

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

REGULAR MEETING – June 4, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 6:45 p.m., Monday, June 4, 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
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

Mayor Pro Tem Poe led the Pledge of Allegiance.

4. INVOCATION

Council Member Graham-Mejia gave the invocation.

5. SPECIAL ORDERS OF THE DAY

A. Interview Traffic Commission Applicant (City Clerk)

This report provided relevant information by which the City Council may appoint a member to the Traffic Commission vacancy.

Mayor Edgar summarized the staff report referring to the information contained therein.

The City Council interviewed applicant Richard Murphy.

The City Council filled out the indications of support. Department Secretary Quintanar tallied the results and stated there were five indications of support for Traffic Commission applicant Richard Murphy.

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council appointed Richard Murphy to the Traffic Commission.

6. PRESENTATIONS

A. Status Update from Ted Stevens, Acting Manager, Regarding Long Beach Animal Control Services

Ted Stevens, Acting Manager, responded to the incident brought up by resident Alice Jempsa at the City Council meeting of May 21, 2012. He indicated the concerns have been addressed and answered questions from the City Council.

City Council thanked Mr. Stevens for his response and encouraged residents to contact Long Beach Animal Control with any concerns.

B. Video Presentation from Rick Reeder, Orange County Fire Authority Battalion Chief, Regarding Drowning Prevention

Rick Reeder, Battalion Chief, showed two public service announcements regarding drowning prevention, stressed the importance of assigning an adult to watch the water, and answered questions from the City Council.

7. ORAL COMMUNICATIONS

Mayor Edgar opened the meeting for Oral Communications.

John Osborne, Chairman of the Board for Los Alamitos Chamber of Commerce, spoke regarding the following: upcoming 30th Annual Silver Golf Tournament; upcoming Wings, Wheels, and Rotors Event; and, the continued growth of the Chamber of Commerce.

Shelly Henderson, OC Breeze, spoke regarding the first print edition of OC Breeze and thanked the community for its positive support.

Casey, McKenzie, and Madison, Girl Scout representatives, spoke regarding their Silver Award project of preparing an Emergency Preparedness Program for Laurel Park Manor.

The Council congratulated the girls on their project.

Mayor Edgar closed Oral Communications.

8. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried: The City Council approved the Register of Major Expenditures for June 4, 2012, in the amount of \$408,961.85.

Roll Call Vote

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

9. **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 9A.

Mayor Pro Tem Poe stated she would abstain from item 9C as she owned property within a 500 foot radius.

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried (Poe abstained from item 9C: The City Council approved the following Consent Calendar items:

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

B. Warrants (Finance)
Approved the Warrants for June 4, 2012, in the amount of \$49,765.86.

C. Approval of Plans and Specifications, and Authorization to Bid for Old Town West Street Improvement Project (CIP No. 11/12-02) (P.W.)
This report recommended action to begin facilitating the construction of the Old Town West Street Improvement Project.

The City Council:

1. Approved the plans and specifications for the construction of the Old Town West Street Improvement Project (CIP No. 11/12-02); and,
2. Authorized staff to advertise and solicit bid proposals.

D. Award Bid for Public Works Yard Gas Tanks Removal Project Improvements (CIP No. 11/12-01) (Public Works)
This report recommended action to begin facilitating the construction of the Public Works Yard Gas Tanks Removal Project (CIP No. 11/12-01) which consists of removing two (2) 5,000-gallon Plasteel tanks.

The City Council:

1. Awarded construction of the Public Works Yard Gas Tanks Removal Project (CIP No. 11/12-01) to A+ Environmental Solutions for \$32,496.99; and,
3. 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 \$3,249.70, which is 10% of the original contract amount.

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

A. Approval of Minutes (City Clerk)

1. Approve the Minutes of the Special Meeting of May 21, 2012.
2. Approve the Minutes of the Regular Meeting of May 21, 2012.

Council Member Graham-Mejia stated for the record the minutes in their current format did not provide adequate information on the intent of the City Council for future Council and interested residents. She stated support for returning the minutes to their previous summary format.

Mayor Edgar referred to item 8A1, Roll Call and requested the minutes reflect he had arrived at 5:18 p.m. due to required City business at the Rivers and Mountains Conservancy Board meeting.

Motion/Second: Edgar/Poe

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

1. Approved the Minutes of the Special Meeting of May 21, 2012, as amended.
2. Approved the Minutes of the Regular Meeting of May 21, 2012.

10. DISCUSSION ITEMS

A. Consolidated Disposal's Public Education and Outreach Program (City Manager)

This report provided the details related to the Public Education and Outreach Program to be conducted by Consolidated Disposal as a provision of its five-year contract.

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

Council Member Graham-Mejia stated her concern was that this document had not come before City Council. She indicated she had spoken with City Manager Avery and had been informed the budget was from funds provided by Consolidated Disposal Services as part of its contract and was not funded by the General Fund. She stated she would like staff to research why the document had never come before Council and would like the item to come before Council a month before the due date of September 30 every year.

The City Council received and filed the report.

B. Setting the Dates for Two Community Meetings to Discuss the Reduction of Tax Rate and Modernization of the Current Telephone Users Tax (City Manager)

At the May 21, 2012 meeting, the City Council discussed the telephone user's tax issue and, specifically, whether to move forward with conducting two community meetings in June. In order to make the final determination, the Council directed staff to compile the following information:

1. An analysis of the response to local ballot measures from various cities that have maintained or lowered their telephone users tax to determine the impact in those cities; and,
2. A critical path of dates to consider before the measure is placed on the ballot.

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

Council and Staff discussed the following topics:

- The history of the tax and the removal of Federal Excise Tax (FET) references
- Outdated definition for Telephone Users Tax (TUT)
- Variety of ways the outdated Ordinance could be subject to challenge
- Insufficiencies of the Ordinance in relation to Proposition 218 and not being fully modernized
- No published legal decision or court finding on the subject
- The expense behind conducting an audit to see how the tax is being collected by different carriers and the exposure to potential litigation
- If Measure does not pass in November, the City will not be any worse off legally than it currently is
- Modernizing the Ordinance to encompass communications technology and ensure all users are taxed equitably
- No support for the item if it raises taxes
- Additional research needed on the impact of the tax on business
- Process regarding arguments and rebuttals

Council Member Graham-Mejia stated for the record this was a difficult time for the economy. Her first charge was to look out for the business and residents and no to put extra problems on the residents.

Council and Staff discussed the following topics:

- The importance of educating the community on the issue and holding community meetings to gather feedback

- The City would have better legal protection with a modernized Ordinance
- Election costs
- Possible rate change for the TUT

Mayor Edgar opened the item for public comment.

Dean Grose, resident, stated support for holding community meetings and fully informing the community and providing the cost saving benefits of consolidating the election with the County of Orange.

Mayor Edgar closed the item for public comment.

Council and Staff discussed the following topics:

- Difficulty in separating the TUT portion of the revenue from the Utility Users Tax (UUT) revenue
- Tendency of carriers to collect taxes the same in all jurisdictions
- Need for community discussion regarding the tax rate
- Support for moving forward with the community meetings

The City Council gave direction for Staff to move ahead with the planning and execution of two community meetings in June, 2012 to educate the community, answer questions, solicit input and determine placement of the measure on the ballot. Staff viewed this as an issue brought forward to protect General Fund revenue and one that required broad community support to succeed.

11. MAYOR AND COUNCIL INITIATED BUSINESS

Council Announcements

Council Member Stephens spoke regarding the following topics: attendance at the Laurel Park Rededication; attendance at the Orange County Fire Authority (OCFA) Budget and Finance Committee meeting; participation in Jury Duty; and, attendance at the Orange County Police Officers Memorial Ceremony.

Council Member Kusumoto stated he had met with the Ad Hoc Committee regarding the Community Giveback Funds.

Council Member Graham-Mejia spoke regarding the following topics: pursuing a ballot measure for the Downtown Revitalization; progress update on the Community Giveback Funds; stated opposition for charging for High Occupancy Vehicle (HOV) lanes on the 405 freeway; and, acknowledged Assembly Candidate Travis Allen.

Mayor Pro Tem Poe spoke regarding the following topics: attendance at the Laurel Park Rededication; upcoming event at St. Isidore for wine tasting and meeting local artists; Los Alamitos Museum Association dedication of St. Isidore chapel as the oldest community building; and, congratulated Mayor Edgar for being appointed as the Chair for the Orange County Sanitation District (OCSD).

Mayor Edgar spoke regarding the following topics: attendance at the Girl Scout Award Ceremony; attendance at the Laurel Park Rededication; attendance at the Fountain Valley Memorial Day Event; attendance at the Westminster Memorial Day Event; the continued success of the Chamber of Commerce; and, the Business and Residential Improvement Program.

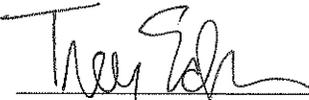
Council Member Graham-Mejia requested the Council reserve the right to address the Katella and Lexington signal light should it become an issue for the community in the future.

12. ITEMS FROM THE CITY MANAGER

City Manager Avery spoke regarding the following topics: 4th of July Spectacular; summer Recreation programs; and, formal adoption of the budget at the June 18, 2012, City Council meeting.

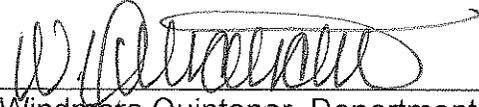
13. ADJOURNMENT

The City Council adjourned at 8:52 p.m. The next meeting of the City Council is scheduled for **Monday, June 18, 2012**, in the City Council Chambers.



Troy D. Edgar, Mayor

ATTEST:



Windnera Quintanar, Department Secretary