

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

REGULAR MEETING – January 17, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, January 17, 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
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

Council Member Stephens led the Pledge of Allegiance.

4. INVOCATION

Council Member Kusumoto gave the invocation.

5. PRESENTATIONS

A. Presentation of Certificates of Appreciation to the Los Alamitos High School Girls Volleyball Team for winning the 2011 CIF Division I Championship

City Council presented Certificates of Appreciation to the Los Alamitos High School Girls Volleyball Team and Coach Huber. Coach Huber thanked the Council on behalf of the team.

B. Presentation by Colonel R. Mark Toy providing an overview of U.S. Army Corps of Engineers

Col. Toy gave a PowerPoint presentation and answered questions from the City Council.

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.

Mayor Edgar opened Oral Communications.

Jim Lissner discussed red light camera concerns.

JM Ivler, resident, stated his perception regarding Council Member Graham-Mejia's treatment by the City Council.

Dave Emerson, resident, stated concerns regarding the City Attorney invoices and legal expenses related to the trash litigation.

Shane Cozie and Rodney Phillips, residents, stated opposition to spending money on legal fees.

Judy Klabouch, former Chamber President, stated the monthly Wake Up Breakfast was held on the first Friday of every month.

Judy Klabouch and Richard Murphy, residents, requested Council look at the upcoming project at the Shops at Rossmoor, specifically traffic concerns.

Mayor Edgar stated he had received similar concerns from residents and requested staff look into the matter.

Council Member Graham-Mejia agreed.

George Briggeman, resident, requested the City Council appoint Council Members to meet with the Los Alamitos Aquatic Foundation to discuss one last Capital Improvement Project.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Edgar/Poe

The City Council approved the Major Expenditures for January 17, 2012, in the amount of \$625,798.85.

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/Poe

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

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

B. Warrants (Finance)

The City Council approved the Warrants for January 17, 2012, in the amount of \$106,668.90.

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.

The City Council, by a 4/5ths vote, ratified and reaffirmed the need for an emergency contract to complete the roof repairs as approved during the December 19, 2011, City Council Meeting.

D. Resolution No. 2012-01 - Amendment to the City's Conflict of Interest Code (City Clerk)

To comply with the requirements of State law, the attached Resolution proposed to amend the City's Conflict of Interest Code by updating the list of designated employees that have significant involvement in the City's decision-making process.

The City Council adopted Resolution No. 2012-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY."

E. Approval of the Fiscal Year 2012-13 Budget Calendar (Finance)

This report sought City Council approval of the Fiscal Year 2012-13 Budget Calendar.

The City Council approved the recommended Budget Calendar for Fiscal Year 2012-13.

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

A. Approval of Minutes (City Clerk)

Approve Minutes of the Regular Meeting – December 19, 2011.

Council Member Graham-Mejia stated for the record she was concerned with lack of information contained within this official record for current and future Councils. She stated support for bringing back summary minutes.

Motion/Second: Poe/Stephens

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Minutes of the Regular Meeting of December 19, 2011.

9. DISCUSSION ITEMS

A. Authorization to Purchase Scientia's PD Assist Software Bundle (PD)

This report seeks City Council authorization to purchase Scientia's PD Assist Software Bundle for use in the Police Department. Using budgeted asset seizure funds, the Police Department is seeking to serve as a beta site for this progressive software package which will reduce redundant processes and allow officers to spend more time in the field.

Police Chief Mattern gave a brief description and introduced Cassandra Palmer, Support Services Manager. Manager Palmer 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.

JM Ivier, resident, inquired if the system would include AFES. Manager Palmer answered in the negative.

Mayor Edgar closed the meeting for public comment.

Council Member Graham-Mejia stated support for the item.

Council Member Stephens commented on technical support, mobile units, and County interfacing. He stated support for the item.

The City Council discussed becoming a "beta site."

Mayor Pro Tem Poe stated support.

Mayor Edgar stated support for the project and Scientia.

Motion/Second: Poe/Graham-Mejia
Unanimously Carried: The City Council:

1. Authorized the expenditure of \$15,000 from the Fiscal Year 2011-12 Budget, account number 27.521.5420, for the purchase of the Scientia's PD Assist Software Bundle with Jail Booking, Briefing, and Crime Analysis modules; and,
2. Authorized the City Manager to execute an agreement in a form to be approved by the City Attorney.

RECESS

The City Council took a ten minute recess at 8:28 p.m.

RECONVENE

The City Council reconvened in Regular Session at 8:38 p.m.

10. MAYOR AND COUNCIL INITIATED BUSINESS

A. Discussion of Violations of Law Related to Published Letter Regarding Closed Session and Possible Action Regarding Same

On December 5, 2011, Council Member Kusumoto publicly released a letter which contained references to conduct in Closed Session and opinions on the Council related to litigation discussed in Closed Session. The City Council requested that the City Attorney provide an opinion for discussion in open session regarding whether the letter violated the Brown Act or other confidentiality laws by exposing information and discussions that were confidential.

Council Member Kusumoto recused himself and left the dais.

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

Mayor Edgar gave a brief background of the process to date pertaining to the City's trash contract with Consolidated Disposal.

Mayor Edgar opened the meeting for public comment.

City Attorney Levin clarified Council Member Kusumoto could address the Council as a resident from the podium.

The following residents stated opposition for item 10A:

- Shane Cozie
- Rodney Phillips
- Richard Murphy
- JM Ivler

The following residents stated support for item 10A:

- Lissette Gabler
- Chuck Sylvia

Council Member Stephens requested explanation of City Attorney fees and cost related to litigation.

City Attorney Levin stated there may be more than one month's fees being reported and indicated Council was within the adopted budget for legal fees. She indicated litigation fees regarding the trash contract were reimbursed by Consolidated.

Council Member Stephens requested an explanation of the FPPC opinion regarding the named Council Members participating in Closed Session.

City Attorney Levin summarized the FPPC had stated the allegation in the complaint did not create a Conflict of Interest and there was no Conflict of Interest by virtue of the fact Consolidated would reimburse the City for defense costs.

Council Member Stephens and Mayor Pro Tem Poe stated support for moving forward as stated in the City Attorney's memo.

Council Member Graham-Mejia stated opposition for moving forward. She commented on her perception of former Council Member Grose's Brown Act Violation.

Dean Grose, resident, stated such comments were out of order as he had not committed a Brown Act violation and he did not appreciate being slandered.

Mayor Edgar clarified Public Comment was closed.

Council Member Graham-Mejia recalled potential Brown Act violations by former Council Member Grose during Police Officer Association contract negotiations and with Mayor Edgar during the Orange County Sanitation District Board meeting.

Mayor Edgar inquired if Council Member Kusumoto would like to address the Council as a resident.

City Manager Avery indicated he declined.

Mayor Edgar stated his belief that there was a Brown Act violation and felt the City needed to move forward with prosecution.

Mayor Edgar and Council Member Graham-Mejia discussed the action taken during the Orange County Sanitation District meeting.

Council Member Graham-Mejia expressed frustration that the item appeared to be retaliation for the lawsuit and supported giving Council Member Kusumoto a second chance, as was past practice for new Council Members.

Council Member Stephens stated the City Council had an obligation to report these matters to the proper agencies. He pointed out the action was not retaliation, but an effort to get the facts and expert opinion.

Mayor Pro Tem Poe stated she did not see the relevance of the Dean Grose allegations made by Council Member Graham-Mejia since three members of the current Council were not present at the time. She expressed her opinion that it was the Council's obligation to ensure regulations were followed and all citizens were represented.

Mayor Pro Tem Poe asked for clarification regarding the options presented in the City Attorney's memo. City Attorney Levin provided explanation.

Mayor Pro Tem Poe made a motion to move forward with options 2, 3, 4, 5, and 6, as stated in the City Attorney's memo.

Council Member Graham-Mejia supported option 2 and inquired if the Council could wait for a response from the Attorney General before moving forward with all agencies and if the Attorney General or District Attorney would see different reasons to prosecute.

City Attorney Levin stated the Council could proceed as it deemed appropriate and all agencies could reach different outcomes.

Mayor Pro Tem Poe made a motion, seconded by Council Member Stephens, to move forward with options 2, 3, 4, 5 and 6, as presented in the City Attorney's memo.

Council Member Graham-Mejia made a substitute motion to move forward with options 2 and 5, and proceed further if needed at a later date. Motion died for lack of a second.

Motion/Second: Poe/Stephens

Carried 3/1 (Kusumoto recused himself and Graham-Mejia cast the dissenting vote): The City Council provided the following direction:

2. Establish a policy or "code of conduct" for the handling of confidential Closed Session information and adopt specific rules for all future meetings.
3. Retain a City Prosecutor to seek a court order, writ of mandate, or injunction preventing further disclosure of confidential Closed Session information by Council Member Kusumoto and/or barring him from further Closed Sessions regarding the litigation issue.
4. Direct the City Attorney to refer the matter to the District Attorney. The matter may be investigated and may or may not be prosecuted under state law.
5. Direct the City Attorney to refer the matter to the Attorney General. The matter may be investigated and may or may not be prosecuted under state or local law.
6. Direct the City Attorney to refer the matter to the Grand Jury. The Grand Jury may investigate the matter and determine whether to initiate removal proceedings.

B. City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees

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

Department Secretary Quintanar summarized the staff report, referring to the information contained therein and answered questions from the City Council.

City Attorney Levin explained the voting procedures and pointed out Council Members could not participate in voting for themselves and would need to step down from the dais.

The City Council discussed Delegates and Alternates for the Boards and Committees that did not receive a stipend.

Motion/Second: Stephens/Graham-Mejia

Unanimously Carried: The City Council approved the following Delegate/Alternate appointments:

- League of California Cities (State Division) – Kusumoto/Poe
- City Selection Meeting – Edgar/Council
- WestComm JPA – Poe/Stephens
- OC Library Advisory Board – Poe/Stephens
- Growth Management Area #2 – Poe/Stephens
- OCFA I-405 Policy Working Group – Poe/Graham-Mejia
- CJPIA – Kusumoto/Stephens
- LAUSD School working Group – Poe/Graham-Mejia
- Remove LATV Ad Hoc Subcommittee
- Annexation Ad Hoc Subcommittee – Poe/Graham-Mejia
- General Plan Ad Hoc Subcommittee (Includes Downtown Revitalization) – Kusumoto/Edgar

Mayor Edgar opened the discussion for Orange County Sanitation District. He stated he was the current Delegate and Council Member Stephens was the current Alternate.

Council Member Graham-Mejia stated interest in the Delegate position.

Mayor Pro Tem Poe nominated Mayor Edgar for the Delegate to the Orange County Sanitation District, seconded by Council Member Stephens.

Mayor Edgar recused himself and left the dais.

Motion/Second: Poe/Stephens

Motion Failed 2/2 (Graham-Mejia and Kusumoto cast the dissenting vote):
Appoint Mayor Edgar as Delegate to the Orange County Sanitation District Board.

Mayor Edgar took his seat at the dais.

Council Member Kusumoto nominated Council Member Graham-Mejia for the Delegate to the Orange County Sanitation District Board. Motion died for lack of a second.

Mayor Edgar indicated he was the Vice Chair of the Board and was preparing to become the Chair. He inquired the procedure for a tie vote.

City Attorney Levin stated she could not speak for another agency's procedures, but encouraged Council to reach an agreement.

Mayor Pro Tem Poe nominated Mayor Edgar for the Delegate to the Orange County Sanitation District (OCSD) Board, seconded by Council Member Stephens.

Mayor Edgar recused himself and left the dais.

The Council discussed establishing a policy regarding Board/Commission appointments, allowing equal opportunity across the Council to serve on various Boards, and Council Member Graham-Mejia's continued interest to serve on the OCSD Board.

Council Member Kusumoto requested to add to the motion a nomination for Council Member Graham-Mejia as the OCSD Alternate, seconded by Council Member Stephens.

Council Member Graham-Mejia recused herself and left the dais.

Motion/Second: Poe/Stephens

Carried 3/0 (Mayor Edgar and Council Member Graham-Mejia recused):
The City Council appointed Mayor Edgar as Delegate and Council Member Graham-Mejia as Alternate, to the Orange County Sanitation District Board.

Mayor Edgar and Council Member Graham-Mejia took their seats at the dais.

Mayor Edgar opened the discussion for the Orange County Fire Authority (OCFA) Board. He stated Council Member Stephens was the current Delegate and Council Member Graham-Mejia was the current Alternate.

Council Member Stephens expressed interest in remaining the Delegate.

Council Member Graham-Mejia expressed interest in becoming the Delegate.

Mayor Pro Tem Poe nominated Council Member Stephens as the Delegate to the OCFA Board of Directors.

Mayor Edgar made a substitute motion to nominate Council Member Stephens as the Delegate and Council Member Graham-Mejia as the Alternate.

Council Member Graham-Mejia stated she was not interested in the Alternate position.

Mayor Edgar nominated Council Member Stephens as the Delegate and Mayor Pro Tem Poe as the Alternate to the OCFA Board. Motion died for lack of a second.

Mayor Edgar nominated Council Member Stephens as the Delegate to the OCFA Board, seconded by Mayor Pro Tem Poe.

Council Member Stephens recused himself and left the dais.

The City Council discussed holding multiple positions that receive stipends, progression of Alternate to Delegate, procedure of vacant board seats for various election outcomes, different strategies for Board appointments, subcommittees of Boards, reappointment of incumbents to ensure succession, and perception of Council Member appointment preference.

Council Member Graham-Mejia called for the question.

Motion/Second: Edgar/Poe

Carried 3/1 (Graham-Mejia cast the dissenting vote): The City Council appointed Council Member Stephens as Delegate to the Orange County Fire Authority Board.

Council Member Stephens took his seat at the dais.

Council Member Graham-Mejia stated she was not interested in serving as the Alternate.

Mayor Pro Tem Poe expressed interest as the Alternate.

Mayor Edgar made a motion to appoint Mayor Pro Tem Poe as the Alternate to the OCFA Board, seconded by Council Member Stephens.

Mayor Pro Tem Poe recused herself and left the dais.

Motion/Second: Edgar/Stephens

Carried 4/0 (Mayor Pro Tem Poe excused herself): The City Council:

1. Appointed Council Member Stephens as the Delegate and Mayor Pro Tem Poe as the Alternate to the Orange County Fire Authority Board; and,

2. Adopted City Council Resolution 2012-02, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS."

C. Council Announcements

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

Mayor Edgar indicated rotation would go from end to end of the dais and he would reserve the right to comment last.

Council Member Graham-Mejia reported attendance at the Orange County Vector Control Board Orientation Meeting.

Council Member Stephens reported attendance at the Orange County Fire Authority Budget and Finance Committee meeting.

Mayor Pro Tem Poe reported attendance at the Chamber Installation Breakfast and LAUSD/City Working Group meeting. She requested staff bring back additional information regarding the Shops at Rossmoor and requested adding bus shelters in front of the hospital and on Katella between Lexington and Saratoga. She stated Pat Longren had passed away and passed her condolences to the family.

Council Member Kusumoto expressed he had enjoyed the winter break with his family and stated he had used a local contractor to install solar panels in his home and was very pleased with the end product.

Mayor Edgar reported attendance at the Orange County Sanitation District Board meeting. He requested City Manager Avery and Community Development Director Mendoza reengage with the Water Conservancy Board. He congratulated new Chamber President, John Osbourne, and thanked outgoing President, Judy Klabouch. He discussed the following topics: involvement with the Chamber of Commerce, Madera's Christmas event for veterans, concerns regarding the Shops at Rossmoor, and Building Permit Fee Rebate Program.

11. ITEMS FROM THE CITY MANAGER

City Manager Avery commented on the following items: accident at Great Dane Bakery, shade structure at the Joint Forces Training Base, Laurel Park Rehabilitation project, new Dodge Chargers for the Police Department, Neighbor 4 Neighbor program in the Highlands, Race on the Base, and the Coyote Creek Project.

Mayor Pro Tem Poe stated the museum would be hosting Bill Jimenez, certified paranormal, at the museum this Sunday at 2:00 p.m.

12. **ADJOURNMENT**

City Council adjourned at 11:15 p.m. The next meeting of the City Council is scheduled for **Monday, February 6, 2012**, in the City Council Chambers.



Troy D. Edgar, Mayor

ATTEST:



Windmer Quintanar, Department Secretary