

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

**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.

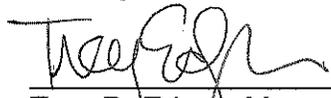
Council Member Stephens congratulated the Mayor on his primary election victory for the 72<sup>nd</sup> Assembly District.

**13. ITEMS FROM THE CITY MANAGER**

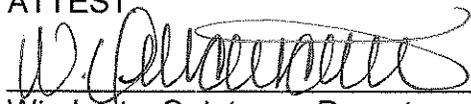
None.

**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