

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

REGULAR MEETING – May 7, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 7:01 p.m., Monday, May 7, 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
Dave Hunt, City Engineer
Corey Lakin, Community Services Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
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. PRESENTATIONS

A. Presentation of Certificates of Recognition to the Los Alamitos High School Girls' Cheer Team for winning the Universal Cheer Association's National Championship

Mayor Edgar asked the Los Alamitos Unified School District Board Members Diana Hill and Karen Russell to join the Council. The City Council presented Certificates of Recognition to the Girls' Cheer Team and their coaches. The coaches spoke briefly regarding the season.

B. Presentation of a Certificate of Recognition to Music Sur La Mer Youth Symphony for its 10th Year Anniversary and Presentation of a Commendation to Marcy A. Sudock, Musical Director

The City Council presented awards to Mark and Marcy Sudock. Ms. Sudock gave a brief background on the program.

C. Presentation of a Certificate of Appreciation to Corporal Chris Anderson for Demonstrating Extraordinary Heroism

The City Council asked Police Chief Mattern to join the Council. Police Chief Mattern gave an overview of the events and introduced Corporal Chris Anderson and his family. The City Council presented a Certificate of Appreciation to Corporal Anderson.

RECESS

The City Council took a brief recess at 7:30 p.m.

RECONVENE

The City Council reconvened in Regular Session at 7:38 p.m.

6. ORAL COMMUNICATIONS

Mayor Edgar opened Oral Communications.

Travis Allen, candidate for 72nd Assembly District, spoke regarding his campaign.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Graham-Mejia/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for May 7, 2012, in the amount of \$708,626.13.

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: Poe/Stephens

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

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

B. Warrants (Finance)
The City Council approved the Warrants for May 7, 2012, in the amount of \$98,150.

C. Approval of Plans and Specifications and Authorization to Bid for Cerritos Avenue Rehabilitation Project Improvements (CIP No. 11/12-04) (Public Works)
This report recommended actions to begin facilitating the construction of Cerritos Avenue Rehabilitation Project Improvements.

The City Council:

1. Approved the plans and specifications for the construction of Cerritos Avenue Rehabilitation Project Improvements (CIP No. 11/12-04); and,
2. Authorized staff to advertise and solicit bid proposals.

D. Award Bid for Various Street Projects(CIP No. 11/12-03) (Pub. Works)
This report recommended action to begin facilitating the construction of the Various Street Projects (CIP No. 11/12-03). The projects are as follows: Street & Traffic Signal Improvements at the Humbolt and Cerritos Intersection; Access Ramp Improvements in the Carrier Row Neighborhood; Street Improvements on Calle Lee and Corporate Center Drive; Drainage Improvements on Katella Avenue and Siboney Street; and Street Improvements on Via El Mercado.

The City Council:

1. Awarded construction of the Various Street Projects (CIP No. 11/12-03) to Shawnan in the amount of \$431,878.63; and,
2. Authorized the Mayor to execute the contract for the project; and,
3. Authorized staff to execute change orders, if necessary, in an amount not to exceed the contingency reserve of \$43,187.86, which is 10% of the original contract amount.

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

A. Approval of Minutes (City Clerk)
Approve Minutes of the Regular Meeting of March 19, 2012.

Council Member Graham-Mejia stated for the record her belief that the Council minutes should be more informative and inclusive. Stated her belief the current form of minutes are not transparent for the community and do not offer a sufficient historical resource for future Council's and interested residents.

Motion/Second: Poe/Stephens

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Minutes of the Regular Meeting of March 19, 2012.

9. ORDINANCES

A. **Second Reading of Ordinance No. 12-03 – Amendment to the Los Alamitos Municipal Code Relating to Special Meetings of the City Council (City Manager)**

At its regular meeting of April 16, 2012, the City Council conducted a first reading of Ordinance No. 12-03, amending the Los Alamitos Municipal Code relating to the manner in which special meetings of the City Council are called.

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

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

Council Member Graham-Mejia stated for the record at the last Council meeting she had clarified there would be no special circumstances in relation to staff reports brought forward by only two Council Members.

Motion/Second: Poe Stephens

Unanimously Carried: The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 12-03; and,
2. City Attorney Levin read by title Ordinance No. 12-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTION 2.04.020 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO SPECIAL MEETINGS OF THE CITY COUNCIL."
3. Adopt Ordinance No. 12-03 by roll call vote.

Roll Call Vote

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

B. Second Reading of Ordinance No. 12-02 - Amendment to the Los Alamitos Municipal Code to Provide for One City Council Meeting Per Month (City Manager)

At its regular meeting of April 16, 2012, the City Council conducted a first reading of Ordinance No. 12-02, which provided for one City Council meeting per month.

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

Mayor Edgar opened the item for public comment.

JM Ivler, resident, spoke in opposition.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Consolidating to once a month meetings was an effort to reduce staff time and not an effort to reduce transparency
- No correlation between consolidation of meetings and the upcoming election
- Residents ability to contact the City Council, City Manager, and Staff at any time
- Savings from reduced staff time and cost of videoing the meetings would be beneficial to the City
- Transparency would remain due to the safeguard adopted with Ordinance 12-03 that allows two Council Members to call for a Special meeting

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: the City Council:

1. Waived reading in full and authorize reading by title only of Ordinance No. 12-02; and,
2. City Attorney Levin read by title Ordinance No. 12-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS

ALAMITOS, CALIFORNIA, AMENDING SECTION 2.04.010 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO REGULAR MEETINGS OF THE CITY COUNCIL.”

3. Adopt Ordinance No. 12-02 by roll call vote.

Roll Call Vote

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

10. DISCUSSION ITEMS

A. Appointment of City Council Ad Hoc Subcommittee to Consider Use of Reserve Funds to Benefit the Community (City Manager)

At the February 21, 2012 meeting, the City Council voiced support to use the equivalent of 1% of the Utility Users Tax or \$358,333 from the Reserve fund as a rebate back to the residents in the form of programs and/or projects that could benefit the community as a whole.

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

City Council and staff discussed the following topics:

- Purpose of the funds was for a give back to the entire community
- Process for appointment of the subcommittee
- Surveying the community regarding their priorities
- The amount of time and dedication that goes into volunteering for an Ad Hoc Subcommittee

Council Member Stephens nominated Council Member Graham-Mejia and Mayor Pro Tem Poe for the subcommittee.

Council Member Graham-Mejia nominated Council Member Kusumoto.

Council Member Kusumoto stated interest in serving and stated a sunset date for the subcommittee would be beneficial.

Mayor Pro Tem Poe stated interest in serving on the committee.

Mayor Edgar stated the committee would also be discussing the Utilities Users Tax (UUT), as it was a significant source of General Fund revenue.

City Attorney Levin recommend revising item #2 to add "and discuss the future of the UUT."

The City Council and Staff discussed the UUT and the subdivision of that tax, the Telecommunications Users Tax (TUT).

Motion/Second: Graham-Mejia/Kusumoto

Carried 3/2 (Stephens and Poe cast the dissenting votes): The City Council appointed Council Members Graham-Mejia and Kusumoto to serve as an ad hoc subcommittee to work with staff to (1) identify City projects and/or programs that will benefit the community, (2) gather community input to prioritize the projects/programs and discuss the future of the Utilities Users Tax, and (3) implement the projects/programs.

11. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

Council Member Stephens spoke regarding attendance at the Dedication of Fire Station 17 in Cypress and attendance at the fundraiser for Mayor Edgar's Assembly campaign

Council Member Kusumoto requested Council Member Stephens speak regarding the L.A. riots 20 years ago and stated it was Asian Pacific Heritage Month. Council Member Stephens obliged and stressed the importance of respecting one another.

Council Member Kusumoto asked the City Attorney if he had been indemnified on the alleged Brown Act violations brought against him.

City Attorney Levin stated there was no clear cut legal analysis and indemnification could not occur without City Council action.

Council Member Graham-Mejia spoke regarding the following topics: stated support for having the City hired prosecutor provide an opinion regarding Council Member Kusumoto's alleged Brown Act violations; encouraged participating with Donate Life; congratulated the Los Alamitos High School Track Team for making it to Sunset League Finals; stated interest in having the Los Alamitos Boulevard Project put on the November 6, ballot; thanked Tank Farm for being a business in the City; emergency preparedness through CERT; gopher control at Laurel Park; and the condition of Orville Lewis Basketball courts.

Mayor Edgar spoke regarding the following topics: attendance at the Orange County Sanitation District and Operation meeting; attendance at the Black April fundraiser; Business and Residential Improvement Program; Casa Youth's 35th Anniversary celebration; attendance for the arrival of fallen soldier Private First Class Christian Sannicolas; attendance at the Pinning Ceremony for new Police

Officer Zachary Sprague; Laurel Park Re-Opening Ceremony on June 4th at 5:00 p.m.; stated interest in Staff looking at options for preserving St. Isidore Historical Plaza; and, attendance at the Cinco de Mayo event at St. Isidore.

Mayor Pro Tem Poe spoke regarding the following topics: attendance at the West-Comm budget meeting; attendance as the Orange County Library Board budget meeting; attendance at the Cino de Mayo event at St. Isidore; support for Music Sur La Mer Youth Symphony; congratulated new Police Officer Zachary Sprague; congratulated Tank Farm on the success of their business and welcomed the new business into the City; and, support for expanding Partners in Preparedness.

Mayor Edgar noted the upcoming Chamber Ribbon Cuttings on May 9 at OC Breeze Newspaper and Kitchen and Bath Design. He congratulated Gage Mejia for placing first in the long jump and making it to the CIF Preliminaries.

12. ITEMS FROM THE CITY MANAGER

City Manager Avery spoke regarding the upcoming Neighborhood Clean Up day on May 13, in Old Town East.

Mayor Edgar asked for clarification regarding Council Member Graham-Mejia's request regarding Council Member Kusumoto's alleged Brown Act violations.

The City Council and City Attorney Levin discussed the next step. City Attorney Levin indicated she would be communicating with the Prosecutor regarding available documentation and Council could move forward from there.

13. 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)

RECESS

City Council recessed into Closed Session at 8:55 p.m.

RECONVENE

City Council reconvened in Regular Session at 9:40 p.m.

There was no reportable action.

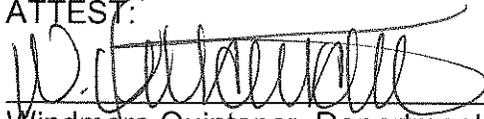
14. ADJOURNMENT

The City Council adjourned at 9:40 p.m. The next meeting of the City Council is scheduled for **Monday, May 21, 2012**, in the City Council Chambers.



Troy D. Edgar, Mayor

ATTEST:



Windmera Quintanar, Department Secretary