

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

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.

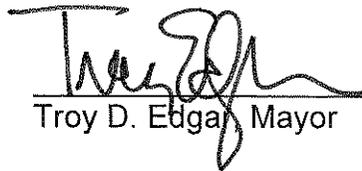
City Council recessed into Closed Session at 9:52 p.m.

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

There was no reportable action.

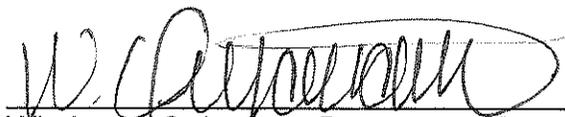
12. ADJOURNMENT

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