

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

**REGULAR MEETING – May 21, 2012**

**1. CALL TO ORDER**

The City Council met in Regular Session at 7:17 p.m., Monday, May 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  
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 Kusumoto led the Pledge of Allegiance.

**4. INVOCATION**

Mayor Edgar gave the invocation.

**5. PRESENTATIONS**

**A. Presentation of Certificates of Recognition to Instructor Yin Liu and the Los Alamitos Portrait Workshop Class First Place Winners**

Mayor Edgar gave a brief background on the Portrait Workshop Class and invited Instructor Liu to speak about the class and awards. The City Council presented Certificates of Recognition to the First Place winners.

**B. PowerPoint Presentation by Aaron Berenschot, OC Crime Stoppers Coordinator, Introduction of the Organization to the City Council**

Chief Mattern gave a brief introduction of the organization and introduced Mr. Berenschot. Mr. Berenschot gave a PowerPoint presentation and answered questions from the City Council.

**6. ORAL COMMUNICATIONS**

Mayor Edgar opened the meeting for Oral Communications.

Janelle Godges, Southern California Edison (SCE) representative, gave a brief update on energy conservation during the summer months.

Mark Wattman, resident, stated concern for the alleys between Green and Howard and Noel and Bloomfield.

Alice Jempsa, resident, stated concern for the lack of response from Long Beach Animal Control in regards to a deceased opossum.

J.M. Ivler, resident, stated support for a restaurant incentive program and increasing sales tax.

Mayor Edgar closed the meeting for Oral Communications.

**7. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council approved the Register of Major Expenditures for May 21, 2012, in the amount of \$265,607.05.

**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.

Mayor Pro Tem Poe pulled item 8H.

Motion/Second: Graham-Mejia/Stephens

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

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

- B. Warrants (Finance)**  
Approved the Warrants for May 21, 2012, in the amount of \$71,379.07.

**C. Resolutions Pertaining to the November 6, 2012, General Municipal Election (City Clerk)**

The City of Los Alamitos General Municipal Election will be held on Tuesday, November 6, 2012. It is City policy to consolidate the local election with the County of Orange. In order to enable such consolidation, it was necessary to adopt resolutions calling and giving notice of the election, requesting consolidation with the County, and adopting regulations pertaining to materials prepared by any candidate for a municipal election, including costs of candidates' statements.

The City Council:

1. Adopted Resolution No. 2012-04, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA"; and,
2. Adopted Resolution No. 2012-05, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE"; and,
3. Adopted Resolution No. 2012-06, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012."

**D. Pool Service and Maintenance Contract (Recreation)**

This agenda item requested the approval of a professional services agreement with Decksides Pool Service for service and maintenance of the pool.

The City Council authorized the City Manager to execute a contract with Decksides Pool Service for service and maintenance at the pool. This contract was for the second optional extension of a one-year contract with

two optional one-year extensions. The contract originated in FY 2010-2011. The contract is not to exceed \$20,000 annually.

**E. Activities Guide Brochure Printing Contract (Recreation)**

This agenda item requested the approval of a professional services agreement with Weber Printing Company, Inc. to print the Recreation and Community Services Activities Guide.

The City Council authorized the City Manager to execute a contract with Weber Printing Company, Inc. to print the Recreation and Community Services Activities Guide. This contract was for the first year optional extension of a one-year contract with two optional one-year extensions. The original contract originated in FY 2011-2012. The contract is not to exceed \$16,000 annually.

**F. Amendment No. 1 to Professional Services Agreement for Building and Safety Services (Community Development)**

This item is to consider continued services with Charles Abbott Associates to provide Building and Safety services. The current Professional Services Agreement (PSA) will expire on June 30, 2012, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 1 of the PSA with Charles Abbott Associates for Building and Safety services.

**G. Amendment No. 1 to Professional Services Agreement for City Engineer Services (Community Development)**

This item was to consider continuing services with Willdan Engineering to provide Engineering services. The current Professional Services Agreement (PSA) will expire on June 30, 2012, but can be extended by mutual agreement.

The City Council authorized the Mayor to execute Amendment No. 1 of the PSA with Willdan Engineering for Engineering services.

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

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

1. Approve the Minutes of the Special Meeting of May 7, 2012.
2. Approve the Minutes of the Regular Meeting of May 7, 2012.

Council Member Graham-Mejja stated for the record she did not feel the format of the current minutes was informative and did not give a clear depiction for future Council Members and residents. She stated support for returning to summary minutes.

Motion/Second: Edgar/Stephens

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council:

1. Approved the Minutes of the Special Meeting of May 7, 2012.
2. Approved the Minutes of the Regular Meeting of May 7, 2012.

- H. Local Landmark Designation – Los Alamitos Museum (Comm. Dev.)**  
This was an item to consider allowing a City owned property to be designated as a local landmark in accordance with Section 17.22 of the Los Alamitos Municipal Code.

Mayor Pro Tem Poe stated she would abstain as she has a perceived Conflict of Interest.

Motion/Second: Graham-Mejia/Stephens

Carried 4/0 (Poe abstained): The City Council authorized the application for the Los Alamitos Museum, 11062 Los Alamitos Boulevard, as a local landmark designation and authorized the City Manager to sign the necessary application.

## 9. DISCUSSION ITEMS

- A. Consideration of a Reduction of Tax Rate and Modernization of the Current Telephone Users Tax (City Manager)**

The City currently receives approximately \$650,000 yearly from the tax on telephone users (TUT). The City's tax is outdated due to new communications technologies and billing practices. As a result, people who use older technologies are paying the tax, while those who use newer, advanced technologies may not get taxed. In addition, similar, outdated taxes in other cities have been the subject of lawsuits. In the event of a successful challenge to the City's tax, the City could lose some or all of the \$650,000 in revenue from the TUT. These revenues pay for numerous City services including police, public works, and parks and recreation.

The remedy for the outdated tax is to modernize the existing ordinance to amend Municipal Code Section 3.20.070 (Telephone User Tax). A modernized ordinance would require annual reporting and public disclosure; modernize the language to treat taxpayers equally regardless of technology used; and use the proceeds to fund general municipal services, such as police, public works, and parks and recreation. The ordinance could also change the rate of the City's tax on communications users (e.g., lowering it from 6% to 5.5%) or leave it the same.

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

Finance Director Agramonte gave a brief overview of the fiscal impact.

City Attorney Levin gave a brief overview of the legality of the issue.

The City Council and Staff discussed the following topics:

- Modernizing Telephone Utility Tax (TUT) to protect current revenues and avoid potential litigation
- Discussion regarding maintaining or changing the TUT rate
- Short time frame to add the Measure to the November 6, 2012 ballot
- Importance of community outreach and support
- Modern term for Telephone being Communication and defining Communications Users Tax (CUT) in terms of function, not literal terms
- Due to Proposition 218, approval by 50% plus 1 of the voters is required to pass the ballot measure
- Cost for an Election with a measure ranging from \$12,000 to \$18,000
- Continued services to the City by protecting the revenue from the TUT
- Current proposed legislation in Congress
- Council's desire to see a survey of local jurisdictions that had successfully passed a similar measure
- Intent of modernization was not to increase revenue, but to remain neutral

Mayor Edgar opened the item for public comment.

Richard Murphy, resident, stated concern that if the measure was not approved it would make the City more visible for potential litigation.

Alice Jempsa, resident, stated concern that the intent of the measure needed to be clearly defined as taxes were a difficult issue.

Mayor Edgar closed the item for public comment.

The City Council and Staff discussed the following topics:

- Focusing on asking the community if they want to continue receiving current services paid for by TUT revenue source and if so, the tax needs to be modernized

- Gaining community involvement and support for the measure
- Once the measure is on the ballot, Council cannot be involved in campaigning for a measure and the community would need to be involved in ensuring the measure gets approved, if so desired
- Ad Hoc Committee Members Graham-Mejia and Kusumoto involvement in the public outreach
- City Council's involvement in a community workshop in regards to the Brown Act
- Receiving data from cities that have been through the process to help create a starting point
- Time line for public outreach and adding the ballot measure
- Direction for Staff to survey cities that have passed a similar measure for a sample set of when the tax was passed, when it was enacted, the amount specific to the TUT over a 2 year period
- Non-support for raising taxes
- Staff coming up with data and time frames and presenting the information to Council at a later date
- Using free advertisement (i.e. website, media, press releases) to advertise about the community workshops
- Direction to Staff to bring back a detailed time line and options for the City Council to discuss at the June 4, 2012 City Council meeting

## 10. MAYOR AND COUNCIL INITIATED BUSINESS

### Council Announcements

**Council Member Graham-Mejia** discussed the following topics: direct voicemails for Council Members; Council review of the Public Outreach budget for Consolidated Disposal Services (CDS); follow up regarding low standard of service from Long Beach Animal Control; support for having SCE updates on the website; attendance at Orange County Vector Control meeting; and, possibility of having a measure for the Street Revitalization project.

**Council Member Stephens** discussed the following topics: increase in Vector Control spraying for pest control; update on ADA ramp project; attendance at the Orange County Fire Authority (OCFA) Budget and Finance meeting; and attendance at an Eagle Scout Award Dinner.

**Mayor Pro Tem Poe** discussed the following topics: attendance at the School District Working Group meeting with City Manager Avery and Council Member Graham-Mejia; concern for the lack of response from Long Beach Animal Control; Re-Opening of Laurel Park on June 4<sup>th</sup> at 5:00 p.m.; community support for the new ADA ramps; thanked Staff for a balanced budget; requested OCFA present its short video regarding drowning prevention; complimented the new City website; and, requested the Council meeting be closed in memory of Rush Labourdette.

**Council Member Kusumoto** reported attendance at the Joint Commission meeting.

**Mayor Edgar** discussed the following topics: attendance at the RMC meeting; desire to have Staff investigate possible additional grant funds from the RMC; attendance at the Orange County Sanitation District Board meeting; and, upcoming shift to once a month Council meetings.

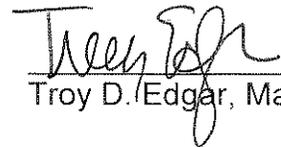
There was Council consensus to bring back the Public Outreach budget from the Consolidated Disposal Services contract for Council review.

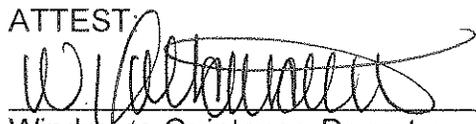
**11. ITEMS FROM THE CITY MANAGER**

None.

**12. ADJOURNMENT**

The City Council adjourned in memory of Rush Labourdette at 9:27 p.m. The next meeting of the City Council is scheduled for **Monday, June 4, 2012**.

  
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Troy D. Edgar, Mayor

ATTEST  
  
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Windmera Quintanar, Department Secretary