

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

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 the local school groups and non-profits to more easily participate (i.e. dividing the City into smaller sections instead of being required to do the entire City).

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

- Program ideas would be things not generally funded by the City's operating budget
- 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 disingenuous; 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
- City Attorney Levin indicated the City Prosecutor had stated that no final product was created and that there was no exculpatory material within their files

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 statement "unanimous vote" because she was opposed to the measure, had abstained from the vote, and felt the statement was misleading to the public; 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 stated, "And if I might add, if I can ask City Attorney, why was Baric, Tran and Minesinger selected as the special prosecutor? Steve Baric is the Council Member from Rancho Santa Margarita. Steven Baric is the Vice Chairman of the California Republican Party. Steven Baric is the Chairman of the California Republican Lawyer Association. Certainly seems rather interesting that we did use Daaper, Rosenblit, and Litvak as our normal prosecutor for something like this and especially in an election year when we have our running for office it seems to me to be a little bit, it appears to be not a very good relationship that we selected the Vice Chairman's law firm for this service. Why did we pick him? City Attorney."

City Attorney Levin stated, "Not sure how much the City Council wants me to discuss but we reviewed resumes and qualifications for a number of

different firms, including the City's code enforcement prosecutors that handle things like nuisances and building code violations for the City. And the City Manager and I reviewed those things and the City Manager selected this firm based on my recommendation based on their experience."

Council Member Kusumoto stated, "So it was two of you that made the decision?"

City Manager Avery stated, "Yes it was under my purchasing threshold."

Council Member Kusumoto spoke regarding the following topics: 1) thanked Council for considering his request, but was dismayed at the results; 2) requested an agenda item to review the findings of the trash contract; 3) 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.

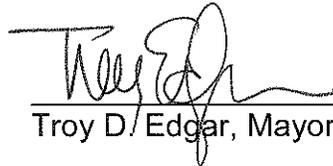
Mayor Edgar spoke regarding the following topics: 1) Precious Life annual charity event; 2) attendance at the retirement event for Lucianne Mulhardt from Casa Youth Shelter; 3) attendance at the 4th of July Spectacular event at the JFTB; 4) requested Staff look into the length and quality of the firework 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.

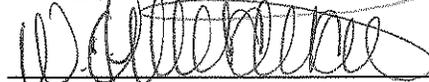
12. ADJOURNMENT

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