

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA CITY COUNCIL REGULAR MEETING

Monday, July 16, 2012 – 6:00 P.M.

### NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.ci.los-alamitos.ca.us](http://www.ci.los-alamitos.ca.us) once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the City Council on any item on the City Council Agenda will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

1. **CALL TO ORDER**
2. **ROLL CALL**  
Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Stephens  
Mayor Pro Tem Poe  
Mayor Edgar
3. **PLEDGE OF ALLEGIANCE** **Mayor Edgar**
4. **INVOCATION** **Council Member Stephens**

**5. PRESENTATIONS**

- A. Presentation of a Certificate of Appreciation to Ray Bertotti for 9 Years of Dedicated Service as the Membership Sales Manager for the Los Alamitos Chamber of Commerce**

**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.

**7. REGISTER OF MAJOR EXPENDITURES**

Approve the Register of Major Expenditures for July 16, 2012, in the amount of \$194,112.04, ratify the Register of Major Expenditures for June 19, 2012 to July 15, 2012 in the amount of \$996,410.10, and authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period July 17, 2012 to August 19, 2012.

**Roll Call Vote**

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

**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.

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

- A. Approval of Minutes (City Clerk)**  
Approve the Minutes of the Regular Meeting of June 18, 2012.

- B. Warrants (Finance)**  
Approve the Warrants for July 16, 2012, in the amount of \$4,798.24 and ratify the Warrants for the time period June 19, 2012 to July 15, 2012, in the amount of \$110,457.50.

- C. Approval of Measure M Capital Improvement Program (CIP) for FY 2012-13 through FY 2018-19 and Adopt Resolution 2012-16 Concerning the Status of the Circulation Element for the City of Los Alamitos (Engineering)**  
In order to remain eligible to receive Measure M Turnback funds, the Orange County Transportation Authority (OCTA) requires that all local

jurisdictions comply with a variety of requirements, including annual submittal of an adopted Seven-Year Capital Improvement Program (CIP) and adoption of a Resolution concerning the status of the Circulation Element for the City of Los Alamitos. Staff has prepared a Capital Improvement Program covering the Fiscal Years 2012-13 through 2018-19 that the City Council approved on June 18, 2012, and is prepared to submit this and other required documentation to OCTA upon approval by the City Council.

Recommendations:

1. Adopt Resolution No. 2012-16, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT OF THE CITY OF LOS ALAMITOS"; and,
2. Approve the Seven-Year Capital Improvement Program (for transportation projects) for FY 2012/13 to 2018/19, which was submitted and approved by the City Council on June 18, 2012; and,
3. Direct the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2012/13 to 2018/19, and the required Measure M eligibility documents with the Orange County Transportation Authority.

**D. Approval of Notice of Completion for Laurel Park Rehabilitation (CIP 10/11-04) (Engineering)**

The Laurel Park Rehabilitation project is complete and in compliance with the plans and specifications. Change Orders for the project were \$16,015.16 or 8.5% and below the 10% contingency fund. Staff is recommending that City Council accept the work as complete, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

Recommendations:

1. Accept as complete the construction contract by America West Landscaping, Inc. for the Laurel Park Rehabilitation project; and,
2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorize staff to release the 10% retention to the contractor, in the amount of \$21,317.88, thirty-five (35) days after recordation of the Notice of Completion.

**E. Approval of Notice of Completion for Public Works Yard Gas Tanks Removal Project Improvements (CIP No. 11/12-01) (Engineering)**

The Public Works Yard Gas Tanks Removal Project is complete and in compliance with the plans and specifications. Change Order for the project is \$2,545.00 or 7.8%, and below the 10% contingency fund. Staff is recommending that City Council accept the work as complete, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

Recommendations:

1. Accept as complete the construction contract by A+ Environmental Solutions for the Public Works Yard Gas Tanks Removal Project Improvements; and,
2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorize staff to release the 10% retention to the contractor, in the amount of \$3,504.20, thirty-five (35) days after recordation of the Notice of Completion.

**F. Request to Purchase Two (2) Public Works Trucks (Public Works)**

This is a request to purchase two (2) 2012 Ford F250 trucks per Los Alamitos Municipal Code 2.60.110 – Purchases through other agencies. This report requests authorization to “piggy back” onto a recent agreement between the County of Orange and Wondries Fleet Group.

Recommendation: Authorize the City Manager to purchase two (2) 2012 Ford F250 trucks utilizing Purchase Order #280-12013264 between the County of Orange and Wondries Fleet Group for a total purchase price of \$52,520.08.

**G. Street Curb Address Painting Contract for 2012 (Public Works)**

This report recommends that Canning Hunger be selected as this years' Street Curb Painter in accordance with rules and regulations adopted in 2003 per Resolution No. 1939.

Recommendation: Authorize the City Manager to issue a no fee solicitors permit, a no fee encroachment permit, and a business license to Canning Hunger for street address painting for 2012 on a strictly donation basis.

**H. Third Party Reimbursement and Professional Services Agreement Requiring the Olson Company to Fund Contract Planning Staff and Necessary CEQA Analysis (Community Development)**

This item seeks Council approval of a Three Party Agreement. The agreement would allow for The Olson Company to expedite a development application for a 1.57 acre site at 3271 Sausalito Avenue by funding contract planning staff and necessary CEQA analysis.

Recommendation: Authorize the City Manager to execute the Third Party Reimbursement and Professional Services Agreement between the City of Los Alamitos, Hogle-Ireland Inc., and The Olson Company for contract planning and necessary CEQA analysis.

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

**9. DISCUSSION ITEMS**

**A. Update on I-405 Improvement Project (Community Development)**

This item provides the Council with an opportunity to discuss the proposed I-405 Improvement Project and the various options proposed for the project, including the addition of toll lanes, and direct staff to draft appropriate correspondence.

Recommendation: Review, discuss, and direct the City Manager to draft the appropriate correspondence.

**B. Consideration of Approval of the Community Give-Back Survey (CM)**

The City Council has appointed an Ad Hoc Subcommittee to implement a survey to determine the community's priorities for using \$358,000 from the City's undesignated reserve fund to benefit the community through the Community Give-Back Program.

Recommendation:

1. Appropriate \$358,000 from the undesignated Reserve Fund to fund the Community Give-Back Program; and,
2. Consider the Council Ad Hoc Subcommittee recommendation to approve the Community Give-Back survey and its distribution.

**C. Resolutions Pertaining to the November 6, 2012 Telephone Users Tax Ballot Measure (City Manager)**

To include the Telephone Users Tax measure on the November 6, 2012 General Municipal Election, the City Council must adopt resolutions relating to the submission of the ballot question to the voters.

Recommendation:

1. Adopt Resolution No. 2012-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO TELEPHONE USERS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 2012-04"; and,
2. Adopt Resolution No. 2012-14, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS"; and,
3. Adopt Resolution No. 2012-15 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS"; and,
4. Authorize the additional \$7,500 expenditure to the City Clerk's budget to add the Telephone Users Tax measure to the ballot.

**D. Consideration and Possible Approval of Ballot Argument Regarding Telephone Users Tax (TUT) Measure (City Clerk)**

This item provides the Council with an opportunity to discuss and consider approval of the proposed ballot argument to reduce and modernize the Telephone Users Tax (TUT).

Recommendation:

1. Consider modification and approval of the proposed ballot argument; and,
2. If desired, approve argument for submission to the City Clerk's Office for inclusion on the November 6, 2012, ballot; and,
3. Sign the argument and affidavit.

**10. MAYOR AND COUNCIL INITIATED BUSINESS**

**A. Items Requested by Council Member Regarding the Investigation and Prosecution of an Alleged Brown Act Violation and Confidential Closed Session Materials**

Council Member Kusumoto has requested three items that require City Council direction: 1) a review of the internal work product generated by the City Prosecutor; 2) reimbursement of legal fees he incurred in anticipation of prosecution; and 3) the inclusion of certain materials in the City's closed session record.

Recommendation: That the City Council discuss and provide direction as required regarding the following items:

1. Whether the City Prosecutor should be required to produce his preliminary internal work product;
2. Whether Council should provide authority to reimburse legal fees incurred by Council Member Kusumoto; and,
3. Whether materials distributed to Council in closed session should be included in an official closed session record.

**B. Council Announcements**

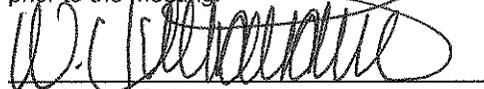
At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

**11. ITEMS FROM THE CITY MANAGER**

**12. ADJOURNMENT**

The next meeting of the City Council is scheduled for **Monday, August 20, 2012, at 6:00 p.m.**, in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

  
\_\_\_\_\_  
Windmera Quintanar  
Department Secretary

7/13/12  
\_\_\_\_\_  
Date

**CITY OF LOS ALAMITOS**  
**Register of Major Expenditures**  
**July 16, 2012**

To Approve

<b>Pages:</b>			
01-03	\$ 194,112.04	Major Warrants	07/16/2012

To Ratify

<b>Pages:</b>			
A 01	\$ 36,606.99	Advance Warrants	06/25/2012
B 01	\$ 421,857.29	Advance Warrants	07/02/2012
	\$ 144,123.15	Payroll	06/22/2012
	\$ 88,965.92	Payroll Benefits	06/22/2012
	\$ 152,000.51	Payroll	07/06/2012
	\$ 152,856.24	Payroll Benefits	07/06/2012
<b>Total</b>	<b><u>\$1,190,522.14</u></b>		

Authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period July 17, 2012 to August 19, 2012.

**Statement:**

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Director.

  
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 this 11<sup>th</sup> day of July, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
A+ ENVIRONMENTAL SOLUTIONS, LLC	RETENTION	GARAGE FUND	NON-DEPARTMENTAL	3,504.20-
	CITY YARD UST REMOVAL	GARAGE FUND	CAPITAL PROJECTS	35,041.99
			TOTAL:	31,537.79
COLANTUONO & LEVIN, PC	TRASH CONTRACT LITIGATION	GENERAL FUND	NON-DEPARTMENTAL	1,529.51
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	7,603.04
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	1,566.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	3,014.04
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	759.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	1,265.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	2,356.50
		TOTAL:	18,093.09	
COMMUNITY BANK	RETENTION	MEASURE M	NON-DEPARTMENTAL	13,340.25
			TOTAL:	13,340.25
SHAWNAN	RETENTION	MEASURE M	NON-DEPARTMENTAL	13,340.25-
	VARIOUS STREET PROJECTS	MEASURE M	CAPITAL PROJECTS	133,402.50
			TOTAL:	120,062.25
U.S. BANK	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	38.78
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	133.27
	MEETING REFRESHMENTS	GENERAL FUND	CITY COUNCIL	62.50
	MAYOR MEETING	GENERAL FUND	CITY COUNCIL	10.00
	COUNCIL DINNER	GENERAL FUND	CITY COUNCIL	104.13
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	9.06
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
	TRAINING	GENERAL FUND	CITY COUNCIL	195.00
	TEXTBOOK	GENERAL FUND	CITY COUNCIL	6.91
	EMPLOYEE LUNCHEON SUPPLIES	GENERAL FUND	CITY COUNCIL	219.95
	EMPLOYEE LUNCHEON SUPPLIES	GENERAL FUND	CITY COUNCIL	179.08
	TONER CARTRIDGE	GENERAL FUND	CITY MANAGER	104.51
	DRUG REFERENCE	GENERAL FUND	POLICE ADMINISTRATION	46.95
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	559.82
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	405.91
	DUES	GENERAL FUND	POLICE ADMINISTRATION	380.00
	BARRIERS	GENERAL FUND	PATROL	194.54
	PRINTER	GENERAL FUND	INVESTIGATION	361.21
	KEYBOARD MOUNTS	GENERAL FUND	INVESTIGATION	297.73
	ORGANIZER	GENERAL FUND	INVESTIGATION	48.16
	CAMCORDER BATTERY	GENERAL FUND	INVESTIGATION	40.90
	SUNSHADES	GENERAL FUND	INVESTIGATION	17.88
	FLASH DRIVES	GENERAL FUND	INVESTIGATION	57.65
	ORGANIZER	GENERAL FUND	INVESTIGATION	157.53
	PC BATTERY	GENERAL FUND	INVESTIGATION	38.89
	RECHARGEABLE BATTERIES	GENERAL FUND	INVESTIGATION	104.98
	USB HUBS	GENERAL FUND	INVESTIGATION	23.98
	TV	GENERAL FUND	INVESTIGATION	310.78
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	DOMAIN RENEWAL	GENERAL FUND	COMMUNITY OUTREACH	13.13
	CROSSING GUARD VESTS	GENERAL FUND	TRAFFIC	162.51
	CROSSING GUARD STOP SIGNS	GENERAL FUND	TRAFFIC	112.98
	CROSSING GUARD STOP SIGNS	GENERAL FUND	TRAFFIC	107.33
	OFFICE SUPPLIES	GENERAL FUND	COMMUNITY DEVEL ADMIN	45.14
	OFFICE SUPPLIES	GENERAL FUND	COMMUNITY DEVEL ADMIN	19.30

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	OFFICE SUPPLIES	GENERAL FUND	COMMUNITY DEVEL ADMIN	26.60
	TRAINING DINNER	GENERAL FUND	PARK MAINTENANCE	62.82
	IRRIGATION PART	GENERAL FUND	PARK MAINTENANCE	14.88
	LIGHT DIFFUSERS	GENERAL FUND	BUILDING MAINTENANCE	190.83
	PROPANE	GENERAL FUND	BUILDING MAINTENANCE	15.09
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	24.89
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	232.09
	POOL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	68.96
	INSERVICE EXPENSES	GENERAL FUND	RECREATION ADMINISTRAT	112.46
	PAPER	GENERAL FUND	RECREATION ADMINISTRAT	87.07
	INSERVICE FOOD	GENERAL FUND	RECREATION ADMINISTRAT	382.42
	LAMINATE MACHINE	GENERAL FUND	RECREATION ADMINISTRAT	335.65
	PAPER	GENERAL FUND	RECREATION ADMINISTRAT	116.96
	DEPT. SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	26.03
	DEPT. MAILING LABELS	GENERAL FUND	RECREATION ADMINISTRAT	168.85
	MAILING LABELS - CREDIT	GENERAL FUND	RECREATION ADMINISTRAT	19.45-
	AQUATIC STAFF SUITS	GENERAL FUND	AQUATICS	723.38
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	95.20
	AQUATIC SUITS	GENERAL FUND	AQUATICS	192.90
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	248.61
	DAY CAMP SUPPLIES - CREDIT	GENERAL FUND	DAY CAMP	62.15-
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	176.94
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	92.99
	PARKS PROGRAM SUPPLIES	GENERAL FUND	PLAYGROUNDS	21.53
	PARKS PROGRAM SUPPLIES	GENERAL FUND	PLAYGROUNDS	352.10
	SLO-PITCH SUPPLIES	GENERAL FUND	SPORTS	337.68
	TABLECLOTHS	GENERAL FUND	SPECIAL CLASSES	59.46
	DAY CAMP AD	GENERAL FUND	SPECIAL CLASSES	740.00
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	480.00
	DEPT. SUPPLIES	GENERAL FUND	SPECIAL CLASSES	50.00
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	166.40
	LATV SUPPLIES	LOS ALAMITOS TV	LOS ALAMITOS TV	45.04
	MOWER PARTS	GARAGE FUND	GARAGE	495.65
	MOWER PARTS	GARAGE FUND	GARAGE	405.44
			TOTAL:	11,078.66



VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GOLDEN STATE WATER COMPANY	BILL CYCLE 04/19-06/01	GENERAL FUND	STREET MAINTENANCE	5,204.55
	BILL CYCLE 04/19-06/01	GENERAL FUND	PARK MAINTENANCE	8,281.73
	BILL CYCLE 04/19-06/01	GENERAL FUND	PARK MAINTENANCE	4,047.45
	BILL CYCLE 04/19-06/01	GENERAL FUND	BUILDING MAINTENANCE	703.89
				TOTAL:
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,487.03
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	268.68
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	223.38
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	275.62
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	738.92
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,500.24
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,875.50
				TOTAL:

===== FUND TOTALS =====  
 10 GENERAL FUND 36,606.99  
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 GRAND TOTAL: 36,606.99  
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TOTAL PAGES: 1

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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CALIFORNIA JOINT POWERS INSURANCE AUTH	LIABILITY PRGRM 2012-2013	GENERAL FUND	INSURANCE	291,430.00
	WORKER'S COMP 2012-2013	GENERAL FUND	INSURANCE	84,710.00
	TOTAL:			376,140.00
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES	GENERAL FUND	BUILDING INSPECTION	8,017.25
	NPDES INSPECTIONS	GENERAL FUND	NPDES	2,800.00
	TOTAL:			10,817.25
HARTZOG & CRABILL, INC.	PLAN CHECK 4/12	GENERAL FUND	CITY ENGINEER	1,465.00
	OCTA TLSP COORD 4/12	GENERAL FUND	CITY ENGINEER	891.25
	SIGNAL OPS 4/12	GENERAL FUND	CITY ENGINEER	1,045.50
	OCTA TLSP COORD 5/12	GENERAL FUND	CITY ENGINEER	6,040.00
	PLAN CHECK 5/12	GENERAL FUND	CITY ENGINEER	2,070.00
	SIGNAL OPS 5/12	GENERAL FUND	CITY ENGINEER	1,157.50
TOTAL:			12,669.25	
INTELLIBRIDGE PARTNERS, LLC	INTERIM CITY CLERK 4/12	GENERAL FUND	CITY MANAGER	6,339.75
	INTERIM CITY CLERK 5/12	GENERAL FUND	CITY MANAGER	4,226.50
	ACCOUNTING ASSIST 4/12	GENERAL FUND	ADMINISTRATIVE SERVICE	577.50
	ACCOUNTING ASSIST 5/12	GENERAL FUND	ADMINISTRATIVE SERVICE	577.00
	TOTAL:			11,720.75
TYLER TECHNOLOGIES	ANNUAL MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	10,510.04
	TOTAL:			10,510.04

===== FUND TOTALS =====

10	GENERAL FUND	411,347.25
53	TECHNOLOGY REPLACEMENT	10,510.04
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GRAND TOTAL:		421,857.29
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## MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

THESE MINUTES ISSUED FOR  
INFORMATION ONLY AND ARE  
SUBJECT TO AMENDMENT AND  
APPROVAL AT NEXT MEETING.

### REGULAR MEETING – June 18, 2012

#### 1. CALL TO ORDER

The City Council met in Regular Session at 6:06 p.m., Monday, June 18, 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  
Tony Brandyberry, P.W. Superintendent  
Dave Hunt, City Engineer  
Corey Lakin, Community Services Director  
Todd Mattern, Police Chief  
Steven Mendoza, Community Development Director  
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. SPECIAL ORDERS OF THE DAY

##### A. Community Telephone Users Tax (TUT) Meeting

City Manager Avery and City Attorney Levin gave a PowerPoint presentation and answered questions from the City Council.

Mayor Edgar opened the item for public comment.

Dean Grose, resident, stated he felt additional outreach including the Chamber needed to be done, the message being presented to the public was misleading and persuasive, inquired about the refinancing of Laurel Park and how the tax would be collected.

City Attorney Levin indicated the tax would be collected according to billing address.

Mr. Grose stated support for the item being on the ballot, but stated additional education needed to be provided. He cautioned the Council to gather all information possible as they moved forward.

Mayor Edgar asked City Manager Avery to outline the outreach done.

City Manager Avery stated two meetings had been scheduled, press releases were written, and she had personally contacted the Chamber President, John Osborne.

Mayor Edgar stated the Council had established an Ad Hoc Committee to review and define the objective. He clarified the intent was not to mislead the public, but to quantify the data so it was as understandable as possible. He indicated it was possible that residents not paying the tax now would be paying the tax in the future. He stated the Council was trying to be fair to the residents without jeopardizing the City's revenue stream. He asked City Manager Avery to clarify the TUT history.

City Manager Avery indicated the slide did not go into detail, but showed a brief history of the Utility Users Tax (UUT), and stated the title of the slide would be clarified.

Mayor Edgar stated all communications would be modified to provide a clear picture to the residents.

City Attorney Levin clarified that Federal Law prohibited taxing access to the internet. She stated if a service is delivered over the internet it is taxable, but there is no specific charge for access to the internet.

Mr. Grose stated it might be helpful to identify how the Ordinance is out of date, modernize all the taxes, and deliver the information in a way that is understandable by the average person.

Mayor Pro Tem Poe inquired about taxing on bundled services. City Attorney Levin provided a brief explanation.

JM Ivler, resident, stated a concern for the potential of residents to use an alternate billing address to avoid paying TUT.

Discussion regarding such ensued.

Shane Smith, resident, spoke regarding the following topics: first presentation was well intentioned, but not comprehensive; tonight's meeting felt personal and did not provide much data; currently paying the tax and supports such; supports protecting the City from potential litigation and maintaining the

revenue; residents need to be aware they are participating properly in paying a legitimate tax; Los Alamitos residents have a median income of \$76,000 and a 6% tax should not be considered burdensome; felt the comparison with the police, recreation, and senior budgets was justifiable since residents know about these budgets; felt the handout addressed many of his concerns and once additional information was added residents should not have any concerns approving the tax; did not support reducing the tax; thanked the Council for allowing community input; and, stated support for the measure.

Mayor Edgar closed the item for public comment.

Council Member Kusumoto stated concern there is no hard data.

Council Member Graham-Mejia stated she felt the presentation was misleading and was concerned there was not a guarantee that revenue would not increase. She indicated the objective was to update the Ordinance and her concern was to ensure the community was not negatively impacted.

Council Member Stephens stated the Ordinance was long past its effectiveness. He thanked Mr. Smith for expressing his in-depth opinions and stated concern in the future the Federal government would take jurisdiction over the tax.

City Attorney Levin stated it was possible. Currently, there were laws being introduced that would stop local agencies from collecting these taxes and the City needed to modernize its Ordinance before such legislation came in to effect. She clarified a modernized Ordinance would make it clear to carriers and residents what is being taxed and to whom the taxes are being remitted to.

Council Member Stephens supported having parity among the residents and stated the importance that all residents understand the intent of the Council was not to raise taxes.

Mayor Pro Tem Poe thanked the Ad Hoc Committee for its work on this issue. She asked for clarification that Council could not campaign for the issue once Council decided it would be on the ballot.

City Attorney Levin answered in the affirmative and elaborated City resources could not be used to campaign. The Council could provide information and host forums, but could not campaign in their capacities as Council Members.

Mayor Pro Tem Poe stated the key was education and stated her concern that the information would not get out to residents in time.

City Attorney Levin stated her experience in other cities was that it is relatively rare to see a strong opposition to modernization. She expressed her opinion that the lack of attendance at the outreach meetings was not an indication of support or non-support for the measure.

Mayor Pro Tem Poe asked for clarification that informational meetings could still be held after the measure was approved for the ballot and asked what could not be done.

City Attorney Levin answered in the affirmative and stated Council Members could not advocate for a vote.

Mayor Edgar thanked Council Members Kusumoto and Graham-Mejia for their work on the Ad Hoc Committee, including reaching out to City Commissions.

## **RECESS**

The City Council took a brief recess at 7:15 p.m.

## **RECONVENE**

The City Council reconvened in regular session at 7:30 p.m.

## **6. PRESENTATIONS**

### **A. PowerPoint Presentation by Orange County Transportation Authority (OCTA) Public Outreach Officer Sara Swensson, Regarding West County Connectors Project Update and Seal Beach Blvd. Construction Overview**

Sara Swensson, Senior Community Relations Specialist, gave a PowerPoint Presentation and answered questions from the City Council.

City Council and Staff discussed the following topics:

- Accommodations for students arriving late due to traffic
- Sidewalks and bike lane on the Valley View Bridge
- Continued construction on the Valley View Bridge
- Christina Byrne now working on the I-405 project
- Public Hearing process including the addition of a community meeting in Seal Beach on June 26<sup>th</sup> and the extension of the public comment period to July 17<sup>th</sup>
- OCTA encourages residents to public comment as it is all incorporated into the final document
- Council desire for a special meeting to discuss submitting a public comment
- Possibility of having the information on the City's website and LATV

**7. ORAL COMMUNICATIONS**

Mayor Edgar opened Oral Communications.

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

JM Ivler, resident, spoke regarding the settlement of the trash lawsuit and urged the Council to agendize discussion for the violation of the Los Alamitos Municipal Code by three Council Members.

Tom Rothwell, resident, extended an invitation from the community of College Park North to the Council for its 4<sup>th</sup> for July parade.

Mayor Edgar closed Oral Communications.

**8. REGISTER OF MAJOR EXPENDITURES**

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for June 18, 2012, in the amount of \$118,899.74, ratified the Register of Major Expenditures for June 8, 2012, in the amount of \$314,307.28, and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period June 19, 2012 to July 15, 2012.

**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 items 9A, 9C, and 9F.  
Council Member Kusumoto pulled item 9B.

Motion/Second: Graham-Mejia/Stephens

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

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

**D. State Local Partnership Program Grant (Public Works)**

The Orange County Transportation Authority (OCTA) will be issuing a one-time State-Local Partnership Program Formula (SLPP) Grant Call for Projects. In order to be eligible to receive SLPP funds, the City must adopt a resolution nominating various shovel ready street rehabilitation projects. Due to their readiness Staff recommended; Cerritos Avenue from Bloomfield Street to Los Vaqueros Circle; Los Vaqueros Circle from south of Cerritos Avenue to the end of street; Humbolt Street from south of Cerritos Avenue to the end of street; and, Reagan Street from Catalina Street to Sausalito Street.

The City Council:

1. Approved the list of street rehabilitation projects to be funded by the OCTA/State-Local Partnership Program Formula Grant program; and,
2. Adopted Resolution No. 2012-10, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AUTHORIZING APPLICATION FOR FUNDS FOR THE STATE-LOCAL PARTNERSHIP PROGRAM UNDER THE PROPOSITION 1B HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006 FOR BUSINESS AREA STREET IMPROVEMENT PROJECT."

**E. Memorandum of Understanding Between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Enhanced Law Enforcement Overtime Services (Police)**

This report provided information about Public Safety Realignment and Postrelease Community Supervision and sought authorization to execute a Memorandum of Understanding with the County of Orange for enhanced law enforcement overtime services as needed to achieve the objectives related to Public Safety Realignment.

The City Council authorized the Chief of Police to execute the Memorandum of Understanding between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Enhanced Law Enforcement Overtime Services.

**G. Adoption of the City of Los Alamitos Fiscal Year 2012-13 Annual Appropriations Limit (Finance)**

Article XIII B of the California Constitution specifies the amount of allowable revenue the City of Los Alamitos can appropriate from the proceeds of taxes.

The City Council adopted Resolution No. 2012-09 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-13".

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

**A. Approval of Minutes (City Clerk)**  
Approve the Minutes of the Regular Meeting of June 4, 2012.

Council Member Graham-Mejia referred to page 4, second paragraph from the bottom, and stated she would like the statement to include upholding the portion of the contract that dictated Council review the program every year.

She then referred to page 5, paragraph 2, and asked the paragraph include she was not supportive if there was going to be a negative impact to the community with regards to an increase in their taxes.

City Attorney Levin stated Department Secretary Quintanar would verify the changes were consistent with what was approved before making the changes.

Council Member Graham-Mejia thanked the Mayor for allowing her to continue her opposition to the minutes in their current form. She stated for the record she did not feel the minutes in their current form accurately portrayed the reasoning behind the Council actions and stated support for returning to summary minutes.

Motion/Second: Edgar/Poe

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

**B. Warrants (Finance)**  
Approve the Warrants for June 18, 2012, in the amount of \$69,694.78 and ratify the Warrants for June 18, 2012, in the amount of \$69,694.78.

Council Member Kusumoto pulled the warrant for Baric, Tran, and Minesinger and requested a report be provided on the findings relative to his case. He questioned the warrant for John Underwood.

City Manager Avery stated this was a partial payment to Mr. Underwood for production of a documentary on the pool, as requested by the Aquatics Foundation in exchange for a donation of the remaining funds in their account to the City.

Motion/Second: Kusumoto/Graham-Mejia

Carried 3/2 (Edgar and Poe cast the dissenting vote): the City Council approved the Warrants for June 18, 2012, in the amount of \$69,694.78 and ratified the Warrants for June 18, 2012, in the amount of \$69,694.78, excluding the warrant for Baric, Tran, and Minesinger in the amount of \$4,774.50.

Mayor Edgar requested discussion of the warrant and issue raised.

City Manager Avery suggested Council Member Kusumoto call City Attorney Levin to discuss.

Council Member Kusumoto stated he would like the item discussed in public, but would be willing to discuss with the City Attorney as well.

Council Member Graham-Mejia stated support for discussing the item and putting an end to the concerns.

**C. Agreement for Animal Control Services between the City of Long Beach and the City of Los Alamitos (Police)**

The City of Los Alamitos contracts with the City of Long Beach Animal Care Services for animal control. The term of the current agreement was July 1, 2010 through June 30, 2012, with an option for two (2) extensions. This report proposed a two-year agreement extension for Fiscal Years 2012-13 and 2013-14.

Council Member Graham-Mejia stated concern that the service being received was not satisfactory and indicated support for looking into alternative options should Long Beach continue to provide poor service.

Mayor Pro Tem Poe stated support for the item with the condition that status be monitored.

Council Member Stephens agreed.

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council authorized the City Manager to execute an extension of the Agreement for Animal Control Services between the City of Long Beach and the City of Los Alamitos for the term of July 1, 2012 through June 30, 2014.

**F. Approval of Notice of Completion for ADA Accessibility Ramps in Apartment Row – (CIP 11/12-02) (Public Works)**

The ADA Accessibility Ramps project was complete and in compliance with the plans and specifications. Staff recommended that City Council

accept the work as complete, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

The City Council and staff discussed the possibility of not using the Contractor in the future due to poor workmanship.

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: The City Council:

1. Accepted as complete the construction contract by Mora's Equipment for the ADA Accessibility Ramps project; and,
2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorized staff to release the 10% retention to the contractor, in the amount of \$5,592.48, thirty-five (35) days after recordation of the Notice of Completion.

## 10. PUBLIC HEARING

### A. **Adoption of the City of Los Alamitos Fiscal Year 2012-2013 Annual Operating and Capital Improvement Program (CIP) Budget (Finance)**

City Charter Sections 1201-1205 govern the development and adoption of the City's Annual Budget. Section 1203 requires a Public Hearing for public input on the proposed budget. Thereafter, the City Council shall adopt the budget with revisions, if any; establish estimated revenues, expenditure appropriations, and transfers of funds of the City.

Finance Director Agramonte summarized the staff report, referring to the information contained therein and answered questions from the City Council.

Council and Staff discussed the following topics:

- Support for the budget workshops
- GAN limits
- Budgeted funds for the Los Alamitos Blvd. Downtown revitalization
- Positive budget picture in tough economic times
- Council's commitment to put money back into the community

Mayor Edgar opened the Public Hearing. There being no one present wishing to speak, Mayor Edgar closed the Public Hearing.

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

1. Conducted a Public Hearing on the Proposed Annual Operating and Capital Improvement Program Budget; and,
2. Adopted Resolution No. 2012-08 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING THE ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2012-13."

## 11. DISCUSSION ITEMS

### A. **Designation of Voting Delegate and Alternate for the League of California Cities' 2012 Annual Conference** (City Clerk)

The League of California Cities Annual Conference will be held in San Diego, September 5-7, 2012. The League is requesting City Council designation of a Voting Delegate to the Annual Business Meeting.

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

Council Member Graham-Mejia nominated Mayor Pro Tem Poe as the delegate.

Mayor Pro Tem Poe, Council Member Graham-Mejia, and Council Member Kusumoto advised they would not be able to attend.

Council Member Stephens stated he would be able to attend.

Council Member Graham-Mejia stated she would be the alternate with the approval of travel reimbursement.

Motion/Second: Poe/Edgar  
Unanimously Carried: The City Council:

1. Appointed Council Member Stephens to serve as the City's Voting Delegate for the League of California Cities 2012 Annual Business Meeting; and,
2. Appointed Council Member Graham-Mejia to serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence; and,

3. Authorized travel reimbursement for the delegate or alternate for the League of California Cities 2012 Annual Conference.

**B. Consideration of the Process for City Council Submission of Ballot Arguments in Favor of Proposed Telephone Users Tax Measure**

**(City Attorney)**

The City is considering placing a modernized, and possibly reduced, Telephone Users Tax (TUT) measure on the ballot at the November 6, 2012 election. If the measure is placed on the ballot, the arguments for and against the measure must be submitted by July 30, 2012. Accordingly, the City Council must decide whether some or all of the Council Members would like to submit an argument in favor of the ballot measure and, if so, draft and approve the text of a ballot argument. Due to the constraints of the Brown Act, development or approval of a ballot argument by more than two Council Members should occur at a noticed public meeting. Accordingly, advance consideration of the process for developing and approving arguments will help avoid a last-minute crisis or missed opportunity.

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

Council and Staff discussed the following topics:

- Allowing Council Members that weren't part of the Ad Hoc Subcommittee an opportunity to participate in the process by drafting the argument
- Uncertainty regarding measure support
- Difficulty in providing statistical data
- Need for parity and fairness among all residents
- Staff's desire to inform Council of the process and allow as much lead time as possible
- Options for drafting the argument
- Support for the Ad Hoc Subcommittee to draft the argument
- Support for moving forward due to the compressed timeframe

Mayor Edgar opened the item for public comment.

Dean Grose, resident, spoke regarding the following topics: support for ballot measure going to the people; clear wording (i.e. modification of existing tax, not a new tax); uncertainty regarding slight reduction; and, properly informing residents of the issue.

Mayor Edgar closed the item for public comment.

Council and Staff discussed the following topics:

- Amount of decrease of TUT
- Council desire to stay revenue neutral
- Concern regarding using broad terminology to capture future technological advances
- Uncertainty of what technologies are being taxed now and the expense and time needed to conduct an audit to determine such
- Defining the technologies by function and not medium
- Support for keeping the Ordinance as straightforward as possible
- Modernization of all UUT's
- Possibility of requesting the League of Cities to advocate for UUT uniformity
- Desire for a straightforward argument with unanimous Council support
- Desire to include all Council concerns in the ballot argument as to not mislead the residents
- Ability for Council to hold a Special Meeting if necessary

Mayor Pro Tem Poe and Mayor Edgar volunteered to write the ballot argument.

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried: The City Council appointed Mayor Pro Tem Poe and Mayor Edgar to draft a ballot argument in favor of the measure to be considered by the City Council for approval at the July 16, 2012, City Council meeting.

## 12. MAYOR AND COUNCIL INITIATED BUSINESS

### Council Announcements

**Mayor Pro Tem Poe** spoke regarding the following topics: attendance at the Los Alamitos Police Officer's Association Spring Mixer on June 7<sup>th</sup>; Los Alamitos Museum Association dedication of St. Isidore Plaza Chapel as a historical site; wished all fathers a belated Father's Day and a safe 4<sup>th</sup> of July; and, congratulated Erin Kominsky for being awarded the 2012 National Distinguished Principal.

**Council Member Graham-Mejia** spoke regarding the following topics: possibility of residential parking permits near Lexington and Green; congratulated the High School graduates; requested the I-405 updates be placed on the website; and, requested the Council send a comment regarding the Environmental Impact Report.

Discussion ensued regarding attendance at the OCTA Public Hearing. Council consensus was received to place an item on the upcoming Council agenda for discussion regarding the I-405 Improvement Project.

Council Member Graham-Mejia gave a brief update on the Community Give Back.

**Council Member Stephens** spoke regarding the following topics: requested Staff follow up with OCTA regarding the pedestrian crossing at the Valley View bridge; cautioned residents to drive safely as kids were out of school for the summer; gave a reminder of the 4<sup>th</sup> of July Spectacular that would be held at the Joint Forces Training Base; and, reported he had participated in jury duty over the past two and half weeks.

**Council Member Kusumoto** spoke regarding the following topics: attendance at the Eagle Scout Court of Honor for Lumir James Matthew D'Ambrosio and Steven Robert Hansberry; attendance at the Ad Hoc Subcommittee meeting for the Community Give Back with Council Member Graham-Mejia and City Manager Avery; requested an agenda item to summarize the trash lawsuit to be included in the Confidential Binder; and, requested an agenda item addressing indemnification for his alleged Brown Act Violations.

**Mayor Edgar** spoke regarding the following topics: attendance at the California National Guard training class; plans to attend the College Park North 4<sup>th</sup> of July parade; upcoming 4<sup>th</sup> of July Spectacular on the Joint Forces Training Base; retirement of Luciann Maulhardt after 26 years with Casa Youth Shelter; Father's Day; attendance at Westminster's Vietnamese Armed Serviced Days; gave a brief update on Orange County Sanitation District and his transition to Chair of the Board; and, attendance at the cake cutting for Ed Bremmel's birthday.

Council Member Stephens congratulated the Mayor on his primary election victory for the 72<sup>nd</sup> Assembly District.

**13. ITEMS FROM THE CITY MANAGER**

None.

**14. ADJOURNMENT**

The City Council adjourned at 9:54 p.m. The next meeting of the City Council is scheduled for **Monday, July 16, 2012, at 6:00 p.m.**, in the City Council Chambers.

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Troy D. Edgar, Mayor

ATTEST:

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Windmera Quintanar, Department Secretary

**CITY OF LOS ALAMITOS (Revised)**  
**A/P Warrants**  
**July 16, 2012**

**To Approve**

<b>Pages:</b>			
01-02	\$ 9,572.74	A/P Warrants (Revised)	07/16/2012

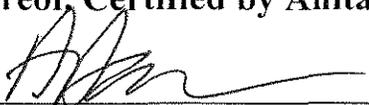
**To Ratify**

<b>Pages:</b>			
A 01-04	\$ 30,854.97	Advance Warrants	06/25/2012
B 01-05	\$ 51,216.78	Advance Warrants	07/02/2012
C 01-03	\$ 26,860.44	Advance Warrants	07/09/2012
	\$ 1,525.31	July Retirees	07/01/2012
<b>Total</b>	<b><u>\$ 120,030.24</u></b>		

Authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period July 17, 2012 to August 19, 2012.

**Statement:**

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Director.

  
\_\_\_\_\_  
this 11<sup>th</sup> day of July, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALL STAR GLASS	WINDSHIELD	GARAGE FUND	GARAGE	381.98
			TOTAL:	381.98
AT & T MOBILITY	BILL CYCLE 5/24-6/23	GENERAL FUND	PATROL	410.11
			TOTAL:	410.11
BARIC, TRAN & MINESINGER	ATTORNEY FEES	GENERAL FUND	CITY ATTORNEY	4,774.50
			TOTAL:	4,774.50
BENESYST	FLEX ADMIN SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
CALIFORNIA FORENSIC PHLEBOTOMY INC.	BLOOD TESTS	GENERAL FUND	PATROL	450.00
			TOTAL:	450.00
GALLS / LONG BEACH UNIFORM	UNIFORMS	GENERAL FUND	PATROL	398.46
			TOTAL:	398.46
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SERVI	GENERAL FUND	ADMINISTRATIVE SERVICE	673.47
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	477.73
			TOTAL:	1,151.20
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	17.48
			TOTAL:	17.48
OC SHERIFF'S REGIONAL TRAINING ACADEMY	TRAINING	GENERAL FUND	POLICE ADMINISTRATION	60.00
			TOTAL:	60.00
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
			TOTAL:	82.64
PETTY CASH	COFFEE FOR FRONT COUNTER	GENERAL FUND	CITY COUNCIL	23.98
	COFFEE FOR CITY HALL	GENERAL FUND	CITY COUNCIL	24.98
	CHAMBER BREAKFAST	GENERAL FUND	CITY MANAGER	20.00
	MEETING SUPPLIES	GENERAL FUND	CITY MANAGER	10.76
	KITCHEN SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	17.02
	PARKING FEE	GENERAL FUND	STREET MAINTENANCE	10.00
	LATV SUPPLIES	LOS ALAMITOS TV	LOS ALAMITOS TV	72.24
	LATV SUPPLIES	LOS ALAMITOS TV	LOS ALAMITOS TV	36.80
			TOTAL:	215.78
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
			TOTAL:	164.96
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
			TOTAL:	1,000.00
VERIZON CALIFORNIA, INC.	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.38
			TOTAL:	79.38
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	PATROL	40.28
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.73
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	185.24
			TOTAL:	236.25



VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADAMSON POLICE PRODUCTS	UNIFORM	GENERAL FUND	PATROL	112.06
	POLICE SUPPLIES	GENERAL FUND	INVESTIGATION	250.02
			TOTAL:	362.08
ADVANCED BATTERY SYSTEMS, INC.	BATTERY CHARGER	GARAGE FUND	GARAGE	122.78
				TOTAL:
AHMC ANAHEIM REGIONAL MEDICAL CENTER	SART EXAM	GENERAL FUND	PATROL	750.00
				TOTAL:
ALL AMERICAN OFFICIALS	ASSIGNING SERVICES	GENERAL FUND	SPORTS	100.00
				TOTAL:
ALLIANT INSURANCE SERVICES, INC.	LIABILITY INS/CC RENTALS	GENERAL FUND	COMMUNITY SERVICES	393.28
				TOTAL:
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00
			TOTAL:	615.00
BENESYST	FLEX ADMIN SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
				TOTAL:
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	16.03
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	25.33
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	24.35
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	162.48
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	78.69
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	55.81
		TOTAL:	362.69	
BYRNE & NIXON LLP	LEGAL SERVICES	GENERAL FUND	CITY ATTORNEY	5,000.00
				TOTAL:
CARTRIDGE WORLD OF LOS ALAMITOS	PRINTER CARTRIDGES	GENERAL FUND	RECREATION ADMINISTRAT	878.11
				TOTAL:
CITY OF SEAL BEACH	APRIL BOOKINGS	GENERAL FUND	PATROL	640.00
	MAY BOOKINGS	GENERAL FUND	PATROL	310.00
			TOTAL:	950.00
COMMERCIAL AQUATIC SERVICES	HEATER PUMP	GENERAL FUND	BUILDING MAINTENANCE	1,173.13
				TOTAL:
COMMUNITY SENIORSERV	NUTRITION TRANSPORT 4/12	GENERAL FUND	COMMUNITY SERVICES	109.04
	NUTRITION TRANSPORT 5/12	GENERAL FUND	COMMUNITY SERVICES	127.84
			TOTAL:	236.88
COMPUTER SERVICE CO.	SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	1,240.00
				TOTAL:
CONSOLIDATED DISPOSAL SRVS #902	E WASTE PICK UP	GENERAL FUND	BUILDING MAINTENANCE	25.00
				TOTAL:
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
				TOTAL:

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	30.74
	SHIPPING	GENERAL FUND	CITY COUNCIL	30.74
	SHIPPING	GENERAL FUND	PATROL	9.70
	SHIPPING	GENERAL FUND	PATROL	5.96
			TOTAL:	<u>77.14</u>
GALLS / LONG BEACH UNIFORM	EQUIPMENT	GENERAL FUND	PATROL	1,109.77
				TOTAL:
HEART TO HEART CPR	INSTRUCTOR - BABYSITTING	GENERAL FUND	SPECIAL CLASSES	151.20
				TOTAL:
HUNTINGTON BEACH HONDA	MOTORCYCLE TUNE-UP	GENERAL FUND	TRAFFIC	2,552.29
				TOTAL:
JOBS AVAILABLE	JOB POSTING	GENERAL FUND	ADMINISTRATIVE SERVICE	280.00
				TOTAL:
KELTERITE CORPORATION	ASPHALT	GENERAL FUND	STREET MAINTENANCE	241.91
				TOTAL:
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	839.78
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	566.45
	COPIER LEASE - P/D	GENERAL FUND	POLICE ADMINISTRATION	332.20
			TOTAL:	<u>1,738.43</u>
KUSTOM IMPRINTS	T-SHIRTS & SWEATSHIRTS	GENERAL FUND	SPORTS	1,071.12
				TOTAL:
COREY LAKIN	TUITION REIMBURSEMENT	GENERAL FUND	RECREATION ADMINISTRAT	2,337.00
				TOTAL:
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	136.50
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	126.75
			TOTAL:	<u>263.25</u>
LOS ALAMITOS AREA CHAMBER OF COMMERCE	CHAMBER BREAKFAST	GENERAL FUND	CITY COUNCIL	20.00
	CHAMBER BREAKFAST	GENERAL FUND	CITY MANAGER	20.00
	CHAMBER BREAKFAST	GENERAL FUND	RECREATION ADMINISTRAT	40.00
			TOTAL:	<u>80.00</u>
LOS ALAMITOS MEDICAL CENTER	BLOOD DRAW	GENERAL FUND	PATROL	25.00
				TOTAL:
LOWE'S	HEADLAMP	GENERAL FUND	BUILDING MAINTENANCE	56.35
				TOTAL:
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	138.00
				TOTAL:
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICALS	GENERAL FUND	ADMINISTRATIVE SERVICE	575.00
				TOTAL:
MISC. VENDOR	REFUND - SKATEBOARD CAMP	GENERAL FUND	NON-DEPARTMENTAL	34.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	3.00
	REFUND - PRESCHOOL	GENERAL FUND	NON-DEPARTMENTAL	259.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	REFUND - PRESCHOOL	GENERAL FUND	NON-DEPARTMENTAL	180.50
	REFUND - PRESCHOOL	GENERAL FUND	NON-DEPARTMENTAL	180.50
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - EMPLOYEE LUNCHEON	GENERAL FUND	CITY COUNCIL	136.18
	REFUND - FEE REIMBURSEMENT	GENERAL FUND	COMMUNITY DEVEL ADMIN	224.18
			TOTAL:	1,067.36
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	235.00
THE ORANGE COUNTY REGISTER	NEWSPAPER SUBSCRIPTION	GENERAL FUND	CITY MANAGER	78.44
			TOTAL:	78.44
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	55.44
			TOTAL:	55.44
PATTERSON MEDICAL SUPPLY, INC.	FIRST AID SUPPLIES	GENERAL FUND	STREET MAINTENANCE	107.21
			TOTAL:	107.21
PENINSULA SEPTIC SERVICE, INC.	SEPTIC TANK SERVICE	GENERAL FUND	PARK MAINTENANCE	400.00
			TOTAL:	400.00
QUARTERMASTER	UNIFORMS	GENERAL FUND	PATROL	168.46
			TOTAL:	168.46
REDFLEX TRAFFIC SYSTEMS, INC.	REDFLEX INTERSECTION COMM	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	65.00
RICOH AMERICAS CORPORATION	COPIER LEASE	GENERAL FUND	RECREATION ADMINISTRAT	560.30
			TOTAL:	560.30
SIR SPEEDY	CAFR PRINTING	GENERAL FUND	ADMINISTRATIVE SERVICE	263.08
			TOTAL:	263.08
SPORT SUPPLY GROUP, INC.	FIELD MAINTENANCE	GENERAL FUND	SPORTS	145.85
			TOTAL:	145.85
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	128.00
			TOTAL:	128.00
JOHN UNDERWOOD	FILMING - YOUR LOS AL	LOS ALAMITOS TV	LOS ALAMITOS TV	250.00
			TOTAL:	250.00
UNITED STATES POSTMASTER	BROCHURE POSTAGE	GENERAL FUND	RECREATION ADMINISTRAT	1,366.00
			TOTAL:	1,366.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	52.02
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	791.50
	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	119.83
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	44.55
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	79.96
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	44.95
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	42.52
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	42.52
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	43.72

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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>1,261.57</u>
WALK IN WEB STORE	WEBSITE CHANGES	GENERAL FUND	SPECIAL EVENTS	<u>255.00</u>
			TOTAL:	<u>255.00</u>
WEST PAYMENT CENTER	SUBSCRIPTION	GENERAL FUND	INVESTIGATION	<u>102.85</u>
			TOTAL:	<u>102.85</u>

===== FUND TOTALS =====

10	GENERAL FUND	30,482.19
28	LOS ALAMITOS TV	250.00
50	GARAGE FUND	122.78
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	GRAND TOTAL:	30,854.97
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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	RETROFIT 2012 CHARGER	GARAGE FUND	GARAGE	1,990.44
			TOTAL:	1,990.44
MARK ABBOTT	WEBSITE DESIGN & TRAINING	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	2,100.00
	WEBSITE HOSTING & BACK-UP	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	540.00
			TOTAL:	2,640.00
ALL AMERICAN SIGN COMPANY	DRY ERASE BOARD	GENERAL FUND	EMERGENCY PREPAREDNESS	125.97
			TOTAL:	125.97
AT & T	BILL CYCLE 6/19-7/18	GENERAL FUND	COMMUNICATIONS TECHNOL	357.18
			TOTAL:	357.18
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	21.03
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	50.66
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	37.32
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	56.61
			TOTAL:	165.62
CAPRCMB PMB #157	ANNUAL DUES	GENERAL FUND	RECREATION ADMINISTRAT	190.00
			TOTAL:	190.00
CITY CLERKS ASSOCIATION OF CALIFORNIA	CITY CLERK'S HANDBOOK	GENERAL FUND	CITY MANAGER	40.00
			TOTAL:	40.00
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS	GENERAL FUND	NON-DEPARTMENTAL	2,100.00
			TOTAL:	2,100.00
DECKSIDE POOL SERVICE	POOL REPAIRS	GENERAL FUND	AQUATICS	148.96
			TOTAL:	148.96
ENVIROSERV	OIL & FILTER REMOVAL	GARAGE FUND	GARAGE	100.00
			TOTAL:	100.00
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	82.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	21.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	16.80
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	14.70
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	21.00
			TOTAL:	156.10
GANAHL LUMBER COMPANY	TEFLON TAPE	GENERAL FUND	PARK MAINTENANCE	5.37
	STORAGE BIN REPAIR	GENERAL FUND	BUILDING MAINTENANCE	24.77
	SILICONE	GENERAL FUND	BUILDING MAINTENANCE	5.92
	TOILET PARTS	GENERAL FUND	BUILDING MAINTENANCE	4.30
			TOTAL:	40.36
GLENN E. THOMAS CO.	REPAIR PATROL UNIT	GARAGE FUND	GARAGE	490.91
	RETURN - PARTS	GARAGE FUND	GARAGE	217.50
			TOTAL:	273.41
GOLDEN STATE WATER COMPANY	BILL CYCLE 4/12-6/13	GENERAL FUND	STREET MAINTENANCE	438.72
	BILL CYCLE 4/12-6/13	GENERAL FUND	PARK MAINTENANCE	3,202.71
			TOTAL:	3,641.43
GOLF VENTURES WEST	MOWER PARTS	GARAGE FUND	GARAGE	14.50

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	14.50
HOSE-MAN, INC.	HYDRAULIC OIL	GARAGE FUND	GARAGE	145.29
			TOTAL:	145.29
HYDRO-ELECTRICS	IRRIGATION REPAIRS	GENERAL FUND	PARK MAINTENANCE	280.00
	IRRIGATION REPAIRS	GENERAL FUND	PARK MAINTENANCE	280.00
			TOTAL:	560.00
HYDRO-SCAPE PRODUCTS, INC.	SEED	GENERAL FUND	PARK MAINTENANCE	1,468.27
			TOTAL:	1,468.27
JUDICIAL DATA SYSTEMS CORP.	CITATIONS	GENERAL FUND	TRAFFIC	349.95
			TOTAL:	349.95
NANCY KATO	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	1,176.00
	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	470.40
			TOTAL:	1,646.40
KUSTOM IMPRINTS	BANNERS	GENERAL FUND	COMMUNITY DEVEL ADMIN	103.44
			TOTAL:	103.44
LONG BEACH SOCCER REFEREE ASSOCIATION	ADULT SOCCER REFEREE	GENERAL FUND	SPORTS	444.00
			TOTAL:	444.00
LOS ALAMITOS AUTO PARTS	FILTERS	GARAGE FUND	GARAGE	50.07
			TOTAL:	50.07
LOS ALAMITOS LOCK SERVICE, INC.	KEYS	GENERAL FUND	PARK MAINTENANCE	58.02
	KEYS	GENERAL FUND	SPORTS	274.33
			TOTAL:	332.35
LOS ALAMITOS MEDICAL CENTER	BLOOD DRAWS 9/11	GENERAL FUND	PATROL	100.00
	BLOOD DRAWS 2/12	GENERAL FUND	PATROL	50.00
	BLOOD DRAWS 3/12	GENERAL FUND	PATROL	75.00
	BLOOD DRAWS 4/12	GENERAL FUND	PATROL	100.00
			TOTAL:	325.00
MAD SCIENCE OF W. ORANGE COUNTY	INSTRUCTOR - SCIENCE CAMP	GENERAL FUND	SPECIAL CLASSES	257.40
			TOTAL:	257.40
MAILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50
			TOTAL:	166.50
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICALS	GENERAL FUND	ADMINISTRATIVE SERVICE	230.00
			TOTAL:	230.00
MISC. VENDOR	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	4.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	8.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	5.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	3.00
	REFUND - CAMP	GENERAL FUND	NON-DEPARTMENTAL	146.00
	REFUND - CAMP	GENERAL FUND	NON-DEPARTMENTAL	146.00
	REFUND - DAY CAMP	GENERAL FUND	NON-DEPARTMENTAL	480.00
	REFUND - EXCURSION	GENERAL FUND	NON-DEPARTMENTAL	30.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	62.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	224.00
	REFUND - EMPLOYEE LUNCHEON	GENERAL FUND	CITY COUNCIL	345.69
			TOTAL:	1,767.69
MWR	POOL INTERNET - JUNE	GENERAL FUND	AQUATICS	143.30
	POOL INTERNET - JULY	GENERAL FUND	AQUATICS	143.30
			TOTAL:	286.60
NORMAN A. TRAUB ASSOCIATES	PERSONNEL INVESTIGATION	GENERAL FUND	ADMINISTRATIVE SERVICE	4,168.96
	PERSONNEL INVESTIGATION	GENERAL FUND	ADMINISTRATIVE SERVICE	2,700.48
			TOTAL:	6,869.44
THOMAS OLIVER	MILEAGE REIMBURSEMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	84.92
			TOTAL:	84.92
PAPER RECYCLING SPECIALISTS	SHREDDING SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	74.00
			TOTAL:	74.00
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	39.00
			TOTAL:	39.00
PETTY CASH	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	12.93
	COUNCIL DINNER	GENERAL FUND	CITY COUNCIL	55.00
	SENIOR SYMPOSIUM	GENERAL FUND	RECREATION ADMINISTRAT	40.00
	CLEANING SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	7.61
	CLEANING SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	15.80
	BROCHURE EXCHANGE	GENERAL FUND	RECREATION ADMINISTRAT	10.00
	CAKE - LAUREL PARK REOPEN	GENERAL FUND	RECREATION ADMINISTRAT	17.99
	PRESCHOOL SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	44.58
	IN-SERVICE PRIZES	GENERAL FUND	RECREATION ADMINISTRAT	89.73
	IN-SERVICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	10.23
	POOL SUPPLIES	GENERAL FUND	AQUATICS	40.60
	POOL SUPPLIES	GENERAL FUND	AQUATICS	42.71
	POOL SUPPLIES	GENERAL FUND	AQUATICS	45.76
	POOL SUPPLIES	GENERAL FUND	AQUATICS	52.41
	AQUATICS IN-SERVICE FOOD	GENERAL FUND	AQUATICS	66.75
	SOCCER FEES	GENERAL FUND	SPORTS	80.00
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	5.00
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	7.00
	4TH OF JULY SUPPLIES	GENERAL FUND	SPECIAL EVENTS	9.68
			TOTAL:	653.78
THE PLANNING CENTER	COORDINATION MEETINGS	GENERAL FUND	PLANNING	420.00
	COMMUNITY OUTREACH	GENERAL FUND	PLANNING	2,571.59
	GENERAL PLAN	GENERAL FUND	PLANNING	6,945.87
	REIMBURSABLES	GENERAL FUND	PLANNING	60.80
			TOTAL:	9,998.26
PLAY-WELL TEKNOLOGIES	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	358.80
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	239.20
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	119.60
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	1,554.80
			TOTAL:	2,272.40

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SOUTH COAST SUPPLY & GARDEN DAZE	SOIL	GENERAL FUND	PARK MAINTENANCE	28.16
			TOTAL:	28.16
SOUTHERN CALIFORNIA EDISON	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	15.77
			TOTAL:	15.77
SOUTHERN CALIFORNIA GAS	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	80.64
			TOTAL:	80.64
SPRINT	ACTIVITY THRU 6/21/12	GENERAL FUND	CITY MANAGER	35.76
			ADMINISTRATIVE SERVICE	35.76
			COMMUNICATIONS TECHNOL	35.76
			COMMUNITY DEVEL ADMIN	35.76
			PUBLIC WORKS ADMIN	35.76
			RECREATION ADMINISTRAT	35.75
			TOTAL:	214.55
KIRK STEPHENS	ELECTRONIC PARTS RETURN - DEFECTIVE PARTS	LOS ALAMITOS TV LOS ALAMITOS TV	LOS ALAMITOS TV	78.23
			LOS ALAMITOS TV	42.88
			TOTAL:	35.35
SUPERIOR PAVEMENT MARKINGS, INC.	TRAFFIC STRIPING-CERRITOS TRAFFIC STRIPING-LOS AL BL	GAS TAX GAS TAX	CAPITAL PROJECTS	1,471.00
			CAPITAL PROJECTS	1,389.00
			TOTAL:	2,860.00
T.E. ROBERTS, INC.	PAVING REPAIR PAVING REPAIR	GENERAL FUND GENERAL FUND	STREET MAINTENANCE	1,391.44
			STREET MAINTENANCE	2,013.25
			TOTAL:	3,404.69
UNITED STATES POSTMASTER	BULK MAILING	GENERAL FUND	COMMUNITY DEVEL ADMIN	471.99
			TOTAL:	471.99
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.40
			TOTAL:	20.40
VICTORY LOCK AND KEY	DOOR MAINTENANCE	GENERAL FUND	BUILDING MAINTENANCE	523.00
			TOTAL:	523.00
WEIDENHOEFER DESIGN STUDIO	ACTIVITIES GUIDE	GENERAL FUND	RECREATION ADMINISTRAT	1,725.00
			TOTAL:	1,725.00
WEST COAST ARTWEAR	SOCCER SHIRTS	GENERAL FUND	SPORTS	493.50
			TOTAL:	493.50
ZOOM ACADEMY	INSTRUCTOR - CAMP INSTRUCTOR - CAMP	GENERAL FUND GENERAL FUND	SPECIAL CLASSES	1,017.90
			SPECIAL CLASSES	217.10
			TOTAL:	1,235.00



VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ACE INDUSTRIAL SUPPLY, INC.	SPILL MATS	GARAGE FUND	GARAGE	224.76
			TOTAL:	224.76
ALL AMERICAN OFFICIALS	GAME FORFEIT FEES	GENERAL FUND	SPORTS	50.00
			TOTAL:	50.00
ALLIANCE PRINTING ASSOCIATES	BUILDING INSPECTOR SHIRTS	GENERAL FUND	BUILDING INSPECTION	107.96
			TOTAL:	107.96
ALLIANT INSURANCE SERVICES, INC.	CRIME PROTECTION POLICY	GENERAL FUND	INSURANCE	2,228.00
			TOTAL:	2,228.00
AMERICAN RENTALS 300	CONCRETE & TRAILER	GENERAL FUND	STREET MAINTENANCE	149.06
			TOTAL:	149.06
AUDIO DYNAMIX, INC.	SOUND SYSTEM	GENERAL FUND	RECREATION ADMINISTRAT	1,246.25
	SOUND SYSTEM	GENERAL FUND	AQUATICS	1,488.79
			TOTAL:	2,735.04
THE BANK OF NEW YORK MELLON	ADMINISTRATION FEE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	750.00
			TOTAL:	750.00
BEE REMOVERS	BEE REMOVAL	GENERAL FUND	STREET MAINTENANCE	95.00
			TOTAL:	95.00
BIO CLEAN ENVIRONMENTAL SERVICES, INC.	STORMWATER FILTER CLEANING	GAS TAX	CAPITAL PROJECTS	1,300.00
			TOTAL:	1,300.00
SUSAN BROWN	TUITION REIMBURSEMENT	GENERAL FUND	RECORDS	1,560.00
			TOTAL:	1,560.00
COUNTY OF ORANGE TREASURER-TAX	OCATS	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	305.00
ENNIS TRAFFIC SAFETY SOLUTIONS	TRAFFIC PAINT	GAS TAX	CAPITAL PROJECTS	1,475.20
			TOTAL:	1,475.20
GANAHL LUMBER COMPANY	HOSE	GENERAL FUND	PARK MAINTENANCE	5.16
	TOILET SEAT	GENERAL FUND	BUILDING MAINTENANCE	4.84
			TOTAL:	10.00
GLOBALSTAR USA	SATELLITE PHONE	GENERAL FUND	EMERGENCY PREPAREDNESS	41.16
			TOTAL:	41.16
GOLDEN STATE WATER COMPANY	BILL CYCLE 4/23-6/21	GENERAL FUND	STREET MAINTENANCE	411.32
	BILL CYCLE 4/23-6/21	GENERAL FUND	PARK MAINTENANCE	403.65
			TOTAL:	814.97
KONICA MINOLTA BUSINESS SOLUTIONS U.S.	COPIER LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,382.21
			TOTAL:	1,382.21
KUSTOM IMPRINTS	VOLUNTEER SWEATSHIRTS	GENERAL FUND	SPORTS	764.70
			TOTAL:	764.70
LOS ALTOS TROPHY	SOCCER AWARDS	GENERAL FUND	SPORTS	231.66
			TOTAL:	231.66

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MISC. VENDOR	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	42.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	59.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	37.00
	REFUND - CRAFTS CLASS	GENERAL FUND	NON-DEPARTMENTAL	62.00
	REFUND - EXCURSION	GENERAL FUND	NON-DEPARTMENTAL	60.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	47.00
	TOTAL:			357.00
LYNDA MOORE	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	199.80
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	186.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	288.60
	TOTAL:			674.40
NEWS ENTERPRISE	PUBLIC HEARING NOTICE	GENERAL FUND	CITY COUNCIL	73.63
	PUBLIC HEARING NOTICE	GENERAL FUND	PLANNING	102.13
	TOTAL:			175.76
MARIA O'CONNELL	COMPUTER LOAN	GENERAL FUND	NON-DEPARTMENTAL	2,500.00
			TOTAL:	2,500.00
PACIFIC COACHWAYS CHARTER SERVICES, IN	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	300.00
			TOTAL:	300.00
REDFLEX TRAFFIC SYSTEMS, INC.	REDFLEX INTERSECTION COMM	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	65.00
REVENUE EXPERTS INC.	CODE ENFORCE CITES 4/12	GENERAL FUND	NEIGHBORHOOD PRESERVAT	200.00
	CODE ENFORCE CITES 5/12	GENERAL FUND	NEIGHBORHOOD PRESERVAT	200.00
			TOTAL:	400.00
RICHARD'S BICYCLES	BIKE REPAIR & MAINTENANCE	GENERAL FUND	PATROL	480.00
			TOTAL:	480.00
ROSSMOOR CAR WASH	POLICE DEPT.	GARAGE FUND	GARAGE	206.96
	PUBLIC WORKS	GARAGE FUND	GARAGE	9.00
			TOTAL:	215.96
SIR SPEEDY	BROCHURES	GENERAL FUND	CITY COUNCIL	588.33
	DOOR HANGERS	GENERAL FUND	PLANNING	344.80
	BUSINESS CARDS	GENERAL FUND	BUILDING INSPECTION	21.01
			TOTAL:	954.14
SMART & FINAL	4TH OF JULY SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	145.72
	KITCHEN SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	232.47
			TOTAL:	378.19
SO CAL SANITATION LLC	RESTROOM SERVICES	GENERAL FUND	SPORTS	687.82
			TOTAL:	687.82
SOUTH COAST SUPPLY & GARDEN DAZE	SPORTS SUPPLIES	GENERAL FUND	SPORTS	12.16
	SPORTS SUPPLIES	GENERAL FUND	SPORTS	352.35
			TOTAL:	364.51
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	50.75
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	168.56

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>219.31</u>
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	14.81
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	<u>43.52</u>
			TOTAL:	58.33
SPARKLETTS DRINKING WATER	WATER COOLERS	GENERAL FUND	BUILDING MAINTENANCE	<u>175.47</u>
			TOTAL:	175.47
TIME WARNER CABLE	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	<u>10.83</u>
			TOTAL:	10.83
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	<u>18.00</u>
			TOTAL:	18.00
VERIZON CALIFORNIA, INC.	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	<u>921.00</u>
			TOTAL:	921.00
WEBER PRINTING COMPANY, INC.	FALL 2012 ACTIVITIES GUIDE	GENERAL FUND	RECREATION ADMINISTRAT	<u>3,680.00</u>
			TOTAL:	3,680.00

===== FUND TOTALS =====

10	GENERAL FUND	22,894.52
20	GAS TAX	2,775.20
31	LAUREL PARK DEBT SERVICE	750.00
50	GARAGE FUND	440.72
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	GRAND TOTAL:	26,860.44
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# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8C

**To:** Mayor Troy Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** David Hunt, City Engineer

**Subject:** Approval of Measure M Capital Improvement Program (CIP) for FY 2012-13 through FY 2018-19 and Adopt Resolution 2012-16 Concerning the Status of the Circulation Element for the City of Los Alamitos

**Summary:** In order to remain eligible to receive Measure M Turnback funds, the Orange County Transportation Authority (OCTA) requires that all local jurisdictions comply with a variety of requirements, including annual submittal of an adopted Seven-Year Capital Improvement Program (CIP) and adoption of a Resolution concerning the status of the Circulation Element for the City of Los Alamitos. Staff has prepared a Capital Improvement Program covering the Fiscal Years 2012-13 through 2018-19 that the City Council approved on June 18, 2012, and is prepared to submit this and other required documentation to OCTA upon approval by the City Council.

### Recommendations:

1. Adopt Resolution No. 2012-16, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT OF THE CITY OF LOS ALAMITOS"; and,
2. Approve the attached Seven-Year Capital Improvement Program (for transportation projects) for FY 2012/13 to 2018/19, and which was submitted and approved by the City Council on June 18, 2012; and,
3. Direct the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2012/13 to 2018/19, and the required Measure M eligibility documents to the Orange County Transportation Authority.

## Background

In November of 1990, the voters of Orange County approved Measure M, the Revised Traffic Improvement and Growth Management Ordinance. Measure M created a fund for transportation and improvements to mitigate traffic impacts generated by existing and proposed development. Measure M authorized the imposition of an additional ½-cent sales tax for a period of twenty (20) years, effective April 1, 1991, and ending in 2011. The voters of Orange County re-authorized Measure M for a new 30-year period in November 2006.

At the State level, the voters of the State of California also approved Proposition 111 in 1991 to fund transportation projects. Proposition 111 authorized the imposition of an additional 5 cents per gallon gas tax gradually increasing to 9 cents over a four year period. Most of the eligibility requirements for receipt of Proposition 111 funds are similar to those of Measure M eligibility requirements, and therefore, have been coordinated together.

Funds identified as Measure M Turnback funds and the additional Proposition 111 gas tax revenues are used on local and regional transportation improvement and maintenance projects. Other Measure M funds, for transportation-related projects are made available through several competitive programs included in OCTA's Combined Transportation Funding Program (CTFP).

## Discussion

In order to be eligible to receive Measure M Turnback funds, as well as Proposition 111 gas tax revenue funds, the Local Transportation Authority (LTA) must find that the City has satisfied a variety of requirements. The County of Orange Board of Supervisors designated the Orange County Transportation Authority (OCTA) as the Local Transportation Authority.

Continued eligibility for Measure M funds requires the City to annually review its compliance with the Measure M Program. The following is an outline of information that must be submitted to OCTA in compliance with the requirements of Measure M:

- Measure M Seven-Year Capital Improvement Program.
- Maintenance of Effort (MOE) Reporting Form.
- Measure M Eligibility Checklist which includes:
  - Congestion Management Program
  - Timely use of Net Revenues
  - No Supplanting of Developer Commitments
  - Transit/Non-motorized Transportation in General Plan

A summary explanation of the updated program components that the Council must review and approve prior to submittal to OCTA is presented below:

## **1. MEASURE M, SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM**

The City Council adopts a comprehensive Seven-Year Capital Improvement Program (CIP) each year. Staff has attached the Seven-Year CIP project list, specifically for the transportation facility improvement projects. It is now recommended that the City Council approve the attached Seven-Year CIP list for transportation projects.

The City Council must adopt this version of the Seven-Year CIP for Transportation projects in a format required by OCTA for Measure M and Proposition 111 eligibility requirements. This action must be taken in addition to the previous City Council action to approve the Seven-Year CIP at the June 18, 2012 meeting. It should be noted that the Seven-Year CIP is not presented as a basis for developer mitigation fees, which requires public noticing. A summary of the previously approved Seven-Year CIP, for street and transportation projects only, that was approved at the June 18, 2012 City Council meeting is included as **(Attachment 1)**.

## **2. MAINTENANCE OF EFFORT REPORTING FORM**

Local jurisdictions may not use Measure M Local Turnback or additional gas tax funds to replace existing revenues being used for transportation improvement programs. The purpose of these funds is to supplement existing expenditures of funds for transportation projects. Therefore, the City is required to maintain a pre-determined minimum level of effort, or Maintenance of Effort (MOE), of General Fund expenditures for the maintenance of local streets and roads in order to retain eligibility.

The average annual MOE General Fund expenditure required for the City of Los Alamitos, as determined by OCTA for the Measure M Program, is \$136,000. The recently-approved FY 2012-13 operating budget contains General Fund expenditures for street and drainage related costs which exceed this baseline MOE requirement for the City of Los Alamitos.

## **3. GROWTH MANAGEMENT IMPLEMENTATION PROGRAM**

City of Los Alamitos Resolution 1469, which was adopted on June 14, 1993, established the City's current traffic impact fees. The fees were calculated based on the Seven-Year CIP established at that time. Based on that resolution, the traffic impact fee for a residential dwelling unit is \$317.55 per unit. According to representatives from OCTA, although the City's traffic impact fee is low compared to most cities, no action is required at this time for Measure M requirements.

## **4. RESOLUTION OF MASTER PLAN OF ARTERIAL HIGHWAY (MPAH) CONSISTENCY**

The City must approve a biennial resolution, on even years, declaring conformance of the City's Circulation Element with the Orange County Master Plan of Arterial Highways with regard to the adoption of uniform setbacks, and the limiting of access onto arterial

highways. This resolution is required to be submitted this year to satisfy the Measure M eligibility requirements. Attached is a resolution that is recommended for adoption, indicating that the City has taken no actions that would preclude the future implementation of the Master Plan of Arterial Highways (**Attachment 2**).

## 5. MEASURE M ELIGIBILITY CHECKLIST

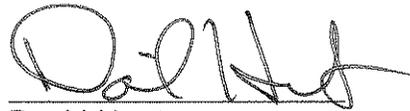
To assist agencies in complying with Measure M and Proposition 111 requirements, OCTA has developed checklists to clarify requirements. Staff has completed the checklists so that they may be transmitted with all other documents as required by OCTA.

Based on staff's analysis and discussions with representatives from OCTA, this comprehensive package of required documents will maintain the City's compliance with the requirements of Measure M for FY 2012-13. The required documents will be submitted to the OCTA.

### Fiscal Impact

According to the City's budget, if the City of Los Alamitos maintains its eligibility with Measure M, it will receive annual Measure M Local Turnback revenues of approximately \$184,053 in FY 2012-13. In addition, it is anticipated that the City's annual allocation will increase under the Revised Measure M, and is currently estimated to be \$249,154 in FY 2018-19.

Submitted By:



David Hunt  
City Engineer

Approved By:

  
Angie Avery  
City Manager

- Attachments: 1. *Seven-Year Measure M Capital Improvement Program (CIP) for the Fiscal Years 2012-13 through 2018-19*  
2. *Resolution No. 2012-16*

City of Los Alamitos  
Seven Year Capital Improvement Program Budget

PROJECT TITLE	FUNDING SOURCE	FISCAL YEAR 2012-13	FISCAL YEAR 2013-14	FISCAL YEAR 2014-15	FISCAL YEAR 2015-16	FISCAL YEAR 2016-17	FISCAL YEAR 2017-18	FISCAL YEAR 2018-19	TOTAL PROJECT COSTS
<b>STREETS AND DRAINAGE</b>									
Arterial and Residential Tree Program	Gas Tax / Traffic Impr.	\$ 35,000	\$ 30,000	\$ 35,000	\$ 30,000	\$ 35,000	\$ 30,000	\$ 35,000	\$ 230,000
Street Markings/Striping	Gas Tax / Traffic Impr.	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 70,000
Concrete Repairs (Sidewalks, Curbs, Gutters, Ramps)	Traffic Impr.	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 280,000
Residential Street Improvements	Measure M / Gas Tax	\$ 300,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 1,200,000
Replacement of Street Signs	Gas Tax / Traffic Impr.	\$ 20,000	\$ 20,000	\$ 20,000					\$ 60,000
Miscellaneous Crosswalk Improvements	Gas Tax / Traffic fund	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000				\$ 40,000
Old Town West Handicapped Access Ramps, Curb and Gutter	CDBG Grant / Gas Tax	\$ 175,129							\$ 175,129
Unfinished Priority 1 Street Calming Projects	Gas Tax / Traffic Impr	\$ 15,000							\$ 15,000
Humbolt St. Street Rehabilitation	Measure M2 / Prop 1B	\$ 250,000							\$ 250,000
Los Vaqueros Circle Street Rehabilitation	Measure M2 / Prop 1B	\$ 60,000							\$ 60,000
Reagan Street from Catalina St to Sausalito St Street Rehabilitation	Measure M2 / Prop 1B	\$ 50,000							\$ 50,000
Two Bus Shelters	Traffic Impr.	\$ 15,450							\$ 15,450
Los Alamitos Blvd Revitalization Project-Public Outreach /Conceptual Design	General Fund		\$ 100,000	\$ 100,000					\$ 200,000
Ball Road Pavement Rehabilitation	Measure M / Gas tax		\$ 300,000						\$ 300,000
Los Alamitos Blvd and Bradbury Intersection Pavement Rehabilitation	Measure M / Gas Tax		\$ 40,000						\$ 40,000
Portal Drive Street Rehabilitation	Measure M / Gas Tax			\$ 100,000					\$ 100,000
Winner Circle Street Rehabilitation	Measure M / Gas Tax			\$ 150,000					\$ 150,000
Cerritos Ave @High School Intersection	Unfunded				\$ 150,000				\$ 150,000
Cerritos Avenue/Los Alamitos Boulevard Intersection Improvements	Unfunded				\$ 150,000				\$ 150,000
Alley Improvements	Unfunded				\$ 200,000	\$ 200,000	\$ 100,000		\$ 500,000
Cerritos and Lexington Intersection Improvements	Unfunded					\$ 200,000			\$ 200,000
Orangewood Avenue Pavement Rehabilitation	Unfunded						\$ 100,000		\$ 100,000
Storm Drain Master Plan - Citywide	Unfunded						\$ 150,000		\$ 150,000
GIS Map Showing Detailed City Right of Way	Unfunded						\$ 40,000		\$ 40,000
Katella Ave from Los Alamitos to Lexington Drive Street Rehabilitation	Measure M / Gas Tax							\$ 400,000	\$ 400,000
<b>Subtotal</b>		<b>\$ 980,579</b>	<b>\$ 700,000</b>	<b>\$ 615,000</b>	<b>\$ 740,000</b>	<b>\$ 635,000</b>	<b>\$ 620,000</b>	<b>\$ 635,000</b>	<b>\$ 3,670,579</b>

**RESOLUTION NO. 2012-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF LOS ALAMITOS**

**WHEREAS**, the City of Los Alamitos desires to maintain and improve the streets within its jurisdiction, including those arterials contained in the Master Plan of Arterial Highways (MPAH); and,

**WHEREAS**, the City of Los Alamitos had endorsed a definition of and process for determining consistency of the City's Traffic Circulation Plan with the MPAH; and,

**WHEREAS**, the City of Los Alamitos has adopted a General Plan Circulation Element which does not preclude implementation of the MPAH within its jurisdiction; and,

**WHEREAS**, the City of Los Alamitos is required to adopt a Resolution every year informing the Orange County Transportation Authority (OCTA) that the City of Los Alamitos' Circulation Element is in conformance with the MPAH and whether any changes to any arterial highways of said Circulation Element have been adopted by the City of Los Alamitos during Fiscal Year 2011-12; and,

**WHEREAS**, the City of Los Alamitos is required to send every year to the OCTA all recommended changes to the City of Los Alamitos Circulation Element and the MPAH for the purposes of re-qualifying for participation in the Combined Transportation Funding Programs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. The arterial highway portion of the City of Los Alamitos Circulation Element of the City is in conformance with the MPAH.

SECTION 3. The City of Los Alamitos attests that no unilateral reduction in through lanes has been made on any MPAH arterials during the Fiscal Year 2011-12.

SECTION 4. The City of Los Alamitos has adopted a uniform setback ordinance providing for the preservation of rights-of-way consistent with the MPAH arterial highway classification.

SECTION 5. The City of Los Alamitos has adopted provisions for the limitation of access to arterial highways in order to protect the integrity of the system.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution and forward a copy to the Orange County Transportation Authority.

**PASSED, APPROVED, AND ADOPTED** this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Troy Edgar, Mayor

ATTEST:

\_\_\_\_\_  
Angie Avery, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 16<sup>th</sup> day of July, by the following vote, to wit:

AYES:            COUNCILMEMBERS:

NOES:            COUNCILMEMBERS:

ABSENT:        COUNCILMEMBERS:

ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Angie Avery, City Clerk

# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8D

**To:** Mayor Troy D. Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** David L. Hunt P.E., City Engineer  
Steven A. Mendoza, Director of Community Development

**Subject:** Approval of Notice of Completion for Laurel Park Rehabilitation (CIP 10/11-04)

**Summary:** The Laurel Park Rehabilitation project is complete and in compliance with the plans and specifications. Change Orders for the project were \$16,015.16 or 8.5% and below the 10% contingency fund. Staff is recommending that City Council accept the work as complete, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

### Recommendations:

1. Accept as complete the construction contract by America West Landscaping, Inc. for the Laurel Park Rehabilitation project; and,
2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorize staff to release the 10% retention to the contractor, in the amount of \$21,317.88, thirty-five (35) days after recordation of the Notice of Completion.

### Background

Laurel Park, located at the northeast corner of Bloomfield Street and Katella Avenue, is used by Los Alamitos Girls Softball, St. Hedwig Pony Baseball, Beach Cities Youth Lacrosse, Los Alamitos Pop Warner Football, and Los Alamitos Youth Baseball. Approximately 26,500 people annually utilize the park through field rentals, special events, and adult sports programs. On December 5, 2011, City Council awarded a contract to America West Landscaping, Inc.

The work consisted of removal and replacement of the existing irrigation system and booster pumps; installation of a central based controller with internet connectivity capability; removal of existing turf and installation of new turf by means of hydro-seeding; laser leveling of the baseball field; and leveling of the grass area for soccer and softball play. The contract award was for \$189,073.64, plus a 10% contingency fund of \$18,907.00. The work was completed by the contractor for \$205,088.80.

### Recommendations

Change Orders for the project were \$16,015.16 or 8.5%, below the 10% contingency fund, and were approved by the City Engineer. The extras for the project were for a controller upgrade to save water; added remote control valves to increase efficiency; and extending the block wall around the new booster pump instead of using a chain link fence, which improved security and appearance.

Work on the project is now complete and acceptable to the City Engineer. Staff, therefore, recommends acceptance of the work and processing the Notice of Completion/Final Report and retention release as prescribed by the Public Contracts Codes.

### **Fiscal Impact**

Project costs, including the Change Orders, will not exceed the Park Fund balance. Below is the final cost breakdown for the project.

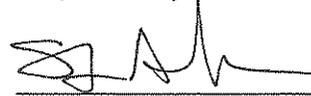
ITEM	AMOUNT
<b>Project Expenditures</b>	
Construction Costs - As Awarded	\$189,073.64
Change Orders	\$16,015.16
<b>Total Project Expenditures</b>	<b>\$205,088.80</b>

Submitted By:



David L. Hunt, PE  
City Engineer

Prepared By:



Steven A. Mendoza  
Director of Community Development

Approved By:



Angie Avery  
City Manager

Attachment: 1. Notice of Completion

RECORDING REQUESTED BY  
AND MAIL TO:

City Clerk  
City of Los Alamitos  
3191 Katella Avenue  
Los Alamitos, CA 90720

No Consideration

SPACE ABOVE THIS LINE FOR RECORDER

NO RECORDING FEE PURSUANT TO  
GOVERNMENT CODE SECTION 6103

**NOTICE OF COMPLETION/FINAL REPORT**

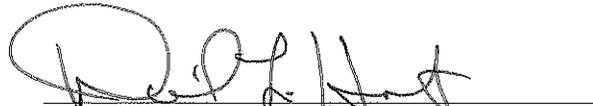
For

Laurel Park Rehabilitation - CIP 10/11-04

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned are owners or corporate officers of the interest or estates stated below in property hereinafter described.
2. The full name of the owner is: City of Los Alamitos, 3191 Katella Avenue, Los Alamitos, CA 90720
3. The work consisted of earthwork and soil preparation, new irrigation system, new booster pump, new controller and new grass.
4. The work was completed on May 16, 2012.
5. The contractor was: American West Landscaping, Inc, 15086 La Palma Dr, Chino, CA 91710

Dated: June 22, 2012

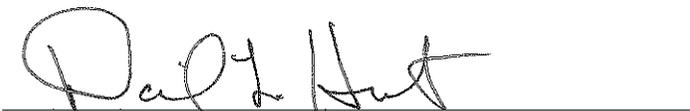


\_\_\_\_\_  
David L. Hunt, P.E. City Engineer, City of Los Alamitos

VERIFICATION BY CORPORATION OWNER

STATE OF CALIFORNIA )  
                                  ) SS  
COUNTY OF ORANGE )

I, David L. Hunt, City Engineer of the City of Los Alamitos, a Municipal Corporation, executed the foregoing Notice of the aforesaid interest or estates in the property therein described; and verify on behalf of the City of Los Alamitos; that the contents thereof, and the facts therein stated are true.



\_\_\_\_\_  
David L. Hunt, P.E., City Engineer

Dated: June 22, 2012

# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8E

**To:** Mayor Troy D. Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** David L. Hunt P.E., City Engineer  
Steven A. Mendoza, Director of Community Development

**Subject:** Approval of Notice of Completion for Public Works Yard Gas Tanks Removal Project Improvements (CIP No. 11/12-01)

**Summary:** The Public Works Yard Gas Tanks Removal Project is complete and in compliance with the plans and specifications. Change Order for the project is \$2,545.00 or 7.8%, and below the 10% contingency fund. Staff is recommending that City Council accept the work as complete, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

### Recommendations:

1. Accept as complete the construction contract by A+ Environmental Solutions for the Public Works Yard Gas Tanks Removal Project Improvements; and,
2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,
3. Authorize staff to release the 10% retention to the contractor, in the amount of \$3,504.20, thirty-five (35) days after recordation of the Notice of Completion.

### Background

Public Works Yard Gas Tanks Removal Project Improvements is part of the Capital Improvement Program (CIP) list for Fiscal Year 2011-12 approved by the City Council on June 20, 2011.

This underground storage tank (UST) system is comprised of two (2) 5,000-gallon Plasteel tanks. Both gasoline and diesel product have been stored at various times in the past in the tanks.

On June 4, 2012, City Council awarded a contract to A+ Environmental Solutions. The project consisted of the following:

- Removal of the UST system under the direction of the Orange County Health Care Agency – Environmental Health (OCHCA).
- Backfill UST excavations with a combination of crush rock and clean imported soil material.
- Prepare and submit a UST Closure Report to the Orange County Health Care Agency.

The contract award was for \$32,496.99, plus a 10% contingency fund of \$3,249.70. The work was completed by the contractor for \$35,041.99.

### Recommendations

The only Change Order for the project was \$2,545.00 or 7.8%, below the 10% contingency fund, and was approved by the City Engineer. The Change Order for the project is for additional removal and replacement of asphalt pavement and additional removal of tank fuel beyond what was estimated in the bid quantities.

Work on the project is now complete and acceptable to the City Engineer. Staff, therefore, recommends acceptance of the work and processing the Notice of Completion/Final Report and retention release as prescribed by the Public Contracts Codes.

### **Fiscal Impact**

Project costs, including the Change Orders, will not exceed the Garade Fund balance. Below is the final cost breakdown for the project.

ITEM	AMOUNT
<b>Project Expenditures</b>	
Construction Costs - As Awarded	\$32,496.99
Change Order	\$2,545.00
<b>Total Project Expenditures</b>	<b>\$35,041.99</b>

Submitted By:



David L. Hunt, PE  
City Engineer

Prepared By:



Steven A. Mendoza  
Director of Community Development

Approved By:

  
\_\_\_\_\_  
Angie Avery  
City Manager

Attachment: 1. Notice of Completion

RECORDING REQUESTED BY  
AND MAIL TO:

City Clerk  
City of Los Alamitos  
3191 Katella Avenue  
Los Alamitos, CA 90720

No Consideration

SPACE ABOVE THIS LINE FOR RECORDER

NO RECORDING FEE PURSUANT TO  
GOVERNMENT CODE SECTION 6103

**NOTICE OF COMPLETION/FINAL REPORT**

For

Public Works Yard Gas Tanks Removal Project Improvements - (CIP) list for 2011/2012

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned are owners or corporate officers of the interest or estates stated below in property hereinafter described.
2. The full name of the owner is: City of Los Alamitos, 3191 Katella Avenue, Los Alamitos, CA 90720
3. The work consisted of all necessary permits from the County of Orange, removal of the underground storage system, backfill excavations with a combination of crush rock and clean imported soil material and repave the surface with asphalt concrete.
4. The work was completed on June 22, 2012.
5. The contractor was: A+ Environmental Solutions, 898 Soquel Ave., Santa Cruz, CA 95062

Dated: June 29, 2012



David L. Hunt, P.E. City Engineer, City of Los Alamitos

VERIFICATION BY CORPORATION OWNER

STATE OF CALIFORNIA )  
                                  ) SS  
COUNTY OF ORANGE )

I, David L. Hunt, City Engineer of the City of Los Alamitos, a Municipal Corporation, executed the foregoing Notice of the aforesaid interest or estates in the property therein described; and verify on behalf of the City of Los Alamitos; that the contents thereof, and the facts therein stated are true.



David L. Hunt, P.E., City Engineer

Dated: June 29, 2012

# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8F

**To:** Mayor Troy D. Edgar & Members of the City Council  
**Via:** Angie Avery, City Manager  
**From:** Steven A. Mendoza, Director of Community Development  
Tony Brandyberry, Public Works Superintendent  
**Subject:** Request to Purchase Two (2) Public Works Trucks

**Summary:** This is a request to purchase two (2) 2012 Ford F250 trucks per Los Alamitos Municipal Code 2.60.110 – Purchases through other agencies. This report requests authorization to “piggy back” onto a recent agreement between the County of Orange and Wondries Fleet Group.

**Recommendation:** Authorize the City Manager to purchase two (2) 2012 Ford F250 trucks utilizing Purchase Order #280-12013264 between the County of Orange and Wondries Fleet Group for a total purchase price of \$52,520.08.

### Background

The Public Works Arrow Board Trucks are on a rotational replacement schedule which is determined by age and mileage for its application.

- Unit #PS1 is a 1997 Chevrolet ¾-ton pickup truck. This truck has a rack mounted arrow board which is used primarily for traffic control. The truck’s engine is starting to smoke, has some minor body damage and the interior is worn out.
- Unit #PS2 is a 1995 Chevrolet 1-ton pickup truck. This truck also has a roof mounted arrow board that is primarily used for traffic control. This truck has some minor body damage and recently the transmission will not shift into first or fourth gear therefore requiring a rebuilt transmission.

The mileage on these vehicles is as follows:

Unit #	Year	Description	Mileage
PS1	1997	Chevrolet 2500 Pick Up	57,681
PS2	1995	Chevrolet 3500 Pick Up	84,306

## Discussion

To facilitate this purchase, staff requests authorization to purchase these vehicles utilizing a "piggy back" agreement between the County of Orange and Wondries Fleet Group, Purchase Order #280-12013264, for a total purchase price of \$52,520.08

According to Los Alamitos Municipal Code 2.60.110, the City Council may authorize the purchase of materials, supplies or equipment for the City if another public agency has, within six months immediately preceding the council authorization, proceeded to obtain bids and award a contract to the lowest responsible bidder for the same materials, supplies or equipment.

The County of Orange, Purchase Order #PO-280-12013264 dated May 29, 2012 meets these qualifications.

## Fiscal Impact

Vehicle replacement funds for the Public Works arrow board trucks, in the amount of \$60,000, were appropriated in the Fiscal Year 2012-2013 budget.

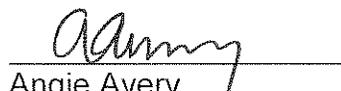
Prepared By:

  
\_\_\_\_\_  
Tony Brandyberry  
Public Works Superintendent

Reviewed By:

  
\_\_\_\_\_  
Steven A. Mendoza  
Director of Community Development

Approved By:

  
\_\_\_\_\_  
Angie Avery  
City Manager

Attachments: 1. *Wondries Fleet Group Bid*  
2. *County of Orange Purchase Order*

# **Wondries**

## **FLEET GROUP**

1247 W. Main Street, P.O. Box 3850 Alhambra, CA 91801  
(626) 457-5590 (626) 457-5593 Fax

July 2, 2012

Mr. Tony Brandberry  
City of Los Alamitos  
3191 Katella Ave.  
Los Alamitos, CA 90720  
Ph: (562) 254-2091

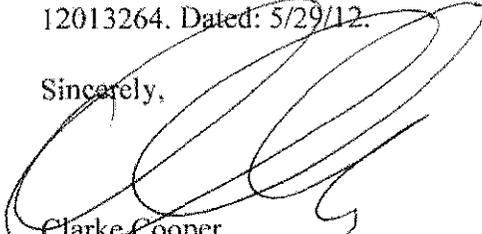
Dear Tony,

Wondries Fleet Group will sell service and deliver one (1) new/unused, 2012 Ford F-250 pickup, per the attached specification:

\$19,026.00 Base price  
Additional equipment  
consisting of:  
Day time running lights  
Vinyl seats  
Upfitter switches  
Tow command  
\$ 4,980.00 Towing lift gate  
**\$24,006.00 Subtotal**  
1,860.65 Tax (7.75%)  
385.00 Delivery (Non-tax)  
8.75 Tire Tax  
**\$26,260.04 Total Price (Each)**

These Vehicles are available under the County of Orange Cooperative Bid # 280-12013264. Dated: 5/29/12.

Sincerely,

  
Clarke Cooper  
Fleet Manager



TOYOTA



HONDA



**COUNTY OF ORANGE  
PURCHASE ORDER  
COUNTY PROCUREMENT OFFICE**

VENDOR: VU000006039: WONDRIES FLEET GROUP

1247 W MAIN ST

ALHAMBRA, CA 91801-4346

VENDOR CONTACT: JOHN OVYACH  
818-457-5596

**PURCHASE ORDER NUMBER:**

**PO-280-12013264**

Version Number: 1 Modification Number:

**ORDER TOTAL: \$20,500.52**

DEPARTMENT NICK SUMMERS

CONTACT: 949-252-5070

NSUMMERS@OC.AIR.COM

ORDER DATE: 05/29/2012

PROCUREMENT FOLDER: MA06036

PROCUREMENT MARIA MEDINA

CONTACT:

MMEDINA@OC.AIR.COM

**ORDER SUMMARY:** 2012 3/4 TON PICKUP TRUCK  
FOR COUNTY REFERENCE ONLY  
4000 EQUIPMENT VEHICLE TO REPLACE #3429 (WAGON #5)

REQ. 21088  
RM 5-29-12

SHIP To: OC PUBLIC WORKS/TRANSPORTATION-SHOP 1

1102 E TRUIT ST

SANTA ANA, CA 92701

Delivery Date:

Shipping Method: Vendor Delivery

Delivery Type:

FOB: FOB Dest. Freight Allowed

BILL To: JOHN WAYNE AIRPORT ACCOUNTS PAYABLE

1160 AIRWAY AVE

COSTA MESA, CA 92626-4608

Billing Instructions: CRYSTAL MEINER, ACCOUNTS PAYABLE

PHONE: 949-252-5193

EMAIL: CMMEINER@OC.AIR.COM

**COMMODITY / SERVICE INFORMATION**

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Tax Amount	Line Total
1	1.00	EA	\$19,026.00	\$0.00			\$19,026.00	\$1,474.52	\$20,500.52

COMMODITY CODE: 07048 TRUCKS (ONE TON AND LESS CAPACITY) (EFFECTIVE 1-1-06) THIS  
Pickup Truck Bodies  
2012 FORD F250 3/4 TON



Executed by the Authority of the  
County Purchasing Agent

**VENDOR COPY**

## 2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

### **VEHICLE DETAILS**

#### **STANDARD EQUIPMENT - 2012 F2A 2WD Reg Cab 137" XL**

##### *SAFETY*

- Pwr 4-wheel disc anti-lock braking system (ABS)
- AdvanceTrac w/roll stability control (RSC)
- Hill start assist control
- Trailer sway control
- Safety Canopy system
- Driver & front passenger airbags w/passenger-side deactivation switch
- Driver & front passenger side airbag/curtain
- SOS post crash alert system
- Color-keyed safety belts w/height adjustable D-rings
- Front center seat integrated restraints (SIR)
- BeltMinder seatbelt-not-buckled chime & flashing warning light
- Child seat tethers on passenger seat
- Tire pressure monitoring system
- MyKey system -inc: top speed limiter, audio volume limiter, early low fuel warning, programmable sound chimes, BeltMinder w/audio mute

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

June 29, 2012 2:48:51 PM

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## 2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

### VEHICLE DETAILS

#### SELECTED MODEL - 2012 F2A 2WD Reg Cab 137" XL

<u>Code</u>	<u>Description</u>	<u>Front Wt</u>	<u>Rear Wt</u>	<u>Invoice</u>	<u>MSRP</u>
F2A	2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL	* 3,368.00	* 2,554.00	\$27,189.00	\$29,065.00

#### SELECTED VEHICLE COLORS - 2012 F2A 2WD Reg Cab 137" XL

<u>Code</u>	<u>Description</u>
-	Interior: No color has been selected.
-	Exterior 1: No color has been selected.
-	Exterior 2: No color has been selected.

#### SELECTED OPTIONS - 2012 F2A 2WD Reg Cab 137" XL

##### CATEGORY

<u>Code</u>	<u>Description</u>	<u>Invoice</u>	<u>MSRP</u>
<b>EMISSIONS</b>			
422	CALIFORNIA EMISSIONS *Required on units w/GVWR of 14,000# or less, for California, Connecticut, Massachusetts, Maryland, Maine, New York, Oregon, Rhode Island, Vermont & Washington registration. Optional for Cross Border States* (N/A w/99T Engine)	\$0.00	\$0.00
<b>ENGINE</b>			
996	6.2L SOHC 16-VALVE EFI NA V8 FLEX-FUEL ENGINE (STD)	\$0.00	\$0.00
<b>TRANSMISSION</b>			
44P	TORQSHIFT 6-SPEED AUTOMATIC TRANSMISSION W/TOW/HAUL MODE (REQ: 996 Engine) (STD)	\$0.00	\$0.00
<b>AXLE</b>			
X3E	3.73 AXLE RATIO W/ELECTRONIC LOCKING REAR AXLE (REQ: 996 Engine)	\$324.00	\$390.00
<b>SERIES ORDER CODE</b>			
600A	XL SERIES ORDER CODE	\$0.00	\$0.00
<b>TIRES</b>			
TBK	(5) LT245/75R17E ALL-SEASON BSW TIRES (STD)	\$0.00	\$0.00

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Customer File:

2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

**VEHICLE DETAILS**

**SELECTED OPTIONS - 2012 F2A 2WD Reg Cab 137" XL**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>Invoice</u>	<u>MSRP</u>
<b>PAINT SCHEME</b>			
—	SOLID PAINT (STD)	\$0.00	\$0.00
<b>PRIMARY PAINT</b>			
Z1	OXFORD WHITE	\$0.00	\$0.00
<b>SEAT TYPE</b>			
1S	STEEL, CLOTH 40/20/40 SPLIT BENCH FRONT SEAT	\$83.00	\$100.00
<b>AIR CONDITIONING</b>			
—	AIR CONDITIONING	\$0.00	\$0.00
<b>ADDITIONAL EQUIPMENT</b>			
52B	TRAILER BRAKE CONTROLLER *Compatible w/select electric over hydraulic brakes* *w/66D Pickup Box Delete, 7 & 4 way combo trailer tow socket & bracket deleted*	\$191.00	\$230.00
18B	6" ANGULAR MOLDED BLACK STEP BARS	\$266.00	\$320.00
433	MANUAL SLIDING REAR WINDOW W/PRIVACY GLASS *Requires valid FIN* (LPO)	\$104.00	\$125.00
942	DAYTIME RUNNING LIGHTS *Requires valid FIN* (LPO)	\$37.00	\$45.00
<b>OPTIONS TOTAL</b>		<b>\$1,005.00</b>	<b>\$1,210.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

**VEHICLE DETAILS**

**PRICING SUMMARY - 2012 F2A 2WD Reg Cab 137" XL**

	<u>Invoice</u>	<u>MSRP</u>
Base Price	\$27,189.00	\$29,065.00
Total Options:	\$1,005.00	\$1,210.00
Vehicle Subtotal	\$28,194.00	\$30,275.00
Advert/Adjustments	\$833.00	\$0.00
Destination Charge	\$995.00	\$995.00
<b>GRAND TOTAL</b>	<b>\$30,022.00</b>	<b>\$31,270.00</b>

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Customer File:

## 2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

### **VEHICLE DETAILS**

#### **STANDARD EQUIPMENT - 2012 F2A 2WD Reg Cab 137" XL**

##### *ENTERTAINMENT*

- AM/FM stereo -inc: clock, (2) speakers

##### *EXTERIOR*

- (5) LT245/75R17E all-season BSW tires
- 17" argent painted steel wheels -inc: painted hub covers & center ornaments
- Full-size spare tire w/lock & carrier
- Black painted steel front bumper w/grained molded-in-color top cover & black lower air dam
- Black painted rear bumper
- Front fender vents
- Box-rail & tailgate top-edge moldings
- Black molded-in-color grille
- Dual beam jewel-effect headlamps
- Pickup box/cargo lights
- Underhood service light
- Manual telescoping trailer tow mirrors w/manual glass
- Solar tinted glass
- Variable intermittent windshield wipers
- Front/rear license plate brackets
- Black door handles
- Removable locking tailgate w/black handle & TailGate Assist

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## 2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

### **VEHICLE DETAILS**

#### **STANDARD EQUIPMENT - 2012 F2A 2WD Reg Cab 137" XL**

##### *INTERIOR*

- Air conditioning
- HD vinyl 40/20/40 split bench front seat -inc: center armrest, cupholder, storage
- Driver manual lumbar support
- Black vinyl full-floor covering
- Color-keyed scuff plates
- Tilt/telescoping steering column
- Multifunction switch message center -inc: ice blue lighting, 3-button message control on steering wheel, outside temp display
- Oil minder system
- SecuriLock anti-theft ignition
- 3-blink lane change signal
- (4) air registers w/positive shut-off
- (2) aux pwr outlets in instrument panel
- Dash-top tray
- Glove box
- Secondary glove box
- Instrument panel mounted storage
- Color-keyed molded door trim panel -inc: hard armrest, grab handle, reflector
- Color-keyed cloth headliner
- Front passenger-side roof ride handle
- Driver & front passenger grab handles
- Dual color-keyed vinyl sunvisors -inc: driver-side pocket, passenger-side mirror insert
- Door operated dome lamp w/time delay off & IP switch
- Map lamps
- Dual color-keyed coat hooks

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Customer File:

## 2012 Ford Super Duty F-250 SRW 2WD Reg Cab 137" XL F2A

### **VEHICLE DETAILS**

#### **STANDARD EQUIPMENT - 2012 F2A 2WD Reg Cab 137" XL**

##### *MECHANICAL*

- 6.2L SOHC 16-valve EFI NA V8 flex-fuel engine
- TorqShift 6-speed automatic transmission w/tow/haul mode (REQ: 996 Engine)
- 3.73 axle ratio (REQ: 996 Engine)
- Stationary elevated engine idle control (SEIC)
- Rear wheel drive
- 72 amp/hr (650 CCA) battery
- 157-amp HD alternator
- Trailer tow pkg -inc: 7-wire harness w/relays, 7/4 pin combination connector
- 12.5K trailer hitch receiver -inc: 2" hitch
- 8' pickup box -inc: (4) tie-down hooks, partitionable & stackable storage
- (2) front tow hooks
- Twin I-beam front axle w/coil spring suspension
- HD gas shock absorbers
- Front stabilizer bar
- Pwr steering w/steering damper
- 2-ton mechanical jack

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8G

**To:** Mayor Troy D. Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** Steven A. Mendoza, Community Development Director and  
Tony Brandyberry, Public Works Superintendent

**Subject:** Street Curb Address Painting Contract for 2012

**Summary:** This report recommends that Canning Hunger be selected as this years' Street Curb Painter in accordance with rules and regulations adopted in 2003 per Resolution No. 1939.

**Recommendation:** Authorize the City Manager to issue a no fee solicitors permit, no fee encroachment permit, and a business license to Canning Hunger for street address painting for 2012 on a strictly donation basis.

### Background

In November 2003, City Council adopted a resolution allowing non-profit organizations to propose painting Los Alamitos street addresses. Every other year, Staff mails out announcements to all local non-profits and previous participants. Two non-local non-profits submitted proposals this year which were evaluated in the following categories:

Street Address Painting Comparison		
Item	Care for the Children	Canning Hunger
Donation amount	\$15 -\$20	\$13
Repairs	Within 48 hours	Within 24-72 hours
Paint Materials	<ul style="list-style-type: none"><li>• Ennis white lead free water traffic paint (background)</li><li>• Ace Premium-17004 Black enamel spray paint (numbers)</li><li>• Moisture-Proof Glass Beads</li><li>• (reflective material)</li></ul>	<ul style="list-style-type: none"><li>• Traffic Zone Bright white paint (background)</li><li>• Ace gloss black spray paint (numbers)</li><li>• Glass Beads</li></ul>
Crew Uniform	Care for the Children t- shirt, ID badge, and copy of the required permit	Canning Hunger t-shirt, photo ID, and Canning Hunger proof manuals

Door hanger Type	Flyer or door hanger	Custom printed door hanger
Where does the donation go?	20% of the net donations are donated to a local charity of the City's choice or to a City program. The remaining 80% of the net proceeds goes to Care for the Children's costs. Care for the Children provides clothing locally and across the USA.	100% of donations pay for Canning Hunger's charity which provides food for less fortunate Americans locally and across the USA.
Will Approach Homeowner	As many as three times	Once
Years in Business	6	20
Insurance	Carries minimum \$1,000,000 liability	Carries minimum \$1,000,000 liability
Business Lic.	To be issues upon award	To be issued upon award

Interviews were conducted to clarify various issues (one telephonic, one in person) and to confirm experience and qualifications. Staff concluded that Canning Hunger's suggested donation amount of \$13 and positive Los Alamitos track record met the City's needs. Canning Hunger has also promised that each homeowner will only be approached once wherein the competitor stated that they would approach homeowners as many as three times.

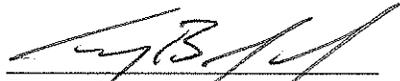
Pending Council approval, Canning Hunger, will be required to paint all single family residential addresses in accordance with specific City requirements, including painting 4-inch black numbers on a reflective white background. Canning Hunger will be given the right to solicit voluntary contributions in the amount of \$13 from residents after the address has been painted on the curb. Residents will be notified prior to the curb address painting service by receiving a door hanger indicating the specific details of the upcoming service in both English and Spanish translation. In addition, Staff will also place an announcement on the City's website and issue press releases to properly inform the public. Canning Hunger's work will begin mid-November, 2012 and will take approximately ninety (90) days to complete.

The City of Los Alamitos expects Canning Hunger to behave in a professional and courteous manner when operating in the community, especially when collecting donations from residents. Residents with questions or concerns about the program will be able to call a toll free number provided by Canning Hunger in addition to calling the City. Furthermore, Canning Hunger will correct any wrong numbers within 24-72 hours of notification regardless of the time that has elapsed. Canning Hunger has provided curb address painting services for the City in 2004 and 2009.

## **Fiscal Impact**

In approving this action, the City Council would be waiving a solicitor's permit fee of \$153.00 and an encroachment permit fee of \$25.00. Non-profits are already exempt from the business licensing fee.

Prepared By:

  
\_\_\_\_\_  
Tony Brandyberry  
Public Works Superintendent

Reviewed By:

  
\_\_\_\_\_  
Steven A. Mendoza  
Director of Community Development

Approved By:

  
\_\_\_\_\_  
Angie Avery  
City Manager

*Attachments:*

1. *City Council Resolution No. 1939*
2. *Proposals*
3. *Sample Press Release*

RESOLUTION NO. 1939

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A CURB ADDRESS PAINTING POLICY WHEREBY NON-PROFIT ORGANIZATIONS ARE ALLOWED POTENTIAL BENEFITS BY MANAGING THE PAINTING OF STREET ADDRESSES ON CURBS WITHIN THE CITY**

WHEREAS, on November 10, 2003, the City Council revisited a policy for the painting of addresses on curbs; and,

WHEREAS, testimony presented showed that the existing policy needed modification to provide clear direction to residents, contractors and City staff; and,

WHEREAS, the City Council recognized that the painting of addresses on curbs, particularly in residential areas, greatly assists emergency services in locating properties; and,

WHEREAS, non-profit organizations can provide a trusting buffer between residents and street address painting contractors while receiving some financial benefit in the process.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. The City Council hereby issues the following policy concerning the painting of addresses on residential street curbs:

- Only non-profit organizations will be permitted to manage the street curb address-painting contract.
- All painting will be performed by an organization with a minimum \$1,000,000 liability insurance policy naming the City of Los Alamitos as additional insured or other financial assurances as approved by the City Manager or his/her designee.

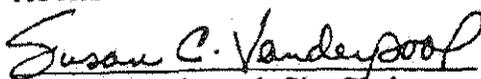
- The non-profit organization shall have a valid City business license on file.
- The non-profit organization will provide oversight, acting as intermediary between the residents by collecting donations and resolving any problems resulting from the work performed.
- The non-profit shall provide the City with a contact persons name and an emergency phone number.
- Compensation shall be by donations only. Residents will not be obligated to pay. Notices shall be provided to residents prior to painting and shall state 'payment by donation only'. The city attorney shall review notice content prior to distribution.
- Painting shall meet form and specifications as prescribed by the City Engineer upon consultation with Police and Fire services.
- A plan must be approved by the City Engineer indicating dates, times and streets where work is scheduled to be performed prior to commencement of work.
- Applications by non-profit organizations for curb address painting must be submitted by May 1<sup>st</sup> in the form of a letter requesting consideration as program manager. The City Council shall make the final determination as to which non-profit will run the program for that year or which non-profits will share in the management of the program for that year.
- Under this program, the painting contractor shall paint every residential address within the limits of the permit regardless of whether residents choose to make a donation for the service or not.
- Curb address painting shall be limited under this program to not more than once every two years.

SECTION 3. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24<sup>th</sup> day of November 2003.

  
Marilynn M. Poe, Mayor

ATTEST:

  
Susan C. Vanderpool, City Clerk

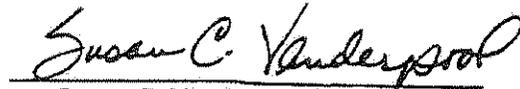
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Dean Derleth, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Susan C Vanderpool, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 24<sup>th</sup> day of November 2003, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Freeman, Bates, Parker, Jemsa & Poe
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

  
\_\_\_\_\_  
Susan C. Vanderpool, City Clerk



RECEIVED  
CITY OF LOS ALAMITOS  
2012 MAR 13 PM 4:06

City of Los Alamitos  
Attention: Tony Brandyberry, Public Works Superintendent

Re: Professional Curb Addressing Service

Dear Tony,

*Canning Hunger is a 501(c)3 non-profit hunger relief organization. We have provided curb addressing service as a fundraiser for ten years in Los Alamitos, and would appreciate the opportunity to once again repaint the curbs at no cost to the City or the resident.*

*Emergency responders all agree that a freshly painted, clearly visible curb address can be extremely valuable when attempting to reach a specific location. A clearly visible curb address is also helpful for visitors and deliveries. This is especially true at night when most addresses placed on homes can be difficult to locate or read.*

*Canning Hunger will provide all printed literature, materials, insurance, and a professional crew to repaint every residential curb address. First, a City approved door hanger explaining who we are and what we are permitted to do is placed on every residence. After two days, a new address is then painted on the curb. Once each address has been checked for quality and accuracy, a Canning Hunger representative will stop by in person to give each resident the opportunity to make a tax-deductible donation to help feed hungry kids and their families in our local communities, and provide support for men and women in transitional living facilities.*

*We do not begin work until all City required permits / licenses have been issued. Canning Hunger carries a million-dollar liability insurance policy, and uses only approved highway grade materials. We paint 4 inch black numbers on a white background and add reflective materials for enhanced nighttime illumination. All of our representatives wear Canning Hunger T-shirts, and carry picture identification, a Canning Hunger proof manual, and a copy of the City permit.*

*If you have any questions, or would like to schedule work to begin, please call Greg at 1-888-35-4-FOOD (3663). You may also check our website @ [www.canninghunger.org](http://www.canninghunger.org). Thanks for your consideration. . I look forward to, once again, providing this valuable service to your City.*

Sincerely,

Greg Contopoulos  
Project Director  
Canning Hunger, Inc.



**CANNING HUNGER**  
**HELPING OTHERS**

***Reasons for selecting Canning Hunger to paint emergency curb addresses in your City***

1. ***Over 25 years of combined industry experience.***
2. ***Fully insured to \$2,000,000.00 for general liability and \$1,000,000.00 liability for non-owned and hired autos.***
3. ***We use only the highest quality materials, and the most professional workmanship. All representatives wear Canning Hunger T-shirts, carry picture identification and Canning Hunger proof manuals. In donation cities all of our receipts, return envelopes, and doorhangers are custom printed.***
4. ***We offer two options: Contract and Donation***
  - \* Contract - addresses painted for a pre-negotiated price.***
  - \* Donation - no charge to City, voluntary tax-deductible donations from residents.***
5. ***We have successfully painted nearly 1,500,000 addresses in over fifty-eight Southern California cities in the past eighteen years.***
6. ***The estimated value of this service is \$13.00, however, any donation amount is appreciated and every \$13.00 received will provide enough food to feed a family for entire week.***
  - \* To date over 120,000,000 free meals have been provided to needy families from this program alone.***
  - \* The food provided by this program is distributed by agencies right here in Southern California.***
7. ***Wrong numbers fixed within 24-48 hours of notification, weather permitting, regardless of the time that has elapsed since painting was completed.***
8. ***Toll-free telephone number available for residents and City staff.***
9. ***Canning Hunger is recognized by both Federal and State agencies as a 501(c)3 non-profit organization. 100% of all donations received go directly to the charity and they pay all costs incurred by the program.***

***\* References are available upon request.***

1011-B W. Whittier Blvd., Suite 4  
La Habra, CA 90631

Tel. 562.690.3035  
Fax 562.690.2027

SIDE TWO  
SAMPLE

**IMPORTANT NOTICE  
TO ALL LOS ALAMITOS RESIDENTS  
ABOUT CURB ADDRESSING SERVICE**

Canning Hunger, a non-profit organization, has received a business license from the City. We will be painting curb addresses on public streets. This is a community service, and there is no cost to the City or the residents. All donations are voluntary and totally tax-deductible.

This program is part of our annual fundraiser to provide free meals for the needy, also housing and job training for deserving individuals in transitional living facilities.

*In an emergency situation a freshly painted, clearly visible curb address can be extremely valuable. This is especially true at night when most addresses placed on homes are sometimes difficult to locate or read. This service is also helpful for visitors and deliveries.*

The estimated value of this service is \$13.00; however, any donation is greatly appreciated. Every \$13.00 received will feed a family for an entire week.

*Residents are under no obligation to contribute*

We will be painting 4-inch black numbers on a white background with added material for enhanced nighttime illumination. We use only the highest grade of highway approved materials.

Painting will begin two to four days after you receive this notice, weather permitting.

*Once each address has been checked for quality and accuracy, a Canning Hunger representative will stop by to offer a tax-deductible donation receipt to every resident who chooses to make a voluntary contribution.*

Please make all checks payable to:

CANNING HUNGER  
1011-B w. Whittier Blvd. #4  
La Habra, ca. 90631

For questions, please call Greg at 1-888-35-4-3663  
Or visit our website at [www.canninghunger.org](http://www.canninghunger.org).

( SEE OTHER SIDE )

SIDE ONE  
SAMPLE

**CANNING HUNGER IS THE ONLY  
ORGANIZATION THAT HAS PERMISSION  
FROM THE CITY TO PAINT CURB ADDRESSES  
AND ACCEPT VOLUNTARY DONATIONS**

**All Canning Hunger Volunteers / Contractors:**

- Wear orange/white Canning Hunger T-shirts.
- Carry Canning Hunger picture I.D.
- Have a valid copy of the City business license.
- Carry a Canning Hunger proof manual.
- Offer a Canning Hunger donation receipt.

*In the last eighteen years, Canning Hunger has painted 1,500,000 addresses in over 58 Cities. Generous donations received from caring residents have made it possible for us to provide nearly 130,000,000 free meals to needy families, and helped hundreds of deserving individuals return to become productive members of society.*

**We will not be painting murals, emblems, or pictures, as they are prohibited by the City.**

*When all of the addresses are freshly painted, it will add a neat orderly look, and curb appeal to your neighborhood*

We are able to provide this valuable service solely from your generosity.

THANKYOU !!

For more information, call 1-888-35-4-3663  
Or visit our website at: [www.canninghunger.org](http://www.canninghunger.org).

*Require any painter or solicitor to provide positive proof that they have a valid business license*

( SEE OTHER SIDE )

# CARE FOR THE CHILDREN



P.O. BOX 3144 WHITTIER CA 90605  
1-888-227-3801

WWW.CARE4THECHILDREN.ORG

February 28, 2012

Dear Steven Mendoza,

City of Los Alamitos  
Community Development  
MAR 05 2012  
RECEIVED

Care For The Children is a charity that paints address numbers on the curbs city wide in various cities as a form of fundraising. Care For The Children has a strong reference list that supports what we do. The charity has a policy to donate a minimum of twenty percent of the net proceeds from the address painting to a local charity, or a city sponsored program when we fundraise within a city.

Care For The Children provides the means for the City of Los Alamitos to choose a local charity or a city sponsored program that it would like to see receive twenty percent of the net proceeds for the address painting. Care For The Children uses its portion of the proceeds to provide clothing to needy families.

Feel free to check out our website [www.care4thechildren.org](http://www.care4thechildren.org) and view are Good Works page to see the many charities that we have helped over the years.

It is our hope that the City of Los Alamitos will allow Care For The Children the privilege to fundraise within the city by painting the address numbers on the city curbs the next time that the city needs to have the address numbers painted. Our highly trained employees are courteous and polite when going to the door. Care For The Children's Solicitation Policy states that if any collector displays high-pressure sales tactics or generates a complaint from a resident, that individual will be taken out of the city. Our painting crew has multiple years of experience, which allows us to paint two thousand plus addresses per week.

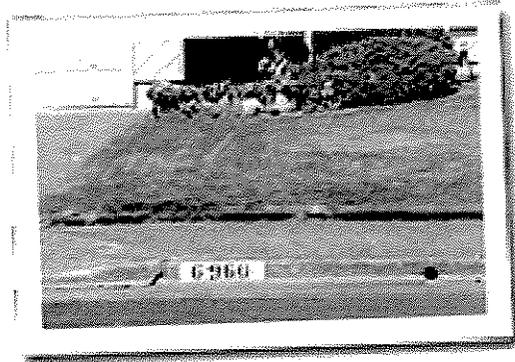
Having the addresses painted for voluntary donations from the residents will save the city much needed funds. Refreshing the numbers on the city curbs allows police and emergency personnel to find a resident's location much faster in an emergency situation. Also it benefits a resident when it comes to receiving deliveries (Fed Ex, UPS, DHL, etc.) The service is provided at no cost to the resident and all voluntary donations for this service are tax deductible.

By allowing Care For The Children to paint the addresses on the curbs within the city, you will receive accountability for the quality of the work and the treatment that the residents receive at the door. Please feel free to contact me anytime (562) 980-6395 cell or e-mail me at [rg@care4thechildren.org](mailto:rg@care4thechildren.org)

Sincerely,  
  
R.G. Henderson, Director  
Care For The Children

## City of Los Alamitos Asks Residents to be Wary of Curbside House Number Paint Scams

City of Los Alamitos advises residents to be on the alert for unauthorized paint crews currently operating within the community. The City has recently received several calls from concerned residents who have been visited by individuals asking if they would like to have their house number painted on the curb. In some cases, residents are being charged anywhere from \$10 to \$40 for poor quality work.



This type of scam is common everywhere and usually begins every spring and continues throughout the summer months.

In an effort to prevent this, the City issued a permit for residential curb address painting to only one group – Canning Hunger. Representatives from Canning Hunger typically conduct their program every three years during the spring and summer months. The cost for their services is strictly a voluntary donation. The Orange County-based non-profit group uses the funds donated during their ‘Curbing Hunger’ program to help feed homeless and low-income families across the nation. Paint crew members wear a t-shirt from Canning Hunger and carry a card identifying them as volunteers as well as a copy of the permit issued by the City. If approached by an individual asking for payment for curb painting services, residents are encouraged to ask for their identification and City-issued permit.

Residents who observe an unauthorized paint crew operating in their neighborhood or who would like to confirm an individual’s claim that they are permitted by the City, are asked to call the Public Works Department at 562.431-3538.

To learn more about Canning Hunger, call 1.888.354.3663 or visit its website at [www.canninghunger.org](http://www.canninghunger.org)

# City of Los Alamitos

## Agenda Report Consent Calendar

July 16, 2012  
Item No: 8H

**To:** Mayor Troy Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** Steven A. Mendoza, Community Development Director

**Subject:** Third Party Reimbursement and Professional Services Agreement Requiring the Olson Company to Fund Contract Planning Staff and Necessary CEQA Analysis

**Summary:** This item seeks Council approval of a Three Party Agreement. The agreement would allow for The Olson Company to expedite a development application for a 1.57 acre site at 3271 Sausalito Avenue by funding contract planning staff and necessary CEQA analysis.

**Recommendation:** Authorize the City Manager to execute the Third Party Reimbursement and Professional Services Agreement between the City of Los Alamitos, Hogle-Ireland Inc., and The Olson Company for contract planning and necessary CEQA analysis.

### Background

On June 26, 2012 The Olson Company, a housing developer, filed applications with the Community Development Department related to the development of an underutilized site at 3271 Sausalito Avenue. The Olson Company is on an accelerated timeline to obtain consideration of this application. Time is money for a developer and in order to assure that its applications is expedited, the applicant has requested the City retain a contract planner at The Olson Company's expense. The contract planner would be dedicated to their project under the supervision of the Community Development Director to assure adherence to City processes.

The Olson Company has selected Hogle-Ireland Inc. to provide the services of a contract planner and for environmental review. City Staff supports this selection as they have lengthy experience in Orange County. The costs of services are \$40,000, funded by the applicant, The Olson Company.

California law requires that the City act as the lead agency on environmental studies, therefore, the consultant must take direction from the City of Los Alamitos. By having the Consultant under the management of the City, the environmental document then remains a truly independent analysis of the impacts expected by the Development. It gives the City the ability to meet all State of California CEQA requirements. The environmental document remains the property of the City of Los Alamitos, not the developer, and the adequacy of the environmental documentation and the information provided therein is the responsibility of the City.

Funds are coming from the applicant and are not public funds, the usual Request for Proposal process was not implemented by Staff. The Olson Company researched and interviewed several consultants prior to selecting Hogle Ireland Inc.. The following processing will be followed in accordance with the Agreement.

1. The Olson Company shall deposit \$40,000 for Contract Planner and CEQA with the City's Finance Department
2. Hogle Ireland Inc. shall invoice the City of Los Alamitos monthly
3. City shall remit payment to Hogle Ireland Inc. from the \$40,000 deposit
4. The Olson Company may review all invoices at any time.

The approval of this Agreement and the deposit of \$40,000 will allow Hogle-Ireland to begin processing the application and preparation of the environmental documentation.

The application for the project itself will be up for consideration by the Planning Commission and the City Council later this year.

### **Fiscal Impact**

Execution of this Agreement assures that no public funds are used to expedite the application. The City shall access The Olson Company's deposit of \$40,000 to pay all invoices. All other costs for review will be taken from their application fees.

Submitted By:

Approved By:



Steven A. Mendoza  
Community Development Director



Angie Avery  
City Manager

- Attachment:
1. *Third Party Agreement*
  2. *Copy of Deposit Check*

**THIRD PARTY REIMBURSEMENT AND PROFESSIONAL SERVICES AGREEMENT**  
(City of Los Alamitos/ Hogle Ireland Inc./ The Olson Company.)

**1. IDENTIFICATION**

THIS THIRD PARTY REIMBURSEMENT AND PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Los Alamitos, a California municipal corporation (“City”) and Hogle-Ireland, a California corporation, (“Consultant”), and The Olson Company, (“Developer”).

**2. RECITALS**

- 2.1 City has determined that it requires the following professional services from a consultant:
- Review and evaluation of General Plan Amendment, Zone Change applications, Tentative Map, Conditional Use Permit, and related information for a proposed 17 residence development project near Oak Street and Sausalito Street (“Project”).
  - Preparation of California Environmental Quality Act (“CEQA”) documents for the Project.
  - Preparation of technical studies related to the Project and support for City staff in processing such studies.
  - Drafting Conditions of Approval for the Project.
- 2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.
- 2.3 Within five (5) days following the execution of this Agreement Developer agrees to deposit with the City, or otherwise pay or reimburse the City, an amount equal to the total costs of Consultants’ services as described in Exhibit A.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, City, Consultants and Developer agree as follows:

**3. DEFINITIONS**

- 3.1 “Scope of Services”: Such professional services as they relate to the Consultant are set forth in Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as they relate to the Consultant is included in Exhibit A and incorporated herein by this reference.

Third Party Reimbursement and Professional Services Agreement  
*Los Alamitos/Hogle-Ireland/Olson Company*

3.3 “Commencement Date”: July 16, 2012.

3.4 “Expiration Date”: December 11, 2012

**4. TERM**

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 (“Termination”) below.

**5. CONSULTANTS’ SERVICES**

5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement.

5.1.1 In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of forty-thousand dollars (\$40,000) unless specifically approved in advance and in writing by City and Developer.

5.2 City shall have complete authority to review, manage and supervise Consultant’s performance under this Agreement and shall do so as expeditiously as possible. City is fully responsible for the adequacy and objectivity of any environmental documents, reports or information prepared under this Agreement, and may reject any document, report or information which City deems is not adequate and does not comply with the requirements of CEQA. Consultant shall report to and meet and confer with City as frequently as is necessary to assure that City is informed of Consultant’s activities and to assure that all work performed hereunder by Consultants is satisfactory to City.

5.3 Consultant shall obtain a City business license prior to commencing performance under this Agreement.

5.4 Consultant shall perform all work to the highest professional standards of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).

5.5 During the term of this Agreement, Consultant shall not perform any work for

Third Party Reimbursement and Professional Services Agreement  
*Los Alamitos/Hogle-Ireland/Olson Company*

another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant's performance of such work.

- 5.6 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under their supervision, and all personnel engaged in the work shall be qualified to perform such services. **Mr. Paul Ireland** shall be the project manager and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultants' project administrator without City's prior written consent.

**6. COMPENSATION**

- 6.1 To the extent funds are deposited with City by the Developer of the Project, City agrees to pay Consultant the sum of \$40,000.00 for the performance of the services identified in their Scope of Services.
- 6.2 Developer agrees to deposit with the City an amount satisfactory to the City to pay for the Scope of Services to be provided by Consultant as provided in Section 2.3. If Developer fails to maintain a sufficient deposit with City to cover Consultant's services, Consultant may give notice to City that it will cease work under this Agreement until the deposit is restored. If the deposit is not restored by the Developer Consultant shall look solely to the Developer for any compensation due it under this Agreement which Developer has not deposited with the City.
- 6.3 Payments for any services requested by City and not included in the Scope of Services must be approved; by the City and Developer in writing and shall be made to Consultant by City on a time-and-materials basis using Consultants' standard fee schedule.

**7. OWNERSHIP OF WRITTEN PRODUCTS**

- 7.1 All reports, documents or other written material ("written products" herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultants may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.
- 7.2 Consultant represents and warrants that Consultant has the legal right to utilize all intellectual property Consultant will utilize in the performance of its obligations

pursuant to this Agreement. Consultant further represents that Consultant shall ensure City has the legal right to utilize all intellectual property involved in and/or resulting from Consultant's performance of this Agreement.

**8. RELATIONSHIP OF PARTIES**

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City. Developer's sole and only obligations under this Agreement is the payment of compensation due Consultant under this Agreement in accordance with the terms of this Agreement and its obligations under Section 10.3.

**9. CONFIDENTIALITY**

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

**10. INDEMNIFICATION**

10.1 Consultant and Developer agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant and Developer acknowledge that City would not enter into this Agreement in the absence of Consultants' and Developer's commitment to indemnify and protect City as set forth herein.

10.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and when the City requests with respect to a claim provide a deposit for the defense of, and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or any of its officers, employees,

Third Party Reimbursement and Professional Services Agreement  
*Los Alamitos/Hogle-Ireland/Olson Company*

servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of the City. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice, expert fees and all other costs and fees of litigation.

- 10.3 To the fullest extent permitted by law, Developer shall indemnify, hold harmless, and when the City requests with respect to a claim provide a deposit for the defense of, and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with Developer's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Developer or any of its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Developer or its subcontractors, in the performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of the City. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice, expert fees and all other costs and fees of litigation.
- 10.4 City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due City from that Consultant as a result of that Consultant's failure to pay City promptly any indemnification arising under this Section 10 and related to that Consultant's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.5 The obligations of Consultant and/or Developer under this Section 10 will not be limited by the provisions of any workers' compensation act or similar act. Consultant and Developer expressly waive their statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.6 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person

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and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of that Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.7 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

**11. INSURANCE**

- 11.1 During the term of this Agreement, each of the Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.

11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.

11.1.3 Worker's Compensation insurance as required by the laws of the State of California.

11.1.4 Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).

- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.

- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.

Third Party Reimbursement and Professional Services Agreement  
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- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.
- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The general liability and automobile policies of insurance required by this Agreement shall contain an endorsement naming City, Developer and their respective members, officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City and Developer. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 11.8 The insurance provided by Consultant shall be primary to any coverage available to City or Developer. Any insurance or self-insurance maintained by City, Developer and/or its or their members, officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify,

hold harmless and defend under Section 10 of this Agreement.

**12. MUTUAL COOPERATION**

12.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.

12.2 In the event any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require.

**13. RECORDS AND INSPECTIONS**

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

**14. Intentionally Omitted**

**15. NOTICES**

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultants' and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City  City of Los Alamitos Attention: Steven Mendoza 3191 Katella Ave. Los Alamitos, CA 90720 Telephone: (562) 431-3538 Facsimile: (562) 493-1255	If to Consultant:  Hogle-Ireland, Inc Attention: Paul Ireland 2860 Michelle Drive, Suite 100 Irvine, CA 92606 Telephone: (949) 553-1427 Facsimile: (949) 553-0935
With a courtesy copy to:  Sandra J. Levin, City Attorney Colantuono & Levin, PC 555 West Fifth Street, 30 <sup>th</sup> Floor Los Angeles, CA 90013-1048	If to Developer:  Olson Company Attention: Eric Everhart 3010 Old Ranch Parkway, Suite 100 Seal Beach, CA 90740-2751

Third Party Reimbursement and Professional Services Agreement  
*Los Alamitos/Hogle-Ireland/Olson Company*

Telephone: (213) 533-4143 Facsimile: (213) 533-4191	Telephone: (562) 596-4770 x 217 Facsimile: (562) 430-5626
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**16. SURVIVING COVENANTS**

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.2 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

**17. TERMINATION**

- 17.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant shall have the right to terminate this Agreement for any reason on sixty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultants be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement. Any funds delivered to the City by Developer which are not paid or to be paid to Consultant on termination of this Agreement shall be promptly refunded to the Developer by the City.

**18. GENERAL PROVISIONS**

- 18.1 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.2 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability medical condition or any other unlawful basis.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph at the head of which it appears, the section or paragraph, and not such heading, shall govern construction of this Agreement. Masculine or

Third Party Reimbursement and Professional Services Agreement  
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feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular and vice versa, in any place or places herein in which the context requires such substitution(s).

- 18.4 The waiver by City or Consultant of any breach of any term, covenant or condition of this Agreement shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition of this Agreement. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in a writing signed by one authorized to bind the party asserted to have consented to the waiver.
- 18.5 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. If legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether or not reduced to judgment, shall be entitled to its reasonable court costs, including any accountants' and attorneys' fees incurred in such action. The venue for any litigation shall be Orange County, California and Consultant hereby consents to jurisdiction in Orange County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.

Third Party Reimbursement and Professional Services Agreement  
*Los Alamitos/Hogle-Ireland/Olson Company*

- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City, Developer and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City, Developer and Consultant.

Third Party Reimbursement and Professional Services Agreement  
Los Alamitos/Hogle-Ireland/Olson Company

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”  
City of Los Alamitos

By \_\_\_\_\_  
Troy Edgar, Mayor

Date: \_\_\_\_\_

Attest:

Approved As To Form:

By \_\_\_\_\_  
Kathie Mendoza, Deputy City Clerk

By \_\_\_\_\_  
Sandra J. Levin, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

<p><b>Hogle-Ireland, Inc.</b></p> <p>By: _____ Name, Level of Officer e.g., Vice President</p> <p>Date: _____</p> <p>By: _____ Name, Level of Officer e.g., Vice President</p> <p>Date: _____</p>	<p><b>The Olson Company</b></p> <p><b>OLSON URBAN HOUSING, LLC</b>, a Delaware limited liability company Member</p> <p>By: In Town Living, Inc a Delaware corporation Managing Member</p> <p>By: _____ Name: <u>Todd Olson</u> Its: <u>Sr. Vice President,</u> <u>President Community Development</u> Date: _____</p> <p>By: _____ Name: <u>Alex Mendoza</u> Its: <u>SVP</u> Date: <u>7/11/12</u></p>
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Third Party Reimbursement and Professional Services Agreement  
Los Alamitos/Hogle-Ireland/Olson Company

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”  
City of Los Alamitos

By \_\_\_\_\_  
Troy Edgar, Mayor

Date: \_\_\_\_\_

Attest:

By \_\_\_\_\_  
Kathie Mendoza, Deputy City Clerk

Date: \_\_\_\_\_

Approved As To Form:

By \_\_\_\_\_  
Sandra J. Levin, City Attorney

Date: \_\_\_\_\_

*Hogle-Ireland, Inc.*

By: Pam R. Stutz V. President  
Name, Level of Officer e.g., Vice President

Date: 7/10/12

By: Pam R. Stutz V. President  
Name, Level of Officer e.g., Vice President

Date:

*The Olson Company*

**OLSON URBAN HOUSING, LLC**, a Delaware limited liability company Member

By: In Town Living, Inc a Delaware corporation  
Managing Member

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Company # **92000** **Olson Urban Housing**  
 Supplier # **126292** **Los Alamitos, City of**

Check No. **66359**  
 Stub 1 of 1 Date **07/10/12**

Invoice		Description	Gross	Deductions	Amount Paid
Number	Date				
CKREQ070912	07/09/12	Third Party Reimbursement	40,000.00		40,000.00
<b>Totals</b>			<b>40,000.00</b>		<b>40,000.00</b>

Detach Before Cashing

THIS CHECK IS VOID WITHOUT A PURPLE & BLUE BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



**OLSON URBAN HOUSING**  
 [REDACTED]  
 [REDACTED]

**WELLS FARGO BANK**  
 12331 SEAL BEACH BLVD.  
 SEAL BEACH, CA 90740

VOID

11-24  
1210

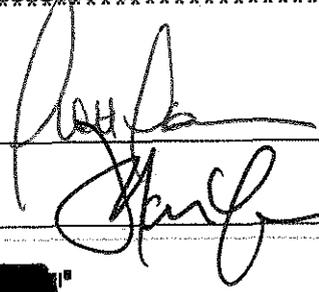
126292

**Check No. 00066359**

Date	Amount
07/10/12	\$****40,000.00

**Pay FORTY THOUSAND AND 00/100\*\*\*\*\***

To The Order Of **City of Los Alamitos**


Attachment 2

# City of Los Alamitos

## Agenda Report Discussion Items

July 16, 2012  
Item No: 9A

**To:** Mayor Troy Edgar & Members of the City Council  
**Via:** Angie Avery, City Manager  
**From:** Steven A. Mendoza, Community Development Director  
**Subject:** Update on I-405 Improvement Project

**Summary:** This item provides the Council with an opportunity to discuss the proposed I-405 Improvement Project and the various options proposed for the project, including the addition of toll lanes, and direct staff to draft appropriate correspondence.

**Recommendation:** Review, discuss, and direct the City Manager to draft the appropriate correspondence.

### Background

During its June 18, 2012 meeting, Council requested a briefing on the future I-405 Improvement Project.

The California Department of Transportation (CalTrans), in cooperation with the Orange County Transportation Authority (OCTA), is proposing to widen the I-405 between SR-73 and I-605. The I-405 freeway is currently heavily congested and is expected to become worse in the future. The general purpose lanes (GP) and High Occupancy Vehicle (HOV) lanes traffic demand exceeds available capacity during peak periods. The I-405 was built in the 1960s and is currently the primary freeway serving coastal communities in northwest Orange County. It carries approximately 300,000 vehicles per day and traffic along the corridor is expected to grow approximately 35-40 percent by 2040. Additional lanes are being proposed to reduce congestion, increase mobility, improve trip reliability, maximize throughput, and optimize operations while minimizing environmental impacts and right of way acquisitions.

### Alternatives within the I-405 Improvement Project

The purpose of the project is to increase freeway capacity, improve traffic and interchange operations, and enhance road safety to meet state and federal standards. There are currently four alternatives being discussed.

	<b>No Build</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>Alternatives Description</b>	N/A	1 general purpose lane in each direction from Euclid to I-605	1 general purpose lane in each direction from Euclid to I-605	1 general purpose lane in each direction from Euclid to I-605
	N/A		In addition, add a northbound general purpose lane from Brookhurst to SR-22 / 7th St. Interchange • Add a southbound general purpose lane from Seal Beach Blvd. on-ramp to Brookhurst St.	In addition, add an express lane each direction from SR-73 to I-605 • Combine express lane with existing HOV lane to form 2-lane each direction express lanes facility
<b>Additional Capacity</b>	N/A	22 lane miles	38 lane miles	48 lane miles
<b>Cost</b>		\$1.3 Billion	\$1.4 Billion	\$1.7 Billion
<b>Funding Sources</b> (pending OCTA Board approval)	N/A	M2 \$1.3 Billion	M2 \$1.3 Billion + \$100 Million TBD	M2 \$1.3 Billion + Toll Revenue

### **Concerns of Neighboring Seal Beach**

Staff attended a public meeting hosted by the City of Seal Beach and Council Member Gary Miller on June 26, 2012 at 7:00 p.m. at the North Seal Beach Community Center. OCTA staff was in attendance as were staff and consultants from the City of Seal Beach. There were over 200 people in attendance, mostly from the College Park East housing tract. Will Kempton, OCTA CEO, was also in attendance. Approximately 15 people voiced their opinions regarding the project. Many seemed very educated on the topic. There have been several public meetings held to discuss the Environmental Impact Report (EIR) where residents in and around Seal Beach have voiced their opinions. The biggest issues expressed by Seal Beach residents thus far have been:

1. Retention of existing College Park East soundwall in the current location
2. Creation of a toll road (Alternative 3)
3. Possible relocation of 2 gas/petroleum pipelines through College Park East
4. Increased traffic congestion along the I-405 freeway, including northbound bottlenecks resulting from required lanes merging before the LA County line
5. Air quality and public health concerns

On Monday, July 9, 2012, the Seal Beach City Council voted to draft a letter of opposition to the Environmental Impact Report as it relates to impacts to its residents.

### **Milestone Dates Ahead**

Three milestones remain for the I-405 Improvement Project. The first date is Tuesday, July 17, 2012, which is the extended deadline to provide comment to the Environmental Impact Report.

The second date is the pending OCTA Board Meeting of August 13, 2012 wherein the OCTA Board will be presented options for consideration. The third date is September 24, 2012 wherein the OCTA Board will select the locally preferred alternative. This becomes a recommendation to CalTrans on the various alternatives presented within the EIR.

### **Conclusion**

Impacts of the I-405 Improvement Project differ for the various communities along the I-405. While there may be support among the City Council to increase the capacity of area freeways, the Council may decide to only support one alternative presented by OCTA. Issues brought to our attention to date have been:

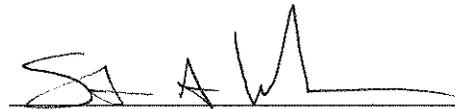
1. Construction related traffic delays and impacts of diverted traffic (construction fatigue)
2. A desire to support other impacted communities in their opposition
3. A fundamental opposition to paying for Toll Lanes proposed in Alternative 3

After Council discusses the I-405 Improvement Project, Staff is prepared to formalize those concerns to the appropriate parties.

### **Fiscal Impact**

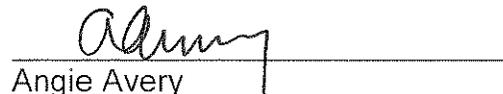
There are no costs related to this item.

Submitted By:



Steven A. Mendoza  
Community Development Director

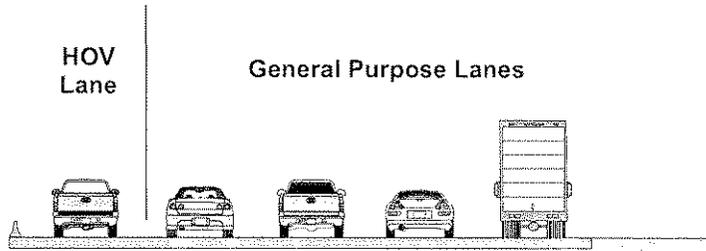
Approved By:



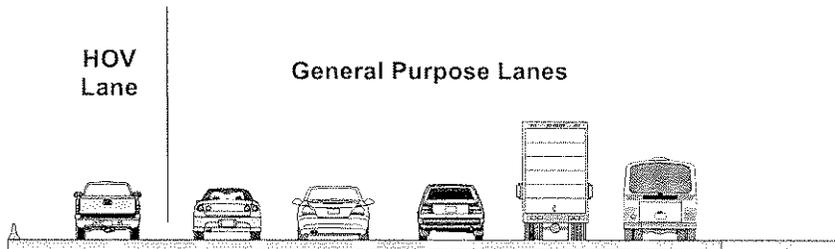
Angie Avery  
City Manager

Attachment: 1. Depiction of Alternatives

# Potential Solutions

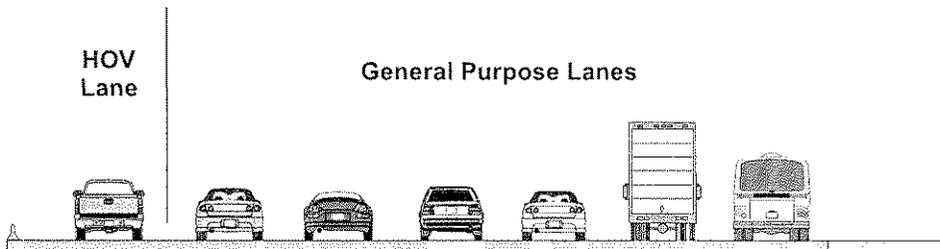


## Existing



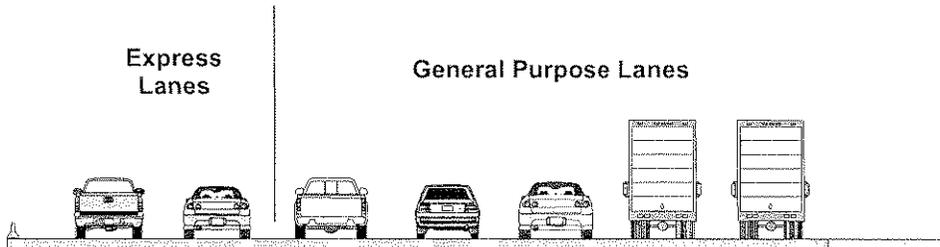
## Alternative 1

Adds One general Purpose Lane in Each Direction



## Alternative 2

Adds Two General Purpose Lanes in Each Direction



## Alternative 3

Express Facility Alternative: Adds one lane adjacent to the carpool lane in each direction. Both lanes will be managed together as the Express Facility.

Adds one new general purpose lane.

# City of Los Alamitos

## Agenda Report Discussion Items

July 16, 2012  
Item No: 9B

**To:** Mayor Troy D. Edgar & Members of the City Council  
**From:** Angie Avery, City Manager  
**Subject:** Consideration of Approval of the Community Give-Back Survey

**Summary:** The City Council has appointed an Ad Hoc Subcommittee to implement a survey to determine the community's priorities for using \$358,000 from the City's undesignated reserve fund to benefit the community through the Community Give-Back Program.

### Recommendation:

1. Appropriate \$358,000 from the undesignated Reserve Fund to fund the Community Give-Back program; and,
2. Consider the Council Ad Hoc Subcommittee recommendation to approve the Community Give-Back survey and its distribution.

### Background

A report to the City Council was presented on March 5, 2012 regarding consideration of a reduction in the Utility Users Tax (UUT). During the Council discussion several residents spoke in opposition to the reduction of the UUT, and as an alternative, suggested various ideas for "giving back" to the community. The direction given to staff by the Council was:

1. To prepare a survey to collect community feedback regarding programs and projects that would benefit a cross-section of the community.
2. The Community Give-Back Program would be a one-time expense at the equivalent of 1% of the UUT or \$358,000, and not an ongoing operating expenditure.

At the May 7, 2012 Council meeting, Council Members Graham-Mejia and Kusumoto were appointed as the Ad Hoc Subcommittee to work with staff to identify projects and/or programs that would benefit the community, and determine methods to gather

community input regarding the project. Ultimately, a community survey (Attachment 1) was agreed upon as the most cost effective way to gather input from every household.

## **Discussion**

### Survey Criteria and Tabulation

The Ad Hoc Subcommittee utilized several criteria as they vetted the ideas for programs and/or projects for the survey. The criteria included:

1. The ideas should benefit a broad range of the community, not just for one segment of residents or one neighborhood.
2. The ideas should benefit all age groups in the community – from youth to seniors.
3. The ideas should be different from usual city services that the public views as part of the City's operating budget.
4. The ideas should benefit and/or beautify the City in some way.

The Subcommittee also decided that the survey to the community should contain ten (10) different programs and/or projects. The residents will be asked to select their top five (5) choices and to rank those choices from one to five (1 = most important; 5 = least important).

The Subcommittee will compile the results after the deadline, obtain updated costs for each item, and make a recommendation to the City Council for approval and implementation.

The ten (10) items on the survey are mostly self explanatory except for the item: *Seed Money for Sugar Beet Festival*. This item proposes seed money be allocated to partially fund a new special event in the greater Los Alamitos region called *The Sugar Beet Festival*, as proposed by Larry Strawther and Diana Hill. Attachment 2 of this report is the draft proposal and describes the event in greater detail.

### Survey Distribution

The survey will be distributed to the community as follows:

1. The survey will be included in the mailing of the Community Services Guide to every household in the City.
2. Only one entry per household will be accepted.
3. Each household that completes and returns a survey will be entered into a drawing for either a \$50 restaurant gift certificate or \$50 voucher for a recreation class.
4. A deadline will be set for returned surveys.

## Fiscal Impact

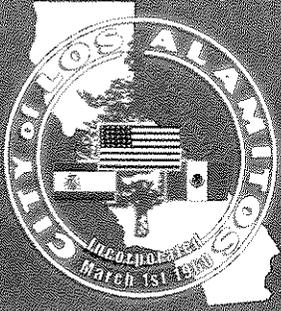
\$358,000 from the City's undesignated reserve fund will be used as a one-time expenditure to fund the Community Give-Back program.

Submitted and Approved By:

  
\_\_\_\_\_  
Angie Avery  
City Manager

*Attachments:*

- 1. Draft Survey*
- 2. Draft proposal for the Sugar Beet Festival*



# City of Los Alamitos

## COMMUNITY GIVE-BACK FOR CITY SERVICES AND PROGRAMS

The City Council needs your input regarding spending priorities for City services and programs. Funds for this "give-back" to the community will come from the City of Los Alamitos reserve fund. Please take a moment to tell us which programs and projects interest you. All information is kept confidential.

Upon completion of the survey, your name will be entered into a prize drawing for a \$50 restaurant gift certificate or a \$50 voucher for any Recreation and Community Services program offering. One survey per household.

To be included in the drawing, surveys must be completed with contact information and returned by \_\_\_\_\_ to City Hall (3191 Katella Ave.) or to the Community Center (10911 Oak St.) The survey may also be requested by emailing City Manager Angie Avery at [aavery@ci.los-alamitos.ca.us](mailto:aavery@ci.los-alamitos.ca.us)

Select 5 of the following choices and rank in order of 1 - 5:

1 = Most Important  
5 = Least Important

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Develop a Community Garden</b><br>Survey available City-owned land to determine an optimal location and build a community garden.   | <input type="checkbox"/> <b>Light Pole Banners</b><br>Decorate the City for 5 years with Holiday and 4th of July decorations alternating with the patriotic Banners of Honor.  |
| <input type="checkbox"/> <b>Digital Reader Board</b><br>Located outside City Hall; programmed to inform the community about upcoming events and news.   | <input type="checkbox"/> <b>Oak Gym</b><br>Donate funds one time only to LAUSD for refurbishment of the Oak Gymnasium.   |
| <input type="checkbox"/> <b>Emergency Kits for Every Household</b><br>Host a Disaster Preparedness Fair and provide a discount for a well-stocked emergency kit for every resident.   | <input type="checkbox"/> <b>Plant Trees</b><br>Survey the City and determine which City-owned properties would benefit by additional trees. Purchase and plant trees over a period of years.   |
| <input type="checkbox"/> <b>Expand Free Summer Parks Program</b><br>Expand number of weeks and hours for free supervised drop-in programs at Little Cottonwood and Orville Lewis Parks during the summer, add free field trips and water splash day for 3 years. (3 Summers at 2 Parks) | <input type="checkbox"/> <b>Seed Money for Sugar Beet Festival</b><br>Provide seed funding (on a matching basis) for a new annual event slated for July 2013 to be held in the historical heart of Los Al that will provide opportunities for local restaurants and businesses, promote awareness of local non-profits, and bring the entire West OC community together for a fun event. |
| <input type="checkbox"/> <b>Iconic City-Wide Signage</b><br>Develop a program whereby all directional signage has the same design standard in an effort to upgrade the look of the City.  | <input type="checkbox"/> <b>Senior Trips Scholarship Program</b><br>Provide scholarships to seniors residing in Los Alamitos for up to 3 free trips per year offered through the Los Alamitos Senior Club for 3 years.   |

See reverse side to share a comment or other ideas and to enter contact information to be included in the prize drawing.



# City of Los Alamitos

## COMMUNITY GIVE-BACK

### FOR CITY SERVICES AND PROGRAMS

Please complete and return one survey per household. This form must be complete to be eligible for prize drawing.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email (optional): \_\_\_\_\_

We welcome your comments!

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#### **Privacy Policy**

The City of Los Alamitos takes your privacy seriously. Our privacy policy is clear: We will collect no personally identifiable information about you when you complete the survey or use our services unless you choose to provide that information to us. The personally identifiable information we collect from and about you in accordance with this survey, will be used to verify residency and for the opportunity drawing. One survey per household. Questions or comments regarding this Privacy Policy should be sent by e-mail to [aavery@ci.los-alamitos.ca.us](mailto:aavery@ci.los-alamitos.ca.us) or phone at (562) 431-3538.



**GOAL:** present a weekend Community Street Fair –using local history as the vehicle to present a theme) (examples: Gilroy Garlic Festival)):

- a *fun, entertaining* community-wide event which showcases the Historic Los Alamitos area )includes Rossmoor area, southwest Cypress, northern Seal Beach)
- a showcase for local non-profits to raise awareness AND funds;
- an opportunity for local businesses – especially restaurants which over the years have donated so much to local non-profits and schools -- to make money and promote awareness of their business;
- promote a unique community brand that *crosses city boundaries*.

**WHY THE SUGAR BEET?** Los Alamitos was founded in 1896 as the site of the first sugar beet factory in Orange County. Its success inspired four more factories and made OC the largest beet-sugar producing county in the United States. At its peak around 1915, sugar beets occupied 50,000 acres — five times the acreage dedicated to Oranges. (Beans were second at 35,000). It's history is colorful and unique, and involves some of the most powerful men in the nation. It's a strong part of this area's heritage, and a lot of fun things can be done with it.

We can only find four other communities in the US with similar events.

**WHEN:** The festival will take place in mid July 2013. Giving time to recuperate from the 4<sup>th</sup> of July, and before parents head out on vacation during the CIF mandated “dead period”

**WHERE:** Reagan Street and Florista Avenues, the historical heart of Los Alamitos during the Sugar-town days. The streets will be lined with local restaurants, interspersed with booths/tables for merchants, non-profits, ethnic organizations and neighborhood groups.

**WHO BENEFITS?** Local non-profits. A fun well-attended event provides an opportunity to increase awareness of their cause, and an opportunity to raise money from a larger pool of people. Local businesses, by having a chance to sell their product to thousands of people.

**WHO HOSTS THIS EVENT?** The primary host will be CSMP, working with a consortium of active non-profits and school groups in the area. Like the Taste for Al, the organizing group creates a "happening" which draws people and motivates groups to participate and attend

**WHO ARE THE EXPECTED ATTENDEES OF THIS EVENT?** The target market are those people who now live in the area that used to grow and ship beets to the Los Alamitos sugar factory -- Los Alamitos, Rossmoor, College Park East and West, Hellman Ranch/Leisure World, Long Beach, Lakewood, Cypress, Westminster, west Anaheim, Buena Park, Garden Grove, etc. - roughly areas between 5 and 405 to 710. Others are of course, welcome. Using local connections, major LA radio station tie-ins are very possible (

A BY-PRODUCT IS AN ENTERTAINING INTRODUCTION TO LOCAL HISTORY. Denote 10-15 Historical sites – i.e., Scotts, Felts, Harmona Hotel, Orange Hotel, Reagan/Precious Life house, SP Depot, Laurel School, Cong. Church, St. Isidore's, Sugar Factory, Longeval Gas Station, etc.

each site could be adopted/sponsored/manned by different local group – interspersed with restaurants, merchants and neighborhood tables.

### **How do we draw crowds?**

- **Engage the non-profits.** By setting up a venue at which they can benefit, and offering incentives (% of ticket sales, % of sponsor \$\$ for successful leads) their mailing lists create awareness and enthusiasm for the event.
- **Engage the youth and thus families** – through tug of war contests, etc. —between teams from school and teams representing youth sports leagues and clubs – we draw the parents and grandparents.
- **Traditional marketing.** (newspapers, partner with a radio station,
- **Social Media**
- **By creating a fun event**

### **What kind of "areas/activities" would be at this event?**

#### **FOOD AREAS**

- Restaurants, food concessions, and or trucks –
- Vendors selling different ways to cook beets --
  - Roasted
  - Fried
  - Sauteed
  - Beet Leaf Salads, etc.
- Competition between restaurants -- best way to cook/serve beets

#### **BEVERAGE AREAS (Beer & Wine Gardens)** – 3 to 4 areas

- 1 each operated by CSMP, OUR Los Al, St. Isidore (all with previous experience at it)

#### **FOR PROFIT BOOTHS**

- Local merchants – Deux Amies, Tank Farm, Denim Bar, Green Street, etc.
- Crafts
- Sponsors get their own table/tent area as well.

## LOCAL NON-PROFITS

- CASA Youth, Precious Life, We Care, Museum, Los Al Ed Foundation, Boy Scouts, Rossmoor Women's, school PTAs or Friends of, sports boosters, Rancho Los Alamitos, Rancho Los Cerritos, local historical societies.
- **Ethnic groups, nationalities which have played a significant historical role in Los Alamitos/West OC history**
  - **Germans** – many from Anaheim (Anaheim Historical Society)
  - **Irish** – Reagan, O'Connor, Duffy etc. (maybe St. Hedwig group sponsor)
  - **Mexican** -
  - **Japanese** –truck farmers, WWII interment - possible sponsor: Ray Sugiyama
  - **Belgian** - (maybe coordinate with RLA for Belgian reunion)
  - **Dutch** – the dairies – *potential sponsor: RockView Farms, etc.*

## ANIMAL/ LIVESTOCK AREA

- Sheep area – (Bixby Sheep Ranches) *potential sponsor: Rancho Los Cerritos*
- Cattle area – (JW Bixby/Fred Bixby Hereford Cattle) *potential sponsor: Rancho Los Alamitos*
- Dog and Cat area – (touching on Dr. Ross era of Los Al history) -- *Animal Shelter*

## AGRICULTURAL/FOOD AREAS

Beet area – *potential sponsor: Holly Sugar -- work with Agromin. (Grow a couple rows sugar beets on base.?) or one of the vacant lots on Reagan or Florista)*

*The harvesting/cutting of the beets could recreate the factory's opening celebration. Ringing of the bell. Children invited to special breakfast.*

- Alfalfa/Hay area
- Lima Beans
- Farmers Market

**NEIGHBORHOODS BOOTHS** - each with own little area, photos showing their own neighborhoods' development. This also makes locals aware of event.

### Los Alamitos

- Old Town East - 1896
- Old Town West - 1897
- City Garden Park (Apt Row) – 1920s
- Los Alamitos Park (Carrier Row) - 1940s
- Los Alamitos Terrace (Old Town West north of Catalina) (1949)
- Dutch Haven – late 1950s
- Rossmoor Highlands - 1961
- New Dutch Haven – mid 1960s
- Suburbia – 1965?
- CPN - 1970
- Greenbrook - 1967
- Imperial Estates
- Parkewood
- Mobile home park

### **Rossmoor – RHA, RCSD**

- original Rossmoor phases (Harvard, Cornell, Golden Estates, etc.)  
or:
- North section – Bryant/Irvine Land Co. and South Section – Fred Bixby Ranch

### **Seal Beach –**

- CPE
- CPW
- Leisure World – (possible sponsor: Heidi Cortese/Leisure World Inc.)

## **SPONSORSHIP LEVELS -- AND WHAT DO THEY GET FOR THEIR MONEY (PROPOSED LEVELS)**

**PREMIER SPONSOR - \$15,000** - This will be primary seed money for event - Name and Logo equal with event title for all marketing, documents, etc.

Credited as sponsor for each TV program we do. -- Prime location(s) for booth during actual event

### **AREA/EXHIBIT SPONSOR - \$5,000 -**

- \$2,500 goes to overall event costs.
- \$1,500 goes to decorate and create exhibits for each area's special historical theme.
  - 8-10 poster-size enlargements for their history section -
  - Their logo on bottom
  - used in Museum after Festival – rotating displays
- \$1000 goes into a pool for prizes to contest winners.
  - Winning teams or school groups for tug-of-war, etc (money to pay all-star expenses, field improvements, school equipment)
  - \$1000 to non-profit with Best Decorated Booth, integration with event theme, etc.
  - to incentivize non-profits to make their area the best.
- Credited as sponsor on accompanying TV show on which they get to talk about their business, public outreach, and their partnership with their particular non-profit.
- Logo on main event signage
- Sponsor on accompanying TV shows
- Right to have 20x20 display area at event
- Access to VIP area.

Proposed Funding:

- \$2000 up front fee at commitment
- \$1000 as of January 2013
- \$2000 as of April

## **POTENTIAL PARTICIPATING Non-Profits**

1. CASA
2. We Care
3. St. Isidore
4. Precious Life
5. Youth Center
6. LAUSD Ed Foundation
7. Our Los Al
8. CSMP
9. Pathways to Independence
10. Los Al Chamber of Commerce
11. Seal Beach Chamber of Commerce
12. Rancho Los Alamitos
13. Rancho Los Cerritos
14. Los Alamitos Museum
15. Rossmoor Homeowners Assn
16. Rossmoor Women's Club
17. Seal Beach Women's Club
18. Rotary
19. SB Lions
  
20. LAGSL
21. LAYB
22. St. Hedwig Pony Baseball
23. Beach Lacrosse
24. Pop Warner
25. AYSO
26. LAHS Booster Clubs (at least 22 of them)
27. Boy Scouts/Girl Scouts

## EXHIBIT AREAS

### 1. THE RIVER, THE LAND

*Possible sponsors: Rivers and Mountain Conservancy, Kohl's*

*Possible host: Friends of the LA River(or San Gabriel River, Los Cerritos Wetlands, Bolsa Chica Conservancy)*

- How the land has shaped and influenced our community.
- Wetlands, high mountains, alluvial flatlands, artesian wells.
- Heavy forested thickets – willows, cottonwoodsunderbrush
- Show improvements to LA River, possibilities for
- Los Cerritos Wetlands Progress, Bol

### 2. FIRST SETTLERS, NATIVE AMERICANS

*Possible sponsors: (San Manuel or Pala Indian nation)*

*Possible host: Tongva/Gabrielino tribes* (contact thru St. Isadore, and Rancho Los Al),

**Historical points of emphasis:**

- Hokans, Shoshonean Wedge, Tongva, Chingchinich
- Possible re-creation of Tongva lodge, tools,
- Showcase Tongva dance, other cultural elements
- Interactive Map showing local Tongva settlements (LB State, Bixby Hill, Marina Hill/SB, Bolsa Chica, Coyote Creek, etc.)
- Native American Childrens Games

### 3. SPANISH SETTLEMENT (1400 - 1800)

*Possible sponsors: \_\_\_\_\_*

*Possible host: \_\_\_\_\_*

**Historical points of emphasis:**

- Columbus, Aztecs, Serra/Missions, Anza, Fages

### 4. CALIFORNIOS - DAY OF THE DONS (1800-1846)

*Possible sponsors:*

*Possible host:*

**Historical points of emphasis:**

- Rancho Nietos, broken down into five ranchos, John Temple & Abel Stearns
- Battle of San Pascual
- Battle of San Gabriel
- Californio Fandango
- Zorro (One Community, One Book)
- Abel Stearns, John Temple

## **5. AMERICAN CONQUEST - ARRIVAL OF BIXBYS (1849-1875)**

**Possible sponsors:** *Bixby Land Company*

**Possible host:** *Rancho Los Cerritos*

**Historical points of emphasis:**

- 1849 Gold Rush
- Cattle on a Thousand Hills - Drought of 1862-3
- Abel Stearns bankrupt
- Michael Reese buys Alamitos
- Stearns Rancho - why subdivision settlement of Anaheim, Westminster, but not Alamitos
- Flint, Bixby & Company - 1853 sheep drive, growth of company
- Cerritos /J. Bixby Company
- Sheep area
- Living History/re-enactors

## **6. BIXBY 2 - 1875-1895**

**Possible sponsors:** *Bixby Ranch Co. successors, Wells Fargo (I.W. Hellman)*

**Possible host:** *Rancho Los Alamitos*

**Historical points of emphasis:**

- J.W. Bixby
- Boom of the 80's, Alamitos Beach
- Death of J.W. - Rancho partition - show how Los Al became part of Rancho Cerritos management, and Rossmoor part of Fred/Susannah Bixby Ranch
- Coursing
- Thornburg

## **7. SUGAR (1895 - 1926)**

**Possible sponsors:** *Frieda's, Agromin, Holly/Imperial/Spreckels Sugar*

**Possible host:** *Frieda's, Sugar Trade Group*

**Historical points of emphasis:**

- Westminster has a Sugar Beet Wagon
- Sugar Beet wagon for kids to sit in and take a ride up and down Reagan. (local contractor rebuild it?)
- Maybe re-plant sugar beets in a vacant yard on Reagan (Agromin sponsor)
- **Farmers Market area**
- **Ganahl – Build a “sugar beet dump”.**

## **8. BUSINESS IN LOS ALAMITOS**

**Possible sponsors:** \_\_\_\_\_

**Possible host:** *Los Al Chamber of Commerce*

**Historical points of emphasis:**

- maybe dress like c1900
- Photos, ads for early businesses -- Scotts, Felts, Blacksmith (Longeval)
- Sacks of Los Alamitos/Clarks Sugar –
- oversized cans of Dr. Ross Pet Food, Pathfinder Oil
- Neighborhoods: Old Town East & West
- **Sugar Beet Factory “campaign opening” kids area competitions**
  - Horse shoes
  - Egg race
  - Sac Race
  - Potato Race
  - 100-yard race
  - Tug of War (schools qualify, compete, could have open division)
  - Cake Walk (Hof’s Hut, Polly’s, Callendar’s\_
  - Bell to ring in campaign
  - Softball Tournament at Laurel (all members of team have to dress in period costume)

## **9. DIVERSITY/EMIGRANT LABOR (1900-1942)**

**Possible sponsors:**

**Possible host:** Anaheim Historical Society, Japanese society

**Historical points of emphasis:**

- Germans (from Anaheim)
- Anaheim Landing history
- Irish (Reagan, O'Connor, Deagan, etc.)
- Japanese - through WWII internment
- Mexicans - immigrant workers, barrio colonies, braceros
  - **Booth could be located in front of old Orange Hotel site (former hqs of Mexican immigrant labor activists organizations,**
  - history of Mexican Revolution, emigration,. Labor issues WWII
- Belgians

## **10. (NO LONGER JUST A SUGAR TOWN – GROWTH OF SEAL BEACH (1903-1940)**

**Possible sponsors:** *Boeing,*

**Possible host:** *Seal Beach Chamber of Commerce, SB Founders Day Committee, work with Michael Dobkins*

**Historical points of emphasis:**

- Seal Beach Chamber/Anniversary Committee -- Joy Zone, Phil Stanton. History exhibits showing
  - The Joy Zone – Re-creation of Joy Zone “midway” - games, merchants
  - a Nickelodeon - show 6-7 movies -- Los Al, SB, LB – Balboa movies Mack Sennett, Fattie Arbuckle, Buster Keaton, Bond of Blood – demo old projector showing on sheet in empty office – but movies are on DVD and displayed on /big screen TV (*possible sponsor: Save the Bay Theater group*)
  - Rum Runners -
  - Gambling ship off Seal Beach

Ancillary Related Exhibits

- Oil - Alamitos #1, Signal Hill. Seal Beach Fields, Pathfinder Oil, Texaco Tank Farm (possible connection: Signal Hill Historical Society)
- Aviation – Space (Possible sponsor: Boeing, Arrowhead,) Food: Glide ‘er Inn (Mahe)

## **11. WORLD WAR II - The Military**

**Possible sponsor:**

**Host:** *RMAC/Joint Base Committee , Wings Wheels & Rotors*

**Historical points of emphasis:**

- NAS Los Al
  - Training Base
  - History of Air Group 19 (training at NAS Los Al, service in Pacific War aboard Lexington, Essex, Langley
  - Audio of Bob Hope USO Show at Los Alamitos
  - National Model Air Shows
  - Navy fighters/ -- Derek Sparta Photography/Emil Jorge (utilize their military calendars library)
  - Blue Angels, National Air Shows
  -
- NASA -- John Glenn – Neil Armstrong - NAS Los Alamitos connection
- AFRC, JFTB - Army, National Guard
- Air Force One
- Sports Success – Bob Lemon, playing integrated baseball league, George Yardley (Los Al national AAU championships), Art Barnard

## **12. AFTER THE WAR**

***Possible sponsors: Los Al Race Track***

***Possible host: Museum, Youth Center***

**Historical points of emphasis:**

- Race Track
- Los Al Chamber
- Volunteer Fire Department
- Neighborhoods: Carrier Row, Los Alamitos Terrace
- 1940s/1950s May Festival
  - Old Fire Engine
  - Cake Walk
- Old fashioned milk truck - somebody in white milkman uniform
- At night: host a dance - bar is bunch of cars lined up with trunks open
- Restaurant: 50s style burgers and fries - Ruby's, Johnny Rockets, etc.
- **Dairies (NOTE: Dairies could also be a separate section , hosted by Cypress)**
- 

## **13. ROSSMOOR/SUBURBIA (1950- 1970)**

***Possible sponsors: Bixby Ranch Company, Leisure World, Inc./Heidi Cortese, Shops at Rossmoor***

***Possible host: RHA, RCSD, Heidi Cortese***

**Historical points of emphasis:**

- Lakewood
- Ross Cortese, Lakewood ranchos/Frematic
  - Large size original layouts
- College Park East & West
- 1950s style rock and roll band
- 

## **14: LOS AL CITYHOOD**

***Possible Sponsor: Los Alamitos Medical Center***

***Host: City of Los Alamitos and its various departments***

**Historical points of emphasis:**

- Growth of City
- Opening of Katella
- Neighborhoods: Highlands, Suburbia
- Growth of Los Al Med Center
- Exhibits: 20-year General plan

## **15. TRANSPORTATION HISTORY**

**Possible Sponsor: OCTA?**

**Possible Hosts: OCTA, Seal Beach Red Car Museum**

**Information on community traffic issues**

- Old 6-horse beet wagon
- Wells Fargo Stage Coach
- PE Train car (OCTA replica?)
- Old automobiles

## **16. SPORTS HISTORY**

**Possible sponsors: FNL, Play It Again Sports, Champions Quest**

**Possible host: Various youth leagues trade off (Each could sell tickets to various fund-raisers they have – Golf Tournament, all-star fund, new equipment fund-raiser, etc. )**

**Historical points of emphasis:**

- Photos of early days of leagues
- Famous athletes to emerge from leagues:
  - Pros: Andy Messersmith, J.T. Snow, Robb Nen, Craig Chamberlain, Greg Harris, Landry Fields, Chris Kluwe, Michael Patterson,
- Swimming /Diving (Lynne Cox, Pat McCormick, Greta Anderson etc.)
- Olympians: Cathy Rigby, Rhonda Schwandt (gymnastics), Janie Eickhoff (cycling), Tim Hutten, Adam Wright, Chi Kredell (water polo), Paul Lotman (volleyball)
- (maybe adjacent to sugar area: host kids tug of war contest, other kids games)
- Los Al HS
- Youth Leagues -- LAYB, LAGSL, NJB, FNL
- Sports at NAS Los Al/JFTB

## **17. HISTORY OF LOS AL SCHOOLS**

**Possible sponsors: \_\_\_\_\_**

**Possible host: Los Al Ed Foundation/ Grad Night Committee**

**Historical points of emphasis:**

- History of Los Al District.
- Enlarged photos of old Laurel School (museum has plenty. Work with Laurel School reunion committee, enlarged old newspaper articles re: early days.
- Big list of schools that have won Blue Ribbons, Distinguished school awards;
- reconstruct three “sets” – a “classroom” from 1910, a classroom from 1960, and a classroom from present-day. Last to feature a smartboard c. 1910, another classroom c. 1960 maybe a smart board that is programmed to show
- Progress report/exhibit on Measure K progress

### **Grad Night Committee/LAHS Alumni**

– History of Los Al HS

Dress up their area like a late 1960s/1970s grad night, prom or school dance.

Chance to sign up volunteers and solicit donations or make money through some kind of game, etc.

## TIMELINE

- 1. JUNE**
  - a. Firm up organizational set-up**
  - b. Get core group that equally represents Los Alamitos, Rossmoor, but also representation from adjacent communities.**
  - c. Confirm site, level of city cooperation**
- 2. JULY 2012 –**
  - a. Finalize Preliminary marketing materials**
  - b. Letter for potential sponsors with Organizing Committee listed**
  - c. Finalize Sponsorship Levels, & solicit/line up min. 10 sponsors at announcement.**
- 3. AUGUST**
  - a. Presentation to Non-Profits**
  - b. Presentation to School-Related Groups**
  - c. Presentation to Community Related Groups`**
  - d. Formally announce at meetings of Los Alamitos CC, RCSD, RHA, Seal Beach and Cypress**
- 4. SEPTEMBER**
  - a. Begin Initial Awareness campaign**
    - i. Weekly Los AI area history article a week provided to N-E, Patch, OC Breeze etc**
    - ii. CSMP begin one new TV show a month on Los Alamitos area history... will build up to Festival**

# City of Los Alamitos

## Agenda Report Discussion Items

July 16, 2012  
Item No: 9C

**To:** Mayor Troy D. Edgar & Members of the City Council

**From:** Angie Avery, City Manager  
Sandi Levin, City Attorney

**Subject:** Resolutions Pertaining to the November 6, 2012 Telephone Users Tax Ballot Measure

**Summary:** To include the Telephone Users Tax measure on the November 6, 2012 General Municipal Election, the City Council must adopt resolutions relating to the submission of the ballot question to the voters.

### Recommendation:

1. Adopt Resolution No. 2012-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO TELEPHONE USERS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 2012-04"; and,
2. Adopt Resolution No. 2012-14, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS"; and,
3. Adopt Resolution No. 2012-15 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS"; and,
4. Authorize the additional \$7,500 expenditure to the City Clerk's budget to add the Telephone Users Tax measure to the ballot.

## **Background**

### The Need to Update the Ordinance

The City currently receives approximately \$650,000 yearly from the Telephone Users Tax (TUT). The City's ordinance is outdated because of new communications technologies and billing practices and it can be difficult to determine how to apply the tax to new technologies and billing plans. 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 received annually from the TUT. These revenues pay for numerous City services including police, public works, and parks and recreation.

The remedy for the outdated ordinance is to seek voter approval to amend Municipal Code Section 3.20.070 (Telephone Use Tax) to modernize the language to treat taxpayers equally regardless of technology used and continue to use the proceeds to fund general municipal services, such as police, public works and parks and recreation.

## **Discussion**

### Analysis and Community Meetings

At the May 21, 2012 meeting, the City Council discussed the Telephone Users Tax issue and requested a phone survey be conducted to investigate if other cities' revenue increased or decreased as a result of residents approving a similar tax measure.

At the June 4, 2012 City Council meeting, the analysis was presented. Of the twelve (12) cities contacted by phone, the impact of the ballot measure on the cities' revenue was inconclusive. It appears that increases and decreases in the amount of TUT collected were more directly related to overall economic conditions than the approval of the TUT ballot measure. All cities seemed to have increases in TUT revenues through FY 2009-10 and declines in FY 2010-11 regardless of when it's TUT ballot measure was approved.

Also at the June 4, 2012 meeting, the Council gave approval for conducting two community meetings to educate the community and answer questions. Press releases were sent out prior to each meeting and information was posted on the City's website. The Chamber of Commerce was also notified. The two meetings were held on June 12 and 18, 2012. Although sparsely attended by the public, the meetings gave members of the Council an opportunity to further discuss the issue.

### Input and Council Discussion

Members of the public who expressed opinions understood the need for the modernized ordinance to protect City revenues and the concept of equity applied to all telephone users. Most of the discussion centered around what was least understood and most difficult to pinpoint – the exact types of telephone technologies that were being taxed today and what the future technology picture would look like in terms of revenue generation.

The Council discussed the desire for the updated ordinance to provide revenue neutrality compared to the current amount of revenue generated through the 6% tax. In other words, it is not the Council's desire to capture additional taxes, over and above what is currently collected, from the residents and businesses in the City.

Although the updated ordinance would theoretically capture more telephone related revenue by broadening the base of products taxed (e.g. prepaid phone cards), it is proposed that the overall tax rate be lowered from 6% to 5% or 5.5% which will be a straight reduction of revenue. No one can actually predict the future revenue to be generated, due to the fluid nature of phone use and evolving technology. However, the Council could further reduce the Telephone Users Tax in the future, if desired, without going to a vote of the people.

## Summary

The Telephone Users Tax ordinance recommended by staff will reduce the existing tax rate. It will also update the ordinance to cover modern communications technologies and billing practices. This ordinance would:

- Reduce the tax rate on communications users from 6% to 5% or 5.5%, as determined tonight by the City Council;
- Continue the existing tax on telephone communications, including landline and wireless communications;
- Continue existing tax exemptions;
- Apply the tax equally to all communications technologies, including new and emerging technologies; and
- Comply with the federal law that currently prohibits taxing Internet access.

## Recommendations

There are three resolutions recommended to the City Council for adoption:

1. **Add Measure to Ballot** - If the City Council desires to submit a question to the voters relating to the Telephone Users Tax at the General Election on November 6, 2012, the City Council must adopt the following Resolution:
  - Resolution No. 2012-13 - Ordering the Submission to the Qualified Electors of the City of a Certain Measure relating to the Telephone Users Tax at the General Election to be held on Tuesday, November 6, 2012, as Called by Resolution No. 2012-04.
2. **Ballot Arguments** - Should the City Council choose to submit the measure to a vote and should the City Council or any member(s) of the City Council wish to file a written argument for or against the question to be submitted to the voters, the City Council must adopt the following Resolution:

- Resolution No. 2012-14, Setting Priorities for Filing Written Arguments regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis.

The Elections Code provides that up to five authors may sign the ballot argument. When some or all of the City Council Members submit an argument, that argument has priority over competing arguments, if any. *The submission of a ballot argument by the City Council is optional.* Resolution No. 2012-14 also directs the City Attorney to prepare the impartial analysis of the measure as required by the Elections Code.

3. **Rebuttal Arguments** – Should the City Council choose to submit the measure to a vote and should the City Council wish to authorize rebuttal arguments, the City Council must adopt the following Resolution:

- Resolution No. 2012-15 – Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

Should the City Council wish to provide for rebuttal arguments, Resolution No. 2012-15 must be adopted at the same meeting as the Resolution ordering the submission of the measure. *The adoption of this Resolution is optional.*

## Fiscal Impact

### Telephone Users Tax

The City's TUT revenue is General Fund revenue and is used to fund crucial City services, such as police, street and park maintenance, and recreation programs. Annual TUT revenue averages approximately \$650,000. The negative impacts of lost revenue of this magnitude would be significant.

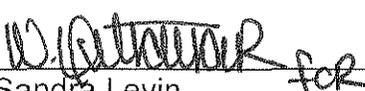
### Election Costs

The additional cost to add a measure on the November 6, 2012 ballot is approximately \$7,500. The amount is not budgeted, but can be absorbed in the City Clerk's budget for FY 2012-13 due to savings in other areas.

Submitted and Approved By:

Reviewed By:

  
 \_\_\_\_\_  
 Angie Avery  
 City Manager

  
 \_\_\_\_\_  
 Sandra Levin  
 City Attorney

- Attachments:
1. Resolution No. 2012-13 Ordering the submission to the qualified electors of the city of a certain measure relating to Telephone Users Tax at the General Election to be held on Tuesday, November 6, 2012, as called by Resolution No. 2012-04.
  2. Resolution No. 2012-14, Setting priorities for filing written arguments regarding a city measure and directing the City Attorney to prepare an impartial analysis.
  3. Resolution No. 2012-15, Providing for the filing of rebuttal arguments for city measures submitted at municipal elections.

## RESOLUTION NO. 2012-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO TELEPHONE USERS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 2012-04**

**WHEREAS**, a General Election on Tuesday, November 6, 2012, has been called by Resolution No. 2012-04, adopted on May 21, 2012; and,

**WHEREAS**, the City Council also desires to submit to the voters at the election a question relating to reducing and modernizing the Telephone Users Tax.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall an ordinance be adopted to reduce the rate of the City's tax on telecommunications users from 6% to __%, modernize the language to treat taxpayers equally, regardless of technology used, and continue to use the proceeds to fund general municipal services, such as safety, parks and recreation, and street maintenance?	<b>YES</b>
	<b>NO</b>

SECTION 2. That the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Troy D. Edgar, Mayor

ATTEST:

\_\_\_\_\_  
Angie Avery, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 16<sup>th</sup> day of July, 2012, by the following vote to wit:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Angie Avery, City Clerk

## ORDINANCE NO. 2012-04

1  
2  
3 AN ORDINANCE OF THE CITY OF LOS ALAMITOS,  
4 CALIFORNIA, AMENDING AND REPLACING PORTIONS  
5 OF CHAPTER 3.20 OF THE LOS ALAMITOS MUNICIPAL  
6 CODE TO DECREASE THE RATE AND MODERNIZE  
7 THE TELEPHONE USERS TAX TO PRESERVE AND  
8 FUND IMPORTANT CITY SERVICES.

9 WHEREAS, the City of Los Alamitos has collected a Telephone Users Tax  
10 (TUT) since 1991 and the current rate of the TUT is 6%;

11 WHEREAS, the City desires to reduce the tax rate on telecommunications  
12 services from 6% to \_\_\_\_\_%;

13 WHEREAS, the City desires to treat users of communications services in a  
14 uniform and equitable manner, regardless of the means of transmission or technology  
15 used, so that users of communications services transmitted by traditional technologies  
16 (such as land lines) do not bear a greater tax burden than users of communications  
17 services transmitted via newly developed technologies;

18 WHEREAS, telephony and related communications services have changed  
19 dramatically since the inception of the TUT and communications technology, telephone  
20 calling and marketing plans, and the state and federal legislation that regulates them,  
21 continue to evolve at a rapid pace;

22 WHEREAS, in particular, communications are no longer accomplished entirely  
23 through the switched network, wireless service has become prevalent, communications  
24 through other means are increasing in popularity, the overall cost of communications is  
25 declining, common charges are no longer based upon distance and the federal  
26 government has been extremely active in adopting laws affecting the  
27

1 telecommunications industry;

2 WHEREAS, any modernization and clarification of the TUT to include current  
3 technologies and reflect the realities of the current communications industry requires  
4 voter approval under the California Constitution;

5 WHEREAS, the revenue generated by the TUT is likely to be lost over time due  
6 to market erosion, changing technology and other factors;

7  
8 WHEREAS, the City needs the revenue generated by the TUT to continue to  
9 provide essential City services such as safety services, street maintenance and park  
10 and recreation services.

11 NOW, THEREFORE,

12 The People of the City of Los Alamitos do ordain, as follows:

13 **Section 1.** The following sections of Chapter 3.20 of the Los Alamitos  
14 Municipal Code are hereby added, amended and replaced to read as follows:  
15

16 **3.20.040 Definitions.**

17 Except where the context otherwise requires, the definitions given in this Section  
18 govern the construction of this Chapter.

19 1. "Ancillary Telecommunications Services" means services that are associated  
20 with or incidental to the provision, use or enjoyment of Telecommunications Services,  
21 including but not limited to the following services:  
22

23 (1) services that link two or more participants of an audio or  
24 video conference call and may include the provision of a  
25 telephone number.

26 (2) services that separately state information pertaining to  
27 individual calls on a customer's billing statement.  
28

1 (3) services that provide telephone number information and/or  
2 address information.

3 (4) services offered in connection with one or more  
4 telecommunications services that offer advanced calling  
5 features that allow customers to identify callers and to  
6 manage multiple calls and call connections.

7 (5) services that enable the customer to store, send or receive  
8 recorded messages.  
9

10 2. "Billing Address" means the mailing address of the Service User where the  
11 Service Supplier submits invoices or bills for payment by the customer.

12 3. "City" means the city of Los Alamitos.

13 4. "Gas" means natural or manufactured gas or any alternate hydrocarbon fuel  
14 which may be substituted therefor.

15 5. "Month" means a calendar month.

16 6. "Person" means without limitation, any domestic, non-profit or foreign  
17 corporation, firm, association, syndicate, joint-stock company, partnership of any kind,  
18 joint venture, club, trust, limited liability company, business or common-law trust, society,  
19 any natural individual, cooperative, receiver, trustee, guardian or other representative  
20 appointed by order of any court, or any municipal corporation (other than the City).  
21

22 7. "Private Communications Services" means any dedicated virtual or actual  
23 Telecommunications Services that entitle the user to the exclusive or priority use of  
24 communications channels.  
25

26 8. "Service Supplier" means any Person or entity required to collect or self-  
27 impose and remit a tax as imposed by this chapter.  
28

1 9. "Service User" means a Person required to pay a tax imposed by this chapter.

2 10. "Tax Administrator" means the city manager or his/her designee.

3 11. "Telecommunications Services" means the transmission, conveyance, or  
4 routing of voice, data, audio, video, or any other information or signals to a point, or  
5 between or among points, whatever the technology used, whether such transmission,  
6 conveyance or routing occurs by wire, cable, fiber-optic, light wave, laser, microwave,  
7 radio wave (including, but not limited to, cellular service, commercial mobile service,  
8 personal communications service (PCS), specialized mobile radio (SMR) and other  
9 types of personal wireless service, regardless of radio spectrum used, switching  
10 facilities, satellite or any other technology now existing or developed after the adoption  
11 of this section, and includes, without limitation, fiber optic, coaxial cable and wireless.  
12 The term "Telecommunications Services" includes such transmission, conveyance, or  
13 routing in which computer processing applications are used to act on the form, code or  
14 protocol of the content for purposes of transmission, conveyance or routing without  
15 regard to whether such services are referred to as voice over internet protocol (VoIP)  
16 services or are classified by the Federal Communications Commission as enhanced or  
17 value added, and includes video and/or data services that is functionally integrated with  
18 Telecommunications Services. Telecommunications Services include, but are not  
19 limited to the following services, regardless of the manner or basis on which such  
20 services are calculated or billed: central office and custom calling features (including but  
21 not limited to call waiting, call forwarding, caller identification and three-way calling),  
22 local number portability, text messaging, Ancillary Telecommunication Services; prepaid  
23 and post-paid services (including but not limited to prepaid calling cards); mobile  
24 telecommunications service; Private Communication Service; paging service; and 800  
25  
26  
27  
28

1 service (or any other toll-free numbers designated by the Federal Communications  
2 Commission). Telecommunication Service does not include charges for internet access  
3 services the taxation of which is prohibited by Federal Law, video programming services  
4 or digital downloads, such as downloads of books, music, ringtones, games and similar  
5 digital products.

6 12. "Telephone Corporation," "Electrical Corporation," "Gas Corporation," and  
7 "Water Corporation," shall have the same meanings as defined in Sections 234, 218,  
8 222, 241, respectively, of the California Public Utilities Code except, "Electrical  
9 Corporation," "Gas Corporation" and "Water Corporation" shall also be construed to  
10 include any municipality or public agency engaged in the selling or supplying of electrical  
11 power or Gas or water to a Service User. "Electrical Corporation" shall include any  
12 organization or municipality or agency engaged in the selling or supplying of electrical  
13 power to a Service User.  
14  
15

16  
17 **3.20.050 Constitutional exemptions; effect of state and federal**  
18 **authorization.**

19 Nothing in this chapter shall be construed as imposing a tax upon any person  
20 when imposition of such tax upon that person would be in violation of California statute,  
21 the Constitution of the United States or the Constitution of the State of California. To the  
22 extent that the City's authorization to impose or collect the tax imposed in this Chapter is  
23 expanded or limited as a result of changes in state or federal law, no amendment or  
24 modification of this Chapter shall be required to conform the tax to those changes, and  
25 the tax shall be imposed and collected to the full extent of the City's authorization up to  
26 the full amount of the tax imposed by this Chapter.  
27  
28



1 American National Red Cross.

2 (3) Any toll telephone service which originates within a combat zone  
3 and is from a member of the Armed Forces of the United States performing  
4 service in such combat zone; provided a certificate, setting forth such facts as  
5 the Secretary of the United States Treasury may by regulations prescribe, is  
6 furnished to the Person receiving such payment.

7  
8 (4) No tax shall be imposed under this Section on the amount paid for  
9 any Telecommunication Services to the extent that the amount so paid is for use  
10 by a common carrier, telephone or telegraph company, or radio broadcasting  
11 station or network in the conduct of its business.

12 (5) The installation of any instrument, wire, pole, switchboard,  
13 apparatus or equipment as is properly attributable to such installation.

14  
15 (6) Amounts paid by a nonprofit hospital for services furnished to such  
16 organization. For purposes of this exemption, the term "nonprofit hospital"  
17 means a hospital referred to in Section 170(b)(1)(A)(iii) of the Internal Revenue  
18 Code, which is exempt from federal income tax under Section 501(a) of the  
19 Internal Revenue Code.

20 (7) Services or facilities furnished to the government of any state, or  
21 any political subdivision thereof.

22  
23 (8) Services or facilities paid for by a nonprofit educational organization  
24 and furnished to such organization. For purposes of this subsection, the term  
25 "nonprofit educational organization" means an educational organization that is  
26 exempt from income tax under Section 501(a) of the Internal Revenue Code.

27 The term also includes a school operated as an activity of an organization

1 described in Section 501(c)(3) of the Internal Revenue Code, which is exempt  
2 from income tax under Section 501(a) of the same code, if such school normally  
3 maintains a regular faculty and curriculum and normally has a regularly enrolled  
4 body of pupils or students in attendance at the place where its educational  
5 activities are regularly carried on.

6 C. As used in this Section, the term "charges" shall include the value of any  
7 other services, credits, property of every kind or nature, or other consideration provided  
8 by the Service User in exchange for the Telecommunication Services.  
9

10 D. To prevent actual multi-jurisdictional taxation of Telecommunication  
11 Services subject to tax under this Section, any Service User, upon proof to the Tax  
12 Administrator that the Service User owed and has previously paid the same tax in  
13 another state or city on such Telecommunication Services, shall be allowed a credit  
14 against the tax imposed to the extent of the amount of such tax legally imposed in such  
15 other state or city; provided, however, the amount of credit shall not exceed the tax  
16 owed to the City under this Section.  
17

18 E. For purposes of imposing a tax or establishing a duty to collect and remit a  
19 tax under this Chapter, "substantial nexus" and "minimum contacts" shall be construed  
20 broadly in favor of the imposition, collection and/or remittance of the tax to the fullest  
21 extent permitted by state and federal law, and as it may change from time to time by  
22 judicial interpretation or by statutory enactment. Any Telecommunication Services used  
23 by a Person with a service address in the City, shall be subject to a rebuttable  
24 presumption that "substantial nexus/minimum contacts" exists for purposes of imposing  
25 a tax, or establishing a duty to collect and remit a tax, under this Chapter. For  
26  
27 Telecommunication Services for which there is no Billing Address or primary physical  
28

1 location for the provision of services, the service address shall mean the point of sale of  
2 the services.

3 **3.20.110 Penalty and interest.**

4 A. Taxes collected from a Service User or owed by a Service User which are not  
5 remitted to the Tax Administrator on or before the due dates provided in this Chapter are  
6 delinquent and are subject to penalties and interest. If the Person required to collect  
7 and/or remit a tax imposed under this Chapter fails to collect and remit the tax, such  
8 taxes are delinquent.  
9

10 B. Any Person who fails to remit taxes collected in the time required by this  
11 chapter shall pay a penalty of five percent of the amount of the tax, and if not remitted  
12 within two working days after the date of delinquency, shall pay a total penalty of twenty  
13 (20) percent of the amount of tax owed. Such penalty shall attach to the amount of tax  
14 due and shall be paid by the person required to collect and remit the tax.  
15

16 C. When fraud or gross negligence in reporting and remitting tax collections is  
17 discovered, the tax administrator shall have power to impose additional penalties of  
18 twenty (20) percent of taxes owed upon persons required to collect and remit taxes  
19 under the provisions of this chapter.  
20

21 D. Any Person required to remit to the tax administrator delinquent taxes as  
22 required in this section, shall pay interest at the rate of one and one-half percent per  
23 month, or portion thereof, on the amount of tax owed exclusive of penalties, from the  
24 date on which the tax first became delinquent until paid.

25 E. Notwithstanding the provisions of subsections (B) and (D) of this section,  
26 no penalty or interest shall be applied if delinquencies are the result of natural disasters  
27 or other phenomena beyond the control of the person charged with collecting and  
28

1 remitting the tax, provided the person being delinquent notifies the tax administrator as  
2 soon as normal communications permit.

3 F. Every penalty imposed under the provisions of this Chapter shall become a  
4 part of the tax required to be remitted.

5 **3.20.120 Actions to collect.**

6 Any tax required to be paid by a Service User under the provisions of this  
7 Chapter shall be deemed a debt owed by the Service User to the City. Any such tax  
8 collected from a Service User which has not been remitted to the Tax Administrator shall  
9 be deemed a debt owed to the City by the Person required to collect and remit and shall  
10 no longer be a debt of the Service User. In the event that a Service Supplier required to  
11 collect and remit a tax under the provisions of this Chapter fails to do so in whole or in  
12 part, the amount of such unremitted tax shall be deemed a debt owed by the Service  
13 Supplier to the City. Any Person owing money to the City under the provisions of this  
14 Chapter shall be liable to an action brought in the name of the City for the recovery of  
15 such amount, plus any collection costs incurred by the City as a result of the Person's  
16 noncompliance with this Chapter, including, but not limited to, reasonable attorney's  
17 fees.  
18  
19

20 **3.20.130 Duty to collect—Procedures.**

21 The duty to collect and remit the taxes imposed by this Chapter shall be  
22 performed as follows:  
23

24 A. The tax shall be collected insofar as practicable at the same time as and  
25 along with the charges made in accordance with the regular billing practices of the  
26 Service Supplier. Where the amount paid by a Service User to a Service Supplier is less  
27 than the full amount of the utility charge and tax which has accrued for the billing period,  
28

1 such amount and any subsequent payments by a Service user shall be applied to the  
2 utility charge first until such charge has been fully satisfied. Any remaining balance shall  
3 be applied to taxes due.

4 B. The duty to collect tax from a Service User shall commence with the  
5 beginning of the first full regular billing period applicable to the Service User where all  
6 charges normally included in such regular billing are subject to the provisions of this  
7 Chapter. Where a Person receives more than one billing, one or more being for different  
8 periods than another, the duty to collect shall arise separately for each billing.  
9

10 C. The taxes imposed by this Chapter shall be collected from the Service  
11 User by the Service Supplier. The amount of tax collected in one (1) Month shall be  
12 remitted to the Tax Administrator, and must be received by the Tax Administrator on or  
13 before the twentieth (20th) day of the following Month. Should the due date occur on a  
14 weekend or legal holiday, the return may be made on the first regular working day  
15 following a Saturday, Sunday, or legal holiday. If a Service Supplier uses a billing agent  
16 or billing aggregator to bill, collect, and/or remit the tax, the Service Supplier shall: i)  
17 provide to the Tax Administrator the name, address and telephone number of each  
18 billing agent and billing aggregator currently authorized by the Service Supplier to bill,  
19 collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator,  
20 deliver, or effect the delivery of, any information or records in the possession of such  
21 billing agent or billing aggregator that, in the opinion of the Tax Administrator, is  
22 necessary to verify the proper application, calculation, collection and/or remittance of  
23 such tax to the City.  
24  
25

26 D. Each Person required by this Chapter to remit a tax shall file a return with  
27 the Tax Administrator on forms approved by the Tax Administrator on or before the due  
28

1 date. The full amount of the tax owed shall be included with the return and filed with the  
2 Tax Administrator. The Tax Administrator is authorized to require such further  
3 information as he or she deems necessary to properly determine if the tax here imposed  
4 is being levied and collected in accordance with this Chapter. Returns and remittances  
5 are due immediately upon cessation of business for any reason. Pursuant to California  
6 Revenue and Taxation Code § 7284.6, the Tax Administrator, and its agents, shall  
7 maintain such filing returns as confidential information, and not subject to the Public  
8 Records Act.  
9

10 E. The Tax Administrator may, from time to time, issue and disseminate to  
11 Service Suppliers, which are subject to the tax collection requirements of this Section,  
12 administrative rulings identifying those services that are subject to the taxes imposed by  
13 this Chapter or otherwise interpreting the provisions of this Chapter. To the extent that  
14 the Tax Administrator determines that any tax imposed under this Chapter shall not be  
15 collected in full for any period of time, such a determination falls within the Tax  
16 Administrator's discretion to settle disputes. The Tax Administrator's exercise of  
17 prosecutorial forbearance under this Section does not constitute a change in taxing  
18 methodology for purposes of Government Code Section 53750, and the City does not  
19 waive or abrogate its ability to impose the taxes under this Chapter in full as a result of  
20 issuing such administrative rulings.  
21  
22

23 **3.20.150 Assessment—Administrative remedy.**

24 A. The Tax Administrator may make an assessment for taxes not remitted by  
25 a Person required to remit.

26 B. Whenever the Tax Administrator determines that a Service User has  
27 deliberately withheld the amount of the tax owed by him from the amounts remitted to a  
28

1 Service Supplier, or that a Service User has failed to pay the amount of the tax for a  
2 period of two (2) or more billing periods, or whenever the Tax Administrator deems it in  
3 the best interest of the City, he or she may relieve the Service Supplier of the obligation  
4 to collect taxes due under this Chapter from certain named Service Users for specified  
5 billing periods. The Service Supplier shall provide the City with the names and  
6 addresses of such Service Users and the amounts of taxes owed or refused by the  
7 Service Users under the provisions of this Chapter.  
8

9 C. The Tax Administrator shall notify the Service User that he or she has  
10 assumed responsibility to collect the taxes due for the stated periods and demand  
11 payment of such taxes. The notice shall be served on the Service User by handing it to  
12 him or her personally or by deposit of the notice in the United States mail, postage  
13 prepaid thereon, addressed to the Service User at the address to which billing was  
14 made by the Service Supplier; or should the Service User have changed his or her  
15 address, to his or her last known address. If a Service User fails to remit the tax to the  
16 Tax Administrator within fifteen (15) days from the date of the service of the notice upon  
17 him or her, which shall be the date of mailing if service is not accomplished in person, a  
18 penalty of twenty-five percent (25%) of the amount of the tax set forth in the notice shall  
19 be imposed, along with interest at the rate of three-quarters of one percent ( $\frac{3}{4}\%$ ) per  
20 Month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the  
21 date on which the remittance first became delinquent, until paid, but not less than Five  
22 Dollars (\$5.00). The penalty shall become part of the tax herein required to be paid.  
23  
24

### 25 **3.20.160 Records.**

26 A. It shall be the duty of every Person required to collect and/or remit to the  
27 City any tax imposed by this Chapter to keep and preserve, for a period of at least three  
28

1 (3) years, all records as may be necessary to determine the amount of such tax as he or  
2 she may have been liable for the collection of and remittance to the Tax Administrator,  
3 which records the Tax Administrator, or the Tax Administrator's designated  
4 representative, shall have the right to inspect at all reasonable times.

5 B. If any Person subject to record-keeping under this Section unreasonably  
6 denies the Tax Administrator, or the Tax Administrator's designated representative,  
7 access to such records, the Tax Administrator, or the Tax Administrator's designated  
8 representative, may impose a penalty of five hundred dollars (\$500) on such Person for  
9 each day following the initial date that the Person refuses to provide such access. This  
10 penalty shall be in addition to any other penalty imposed under this Chapter.  
11

### 12 **3.20.170 Refunds.**

13 A. Whenever the amount of any tax has been overpaid, paid more than once,  
14 or has been erroneously or illegally collected or received by the Tax Administrator under  
15 this Chapter, it may be refunded as provided in this Section.  
16

17 B. The Tax Administrator may refund to the taxpayer any tax that has been  
18 overpaid, paid more than once, or has been erroneously or illegally collected or received  
19 by the Tax Administrator under this Chapter, provided that no refund shall be paid under  
20 the provisions of this Section unless the taxpayer or his or her guardian, conservator,  
21 executor or administrator has submitted a written claim signed by the claimant to the Tax  
22 Administrator within one year of the overpayment or erroneous or illegal collection of  
23 said tax. Such claim must clearly establish claimant's right to the refund by written  
24 records showing entitlement thereto. No claim may be filed on behalf of a class or group  
25 of taxpayers unless such claim is signed by each taxpayer included in the class or  
26 group.  
27

1 C. The Tax Administrator may refund to a Service Supplier any tax that has  
2 been overpaid, paid more than once, or has been erroneously or illegally collected or  
3 received by the Tax Administrator under this Chapter, provided that the Service Supplier  
4 has submitted a written claim signed by the Service Supplier to the Tax Administrator  
5 within one year of the overpayment or erroneous or illegal collection of said tax. Such  
6 claim must clearly establish that the tax sought to be refunded was collected from the  
7 Service User, that the Service User from whom the tax was collected did not owe the tax  
8 and that the amount of the tax sought to be refunded was refunded in full to the Service  
9 User prior to the Service Supplier submitting the claim.  
10

11 D. The submission of a written claim, which is acted upon by the City Council,  
12 shall be a prerequisite to a suit thereon. The City Council shall act upon the refund  
13 claim within the time period set forth in Government Code Section 912.4. If the City  
14 Council fails or refuses to act on a refund claim within the time prescribed by  
15 Government Code Section 912.4, the claim shall be deemed to be rejected by the City  
16 Council on the last day of the period within which the City Council was required to act  
17 upon the claim as provided in Government Code Section 912.4. It is the intent of the  
18 City Council that the one year written claim requirement of this section be given  
19 retroactive effect; provided, however, that any claims which arose prior to the  
20 commencement of the one year claims period of this Section, and which are not  
21 otherwise barred by a then-applicable statute of limitations or claims procedure, must be  
22 filed with the Tax Administrator as provided in this subsection within ninety (90) days  
23 following the effective date of this Section.  
24  
25

26 E. Notwithstanding other provisions of this Section, whenever a Service  
27 Supplier, pursuant to an order of the California Public Utilities Commission or a court of  
28

1 competent jurisdiction, makes a refund to Service Users of charges for past utility  
2 services, the taxes paid pursuant to this Chapter on the amount of such refunded  
3 charges shall also be refunded to Service Users, and the Service Supplier shall be  
4 entitled to claim a credit for such refunded taxes against the amount of tax which is due  
5 upon the next monthly return.

6 **3.20.200 Bundling taxable and non-taxable charges.**

7  
8 If a non-taxable service and a taxable service are billed together under a single  
9 charge, the entire charge shall be deemed taxable unless the Service Supplier or  
10 taxpayer reasonably identifies actual charges not subject to the utility users tax based  
11 upon books and records that are kept in the regular course of business, in a manner  
12 consistent with generally accepted accounting principles. The Service Supplier or  
13 Taxpayer has the burden of proving the proper apportionment of taxable and nontaxable  
14 charges.  
15

16 **3.20.210 Exemptions.**

17 A. Nothing in this Chapter shall be construed as imposing a tax upon:

18 (1) Any Person or service if imposition of such tax upon that Person or  
19 service would be in violation of a federal or California statute, the Constitution of  
20 the United States or the Constitution of the State of California;

21 (2) The City;

22 (3) Any person who is exempt under section 3.20.050 of this Chapter;

23  
24 B. The exemptions granted by this Section shall not eliminate the duty of the  
25 Service Supplier from collecting taxes from such exempt individuals, or the duty of such  
26 exempt individuals from paying such taxes to the Service Supplier; unless an exemption  
27 is applied for by the Service User and granted in accordance with the provisions of this  
28

1 Section.

2 C. Any Service User exempt from the taxes imposed by this Chapter because  
3 of the provisions of subsection A, above, may file an application with the Tax  
4 Administrator for an exemption. Such application shall be made upon a form supplied  
5 by the Tax Administrator; and shall state those facts, declared under oath, which qualify  
6 the applicant for an exemption.

7 D. The Tax Administrator shall review all such applications, and shall certify  
8 as exempt those applicants determined to qualify therefor; and shall notify all Service  
9 Suppliers affected that such exemptions have been approved. For each exemption, the  
10 following information shall be transmitted to the Service Supplier:  
11

- 12 (1) Name of exempt applicant;
- 13 (2) Account number shown on utility bill;
- 14 (3) Address to which exempt service is being supplied; and
- 15 (4) Any other information as may be necessary for the Service Supplier

16 to remove the exempt Service User from its tax billing procedure.  
17

18 E. Upon receipt of such notice, the Service Supplier shall not be required to  
19 continue to bill any further tax imposed by this Chapter from such exempt Service User,  
20 until further notice by the Tax Administrator is given. The Service Supplier shall  
21 eliminate such exempt Service User from its tax billing procedure no later than sixty (60)  
22 days after receipt of such notice from the Tax Administrator.  
23

24 F. All exemptions shall continue and be renewed automatically by the Tax  
25 Administrator, so long as the prerequisite facts supporting the initial qualification for  
26 exemption shall continue; provided, however, that the exemption shall automatically  
27 terminate with any change in the service address or residence of the exempt individual;  
28

1 further provided such individual may nevertheless apply for a new exemption with each  
2 change of address or residence.

3 G. The Tax Administrator shall have the power and right to demand evidence  
4 of continued eligibility of a Service User for exemption under the provisions of this  
5 Section. Such evidence may include, but need not be limited to, copies of business  
6 records, letters or statements from the Social Security Administration, copies of income  
7 tax returns, and such other evidence concerning the Service User or other members of  
8 his or her household as may tend to prove or disprove such eligibility. Failure to provide  
9 such evidence as is within the control of a Service User to so provide, either directly by  
10 him or by his consent or the consent of a member of his or her household when such  
11 evidence is requested of the Service User in writing by the Tax Administrator, shall be  
12 grounds for the immediate discontinuance of the Service User's eligibility for exemption  
13 under the provisions of this Section. Evidence provided to the Tax Administrator upon  
14 request, or voluntarily provided by the Service User without request, may not be used  
15 against such Service User as evidence of violation of the provisions of this Section; such  
16 evidence may only be used as grounds for termination of the exemption herein provided.  
17  
18

19 H. Any individual exempt from the tax shall notify the Tax Administrator within  
20 ten (10) days of any change in fact or circumstance which might disqualify said  
21 individual from receiving such exemption. It shall be a misdemeanor for any Person to  
22 knowingly receive the benefits of the exemptions provided by this Section, when the  
23 basis for such exemption either does not exist or ceases to exist.  
24

25 I. Notwithstanding any of the provisions hereof, any Service Supplier who  
26 determines by any means that a new or nonexempt Service User is receiving service  
27 through a meter or connection exempt by virtue of an exemption issued to a previous  
28

1 user or exempt user of the same meter or connection, such Service Supplier shall  
2 immediately notify the Tax Administrator of such fact; and the Tax Administrator shall  
3 conduct an investigation to ascertain whether or not the provisions of this Section have  
4 been complied with, and where appropriate, order the Service Supplier to commence  
5 collecting the tax from the nonexempt Service User.

6 J. If the Tax Administrator determines that an application for exemption is  
7 faulty, or that the applicant has failed to truthfully set forth such facts, the application for  
8 the exemption shall be denied in writing to the applicant. The applicant shall thereafter  
9 have a right to file an amended application for exemption; or to appeal the Tax  
10 Administrator's decision to the City Manager within a 10-day period after the mailing date  
11 of the Tax Administrator's rejection. In the case of an appeal, the City Manager shall  
12 review the facts in consultation with the City Attorney, and shall render a final  
13 determination on such appeal.

14 K. Upon request of the Tax Administrator, a Service Supplier, or its billing  
15 agent, shall provide a list of the names and addresses of those customers which,  
16 according to its billing records, are deemed exempt from any tax imposed under this  
17 Chapter.

18  
19  
20 **3.20.220 No injunction or writ of mandate.**

21 No injunction or writ of mandate or other legal or equitable process shall issue in  
22 any suit, action, or proceeding in any court against this City or against any officer of the  
23 City to prevent or enjoin the collection under this Chapter of any tax or any amount of tax  
24 required to be collected and/or remitted.

25  
26 **3.20.230 Annual Review and Report.**

27 The City shall prepare an annual report regarding the Utility Users Tax setting

1 forth the amount of tax collected under this Chapter during the preceding fiscal year, a  
2 comparison of the amount of tax collected as compared to prior years and any  
3 recommendations concerning the audit or expenditure of the funds collected and/or  
4 remitted in accordance with this Chapter. Such annual report shall be presented to the  
5 City Council and shall be a public document and made available to the public.

6 **3.20.240 Amendment or repeal.**

7  
8 Taxes imposed by this Chapter may be decreased, repealed or amended by the  
9 City Council, but may not be increased without a vote of the people as required in  
10 California Constitution Article XIII C and California Government Code Section 53750(h).

11 **Section 2. Majority Approval.** This Ordinance shall be effective only if  
12 approved by a majority of the voters voting thereon (50% + 1) and shall go into effect ten  
13 (10) days after the vote is declared by the City Council.

14 **Section 3. Severability.** If any section, sentence, clause, phrase, or portion  
15 of this Ordinance is for any reason held to be invalid or unenforceable by a court of  
16 competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions  
17 of this Ordinance shall nonetheless remain in full force and effect. The people of the  
18 City of Los Alamitos hereby declare that they would have adopted each section,  
19 sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any  
20 one or more sections, sentences, clauses, phrases, or portions of this Chapter be  
21 declared invalid or unenforceable and, to that end, the provisions of this Ordinance are  
22 severable.  
23  
24  
25  
26  
27  
28



**RESOLUTION NO. 2012-14****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

**WHEREAS**, a General Municipal Election is to be held in the City of Los Alamitos, California, on November 6, 2012, at which there will be submitted to the voters the following measure:

Shall an ordinance be adopted to reduce the rate of the City's tax on telecommunications users from 6% to __%, modernize the language to treat taxpayers equally, regardless of technology used, and continue to use the proceeds to fund general municipal services, such as safety, parks and recreation and street maintenance?	<b>YES</b>
	<b>NO</b>

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. That the City Council authorizes ALL members of the City Council to file a written argument regarding the City measure not exceeding 300 words, accompanied by the printed names and signatures of the authors submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed names and signatures of the authors submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Authors of Argument.

SECTION 2. City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Troy D. Edgar, Mayor

ATTEST:

\_\_\_\_\_  
Angie Avery, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 16<sup>th</sup> day of July, 2012, by the following vote to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:

\_\_\_\_\_  
Angie Avery, City Clerk

**RESOLUTION NO. 2012-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS**

**WHEREAS**, § 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at Municipal elections.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed names and signatures of the authors submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Authors of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 6, 2012, and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2012.

\_\_\_\_\_  
Troy D. Edgar, Mayor

ATTEST:

\_\_\_\_\_  
Angie Avery, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Angie Avery, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 16<sup>th</sup> day of July, 2012, by the following vote to wit:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Angie Avery, City Clerk

# City of Los Alamitos

## Agenda Report Discussion Items

July 16, 2012  
Item No: 9D

**To:** Mayor Troy Edgar & Members of the City Council

**Via:** Angie Avery, City Manager

**From:** Windmera Quintanar, Department Secretary

**Subject:** Consideration and Possible Approval of Ballot Argument Regarding Telephone Users Tax (TUT) Measure

**Summary:** This item provides the Council with an opportunity to discuss and consider approval of the proposed ballot argument to reduce and modernize the Telephone Users Tax (TUT).

### Recommendation:

1. Consider approval and modification of the proposed ballot argument; and,
2. If desired, approve argument for submission to the City Clerk's Office for inclusion on the November 6, 2012, ballot; and,
3. Sign the argument and affidavit.

### Background

At the June 18, 2012 Council meeting the Council agreed to consider a ballot argument in favor of the measure reducing and modernizing the telephone users tax (TUT). Mayor Edgar and Mayor Pro Tem were appointed to draft the proposed argument.

Based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the arguments are due to the City Clerk's office by July 30, 2012. These primary arguments are due to the Orange County Registrar of Voters (OC ROV) by August 10, 2012.

## Summary

Per the direction of the Council, Mayor Edgar and Mayor Pro Tem Poe have drafted the attached argument for City Council review.

Staff recommends City Council review the argument and provide changes as necessary.

Upon approval of the argument, the document will be printed out for Council signature. Elections Code (EC), Section 9283, states all authors must print his/her name and sign the argument itself. In addition, EC, Section 9600 states that all authors must print his/her name and sign the affidavit as well.

Once all signatures are received, Council will submit the argument to the City Clerk's Office for inclusion on the November 6, 2012 ballot.

It should be noted the Council has until July 30, 2012, to submit arguments to the City Clerk's Office; however, the next Council meeting is not scheduled until August 20, 2012, well after the City Clerk's Office deadline of July 30, 2012 and the OC ROV's deadline of August 10, 2012.

Given the Council's expressed desire to both comply with the Brown Act and maintain openness throughout the process regarding any ballot measure, Staff recommends the City Council discuss the argument and required affidavit and consider approval this evening.

## Fiscal Impact

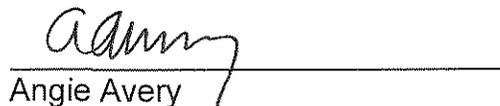
There is no cost related to this item.

Submitted By:



Windmera Quintanar  
Department Secretary

Approved By:



Angie Avery  
City Manager

Attachments:

1. Draft Ballot Argument
2. Affidavit

## **Argument in Support of Measure \_\_\_\_**

Measure \_\_\_\_ will reduce Los Alamitos' current telephone users tax (TUT) by \_\_\_\_%, cutting the tax rate for residents, and modernizing the law to ensure uniform applicability for all communications technologies.

The TUT was first adopted in 1991 and telephone technology and service plans have dramatically changed since then.

Recent Federal regulatory decisions and court cases have created the risk that the TUT laws of most cities, relating to telecommunications, could be challenged. This would endanger \$650,000 of the city's budget. Like many other cities, Los Alamitos is updating its utility tax statute and providing residents with a tax cut as well.

We're on the right track as we continue to improve our quality of life in Los Alamitos, but not if we let a change in technology and law eliminate TUT tax.

In the last 4 years, our Council has stabilized and consolidated our city management, cut Council pay, reduced spending 13%, and balanced our budget every year without dipping into our reserves. We have seen a 5 year decrease in crime across the city of Los Alamitos.

A NO vote on Measure \_\_\_\_ would keep rates where they are and leave some individuals and businesses not paying their fair share on new communications technology, and would leave the present outdated law vulnerable to challenge.

A YES vote on Measure \_\_\_\_ would ensure that we can continue to provide quality services vital to Los Alamitos including police, firefighters, street repaving, and quality of life programs supporting parks, senior and youth recreation programs.

Help us cut the telephone users tax (TUT) rate by \_\_\_\_% and keep Los Alamitos strong, safe and secure. Please vote YES on Measure \_\_\_\_.

## ARGUMENTS

### FORM OF STATEMENT TO BE FILED BY AUTHORS OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each author of the argument:

The undersigned authors of the **primary argument in support of ballot measure** relating to the **Telephone Users Tax** at the General Municipal Election for the City of Los Alamitos to be held on November 6, 2012 hereby state that the argument is true and correct to the best of their knowledge and belief.

Print _____	Name	Signature _____
Title		Date
Print _____	Name	Signature _____
Title		Date
Print _____	Name	Signature _____
Title		Date
Print _____	Name	Signature _____
Title		Date
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# City of Los Alamitos

## Agenda Report Mayor and City Council

July 16, 2012  
Item No: 10A

**To:** Mayor Troy D. Edgar and Members of the City Council

**From:** Angie Avery, City Manager  
Sandra Levin, City Attorney

**Subject:** Items Requested by Council Member Regarding the Investigation and Prosecution of an Alleged Brown Act Violation and Confidential Closed Session Materials

**Summary:** Council Member Kusumoto has requested three items that require City Council direction: 1) a review of the internal work product generated by the City Prosecutor; 2) reimbursement of legal fees he incurred in anticipation of prosecution; and 3) the inclusion of certain materials in the City's closed session record.

**Recommendation:** That the City Council discuss and provide direction as required regarding the following items:

1. Whether the City Prosecutor should be required to produce his preliminary internal work product;
2. Whether Council should provide authority to reimburse legal fees incurred by Council Member Kusumoto; and,
3. Whether materials distributed to Council in closed session should be included in an official closed session record.

## Discussion

### City Prosecutor's Work Product

Special City Prosecutor Baric, Tran and Minesinger was retained by the City to investigate and, if appropriate, prosecute an alleged Brown Act violation in civil court. The firm was in the process of doing so, when the City Council directed that the work cease. No final work product was created or presented to the City Council. Council Member Kusumoto has requested that the internal work product of the City Prosecutor be provided to the other four Council Members and potentially thereafter be made public. Council Member Kusumoto has a conflict of interest with regard to the investigation and therefore is not himself privy to the City Prosecutor's confidential materials.

Council Member Kusumoto has stated his theory that the requested materials may be exculpatory to him and may also have influenced the City Council decision to cease work. Staff has inquired of the City Prosecutor and he has stated that no final product was created and that there is no exculpatory material within their files.

Options:

1. Do not request any additional materials from the City Prosecutor;
2. Request that the City Prosecutor provide his internal drafts;
3. Request that the City Prosecutor complete final work product and transmit it to the City Council.

### Reimbursement Of Legal Fees

The City Council previously directed Staff to look into reimbursement of Council Member Kusumoto's legal costs, but he has not yet submitted a claim or specified an amount. However, Council Member Kusumoto has stated that he did incur legal fees in anticipation of defending against the allegations against him and has requested that the City Council make findings that he acted "within the course and scope of his employment" and that he is entitled to reimbursement of legal fees incurred.

The various statutes addressing a City's obligation to defend officials and employees are generally triggered by the filing of an action. (See confidential memorandum to Council dated January 15, 2012.) Since no claim was submitted and no action was taken against him, there is no legal obligation to reimburse. Moreover, in order to determine a claim for reimbursement of defense costs to be valid, the Council would need to make findings, including findings that Council Member Kusumoto acted within the course and scope of his employment and that his defense would not be adverse to the City's interests. Should the City Council not be able to make such a finding the claim would be considered disputed.

Nonetheless, should Council Member Kusumoto submit a claim with proof of the amount of legal fees incurred, the City would be obligated to review and consider that claim. The City also has the authority to settle disputed claims for policy reasons, such as avoiding legal costs or avoiding the disruption and consumption of resources of a dispute.

Options: In the event Council Member Kusumoto submits a claim for reimbursement of legal costs incurred:

1. Authorize Staff to settle the claim (up to a specified sum) as a disputed claim;
2. Request Staff to agendize consideration of the claim (for approval or rejection) so that Council can consider the necessary findings;
3. Find now that Council Member Kusumoto acted within the course and scope of his duties as a Council Member and that his defense would not be adverse to the City's interests and authorize Staff to approve the claim;

4. Find now that Council Member Kusumoto did not act within the course and scope of his duties as a Council Member or that his defense would be adverse to the City's interests and authorize Staff to reject the claim when received.

#### Maintaining a Record of Closed Session Information

Each city has discretion to determine what record will be maintained of closed sessions and each city has its own historical practice. In the past, Los Alamitos historically maintained a confidential binder of closed session handouts. In recent years, no such notebook was maintained. Council Member Kusumoto has requested that the practice be resumed and that various materials relating to the lawsuit over the trash franchise be placed in the binder. There is no legal requirement that closed session materials be maintained (and some cities do not maintain them), so this is a policy question for the Council.

Options:

1. Direct that best efforts be made to identify the materials that were handed out in past closed sessions and include them in a closed session binder.
2. Do not create a binder for past meetings, but direct that materials handed out in future closed sessions be included in a binder.
3. Continue the practice of not maintaining a closed session binder.

Note that Council Member Kusumoto has also requested that additional materials not handed out in closed session be created and placed in the binder (e.g., a summary of the case; a summary of negotiations; and a summary of the terms of the settlement agreement). There is no indication that records not presented in closed session were included in the closed session binder in the past and Staff is not aware of any other agency that does so.

#### **Recommendation**

The City Council should select from the options listed above or identify additional options and provide direction to Staff.

#### **Fiscal Impact**

Reimbursement of Council Member Kusumoto's legal fees would constitute an expense to be paid out of general fund reserves. Other options could incur additional legal fees and expenses depending upon the direction given by Council.

Submitted and Approved By:

  
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Angie Avery  
City Manager

Attachments:           1. Request from Council Member Kusumoto dated June 18, 2012  
                                  2. Request from Council Member Kusumoto dated June 18, 2012

Items Requested by Council Member  
July 16, 2012  
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# ITEM 10A

Attachment 1

Date: June 18, 2012

To: Angie Avery, City Manager

Subject: Request for an Item to be included in the next Council Meeting Agenda

Reference: Memorandum from the City Attorney dated January 17, 2012 regarding Analysis of Violations of Law Related to Published Letter from Councilmember Kusumoto

Dear City Manager;

I am formally requesting that this item is included in the Council Meeting Agenda for July 16, 2012 for discussion and a possible decision by the Council:

1. Due to the referenced analysis by the City Attorney, I have incurred legal fees to prepare for a possible defense against the crime I am accused of committing.
2. It is my view that I was acting within the scope of my position and employment as an employee of the City of Los Alamitos, so I am entitled to indemnification and reimbursement of legal fees that I have personally incurred relative to this matter.
3. The agenda item I am requesting that the Council consider would be the following: *Did Council Member Kusumoto act within the scope of his duties and responsibilities, and is therefore indemnified and his legal fees be reimbursed?*

Please let me know if you have any question on this matter.

Warren Kusumoto

# ITEM 10A

Attachment 2

Date: June 18, 2012

To: Angie Avery, City Manager

Subject: Request for an Item to be included in the next Council Meeting Agenda

Reference: "Confidential Pertaining to Closed Session" Red Binder in the City Clerk's Vault

Dear City Manager;

I am formally requesting that this item is included in the Council Meeting Agenda for July 16, 2012 for discussion and a possible decision by the Council:

1. Based on the revelation of the Closed Session Red Binder that is kept in the City Clerk's vault, there is a need to add a summarizing memo from the City Attorney regarding the largest lawsuit in the history of Los Alamitos to the Red Binder.
2. I had an opportunity to peruse the Red Binder and among the documents were a couple of noteworthy issues, such as the LATV3 litigation. In view of the purpose and nature of the Red Book, it is my belief that it is the Council's duty to direct the City Attorney to create a memorandum that outlines the following:
  - a. The OC Superior Case Number, the essence of the complaint, and the parties involved.
  - b. The decisions voted upon by the Council in closed session.
  - c. A summary of the 4 negotiating sessions between the City (City Attorney and Council Member Edgar) and the Plaintiffs. The summary to include who was present and their affiliation, what was concluded at the end of each session (decision/no decision/agree/agree to disagree etc.).
  - d. A summary of the final settlement of the lawsuit.
3. This Red Book Memorandum would be an important historical record for that could be useful to future Councils. It is our duty to provide this important artifact for future Council Members, City Attorneys and City Managers that will succeed us.

Please let me know if you have any question on this matter.

Warren Kusumoto