19.50</u>
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	44.88
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.38
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	800.36
	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	906.55
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	39.54
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	75.03
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	39.95
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.51
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.51
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	43.22
			TOTAL:	<u>2,103.93</u>
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	POLICE ADMINISTRATION	43.36
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.74
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	193.46
			TOTAL:	<u>247.56</u>
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	6,151.73
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	299.63
	CNG FUEL	GARAGE FUND	GARAGE	203.24
			TOTAL:	<u>6,055.34</u>
WEIDENHOEFER DESIGN STUDIO	ACTIVITIES GUIDE	GENERAL FUND	RECREATION ADMINISTRAT	1,725.00
			TOTAL:	<u>1,725.00</u>
WEST COAST TENNIS SERVICES	INSTRUCTOR - TENNIS	GENERAL FUND	SPECIAL CLASSES	394.88
			TOTAL:	<u>394.88</u>
DOUGLAS WOOD	VIDEOTAPE COUNCIL MEETINGS	GENERAL FUND	CITY COUNCIL	350.00
	LOAD & PROGRAM SERVER	LOS ALAMITOS TV	LOS ALAMITOS TV	1,175.00
			TOTAL:	<u>1,525.00</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
BOARD OF EQUALIZATION	SALES & USE TAX	GENERAL FUND	CITY MANAGER	151.38
	SALES & USE TAX	GENERAL FUND	CITY MANAGER	47.28
	SALES & USE TAX	GENERAL FUND	POLICE ADMINISTRATION	0.50
	SALES & USE TAX	GENERAL FUND	POLICE ADMINISTRATION	7.75
	SALES & USE TAX	GENERAL FUND	POLICE ADMINISTRATION	1.57
	SALES & USE TAX	GENERAL FUND	POLICE ADMINISTRATION	3.50
	SALES & USE TAX	GENERAL FUND	RECORDS	2.77
	SALES & USE TAX	GENERAL FUND	RECORDS	1.03
	SALES & USE TAX	GENERAL FUND	RECORDS	5.43
	SALES & USE TAX	GENERAL FUND	RECORDS	13.13
	SALES & USE TAX	GENERAL FUND	RECORDS	12.47
	SALES & USE TAX	GENERAL FUND	COMMUNICATIONS TECHNOL	28.88
	SALES & USE TAX	GENERAL FUND	COMMUNITY OUTREACH	29.60
	SALES & USE TAX	GENERAL FUND	TRAFFIC	18.70
	SALES & USE TAX	GENERAL FUND	TRAFFIC	2.61
	SALES & USE TAX	GENERAL FUND	TRAFFIC	4.29
	SALES & USE TAX	GENERAL FUND	EMERGENCY PREPAREDNESS	7.06
	SALES & USE TAX	GENERAL FUND	EMERGENCY PREPAREDNESS	6.22
	SALES & USE TAX	GENERAL FUND	STREET MAINTENANCE	23.10
	SALES & USE TAX	GENERAL FUND	PARK MAINTENANCE	78.97
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	3.60
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	2.48
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	7.84
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	24.35
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	11.55
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	18.88
	SALES & USE TAX	GENERAL FUND	RECREATION ADMINISTRAT	5.58
	SALES & USE TAX	GENERAL FUND	AQUATICS	21.79
	SALES & USE TAX	GENERAL FUND	AQUATICS	10.00
	SALES & USE TAX	GENERAL FUND	COMMUNITY SERVICES	3.17
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	19.37
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	7.53
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	11.38
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	9.36
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	61.64
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	72.14
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	16.99
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	18.20
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	11.81
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	2.10
	SALES & USE TAX	GENERAL FUND	SPECIAL CLASSES	9.12
	SALES & USE TAX	GENERAL FUND	SPECIAL EVENTS	5.66
	SALES & USE TAX	GENERAL FUND	SPECIAL EVENTS	65.97
	SALES & USE TAX	GENERAL FUND	SPECIAL EVENTS	87.46
	SALES & USE TAX	GENERAL FUND	SPECIAL EVENTS	2.87
	SALES & USE TAX	GAS TAX	CAPITAL PROJECTS	131.52
	SALES & USE TAX	GARAGE FUND	GARAGE	68.59
	SALES & USE TAX	GARAGE FUND	GARAGE	11.37
	SALES & USE TAX	GARAGE FUND	GARAGE	10.07
	SALES & USE TAX	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	13.91
	SALES & USE TAX	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	33.46
			TOTAL:	1,226.00

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MANI WRAY	REIMBURSEMENT 11/11	GENERAL FUND	NON-DEPARTMENTAL	476.46
	HEALTH CONTRIBUTION 9/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	1,000.00
			TOTAL:	1,476.46

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===== FUND TOTALS =====
10 GENERAL FUND                1,476.46
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GRAND TOTAL:                    1,476.46
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TOTAL PAGES: 1

City of Los Alamitos

**Agenda Report
Consent Calendar**

**February 21, 2012
Item No: 8C**

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Emergency Roof Repairs - Reaffirmation of Emergency Conditions

Summary: The City of Los Alamitos, when approving emergency public projects, is required to reaffirm such decisions at subsequent Council Meetings until the emergency is resolved. This staff report reaffirms the December 19, 2011, decision to approve an emergency contract for roof repairs to several city buildings to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

Recommendation: City Council, by a 4/5ths vote, ratify and reaffirm the December 19, 2011, City Council action to:

1. Find that significant damage has occurred to the roofs on several city buildings as a result of recent weather events, that the roofs are leaking into work spaces currently in use by employees, that future wind and storm events are predicted in the near future, and that the roofing issues have been inspected and assessed by professionals with pertinent experience who have recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Find that the roofing problems identified in this report are an emergency, that there is not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorize the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorize the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

Background

At its December 19, 2011 meeting, the Los Alamitos City Council authorized staff to award a contract for emergency roof repairs. It was determined that the roofing problems were an emergency, that there was no time to conduct a competitive bid process, and that the roofs needed immediate repair to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings.

California Public Contract Code permits this action, but further requires that during every subsequent Council meeting that City Council reaffirm the need for the emergency contract still exists.

Discussion

In the current situation, the emergency need still exists. The roofer is proceeding with all due speed and has been issued a building permit to proceed. The project has begun, but the roof repairs are still on going.

The roofer began working on Monday, January 9, 2012. Repairs were completed shortly thereafter pending rain to test the repairs. The January 23, 2012 rain event demonstrated the repairs on the Police Building were adequate, but repairs to the Community Center were inadequate. Staff met with the contractor to discuss the additional roof leaks. The contractor is currently scheduling a repair date but no date has been confirmed at this time. The interior repairs will start after the roofs have been repaired.

The second component of this emergency repair was the air conditioning unit in the Activity Room of the Community Center. At the December 19, 2011 meeting, Council authorized the City Manager to approve this one time expenditure up to \$15,000. Staff utilized the bid process as stated in the City's Purchasing Ordinance and the bid was awarded to South Bay Heating and Air Conditioning for \$12,800.

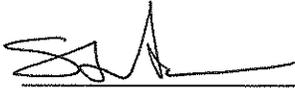
The air conditioner over Activity Room 2/3 was repaired and tested February 10, 2012, by South Bay Heating & Air Conditioning. An extra roofing membrane was installed for added protection. No wood rot damage was found. Testing of the unit was done on Tuesday, February 14. Staff is waiting to hear the results from the contractor.

Staff will continue to seek reaffirmation from City Council at each Council meeting until the emergency project is complete as required by law.

Fiscal Impact

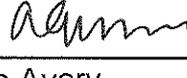
None.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: 1. City Council Staff Report - December 19, 2011

City of Los Alamitos

**Agenda Report
Consent Calendar**

**December 19, 2011
Item No: 8G**

To: Mayor Kenneth Stephens & Members of the City Council

Via: Jeffrey L. Stewart, City Manager

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

Subject: Emergency Roof Repairs

Summary: The roofs of several city buildings have incurred significant damage. In order to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings, staff is requesting the City Council identify the repair of the roofs as an emergency and authorize staff to make the necessary repairs. Staff is also seeking authorization to replace and/or repair roof top air conditioning equipment if needed.

Recommendation: It is recommended that the Los Alamitos City Council by a 4/5ths vote:

1. Find that significant damage has occurred to the roofs on several city buildings as a result of recent weather events, that the roofs are leaking into work spaces currently in use by employees, that future wind and storm events are predicted in the near future, and that the roofing issues have been inspected and assessed by professionals with pertinent experience who have recommended immediate repair to avoid further damage and possible health and safety issues; and,
2. Find that the roofing problems identified in this report are an emergency, that there is not time to conduct a competitive bid process and that the roofs must be repaired immediately to avoid further damage to public facilities and avoid injury to the health of the occupants of the buildings; and,
3. Authorize the award of contract for emergency roof repairs to Emercon Construction, Inc. via the Joint Powers Insurance Authority (JPIA) while authorizing an expenditure of \$5,000.00 for the deductible; and,
4. Authorize the City Manager to spend up to \$15,000.00 to repair and/or replace roof top air conditioning equipment if needed in order to repair the roofing leaks.

Background

The Police Department, Community Center, and Youth Center roofs are greatly in need of repair. The preexisting roof problems were greatly exacerbated by the recent wind and rain events. Even before those events, Public Works staff and the City's insurance carrier, SCJPIA, had been addressing water damage to the City's Police Department and Youth Center's leaking roofs. The JPIA had sent out its representative to investigate the claim. Staff also filed a claim for the damages with the JPIA. The claims specialist from JPIA then sent out a roofing specialist to investigate the problems. The claims specialist met with staff to review the claims process and presented their recommendations for repair. In this meeting it was determined that the recent rain and wind storms caused significant damage and that the City can no longer wait to complete the repairs. Further storm events are predicted this season. JPIA's representatives felt that there was a significant risk of further damage to the facilities as well as potential health and safety issues if the repairs are not made. Staff has likewise concluded that the repairs are needed on an urgent basis.

Discussion

Repairs that are needed consist of two parts. First, there are roof repairs that require the removing of the roofing tiles, replacing any damaged wood, replacing the underlayment, and concluding with reinstalling the roofing tiles. If flashing is determined not reusable, it too will be replaced. JPIA has also agreed to pay for the cost of the roofing repairs, subject to a \$5,000 deductible.

The second part is repairing or replacing the rooftop air conditioning pans. This is the metal pan that rests underneath the air conditioning unit to prevent water from entering the roof. Three of these pans are rusted and allowing water to leak into the roofs. To repair/replace the pans it is necessary for the air conditioning unit to be removed. This requires a crane service to lift the unit. This work is included in JPIA's covered roof repair costs as well.

However, the air conditioning unit that services the community center is 22 years old, severely rusted, and not economical. (An air conditioner's life span is normally fifteen to twenty years.) JPIA does **not** cover the cost of repair or replacement of the air conditioning units. Nonetheless, if the air conditioning unit is not repaired now, it is highly likely that the repair will be needed in the near future and will be much more costly. Staff therefore recommends that the city replace this unit now while the crane is in position to save on costs.

Due to the timeliness of the needed repairs, staff is recommending that City Council accept JPIA's recommended Contractor for the work in question under the City emergency powers of awarding contracts. The awarding of this suggested contractor would speed up the repair process, minimize additional damage in the upcoming expected rain and wind events and reduce employees' exposure to any health and safety hazards associated with water-damaged office areas.

Under California law, contracts may be awarded without competitive bidding if the legislative body makes a finding by a four-fifths vote that an emergency exists that requires the immediate expenditure of public money to safeguard life, health, or property and that the emergency will not permit a delay resulting from a competitive solicitation for bids. (Public Contract Code Sections 1102, 20168, 22050).

Fiscal Impact

The ultimate cost to the City of Los Alamitos of the roofing repairs will not exceed its \$5,000.00 deductible. The deductible will be paid directly to the contractor from account 25.570.5503.1211, City Hall Complex Roof Repairs. The balance of the roofing repair costs will be paid by JPIA.

The City will also incur costs of up to \$15,000.00 for air conditioner replacement and repair in conjunction with the roof repairs. This portion of the repairs will come from accounts 10.544.5293 (Facility Maintenance, Buildings) and 25.570.5503.1212(City Hall Complex facility Repairs).

Prepared By:

Submitted By:

Tony Brandyberry
Public Works Superintendent

Steven Mendoza
Community Development Director

Approved By:

Jeffrey L. Stewart
City Manager

City of Los Alamitos

Agenda Report Consent Calendar

February 21, 2012
Item No: 8D

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Todd W. Mattern, Chief of Police
Subject: Disposal of Surplus Equipment

Summary: In 2005, the Los Alamitos Police Department utilized funding from the Urban Area Security Initiative to purchase computers for the patrol vehicles. Those computers are at end of life and are recommended for surplus. The value in the computers is limited to use as parts.

Recommendation: Declare the listed equipment as surplus and authorize its disposal in accordance with Los Alamitos Municipal Code 2.60.120.

Background

The mobile data computers which are listed for surplus were purchased with funding from the Urban Area Security Initiative (UASI) in 2005. The computers are at end of life and were removed from service in January 2012. They are of little value other than to be used for spare or replacement parts.

Most of the city's surplus equipment and unclaimed property is sold at auction. However, according to Los Alamitos Municipal Code 2.60.120.D, electronic data processing goods and telecommunications equipment, designated as surplus, can be disposed of by auction, sale, or transfer to other governmental entities or non-profit entities, as determined in the best interest of the city.

The City of Los Alamitos was recently on the receiving end of this process when the City of Laguna Beach donated a surplus HP 3000 to us as our archival payroll system began to fail. The donated equipment will extend the time we will have access to the old data and eliminates the need for a costly conversions. Likewise, the surplus of our mobile computers will provide us with the opportunity to assist another agency in the same manner.

Discussion

Staff recommends that City Council declare the following equipment as surplus to be auctioned or donated to another law enforcement agency so the obsolete computer equipment can be used for parts. Additionally, in accordance with Part 13 of the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, UASI had been notified and found the City's disposition of the equipment to be within guidelines. It should also be noted that these are computers of specially constructed for use in law enforcement or the military, so it is not likely that members of the general public would find a use for the parts if auctioned.

The nine (9) Datalux Tracer mobile data computers, identified by serial numbers, for surplus are as follows: 362729, 362730, 362731, 362732, 362733, 362745, 362746, 362747, and 362748.

Fiscal Impact

There is no fiscal impact.

Submitted By:



Todd W. Mattern
Chief of Police

Approved By:



Angie Avery
City Manager

City of Los Alamitos

Agenda Report Consent Calendar

February 21, 2012
Item No: 8E

To: Mayor Troy Edgar & Members of the City Council

Via: Angie Avery, City Manager

From: Corey Lakin, Director of Recreation and Community Services

Subject: Consideration for a Professional Services Agreement with Johnny Rebs' of Bellflower, Inc. Restaurant to Supply Food for Race on the Base

Summary: This item is to authorize the City Manager to pay for the food for the Race on the Base. The Race on the Base event requires an external food vendor due to the nature of food service handling. This item has been placed on the agenda because the cost of the food exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the food so there is no impact to the General Fund.

Recommendation: Authorize the City Manager to pay for the food from Johnny Rebs' of Bellflower, Inc. for the 2012 Race on the Base in an amount not to exceed \$30,000 and to execute a contract in a form to be approved by the City Attorney.

Background

The 31st Annual Los Alamitos Race on the Base is scheduled for Saturday, February 25, 2012 at the Joint Forces Training Base in Los Alamitos. The Race includes the following events: Mission: Kids Run 1K, 5K Walk, 5K Run, 10K Run, 10K Wheelchair Race, 10K Skate, Reverse Triathlon, and Junior Reverse Triathlon. The event also features static military displays, live musical entertainment, a two-day Vendor Expo, and free food for all race participants, staff and volunteers.

In order to attract new race participants and to provide a memorable race experience that is equal to or exceeds other races, staff sought a food vendor to provide breakfast or lunch to the Race on the Base participants, spectators, vendors, volunteers, and staff. Numerous local caterers were contacted with only two vendors responding to the request for services.

Discussion

The Recreation and Community Services Department requested local catering companies to bid on the following food specifications and estimated attendance:

- 650 lunches for volunteers and staff
- Continental breakfast for 600 Volunteers
- 300 lunches for sponsors and vendors
- 3,500 breakfast or lunch meals for participants
- 3,000 breakfast or lunch meals for spectators

Vendors must provide hot food, quality meals and adhere to the timeline approved by the City and the Joint Forces Training Base. The approved times are as follows:

- Friday, February 24, 2012
 - 12:00 pm setup begins
 - 4:00 pm dinner service begins
 - 8:00 pm cleanup begins
- Saturday, February 25, 2012
 - 5:00 am setup begins
 - 6:00 am breakfast service begins
 - 10:00 am lunch service begins
 - 3:00 pm cleanup begins

Eight caterers were contacted to discuss providing food for the Race on the Base, with only two caterers responding. Staff solicited caterers known to have high quality food, name recognition, the capacity to handle the large crowd, and an opportunity to significantly discount their services.

Company	Price per Meal			In-kind Donation (discounted & sponsored meals)
	Participant	Sponsors/ Vendor	Staff/ Volunteers	
Johnny Rebs' of Bellflower, Inc.	\$4.00	\$7.00	\$1.00/breakfast	\$25,000
Sweet Lou's BBQ	\$4.50	\$7.00	\$4.50	\$10,600
BJ's Restaurant and Brewhouse	No response			
Wood Ranch BBQ	No response			
Beach Pit BBQ	No response			
Blake's Place BBQ	No response			
Beachwood BBQ	No response			
Ranch Hands	No response			

Staff are recommending the selection of Johnny Rebs' of Bellflower, Inc. as the food vendor for the Race on the Base based on their lower cost to the City and higher in-kind donation. Johnny Rebs' cost per meal typically is \$10-12 per meal, however is charging the City only \$7 or \$4 per meal. Additionally, they are providing the Race volunteers and staff a free sponsored meal.

Fiscal Impact

The initial estimate for the food is \$16,700, the final cost for food may need to be revised upward based on actual meals served due to additional registrations, weather, and/or other factors between now and the date of the race. To be safe and to provide a cushion for any additional meals served, this agenda item seeks approval to purchase food for the 2012 Race on the Base in an amount not to exceed \$30,000. There is no impact to the General Fund for this purchase.

Submitted By:

Approved By:



Corey Lakin
Director of Recreation and Community Services



Angie Avery
City Manager

Attachments:

1. Professional Services Agreement with Johnny Rebs' of Bellflower, Inc.
2. Johnny Rebs' of Bellflower, Inc. Insurance and Endorsement

PROFESSIONAL SERVICES AGREEMENT
(City of Los Alamitos / Johnny Rebs' of Bellflower, Inc.)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into by and between the City of Los Alamitos, a California municipal corporation ("City") and Johnny Rebs' of Bellflower, Inc., a corporation. ("Consultant").

2. RECITALS

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

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

3. DEFINITIONS

- 3.1 "Scope of Services": Such professional services as are set forth in Consultant's proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 "Approved Fee Schedule": Such compensation rates as are set forth in Consultant's fee schedule to City attached hereto as Exhibit B and incorporated herein by this reference.
- 3.3 "Commencement Date": February 24, 2012.
- 3.4 "Expiration Date": February 25, 2012.

4. TERM

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

5. CONSULTANT'S SERVICES

- 5.1 Consultant shall perform the services identified in the Scope of Services. City

shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of thirty thousand Dollars (\$30,000) unless specifically approved in advance and in writing by City.

- 5.2 Consultant shall obtain a City business license prior to commencing performance under this Agreement.
- 5.3 Consultant shall perform all work to the highest professional standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.4 During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant's performance of such work.
- 5.5 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Moe Rahman** shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement and shall be the City's only contact during this project. Consultant will notify City immediately if a new project administrator is appointed during the term of this project.

6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Consultant shall submit to City an invoice, for the services performed pursuant to this Agreement within 10 business days of the services being complete. Each invoice shall itemize the services rendered during the billing period and the amount due. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.

7. **OWNERSHIP OF WRITTEN PRODUCTS**

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

8. **RELATIONSHIP OF PARTIES**

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

9. **CONFIDENTIALITY**

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

10. **INDEMNIFICATION**

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

10.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and when the City requests with respect to a claim provide a deposit for the defense of, and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with

Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of the City. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice, expert fees and all other costs and fees of litigation.

- 10.3 City shall have the right to offset against any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and any amount due City from Consultant arising from Consultant's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Consultant under this Section 10 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.
- 10.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

11. INSURANCE

- 11.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:
 - 11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.
 - 11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.
 - 11.1.3 Worker's Compensation insurance as required by the laws of the State of California.
- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay the premium thereon at Consultant's expense.
- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The general liability and automobile policies of insurance required by this

Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

- 11.8 The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond in the amount of the deductible or self-insured retention to guarantee payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

12. MUTUAL COOPERATION

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

13. RECORDS AND INSPECTIONS

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during

normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

14. PERMITS AND APPROVALS

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

15. NOTICES

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

If to City

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

If to Consultant:

Johnny Rebs' of Bellflower,
Inc.
Cheryl Carter
3532 Katella Avenue, #114
Los Alamitos, CA 90720
Telephone: (562) 596-1800
Cell: (714) 206-6752

With courtesy copy to:

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

16. SURVIVING COVENANTS

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

17. TERMINATION

- 17.1. City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant may terminate this Agreement for any reason on thirty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

18. GENERAL PROVISIONS

- 18.1 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.2 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph hereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.4 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing.
- 18.5 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes

beyond the control and without the fault or negligence of Consultant.

- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. If legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California and Consultant hereby consents to jurisdiction in Los Angeles County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.

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

"City"
City of Los Alamitos

"Consultant"
Johnny Rebs' of Bellflower, Inc.

By: _____
Angie Avery, City Manager

By: Cheryl Carter
Cheryl Carter, President

Date: _____

Date: 2.16.12

By: Larry Carter
Larry Carter, CFO

Date: 2/16/12

Attest:

By _____
Angie Avery, City Clerk

Date: _____

Approved as to form:

By _____
Sandra J. Levin, City Attorney

Date: _____

EXHIBIT A SCOPE OF SERVICES

Johnny Rebs' of Bellflower, Inc. will perform the following services for the 2012 Race on the Base:

Friday, February 24, 2012

- Setup may begin at 12noon located outside of Hangar #2 on the JFTB Airfield. Passes for van access onto the airfield will be provided by the City.
- 4:00 – 8:00pm – Dinner will be served from Johnny Rebs' of Bellflower, Inc. serving area
 - Proposed Menu: (\$8/meal) BBQ Chicken, Side Salad, & Corn Bread
 - Extras: (\$2/side) Macaroni & Cheese, Fruit & Peach Cobbler
 - Drinks: (\$1/drink) Sodas, Water

Saturday, February 25, 2012

Race Volunteers & Staff

- 5:30am – Provide a buffet continental breakfast located in the designated “Volunteer Lounge”
 - Proposed Menu: Muffins/Pastries, Orange Juice, Coffee
- Provide lunch
 - 12-1pm – Prepared boxed lunches for volunteers will be picked up by City Staff every 15 minutes and delivered to Volunteers on the Race Course
 - Proposed Menu: BBQ Slider, Fruit & Chips
 - 10:00am – Lunch will be served from Johnny Rebs' of Bellflower, Inc. serving area for volunteers with “Volunteer Meal Ticket” or “Staff Meal Ticket”
 - Proposed Menu: Chicken Sandwich, Fruit & Chips

Sponsors and Vendors

- 12:00pm – Lunch will be served from Johnny Rebs' of Bellflower, Inc. serving area for 300 sponsors and vendors with “Sponsor Meal Ticket” or “Vendor Meal Ticket”
 - Proposed Menu: Pork or Beef Sandwich, Fruit & Chips

Participants

Meal ticket will be on Race participants' Race Bib and reads “Ticket for Breakfast or Lunch” and has their bib number on it.

- 6:00am – 10:00am – Breakfast served from Johnny Rebs' of Bellflower, Inc. serving area for participants
 - Proposed Menu: Egg Biscuit Sandwich with Fruit or Potatoes
- 10:00am – 3:00pm – Lunch served from Johnny Rebs' of Bellflower, Inc. serving area for participants “Participant Meal Ticket”
 - Proposed Menu: Pork or Beef Sandwich, Fruit & Chips

General Public

Meals will be paid onsite by cash or credit for food ordered. Sponsors, Volunteers, Vendors and Participants may purchase additional items not listed in the above “meals.”

EXHIBIT A SCOPE OF SERVICES

- 6:00 – 10:00am – Breakfast served from Johnny Rebs' of Bellflower, Inc. serving area for general public or others who want additional food items
 - Proposed Menu: Egg Biscuit Sandwich with Fruit or Potatoes
 - Sides/Extras: Muffins
 - Drinks: Coffee, orange juice, water
- 10:00am – 3:00pm – Lunch served from Johnny Rebs' of Bellflower, Inc. serving area for general public or others who want additional food items are, but not limited to:
 - Proposed Menu: Pork or Beef Sandwiches & Chips
 - Sides/Extras: Mac n Cheese, Fruit, Cookies, Peach Cobbler, Bagged Peanuts
 - Drinks: Sodas, Water

Teardown/Cleanup may begin at 3:00pm or once City staff approves Johnny Rebs' staff to cleanup.

City will provide Johnny Rebs' of Bellflower, Inc. with power and other supplies and equipment necessary to serve breakfast and lunch during the event, including but not limited to:

- Canopies
- Tables
- Chairs
- Percolators
- Places for patrons to eat
- Signage
- Partitions
- Radio
- Handwashing/Warewashing system for Johnny Rebs' of Bellflower, Inc. staff
- Ice/Water Barrels
- Power
- Table Coverings
- Trashcans
- Food warmers

City will provide Johnny Rebs' of Bellflower, Inc. updates of the number of registered participants, volunteers, sponsors and vendors by 10:00am on February 22, 2012 in order to adjust their food order. Additional updates will be provided on February 24, 2012 before and after registration and on February 25, 2012 after registration closes in order for Johnny Rebs' of Bellflower, Inc. to adjust the amount of prepared food.

Meal tickets created by the City and will be clearly labeled and numbered. Samples of each type of ticket (Participant, Volunteer, Vendor, Sponsor, Staff) will be provided to Johnny Rebs' of Bellflower, Inc. prior to the event. Johnny Rebs' of Bellflower, Inc. staff must keep all tickets within two days of the end of the event.

EXHIBIT B
APPROVED FEE SCHEDULE

Johnny Rebs' of Bellflower, Inc. will invoice the City of Los Alamitos for the number of meal tickets issued to registered participants, volunteers, sponsors and vendors as of the close of registration on Saturday, February 25 based on the pricing structure listed below:

Price per Meal			Guarantee (City will pay up to \$1,000 per day for daily sales less than \$1,000)	In-kind Donation Value (discounted pricing and sponsored meals for volunteers and staff)
Participant	Sponsors/ Vendor	Volunteers (Continental breakfast only)		
\$4.00	\$7.00	\$1.00	\$2,000 maximum	\$25,000

Guarantee: Johnny Rebs' of Bellflower, Inc. will sell food to the public on Friday, February 24 and Saturday, February 25. They will keep 100% of the proceeds of food sold on both days of the event. If Johnny Rebs' of Bellflower, Inc. does not make \$1,000 minimum in food sales each day on Friday and Saturday, they will provide the City with copies of the daily receipts and invoice the City of Los Alamitos for the difference.

In-kind Donation Value: Johnny Rebs' donation of \$25,000 is based on:

1. Sponsored meals for approximately 650 volunteers and staff.
2. Discount of meals from a Johnny Rebs' cost of \$10-12 per meal to \$7 or \$4 per meal that the City pays.

The final cost for food will vary based on the number of tickets issued to preregistered participants and late registrations due to additional registrations, weather, and/or other factors between now and the date of the race. The City agrees to pay Johnny Rebs' of Bellflower, Inc. for providing food as provided in the above pricing structure within six weeks of receipt of the invoice. Any additional costs for equipment rental incurred by the City beyond the agreed upon tables, chairs, canopies, two percolators, and power for two percolators and one smoker, will be deducted from the invoice. The purchase of food for the 2012 Race on the Base is not to exceed \$30,000.



VEHICLE OR EQUIPMENT CERTIFICATE OF INSURANCE

DATE (MM/DD/YYYY)
February 15, 2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

This form is used to report coverages provided to a single specific vehicle or equipment. Do not use this form to report liability coverage provided to multiple vehicles under a single policy. Use ACORD 25 for that purpose.

	PRODUCER RANDY SCHAUER 2055 W WHITTIER BLVD LA HABRA CA 90631	CONTACT NAME TERRI PHONE (A/C No, Ext): 562 905-7744 FAX (A/C, No): 562 905-7743 E-MAIL ADDRESS: PRODUCER CUSTOMER ID#:
	INSURED LARRY CARTER C/O JOHNNY REBS PO BOX 3157 LOS ALAMITOS CA 90720-8157	INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Mutual Automobile Insurance Company NAIC # 25178 INSURER B: INSURER C: INSURER D: INSURER E:

DESCRIPTION OF VEHICLE OR EQUIPMENT

YEAR	MAKE / MANUFACTURER	MODEL	BODY TYPE	VEHICLE IDENTIFICATION NUMBER
2000	CHEVROLET	ASTRO	VAN	1GCDM19W9YB114694
DESCRIPTION				SERIAL NUMBER

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICY(IES) OF INSURANCE LISTED BELOW HAS/HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD(S) INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICY(IES) DESCRIBED HEREIN IS/ARE SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICY(IES).

INSR LTR	ADDL INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		<input checked="" type="checkbox"/> VEHICLE LIABILITY	0272823-F08-75B	12/08/2011	06/09/2012	COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ 100,000 BODILY INJURY (Per accident) \$ 300,000 PROPERTY DAMAGE \$ 50,000
A		<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> CLAIMS MADE				EACH OCCURRENCE \$ GENERAL AGGREGATE \$
INSR LTR	LOSS PAYEE	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS / DEDUCTIBLE
		VEH COLLISION LOSS				<input type="checkbox"/> ACV <input type="checkbox"/> AGREED AMT \$ LIMIT <input type="checkbox"/> STATED AMT \$ DED
		VEH COMP <input type="checkbox"/> VEH OTC				<input type="checkbox"/> ACV <input type="checkbox"/> AGREED AMT \$ LIMIT <input type="checkbox"/> STATED AMT \$ DED
		PROPERTY				<input type="checkbox"/> ACV <input type="checkbox"/> AGREED AMT \$ LIMIT <input type="checkbox"/> RC <input type="checkbox"/> STATED AMT \$ DED
		BASIC <input type="checkbox"/> BROAD <input type="checkbox"/>				
		SPECIAL <input type="checkbox"/>				

REMARKS (INCLUDING SPECIAL CONDITIONS / OTHER COVERAGES) (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

EVENT LOCATION: RACE ON THE BASE 11200 LEXINGTON DR LOS ALAMITOS CA 90720

ADDITIONAL INTEREST

CANCELLATION

Select one of the following: <input checked="" type="checkbox"/> The additional interest described below has been added to the policy(ies) listed herein by policy number(s). <input type="checkbox"/> A request has been submitted to add the additional interest described below to the policy(ies) listed herein by policy number(s).	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
VEHICLE / EQUIPMENT INTEREST: <input type="checkbox"/> LEASED <input type="checkbox"/> FINANCED	DESCRIPTION OF THE ADDITIONAL INTEREST <input checked="" type="checkbox"/> ADDITIONAL INSURED <input type="checkbox"/> LOSS PAYEE <input type="checkbox"/> LENDER'S LOSS PAYEE
NAME AND ADDRESS OF ADDITIONAL INTEREST CITY OF LOS ALAMITOS 10911 OAK STREET LOS ALAMITOS CA 90720 ATTN: CORY LAKIN	LOAN / LEASE NUMBER AUTHORIZED REPRESENTATIVE? <i>Randy Schauer</i>

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City of Los Alamitos

Agenda Report Ordinances

February 21, 2012
Item No: 9A

To: Mayor Troy D. Edgar & Members of the City Council
From: Sandra Levin, City Attorney
Via: Angie Avery, City Manager
Subject: Second Reading of Ordinance 12-01 – Services Contracts and Awarding Franchise Agreements for Solid Waste Collection Services

Summary: At its regular meeting of February 6, 2012, the City Council conducted a first reading of Ordinance No. 12-01, which proposes a code amendment to clarify the Municipal Code regarding waste hauling services within the City and ratifies and reaffirms the existing franchise with Consolidated Disposal.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 12-01; and,
2. Mayor Edgar read the title of Ordinance No. 12-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 8.12.015 AND 2.60.130 OF THE MUNICIPAL CODE, ADDING SECTION 2.60.140 TO THE MUNICIPAL CODE AND REAFFIRMING AND REAWARDING EXISTING FRANCHISES."
3. Adopt Ordinance No. 12-01 by roll call vote.

Background

Early in the case, the trial court dismissed all corruption charges as groundless, but the plaintiffs appealed that ruling. More recently, the court ruled that the contract award did not follow the City's Ordinances and therefore the current waste franchise could remain in place only for a reasonable time until the City Council again takes action to provide for future waste hauling services. The appeal of this ruling by Consolidated Waste Disposal (CDS) and the City leaves each side with competing appeals, a contract in place, and no pending deadline or requirement to implement the ruling by the trial court.

Discussion

As the trial court made clear, however, with or without the ruling in place, the City has a broad range of discretion and options available to it.

Recently, the City recognized that without an amicable resolution, the lawsuit could continue to be disruptive for the next two to three years. Mayor Stephens, Mayor Pro Tem Edgar, and Council Member Poe met and unanimously directed the City Attorney to file a notice of appeal to preserve and protect the City's rights and position, but to also pursue settlement discussions to see if there is a way to amicably resolve the pending disputes. The City Council also previously voted in favor of amending the code to clarify that services contracts are not strictly "low bid" and may be awarded based upon such factors as demonstrated competence, qualifications, and suitability for the project in general. That effort too was put on hold pending settlement discussions.

Unfortunately, the outcome of those discussions did not result in a resolution of the case. Accordingly, the Mayor requested staff return with options for consideration, including a proposed code amendment to clarify the Municipal Code, and ratify and reaffirm the existing franchise.

At its February 6, 2012 Regular Meeting the City Council considered various options regarding award of waste hauling franchise and introduced City Council Ordinance No. 12-01.

Fiscal Impact

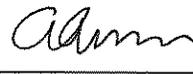
None at this time.

Submitted By:



Sandra Levin
City Attorney

Approved By:



Angie Avery
City Manager

Attachments: 1. Proposed City Council Ordinance 12-01

ORDINANCE NO. 12-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS
8.12.015 AND 2.60.130 OF THE MUNICIPAL CODE, ADDING
SECTION 2.60.140 TO THE MUNICIPAL CODE AND
REAFFIRMING AND REAWARDING EXISTING
FRANCHISES**

WHEREAS, the Purchasing Ordinance of the Los Alamitos Municipal Code is currently silent with regard to procedures for the award of services contracts generally; and,

WHEREAS, the City has historically awarded services contracts based upon multiple factors, including demonstrated competence, qualifications, and suitability for the project in general, and not based solely on cost; and,

WHEREAS, except in rare circumstances, State law allows for flexibility in the award of services contracts, including allowing for award based upon such factors as demonstrated competence, qualifications, and suitability for the project in general; and,

WHEREAS, the vast majority of cities in California permit the award services contracts based upon such factors as demonstrated competence, qualifications, and suitability for the project in general, as well as cost; and,

WHEREAS, the reference to the "professional services non-public project formal bidding provisions of Chapter 2.60" contained in Section 8.12.015 of the Waste Ordinance has caused considerable debate, disruption, and expense to the City; and,

WHEREAS, the City wishes to eliminate any ambiguity or continuing dispute with regard to the procedure for award of waste franchise agreements and services agreements in general and to ensure that services contracts may be awarded based upon such factors as demonstrated competence, qualifications, and suitability for the project in general, as well as cost; and,

WHEREAS, this Ordinance is not intended to be a change in policy but is rather declarative of existing policy and practice and is intended to clarify the language of the Municipal Code so as to conform to and continue to give effect to the existing policies, practices, and intent; and,

WHEREAS, the City finds and concludes that the existing franchise was awarded in a manner consistent with the policies, practices, and intent expressed herein and in substantial compliance with the provisions of proposed Section 2.60.140 of this Ordinance and provides significant benefit to the community and wishes to ratify, affirm, approve, and re-award the franchise pursuant to its authority under State law.

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

SECTION 1. Municipal Code Amendment. Section 8.12.015 of the Municipal Code is hereby amended to read as follows:

8.12.015 Grant of franchise, contract, permit or license.

"In order to protect public health, safety, and well-being, to control the spread of vectors, and to limit sources of air pollution, noise and traffic within the City, the City Council, by resolution referring to the solid waste enterprise by name, may grant a franchise, contract, permit, or license to one or more solid waste enterprises to make arrangements with generators of solid waste, including recyclable solid wastes, green waste, construction and demolition waste, for the collection, transfer, recycling, composting, and disposal of solid wastes within all or any part of the City, in accordance with this chapter. Upon the expiration of any exclusive franchise, contract, permit, or license for the collection, transfer, recycling, composting and/or disposal of solid wastes, the City shall issue a formal request for proposals for the provision of the services covered by the franchise, contract, permit, or license. The request for proposals shall be administered consistent with the non-public project formal bidding provisions for services set forth in Section 2.60.140 of this Code, shall be sent to various qualified providers of solid waste services, and all proposals received shall be considered in the granting of a franchise, contract, permit or license. In addition, and notwithstanding the provisions of Chapter 2.60, all proposals shall be submitted in hard copy (no electronic submissions) in a sealed envelope, and shall be publicly opened at the same time. No exceptions to competitive bidding which may be provided for in Chapter 2.60 of this Code shall be utilized, and no exclusive franchise, contract, permit or license shall be renewed or extended except following the formal request for proposals process described in this chapter."

SECTION 2. Municipal Code Amendment. Section 2.60.130 of the Municipal Code is hereby amended to read as follows:

2.60.130 City Manager purchasing authority; informal award of non-public project contracts.

A. Exemption for Personal, Professional, and Consulting Services. Except as provided in this Section and Section 2.60.140, contracts involving the acquisition of personal, professional, consulting, or other services shall not be subject to the terms of this chapter.

B. City Manager Authority to Contract for Personal, Professional, and Consulting Services. The City Manager is authorized to contract for personal, professional, and consulting services and to purchase equipment and supplies pursuant to this chapter without prior approval of the City Council when the amount of the contract is less than ten thousand dollars (\$10,000.00) and there exists an unencumbered amount in the fund account against which the expense is to be charged at least equal to the contract cost.

SECTION 3. Municipal Code Amendment. Section 2.60.140 is hereby added to the Municipal Code to provide as follows:

2.60.140 City Council review; formal award of non-public project service contracts.

A. Personal, Professional and Consulting Services: The City Council shall review and approve the scope of services prepared for every personal, professional, or consulting services contract of more than ten thousand dollars (\$10,000). Contracts for personal, professional, or consulting services shall be awarded to the contractor who will best serve the interests of the City, taking into account the demonstrated competence, qualifications, and suitability for the project in general. The City may consider the cost of personal, professional, or consulting services if the authorized contracting party (i.e., the City Council or City Manager, as applicable) determines it to be a relevant factor under the circumstances.

B. Procedure: Except as provided by ordinance, prior to the award pursuant to this section of a contract for services in which cost is to be considered as a factor, a notice inviting bids or request for proposals shall be given to various qualified providers and all proposals received shall be considered. If the director of the using department certifies that, to the best of his or her knowledge, the service can be obtained only from one vendor or contractor, and that no equivalent services are available, the notice inviting formal bids or request for proposals may be sent exclusively to such vendor or contractor. Award of the contract shall be by formal motion, resolution, or ordinance of the City Council within 24 months of receipt of bids.

C. Proposals and Awards in Substantial Compliance. Proposals received pursuant to a request for proposals process in substantial compliance with the provisions of section 2.60.140 of this Code may be considered by the City and may be the basis for a contract award.

SECTION 4. Affirmation and Re-Award: Pursuant to the City's authority under this Code and Sate law, including but not limited to Article 11, Section 7 of the California Constitution and Public Resources Code Section 40059, and notwithstanding any provisions of Sections 8.12.015 or 2.60.030 of this Code to the contrary:

1. All proposals received within 24 months prior to the effective date of this Ordinance pursuant to a request for proposals process in substantial compliance with the provisions of Section 2.60.140 of this Code may be considered by the City and may be the basis for a contract award.
2. The franchises and contracts approved or awarded within 24 months prior to the effective date of this Ordinance for the collection, transfer, recycling, composting, and disposal of solid wastes for the City are hereby ratified, affirmed, approved, and re-awarded effective as of the stated effective date of said franchises and contracts. Any other franchise or contract approved or awarded within 24 months prior to the effective date of this Ordinance in substantial compliance with the provisions of Section 2.60.140 of this Code may be ratified, affirmed, approved, and re-awarded by the City effective as of the originally stated effective date of said franchise or contract.
3. For purposes of this Section 4, any failure to comply with the provisions of any other section of this Ordinance or Chapter 2.60 shall not constitute non-compliance with Section 2.60.140 or Section 8.12.015.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Inconsistent Provisions. Any provision of the Los Alamitos Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 7. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED, this 21st day of February, 2012.

Troy D. Edgar, Mayor

ATTEST:

Angie Avery, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 12-01 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 6th day of February, 2012 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 21st day of February, 2012, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Angie Avery, City Clerk

City of Los Alamitos

Agenda Report Discussion Items

February 21, 2012
Item No: 10A

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Increasing Seven Member Planning Commission

Summary: This report outlines the process to amend the City's Municipal Code should Council decide to increase the seven member Planning Commission.

Recommendation:

1. Review and discuss increasing the Planning Commission size; and,
2. Direct staff to draft an Ordinance or other action as deemed appropriate.

Background

At the City Council meeting of January 17, 2012, Council directed staff to prepare a report regarding increasing the size of the seven member Planning Commission. The item originated from a recent commissioner recruitment wherein applicants outnumbered vacancies.

Discussion

The Planning Commission is currently a seven member Commission. The Commission's size is delineated by the Chapter 2.44 of the Los Alamitos Municipal Code (LAMC) as follows:

2.44.040 Composition.

The commission shall consist of seven members. Each member shall be a qualified elector of the city at the time of appointment and during incumbency. (Ord. 470 § 1, 1984; Ord. 262, 1973; Ord. 162 § 1, 1968)

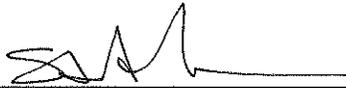
Amending Section 2.44.040 of the LAMC requires that the following steps be taken:

1. Council assigns task
2. Staff report drafted
3. Ordinance drafted
4. City Attorney review
5. Item agendaized by City Manager
6. Council takes action on 1st reading of Ordinance (posting and publishing)
7. Council takes action on 2nd reading (posting and publishing)
8. Ordinance effective 30 days following 2nd reading of Ordinance.

Fiscal Impact

None at this time.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

City of Los Alamitos

Agenda Report Discussion Items

February 21, 2012
Item No: 10B

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Conceptual Consideration of Business and Residential Improvement Program

Summary: This report conceptually introduces the Los Alamitos Business and Residential Improvement Program to incentivize reinvestment by rebating permit fees. If conceptually approved, formal adoption of this program would be considered at a future Council meeting.

Recommendation:

1. Review and discuss concepts of the program; and,
2. Provide feedback to incorporate into final program guidelines; and,
3. Direct staff and the City Attorney to prepare for next council meeting.

Background

At the Council meeting of January 17, 2012, the City Council directed staff to develop a program that would encourage property improvements, reduce fees, and stimulate the Los Alamitos economy.

Recent economic forecasts demonstrate that the Orange County construction industry is in need of a boost. Chapman University's 2011 Economic Forecast stated that Orange County ranked No. 2 among the 10 hardest-hit metropolitan regions in the state for highest percentage of payroll job losses between December 2007 and 2009, second only to the Inland Empire. The county's unemployment rate remains high at 7.8% in Orange County. Median OC home prices are at 2003 levels (\$400,000) and Los Alamitos assessed valuation is down by 1% - which indicates that property values are declining.

The construction industry, consisting of firms engaged in the construction of residential and non-residential buildings, is an important part of the Los Alamitos economy as are the construction related suppliers. There are approximately ninety-five construction related businesses in the City of Los Alamitos such as lighting retailers, hardware stores, flooring retailers, and local construction contractors.

Discussion

The City's General Fund is aided when the community's tax base is strengthened as local businesses are the core of the City's tax base. Increased construction activity will provide the City with increased property values, help to retain local businesses and local jobs, and may lead to business expansion for some businesses. In light of Council's desire to incentivize local investment, staff has developed a conceptual program that rebates building permit fees, planning fees, and driveway permit fees for business and residential customers.

Permit History

Last calendar year 281 building permits were issued. Those permits ranged from complicated permits for the McDonald's rebuild to the standard water heater change-out for homeowners. Commercial/industrial, single-family residential, and multi-family residential permit costs are described below:

- During 2011, commercial permit fees ranged from \$11,084 (demolition, grading, and new construction) for the newly constructed McDonald's to \$75 for the installation of four commercial windows. The average cost of the 80 commercial/industrial permits issued in 2011 was \$774.
- Single family residential permits ranged from \$2,065 to construct a new home on Midway Drive to \$30.50 for water heater installation. The average cost of the 178 single-family permits issued in 2011 was \$234.
- Multi-family residential related permits ranged from \$4,192 to construct a new 4-plex on Oak Street to \$30.50 for water heater installation. The average cost of the 23 permits issued in 2011 was \$433.
- Planning fees are \$1,000 for a minor Conditional Use Permit and \$1,900 for a major Conditional Use Permit. In 2011 the department collected \$10,000.
- The City collected \$6,000 in driveway permit fees in 2011.

How the Program Works

It is proposed that the Los Alamitos Business and Residential Improvement Program should be a rebate of building, planning, and driveway permit fees. It is proposed that

fees are rebated in an amount equal to the construction materials purchased from local businesses within the Los Alamitos city limits.

For example, a residential homeowner pays for a \$2,500 permit for a home improvement. The resident pays for and obtains the permit upfront prior to the start of construction. During construction he pays for \$1,795 worth of materials at Ganahl Lumber, \$250 worth of goods at McNally Lighting, and \$95 worth of materials at South Coast Supply. The homeowner totals the receipts from local business for the home improvement project (total = \$2,140), presents the receipts and proper forms to the City, and is rebated the \$2,140.

Such a program would rebate permit, planning, and driveway fees while encouraging local purchasing. Rebating fees will stimulate construction by reducing the cost of the construction project. Monies saved by the residents can be redirected into property improvements and thereby increase properties values, improve neighborhoods, and beautify commercial storefronts. Increasing sales at local retailers increases sales tax revenues within Los Alamitos which funds necessary services.

Similar Programs

Several Orange County cities have approved programs related to stimulating the local economy by creating incentives. There is a shared view that the economic well-being of the city is directly related to the fiscal health of its properties and business community. Some of the Orange County various programs are described below:

- The City of Anaheim implemented a program in 2004 which was renewed in later years.
- The City of Corona implemented its program in July 2008 for two months.
- The City of Orange implemented a fee waiver program in 2007 in Old Town areas.
- The City of Tustin implemented a program termed "Construction and Business License Fee Waiver Policy" which began in July 2011. The City Council budgeted \$400,000 for permits and \$350,000 for Business Licenses.
- In January 2012, Mission Viejo adopted a program waiving home improvement fees and penalties for homeowners who bring previously non-inspected improvements into compliance. The program was dubbed "Improve, Don't Move".

Program Highlights

This report proposes the development of a one year permit/planning fee rebate program with a "buy local" twist. The full guidelines are attached, but the highlights of the program are as follows:

- The program rebates permit, planning, and driveway fees equal to the amount of monies spent on building related materials within the Los Alamitos city limits.
- Active for one year from implementation (start date to be determined).

- Property improvements are to be inspected and determined to be in compliance with City Codes.
- Rebated fees only apply to City fees. School, utility, sanitation district, and other State fees shall not be eligible for a rebate.
- City Staff and elected officials are not eligible.
- \$3,500 limit per property.

Buy Local

In adding a “buy local” segment to the program, the City of Los Alamitos encourages property owners and contractors to purchase at many of the local construction related businesses such as Ganahl Lumber, South Coast Supply, Win-Dor, and Sunrise Glass. Incentivizing local purchases demonstrates faith in our local businesses, stimulates the economy, and provides for an increase in local sales tax within our community.

Process

The attached Program Guidelines and Procedures have been drafted for program implementation including step-by-step instructions for staff and the public. A customer-friendly process has been developed for program implementation wherein:

1. A permit is issued.
2. Funds are reserved.
3. Work is completed and inspected.
4. Receipts from local businesses are verified.
5. A rebate check is issued by Finance Department.

Marketing

The following marketing strategy is proposed to disseminate information to businesses and property owners including eligibility, rules and restrictions, and guidelines for the program:

Strategy	Cost
City's website	no cost
Email to databases from the Los Alamitos Chamber of Commerce, Los Alamitos Recreation & Community Services Department, the Los Alamitos Police Department	no cost
Social media	no cost
Los Alamitos Activities Guide ad	no cost
Program brochure mailing to residents	Printing \$ 450
	Postage \$ 815
Letter from the Mayor including program brochure to businesses and apartment or multi-complex owners/managers (1,400).	\$ 630
LATV ad	no cost

News Enterprise ads and press releases	\$ 350
Posters in businesses	\$ 215
Street Banners (three locations)	\$ 300
Banner at City Hall counter (where permits are sold)	\$ 50
Total \$ 2,810	

These publications and advertisements will be distributed heavily in the promotional kick-off period and throughout the term of the program to create awareness on a continual basis.

Fiscal Impact

During 2011, \$113,676 in permit fees were collected by the Community Development Department. In addition, planning fees during the past year totaled \$10,000 and driveway permit fees amounted to \$6,000. Based upon the historical revenue, combined with a projected increase due to this incentive, staff recommends funding all three categories at 125% of the previous year's permit levels which totals \$162,096 ($\$129,677 \times 125\% = 162,096$). An additional \$2,810 is needed for marketing. The impact to the City's budget would be a budget amendment transferring \$164,906 from the City's General Fund Reserve to the City's General Fund for Operating Costs. The City's General Fund has a fund balance of \$4.1 million in unassigned, unrestricted funds available.

Discussion for Council Consideration

Staff recommends that Council conceptually approve the program and discuss the following terms:

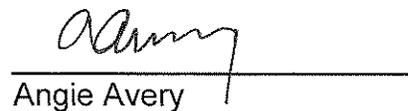
- Funding level of \$164,906
- Maximum rebate of \$3,500 per property
- Establish a start date of March 15, 2012
- Term of program up to one year (March 15, 2012 to March 14, 2013)
- Marketing program

Submitted By:



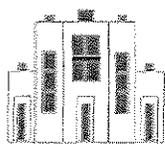
Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: 1. Building a Greater Los Al – Business and Residential Improvement Program Guidelines



BUILDING A GREATER LOS AL

Business & Residential Improvement Program



Attachment 1

PROGRAM GUIDELINES

The Los Alamitos Business & Residential Improvement Program is a rebate of building permit fees, planning permit fees, and driveway permit fees to be rebated upon completion of the construction project. The rebate shall be equal to the property improvement sales receipts from business within the Los Alamitos city boundaries.

These funds are not required to be repaid by the business owner or resident. This is not a loan, nor is this a grant. By rebating fees, eligible participants can further invest in their actual improvements. The rebate will reduce the cost of doing business by reducing the costs of construction. Rebates will be reimbursed at 100% when supported by receipts from Los Alamitos businesses for improvement related materials.

Program Objectives

- Reinvest in the local economy.
- Incentivize and encourage property improvements.
- Reduce the cost of construction.
- Encourage local purchasing at our local construction related businesses.
- Maximize the number of recipients by limiting each property to \$3,500 per year.
- Incentivize local businesses, which will in turn increase tax revenues.

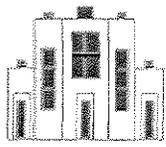
Buy Local

The Los Alamitos Business & Residential Improvement Program has been designed to encourage participants to purchase their construction related supplies or materials at many local businesses such as Ganahl Lumber, South Coast Supply, Win Dor, McNally Lighting and Sunrise Glass. A list of such businesses will be presented upon permit issuance.

Eligible Participants

Improvements shall be made on properties within the City of Los Alamitos. The rebate applicant shall be either a homeowner, apartment owner or a business owner. The contractor may represent the homeowner or business owner, but signature of homeowner or business owner shall be required. All payments shall be remitted to the Los Alamitos homeowner, apartment owner or business owner.

- All properties are to be located within the City of Los Alamitos.
- Contractors are not eligible for the rebate. Eligible participants include the homeowner, apartment owner or commercial property owner or business owner.
- City staff and elected officials are not eligible.
- Fees paid to outside agencies (school fees, sewer fees, green fees and sanitation fees are not eligible).
- Project improvements started prior to program approval will not be eligible.
- There must be a nexus between the permitted work and the receipts provided for local purchases.
- Properties within Rossmoor are not eligible for this program
- The amount of rebate shall not exceed amount or receipts for goods purchased in Los Alamitos related to the improvements.



BUILDING A GREATER LOS AL

Business & Residential Improvement Program



Eligible Properties

The Los Alamitos Business & Residential Improvement Program is intended to reduce the fees for improvements to existing Los Alamitos properties. There are three categories of eligible properties including:

- Single Family Residential – includes all Los Alamitos homes, condominiums and townhomes.
- Multi Family Residential – includes all Los Alamitos apartment buildings within three neighborhoods of Old Town East, Old Town West and Apartment Row.
- Commercial/Industrial – includes all commercial buildings, retail store fronts, industrial buildings and office buildings within city limits.

If a tenant occupied business requests assistance through the Los Alamitos Business & Residential Improvement Program, the legal property owner of the building must agree to the improvements. Each participating business must have a current, valid business license issued by the City of Los Alamitos. Additionally, businesses may not have any outstanding code enforcement violations on their properties or the permit must relate to curing those violations.

Eligible Improvements

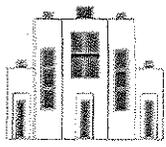
Fees related to improving properties are eligible, specifically building permit fees, planning related fees and driveway permit fees obtained in the Engineering Department. Applicants will be responsible for selecting a contractor, acquiring all required City permits, maintaining high construction standards and adhering to all City procedures. The following provides guidance on eligible improvements, but is not exhaustive:

Single Family Residential

- Roofing
- Interior remodeling
- Room additions
- New windows
- Installation of solar panels
- Water heater replacement
- Pools, pool equipment and patios and fencing
- Energy saving upgrades
- Code related repairs

Multi-Family Residential

- Roofing
- Interior remodeling
- Room additions
- New windows
- Installation of solar panels
- Water heater replacement
- Pools, pool equipment
- Energy saving upgrades
- Code related repairs



BUILDING A GREATER LOS AL

Business & Residential Improvement Program



Mobile Home Park

- Installation of new coach
- Roofing
- Carport installation or patio cover
- Energy saving upgrades

Commercial/Industrial

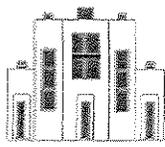
- Roofing
- Installation of new equipment
- Seismic retrofit
- Tenant improvements to existing buildings
- Façade improvements
- HVAC
- Electrical
- Plumbing
- Energy saving upgrades
- Sign installation or replacement
- Code related repairs

Rebate Amounts and Conditions

The City of Los Alamitos may provide a permit fee rebate to residential property owners, for individual businesses and commercial/industrial property owners not to exceed \$3,500. To reserve rebate funds, applicant shall submit application upon issuance of permit. All permit related improvements shall be completed before rebate is issued. Rebated fees only apply to City fees. School fees, utility fees, sanitation district fees and other State fees shall not be eligible for rebate.

Program Expiration

The Business & Residential Improvement Program shall expire one year from implementation. The program will be operated on a first come, first serve basis. Once the initial funding has been allocated, the program will cease.



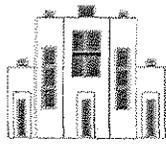
BUILDING A GREATER LOS AL

Business & Residential Improvement Program



PROGRAM PROCEDURES

Step 1:	The program is explained to the applicant by Community Development Staff. The initial contact should determine if the proposed property and proposed construction activities are within the program guidelines.
Step 2:	Program guidelines will be reviewed. The application and guidelines will be provided to the party who pays the fees at time of issuance.
Step 3:	Homeowner or contractor pulls the proper permits and pays the appropriate fees. City Staff will reserve funds equal to the eligible permit fees under the applicant's name until the work is completed.
Step 4:	Applicant is provided a list of construction related businesses.
Step 5:	Applicant begins permit related improvements.
Step 6:	Applicant purchases materials related to the improvements at Los Alamitos businesses.
Step 7	Applicant completes the application form and returns it to the Community Development Staff with receipts not to exceed the permit amount. If the applicant is not the property owner, documentation will be required proving the applicant has the authorization of the property owner to complete the application.
Step 8	Rebates will be made after improvements are completed and the permit has received final signature by the Planning Staff and the Chief Building Official. Receipt of the rebate is subject to an inspection by City Staff and the submission of complete documentation of permitting fees supported by receipts from local businesses.
Step 9	The application is reviewed by the Community Development Department Staff to assure that the receipts qualify under program guidelines. If approved, Staff requests a check from the City's Finance Department.
Step 10	Check is to be mailed to homeowner/business operator.



BUILDING A GREATER LOS AL

Business & Residential Improvement Program



PROGRAM APPLICATION



CITY OF LOS ALAMITOS
BUILDING/PLANNING FEE REBATE APPLICATION
 Community Development Department
 3191 Katella Ave., Los Alamitos, CA 90720-5600
 Phone: (562) 431-3538 Fax: (562) 493-0678

FOR OFFICE USE ONLY	
REBATE #	_____
Received on	_____
REFUND DATE	_____
AMOUNT	_____
\$	_____

APPLICANT

Owner/Applicant: _____

Address where Improvements made: _____

Applicant's Mailing Address (if different than above): _____

Telephone Number: _____ Email: _____

ELIGIBILITY VERIFICATION

I certify that (check all that apply):

- I am the owner, or business owner of _____, and have made improvements to the stated property
- The property improvements were made, are complete, and have received a final inspection from the City
- Attached, are appropriate receipts for the Los Alamitos businesses where I purchased materials
- I have attached the permits to be refunded

Describe the project

Building Permit Number(s) _____

What was the total cost of City Building/Planning fees charged by the City? \$ _____

How much did you spend on Project Materials at businesses in the City of Los Alamitos? \$ _____

Applicant Signature _____ Date _____

Please submit this completed form and documentation to the Community Development Department. If you have any questions or concerns, please feel free to contact us at (562) 431-3538, ext. 301.

City of Los Alamitos

Agenda Report Discussion Items

February 21, 2012
Item No: 10C

To: Mayor Troy D. Edgar & Members of the City Council

From: Angie Avery, City Manager

Subject: Appointment of City Council Ad Hoc Subcommittee to Consider Use of Potential Donated Funds from the Aquatic Foundation for Capital Improvements to the Pool

Summary: The Los Alamitos Aquatic Foundation was established as a non-profit 501(c)3 in 1998 to receive grant funds and donations for the renovation of the USA Water Polo National Aquatic Center on the Joint Forces Training Base. The Aquatic Foundation is considering closing its books and making a donation to the City to be used for capital improvements at the pool. An Ad Hoc Subcommittee would assist staff in prioritizing the projects needed at the pool.

Recommendation: Appoint two (2) members of the City Council to serve as an ad hoc subcommittee to prioritize the capital improvement needs at the pool in anticipation of a donation from the Los Alamitos Aquatic Foundation.

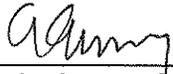
Background and Discussion

The Los Alamitos Aquatic Foundation was formed as a non profit 501(c)3 in 1998 to receive grant funds and donations during the complete upgrade and renovation of the pool at the Joint Forces Training Base. From 1999 through 2002 the Board of Directors of the Aquatic Foundation played a significant role in the contract administration for the construction of the facility. Starting in fiscal year 2003-04, after the pool was renovated, the operation and maintenance of the pool has been administered by the City. Since 2003-04, the Aquatic Foundation made a \$20,000 donation to the City in 2007 for additional pool renovations. At present, the Aquatic Foundation is considering ceasing operation and donating the remaining funds in its account to the City for capital improvements to the pool. A City Council Ad Hoc subcommittee will work with staff to identify and prioritize capital improvement needs at the facility.

Fiscal Impact

None at this time. If Aquatic Foundation funds are donated, the full City Council will adopt a resolution to accept the donation and appropriate the funds as necessary.

Submitted and Approved By:



Angie Avery, City Manager

City of Los Alamitos

Agenda Report Discussion Items

February 21, 2012
Item No: 10D

To: Mayor Troy D. Edgar & Members of the City Council
From: Angie Avery, City Manager
Subject: Consideration of an Administrative Regulation Pertaining to Code of Conduct for City Council and Commissions

Summary: This report requests City Council consideration of the adoption of an Administrative Regulation to provide uniform procedures by which the City Council and Commissions should conduct themselves while in office.

Recommendation: Adopt the proposed Administrative Regulation 2.6, Code of Conduct for City Council and Commissions.

Background and Discussion

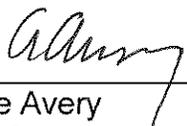
Several cities have adopted a code of conduct or a specific set of procedures for how the City Council and Commissions should conduct themselves and their meetings. To date, the City of Los Alamitos has no such code in place. Staff has researched various cities and compiled the proposed Code of Conduct. Included in the proposed document is a procedure for future City Council agenda item preparation (Section O). Specifically, it is recommended that items identified for future Council agendas have the support of three Council Members before the item is researched and placed on the agenda for action. The proposed Code of Conduct has been reviewed by the City Attorney.

Staff is recommending the City Council adopt the proposed Code of Conduct as Administrative Regulation 2.6.

Fiscal Impact

None

Submitted and Approved By:



Angie Avery
City Manager

Attachments: 1. Draft Administration Regulation 2.6 – Code of Conduct

City of Los Alamitos Administrative Regulation

Regulation:	2.6
Title:	Code of Conduct for City Council and Commissions
Authority:	City Council
Date:	February 21, 2012
Revised:	Troy D. Edgar, Mayor

1. Purpose: The residents and businesses of Los Alamitos are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government
- Public officials be independent, impartial and fair in their judgment and actions
- Public office be used for the public good, not for personal gain
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility

To this end, the Los Alamitos City Council has adopted a Code of Conduct for members of the City Council and the City's commissions to assure public confidence in the integrity of local government and its effective and fair operation. Members of the City Council and the City's Commissions are expected to familiarize themselves with this Code and to conduct themselves according to the goals and principles set forth in this Code of Conduct to the best of their ability.

2. Application: This policy shall apply to all members of the City Council and Commissions.

3. Regulation:

A. Definitions:

Member - For ease of reference in the Code of Conduct, the term "member" refers to any member of the Los Alamitos City Council or any of the City's commissions established by the City Council. "Mayor" shall refer to the Mayor of the City Council or the Chair of any commission.

4. Policy

A. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Los Alamitos and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council and the City's commissions.

B. Comply with the Law

Members shall comply with the laws of the federal government, the State of California and the City of Los Alamitos in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

C. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council and Commissions, the staff or the public.

D. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and commissions governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by City staff.

E. Conduct of Public Meetings

The Mayor, if present, shall preside. In the Mayor's absence, the Mayor Pro Tem shall preside. In the absence of both, the Councilmembers present shall elect a Presiding Officer.

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings. Any Councilmember desiring to speak shall first be recognized by the Mayor and shall confine any remarks to the subject under consideration.

In all matters and things not otherwise provided for herein, the proceedings of the Council or Commission shall be governed by "Robert's Rules of Order." However, no Ordinance, Resolution, proceedings or other action of the City will be invalidated, or the legality thereof affected, by the failure or omission to observe or follow said rules.

F. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

G. Communication

Members shall publicly share substantive information that they may have received from sources outside of the public decision-making process if it is significant to a matter being discussed by them.

H. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which prevents them from acting in a fair and impartial manner.

I. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public offices that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

J. Confidential Information

Officials shall not use or disclose information obtained through City service for improper purposes. Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interest.

K. Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

L. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Council or any commissions or proceedings of the City, nor shall members of commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

M. Advocacy

Members shall represent the official policies or positions of the City Council or commissions to the best of their ability when designated as delegates of the City Council or when acting in their official capacities. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Los Alamitos, nor will they allow the inference that they do.

N. Policy Role of Members

Members shall respect and adhere to the council-manager structure of city government as provided by state law and the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, commissions, and City staff.

Members therefore shall not interfere with or attempt to direct the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

O. City Council Agenda Preparation

The Agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager. All proposed agenda items shall be approved for placement on the agenda by the City Manager, the Mayor or their designee before being placed on the agenda by the City Clerk.

Notwithstanding the foregoing, if any member of the City Council desires to place an item on the agenda other than an urgency item, the following process will be followed:

- A Council Member may ask that the item be scheduled for consideration

- At the next regularly scheduled Council meeting, the item will be listed for consideration under "Other Business"
- The Council will review the listed "Other Business" in chronological order, at which time the Council Member who requested the item will make a presentation and state the importance of the item for the community as a whole
- Items for consideration will need to receive three (3) votes of approval before being scheduled for a subsequent Council Meeting
- Upon a three (3) vote approval, the City Manager will direct staff to begin research and prepare relevant information for a subsequent City Council meeting
- At a future scheduled Council meeting, a formal staff report will be presented to the City Council for consideration

P. Independence of Commissions

Because of the value of the independent advice of commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of commission proceedings.

Q. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

Individual officials shall not direct, order, or make demands on any City employee, other than inquiries that can be routinely answered. Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties. Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations. Officials shall not threaten a City employee with disciplinary action.

If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Manager or to the employee's Department Director. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority properly to discipline its employees.

R. Implementation

As an expression of the standards of conduct for members expected by the City, this Code of Conduct is intended to be self-enforcing. It therefore

becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming that they have read and understand the City of Los Alamitos Code of Conduct.

S. Compliance and Enforcement

The Los Alamitos Code of Conduct expresses standards of ethical conduct expected for members of the City Council and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention.

Complaints alleging a violation of this Code of Conduct by a City official should be directed to the City Manager or the City Attorney. Upon receipt of a complaint of a minor nature, the City Manager and the City Attorney shall together determine a course of action. The City Manager and the City Attorney shall, should they fail to resolve the complaint or should the complaint be of a serious nature, consult with the Mayor (unless the Mayor is the subject of the complaint, in which event they shall consult with the Mayor Pro Tem or other Councilmember, in order of seniority, as is appropriate under the circumstances) in order to determine an appropriate course of action.

The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations shall be employed, beginning with informal methods and proceeding to more formal methods as necessary. If appropriate, informal counseling and instruction (including referral to the Employee Assistance Program if appropriate) shall be utilized to correct the official's behavior prior to recommending imposition of sanctions.

Should less drastic measures fail, the City Council may in a public meeting impose one or more of the following sanctions:

- Reprimand
- Censure
- Travel or expense reimbursement restrictions
- Loss of committee or liaison assignments
- Removal from an appointed commission or board
- Loss of staff support or use of City resources
- Other penalties as may be applicable under the circumstances

Any provision of these rules not required by law may be temporarily suspended by a majority vote by the Councilmembers present. Nothing in this Code is intended to supersede or modify otherwise applicable state or local law. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council or commission decision.

City of Los Alamitos

Agenda Report Discussion Items

February 21, 2012
Item No: 10E

To: Mayor Troy D. Edgar & Members of the City Council
From: Angie Avery, City Manager
Subject: Potential Brown Act Violations

Summary: Staff has been asked to place this item regarding potential Brown Act violations on the agenda.

Recommendation: Discuss the alleged Brown Act violations in the open session City Council meeting and determine whether any follow up is required.

Background and Discussion

At the City Council meeting on February 5, 2012, Council Member Graham-Mejia and Council Member Kusumoto asked for this item to be placed on the agenda. Several Brown Act violations have been alleged and this is the opportunity for the City Council to discuss the allegations and determine whether any follow up is required.

Fiscal Impact

None at this time.

Submitted and Approved By:



Angie Avery, City Manager

11. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

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

12. ITEMS FROM THE CITY MANAGER

13. **ADJOURNMENT**

The next meeting of the City Council is scheduled for **Monday, March 5, 2012**, in the City Council Chambers.

