

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING TUESDAY, January 22, 2013 – 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.cityoflosalamitos.org 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 should complete a blue "Request to Speak" card and 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 Edgar
Council Member Grose
Council Member Murphy
Mayor Pro Tem Graham-Mejia
Mayor Kusumoto

3. PLEDGE OF ALLEGIANCE

Council Member Edgar

4. INVOCATION

Mayor Kusumoto

5. PRESENTATIONS

- A. Presentation of a Commendation to Tom Rothwell for his Dedicated Service to the Community Through "RACES"**
- B. Presentation of a Certificate of Recognition to Nesi Stewart for Printmasters 5th Anniversary**
- C. Presentation of a Proclamation to North Orange County ROP Representative for "Career and Technical Education Month"**
- D. Presentation by Raul, Alvarez, Director for Cypress College Foundation, regarding the Annual Americana Awards**

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 January 22, 2013, in the amount of \$147,893.00, ratify the Register of Major Expenditures for December 17, 2012 to January 21, 2013 in the amount of \$603,156.11, 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 January 23, 2013 to February 18, 2013.

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.

- A. Approval of Minutes** **(City Clerk)**
 - 1. Approve the Minutes of the Regular Meeting of December 17, 2012.
 - 2. Approve the Minutes of the Special Meeting of January 7, 2013.

B. Warrants (Finance)
Approve the Warrants for January 22, 2013, in the amount of \$42,212.01 and ratify the Warrants for the time period December 18, 2012 to January 21, 2013 in the amount of \$90,147.84.

C. Payments Made to John Underwood for Services to LATV (C.M.)
The Council has requested information regarding payments and/or reimbursements made to John Underwood for services related to LATV.

Recommendation: Receive and file.

D. Disposal of Surplus Equipment (Public Works)
This report sets forth a recommendation to dispose of surplus equipment.

Recommendation: Declare the listed equipment as surplus, and authorize its disposal in accordance with the Los Alamitos Municipal Code.

E. Purchase of Two (2) Hybrid Trucks Using AB 2766 Grant Funds (PW)
This report sets forth the purchase of two (2) hybrid vehicles to replace two (2) non-hybrid vehicles. This report seeks to "piggy back" on the National Joint Powers Alliance (NJPA) contract for acquisition of both vehicles.

Recommendation: Authorize the City Manager to purchase two (2) 2014 Chevrolet Silverado 1500 Hybrid Vehicles from National Auto Fleet Group, under the NJPA Contract.

F. Approval of the Fiscal Year 2013-14 Budget Calendar (Finance)
This report seeks City Council approval of the Fiscal Year 2013-14 Budget Calendar.

Recommendation: Approve the recommended Budget Calendar for Fiscal Year 2013-14.

G. Resolution No. 2013-04 – Establish New Part-Time Position Classifications in the City of Los Alamitos Hourly Positions Resolution, Amend Hourly Rate Schedule and Adopt Findings to Hire a PERS Annuitant as a Temporary Part-time Deputy City Clerk (C.M.)
This agenda item seeks authorization to establish one new classification within the part-time hourly employee resolution and adjust the part-time hourly rate schedule to comply with the minimum wage law.

Recommendation: Adopt Resolution No. 2013-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME POSITION

CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM ("PERS") ANNUITANT AS A TEMPORARY PART-TIME DEPUTY CITY CLERK".

- H. On-Call Environmental Services - Request for Proposal (Com. Dev.)**
This report sets forth a recommended Request for Proposal (RFP) for On-Call Environmental Services in accordance with the California Environmental Quality Act (CEQA).

Recommendation: Approve scope of work for on-call environmental consulting services, and instruct staff to release the RFP.

- I. Memorandum of Understanding Between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures (Police)**

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

Recommendation: Authorize the Chief of Police to execute the Memorandum of Understanding between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures.

RECESS

Reception in Council Chamber lobby for outgoing City Attorney, Sandra J. Levin.

9. PUBLIC HEARING

- A. 7-Eleven's Appeal of Planning Commission Decision Regarding Operational Hours (Community Development)**

The Planning Commission recently considered a 24-hour 7-Eleven at the northwest corner of Ball and Bloomfield. After deliberation and public input, the Commission restricted 7-Eleven to open from 6:00 a.m. to midnight with alcohol sales from 6:00 a.m. to 10:00 p.m. 7-Eleven is now appealing that decision alternatively requesting to open from 5:00 a.m. to midnight with alcohol sales from 6:00 a.m. to midnight. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Appellant: Steven Ybarra – SA Design Concepts).

Recommendation:

1. Conduct a public hearing; and, if appropriate:
2. Remand the decision back to the Planning Commission, or
3. Adopt City Council Resolution No. 2013-04 A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING AN APPEAL AND OVERTURNING PLANNING COMMISSION APPROVAL OF CONDITONAL USE PERMIT 12-05 THUS MODIFYING THE OPERATIONAL HOURS FROM 6:00 A.M. TO MIDNIGHT TO 5:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS); or,
4. Adopt City Council Resolution No. 2013-05, entitled, A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 12-06 TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 6:00 A.M. TO 10:00 P.M. WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS); or,
5. Amend the above resolutions to reflect hours to the satisfaction of City Council.

10. DISCUSSION ITEMS

A. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)

The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed

that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.

Recommendation:

1. Adopt Resolution 2013-02 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2009-12"; and
2. Authorize the City Manager to enter into Employment Agreements with all non-represented employees (except the City Clerk who reports directly to the City Council) in the forms attached and on the terms described herein; and,
3. Approve the amended position descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant to conform to actual and current duties.

- B. Cost Savings of One City Council Meeting Per Month (City Manager)**
This Staff report provides information to the Council regarding the cost savings of having one Council meeting per month.

Recommendation:

1. Review the information, discuss, and make the determination to stay with the one meeting per month format; or,
2. Direct Staff to amend the Los Alamitos Municipal Code to provide for two Council meetings per month.

- C. City Attorney Services – Schedule and Request for Proposal (C.M.)**
This report is a second step toward a recommended schedule, evaluation criteria, and scope to be incorporated into a Request for Proposal (RFP) for City Attorney Services.

Recommendation: Approve the schedule for City Attorney Services and instruct Staff to release the RFP.

11. MAYOR AND COUNCIL INITIATED BUSINESS

- A. City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees**
This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is

traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation:

1. Approve the Mayor's appointments/reappointments to Representatives to Other Agencies and City Ad Hoc Committees List; and,
2. Adopt City Council Resolution 2013-03, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS"; and,
3. Authorize the City Clerk to complete California Form 806, Agency Report of: Public Official Appointments and post on the City's website.

B. Council Announcements

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

12. ITEMS FROM THE CITY MANAGER

13. CLOSED SESSION

Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

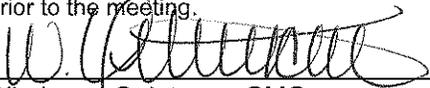
A. Existing Litigation (G.C. 54956.9(a))

Name of Case: John Doe v. The City of Los Alamitos
Case Number: United States District Court, Central District of California, Southern Division, Case #SACV122166 DOC (ANx)
Authority: Government Code Section 54956.9(a)

14. ADJOURNMENT

The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

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, CMC
City Clerk

1/16/13
Date

CITY OF LOS ALAMITOS
Register of Major Expenditures
January 22, 2013

To Approve

Pages:

01	\$ 147,839.00	Major Warrants	01/22/2013
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Subtotal \$ 147,839.00

To Ratify

Pages:

02	\$ 42,053.85	Advance Warrants	12/31/2012
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03	\$ 38,252.15	Advance Warrants	01/07/2013
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	\$ 144,982.01	Payroll	12/21/2012
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	\$ 90,980.25	Payroll Benefits	12/21/2012
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	\$ 130,352.65	Payroll	01/04/2013
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	\$ 156,535.20	Payroll Benefits	01/04/2013
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Subtotal \$ 603,156.11

Grand Total \$ 750,995.11

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 January 23, 2013 to February 18, 2013.

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 January, 2013

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CITY OF CYPRESS	WEST COMM JPA - FY 12/13	GENERAL FUND	COMMUNICATIONS TECHNOL	124,711.50
			TOTAL:	124,711.50
COLANTUONO & LEVIN, PC	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	8,288.00
	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	954.00
	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	1,786.50
	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	483.00
	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	644.00
	GENERAL COUNSEL SVCS - NOV	GENERAL FUND	CITY ATTORNEY	972.00
			TOTAL:	13,127.50
RUN RACING	RACE ON BASE MANAGEMENT	GENERAL FUND	SPECIAL EVENTS	10,000.00
			TOTAL:	10,000.00

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===== FUND TOTALS =====
10  GENERAL FUND                147,839.00
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      GRAND TOTAL:              147,839.00
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TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GOLDEN STATE WATER COMPANY	BILL CYCLE 10/01-12/04	GENERAL FUND	STREET MAINTENANCE	7,622.59
	BILL CYCLE 10/01-12/04	GENERAL FUND	PARK MAINTENANCE	10,106.91
	BILL CYCLE 10/01-12/04	GENERAL FUND	PARK MAINTENANCE	4,401.25
	BILL CYCLE 10/01-12/04	GENERAL FUND	BUILDING MAINTENANCE	608.30
				TOTAL:
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	13,638.48
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	798.22
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	562.56
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	265.79
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	731.28
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,484.72
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,833.75
				TOTAL:

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===== FUND TOTALS =====
10  GENERAL FUND                42,053.85
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      GRAND TOTAL:                42,053.85
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TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CHARLES ABBOTT ASSOCIATES, INC.	WQMP SERVICES - NOV	GENERAL FUND	NON-DEPARTMENTAL	1,069.50
	BUILDING PERMIT FEES - NOV	GENERAL FUND	BUILDING INSPECTION	7,501.65
	NPDES INSPECTIONS - NOV	GENERAL FUND	NPDES	2,160.00
				TOTAL:
REDFLEX TRAFFIC SYSTEMS, INC.	PHOTO ENFORCEMENT - NOV	GENERAL FUND	TRAFFIC	13,728.00
	INTERSECTION COMM - KAT/BF	GENERAL FUND	TRAFFIC	65.00
	PHOTO ENFORCEMENT - DEC	GENERAL FUND	TRAFFIC	13,728.00
				TOTAL:

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===== FUND TOTALS =====
10 GENERAL FUND                38,252.15
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GRAND TOTAL:                    38,252.15
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TOTAL PAGES: 1

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

REGULAR MEETING – December 17, 2012

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

1. CALL TO ORDER

The City Council met in Regular Session at 6:05 p.m., Monday, December 17, 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
Corey Lakin, Community Services Director
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 Edgar led the Pledge of Allegiance.

4. INVOCATION

Council Member Stephens gave the invocation.

5. PRESENTATIONS

A. Presentation by the Mayor to the City Council of the Orange County Business Council “Turning Red Tape into Red Carpet” Award
Mayor Edgar presented the City Council with the “Turning Red Tape into Red Carpet” award and gave a brief outline of the award and the “Business and Residetalinal Improvement Program.

6. ORAL COMMUNICATIONS

Council Member Kusumoto point of order. Motion to move Consent Calendar 0 and special orders of the day to the front.

Council Member Graham-Mejia seconded the motion and added it was a heavy Consent Calendar and there were items she would need clarification on.

Mayor Edgar stated a preference to keep the order as is.

City Council discussed the following topics:

- Past practice for City Council reorganization
- Preference for incoming Council to address Item 9L
- More time need to analyze Item 9L
- Current Council had necessary expertise to address items on the agenda, while new Council would need additional time to research items
- Preference for incoming Council to start fresh without pending projects

Motion/Second: Kusumoto/Graham-Mejia

Failed 2/3 (Edgar, Poe, Stephen cast the dissenting vote): Consider Special Orders of the day first.

Council Member Kusumoto called a point of order and asked for public comment. Mayor Edgar indicated he would move on to Oral Communications.

Mayor Edgar opened the meeting for Oral Communications.

Jody Shloss, resident, stated opposition to the Council Reorganization being at the end of the meeting.

JM Ivler, resident, spoke regarding the following topics: Item 9L; perception of City giving funds to charities; Chamber of Commerce; Wings, Wheels, and Rotors; and, the order of the agenda.

Judy Klabough, resident, stated support for the City's involvement in Wings, Wheels, and Rotors and invited everyone to the Wake Up Breakfast on January 11th where new Chamber Board Members would be installed.

Diane Hill, resident, spoke regarding the following topics: thanked outgoing Council Members Poe and Stephens for their service; community give back survey; and, the Sugar Beet Festival.

Dave Emerson, resident, spoke regarding the following topics: thanked outgoing Council Members Poe and Stephens, congratulated incoming Council Members Grose and Murphy; encouraged the Council to work together; and, encouraged Council to reconsider the order of the agenda.

Javier Mejia, resident, spoke regarding the escaped wild cat in Apartment Row.

7. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Kusumoto/Graham-Mejia

Motion: Approve Register of Major Expenditures with exception of the \$402.50 for "self directed work."

Council discussion ensued regarding the amount and use of the City Attorney resources.

Mayor Edgar made a substitute motion to approve the Register of Major Expenditures.

Motion/Second: Edgar/Poe

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote): The City Council accepted Mayor Edgar's substitute motion.

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Register of Major Expenditures for December 17, 2012, in the amount of \$73,797.00, ratified the Register of Major Expenditures for November 20, 2012 to December 16, 2012, in the amount of \$708,259.31, 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 December 18, 2012 to January 21, 2012.

Roll Call Vote

Council Member Graham-Mejia	No
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, I, J, and O.

Council Member Kusumoto pulled items B, C, H, K, and L.

Motion/Second: Graham-Mejia-Poe

Unanimously Carried: The City Council approved the following consent calendar items:

D. Race on the Base Shirt Purchase (Recreation)

This item authorized the City Manager to purchase participant and volunteer shirts for the Race on the Base. Every participant in each race receives a shirt as part of his/her registration fee. Race volunteers also

receive a shirt. This item was placed on the agenda because the cost of the purchase exceeded the purchasing limit of the City Manager. Race registration revenue offsets the cost of the shirts so there was no impact to the General Fund.

The City Council authorized the City Manager to purchase 2013 Race on the Base participant shirts from Will Enterprise in an amount not to exceed \$30,000.

E. Race on the Base Equipment Rental (Recreation)

This item authorized the City Manager to enter into a professional services agreement for rental equipment and services for the Race on the Base. The Race on the Base event would require additional equipment from external vendors due to limited existing City resources. This item was placed on the agenda because the cost exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the equipment rental so there is no impact to the General Fund.

The City Council authorized the City Manager to enter into a Professional Services Agreement with Big Top Rentals for the 2013 Race on the Base in an amount not to exceed \$28,000 and to execute a contract in a form to be approved by the City Attorney.

F. Timing Services for Race on the Base (Recreation)

This item authorized the City Manager to contract for race timing services for the Race on the Base. The Race on the Base event will require a professional company to time the race due to limited existing City resources. This item was placed on the agenda because the cost of the rental exceeds the purchasing limit of the City Manager. Race registration revenue offsets the cost of the timing services so there is no impact to the General Fund.

The City Council authorized the City Manager to enter into a Professional Services Agreement with Gemini Timing for race timing services for the 2013 Race on the Base in an amount not to exceed \$12,000 and to execute a contract in a form to be approved by the City Attorney.

G. Approval of Plans and Specifications, and Authorization to Bid for Business Area Street Improvement Project (CIP No. 12/13-04) (P.W.)

This report recommended actions to begin facilitating the construction of the Business Area Street Improvement Project consisting of four commercial streets which includes the following: Cerritos Avenue between Bloomfield Street and Santa Clara Street, Los Vaqueros Circle, Humbolt Street south of Cerritos Avenue, and Reagan Street between Briggeman Drive and Catalina Street.

The City Council:

1. Approved the plans and specifications for the construction of the Business Area Street Improvement Project (CIP No. 12/13-04); and,
2. Authorized Staff to advertise and solicit bid proposals; and,
3. Adopted Resolution No. 2012-06 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING PLANS AND SPECIFICATIONS FOR THE BUSINESS AREA STREET IMPROVEMENT PROJECT IN LOS ALAMITOS AND AUTHORIZING THE CITY ENGINEER TO ADVERTISE FOR BIDS".

M. Second Reading of Ordinance No. 12-05 – Zoning Ordinance Amendment to Amend the City’s Appeal Process (Comm. Dev.)

At its regular meeting of November 19, 2012, the City Council conducted a first reading of Ordinance No. 12-05. This ordinance would allow for a Zoning Ordinance Amendment to the City’s Appeal Process by adding a “Call for Review” Section.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 12-05; and,
2. Mayor Edgar read the title of City Council Ordinance No. 12-05 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT 12-02, AMENDING THE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.68, CONCERNING THE APPEALS PROCESS, ADDING "CALL FOR REVIEW" REGULATIONS, AND CORRECTING REFERENCES TO APPEALS IN LOS ALAMITOS MUNICIPAL CODE SECTIONS 2.52.070, 16.06.070(G), 16.10.140, 16.26.040(B), 17.32.050, 17.36.080(D), AND 17.40.020 (CITYWIDE)".

N. Second Reading of Ordinance No. 12-06 – Zoning Ordinance Amendment to Change the Zoning Designations for 3271 Sausalito Street from Planned Light Industrial to Multiple-Family Residential (Community Development)

At its regular meeting of November 19, 2012, the City Council conducted a first reading of Ordinance No. 12-06. The ordinance would allow for a Zone Change to facilitate a 17 home subdivision.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 12-06; and,
2. Mayor Edgar read the title of City Council Ordinance No. 12-06 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 12-01 TO CHANGE ZONING DESIGNATIONS FROM PLANNED LIGHT INDUSTRIAL (P-M), TO MULTIPLE FAMILY RESIDENTIAL (R-3) FOR THE CONSTRUCTION OF 17 SINGLE-FAMILY RESIDENTIAL CONDOMINIUMS (HEREAFTER "PROJECT") FOR A PROJECT LOCATED AT 3271 SAUSALITO STREET, APN 242-222-01 (HEREAFTER "SUBJECT PROPERTY") (APPLICANT: THE OLSON COMPANY)".

End of Consent Calendar

Items pulled from Consent Calendar

- A. Approval of Minutes** **(City Clerk)**
Approve the Minutes of the Regular Meeting of November 19, 2012.

Council Member Graham-Mejia stated "I'd like this new Council that's coming on to consider potentially going back to the more inclusive and more informative statute of summary minutes. I think it's better for the Council to be clearly depicted as to where they stand on the items moving forward. And that also many times we've gone back to see why a Council acted in a certain way or voted in a certain way and it simply wasn't clear because there wasn't enough information. Or the information didn't exist any longer. So I would just like to go on the record that I would like to reach out to the new council members and ask that you maybe consider that moving forward. I would have had hoped that I could have done this while you were up here but since we haven't had that opportunity."

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council approved the Minutes of the Regular Meeting of November 19, 2012.

- B. Warrants** **(Finance)**
Approve the Warrants for December 17, 2012, in the amount of \$27,230.06 and ratify the Warrants for the time period November 20, 2012 to December 16, 2012 in the amount of \$122,404.57.

Council Member Kusumoto stated preference for considering Items B and C together. He inquired about the payment in item B to Vartech for battery

adapters and the reimbursement in Item C for what appeared to be the same.

Staff indicated they would research this charge.

Council Member Graham-Mejia inquired who was attending the League of California Cities New Mayors and Council Member Conference.

City Manager stated Council Members-Elect Grose and Murphy were registered to attend.

Council Member Graham-Mejia stated it might have been a good idea to send the new Mayor.

Motion/Second: Kusumoto/Edgar

Unanimously Carried: The City Council approved the Warrants for December 17, 2012, in the amount of \$27,230.06 and ratified the Warrants for the time period November 20, 2012 to December 16, 2012 in the amount of \$122,404.57, with the stipulation that Staff would research the payment to Vartech and the reimbursement to Mr. Underwood for the battery adapters.

- C. Payments Made to John Underwood for Services to LATV (C.M.)**
The Council requested information regarding payments and/or reimbursements made to John Underwood for services related to LATV.

Motion/Second: Kusumoto/Edgar

Unanimously Carried: the City Council received and filed the report with the stipulation that Staff would research the payment to Vartech and the reimbursement to Mr. Underwood for the battery adapters.

- H. Award Bid for Old Town East and West Street Improvement Project (CIP No. 12/13-02) (Public Works)**

This report recommended actions to begin facilitating the construction of the Old Town East and West Street Improvement Projects (CIP No. 12/13-02). The project includes thirty (30) handicap ramps that do not meet current Americans with Disabilities Act (ADA) specifications, street improvements on Walnut Street between Katella Avenue and Florista Street, Chestnut Street between Katella Avenue and Florista Street, and Florista Street between Oak Street and Los Alamitos Boulevard.

Mayor Pro Tem Poe stated she had a conflict of interest as she owned property within 500 feet. She recused herself and left the dais.

City Council and Staff discussed the following topics:

- Priority ranking of Community Development Block Grant (CDBG) projects
- Current year CDBG money needed to be used by June 30th
- Additional 10% contingency reserve due to the potential of high ground water levels
- Requiring an additional contingency varies depending on the job and location
- ADA requirements are constantly changing

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried (Poe recused): The City Council:

1. Awarded construction of the Old Town East and West Street Improvement Project (CIP No. 12/13-02) to Sequel Contractors in the amount of \$340,188.50; and,
2. Authorized the Mayor to execute the contract for the project; and,
3. Authorized City Engineer to execute change orders, if necessary, in an amount not to exceed the contingency reserve of \$34,019, which is 10% of the original contract amount and an additional 10%; and,
4. Due to potential high ground water level at this site, authorized City Engineer to execute additional change orders, if necessary, in an amount not to exceed a second contingency reserve of \$34,019, which is 10% of the original contract amount.

I. Approval of Amendment No. 1 to Cooperative Agreement No. C-1-2466 between the Orange County Transportation Authority and the City of Los Alamitos (Public Works)

The Orange County Transportation Authority (OCTA) requests that Amendment No. 1 to Cooperative Agreement No. C-1-2466 be executed by the City of Los Alamitos to extend the term six months to June 30, 2013. This will allow for the project completion with no increase to the maximum obligation.

Council Member Graham-Mejia clarified this project was for an extended area throughout Orange County and inquired if the agreement would limit Los Alamitos authority to modify the signal timing.

City Engineer Hunt answered in the negative and stated this would be beneficial to the City because it extended the Traffic Engineer's contract at no cost to the City.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council:

1. Approved Amendment No. 1 to Cooperative Agreement No. C-1-2466 between Orange County Transportation Authority and the City of Los Alamitos; and,
2. Authorized the Mayor to execute said Amendment No. 1 on behalf of the City of Los Alamitos; and,
3. Directed the City Clerk to file the executed copy of Amendment No. 1 to the Cooperative Agreement No. C-1-2466 with the Orange County Transportation Authority.

J. Approve an Operational Area Agreement with the County of Orange for Participation in an Operational Area for the Coordination of Emergency Operations (Police)

The Los Alamitos Police Department requested approval of Resolution No. 2012-23, adopting the Operational Area Agreement with the County of Orange and other local agencies. The agreement formalized the City's membership in the Operational Area and provides for cooperative coordination of resources and information during large scale emergencies.

Support Services Manager Palmer 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:

- City participates in several different ways
- Emergency Operation Coordinator attends meetings and votes
- Other governing boards are involved but not activated at this point
- Council approval would be sought should Council representation be needed for a Board
- Agreement does not take precedence over the City's need for City resources
- City has been operating under the agreement since 1995 and there are no changes in terms of the City's participation
- Agreement contains outdated language, is intended to formalize the City's involvement in the program, and does not change any current operations

Motion/Second: Graham-Mejia/Poe

Unanimously Carried: The City Council:

1. Adopted Resolution No. 2012-23 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AN OPERATIONAL AREA AGREEMENT BETWEEN THE COUNTY OF ORANGE AND POLITICAL SUBDIVISIONS FOR

PARTICIPATION IN AN OPERATIONAL AREA FOR THE COORDINATION OF EMERGENCY OPERATIONS;" and,

2. Authorized the City Manager to execute the Operational Area Agreement between the County of Orange and Political Subdivisions.

K. Community Development Block Grant (CDBG) Project List for Fiscal Year 2013-14 (Community Development)

This report sets forth a recommended project list for Fiscal Year 2013-2014 of the County's Community Development Block Grant (CDBG) program and approval of the City's participation in the program which may be due in January 2013.

City Council and Staff discussed the following topics:

- Prioritizing of projects
- Proposed project would continue the construction of the current alley at a different phase of the project
- \$729,000 in available funding this year compared to \$1.3 million last year
- Projects being proposed already have developed plans and specifications and are ready to start construction
- Upcoming projects include flooding and maintenance in low income census tracks
- Alley projects are always a priority
- Once County approves the City's application the projects will come back to Council for consideration
- Asphalt versus concrete alleys
- City wide alley project is only about 1/3 complete and needs an approximate \$300,000 to complete

Motion/Second: Poe/Stephens

Unanimously Carried: The City Council:

1. Adopted Resolution No. 2012-27 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA APPROVING THE CITY'S PARTICIPATION IN FISCAL YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITH THE COUNTY OF ORANGE"; and,
2. Directed Staff to prepare applications for submittal to the County of Orange; and,

3. Authorized the City Manager to execute all CDBG program documents for Fiscal Year 2013-2014 and appropriate amendments, if any, as they become available.

L. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)

The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.

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

Council Member Kusumoto inquired regarding holiday pay for employees on different work schedules.

City Manager Avery stated compensation was equal across the board and there was no proposed change to holiday pay.

Council Member Kusumoto made a motion to table the item to a later date for further discussion, seconded by Council Member Graham-Mejia.

Mayor Edgar summarized the following points: Section 15 was built on an 8 hour work day; negotiations began in August; importance of the agreement; employees are categorized as Non-represented Management, Teamsters, and Police Union; pension reform; Council desire to have employees pay their full 8% share of retirement costs; positive financial health of the City; non-represented have not had a pay increase in 5 years, currently pay more for medical benefits than all other employees, and don't receive Veteran's Day as a holiday; equality in management agreements; City Manager should have the ability to give raises for performance; Council had discussed in Closed Session; and, urged Council to approve the item tonight.

Council Member Graham-Mejia stated she thought this should be addressed by incoming Council.

Motion/Second: Kusumoto/Graham-Mejia
Failed 2/3 (Edgar, Poe, and, Stephens cast the dissenting vote): Table the item to later date for further discussion.

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

1. Adopted Resolution 2012-28 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2009-12"; and,
2. Authorized the City Manager to enter into Employment Agreements with all non-represented employees (except the City Clerk who reports directly to the City Council) in the forms attached and on the terms described herein; and,
3. Approved the amended position descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant to conform to actual and current duties.

O. Declaring and Certifying the Results of the November 6, 2012 General Municipal Election (City Clerk)

This report provided a certified statement of the November 6, 2012 General Municipal Election vote from the County of Orange Registrar of Voters regarding the General Municipal Election.

Department Secretary Quintanar summarized the Staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Graham-Mejia addressed Measure DD and stated she had heard concerns from the residents that they did not realize all future technologies were included. She stated the concern should be addressed moving forward.

Mayor Edgar inquired the final vote for the measure. City Manager Avery indicated it had passed by 77%.

Council Member Graham-Mejia stated she would be voting no in opposition to Measure DD.

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council adopted Resolution No. 2012-25, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULTS, AND SUCH OTHER MATTERS AS PROVIDED BY LAW".

End of Items pulled from Consent Calendar

9. SPECIAL ORDERS OF THE DAY

A. Highlight of Past Year's Accomplishments by the Mayor

Mayor Edgar thanked the Council for allowing him to serve as Mayor and summarized the accomplishments for 2012.

B. Comments by Outgoing Council Members

Mayor Pro Tem Poe and Council Member Stephens spoke regarding their time served on the Council.

C. Presentations to Outgoing Council Members

The Mayor and City Council presented the following awards to outgoing Mayor Pro Tem Poe and Council Member Stephens.

- Office of Congressman Ed Royce, presented by Representative Ryan Holmes
- Office of Supervisor John Moorlach, presented by Representative David Mansdoerfer
- City of Cypress, presented by Mayor Prakash Narian and Leroy Mills
- City of Seal Beach, presented by Mayor Gary Miller
- City of Los Alamitos, presented by Mayor Edgar

D. Administer Oath of Office to New Council Members

Department Secretary Quintanar administered the Oath of Office to newly elected Council Members Dean Grose and Richard Murphy and presented them with a framed Certificates of Election.

Council Members Grose and Murphy addressed the audience and thanked them for their support.

E. RECESS – Reception in Council Chamber Lobby

RECESS

The City Council took a brief recess at 8:16 p.m.

RECONVENE

The City Council reconvened in Regular session at 8:36 p.m. Council Members Grose and Murphy present.

Council Member Kusumoto called a point of order and referred to Los Alamitos Municipal Code Section 2.04.260, and requested the Council reconsider items 7 and 8L. Council Member Graham-Mejia seconded the motion.

City Attorney Levin stated per the LAMC a Council Member may request reconsideration of an agenda item they had voted in favor of.

Motion/Second: Kusumoto/Graham-Mejia

Carried 4/1 (Edgar cast the dissenting vote): the City Council voted to reconsider Item 7, Major Expenditures.

7. REGISTER OF MAJOR EXPENDITURES

Council Member Kusumoto made a motion to approve Item 7 the Major Expenditures, minus the \$402.50 for Colantuono and Levin for self directed work. Council Member Graham-Mejia seconded the motion.

City Council and Staff discussed the following topics:

- Importance of paying warrants as agreed to
- City Attorney had presented the idea to City Manager for approval
- City Attorney reports to the City Council
- Opposition to City Attorney proposing changes to Council policy
- Policy change was proposed after Council had requested a full reading of a proposed Ordinance
- Process for two Council Members to call a Special Meeting
- Process for newly adopted Call for Review procedures
- Charge was within the budgeted amount for City Attorney services
- Amount of \$402.50 came from a spreadsheet provided by City Attorney Levin after Council Member Kusumoto requested a breakdown of hours
- Opposition to setting a precedent that would hinder a City Attorney from presenting ideas in the best interest of the City
- Opposition for withholding pay for work performed within the Scope of Services on the Professional Services Agreement
- Voting options available to the Council

Motion/Second: Kusumoto/Graham-Mejia

Motion Failed 2/3 (Edgar, Grose, and Murphy cast the dissenting vote): Approve Item 7 the Major Expenditures, minus the \$402.50 for Colantuono and Levin for self directed work.

Motion/Second: Grose/Murphy

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting votes): The City Council approved the Register of Major Expenditures for December 17, 2012, in the amount of \$73,797.00, ratified the Register of Major Expenditures for November 20, 2012 to December 16, 2012, in the amount of \$708,259.31, 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 December 18, 2012 to January 21, 2012.

Council Member Kusumoto stated he did not support self directed work by the City Attorney.

L. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)

Mayor Edgar summarized the report.

Motion/Second: Kusumoto/Graham-Mejia

Carried 4/1 (Edgar cast the dissenting vote): The City Council voted to reconsider item 8L.

Council Member Kusumoto made a motion to table the item to a future meeting. Council Member Graham-Mejia seconded the motion.

City Council and Staff discussed the following topics:

- Amount of time invested in negotiations by previous Council
- Importance of understanding all the different components of the contract
- Consideration of the upcoming Police and Employee labor contracts
- Setting a precedence for pension reform
- Support for the item
- Support for full public discussion at a future meeting
- Consideration of the message being sent to the employees
- Specific items discussed in Closed Session that prompted Council to move in this direction

Council Member Graham-Mejia made a motion to waive privilege of Closed Session discussion. Motion died for lack of a second.

City Council and Staff discussed the following topics:

- Inability to discuss the item in Closed Session since it was not agendized
- Concerns regarding Holiday time compensation
- Caution was not in regard to Staff, but rather to ensure a thorough understanding of the agreement

- Concern for transparency
- Correlation between the City's reserve and future pensions
- Delaying the agreement would impact negotiations with the Finance Director applicant

Motion/Second: Kusumoto/Graham-Mejia

Carried 3/2 (Edgar and Grose cast the dissenting vote): The City Council tabled item 8L to January 22, 2013 meeting.

Council Member Grose requested a Special Meeting for early January to consider item 8L. Mayor Edgar supported the Special meeting.

10. MAYOR AND COUNCIL INITIATED BUSINESS

A. City Council Reorganization (City Clerk)

This report provided relevant information for the City Council's annual reorganization, by the election of Mayor and Mayor Pro Tem. The City's Charter requires roll call votes be taken for the election of these two Officers.

Mayor Edgar turned the meeting over to Department Secretary Quintanar.

Department Secretary Quintanar opened the floor for nominations for the Office of Mayor.

Council Member Graham-Mejia nominated Council Member Kusumoto.

There being no further nominations, Department Secretary Quintanar closed the floor for nominations.

Unanimously Carried: The City Council appointed Council Member Kusumoto to the Office of Mayor.

ROLL CALL VOTE

Edgar	Aye
Graham-Mejia	Aye
Grose	Aye
Kusumoto	Aye
Murphy	Aye

Department Secretary Quintanar congratulated Mayor Kusumoto and turned the meeting over to Mayor Kusumoto.

Mayor Kusumoto opened the floor for nominations for the Office of Mayor Pro Tem.

Council Member Edgar nominated Council Member Murphy.

There being no further nominations, Mayor Kusumoto closed the floor for nominations.

Unanimously Carried: the City Council appointed Council Member Murphy to the Office of Mayor Pro Tem.

Council Member Graham-Mejia expressed disappointment she would not have the opportunity to serve as Mayor during her tenure on the City Council and congratulated Mayor Pro Tem Murphy.

B. Presentation to Outgoing Mayor Edgar

Mayor Kusumoto presented a gavel plaque to outgoing Mayor Edgar.

C. Council Announcements

Council Member Graham-Mejia discussed the following topics: funding a school resource officer; welcomed the new Council Members; and, thanked outgoing Council Members.

Council Member Edgar discussed the following topics: attendance at the Orange County Sanitation District meeting; thanked the Chamber of Commerce's Young Professional group for the Winter Wonderland; reported attendance at the Casa Youth Center holiday event; encouraged residents to participate in the local non-profit groups; attendance at the Casa Youth Shelters' counseling center dedication; support for Larry Strawther's book on the history of Los Alamitos; and, thanked his family for their support during his campaign.

Council Member Grose discussed the following topics: congratulated Mayor Kusumoto; inquired of the cost savings of once a month meetings; thanked the community for their support; and, extended condolences to Newtown, Connecticut.

Mayor Pro Tem Murphy reported attendance at the Casa Youth Shelter dedication and requested earlier distribution of the agenda.

Mayor Kusumoto discussed the following topics: adjourning in memory of the 26 victims of Newtown, Connecticut; thanked Council for nominations of Mayor; attendance at the OC Business Council Award Ceremony with Council Member Edgar; and, requested a forensic audit of the City.

11. ITEMS FROM THE CITY MANAGER

None.

12. 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 Employment

Title: City Attorney
Authority: Government Code Section 54957

RECESS

The City Council recessed into Closed Session at 9:24 p.m.

RECONVENED

The City Council reconvened in Regular session at 10:15 p.m.

Mayor Kusumoto stated there was no reportable action.

13. ADJOURNMENT

The City Council adjourned at 10:15 p.m. in memory of: Charlotte Bacon, Daniel Barden, Rachel Davino, Olivia Engel, Josephine Gay, Ana M. Marquez-Greene, Dylan Hockley, Dawn Hochsprung, Madeleine F. Hsu, Catherine V. Hubbard, Chase Kowalski, Jesse Lewis, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and, Allison N. Wyatt.

The next meeting of the City Council is scheduled for **TUESDAY, January 22, 2013, at 6:00 p.m.**, in the City Council Chamber.

Warren Kusumoto, Mayor

Attest:

Windmera Quintanar, CMC, Department Secretary

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

SPECIAL MEETING – January 7, 2013

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

1. CALL TO ORDER

The City Council met in Special Session at 6:06 p.m., Monday, January 7, 2012, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present: Council Members: Edgar, Graham-Mejia, Grose,
Mayor Pro Tem Murphy, Mayor Kusumoto

Absent: Council Members: None

Present: Staff: Angie Avery, City Manager
Sandra J. Levin, City Attorney
Corey Lakin, Recreation Director
Linda Magnuson, Interim Finance Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, Department Secretary

3. SPECIAL ORDERS OF THE DAY

A. City Council Reorganization (City Clerk)

This report provided relevant information for the City Council's annual reorganization, by the election of Mayor and Mayor Pro Tem. Mayor Pro Tem Murphy has expressed an interest in revisiting the process.

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

Mayor Pro Tem Murphy announced his resignation and nominated Council Member Graham-Mejia for the position of Mayor Pro Tem. He indicated he was not aware she had wanted to serve and supported her for the position.

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

Council Member Graham-Mejia thanked Council Member Murphy for his support. She indicated this was not an ideal year for her to serve as

Mayor due to health concerns and thanked Mayor Kusumoto for stepping up as Mayor.

Motion/Second: Murphy/Kusumoto
Unanimously Carried: The City Council appointed Council Member Graham-Mejia as Mayor Pro Tem.

ROLL CALL

Council Member Edgar	Aye
Council Member Graham-Mejia	Aye
Council Member Grose	Aye
Council Member Murphy	Aye
Mayor Kusumoto	Aye

4. DISCUSSION ITEMS

A. Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees (City Manager)

The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.

City Attorney Levin summarized the Staff report and advised Council to be conservative and continue the item to a Regular Council meeting because 2012 provisions of the Brown Act prohibited the discussion of salaries and benefits for Senior Executive employees at a Special meeting.

Mayor Kusumoto continued the item to the Regular Council meeting of January 22, 2013.

B. Approval of Employment Agreement and Appointment of City Clerk (City Manager)

This staff report authorized the City Council to appoint Windmera (Windy) Quintanar, Certified Municipal Clerk (CMC), as City Clerk of the City of Los Alamitos. Approval of the Employment Agreement and adoption of the Resolution will confirm her appointment.

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

Council Member Grose made a motion, seconded by Mayor Pro Tem Graham- Mejia to approve Staff recommendation.

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

Mayor Pro Tem Graham-Mejia inquired how the contract would be affected since Item 4A had been continued.

City Attorney Levin recommended the Council adopt the Resolution as is, modify recommendation #1 to include "citing in Section 3.3, the Salary and Benefit Resolution in effect at the time the agreement is executed", and direct the City Manager defer execution of this agreement until after consideration of Item 4A in January.

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

1. Approved the Employment Agreement with Windmera Quintanar, citing "in Section 3.3, the Salary and Benefit Resolution in effect at the time the agreement is executed", and directed the City Manager defer execution of this agreement until after consideration of Item 4A in January; and,
2. Adopt Resolution No. 2013-01, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CA APPOINTING WINDMERA QUINTANAR AS CITY CLERK OF THE CITY OF LOS ALAMITOS, CA AND REPEALING RESOLUTION NO. 2011-26 IN ITS ENTIRETY".

**C. City Attorney Services – Schedule and Request for Proposal
(City Manager)**

This report set forth a recommended schedule, evaluation criteria, and scope to be incorporated into a Request for Proposal for City Attorney Services.

City Manager Avery summarized the staff report, referring to the information contained therein and answered question from the City Council. She stated the Council could consider the calendar and evaluation weighting criteria in further detail at a later meeting.

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

City Council and Staff discussed the following topics:

- Proposed timeline laid out 14 steps to obtain a new City Attorney
- Future involvement of the Ad Hoc Committee, if needed
- Preference for a less aggressive time line
- Preference for City Attorney discussion at Regular meetings instead of Special meetings
- Ad Hoc Committee recommendation for Council to review the proposals
- Interview the top three proposers based on Council review and recommendation
- Ad Hoc Committee to do the first review if 10 or more proposals are received and forward the top 6 to the Council
- Council would review the 6 proposals from the Ad Hoc Committee (at a Special meeting if needed) and interview the top 3 proposals
- Support for Ad Hoc Committee reviewing the proposals first and forwarding the top proposers to the City Council

Mayor Pro Tem Graham-Mejia made a motion to change items 8, 10, and 13 to Regular meetings, with the caveat that if needed, a Special meeting could be added to act more expeditiously, and if 10 or less proposals were received the Council would review them as a whole.

Council Member Edgar asked for clarification that item #8 would be at a Special meeting.

Mayor Pro Tem Graham-Mejia stated her recommendation was that it be considered by the whole Council at a Regular meeting. She indicated it was important for the weighting criteria to be addressed by the entire Council versus an Ad Hoc Committee.

City Attorney Levin advised Council could review the proposals individually, but could not discuss them amongst each other unless it was at a scheduled Council meeting.

City Council and Staff discussed the following topics:

- Extending the due date deadline to allow for more flexibility and time
- Council preference to have a less aggressive schedule introduced at the next Council meeting

- Request for Proposal (RFP) release would be delayed until the schedule was finalized
- Item would return to the January 22nd meeting with a revised schedule for approval
- Without scheduling Special meetings, the process would automatically be pushed back by 3 months
- Possibility for interviews in February, with a Special meeting if needed to conclude interviews, and appointment in March
- Weighting criteria to be discussed at the January 22nd meeting
- Clarification that a meeting is needed to discuss who to interview and a separate meeting to interview
- Consensus that a Special meeting could be added to interview applicants if needed (Item #10)
- Interviews would be in Closed Session

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

1. Bring forward a new schedule and weighting criteria to the January 22nd City Council meeting for approval; and,
2. Should 10 or more proposals be received they will be reviewed by the Ad Hoc Committee first who will forward the top 6 proposers to the City Council; and,
3. Should less than 10 proposals be received they will go directly to City Council for review; and,
4. Change Items 8, 10, and 14 on the proposed schedule to Regular meetings, and,
5. Council may call a Special meeting for interviews if necessary.

5. CLOSED SESSION

A. Public Employment

Title: City Manager
 Authority: Government Code Section 54957

City Clerk Quintanar read the title of Item 5A aloud.

RECESS

City Council recessed into Closed Session at 6:43 p.m.

RECONVENE

City Council reconvened into Regular Session at 7:39 p.m.

Mayor Kusumoto announced Council had accepted the resignation/retirement of City Manager Avery effective March 1, 2013 and an Ad Hoc Committee had been created to select an Interim City Manager consisting of Mayor Kusumoto and Council Member Grose.

6. ADJOURNMENT

The City Council adjourned at 7:40 p.m. The next meeting of the City Council is scheduled for **TUESDAY, January 22, 2013, at 6:00 p.m.**, in the City Council Chamber.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

CITY OF LOS ALAMITOS
A/P Warrants
January 22, 2013

To Approve

Pages:

01-06	\$ 42,212.01	A/P Warrants	01/22/2013
Subtotal	<u>\$ 42,212.01</u>		

To Ratify

Pages:

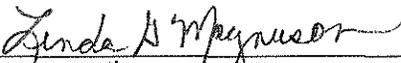
07-12	\$ 49,327.19	Advance Warrants	12/31/2012
13-15	\$ 37,269.33	Advance Warrants	01/07/2013
	\$ 3,551.33	January Retirees	01/02/2013
Subtotal	<u>\$ 90,147.85</u>		

Grand Total **\$ 132,359.86**

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 January 23, 2013 to February 18, 2013.

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 January, 2013

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	RETROFIT UNIT 48-6	GARAGE FUND	GARAGE	8,502.97
	P/D TAHOE REPAIRS	GARAGE FUND	GARAGE	86.55
			TOTAL:	8,589.52
ACE INDUSTRIAL SUPPLY, INC.	DUST MASKS	GENERAL FUND	STREET MAINTENANCE	499.00
			TOTAL:	499.00
ALL AMERICAN SIGN COMPANY	P/W TRUCKS LOGO/LETTERING	GARAGE FUND	GARAGE	171.49
			TOTAL:	171.49
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	125.00
			TOTAL:	740.00
ASCAP	SUBSCRIPTION/DUES	GENERAL FUND	RECREATION ADMINISTRAT	327.00
			TOTAL:	327.00
AT & T MOBILITY	BILL CYCLE 11/24-12/23	GENERAL FUND	PATROL	409.06
			TOTAL:	409.06
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES - P/W	GENERAL FUND	PUBLIC WORKS ADMIN	44.33
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	30.27
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	24.32
			TOTAL:	98.92
CALIFORNIA FORENSIC PHLEBOTOMY, INC.	BLOOD TESTS	GENERAL FUND	PATROL	229.70
			TOTAL:	229.70
CALIFORNIA MUNICIPAL STATISTICS, INC.	CAFR STATISTICS	GENERAL FUND	ADMINISTRATIVE SERVICE	450.00
			TOTAL:	450.00
CARTRIDGE WORLD OF LOS ALAMITOS	INK CARTRIDGE	GENERAL FUND	RECREATION ADMINISTRAT	174.54
			TOTAL:	174.54
CITY OF CYPRESS	TRAFFIC STUDY - COTTONWOOD	GENERAL FUND	CITY ENGINEER	1,950.00
			TOTAL:	1,950.00
CLEANSOURCE	RETURN - SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	120.68
	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	715.92
			TOTAL:	595.24
COUNTY OF ORANGE TREASURER-TAX	OCATS - DEC	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	305.00
DUKE'S DETAIL SERVICE	CAR WASH - P/D	GARAGE FUND	GARAGE	85.00
	CAR WASH - P/W	GARAGE FUND	GARAGE	55.00
			TOTAL:	140.00
ENVIROSERV	HAZARDOUS WASTE REMOVAL	GENERAL FUND	STREET MAINTENANCE	2,740.44
	LIGHT BULB WASTE BOXES	GENERAL FUND	BUILDING MAINTENANCE	90.25
	OIL & COOLANT REMOVAL	GARAGE FUND	GARAGE	100.00
			TOTAL:	2,930.69
FEDEX	SHIPPING	GENERAL FUND	PUBLIC WORKS ADMIN	51.02
			TOTAL:	51.02

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT	
GANAHL LUMBER COMPANY	GLOVES & HEX NUTS	GENERAL FUND	STREET MAINTENANCE	28.62	
	SIGN	GENERAL FUND	STREET MAINTENANCE	4.08	
	RETURN - STAPLES	GENERAL FUND	BUILDING MAINTENANCE	1.93	
	RAGS & GLOVES	GENERAL FUND	BUILDING MAINTENANCE	8.06	
	RAGS	GENERAL FUND	BUILDING MAINTENANCE	6.45	
	GLOVES	GENERAL FUND	BUILDING MAINTENANCE	5.16	
	ROOFING REPAIR SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	35.58	
	POWER STRIPS	GENERAL FUND	BUILDING MAINTENANCE	4.30	
	STEP LADDER	GARAGE FUND	GARAGE	123.90	
	TARPS	GARAGE FUND	GARAGE	94.79	
	TARPS	GARAGE FUND	GARAGE	40.92	
				TOTAL:	349.93
	GLENN E. THOMAS CO.	P/D CHARGER REPAIR	GARAGE FUND	GARAGE	90.00
			TOTAL:	90.00	
HARRY'S PLUMBING AND DRAINS, INC.	RSTRM RPR - COTTONWOOD PRK	GENERAL FUND	BUILDING MAINTENANCE	450.00	
	TOILET REPAIR - TEEN CTR	GENERAL FUND	BUILDING MAINTENANCE	65.00	
			TOTAL:	515.00	
HI-WAY SAFETY, INC.	STREET SIGN	GENERAL FUND	STREET MAINTENANCE	106.59	
			TOTAL:	106.59	
INDEPENDENT ELECTRIC SUPPLY, INC.	CIRCUIT BREAKER	GENERAL FUND	BUILDING MAINTENANCE	87.28	
			TOTAL:	87.28	
JOHNSTONE SUPPLY OF LONG BEACH	THERMOSTAT GUARD - YTH CTR	GENERAL FUND	BUILDING MAINTENANCE	33.93	
			TOTAL:	33.93	
K&S AIR CONDITIONING, INC.	A/C REPAIR - YTH CTR	GENERAL FUND	BUILDING MAINTENANCE	229.49	
	A/C REPAIR - YTH CTR	GENERAL FUND	BUILDING MAINTENANCE	237.22	
			TOTAL:	466.71	
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	844.86	
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	512.12	
			TOTAL:	1,356.98	
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	55.90	
			TOTAL:	55.90	
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICAL	GENERAL FUND	ADMINISTRATIVE SERVICE	20.00	
			TOTAL:	20.00	
MISC. VENDOR	REFUND - AQUATIC CLASS	GENERAL FUND	NON-DEPARTMENTAL	147.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	4.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00	
	REFUND - COMPUTER CLASS	GENERAL FUND	NON-DEPARTMENTAL	27.00	
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00	
	SETTLEMENT	GENERAL FUND	CITY ATTORNEY	395.00	
			TOTAL:	735.00	
MICHAEL DEAN GARVEY					

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
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
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	17.24
	TOTAL:			17.24
NORM'S AUTO COLLISION CENTER, INC.	COLLISION REPAIR-03 FORD F	GARAGE FUND	GARAGE	1,000.00
	TOTAL:			1,000.00
NORM'S AUTOMOTIVE CENTER, INC.	SMOG INSPECT-04 CRN VIC	GARAGE FUND	GARAGE	45.00
	SMOG INSPECT-04 F450	GARAGE FUND	GARAGE	45.00
	SMOG INSPECT-99 CHEV P/U	GARAGE FUND	GARAGE	45.00
	SMOG INSPECT-01 HONDA	GARAGE FUND	GARAGE	45.00
	SMOG INSPECT-97 AEROSTAR	GARAGE FUND	GARAGE	45.00
	P/D VEHICLE REPAIR	GARAGE FUND	GARAGE	168.25
TOTAL:			393.25	
OMEGA INDUSTRIAL SUPPLY, INC.	GRAFFITI REMOVER	GENERAL FUND	STREET MAINTENANCE	436.66
	TOTAL:			436.66
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE - P/D	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
	TOTAL:			82.64
RED WING SHOE STORE	STEEL TOE BOOTS FY 12/13	GENERAL FUND	BUILDING MAINTENANCE	260.00
	STEEL TOE BOOTS FY 12/13	GENERAL FUND	BUILDING MAINTENANCE	260.00
	TOTAL:			520.00
RICOH USA, INC.	DUPLICATOR MAINTENANCE	GENERAL FUND	RECREATION ADMINISTRAT	103.64
	COPIER MAINTENANCE	GENERAL FUND	RECREATION ADMINISTRAT	382.70
	TOTAL:			486.34
SIR SPEEDY	BUSINESS CARDS - COUNCIL	GENERAL FUND	CITY COUNCIL	135.77
	TOTAL:			135.77
SNADER AND ASSOCIATES, INC.	LATV EQUIPMENT	LOS ALAMITOS TV	LOS ALAMITOS TV	21.80
	TOTAL:			21.80
SO CAL SANITATION, LLC	OAK & MCAULIFFE RSTRM SVCS	GENERAL FUND	SPORTS	1,211.01
	TOTAL:			1,211.01
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEES	GENERAL FUND	AQUATICS	184.00
	TOTAL:			184.00
SPARKLETTS DRINKING WATER	WATER SERVICE	GENERAL FUND	BUILDING MAINTENANCE	121.21
	TOTAL:			121.21
SPOT LIGHTING SUPPLIES, INC.	LIGHT BULBS	GENERAL FUND	BUILDING MAINTENANCE	114.43
	TOTAL:			114.43
STATE OF CALIFORNIA DEPT. OF HOUSING &	MOBILE HOME PARK PERMIT	GENERAL FUND	BUILDING INSPECTION	400.00
	TOTAL:			400.00
TIFCO INDUSTRIES, INC.	SHOP SUPPLIES	GARAGE FUND	GARAGE	743.21
	TOTAL:			743.21

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
	COMPUTER CTR INTERNET	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	234.91
U.S. BANK	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	5.80
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	19.18
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	23.36
	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	71.96
	COUNCIL ORIENTATION	GENERAL FUND	CITY COUNCIL	27.35
	COUNCIL ORIENTATION	GENERAL FUND	CITY COUNCIL	25.90
	COUNCIL SUPPLIES	GENERAL FUND	CITY COUNCIL	151.11
	CERTIFICATE PAPER	GENERAL FUND	CITY COUNCIL	32.90
	COUNCIL SUPPLIES	GENERAL FUND	CITY COUNCIL	231.64
	COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	73.74
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	53.73
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	190.50
	HOLIDAY DECORATING CONTEST	GENERAL FUND	CITY COUNCIL	18.35
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	45.15
	HOLIDAY DECORATING CONTEST	GENERAL FUND	CITY COUNCIL	10.68
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	1,702.88
	COMMISSION HOLIDAY DINNER	GENERAL FUND	CITY COUNCIL	167.53
	CCAC MEMBERSHIP	GENERAL FUND	CITY MANAGER	120.00
	CERTIFICATE RIBBON SUPPLIES	GENERAL FUND	CITY MANAGER	21.72
	SUPPLIES	GENERAL FUND	CITY MANAGER	20.16
	OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	346.88
	OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	100.18
	OFFICE SUPPLIES - P/D	GENERAL FUND	INVESTIGATION	30.86
	PROP & EVID SUPPLIES	GENERAL FUND	RECORDS	253.87
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEB HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	CALENDAR	GENERAL FUND	COMMUNITY DEVEL ADMIN	6.23
	EQUIPMENT RENTAL	GENERAL FUND	PARK MAINTENANCE	921.26
	FLOWERS	GENERAL FUND	PARK MAINTENANCE	40.86
	LANDSCAPE SUPPLIES	GENERAL FUND	PARK MAINTENANCE	90.21
	ROOFING SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	69.87
	SPEAKERS - COMM CENTER	GENERAL FUND	BUILDING MAINTENANCE	245.71
	YOUTH SPORTS SPONSOR	GENERAL FUND	RECREATION ADMINISTRAT	5.42
	HOLIDAY DECORATING SIGNS	GENERAL FUND	RECREATION ADMINISTRAT	97.10
	CPRS MEMBERSHIP	GENERAL FUND	RECREATION ADMINISTRAT	55.00
	HOLIDAY CARDS & STAMPS	GENERAL FUND	RECREATION ADMINISTRAT	82.60
	HOLIDAY DECORATIONS	GENERAL FUND	RECREATION ADMINISTRAT	59.20
	COMMISSION HOLIDAY DINNER	GENERAL FUND	RECREATION ADMINISTRAT	13.97
	HOLIDAY DECORATING CONTEST	GENERAL FUND	RECREATION ADMINISTRAT	28.33
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	311.45
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	78.50
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	19.65
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	66.52
	AQUATIC SUPPLIES	GENERAL FUND	AQUATICS	32.89
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	40.00
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	20.00
DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	20.00	
DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	20.00	
DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	274.32	
SPORTS SUPPLIES	GENERAL FUND	SPORTS	70.97	
LAVP HOLIDAY PARTY	GENERAL FUND	SPECIAL CLASSES	26.24	
LAVP HOLIDAY PARTY	GENERAL FUND	SPECIAL CLASSES	96.75	

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	8.79
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	8.68
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	9.45
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	14.15
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	9.13
	RACE ON BASE - GRAPHICS	GENERAL FUND	SPECIAL EVENTS	49.00
	WINTER WONDERLAND SUPPLIES	GENERAL FUND	SPECIAL EVENTS	23.52
	RACE BROCHURE MAILING	GENERAL FUND	SPECIAL EVENTS	17.96
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	200.00
	RACE ON BASE - GRAPHICS	GENERAL FUND	SPECIAL EVENTS	19.00
	RACE ON BASE - AD	GENERAL FUND	SPECIAL EVENTS	10.95
	TOWELS & WAX	GARAGE FUND	GARAGE	12.93
	AUTO PARTS	GARAGE FUND	GARAGE	110.07
	REFUND - DUPLICATE CHARGE	GARAGE FUND	GARAGE	250.00-
	AUTO DETAIL - P/D	GARAGE FUND	GARAGE	100.00
	TARPS & TIE DOWNS	GARAGE FUND	GARAGE	49.98
			TOTAL:	<u>6,952.94</u>
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	18.00
			TOTAL:	<u>18.00</u>
VERIZON CALIFORNIA, INC.	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	80.11
			TOTAL:	<u>80.11</u>
VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	PATROL	39.37
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.81
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	185.40
			TOTAL:	<u>235.58</u>
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	6,638.34
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	324.14-
	CNG FUEL	GARAGE FUND	GARAGE	268.21
			TOTAL:	<u>6,582.41</u>
ZEROREZ IRVINE	CARPET/TILE CLEANING	GENERAL FUND	BUILDING MAINTENANCE	467.00
			TOTAL:	<u>467.00</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	INSTALL P/D CAR RADIO	GARAGE FUND	GARAGE	394.88
			TOTAL:	394.88
ACE INDUSTRIAL SUPPLY, INC.	DUST MASKS	GENERAL FUND	STREET MAINTENANCE	434.60
			TOTAL:	434.60
ALLIANCE PRINTING ASSOCIATES	COMMISSION DINNER SUPPLIES	GENERAL FUND	CITY COUNCIL	873.85
			TOTAL:	873.85
ALLIANT INSURANCE SERVICES, INC.	LIABILITY INS/CC RENTALS	GENERAL FUND	COMMUNITY SERVICES	249.96
			TOTAL:	249.96
ALWAYS ADVANCING, LLC	RACE ON BASE MEDALS	GENERAL FUND	SPECIAL EVENTS	350.35
			TOTAL:	350.35
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	365.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	100.00
			TOTAL:	715.00
BARBARA BANNERMAN	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	72.80
	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	196.04
			TOTAL:	268.84
BARCO PRODUCTS	SPEED HUMPS/GREEN ALLEY	GAS TAX	CAPITAL PROJECTS	3,372.11
			TOTAL:	3,372.11
BEGINNER TRIATHLETE, LLC	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	250.00
			TOTAL:	250.00
BENESYST	FLEX ADMIN SVCS - JAN	GENERAL FUND	ADMINISTRATIVE SERVICE	157.04
			TOTAL:	157.04
BRENDAN SCREENPRINTING & EMBROIDERY	BASKETBALL SHIRTS	GENERAL FUND	SPORTS	1,068.88
	BASKETBALL SHIRTS	GENERAL FUND	SPORTS	741.32
			TOTAL:	1,810.20
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES - FIN	GENERAL FUND	ADMINISTRATIVE SERVICE	41.81
	OFFICE SUPPLIES - P/W	GENERAL FUND	PUBLIC WORKS ADMIN	39.59
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRATION	188.56
			TOTAL:	269.96
CAVENAUGH & ASSOCIATES	DUI SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	551.00
			TOTAL:	551.00
COAST RECREATION	PLAYGROUND EQUIPMENT	GENERAL FUND	PARK MAINTENANCE	153.08
			TOTAL:	153.08
COMMUNITY SENIORSERV	SR. MEAL PROGRAM - NOV	GENERAL FUND	COMMUNITY SERVICES	31.96
			TOTAL:	31.96
COMPUTER SERVICE CO.	SIG REPAIR-CERRITOS/LAHS	GENERAL FUND	STREET MAINTENANCE	670.28
	SIG REPAIR-KATELLA/LEX	GENERAL FUND	STREET MAINTENANCE	50.25
	SIG REPAIR-KATELLA/NOEL	GENERAL FUND	STREET MAINTENANCE	316.66
	SIG REPAIR-CERRITOS/HUM	GENERAL FUND	STREET MAINTENANCE	50.25
	SIG REPAIR-LAB/ORANGEWOOD	GENERAL FUND	STREET MAINTENANCE	120.33

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SIG REPAIR-LAB/ROSSMOOR	GENERAL FUND	STREET MAINTENANCE	366.91
	SIG REPAIR-LAB/ORANGEWOOD	GENERAL FUND	STREET MAINTENANCE	100.50
	SIG REPAIR-BLOOM/KATELLA	GENERAL FUND	STREET MAINTENANCE	96.10
	SIG REPAIR-CERRITOS/BLOOM	GENERAL FUND	STREET MAINTENANCE	112.21
	SIG REPAIR-LAB/SAUSALITO	GENERAL FUND	STREET MAINTENANCE	100.50
	SIG REPAIR-KAT/WAL/WALL	GENERAL FUND	STREET MAINTENANCE	50.25
	SIG REPAIR-CERRITOS/LAB	GENERAL FUND	STREET MAINTENANCE	155.58
			TOTAL:	<u>2,189.82</u>
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS - OCT	GENERAL FUND	NON-DEPARTMENTAL	2,100.00
			TOTAL:	<u>2,100.00</u>
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
			TOTAL:	<u>1,290.00</u>
DELTA COMPUTER SOLUTIONS, INC.	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	340.00
			TOTAL:	<u>340.00</u>
DIGITAL ALLY	RMA REPAIR	GENERAL FUND	COMMUNICATIONS TECHNOL	119.00
			TOTAL:	<u>119.00</u>
DUKE'S DETAIL SERVICE	CAR WASH - P/D	GARAGE FUND	GARAGE	95.00
	CAR WASH - P/W	GARAGE FUND	GARAGE	125.00
	CAR WASH - P/D	GARAGE FUND	GARAGE	155.00
	CAR WASH - P/W	GARAGE FUND	GARAGE	106.00
			TOTAL:	<u>481.00</u>
CYNTHIA E. EMAMI	INSTRUCTOR - ZUMBA	GENERAL FUND	SPECIAL CLASSES	396.00
			TOTAL:	<u>396.00</u>
KIM ENGEL	TUITION REIMBURSEMENT	GENERAL FUND	ADMINISTRATIVE SERVICE	1,069.80
			TOTAL:	<u>1,069.80</u>
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	30.61
			TOTAL:	<u>30.61</u>
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	10.50
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	12.60
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	18.90
			TOTAL:	<u>42.00</u>
GALLS / LONG BEACH UNIFORM	UNIFORMS - P/D	GENERAL FUND	PATROL	322.64
			TOTAL:	<u>322.64</u>
GANAHL LUMBER COMPANY	GLOVES	GENERAL FUND	STREET MAINTENANCE	5.16
	PAINT & BOLTS	GENERAL FUND	STREET MAINTENANCE	22.79
	ROOF PATCH	GENERAL FUND	BUILDING MAINTENANCE	13.99
	ROOF PATCH	GENERAL FUND	BUILDING MAINTENANCE	9.24
	HOLIDAY CONTEST SUPPLIES	GENERAL FUND	SPECIAL EVENTS	10.32
	TOOLS	GARAGE FUND	GARAGE	18.05
	TOOLS	GARAGE FUND	GARAGE	38.78
			TOTAL:	<u>118.33</u>
GREAT PACIFIC EQUIPMENT, INC.	ANNUAL INSPECTION & REPORT	GARAGE FUND	GARAGE	565.00
			TOTAL:	<u>565.00</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
HARRY'S PLUMBING AND DRAINS, INC.	PLUMBING REPAIR - PKNG LOT	GENERAL FUND	STREET MAINTENANCE	330.00
	PLUMBING REPAIR - YTH CTR	GENERAL FUND	BUILDING MAINTENANCE	75.00
			TOTAL:	405.00
HDL SOFTWARE, LLC	BUS LICENSE SOFTWARE FEE	GENERAL FUND	BUILDING INSPECTION	3,334.96
			TOTAL:	3,334.96
HI-WAY SAFETY, INC.	PEDESTRIAN CROSSING SIGN	GENERAL FUND	STREET MAINTENANCE	173.59
	STREET SIGNS	GENERAL FUND	STREET MAINTENANCE	64.11
	SPEED HUMP SIGNS	GAS TAX	CAPITAL PROJECTS	233.39
			TOTAL:	471.09
HOGLE-IRELAND, INC.	SAUSALITO PROJECT - NOV	GENERAL FUND	NON-DEPARTMENTAL	1,697.74
			TOTAL:	1,697.74
INTELLIBRIDGE PARTNERS, LLC	CITY CLERK SERVICES - NOV	GENERAL FUND	CITY MANAGER	7,228.50
			TOTAL:	7,228.50
MOLLY H. KNOX	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	60.20
	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	56.70
	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	35.70
			TOTAL:	152.60
LONG BEACH SOCCER REFEREE ASSOCIATION	ADULT SOCCER REFEREE	GENERAL FUND	SPORTS	405.00
			TOTAL:	405.00
LOWE'S	FLOOR MATS	GENERAL FUND	BUILDING MAINTENANCE	108.41
	CEILING TILES	GENERAL FUND	BUILDING MAINTENANCE	53.96
	TRASH CANS	GENERAL FUND	BUILDING MAINTENANCE	102.05
	RETURN - FENCING MATERIALS	GENERAL FUND	BUILDING MAINTENANCE	79.84
	CEILING TILES	GENERAL FUND	BUILDING MAINTENANCE	57.42
	CEILING TILES	GENERAL FUND	BUILDING MAINTENANCE	79.84
			TOTAL:	321.84
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	188.00
			TOTAL:	188.00
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICALS	GENERAL FUND	ADMINISTRATIVE SERVICE	230.00
			TOTAL:	230.00
MISC. VENDOR	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	5.00
	REFUND - SWIM LESSONS	GENERAL FUND	NON-DEPARTMENTAL	119.20
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	107.00
	REFUND - OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	2.00
	REFUND - BASKETBALL	GENERAL FUND	NON-DEPARTMENTAL	99.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	250.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	150.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - EXERCISE CLASS	GENERAL FUND	NON-DEPARTMENTAL	82.00
	REFUND - PARKING CITATION	GENERAL FUND	NON-DEPARTMENTAL	40.00
	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	724.78
	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	84.00
	REFUND - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	96.00
			TOTAL:	1,858.98
	PRISCILLA MONSERRATE-SANDERS	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	327.60
LYNDA MOORE	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	172.56
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	155.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	186.00
			TOTAL:	513.96
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	BID NOTICE - POOL REPAIR	GENERAL FUND	NON-DEPARTMENTAL	456.00
	NEWS DISPLAY - CURB PAINT	GENERAL FUND	STREET MAINTENANCE	388.50
	BID NOTICE - RACE ON BASE	GENERAL FUND	SPECIAL EVENTS	374.07
	BID NOTICE - OLD TOWN WEST	C.D.B.G	CAPITAL PROJECTS	513.00
	BID NOTICE - RIDE-ON MOWER	GARAGE FUND	GARAGE	66.50
			TOTAL:	1,798.07
NEXUS IS, INC.	RELOCATE PHONE EXTENSIONS	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	294.33
			TOTAL:	294.33
THE ORANGE COUNTY REGISTER	NEWSPAPER SUBSCRIPTION	GENERAL FUND	CITY MANAGER	87.55
			TOTAL:	87.55
PAPER RECYCLING SPECIALISTS	SHREDDING SERVICES	GENERAL FUND	ADMINISTRATIVE SERVICE	74.00
			TOTAL:	74.00
PENINSULA SEPTIC SERVICE, INC.	PUMP SEPTIC TANK	GENERAL FUND	BUILDING MAINTENANCE	275.00
	DISTRIC DISPOSAL FEE	GENERAL FUND	BUILDING MAINTENANCE	125.00
	MANHOLE COVERS	GENERAL FUND	BUILDING MAINTENANCE	130.00
			TOTAL:	530.00
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	407.55
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	148.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	222.30
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	296.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	39.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	74.10
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	259.35
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	148.20
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	468.00
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	430.95
			TOTAL:	2,494.05
RICOH AMERICAS CORPORATION	COPIER LEASE - DEC	GENERAL FUND	RECREATION ADMINISTRAT	560.30
			TOTAL:	560.30
SESAC, INC.	ANNUAL RENEWAL	GENERAL FUND	COMMUNITY SERVICES	327.00
			TOTAL:	327.00
SMART & FINAL	KITCHEN SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	172.20
			TOTAL:	172.20
SOUTHERN PACIFIC MASTERS ASSOCIATION	MEMBERSHIP FEE	GENERAL FUND	AQUATICS	46.00
			TOTAL:	46.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT	
SPOT LIGHTING SUPPLIES, INC.	LIGHT BULBS	GENERAL FUND	BUILDING MAINTENANCE	56.73	
			TOTAL:	56.73	
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT NEW EMPLOYEES	GENERAL FUND	ADMINISTRATIVE SERVICE	320.00	
			TOTAL:	320.00	
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96	
			TOTAL:	164.96	
TYLER TECHNOLOGIES	CREDIT	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	202.94	
	CENTRAL CASH COLLECTION	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,012.92	
	MISC. ACCOUNTS RECEIVABLE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,591.74	
	OFFICE EXPORTER MAINT	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	144.90	
	TOTAL:			2,546.62	
JOHN UNDERWOOD	FILM - YOUR LOS AL	LOS ALAMITOS TV	LOS ALAMITOS TV	200.00	
			TOTAL:	200.00	
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	50.93	
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.70	
	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	119.62	
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	833.06	
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	43.47	
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	82.82	
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.42	
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.42	
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	41.42	
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	47.09	
	TOTAL:			1,380.95	
	VERIZON WIRELESS	POLICE DEPARTMENT	GENERAL FUND	PATROL	39.20
		COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	10.76
PUBLIC WORKS		GENERAL FUND	STREET MAINTENANCE	184.77	
TOTAL:				234.73	
WEST COAST ARBORISTS, INC.	FY 12/13 STREET TREES	GAS TAX	CAPITAL PROJECTS	595.00	
	FY 12/13 STREET TREES	GAS TAX	CAPITAL PROJECTS	1,318.00	
	TOTAL:			1,913.00	
POLLY WOMACK	INSTRUCTOR - NEEDLECRAFTS	GENERAL FUND	SPECIAL CLASSES	49.40	
			TOTAL:	49.40	

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
===== FUND TOTALS =====				
10	GENERAL FUND	38,990.53		
19	C.D.B.G	513.00		
20	GAS TAX	5,518.50		
28	LOS ALAMITOS TV	200.00		
50	GARAGE FUND	1,564.21		
53	TECHNOLOGY REPLACEMENT	2,840.95		

	GRAND TOTAL:	49,627.19		

TOTAL PAGES: 6

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-8 RETROFIT, INC.	RETROFIT PD CHARGER	GARAGE FUND	GARAGE	8,502.97
			TOTAL:	<u>8,502.97</u>
ADAMSON POLICE PRODUCTS	EQUIPMENT	GENERAL FUND	PATROL	727.32
			TOTAL:	<u>727.32</u>
COMPUTER SERVICE CO.	SIGNAL REPAIR - NOV	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	<u>1,240.00</u>
COUNTY OF ORANGE AUDITOR-CONTROLLER	PARKING CITATIONS - NOV	GENERAL FUND	NON-DEPARTMENTAL	1,700.00
			TOTAL:	<u>1,700.00</u>
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE - NOV	GENERAL FUND	NEIGHBORHOOD PRESERVAT	845.35
			TOTAL:	<u>845.35</u>
FEDEX	SHIPPING - DOJ	GENERAL FUND	PATROL	32.83
	SHIPPING - DOJ	GENERAL FUND	PATROL	6.44
			TOTAL:	<u>39.27</u>
GLENN E. THOMAS CO.	PARTS - P/D CRUISER	GARAGE FUND	GARAGE	347.51
			TOTAL:	<u>347.51</u>
GOLDEN STATE WATER COMPANY	BILL CYCLE 10/19-12/20	GENERAL FUND	STREET MAINTENANCE	531.71
	BILL CYCLE 10/19-12/20	GENERAL FUND	PARK MAINTENANCE	256.26
			TOTAL:	<u>787.97</u>
HI-WAY SAFETY, INC.	NEW PUB WRKS TRUCK LIGHTS	GARAGE FUND	GARAGE	7,176.41
	NEW PUB WRKS TRUCK LIGHTS	GARAGE FUND	GARAGE	1,616.25
			TOTAL:	<u>8,792.66</u>
HYDRO-SCAPE PRODUCTS, INC.	GRASS SEED	GENERAL FUND	PARK MAINTENANCE	118.67
			TOTAL:	<u>118.67</u>
JUDICIAL DATA SYSTEMS CORP.	PARKING CITE SVCS - NOV	GENERAL FUND	TRAFFIC	319.55
			TOTAL:	<u>319.55</u>
CHRISTOPHER KARRER	TUITION REIMBURSEMENT	GENERAL FUND	PATROL	570.00
			TOTAL:	<u>570.00</u>
KIMBALL MIDWEST	SHOP SUPPLIES	GARAGE FUND	GARAGE	958.49
	TOOLS	GARAGE FUND	GARAGE	251.96
			TOTAL:	<u>1,210.45</u>
KONICA MINOLTA BUSINESS SOLUTIONS	P/D COPIER LEASE	GENERAL FUND	POLICE ADMINISTRATION	263.99
			TOTAL:	<u>263.99</u>
LOS ALAMITOS AUTO PARTS	OIL FILTERS	GARAGE FUND	GARAGE	21.46
	SHOP SUPPLIES	GARAGE FUND	GARAGE	178.35
			TOTAL:	<u>199.81</u>
LOS ALAMITOS LOCK SERVICE, INC.	KEYS & PADLOCKS	GENERAL FUND	STREET MAINTENANCE	23.54
	KEYS	GENERAL FUND	BUILDING MAINTENANCE	41.11
			TOTAL:	<u>64.65</u>
MAILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.50
			TOTAL:	<u>166.50</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MISC. VENDOR	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	1,471.34
			TOTAL:	1,471.34
NEWS ENTERPRISE	PUBLIC HEARING AD	GENERAL FUND	COMMUNITY DEVEL ADMIN	104.50
			TOTAL:	104.50
OMEGA INDUSTRIAL SUPPLY, INC.	INSECT REPELLENT	GENERAL FUND	STREET MAINTENANCE	445.94
	AIR FRESHENER	GENERAL FUND	BUILDING MAINTENANCE	258.00
			TOTAL:	703.94
THE PLANNING CENTER	COORD MEETINGS - GP EIR	GENERAL FUND	PLANNING	140.00
	PROJECT WEBSITE - GP EIR	GENERAL FUND	PLANNING	140.00
	LAND USE INV & DEV-GP EIR	GENERAL FUND	PLANNING	525.00
	CIRCULATE/TRANSPORT-GP EIR	GENERAL FUND	PLANNING	1,894.13
	CONFIRMATION STUDY-GP EIR	GENERAL FUND	PLANNING	1,820.00
			TOTAL:	4,519.13
PRO FORCE LAW ENFORCEMENT	TASER EQUIPMENT	GENERAL FUND	PATROL	272.17
			TOTAL:	272.17
PSYCHOLOGICAL CONSULTING ASSOCIATES	DEBRIEFING SERVICES	GENERAL FUND	POLICE ADMINISTRATION	150.00
			TOTAL:	150.00
REVENUE EXPERTS, INC.	CODE ENFORCE CITES SVCS	GENERAL FUND	NEIGHBORHOOD PRESERVAT	200.00
			TOTAL:	200.00
ROSSMOOR CAR WASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	81.00
	CAR WASHES - C/D	GARAGE FUND	GARAGE	9.00
			TOTAL:	90.00
SAFEGUARD BUSINESS SYSTEMS INC.	W-2 & 1099 FORMS	GENERAL FUND	ADMINISTRATIVE SERVICE	162.35
			TOTAL:	162.35
SIR SPEEDY	BLANK LETTERHEAD	GENERAL FUND	CITY COUNCIL	99.03
			TOTAL:	99.03
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	49.26
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	187.56
			TOTAL:	236.82
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	16.69
	3191 KATELLA	GENERAL FUND	BUILDING MAINTENANCE	184.12
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	227.88
			TOTAL:	428.69
SPARKLETTS DRINKING WATER	WATER SERVICE	GENERAL FUND	BUILDING MAINTENANCE	211.60
			TOTAL:	211.60
SPRINT	ACTIVITY THRU 12/21/12	GENERAL FUND	CITY MANAGER	33.88
	ACTIVITY THRU 12/21/12	GENERAL FUND	ADMINISTRATIVE SERVICE	33.88
	ACTIVITY THRU 12/21/12	GENERAL FUND	COMMUNICATIONS TECHNOL	33.88
	ACTIVITY THRU 12/21/12	GENERAL FUND	COMMUNITY DEVEL ADMIN	33.88
	ACTIVITY THRU 12/21/12	GENERAL FUND	PUBLIC WORKS ADMIN	33.87
	ACTIVITY THRU 12/21/12	GENERAL FUND	RECREATION ADMINISTRAT	33.87
			TOTAL:	203.26

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT CROSS GUARD	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
	FINGERPRINT BUSINESS OWNER	GENERAL FUND	PLANNING	32.00
	FINGERPRINT MASSAGE APP	GENERAL FUND	PLANNING	49.00
	TOTAL:			113.00
TIME WARNER CABLE	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	47.89
			TOTAL:	47.89
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	1,000.00
			TOTAL:	1,000.00
UNITED TRAFFIC SERVICES SUPPLY	TEMPORARY GUARD RAILS	GENERAL FUND	SPECIAL EVENTS	43.10
			TOTAL:	43.10
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.11
			TOTAL:	20.11
VERIZON CALIFORNIA, INC.	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	1,002.88
			TOTAL:	1,002.88
VICTORY LOCK AND KEY	LOCK REPAIR	GENERAL FUND	BUILDING MAINTENANCE	190.00
			TOTAL:	190.00
WEST PAYMENT CENTER	SUBSCRIPTION - NOV	GENERAL FUND	INVESTIGATION	102.85
			TOTAL:	102.85

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===== FUND TOTALS =====
10 GENERAL FUND          18,125.93
50 GARAGE FUND           19,143.40
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GRAND TOTAL:            37,269.33
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TOTAL PAGES: 3

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8C

To: Mayor Warren Kusumoto & Members of the City Council
From: Angie Avery, City Manager
Subject: Payments Made to John Underwood for Services to LATV

Summary: The Council has requested information regarding payments and/or reimbursements made to John Underwood for services related to LATV.

Recommendation: Receive and file.

Background

Several members of the Council asked for an explanation of reimbursements made to John Underwood for LATV related items.

Discussion

The following item has been recently processed:

1. On December 31, 2012 a check was processed for John Underwood in the amount of \$200 for filming the Los Alamitos Holiday Special which included several holiday themed events edited for one segment of *Your Los Al*.

Fiscal Impact

During the one month period from the December 17 Council meeting through the most recent warrant run on January 22, a check totaling \$200 were processed for John Underwood.

LATV has an annual budget of \$36,700 which is utilized for labor, equipment and supplies for programming the station, maintaining the van and studio, and maintaining the video and audio equipment.

Prepared and Submitted By:



Angie Avery
City Manager

Attachments: 1. Invoice and copy of check for \$200 for filming the Los Alamitos Holiday Special



CITY OF LOS ALAMITOS
3191 Katella
Los Alamitos, CA 90720
(562) 431-3538

BANK OF AMERICA
LOS ALAMITOS, CA

16-66
1220

087306

DATE
12/31/2012

AMOUNT
\$*****200.00
VOID AFTER 90 DAYS

PAY ---- TWO HUNDRED & 00/100 DOLLARS ----

TO THE JOHN UNDERWOOD
ORDER
OF

Army
T. MA

⑈087306⑈ ⑆⑆2200066⑆⑆ 09457⑈802⑆0⑈⑈

PLEASE DETACH STUB BEFORE DEPOSITING

CITY OF ALAMITOS - 3191 Katella - Los Alamitos, CA 90720 - (562) 431-3538

087306

01-1427 JOHN UNDERWOOD

12/31/2012

DATE	I.D.	PO #	DESCRIPTION	AMOUNT
12/31/2012	12/31/12		G/L DISTRIBUTION	
			JOHN UNDERWOOD	200.00
		28 -518-5260	FILM - YOUR LOS AL	200.00
			FILMING OF LOS ALAMITOS HOLIDAY SPECIAL (YOUR LOS AL)	

John Underwood
1/2/13

JOHN UNDERWOOD

CHECK TOTAL

200.00

WARRANT REQUEST

Date 2-14-12

Vendor# 1427 Name John Underwood
Check# _____ Address _____
Total \$ 200.00 City,St.,Zip Los Alamitos Ca 90720

Account # 28.578.5260 Amount \$ 200.00
Description Filming of LOSA Holiday Special Invoice # 12/31/12

Account # _____ Amount \$ _____
Description _____ Invoice # _____

Account # _____ Amount \$ _____
Description _____ Invoice # _____

Account # _____ Amount \$ _____
Description _____ Invoice # _____

THIS PURCHASE AUTHORIZATION IS BY: Contract# _____

P.O.# _____ Ext. Credit _____ Maint.Contr. _____

Department Head almy

Finance Officer _____

Dir. of Admin. Ser. _____

Special instructions/comments please give
check to finance Dept 2/14/2012
IPAT

Angie Avery

From: John Underwood [jsu@socal.rr.com]
Sent: Tuesday, December 11, 2012 4:20 PM
To: Angie Avery
Subject: You Los Al Holiday Special completed

INVOICE

To: Angie Avery
City Manager, City of Los Alamitos

From: John Underwood
LATV

re: Invoice for YLA Holiday Special

Angie,

The one hour Your Los Al Holiday Special on LATV is completed and has been scheduled for air. The program includes several city related venues and will begin to air on Thursday December 13th. As you know the City provided the first "match" seed funding for the production in the amount of \$200. Therefore, I am requesting payment in that amount be authorized and placed on the warrants at your earliest convenience.

A copy of the program can be made available to you at your request.

Thank you fro the opportunity to serve the LATV community and the City.

regards,

John Underwood

OK to pay

Adm

12/14/12

28,518.5260

PAID DEC 31 2012

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8D

To: Mayor Warren Kusumoto & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Community Development Director
Tony Brandyberry, Public Works Superintendent
Subject: Disposal of Surplus Equipment

Summary: This report sets forth a recommendation to dispose of surplus equipment.

Recommendation: Declare the listed equipment as surplus, and authorize its disposal in accordance with the Los Alamitos Municipal Code.

Background

The City has accumulated equipment and vehicles which have been stored at City Hall which are obsolete or broken and have no potential use now or in the future. Section 2.60.120 of the Los Alamitos Municipal Code requires that City Council shall first declare items as surplus and then authorize staff to dispose of the items. Once authorized by the City Council, staff will contact the City's auction services provider for disposal of the equipment.

Discussion

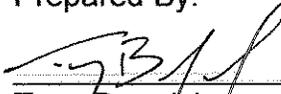
The table below lists the estimated value that has been established by the Kelly Blue Book value guide and estimated auction value. Estimated auction value is a figure derived from discussions with the City's Auction Company. This is what other like vehicles have sold for in the past year. The table represents a low and high price estimate.

Vehicle Surplus January 2013		
Item	Blue Book Value	Estimated Auction Value
1997 Chevrolet 2500 Pick Up Truck VIN# 1GCGC24R5VZ189631	\$2,850	\$1,500
1995 Chevrolet 3500 Pick Up Truck VIN# 1GCGC34N15E242130	\$2,650	\$1,400
2007 Dodge Charger Police Pursuit Vehicle VIN# 2B3KA43H37H877989	\$9,198	\$4,500
2007 Dodge Charger Police Pursuit Vehicle VIN# 2B3KA43H87H770419	\$9,198	\$4,500
2007 Dodge Charger Police Pursuit Vehicle VIN# 2B3KA43H17H877991	\$9,198	\$4,500
1997 Ford Aerostar VIN# 1FMDA31X3V2A30958	\$2,725	\$1,200
2001 Ford Crown Victoria VIN# 2FAFP74W61X149454	\$3,130	\$1,500
1997 Chevrolet S10 Pick Up Truck VIN# 1GCCS14X8V8206003	\$1,675	\$1,000
TOTAL	\$40,624	\$20,100

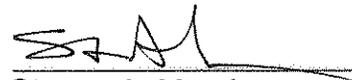
Fiscal Impact

The listed equipment has a Kelly Blue Book value of \$40,624, with an estimated auction value of \$20,100. The City will realize this potential revenue when the items are sold at auction.

Prepared By:


 Tony Brandyberry
 Public Works Superintendent

Submitted By:


 Steven A. Mendoza
 Community Development Director

Approved By:


 Angie Avery
 City Manager

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8E

To: Mayor Warren Kusumoto & Members of the City Council

Via: Angie Avery, City Manager

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

Subject: Purchase of Two (2) Hybrid Trucks Using AB 2766 Grant Funds

Summary: This report sets forth the purchase of two (2) hybrid vehicles to replace two (2) non-hybrid vehicles. This report seeks to “piggy back” on the National Joint Powers Alliance (NJPA) contract for acquisition of both vehicles.

Recommendation: Authorize the City Manager to purchase two (2) 2014 Chevrolet Silverado 1500 Hybrid Vehicles from National Auto Fleet Group, under the NJPA Contract.

Background

The Fleet Maintenance division has a replacement schedule for the City's entire fleet and equipment. This schedule takes into consideration the age of the vehicle, repair costs, and the year in which the resale value is estimated to be the greatest. These factors estimate when the ideal time is to purchase new equipment. Two vehicles, a 1997 Ford Aerostar Van and a 1997 Chevrolet S10 Pick-up Truck were scheduled for replacement in 2005-06. Due to economic concerns, staff continued to use these vehicles beyond their normal expectancy.

By purchasing fuel efficient Hybrid vehicles, staff can use funds from South Coast Air Quality Management District (SCAQMD) instead of using the Garage Fund. The SCAQMD funds are derived from proceeds of AB 2766. In September of 1990, Assembly Bill 2766 was signed into law authorizing a \$2 motor vehicle registration fee surcharge, with a subsequent increase to \$4 in 1992. Section 44223 of the Health & Safety Code (H&SC), enacted by AB 2766, specifies that this motor vehicle registration fee be used “...for the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of the California Clean Air Act of 1988.”

Local jurisdictions receive 40% of the first \$4 of each vehicle registration fee to implement projects that reduce mobile source emissions. The SCAQMD distributes these dollars quarterly to South Coast cities and counties based upon their prorated share of population. The City of Los Alamitos receives approximately \$14,000 per year for its population. Local Agencies must complete an annual report with the program results funded by these fees. In past years, the City of Los Alamitos has purchased six Compressed Natural Gas (CNG) vehicles that replaced five gasoline and one diesel powered vehicle.

Discussion

Replacement of Police Department's 1997 Ford Aerostar Van

The Police Department's 1997 Ford Aerostar van is in need of replacement as approved in the fiscal year 2012/2013 budget process. This vehicle has had several costly repairs over the last year. Although this vehicle has 55,917 miles on the odometer, replacement parts for this vehicle are becoming hard to find, resulting in salvage yard searches.

Staff is proposing using the AB 2766 Grant Funds to purchase a 2014 Chevrolet Silverado 1500 Hybrid to replace the 1997 Ford Aerostar. This vehicle will be used to transport personnel and documents/evidence to court, aid in asset seizures, and assist in investigations. This vehicle is widely used for many different applications and needs to be an SUV/van or pickup truck type of vehicle. The cost to replace this vehicle with the purchase a 2014 Chevrolet Silverado 1500 Hybrid Pick Up truck will be \$42,331.29.

Replacement of Recreation and Community Services Department's 1997 S-10 Pick-up Truck

The Recreation and Community Services 1997 Chevrolet S10 pick-up truck is also in need of replacement as approved in the fiscal year 2012/2013 budget process. This vehicle is in bad condition with multiple damaged areas to the body. This vehicle was previously assigned to the Police Department as the ticket writing truck, which was replaced with a Compressed Natural Gas truck (CNG) in 2004, also paid for with AB2766 Grant Funds. This vehicle has 48,150 miles on the odometer.

Staff is also recommending that this compact pick-up truck will be replaced with a full size half-ton truck. This is necessary to tow the enclosed trailer that was purchased earlier this fiscal year (which hauls the ball field tractor), as approved in the 2012/2013 budget. The cost to replace this vehicle with the purchase a 2014 Chevrolet Silverado 1500 Hybrid pick-up truck will be \$42,331.29.

Delivery

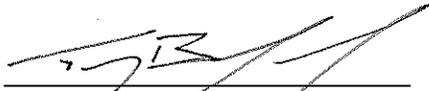
The manufacturer stopped accepting orders of the 2013 models on October 7, 2012. Therefore, National Auto Fleet Group will honor the 2013 contract pricing for delivery of a 2014 model, with no additional charges. Once the manufacturer starts accepting orders, delivery will be eight to twelve weeks. Unfortunately, it is unknown when the manufacturer will start taking orders for the 2014 model. It is probable that orders will start April 1, 2013, but cannot be verified at this time. The City would be put on a pre-order waiting list.

These vehicles will be purchased via a "piggy back" bid on the NJPA Contract #102811. The National Joint Powers Alliance (NJPA) is a municipal contracting governmental agency that serves schools, non-profit, and government entities with competitively awarded purchasing solutions through industry-leading vendors. A "piggy back" bid is an option that an agency has to use the 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 cooperative purchasing that follows the bid.

Fiscal Impact

The fiscal year 2012/13 budget includes an appropriation of \$86,000 for the purchase of two (2) fuel efficient Hybrid technology equipped vehicles from AB 2766 Air Quality funds. The requested purchase amount is \$84,662.58 which is \$1,337.42 less than the budget amount.

Submitted By:



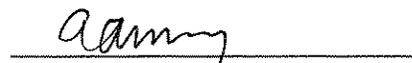
Tony Brandyberry
Public Works Superintendent

Reviewed By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: 1) NJPA Purchase Order Authorization and bid

National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) BUY-NJPA • (626) 457-5590

(855) 289-6572 • (831) 480-8497 Fax

1/3/2012

Tony Brandyberry
City of Los Alamitos
3191 Katella Ave
Los Alamitos, California 90720

Dear Tony Brandyberry,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration. 2 New/Unused (2013 Chevrolet Silverado 1500 Hybrid (CC10543) 2WD Crew Cab 143.5" w/1HY) and delivered to your specified location, each for \$ 39,187.54 + sales tax \$ 3,135 and \$8.75 Tire tax, per the attached specifications.

This vehicle(s) is available under the **National Joint Powers Alliance Bid Number 102811**. Please reference this Bid Number on all Purchase Orders.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,



Jesse Cooper
National Fleet Manager
Office (855) 289-6572
Fax (831) 480-8497



City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8F

To: Mayor Warren Kusumoto & Members of the City Council
Via: Angie Avery, City Manager
From: Linda G. Magnuson, Interim Finance Director
Subject: Approval of the Fiscal Year 2013-14 Budget Calendar

Summary: This report seeks City Council approval of the Fiscal Year 2013-14 Budget Calendar.

Recommendation: Approve the recommended Budget Calendar for Fiscal Year 2013-14.

Background

In accordance with the City's Charter Section 1202 and 1203, the proposed budget shall be prepared and submitted to City Council "at least thirty-five (35) days prior to the beginning of each fiscal year." After reviewing the budget and making revisions as it may deem advisable, "the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity."

Discussion

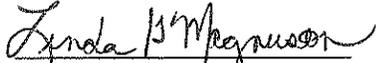
In order to provide ample time for review, analysis and revision of the fiscal year 2013-14 Proposed Budget, the City Council will be provided budget workbooks the week of April 28, 2013. Staff also recommends holding three (3) budget workshops, and a public hearing prior to adopting the budget, as follows:

May 6, 2013	6:00 PM	Special Meeting – no Regular Meeting	Budget Workshop
May 20, 2013	5:00 PM	Special Meeting – prior to Regular Meeting	Budget Workshop
June 3, 2013	6:00 PM	Special Meeting – no Regular Meeting	Budget Workshop
June 17, 2013	6:00 PM	Regular Meeting	Public Hearing

Fiscal Impact

None.

Submitted By:


Linda G. Magnuson
Interim Finance Director

Approved By:


Angie Avery
City Manager

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8G

To: Mayor Warren Kusumoto & Members of the City Council

From: Angie Avery, City Manager

Subject: Resolution No. 2013-04 – Establish New Part-Time Position Classifications in the City of Los Alamitos Hourly Positions Resolution, Amend Hourly Rate Schedule and Adopt Findings to Hire a PERS Annuitant as a Temporary Part-time Deputy City Clerk

Summary: This agenda item seeks authorization to establish one new classification within the part-time hourly employee resolution and adjust the part-time hourly rate schedule to comply with the minimum wage law.

Recommendation: Adopt Resolution No. 2013-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME POSITION CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM ("PERS") ANNUITANT AS A TEMPORARY PART-TIME DEPUTY CITY CLERK".

Background

In addition to regular full-time employees, the City relies on part-time and seasonal hourly employees in all departments. Part-time/seasonal classifications that are represented on the hourly rate schedule do not receive benefits. The last adjustment was in 2009 and California's minimum wage has increased twice since then (2007 and 2008). The Recreation Leader position has not received an adjustment and the minimum hourly rate is out of legal compliance.

Additionally, with the promotion of the Community Development Department Secretary to City Clerk, a full-time vacancy has occurred in the Community Development Department. As the Council is aware, the Community Development Secretary was performing the assigned job functions of the position, as well as the day-to-day operations of the City Clerk's office. An interim part-time Deputy City Clerk was also hired to assist the City Clerk's office. Basically, one and one-half Staff members were doing the work of two.

Staff is proposing to keep Kathie Mendoza as a part-time temporary employee to support the Community Development Department, as well as the City Clerk's office. To accomplish this, a part-time hourly rate needs to be approved by the City Council.

Discussion

In order to meet the needs of two departments within the City, it is recommended that a part-time temporary Deputy City Clerk be added to the hourly rate schedule. This is a creative and money-saving solution to a current staffing issue for the remainder of this fiscal year. In the long term, Staff will make a recommendation for a permanent solution during the budget process. This position will be funded through the City's operating budget using funds earmarked for the Community Development Department Secretary position. The part-time Deputy City Clerk will serve at the discretion of the City Clerk and Community Development Director.

By temporarily filling this position with a part-time employee, the City can fill the void of the secretary, while providing support to the new City Clerk. The only benefits received by part-time employees are the City's share of part-time deferred compensation in lieu of FICA at 3.75% of wages and the City's share of Medicare at 1.45% of wages. To accomplish this, the City Council must now amend the resolution establishing a part-time hourly position within the City's resolution and the related hourly employee rate schedule to include this position.

The proposed resolution also adjusts the hourly rate schedule for the Recreation Leader I position to meet the California required minimum wage of \$8.00 per hour.

Resolution No. 2013-04 repeals past resolutions related to hourly rate schedules including Resolution No. 2009-08 and Resolution No. 2059. Exhibit A to Resolution No. 2013-04 provides the job description for the Part-time Deputy City Clerk and Exhibit B is the revised hourly rate schedule, which includes the new position and rates of pay.

Since Kathie Mendoza is retired from public services, CalPERS recommends each annuitant's employment arrangements be stipulated in a memorandum. Exhibit C to Resolution No. 2013-04 provides the findings needed to hire Kathie Mendoza on a part-time basis to bridge the gap in both the Community Development and City Clerk functions for a limited duration.

Fiscal Impact

Sufficient funds have been included in the Fiscal Year 2012-2013 Operating Budget to fund these rate adjustments and new part-time position for the fiscal year. The City is saving money by hiring a part-time Deputy City Clerk rather than a full time Community Development Secretary at this time.

Submitted By:



Angie Avery
City Manager

Attachment: 1. Resolution No. 2013-04

RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE, ESTABLISHING A NEW PART-TIME TEMPORARY POSITION CLASSIFICATION IN THE ADMINISTRATION DEPARTMENT AND ADOPTING FINDINGS TO HIRE A PUBLIC EMPLOYEES RETIREMENT SYSTEM (“PERS”) ANNUITANT AS A TEMPORARY PART-TIME DEPUTY CITY CLERK

WHEREAS, the City of Los Alamitos utilizes hourly employees to provide staffing in various City departments; and,

WHEREAS, the City of Los Alamitos hourly rate schedule has not been adjusted since 2009; and,

WHEREAS, the proposed new classification and hourly rate adjustments are needed to address service demands in the Administration and Community Development Departments and minimum wage requirements in the Recreation and Community Services Department.

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 proposed classification specifications address part-time classification series in the Administration Department.

SECTION 3. The classification specification for part-time temporary Deputy City Clerk is hereby adopted and made Exhibit A.

SECTION 4. Resolution No. 2059 and 2009-08 are repealed in their entirety.

SECTION 6. The City of Los Alamitos Hourly Rate Schedule is made a part of this Resolution, amended to include the one new classification and amended to reflect the hourly rate adjustments, and documented as Exhibit B.

SECTION 7. Exhibit C provides findings to hire a PERS annuitant as the temporary Deputy City Clerk on a part-time basis, and is hereby made a part of this Resolution.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of January, 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Windmera Quintanar, CMC, City Clerk, 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 22nd day of January, 2013, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, CMC, City Clerk

CITY OF LOS ALAMITOS**Job Description****DEPUTY CITY CLERK
(Temporary Part –Time)****THE POSITION**

Under general direction performs a wide variety of highly responsible administrative and supportive tasks in the City Clerk's Department; provides staff support to the City Clerk and City Council; performs the duties of the City Clerk in the absence of the City Clerk; and performs related duties as required.

ESSENTIAL JOB FUNCTIONS

The Deputy City Clerk is required to perform a wide variety of administrative and support duties to assist the City Clerk in the day-to-day functions of the City Clerk's Department in compliance with state and local laws, codes and policies. The Deputy City Clerk is required to perform the following essential job functions: attend City Council meetings to take minutes in the absence of the City Clerk; type reports and letters; assist with the preparation of City Council agendas, minutes and reports; researches information and prepares documents in response to inquiries from the public regarding City Council actions and records in compliance with the Public Records Act; drafts letters, proclamations and other correspondence; coordination of required FPPC filing; codification of City ordinances; assisting the City Councilmembers with their schedules and correspondence; answering telephone calls and assisting the public; and other duties as assigned. The position requires a degree of independence, initiative and flexibility.

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of modern office practices, English usage, grammar and spelling. Knowledge of FPPC regulations, federal and state laws affecting the duties of the City Clerk. Experience with word processing and spreadsheet software programs. The ability to perform the following: responsible typing, secretarial and clerical work involving the use of independent judgment; interpret and apply policies, laws, rules and regulations; plan, organize and supervise the work of others; prepare reports with accuracy and speed; meet the public tactfully and courteously and answer routine policy questions in person and over the telephone; establish and maintain cooperative work relationships; take minutes of meetings and transcribe those minutes accurately; and ability to communicate clearly and concisely, orally and in writing.

DESIRABLE EXPERIENCE AND TRAINING

Knowledge of the functions, policies and procedures relating to the City Clerk's Department; knowledge of legal requirements relating to the Brown Act, California Elections Code, Political Reform Act, California Public Records Act; Maddy Act, and Fair Political Practices Commission requirements; ability to transcribe and compose clear, concise and accurate minutes, correspondence, reports and documents; ability to

operate computer programs including Microsoft Word and Outlook and to use applicable software and recording devices and maintain municipal records; and the ability to interpret, apply, explain and reach sound decisions in accordance with laws, regulations, policies and procedures.

The equivalent of two years of college course work in related subjects is preferred. It is desirable to take dictation at 80 wpm and required to type at a net speed of 65 wpm.

MINIMUM QUALIFICATIONS

Graduation from high school or completion of a GED supplemented with equivalent of two years of college course work in public administration, business administration, or related field. Minimum of three years of increasingly responsible experience providing support to a City Council, Board, Commission or other body which involved office and records management, developing agendas, preparing reports and taking and transcribing minutes. Experience with municipality or other public agency is highly desirable.

LICENSE REQUIREMENTS

Certification as a Certified Municipal Clerk and Notary Public, or willingness to obtain, is highly desirable.

Possession of a valid California Driver's License.

**CITY OF LOS ALAMITOS
HOURLY RATE SCHEDULE
Effective January 22, 2013**

EXHIBIT B

CLASS CODE	CLASSIFICATION TITLE	RANGE NO.		STEP A	STEP B	STEP C	STEP D	STEP E
905	Recreation Leader I	5	HOURLY	8.05	8.45	8.86	9.26	9.66
915	Recreation Leader II	15	HOURLY	8.50	8.93	9.35	9.78	10.20
921	Senior Recreation Leader	20	HOURLY	10.00	10.50	11.00	11.50	12.00
931	Recreation Specialist	30	HOURLY	11.00	11.55	12.10	12.65	13.20
943	Nutrition Program Coordinator	40	HOURLY	12.50	13.13	13.75	14.38	15.00
950	Sports Coordinator	50	HOURLY	14.75	15.49	16.23	16.96	17.70
955	Community Services Coordinator	55	HOURLY	17.50	18.38	19.25	20.13	21.00
980	Recreation Supervisor	80	HOURLY	26.93	28.28	29.69	31.17	32.73
910	Lifeguard	10	HOURLY	8.00	8.40	8.80	9.20	9.60
925	Water Safety Instructor I	25	HOURLY	10.50	11.03	11.55	12.08	12.60
930	Asst Pool Manager/Sr. Lifeguard	30	HOURLY	11.00	11.55	12.10	12.65	13.20
935	Water Safety Instructor II	35	HOURLY	11.50	12.08	12.65	13.23	13.80
942	Aquatics Coordinator	40	HOURLY	17.50	18.38	19.25	20.13	21.00
911	Crossing Guard	15	HOURLY	8.50	8.93	9.35	9.78	10.20
920	Police Aide/Cadet	20	HOURLY	10.00	10.50	11.00	11.50	12.00
945	Police Investigator	45	HOURLY	13.00	13.65	14.30	14.95	15.60
946	Police Reserve	45	HOURLY	13.00	13.65	14.30	14.95	15.60
965	Police Recruit	65	HOURLY	22.00				
970	Photo Enforcement Officer	70	HOURLY	24.68	25.91	27.21	28.57	30.00
940	Account Clerk	40	HOURLY	12.50	13.13	13.75	14.38	15.00
941	Administrative Intern	40	HOURLY	12.50	13.13	13.75	14.38	15.00
944	Clerical Assistant	40	HOURLY	12.50	13.13	13.75	14.38	15.00
947	Receptionist	42	HOURLY	13.76	14.45	15.17	15.93	16.73
960	Maintenance Worker	60	HOURLY	17.30	18.17	19.07	20.03	22.08
951	Deputy City Clerk	46	HOURLY	27.72	29.11	30.56	32.09	33.69

*Highlighted area is the hourly rate change and new position.

EXHIBIT C

PROPOSED FINDINGS OF EMPLOYMENT OF KATHIE MENDOZA AS TEMPORARY PART-TIME DEPUTY CITY CLERK

Kathie Mendoza will be appointed as a temporary/limited duration, part-time Deputy City Clerk under Government Code Section 21224.

In accordance with Section 21224, the City of Los Alamitos declares this a temporary appointment during an emergency to prevent stoppage of public business. An emergency exists because of a vacancy in the Community Development Department due to the Department Secretary's promotion to City Clerk, the resignation of the City Attorney, and the retirement of the City Manager - all within a two-month period. It is imperative that the City have continuity to support the Community Development Department, the Planning Commission, and the City Clerk function. The City of Los Alamitos finds it necessary to hire Kathie Mendoza as she provides a unique combination of experience and specialized skills to fill the dual need in both the City Clerk and Community Development functions for a limited duration.

The duration of the appointment is from January 23, 2013 through June 30, 2013, and work hours will be approximately 20 hours per week.

The compensation is Step E of the Deputy City Clerk position hourly range, as listed on the publicly available pay schedule. There are no other employees at the City of Los Alamitos performing comparable duties.

No other benefit, incentive, compensation in lieu of benefits, or other form of compensation, in addition to the hourly pay rate, is being provided.

Kathie Mendoza will monitor her work hours to ensure she does not exceed the 960-hours-per-fiscal-year limitation as stipulated by Section 21224.

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8H

To: Mayor Warren Kusumoto & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Director of Community Development
Subject: On-Call Environmental Services - Request for Proposal

Summary: This report sets forth a recommended Request for Proposal (RFP) for On-Call Environmental Services in accordance with the California Environmental Quality Act (CEQA).

Recommendation: Approve scope of work for on-call environmental consulting services, and instruct staff to release the RFP.

Background

CEQA, or the California Environmental Quality Act, requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. These are done through studies provided by consultants at costs borne by developers proposing physical development in Los Alamitos. Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.

Discussion

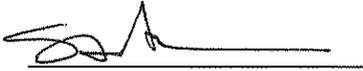
Each time a development is proposed, staff must obtain proposals from environmental firms to prepare necessary environmental documents such as Mitigated Negative Declarations, Initial Studies and/or Environmental Impact Reports in accordance with CEQA. The same goes for various Public Works projects. In order to get the best quality and the most competitive price, staff would need to conduct an RFP each time a consultant is needed. Unfortunately, there is not always time for an RFP given the deadlines under the Permit Streamlining Act. Therefore, in order to meet required timelines, conserve staff time and still obtain competitive rates on quality services, staff would prefer to use an RFP process now to prescreen a few firms to have on-call to provide environmental services.

By releasing a Request for Proposal (RFP), staff will have a list of consultants to provide CEQA related services on an on-call basis. Each consultant secured beyond the City Manager's \$10,000 purchasing limit, will be approved by action of the City Council.

Fiscal Impact

There are no costs to the City in releasing the RFP.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: 1. Draft Request for Proposal



CITY OF LOS ALAMITOS

Community Development Department
3191 Katella Ave., Los Alamitos, CA 90720-5600
Phone: (562) 431-3538 Fax: (562) 493-0678

REQUEST FOR PROPOSAL

ON-CALL ENVIRONMENTAL CONSULTING SERVICES

CITY OF LOS ALAMITOS COMMUNITY DEVELOPMENT DEPARTMENT

Steven Mendoza, Community Development Director
3191 Katella Ave. - Los Alamitos, California 90720

(562) 431-3538, extension 300
e-mail address: smendoza@ci.los-alamitos.ca.us

Proposals Due By:
12:00 Noon
Thursday February 23, 2013

RFP Available online at:
<http://www.ci.los-alamitos.ca.us/RFP/index.html>

**CITY OF LOS ALAMITOS
REQUEST FOR PROPOSAL
ON-CALL ENVIRONMENTAL CONSULTING SERVICES**

1. INTRODUCTION

The City of Los Alamitos ("City") Community Development Department requests written responses to a Request for Proposals (RFP) for selection of On-Call Environmental Consultant(s) to provide environmental consulting services for one or more proposed projects including but not limited to general plan amendments, rezones, tentative subdivision maps, conditional use permits, and specific plans. The City of Los Alamitos anticipates selecting three firms to provide consulting services on an on-call basis, and that each firm(s) may subsequently be asked to prepare specific proposals for more than one project.

The Environmental Consultant will be responsible for the preparation of Environmental Impact Reports (EIR) Environmental Impact Statements (EIS), Negative Declarations, Mitigated Negative Declarations, technical studies and other California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) documentation for proposed projects. Environmental Consultants must be willing to work collaboratively with, and manage the work of, other members of the environmental analysis team.

The City of Los Alamitos will, based on qualifications presented in response to this RFP, select the firm(s) best able to provide environmental consulting services for upcoming private and City initiated projects.

2. PURPOSE

The purpose of this Request for Proposal (RFP) is to solicit and select a firm to provide consultant services to augment City staff as it relates to CEQA. Under the direction of the Community Development Director, the consultant would serve as coordinator and would provide the range of expertise necessary to carry out the normal functions of CEQA.

All services provided by the Consultant shall be performed by individuals that meet the qualification, education, and certification/licensing requirements for the position. The successful consultant shall also have the resources to provide cost effective and timely services including providing customer service to the City of Los Alamitos.

3. THE CITY

The City of Los Alamitos incorporated in 1960, and is located on the Northwest edge of Orange County. It is situated North of Seal Beach, East of Long Beach, South of Hawaiian Gardens, and West of Cypress. The City encompasses 4.3 square miles with a small population of approximately 12,000. The City is mature, urbanized, and, for the most part, built-out. Half of the community's 4.3 square miles is the federally operated Joint Forces Training Base (JFTB).

4. SCOPE OF SERVICES

The City has described the proposed scope in Exhibit A to this RFP.

5. ADDITIONAL CONSULTANT RESPONSIBILITIES

The consultant shall be responsible for completing the specified services in accordance with the City's Professional Services Agreement.

6. TERM

The term of the agreement shall be determined upon need of services.

7. PROPOSAL REQUIREMENTS

The proposal shall clearly address all of the information requested herein. To achieve a uniform review process and obtain the maximum degree of comparability, it is required that proposals be organized and contain all information as specified below:

- A.** A Letter of Introduction, to include an understanding of the scope of services.
- B.** The firm's approach to delivering the scope of services.
- C.** Brief company profile and number of years the firm has been in business.
- D.** Location of principal office that will be responsible for the implementation of this contract.
- E.** Description of the professional qualifications of the personnel who will be assigned to work in the City of Los Alamitos. While the Consultant may propose any staffing scenario to effectively perform the services, the proposal shall identify the key personnel who will be assigned to perform the services and how, where, and when those services will be provided.
- F.** Three references to include: name, address and phone number of the organization, length of time services were provided, and a description of the services provided.
- G.** Cost Proposal (including hourly rate) for Services. The method of payment upon negotiation of an agreement shall be monthly payments based upon satisfactory progress and the submission of requests for payments. This should include hourly billable costs of each team member; project manager, associate and various titles.
- H.** Any other information which should be considered, such as any special services or customer service philosophy which define your firm's practices.
- I.** The firm will be required to have professional liability insurance including liability at a minimum of one million per occurrence, worker's compensation, and vehicle coverage including comprehensive and collision insurance naming the City of Los Alamitos as additional insured. The proposal shall state whether such insurances will be in force at time of contract execution.

8. SUBMITTAL

Two (2) bound copies and one (1) color digital Microsoft word copy of the proposal must be submitted no later than 12:00 noon, Thursday, February 23, 2013. Postmarks and faxes are not acceptable. Proposals must be titled "RFP On-Call Environmental Services." Proposals must be submitted to:

Steven Mendoza
Community Development Director
City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720

Questions related to this Request for Proposal may be referred to Steven Mendoza at (562) 431-3538,

ext. 300. Proposals not received on or prior to the date and time specified will not be considered.

9. SELECTION CRITERIA

Selection of the firm will be based on:

- Firm Experience
- Coordination & Supervision Team Work
- Qualifications and Experience of Staff and/or Sub-consultants
- Schedule & Budget Responsiveness
- Quality Control and Assurance
- Cost

The City of Los Alamitos reserves the right to accept or reject any and all proposals, or any portion of any proposal, or to waive any irregularities or informalities in the proposal or in the proposal process, or to make the award on the basis of that item or combination of items which, in its opinion, serves the best interest of the City. This Request for Proposal does not commit the City of Los Alamitos to pay costs incurred in the preparation of a response to this request. Services shall not commence until the Professional Services Agreement is executed by the City. Responses to this Request for Proposal become the property of the City.

EXHIBIT A - SCOPE OF WORK ON-CALL ENVIRONMENTAL CONSULTING SERVICES

In accordance with the California Environmental Quality Act (CEQA), the City of Los Alamitos (CITY) has adopted the CEQA Guidelines (California Code of Regulations – title 14, Chapter 3) as its procedures for the review of development projects and other activities to ensure that the environment of the State is protected and enhanced. Pursuant to these procedures, the City anticipates that the preparation of environmental document(s) may be required for potential future projects. Due to the potential for project schedules to overlap, the City may ask several firms to provide consulting services and the firm(s) may subsequently be asked to provide written proposals for more than one project. The selected consultant(s) may be asked to provide a variety of professional services and prepare environmental documents (such as Environmental Impact Reports, Mitigated Negative Declarations, Negative Declarations, Initial Studies, and/or technical studies) in compliance with the requirements of CEQA and NEPA. Typical environmental impacts which will need to be assessed include but are not limited to:

Aesthetics	Agricultural Resources
Air Quality	Biological Resources
Climate Change/Global Warming	Cultural Resources
Geology and Soils	Hazards and Hazardous Materials
Hydrology and Water Quality	Land Use and Planning
Mineral Resources	Noise
Population and Housing	Public Services
Recreation	Transportation/Traffic
Utilities and Service Systems	

The selected consulting firm must be prepared to effectively address the following:

- A. Assist City staff in managing the environmental processing for private development projects and City initiated projects, including preparation of environmental documents, attendance at public meetings, regular interface with City of Los Alamitos staff and other City consultants, and attendance at regularly scheduled coordination meetings as necessary when work is in progress.
- B. Communicate, cooperate and team with specialized environmental consultants and City staff and other City consultants as necessary.
- C. Demonstrate the depth and breadth of the firm to provide a full range of environmental consulting services capable of meeting the needs of any given private development or City initiated project.
- D. Provide strong emphasis on the management of multiple projects and competing priorities while maintaining quality, meeting schedules and staying within budget.
- E. Sub-consultants may be utilized for various technical reports. The City reserves the right to require the use of approved sub-consultants, particularly with respect to traffic reports, and not permit the use of subconsultants that have not been approved.

City of Los Alamitos

Agenda Report Consent Calendar

January 22, 2013
Item No: 8I

To: Mayor Warren Kusumoto & Members of the City Council

Via: Angie Avery, City Manager

From: Todd Mattern, Police Chief

Subject: Memorandum of Understanding Between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures.

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

Recommendation: Authorize the Chief of Police to execute the Memorandum of Understanding between the City of Los Alamitos and the County of Orange for Public Safety Realignment and Postrelease Community Supervision Cost Reimbursement to Local Agencies for Enhanced Services and Other Authorized Expenditures.

Background

In 2011, the Public Safety Realignment Act was enacted, transferring responsibility for the incarceration, treatment and supervision of specified adult felony offenders from the California Department of Corrections and Rehabilitation to counties. A key element of Public Safety Realignment is that certain non-serious, non-violent and non-high-risk sex offenders are, upon their release from incarceration, subject to Postrelease Community Supervision instead of parole. In Orange County, the Probation Department has been designated to provide this supervision; however, an implementation plan developed by the Community Corrections Partnership and approved by the Board of Supervisors recognized that enhanced services may be required from municipal law enforcement agencies.

Discussion

When Orange County's implementation plan for Public Safety Realignment went into effect in 2011, it was understood that police agencies within the county may be requested to assist the Probation Department with enhanced services related to Postrelease Community Supervision. These services include assisting probation officers with "sweeps" or activities associated with checking the compliance of offenders

with their conditions of supervision. Of the nearly \$25,000,000 of Public Safety Realignment funds the county received from the state for FY 2011-2012, \$692,354 was designated for these enhanced municipal law enforcement overtime services. A Memorandum of Understanding was established, defining the policies, procedures and cost reimbursement procedures. Due to the small number of supervised offenders residing in Los Alamitos, the Police Department has not been called to assist Probation with these services; therefore no expenses subject to reimbursement were incurred during the last fiscal year. The two departments have, however, been committed to maintaining communication and sharing information pertaining to this supervised population.

For FY 2012-2013, a total of \$1,689,089 of state funding has been designated for enhanced municipal law enforcement services; however, following a recommendation by Orange County chiefs of police, a formula was established, based on the percentage of the supervised population residing in each city, to allocate an amount of these funds to each city. Based on a total of three offenders on Postrelease Community Release supervision residing in Los Alamitos, a total of \$3,546 has been designated for these enhanced overtime services by the Los Alamitos Police Department. Additionally, discretion now exists with each municipal law enforcement agency to initiate these services, subject to the advance approval of Orange County Probation. Any remaining balance at the end of the fiscal year will not carry over to the following year.

A Memorandum of Understanding between the County of Orange and the City of Los Alamitos has been drafted to formalize the policies, procedures, and cost reimbursement requirements, as well as define the scope of services. The M.O.U. is effective retroactively from July 1, 2012 through June 30, 2013, and subject to renewal with the same terms and conditions for succeeding 12-month terms, upon mutual written agreement.

The City Attorney has reviewed and approved the Memorandum of Understanding.

Fiscal Impact

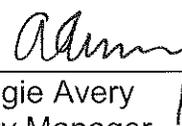
None. Under terms of the agreement, personnel overtime associated with providing enhanced services will be reimbursed.

Prepared By:



Todd Mattern
Police Chief

Approved By:



Angie Avery
City Manager

Attachment: 1. Memorandum of Understanding for Public Safety Realignment.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF LOS ALAMITOS
AND
THE COUNTY OF ORANGE
FOR
PUBLIC SAFETY REALIGNMENT AND POSTRELEASE COMMUNITY SUPERVISION
COST REIMBURSEMENT TO LOCAL LAW ENFORCEMENT AGENCIES
FOR ENHANCED SERVICES AND OTHER AUTHORIZED EXPENDITURES**

This Memorandum of Understanding, hereinafter referred to as "MOU," entered into on October 30, 2012, which date is enumerated for purpose of reference only, is by and between the City of Los Alamitos, acting on behalf of its Police Department ("City"), and the County of Orange, a political subdivision of the State of California, acting on behalf of the Orange County Probation Department ("County.")

RECITALS

WHEREAS, Assembly Bill ("AB109"), titled "2011 Realignment Legislation Addressing Public Safety," became effective on July 1, 2011 and provided for the enactment of the "2011 Postrelease Community Supervision Act;"

WHEREAS, the 2011 Postrelease Community Supervision Act requires that certain offenders released from State prison shall be subject to postrelease community supervision provided by a county agency designated by each county's board of supervisors, as specified in section 3450 of the Penal Code and as added by AB109;

WHEREAS, the Orange County Board of Supervisors, pursuant to Resolution No. 11-111, designated the Orange County Probation Department ("OC Probation") as the County agency responsible for providing postrelease community supervision;

WHEREAS, on October 18, 2011 the Orange County Board of Supervisors accepted the Orange County Public Safety Realignment and Postrelease Community Supervision 2011 Implementation Plan ("PCS 2011 Implementation Plan") developed by the Orange County Community Corrections Partnership ("OCCCP") and approved by the OCCCP Executive Committee, as required under AB109 and subsequent related legislation;

WHEREAS, the Fiscal Year 2012-13 funding allocations of State appropriation for the continuing implementation of AB109, including amounts for enhanced services and other authorized expenditures for local law enforcement agencies were presented to, and approved by the Orange County Board of Supervisors on September 25, 2012 as part of the FY 2011-12 Fourth Quarter Budget Report;

WHEREAS, the parties to this MOU wish to establish the cost reimbursement policies, procedures and requirements pertaining to City's provision of enhanced services and expenditures of its AB109 funding allocation for Fiscal Year 2012-13, and for subsequent fiscal years thereto.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1.0 TERM

The initial term of this MOU shall be effective retroactively from July 1, 2012, through June 30, 2013, with approval by the Orange County Board of Supervisors. Thereafter, this MOU may be renewed for succeeding 12-month fiscal year periods of July 1 through June 30, without further action by the Orange County Board of Supervisors, on the same terms and conditions and upon mutual written agreement between City and OC Probation, subject to:

- 1.1 New or additional funding appropriated to the County by the State legislature for the continuing implementation of AB109 and subsequent related legislation;
- 1.2 Acceptance by the Orange County Board of Supervisors of the State appropriation for the continuing implementation of AB109 and subsequent related legislation, for inclusion in the County's budget for each fiscal year covered by this MOU; and
- 1.3 Approval by the Orange County Board of Supervisors of the funding allocations of such State appropriation to local resources and needs, including amounts that may be reimbursed to City for enhanced law enforcement services and other authorized expenditures.

2.0 POPULATIONS SERVED

- 2.1 New Populations under County Jurisdiction: Beginning October 1, 2011, AB109 and subsequent related legislation, as implemented by County, placed the following populations under County jurisdiction and supervision by OC Probation:
 - 2.1.1 Persons released from prison on postrelease community supervision ("PCS") instead of parole, consisting of non-violent, non-serious and non high-risk sex offenders as defined by the California Department of Corrections and Rehabilitation.
 - 2.1.2 Persons who have committed felonies and now sentenced to County jail pursuant to subdivision (h) of Penal Code section 1170 instead of State prison, who may also be placed on mandatory supervised release.
- 2.2 Information on New Populations under County Jurisdiction: OC Probation will provide City with a "Notice of Supervision" with regard to individuals scheduled by the State for PCS release, as described in section 2.1.1 herein. Requests for information on particular individuals placed on mandatory supervised release, as described in section 2.1.2, may be directed to OC Probation, as needed.

3.0 SCOPE OF ITEMS REIMBURSABLE TO CITY

Under this MOU, OC Probation shall compensate City for providing enhanced law enforcement services and incurring related expenditures directly related thereto, which shall consist of, but not be limited to, the following:

- 3.1 Overtime Services: At various times that are mutually agreed upon and determined necessary to achieve the objectives of public safety realignment and other purposes related to AB109, City shall provide the number of law enforcement personnel

requested by OC Probation, or by City, in order to check the compliance of offenders, described in section 2.1 herein, with their conditions of supervision. City law enforcement personnel shall accompany OC Probation peace officers in conducting activities, commonly termed as "sweeps," outside of regular work hours, and as more fully described in section 5.2.2 of this MOU.

- 3.2 Services of Dedicated Personnel: City may, at its discretion and with written notification to OC Probation, assign personnel to perform law enforcement services under this MOU, during their normal work hours as regular-time services, and additionally outside of their normal work hours as overtime services, as more fully described in section 5.2.3 of this MOU.
- 3.3 Other Authorized Expenditures: City may claim reimbursement for operating expenses directly related to the provision of services under this MOU. Allowable and claimable operating expenses shall include, but not be limited to, professional and technical training, equipment, general supplies, travel, and mileage, all as they directly relate to AB109 and the objectives of public safety realignment, services rendered, or authorized expenditures incurred under this MOU.

4.0 AMOUNTS REIMBURSABLE TO CITY

OC Probation shall reimburse City for providing enhanced law enforcement services and incurring authorized expenditures under this MOU, as needed to achieve the objectives of public safety realignment, in accordance with the following guidelines:

4.1 Funding Allocation to City:

- 4.1.1 As approved by the Orange County Board of Supervisors for the period July 1, 2012 through June 30, 2013, City shall be reimbursed up to a maximum amount of \$3,546.02. Such amount is part of, and included in the total maximum funding allocation of \$1,689,089 to local law enforcement agencies, as specified in Attachment 1 ("Local Law Enforcement PCS Funding Allocation: July 1, 2012 through June 30, 2013") of this MOU.
- 4.1.2 For succeeding 12-month fiscal year periods of July 1 through June 30, and subject to new or additional State funding as described in section 1 of this MOU and allocated by the Orange County Board of Supervisors, City's funding allocation shall be specified in a written document renewing this MOU, as mutually agreed upon and signed by both parties.

4.2 Total Funding Allocation to Local Law Enforcement Agencies:

During all 12-month fiscal year periods of July 1 through June 30 that this MOU is in effect, City and all other local law enforcement agencies will be individually compensated solely from and within the total maximum State funding allocation recommended by the OCCCP Executive Committee and approved by the Orange County Board of Supervisors for enhanced law enforcement services and other authorized expenditures, until such amount is depleted. Any remaining balance at the end of each fiscal year will not carry over to the following fiscal year.

5.0 RESPONSIBILITIES OF PARTIES

5.1 County, through OC Probation, shall:

- 5.1.1 As needed, and subject to the provisions of section 8 of this MOU, periodically deploy OC Probation peace officers to City police department facilities, to act as liaison for ensuring proper coordination of activities under the PCS 2011 Implementation Plan and succeeding PCS Updates, including the services provided by City under this MOU
- 5.1.2 Request overtime services from City to conduct activities commonly termed as "sweeps," as needed to accomplish specific objectives, pursuant to section 5.2.2 herein
- 5.1.3 Coordinate the scheduling of such overtime services with City's designated law enforcement personnel
- 5.1.4 In advance of scheduled overtime services, provide specific information to City law enforcement personnel identifying the names, addresses, and known associations of the intended sweep subjects
- 5.1.5 Provide County vehicles for OC Probation peace officers assigned to accompany City law enforcement personnel in the performance of services related to this MOU
- 5.1.6 Conduct periodic meetings and participate in briefing sessions with City law enforcement personnel
- 5.1.7 Compensate City for services rendered and other authorized expenditures incurred under this MOU, in accordance with section 6.0 herein
- 5.1.8 Oversee the administrative processes for billing and compensation for services rendered and other authorized expenditures incurred under this MOU
- 5.1.9 Financially monitor the usage of the amount annually proposed by the OCCCCP Executive Committee and adopted by the Orange County Board of Supervisors for enhanced law enforcement services and other authorized expenditures under this MOU, so as not to exceed the maximum allocation made available from State funding for each fiscal year

5.2 City, through its Police Department, shall have the following responsibilities with regard to services and authorized expenditures under this MOU:

5.2.1 General Duties

- 5.2.1.1 Ascertain the whereabouts of persons described in section 2.1 of this MOU and known to reside within City's geographical boundaries, and notify OC Probation when practicable, prior to conducting compliance checks of any offender, in order to verify

such individual's identity, active supervision status, and any relevant conditions of supervision that are to be enforced

- 5.2.1.2 Make searches and seizures, as appropriate and reasonable
 - 5.2.1.3 Perform surveillance of persons described in section 2.1 in City or any jurisdiction City has an agreement with pursuant to Penal Code section 830.1
 - 5.2.1.4 Make arrests for violations of supervision conditions with prior authorization from assigned OC Probation peace officers, or for active warrants for persons described in section 2.1
 - 5.2.1.5 Complete and maintain documentation relating to probable cause, the circumstances of arrests and new law violations, bookings and all other pertinent information
 - 5.2.1.6 Provide police vehicles for City law enforcement personnel to conduct activities under this MOU
 - 5.2.1.7 As appropriate, allow OC Probation peace officers to ride as passengers in City police vehicles, or to operate the vehicles if City law enforcement personnel are rendered unable to drive said vehicles, subject to the provisions of section 9 of this MOU
 - 5.2.1.8 Maintain timekeeping and payroll documentation for overtime and regular-time services rendered by City law enforcement personnel, and relevant source documentation such as ledgers, journals, cancelled checks, receipts, and invoices supporting the submittal of other authorized expenditures incurred by City under this MOU
- 5.2.2 Overtime Services: With regard to overtime services rendered pursuant to section 3.1 of this MOU:
- 5.2.2.1 Advise OC Probation of the number of City peace officers scheduled to perform the overtime services requested by OC Probation
 - 5.2.2.2 Notify OC Probation of City's own need to perform overtime services over and above those requested by OC Probation
 - 5.2.2.3 If necessary and in advance of the scheduled overtime services, and subject to approval by OC Probation, request that certain individuals under PCS be added to the scheduled sweep, including the reasons for such request
 - 5.2.2.4 Make a room available for the parties to participate in briefing sessions prior to and upon completion of scheduled activities, or at any other times as may be required, subject to the provisions of section 8 of this MOU

- 5.2.3 Services of Dedicated Personnel: With regard to regular-time and overtime services rendered by personnel dedicated to perform activities under this MOU:
- 5.2.3.1 Provide written notification of such dedicated personnel assignments to OC Probation, for coordination of services and reimbursement procedures under this MOU, by mail, fax or e-mail, as follows:
- Orange County Probation Department
Attention: Director of Postrelease Community Supervision
Division
P.O. Box 10260
Santa Ana, CA 92711
Fax: 714.558.6329
E-mail: Rita.Roberts@prob.ocgov.com
- 5.2.3.2 Notify the assigned OC Probation peace officers of each law enforcement contact made with offenders, the nature and circumstances of such contact, and any actions taken or continuing therefrom, as soon as practicable after the occurrence of such contact
- 5.2.3.2.1 For expediency and efficiency in communication and response times, the preferred method of notification to OC Probation under this section shall be through COPLINK. If reporting via COPLINK is not available, notification may be done by telephone to the assigned OC probation peace officers, or as described in section 5.2.3.1 above.
- 5.2.3.3 Provide quarterly statistical and progress reports to OC Probation of law enforcement activities undertaken under this MOU
- 5.2.3.4 Attend periodic meetings as requested by OC Probation, or schedule meetings with OC Probation as needed

6.0 COMPENSATION

County shall compensate City for salaries and benefits paid by City to law enforcement personnel assigned to perform services under this MOU, as follows:

- 6.1 Regular Position: The law enforcement personnel assigned by City to perform services under this MOU shall consist of full-time employees of City in regular positions, whose normally assigned work hours equal a full work period.
- 6.1.1 A regular position shall mean a position established on a permanent year-round basis and requiring work on a schedule designated by City as a normal work schedule.

- 6.2 Overtime Services: Law enforcement personnel may be assigned by City to perform services under this MOU, pursuant to section 3.1 herein, during hours that are in excess of an employee's normal work schedule in a regular work period. County shall pay City for overtime services rendered by such personnel at one and one-half (1-1/2) times their hourly rate, multiplied by the number of hours of service actually provided during the billing period.
- 6.3 Services of Dedicated Personnel: Law enforcement personnel may be dedicated by City to perform services under this MOU, pursuant to section 3.2 herein, during their normal work hours as regular-time services, and additionally outside of their normal work hours as overtime services. County shall pay City for regular-time services rendered by such personnel at their hourly rate, and for overtime services at one and one-half (1-1/2) times their hourly rate; both as multiplied by the number of hours of service actually provided during the billing period.
- 6.4 Claiming Methodology: For purposes of submitting reimbursement claims to OC Probation under section 7.0 herein, City shall use its own methodology for calculating hourly rates, as applicable to regular time or overtime hours recorded by law enforcement personnel assigned to perform services under this MOU. When submitting invoices to OC Probation under section 7.1 herein, City may include the benefits associated with the regular time or overtime hourly rates applicable to the claimed services, or show such benefits as a separate line item.
- 6.5 No Supplantation: City acknowledges its understanding that: (a) the services rendered by law enforcement personnel assigned to perform services under this MOU have not previously been, or otherwise will be funded by City; and (b) employee compensation for said services does not supplant or replace any other City-funded work hours.
- 6.6 At all times during any particular action under this MOU, each party's employees shall conform to his or her respective departmental policies, requirements and procedures. Each party will operate under the direction of its respective chain of command. No party is responsible for the actions of another party's personnel. Any evaluation and investigation of any complaints regarding any party or its personnel shall be referred to the party at issue.

7.0 FINANCIAL ACCOUNTABILITY

- 7.1 OC Probation's Fiscal Services Unit shall issue instructions to City for claiming reimbursement of expenses under this MOU. City shall submit invoices for services rendered and authorized expenditures incurred under this MOU, accompanied by the source documents described in sections 5.2.1.8 and 6.4 herein, with the following minimum information:
- 7.1.1 Date of service and/or expenditure
- 7.1.2 Name(s) of City law enforcement personnel who rendered the services, with their hourly and overtime rates, and number of service hours performed, pursuant to the methodology described in section 6.4 herein

- 7.1.3 Operating expenses, itemized as directly related to the provision of services under this MOU
 - 7.1.4 City's name and address
 - 7.1.5 City's remittance address, if different from above
 - 7.1.6 City's federal taxpayer identification number
 - 7.1.7 Invoice number or some identifying tracking number specified by City
 - 7.1.8 "Bill To" section in accordance with section 7.2 below
 - 7.1.9 Statement from City's designated representative for this MOU, to read: "I hereby certify to the appropriateness of the costs claimed and that these costs have not been reimbursed by revenue, income, or grants from any other source."
- 7.2 City's invoices shall be mailed to the following address, with the same "Bill To" information included in the invoice:
- Orange County Probation Department
Attention: Fiscal Services Unit
P.O. Box 10260
Santa Ana, CA 92711
- 7.3 City may submit invoices claiming reimbursement for services rendered and authorized expenditures incurred under this MOU on a monthly basis, or quarterly at a minimum.
- 7.3.1 For each fiscal year of July 1 through June 30 that this MOU is in effect, final claims for reimbursement of services rendered and authorized expenditures incurred by City shall be submitted for receipt by OC Probation no later than July 5 immediately following.
- 7.4 Payment by County to City will be within 30 days of receipt of an invoice in the format specified in section 7.1 herein, as verified and approved by the OC Probation PCS Division Director, and subject to routine processing requirements. City agrees to accept such compensation as full remuneration for services rendered and authorized expenditures incurred under this MOU and for any reasonably unforeseen difficulties or risks which may arise or be encountered in the performance of services under this MOU.
- 7.5 County reserves the right to verify City's source documents related to the provision of services and authorized expenditures incurred under this MOU. Auditors of the County, OC Probation, and State shall have access to information, documents, papers and records of City, which are determined to be pertinent specifically to this MOU, for the purpose of making an audit, evaluation, excerpts and transcripts. Furthermore, OC Probation shall have the right to audit claims submitted for reimbursement by City, if a subsequent audit determines that certain costs and

expenses claimed by and reimbursed to City are not allowable. City shall reimburse OC Probation for any such disallowed amounts.

8.0 LICENSE TO USE CITY REAL AND PERSONAL PROPERTY

In consideration of the promises contained herein, City hereby grants to County rent-free use of office space, office furniture, and office equipment located in the offices of the City Police Department. Said office space, furniture and equipment shall be used solely by personnel of City and OC Probation while performing their assigned duties related to services under this MOU. The precise location, size and type of said office space, office furniture and office equipment will be determined by City. City shall supply all repair, maintenance and janitorial supplies and services to said premises and shall be responsible for all charges for utilities supplied to said premises.

9.0 PERMISSION TO USE CITY VEHICLES

In consideration of the promises contained herein, City hereby grants to County permission for OC Probation personnel to operate and to ride as passengers in vehicles owned or leased by City, as necessary while performing their assigned duties related to services under this MOU. City shall supply all repair and maintenance services for said vehicles, and shall pay all fuel costs for said vehicles.

10.0 MUTUAL INDEMNIFICATION

County agrees to indemnify, defend with counsel approved in writing by City, and hold City, its officers, employees, and agents ("City Indemnitees") harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the services, or other performance provided by County pursuant to this MOU. City's approval of counsel shall not be unreasonably withheld. If judgment is entered against County and City by a court of competent jurisdiction because of the concurrent active negligence of City or City Indemnitees, County and City agree that liability will be apportioned as determined by the court. Neither party shall request a jury apportionment. This indemnification shall commence on the effective date of this MOU and shall continue thereafter for any and all causes of action accruing during the term of this MOU.

City agrees to indemnify, defend with counsel approved in writing by County, and hold County, its elected and appointed officials, officers, employees, agents and those special districts and agencies for which County's Board of Supervisors acts as the governing board ("County Indemnitees") harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the services, or other performance provided by City pursuant to this MOU. County's approval of counsel shall not be unreasonably withheld. If judgment is entered against City and County by a court of competent jurisdiction because of the concurrent active negligence of County or County Indemnitees, City and County agree that liability will be apportioned as determined by the court. Neither party shall request a jury apportionment. This indemnification shall commence on the effective date of this MOU and shall continue thereafter for any and all causes of action accruing during the term of this MOU.

11.0 PROJECT MANAGEMENT

The OC Probation PCS Division Director shall manage and oversee the operation and administration of this MOU pursuant to the terms and conditions contained herein. The PCS Division of OC Probation shall coordinate with City law enforcement personnel with regard to the activities covered under this MOU.

12.0 CONTINGENCY OF FUNDS

City acknowledges that funding or portions of funding for this MOU may be contingent upon State budget approval, receipt of funds from, and/or obligation of funds by the State to County; and inclusion of sufficient funding for the services hereunder in the budget recommended by the OCCCCP and approved by the Orange County Board of Supervisors for each fiscal year covered by this MOU. If such approval, funding or appropriations are not forthcoming, or are otherwise limited, County may immediately terminate or modify this MOU without penalty.

13.0 CONFIDENTIALITY:

City agrees to maintain the confidentiality of County and County-related records and information pursuant to all statutory laws relating to privacy and confidentiality that currently exist or exist at any time during the term of this MOU. All such records and information shall be considered confidential and kept confidential by City and City's staff, agents and employees.

14.0 TERMINATION:

Either party may terminate this MOU, with or without cause, upon 30 days' written notice given to the other party. The obligations pertaining to indemnification for, or defense of causes of action accruing during the term of this MOU, shall extend beyond the termination of this MOU until fully performed.

15.0 NOTICES:

Any notices required or permitted to be given under this MOU shall be in writing and addressed as follows:

Notices to City:

Los Alamitos Police Department
Attention: Chief of Police
3201 Katella Ave
Los Alamitos, CA 90720

Notices to County:

Orange County Probation Department
Attention: PCS Division Director
P.O. Box 10260
Santa Ana, CA 92711

16.0 ALTERATION OF TERMS:

This MOU fully expresses all understanding of the parties, and is the total agreement between the parties as to the subject matter of this MOU. No addition to, or alteration of the terms of this MOU by the parties, whether written or verbal, shall be valid unless made in the form of a written amendment to this MOU, which is formally approved and executed by both parties.

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IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized officers.

CITY OF _____

By: _____

Dated: _____

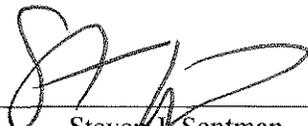
Attest: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

COUNTY OF ORANGE:

By:  _____
Steven J. Sentman
Chief Probation Officer

Dated: 11/13/2012

ATTACHMENT 1

LOCAL LAW ENFORCEMENT PCS FUNDING ALLOCATION
July 1, 2012 through June 30, 2013

<u>City/Agency</u>	<u>\$ Allocation</u>
Orange County Sheriff's Department Unincorporated area and Contract Cities *	173,755.13
Anaheim	258,859.69
Brea	10,638.07
Buena Park	43,734.28
Costa Mesa	108,744.71
Cypress	24,822.16
Fountain Valley	15,366.10
Fullerton	75,648.49
Garden Grove	147,750.96
Huntington Beach	73,284.48
Irvine	43,734.28
La Habra	28,368.16
Laguna Beach	4,728.03
Los Alamitos	3,546.02
Midway City **	17,730.12
Newport Beach	17,730.12
Orange	91,014.59
Placentia	26,004.17
Santa Ana	408,974.66
Seal Beach	2,364.02
Tustin	40,188.26
Westminster	57,918.38
Yorba Linda	14,184.09
TOTAL	1,689,089.00

* For purposes of this Attachment 1, the allocations for the Orange County Sheriff's Department and for Midway City are listed separately. However, the Orange County Sheriff's Department will actually be providing services to Midway City. Therefore, for cost reimbursement purposes under this MOU, the allocation of \$17,730.12 shown for Midway City will be added to the total allocation of \$173,755.13 shown for the Orange County Sheriff's Department.

City of Los Alamitos

Agenda Report Public Hearing

January 22, 2013
Item No: 9A

To: Mayor Warren Kusumoto & Members of the City Council

Via: Angie Avery, City Manager

From: Steven Mendoza, Director of Community Development

Subject: 7-Eleven's Appeal of Planning Commission Decision Regarding Operational Hours

Summary: The Planning Commission recently considered a 24-hour 7-Eleven at the northwest corner of Ball and Bloomfield. After deliberation and public input, the Commission restricted 7-Eleven to open from 6:00 a.m. to midnight with alcohol sales from 6:00 a.m. to 10:00 p.m. 7-Eleven is now appealing that decision alternatively requesting to open from 5:00 a.m. to midnight with alcohol sales from 6:00 a.m. to midnight. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Appellant: Steven Ybarra – SA Design Concepts).

Recommendation:

1. Conduct a public hearing; and, if appropriate:
2. Remand the decision back to the Planning Commission, or
3. Adopt City Council Resolution No. 2013-05 A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING AN APPEAL AND OVERTURNING PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT 12-05 THUS MODIFYING THE OPERATIONAL HOURS FROM 6:00 A.M. TO MIDNIGHT TO 5:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS); or,
4. Adopt City Council Resolution No. 2013-06, entitled, A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 12-06 TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE

FROM 6:00 A.M. TO 10:00 P.M. WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS);
or,

5. Amend the above resolutions to reflect hours to the satisfaction of City Council.

Background

Mr. Steven Ybarra, on behalf of 7-Eleven, filed a request to operate a 7-Eleven franchise on a 24-hour basis and sell alcohol. The applicant followed the normal Conditional Use Permit process via the Planning Commission. The Planning Commission held a public hearing on December 10, 2012 wherein they approved the use, but restricted hours from 6:00 a.m. to midnight after considering the application, hearing public testimony and deliberating.

Since the Planning Commission Hearing, Mr. Ybarra has requested to open at 5:00 a.m. Since this is new information not previously requested of the Commission, staff is recommending that the City Council remand this item back to the Commission for consideration as the Commission was never asked by Mr. Ybarra to consider a 5:00 a.m. opening.

After hearing testimony from the applicant, adjacent property owners and area residents, the City Council has the authority to:

1. Uphold the Planning Commission decision in PC Resolutions 12-20 and 12-21;
or,
2. Remand the decision back to the Commission
3. Allow the 7-Eleven to operate from 5:00 a.m. to midnight; and/or,
4. Allow the 7-Eleven to conduct alcoholic beverage sales for off-site consumption in conjunction with an allowed use from 6:00 a.m. to 10:00 p.m.; or,
5. Allow both requests.
6. Establish hours acceptable to the City Council.

By appealing the Planning Commission's decision, the applicant is asking the City Council to overturn the decision alternatively requesting operation hours of 5:00 a.m. to midnight, and liquor sales from 6:00 a.m. to midnight. The applicant has submitted the following statement to support their request for an appeal:

"7-Eleven understands and respects the community concerns regarding a 24-hour enterprise at this location. Upon receiving a "no" vote to the 24-hour

operation and limiting the store to operating 6:00 a.m. to midnight, 7-Eleven felt motivated and compelled to re-evaluate its strategy in this market, and work toward a compromise with the adjoining neighbors. 7-Eleven's current macro level business model is based off of a 24-hour operational platform. Under certain unique circumstances, truncated hours have been adopted. 7-Eleven has revisited their typical business model for this particular site and believes that hours of 5:00 a.m. to midnight offer a reasonable compromise that will not only insure the well being of the adjoining residences but will also provide the selected franchisee the opportunity for a sustainable community based venture.

A 5:00 a.m. opening will provide customers an alternative shopping experience for their morning coffee and other goods. The 5:00 a.m. opening is currently being enjoyed by other coffee houses in the City such as Starbucks on Katella Avenue. We ask the City Council to provide 7-Eleven with the same consideration. In the evening, 7-Eleven's goal would be to match the store closure time with unabridged sales to help offset the impacts of not being open 24 hours.

7-Eleven has a proven track record in all aspects of franchisee operations, and continues its commitment to the localities we serve. Franchisee personnel are highly trained, and are expected to be thoughtful and sensitive to the neighborhoods they serve. 7-Eleven believes the addition of one additional hour to the morning operation, as well as an extension of alcohol sales hours at night by two hours (thereby matching the closure of the store), is a demonstration of consistency with the intent of the Planning Commission denial of a full 24-hour store."

Discussion

The current occupant at this location for this proposed 7-Eleven is a liquor store called "Spirit Stop Liquor". Recently, this multi-unit building received approval (Site Plan Review 12-03) to renovate into a smaller retail building adjacent to a new Chase Bank building.

This address is in the General Commercial (C-G) Zoning District of our City. The Los Alamitos Municipal Code (LAMC 17.10.020, Table 2-04) states



the following: "alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use" require a Conditional Use Permit (CUP) in this zone. The existing liquor store has no Conditional Use Permit (CUP). This means that this use was

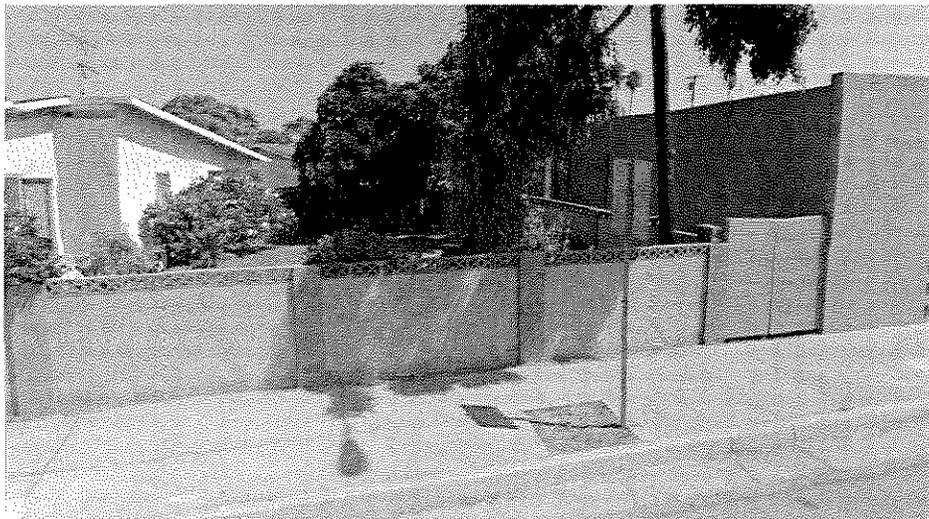
allowed to be in this zone prior to current zoning code amendments that would disallow this type of alcohol sales at this location without a CUP, thus creating a “nonconforming use” situation. Any new business that moves into this space would need to obtain a CUP to sell alcohol (LAMC 17.64.050.C).

The hours presently allowed for this location are regulated by the Los Alamitos Municipal Code (LAMC 17.10.020, Table 2-04, note 4) which limits business hours of retail establishments to 6:00 a.m. to 10:00 p.m. in the C-G zoning district unless a CUP is obtained for longer hours.

Location

The building for the proposed 7-Eleven is located at the Northwest corner of Ball Road and Bloomfield Street. The site is proposed to be configured with two storefronts, like many traditional 7-Eleven locations in mini-mall-type locations. The adjacent properties are developed and zoned as follows:

- North Single Family Residential uses in the (R-1) Zoning District
- East: Retail uses including a tire store and a Ralph’s grocery store in the City of Cypress
- South: Commercial uses including US Bank in the (C-G) Zoning District
- West: Single Family Residential uses in the (R-1) Zoning District



Building separation from residences on West side

Renovation to Building

Please note that permits have recently been issued for a reduction in size of the subject building. The building itself is a nonconforming structure since the rear setback between this building and nearby residential property lines is five feet, which is smaller than the code-required fifteen (15) feet. The space inside the building for the proposed 7-Eleven is projected to actually increase in size from the 2,091 (Spirit Stop Liquor) square feet to 2,300 square feet, which is approximately a 10% increase in size for this particular unit. The attached elevations are based on an older submission from the property owner and are not based on the approved elevations for the structure.

Community Benefits

7-Eleven stores are undergoing changes. 7-Eleven's format showcases fresh foods (salads, fruits, sandwiches, pastries, and prepared foods) delivered daily. They offer prepaid phone and internet cards, gift cards, ATM/wire transfer, on-location bill pay, and lottery tickets. The franchise system provides the benefits of a global brand operated by a local business person.

Community Impacts

24-hour businesses have 24-hour impacts. The site is not separated from single-family residences by any type of buffer. The rear door of the store/market opens to a small walkway across which is a fence surrounding a residential backyard. On the North side of the building customers will park where a section of the commercial building stands today, against sections of fencing that surround residential backyards.

Customers of such businesses who offer takeout and convenience tend to have the most problematic neighborhood impacts, including higher traffic volumes, quick turnover with vehicles left running, car radios, litter problems, and consuming food and beverages in parked cars. There is the potential for significant problems with such uses including proximity to residential uses, crime, litter, loitering, and noise.

Safety

The layout of a new 7-Eleven store features wider aisles for comfort as well as addressing accessibility to all patrons. Shelves are lower for ease of shopping and security. Stores are cleaner and brighter and offer an entirely new and comfortable shopping experience. 7-Eleven stores keep less than \$50 (\$30 at night) in the cash register. All 7-Eleven stores use a time-delay cash-control system, which dispenses cash in small amounts in two-to 10-minute intervals. The Police Department does not feel that this use will impact its operations.

Noise History at the Site

This site has a history of noise related impacts related to Twins Grill restaurant. staff feels that the close proximity of a 24 hour business to single family homes could cause similar impacts.

Public Outreach

At the time this report was completed and distributed, staff had not received any comments regarding the proposed use from Public Notices that were mailed out on January 3, 2013. At the December Planning Commission meeting, six residents spoke at the meeting. Four of the residents said specifically that they would be fine with 7-Eleven moving in, two of those, however, said they were against 24 hour operation. Three residents said they were bothered by the various noise problems that the current tenant, Twins Grill, has caused in the last few years. Before that meeting a petition in support of the operation of a 7-Eleven at the location was signed by four residents, fifteen residents signed a petition saying that they support 7-Eleven, but only if the operational hours were maintained at 6:00 a.m. to 10:00 p.m. and not 24-hours. The residents and Commissioners in attendance at this last Planning Commission meeting did not hear a request from 7-Eleven for the operational hours they are proposing tonight.

Findings and General Plan Conformity

The use as a store/market with extended hours will meet the required conditions of the General Commercial (C-G) Zoning District because the Code conditionally allows for these uses with the approval of a Conditional Use Permit. The current use is as a liquor store has created few concerns or complaints. It is in conformity with the Los Alamitos General Plan because the "Retail Business" Land Use Designation is described as "retail uses such as supermarkets, drugstores, personal services, restaurants, and facilities that offer a wide variety of retail products."

Environmental

A Categorical Exemption pursuant to Section 15301, Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Noticing

This hearing was noticed in the News Enterprise on January 9, 2013. All business owners, approximately 153 property owners, and commercial building tenants within 500 feet of the subject property were mailed public notices on this same date.

Recommendation

The City's Zoning Ordinance allows for the granting of CUPs by the Planning Commission if they are able to make findings that the establishment, maintenance or

operation of the use will not be detrimental to the health and safety and general welfare of persons residing or working in the neighborhood of the use. However, the applicant may appeal that decision to the City Council. There remains the question of whether or not it will be appropriate to have such a business operating with longer hours and selling alcohol until midnight next to residential units located directly behind the building. There is no buffer which could otherwise separate the residential from the commercial uses.

After hearing testimony from the applicant, adjacent property owners and area residents, the City Council has the authority to:

1. Uphold the Planning Commission decision in PC Resolutions 12-20 and 12-21; or,
2. Remand the decision back to the Commission
3. Allow the 7-Eleven to operate from 5:00 a.m. to midnight; and/or,
4. Allow the 7-Eleven to conduct alcoholic beverage sales for off-site consumption in conjunction with an allowed use from 6:00 a.m. to 10:00 p.m.; or,
5. Allow both requests.
6. Establish hours acceptable to the City Council.

Staff feels that the 5:00 a.m. opening time as requested by the appellant has minimal impacts over the 6:00 a.m. opening time, and therefore, supports the change in operational hours. The hours the Planning Commission approved for alcohol sales (6:00 a.m. to 10:00 p.m.) should remain as approved to minimize the impacts to neighboring residents.

Fiscal Impact

The increased operational hours will lead to increased sales thus improving revenue through sales tax to the General Fund and thus to the community.

Submitted by:



Steven Mendoza
Director of Community Development

Approved by:



Angie Avery
City Manager

- Attachments:*
1. *Resolution No. 2013-05, approving appeal of Conditional Use Permit 12-05*
 2. *Resolution No. 2013-06, denying appeal of Conditional Use Permit 12-06*
 3. *Appeal Application*
 4. *Planning Commission Minutes*
 5. *Planning Commission Resolutions (2)*

RESOLUTION NO. 2013-05

A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPROVING AN APPEAL AND OVERTURNING PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT 12-05 THUS MODIFYING THE OPERATIONAL HOURS FROM 6:00 A.M. TO MIDNIGHT TO 5:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS)

WHEREAS, an application for a Conditional Use Permit was submitted on September 26, 2012, by Steven Ybarra, of SA Design Concepts, for the commercial space located at 3951 Ball Road to conduct 24 hour operations; and,

WHEREAS, Los Alamitos Municipal Code Section 17.10.020, Table 2-04, note 4 permits retail establishments to operate between 10:00 p.m. and 6:00 a.m. with a Conditional Use Permit; and,

WHEREAS, on December 10, 2012 the Planning Commission conditioned the operational hours to between 6:00 a.m. and midnight in a 2,300 square foot store/market in a multi-tenant building in the General Commercial (C-G) Zoning District, in order to facilitate applicant's intention to obtain 7-Eleven franchise for the property; and,

WHEREAS, an application for appeal of the Planning Commission's decision concerning hours of operation for a store/market was received by the City Clerk on December 13, 2012; and,

WHEREAS, said verified application constitutes an appeal request as required by Section 17.68.020 (Appeals) of the Los Alamitos Municipal Code; and,

WHEREAS, the said verified application was publicly noticed on January 9, 2013, for a public hearing; and,

WHEREAS, a duly noticed Public Hearing as prescribed by law was held on said application by the City Council on January 22, 2013; and,

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 first condition of approval regarding the operational hours for store/market operation at 3951 Ball Road is hereby amended to read as follows: Approval of this application is to allow the applicant to conduct 5:00 a.m. to midnight hours of operation for a store/market at 3951 Ball Road with such additions, revisions, changes or modifications as required by the City Council pursuant to approval of CUP 12-05 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.

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

PASSED, APPROVED, AND ADOPTED this 22nd day of January 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Windmera Quintanar, 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 22nd day of January 2013, by the following vote, to wit:

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

Windmera Quintanar, CMC, City Clerk

RESOLUTION NO. 2013-06

A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 12-06 TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 6:00 A.M. TO 10:00 P.M. WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPELLANT: STEVEN YBARRA – SA DESIGN CONCEPTS)

WHEREAS, an application for a Conditional Use Permit was submitted on November 13, 2012, by Steven Ybarra, of SA Design Concepts, for the commercial space located at 3951 Ball Road to conduct alcoholic beverage sales for off-site consumption in conjunction with an allowed use; and,

WHEREAS, Los Alamitos Municipal Code Section 17.10.020, Table 2-04, requires these type of alcohol sales to be permitted through a Conditional Use Permit; and,

WHEREAS, on December 10, 2012 the Planning Commission conditioned these sales to between the hours of 6:00 a.m. and 10:00 p.m. in a 2,300 square foot store/market in a multi-tenant building in the General Commercial (C-G) Zoning District, in order to facilitate applicant's intention to obtain 7-Eleven franchise for the property; and,

WHEREAS, an application for appeal of the Planning Commission's decision concerning alcoholic beverage sales hours was received by the City Clerk on December 13, 2012; and,

WHEREAS, said verified application constitutes an appeal request as required by Section 17.68.020 (Appeals) of the Los Alamitos Municipal Code; and,

WHEREAS, the said verified application was publicly noticed on January 9, 2013, for a public hearing; and,

WHEREAS, a duly noticed Public Hearing as prescribed by law was held on said application by the City Council on January 22, 2013; and,

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 hours of sales of alcoholic beverages at 3951 Ball Road shall remain 6:00 a.m. to 10:00 p.m. The first condition of approval regarding the sales of alcoholic beverages at 3951 Ball Road is hereby to remain as follows: Approval of this application is to allow alcoholic beverage sales for off-site consumption in conjunction with an allowed use at a store/market, during the hours of 6:00 a.m. to 10:00 p.m. at 3951 Ball Road with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 12-06 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.

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

PASSED, APPROVED, AND ADOPTED this 22nd day of January 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Windmera Quintanar, 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 22nd day of January 2013, by the following vote, to wit:

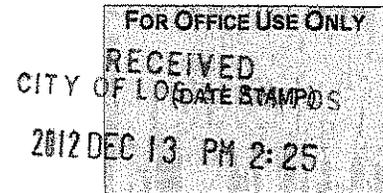
AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Windmera Quintanar, CMC, City Clerk



CITY OF LOS ALAMITOS APPEAL FORM AND HANDOUT

Community Development Department
3191 Katella Ave., Los Alamitos, CA 90720-5600
Phone: (562) 431-3538 Fax: (562) 493-0678



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.

APPEAL OF: Director of Community Development Decision (\$800.00 fee)

Planning Commission Decision (\$1,000 fee) - **TAKEN IN BY CLERK OFFICE**

Type of Permit (example: Conditional Use Permit): Conditional Use Permit

Permit Number: CUP 12-05, 12-06

Address of Project: 3951 Ball Road Los Alamitos CA

Decision Date: December 10, 2012

APPELLANT INFORMATION

Name of Applicant (Appellant): SA Design Concepts

Mailing Address: 1000 S. Euclid Street La Habra CA 90631

Telephone Number: (562) 418 - 0273

Email: steven.ybarra@sadesignconcepts.com

In what capacity is the appellant filing? Recorded Property Owner Interested Party Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: Equitas Alamo Partners, LLC

Mailing Address: 995 15th Street Hermosa Beach, CA 90254

Telephone Number: (310) 395 - 0049

Email: aswerdlow@equitasinvestments.com

Describe what portion(s) of the decision you are appealing:

1. Planning Commission Resolution #12-20: CUP # 12-05 - Operate Store/Market from 6:00am to Midnight. **Appeal CUP # 12-05 Operate Store/Market from 5:00am to Midnight**

2. Planning Commission Resolution #12-21: CUP # 12-06 - To conduct alcoholic beverage sales for offsite consumption in conjunction with an allowed use from 6:00am to 10:00pm. **Appeal CUP # 12-05 To conduct alcoholic beverage sales for offsite consumption in conjunction with an allowed use from 6:00am to Midnight.**

Describe the Purpose for Your Appeal (be specific):

7 - Eleven understands and respects the community concerns regarding a 24 hour enterprise at this location. Upon receiving a "no" vote to the 24-hour operation and limiting the store operating to 6:00am to midnight, 7-Eleven felt motivated and compelled to re- evaluate its strategy in this market, and work toward a compromise with the adjoining neighbors. 7-Eleven's current macro level business model is based off a 24-hour operational platform. Under certain unique circumstances, truncated hours have been adopted. 7-Eleven has revisited their typical business model for this particular site and believes the hours of 5AM to midnight offer a reasonable compromise that will not only insure the well being of the adjoining residences but will also provide the selected franchisee the opportunity for a sustainable community based business venture.

A 5:00am opening will provide customers an alternative shopping experience for their morning coffee and other goods. The 5:00am opening is currently being enjoyed by other coffee houses in the City such as Starbucks off Katella Ave. We ask City Council to provide 7-Eleven the same consideration. In the evening, 7-Eleven's goal would be to match the store closure time with unabridged sales to help off-set the impacts of not being open 24 hours.

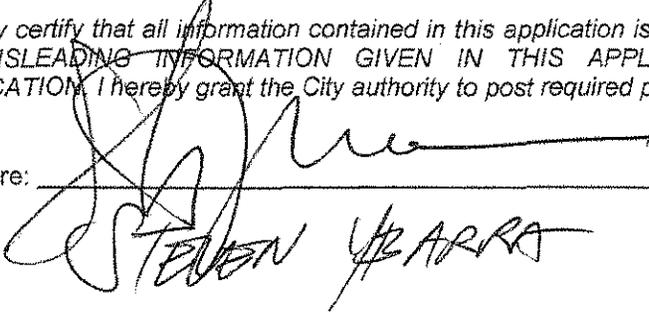
7-Eleven has a proven track record that in all aspects of franchisee operations, and continues its commitment to the localities we serve. Franchise personnel are highly trained, and are expected to be thoughtful and sensitive to the neighborhoods they serve. 7-Eleven believes the addition of one additional hour to the morning operation, as well as an extension of alcohol sale hours at night by two hours (thereby matching the closing of the store), is a demonstration of consistency with the intent of the Planning Commission denial of a full 24 hour store.

APPLICANT CERTIFICATION:

I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICATION. I hereby grant the City authority to post required public notices.

Signature: _____

Date: December 13, 2012



STEVEN YEARRA

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

December 10, 2012

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:03 p.m., Monday, December 10, 2012, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

3. ROLL CALL

Present: Commissioners: Daniel, Loe, Sofelkanik, Sutherlin, Vice Chair Grose, Chair Riley

Absent: Commissioners: Andrade

Present: Staff: Steven Mendoza, Community Development Dir.
Tom Oliver, Planning Aide
Windmera Quintanar, CMC, Department Secretary

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communications. There being no one present wishing to speak, Chair Riley closed the meeting for Oral Communications.

5. APPROVAL OF MINUTES

Motion/Second: Grose/Daniel

Carried 5/0 (Sofelkanik abstained): The Planning Commission approved the minutes for the Regular meeting of November 12, 2012.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARING

A. Conditional Use Permit (CUP) 12-05 requesting 24-hour operation and Conditional Use Permit (CUP) 12-06 requesting alcoholic beverage sales for a proposed 7-Eleven at 3951Ball Road

This was a request for a store/market to operate twenty-four (24) hours-a-day and sell alcohol for offsite consumption. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Applicant: Steven Ybarra – SA Design Concepts). Staff recommended approval of less than what had been requested.

Chair Riley stated he had a conflict of interest as he owned property adjacent to the project. Chair Riley left the dais.

Community Development Director Mendoza introduced the item. Planning Aide Oliver summarized the staff report, referring to the information contained therein, gave a PowerPoint presentation, and answered the questions from the Planning Commission.

Commissioner Sofelkanik inquired about the parking situation. Staff confirmed all parking requirements have been met.

Vice Chair Grose opened the Public Hearing.

Aaron Swerdlow, owner and developer of the property, encouraged the Commission to support the project.

Steven Ybarra, 7-11 Representative, gave a PowerPoint presentation which provided an overview of 7-11 and the operation, and made himself available to answer questions from the Commission.

Charlotte Anderson, resident, stated support for the project, but was concerned about loitering.

Commissioner Solfelkanik inquired to the height of the wall separating the parking from the residents. Community Development Director Mendoza stated it would remain the same at six feet.

Steve Provenahi, resident, indicated he was there on behalf of his father. He stated concern for 24 hour operation due to anticipated increase in crime and noise after 10 p.m.

Steve Hoff, resident, inquired about being able to see the lighted new signage and increasing the height of the wall to deter crime. Mr. Hoff and Mr. Swerdlow engaged in discussion regarding such.

Mr. Hoff inquired if the CUP would be irrevocable. Community Development Director Mendoza answered in the affirmative.

Shelby Riley, resident, spoke regarding the following: support for increasing the wall height; she had circulated the petition in opposition to 24 hour operation; not opposed to 7-Eleven; concern for CUP operation hours of new owner should 7-Eleven leave; residents are interested in the project; concern for noise and loitering impacts; and, stated 5 of the adjacent property owners signed the petition opposing 24 hour operation.

Bill PaPetti, resident, stated support for the project as long as there was no lighted sign on the back of the property in his line of sight.

The Planning Commission and Staff discussed the following topics:

- Sign plan that meets Los Alamitos Municipal Code (LAMC) would be approved through the Community Development Department
- Sign plan that exceeds the LAMC would come before the Planning Commission
- No pole signs at this time
- Difference in height of the old building to the proposed building was approximately a six foot parapet
- Consideration tonight was for 24 hour operation and alcohol sales
- Six foot wall along the north boundary. Height varies due to elevation. Per Conditions of Approval of Chase Bank, the wall will be stuccoed and landscaped.
- Two other 7-Eleven locations in the City operate 24 hours
- Staff had no concerns regarding the walk way between the building and fence since there had was no history of criminal activity
- Police Department had reviewed the application and had no concerns, but had added several conditions for digital surveillance
- 7-Eleven at 10772 Los Alamitos Blvd. was approved in an area that separated residents from the business by an alley. This location would include a walkway and a wall, which appeared to provide better protection.
- Staff had recommend denial of 24 hour operation at that time, the Commission had supported 24 hour operation
- Apartment tenants tend to come and go more often than homeowners
- Police Department was not concerned about the crime statistics or 24 hour operation
- Applicant requesting liquor sale hours from 6:00 a.m. to 2:00 a.m.
- Staff recommends liquor sales from 6:00 a.m. to 10:00 p.m.
- The site has a history of noise related incidents that disturb the residences
- Existing store hours are 6:00 a.m. to 10:00 p.m.
- Support for 7-Eleven as a tenant
- Support for Staff recommended operating hours and liquor sale hours
- Concern regarding future applicants due to Conditional Use Permit (CUP) staying with the land
- Opposition to 24 hour operation
- Benefits of extending liquor sales till midnight
- 7-Eleven business model is for 24 hour operation, in some cases less than 24 hours
- Legality of limiting 24 hour operation to only 7-Eleven

Mr. Provenahi stated the site had been a sales trailer when the residence was bought and his father's residence has been broken into twice in the past 40 years.

Ms. Riley inquired to the benefits for the community should 24 hour operation be granted.

Mr. Hoff stated opposition to Commissioner Daniel and voiced concern for the CUP being tied to the land and potential for increased noise.

Mr. Swerdlow stated he would willing work with the neighbors regarding the wall at his cost.

Vice Chair Grose closed the Public Hearing.

The Planning Commission and Staff discussed the following topics:

- Support for 7-Eleven being open when Ralphs is not
- Caution granting 24 hour operation rights to the land in perpetuity
- Ability to condition the applicant to work with the property owners to bring the wall up to City limits and if unable to do so require he build his own wall
- Building footage shrunk to allow for a bigger Chase bank building and meet landscaping and parking requirements

Commissioner Sofelkanik made a motion to permit the applicant to operate a 7-Eleven from 6:00 a.m. to 10:00 p.m.

Commissioner Loe made a substitute motion to approve Staff recommendation.

City Attorney Highsmith indicated a second needed to be made for either motion.

Commissioner Sofelkanik stated he proposed operating hours of 6:00 a.m. to 10 p.m. as a mitigation measure concerning noise.

Commissioner Sutherlin seconded the motion made by Commissioner Loe.

Vice Chair Grose stated opposition to the 24 hour operation and stated there was a motion on the floor.

Commissioner Daniel inquired if the Commission should address the fence. The Commission discussed the fence, but took no action as a consensus could not be reached.

Motion/Second: Loe/Sutherlin

Carried 4/1 (Chair Riley abstained): The Planning Commission:

1. Conducted a Public Hearing; and,
2. Adopted Planning Commission Resolution No. 12-20, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 12-05 TO OPERATE STORE/MARKET FROM 6:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)"; and,
3. Adopted Planning Commission Resolution No. 12-21, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO.

12-06, TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 6:00 A.M. TO 10:00 P.M., IN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)".

RECESS

The Planning Commission took a brief recess at 8:26 p.m.

RECONVENE

The Planning Commission reconvened in Regular session at 8:37 p.m.

8. STAFF REPORTS

None.

9. DISCUSSION

A. General Plan – Update on the Progress for the Land Use Element

Colin Drukker, The Planning Center, will continue an overview of the processes and the progress to date concerning the City's General Plan Land Use Element.

The Planning Commission continued item 9A.

10. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza reminded the Commission of the Commissioner Dinner on December 11, 2012.

11. COMMISSIONER REPORTS

None.

12. ADJOURNMENT

The Planning Commission adjourned at 8:38 p.m. The next meeting of the Planning Commission will be held at 7:00 p.m. on **Monday, January 14, 2013**, in the City Council Chamber.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

December 10, 2012

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:03 p.m., Monday, December 10, 2012, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

3. ROLL CALL

Present: Commissioners: Daniel, Loe, Sofelkanik, Sutherlin, Vice Chair Grose, Chair Riley

Absent: Commissioners: Andrade

Present: Staff: Steven Mendoza, Community Development Dir.
Tom Oliver, Planning Aide
Windmera Quintanar, CMC, Department Secretary

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communications. There being no one present wishing to speak, Chair Riley closed the meeting for Oral Communications.

5. APPROVAL OF MINUTES

Motion/Second: Grose/Daniel

Carried 5/0 (Sofelkanik abstained): The Planning Commission approved the minutes for the Regular meeting of November 12, 2012.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARING

A. Conditional Use Permit (CUP) 12-05 requesting 24-hour operation and Conditional Use Permit (CUP) 12-06 requesting alcoholic beverage sales for a proposed 7-Eleven at 3951 Ball Road

This was a request for a store/market to operate twenty-four (24) hours-a-day and sell alcohol for offsite consumption. The location is a 2,300 square foot store space at 3951 Ball Road located in the General Commercial (C-G) District, APN 244-293-29. (Applicant: Steven Ybarra – SA Design Concepts). Staff recommended approval of less than what had been requested.

Chair Riley stated he had a conflict of interest as he owned property adjacent to the project. Chair Riley left the dais.

Community Development Director Mendoza introduced the item. Planning Aide Oliver summarized the staff report, referring to the information contained therein, gave a PowerPoint presentation, and answered the questions from the Planning Commission.

Commissioner Sofelkanik inquired about the parking situation. Staff confirmed all parking requirements have been met.

Vice Chair Grose opened the Public Hearing.

Aaron Swerdlow, owner and developer of the property, encouraged the Commission to support the project.

Steven Ybarra, 7-11 Representative, gave a PowerPoint presentation which provided an overview of 7-11 and the operation, and made himself available to answer questions from the Commission.

Charlotte Anderson, resident, stated support for the project, but was concerned about loitering.

Commissioner Solfelkanik inquired to the height of the wall separating the parking from the residents. Community Development Director Mendoza stated it would remain the same at six feet.

Steve Provenahi, resident, indicated he was there on behalf of his father. He stated concern for 24 hour operation due to anticipated increase in crime and noise after 10 p.m.

Steve Hoff, resident, inquired about being able to see the lighted new signage and increasing the height of the wall to deter crime. Mr. Hoff and Mr. Swerdlow engaged in discussion regarding such.

Mr. Hoff inquired if the CUP would be irrevocable. Community Development Director Mendoza answered in the affirmative.

Shelby Riley, resident, spoke regarding the following: support for increasing the wall height; she had circulated the petition in opposition to 24 hour operation; not opposed to 7-Eleven; concern for CUP operation hours of new owner should 7-Eleven leave; residents are interested in the project; concern for noise and loitering impacts; and, stated 5 of the adjacent property owners signed the petition opposing 24 hour operation.

Bill PaPetti, resident, stated support for the project as long as there was no lighted sign on the back of the property in his line of sight.

The Planning Commission and Staff discussed the following topics:

- Sign plan that meets Los Alamitos Municipal Code (LAMC) would be approved through the Community Development Department
- Sign plan that exceeds the LAMC would come before the Planning Commission
- No pole signs at this time
- Difference in height of the old building to the proposed building was approximately a six foot parapet
- Consideration tonight was for 24 hour operation and alcohol sales
- Six foot wall along the north boundary. Height varies due to elevation. Per Conditions of Approval of Chase Bank, the wall will be stuccoed and landscaped.
- Two other 7-Eleven locations in the City operate 24 hours
- Staff had no concerns regarding the walk way between the building and fence since there had was no history of criminal activity
- Police Department had reviewed the application and had no concerns, but had added several conditions for digital surveillance
- 7-Eleven at 10772 Los Alamitos Blvd. was approved in an area that separated residents from the business by an alley. This location would include a walkway and a wall, which appeared to provide better protection.
- Staff had recommend denial of 24 hour operation at that time, the Commission had supported 24 hour operation
- Apartment tenants tend to come and go more often than homeowners
- Police Department was not concerned about the crime statistics or 24 hour operation
- Applicant requesting liquor sale hours from 6:00 a.m. to 2:00 a.m.
- Staff recommends liquor sales from 6:00 a.m. to 10:00 p.m.
- The site has a history of noise related incidents that disturb the residences
- Existing store hours are 6:00 a.m. to 10:00 p.m.
- Support for 7-Eleven as a tenant
- Support for Staff recommended operating hours and liquor sale hours
- Concern regarding future applicants due to Conditional Use Permit (CUP) staying with the land
- Opposition to 24 hour operation
- Benefits of extending liquor sales till midnight
- 7-Eleven business model is for 24 hour operation, in some cases less than 24 hours
- Legality of limiting 24 hour operation to only 7-Eleven

Mr. Provenahi stated the site had been a sales trailer when the residence was bought and his father's residence has been broken into twice in the past 40 years.

Ms. Riley inquired to the benefits for the community should 24 hour operation be granted.

Mr. Hoff stated opposition to Commissioner Daniel and voiced concern for the CUP being tied to the land and potential for increased noise.

Mr. Swerdlow stated he would willing work with the neighbors regarding the wall at his cost.

Vice Chair Grose closed the Public Hearing.

The Planning Commission and Staff discussed the following topics:

- Support for 7-Eleven being open when Ralphs is not
- Caution granting 24 hour operation rights to the land in perpetuity
- Ability to condition the applicant to work with the property owners to bring the wall up to City limits and if unable to do so require he build his own wall
- Building footage shrunk to allow for a bigger Chase bank building and meet landscaping and parking requirements

Commissioner Sofelkanik made a motion to permit the applicant to operate a 7-Eleven from 6:00 a.m. to 10:00 p.m.

Commissioner Loe made a substitute motion to approve Staff recommendation.

City Attorney Highsmith indicated a second needed to be made for either motion.

Commissioner Sofelkanik stated he proposed operating hours of 6:00 a.m. to 10 p.m. as a mitigation measure concerning noise.

Commissioner Sutherlin seconded the motion made by Commissioner Loe.

Vice Chair Grose stated opposition to the 24 hour operation and stated there was a motion on the floor.

Commissioner Daniel inquired if the Commission should address the fence. The Commission discussed the fence, but took no action as a consensus could not be reached.

Motion/Second: Loe/Sutherlin

Carried 4/1 (Chair Riley abstained): The Planning Commission:

1. Conducted a Public Hearing; and,
2. Adopted Planning Commission Resolution No. 12-20, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 12-05 TO OPERATE STORE/MARKET FROM 6:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)"; and,
3. Adopted Planning Commission Resolution No. 12-21, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO.

12-06, TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 6:00 A.M. TO 10:00 P.M., IN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)”.

RECESS

The Planning Commission took a brief recess at 8:26 p.m.

RECONVENE

The Planning Commission reconvened in Regular session at 8:37 p.m.

8. STAFF REPORTS

None.

9. DISCUSSION

A. General Plan – Update on the Progress for the Land Use Element

Colin Drukker, The Planning Center, will continue an overview of the processes and the progress to date concerning the City’s General Plan Land Use Element.

The Planning Commission continued item 9A.

10. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza reminded the Commission of the Commissioner Dinner on December 11, 2012.

11. COMMISSIONER REPORTS

None.

12. ADJOURNMENT

The Planning Commission adjourned at 8:38 p.m. The next meeting of the Planning Commission will be held at 7:00 p.m. on **Monday, January 14, 2013**, in the City Council Chamber.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

RESOLUTION NO. 12-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO 12-05 TO OPERATE A STORE/MARKET FROM 6:00 A.M. TO MIDNIGHT WITHIN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)

WHEREAS, an application for a Conditional Use Permit was submitted on September 26, 2012, by Steven Ybarra, of SA Design Concepts, for the commercial space located at 3951 Ball Road to conduct 24 hour operations (which has been conditioned by the Planning Commission to operate between the hours of 6:00 a.m. and midnight) in a 2,300 square foot store/market in a multi-tenant building in the General Commercial (C-G) Zoning District, in order to facilitate applicant's intention to obtain 7-Eleven franchise for the property; and,

WHEREAS, said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, Los Alamitos Municipal Code Section 17.10.020, Table 2-04, note 4 permits retail establishments to operate between 10:00 p.m. and 6:00 a.m. with a Conditional Use Permit; and,

WHEREAS, the said verified application was publicly noticed on November 28, 2012, for a public hearing; and,

WHEREAS, a duly noticed Public Hearing as prescribed by law was held on said application by the Planning Commission on December 10, 2012; and,

WHEREAS, based upon the evidence presented at the public hearing, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code are:

1. The operation of a store/market, as proposed and conditioned, will not endanger the public health, or general welfare at 3951 Ball Road as the police department has included conditions to mitigate security concerns. Furthermore, these conditions will prevent the generation of nuisance conditions such as noise, glare, odor, or vibrations from the expanded hours of the business to midnight. The extended hours will offer a convenience to the nearby residences by being an option for after-hours purchases at a store/market.

2. The use as a store/market with extended hours to midnight will meet the required conditions and specifications set forth in the General Commercial (C-G) Zoning District where it is proposed to operate because the Los Alamitos Zoning Code conditionally allows for these uses with the approval of a Conditional Use Permit.
3. The use as a store/market with extended hours to midnight at 3951 Ball Road, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located because the use as a store/market currently exists and has created few concerns or complaints.
4. The use as a store/market with extended hours to midnight is in general conformity with the Los Alamitos General Plan because the "Retail Business" Land Use Designation is described on page 1-10 in the land Use Element of the General Plan as "containing commercial retail uses such as supermarkets, drugstores, personal services, restaurants, and facilities that offer a wide variety of retail products."
5. The decision to approve Conditional Use Permit (CUP 12-05) is based on the Planning Commission's review of the plans and specifications submitted for the use as a store/market with extended hours and on testimony given at the public hearing on December 10, 2012, before the Planning Commission.
6. The proposed project is Categorically Exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) and the City's Local Guidelines for implementing CEQA.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER 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. Based upon such findings and determinations, the Planning Commission hereby approves CUP 12-05 subject to the following conditions:

Planning

1. Approval of this application is to allow the applicant to conduct 6:00 a.m. to midnight hours of operation for a store/market at 3951 Ball Road with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 12-05 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed

regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.

2. This approval is conditioned upon applicant's ability to obtain and maintain a franchise with 7-Eleven or a similar nationally recognized convenience store with substantially similar corporate structure and requirements regarding safety, marketing and merchandise.
3. Any signs shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Community Development Director.
4. Failure to satisfy and/or comply with the conditions herein may result in revocation by the Planning Commission and/or City Council of this approval.
5. The applicant and the applicant's successors in interest, shall be fully responsible for knowing and complying with all conditions of approval. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.
6. Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees:	n/a
Dedications:	n/a
Reservations:	n/a
Other Exactions:	n/a

The applicant has 90 days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.

7. 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.
8. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department. The property owner/applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department prior to issuance of any permits.
9. Applicant shall comply with applicable City, County, and/or State regulations.
10. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work.
11. The project shall comply with all requirements of Chapter 17.24, Noise Control, of the Los Alamitos Municipal Code.
12. All deliveries shall be conducted only during the hours of 8:00 a.m. to 9:00 p.m. and shall be loaded through the front of the store.
13. The parcel's landscape and parking lot shall be maintained in good, clean condition at all times.
14. All vending machines of any kind shall be located within the store.
15. Any complaints concerning trash in the yards of neighboring residences, from products purchased at this business, shall be remedied by the applicant immediately.

Police Department

16. The applicant shall install adequate outdoor lighting to the satisfaction of the Police Department.

17. The applicant shall install an operable digital video recording system to record all 24 hours-a-day including:

- Wall-mounted DVR (digital video recorder with hard drive for storage of info) in back office
- Front door camera mounted in door frame looking a main entrance/exit aisle
- Ceiling mounted camera looking a front door area
- Sales floor public view monitor (mounted on ceiling)
- Two exterior cameras
- Two dome cameras looking down on sales counter area
- Alarm feature with hard wire button at sales counter with two remote devices
- Audio recording kit
- Back-up battery for power interruption

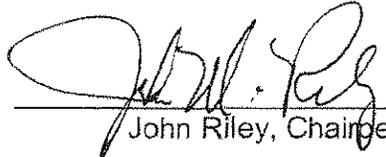
18. The rear door of the space shall be secured and closed at all times.

Orange County Fire Authority

19. The applicant shall provide The Orange County Fire Authority with any plans for review of tenant improvements.

SECTION 3. 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 10th day of December, 2012.



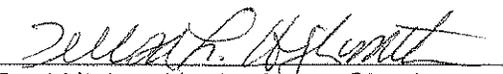
John Riley, Chairperson

ATTEST:



Steven Mendoza, Secretary

APPROVED AS TO FORM:



Terri Highsmith, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 10th day of December, 2012, by the following vote, to wit:

AYES: Loe, Sutherlin, Daniel, Grose

NOES: Sofelkanik
ABSENT: Andrade
ABSTAIN: Riley



Steven Mendoza, Secretary

RESOLUTION NO. 12-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO 12-06, TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 6:00 A.M. TO 10:00 P.M., IN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (APPLICANT: STEVEN YBARRA – SA DESIGN CONCEPTS)

WHEREAS, an application for a Conditional Use Permit was submitted on November 13, 2012, by Steven Ybarra, of SA Design Concepts, for the commercial space located at 3951 Ball Road to allow the alcoholic beverage sales for on- or off-site consumption in conjunction with an allowed use, in a 2,300 square foot store/market in a multi-tenant building in the General Commercial (C-G) Zoning District, in order to facilitate applicant's intention to obtain 7-Eleven franchise for the property; and,

WHEREAS, said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, Los Alamitos Municipal Code Section 17.10.020, Table 2-04 allows alcoholic beverage sales for on- or off-site consumption in conjunction with an allowed use with a Conditional Use Permit; and,

WHEREAS, the said verified application was publicly noticed on November 28, 2012, for a public hearing; and,

WHEREAS, a duly noticed Public Hearing as prescribed by law was held on said application by the Planning Commission on December 10, 2012; and,

WHEREAS, based upon the evidence presented at the public meeting, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code are:

1. The sales of alcoholic beverages, as proposed and conditioned, will not endanger the public health, or general welfare at 3951 Ball Road as the police department has included conditions to mitigate security concerns. Furthermore, these conditions will prevent the generation of nuisance conditions such as noise, glare, odor, or vibrations from the use. The alcoholic beverage sales will offer a convenience to the nearby residences by being an option for after-hours purchases.
2. The use as a store/market with alcoholic beverage sales will meet the required conditions and specifications set forth in the General Commercial (C-

G) Zoning District where it is proposed to operate because the Los Alamitos Zoning Code conditionally allows for these uses with the approval of a Conditional Use Permit.

3. The alcoholic beverage sales at 3951 Ball Road, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located because the use as a liquor store currently exists and has created few concerns or complaints.
4. The alcoholic beverage sales is in general conformity with the Los Alamitos General Plan because the "Retail Business" Land Use Designation is described on page 1-10 in the land Use Element of the General Plan as "containing commercial retail uses such as supermarkets, drugstores, personal services, restaurants, and facilities that offer a wide variety of retail products."
5. The decision to approve Conditional Use Permit (CUP 12-05) is based on the Planning Commission's review of the plans and specifications submitted for the alcoholic beverage sales and on testimony given at the public hearing on December 10, 2012, before the Planning Commission.
6. The proposed project is Categorical Exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) and the City's Local Guidelines for implementing CEQA.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER 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. Based upon such findings and determinations, the Planning Commission hereby approves CUP 12-06 subject to the following conditions:

Planning

1. Approval of this application is to allow alcoholic beverage sales for off-site consumption in conjunction with an allowed use at a store/market, during the hours of 6:00 a.m. to 10:00 p.m. at 3951 Ball Road with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 12-06 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of

this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.

2. Any signs shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and the Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Community Development Director.
3. Failure to satisfy and/or comply with the conditions herein may result in revocation by the Planning Commission and/or City Council of this approval.
4. The applicant and the applicant's successors in interest, shall be fully responsible for knowing and complying with all conditions of approval. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.
5. Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees:	n/a
Dedications:	n/a
Reservations:	n/a
Other Exactions:	n/a

The applicant has 90 days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.

6. 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.

7. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department. The property owner/applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department prior to issuance of any permits.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work.
10. The project shall comply with all requirements of Chapter 17.24, Noise Control, of the Los Alamitos Municipal Code.
11. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
12. The display of alcoholic beverages shall be interior only (no outdoor display) at any time.
13. There shall be no sales of low-priced, screw-top fortified wines, 40 oz. Malt liquors, and pints or half-pints of sprits.
14. Beer shall be sold in a six-pack minimum. No single bottles or cans shall be sold.
15. There shall be no sale of wine in individual containers of less than a 750 ml. quantity, or in manufacturer's multi-unit packages of less than 700 ml. quantity.
16. There shall be no sale, trade or exchange of any airline- or "shot"-size bottles of alcohol (50 milliliters or less).
17. Compliance with Chapter 5.48 of the Los Alamitos Municipal Code, as it may be amended from time to time, is required. As of the date of the issuance of the conditional use permit, Chapter 5.48.020 provides in part: "The display of material which is harmful to minors, as defined in Chapter 7.6 of Title 9 of the California Penal Code, (Section 313 et seq. thereof) in a public place, other than

a public place from which minors are excluded, is prohibited unless a device commonly known as a blinder rack, is placed in front of such material, so that the lower two-thirds of the material is not exposed to view.

18. All deliveries shall be conducted only during the hours of 8:00 a.m. to 9:00 p.m. and shall be loaded through the front of the store.

19. The parcel's landscape and parking lot shall be maintained in good, clean condition at all times.

20. All vending machines of any kind shall be located within the store.

21. Any complaints concerning trash in the yards of neighboring residences, from products purchased at this business, shall be remedied by the applicant immediately.

Police Department

22. The applicant shall install adequate outdoor lighting to the satisfaction of the Police Department.

23. The applicant shall install an operable digital video recording system to record all 24 hours-a-day including:

- Wall-mounted DVR (digital video recorder with hard drive for storage of info) in back office
- Front door camera mounted in door frame looking a main entrance/exit aisle
- Ceiling mounted camera looking a front door area
- Sales floor public view monitor (mounted on ceiling)
- Two exterior cameras
- Two dome cameras looking down on sales counter area
- Alarm feature with hard wire button at sales counter with two remote devices
- Audio recording kit
- Back-up battery for power interruption

24. Alcohol shall be stored in a manner that discourages theft, to the satisfaction of the Police Department.

25. The rear door shall be secured and closed at all times.

Building and Safety Department

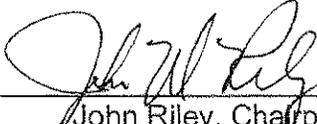
26. Submit tenant improvement plans for review including accessibility details, path of travel, parking, etc.

Orange County Fire Authority

27. The applicant shall provide The Orange County Fire Authority with any plans for review of tenant improvements.

SECTION 3. 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 10th day of December, 2012.



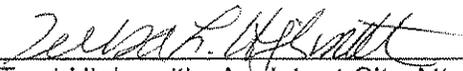
John Riley, Chairperson

ATTEST:



Steven Mendoza, Secretary

APPROVED AS TO FORM:



Terri Highsmith, Assistant City Attorney

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

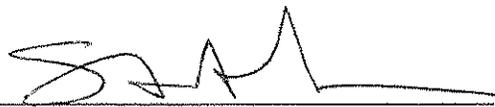
I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 10th day of December, 2012, by the following vote, to wit:

AYES: Loe, Sutherlin, Daniel, Grose

NOES: Sofelkanik

ABSENT: Andrade

ABSTAIN: Riley



Steven Mendoza, Secretary

City of Los Alamitos

Agenda Report Discussion Item

January 22, 2013
Item No: 10A

To: Mayor Warren Kusumoto & Members of the City Council

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

Subject: Adoption of Resolution Establishing Salaries and Benefits, Approval of Contract Terms, and Amendment of Position Descriptions for Non-Represented Employees

Summary: The non-represented employees have not received an increase in compensation since 2006 (and have made accommodations, including taking furloughs, to address the City's fiscal needs) while all other bargaining units have received significant increases during that same time. Moreover, salary surveys indicate that management salaries have dropped below the lowest in the County for comparable positions. Meanwhile, the City Council has expressed a desire to cease paying the employees' share of PERS contributions and impose those costs upon employees, consistent with statewide pension reform efforts. After extensive negotiations to address these issues, the City Council directed that the following proposal be presented to the employees and, if acceptable, brought back to City Council for approval.

Recommendation:

1. Adopt Resolution 2013-02 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2009-12"; and,
2. Authorize the City Manager to enter into Employment Agreements with all non-represented employees (except the City Clerk who reports directly to the City Council) in the forms attached and on the terms described herein; and,
3. Approve the amended position descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant to conform to actual and current duties.

Background and Discussion

The negotiations and proposed revisions address four primary areas of concern:

Employee Contribution Towards Retirement Benefits: The proposal requires that the employees pay the 8% employee contribution previously paid by the City, but that it be offset by a 9% increase in compensation. Accordingly, the Salary and Benefits Resolution adjusts the step and range chart to reflect the 9% increase while the employment agreements each provide that the employees will pay an 8% employee contribution towards PERS, and sets compensation at the step and range in the Salary and Benefits Resolution that corresponds to existing compensation plus 9%.

Creating Equity in Benefits: The proposed Salary and Benefits Resolution also provides the non-represented employees with the same increase in medical benefits previously provided to other employees and adds Veteran's Day as a holiday as it is currently provided to all other City employees.

Establishing a Market Adjustment Policy: The Salary and Benefits Resolution also establishes as Council policy and directive that the City Manager may adjust salaries individually based upon market surveys and actual performance, so long as the adjusted compensation does not exceed the compensation provided to the lowest top-step of a comparable position in Orange County and all adjustments are within the Council-approved budget. The goal is to reward excellent performance, retain high-performing employees, recruit competitively, but remain fiscally prudent.

Conforming the Documents to Actual Practice: For an extended period of time, the positions of Support Services Manager and Benefits Coordinator/Executive Assistant have been performing additional duties and receiving supplemental pay not reflected in the prior compensation resolution. It is now apparent that those duties are not temporary and have instead become a part of the position duties. Accordingly, it is appropriate to include the duties and the compensation in the formal documentation. The job descriptions for the positions of Support Services Manager and Benefits Coordinator/Executive Assistant have therefore been revised to conform to actual and current duties and the step and range chart in the Salary and Benefits Resolution has been amended to reflect the compensation actually paid.

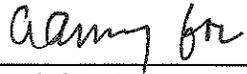
These modifications were requested by Council and are acceptable to the employees.

Fiscal Impact

Upon approval, the fiscal impact of the three-year agreement would be in the range of \$30,520 to \$31,520. The exact number is not known at this time because staff is in the process of negotiating a salary with the new Finance Director. This amount at the high end is within the FY 2012-13 Council approved budget. Any future market adjustments to salaries will be also be within the Council approved budget.

Submitted By:

Approved By:



Sandra J. Levin
City Attorney



Angie Avery
City Manager

- Attachments:*
- 1. Resolution No. 2013-02*
 - 2. Templates for Executive, Middle Management and Confidential Employees Contracts*
 - 3. Revised Position Descriptions*

RESOLUTION NO. 2013-02

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS ALAMITOS ESTAB-
LISHING SALARIES AND BENEFITS FOR
NON-REPRESENTED EMPLOYEES AND
REPEALING RESOLUTION NO. 2009-12**

WHEREAS, the City of Los Alamitos desires to promote improved employer-employee relations between the City of Los Alamitos and its employees by establishing and presenting the rights and benefits of the employees and the City of Los Alamitos.

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

SECTION 1. Title of Resolution. This Resolution shall be known as the Salary and Benefit Resolution for Non-Represented Employees of the City of Los Alamitos.

SECTION 2. Statement of Purpose - Employer and Non-Represented Employee Relations. This Resolution is adopted to provide reasonable and orderly procedures for the administration of employer-employee relations between the City and its non-represented employees.

SECTION 3. Definitions.

- A. CITY: The City of Los Alamitos, a municipal corporation, and where appropriate herein, "City" refers to the City Council, the governing body of said City, or any duly authorized representative of the City of Los Alamitos.
- B. DAYS: Calendar days, unless otherwise stated.
- C. EMPLOYEE OR NON-REPRESENTED EMPLOYEE: Except as otherwise specified in this Resolution, any person regularly employed by the City of Los Alamitos in one or more full-time positions of Executive Management, Middle Management or Confidential Employees.
 - 1. Executive Management employees are the following positions: City Clerk, Finance Director, Chief of Police, Director of Community Development, Director of Recreation and Community Services, and Director of Public Works, and Director of Administrative Services.
 - 2. Middle Management employees are the following positions: Community Services Manager, Finance Manager, Police Captain, Public Services Superintendent, and Support Services Manager.
 - 3. Confidential employees are the following positions: Assistant to the City Manager, Deputy City Clerk and Benefits Coordinator/Executive Assistant.

4. The position of Senior Finance Assistant is no longer an unrepresented employee and shall not be governed by this resolution. The inclusion of the position of Senior Finance Assistant in the City Employee Association (CEA) bargaining unit is hereby ratified.

SECTION 4. City Responsibilities and Rights.

Rights Enumerated. Nothing herein shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy. Except as otherwise specifically provided in this Resolution, or amendments or revisions thereto, the City has and retains the sole and exclusive rights and functions of management, including, but not limited to, the following:

- A. To determine the merits, necessity, nature or extent of services to be performed, as well as the right to determine and implement its public function and responsibility, and the mission of its constituent departments, commissions and boards.
- B. To set standards of service and manage all facilities and operations of the City, including the methods, means and personnel by which the City's operations are to be conducted.
- C. To schedule working hours, allot and assign work.
- D. To establish, modify or change work schedules or standards.
- E. To direct the working forces, including the right to hire, promote, demote or transfer any employee and determine the procedures and standards of selection for employment.
- F. To determine the location of all plants and facilities.
- G. To determine the layout and the machinery, equipment or materials to be used.
- H. To determine processes, techniques, methods and means of all operations, including changes or adjustments of any machinery or equipment.
- I. To determine the size and composition of the working force.
- J. To determine the policy and procedure affecting the selection or training of new employees.
- K. To establish, assess and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performance and the procedures for said assessment.

- L. To control and determine the use of City's property, material, machinery and equipment.
- M. To schedule the operation of and to determine the number and duration of shifts.
- N. To determine measures to promote safety and to protect health and property and take all necessary actions to carry out its mission in emergencies.
- O. To transfer work from one job to another or from one plant or unit to another.
- P. To introduce new, improved or different methods of operations, or to change existing methods.
- Q. To relieve employees from duty for lack of work or for other reasons deemed legitimate by management.
- R. To reprimand, suspend, demote, reduce in pay, discharge or otherwise discipline employees for cause. The judgment of management shall govern except for an abuse of discretion.
- S. To establish and determine job classifications.
- T. To contract or subcontract work with outside public or private entities and maintain the efficiency of governmental operations;
- U. To take such other and further action as may be necessary to organize and operate the City in the most efficient and economical manner for the best interest of the public it serves.
- V. To terminate at-will employees with or without cause or notice, and without right of appeal or hearing.

SECTION 5. Salary Ranges.

- A. The salary steps and ranges of all classifications governed by this Resolution shall be as specified in Exhibits A1 and A2 attached hereto and incorporated by reference.
- B. Market Adjustment Policy: In order to retain high-performing employees, promote excellent job performance, recruit competitively, but remain fiscally prudent, the City Manager is authorized to adjust the steps and ranges in Exhibits A1 and A2 for management employees position-by-position based upon performance, as follows:
 - 1. The City Manager may conduct salary surveys from time to time with respect to some or all of the non-represented employees' positions and to adjust

steps and ranges, within the parameters stated in this section, based on performance and market conditions.

2. The surveyed cities shall, at a minimum, include those in Orange County with populations of less than 30,000 and the immediately adjacent cities of Cypress and Seal Beach.
3. Adjusted compensation may not exceed the compensation provided to the lowest top-step of a comparable position in Orange County according to the survey.
4. All compensation adjustments must be within the Council-approved budget.

SECTION 6. Vacation.

- A. Purpose. The purpose of annual vacation is to enable eligible employees to take time off to provide a break from their work-related duties and responsibilities and to return to work refreshed.
- B. Basis of Accrual. New employees shall begin accrual of vacation leave effective their first day of employment. New employees shall not be allowed to take vacation leave until six months of continuous full-time service. Vacation leave shall accrue to employees on a bi-weekly basis at a pro-rated amount equivalent to the annual amounts specified below. No employee may accumulate more than three hundred (300) hours of vacation leave. When an employee's accumulated vacation leave balance reaches three hundred (300) hours, that employee shall not accrue any further vacation leave until such time as the employee's accumulated vacation leave balance is reduced below three hundred (300) hours. In order to promote recruiting and retention efforts, the City Manager shall have the discretion to modify this schedule for an individual employee at the time of hire or promotion when he or she determines it to be in the best interests of the City.

Annual vacation leave accrual for employees hired before August 1, 1987 shall be limited as follows:

<u>Years of Service</u>	<u>Hours</u>
0-3	120
4	128
5	136
6-10	144
11	152
12	160
13	168
14	176
15	184
16	192
17 and over	200

Annual vacation leave accrual for employees hired on or after August 1, 1987, shall be limited as follows:

<u>Years of Service</u>	<u>Hours</u>
0-2	80
3	88
4	96
5	104
6	112
7	120
8	128
9	136
10	144
11	152
12	160
13	168
14 and over	176

- C. Effect of Holiday(s) on Vacation Leave. In the event one or more municipal holidays fall within an annual vacation leave, such holiday shall not be charged as vacation leave, but may be credited as a holiday.
- D. Effect of Leave of Absence on Accrual of Vacation Leave. The granting of any leave of absence without pay shall cause the accrual of vacation leave to cease. Upon return to the City, an employee shall resume his or her regular accrual of vacation leave. A leave of absence without pay shall not count towards years of service for the accrual of vacation leave.
- E. Compensation for City Work During Vacation Prohibited. No person shall be permitted to work for compensation for the City in any capacity during the time of his or her vacation leave from City service. This clause shall not limit the City's right to recall an employee from vacation leave in the event of an emergency and place him or her on regular pay status.
- F. Scheduling Vacations. The times during a calendar year at which an employee may take his or her vacation leave shall be determined by the Department Director, or the City Manager when the employee is a Department Director, with due regard for the wishes of the employee and particular regard for the needs of service.
- G. Annual Vacation Payoff. Employees may receive pay for up to 80 hours of vacation time during the calendar year provided they have used a minimum of 80 vacation hours during the previous calendar year. Employees not using a minimum of 80 hours of vacation during the previous calendar year may receive vacation payoff if such payoff is approved by the City Manager.

- H. Vacation Payoff Upon Termination. Upon termination of employment, the employee shall be paid in a lump sum for all accumulated vacation leave time at the rate of pay in effect upon termination.

SECTION 7. Sick Leave.

- A. Accrual and Use of Sick Leave. Sick leave with pay shall accrue at the rate of eight (8) hours for each calendar month of service. Accumulation shall be unlimited. Pursuant to Government Code Section 21163, sick leave shall only be granted for non-industrial injury or illness and shall be allowed if: (1) actual non-industrial illness or disability makes it impossible for the employee to perform his or her normal work assignments; (2) because of the illness of the employee's spouse or dependent child who requires constant care and no other care is available and/or financially feasible except that of the employee; or (3) a prescheduled doctor, dental or optometry appointment which has been approved by their Department Director.
- B. Proof of Illness. In order to receive compensation while absent on sick leave, the employee shall notify his or her immediate supervisor thirty (30) minutes prior to the time set for beginning his or her daily duties, or as may be specified by the employee's supervisor. The employee may be required to file a physician's certificate justifying the need for any absence. Proof of violation of sick leave privileges may result in disciplinary action and/or loss of pay when in the opinion of the City Manager the employee has abused such privileges. Employees on approved Family Medical Leave for intermittent illness or injuries shall not be required to show proof of illness for each instance of sick leave usage.
- C. Effect of Holidays on Sick Leave. Observed holidays occurring during sick leave shall not count as a day of sick time.
- D. Annual Sick Leave Payoff. An employee shall be allowed to accumulate sick leave from year to year. In December, upon the written request of the employee, the City shall compensate the employee for either (1) up to 25% of his or her current year's unused sick leave, or (2) up to twenty-four (24) hours of accumulated sick leave, provided that in either case a minimum of 480 hours remains in the employee's account.
- E. Regular Service Retirement Sick Leave Options. Upon a regular service retirement as defined by the Public Employees Retirement System, an employee may receive compensation for accumulated sick leave under either of the following two options:
1. A lump sum payment of 25% of the first 720 hours of accumulated sick leave and 50% of the hours between 720 and 1,040. There will be no compensation for any hours in excess of 1,040 under this option. Said

sum shall be based on the employee's salary rate being paid at the time of the employee's service retirement.

2. An exchange of all accumulated sick leave for service credit time in the Public Employees Retirement System.

An employee must choose option 1 or 2. An employee will not be allowed to do both.

- F. Family Member Illness. Each calendar year, an employee may use up to one-half (1/2) of annual sick leave accrual to attend to the illness of a parent, child, spouse or registered domestic partner of the employee.

SECTION 8. Bereavement Leave. Whenever an employee is compelled to be absent from duty by reason of death or critical illness (where death appears imminent) of members of the employee's immediate family (father, mother, brother, sister, spouse, children, mother-in-law, father-in-law, grandmother, grandfather, or grandchildren) said employee shall be entitled to a leave of absence with pay for a period not to exceed twenty-four (24) working hours. Bereavement Leave in excess of twenty-four (24) working hours may be granted at the sole discretion of the City Manager for employees who must travel out of state to attend a funeral covered under this provision. Where such death or critical illness has occurred, the employee shall furnish satisfactory evidence of such death or illness to his or her Department Director. Such leave of absence shall not be allowed in any case where in the preceding six (6) calendar months a leave on the grounds of critical illness of that same relative has been granted. Bereavement leave shall not be charged against sick leave.

SECTION 9. Temporary Disability Leave.

- A. Industrial Related Disability. Employees shall be entitled to the benefits under this subsection only after the City has determined that the disability is industrial related. If an employee is injured on the job to such an extent that temporary industrially related disability leave is necessary, the employee's salary shall be continued at the full rate of pay for a period up to thirty (30) calendar days with no charge to sick leave. After thirty (30) calendar days, the employee may utilize accrued vacation leave, sick leave and compensatory time off to supplement the benefits received pursuant to worker's compensation laws to provide for full salary maintenance during the period of temporary industrially related disability.

Further disability leave benefits and requirements shall be provided as set forth in the City of Los Alamitos' Family Care and Medical Leave Policy.

If leave without pay is utilized, no accruals of sick leave, vacation leave, other benefits or seniority will be credited to the employee. The employee shall not forfeit any of the benefits or seniority accumulated prior to the commencement of the leave without pay.

- B. Non-Industrial Related Disability. Upon submission of a certificate from a licensed physician indicating that an employee shall be placed on temporary disability leave for a non-industrially-related disability, the employee shall be entitled to non-industrially related temporary disability leave. The employee utilizing non-industrially related temporary disability leave may utilize all accumulated sick leave, vacation leave and compensatory time off. When the employee is not using accumulated sick leave, vacation leave and compensatory time off, the absence will be on the basis of leave without pay.

Further disability leave benefits and requirements shall be provided as set forth in the City of Los Alamitos' Family Care and Medical Leave Policy.

If leave without pay is utilized, no accruals of sick leave, vacation leave, other benefits or seniority will be credited to the employee. The employee shall not forfeit any of the benefits or seniority accumulated prior to the commencement of the leave without pay.

SECTION 10. Employee Contracts. In order to be eligible for the benefits provided for under this Resolution and prior to receipt of such benefits, each non-represented employee must execute an employment agreement in a form approved by the City Council, City Manager and City Attorney prior.

SECTION 11. Labor Code Section 4850 Disability Benefits For Safety Service Personnel. Those employees in the positions of Chief of Police and Police Captain shall be provided with the applicable disability benefits provided under Labor Code section 4850.

SECTION 12. Parental Leave. The City Manager shall grant a female employee's request for a leave of absence without pay for the purposes of pregnancy, childbirth, or because of a disability caused by pregnancy or related complications, for a period not to exceed seven months. When the employee has notified the City Manager as to the period of the leave of absence required, any change in the length of the period of leave shall not be effective unless approved by the City Manager.

The City Manager shall grant the request of a male employee for a leave of absence without pay for a period not to exceed six months to care for his newborn child. When the employee has notified the City Manager as to the period of the leave of absence required, any change in the length of the period of leave shall not be effective unless approved by the City Manager.

The City Manager may grant an employee's request for a leave of absence without pay to care for a newly adopted child for a period not to exceed 6 months. The employee shall provide documentation to support the request for adoption leave. When the employee has notified the City Manager as to the period of the leave of absence

required, any change in the length of the period of leave shall not be effective unless approved by the City Manager.

If leave without pay is utilized, no accruals of sick leave, vacation leave, other benefits or seniority will be credited to the employee. The employee shall not forfeit any of the benefits or seniority accumulated prior to the commencement of the Parental Leave.

Where permitted by law, leave granted under this Parental Leave Section shall run concurrently with leave as provided in the City of Los Alamitos' Family Care and Medical Leave Policy, and the pregnancy disability leave portions of the California Fair Employment and Housing Act.

SECTION 13. Jury Duty. Subject to the exception described below, the City shall compensate an employee on jury duty for up to forty (40) working hours within the calendar year. When called to jury duty, an employee, having provided at least five (5) working days written notice, shall be entitled to his or her regular compensation provided that said employee deposits his or her compensation fees for jury service with the Finance Officer. Employees released early from jury duty shall report to their Department Director for the duration of their shift. Employees shall be entitled to keep mileage reimbursement pay while on jury duty. Consideration for salary continuation in excess of forty (40) working hours shall be conditioned upon sufficient evidence being presented to the City Manager that the employee advised the Court of a forty (40) working hour limitation on salary continuation being provided by the City, requested dismissal from jury duty, and that the Court did not excuse the employee from jury service.

SECTION 14. Leave of Absence Without Pay. Any employee may be granted a personal leave of absence without pay for ninety (90) days or less with the approval of the City Manager. A request for a personal leave of absence exceeding ninety (90) days must also be approved by the City Manager.

- A. Authorization Procedure. Requests for leave of absence without pay shall be made upon forms prescribed by the City Manager. The employee shall state the reason for the request, the date when the absence is to begin, and the probable date of return. The request shall normally be initiated by the employee, but may be initiated by the City Manager. The City Manager shall make his or her recommendation in writing and forward to the employee.
- B. Length of Leave and Extension. A leave of absence without pay may be made for a period not to exceed six (6) months. Provisions for granting an extension of up to six (6) months shall be the same as that in granting the original leave, provided that the extension request is made no later than fourteen (14) calendar days prior to the expiration of the original leave.
- C. Return From Leave. When an employee intends to return from an authorized leave of absence without pay, he or she shall contact the City Manager at least fourteen (14) calendar days prior to the day he or she plans to return.

- D. Leave Without Pay - Insurance Payments. An employee on leave without pay may continue his or her City insurance benefits by reimbursing the City for the cost of insurance on a monthly basis during the period of the leave. Failure to reimburse the City for such benefits during the term of the leave of absence will result in the employee's coverage terminating on the last day of the month in which the last payment was received.
- E. Leave Without Pay - Other Benefits. When leave of absence without pay is utilized, no accruals of sick leave, vacation leave, other benefits or seniority will be credited to the employee. The employee shall not forfeit any of the benefits or seniority accumulated prior to the commencement of the leave without pay.
- F. Family Medical Leave – Insurance Payments. The City will continue to make insurance contributions on behalf of employees on approved Family Medical Leave for a maximum of twelve (12) weeks. Employees on approved Family Medical Leave will continue to be responsible for their out-of-pocket contribution toward insurance costs.

SECTION 15. Holidays.

- A. Authorized Holidays. Employees shall be entitled to the following holidays with pay each calendar year as well as other such days as may be designated by action of the City Council:
- January 1 (New Years Day)
 - The third Monday in January (King's Birthday)
 - The third Monday in February (President's Day)
 - The last Monday in May (Memorial Day)
 - July 4 (Independence Day)
 - The first Monday in September (Labor Day)
 - November 11 (Veterans Day)
 - The fourth Thursday in November (Thanksgiving Day)
 - The Friday after Thanksgiving Day
 - December 24 (Christmas Eve)
 - December 25 (Christmas)
 - Eighteen (18) hours of floating holiday time to be used by the employee with City Manager approval during the calendar year (January 1 - December 31).

No employee shall accumulate more than eighteen (18) hours of floating holiday. On January 1 of each year, each employee will receive only that number of floating holiday hours that is necessary to bring the accumulated total to eighteen (18) hours.

For employees working a 9/80 schedule, all regular holidays shall be nine (9) hours for holidays falling on Monday through Thursday and eight (8) hours for

holidays falling on Friday. For employees working a schedule of five 8-hour days, all regular holidays shall be eight (8) hours.

- B. Floating Holidays for New Employees. At the time of hire, new employees shall receive the following floating holiday hours based upon their date of hire:

Date of Hire	9/80	Regular
January 1 – March 31	18	16
April 1 – June 30	14	12
July 1 – September 30	10	8
October 1 – December 31	0	0

- C. Procedure if Holiday Falls on Saturday or Sunday. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the holiday.
- D. Non-Management Employees Required to Work on Holiday. Any Non-Management employee who shall be required to work on any holiday which he or she is entitled to take off under the above provisions shall receive compensation at overtime pay for the actual hours worked, and receive eight (8) hours of holiday pay, or equivalent time off, as determined by the City Manager.

SECTION 16. Administrative Leave. Exempt employees may receive a maximum of forty (40) hours of Administrative Leave annually. Employees shall not accrue more than forty (40) hours of Administrative Leave, and shall not receive compensation for accrued Administrative Leave upon termination of employment. Administrative Leave accrual shall be prorated for exempt employees hired after the first full pay period in January.

SECTION 17. Exempt Employees. All non-represented employees are exempt and therefore not entitled to receive overtime compensation in accordance with the provisions of the Fair Labor Standards Act.

SECTION 18. Monthly Insurance Contribution.

Effective during the first pay period following the approval of this Resolution by the City Council, the City shall contribute up to one thousand one hundred dollars (\$1,100.00) per month toward the payment of premiums for affected employees and dependents under the existing health, dental, and optical insurance programs.

Any contribution necessary to maintain benefits under any insurance program in excess of the monthly City contribution shall be borne entirely by the employee.

Any employee who can certify that he/she is insured under another health plan, which has equal or better coverage than the City's plan, may elect to receive \$500.00 per month in lieu of participation in the City's health program. Any employee who can certify that he/she is also insured under other dental and vision plans having equal or better coverage than the City's plans, may elect to receive an additional \$200.00 per month in lieu of participation in the City's dental and vision programs, for a total of \$700.00 per month of compensation in lieu of health, dental and vision insurance plan participation.

SECTION 19. Dental Plan. The City agrees to make available a dental plan to employees and dependents. Participation in this plan shall be at the option of the employee. Employees electing to participate in this plan may apply excess funds from the City's monthly medical insurance contribution towards the premium payment of the dental plan. Any additional cost in excess of the City's monthly medical insurance contribution shall be borne by the employee

SECTION 20. Optical Plan. The City agrees to make available an optical plan to employees and dependents. Participation in this plan shall be at the option of the employee. Employees electing to participate in this plan may apply excess funds from the City's medical insurance contribution towards the premium payment of the optical plan. Any additional cost in excess of the City's medical contribution shall be borne by the employee.

SECTION 21. Term Life Insurance.

- A. Confidential Employees. After sixty (60) days on the payroll, the City will provide each employee with term life insurance and accidental life and dismemberment policies. The amount of coverage will be based on one and one-half times the annual salary up to a maximum of \$50,000.
- B. Executive Management Employees and Middle Management Employees. After sixty (60) days on the payroll, the City will provide each Executive Management Employee and Middle Management with term life insurance and accidental life and dismemberment policies. The amount of coverage will be based on the employee's annual salary, rounded up to the nearest \$1,000.

SECTION 22. Long Term Disability. After sixty (60) days on the payroll, the City shall continue to pay for long-term disability coverage based on two-thirds of the monthly salary to a maximum benefit of \$2,000 per month. Participation in this plan is mandatory.

SECTION 23. Physical Examination.

- A. All Employees Other Than Executive Management Employees. The City agrees to pay a licensed physician/clinic selected by the City the fee not to exceed \$370 for a physical examination. Frequency of the examination shall be in accordance with the following schedule:

<u>Age</u>	<u>Frequency</u>
To 30	Once every 4 years
31 – 39	Once every 3 years
40 - 49	Once every 2 years
50 and over	Once per year

Before undergoing a physical examination, the employee must make a written request to the City Manager for approval.

- B. Executive Management Employees. The City agrees to pay a licensed physician/clinic selected by the employee the fee not to exceed \$400 for an annual physical examination. Before undergoing a physical examination, the employee must make a written request to the City Manager for approval.

SECTION 24. Retirees Medical Insurance.

- A. PERS Medical Retirement Contribution. The City shall contribute an amount in accordance with the City's contractual obligation with PERS to the medical insurance premium cost for each retiring employee and their spouse.
- B. Supplemental Benefits. Unless otherwise provided in the City Manager's discretion in an employee's employment contract with the City dated on or before September 6, 2005, in which case the City Manager may provide Pre-August 1, 1994 benefits to an employee hired after August 1, 1994, the City shall provide additional contributions to eligible employees, depending upon the employee's date of hire, as described in subsections 1 and 2 below. After September 6, 2005, the City Manager shall not have such discretion.
 - 1. Employees Hired Before August 1, 1994. Those employees hired before August 1, 1994, who retire from the City with at least ten (10) years of continuous service and have reached the age of fifty (50) may be eligible for supplemental health care benefits effective on the date of retirement.
 - 2. Employees Hired On Or After August 1, 1994. Those employees hired after August 1, 1994, who retire from the City with at least fifteen (15) years of continuous service and have reached the age of fifty-five (55) may be eligible for supplemental health care benefits effective on the date of retirement.

The City shall contribute a portion of the out-of-pocket premium cost for each such employee and their spouse up to the maximum amount then being contributed, and subject to the same conditions and plans provided, to the active employees pursuant to Section 18 above.

The benefits hereunder shall be available to each employee and their spouse upon a regular service retirement as defined by PERS law. The City's contribution toward employee or spousal coverage shall continue while either the

employee or spouse is alive, but shall terminate at age sixty-five (65) when the employee or spouse becomes eligible for Medicare, MediCal or other public supported health insurance. In no event will the City contribute toward the medical insurance any longer than for the number of years equal to the number of years of the employee's service to the City.

Employees retiring under a regular service retirement shall be allowed to participate in the City's dental, optical and life insurance policies at their expense. Failure to reimburse the City within thirty (30) days will result in the termination of this coverage.

- C. Minimum Retiree Medical Contribution. Employees who retire from City services shall, at a minimum, be provided the retiree health stipend required by PERS law. For 2008, the minimum contribution amount is ninety-seven dollars (\$97) per month. Commencing January 1, 2009, the employer contribution shall be adjusted annually by the board to reflect any change in the medical care component of the Consumer Price Index and shall be rounded to the nearest dollar.

SECTION 25. Retirement. Employees qualify for minimum retirement benefits after they attain five (5) years of service and fifty (50) years of age. Retirement benefits will be based on the highest twelve months salary as well as employee age and length of service.

- A. Safety Service Employees. The City will provide the three percent (3%) at 50 PERS Plan for sworn safety service personnel.
- B. All Other Employees. Retirement benefits for non-safety service employees will be provided under the 2.7% at 55 Plan of PERS, the Level 4 of the 1959 Survivor Benefits, and the Pre-Retirement Option 2 Death Benefit. Retirement benefits will be based on the highest twelve-months' salary as well as the employee's age and length of service.
- C. Employer Share Contribution. The City shall pay the employer share of the CalPERS retirement contribution as actuarially determined by CalPERS for each fiscal year covered by the Resolution at the applicable retirement benefit level (3.0% at 50 for sworn safety service employees and 2.7% at 55 for all other employees). At no time during this agreement will the employee be responsible for any part of the Employer's contribution to the Public Employees Retirement System.
- D. Employee Share Contribution. The City in past years has also paid the full employee share of the CalPERS retirement contribution as Employer Paid Member Contribution ("EPMC"). Effective upon City Council approval of this Resolution the City shall not pay the full employee's share as EPMC but rather the employees will be responsible to pay the employee's share in the amount of 8%.

SECTION 26. Mileage Reimbursement And Car Allowance.

- A. Executive Management Employees. Executive Management employees shall be given the choice of receiving either (1) a car allowance as provided below, or (2) the use of a City vehicle for business purposes and mileage reimbursement as provided below. Executive Management employees may choose only one of these two options.

If an Executive Management employee chooses a car allowance, the City shall provide a car allowance of \$300.00 per month. All employees provided with a car allowance hereunder must provide proof of automobile insurance, and are precluded from receiving mileage reimbursement.

If an Executive Management Employee chooses to use City vehicles for business purposes, such employee shall also be entitled to mileage reimbursement when the employee utilizes his or her own vehicle for City business. Upon the submittal of a reimbursement form with their Department Director approval, the employee shall be reimbursed at the rate allowed by the Internal Revenue Service.

- B. Police Chief & Captain. The Police Chief and Police Captain shall be provided with a City vehicle for personal and business use within the State of California. The City shall provide insurance and maintenance of the vehicle.
- C. Return of City Vehicles. Any employee receiving the use of a City vehicle shall return the vehicle upon separation from employment or if the employee is absent from active duty service for more than thirty (30) days.

SECTION 27. Education Reimbursement. All Middle Management and Confidential employees are eligible for reimbursement by the City for tuition in connection with educational endeavors. Tuition reimbursement shall not exceed the per unit cost charged by the California State University System. The per unit cost shall be based on three (3) units if one (1) class is taken during a quarter or semester, or based on six (6) units if more than one (1) class is taken during a quarter or semester. Only those courses, which have a bearing on the employee's position with the City, will be considered by the City Manager for reimbursement.

In order to be reimbursed, an employee must submit a request for reimbursement to his or her Department Director for recommendation to the City Manager. The request must be in writing and include the name of the school, the course title, the cost of enrollment, and the reasons why the course is beneficial to the employee and City. The request will then be forwarded to the City Manager for final approval or disapproval.

The employee will pay for all costs for the approved course. In order to be reimbursed, an employee must submit proof of successful completion of the course. In graded

courses, a letter grade of C or better is required; in a pass/fail course, a pass is required; and in a credit/no credit course, a credit is required.

An employee must also submit receipts for tuition expense. This will then be processed through the Administrative Services Department.

SECTION 28. Not Used

SECTION 29. Attendance. Employees shall be in attendance at their work station in accordance with the rules regarding hours of work, holidays, and leaves stated in this Resolution, the employee's employment contract, the employee's job description or as otherwise directed by the City. All departments shall keep daily attendance records of employees, which shall be reported to the Administrative Services Director in the form and on the dates specified.

Failure on the part of an employee, who is absent without authorization or permission, to return to duty within twenty-four (24) hours after a due notice to return to duty has been issued through a registered letter, shall constitute resignation from City employment by the employee.

SECTION 30. Construction.

- A. Nothing in this Resolution shall be construed to deny any person or employee the rights granted by Federal and State laws and the City Charter provisions.
- B. The rights, powers and authority of the City Council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Resolution.
- C. To the extent that this Resolution conflicts in any way with the Personnel Rules of the City of Los Alamitos, the provisions of this Resolution shall take precedence and shall control.

SECTION 31. Professional Organizations. Participation in professional organizations, appointive boards and committees, and voluntary programs by employees is encouraged, provided that this participation is consistent with the responsibilities of the employee and the goals and priorities set by the City Council and/or City Manager. Employees shall inform their appropriate supervisor and obtain authorization to participate, if necessary, prior to commencement of any such activities. In accordance with City Policy, the City will provide membership fees to such organizations, reimburse expenses necessary to retain professional licenses, reimburse reasonable conference fees, and travel and subsistence expenses incurred in an employee's professional and official travel, meetings, and conferences; provided, however, that such reimbursements and expenses shall be within the scope of the City's annual budget and within the City's discretion. The City Manager shall have the discretion to determine authorized organizations and reimbursable expenses for employees, provided such determinations are consistent with this provisions and applicable City policy.

SECTION 32. Not Used

SECTION 33. Severability. If any provision of this Resolution, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 34. Notices. Any notices to be given under this Resolution shall be given shall be in writing and may be transmitted by personal delivery or mail, registered or certified, postage prepaid. Mailed notices shall be addressed to the City of Los Alamitos at 3191 Katella Avenue, Los Alamitos, California, 90720; and shall be addressed to employees at the address the employee provides to the Personnel Officer.

Notices delivered personally shall be deemed communicated as of the date of actual receipt. Mailed notices shall be deemed communicated as of the date the notice is postmarked.

SECTION 35. Repeal of Resolution No. 2009-12. Resolution No. 2009-12 is hereby repealed in its entirety.

SECTION 36. Certification. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of January, 2013.

Warren Kusumoto, Mayor

ATTEST:

Angie Avery, City Clerk

APPROVED AS TO FORM:

Sandra J. 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 Special meeting of the City Council held on the 7th day of January, 2013 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Angie Avery, City Clerk

**CITY OF LOS ALAMITOS NON-REPRESENTED EMPLOYEES
SALARY SCHEDULE
Effective January 22, 2013**

EXHIBIT A1

CLASS CODE	CLASSIFICATION TITLE	RANGE NO.	EMPLOYMENT CATGY./FLSA						
				STEP A	STEP B	STEP C	STEP D	STEP E	
310	Benefits Coordinator/Executive Asst.	322	C - E	HOURLY	32.91	34.56	36.29	38.10	40.00
				BI-WEEKLY	2,633	2,765	2,903	3,048	3,200
				MONTHLY	5,704	5,990	6,290	6,604	6,933
				ANNUAL	68,453	71,885	75,483	79,248	83,200
320	Deputy City Clerk	332	C - E	HOURLY	30.21	31.72	33.31	34.98	36.73
				BI-WEEKLY	2,417	2,538	2,665	2,798	2,938
				MONTHLY	5,236	5,498	5,774	6,063	6,367
				ANNUAL	62,837	65,978	69,285	72,758	76,398
330	Assistant to the City Manager	333	C - E	HOURLY	37.30	39.17	41.13	43.19	45.35
				BI-WEEKLY	2,984	3,134	3,290	3,455	3,628
				MONTHLY	6,465	6,789	7,129	7,486	7,861
				ANNUAL	77,584	81,474	85,550	89,835	94,328
350	Community Services Manager	350	MM - E	HOURLY	37.45	39.32	41.29	43.35	45.52
360	Public Services Superintendent	350	MM - E	BI-WEEKLY	2,996	3,146	3,303	3,468	3,642
				MONTHLY	6,491	6,815	7,157	7,514	7,890
				ANNUAL	77,896	81,786	85,883	90,168	94,682
				380	Support Services Manager	369	MM - E	HOURLY	45.35
				BI-WEEKLY	3,628	3,810	4,000	4,200	4,410
				MONTHLY	7,861	8,254	8,667	9,100	9,556
				ANNUAL	94,328	99,050	104,000	109,200	114,670
				390	Police Captain	395	MM - E	HOURLY	56.16
				BI-WEEKLY	4,493	4,718	4,954	5,202	5,462
				MONTHLY	9,734	10,221	10,733	11,270	11,833
				ANNUAL	116,813	122,658	128,794	135,242	142,002

Employment Category

A = At Will
C = Confidential
MM = Mid-Management

Fair Labor Standards Act Classification

NE = Non Exempt from overtime
E = Exempt from overtime

**LOS ALAMITOS EXECUTIVE MANAGEMENT
SALARY SCHEDULE
Effective January 7, 2013**

EXHIBIT A2

CLASS CODE	CLASSIFICATION TITLE	RANGE	EMPLOYMENT NO.	CATGY./FLSA	STEP A	STEP B	STEP C	STEP D	STEP E
370	City Clerk	357	A - E	HOURLY	38.16	40.07	42.07	44.17	46.38
				BI-WEEKLY	3,053	3,206	3,366	3,534	3,710
				MONTHLY	6,614	6,945	7,292	7,656	8,039
				ANNUAL	79,373	83,346	87,506	91,874	96,470
400	Administrative Services Director	E1	A - E	HOURLY	51.66	56.82	61.99	66.46	72.31
405	Finance Director	E1	A - E	BI-WEEKLY	4,133	4,546	4,959	5,317	5,785
410	Community Development Director	E1	A - E	MONTHLY	8,954	9,849	10,745	11,520	12,534
420	Public Works Director	E1	A - E	ANNUAL	107,453	118,186	128,939	138,237	150,405
430	Recreation & Community Services Director	E1	A - E						
440	Police Chief	E2	A - E	HOURLY	59.55	65.50	71.45	81.22	83.36
				BI-WEEKLY	4,764	5,240	5,716	6,498	6,669
				MONTHLY	10,322	11,353	12,385	14,078	14,449
				ANNUAL	123,864	136,240	148,616	168,938	173,389
450	Assistant City Manager	E3	A - E	HOURLY	63.85	70.24	76.63	83.01	89.39
				BI-WEEKLY	5,108	5,619	6,130	6,641	7,151
				MONTHLY	11,067	12,175	13,283	14,388	15,494
				ANNUAL	132,808	146,099	159,390	172,661	185,931
500	City Manager	E4	A - E	HOURLY	66.16	72.78	79.40	86.00	92.62
				BI-WEEKLY	5,293	5,822	6,352	6,880	7,410
				MONTHLY	11,468	12,615	13,763	14,907	16,054
				ANNUAL	137,613	151,382	165,152	178,880	192,650

Employment Category

A = At Will

Fair Labor Standards Act Classification

E = Exempt from overtime

CITY OF LOS ALAMITOS

EMPLOYMENT AGREEMENT

FOR

NON-REPRESENTED EMPLOYEE

(EXECUTIVE MANAGEMENT)

1. PARTIES AND DATE.

This Agreement (hereinafter referred to as the "Agreement") is made and entered into this ___ day of January, 2013 by and between the CITY OF LOS ALAMITOS, a municipal corporation (hereinafter referred to as "City") and _____ (hereinafter referred to as "Employee"), in order to provide in writing the terms and conditions of employment for _____ services. City and Employee are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 City.

City desires to employ the services of Employee as _____ for the City of Los Alamitos, and Employee desires to accept employment as _____. It is the desire of the Parties through this Agreement to provide for certain benefits, establish conditions of employment, and to set working conditions for Employee.

3. TERMS.

3.1 Duties.

3.1.1 Designated Duties. City hereby agrees to employ Employee as _____ 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. 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. Employee shall serve at the will and pleasure of the City Manager, and will 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 Moonlighting. Employee will focus his/her professional time, ability, and attention on City business during the term of this Agreement. To the extent consistent with applicable law, Employee shall not engage in any other business duties or pursuits whatsoever

or, directly or indirectly, render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, without the prior consent of the City Council, except that:

(1) The expenditure of reasonable amounts of time not in conflict with the City's needs and interests, for educational, charitable, community, and professional activities, shall not be deemed a breach of this Agreement and shall not require prior consent.

(2) This Agreement shall not be interpreted to prohibit Employee from making passive personal investments or conducting private business affairs if those activities do not materially interfere with the services required under this Agreement or create conflicts of interest.

3.1.5 City Documents. All data, studies, reports and other documents prepared by 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 Employee in connection with the performance of this Agreement shall be held confidential by Employee. Such materials shall not, without the prior written consent of the City Manager, be used by 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; Severance Pay.

3.2.1 Term. This Agreement shall become effective on January 1, 2013 ("Effective Date"), and shall continue for thirty-six (36) months thereafter through January 1, 2016.

3.2.2 Termination. The Parties understand and agree that the employment relationship created by this Agreement is "at-will" and that the Employee shall serve at the will and pleasure of the City Manager, and may be terminated at any time, without notice and with or without cause, but subject to the terms of this Agreement. Nothing in this Agreement, any statute, ordinance, or rule, shall prevent, limit or otherwise interfere with the right of the City Manager to terminate, without cause or right of appeal or grievance, except for those rights set forth in Section 3.2.6 below, the services of the Employee at any time during the Term of this Agreement. Employee agrees that this Agreement sets forth the only terms and conditions applicable to the termination of his/her employment.

3.2.3 Automatic Termination. This Agreement, and Employee's employment, shall automatically terminate and Employee shall not be entitled to any severance payment, except for compensation for accrued and unused vacation and administrative leave, 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 Employee.

(3) Upon the death of Employee.

(4) When Employee has been unable to perform all or substantially all of the essential functions of his/her position, with or without reasonable accommodation, due to illness or other disability for a period of three (3) months, provided, however, whenever required by applicable law, Employee shall be entitled to use accrued but unused sick leave before this three (3) month period begins to run.

(5) Upon the natural expiration of the Term of this Agreement, as provided for herein.

3.2.4 Termination Without Cause; Severance. This Agreement, and Employee's employment, may be terminated without prior notice at any time, with or without cause, by the City Manager. In the event Employee is terminated without cause at such time as Employee is willing and able to perform his/her duties under this Agreement, other than under an Automatic Termination instance as provided for in Section 3.2.3, the City agrees to pay Employee a severance payment equal to the lesser of: (1) three (3) months base salary (as described in Section 3.3 below); or (2) the unexpired Term of this Agreement (as described in Section 3.2.1 above) ("Severance Payment"). The Severance Payment shall be Employee's sole remedy for a termination without cause. The Severance Payment shall be paid in one lump sum on the effective date of termination. Upon termination, with or without cause, Employee shall also be entitled to compensation for accrued and unused vacation and administrative leave pursuant to City policy.

3.2.5 Notice for Resignation. In the event Employee voluntarily resigns his/her position with City, then Employee shall give City three (3) weeks notice in advance, unless the Parties otherwise agree. Upon voluntary resignation, Employee shall be entitled to accrued vacation and administrative leave benefits, but not to the Severance Payment described in Section 3.2.4 above.

3.2.6 Termination for Cause; Procedure. Except as provided in Subsection (6) below, in the event Employee is terminated for cause, City shall have no obligation to pay the Severance Payment described in Section 3.2.4 above. The following procedures shall apply to any termination for cause:

(1) At least thirty (30) calendar days before the effective date of any termination for cause, the City shall deliver to Employee a written specification of the charges or other reasons upon which "cause" is alleged, as well as the specific effective date of termination. After furnishing Employee with written notice of his/her intended termination for cause and without the need to wait for the thirty (30) day appeal/hearing period discussed below to expire, the City Manager may suspend him/her from duty, but his/her base salary shall continue for

thirty (30) days from the effective date of suspension, regardless of the effective date of termination.

(2) Employee shall then have seven (7) calendar days from notice of termination to challenge such termination for cause by delivery of a written response to such specifications. Within such seven (7) day period, Employee may also demand a hearing upon the specifications. Failure to submit a written response or demand a hearing within the seven (7) calendar day period shall constitute a waiver of such right, and the City Manager's determination shall be final.

(3) If a hearing is demanded, such hearing shall be held before the City Manager, unless the Parties agree to an alternative procedure or alternative hearing body or officer. No hearing shall be held in public unless requested by Employee. Regardless of the date issued, the decision of the City Manager or other hearing body or officer shall be binding, final as of the effective date of termination provided for in the notice under Subsection (1) above, and without right of further appeal.

(4) The issues to be determined in the hearing shall be whether the specification(s) alleged constitute "cause" pursuant to this Agreement and whether the specifications are supported by a preponderance of the evidence.

(5) The Parties acknowledge that a requested hearing for cause shall be held at the earliest possible date, and to that extent, they shall cooperate in selecting a date for the hearing which shall be no later than sixty (60) days following the City's notice of termination for cause.

(6) In the event the City Manager or other hearing body or officer concludes in favor of Employee that no cause exists, Employee shall be entitled only to the appropriate amount of severance pay and benefits as he/she would have received if terminated without cause pursuant to Section 3.2.4 above. Employee shall not have any reinstatement rights.

(7) If a written response is submitted, but no hearing is demanded, the City Manager shall review his/her decision based upon Employee's written response. However, any determination by the City Manager after reviewing such written response (where no hearing has been demanded) shall be final and without right of appeal.

3.3 Salary.

City shall compensate Employee at an annual base salary equal to Step ___ of Range ___ of the Resolution 2013-02 Regarding Salary and Benefits for Non-Represented Employees ("Salary and Benefits Resolution"). The salary shall be payable bi-weekly at the same time as other employees of City are paid, and may be modified from time-to-time by the City Manager pursuant to the Salary and Benefits Resolution.

3.4 Fringe Benefits.

Except as otherwise set forth herein, Employee shall be entitled to those benefits, including holidays, bereavement, temporary disability, jury duty, vacation, sick leave, disability, health and life insurance, and retirement, provided for Executive Management employees in the Salary and Benefit Resolution.

3.5 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

EMPLOYEE:

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

3.7 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.

3.7.3 Salary and Benefit Resolution for Non-Represented Employees. The terms and provisions of the Salary and Benefits Resolution, as it now exists on the Effective Date of this Agreement, shall be applicable to Employee only to the extent not inconsistent with this Agreement, and this Agreement therefore shall take precedence over the Salary and Benefits Resolution with respect to any inconsistencies in its interpretation or enforcement.

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 _____.

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 Assignment. Neither this Agreement, nor any right, privilege or obligation of Employee hereunder shall be assigned or transferred by him/her without the prior written consent of the City Manager. Any attempt at assignment or transfer in violation of this provision shall, at the option of the City Manager, be null and void and may be considered a material breach of this Agreement.

3.7.8 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 Assistance of Counsel. Each Party to this Agreement warrants to the other Party that it has either had the assistance of counsel in negotiation for, and preparation of, this Agreement or could have had such assistance and voluntarily declined to obtain such assistance.

[SIGNATURES ON NEXT PAGE]

CITY OF LOS ALAMITOS

By: _____
Angie Avery, City Manager

Attest: _____
_____, City Clerk

EMPLOYEE

By: _____

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

CITY OF LOS ALAMITOS
EMPLOYMENT AGREEMENT
FOR
NON-REPRESENTED EMPLOYEE
(MIDDLE MANAGEMENT AND CONFIDENTIAL EMPLOYEES)

1. PARTIES AND DATE.

This Agreement (hereinafter referred to as the "Agreement") is made and entered into this ___ day of January, 2013 by and between the CITY OF LOS ALAMITOS, a municipal corporation (hereinafter referred to as "City") and _____ (hereinafter referred to as "Employee"), in order to provide in writing the terms and conditions of employment for _____ services. City and Employee are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 City.

City desires to employ the services of Employee as _____ for the City of Los Alamitos, and Employee desires to accept employment as _____. It is the desire of the Parties through this Agreement to provide for certain benefits, establish conditions of employment, and to set working conditions for Employee.

3. TERMS.

3.1 Duties.

3.1.1 Designated Duties. City hereby agrees to employ Employee as _____ 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. Employee shall also perform other legally permissible and proper duties and functions as Employee's supervisor or superiors shall from time-to-time assign.

3.1.2 Control and Supervision. Employee shall serve at the will and pleasure of the City, and will be under the day-to-day supervision and direction of the [Director of _____/City Manager/City Council].

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

3.1.4 Moonlighting. Employee will focus his/her professional time, ability, and attention on City business during the term of this Agreement. To the extent consistent with applicable law, Employee shall not engage in any other business duties or pursuits whatsoever

or, directly or indirectly, render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, without the prior consent of the City Council, except that:

(1) The expenditure of reasonable amounts of time not in conflict with the City's needs and interests, for educational, charitable, community, and professional activities, shall not be deemed a breach of this Agreement and shall not require prior consent.

(2) This Agreement shall not be interpreted to prohibit Employee from making passive personal investments or conducting private business affairs if those activities do not materially interfere with the services required under this Agreement or create conflicts of interest.

3.1.5 City Documents. All data, studies, reports and other documents prepared by 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 Employee in connection with the performance of this Agreement shall be held confidential by Employee. Such materials shall not, without the prior written consent of the City Manager, be used by 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 Termination, Transfer and Discipline.

3.2.1 Applicability of Personnel Rules. Except as otherwise provided in this Agreement, termination, transfer and discipline shall be governed by the Personnel Rules applicable to employees in the competitive service.

3.2.2 Automatic Termination. This Agreement, and Employee's employment, shall automatically terminate and Employee shall not be entitled to any severance payment, except for compensation for accrued and unused vacation and administrative leave, 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 Employee.

(3) Upon the death of Employee.

(4) When Employee has been unable to perform all or substantially all of the essential functions of his/her position, with or without reasonable accommodation, due to illness or other disability for a period of three (3) months, provided, however, whenever required

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.

3.7.3 Salary and Benefit Resolution for Non-Represented Employees. The terms and provisions of the Salary and Benefits Resolution, as it now exists on the Effective Date of this Agreement, shall be applicable to Employee only to the extent not inconsistent with this Agreement, and this Agreement therefore shall take precedence over the Salary and Benefits Resolution with respect to any inconsistencies in its interpretation or enforcement.

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 _____.

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 Assignment. Neither this Agreement, nor any right, privilege or obligation of Employee hereunder shall be assigned or transferred by him/her without the prior written consent of the City Manager. Any attempt at assignment or transfer in violation of this provision shall, at the option of the City Manager, be null and void and may be considered a material breach of this Agreement.

3.7.8 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 Assistance of Counsel. Each Party to this Agreement warrants to the other Party that it has either had the assistance of counsel in negotiation for, and preparation of, this Agreement or could have had such assistance and voluntarily declined to obtain such assistance.

[SIGNATURES ON NEXT PAGE]

CITY OF LOS ALAMITOS

By: _____
Angie Avery, City Manager

Attest: _____
_____, City Clerk

EMPLOYEE

By: _____

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

CITY OF LOS ALAMITOS

Job Description

BENEFITS COORDINATOR/EXECUTIVE ASSISTANT

THE POSITION

Under the supervision of the City Manager, the Benefits Coordinator/Executive Assistant to the City Manager performs a variety of highly responsible and confidential secretarial and administrative duties for the City Manager; facilitates all job recruitments; coordinates employee benefits; assists in maintaining proper flow of information and communications between the City Manager and Department Directors, City Council and the public; assists in the coordination of various functions of the City Clerk; coordinates meetings and functions; and assumes and performs related responsibilities and duties as required.

ESSENTIAL JOB FUNCTIONS

Essential job functions may include but are not limited to the following:

Coordinates all recruitments, benefits, evaluations and pre-employment processes;

Serves as a liaison between CalPERS and covered employees;

Distributes and processes health plan change forms;

Provides a variety of assistance to personnel for departmental projects/activities;

Conducts new employee orientation and insurance enrollment;

Performs exit-processing services for terminating and retiring employees;

Processes employee benefit applications and requests for disability leave, FMLA, COBRA, over-aged dependents' coverage, retirement death and other special situations;

Coordinates and executes open enrollment for benefits including design and preparation of benefit materials and literature;

Facilitates recruitment by developing job bulletins and coordinating the advertisement and announcement of job openings;

Assists in developing, administering and ensuring a consistent applicant selection process including conducting examinations, grading tests and preparing eligibility lists;

Conducts studies, analysis and research on a broad range of personnel assignments including salary and benefit surveys;

Prepares and processes forms, including flexible benefit updates, insurance forms, benefit information packets, COBRA letters, memos and correspondence;

Provides responsible, complex and confidential secretarial support to the City Manager;

Types and proofreads a wide variety of complex and confidential reports, letters, and memoranda;

Independently prepares correspondence;

Takes and transcribes dictation;

Maintains confidential records including personnel files;

Maintains daily calendar for City Manager's schedules, meetings and appointments;

Organizes the flow of communication, paperwork, and activity through the City Manager's Office, including Department Directors, elected officials and the public; and,

Operates a variety of office equipment including a copier, facsimile machine and computer.

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of the principals of office organization, administration and management; knowledge of principles, practices, procedures, and methods of public personnel administration; knowledge of maintaining comprehensive classification and compensation plans; ability to maintain confidentiality and employee privacy in personnel matters, ability to prepare job announcements and advertisements; knowledge of practices used in performance evaluations; knowledge of employment background and screening processes; testing methods and procedures; and COBRA procedures and enrollment; ability to conduct employee orientations and explanation of employee benefits; ability to prepare and distribute employee manuals; knowledge of CalPERS laws and ability to interpret the laws for employees, knowledge of English, grammar, spelling and letter writing; ability to interpret and apply City policies, procedures, laws and regulations; ability to act independently and resourcefully; ability to maintain effective and

cooperative work relationships with employees; ability to type 60 wpm; ability to take dictation at 100 wpm is highly desirable; ability to operate all types of office equipment including a computer; and ability to work cooperatively and professionally with other employees and the general public.

DESIRABLE EXPERIENCE AND TRAINING

Graduation from high school, or equivalent, supplemented by business courses or training seminars in responsible secretarial practices and procedures; and at least six (6) years of extensive experience in progressively responsible secretarial, benefits administration and administrative work, which may include supervisory responsibilities.

City of Los Alamitos

Job Description

SUPPORT SERVICES MANAGER – POLICE DEPARTMENT (NON-SWORN)

POSITION

The Support Services Manager in the Police Department is a civilian position reporting to the Chief of Police. The Support Services Manager performs a variety of administrative activities in the Police Department, including the preparation and monitoring of the department budget, supervision of the City's disaster preparedness program, preparation of grant applications, supervision of the department's capital improvement projects; supervision of the Police Department's outreach program, supervision of the police records function, oversight of the City's animal control services contract, administration of the City's information technology program, and any other duties as assigned by the Chief of Police or City Manager. The Support Services Manager is a middle management position and is exempt from overtime provisions under the Fair Labor and Standards Act.

ESSENTIAL JOB FUNCTIONS

The Support Services Manager is required to perform the following essential job functions for the Police Department:

Preparation and administration of the Police Department budget;

Supervision and management of civilian positions within the Police Department;

Management and supervision of the City's disaster preparedness plan and coordination of disaster planning with surrounding communities;

Preparation and administration of state and federal grants such as a multi-city traffic grant through the State of California and federal grants through the Department of Justice;

Supervision of the Police Records function; supervision of the property and evidence function;

Management and supervision of the Police Department's payroll and purchasing functions;

Management of the department's capital improvement projects;

Preparation of complex financial and statistical analytical studies; and,

Preparation of ordinances, resolutions, staff reports, and other City Council related documents.

The Support Services Manager is required to perform the following essential job functions for the City:

Oversight of the City's Animal Control contract;

Management of the City's coyote mitigation strategies;

Administration of the contract for citywide information technology/support;

Ensures compliance with information technology service standards and quality of work;

Prepares and administers annual budget for the Information Technology program;

Oversees financial transactions related to City contracts and purchases of computer hardware;

Participates in related long-range planning; identifies organizational technology needs; and,

Recommends potential solutions and funding for technology implementation.

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

General knowledge of the following: Principles, practices and procedures of public administration and management, including methods of statistical analysis; municipal budget and financial procedures; emergency disaster preparedness planning; effective analytical and writing skills; Public Records Act; and, responsive public relations. Ability to: establish and maintain effective working relationships with department personnel, City staff, City Council, and other governmental agencies; communicate clearly and effectively both orally and in writing, including public speaking skills before large and small groups; supervise, plan and coordinate the work of others; operate and use a personal computer and spreadsheet and word processing software.

DESIRABLE EXPERIENCE AND TRAINING

Three to five years of increasingly responsible experience in municipal government, preferably with previous administrative work in a municipal or county government environment. Graduation from an accredited college or university with major course work in Public Administration, Business Administration, or Criminal Justice, or related field. A Master's Degree is desired.

City of Los Alamitos

Agenda Report Discussion Item

January 22, 2013
Item No: 10B

To: Mayor Kusumoto & Members of the City Council
From: Angie Avery, City Manager
Subject: Cost Savings of One City Council Meeting Per Month

Summary: This staff report provides information to the Council regarding the cost savings of having one Council meeting per month.

Recommendation:

1. Review the information, discuss, and make the determination to stay with the one meeting per month format; or,
2. Direct Staff to amend the Los Alamitos Municipal Code to provide for two Council meetings per month.

Background

At the December 17, 2012 City Council meeting, Councilmember Grose asked staff to determine the cost savings that the City has realized as a result of having only one Council meeting per month. The one meeting per month format started with the July 2012 meeting, so it has been a full six months of the new schedule.

Discussion

The cost savings realized of having only one meeting per month are described below, based on a five hour meeting:

Item	Unit Cost	Extension	Total Savings
City Attorney – attendance at Council meetings	\$180 per hour	\$180 x 5 hours x 6 meetings	\$5400
City Attorney – attendance at staff meetings	\$180 per hour	\$180 x 3 hours x 1 meeting per month x 6 months	\$3240
Cable TV Operator	\$25 per hour	\$25 x 5 hours x 6 meetings	\$750

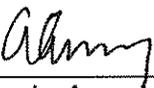
Dept. Secretary	\$41.61 per hour	\$41.61 x 5 hours x 6 meetings	\$1248
Consultant (Willdan)	\$95 per hour	\$95 x 5 hours x 6 meetings	\$2850
Misc. includes coffee, snacks, dinner, mailing, copying	\$285 per meeting	\$285 x 6 meetings	\$1710
TOTAL SAVINGS		6 meetings	\$15,198

Besides the stated cost savings of having only one meeting per month, staff has been able to more effectively plan, execute and evaluate projects without the continuous cycle of preparing for the next City Council meeting. There has been no disruption in the financial operation of the City and the once per month meeting cycle has not hampered the flow of approvals necessary for contracts or other items.

Fiscal Impact:

The cost savings of having only one City Council meeting per month for the past six months is \$15,198. This should serve as a guideline of cost savings for the year when determining whether to change the future Council meeting format.

Submitted & Approved By:



 Angie Avery
 City Manager

City of Los Alamitos

Agenda Report Discussion Item

January 22, 2013
Item No: 10C

To: Mayor Warren Kusumoto & Members of the City Council
Via: Angie Avery, City Manager
From: Steven A. Mendoza, Director of Community Development
Subject: City Attorney Services – Schedule and Request for Proposal

Summary: This report is a second step toward a recommended schedule, evaluation criteria, and scope to be incorporated into a Request for Proposal (RFP) for City Attorney Services.

Recommendation: Approve the schedule for City Attorney Services and instruct Staff to release the RFP.

Background

City Attorney Sandra J. Levin of Colantuono and Levin resigned November 19, 2012, effective January 31, 2013. At its December 17, 2012 meeting, the City Council appointed Council Members Edgar and Graham-Mejia to an Ad Hoc Subcommittee tasked with moving the City Attorney selection process forward.

The Ad Hoc Subcommittee met on January 2, 2013 to discuss the long term needs for City Attorney Services and the immediate need of interim City Attorney Services. The selection process will extend beyond the January 31, 2013 date of Colantuono and Levin's departure.

The City Council discussed the Request for Proposal (RFP) on January 7, 2013 wherein Council provided guidance to amend the schedule and present on January 22, 2013.

Discussion

Under the direction of the Ad Hoc Subcommittee, staff drafted a Request for Proposal (RFP) to be used as the vehicle for selection of a permanent City Attorney. A RFP is a solicitation made by the City to firms interested in supplying legal services by outlining how they could meet the City's needs. The RFP process brings structure to the selection process by clearly delineating the City's needs up front. Below is the revised proposed schedule:

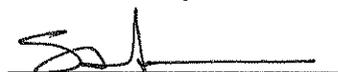
SCHEDULE	
Council to approve schedule and RFP Release	1/22/13
Distribution of RFP (advertised) (27 days)	1/23/13
Sandra Levin Departure	1/31/13
Coluntuno and Levin's Last Day	1/31/13
Council Workshop for determining the Weighting Criteria (Special Meeting)	2/4/13
RFP Submittal Deadline Noon (27 days)	2/19/13
Selection of 2nd Subcommittee if more than 10 proposals received (Regular Meeting)	2/19/13
Staff to distribute proposals to Council Members for scoring	2/22/13
Scoring to be returned to City Staff (11 days)	3/5/13
Council or Subcommittee to Select Top Proposers (Closed or Open Session)	3/18/13
Notify Top Proposers	3/19/13
Council or Subcommittee to Conduct 1st Interviews (Special Closed Meeting)	4/1/13
2nd Interviews if necessary (Regular Meeting)	4/15/13
Negotiation of Agreement	4/16/13
Council Award of Contract (Regular Meeting)	5/20/13
Contract Effective Date	5/21/13

During a Council Workshop (Special Meeting) on February 4, 2013, Staff will walk Council through an exercise to develop the weighted criteria via a computer generated spreadsheet. The Scope of Work and evaluation criteria is included as Attachment 1 of this Staff report (Draft RFP).

Fiscal Impact

There are no costs to the City in releasing the RFP.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Angie Avery
City Manager

Attachment: 1. Draft Request for Proposal

CITY OF LOS ALAMITOS



REQUEST FOR PROPOSAL City Attorney Services

Submittal Deadline:
12:00 p.m. Noon
Tuesday, February 19, 2013

RFP Prepared by and Proposals to be Provided to:

Angie Avery – City Manager
3191 Katella Avenue
Los Alamitos, California 90720
(562) 431-3538, ext. 249
e-mail address: aavery@cityoflosalamitos.org

RFP Available online at:
http://cityoflosalamitos.org/?page_id=63

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION I - INTRODUCTION

A: Background

The City of Los Alamitos invites qualified firms to submit proposals for City Attorney Services. The successful Proposer will enter into a contract, designate a City Attorney for the City of Los Alamitos and provide legal advice and expertise in areas such as general municipal law, land use, labor and personnel law, Brown Act provisions, conflict of interest, and election law to the City. Over the last five fiscal years, the average contract value is \$150,000 per year.

The City is considering a contract with a five (5) year term. Upon mutual written agreement of the parties, the contract may be extended for three (3) additional two-year terms. Successful past performance during the initial contract period will be a critical factor in any decision to grant an extension.

The City of Los Alamitos incorporated in 1960, and is located on the Northwest edge of Orange County. It is situated North of Seal Beach, East of Long Beach, South of Hawaiian Gardens, and West of Cypress. The City encompasses 4.3 square miles with a small population of approximately 12,000. The City is mature, urbanized, and, for the most part, built-out. Half of the community's 4.3 square miles is the federally operated Joint Forces Training Base (JFTB). The City Manager is hired by the City Council and oversees all day to day operations. The City Attorney is appointed and will enter into a contract approved by the City Council. The contract for City Attorney will be supervised by the City Manager. The City Attorney will receive direction from both City Council and City Manager, but general supervision and direction will be provided by the City Manager.

For more information about the City, please visit the City website at <http://cityoflosalamitos.org/>. Regular scheduled Council meeting occur once a month, the third Monday. An assigned attorney must also attend West County Communications meetings quarterly and the Planning Commission meetings once a month. It is common for the Council to have special meetings as needed. Code Enforcement legal services are provided by another firm of which the City is pleased with.

The City of Los Alamitos is a member of California Joint Powers Insurance Authority (CJPIA) for risk management services. As a member of CJPIA, the defense counsel for tort claims litigation is assigned by CJPIA rather than handled by the City Attorney.

Coluntuno and Levin provided City Attorney services to the City on a contract basis since 2009.

B: Proposed Schedule

TO BE INSERTED

C: Instructions to Proposers and Procedures for Submittal

One original and eight (8) copies of the proposal must be submitted in a sealed envelope and submitted to the following address:

**City of Los Alamitos
Attn: City Manager
3191 Katella Avenue
Los Alamitos CA 90720**

Proposers are solely responsible for ensuring their proposal is received by the City in accordance with the solicitation requirements, before Submittal Deadline, and at the place specified. Postmarks will not be accepted in lieu of actual delivery. No oral, telegraphic, electronic, facsimile, or telephonic proposals or modifications will be considered. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Delivery of proposals shall be made at the office specified in this REQUEST FOR PROPOSALS. All proposals shall become the property of the City. Late proposals will not be accepted and will be returned to the Proposer unopened.

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION II - PROPOSAL RESPONSE REQUIREMENTS

Proposers shall submit one (1) original proposal marked "ORIGINAL" and eight (8) copies on or before the Submittal Deadline. If discrepancies are found between the copies, or between the original and copy or copies, the "ORIGINAL" will provide the basis for resolving such discrepancies. If no document can be identified as an original bearing original signatures, proposer's proposal may be rejected at the discretion of the City.

It is imperative that all Contractors responding to the RFP comply exactly and completely with the instructions set forth herein. Proposals must be concise but with sufficient detail to allow accurate evaluation and comparative analysis. Proposals should be straightforward and provide "layman" explanations of technical terms that are used. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. Proposal should be concise and be able to properly convey all information within twenty-five pages.

All proposals shall include the following information:

A: Letter of Transmittal

Please include a brief introduction and history of your firm. Be sure to state why you believe that your firm is the best qualified to perform City Attorney and legal services for the City of Los Alamitos.

B: Table of Contents

Include clear identification of the material by section and page number.

C: Company Data:

Please submit the following information:

1. Official firm name and address.
2. Name, address, telephone number and email address of the Proposer's point of contact.
3. Indicate what type of entity (corporation, company, joint venture etc). Please enclose a copy of the Joint Venture Agreement if entity is a joint venture.

4. Federal Employer I.D. Number.
5. The address, telephone numbers and fax numbers of each of your firm's locations.
6. A detailed statement indicating whether Proposer is totally or partially owned by another business organization or individual.
7. Number of years Proposer has been in business under the present business name.
8. All comparable contracts currently in effect. Please indicate:
 - Contracting Agency
 - Year Contract Started
 - Type of Contract
9. Please describe areas of specialization provided by the Proposer.
10. Any failures or refusals to complete a contract and explanation.
11. Financial interests in other lines of business.
12. Known conflicts of interest. The City is involved in various legal matters that may involve other government entities, private businesses, development and construction contracts and other legal firms. Proposer is expected to list all known or potential conflicts of interest that may impact the services provided to the City of Los Alamitos.

D: Proposals

Please describe your firm's qualifications for providing City Attorney and legal services to the City of Los Alamitos. Proposal should be concise and be able to properly convey all information within twenty-five pages. The City Attorney must have seven (7) or more years of experience serving as a City Attorney, Assistant City Attorney or comparable position. Be sure to include the following components in your response.

1. The overall capabilities, qualifications, training and areas of expertise for each of the partners, principals and associates that may be assigned to work with the City.
 - a. Name of individuals with resumes
 - b. Length of employment with your firm
 - c. Specialization
 - d. Legal training
 - e. Date of admittance to California Bar
 - f. Year of practice
 - g. Municipal or other local public sector experience

2. Identify the individual that you propose for appointment as City Attorney and indicate the number of years of experience serving as a City Attorney, Assistant City Attorney or comparable position.
3. Identify the individual(s) that you would propose as Assistant or Deputy City Attorney and/or who would be designated as backup legal representation for the City, in the event of the absence or unavailability of the City Attorney. Please indicate the number of years of experience serving as an Assistant City Attorney or comparable position.
4. Identify the location of the office(s) serving the City. If office hours at City Hall are necessary, please specify the day(s) of week and hours.
5. Describe the systems/methods that would be utilized to ensure timely responses to the City Council and City Manager.
6. Describe the response time we can expect from the City Attorney to inquiries made by the City Council and City Manager.
7. Identify the types of reports your firm would provide to the City. Please submit samples of typical reports provided to municipalities. Be sure to redact any sensitive information.
8. Describe your firm's suggested process for transmittal of requests and other material to the City Attorney.
9. Identify the support personnel that would work with the City and provide a brief description of their function. Include any changes you would propose, now or in the future, should your firm be awarded a contract with the City.
10. Describe systems/methods that would be utilized to provide services in a cost effective manner.
11. It is anticipated that the City will require monthly itemized invoices for services rendered. Please submit an example of a typical invoice for a public agency. Be sure to redact any sensitive information.
12. Identify the types of in-service training (such as ethics and AB 1234, commission roles and responsibilities, how to conduct performance evaluations, harassment, etc.) your firm is capable of providing to municipalities.
13. The City of Los Alamitos will require the firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate insurance coverages. Proposer shall indicate the willingness and ability to submit proof of the required insurance coverage as set forth in the *Sample Professional Services Agreement (attached at end of this document)* prior to execution of the contract.

14. The City is a member of the California Joint Powers Insurance Authority (CJPIA) for the handling of workers' compensation and liability claims. Please describe your firm's experience working with CJPIA.
15. The City seeks to identify and avoid any conflicts or possible conflicts of interest. The City reserves the right to prohibit participation, if a significant conflict of interest is determined to exist. Please address the following:
 - a) Please list any political contributions of money, in-kind services, or loans made to any member of a City Council within the last five years by the applicant law firm and all of its attorneys, including the attorney being proposed to represent the City of Los Alamitos.
 - b) Please list all public agency clients for which your firm currently provides services or are under retainer.
 - c) Please list all public agency clients for which your firm previously provided services over the last five years.
16. Describe the methods that would be utilized to provide the City Council with annual updates relative to your firm's accomplishments and significant activities.
17. Describe one of your law firm's most significant and complex accomplishments. Please describe the issue, what strategies were employed to handle the issue and the outcome. What was the involvement of the City Attorney and support staff proposed for the Los Alamitos contract?
18. Describe any special services that may be provided by your firm to the City of Los Alamitos.
19. Describe recent successful litigation handled by the proposed City Attorney.
20. Describe Military Land Use experience.
21. Because the City is part of West Counties Communications (a 911 Dispatch Joint Powers Authority), the selected firm would be assigned to the JPA. Please describe experience in offering representation for a JPA.
22. Cable Television is an important part of Los Alamitos. Please describe your firm's experience in working with cable television.

E: References:

Proposer to provide three (3) references for which Proposer has provided similar services as set forth in the RFP within the last five (5) years. Include name of business, name of contact person, telephone number of contact person, description of services provided.

F: Compensation/Payment Schedule:

Proposer is required to submit their cost proposal in the format outlined in Section V.

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION III - PROPOSAL EVALUATION AND SELECTION

City Council will evaluate all proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of proposal. The City shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Selection of qualified Proposers will be based on the following criteria as set forth herein. Criteria are listed in random sequence and are not considered in any rank or order or importance. Interviews will be held with the most qualified respondents. The recommended proposal will be submitted to the City Council for contract approval.

The proposal will be evaluated on the basis of the response to all questions and requirements of this RFP. The City shall use some or all of the following criteria in its evaluation:

1. Experience of the firm, particularly of staff assigned to supervise and administer this contract. (Section II.C.7 and II.D.1)
2. Education and experience of personnel assigned to CITY. (Section II.D. 2-3)
3. Demonstrated knowledge of public agencies, particularly municipalities. (Section II.C.8 and II.D. 5-18)
4. Understanding of the needs and requirements of CITY. (Section II.D. 5-18)
5. Number and type of declared conflicts. (Section II.D.15)
6. Location of firm and availability of personnel assigned to CITY. (Section II.D.4)
7. Quality of references. (Section II.E)
8. Proposed costs. (Section V)
9. Content, quality, completeness and form of submitted proposal.
10. Interviews.

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION IV - SCOPE OF SERVICES

A: General Areas of Knowledge

The law firm or individual attorney selected will have demonstrated competence in all aspects of municipal law, including but not limited to:

Land use and planning law
The Subdivision Map Act
CEQA/NEPA
Code enforcement
Personnel and employment law
Public contracts and franchises
The Brown Act
Conflict of interest law
Intergovernmental relations
Development Agreements
JPA Representation

Real Estate law
General Plan law
Elections law
Contract law
Municipal Tort law
Solid Waste/AB939
Parliamentary Procedure
Litigation experience
Construction law
Military Land Use
Cable Television

B: Duties and Responsibilities

1. Provide timely response to all requests for services.
2. Provide legal advice, counsel, services, consultation and opinions to City Council, City Manager and City staff on a wide variety of municipal assignments including but not limited to the "General Areas of Knowledge" described in the preceding section.
3. Attend City Council meetings including closed sessions. Currently, meetings are held on the third Monday of each month. Meetings begin at 6:00pm.
4. Attend City Council Study Sessions, as required. Typically, Study Sessions are held between City Council and staff prior to Council Meetings.
5. Attend City staff meetings with the City Manager and Department Heads as needed.
6. Perform research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the Council and management staff on legal matters pertaining to City operations.
7. Provide routine legal advise, telephone and personal consultations with Mayor, City Council, City Manager and City staff.

8. Review and/or prepare staff reports, ordinances, resolutions, orders, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City.
9. Serve as legal counsel to bodies as may be created and represented by or for the City and which meet regularly or periodically or on an as-needed basis.
10. Provide assistance to City regarding Election laws and assist in review of election forms, filings, and coordination with County, State and Federal election officials.
11. Enforce city codes, zoning regulations and building standards through administrative, quasi-judicial and judicial actions.
12. Represent the City in the community and at professional meetings.
13. Represent the City before other governmental bodies and agencies to promote the interests of the City.
14. Provide assistance with issues related to land use, general and master plan updates.
15. Monitor pending and current State and Federal legislation, regulations, and case law, as appropriate. Inform City Council and staff and recommend changes to City ordinances and practices, as needed.
16. Ensure that current and future City ordinances, policies, procedures and practices comply with state and federal law.
17. Provide training and assist City Council, City Manager, and City staff to understand statutes, regulations, ordinances and codes that apply to their respective office and to assist in ensuring compliance.
18. As requested by the City Manager, provide litigation support including monitoring all matters involving litigation affecting the City and represent the City in all actions, suits, or proceeding in which the City is a party or is legally interested in.
19. Perform legal work pertaining to property acquisitions, condemnations, forfeiture activities, public improvements, public rights of ways, and matters relating to special assessments and public utilities.
20. Perform legal work pertaining to the negotiation and preparation of Development Agreements.
21. Provide Mayor and City Council with guidance relative to Roberts Rules of Order, open meetings, Brown Act, and other related procedural matters.
22. Coordinate the work of outside legal counsel as needed and as directed by the City Council and/or City Manager.

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION V - COMPENSATION

It is expected that all legal services will be billed at an hourly rate, with reimbursable expenses listed separately. The City's current billing arrangement has two types of hourly rates: (1) "City Projects" relate to usual and customary legal matters and (2) "Special Projects" relate to legal matters that cannot be handled by in-house legal counsel.

A: Hourly Rates

Identify your proposed billing rates as shown in the format displayed below. This table is just a sample. Please provide all appropriate titles and rates.

Labor Rates	
City Attorney	\$ _____ per hour
Assistant City Attorney	\$ _____ per hour
Associate	\$ _____ per hour
Clerk	\$ _____ per hour
Paralegal	\$ _____ per hour
Special Services	\$ _____ per hour

Please list your minimum unit of time. For example: 6 minutes, 8 minutes etc.

B: Reimbursable Expenses

Identify your reimbursable expense unit rates as shown in the format displayed below. This table is just a sample. Please provide all applicable reimbursable expenses and unit rates.

Reimbursable Costs	
Mileage	\$ _____ per
Reproduction Charges	\$ _____ per

C: Training Costs

Please provide the costs of any in-service training (such as ethics and AB 1234, commission roles and responsibilities, how to conduct performance evaluations, harassment, etc.) your firm indicated in Section II.D.12.

D: Rate Adjustments

Proposer must state if the proposed rates are guaranteed for the term of the contract or if it is subject to adjustments. If subject to adjustments, Proposer must state the frequency of adjustments and how adjustments are determined.

E: Payment

Pursuant to the Sample Professional Services Agreement, the City requests a monthly itemized statement which indicates work completed and hours of service rendered. The City shall, within 45 days of receiving such statement, review the statement and pay all approved charges.

Please indicate if your firm is agreeable to this payment arrangement. If not, please describe your firm's preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses and any other accounting requirements.

F: Alternative Method of Compensation

Proposer may submit an alternative method of compensation than what is described herein. For example, Proposer may request a monthly retainer plus an hourly rate for non-retainer services. If an alternative method of compensation is proposed, please describe how this may benefit the City of Los Alamitos.

Contract Documents shall in no way relieve him from any obligations with respect to the solicitation or contract. The submission of a proposal shall constitute an acknowledgment upon which the City may rely that the Proposer has thoroughly examined and is familiar with the contract documents. The failure or neglect of a Proposer to receive or examine any of the contract documents shall in no way relieve him from any obligations with respect to the Proposal. No claim will be allowed for additional compensation that is based upon a lack of knowledge of any solicitation document.

COSTS. The City is not liable for any costs incurred by Proposers before entering into a formal contract. Costs of developing the proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City. No reimbursable cost may be incurred in anticipation of award.

DISQUALIFICATION OF PROPOSER. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one proposal for the same work unless alternate proposals are called for. Reasonable grounds for believing that any Proposer is interested in more than one Proposal for the same work will cause the rejection of all Proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider Proposals from participants in such collusion. Proposers shall submit as part of their Proposal documents the completed Non-Collusion Affidavit provided herein on page 17.

INTERPRETATION OF CONTRACT DOCUMENTS. City reserves the right to make corrections or clarifications of the information provided in this RFP. If any person is in doubt as to the true meaning of any part of the specifications or other contract documents, or finds discrepancies or omissions in the specifications, he may submit to the City a written request for an interpretation or correction.

Oral statement(s) interpretations or clarifications concerning meaning or intent of the contents of this RFP by any person are unauthorized and invalid.

Requests for interpretations shall be made in writing and delivered to City Manager, City of Los Alamitos, 3191 Katella Avenue, Los Alamitos CA 90720 at least ten (10) days before the Submittal Deadline.

The requesting party is responsible for prompt delivery of any requests. When the City considers interpretations necessary, interpretations will be in the form of an addendum to the contract documents, and when issued, will be sent as promptly as is practical to all parties recorded by the City as having received contract documents. All such addenda shall become a part of the contract. It is the responsibility of each Proposer to ensure the City has their correct business name and address on file. Any prospective Proposer who obtained a set of contract documents is responsible for advising the City that they have a set of contract documents and wish to receive subsequent Addenda.

CITY OF LOS ALAMITOS
REQUEST FOR PROPOSALS
CITY ATTORNEY SERVICES

SECTION VI - GENERAL CONDITIONS

AUTHORIZED SIGNATURES. Every proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the City, any agent submitting a proposal on behalf of a Proposer shall provide a current power of attorney certifying the agent's authority to bind the Proposer. If an individual makes the proposal, his or her name, signature, and post office address must be shown. If a firm or partnership makes the proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. If a corporation makes the proposal, the proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation.

AWARD OF PROPOSAL. Award will be made to the Proposer offering the most advantageous proposal after consideration of all Evaluation Criteria set forth in Section III. The criteria are not listed in any order of preferences. An Evaluation Committee will be established by the City. The Committee will evaluate all proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of proposal. The City shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Discussions may, at the City's option, be conducted with responsible Proposers who submit proposals determined to be potentially selected for an award. Discussions may be for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of proposals. In conducting discussions, the City will not disclose information derived from proposals submitted by competing Proposers.

CANCELLATION OF SOLICITATION. The City may cancel this solicitation at any time.

COMPLIANCE WITH LAWS. All proposals shall comply with current federal, state, and other laws relative thereto.

CONTRACT DOCUMENTS, EXAMINATION OF. It is the responsibility of the Proposer to thoroughly examine and be familiar with these RFP documents, general conditions, all forms, specifications, and addenda (if any), referred to as Contract Documents. Proposer shall satisfy himself as to the character, quantity, and quality of work to be performed and materials, labor, supervision, necessary to perform the work as specified by the Contract Documents. The failure or neglect of the Proposer to examine the

IRREGULARITIES. City reserves the right to waive non-material irregularities if such would be in the best interest of the City as determined by the City Council.

NON-EXCLUSIVE CONTRACT. The successful Proposer will enter into a NON-EXCLUSIVE contract and the City reserves the right to enter into agreements with other firms for legal services.

OFFERS OF MORE THAN ONE PRICE. Proposers are NOT allowed to submit more than one proposal.

NO OBLIGATION: The release of this RFP does not obligate nor compel the City to enter into a contract or agreement.

PAYMENT TERMS. Discounts for payments made within 20 days from receipt of invoice will be considered in award of proposal. Payment discounts must be clearly shown in the proposal.

PROPOSAL, REJECTION OF. The City reserves the right to reject any or all proposals or any part of a Proposal. The City reserves the right to reject the proposal of any Proposer who previously failed to perform adequately for the City or any other governmental agency. The City expressly reserves the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due the City.

PROPRIETARY INFORMATION. Proposals must **NOT** be marked as confidential or proprietary. City may refuse to consider a proposal so marked. Information in proposals shall become public information and is subject to disclosure laws.

PUBLIC OPENING: There will be a public opening of proposals. Prices and other proposal information shall not be made public until the proposal is awarded. At that time the submitted proposal information and executed contract will become public information.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SUBCONTRACTOR INFORMATION. If the proposal includes the use of subcontractors, Proposer must identify specific subcontractors and the specific requirements of this RFP for which each proposed subcontractor would perform services.

SUBCONTRACTOR REFERENCES. For all subcontractors that will be used on this project, Proposers must provide a minimum of two references from similar projects performed for any local government clients within the last three years. Information provided shall include:

- a. Client name;
- b. Project description;
- c. Dates (starting and ending);

- d. Technical environment;
- e. Staff assigned to reference engagement that will be designated for work per this RFP;
- f. Client project manager's name and telephone number.

TERMS OF THE OFFER. The City reserves the right to negotiate final contract terms with the Proposer selected. The contract between the parties will consist of the City Professional Services Agreement, the RFP together with any modifications thereto, the awarded Proposer's proposal, and all modifications and clarifications that are submitted at the request of the City during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded Proposer's proposal, and the awarded Proposer's proposal. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the City of the facts relating to the proposal.

VALIDITY. Proposal must be valid for a period of 90 days from the due date.

WITHDRAWAL OF PROPOSAL. Proposers' authorized representative may withdraw Proposals only by written request received by the City Manager before the Proposal Submittal Deadline.

NON-COLLUSION AFFIDAVIT

I, _____, being first duly sworn, deposes and says that he is _____ of _____ the party making the attached Proposal; that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the Proposal price, or of that of any other Proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her Proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Proposal depository, or to any member or agent thereof to effectuate a collusive or sham Proposal.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Proposer _____

Signature _____

Name _____

Title _____

Dated _____

**CITY OF LOS ALAMITOS
CONSULTANT’S ACKNOWLEDGEMENT OF COMPLIANCE
WITH INSURANCE REQUIREMENTS FOR
AGREEMENT FOR PROFESSIONAL SERVICES**

Consultant agrees, acknowledges and is fully aware of the insurance requirements as specified in **Section 11 “Insurance”** of the Professional Services Agreement and accepts all conditions and requirements as contained therein.

Firm: _____
Name (Please Print or Type)

By: _____
Firm’s Signature

Date: _____

This executed form must be submitted with Proposal.

City of Los Alamitos

Agenda Report Mayor and City Council

January 22, 2013
Item No: 11A

To: Mayor Warren Kusumoto & Members of the City Council
Via: Angie Avery, City Manager
From: Windmera Quintanar, CMC, City Clerk
Subject: City Council Member Appointments/Reappointments as Representatives to other Agencies and City Ad Hoc Committees

Summary: This report provides relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies and City Council Ad Hoc Committees. This item is traditionally considered by the City Council at the first meeting after its annual reorganization.

Recommendation:

1. Approve the Mayor's appointments/reappointments to Representatives to Other Agencies and City Ad Hoc Committees List; and,
2. Adopt City Council Resolution 2013-03, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS"; and,
3. Authorize the City Clerk to complete California Form 806, Agency Report of: Public Official Appointments and post on the City's website.

Background

The City Council Members represent the City on various County and regional boards and committees. These external bodies range from the League of California Cities to the Orange County Transportation Authority. The issues and topics covered by these bodies range from housing to police dispatch services. Appointees serve as voting members on some of these boards and committees.

Discussion

Traditionally, as a follow-up to the annual City Council reorganization, the City Council reviews its current appointments and considers new appointments and reappointments.

Each appointment would be considered individually and the list would be voted on as a whole by the City Council.

To help facilitate the process, the Mayor has delegated appointments to be voted on and approved by the City Council. The attached list of appointments reflects the appointments suggested by Mayor Kusumoto.

As a follow-up to the annual City Council reorganization, it would be appropriate for the City Council to review its current appointments and consider new appointments and reappointments. All City Council appointments, excluding Orange County Vector Control District, should be reviewed and voted upon this evening.

On November 21, 2011 the City Council appointed Mayor Pro Tem Graham-Mejia to the Orange County Vector Control District Board (OCVCD) for a two-year term. The term will expire on December 31, 2013. Mayor Pro Tem Graham-Mejia will submit her resignation to the OCVCD upon approval of the recommend appointment of Council Member Murphy.

Per the Orange County Fire Authority Joint Powers Agreement, the appointment of Directors and Alternates are to be formalized by a Resolution of the City Council. Enforcement of this policy began in 2012.

The League of California Cities – State Division requires two separate appointments. The appointment being made at this time is for attendance at the State Division of the League of California Cities meetings. At a later date, an alternate and delegate will be appointed for the League’s Annual Conference.

The following Committees have been removed from the list: General Plan/Downtown Revitalization Plan Ad Hoc Subcommittee (did not meet in 2012); Annexation Ad-Hoc Subcommittee (did not meet in 2012); and, Growth Management Area (GMA) Group No. 2 (fulfilled purpose).

Fair Political Practices Commission - Form 806

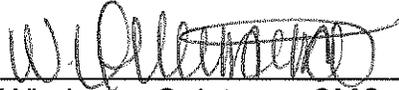
The State of California Fair Political Practices Commission (FPPC) Regulation 18705.5 requires Council Members to recuse themselves from voting on non-City positions that receive a stipend of \$250 or more per year. Should the City Council wish to vote for themselves on compensated committees, the City must post Form 806 regarding the appointments on the City’s website.

Form 806 is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district, or joint powers agency or authority. The City is in compliance with this regulation and posts Form 806 on the website; therefore, it is not necessary for Council Members to recuse themselves from voting for themselves on compensated non-City positions.

Fiscal Impact

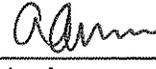
None.

Submitted By:



Windmera Quintanar, CMC
City Clerk

Approved By:



Angie Avery
City Manager

Attachments:

1. *City Council Assignments including stipends*
2. *Resolution 2013-03*
3. *Form 806 and FAQs*

2013 City Council Representatives to Other Agencies & Ad Hoc Committees

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2012		2013	
			Delegate	Alternate	Delegate	Alternate
California Joint Powers Insurance Authority (CJPIA) 8081 Moody Street La Palma, CA 90623 Contact: Jennifer Fullerton (562) 467-8700	Board of Directors Meets In July (once a year)	\$100 (Voting Delegate only)	Kusumoto	Stephens	Grose	Murphy
Orange County Fire Authority - Board of Directors 1 Fire Authority Road Irvine, CA 92602 Contact: Sherry Wentz (714) 573-6041 Email: sherrywentz@ocfa.org	6:30 p.m. 4th Thursday, odd numbered months All Board Members may serve on 1 of 3 Board appointed Committees. Appointments need to be adopted in a Council Resolution.	\$100 per meeting, no more than 3 meetings/mo. Limit of 1 stipend per day, paid quarterly Delegate and Alternate both eligible for stipend; however, only 1 member paid per meeting	Stephens	Poe	Kusumoto	Murphy
Orange County Sanitation District - Board of Directors 10844 Ellis Avenue Fountain Valley, CA 92708 Contact: Maria Ayala (714) 962-2411	7:00 p.m. 4th Wednesday of Every Month All Board Members may serve on Board Appointed Committees which meet monthly.	\$212.50 per meeting No monthly limit Delegate and Alternate both eligible for stipend; however, only 1 member paid per meeting	Edgar	Graham-Mejia	Kusumoto	Graham-Mejia
Orange County Vector Control District 13001 Garden Grove Blvd. Garden Grove, CA 92643 Contact: Vicki Blaylock (714) 971-2421 x 112	3:00 p.m. 3rd Thursday of every month All Board Members may serve on 1 out of 5 Board appointed committees which meet as needed.	\$100/month in lieu of travel	Graham-Mejia Term Expires (12/31/13)		Richard Murphy Term Expires (12/31/13)	
League of California Cities - State Division 1400 K. Street, Suite 400 Sacramento, CA 95814 Contact: Karen Durham (916) 658-8262	Annual Conference requires additional vote for Voting delegate and alternative.	Annual Membership Fee No stipend	Kusumoto	Poe	Kusumoto	Graham-Mejia
City Selection Meeting Administered by the OC Clerk of the Board Liason for Clerk of the Board: Kenny Piguee (714) 953-1300	City practice is to have the Mayor as the delegate and any member of the Council as the alternate. The appointment needs to be sent in writing.	No stipend	Edgar	City Council	Kusumoto	City Council
Association of California Cities 600 S. Main St., #940 Orange, CA 92868 Contact: Kenneth Piguee (714) 953-1300	Montly Board Meeting Appointment needs to be sent in writing.	Annual Membership Fee Fee to attend monthly meetings No stipend	Edgar	City Council	Edgar	Grose
Los Alamitos Unified School District/City Working Group Location: TBD	Meets on an As-Needed Basis	No stipend	Graham-Mejia		Graham-Mejia	Grose
Orange County Library Advisory Board Tustin Branch Library - Community Room 345 E. Main Street Tustin, CA 92780 Contact: Laura Lynch (714) 566-3064	Meets 4 times a year (dates TBD)	No stipend	Poe	Stephens	Edgar	Grose
OCTA - I-405 Policy Working Group 600 S. Main Street Orange, CA 92868 Contact: Christina Bryne (714) 560-5717	Meets on an As-Needed Basis As of 1/10/13, no meetings scheduled.	No stipend	Poe	Graham-Mejia	Graham-Mejia	Grose

AGENCY	MEETING INFORMATION	STIPEND INFORMATION	2012		2013	
			Delegate	Alternate	Delegate	Alternate
West Cities Communications Center -JPA Board 911 Seal Beach Blvd. Seal Beach, CA 90740 Contact: Kelly Mortin (562) 594-7232	4:00 p.m. 3rd Tuesday in February, May, August & November	No stipend	Poe	Stephens	Edgar	Grose
City Attorney Selction Committee Location: TBD	Meets on as As-Needed Basis	No stipened	Edgar Graham-Mejia		Edgar Graham-Mejia	
City Manager Selction Committee Location: TBD	Meets on as As-Needed Basis	No stipened			Grose Kusumoto	

RESOLUTION NO. 2013-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS

WHEREAS, the City, as a "member" of the Orange County Fire Authority Joint Powers Authority (JPA) is entitled to appoint a representative director ("Director") and alternate to the Orange County Fire Authority's Board of Directors; and,

WHEREAS, each member agency, by resolution of its governing body, shall designate and appoint one representative to act as its Director on the Authority Board of Directors, except the County whose Board of Supervisors shall appoint two representatives to act as its Directors; and,

WHEREAS, each Director shall be a current elected member of the governing body; and,

WHEREAS, each Director shall hold office until the selection of a successor by the appointing body; and,

WHEREAS, each member agency shall also appoint an alternate representative to act in each Director's absence; and,

WHEREAS, each alternate shall be a current elected member of the member agency's governing body; and,

WHEREAS, each Director and alternate is to serve at the pleasure of his or her appointing body and may be removed at any time, with or without cause, at the sole discretion of that appointing body; and,

WHEREAS, any vacancy shall be filled in the same manner as the original appointment of a Director and/or alternate.

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. Does hereby designate and appoint Council Member _____ as a Director and Council Member _____ as alternate to the Orange County Fire Authority Board of Directors.

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

PASSED, APPROVED, AND ADOPTED this 22nd day of January, 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Windmera Quintanar, CMC, 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 17th day of January, 2012, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, CMC, City Clerk

**Agency Report of:
Public Official Appointments**

A Public Document

1. Agency Name City of Los Alamitos		California Form 806 For Official Use Only	
Division, Department, or Region <i>(If Applicable)</i> City Clerk Office			
Designated Agency Contact <i>(Name, Title)</i> Windmera Quintanar, CMC, City Clerk		Date Posted: _____ (Month, Day, Year)	
Area Code/Phone Number (562) 431-3538	E-mail wquintanar@cityoflosalamitos.ca.us	Page <u>1</u> of <u>1</u>	

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
California Joint Powers Insurance Authority - Board of Directors	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ _____ / _____ / _____ <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ <u>100.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small>Other</small>
Orange County Fire Authority - Board of Directors	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ _____ / _____ / _____ <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ <u>100.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small>Other</small>
Orange County Sanitation District - Board of Directors	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ _____ / _____ / _____ <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ <u>212.50</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input checked="" type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small>Other</small>
Orange County Vector Control - Board of Directors	▶ Name <u>Graham-Mejia, Gerri</u> <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u>11 / 21 / 11</u> <small>Appt Date</small> ▶ <u>Two Years</u> <small>Length of Term</small>	▶ Per Meeting: \$ _____ <u>100.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input checked="" type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <small>Other</small>

3. Verification

I have read and understand FPPC Regulation 18705.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

Windmera Quintanar, CMC	City Clerk		
Signature of Agency Head or Designee	Print Name	Title	(Month, Day, Year)

Comment: _____

California Fair Political Practices Commission
**Form 806 – Agency Report of
Public Official Appointments
Frequently Asked Questions**

This fact sheet provides additional guidance and examples on how to report public official appointments. The Form 806 is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards or commissions of a public agency, special district, or joint powers agency or authority. (FPPC Regulation 18705.5.)

This fact sheet cannot address all the different types of situations that may occur when officials receive additional compensation for appointing themselves to positions. Persons are encouraged to use the FPPC advice service for specific guidance.

The following FAQs address some common activities.

Frequently Asked Questions

1. Q. May an official recuse himself and leave the room while the other members of the council vote to appoint him to another agency position for which the official will receive a \$300 a year stipend? If so, does a Form 806 need to be posted?
 - A. Yes, an official may recuse himself and leave the room. If so, the Form 806 is not required. The Form 806 is only required if the official actually wants to participate in the vote for his appointment.

2. Q. May officials vote to appoint themselves to a standing or ad hoc committee of the public agency of which the official is a member even if such appointment is not required by law?
 - A. Yes, if the appointment is to a standing or ad hoc committee of the public agency of which the official is a member. If the official receives a stipend of \$250 or more for serving on the standing or ad hoc committee, the appointment must be reported on the Form 806.

3. Q. May officials vote to appoint themselves to serve on another governmental entity if the stipend is waived or results in less than \$250 in a 12-month period?
 - A. Yes. A Form 806 is not required to be posted. The Form 806 must be posted if the stipend would be at least \$250 in a 12-month period.

4. Q. At a city council meeting, city council members vote to appoint a member to the Transportation Commission. The Transportation Commission pays the officials' stipend. Which agency completes the Form 806?
 - A. The agency that conducts the vote must complete the Form 806. In the example above, the city posts the Form 806 even though the officials are paid by the Transportation Commission.

5. Q. A member of the County Board of Supervisors is appointed to a water district board of directors. The water district board will make an appointment to place a water district board member on the board of an irrigation district. As a board member of the irrigation district, the official will receive a stipend of at least \$250 in a 12-month period. Which agency completes the Form 806?
 - A. The agency that conducts the vote must complete the Form 806. In the example above, the water district must complete the Form 806.

Statutory and Regulatory Authority

Government Code Sections: 87100, 87102.5, 87102.6, 87102.8, 87103
Regulations: 18705.5