

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

**REGULAR MEETING – February 21, 2012**

**1. CALL TO ORDER**

The City Council met in Regular Session at 6:50 p.m., Tuesday, February 21, 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.  
Windmera Quintanar, Department Secretary

**3. PLEDGE OF ALLEGIANCE**

Council Member Graham-Mejia led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Pro Tem Poe gave the invocation.

**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)

Council Member Graham-Mejia requested an opportunity to review the memo she received from the City Attorney regarding Conflict of Interest.

## **RECESS**

The City Council took a brief recess at 6:55 p.m.

## **RECONVENE**

The City Council reconvened in Regular Session at 6:59 p.m.

City Attorney Levin explained the difference between financial conflicts of interest regulated by the Fair Political Practices Commission (FPPC) and common law bias conflicts.

Council Member Graham-Mejia stated she had misunderstood her perceived conflict and revoked her abstention from discussions regarding the trash contract litigation.

Mayor Edgar asked for clarification regarding Council Member Graham-Mejia's perceived conflict.

Discussion ensued regarding the events surrounding Council Member Graham-Mejia's recusal, perceived conflict of interest, and common law bias conflicts.

Council Member Graham-Mejia stated she did not believe she had a common law bias conflict and would put the City's best interest ahead of her own. She indicated was comfortable rejoining Closed Session discussion regarding the trash contract litigation.

## **RECESS**

The City Council recessed into Closed Session at 7:20 p.m.

## **RECONVENE**

The City Council reconvened into Regular Session at 7:40 p.m.

City Attorney Levin stated Council had met to re-discuss whether to appeal the litigation. Council voted 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote) to reaffirm and re-appeal the litigation.

## **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.

Pat Blancher, resident, stated support for the current trash contract and spoke regarding the traffic on Farquhar and her opposition to an additional lane, and support for adding bike lanes throughout the City.

Roger Ho, Attorney for Council Member Kusumoto, read a Deliver Demand letter on behalf of Council Member Kusumoto into the record (Attachment 1).

Mayor Edgar indicated the concerns had been cured during the Closed Session actions of the evening.

Richard Murphy, resident, stated opposition to item 10D.

Art DeBolt, resident, stated opposition to item 9A and gave his understanding of the rates and perceived overpayments. He stated his belief that Mayor Edgar had breached the Code of Conduct outlined in the Waste Hauler, Request for Proposals.

JM Ivler, resident, requested the City Attorney investigate what he perceived as Brown Act violations and Los Alamitos Charter and Municipal Code violations.

**7. REGISTER OF MAJOR EXPENDITURES**

February 21, 2012

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried: The City Council approved the Register of Major Expenditures for February 21, 2012, in the amount of \$313,135.42.

**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.

Motion/Second: Graham-Mejia/Stephens

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

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

**B. Warrants (Finance)**

The City Council approved the Warrants of February 21, 2012 in the amount of \$73,252.96

**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 reaffirmed 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.

The City Council, by a 4/5ths vote, ratified and reaffirmed the December 19, 2011, City Council action that:

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 had been 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 the report were an emergency, that there was not time to conduct a competitive bid process and that the roofs had to 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) and authorized 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. 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 were at end of life and were recommended for surplus. The value in the computers is limited to use as parts.

The City Council declared the listed equipment as surplus and authorized 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 authorized the City Manager to pay for the food for the Race on the Base. The Race on the Base event required an external food vendor due to the nature of food service handling. This item was 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 was no impact to the General Fund.

The City Council authorized 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\*\*\*\*\*

**A. Approval of Minutes (City Clerk)**

Approve Minutes of the Regular Meeting – February 6, 2012

Council Member Graham-Mejia stated for the record that she did not feel action minutes gave a clear depiction of the events for future Council or the community. She stated support for reinstating summary minutes for historical purposes.

Council Member Kusumoto brought up a concern regarding his perceived misreading of Ordinance No. 12-01 and stated he would address it when the item was discussed.

Motion/Second: Poe/Stephens

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting votes): The City Council approved the Minutes of the Regular Meeting of February 6, 2012.

**9. ORDINANCES**

**A. Second Reading of Ordinance No. 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.

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

Council Member Kusumoto referred to page 3 of 5, Section 4, and stated there was a typographical error.

City Attorney Levin clarified typographical errors were exempt.

Council Member Graham-Mejia inquired when the Mayor was appointed as the representative for negotiations.

City Attorney Levin indicated she could research the date; however it was a Closed Session decision and could not be discussed in Open Session.

Discussion ensued regarding confidentiality of Closed Session discussions and Consolidated Disposal submitting its parent company's financials as part of the bid.

Motion/Second: Poe/Edgar

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

1. Read in full Ordinance No. 12-01; and,
2. City Attorney Levin read 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.

**Roll Call Vote**

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

**10. DISCUSSION ITEMS**

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

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

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

The City Council discussed the following topics:

- Having flexibility on all Commissions to appoint from 5 to 9 Commissioners
- Encouraging community involvement
- Addressing each Commission individually
- History of not having enough applicants for Commission openings
- Commissions mirroring the legislative body of the Council
- Commissioner consistency pertaining to ongoing projects
- General Plan Update process to date
- Benefit of having new ideas and perspectives

Mayor Edgar opened the item for public comment. There being no one present wishing to speak, Mayor Edgar closed the item for public comment.

Motion/Second: Poe/Edgar

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council tabled the item to an undetermined future date.

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

This report conceptually introduced 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.

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

City Attorney Levin stated there were no known conflicts of interest for City Council since the program was Citywide and Council properties were exempt. She cautioned Council to seek her advice should they learn of anything that may cause a conflict (i.e. neighbors doing major remodels).

The City Council and staff discussed the following topics:

- Incentivizing residents and business owners to improve their properties
- Increasing sales tax with the "Buy Local" aspect
- Chamber providing a list of local businesses
- Funding the program with General Fund Unrestricted Reserves

- Support for giving back to the Community
- Hitting a broader base of tax payers by reducing Utility Users Tax (UUT) by 1-2% for a limited time
- Staff time for implementation and management of the program
- Possibility of including preconstruction services (i.e. architect services) as eligible expenses for reimbursement
- Financial liability and risk
- Reserving funds upfront so applicants know instantly if they can participate in the program
- Increasing funding so more people can participate in the program
- Tracking sales tax generated from the program

Mayor Edgar opened the item for public comment.

JM Ivler, resident, stated support for the item and suggested returning any unused funds back to the reserves and returning sales tax back into the program.

Richard Murphy, resident, stated support for the item and suggested offering a benefit to local businesses who participate in the program and getting local banks to support the program.

Mayor Edgar closed the item for public comment.

The City Council and staff discussed the following topics:

- Returning unused funds to the General Fund Unrestricted Reserves
- Using point of sale data to return funds to the program
- Having a list of local businesses and having said businesses offer a discount for the program
- Raising the funding level
- Creating a Council Ad Hoc Committee to review the program
- Adding an appeals process
- Lowering the UUT as a separate agenda item
- Problematic to reduce revenue before the completing the Budget process

The City Council:

1. Reviewed and discussed concepts of the program; and,
2. Provided feedback to incorporate into final program guidelines; and,
3. Directed 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 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.

City Manager Avery summarized the staff report referring to the information contained therein and answered questions from the City Council.

Council Member Stephens and Mayor Pro Tem Poe stated an interest in serving on the Ad Hoc Committee.

Motion/Second: Graham-Mejia/Kusumoto

Unanimously Carried: The City Council appointed Mayor Pro Tem Poe and Council Member Stephens 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.

City Manager Avery summarized the staff report referring to the information contained therein and answered questions from the City Council.

Mayor Edgar discussed the importance of streamlining the agenda process.

Council Member Kusumoto called for the question. Council Member Graham-Mejia seconded.

Mayor Edgar opened the item for public comment.

Richard Murphy, resident, stated opposition to the item and expressed concern the minority would not be heard.

Mayor Edgar closed the item for public comment.

The City Council and staff discussed the following topics:

- Refraining from using the agenda for political debates
- Moving the City forward
- Clarification regarding adding items to the agenda per the proposed Code of Conduct

Mayor Edgar called for a point of order and requested Council Member Kusumoto withdraw his motion to allow for discussion.

Council Member Kusumoto declined.

Council Member Graham-Mejia withdrew her second.

The City Council and staff discussed the following topics:

- Equality for Council Member's ability to get items agendized
- Survey of surrounding cities regarding agenda items
- Council's ability to modify the proposed Code of Conduct
- Clarification regarding the proposed Code of Conduct
- Applicability to the City Commissions
- Los Alamitos Municipal Code Section (LAMC) 2.04.040, regarding placement of agenda items
- The use of City resources
- History of previous attempts to adopt a Code of Conduct
- Perceived inequality of Council minority to have an item placed on the agenda with the proper research

Motion/Second: Poe/Warren

Motion died 1/3 (Edgar, Graham-Mejia, and Stephens cast the dissenting vote and Council Member Kusumoto abstained): The City Council adopt the Administrative Regulation 2.6, Code of Conduct for City Council and Commissions, but substitute LAMC Section 2.04.040 for Section O.

City Council took no action.

## **RECESS**

The City Council recessed at 10:35 p.m.

## **RECONVENE**

The City Council reconvened in Regular Session at 10:44 p.m.

- E. Potential Brown Act Violations (City Manager)**  
Staff was asked to place this item regarding potential Brown Act violations on the agenda.

City Attorney Levin stated the item appeared without a staff report because there was no direction from the Council majority to conduct the research; however, her initial investigation did not warrant Council action or cause for a cure. She clarified that the reportable action of item 5 cured the alleged Brown Act violation of December 8, 2011.

The City Council and staff discussed the following:

- Clarification in the future if Council action is needed to have an item agendaized with research efforts by staff
- Perceived inequality of staff report efforts for items requested by certain Council Members
- Additional alleged Brown Act violations
- Need for Brown Act training
- Addressing all alleged Brown Act violations at once

Mayor Edgar opened the item for public comment.

JM Ivler, resident, stated support for dropping all alleged Brown Act violations and working together to move forward.

Mayor Edgar closed the item for public comment.

The City Council and staff discussed the following topics:

- Working together to move forward to do the business of the City
- Proper notification and posting for the December 8, 2011 Special City Council meeting
- Council's desire to do the best for its residents
- Council Member Kusumoto's desire to exonerate himself from the claims brought against him
- Equal treatment for all Council Members
- Request for an agenda item to clear all alleged Brown Act violations

The City Council discussed the alleged Brown Act violations in the open session City Council meeting.

## **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.

**Council Member Graham-Mejia** reported attendance at the Vector Control Board meeting and gave a brief update. She requested the City Manager address resident concerns during City Manager comments so all residents would be apprised of the answers and congratulated Detective Jacob Sorenson for being accepted to West County Swat Team.

Police Chief Mattern gave a brief background on Detective Jacob Sorenson.

Council Member Graham-Mejia spoke regarding the following topics: Laurel Park renovation, Katella and Chestnut project, Spring Carnival and noticing the new location of the carnival.

**Council Member Stephens** reported attendance at the Orange County Fire Authority Budget and Finance Committee meeting. He stated he was pleased to serve on the Aquatics Foundation Ad Hoc Committee. He requested an update on the Race on the Base and Community Services Director Lakin provided such.

**Mayor Pro Tem Poe** congratulated Detective Jacob Sorenson and thanked Council Member Graham-Mejia for her update on Vector Control. She reported attendance at the State of the County and advised of the upcoming Americana Awards and Race on the Base. She requested the Council Meeting be adjourned in memory of former Traffic Commissioner, Shawn Utley, and long time former business owner, Mary Jonokuchi.

**Council Member Kusumoto** requested the City Attorney forward him any information he may be lacking regarding the trash litigation.

**Mayor Edgar** reported attendance at the Orange County Sanitation District meeting, State of the County, and advised of the upcoming West Orange County Elected Officials meeting. He stated Stanton Council Member Ed Royce Senior had stepped down and this would create an opening on the Metropolitan Water District of Orange County (MWDOC) Board. He spoke on the following topics: rededication of Laurel Park, potential ballot measure being circulated in the City of Cypress, upcoming ribbon cutting for the Total Breast Care Center, and upcoming Americana Awards.

Council Member Graham-Mejia requested an update on the upcoming Local Agency Formation Commission (LAFCO) available seat. Mayor Edgar and Mayor Pro Tem Poe provided an update.

## 12. ITEMS FROM THE CITY MANAGER

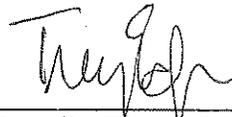
City Manager Avery gave an update on the following topics:

- Shade structure at the pool and tentative Grand Opening date of March 14<sup>th</sup>
- General Plan Outreach dates of March 8, 17, and 20

- Summarized the response letter sent to Javier Mejia, resident, regarding his previous concerns: Humbolt and Cerritos, graffiti abatement, update on the speed bumps in the alley
- Summarized the response sent to Mr. Baker regarding the excessive wait time to make a left on Rossmoor Way

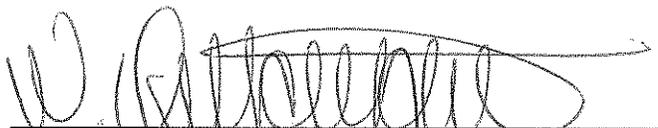
**13. ADJOURNMENT**

City Council adjourned at 12:10 a.m. in memory of former Traffic Commissioner Shawn Utley and former business owner Mary Jonokuchi. The next meeting of the City Council is scheduled for **Monday, March 5, 2012**, in the City Council Chambers.



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Troy D. Edgar, Mayor

ATTEST:



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Windmera Quintanar, Department Secretary