

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING

Monday, August 20, 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 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** Council Member Graham-Mejia
4. **INVOCATION** Mayor Pro Tem Poe

5. PRESENTATIONS

- A. Presentation of Certificates of Recognition to the USA Women's Olympic Water Polo Team for Winning the Gold Metal**
- B. Presentation of Certificates of Recognition to the Mustang Nine Year Old C Team All Stars for Winning the PONY Western World Series**
- C. Presentation of an Award from the California Joint Powers Insurance Authority for the Best Overall Performance Liability Program**

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 August 20, 2012, in the amount of \$105,517.20, ratify the Register of Major Expenditures for July 17, 2012 to August 19, 2012 in the amount of \$1,536,024.59, 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 August 21, 2012 to September 16, 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 July 16, 2012.
- B. Warrants (Finance)**
Approve the Warrants for August 20, 2012, in the amount of \$36,575.85 and ratify the Warrants for the time period July 17, 2012 to August 19, 2012, in the amount of \$173,388.71.
- C. Request to Purchase Four (4) Police Vehicles (Public Works)**

This is a request to purchase four (4) 2013 Dodge Charger Police Pursuit vehicles piggybacking on a Los Angeles County Sheriff's Purchase Order dated June 25, 2012 as permitted by Los Alamitos Municipal Code Section 2.60.110.

Recommendation: Authorize the City Manager to purchase four (4) 2013 Dodge Charger Police Pursuit vehicles (three (3) black & white and one (1) street appearance package) from McPeeks Dodge of Anaheim for \$108,409.93.

D. Race on the Base Management Contract (Recreation)
This agenda item is a contract for management of Race on the Base.

Recommendation: Authorize the City Manager to execute a five-year contract with International City Racing, Inc. for professional race management services for the Race on the Base.

E. Approval of Notice of Completion for Various Street Rehabilitation Project (CIP No. 11/12-03) (Public Works)

The Various Street Rehabilitation project is complete and in compliance with the plans and specifications. Change Orders for the project were \$40,087.86 or 9.3%, and below the 10% contingency fund.

Recommendation:

1. Accept as complete the construction contract by Shawnan for the Various Street 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 \$47,196.65, thirty-five (35) days after recordation of the Notice of Completion.

F. Budget Carry-Over Request for Installing Speed Bumps on Alleys in the City (Public Works)

At the April 16, 2012 City Council meeting, the City Council approved a budget of \$20,000 to install speed bumps on alleys in the City. Work was to be completed by the end of June 2012. Selection of the proper speed bump delayed the purchasing of the speed bumps and the \$20,000 expense was not put in the carry-over category in the 2012-2013 Capital Improvement Program (CIP) budget.

Recommendation:

1. Amend the 2012/2013 CIP budget to include the unused 2011/2012 budgeted amount of \$20,000 for the Speed Bump Installation improvements; and,
2. Adopt Resolution No. 2012-18 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROPRIATING \$20,000 FROM THE TRAFFIC IMPROVEMENTS FUND BALANCE AND AMENDING THE FISCAL YEAR 2012/2013 CAPITAL IMPROVEMENT PROGRAM BUDGET".

**G. Approval of Employment Agreement for Interim Finance Director
(City Manager)**

Ms. Anita Agramonte resigned from her position as Finance Director effective August 2, 2012, to accept a position with another municipality. The Finance Director position provides critical services relating to the financial function of the City. It is anticipated that a search for a new Finance Director could take as long as four months. In the interim, Staff is recommending the City Council authorize an agreement with Ms. Linda Magnuson to serve as Interim Finance Director in a part-time capacity.

Recommendation: Authorize City Manager to execute the Employment Agreement for Interim Finance Director Services with Ms. Linda Magnuson.

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

9. PUBLIC HEARINGS

A. Supplemental Law Enforcement Services Fund (SLESF) (Police)

The City of Los Alamitos anticipates an allocation of \$100,000 from the Supplemental Law Enforcement Services Fund (SLESF) to enhance public safety services for Fiscal Year 2012-13. Prior to acceptance of these funds, the City must conduct a Public Hearing and report its planned expenditures to the County's SLESF Oversight Committee.

Recommendation:

1. Conduct a public hearing for the allocation of the SLESF; and,
2. Adopt Resolution No. 2012-12, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE RECOMMENDED EXPENDITURE PLAN FOR

THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND”;
and,

3. Accept SLESF allocation in the amount of \$100,000 into account 22.4340, and appropriate a \$100,000 transfer to the General Fund to fund the motor officer.

10. DISCUSSION ITEMS

A. Information Technology Strategic Plan (Support Services)

This report requests City Council adoption of Resolution No. 2012-17, establishing the “City of Los Alamitos Information Technology Strategic Plan” as a guideline for decisions regarding the implementation of new technology projects.

Recommendation: Adopt Resolution 2012-17, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING THE CITY OF LOS ALAMITOS INFORMATION TECHNOLOGY STRATEGIC PLAN”.

B. Request for City Council Review of Conditional Use Permit 12-01 (Community Development)

Council Member Graham-Mejia has requested that the City Council review a Planning Commission decision that would allow for conversion of carports into enclosed garages. The Municipal Code does not expressly address the process by which a Council Member may appeal or call for review of a Planning Commission decision so the Council is asked to interpret the Municipal Code and consider the request in light of that interpretation.

Recommendation: City Council choose from among the following options:

1. Interpret the Code as providing for the City Council to appeal, using the procedures identified in Section 17.68.020 for applicants and interested parties, and reject the request that the Council appeal as inconsistent with due process requirements.
2. Interpret the Code as granting the City Council the ability to call a project for review without stating a position as to the merits; require that the Council Member seeking review identify how the decision raises issues of sufficient importance that the Council ought to be involved; and either grant or deny review.
3. Direct Staff to agendize for consideration a clearly defined “call for review” process providing the City Council with an alternative to appealing future decisions.

4. Direct Staff to agendize for future discussion the permissible uses of garages or other aspects of carport conversions.

11. MAYOR AND COUNCIL INITIATED BUSINESS

A. An Item Requested by Council Member Regarding Confidential Closed Session Materials

Council Member Kusumoto has requested an item that requires City Council direction regarding the inclusion of certain materials in the City's closed session record.

Recommendation: City Council discuss and provide direction as required regarding whether materials distributed to Council in closed session should be included in an official closed session record.

B. Council Member Request Regarding Investigation of Alleged Brown Act Violation

Council Member Kusumoto (with the support of Council Member Graham-Mejia) has requested that the City Council hire an independent expert to determine whether a violation of the Brown Act occurred as a result of conversations among Council Members concerning agenda item 10A that appeared on the July 16, 2012 agenda.

Recommendation: City Council take no action.

C. Council Member Request Regarding Prosecution of Alleged Municipal Code Violation Relating to Trash Franchise Award

Council Member Kusumoto has requested that the City Council take steps to determine whether prosecution is warranted for alleged violations of the Municipal Code in connection with the award of the City's waste franchise.

Recommendation: City Council take no action.

D. Council Announcements

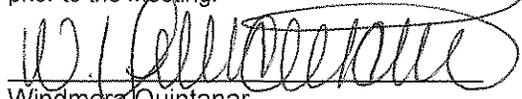
At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

12. ITEMS FROM THE CITY MANAGER

13. ADJOURNMENT

The next meeting of the City Council is scheduled for **Monday, September 17, 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

8/16/12
Date

CITY OF LOS ALAMITOS
Register of Major Expenditures
August 20, 2012

To Approve

Pages:

01-03	\$ 105,517.20	Major Warrants	08/20/2012
Subtotal	<u>\$ 105,517.20</u>		

To Ratify

Pages:

A 01	\$ 297,622.73	Advance Warrants	07/23/2012
B 01	\$ 526,187.83	Advance Warrants	07/30/2012
C 01	\$ 142,772.52	Advance Warrants	08/06/2012
	\$ 156,811.27	Payroll	07/20/2012
	\$ 93,122.57	Payroll Benefits	07/20/2012
	\$ 157,573.26	Payroll	08/03/2012
	\$ 161,934.41	Payroll Benefits	08/03/2012
Subtotal	<u>\$1,536,024.59</u>		

Grand Total \$1,641,541.79

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 August 21, 2012 to September 16, 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 Linda Magnuson, Interim Finance Director.

Linda B Magnuson
 this 15th day of August, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COLANTUONO & LEVIN, PC	LOS AL MEDICAL CENTER	GENERAL FUND	NON-DEPARTMENTAL	368.00
	TRASH CONTRACT LITIGATION	GENERAL FUND	NON-DEPARTMENTAL	91.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	7,522.37
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	756.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	126.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	3,074.50
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	69.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	1,058.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	391.00
	GENERAL COUNSEL SERVICES	GENERAL FUND	CITY ATTORNEY	1,470.00
				TOTAL:
STATE OF CALIFORNIA	ELECTRIC	GENERAL FUND	AQUATICS	9,097.50
	ESPC	GENERAL FUND	AQUATICS	132.48
	GAS	GENERAL FUND	AQUATICS	5,784.58
	WATER	GENERAL FUND	AQUATICS	3,615.00
	SEWER	GENERAL FUND	AQUATICS	2,619.86
			TOTAL:	21,249.42
U.S. BANK	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	58.57
	MEETING SUPPLIES	GENERAL FUND	CITY COUNCIL	44.99
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
	TONER CARTRIDGE	GENERAL FUND	CITY MANAGER	56.02
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	40.30
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	63.53
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	135.18
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	37.91
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	70.81
	ARMORY SUPPLIES	GENERAL FUND	PATROL	193.96
	DETECTIVE SUPPLIES	GENERAL FUND	INVESTIGATION	153.00
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	TONER CARTRIDGE	GENERAL FUND	COMMUNITY DEVEL ADMIN	104.51
	CUSTOM PLAN STAMP	GENERAL FUND	PLANNING	106.62
	HOSE	GENERAL FUND	STREET MAINTENANCE	56.57
	EPA FEES	GENERAL FUND	STREET MAINTENANCE	175.00
	MANUALS	GENERAL FUND	STREET MAINTENANCE	195.73
	WORK PANTS	GENERAL FUND	STREET MAINTENANCE	677.48
	WORK PANTS	GENERAL FUND	PARK MAINTENANCE	677.48
	SOD	GENERAL FUND	PARK MAINTENANCE	3.97
	LIGHT COVERS	GENERAL FUND	BUILDING MAINTENANCE	42.63
	MUSIC & MOVIES SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	147.13
	MUSIC & MOVIES SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	156.99
	MUSIC & MOVIES SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	69.18
	MUSIC & MOVIES INFLATABLE	GENERAL FUND	RECREATION ADMINISTRAT	30.00
	AQUATICS JOB POSTING	GENERAL FUND	AQUATICS	80.00
	AQUATICS SUPPLIES	GENERAL FUND	AQUATICS	201.54
	MASTER SWIM MEMBERSHIP	GENERAL FUND	AQUATICS	44.00
	AQUATICS SUPPLIES	GENERAL FUND	AQUATICS	51.66
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	68.26
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	187.54
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	11.95
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	370.50
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	69.28
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	41.87
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	41.11

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	1.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	874.00
	DAY CAMP DUNK TANK	GENERAL FUND	DAY CAMP	199.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	224.04
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	39.85
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	122.18
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	22.39
	DAY CAMP BOUNCE HOUSE	GENERAL FUND	DAY CAMP	265.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	267.71
	DAY CAMP MOVIES	GENERAL FUND	DAY CAMP	240.00
	DAY CAMP MOVIES	GENERAL FUND	DAY CAMP	150.00
	DAY CAMP EXCURSION	GENERAL FUND	DAY CAMP	480.00
	PARKS PROGRAM SUPPLIES	GENERAL FUND	PLAYGROUNDS	83.67
	PARKS PROGRAM SUPPLIES	GENERAL FUND	PLAYGROUNDS	67.53
	PARKS PROGRAM SUPPLIES	GENERAL FUND	PLAYGROUNDS	3.17
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	299.90
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	376.90
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	264.90
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	264.90
	PRESCHOOL SUPPLIES	GENERAL FUND	SPECIAL CLASSES	105.80
	PRESCHOOL SUPPLIES	GENERAL FUND	SPECIAL CLASSES	522.87
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	713.66
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	232.75
	PRESCHOOL SUPPLIES	GENERAL FUND	SPECIAL CLASSES	99.25
	DAY CAMP EXCURSION	GENERAL FUND	SPECIAL CLASSES	196.00
	4TH OF JULY SUPPLIES	GENERAL FUND	SPECIAL EVENTS	72.75
	VOLUNTEER MEETING	GENERAL FUND	SPECIAL EVENTS	219.00
	ROTB DOMAIN	GENERAL FUND	SPECIAL EVENTS	17.41
	PAINT	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	1,475.20
	STENCILS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	408.84
	MOWER REPAIR	GARAGE FUND	GARAGE	857.57
	AUTO DETAIL	GARAGE FUND	GARAGE	100.00
	TIRES	GARAGE FUND	GARAGE	670.73
	BATTERIES	GARAGE FUND	GARAGE	375.08
	IT SUPPLIES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	514.70
	IT SUPPLIES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	59.43
	IT SUPPLIES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	87.94
	IT SUPPLIES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	62.91
			TOTAL:	15,544.15
WILLDAN ENGINEERING	STREET IMPROVEMENTS	PROPOSITION 1B	INVALID DEPARTMENT	4,164.19
	STREET IMPROVEMENTS	PROPOSITION 1B	INVALID DEPARTMENT	3,701.50
	STREET IMPROVEMENTS	PROPOSITION 1B	INVALID DEPARTMENT	3,701.50
	STREET IMPROVEMENTS	GAS TAX	CAPITAL PROJECTS	6,520.03
	STREET IMPROVEMENTS	GAS TAX	CAPITAL PROJECTS	33.75
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	1,690.82
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	720.00
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	4,960.00
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	6,045.00
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	6,520.03
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	33.75
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	4,164.19
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	3,701.50
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	3,701.50
	GAS TANK REMOVAL	GARAGE FUND	CAPITAL PROJECTS	4,140.00
			TOTAL:	53,797.76

A

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CALIFORNIA JOINT POWERS INSURANCE AUTH	PROPERTY INS 7/12-7/13	GENERAL FUND	INSURANCE	49,210.00
			TOTAL:	49,210.00
CITY OF CYPRESS	WEST COMM JPA - FY 12/13	GENERAL FUND	COMMUNICATIONS TECHNOL	174,596.10
			TOTAL:	174,596.10
CITY OF LONG BEACH	ANIMAL CONTROL 2011-2012	GENERAL FUND	ADMINISTRATIVE SERVICE	52,773.83
			TOTAL:	52,773.83
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,796.28
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	364.32
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	309.62
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	300.87
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	1,059.58
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	2,151.26
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	3,060.87
			TOTAL:	21,042.80

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

10	GENERAL FUND	297,622.73

	GRAND TOTAL:	297,622.73

TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CITY OF WEST COVINA	CAD/RMS FEES 2012-2013	GENERAL FUND	COMMUNICATIONS TECHNOL	80,360.00
			TOTAL:	80,360.00
COMMUNITY BANK	RETENTION	MEASURE M	NON-DEPARTMENTAL	35,375.56
			TOTAL:	35,375.56
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	LAUSD RENTAL FEES	GENERAL FUND	SPECIAL CLASSES	5,185.50
	LAUSD RENTAL FEES	GENERAL FUND	SPECIAL CLASSES	14,291.46
			TOTAL:	19,476.96
SHAWNAN	RETENTION	MEASURE M	NON-DEPARTMENTAL	35,375.56-
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	110,000.00
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	133,755.58
	CONCRETE REPAIRS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	23,736.00
	STREET IMPROVEMENTS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	987.27
	STREET IMPROVEMENTS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	110,000.00
	STREET IMPROVEMENTS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	1,351.48
			TOTAL:	344,454.77
WILLDAN ENGINEERING	ADA RAMP DESIGN	C.D.B.G	CAPITAL PROJECTS	635.54
	STREET IMPROVEMENTS	GAS TAX	CAPITAL PROJECTS	1,290.00
	ALLEY IMPROVEMENTS	RESIDENTIAL STREET	CAPITAL PROJECTS	32,955.00
	CITY HALL ROOF REPAIR	BUILDING IMPROVEME	CAPITAL PROJECTS	3,615.00
	CITY HALL ENTRANCE	BUILDING IMPROVEME	CAPITAL PROJECTS	1,260.00
	STREET IMPROVEMENTS	MEASURE M	CAPITAL PROJECTS	6,765.00
			TOTAL:	46,520.54

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

10	GENERAL FUND	99,836.96
19	C.D.B.G	635.54
20	GAS TAX	1,290.00
24	RESIDENTIAL STREET/ALLEYS	32,955.00
25	BUILDING IMPROVEMENT	4,875.00
26	MEASURE M	250,520.58
44	TRAFFIC IMPROVEMENT	136,074.75

	GRAND TOTAL:	526,187.83

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
THE BANK OF NEW YORK MELLON TRUST CO.	INTEREST PAYABLE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	72,772.52
	PRINCIPAL PAYABLE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	70,000.00
			TOTAL:	<u>142,772.52</u>

C

===== FUND TOTALS =====
 31 LAUREL PARK DEBT SERVICE 142,772.52

 GRAND TOTAL: 142,772.52

TOTAL PAGES: 1

**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 – July 16, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 6:05 p.m., Monday, July 16, 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
Windmera Quintanar, Department Secretary

3. PLEDGE OF ALLEGIANCE

Mayor Edgar led the Pledge of Allegiance.

4. INVOCATION

Council Member Stephens gave the invocation.

5. PRESENTATIONS

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

The City Council presented a Certificate of Appreciation to Ray Bertotti. Mayor Edgar invited Chamber President John Osborne to present a Certificate of Appreciation to Mr. Bertotti.

6. ORAL COMMUNICATIONS

Mayor Edgar opened the meeting for Oral Communications.

Seth Eaker, Run Seal Beach representative, presented a \$1,000.00 check to City of Los Alamitos Recreation and Community Services Department to be used

towards scholarships for summer programs in the community and gave a brief overview of the organization.

Seth Segal, Boy Scout Troop 188, Senior Patrol Leader, stated support for the City of Los Alamitos.

J.M. Ivler, resident, requested an agenda item to address the alleged Los Alamitos Municipal Code violation in connection with award of the waste franchise.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council approved the Register of Major Expenditures for July 16, 2012, in the amount of \$194,112.04, ratified the Register of Major Expenditures for June 19, 2012 to July 15, 2012 in the amount of \$996,410.10, 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 July 17, 2012 to August 19, 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

8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Council Member Graham-Mejia pulled Items A,B, D, H, and G.

Motion/Second: Graham-Mejia/Poe

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

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

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 prepared a Capital Improvement Program covering the Fiscal Years 2012-13 through 2018-19 that the City Council approved on June 18, 2012, and was prepared to submit this and other required documentation to OCTA upon approval by the City Council.

The City Council:

1. Adopted 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. Approved 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. Directed 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.

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 was complete and in compliance with the plans and specifications. Change Order for the project was \$2,545.00 or 7.8%, and below the 10% contingency fund.

The City Council:

1. Accepted as complete the construction contract by A+ Environmental Solutions for the Public Works Yard Gas Tanks Removal Project Improvements; 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 \$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 as a request to purchase two (2) 2012 Ford F250 trucks per Los Alamitos Municipal Code 2.60.110 – Purchases through other agencies.

This report requested authorization to “piggy back” onto a recent agreement between the County of Orange and Wondries Fleet Group.

The City Council authorized 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.

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

A. Approval of Minutes (City Clerk)

Approve the Minutes of the Regular Meeting of June 18, 2012.

Council Member Graham-Mejia stated for the record the action minutes did not provide enough information for historical record and stated support for the minutes to be returned to the previous format of summary minutes.

Motion/Second: Stephens/Poe

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

Council Member Graham-Mejia pointed out that the invoice for Baric, Tran, and Minesinger was included.

Council Member Kusumoto and Staff discussed the payment for the Los Alamitos Chamber of Commerce Breakfast.

Council and Staff discussed the invoice for Baric, Tran, and Minesinger and retention of the firm’s services.

Motion/Second: Graham-Mejia/Poe

Carried 4/1 (Edgar cast the dissenting vote): The City Council moved consideration of Item 8B to follow item 10A.

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

The Laurel Park Rehabilitation project was 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.

Council Member Graham-Mejia expressed concern for brown spots and muddy areas within the field. She made a motion to pull the item until the contractor could address the concerns. Motion died for lack of a second.

City Council and Staff discussed the following topics:

- Normal wear and tear of the park
- The need for the field to establish itself
- Construction followed the plans and was now complete
- Muddy areas under the trees
- Large pods being dropped from the trees
- Lawn maintenance occurred every Tuesday

Motion/Second: Graham-Mejia/Stephens

Unanimously Carried: The City Council:

1. Accepted as complete the construction contract by America West Landscaping, Inc. for the Laurel Park Rehabilitation 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 \$21,317.88, thirty-five (35) days after recordation of the Notice of Completion.

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

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

Council Member Graham-Mejia indicated she had no issue with the contract for 2012. She requested Staff bring forward a policy that would allow local non-profits to participate.

Motion/Second: Graham-Mejia/Poe

Unanimously Carried: The City Council authorized 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 sought 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.

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

City Council and Staff discussed the following topics:

- Agreement allowed for a dedicated contract employee for the project
- Contract employee would be under the Community Development Director's supervision
- Similar situation as was used with the Los Alamitos Medical Center
- Application fees provide for Staff time
- Contract employee would be on board for approximately 90 days

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council authorized 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.

9. DISCUSSION ITEMS

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

This item provided 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 directed staff to draft appropriate correspondence.

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the City Council.

Mayor Edgar opened the item for Public Comment.

Richard Murphy, resident, stated opposition to toll roads and stated support for Alternate #2.

Mayor Edgar closed the item for Public Comment.

City Council and Staff discussed the following topics:

- Communities suffering from construction fatigue
- Concern for the impact to surrounding cities

- Concern for the type of road bed material
- Opposition to toll roads
- Eminent domain

Community Development Director Mendoza invited OCTA representative Christina Bryne to address the Council.

Christina Bryne, OCTA Community Outreach Representative, indicated eminent domain depended on the alternative and went up to full business acquisition. No residential acquisitions were required for any of the alternatives.

City Council, Staff, and Ms. Bryne discussed the following topics:

- Alternative 2 and 3 having a similar footprint, with Alternative 1 having the smallest
- “Bottleneck” concerns near Los Angeles County
- Public comment period for the Environmental Impact Report (EIR)
- Opposition to eminent domain
- Reactions from surrounding communities

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council directed Staff to submit a letter for the EIR Comment period and to the OCTA Board Members, stating support for Alternative 1, opposition to toll roads, and support for Seal Beach’s concerns.

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.

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

City Council and Staff discussed the following topics:

- Council Member Graham-Mejia and Kusumoto were members of the Ad Hoc Committee
- Opportunity for the community to provide feedback on spending funds for the betterment of the City
- Ideas were to benefit all age groups and all residents of the City
- Safeguards for the survey to ensure accuracy
- Funding the project, but not allocating to different items at this time

Mayor Edgar opened the item for public comment.

Larry Strawther, spoke regarding the Sugar Beet Festival and his experience with the Taste of Los Al event.

Discussion ensued regarding the possibilities for a festival.

Richard Murphy, resident, stated support for the Sugar Beet Festival and expressed disappointment in the options being presented on the survey and lack of a dollar figure.

Discussion ensued regarding the process for the establishment of the survey.

Dean Grose, resident, stated support for items that would improve the quality of life in Los Alamitos, suggested consideration of an alternate location for the reader board and supported the idea of a band stand at the park.

Discussion ensued regarding the reasoning behind the items listed.

J.M. Ivler, resident, stated support the for Sugar Beet Festival and expressed disappointment in this year's fireworks show. He suggested a "fill in the blank" for the survey.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Support for the items listed on the survey
- Rationale for not including a dollar amount for each item
- Inclusion of the survey in the Winter Activities Guide
- Rationale for the items listed on the survey
- Reoccurring cost and maintenance for the items listed
- Purpose of tonight's item was to engage the community for feedback
- Support for a "fill in the blank" space on the survey
- Possible inclusion for the reinstatement of the Junior Police Cadets program
- Maintenance and operation of Oak Gym
- Alternate locations for a digital reader board
- Iconic City wide signage
- Support for the Sugar Beet Festival
- Council's intention was not to spend the entire allocated amount of \$358,000
- Emphasis on the projects having a benefit to the whole community
- Support for the survey process

- Possibility of upgrading the septic tank at Little Cottonwood Park
 - Possibility of having local businesses sponsor digital reader boards
- City Council consensus was reached to do the following:

1. Directed Staff to work with the Council Ad Hoc Subcommittee to incorporate the following changes into the Community Give-Back survey: 1) add a “fill in the blank” space; 2) add the Junior Cadet Program; 3) include an estimated cost for each item; and, 4) clarify the item for Oak Gym.
2. Include the survey in the Winter Activities Guide.

RECESS

The City Council took a 15 minute recess at 8:30 p.m.

RECONVENE

The City Council reconvened in regular session at 8:45 p.m.

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.

Council Member Graham-Mejia stated she had a conflict of interest as she had recently started a business that deals with telecommunications, but stated she would like to speak as a resident. She recused herself and stepped down from the dais.

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

Mayor Edgar opened the item for public comment.

J.M. Ivler, resident, and Dean Grose, resident, stated support for leaving the Telephone Users Tax (TUT) rate as is and readdress at a later date if needed.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Importance of modernizing the ordinance to avoid potential litigation
- Parity throughout the City
- Uncertain if a rate change was needed at this time

- Transparency for the residents
 - Council's desire to stay revenue neutral
- Mayor Edgar opened the item for public comment.

Gerri Graham-Mejia, resident, stated the importance of clearly wording the ordinance so residents would understand the purpose. She stated opposition to including all future technologies.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Council was looking at a TUT reduction in general
- Importance of updating the ordinance
- Council's ability to bring a measure before the residents
- Tax being on the function, regardless of the technology used
- Council has the ability to lower a tax at any time, but needs voter approval to raise a tax
- Support for a reduction to 5%
- Statistics of other cities who have had a similar measure
- City being prudent with its finances

City Attorney Levin stated the maker of the motion would need to state the tax rate.

Motion/Second: Poe/Edgar

Carried 4/0 (Council Member Graham-Mejia abstained): The City Council approved the following recommendations at a rate of 5%:

1. Adopted 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. Adopted 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. Adopted 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. Authorized 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).

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

Mayor Edgar stated Council Member Graham-Mejia was recused from this item for her previously stated conflict of interest. He stated Mayor Pro Tem Poe were appointed to the Ad Hoc Committee to draft the ballot argument. He directed the City Clerk to project the ballot argument onto the screen for real time corrections.

Mayor Edgar opened the item for public comment.

Gerri Graham-Mejia, resident, stated support for the TUT reduction to 5%. She suggested the following changes: paragraph 3 should read a “portion” of the \$650,000; paragraph 5 was irrelevant; paragraph 7 was misleading and ingenious; and, paragraph 8 was an accurate depiction of what was trying to be done.

Richard Murphy, resident, asked for clarification on the first sentence. City Attorney Levin indicated “rate” needed to be included.

Dean Grose, resident, made the following comments: opposition to reduction at this time; paragraph 5 was misleading; support for modernization of the ordinance if presented to the people clearly; and, gave a brief history of past temporary rate reductions.

J.M. Ivler, resident, made the following comments: confusion regarding cutting the budget and now reducing the tax rate; present to the people as a modernization to protect the City from potential litigation; and, the need for honest transparency.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Misconception of tying the hands of future Council's
- Modernize the ordinance
- Parity for the residents
- Remaining revenue neutral
- Support for paragraph 5 as it gives residents relatable functions for comparison
- Council's intentions to be informative
- Support for paragraph 7 remaining as is
- Support for including "rate" in sentence 1
- Support for including "portion of" \$650,000 in paragraph 3
- Importance of including pros and cons in the argument
- Support for changing "residents" to "customers" in paragraph 1
- Support for updating paragraph 3 to read "telephone users tax"
- Discussion regarding the relevancy of paragraph 5 and its purpose to portray fiscal responsibility
- Adding the statement "Approved by a unanimous vote of the City Council"

City Attorney Levin advised the authors of the argument would need to sign the argument and the affidavit. She cautioned Council about the 300 word count.

RECESS

The City Council took a brief recess to allow for a word count at 10:20 p.m.

RECONVENE

The City Council reconvened at 10:25 p.m.

City Attorney Levin advised the word count was 301 and stated Council Member Graham-Mejia had stated a opposition to including "unanimous vote" as it implied she had participated.

Council revised the last statement to read "of Council Member's present."

City Attorney Levin advised the word count after revisions was at 299. She stated Council could authorize the representative submitting the argument to the Clerk's Office to ask for an official word count and authorize the representative to make changes as necessary.

Motion/Second: Stephens/Poe

Carried 4/0 (Council Member Graham-Mejia abstained): The City Council:

1. Approved the argument as revised for submission to the City Clerk's Office for inclusion on the November 6, 2012, ballot; and,

2. Authorized Mayor Pro Tem Poe to submit the argument to the City Clerk's Office and make any necessary adjustments to meet the word count standard.

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 stated he would recuse himself as he was an interested party, but requested the item be tabled so he could participate in the Red Binder discussion. He stated he has requested three items and would like to see three separate agenda items.

Council Member Graham-Mejia stated support for Council Member Kusumoto's request.

City Attorney Levin indicated Council could table item (3) the inclusion of certain materials in the City's closed session record, and proceed with items (1) a review of the internal work product generated by the City Prosecutor, and (2) reimbursement of legal fees he incurred in anticipation of prosecution.

Mayor Edgar summarized the staff report, referring to the information contained therein, and clarified item 3 would not be discussed this evening.

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

City Council and Staff discussed the following topics:

- Council Member Kusumoto's goal to have an opportunity to have his name exonerated
- Support for paying the Baric, Tran, and Minesinger invoice
- Overview of the history of the item
- Council Member Graham-Mejia's understanding that Council Member Kusumoto would like to move forward regardless of the outcome
- Staff report indicated the City Prosecutor contained nothing in his file that would exonerate Council Member Kusumoto

Motion/Second: Edgar/Stephens

Carried 3/1 (Graham-Mejia cast the dissenting vote and Kusumoto recused himself): The City Council:

1. Did not request any additional materials from the City Prosecutor; and,
2. Authorized City Manager to settle the claim up to \$10,000 as a disputed claim; and,
3. Tabled Item 3.

Council Member Graham-Mejia stated for the record this was an opportunity for the Council to allow Council Member Kusumoto to clear his name and the City should have received something for the \$5,000 spent.

8B. 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.

City Attorney Levin stated Council Member Kusumoto would abstain from the warrants as well for his previously stated conflict of interest.

Motion/Second: Graham-Mejia

Motion died for lack of a second: Approve the warrants, excluding the invoice for Baric, Tran, and Minesinger.

Motion/Second: Poe/Stephens

Carried 3/1 (Graham-Mejia cast the dissenting vote and Kusumoto abstaining): The City Council approved the Warrants for July 16, 2012, in the amount of \$4,798.24 and ratified the Warrants for the time period June 19, 2012 to July 15, 2012, in the amount of \$110,457.50.

B. Council Announcements

Council Member Stephens spoke regarding the following topics: 1) attendance at the 4th of July Parade at College Park North with Council Member Kusumoto; 2) attendance at the 4th of July Spectacular at the Joint Forces Training Base (JFTB); and, 3) attendance at the Orange County Fire Authority (OCFA) Budget and Finance Committee.

Council Member Graham-Mejia spoke regarding the following topics: 1) attendance at the Orange County Vector Control Board meeting; and, 2) requested a special meeting to discuss the possibility of appealing the

Planning Commission's recently approved Conditional Use Permit at Lexington Arms.

City Attorney Levin clarified the difference between an appeal and a call for review. She advised the Council did not have an ordinance establishing a call for review process and explained the appeal process.

Community Development Director Mendoza stated the last day to file an appeal would be July 29th.

City Attorney Levin advised if a Council Member wanted to appeal an item they should talk to Community Development Director Mendoza after the meeting.

Council Member Graham-Mejia discussed the following topics: 1) she was uncomfortable with the last line of the ballot argument; 2) requested staff look into charter cities and prevailing wages; and 3) she looked forward to the input from the community survey.

Mayor Pro Tem Poe stated she was unable to attend the 4th of July events and extended her apologies, thanked Council Member Graham-Mejia for reporting on the Vector Control, and stated she would address Mr. Ivler's comments at the next meeting.

Council Member Kusumoto spoke regarding the following topics: 1) thanked Council for considering his request, but was dismayed at the results; 2) gave an overview of an incident in the City of Alameda; 3) requested an agenda item to review the findings of the trash contract; 4) requested an independent investigation of a possible Brown Act violation as Council Member Graham-Mejia had reached out to him regarding item 10A after speaking with Mayor Edgar and City Manager Avery.

Mayor Edgar spoke regarding the following topics: 1) Precious Life annual charity event; 2) attendance at the retirement event for Lucianne Mulhardt from Casa Youth Shelter; 3) attendance at the 4th of July Spectacular event at the JFTB; 4) requested Staff look into the length and quality of the firework show; and, 5) attendance at a retirement ceremony at the JFTB on July 7th. The City Council recognized the following retirees who had over 200 years of combined service: **Colonel William H. Hensell, Major Kenneth L. Egans, Command Chief Warrant Officer Five Scott M. Jackson, Chief Warrant Officer Three Eric J. Curry, Command Sergeant Major Gene E. Lund, Command Sergeant Major Harold J. Bodenschatz, Master Sergeant Daniel Estrella, and Master Sergeant Douglas D. Kean.**

11. ITEMS FROM THE CITY MANAGER

None.

12. ADJOURNMENT

Mayor Edgar adjourned the City Council meeting at 11:12 p.m. The next meeting of the City Council is scheduled for **Monday, August 20, 2012, at 6:00 p.m.**, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Windmera Quintanar, Department Secretary

CITY OF LOS ALAMITOS
A/P Warrants
August 20, 2012

To Approve

Pages:			
01-03	\$ 36,575.85	A/P Warrants	08/20/2012
Subtotal	<u>\$ 36,575.85</u>		

To Ratify

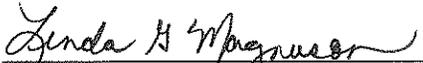
Pages:			
A 01-06	\$ 73,598.95	Advance Warrants	07/23/2012
B 01-04	\$ 39,222.11	Advance Warrants	07/30/2012
C 01-04	\$ 26,586.01	Advance Warrants	08/06/2012
D 01-03	\$ 32,456.33	Advance Warrants	08/13/2012
	\$ 1,525.31	August Retirees	08/01/2012
Subtotal	<u>\$ 173,388.71</u>		

Grand Total \$ 209,964.56

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 August 21, 2012 to September 16, 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 Linda Magnuson, Interim Finance Director.


 this 15th day of August, 2012

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANCED BATTERY SYSTEMS, INC.	BATTERIES	GARAGE FUND	GARAGE	400.61
			TOTAL:	400.61
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	158.80
			TOTAL:	158.80
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	31.12
	RETURN - OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	17.99-
	OFFICE SUPPLIES	GENERAL FUND	PUBLIC WORKS ADMIN	141.34
			TOTAL:	154.47
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	31.50
			TOTAL:	31.50
CASE POWER AND EQUIPMENT	HAMMER REPAIR	GARAGE FUND	GARAGE	1,141.63
			TOTAL:	1,141.63
GANAHL LUMBER COMPANY	GRAFFITI REMOVAL SUPPLIES	GENERAL FUND	STREET MAINTENANCE	12.15
	PLUMBING PARTS	GENERAL FUND	BUILDING MAINTENANCE	5.92
	LUMBER & CONCRETE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	157.46
	LUMBER & CONCRETE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	153.74
	LUMBER & CONCRETE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	76.87
			TOTAL:	406.14
GLENN E. THOMAS CO.	CALIPERS	GARAGE FUND	GARAGE	99.75
	CALIPERS & PADS	GARAGE FUND	GARAGE	217.37
	RETURN - CALIPERS	GARAGE FUND	GARAGE	21.75-
	RETURN - PARTS	GARAGE FUND	GARAGE	47.79-
			TOTAL:	247.58
GOLDEN STATE WATER COMPANY	BILL CYCLE 6/4-8/2	GENERAL FUND	STREET MAINTENANCE	933.76
	BILL CYCLE 6/5-8/3	GENERAL FUND	STREET MAINTENANCE	1,202.55
	BILL CYCLE 6/5-8/3	GENERAL FUND	PARK MAINTENANCE	1,633.86
	BILL CYCLE 6/5-8/3	GENERAL FUND	PARK MAINTENANCE	733.93
			TOTAL:	4,504.10
JOHN DEERE LANDSCAPES, INC.	IRRIGATION PANEL REPAIR	GENERAL FUND	PARK MAINTENANCE	432.17
			TOTAL:	432.17
K&S AIR CONDITIONING, INC.	A/C MAINTENANCE	GENERAL FUND	BUILDING MAINTENANCE	1,452.77
			TOTAL:	1,452.77
KELTERITE CORPORATION	COLD PATCH MIX	GENERAL FUND	STREET MAINTENANCE	236.71
			TOTAL:	236.71
LOS ALAMITOS AUTO PARTS	SCREWS	GARAGE FUND	GARAGE	19.87
	SCREWS	GARAGE FUND	GARAGE	1.81
	BRAKE PADS	GARAGE FUND	GARAGE	75.25
	BRAKE PADS	GARAGE FUND	GARAGE	104.37
	BRAKE PADS	GARAGE FUND	GARAGE	99.03
			TOTAL:	300.33

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICALS	GENERAL FUND	ADMINISTRATIVE SERVICE	135.00
			TOTAL:	135.00
MORA'S EQUIPMENT & CONSTRUCTION	ADA CURB RAMPS RETENTION	C.D.B.G	NON-DEPARTMENTAL	5,592.48
			TOTAL:	5,592.48
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	235.00
NEWS ENTERPRISE	PUBLIC HEARING NOTICE	GENERAL FUND	COMMUNITY DEVEL ADMIN	598.50
			TOTAL:	598.50
PARKHOUSE TIRE, INC.	TIRES	GARAGE FUND	GARAGE	1,431.53
			TOTAL:	1,431.53
PENINSULA SEPTIC SERVICE, INC.	DISPOSAL FEE	GENERAL FUND	PARK MAINTENANCE	120.00
	PUMP SEPTIC TANK	GENERAL FUND	PARK MAINTENANCE	280.00
			TOTAL:	400.00
PINE VALLEY ECO PRODUCTS, INC.	A/C SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	709.18
			TOTAL:	709.18
THE PLANNING CENTER	COMMUNITY OUTREACH	GENERAL FUND	PLANNING	1,400.00
	DRAFT GENERAL PLAN	GENERAL FUND	PLANNING	4,774.14
	REIMBURSABLES	GENERAL FUND	PLANNING	19.43
			TOTAL:	6,193.57
RED WING SHOE STORE	STEEL TOE BOOTS FY 12/13	GENERAL FUND	STREET MAINTENANCE	743.91
	STEEL TOE BOOTS FY 12/13	GENERAL FUND	PARK MAINTENANCE	260.00
			TOTAL:	1,003.91
REFRIGERATION UNLIMITED, INC	ICE MACHINE MAINTENANCE	GENERAL FUND	BUILDING MAINTENANCE	354.59
			TOTAL:	354.59
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	PUBLIC WORKS ADMIN	33.94
			TOTAL:	33.94
SNADER AND ASSOCIATES INC.	LATV MONITORS	LOS ALAMITOS TV	LOS ALAMITOS TV	807.49
			TOTAL:	807.49
SOUTH COAST SUPPLY & GARDEN DAZE	SOIL	GENERAL FUND	PARK MAINTENANCE	28.16
	SOIL	GENERAL FUND	PARK MAINTENANCE	28.16
	SOIL	GENERAL FUND	PARK MAINTENANCE	14.07
	SOIL	GENERAL FUND	PARK MAINTENANCE	28.16
			TOTAL:	98.55
SPARKLETTS DRINKING WATER	WATER COOLERS	GENERAL FUND	BUILDING MAINTENANCE	110.41
			TOTAL:	110.41
TIFCO INDUSTRIES, INC.	SHOP SUPPLIES	GARAGE FUND	GARAGE	491.39
			TOTAL:	491.39
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
			TOTAL:	164.96

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
TRENCH PLATE RENTAL CO.	RR SPIKE TRENCH PLATE	GENERAL FUND	STREET MAINTENANCE	12.93
	TRENCH PLATE RENTAL	GENERAL FUND	STREET MAINTENANCE	227.25
	TOTAL:			240.18
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	15.00
			TOTAL:	15.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	50.44
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	850.35
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	44.21
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	84.33
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	44.60
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	42.17
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	42.17
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	47.96
TOTAL:			1,206.23	
VICTORY LOCK AND KEY	LOCK REPAIR	GENERAL FUND	BUILDING MAINTENANCE	120.00
	KEYS	GENERAL FUND	BUILDING MAINTENANCE	158.92
	TOTAL:			278.92
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	1,307.32
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	64.54-
	CNG FUEL	GARAGE FUND	GARAGE	94.05
	FUEL	GARAGE FUND	GARAGE	5,101.03
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	242.78-
	CNG FUEL	GARAGE FUND	GARAGE	198.13
TOTAL:			6,393.21	

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

10	GENERAL FUND	19,381.53
19	C.D.B.G	5,592.48
28	LOS ALAMITOS TV	807.49
44	TRAFFIC IMPROVEMENT	388.07
50	GARAGE FUND	10,406.28

GRAND TOTAL:		36,575.85

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
24/7 EVENT SERVICES, INC.	7/4/12 PARKING SERVICES	GENERAL FUND	SPECIAL EVENTS	2,728.50
			TOTAL:	2,728.50
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	75.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	75.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	75.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00
			TOTAL:	840.00
BEE BUSTERS, INC.	BEE REMOVAL	GENERAL FUND	PARK MAINTENANCE	150.00
			TOTAL:	150.00
BUSINESS PRODUCTS DISTRIBUTORS	SR. MEALS OFFICE SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	32.48
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	50.66
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	3.10
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	37.43
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	27.45
			TOTAL:	151.12
CALIFORNIA BUILDING STANDARDS COMMISSI	GREEN FEES	GENERAL FUND	NON-DEPARTMENTAL	54.90
			TOTAL:	54.90
CALIFORNIA PARK & REC SOCIETY	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	150.00
			TOTAL:	150.00
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	502.22
			TOTAL:	502.22
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES	GENERAL FUND	BUILDING INSPECTION	5,409.75
			TOTAL:	5,409.75
CLEANSOURCE	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	208.57
			TOTAL:	208.57
COMMUNITY SENIORSERV	NUTRITION TRANSPORTATION	GENERAL FUND	COMMUNITY SERVICES	56.40
			TOTAL:	56.40
COUNTY OF ORANGE TREASURER-TAX	LAFCO FEES 2012-2013	GENERAL FUND	CITY COUNCIL	1,651.55
			TOTAL:	1,651.55
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE	GENERAL FUND	NEIGHBORHOOD PRESERVAT	204.90
			TOTAL:	204.90
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
			TOTAL:	1,290.00
DEPARTMENT OF CONSERVATION	SMIP FEES	GENERAL FUND	NON-DEPARTMENTAL	143.26
			TOTAL:	143.26
EDUTAINMENT ARTS, LLC	INSTRUCTOR - TOP CHEF CAMP	GENERAL FUND	SPECIAL CLASSES	859.95
			TOTAL:	859.95
CYNTHIA E. EMAMI	INSTRUCTOR - ZUMBA	GENERAL FUND	SPECIAL CLASSES	403.20
			TOTAL:	403.20

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
EWING	FERTILIZER	GENERAL FUND	PARK MAINTENANCE	189.66
			TOTAL:	189.66
GANAHL LUMBER COMPANY	POSTS	GENERAL FUND	PARK MAINTENANCE	14.20
	RAGS	GENERAL FUND	PARK MAINTENANCE	6.45
	ZIP TIES	GENERAL FUND	PARK MAINTENANCE	8.39
	WASHERS & PINS	GENERAL FUND	BUILDING MAINTENANCE	10.34
	KEY & GREASE	GENERAL FUND	BUILDING MAINTENANCE	11.82
	BATTERIES	GARAGE FUND	GARAGE	12.90
			TOTAL:	64.10
GLENN E. THOMAS CO.	RADIATOR	GARAGE FUND	GARAGE	279.92
			TOTAL:	279.92
HEART TO HEART CPR	INSTRUCTOR - CPR	GENERAL FUND	SPECIAL CLASSES	277.20
	INSTRUCTOR - FIRST AID	GENERAL FUND	SPECIAL CLASSES	126.00
			TOTAL:	403.20
HI-WAY SAFETY, INC.	NO PARKING SIGNS	GENERAL FUND	STREET MAINTENANCE	64.11
	4TH OF JULY SIGNS	GENERAL FUND	SPECIAL EVENTS	740.78
	4TH OF JULY SIGNS	GENERAL FUND	SPECIAL EVENTS	875.47
			TOTAL:	1,680.36
HYDRO-ELECTRICS	IRRIGATION PANEL REPAIRS	GENERAL FUND	PARK MAINTENANCE	280.00
			TOTAL:	280.00
INCREDIFLIX STUDIOS	INSTRUCTOR - ACTING CAMP	GENERAL FUND	SPECIAL CLASSES	451.08
	INSTRUCTOR - FILMMAKING	GENERAL FUND	SPECIAL CLASSES	235.48
			TOTAL:	686.56
INTELLIBRIDGE PARTNERS, LLC	INTERIM CITY CLERK	GENERAL FUND	CITY MANAGER	6,300.25
	ACCOUNTING ASSIST	GENERAL FUND	ADMINISTRATIVE SERVICE	548.63
			TOTAL:	6,848.88
NANCY KATO	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	1,881.60
	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	1,411.20
			TOTAL:	3,292.80
KIMBALL MIDWEST	SHOP SUPPLIES	GARAGE FUND	GARAGE	470.91
			TOTAL:	470.91
KONICA MINOLTA BUSINESS SOLUTIONS	P/D COPIER LEASE PAY-OFF	GENERAL FUND	POLICE ADMINISTRATION	906.00
			TOTAL:	906.00
KUSTOM IMPRINTS	SR. MEALS BANNER	GENERAL FUND	NON-DEPARTMENTAL	92.81
	DAY CAMP T-SHIRTS	GENERAL FUND	DAY CAMP	1,213.18
	PARKS PROGRAM BANNER	GENERAL FUND	PLAYGROUNDS	176.63
			TOTAL:	1,482.62
LAYNE CHRISTENSEN COMPANY	PUMP REPAIR	GENERAL FUND	PARK MAINTENANCE	2,571.40
			TOTAL:	2,571.40
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	39.00
			TOTAL:	39.00
LONG BEACH SOCCER REFEREE ASSOCIATION	ADULT SOCCER REFEREE	GENERAL FUND	SPORTS	604.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	604.00
LOS ALAMITOS AUTO PARTS	NUTS & BOLTS	GARAGE FUND	GARAGE	4.84
			TOTAL:	4.84
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	106.25
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	170.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	191.25
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	148.75
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	212.50
			TOTAL:	828.75
LOWE'S	TOILET	GENERAL FUND	BUILDING MAINTENANCE	129.41
			TOTAL:	129.41
MAD SCIENCE OF W. ORANGE COUNTY	INSTRUCTOR - SCIENCE CAMP	GENERAL FUND	SPECIAL CLASSES	33.80
			TOTAL:	33.80
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	264.00
			TOTAL:	264.00
MISC. VENDOR	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - GUITAR CLASS	GENERAL FUND	NON-DEPARTMENTAL	76.00
	REFUND - GUITAR CLASS	GENERAL FUND	NON-DEPARTMENTAL	76.00
	REFUND - SOCCER	GENERAL FUND	NON-DEPARTMENTAL	39.00
	REFUND - ETIQUETTE CLASS	GENERAL FUND	NON-DEPARTMENTAL	42.00
	REFUND - GOLF CAMP	GENERAL FUND	NON-DEPARTMENTAL	152.00
	REFUND - BOUNCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	20.00
	REFUND - SCIENCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	30.00
	REFUND - CRAFTS CLASS	GENERAL FUND	NON-DEPARTMENTAL	15.00
	REFUND - CRAFTS CLASS	GENERAL FUND	NON-DEPARTMENTAL	15.00
	REFUND - CRAFTS CLASS	GENERAL FUND	NON-DEPARTMENTAL	15.00
	REFUND - HIP HOP CAMP	GENERAL FUND	NON-DEPARTMENTAL	88.40
	REFUND - KARATE CLASS	GENERAL FUND	NON-DEPARTMENTAL	24.00
	REFUND - T-BALL	GENERAL FUND	NON-DEPARTMENTAL	52.00
	REFUND - SAND CASTLE CAMP	GENERAL FUND	NON-DEPARTMENTAL	144.00
	REFUND - BOUNCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	89.00
	REFUND - MATH CAMP	GENERAL FUND	NON-DEPARTMENTAL	162.00
	REFUND - SAND CASTLE CAMP	GENERAL FUND	NON-DEPARTMENTAL	144.00
	REFUND - GOLF CAMP	GENERAL FUND	NON-DEPARTMENTAL	144.00
	REFUND - ACTING CAMP	GENERAL FUND	NON-DEPARTMENTAL	119.60
	REFUND - FILMMAKING CAMP	GENERAL FUND	NON-DEPARTMENTAL	119.60
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	53.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	47.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	56.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	88.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	47.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	134.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	159.00
	MUSIC & MOVIES GAS	GENERAL FUND	RECREATION ADMINISTRAT	50.00
	MUSIC & MOVIES BAND	GENERAL FUND	RECREATION ADMINISTRAT	200.00
			TOTAL:	2,714.60
MOSS, LEVY & HARTZHEIM, LLP	AUDIT SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	2,500.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>2,500.00</u>
NEWPORT EXTERMINATING	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	<u>60.00</u>
NORTHERN TOOL & EQUIPMENT CO.	PUMP & HOSES	GARAGE FUND	GARAGE	541.67
			TOTAL:	<u>541.67</u>
OMEGA INDUSTRIAL SUPPLY, INC.	GRAFFITI REMOVER	GENERAL FUND	STREET MAINTENANCE	431.96
	AIR FRESHENER	GENERAL FUND	BUILDING MAINTENANCE	336.48
			TOTAL:	<u>768.44</u>
ORANGE COUNTY BREEZE	AD FOR FEE REIMBURSEMENT	GENERAL FUND	COMMUNITY DEVEL ADMIN	260.00
			TOTAL:	<u>260.00</u>
ORANGE COUNTY COUNCIL OF GOVERNMENTS	ANNUAL DUES	GENERAL FUND	CITY COUNCIL	3,626.39
			TOTAL:	<u>3,626.39</u>
ORBIT RENTALS, INC.	LIGHT TOWERS 4TH JULY	GENERAL FUND	SPECIAL EVENTS	2,280.80
			TOTAL:	<u>2,280.80</u>
PACIFIC COACHWAYS CHARTER SERVICES	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	300.00
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	300.00
			TOTAL:	<u>600.00</u>
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	993.38
			TOTAL:	<u>993.38</u>
PENINSULA SEPTIC SERVICE, INC.	SEPTIC TANK SERVICE	GENERAL FUND	BUILDING MAINTENANCE	400.00
			TOTAL:	<u>400.00</u>
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	387.14
			TOTAL:	<u>387.14</u>
REDFLEX TRAFFIC SYSTEMS, INC.	REDFLEX INTERSECTION COMM	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	<u>65.00</u>
RICOH AMERICAS CORPORATION	MAINTENANCE AGREEMENT	GENERAL FUND	RECREATION ADMINISTRAT	487.10
			TOTAL:	<u>487.10</u>
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	23.10
			TOTAL:	<u>46.20</u>
ROSSMOOR/LOS AL AREA SEWER	JUL/AUG/SEPT PARKING RENT	GENERAL FUND	POLICE ADMINISTRATION	1,500.00
			TOTAL:	<u>1,500.00</u>
SCIENTIA CONSULTING GROUP	IT SERVICES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
	CREDIT - PROVANTAGE CISCO	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	724.98
			TOTAL:	<u>4,975.02</u>
SO CAL SANITATION, LLC	RESTROOM SERVICES	GENERAL FUND	PLAYGROUNDS	103.80
			TOTAL:	<u>103.80</u>
SOUTH COAST SUPPLY & GARDEN DAZE	SLO-PITCH SUPPLIES	GENERAL FUND	SPORTS	391.50
			TOTAL:	<u>391.50</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	132.00
	MEMBERSHIP FEE	GENERAL FUND	AQUATICS	44.00
			TOTAL:	176.00
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
	FINGERPRINT NEW STAFF	GENERAL FUND	ADMINISTRATIVE SERVICE	96.00
	FINGERPRINT NEW INSTRUCTOR	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
			TOTAL:	160.00
SUPERIOR PAVEMENT MARKINGS, INC.	TRAFFIC STRIPING-CERRITOS	GAS TAX	CAPITAL PROJECTS	785.00
			TOTAL:	785.00
TIME WARNER CABLE	INTERNET - COMPUTER CENTER	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	69.95
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	30.00
			TOTAL:	30.00
JOHN UNDERWOOD	FILMING - JULY 4TH SHOW	LOS ALAMITOS TV	LOS ALAMITOS TV	800.00
			TOTAL:	800.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	46.06
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	791.92
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	39.57
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	80.19
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	39.96
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.53
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.53
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	43.44
			TOTAL:	1,116.20
VICTORY LOCK AND KEY	REPAIR P/D DOOR	GENERAL FUND	BUILDING MAINTENANCE	232.50
			TOTAL:	232.50
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	7,248.98
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	320.65-
	CNG FUEL	GARAGE FUND	GARAGE	295.32
			TOTAL:	7,223.65
WEST COAST TENNIS SERVICES	INSTRUCTOR - TENNIS	GENERAL FUND	SPECIAL CLASSES	179.40
			TOTAL:	179.40
WHITTIER FERTILIZER COMPANY	SEED COVER	GENERAL FUND	PARK MAINTENANCE	1,260.68
			TOTAL:	1,260.68
YORK INSURANCE SERVICES GROUP, INC.	STORAGE FEES	GENERAL FUND	INSURANCE	3,000.00
			TOTAL:	3,000.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	PATROL UNIT REPAIRS	GARAGE FUND	GARAGE	262.39
	PATROL UNIT REPAIRS	GARAGE FUND	GARAGE	307.44
			TOTAL:	569.83
ACE INDUSTRIAL SUPPLY, INC.	SAFETY GLASSES	GENERAL FUND	STREET MAINTENANCE	301.60
			TOTAL:	301.60
AM/PM EVENT RENTALS	STAGE RENTAL	GENERAL FUND	RECREATION ADMINISTRAT	100.00
			TOTAL:	100.00
AUDIO DYNAMIX, INC.	SOUND SYSTEM	GENERAL FUND	SPORTS	216.41
	SOUND SYSTEM	GENERAL FUND	SPORTS	489.38
			TOTAL:	705.79
BIO CLEAN ENVIRONMENTAL SERVICES, INC.	STORM DRAIN FILTER	GAS TAX	CAPITAL PROJECTS	6,133.81
			TOTAL:	6,133.81
BRENDAN SCREENPRINTING & EMBROIDERY	BASKETBALL SHIRTS	GENERAL FUND	SPORTS	142.23
	SOCCER SHIRTS	GENERAL FUND	SPORTS	431.54
	SLO-PITCH SHIRTS	GENERAL FUND	SPORTS	247.83
			TOTAL:	821.60
CHARLES ABBOTT ASSOCIATES, INC.	WQMP SERVICES	GENERAL FUND	BUILDING INSPECTION	936.00
	NPDES INSPECTIONS	GENERAL FUND	NPDES	720.00
			TOTAL:	1,656.00
CITY OF SEAL BEACH	JUNE BOOKINGS	GENERAL FUND	PATROL	490.00
			TOTAL:	490.00
COMPUTER SERVICE CO.	SIGNAL REPAIR	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
COUNTY OF ORANGE TREASURER-TAX	COMM CHARGES 4Q FY 11/12	GENERAL FUND	COMMUNICATIONS TECHNOL	1,300.05
			TOTAL:	1,300.05
DIGITAL MAP PRODUCTS, INC.	GIS SYSTEM SUBSCRIPTION	GENERAL FUND	PLANNING	9,500.00
			TOTAL:	9,500.00
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	2,048.33
			TOTAL:	2,048.33
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	30.74
	SHIPPING	GENERAL FUND	PATROL	9.70
			TOTAL:	40.44
GANAHL LUMBER COMPANY	SHRINK WRAP	GENERAL FUND	STREET MAINTENANCE	86.09
	HAT	GENERAL FUND	PARK MAINTENANCE	10.76
	GLOVES	GENERAL FUND	PARK MAINTENANCE	9.68
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	32.63
	SCREWS	GENERAL FUND	BUILDING MAINTENANCE	3.88
			TOTAL:	143.04
GLENN E. THOMAS CO.	STRUTS	GARAGE FUND	GARAGE	160.67
	RADIATOR HOSE	GARAGE FUND	GARAGE	39.18
			TOTAL:	199.85

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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GOLF VENTURES WEST	ELECTRIC CLUTCH & BELT	GARAGE FUND	GARAGE	1,111.85
			TOTAL:	1,111.85
HARTZOG & CRABILL, INC.	PLAN CHECK	GENERAL FUND	CITY ENGINEER	187.50
	OCTA TLSP COORDINATION	GENERAL FUND	CITY ENGINEER	635.50
	ARIES MONITORING	GENERAL FUND	CITY ENGINEER	935.00
			TOTAL:	1,758.00
JUDICIAL DATA SYSTEMS CORP.	CITATIONS	GENERAL FUND	TRAFFIC	227.55
			TOTAL:	227.55
LIEBERT CASSIDY WHITMORE	LEGAL SERVICES	GENERAL FUND	CITY ATTORNEY	123.00
			TOTAL:	123.00
LOS ALAMITOS AUTO PARTS	FUSE	GARAGE FUND	GARAGE	1.71
	SHOP SUPPLIES	GARAGE FUND	GARAGE	204.44
			TOTAL:	206.15
LOS ALTOS TROPHY	NAME PLATE	GENERAL FUND	PUBLIC WORKS ADMIN	8.76
			TOTAL:	8.76
MISC. VENDOR	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - ADULT ED CLASS	GENERAL FUND	NON-DEPARTMENTAL	51.00
	REFUND - ADULT ED CLASS	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	152.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	77.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	77.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	77.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	154.00
	REFUND - SCIENCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	152.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	118.00
	REFUND - GOLF CAMP	GENERAL FUND	NON-DEPARTMENTAL	144.00
	REFUND - GYMNASTICS	GENERAL FUND	NON-DEPARTMENTAL	158.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - SCIENCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	112.00
	REFUND - DANCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	80.00
	REFUND - PICNIC SHELTER	GENERAL FUND	NON-DEPARTMENTAL	30.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	50.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	50.00
			TOTAL:	1,724.00
NEWPORT EXTERMINATING	GENERAL PEST CONTROL	GENERAL FUND	BUILDING MAINTENANCE	175.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	295.00
NEWS ENTERPRISE	NOTICE OF ELECTION	GENERAL FUND	CITY MANAGER	36.81
	NOTICE OF ELECTION	GENERAL FUND	CITY MANAGER	33.25
	PUBLIC HEARING NOTICE	GENERAL FUND	PLANNING	106.88
			TOTAL:	176.94
NEXUS IS, INC.	CONTRACT MAINTENANCE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,271.21
			TOTAL:	1,271.21
OC CITY MANAGER'S ASSOCIATION	ANNUAL DUES	GENERAL FUND	CITY MANAGER	325.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>325.00</u>
OC SHERIFF'S REGIONAL TRAINING ACADEMY	TRAINING	GENERAL FUND	POLICE ADMINISTRATION	60.00
			TOTAL:	<u>60.00</u>
PACIFIC COACHWAYS CHARTER SERVICES	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	300.00
			TOTAL:	<u>300.00</u>
QUALITY CODE PUBLISHING, LLC	MUNI CODE SUPPLEMENT	GENERAL FUND	CITY MANAGER	1,114.55
			TOTAL:	<u>1,114.55</u>
QUARTERMASTER	UNIFORM	GENERAL FUND	PATROL	60.11
			TOTAL:	<u>60.11</u>
REVENUE EXPERTS, INC.	CODE ENFORCE CITES	GENERAL FUND	NEIGHBORHOOD PRESERVAT	200.00
			TOTAL:	<u>200.00</u>
RICOH AMERICAS CORPORATION	COPIER LEASE	GENERAL FUND	RECREATION ADMINISTRAT	560.30
			TOTAL:	<u>560.30</u>
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	PATROL	151.93
	BUSINESS CARDS	GENERAL FUND	RECREATION ADMINISTRAT	31.25
			TOTAL:	<u>183.18</u>
SO CAL SANITATION, LLC	RESTROOM SERVICES	GENERAL FUND	SPORTS	194.60
			TOTAL:	<u>194.60</u>
SOUTH COAST SUPPLY & GARDEN DAZE	CONCRETE	GENERAL FUND	PARK MAINTENANCE	59.53
			TOTAL:	<u>59.53</u>
SUPERIOR PAVEMENT MARKINGS, INC.	TRAFFIC STRIPING	GAS TAX	CAPITAL PROJECTS	1,355.00
			TOTAL:	<u>1,355.00</u>
TRAUMA INTERVENTION PROGRAMS, INC.	SERVICES 7/12/12-6/30/13	GENERAL FUND	PATROL	1,509.60
			TOTAL:	<u>1,509.60</u>
WEST COAST ARBORISTS, INC.	TREE MAINTENANCE	GENERAL FUND	PARK MAINTENANCE	1,024.59
			TOTAL:	<u>1,024.59</u>
WEST PAYMENT CENTER	SUBSCRIPTION	GENERAL FUND	INVESTIGATION	122.85
			TOTAL:	<u>122.85</u>

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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	SIREN REPAIR	GARAGE FUND	GARAGE	92.48
			TOTAL:	92.48
ACCESS SECURITY CONTROLS INT., INC.	DURESS BUTTON INSTALLATION	GENERAL FUND	STREET MAINTENANCE	212.00
			TOTAL:	212.00
ALL AMERICAN OFFICIALS	GAME FORFEIT FEES	GENERAL FUND	SPORTS	100.00
			TOTAL:	100.00
AMERICAN RENTALS	STUMP GRINDER REPAIR	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	149.69
			TOTAL:	149.69
ART INNOVATORS	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	604.80
			TOTAL:	604.80
AT & T	BILL CYCLE 7/19-8/18	GENERAL FUND	COMMUNICATIONS TECHNOL	358.58
			TOTAL:	358.58
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	21.53
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	49.44
	OFFICE SUPPLIES	GENERAL FUND	ADMINISTRATIVE SERVICE	6.30
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	12.83
			TOTAL:	90.10
CARTRIDGE WORLD OF LOS ALAMITOS	TONER CARTRIDGE	GENERAL FUND	CITY MANAGER	56.02
			TOTAL:	56.02
BOB COHEN	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	147.00
			TOTAL:	147.00
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS	GENERAL FUND	NON-DEPARTMENTAL	1,687.50
			TOTAL:	1,687.50
EDUTAINMENT ARTS, LLC	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	95.55
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	955.50
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	95.55
			TOTAL:	1,146.60
KIM ENGEL	TUITION REIMBURSEMENT	GENERAL FUND	ADMINISTRATIVE SERVICE	522.00
			TOTAL:	522.00
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	25.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	25.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	21.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	29.40
			TOTAL:	100.80
FUN ON THE FARM, INC.	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	44.80
	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	224.00
	INSTRUCTOR-HORSEBACK RIDE	GENERAL FUND	SPECIAL CLASSES	44.80
			TOTAL:	313.60
GANAHL LUMBER COMPANY	PAINT	GENERAL FUND	PARK MAINTENANCE	13.55
	RAGS	GENERAL FUND	BUILDING MAINTENANCE	6.35
			TOTAL:	19.90

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GLOBALSTAR USA	SATELLITE PHONE	GENERAL FUND	EMERGENCY PREPAREDNESS	42.33
			TOTAL:	42.33
HARRY'S PLUMBING AND DRAINS, INC.	PLUMBING REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	230.00
	POOL DRAIN CLEANING	GENERAL FUND	BUILDING MAINTENANCE	205.00
			TOTAL:	435.00
HI-WAY SAFETY, INC.	4TH OF JULY RENTALS	GENERAL FUND	SPECIAL EVENTS	1,167.50
			TOTAL:	1,167.50
CLAUDIA HINDU	INSTRUCTOR - ARTS & CRAFTS	GENERAL FUND	SPECIAL CLASSES	270.40
			TOTAL:	270.40
INCREDIFLIX STUDIOS	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	107.80
	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	323.40
			TOTAL:	431.20
K&S AIR CONDITIONING, INC.	P/D A/C REPAIR	GENERAL FUND	BUILDING MAINTENANCE	298.73
			TOTAL:	298.73
NANCY KATO	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	352.80
			TOTAL:	352.80
KELTERITE CORPORATION	CONCRETE DUMP	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	102.50
			TOTAL:	102.50
COREY LAKIN	TUITION REIMBURSEMENT	GENERAL FUND	RECREATION ADMINISTRAT	1,305.00
			TOTAL:	1,305.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	349.44
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	58.50
			TOTAL:	407.94
MAILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50
			TOTAL:	166.50
MISC. VENDOR	REFUND - SOCCER CAMP	GENERAL FUND	NON-DEPARTMENTAL	106.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - DANCE CAMP	GENERAL FUND	NON-DEPARTMENTAL	80.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	46.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	141.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	141.00
	REIMBURSE - BUILDING FEES	GENERAL FUND	COMMUNITY DEVEL ADMIN	178.50
			TOTAL:	842.50
NEWPORT EXTERMINATING	RODENT CONTROL	GENERAL FUND	BUILDING MAINTENANCE	60.00
			TOTAL:	60.00
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	373.75
	INSTRUCTOR - DANCE CAMP	GENERAL FUND	SPECIAL CLASSES	74.75
			TOTAL:	448.50
GABRIELA PEREZ UGALDE	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	234.00
			TOTAL:	234.00
GARY PITTS	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	86.80

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	91.00
			TOTAL:	177.80
PLAYROOM ONE LLC	INSTRUCTOR - CAMP	GENERAL FUND	SPECIAL CLASSES	128.80
			TOTAL:	128.80
RI-TEC INDUSTRIAL PRODUCTS	GRAFFITI REMOVER	GENERAL FUND	STREET MAINTENANCE	312.00
			TOTAL:	312.00
ROSSMOOR CAR WASH	POLICE DEPT.	GARAGE FUND	GARAGE	289.94
	PUBLIC WORKS	GARAGE FUND	GARAGE	66.97
			TOTAL:	356.91
SCIENTIA CONSULTING GROUP	IT SERVICES	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
			TOTAL:	5,700.00
SKATEDOGS	INSTRUCTOR - SKATEBOARDING	GENERAL FUND	SPECIAL CLASSES	317.80
	INSTRUCTOR - SKATEBOARDING	GENERAL FUND	SPECIAL CLASSES	788.90
	INSTRUCTOR - SKATEBOARDING	GENERAL FUND	SPECIAL CLASSES	112.70
	INSTRUCTOR - SKATEBOARDING	GENERAL FUND	SPECIAL CLASSES	112.70
			TOTAL:	1,332.10
SKYHAWKS SPORTS ACADEMY, INC.	INSTRUCTOR - SPORTS CAMP	GENERAL FUND	SPECIAL CLASSES	738.40
			TOTAL:	738.40
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	1.36
	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	70.39
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	43.36
			TOTAL:	115.11
SPORT SUPPLY GROUP, INC.	BASKETBALL SUPPLIES	GENERAL FUND	SPORTS	33.54
	SOCCER SUPPLIES	GENERAL FUND	SPORTS	388.71
	SLO-PITCH SUPPLIES	GENERAL FUND	SPORTS	1,485.82
			TOTAL:	1,908.07
SPRINT	ACTIVITY THRU 7/21/12	GENERAL FUND	CITY MANAGER	35.76
	ACTIVITY THRU 7/21/12	GENERAL FUND	ADMINISTRATIVE SERVICE	35.76
	ACTIVITY THRU 7/21/12	GENERAL FUND	COMMUNICATIONS TECHNOL	35.76
	ACTIVITY THRU 7/21/12	GENERAL FUND	COMMUNITY DEVEL ADMIN	35.76
	ACTIVITY THRU 7/21/12	GENERAL FUND	PUBLIC WORKS ADMIN	35.76
	ACTIVITY THRU 7/21/12	GENERAL FUND	RECREATION ADMINISTRAT	35.76
			TOTAL:	214.56
TIME WARNER CABLE	INTERNET - COMPUTER CENTER	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	69.95
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,000.00
			TOTAL:	1,000.00
TRAIN2SHAPE	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	185.60
			TOTAL:	185.60
UNITED STATES POSTMASTER	BULK MAIL POSTAGE	GENERAL FUND	RECREATION ADMINISTRAT	200.00
			TOTAL:	200.00
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.39

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	20.39
VERIZON CALIFORNIA, INC.	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	126.19
	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	991.02
			TOTAL:	1,117.21
WEST COAST ARTWEAR	UNIFORM SHIRTS	GENERAL FUND	STREET MAINTENANCE	843.14
			TOTAL:	843.14

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

10	GENERAL FUND	20,184.43
44	TRAFFIC IMPROVEMENT	252.19
50	GARAGE FUND	449.39
53	TECHNOLOGY REPLACEMENT	5,700.00

	GRAND TOTAL:	26,586.01

TOTAL PAGES: 4

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
AM/PM EVENT RENTALS	STAGE RENTAL	GENERAL FUND	RECREATION ADMINISTRAT	200.00
			TOTAL:	200.00
AT & T MOBILITY	BILL CYCLE 6/24-7/23	GENERAL FUND	PATROL	413.94
			TOTAL:	413.94
BARBARA BANNERMAN	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	731.25
			TOTAL:	731.25
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	36.15
			TOTAL:	36.15
CALIFORNIA FORENSIC PHLEBOTOMY, INC.	BLOOD TESTS	GENERAL FUND	PATROL	344.55
			TOTAL:	344.55
COUNTY OF ORANGE TREASURER-TAX	OCATS	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	305.00
DIGITAL ALLY	POLICE CAMERA SUPPLIES	GENERAL FUND	PATROL	253.00
			TOTAL:	253.00
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	317.86
			TOTAL:	317.86
ENTENMANN-ROVIN COMPANY	EMPLOYEE RECOGNITION PINS	GENERAL FUND	CITY COUNCIL	482.07
			TOTAL:	482.07
GOLDEN STATE WATER COMPANY	BILL CYCLE 6/8-7/9	GENERAL FUND	STREET MAINTENANCE	1,633.33
	BILL CYCLE 6/1-8/1	GENERAL FUND	STREET MAINTENANCE	118.72
	BILL CYCLE 6/8-7/9	GENERAL FUND	PARK MAINTENANCE	315.58
	BILL CYCLE 6/1-8/1	GENERAL FUND	PARK MAINTENANCE	5,198.62
	BILL CYCLE 6/8-7/9	GENERAL FUND	BUILDING MAINTENANCE	780.50
			TOTAL:	8,046.75
HDL COREN & CONE	PROPERTY TAX SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	1,250.00
			TOTAL:	1,250.00
HINDERLITER, DE LLAMAS & ASSOCIATES	SALES TAX 3Q 2012	GENERAL FUND	ADMINISTRATIVE SERVICE	3,487.48
			TOTAL:	3,487.48
NANCY KATO	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	940.80
	INSTRUCTOR - GOLF	GENERAL FUND	SPECIAL CLASSES	1,058.40
			TOTAL:	1,999.20
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	570.50
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	499.15
			TOTAL:	1,069.65
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	58.50
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	48.75
			TOTAL:	107.25
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	133.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	200.25
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	133.50
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	89.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT	D
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	178.00	
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	133.50	
	DAY CAMP TRANSPORTATION	GENERAL FUND	SPECIAL CLASSES	392.07	
			TOTAL:	<u>1,259.82</u>	
LOS ALTOS TROPHY	SOCCER AWARDS	GENERAL FUND	SPORTS	30.71	
	T-BALL AWARDS	GENERAL FUND	SPORTS	235.16	
			TOTAL:	<u>265.87</u>	
MAD SCIENCE OF W. ORANGE COUNTY	INSTRUCTOR - SCIENCE CAMP	GENERAL FUND	SPECIAL CLASSES	85.80	
			TOTAL:	<u>85.80</u>	
MISC. VENDOR	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	54.00	
	REFUND - PICNIC SHELTER	GENERAL FUND	NON-DEPARTMENTAL	35.00	
	REFUND - ICE SKATING	GENERAL FUND	NON-DEPARTMENTAL	31.00	
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	100.00	
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	332.00	
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	151.00	
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	256.00	
			TOTAL:	<u>959.00</u>	
RICK MOORE	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	1,033.95	
			TOTAL:	<u>1,033.95</u>	
MOSS, LEVY & HARTZHEIM, LLP	AUDIT SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	7,500.00	
			TOTAL:	<u>7,500.00</u>	
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	19.52	
			TOTAL:	<u>19.52</u>	
OC SHERIFF'S REGIONAL TRAINING ACADEMY	TRAINING	GENERAL FUND	POLICE ADMINISTRATION	30.00	
			TOTAL:	<u>30.00</u>	
PACIFIC COACHWAYS CHARTER SERVICES	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	300.00	
	DAY CAMP TRANSPORTATION	GENERAL FUND	DAY CAMP	281.25	
			TOTAL:	<u>581.25</u>	
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64	
			TOTAL:	<u>82.64</u>	
ANNE COREEN PENNYPACKER	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	104.65	
			TOTAL:	<u>104.65</u>	
RICOH AMERICAS CORPORATION	MAINTENANCE AGREEMENT	GENERAL FUND	RECREATION ADMINISTRATION	106.00	
			TOTAL:	<u>106.00</u>	
SIR SPEEDY	BUSINESS CARD MASTERS	GENERAL FUND	CITY MANAGER	112.46	
	BUSINESS CARD MASTERS	GENERAL FUND	ADMINISTRATIVE SERVICE	112.46	
	BUSINESS CARD MASTERS	GENERAL FUND	POLICE ADMINISTRATION	112.46	
	BUSINESS CARD MASTERS	GENERAL FUND	COMMUNITY DEVEL ADMIN	112.46	
	BUSINESS CARD MASTERS	GENERAL FUND	PUBLIC WORKS ADMIN	112.45	
	BUSINESS CARD MASTERS	GENERAL FUND	RECREATION ADMINISTRATION	112.45	
			TOTAL:	<u>674.74</u>	
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	47.31	
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	15.71	

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT	D
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	177.73	
			TOTAL:	240.75	
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEE	GENERAL FUND	AQUATICS	44.00	
			TOTAL:	44.00	
TIME WARNER CABLE	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	47.89	
			TOTAL:	47.89	
TRAIN2SHAPE	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	60.00	
			TOTAL:	60.00	
VERIZON CALIFORNIA, INC.	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.70	
			TOTAL:	79.70	
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	PATROL	40.29	
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.73	
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	185.58	
			TOTAL:	236.60	

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===== FUND TOTALS =====
10 GENERAL FUND                32,456.33
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GRAND TOTAL:                   32,456.33
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TOTAL PAGES: 3

City of Los Alamitos

Agenda Report Consent Calendar

August 20, 2012
Item No: 8C

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Tony Brandyberry, Public Works Superintendent
Subject: Request to Purchase Four (4) Police Vehicles

Summary: This is a request to purchase four (4) 2013 Dodge Charger Police Pursuit vehicles piggy backing on a Los Angeles County Sheriff's Purchase Order dated June 25, 2012 as permitted by Los Alamitos Municipal Code 2.60.110.

Recommendation: Authorize the City Manager to purchase four (4) 2013 Dodge Charger Police Pursuit vehicles (three (3) black & white and one (1) street appearance package) from Mc Peeks Dodge of Anaheim for \$108,409.93.

Background

Police pursuit vehicles are on a rotational replacement schedule which is determined by age and mileage for its application. Police vehicles endure extreme conditions and accumulate wear and tear differently than a typical vehicle. Our rotation schedule recommends replacement based on a tiered level of review including:

1. Vehicle condition; or,
2. Vehicle age (5-year replacement schedule for this application); or,
3. Vehicle mileage greater than 85,000.

The industry standard for wear on police vehicles is that for every mile driven it accumulates two miles of wear. With this in mind, the mileage and conditions for our current vehicles are as follows:

Unit #	Year	Description	Mileage	Condition
48-4	2007	Dodge Charger	61,511	Body Damage
48-5	2007	Dodge Charger	80,639	General wear
48-6	2007	Dodge Charger	81,120	General wear
CVDET	2001	Ford Crown Victoria	78,533	Suspension worn out

Discussion

These vehicles would be purchased by “piggy backing” on the Los Angeles County Sheriff’s bid obtained June 25, 2012. A “piggy back” bid is an option available to utilize a bid from another agency to reduce the man-hours and associated costs needed to obtain competitive pricing. In most cases, a better price is obtained through this process because of the purchasing power of the larger agency. In this case, the City will utilize a Purchase Order between Los Angeles County Sheriff and Mc Peek’s Dodge of Anaheim (#12324149-1 and #12324150-1), for a total purchase price of \$108,409.93.

Los Alamitos Municipal Code – Section 2.60.110 - Purchases through other agencies - *Where the city council authorizes the purchase of materials, supplies or equipment for the city and where the city manager determines that another public agency (hereinafter “the acquiring agency”) has within the six months immediately preceding the council authorization proceeded with steps pursuant to its purchasing ordinance to obtain bids and award a contract to the lowest responsible bidder for the same materials, supplies or equipment which this city needs and for which authorization has been given, then the procedures of this chapter need not be followed and the city manager or director of administrative services may proceed to purchase the materials, supplies or equipment on the same terms and conditions as purchased by the acquiring agency. For purposes of this chapter, “acquiring agency” may include, but is not limited to, the state of California, the County of Orange, or any other municipal corporation....*

Upon outfitting of the new vehicles, the replaced vehicles will be retired and declared surplus. Staff will bring that item to the City Council in future months after delivery and outfitting of the new vehicles.

Fiscal Impact

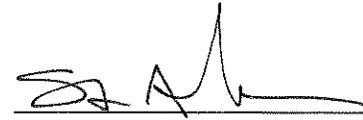
The purchase of these vehicles was budgeted in the Fiscal Year 2012-2013 Budget and will be charged to account number 50.546.5440, vehicle replacement funds in the amount of \$108,409.93.

Submitted By:



Tony Brandyberry,
Public Works Superintendent

Reviewed By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachments: 1. *Black and White Patrol Vehicle – Purchase Order and Quote*
2. *Street Appearance Command Vehicle – Purchase Order and Quote*

QUOTE
 CITY OF LOS ALAMITOS
 2013 DODGE CHARGER POLICE CAR
 BLACK / WHITE PATROL
 BASED OFF LA COUNTY SHERIFF
 RFB-12201487-1 / P.O#12324149-1

INCLUDES OPTIONS

27A DODGE CHARGER POLICE PKG

3.6 LITER V-6

HD CLOTH BUCKET SEATS W/CLOTH REAR

FULL SIZE SPARE

4 KEYS/4 REMOTES

BLACK LEFT SPOT LIGHT (LNF)

MATCHING RIGHT SPOT LIGHT (LNA)

BLACK VINYL FLOOR COVERING (CKJ)

DEACTIVATE REAR DOORS/WINDOWS (CW6)

KEY ALIKE (FREQ 1)

POWER SEAT (JPR)

POWER HEATED MIRRORS FOLD AWAY

CAR TO BLACK AND WHITE

SELLING PRICE	30,391.00
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OPTIONS NEEDED AND NOT NEEDED

DELETE CONVENIENCE GROUP 1	-384.00
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DELETE CONNECTIVITY GROUP	-316.00
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DELETE LA COUNTY UPFIT	-5,414.00
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ADD V-8 ENGINE	985.00
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SUB TOTAL	25,262.00
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SALES TAX 7.75%	1,957.80
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CA TIRE TAX	8.75
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TOTAL FOR EACH CAR	27,228.55
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NOTES;

- 1 NEW WARRANTY FOR THE 2013 MODELS ARE
3YR/36,000 ON THE CAR
5YR/100,000 ON THE POWER TRAIN**
- 2 IF BALLISTIC DOORS ARE NEEDED PLEASE
ADD 2,790.00 PLUS TAX TO QUOTE**
- 3 DELIVERY TIME IS 60-120 DAYS ARO**
- 4 MAX CARE 5YR/75,000 MILE SERVICE CONTRACT
IF NEEDED PLEASE ADD 1,970.00 PER UNIT**

McPeek's Dodge of Anaheim
1221 AUTO CENTER DR
ANAHEIM, CA 9280
714-254-2613 OFC
714-254-2614 FAX
714-264-1867 CELL
KEVINB@MCPEEKDODGE.COM



LOS ANGELES COUNTY
SHERIFF
PURCHASE ORDER

BILL TO: SHERIFF COMM & FLEET MGMT BUREAU 15757 1104 N. EASTERN AVENUE DOOR #50 LOS ANGELES CA 90063		ORDER NUMBER PO-SH-12324149-1		AWARD DATE 05/25/12	
VENDOR NAME, STREET, CITY, STATE, ZIP CODE: MCPEEK'S DODGE OF ANAHEIM 1221 S. AUTO CENTER DRIVE ANAHEIM CA 92806		ALL TERMS AND CONDITIONS IN THE SOLICITATION ARE PART OF THIS ORDER AS IF FULLY REPRODUCED HEREIN. ADDRESS ALL INQUIRIES AND CORRESPONDENCE TO: Contact: Anel Simonian Phone: 323-267-2215 Email: asimonian@isd.lacounty.gov			
DELIVERY DATE 12/27/12		FOB POINT FOB Destination, Freight Prepaid and Allowed		AGENCY REQ. NUMBER 15757P	
DATE PRINTED 06/25/2012		VENDOR NO. 121779		CONTRACT NUMBER TOTAL AMOUNT OF ORDER \$33,058.95	
TERM 1 DISCOUNT: 0.00 DAYS: 30		TERM 2 DISCOUNT: DAYS: 0		TERM 3 DISCOUNT: DAYS: 0	
TERM 4 DISCOUNT: DAYS: 0		TERM 5 DISCOUNT: DAYS: 0		TERM 6 DISCOUNT: DAYS: 0	
LINE NO.	COMMODITY/SERVICE DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
1	<p>NOTICE TO VENDOR: ALL ITEMS LISTED ON VENDOR PACKING SLIPS AND INVOICES MUST REFLECT THE CORRESPONDING PURCHASE ORDER COMMODITY LINE NUMBER. ALSO, THE ORDER NUMBER MUST BE REFERENCED ON ALL PACKING SLIPS AND INVOICES.</p> <p>COMMODITY CODE: 070-08-00-0000000 SUPPLIER PART NO: SALES TAX AMOUNT: DESCRIPTION: MAKE/MODEL: 2013 DODGE CHARGER VEHICLE - SEDAN, RWD, 3.6 LITER / V-6 ENGINE, 5-SPEED AUTO, B&W, POLICE PACKAGE - PER THE ATTACHED SPECIFICATIONS LABELED AS EXHIBIT A.</p> <p>ADDITIONAL SHIPPING INFORMATION:</p>	1,000	EA	\$ 30,391.000	\$ 30,391.00
					\$ 2,659.21
VENDOR COPY					
<p><i>Stuart Simonian</i> 06/25/12</p> <p>COUNTY OF LOS ANGELES</p>					

PRICE SHEET

PURCHASE ORDER

ORDER NO: PO-SH-12324149-1

VENDOR NO: 121779
 VENDOR : MCPEEK'S DODGE OF ANAHEIM

PAGE
 2

LINE NO	COMMODITY/SERVICE DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
2	<p>COMMODITY CODE: 070-06-00-0000000</p> <p>SUPPLIER PART NO:</p> <p>SALES TAX AMOUNT:</p> <p>DESCRIPTION: NEW TIRE TAX FEE (5 TIRES x 1 VEHICLES) - PER THE ATTACHED SPECIFICATIONS LABELED AS EXHIBIT A.</p> <p>Prices are exclusive of federal excise tax. Exempt Certificate No. 95 7400 14K.</p> <p>Terms and conditions are in accordance with Solicitation RFB-IS-12201487.</p> <p>Delivery: 90 - 120 Days ARO</p> <p>REFERENCE: RON #: 12029980 APPROVAL CODE: 12FX87244 FUND: A01 UNIT: 15757 COMM & FLEET MANAGEMENT OBJECT CODE: 8049(FIXED ASSET) ACTIVITY CODE: PVEH FUNDED BY: CFMS GENERAL FUNDS-CAPITAL ASSETS ASSIGNMENT: VARIOUS UNITS</p> <p>ADDITIONAL SHIPPING INFORMATION :</p>	5.000	EA	\$ 1.750	<p>\$ 8.75</p> <p>\$ 0.00</p>

QUOTE
 CITY OF LOS ALAMITOS
 2013 DODGE CHARGER POLICE CAR
 COMMAND CAR
 BASED OF LA COUNTY SHERIFF CONTRACT
 RFB-12201395-1/ PO#12324150-1

INCLUDES LISTED OPTIONS

3.6 LITER V-6
 HD CLOTH BUCKET SEATS W/CLOTH REAR
 CARPET FLOOR
 STREET APPEARANCE GROUP
 BLUETOOTH
 4 KEYS/4 REMOTES
 SIDE AIR BAGS
 8 WAY POWER SEAT

SELLING PRICE PER CONTRACT	23,299.00
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OPTIONS NEEDED

DELETE V-6 AND ADD V-8	1,495.00
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SELLING PRICE	24,794.00
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SALES TAX 7.75%	1,921.53
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CA TIRE TAX	8.75
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TOTAL	26,724.28
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McPeek's Dodge of Anaheim
 1221 Auto Center Dr
 Anaheim, Ca 92806
 714-254-2613 ofc
 714-254-2614 fax
 ATTN: Kevin Buzzard



LOS ANGELES COUNTY
SHERIFF
PURCHASE ORDER

BILL TO: SHERIFF COMM & FLEET MGMT BUREAU 15757 1104 N. EASTERN AVENUE DOOR #50 LOS ANGELES CA 90063		ORDER NUMBER PO-SH-12324150-1		AWARD DATE 06/25/12	
VENDOR NAME, STREET, CITY, STATE, ZIP CODE: MCPEEK'S DODGE OF ANAHEIM 1221 S. AUTO CENTER DRIVE ANAHEIM CA 92806		ALL TERMS AND CONDITIONS IN THE SOLICITATION ARE PART OF THIS ORDER AS IF FULLY REPRODUCED HEREIN. ADDRESS ALL INQUIRIES AND CORRESPONDENCE TO: Contact: Anet Simonian Phone: 323-267-2215 Email: asimonian@isd.lacounty.gov			
DELIVERY DATE 12/27/12		FOB POINT FOB Destination, Freight Prepaid and Allowed		AGENCY REQ. NUMBER 15757P	
DATE PRINTED 06/25/2012		VENDOR NO. 121779		CONTRACT NUMBER TOTAL AMOUNT OF ORDER \$506,928.25	
PROMPT PAYMENT TERMS		TERM 1 DISCOUNT: 0.00 DAYS: 30		TERM 2 DISCOUNT: 0 DAYS: 0	
TERM 3 DISCOUNT: 0 DAYS: 0		TERM 4 DISCOUNT: 0 DAYS: 0			
LINE NO.	COMMODITY/SERVICE DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
1	<p>NOTICE TO VENDOR: ALL ITEMS LISTED ON VENDOR PACKING SLIPS AND INVOICES MUST REFLECT THE CORRESPONDING PURCHASE ORDER COMMODITY LINE NUMBER. ALSO, THE ORDER NUMBER MUST BE REFERENCED ON ALL PACKING SLIPS AND INVOICES.</p> <p>COMMODITY CODE: 070-06-00-0000000 SUPPLIER PART NO: SALES TAX AMOUNT: DESCRIPTION: MAKE/MODEL: 2013 DODGE CHARGER VEHICLE - SEDAN, RWD, 3.6 LITERS / V-6 ENGINE, 5-SPEED AUTO, SOLID COLOR(S) - PER THE ATTACHED SPECIFICATIONS LABELED AS EXHIBIT A.</p> <p>ADDITIONAL SHIPPING INFORMATION :</p>	20.000	EA	\$ 23,299.000	\$ 465,980.00 \$ 40,773.25
<p><i>Anet Simonian</i> 06/29/2012 COUNTY OF LOS ANGELES</p>					

PRICE SHEET

PURCHASE ORDER

ORDER NO: PO-SH-12324150-1

VENDOR NO: 121779

VENDOR : MCPPEEK'S DODGE OF ANAHEIM

PAGE

2

LINE NO.	COMMODITY/SERVICE DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
2	<p>COMMODITY CODE: 070-06-00-0000000</p> <p>SUPPLIER PART NO:</p> <p>SALES TAX AMOUNT:</p> <p>DESCRIPTION: NEW TIRE TAX FEE (5 TIRES x 20 VEHICLES) - PER THE ATTACHED SPECIFICATIONS LABELED AS EXHIBIT A.</p> <p>Prices are exclusive of federal excise tax. Exempt Certificate No. 95 7400 14K.</p> <p>Terms and conditions are in accordance with Solicitation RFB-IS-12201395.</p> <p>Delivery: 90 - 120 Days ARO</p> <p>REFENCE: RQN #: 12029666 FA APPROVAL CODE: 12FX87252 FUND: A01 UNIT: 15757 - COMM & FLEET MANAGEMENT OBJECT CODE: 6049 (FIXED ASSET) ACTIVITY CODE: PVEH FUNDED BY: CFMB GENERAL FUNDS - CAPITAL ASSETS VEHICLE ASSIGNMENT: VARIOUS UNITS</p> <p>ADDITIONAL SHIPPING INFORMATION :</p>	100.000	EA	\$ 1.750	\$ 175.00 \$ 0.00

City of Los Alamitos

Agenda Report Consent Calendar

August 20, 2012
Item No: 8D

To: Mayor Troy Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Corey Lakin, Director of Recreation and Community Services
Subject: Race on the Base Management Contract

Summary: This agenda item is a contract for management of Race on the Base.

Recommendation: Authorize the City Manager to execute a five-year contract with International City Racing, Inc. for professional race management services for the Race on the Base.

Background

Over the past five years, the Race on the Base has grown to be the City's largest special event. The race has now become a year-round effort and involves the dedication of Recreation and Community Services full-time and part-time staff to prepare for the event.

With the assistance of a professional race management team, the race has expanded in the amount of events offered, outreach and contacts for marketing purposes. Each year, major improvements are made to elevate the status, prestige and attendance of the race. This past year's race, International City Racing (ICR) was the selected race management company for a one-year contract. ICR invested all seven of their full time staff and numerous resources into Race on the Base and took the event to new heights, with the largest number of registered participants (3,661) in the 31-year history of the event. With the assistance of ICR, the amount of marketing outreach was tracked through the raceonthebase.com website with more than 22,500 unique visitors since November of 2011. The Race on the Base Facebook page also has over 3,100 "likes," which is a high number in relation to the amount of race participants that registered this past year. The Race on the Base's strong reputation has put Los Alamitos "on the map" in regards to running/triathlon events and has become an attractive event to participants and large race management firms.

For the upcoming 2013 Race on the Base, the following events will be included: 5K Run, 5K Walk, 10K Run, 10K Skate, 10K Wheelchair/Handcycle Race, 1K Kids Race, Reverse Triathlon and Jr. Reverse Triathlon.

Discussion

For the 2013 Race on the Base, staff has researched and solicited bids from several race management companies with the reputation, capability and consistency of managing the Race on the Base for the next five years. The approach to this year's RFP was to seek a partner to provide race expertise and staff support in the planning, preparation and execution of the event. The following companies were contacted and their response is indicated below:

Race Management Company	Bid Price to Conduct Race on the Base
International City Racing	Management Fee of \$20,000, with incentive structure based on percentages that reaches a maximum of 10% of gross registration revenue
Renegade Racing	Management fee of \$20,000, with incentive structure based on percentages that reaches a maximum of 20% of gross registration revenue
Pacific Sports, LLC.	First year flat rate of \$50,000 with an increase of \$5,000 per year, not to exceed \$70,000 in year five
Kinane Events	No response
Spectrum Sports	No response
Generic Events	No response
W2 Promotions	No response
Try Us Events	No response

Staff is recommending the City Council approve the contract for race management services with International City Racing for a five-year period. Staff is making this recommendation based on the following reasons:

- International City Racing is local, accessible, and willing to invest their full-time staff and resources year-round to grow Race on the Base;
- International City Racing is willing to be a partner for the race by accepting more planning responsibility to allow City staff to be able to concentrate efforts on local community outreach;
- International City Racing owns a database of over 100,000 email contacts;
- International City Racing owns and manages large races throughout Southern California with free vendor booth exposure available to Race on the Base;
- International City Racing has purchasing power to combine event supplies with their own orders to obtain lower pricing;
- International City Racing's event calendar allows for Race on the Base to be a priority in terms of planning and dedicated resources during the critical planning times of the race.

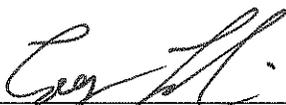
Fiscal Impact

The proposal from International City Racing for race management services for the Race on the Base in 2013 is a base contract amount of \$20,000. In addition, a participation incentive fee based on growth from the baseline number of participants in 2012 is proposed, with the incentive structure indicated below. For example, if International City Racing were successful at growing the Reverse Triathlon entries from 1,000 to 2,100 in 2013, they would be paid 10% of the gross registration revenue or \$16,800. The City would retain \$151,200, which is \$168,000 minus \$16,800. With the five-year contract, the terms and percentages described below to remain the same over the five years of the contract. Therefore, if in 2014 the Reverse Triathlon were to resort back to 1,500 entries, ICR would be paid only 7% of the gross registration revenue or \$8,400 and the City would retain \$111,600, based on the same pricing structure.

% Participation Increase per event (from 3,661 in 2012)	% City	% Race Mgmt. Co
Decrease in attendance	100%	0%
0%-14%	97%	3%
15%-44%	95%	5%
45%-74%	93%	7%
75%+	90%	10%

All potential fees paid to International City Racing are a result of revenue generated by the Race on the Base. The greater the number of race registrations, the more revenue is generated for the race management company as well as the City. This fee structure will not have any impact on the expenditure budget of the City's General Fund.

Submitted By:



Corey Lakin
Director of Recreation and Community Services

Approved By:



Angie Avery
City Manager

Attachments: 1. Contract with International City Racing, Inc.

PROFESSIONAL SERVICES AGREEMENT
(City of Los Alamitos/*International City Racing, Inc.*)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Los Alamitos, a California municipal corporation (“City”), and *International City Racing, Inc. a race management company* (“Consultant”).

2. RECITALS

- 2.1 City has determined that it requires the following professional services from a consultant: Race management services.
- 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.

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

3. DEFINITIONS

- 3.1 “Scope of Services”: Such professional services as are set forth in Consultant’s July 6, 2012 proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s July 6, 2012 fee schedule to City attached hereto as Exhibit B and incorporated herein by this reference.
- 3.3 “Commencement Date”: August 21, 2012.
- 3.4 “Expiration Date”: April 30, 2017.

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. CONSULTANT’S 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. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of 10% of gross event revenue unless specifically approved in advance and in writing by City.

- 5.2 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.*).
- 5.3 During the term of this Agreement, Consultant shall not perform any work for 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.
- 5.4 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 its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Robert Seagren** shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.

6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule and Section 5.1 of this Agreement above.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. Within ten business days of receipt of each invoice, City shall notify Consultant in writing of any disputed amounts included on the invoice. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant unless otherwise required by law.

- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Consultant shall be entitled to increase the fees in this fee schedule at such time as it increases its fees for its clients generally; provided, however, in no event shall Consultant be entitled to increase fees for services rendered before the thirtieth day after Consultant notifies City in writing of an increase in that fee schedule nor to claim payment other than in compliance with this Agreement, including Section 5.1 above. Fees for such additional services shall be paid within sixty days of the date Consultant issues an invoice to City for such services

7. OWNERSHIP OF WRITTEN PRODUCTS

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 use or dissemination by City. Consultant 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.

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.

Under no circumstances shall Consultant look to the City as his employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant's previously earned PERS retirement benefits, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation.

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 The parties 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, taxes, 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 acknowledges that City would not enter into this Agreement in the absence of Consultant'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, 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 which 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 expenses of litigation.
- 10.3 City shall have the right to offset against any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and any amount due City from Consultant arising from Consultant's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Consultant under this Section 10 are not limited by the provisions of any workers' compensation statute or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

- 10.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth 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. If Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and to 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 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 Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.
- 10.6 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 apply to the claim, demand, damage, liability, loss, cost or expense.

11. INSURANCE

- 11.1 During the term of this Agreement, 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 if and as required by the laws of the State of California.

- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverages that meet 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.
- 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 the premium(s) thereon at Consultant's expense.
- 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 policies required by this Agreement are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall file with City's Risk Manager such certificate(s) prior to commencement of work under this Agreement.
- 11.6 Consultant shall provide proof to the City's Risk Manager 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 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 endorsements naming City and its 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. 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 other coverage available to City. Any insurance or self-insurance maintained by City and/or its 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 If 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 in the defense of that claim or action.

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. PERMITS AND APPROVALS

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.

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 Consultant's 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:

If to Consultant:

City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720
Attn: Emeline Moya
Telephone: (562) 431-3538
Facsimile: (562) 493-1255

*Robert Seagren, Owner
International City Racing, Inc.
10545 Humbolt St.
Los Alamitos, CA 90720
Telephone: (562) 427-4606
Facsimile: (562) 427-4670*

With courtesy copy to:

Sandra J. Levin, City Attorney
Colantuono & Levin, PC
300 South Grand Avenue, Suite 2700
Los Angeles, CA 90071-3137
Telephone: (213) 542-5707
Facsimile: (213) 542-5710

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 may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant may terminate this Agreement for any reason on thirty calendar days' written notice to City, but not between November 15th and event date, each year of agreement. 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 Consultant 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.

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 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.
- 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 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 and Consultant.

19 PREVAILING WAGE LAW

- 19.1 Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the services under this Agreement are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

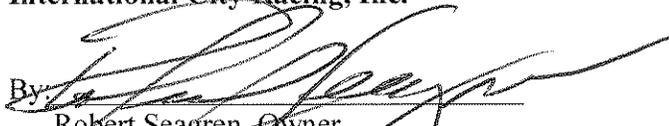
TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”
City of Los Alamitos

By _____
Angie Avery, City Manager

Date: _____

“Consultant”
International City Racing, Inc.

By: 
Robert Seagren, Owner

Date: 8/10/2012

By: 
Leli Abrego, Officer Manager

Date: 8/10/12

Attest:

By _____
Angie Avery, City Clerk

Date: _____

Approved as to form:

By _____
Sandra J. Levin, City Attorney

Date: _____

Professional Services Agreement
City of Los Alamitos/ International City Racing, Inc.

International City Racing will provide full-time staff dedicated to each of the following areas of responsibility for 10 months of preparation, implementation and evaluation of the 2013, 2014, 2015, 2016, and 2017 Race on the Base events:

Race Course Logistics

- Manage all aspects of the race course including 10K Run/Skate/Wheel/Handcycle, 5K Run/Walk, 1K Mission: Kids Run and Triathlon Events: Reverse Triathlon and Jr. Reverse Triathlon and other potential events added to the race.
- Furnish, deliver, set up and tear down necessary equipment such as: start/finish line truss/scaffolding for all events, mile markers, signage, bike racks, and fencing. If equipment rental is needed for the event, expenses should be estimated in advance and must be pre-approved by the City of Los Alamitos.
- Mark the course on race day. Distances of each course should be accurate to what is publicized.
- Provide triathlon expertise in preparing triathletes to enter the course and manage the course logistics.
- For the Triathlon, set up path from Transition Area to pool and space to allow for two-way traffic.
- Designate and implement a spectator area for each event separate from competitor area.
- Be responsible to provide water bins containing filtered water for all participants at each aid station and handling the set up and pick up of course aid stations and Post Race Food area on the airfield and at the pool. This task includes receiving water delivery at International City Racing's office, responsibility for transport and delivery to event location, and correct placement on course and Post Race Food locations. Race Management Company will clean all courses (including start and finish lines) after the event and dispose of waste from each course in proper receptacles.
- Work with timing company to start the events on time with approval from City of Los Alamitos. Ensure that participants' event times are collected for overall and age group awards. Enforce all rules for participants as applicable to each event.
- Coordinate the following: professional event photographer, announcers and scripts, anthem singers, signage, goodie bags, medical, aid stations, entertainment (bands on the course at each mile marker), lead vehicles, notifications, post race food, portable restrooms, hand washing stations, radios, and carts (unless a sponsor for each area is found or the City can supply at a decreased expense).

Volunteers & Vendor Expo

- Recruit and accurately train all volunteers in areas of responsibility (course, aid stations, post race food, transition area, transition path to pool, etc.).
- Recruit and organize vendor expo with event sponsors and returning and new vendors.

Charity Outreach

- Setup, organize and coordinate charity outreach program with online registration and pledge program.
- Set goals for charity participation and manage partnership to obtain goal of increased participation.

Registration

- Work with the timing company, graphic designer and the City of Los Alamitos to design an effective race registration document.
- Respond to participant and spectator race inquiry emails and phone calls prior to and following the event.
- Coordinate online and on-site event registration.

Marketing

- Work with City of Los Alamitos staff to formulate a long-term strategic plan to grow the Race on the Base.
- Distribute applications, do special promotions and speak on behalf of the event when called upon.
- Provide major cross-promotional opportunities to promote the Race on the Base with the other local large name racing and triathlon events.
- Split the cost/booth space to promote at the Surf City Half Marathon Booth and additionally recommended races/events
- Provide email notifications specifically about Race on the Base to International City Racing's email database at least once a month from September through February. Race Management's owned email database must have a minimum of 75,000 email addresses.
- Create a website link providing athlete information, registration, maps, results, travel & parking directions and sponsorship information with direct links to the City of Los Alamitos' race website on International City Racing's website.
- Place event application in goodie bags of all races that International City Racing owns or manages prior to the event.
- Provide event booth space at a minimum of two 4,000+ participant events at International City Racing's owned or managed events prior to the Race on the Base.
- Distribute event application/save the date flyers at all events in which International City Racing's distributes marketing materials.
- International City Racing to share race management expertise with the City of Los Alamitos in the areas of registration, timing, marketing, sponsorship, and operations.

Planning/Coordination

- Present a detailed staffing plan with specific assignments for Friday set up, Packet Pick Up and Race day(s).

- Combine and/or price (obtaining bids if necessary) for bibs, helmet numbers, medals, restrooms, equipment rentals, and participant/volunteer shirts with existing company's races to enhance purchasing power for the Race on the Base.
- Attend all meetings to coordinate with City staff and JFTB staff working the event to discuss logistics of each race assignment (minimum of once a month).
- Actively participate in all scheduled pre-race participant informational meetings/clinics by presenting course instruction details and providing any race related information in response to participant inquiries. (Dates: TBA from 9-12 noon for the Reverse Triathlon Clinics and dates and times TBA for the two Jr. Triathlon Clinics).
- Perform race management duties via phone, email and in person as dictated by the Director of Recreation and Community Services or his or her designee.
- Attend all necessary event pre-planning and post evaluation event meetings as determined by the Director of Recreation and Community Services or his or her designee.
- Examine and implement all event recommendations as documented in the past years' race evaluations and applicable comments in the post event surveys. International City Racing will be held accountable to the execution of necessary improvements to ensure the event's overall success.
- International City Racing must be in distinguishable clothing, hats and/or vests at the event.

**EXHIBIT B
APPROVED FEE SCHEDULE**

International City Racing, Inc. will be paid for Race Management Services according to the following schedule:

Total Management fee = \$20,000 to be paid as follows for five years of the contract:

- \$10,000 paid by December 1
- \$10,000 paid by March 1

20% of any sponsorship obtained through ICR contacts

Balance of incentive compensation paid by March 20, 2013 based on the following incentive formula:

- Incentive percentages based on highest number of participants in each event since 2012
- If any events decline in registration below 2012 participation, 0% will be used to calculate profit sharing
- New events added will be calculated at 0% the first year. 2nd year+ participation will be used as the starting benchmark at 3%

	Event Entry fee	% Participation Increase	# of entries	% City	% Race Mgmt. Co.	Race Mgmt. Co. Total
A	Event Entry fee	0%	beginning # of entries from previous year	97%	3%	Total
B	Event Entry fee	15%	# of entries	95%	5%	Total
C	Event Entry fee	30%	# of entries	95%	5%	Total
D	Event Entry fee	45%	# of entries	93%	7%	Total
E	Event Entry fee	60%	# of entries	93%	7%	Total
F	Event Entry fee	75%	# of entries	90%	10%	Total
G	Event Entry fee	90%	# of entries	90%	10%	Total

City of Los Alamitos

Agenda Report Consent Calendar

August 20, 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 Various Street Projects (CIP No. 11/12-03)

Summary: The Various Street Rehabilitation project is complete and in compliance with the plans and specifications. Change Orders for the project were \$40,087.86 or 9.3%, 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.

Recommendation:

1. Accept as complete the construction contract by Shawnan for the Various Street 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 \$47,196.65, thirty-five (35) days after recordation of the Notice of Completion.

Background

On May 7, 2012, the City Council awarded the construct contract to Shawnan for the construction of Cerritos/Humbolt Intersection Improvements, ADA Ramps in Carrier Row, Street Rehabilitation for Calle Lee and Corporate Center Drive, Catch Basin Improvements at Katella Avenue and Siboney, and Street Rehabilitation for Via El Mercado. The first four projects are part of the City's adopted Fiscal Year 2010/11 CIP program for sidewalk and street improvements within the City and are paid for with Measure M and Traffic Improvement Funds. The last project is part of the Fiscal Year 2011/12 Capital Improvement Program (CIP) Program Measure M and Traffic Improvement Funds.

The contract award was for \$431,878.63; plus a 10% contingency fund of \$43,187.86. The work was completed by the contractor for \$471,966.49.

Recommendations

Change Orders for the project were \$40,087.86 or 9.3%, below the 10% contingency fund, and were approved by the City Engineer. The extras for the project were for an additional girding to remove more cracked areas of asphalt pavement; additional asphalt concrete; new 10' tall signal pole at Humbolt and Cerritos; and installation of a French drain at Humbolt and Cerritos due to excessive moisture in the soils.

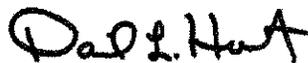
Work on the project is now complete and acceptable to the City Engineer. Staff, therefore, recommends acceptance of the work and processing the Notice of Completion/Final Report and retention release as prescribed by the Public Contracts Codes.

Fiscal Impact

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

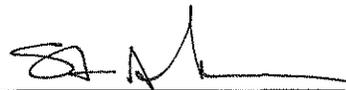
ITEM	AMOUNT
Project Expenditures	
Construction Costs - As Awarded	\$431,878.63
Change Orders	\$40,087.86
Total Project Expenditures	\$471,966.49

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

City of Los Alamitos

Agenda Report Consent Calendar

August 20, 2012
Item No: 8F

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

Via: Angie Avery, City Manager

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

Subject: Budget Request for Installing Speed Bumps on Alleys in the City

Summary: At the April 16, 2012, City Council meeting the City Council approved a budget of \$20,000 to install speed bumps on alleys in the City. Work was to be completed by the end of June 2012. Selection of the proper speed bump delayed the purchasing of the speed bumps and the \$20,000 expense was not put in the carry-over category in the 2012-2013 Capital Improvement Program (CIP) budget. Staff is recommending that the 2012/2013 CIP budget be amended to include the unused 2011/2012 \$20,000 for the Speed Bump Installation improvements per attached Resolution.

Recommendation:

1. Approve the recommendation that the 2012/2013 CIP budgets be amended to include the unused 2011/2012 \$20,000 for the Speed Bump Installation improvements; and,
2. Authorize a budget amendment Resolution No. 2012-18 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROPRIATING \$20,0000 FROM THE TRAFFIC IMPROVEMENTS FUND BALANCE AND AMENDING THE FISCAL YEAR 2012/2013 CAPITAL IMPROVEMENT PROGRAM BUDGET."

Background

At the April 16, 2012, City Council meeting the City Council approved budget of \$20,000 from the Traffic Improvement Fund to install speed bumps, poles and signs on alleys in the City. The two alleys are; the alley between Katella Avenue and Green Avenue, from Los Alamitos Boulevard to Lexington Drive; and the alley between Oak Street and Walnut Street, from Los Alamitos Boulevard and Florista Street.

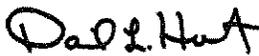
Work was to be completed by the end of June 2012. Selection of the proper speed bump delayed the purchasing of the speed bumps. The \$20,000 expense was not put in the carry-over category in the 2012-2013 CIP budget.

Discussion/ Fiscal Impact

Funding for this project is included in the FY 2011-2012 Capital Improvement Program budget, and was provided by the Traffic Improvement Fund. Since the improvements were not completed in the 2011/2012 budget year, the budgeted funds went back to the Traffic Improvement Fund. The Traffic Improvement Fund has an available fund balance of \$380,079.

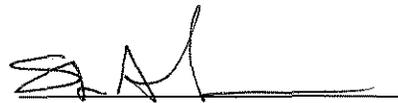
Staff is recommending that the 2012/2013 CIP budget be amended to include the unused 2011/2012 \$20,000 for the Speed Bump Installation improvements per attached Resolution.

Prepared By:



David L. Hunt, PE
City Engineer

Reviewed By:



Steven A. Mendoza
Director of Community Development

Approved By:



Angie Avery
City Manager

Attachment: 1. Resolution No. 2012-18

RESOLUTION NO. 2012-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROPRIATING \$20,000 FROM THE TRAFFIC IMPROVEMENTS FUND BALANCE AND AMENDING THE FISCAL YEAR 2012/2013 CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, the City Council has approved the Capital Improvement Program (CIP) budget for Fiscal Year 2012/2013; and,

WHEREAS, the City Council desires to appropriate \$20,000 and amend the current CIP budget accordingly; and,

WHEREAS, the City Council has determined that there are sufficient funds available in the Traffic Improvement Fund undesignated fund balance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES 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 sum of \$20,000 is hereby appropriated for Installation of Speed Bumps in various alleys:

FROM: 2011/2012 Unused Speed Bump Traffic Improvement Fund Balance
of \$20,000

TO: 2012/2013 CIP Speed Bump Traffic Improvement Fund of \$20,000

SECTION 3. The Fiscal Year 2012/2013 CIP budget is hereby amended in accordance with this Resolution.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August, 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 20th day of August 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 Consent Calendar

August 20, 2012
Item No: 8G

To: Mayor Troy D. Edgar & Members of the City Council
From: Angie Avery, City Manager
Subject: Approval of Employment Agreement for Interim Finance Director

Summary: Ms. Anita Agramonte resigned from her position as Finance Director effective August 2, 2012, to accept a position with another municipality. The Finance Director position provides critical services relating to the financial function of the City. It is anticipated that a search for a new Finance Director could take as long as four months. In the interim, staff is recommending the City Council authorize an agreement with Ms. Linda Magnuson to serve as Interim Finance Director in a part-time capacity.

Recommendation: Authorize City Manager to execute the Employment Agreement for Interim Finance Director Services with Ms. Linda Magnuson.

Background

Ms. Anita Agramonte resigned from her position of Finance Director effective August 2, 2012, after two years of service to the City. Recruiting for a new Finance Director will require a series of actions by staff including advertising and interviewing qualified candidates. It is expected the entire process would take several months. During that time, it is appropriate that the City Council authorize the City Manager to appoint an Interim Finance Director to perform the essential financial functions of the position.

Discussion

The City is fortunate that Ms. Linda Magnuson has expressed interest in serving the City on a part-time basis, as Interim Finance Director, while the City conducts a search for a permanent replacement. Ms. Magnuson served as the Finance Director for the City of Diamond Bar for over 21 years and, over the past several years, has worked several temporary assignments including a term as Interim Finance Director with the City of La Palma. Ms. Magnuson's experience in the profession marks her as an individual who is uniquely qualified to serve the City as Interim Finance Director at this time. Accordingly, staff recommends the City Council approve the attached Agreement which calls for a compensation to Ms. Magnuson of \$70/hour.

Fiscal Impact

The fiscal impact is unknown due to the inexact number of hours of service that will be required to complete the tasks assigned until a permanent Finance Director is hired. The total cost will not exceed current budgeted amounts for the Finance Director position.

Submitted & Approved By:



Angie Avery
City Manager

Attachment: 1. *Employment Agreement for Interim Finance Director Services*

CITY OF LOS ALAMITOS
TEMPORARY EMPLOYMENT AGREEMENT
FOR
INTERIM FINANCE DIRECTOR

1. PARTIES AND DATE.

This Agreement (hereinafter referred to as the "Agreement") is made and entered into this 20th day of August, 2012 by and between the CITY OF LOS ALAMITOS, a municipal corporation (hereinafter referred to as "City") and LINDA MAGNUSON (hereinafter referred to as "Temporary Employee"), in order to provide in writing the terms and conditions of employment for Interim Finance Director services. City and Employee are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Interim Finance Director.

City desires to employ the services of Temporary Employee as Interim Finance Director for the City of Los Alamitos, and Temporary Employee desires to accept employment as Interim Finance Director. It is the desire of the Parties through this Agreement to establish conditions of employment, and to set working conditions for Temporary Employee.

3. TERMS.

3.1 Duties.

3.1.1 Designated Duties. City hereby agrees to employ Temporary Employee as Interim Finance Director of City to perform the functions and duties in accordance with applicable state law, the City's Charter and Municipal Code, as well as the approved City job description for the position. Temporary Employee shall also perform other legally permissible and proper duties and functions as the City Manager shall from time-to-time assign.

3.1.2 Control and Supervision. Temporary Employee shall be under the day-to-day supervision and direction of the City Manager.

3.1.3 City Council Meetings. Employee shall attend all City Council meetings, unless excused or directed otherwise.

3.1.4 City Documents. All data, studies, reports and other documents prepared by Temporary Employee while performing his/her duties during the term of this Agreement shall be furnished to and become the property of the City, without restriction or limitation on their use.

All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials either created by or provided to Temporary Employee in connection with the performance of this Agreement shall be held confidential by Temporary Employee. Such materials shall not, without the prior written consent of the City Manager, be used by Temporary Employee for any purposes other than the performance of his/her duties. Nor shall such materials be disclosed to any person or entity not connected with the performance of services under this Agreement, except as required by law.

3.2 Term; Termination

3.2.1 Term. This Agreement shall become effective on the 20th day of August, 2012 ("Effective Date"), and shall continue for a not to exceed six months or 960 hour period of time.

3.2.2 Termination. The Parties understand and agree that the temporary employment relationship created by this Agreement is "at-will" and that the Temporary Employee may be terminated at any time, without notice or severance and with or without cause, but subject to the terms of this Agreement.

3.2.3 Automatic Termination. This Agreement, and Temporary Employee's employment, shall automatically terminate and Temporary Employee shall not be entitled to any severance payment upon the happening of any of the following events:

- (1) Upon mutual agreement in writing by both Parties to terminate this Agreement.
- (2) Upon resignation by Temporary Employee.
- (3) Upon the death of Temporary Employee.
- (4) Upon the natural expiration of the Term of this Agreement, as provided for herein.

3.3 Salary

City shall compensate Temporary Employee for the services provided under this Agreement, and the salary shall be payable at the rate of \$70/hour bi-weekly at the same time as other employees of City are paid and is exempt from overtime.

3.4 Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage pre-paid, addressed as follows:

CITY:

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720
ATTN: City Manager

TEMPORARY EMPLOYEE:

Linda Magnuson



With copy to:

Sandra J. Levin, Esq.
Los Alamitos City Attorney
Colantuono & Levin, P.C.
300 S. Grand Ave., Ste. 2700
Los Angeles, CA 90071

3.5 General Provisions.

3.7.1 Entire Agreement. The text herein shall constitute the entire agreement between the Parties.

3.7.2 Severability. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

3.7.4 Bonding. If applicable, the City shall bear the full cost of any fidelity or other bonds required of Employee in the performance of his/her duties as Interim Finance Director.

3.7.5 Modification. Any modification of this Agreement will be effective only if it is in writing and signed by both Parties.

3.7.6 Effect of Waiver. The failure of either Party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other Party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

3.7.7 Law Governing Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be in Orange County, California.

3.7.9 No Presumption of Drafter. The Parties acknowledge and agree that the terms and provisions of this Agreement have been negotiated and discussed between the Parties, and this Agreement reflects their mutual agreement regarding the subject matter of this Agreement. Because of the nature of such negotiations and discussions, it would be

inappropriate to deem any Party to be the drafter of this Agreement and, therefore, no presumption for or against validity or as to any interpretation hereof, based upon the identity of the drafter shall be applicable in interpreting or enforcing this Agreement.

3.7.10 Attorneys' Fees. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing Party shall be entitled to recover such amount as the court may award as reasonable attorneys' fees and costs.

[SIGNATURES ON NEXT PAGE]

CITY OF LOS ALAMITOS

By: _____
Troy D. Edgar, Mayor

Attest: _____
Angie Avery, City Clerk

TEMPORARY EMPLOYEE

By: Linda D Magnuson
Linda Magnuson

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

City of Los Alamitos

Agenda Report Discussion Items

August 20, 2012
Item No: 10A

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

Via: Angie Avery, City Manager

From: Cassandra Palmer, Support Services Manager

Subject: Information Technology Strategic Plan

Summary: This report requests City Council adoption of Resolution #2012-17, establishing the "City of Los Alamitos Information Technology Strategic Plan" as a guideline for decisions regarding the implementation of new technology projects.

Recommendation: Adopt City Council Resolution 2012-17, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING THE CITY OF LOS ALAMITOS INFORMATION TECHNOLOGY STRATEGIC PLAN."

Background

The Information Technology (IT) Program is responsible for maintaining all City conduits for the processing, transmission, storage and retrieval of information. IT transverses all City Departments by encompassing: telecommunications systems, including telephones, radios, and cellular phones; computers and network infrastructure, including the webpage, Internet, and software; and, electronics, including the keyless access/security system, facility and mobile video systems, and audio visual equipment.

Information Technology in the City of Los Alamitos is defined by its mission statement which reflects a recurring emphasis on efficiency and cost control. The mission statement is as follows:

The Information Technology Program ensures that the City's technology resources are effectively managed and used as cost-effective, key organizational tools in enhancing customer service, improving efficiency, reducing operational costs, and providing community members with easy access to public information.

IT support is provided by a consultant under the terms of a Professional Services Agreement. The consultant provides their expertise through remote monitoring and with on-site staff to ensure comprehensive technical support of the City's computers, networks, and other IT systems.

Advancements in the technology field, current projects, and technical challenges are discussed monthly by an IT Steering Committee. A staff member from each City Department participates in this committee to ensure that each discipline's needs are represented and considered in conjunction with overarching City interests. Although originally established to facilitate the selection of an IT consultant, the Steering Committee's effectiveness continues to drive the IT program as projects are vetted and prioritized through the group. The City's consultant has been impressed by the City's progressive approach to IT issues, offering Los Alamitos as a role model to other agencies.

As the Steering Committee sought new ways to automate and improve services, it became apparent that an overall mechanism would be needed to validate expenditures and control technology costs. Realizing that City Departments have varied and often competing technology needs, staff sought to create a guideline to assess department requests and ensure consistency with the City's goals.

Discussion

The IT Strategic Plan builds on the principles of the IT mission and provides a compass for the implementation of technology to enhance, improve, and automate services in the City of Los Alamitos. In addition to making staff more efficient, technology is implemented to reduce the cost of doing business. Designed to ensure a fiscally prudent use of public funds and an exemplarily level of customer service, this plan is intended to guide the IT Steering Committee by standardizing the planning, spending, and implementation of technology. Ultimately, it lays the foundation for future decisions regarding Information Technology in the City.

The IT Strategic Plan is divided into six (6) components and is formatted to serve as an evolving assessment tool, rather than static document. The sections include an Overview, Strategic Objectives, Flow Chart, Benchmarks, Conclusion, and Addendums.

Seven strategic goals make up the framework of the plan with the recurring themes of efficiency and using technology to save money. Although mentioned in the Plan's Overview, the goals are further articulated as objectives, where they are associated with action items. The strategic goals are identified and briefly defined below:

1. Move in a Collaborative and Proactive Direction

This goal directs the use of a Steering Committee for brainstorming and to sustain a proactive approach to implementing technology. It

represents a shift from a philosophy of maintenance to a more creative use of technology.

2. Improve Access to Local Government

Recognizing the City's small town character, this goal attempts to balance the needs of those technically savvy community members with those who seek face-to-face contact. It promotes access to information anytime, anywhere.

3. Reduce Risks and Limit City's Exposure

This goal acknowledges the need to continually strengthen the City's security posture and to maintain the integrity of the IT infrastructure. It also addresses issues pertaining to data recovery following a major system failure or disaster.

4. Improve Staff Efficiency

To maximize staff efficiency, technology should be implemented to eliminate redundancy, increase productivity, and expedite customer service. This principle is even more critical in today's struggling economy.

5. Implement Cost-Effective Solutions

This goal encourages the exploration of alternate funding strategies and seeks solutions in which costs are equalized by greater efficiency; thus, maximizing the value of our IT investments.

6. Recognize the Rapidly Changing Landscape of Technology

With the rate at which technological advancements are occurring, the City must adopt a posture which anticipates change and recognizes opportunities for future efficiencies.

7. Fiscal Management through Expenditure Justifications

Expenditure Justifications are particularly important because they reflect back on the other six goals while ensuring sound fiscal management and validating the need for the project. A form has been created to facilitate a cost-benefit analysis and ensure that proposed projects provide an overriding benefit to the City by: being efficient and economical; addressing a need; supporting City Council goals; and/or, utilizing creative funding strategies.

Since benchmarks are an essential part of any strategic plan, these have been established to identify our best practice and provide a mechanism to measure and continually assess progress on our goals. As we achieve these benchmarks, this section of the plan will become fluid and new benchmarks will replace those which have come to fruition. This is best illustrated by the "Technology Compass" which can be found in the conclusion of the plan. The compass is a continuum of innovations,

assessments, efficiency improvements, expenditure justifications, implementation, and evaluations.

Overall, the IT Strategic Plan perpetuates efficiency with cost control measures. It is intended to fulfill the IT mission and ensure that expenditures have an overarching benefit to the City of Los Alamitos.

Fiscal Impact

There is no fiscal impact associated with the adoption of the Information Technology Strategic Plan. Although the plan provides a mechanism to evaluate new technology and ensure fiscally prudent expenditures, it does not change the purchasing process or City Council's role in the authorization of capital projects.

Submitted By:


Cassandra Palmer
Support Services Manager

Approved By:


Angie Avery
City Manager

Attachments: 1. Resolution No. 2012-17
 2. Information Technology Strategic Plan

RESOLUTION NO. 2012-17

A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING THE INFORMATION TECHNOLOGY STRATEGIC PLAN

WHEREAS, the City of Los Alamitos uses Information Technology to maximize staff efficiency and reduce operational costs; and,

WHEREAS, the City of Los Alamitos is fiscally prudent and ensures that major technology projects represent an overriding benefit to the City; and,

WHEREAS, the City of Los Alamitos implements Information Technology to improve access to local government and enhance customer service; and,

WHEREAS, the City of Los Alamitos must maintain the integrity of its Information Technology infrastructure to protect against viruses and malware; and,

WHEREAS, the City of Los Alamitos uses a Steering Committee to collaborate and proactively seek technological improvements which ensure an efficient use of City resources; and,

WHEREAS, the City of Los Alamitos recognizes the rapidly changing landscape of technology will bring opportunities for future efficiencies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES 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 approves the Information Technology Strategic Plan as a guideline for future decisions regarding Information Technology expenditures.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August, 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 meeting of the City Council held on the 20th day of August, 2012, by the following vote to wit:

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

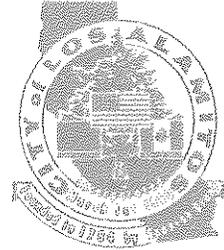
Angie Avery, City Clerk

City of Los Alamitos

Information Technology Strategic Plan

Overview

This plan provides a compass for the implementation of technology to enhance, improve, and automate services in the City of Los Alamitos. In addition to making staff more efficient, technology is implemented to reduce the cost of doing business. Designed to ensure a fiscally prudent use of public funds and an exemplarily level of customer service, this plan is intended to serve as a guide, providing a consistent direction for the planning, spending, and implementation of technology in this rapidly changing field.



1. Information Technology Program Description

The Information Technology (IT) Program is responsible for maintaining all of the City's conduits for the processing, transmission, storage and retrieval of information. IT transverses all City Departments by encompassing: telecommunications systems, including telephones, radios, and cellular phones; computers and network infrastructure, including the webpage, Internet, and software; and, electronics, including the keyless access/security system, facility and mobile video systems, and audio visual equipment. The program assists staff in implementing the following solutions: progressive, cost-effective data management; reliable and secure information systems; and, automated processing solutions which improve efficiency and facilitate the flow of information to the community.

2. Mission

The Information Technology Program ensures that the City's technology resources are effectively managed and used as cost-effective, key organizational tools in enhancing customer service, improving efficiency, reducing operational costs, and providing community members with easy access to public information.

3. Strategic Goals

To develop this plan, staff assessed its current status, defined its future state, and identified the Strategic Goals as listed below. The implementation of these goals will require a focus on staffing, processes, and technology. Staff will drive the successful implementation of this strategy by actively participating in an Information Technology Steering Committee, thereby

representing the interests of their respective discipline or department. An efficient, standardized process for evaluating, recommending, and implementing technology will ensure consistency, accountability, and an overarching prioritization of projects. The responsible application of technology enables more efficient operations, a better use of limited resources, and a cost-effective investment in our future. The following Strategic Goals have been identified to accomplish this effort:

- A. Move in a Collaborative and Proactive Direction
- B. Improve Access to Local Government
- C. Reduce Risks and Limit City's Exposure
- D. Improve Staff Efficiency
- E. Implement Cost-Effective Solutions
- F. Recognize the Rapidly Changing Landscape of Technology
- G. Fiscal Management through Expenditure Justifications

4. Maintenance and Support

IT support is provided by an Information Technology consultant under the terms of a Professional Services Agreement. The consultant provides the knowledge and expertise through remote monitoring and with on-site staff to ensure comprehensive, technical computer and network support. Los Alamitos operates a traditional client/server environment with 95 users in the Civic Center including City Hall, Recreation and Community Services, Public Services Garage, and Police. And, since the City is responsible for the building infrastructure of the Youth Center, many aspects of their Information Technology are supported by the Services Agreement as well. The City places a high priority on consistent and comprehensive maintenance of the City's server units and computers.

The Police Support Services Manager is responsible for oversight of the IT Program including management of the Services Agreement, Phone System and Keyless Access System.

5. Technology Assessment

In 2005, the City of Los Alamitos contracted with BreaIT to complete a comprehensive Network analysis and inventory of equipment. The analysis was intended to include long-range goals as well as a plan to support the existing technology. At that time, the City supported 73 workstations. The workstations consisted of fourteen (14) different models from six (6) different manufacturers

with varying operating systems. BreaIT identified system vulnerabilities and recommended the consolidation and relocation of equipment into a secure, environmentally controlled computer room. Following the analysis, the City contracted with BreaIT for the construction of the Computer Room and ongoing support service until the end of Fiscal Year 2010-11.

On July 1, 2011, following a Request for Proposals, an Information Technology support services contract was awarded to the Scientia Consulting Group, Inc. Scientia initiated service by conducting a comprehensive technology assessment and developing an updated network topology. The assessment revealed some network vulnerabilities which were immediately mitigated. Several recommendations to improve system efficiency and reliability were also introduced following the assessment. Additionally, of particular value to the Police Department is the high level of expertise Scientia demonstrates in the administration, installation, and management of highly technical law enforcement applications.

In addition to scheduled on-site hours, Scientia installed "The Sentinel" to facilitate off-site monitoring of network health. This enables our IT technicians to remote-in to mitigate system issues 24 hours a day, seven days a week. When the Sentinel detects a network problem, it alerts our IT professionals, affording them the opportunity to access the system remotely, saving the City additional on-site IT costs and/or system downtime.

The City's inventory currently includes 9 servers, 58 workstations, and 20 network devices. There are 3 models of computers, all of which are manufactured by Dell. Additionally, Recreation and Community Services has one Apple computer which was specially ordered for use in graphic design.

Strategic Objectives

1. Move in a Collaborative and Proactive Direction

To actualize the benefits of our technology investments, the philosophy of our IT program must shift from one of maintenance to a proactive approach, seeking improved efficiencies and enhanced reliabilities with an emphasis on the use of technology to save money. The following objectives have been established to facilitate this effort:

- A. Establishment of a Technology Steering Committee
 - i. Monthly Meetings between the Steering Committee and the IT Service Provider
 - ii. Meet with Police Technology Team to maintain consistency between committees
 - iii. Eliminate competing department interests with a City-wide approach
- B. Evaluation of cost-effectiveness
- C. Anticipating technology that doesn't "yet" exist
- D. Anticipate system lifecycles
- E. Prioritize, and routinely re-prioritize, projects with consideration to available technology and anticipated technological advancements

2. Improve Access to Local Government

The residents and businesses in Los Alamitos are accustomed to familiar faces and friendly service. Customer service considerations for the implementation of technology should balance the need for efficiency with the personal contact that is part of the City's character. The following objectives have been established to facilitate this effort:

- A. Continue to provide service to small town, non-technical community members seeking face-to-face interactions with City staff
- B. Offer enhanced services to the technically savvy generation seeking automated online services with limited personal contact – accessing information at their convenience and at their location

- C. Increase online services to provide information and service for our community members anytime, anywhere
- D. Maintain a modern, functional website

3. Reduce Risks and Limit City's Exposure

Maintaining the integrity of the City's network is a priority. The City must safeguard confidential information and ensure systems are in compliance with state and federal regulations regarding the secure storage and transmission of sensitive data. The following objectives have been established to facilitate this effort:

- A. Cyber Security – The City must continually strengthen its security posture to protect against evolving vulnerabilities, exploits, and issues. The City is a service provider, and as such, all services and software installed on the system serve as possible entry points for hackers. Viruses and malware represent a significant and ongoing threat.
- B. Disaster Recovery & Potential Failure – The City must be prepared to operate during and recover from man-made and natural disasters. This includes remote access to critical data for use in the Emergency Operations Center and in situations necessitating the activation of the City's Continuity of Operations Plan. The City must also anticipate the consequences of a major loss of data due to fire, flood, and/or system failure.

4. Improve Staff Efficiency

Responsible government solutions include the implementation of technological assets to modernize operations and improve staff efficiency. The following objectives have been established to facilitate this effort:

- A. Provide essential tools so City staff can take pride in delivering exceptional service to the public
- B. Automating processes to reduce the potential for errors, expedite operations, eliminate redundancies, and improve effectiveness
- C. Focus on the outcomes that reflect improved workflows

5. Implement Cost-Effective Solutions

Automating processes should also be considered as a mechanism for long term cost savings. The following objectives have been established to facilitate this effort:

- A. Maximizing the value of the IT investment by managing information as an asset in which costs are equalized by greater efficiency and increased productivity
- B. Improve return on investments through careful planning, effective and innovative procurements, and an efficient use of resources
- C. Use Expenditure Justifications for fiscal analysis
- D. Determine a funding strategy to support system upgrades and replacements, as well as the implementation of new innovations
- E. Explore creative alternatives which reduce the hardware and equipment needed for operations (such as Virtualization, Cloud, Wi-Fi)

6. Recognize the Rapidly Changing Landscape of Technology

Growing exponentially, technological information is more than doubling every two years. To put this into perspective, in just a few years, we can expect to use technology that hasn't been invented, to perform jobs that don't exist. The following objectives have been established to facilitate this effort:

- A. Prioritize and re-prioritize projects as technology evolves
- B. View advancements in technology as opportunities for future efficiencies
- C. Implement a staggered replacement schedule for workstations
- D. Implement a replacement system for applications, system upgrades, and major equipment
 - i. Maintain an Inventory Lifecycle / Amortization Schedule
 - ii. Analyze Leasing Options

7. Fiscal Management Through Expenditure Justifications

Expenditure Justifications provide a mechanism for better fiscal management and facilitate the consideration of cost-effective solutions. To ensure a fiscally prudent approach to the implementation of major technology acquisitions, proposed projects should represent an overriding benefit to the City as identified in a cost-benefit analysis. Not all categories of Expenditure Justifications will be applicable in every case; however, the criteria will facilitate the evaluation and prioritization of projects. Therefore, major technology projects will be appraised by the following:

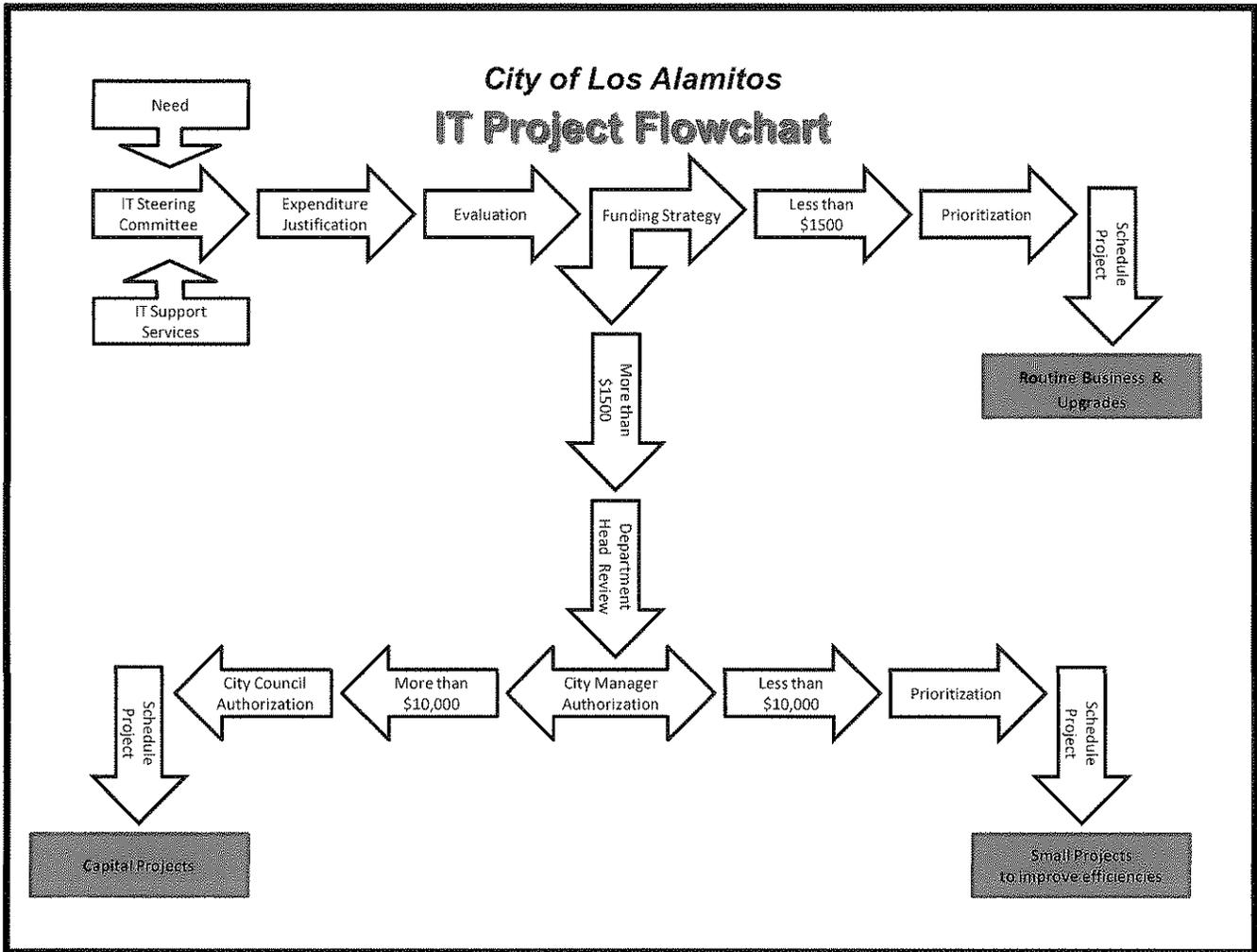
- A. Improve efficiency and effectiveness by:
 - i. Reducing staff costs
 - ii. Eliminating or reducing redundancy
 - iii. Automating processes
 - iv. Improving or enhancing customer service
 - v. Generating revenue

- B. The project addresses a need:
 - i. Safety issue
 - ii. Departmental need
 - iii. Legislative mandate
 - iv. Industry standard
 - v. Required by other governing entity
 - vi. Part of a succession plan - a means to an end
 - vii. Facilitates the dissemination of information to the public and/or staff

- C. The project supports and/or is consistent with:
 - i. City Council's goals
 - ii. City branding
 - iii. City's IT implementation plan

- D. The project is supported by a creative acquisition or funding strategy:
 - i. Grant
 - ii. Replacement/Upgrade
 - iii. Lease
 - iv. Ongoing costs have been considered
 - v. Other

IT Project Flowchart



Benchmarks

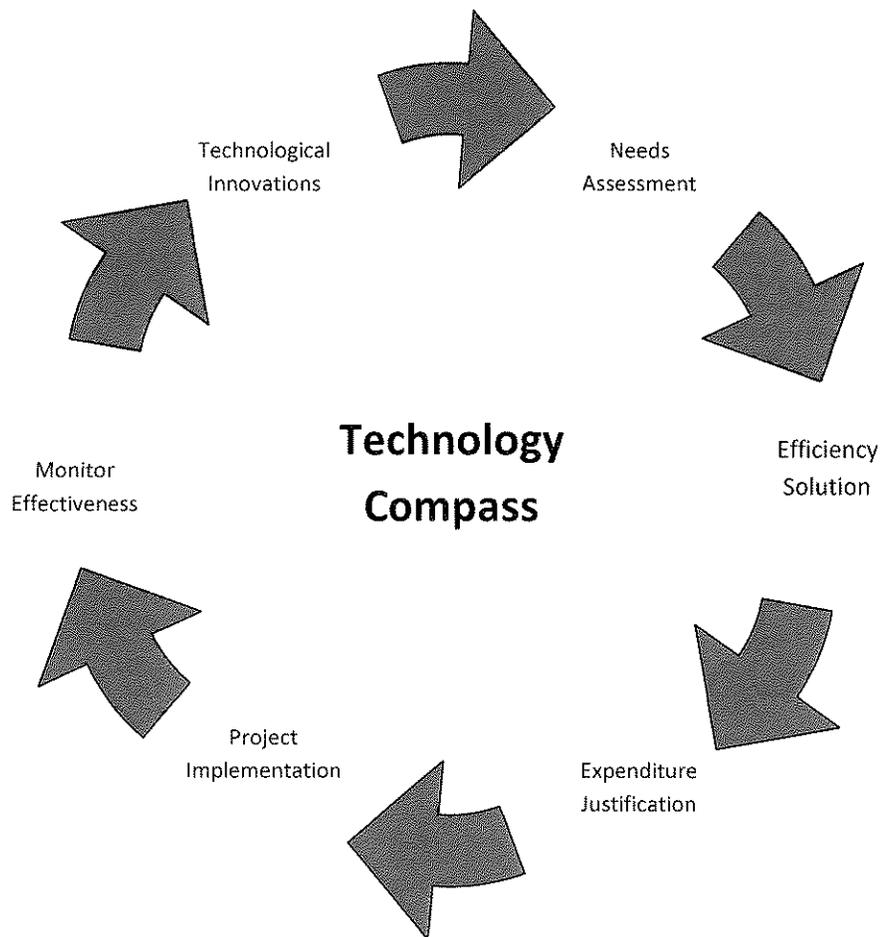
Each Strategic Goal will be evaluated for efficiency and effectiveness by the IT Steering Committee on an annual basis. Long-term projects will be monitored for progress by the IT Steering Committee throughout the implementation process and on an annual basis for efficiency thereafter. The benchmarks are designed to facilitate progress, ensure accountability, and extrapolate recommendations about how to continually improve our performance. For purposes of this definition, the benchmark represents our “best practice” or optimization potential.

As projects come to fruition and technology evolves, benchmarks in this plan may be modified by the IT Steering Committee, at the direction of the City Manager, without formal adoption by the City Council.

The actual benchmarks have been included in Addendum A to facilitate future modifications.

Conclusion - Our Technology Compass

This Strategic Plan is not intended to forecast or predict the technological advancements which will be incorporated into our infrastructure. Instead, it provides a continuous process for improving our effectiveness by implementing technology, whether equipment and/or applications, to help us work more efficiently. By assessing technology as it diffuses through our industry, we will be able to determine what solutions address our needs, are compatible with our IT infrastructure, and are best suited to the culture of our community. The litmus test for our Strategic Plan compass will be defined through its effectiveness in cost control as technology evolves. Ultimately, this plan establishes the continuum for that evolution and provides the foundation to ensure prudent fiscal recommendations and sound decisions.



ADDENDUM A

City of Los Alamitos IT Strategic Plan Benchmarks August - 2012

Several of the benchmarks listed below, are applicable to multiple goals; however, to simplify this plan and limit redundancy, they have been included only once.

	Benchmarks	Performance Level	Targeted Completion
1	Move in a Proactive Direction		
	Hold Steering Committee Meetings	90%	Monthly
	Create and maintain an evolving "Idea" List	100%	Ongoing
	Include IT professionals in brainstorming technological changes in the City	90%	Ongoing
	Utilize professional IT staff for system maintenance and performance issues (rather than staff)	80%	Ongoing
2	Improve Access to Local Government		
	Recreation program registration will be integrated into the online class schedule	100%	06/2013
	Phone System – Staged Implementation		
	Analysis		10/2012
	Budget Allocation & Cables / Wiring RFP		03/2013
	Cables Wiring Installation		05/2013
	Budget Allocation & Phone RFP		07/2013
	Installation		10/2013
	Project Completion Deadline	100%	06/2014
	Automation of Business Licenses	100%	12/2015

	Maintain a modern, functional website to facilitate the dissemination of information to the public	95%	Ongoing
3	Reduce Risks and Limit City's Exposure		
	Ensure network efficiency and health	90%	Ongoing
	Develop a Disaster Recovery Plan	90%	06/2013
	Implementation of Emergency Preparedness Solution	50%	06/2013
4	Improve Staff Efficiency		
	Improved staff efficiency through resolution of issues. Respond to Service Ticket within:		
	4 hours	75%	Ongoing
	24 hours	100%	Ongoing
	Improve desktop efficiency and streamline maintenance by converting of all City computers (as is reasonable) to same operating system	100%	12/2012
	Maintain Computer Performance Health	90%	Ongoing
	Review staff processes to identify inefficiencies which can be addressed through technology	100%	06/2014
5	Implement Cost-Effective Solutions		
	Determine funding strategies for maintenance and equipment replacement (Capital - # of years ÷ cost) Charges to Department via maintenance formula or flat rate	100%	06/2013
6	Recognize the Rapidly Changing Landscape of Technology		
	Develop and maintain an 'End of Life' Replacement Schedule for capital equipment	100%	12/2012
	Keyless Access Control System replacement or upgrade	100%	06/2015
	800 MHz Migration – Staged Implementation		

	Phase 1 - Backbone upgrade	50%	12/2015
	Phase 2 - Subscriber equipment upgrade	100%	12/2017
	Implement a replacement cycle for desktop computers	75%	12/2012
	Analysis of Leasing Options	50%	06/2013
7	Expenditure Justifications		
	Utilize the Expenditure Justification Process for all major projects (does not include routine maintenance)	100%	07/2012

Modification of Benchmarks

As projects come to fruition and technology evolves, benchmarks in this plan may be modified by the IT Steering Committee with approval of the City Manager. This process will not require formal adoption by the City Council. Changes to the established benchmarks should be documented as indicated below.

Date	Benchmark Revisions	Reason	City Manager Signature

ADDENDUM B

City of Los Alamitos **IT Steering Committee**

The IT Steering Committee meets on the third Thursday of the month. For purposes of this committee, the terms *Technology* and *Information Technology* are used interchangeably.

Chair: Cassandra Palmer, Support Services Manager
Police Department

Members: Sean Connolly, Sergeant
Police Department

Corey Lakin, Director
Recreation and Community Services

Steven Mendoza, Director
Community Development

Vacant, Director
Finance

Associate Members: Phil Danie, President
Scientia Consulting Group, Inc.

Tom Bruce, Chief Technology Officer
Scientia Consulting Group, Inc.

Lois McGuthrie, Technician
Scientia Consulting Group, Inc.

ADDENDUM C

City of Los Alamitos IT Expenditure Justification

Part I

Project Description _____

Cost: _____ Funding Source: _____ Contact: _____

Part II

To ensure a fiscally prudent approach to the implementation of major technology acquisitions, proposed projects should represent an overriding benefit to the City as identified in a cost-benefit analysis. Not all categories of Expenditure Justifications will be applicable in every case; however, the criteria will facilitate the evaluation and prioritization of projects. Major technology projects are evaluated by the following criteria: *(Check all that apply)*

1. Is it efficient and economical?

- Reduces staffing costs
- Eliminates or reduces redundancy
- Automates processes
- Improves or enhances customer service
- Generates revenue

Cost-benefit analysis: _____

Indicate whether figure refers to hard or soft costs

2. The project addresses a need:

- Safety issue
- Departmental need
- Legislative mandate
- Industry standard

- Required by other governing entity
- Is part of a succession plan - a means to an end
- Facilitates the dissemination of information to the public and/or staff

3. The project supports and/or is consistent with:

- City Council goals
- City Branding
- City's IT Implementation Plan

4. The project is supported by a creative acquisition or funding strategy:

- Grant (Indicate City contribution) _____
- Replacement/Upgrade
- Lease
- Ongoing costs have been considered (How much?) _____
- Other _____

Part III

Steering Committee Review

Project Approved Project Denied Date: _____

Steering Committee: _____ City Manager: _____

Comments:

City of Los Alamitos

Agenda Report Discussion Items

August 20, 2012
Item No: 10B

To: Mayor Troy D. Edgar & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Request for City Council Review of Conditional Use Permit 12-01

Summary: Council Member Graham-Mejia has requested that the City Council review a Planning Commission decision that would allow for conversion of carports into enclosed garages. The Municipal Code does not expressly address the process by which a Council Member may appeal or call for review of a Planning Commission decision so the Council is asked to interpret the Municipal Code and consider the request in light of that interpretation.

Recommendation: City Council choose from among the following options:

1. Interpret the Code as providing for the City Council to appeal, using the procedures identified in Section 17.68.020 for applicants and interested parties, and reject the request that the Council appeal as inconsistent with due process requirements.
2. Interpret the Code as granting the City Council the ability to call a project for review without stating a position as to the merits; require that the Council Member seeking review identify how the decision raises issues of sufficient importance that the Council ought to be involved; and either grant or deny review.
3. Direct Staff to agendize for consideration a clearly defined "call for review" process providing the City Council with an alternative to appealing future decisions.
4. Direct Staff to agendize for future discussion the permissible uses of garages or other aspects of carport conversions.

Background

The approval of Conditional Use Permit No. 12-01, for Lexington Arms Apartment Complex located at 11111 Lexington Drive, was made by the Planning Commission on July 9, 2012 (Applicant: Architect Greg Howell for Geiger Family Trust).

Council Member Graham-Mejia requested an agenda item to have the City Council consider whether to appeal Conditional Use Permit 12-01. Her request is attached as Attachment 2 for your reference.

Council Member Graham-Mejia did not herself file an appeal and there is no appeal to consider this evening. Rather, the City Council is asked to: 1) interpret the Municipal Code to clarify the procedures, if any, available to Council Members wishing to call a Planning Commission decision for review by the Council; 2) apply the code as interpreted to Council Member Graham-Mejia's request in order to determine whether an appeal should be scheduled; and 3) provide direction to Staff as to any future agenda items relating to this topic.

Discussion

Process Under the Municipal Code

Due Process: Due process requires that those hearing an appeal be impartial, neutral decision makers. Courts have therefore ruled that when a Council Member declares himself an interested party and states his disagreement with a Planning Commission decision, he negates the impartiality that due process requires of neutral decision makers. Many ordinances, including the Los Alamitos ordinance, require that an appellant state the portion of the decision with which the appellant disagrees and the basis for the disagreement. This statement itself negates the neutrality and impartiality of the appellant and disqualifies him from participating in the hearing of the appeal. As a result, a Council Member who appeals a decision must abstain from hearing the appeal, due to the appearance of bias and conflict of interest.

As a result, it is very common for cities to have an ordinance allowing City Council Members to call Planning Commission decisions for review without stating a view of the merits of the decision appealed. These ordinances resemble ordinances providing for appeals in that they provide the deadlines and format to call an item for review. However, they differ in that they do not require a statement of the error in the underlying decision and instead require only that the council member explain how the decision raises matters of sufficient import that the City Council ought to be involved in making the decision. These "call for review" procedures allow council members to initiate review of commission decisions without compromising their ability to participate.

Municipal Code Chapter 17.68: Chapter 17.68 expressly provides for appeals and sets forth the procedures for the filing, processing, and review of appeals of Planning Commission decisions. Section 17.68.020 states in some detail the process for an "applicant or any interested party" to appeal. The process includes deadlines, form requirements, and other specifics. In particular, it provides that an appeal must "include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement," be accompanied by the fee established in the City's fee resolution, and be filed within 20 calendar days of the

commission's action. Under this process, a Council Member can appeal a decision as an interested party, but could not then participate in hearing the appeal.

Chapter 17.68 also alludes to, but does not explicitly describe, the possibility that the Council can itself appeal. Specifically, Section 17.68.010 refers to the "filing of an appeal, by other than the commission or council..." and 17.68.020 sets a scheduling deadline 30 days "after the receipt of a notice of appeal and fee, *or after the commission or council has voted to appeal.*" These two sections both imply that there is some procedure for the Council to "vote to appeal", but does not describe the procedure.

Code Interpretation: Since the Code provides no other procedure for the City Council to appeal, the simplest interpretation of the Code would be that the process applicable to all other appellants applies to the Council as well. However, that interpretation would nullify the Council's ability to appeal because the resulting process would require the Council to articulate the portions of the decision with which it disagrees and the basis therefore. This statement would negate the Council's impartiality and prevent the Council from hearing the appeal. Stated otherwise, a procedure whereby the Council decides whether to appeal to itself does not comport with due process.

An alternative interpretation would be that the reference to the Council voting to appeal is actually an attempt to create a mechanism for the Council to call the decision for review, without stating a position on the merits. The problem with this interpretation is that the Code does not provide any alternative procedure and one would need to be "inferred." Typically, this procedure would include a deadline for calling an item for review, a statement that no fee is required and a requirement that the Council Member initiating the process explain how the decision raises matters of sufficient import that the City Council ought to be involved in making the decision.

The City Council therefore has the following options in interpreting the Code:

- 1) Interpret the Code as providing for the City Council to appeal using the procedures identified in section 17.68.020 for applicants and interested parties. This option would essentially view the "appeal by the council" language as an artifact of archaic code from the days when such provisions were common (before the courts clarified the due process requirements) and render the option unavailable.
- 2) Interpret the Code as granting the City Council the ability to call a project for review without stating a position as to the merits and infer a process for doing so that comports with due process requirements. Most importantly, the City Council would need to articulate what the basis is for calling a decision for review. As noted above, the typical requirement is that the Council Member seeking review identify how the decision raises issues of sufficient import that the Council ought to be involved. This option would then require the City Council to determine whether the request in this case meets the standard articulated. If so, the appeal

would be scheduled for a future meeting at which time all interested parties would be afforded the opportunity to be heard.

The Project

The owner of the Lexington Arms Apartments, through Architect Greg Howell of Sky View Designs, filed for consideration of a Conditional Use Permit (CUP 12-01) to alter the apartment building at 11111 Lexington Drive, in the Multiple Family Residential (R-3) zoning district, APN 222-131-18. Alterations proposed included adding a covered main entrance and enclosed private open space for various units and converting existing carports into individual garages.

Lexington Arms Apartments does not meet Los Alamitos' Zoning Codes specifically in the area of parking space size and number of spaces. Since it is non-conforming it can only be altered through the Conditional Use Permit Process in accordance with Section 17.64.050 of the City's Zoning Ordinance. The Planning Commission report from July 9, 2012, and adopted resolution are attached as 3 and 4 for your reference.

The Los Alamitos Planning Commission originally considered the Conditional Use Permit application at its July 9, 2012 meeting. The Commission opened the Public Hearing, received both oral and written testimony, and then deliberated. During deliberations, the Commission discussed various ideas to balance the applicants desire to enclose the carports with the need to maximize on-site parking. The Commission was concerned that unless conditioned, the garages could become storage facilities and subsequently would not allow for parking on site. To decrease the possibility of impacting the streets with additional parking, the Commission felt it necessary to incorporate additional conditions encouraging garage parking. At the meeting, the applicant assured the Commission that he was in agreement with the proposed additional conditions and verbally accepted the conditions. The resolution of approval, including the conditions, is also attached as Attachment 4 for your reference.

The processing of an appeal prevents the commencement of improvements to the Lexington Arms Apartments. Both the property owner, Mr. Mark Geiger, and his architect, Greg Howell, have issued letters to staff objecting to the continued processing of an appeal and stating that the resulting delay and uncertainty may prevent him from continuing with his project to upgrade and improve his property (Attachment 5). The architect specifically objects to an appeal made without any explanation as to "what is being protested or why."

Call for Review

Regardless of the action taken on Council Member Graham-Mejia's request, it would appear the City is in need of a Call for Review ordinance. The lack of a proper written set of procedures to follow for "Call for Review" has led to broad interpretations by different individuals. Providing proper procedures would reduce contentiousness in the development process and lay out a framework for all parties to follow. Such an

ordinance was previously presented, but consideration was deferred. Staff recommends that the Council direct that the call for review ordinance be agendized in the near future.

Policy Regarding Code Enforcement and Carport Conversions

Again, regardless of the action taken on Council Member Graham-Mejia's request, the City Council may wish to provide policy direction or even consider a code amendment regarding the permissible uses of garages or other aspects of carport conversions. This would be an appropriate subject for Council discussion at a future meeting. Moreover, such a discussion would not impact this applicant's ability to move on with the construction. However, should the City's policy or code change as a result of the discussions, the applicant would have the ability to seek an administrative modification to CUP 12-01 to conform to the revised policy.

Options

The City Council's options include the following:

- 1) Interpret the Code as providing for the City Council to appeal using the procedures identified in Section 17.68.020 for applicants and interested parties and reject the request that the Council appeal as inconsistent with due process requirements.
- 2) Interpret the Code as granting the City Council the ability to call a project for review without stating a position as to the merits; require that the Council Member seeking review identify how the decision raises issues of sufficient import that the Council ought to be involved; and either:
 - a. determine that the decision in this case raises issues of sufficient import that the Council ought to be involved and schedule a future meeting at which time all interested parties would be afforded the opportunity to be heard; OR
 - b. determine that the decision in this case does not raise issues of sufficient import that the Council ought to be involved and decline to call the matter for review.
- 3) Direct Staff to agendize for consideration a clearly defined "call for review" process providing the City Council with an alternative to appealing future decisions.
- 4) Direct Staff to agendize for future discussion the permissible uses of garages or other aspects of carport conversions.

Although options 1 and 2 are mutually exclusive and the Council must choose between them, options 3 and 4 may be combined with any other options.

Fiscal Impact

City Council action on this matter will require certain administrative activities to be performed; however, these activities are considered routine staffing responsibilities that are not expected to result in significant fiscal impact to the City.

Reviewed By:

Approved By:



Steven A. Mendoza
Community Development Director



Angie Avery
City Manager

Attachments:

- 1. LAMC Chapter 17.68 - Appeals*
- 2. Request for Agenda Item*
- 3. Planning Commission Staff Report*
- 4. Planning Commission Resolution No. 12-06*
- 5. Letters from applicant and applicant's architect regarding project delay*

Chapter 17.68 APPEALS**17.68.010 Purpose.**

This chapter establishes procedures for the following:

- A. Commission's Review. The commission's review of a decision rendered by the director;
- B. Council's Review. The council's review of a decision rendered by the director or commission; and
- C. Other. The filing of an appeal, by other than the commission or council, of a decision rendered by the director or commission. (Ord. 688 § 1 (part), 2006)

17.68.020 Application filing, processing, and review.

- A. Eligible Appellants. The applicant or any interested party may appeal a decision of the director or commission.
- B. Form of Appeal. An appeal shall:
 1. Be made in writing;
 2. Include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement;
 3. Be accompanied by the information identified in the department handout for appeal applications; and
 4. Be accompanied by the fee established by the city's fee resolution. Appeals filed by the director or commission shall be exempt from payment of any required fee.
- C. Time for Filing. An appeal shall be filed within twenty (20) calendar days (ten (10) calendar days in the case of a large family day care home permit) after the final action of the director or commission.
- D. Filing. Appeal applications addressed:
 1. To the commission shall be filed with the department; and
 2. To the council shall be filed with the city clerk.
- E. Scheduling. Within thirty (30) days after the receipt of a notice of appeal and fee, or after the commission or council has voted to appeal, the appeal shall be transmitted to either:
 1. Appeals to the Commission. The director who shall place the item on the commission agenda for a public hearing; or,
 2. Appeals to the Council. The city clerk who shall place the item on the council agenda for a public hearing.
- F. Notice and Hearing. Notice of a hearing shall be given as identified in Chapter 17.66 (Public Hearing Notice Procedures). The city clerk shall also notify the commission of the appeal.
- G. Withdrawal. An appeal may not be withdrawn or dismissed before the scheduled public hearing without the director's approval.
- H. Action. The commission or council shall take action on an appeal within ninety (90) days of the receipt of the notice of appeal. In the case of an appeal of a decision regarding an adult use planning permit, the commission or council shall take action within sixty (60) days. The deadline for action on the appeal may be extended by the mutual, written consent of the commission or council, the applicant, and the party filing the appeal—if the party filing the appeal is other than the city or the applicant. At the close of the public hearing, the commission or council may affirm, revise, or modify the decision of the director or commission, as applicable.
- I. Report to Commission or Council. Upon receipt of the notice of appeal, the department or commission secretary shall prepare a report of the facts pertaining to the decision of the director or commission and shall submit the report to the appropriate review authority along with the reasons for the director's or commission's action. The report shall include copies of any findings,

staff reports to the commission, commission resolutions on the project, minutes of the commission meeting(s) on the project, and any other information as deemed relevant by the commission or council.

J. Referral to Commission. In the event new or different evidence is presented on appeal, the council may, but shall not be required to, return the matter to the commission for further consideration. (Ord. 688 § 1 (part), 2006)

17.68.030 Failure of commission to act on appeal of home occupation permit.

If the commission does not take action on the appeal of the director's determination concerning the issuance of a home occupation permit within sixty (60) days after the filing of the appeal, the director's decision shall be deemed affirmed. (Ord. 688 § 1 (part), 2006)

From: "wethreemejias@aol.com" <wethreemejias@aol.com>
Date: July 27, 2012 10:10:36 AM PDT
To: Angie Avery <AAvery@cityoflosalamitos.org>
Subject: CUP C12-01

Angie,

Please consider this email my formal request as a sitting Council Member, for you (City Manager) to place on the next city council agenda, a discussion and vote by the city council to commence an appeal of the Planning Commission's decision granting Conditional Use Permit C12-01. I have no objection to this agendaized discussion and vote occurring at a 'special meeting'.

Your prompt attention to this matter is expected and appreciated.

Thank you,

Gerri Graham-Mejia
Council Member

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

July 9, 2012
Item No: 7A

To: Chair Riley and Members of the Planning Commission

From: Steven A. Mendoza, Community Development Director

Subject: Conditional Use Permit No. C12-01 - 11111 Lexington Drive
Alteration of Nonconforming Residential Building

Summary: Request to alter a nonconforming apartment building including adding a covered main entrance, adding enclosed private open space for various units, and converting carports into individual garages.

Recommendation:

1. Open the Public Hearing; and, if appropriate;
2. Adopt Resolution No. PC 12-06, entitled, "A Resolution of the Planning Commission Approving Conditional Use Permit (CUP 12-01) to Alter a Non-conforming 13,920 Square Foot Apartment Building at 11111 Lexington Drive, in the Multiple Family Residential (R-3) Zoning District, APN 222-131-18 (Applicant: Greg Howell - Sky View Designs)."

Applicant: Greg Howell - Sky View Designs

Location: The Lexington Arms Apartment Complex
11111 Lexington Drive, APN 222-131-18

Environmental: A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

Approval Criteria: Section 17.64.050 (Restrictions on nonconforming uses and structures) of the Los Alamitos Municipal Code (LAMC) requires Planning Commission approval of a Conditional Use Permit for alteration of nonconforming structure.

Noticing:

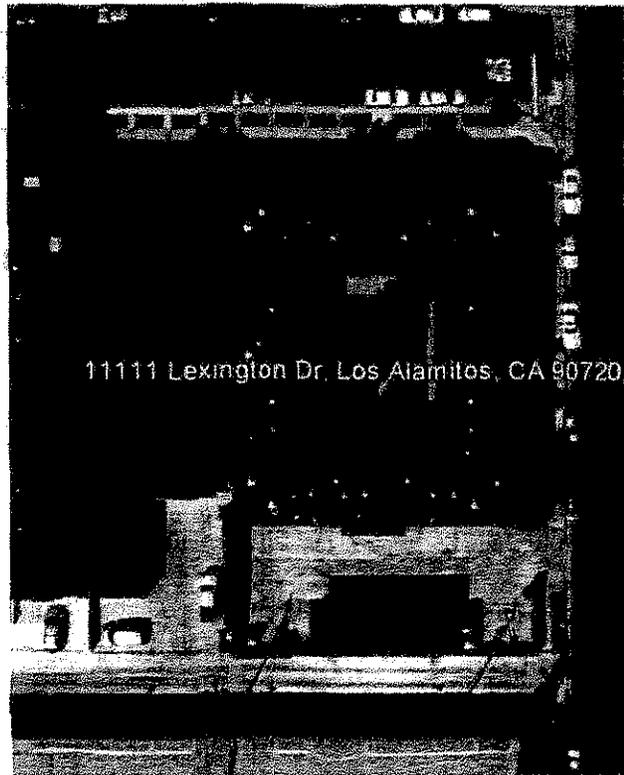
Notices announcing the Public Hearing were mailed to all property owners and occupants within 500 feet of the proposed location (approximately 720 mailed) on June 27, 2012. A Public Hearing notice regarding this meeting was also published in the News Enterprise on June 27, 2012.

Permitting History:

1960	City Incorporation date
1961	Apartments Constructed
1968	City's Zoning Ordinance Established
1997	Swimming Pool Demolished
1999	Roof Replacement
2012	Replacement of 76 windows

Background

The owner of the Lexington Arms Apartments, through his Architect, Greg Howell of Sky View Designs, has filed for consideration of a Conditional Use Permit (CUP 12-01) to alter his existing, building at 11111 Lexington Drive, in the Multiple Family Residential (R-3) zoning district, APN 222-131-18. These alterations are intended to give the building a modern, more updated appearance. Alterations include:



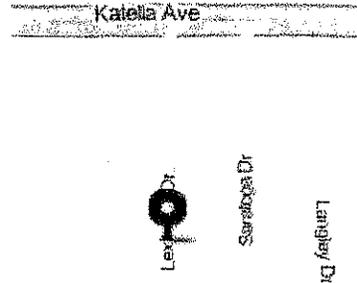
1. Adding a covered main entrance
2. Adding enclosed private open space for various units
3. Converting existing carports and garages into individual garage parking

The Lexington Arms Apartments does not meet Los Alamitos' Zoning Codes specifically in the area of parking space size; therefore, it is considered non-conforming. This is a fourteen unit building which would require, at a minimum, 28 spaces. It currently has only twenty existing spaces and according to the latest code these would need to be accessed from the alley.

Since the property is regarded as non-conforming, it may only be altered through the Conditional Use Permit Process in accordance with Section 17.64.050 of the City's Zoning Ordinance.

(Restrictions on nonconforming uses and structures) of the Los Alamitos Municipal Code (LAMC) states: "A structure existing at the date of the adoption of said ordinance that is nonconforming in use, design, or arrangement shall not be extended, reconstructed, or structurally altered unless a conditional use permit is first secured in each case, or unless an enlargement, extension, reconstruction or alteration is in compliance with the regulations identified in this zoning code for the zoning district where the structure is located."

The subject site is located at 11111 Lexington Drive. Property to the north is developed with multi-family residential uses in the Multiple Family Residential (R-3) Zoning District. Properties to the east are developed with single family homes in the Single Family Residential (R-1) Zoning District. Properties to the south are developed with multi-family buildings in the Multiple Family Residential (R-3) Zoning District. Properties to the west are also developed with multi-family residential units in the Multiple Family Residential (R-3) Zoning District. The report outlines the improvements proposed and staff recommendations regarding those improvements as they are permitted by code.



Covering the Main Entrance

Issue: The applicant plans to create a new, covered entryway/main entrance that is secured with wrought-iron gates and a call box. This conforms with the LAMC, except for the porch cover, that as proposed, extends into the front setback more than the 30 inches described by the code for eaves in section 17.16.100 "Projections into required setbacks." The applicant's proposal for the entryway roof would project ten (10) feet into the required 20 foot front setback. According to 17.08.030 "Property development standards," Table 2.03, note number 9, "Front setbacks may vary provided an average building setback of 20 feet is maintained along an entire block face, with no setback less than 15 feet." The average setback along this block is 18.5 feet which leaves no capacity to grant any further encroachment on the setback. However, a roof projection eave could be approved up to 30 inches into the setback, so a porch cover that would fit within this standard can be approved, and will be conditioned in the resolution as such. The call box will be also conditioned to be quiet enough that it will not disturb neighboring properties. The gates will conform with the code.

Conclusion: The structure, as proposed is not approvable, so staff has conditioned the entryway roof to be decreased in size so that it does not protrude more than 30 inches into the front set back area.

Enclosing Private open space areas

Issue: Currently, the main floor units open directly to a courtyard at the center of the building. The proposal here is to enclose areas for five units to provide individual, private open space.

Conclusion: Approvable as proposed.

Existing Carports altered as Garages

Issue: The size of the existing carports are not wide/deep enough to meet today's Zoning Code Requirements. The spaces vary in size from 9 feet by 19 ½ feet to 10 feet by 19 ½ feet and cannot be moderately adjusted to improve this situation.

Fourteen (14) parking spaces are in carports and six (6) are uncovered spaces. Nine (9) of the carport spaces are tucked under the back of the building. However, eighteen (18) of these spaces, if enclosed as garages do not meet today's code requirements to be 10 feet by 20 feet for each enclosed space in a garage. However, the building department does not find any Building Code problems with the undersized spaces.

After extending the side walls, garage doors will be added to enclose the spaces. This will create enclosed garages for the units that are assigned these parking spaces. As stated before, these spaces are smaller than code allows.

Conclusion: Staff supports the alteration of the carports into garages as the size of the parking spaces has existed for many years without difficulty of use. This number of twenty spaces will be conditioned to be maintained in the resolution.

Other Projects

The applicant also proposes to reface the building with a new stone veneer over existing stone veneer at entryways and planters, to cover pipes in existing carports with moldings, as well as a proposal to refurbish the landscape and hardscape around the structure. These changes do not require a CUP for alteration, however the changes will be conditioned in the resolution to be completed before the building permit is finalized.

General Plan Consistency

The Housing Element of the General Plan supports the maintenance and Rehabilitation of Los Alamitos's housing stock as outlined in the following Housing Strategy and Policy Action 1.5.

Housing Strategy Area 1:

*Maintenance and Rehabilitation of Housing Stock
The City of Los Alamitos is generally a "built-out" community comprised of long established neighborhoods. The City has not experienced significant construction*

of new housing units in recent years. Approximately 63 percent of the City's housing stock is between 30 and 50 years old and an additional 18 percent are over 50 years old. Much of the housing stock has been deemed to be in decent, suitable condition. However, due to the relative age of housing units there is an anticipated need for on-going maintenance and rehabilitation. Maintenance and rehabilitation activities help ensure the quality of the City's existing housing stock and neighborhoods is preserved.

Policy Action 1.5: Rehabilitation of Multi-family Dwellings

The City will provide for regulatory incentives and in-kind technical assistance to non-profit organizations, affordable housing developers and property owners for the acquisition and rehabilitation of multi-family properties. Through a variety of incentives such as streamlined permit review, reduced development standards, parking reductions or other concessions, the City will encourage acquisition and rehabilitation of multi-family units.

Summary

Staff finds that the conversion of carports into garages and the enclosing of private open spaces phases of the project can be accomplished with little change to an already existing nonconformance situation for this apartment building. This situation will add no further code compliance burden than that which already exists. However, the plan of covering the main entrance to take in part of the front setback will need to be altered, so as to not add another nonconforming feature to this property.

Staff reviewed the application and researched the surrounding area and finds that the proposed improvements to this non-conforming structure use is compatible with the City's General Plan and harmonious with surrounding uses and that it will not negatively impact the health, welfare, or safety of the public. Further, it will not negatively impact the available parking supply to the detriment of the surrounding tenants, will not create excessive noise or vibrations, and therefore does not generate nuisance conditions. Staff recommends approval of the modifications of Conditional Use Permit 12-01, as conditioned in Planning Commission Resolution 12-06.

Attachment: Planning Commission Resolution No. 12-06, with Exhibits

RESOLUTION NO. 12-06

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP 12-01) TO ALTER A NON-CONFORMING 13,920 SQUARE FOOT APARTMENT BUILDING AT 11111 LEXINGTON DRIVE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-131-18 (APPLICANT: GREG HOWELL - SKY VIEW DESIGNS)

WHEREAS, an application for a Conditional Use Permit was submitted to alter carports and other improvements within a 13,920 square foot apartment building at 11111 Lexington Drive, which is non-conforming due the under-size of its existing parking spaces; and,

WHEREAS, the verified application constitutes a request under Section 17.64.050 (Restrictions on nonconforming uses and structures) of the Los Alamitos Municipal Code (LAMC) which requires Planning Commission approval of a Conditional Use Permit for expansion of a nonconforming structure; and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on July 9, 2012; and,

WHEREAS, at this public hearing, the applicant, applicant's representatives, and members of the public were provided the opportunity to present written and oral testimony.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Conditional Use Permit 12-01 is hereby approved to allow covering the main entrance, adding enclosed private open space for various units, and converting existing carports into individual garage parking at 11111 Lexington Drive based upon the following findings:

1. The use, covering the main entrance, adding enclosed private open space for various units, and converting existing carports into individual garage parking as conditioned, will not endanger the public health or general welfare if the use is located at 11111 Lexington Drive. The uses will not foster circumstances that tend to generate a nuisance because the nonconforming aspect to this property is already an existing condition and these alterations will not create any greater impacts to the neighborhood, and will in fact benefit the neighborhood through acquiring a more pleasant appearance.

2. The proposed covering of the main entrance, adding enclosed private open space for various units, and converting existing carports into individual garage parking will be located in a multiple family residential area and is a conditionally permitted use within the Multiple Family (R-3) Zoning District. The (R-3) Zoning District permits these changes provided that the use is found to be compatible and harmonious with surrounding uses with the approval of a Conditional Use Permit. This is a residential building completely surrounded by residential uses. The nonconforming aspect to this property is already an existing condition and these alterations will not create any greater impacts to the neighborhood.
3. The proposed covering of the main entrance, adding enclosed private open space for various units, and converting existing carports into individual garage parking is compatible with similar uses located in the Multiple Family Residential (R-3) Zoning District and is surrounded by residential uses, and is in harmony with those uses. The alteration proposed provides synergy with existing uses, and will benefit the neighborhood through a more pleasing appearance.
4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the public hearing before the Planning Commission.
5. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15303(e), Class 1. Existing Facilities. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves subject to the following conditions:

Planning Division

1. Approval, with conditions, of this application is to allow alterations that include covering of the main entrance, adding enclosed private open space for various units, and converting existing carports into individual garage parking, at 11111 Lexington Drive., as shown on the drawings submitted by the applicant and on file in the Community Development Department (Exhibit A). Subsequent submittals for this project shall be consistent with such plans, subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. This approval is for the covering of the main entrance, adding enclosed private open space for various units, and converting existing carports into

individual garage parking. The alteration is approved exclusively as precise plans for the structures, materials, and features as shown on the relevant drawings referenced above. Any relocation, alteration, addition to, and/or use of any building or property contrary to the conditions hereunder nullifies this approving action. If any changes are proposed regarding the structure, a request for an amendment of this approval must be submitted to the Director of Community Development. If the Director determines that the proposed change(s) is/are consistent with the provisions, spirit, and intent of this approval action, and that such action would have been the same with the proposed change(s) for the proposal approved herein, the amendment may be approved by the Director of Community Development.

3. The applicant shall defend, indemnify and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
4. A roof projection/eave can be approved for up to 30 inches into the front setback over the main entryway to the building, subject to approval by the Director of Community Development.
5. Lighting fixtures added must be decorative and complement the architectural character of the alteration of the building.
6. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.
7. The applicant agrees to maintain the site consistent with the property maintenance standards set forth in Section 17.14.070 of the Los Alamitos Municipal Code.
8. The applicant shall maintain the twenty (20) parking spaces currently existing on the property.

9. The applicant shall add a sufficient number of bollards to protect the face of the garages.
10. The applicant will display a sign visible to the public with a contact number should any resident have any questions about the construction.
11. The applicant shall install a volume control system incorporated into the call box speaker system for adjustments that may be needed in order to avoid noise disturbance of the neighboring properties.
12. Any signs or banners shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and/or any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Director of Community Development.
13. The address sign at the front of the building shall meet the following conditions:
 - a. Read from left to right
 - b. Building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - c. Have contrasting backgrounds.
 - d. Address numbers shall be Arabic numbers or alphabetical letters.
 - e. Shall not be italicized or unusual in any way.
 - f. Be kept clear of vegetation or growth so as to be readily visible from the street.
 - g. Be internally or externally illuminated by dedicated luminaries; luminaries for address lighting shall have an over current protection device and may have a photoelectric control only--no other disconnects or controls are allowed. Address numbers are intended to be illuminated during all times of darkness.
 - h. Be approved by the Building and Fire Departments; all address identifications must be installed prior to occupancy.
14. The garages shall be numbered with signs that are in the same font and style as the address sign at the front of the building.

15. The garage doors shall be made of metal, with a minimum amount of an embossed wood look, and having roll-up flush panels.
16. Approval of the Conditional Use Permit shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.
17. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of this approval.
18. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
19. Prior to permit issuance, the property owner and applicant shall file an Agreement Accepting Conditions of Approval with the Community Development Department. The property owner and applicant shall be required to record the agreement with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.
20. The applicant shall comply with applicable City, County, and/or State regulations.

Building Division

21. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for improvements.
22. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 a.m. until 5:00 p.m. during the week; 8:00 a.m. until 5:00 p.m. on Saturday; and not at all on Sunday or federal holidays.

Code Enforcement

23. The applicant shall contact the City if they intend to erect any signs, banners, flags, or other similar items in conjunction with the alteration of the structure to obtain a permit for those uses.

Orange County Fire Authority

24. Building Code Chapter 420 states that when a permit is required for alterations, repairs or additions exceeding one thousand dollars, existing

dwellings or sleeping units that have attached garages or fuel-burning appliances shall be provided with carbon monoxide alarms combined with smoke alarms.

Los Alamitos Police Department

None.

Planning Commission

25. To avoid loss of necessary parking area, property owner shall only provide storage over-hood and/or overhead.
26. Automatic garage door openers shall be required for each garage.
27. The primary use of all garages shall be for storage of vehicles registered to tenants of the Lexington Arms. Garages shall only be rented to residents of the building and shall not be subleased, rented out or used by non residents.
28. Code Enforcement shall be authorized to inspect garages at any time to insure there is sufficient room to park cars in garages.
29. Garages must keep kept free and clear at all times in order to be able to park a mid-sized car.
30. All existing gas piping/plumbing along east side shall be redirected to eaves of building or blocked from public view via architectural treatment or landscaping.

SECTION 5. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

PASSED, APPROVED, AND ADOPTED this 9th day of July 2012, by the following vote:

AYES:	Grose, Andrade, Loe, Riley, Sofelkanik
NOES:	None
ABSENT:	Daniel, Sutherlin
ABSTAIN:	None

ATTEST:



Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION

Tom Oliver

From: Greg Howell [greg@skyviewhomes.com]
Sent: Monday, August 06, 2012 8:11 AM
To: Tom Oliver
Subject: CUP Appeal of C12-01

Hi Tom,

I understand that a sitting City Council member has appealed the Lexington Apartments CUP application with no written reason as to what is being protested or why. I find this to be an outrageous abuse of the council member's position. I believe this type of action should not be allowed. All council members should be forthright about any auction taken on the City's behalf. The appeal should be denied based on an incomplete and untimely appeal.

We have worked together with the planning staff to reach a mutually acceptable plan for the extensive property improvements that will enhance the neighborhood. The property owner and I have discussed canceling all of the proposed improvements to the exterior of the building due to the unforeseen delays and expenses.

The Lexington Apartments owners own other properties in Los Alamitos. They were planning exterior renovations on these properties. We are now questioning whether Los Alamitos is supportive of owners who wish to improve their property. The property owner will be contacting you with their feelings about the pending appeal.

We look forward to any information regarding this appeal.

Greg Howell



Architectural plans & Title 24 Energy Calculations

Web Site: SkyViewDesigns.net

Address: 20561 Suburbia Lane
Huntington Beach, CA 92646

Phone: (714)963-4600

SPECTRUM

REAL ESTATE SERVICES, INC.

August 2, 2012

Mr. Tom Oliver
Associate Planner
3191 Katella Avenue
Los Alamitos, Ca 90720-5600

RE: 11111 Lexington Drive, Los Alamitos
Conditional Use Permit

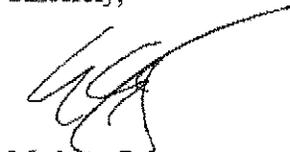
Dear Mr. Oliver:

It has come to our attention that the Conditional Use Permit that we have worked together and agreed upon has been appealed. We have spent several thousand dollars and numerous hours in an attempt to upgrade and improve the above mentioned property. We have even gone so far as to have the CUP notarized and recorded in a belief that this project would easily be seen as a benefit to the neighborhood. The plan as you know is to enclose the exiting carports to garages. Install a front entry access and add new modern stacked rock treatments to the visible parts of the property. We also will add private patios inside the property and finally add lush landscape. This modernization will cost us in excess of six figures and we would like to start as soon as possible.

We understand that the appeal is based on storage in the garages. I realize that storage is nice for tenants but our garages are meant for cars only. There are existing storage cupboards in the garages and they will remain. Our insurance carrier requires us to use the garages for cars.

Please understand that this project will help us in renting our vacancies but if we keep getting dragged out longer and with additional costs and fees we are willing to drop the project entirely.

Sincerely,



Mark A. Geiger
Owner/Manager

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City of Los Alamitos

Agenda Report Mayor and City Council

August 20, 2012
Item No: 11A

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

From: Angie Avery, City Manager
Sandra Levin, City Attorney

Subject: An Item Requested by Council Member Regarding Confidential Closed Session Materials

Summary: Council Member Kusumoto has requested an item that requires City Council direction regarding the inclusion of certain materials in the City's closed session record.

Recommendation: City Council discuss and provide direction as required regarding whether materials distributed to Council in closed session should be included in an official closed session record.

Discussion

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 (attachment #1) 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

None

Submitted and Approved By:



Angie Avery
City Manager

Attachment: 1. Request from Council Member Kusumoto dated June 18, 2012

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

City of Los Alamitos

Agenda Report Mayor and City Council

August 20, 2012
Item No: 11B

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

From: Angie Avery, City Manager
Sandra J. Levin, City Attorney

Subject: Council Member Request Regarding Investigation of Alleged Brown Act Violation

Summary: Council Member Kusumoto (with the support of Council Member Graham-Mejia) has requested that the City Council hire an independent expert to determine whether a violation of the Brown Act occurred as a result of conversations among Council Members concerning agenda item 10A that appeared on the July 16, 2012 agenda. The request is attached.

Recommendation: City Council take no action.

Background

At the July 16, 2012 Council meeting, Council Member Kusumoto stated that he had had a brief discussion with Council Member Graham-Mejia regarding Agenda Item 10A on the City Council agenda of July 16, 2012 and that he learned during the conversation that Council Member Graham-Mejia had previously discussed the matter with Mayor Edgar. Council Member Graham-Mejia stated that she had spoken with the City Manager, City Attorney, and Mayor about the issue and they had encouraged her to speak with Council Member Kusumoto on behalf of the Council and try to act as an intermediary regarding his claim against the City for reimbursement of fees. Those involved or allegedly involved in the extra-meeting discussions regarding consideration of Agenda Item 10A disagree about the contents of those discussions as well as who the participants were.

It has not been alleged that any action was taken outside of a public meeting or that any conversations occurred beyond those disclosed during the discussion of Agenda Item 10A on July 16, 2012.

Discussion

Existence of a Violation?

Council Member Kusumoto has expressed concern about the following potential violations of the Ralph M. Brown Act:

#1: Mayor Edgar and Council Member Graham-Mejia allegedly discussed the content of Item 10A and then Council Member Graham-Mejia discussed Item 10A with Council Member Kusumoto.

The Brown Act provides that a majority of a legislative body may not discuss (even separately or through intermediaries) any item within their jurisdiction outside of a public meeting. However, Council Member Kusumoto indicated that he did not engage in the discussion by offering his views or opinions. Court decisions have made clear that this cannot constitute a violation. A meeting that merely entails the passive receipt of information is permissible because it does not rise to the level of collective action of the governing board. Based upon the facts presented, therefore, no violation has occurred. Moreover, the alleged subject matter discussed here was a claim by Council Member Kusumoto against the City for attorneys' fees. As to that matter, Council Member Kusumoto could not act as a member of the legislative body, the item was not within his jurisdiction and he could not be counted towards a quorum. Accordingly, no majority authorized to act discussed the item outside of a meeting.

#2: Council Member Kusumoto questions whether the City Council had a meeting to discuss and appoint Council Member Graham-Mejia as the Council's emissary to contact Council Member Kusumoto and discuss Item 10A. No evidence has been presented indicating that any such meeting took place and there is substantial evidence that it did not. Speculation, without more, cannot form the basis for a violation.

#3: Council Member Kusumoto also questions whether the individual Council Members discussed their opinions, either individually with Council Member Graham-Mejia, or with another central person such as the City Attorney, regarding Item 10A and the appointment of Council Member Graham-Mejia. Again, no evidence has been presented indicating that any such meeting took place and there is substantial evidence that it did not.

#4: Council Member Kusumoto also questions whether Mayor Edgar, Mayor Pro Tem Poe, and Council Member Stephens conducted a serial meeting to discuss the content of Item 10A and the appointment of Mayor Edgar to meet with Council Member Graham-Mejia and authorize her to contact Council Member Kusumoto to discuss Item 10A. Again, no evidence has been presented indicating that any such meeting took place and there is substantial evidence that it did not.

Violation Cured?

Even if there had been a violation, it would have been cured. The Brown Act provides that where a violation is alleged, the legislative body must be given an opportunity to cure or correct the alleged violation and that the alleged violation is not actionable once a cure occurs. Where, as here, there is an allegation that discussions took place outside the public view, the cure is to conduct discussions in public view – making all pertinent information available to the public.

Here, Council Member Graham-Mejia was entirely forthcoming and disclosed the contents of the conversation between herself and Council Member Kusumoto that constituted the purported Brown Act violation. Furthermore, she did so during the Council's deliberations and prior to any action being taken on Agenda Item 10A. This disclosure cured any alleged violation by making it public and part of the Council's deliberations.

Conflicts of Interest and Lack of Quorum

Three members of the Council (Edgar, Graham-Mejia, and Kusumoto) are alleged to have participated in an unlawful discussion under the Brown Act. Indeed, had only two participated in the discussion, it could not have been a violation. Each of the three members would be a potential subject of the proposed investigation (and any subsequent prosecution) and therefore has a conflict of interest in this matter. The remaining two members would not constitute a quorum and could not act.

There is an exception under the Political Reform Act, often called the "Rule of Necessity," which states that a public official is not precluded from making or participating in a governmental decision to the extent the official's participation is legally required for the action or decision to be made and there is no reasonable alternative manner of decision making. In this situation, the City need not take any action at all, and thus no official's participation is "legally required." Accordingly, there is no necessary action that would require the City to invoke the Rule of Necessity¹. It is therefore unlikely that there could be a lawful quorum to address this issue.

Fiscal Impact

Since the City Attorney is alleged to have participated in the Brown Act violation, if the City were to choose to investigate a potential civil claim under the Brown Act, the City would need to retain someone other than the City Attorney.

The fiscal impact would therefore be the cost of an outside expert.

¹ If it did decide to invoke the "Rule of Necessity," the disqualified Council Members would draw lots to determine which Council Member would participate along with the non-interested Council Members (Poe and Stephens).

Conclusion

For the reasons discussed above, it is recommended that the City Council take no action.

Submitted By:



Sandra J. Levin
City Attorney

Approved By:



Angie Avery
City Manager

Attachment: 1. Request from Council Member Kusumoto

Date: July 16, 2012

To: Angie Avery, City Manager

Subject: Request for an Independent Investigation on Possible Violations of the Ralph M. Brown Act by Mayor Troy Edgar, Council Member Gerri Graham-Mejia, and City Attorney Sandra Levin

Reference: City of Los Alamitos – Agenda for Regular Council Meeting on Monday, July 16, 2012 – 6:00 P.M.; Agenda Item 10A

Dear City Manager;

I am formally requesting that an independent investigation is conducted on possible violations of the Ralph M. Brown Act by Mayor Troy Edgar, Council Member Gerri Graham-Mejia, and City Attorney Sandra Levin.

1. On 7/15/2012, I had a discussion Council Member Graham-Mejia regarding Agenda Item 10A, which is included in the referenced City of Los Alamitos Council Meeting Agenda for Monday, July 16, 2012.
2. During our discussion on the Item 10A, Council Member Graham-Mejia disclosed to me that she was given permission and/or authority to reach out to me and discuss my viewpoints on the subject matter of Item 10A.
3. When I questioned her further about the purpose and nature of her discussing Item 10A, it became obvious that Council Member Graham-Mejia was acting as an emissary under the direction and authority of the City Council. This causes me to believe that one, and perhaps several, violations of the Ralph M. Brown Act have occurred.

Violation #1 (Serial Meeting - "daisy-chain") – Mayor Edgar and Council Member Graham-Mejia discussed the essential content of Item 10A; and then Graham-Mejia discussed Item 10A with Council Member Kusumoto.

Violation #2 (Improperly Noticed Meeting) – The Council body (sans Council Member Kusumoto) had a meeting to discuss and appoint Council Member Graham-Mejia as the Council's emissary to contact Council Member Kusumoto and discuss Item 10A.

Violation #3 (Serial Meeting - "hub-and-spoke") – If no formal Council Meeting occurred, then the individual Council Members must have discussed their opinions, either individually with Council Member Graham-Mejia, or with another central person such as Sandra Levin, City Attorney, in a "hub-and-spoke" manner regarding Item 10A and then authorized Graham-Mejia to contact Council Member Kusumoto and discuss Item 10A.

Violation #4 (Serial Meeting - "daisy-chain") – The Council Majority consisting of Mayor Edgar, Mayor Pro Tem Poe and Council Member Stephens, conducted a serial meeting to discuss the content of Item 10A and then appointed Mayor Edgar to discuss their decision with Council Member Graham-Mejia and then authorize Graham-Mejia to contact Council Member Kusumoto and discuss Item 10A.

Since it cannot be readily determined that one or more Brown Act violations occurred without a thorough and in-depth investigation, I request and expect that an independent expert is hired by the City to examine the facts and data and then make a recommendation to the appropriate authorities regarding any violations of the Brown Act.

Please let me know if you have any question on this matter.

Warren Kusumoto

City of Los Alamitos

Agenda Report Mayor and City Council

August 20, 2012
Item No: 11C

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

Via: Angie Avery, City Manager

From: Sandra J. Levin, City Attorney

Subject: Council Member Request Regarding Prosecution of Alleged Municipal Code Violation Relating to Waste Franchise Award

Summary: Council Member Kusumoto has requested that the City Council take steps to determine whether prosecution is warranted for alleged violations of the Municipal Code in connection with the award of the City's waste franchise.

Recommendation: City Council take no action.

Discussion

Los Alamitos Municipal Code Section 2.20.020(B) gives the City Attorney the authority and duty to prosecute municipal code violations. This role of the City Attorney is fundamentally different from the role as advocate for the City in that the City Prosecutor does not report to the City Council for direction or supervision. Council Members do not have the authority to direct or reverse decisions made by the City Attorney acting as City Prosecutor. Although Council Members may set general enforcement policies (e.g., determining the appropriate allocation of City resources), they are not allowed to direct or provide input on a criminal prosecutor's decision to prosecute or not prosecute a specific case.

In this case, when the suggestion was made by a member of the public in late 2011, the City Attorney evaluated the application of Los Alamitos Municipal Code, Section 1.20.010 (Criminal Penalties for Violations of the Municipal Code) to actions taken by the Council in its legislative capacity and concluded that prosecution was neither warranted nor permissible. Given the recent request for additional input, however, the City Attorney consulted the City's contract code enforcement counsel as well. Outside counsel concurred that the act of voting on the waste franchise award was not a criminal violation of the Municipal Code and is not subject to criminal prosecution under the Municipal Code. This would be true regardless of whether the initial award of the waste franchise complied with City purchasing procedures or not. It is a matter of constitutional law, legislative immunity, and separation of powers.

Also, Council Member Kusumoto's request states that it is based upon the finding of the trial court regarding compliance with Municipal Code procedures. For clarification, that finding is legally of no effect because it was appealed and the case was dismissed pursuant to a settlement prior to any final determination.

Conflicts of Interest and Lack of Quorum

Three members of the Council voted in favor of the waste franchise award. Each of the three members would be a potential subject of the proposed prosecution and therefore has a conflict of interest in this matter. The remaining two members would not constitute a quorum and could not act.

Conclusion

For the reasons discussed above, it is recommended that the City Council take no action.

Approved By:



Angie Avery
City Manager

Attachment: 1. Request from Council Member Kusumoto

Date: July 16, 2012

To: Angie Avery, City Manager

cc: Sandra Levin, City Attorney

Subject: Request for a Special Council Meeting for August 6, 2012.

References:

- (a) OC Superior Court Case Number 30-2010-00420414 - CITIZENS FOR A FAIR TRASH CONTRACT, Petitioner, vs. CITY OF LOS ALAMITOS
- (b) Los Alamitos Municipal Code (LAMC) 1.20.010 Violation - Penalty

Dear City Manager;

I am formally requesting that this item is included in the Special Council Meeting Agenda for a CLOSED SESSION for August 6, 2012 for discussion and a possible action by the Council:

1. Based on the ruling by Judge Andrew Banks on and the granting of the Writ of Mandate in favor of the Petitioner, questions have been raised regarding alleged violations of the Los Alamitos Municipal Code relative to the awarding of the original trash contract in June 2010. The City dropped our appeal, and in doing so, we have essentially accepted the Writ.
2. I am requesting that the Council consider this matter in closed session to determine one or more of the following actions, or no action if there is no merit in this proposed agenda item.
 - a. Hire a lawyer and/or law firm to examine the facts and evidence and the Los Alamitos Municipal Code and prepare and submit a report to the Council that either recommends prosecution or a finding that the LAMC was not violated.
 - b. Determine if the City should seek reimbursement from the City's consultant SloanVasquez for their failure to understand the LAMC and provide competent service and guidance with crafting the City's Request for Quote and subsequent evaluation and selection of the franchisee.

To be very clear: a decision of "no action" should be determined by the Council in closed session, with expert guidance from the City Attorney and should not be determined by the City Attorney without discussion by the Council.

Please let me know if you have any question on this matter.

Warren Kusumoto