

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

REGULAR MEETING – October 15, 2012

1. CALL TO ORDER

The City Council met in Regular Session at 6:05 p.m., Monday, October 15, 2012, in the Council Chamber, 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
Linda Magnuson, Interim Finance Director
Tony Brandyberry, Public Works Superintendent
Dave Hunt, City Engineer
Emeline Moya, Recreation Manager
Bruce McAlpine, Police Captain
Kathie Mendoza, Interim Deputy City Clerk
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, Department Secretary

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Poe led the Pledge of Allegiance.

4. INVOCATION

Council Member Graham-Mejia gave the invocation.

5. PRESENTATIONS

A. Presentation of a Commendation to John Barnes, Los Alamitos High School Football Coach, in Celebration of his 300 Career Victories

City Council invited Los Alamitos Unified School District representatives to join the Council and presented a Commendation to Coach John Barnes.

B. Presentation by Orange County Transportation Authority Representatives Regarding an Update on the West County Connector Project

Dennis Mak, Project Manager, and Sarah Swensson, Community Outreach, gave a PowerPoint presentation and answered question from the City Council.

6. ORAL COMMUNICATIONS

Mayor Edgar opened Oral Communications.

Pat Blancher, resident, spoke regarding the upcoming election.

Art DeBolt, resident, spoke in opposition to Measure DD.

JM Ivler, resident, spoke regarding item 13C and stated opposition to the City Attorney's performance.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Poe/Stephens

Unanimously carried: The City Council approved the Register of Major Expenditures for October 15, 2012, in the amount of \$49,776.23, ratified the Register of Major Expenditures for September 16, 2012 to October 14, 2012, in the amount of \$667,349.92, 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 October 16, 2012 to November 18, 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 8A and 8E.

Council Member Kusumoto pulled item 8B.

Motion/Second: Graham-Mejia/Stephens

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

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

- C. Avoid the 26–DUI Campaign Memorandum of Understanding (Police)**
In an effort to reduce occurrences of driving under the influence (DUI) and related collisions, the Los Alamitos Police Department sought to participate with other Orange County law enforcement agencies in the Avoid the 26 - State of California Office of Traffic Safety Grant for Fiscal Year 2012-13.

The City Council:

1. Authorized the Chief of Police to execute the Memorandum of Understanding for participation in the “Avoid the 26” State of California Office of Traffic Safety DUI grant; and,
2. Amended the Fiscal Year 2012-13 budget by increasing the anticipated grant revenue in account 29.4331 in the amount of \$3,500; and,
3. Amended the Fiscal Year 2012-13 budget by increasing estimated grant expenditures in account 29.4331 in the amount of \$3,500, resulting in no net change in the City budget.

- D. Authorization to Purchase a New Grasshopper 72” Ride-on Mower
(Public Works)**

This report recommended replacement of the City’s 1993 ride-on mower.

The City Council:

1. Authorized the City Manager to execute a purchase order for the lowest responsible bid to Moridge Manufacturing Inc. in the amount of \$13,892; and,
2. Authorized Staff to reject all other bids for the purchase of a new Grasshopper 72” deck ride-on mower.

- F. Update Regarding AB 341 Solid Waste Diversion Compliance
(Community Development)**

This report provided an update on solid waste diversion required by Assembly Bill 341.

The City Council received and filed the report.

- G. State Local Partnership Program Grant
(Public Works)**
Orange County Transportation Authority (OCTA) will be issuing a one-time State-Local Partnership Program Formula (SLPP) Grant Call for Projects. In order to be eligible to receive SLPP funds, the City must sign cooperative agreement C-2-1840 between OCTA and the City of Los

Alamitos. On June 18, 2012 Staff recommended the following street rehabilitation projects: Cerritos Avenue from Bloomfield Street to Los Vaqueros Circle; Los Vaqueros Circle from south of Cerritos Avenue to the end of street; Humbolt Street from south of Cerritos Avenue to the end of street; and Reagan Street from Catalina Street to Sausalito Street.

The City Council authorized the City Manager to execute the Cooperative Agreement entitled "Cooperative Agreement C-2-1840 between OCTA and the City of Los Alamitos for Proposition 1B State-Local Partnership program call for projects".

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

A. Approval of Minutes (City Clerk)
Approve the Minutes of the Regular Meeting of September 17, 2012.

Council Member Graham-Mejia stated, "I'd like to address the format. We went from summary minutes to action minutes. And now what I'm starting to see is just more or less bullet points of items that were discussed with very little actual comments from even the Council Members. And I'm hoping that this isn't an attempt to keep us from being able to alter the minutes. Just to frame this for you, when we have a council meeting there are minutes taken so that there's a record moving forward for people in the future who may need to use those or even for our own ability to be able to look back and refresh our memories. Unfortunately, if something is not quoted right or if we want more information added, as a Council Member we can change our own comments. And in this format, which has been changed from summary to action which condenses the amount of information you can put in, which limits future councils being able to use these as a tool, now we've also gone to these bullet points where now the Council Members can't even comment about how they would like these records changed. So I would like to ask that if we're going to have the action minutes, that we at least have what the Council Members say included in these minutes instead of these bullet points. It just seems like a way to stifle certain ones on the Council and I thought we were moving beyond that. So I would say that I would like to see them go back to a more complete version of the minutes and that these bullet points, while it looks nice and it's easy to purpose through doesn't really give you a true depiction of what was discussed. So I would like to see that go back to where at least there's a little bit more included. Every once in awhile there will be a quote from a Council Member, but generally speaking there's nothing here that would give us the opportunity to weigh in. So that and I go ahead and pass it back to anybody else that has any comments."

Mayor Edgar advised the action tonight was not to change minute format and future policy discussions could address that concern. He advised

action minutes are very minimal; however, more information was being added as a compromise.

Council Member Graham-Mejia stated she would like her comments noted for the record in their entirety.

Motion/Second: Poe/Edgar

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Minutes of the Regular Meeting of September 17, 2012.

- B. Warrants (Finance)**
Approve the Warrants for October 15, 2012, in the amount of \$31,939.34 and ratify the Warrants for the time period September 16, 2012 to October 14, 2012, in the amount of \$124,704.26.

Council Member Kusumoto inquired about the Hogle-Ireland payment.

Community Development Director Mendoza stated it was for the contract Planning Staff paid for by the deposit from a developer working on a housing project in the City.

Council Member Kusumoto requested a separate detailed report to address the payments to John Underwood as he was a recently appointed Cable Commissioner.

City Council and Staff discussed the timing of Mr. Underwood's appointment, the process for obtaining City Manager approval before purchases are made, perceived conflict of interest, liability protection, Council's desire to remain transparent, and monitoring of such expenditures moving forward.

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

1. Approved the Warrants for October 15, 2012, in the amount of \$31,939.34 and ratified the Warrants for the time period September 16, 2012 to October 14, 2012, in the amount of \$124,704.26; and,
2. Directed Staff to monitor future expenditures.

- E. Approval of Plans and Specifications and Authorization to Bid for Katella Avenue Bus Shelter Project (CIP No. 12/13-02) (Public Works)**
This report recommends actions to begin facilitating the construction of a bus shelter on Katella Avenue, between Lexington Drive and Saratoga Drive.

Council Member Graham-Mejia asked for confirmation the shelters would be enclosed.

Community Development Director Mendoza answered in the affirmative.

Mayor Pro Tem Poe agreed the shelters should be enclosed.

Motion/Second: Graham-Mejia/Poe

Unanimously Carried: The City Council:

1. Approved the plans and specifications for the construction of a bus shelter on Katella Avenue, between Lexington Drive and Saratoga Drive (CIP No. 12/13-02); and,
2. Authorized Staff to advertise and solicit bid proposals.

9. ORDINANCES

A. **Consideration of Adoption of Ordinance Amending Section 2.04.280 of the Los Alamitos Municipal Code** (City Attorney)

Currently, the Los Alamitos Municipal Code (LAMC) only allows for waiving reading of the full text of an ordinance by unanimous consent of the City Council Members present at the meeting. State law allows for a majority of the City Council Members present at a meeting to waive the reading of an ordinance's full text. The City Council was asked to consider and introduce an ordinance amending the code to be in accord with State law by providing a waiver for the reading of the full text of an ordinance at the time of adoption by consent of a majority of City Council Members present at the meeting.

City Attorney Levin 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:

- Reason for the item was to streamline the process
- Government Code Section 36934
- 14 surrounding communities with the current language
- Current code is more strict
- Opposition to Staff bringing forward Council policy changes

Motion/Second: Kusumoto/Graham-Mejia

Motion was made to accept Staff recommendation.

Mayor Edgar called for Council comments.

Council Member Kusumoto called point of order.

Council Member Graham-Mejia stated she had seconded the motion and called for the question. She indicated this item was a misuse of Staff time and was a manipulation by the majority.

Mayor Edgar inquired if there were additional Council comments.

Mayor Pro Tem Poe indicated she was not aware of the item until she received her agenda on Thursday and stated she did not have a concern with the item as reading the entire ordinance could be cumbersome.

Council Member Stephens agreed with Mayor Pro Tem Poe and stated support for moving forward with the item.

Mayor Edgar stated he did not support Council bullying Staff and indicated he would continue through the regular procedure for the item so all voices could be heard.

Mayor Edgar opened the item for public comment.

The following residents spoke in opposition to Item 9A: Richard Murphy, Dave Emerson, and JM Ivler.

Mayor Edgar closed the item for public comment.

City Council and Staff discussed the following topics:

- Item was prepared by the City Attorney upon request by the City Manager
- City Attorney's role to represent the City and duty to report to the highest body of authority to act on the item being addressed
- Depending on the issue being addressed, the City Attorney may report to the Council, City Manager, and/or Department Heads
- Item was brought forward for Staff efficiency and not at the request of a Council Member
- Importance of having an entire ordinance read into the record if needed
- History of Staff turnover
- Opposition to the City Attorney taking policy changing direction from the City Manager
- Common practice for Staff to bring forward items for Council decisions without Council direction

Council Member Kusumoto withdrew his motion.

Motion/Second: Graham-Mejia/Kusumoto
Carried 3/2 (Edgar and Poe cast the dissenting vote): The City Council rejected Ordinance No. 2012-07 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA AMENDING SECTION 2.04.280 OF THE LOS ALAMITOS MUNICIPAL CODE."

10. DISCUSSION ITEMS

A. **Business and Residential Improvement Program Six Month Update**

This report provided an update on the first six months of the City's Business and Residential Improvement Program approved in March 2012.

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.

City Council and Staff discussed the following items:

- Reservation rate and remaining funds
- Contractor and vendor relationship
- Partnering with a local lender
- Outreach and marketing efforts
- Success of the program and effective use of reserves
- Possible need to designate a percentage of the funds to residential and businesses at nine month evaluation

Mayor Edgar opened the item for public comment. There being no one present wishing to speak, Mayor Edgar closed the item for public comment. The City Council received and filed the report.

B. **Resolution No. 2012-19–Designation of Interim City Treasurer (Fin.)**

This report sought consideration of a resolution designating Linda Magnuson, Interim Finance Director, as City Treasurer on an interim basis.

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.

Richard Murphy, resident, inquired if internal controls were in place. City Manager Avery answered in the affirmative.

Mayor Edgar closed the item for public comment.

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: The City Council adopted Resolution No. 2012-19, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING INTERIM FINANCE DIRECTOR LINDA MAGNUSON, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2007-23 IN ITS ENTIRETY".

11. MAYOR AND COUNCIL INITIATED BUSINESS

Mayor Pro Tem Poe discussed the following topics: gopher and skunk abatement; attendance at the Employee Appreciation Lunch on September 27; attendance at the Mayors meeting regarding the 405 corridor on October 9; congratulated Police Chief Todd Mattern for being awarded Rotarian of the Year, from the Los Alamitos/Seal Beach Rotary Club and the Alumni Recognition Pillar of Achievement award from Golden West College.

Council Member Kusumoto spoke regarding attendance at the Open House for the destroyer US Sampson and attendance at a meeting with Michelle Steel, representative from the Board of Equalization.

Council Member Stephens discussed the following topics: upcoming Wings, Wheels, and Rotors event; congratulated Police Chief Todd Mattern; attendance at the Orange County Fire Authority's open house; and, advised he had received an anonymous letter that would be addressed.

Council Member Graham-Mejia discussed the following topics: proactively addressing the anonymous letter with City Manager Avery; spraying the trees at Laurel Park for seed pods; speed humps being installed on Green; attendance at the Orange County Vector Control District (OCVCD) Board meeting; desire to continue running OCVCD public service announcements on LATV-3; attendance at a meeting with Staff, Suburbia residents, and the Joint Forces Training Base; inquired about the Lexington, light at Enterprise, and left hand turn at Siboney traffic issues; advised the Rossmoor HOA candidate debate could be viewed on LATV-3; and, inquired of a Candidates' Forum and encouraged residents to vote.

City Manager Avery indicated a Candidates' Forum would be held on Wednesday, October 17, at the Community Center at 7:00 p.m.

Mayor Edgar discussed the following topics: advised of the upcoming Orange County Sanitation District Strategic Planning Workshop; Coyote Creek Project ground breaking; attendance at the retirement party for Westminster Mayor, Margie Rice; attendance at the St. Hedwig Autumn Fest; attendance at the Open House for the destroyer US Sampson; stated he had brought the item regarding Lexington, light at Enterprise, and left hand turn at Siboney traffic issues forward and after receiving input from the public, would not be moving ahead and looked forward to continuing a good working relationship with the City of Cypress;

requested an agenda item for labor negotiations for the unrepresented employee group; encouraged residents to take a close look at Measure DD; stated opposition to the accusations made towards the City Attorney; and, stated the meeting would be adjourned in memory of Sergeant Thomas R. MacPherson a soldier who passed away in Afghanistan and stated the 26 year old soldier was a Los Alamitos High School graduate.

12. ITEMS FROM THE CITY MANAGER

None.

13. CLOSED SESSION

A. Public Employment

Title: City Clerk
Authority: Government Code Section 54957

B. Conference with Labor Negotiator

Title: Conference with Labor Negotiator
City Negotiator: Angie Avery, City Manager
Unrepresented Employee: City Clerk
Authority: Government Code Section 54957.6

C. Public Employee Performance Evaluation

Title: City Attorney
Authority: Government Code Section 54957

RECESS

City Council recessed into Closed Session at 8:27 p.m.

RECONVENE

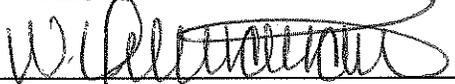
City Council reconvened in Regular Session at 10:30 p.m.

City Attorney Levin stated there was no reportable action.

14. ADJOURNMENT

The City Council adjourned at 10:31 p.m. in honor of Sergeant Thomas R. MacPherson. The next meeting of the City Council is scheduled for **Monday, November 19, 2012, at 6:00 p.m.**, in the City Council Chamber.

ATTEST:


Windmera Quintanar, CMC
Department Secretary


Troy D. Edgar, Mayor