

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

REGULAR MEETING – May 16, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 7:06 p.m., Monday, May 16, 2011 in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

2. ROLL CALL

Present: Council Members: Graham-Mejia, Kusumoto, Poe
Mayor Pro Tem Edgar, Mayor Stephens

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, City Attorney
Anita Agramonte, Finance Manager
Angie Avery, Community Services Director
Dave Hunt, City Engineer
Adria M. Jimenez, City Clerk
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir.

3. PLEDGE OF ALLEGIANCE

Mayor Stephens led the Pledge of Allegiance.

4. INVOCATION

Council Member Kusumoto gave the Invocation.

5. PRESENTATIONS

A. National Public Works Week – May 15 – 21, 2011

The City Council presented Tony Brandyberry, Public Works Superintendent, with a proclamation in recognition of National Public Works Week. Pictures with Council followed.

B. In Recognition of the 50th Anniversary of Frieda's Incorporated

Mayor Stephens presented Frieda Caplan, Karen Caplan, and Jackie Caplan-Wiggins, with a proclamation in recognition of Frieda's Inc., 50th Anniversary. Pictures with Council followed.

6. ORAL COMMUNICATIONS

J.M. Ivler, resident, thanked Council Member Kusumoto for taking his comments regarding the Invocation into consideration.

Judy Klabouch, Chamber of Commerce, commented on the dismal of two of the three claims on the trash lawsuit against the City; provided information on the Chamber of Commerce's Night of Appreciation Dinner; and, also provided information on the Chamber's Annual Golf Tournament.

Alice Jempsa, resident, commented on the recognition of Frieda's Incorporated 50th Anniversary, and advised the Los Alamitos Museum will be inducting new residents into the Hall of Fame on Sunday. Ms. Jempsa provided details on the event.

Cathie Salai, resident, provided information on the 10th Annual Republican Women's Scholarship Fundraiser Tea at El Dorado Park. Ms. Salai expressed her disappointed on the recently approved City employee MOU.

7. REGISTER OF MAJOR EXPENDITURES

May 16, 2011.

Motion/Second: Edgar/Poe

Unanimously carried: The City Council approved the Register of Major Expenditures for May 16, 2011, in the amount of \$342,121.03.

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	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 Kusumoto pulled Consent Calendar Item #8A2; Council Member Poe pulled Consent Calendar Item #8D.

Motion/Second: Graham-Mejia/Edgar

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

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

A. Approval of Minutes

1. Approved Minutes of the Regular Meeting – April 4, 2011.
3. Approved Minutes of the Regular Meeting – May 2, 2011.

B. Warrants

May 16, 2011.

C. Activities Guide Brochure Printing Contract

This agenda item is a contract for the printing of the Recreation and Community Services Activities Guide.

Authorized the City Manager to execute one-year contract with two one-year optional extensions in an amount not to exceed \$14,400 in the first year with Weber Printing Company, Inc. to provide the printing of the Recreation and Community Services Activities Guide.

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

A. Approval of Minutes

2. Approve Minutes of the Regular Meeting – April 18, 2011.

Council Member Kusumoto referred to page 3, Item #8C, and requested information be deleted to reflect the Council's policy of action minutes.

City Clerk Jimenez stated she would delete the information per his request.

Council Member Graham-Mejia stated she is voting "No" until the Minutes are returned to their previous summary format.

Motion/Second: Kusumoto/Edgar
Carried 4/1: (Graham-Mejia "No") Approved the Minutes of the Regular Meeting – April 18, 2011.

D. Consideration of Professional Service Agreement for Charles Abbott Associates for NPDES Related Services

In April 2011, staff solicited proposals from qualified firms to provide expanded National Pollutant Discharge Elimination System (NPDES) compliance services that would augment City staff in providing the expertise needed to meet program requirements.

Steven Mendoza, Community Development Director, summarized the staff report for City Council and answered questions.

Kimberly Colbert of Charles Abbott Associates answered questions from the City Council.

Motion/Second: Poe/Edgar
Failed 0/5: (Graham-Mejia, Kusumoto, Poe, Edgar, Stephens "No")
Recommendation: Authorize the City Manager to approve a Professional Services Agreement with Charles Abbott Associates for NPDES related services for a term of two years, in the amount of \$61,092 annually.

9. **DISCUSSION ITEMS**

A. Reorganization of Administrative Services Department, Elimination of Administrative Services Director and Finance Manager Positions and Creation of Finance Director Position

The Administrative Services Director position has been vacant since April 2010. In August 2010, the City hired the current Finance Manager. Since that time, the Administrative Services Department has been functioning with two full-time employees, a part-time employee and occasional assistance from contract employees. Rather than simply fill the vacant positions, staff has evaluated the functions of the Administrative Services Department and is recommending a reorganization of the Department, which features the elimination of the Administrative Services Director position and Finance Manager position and the creation of a Finance Director position. The projected annual savings of the recommended reorganization is approximately \$75,000 annually.

Jeffrey L. Stewart, City Manager, summarized the staff report and answered questions from City Council.

Motion/Second: Edgar/Poe

Unanimously Carried: 1) Approved Resolution No. 2011-08 creating the position of Finance Director and establishing a salary range for the position; and, 2) Eliminated the positions of Administrative Services Director and Finance Manager.

10. **MAYOR AND COUNCIL INITIATED BUSINESS**
Council Announcements

Mayor Pro Tem Edgar reported on his attendance at two Orange County Sanitation District Board Meetings; advised he spoke to the Rivers and Mountains Conservancy Board regarding the City's acceptance of the additional \$100,000 for the project. Mayor Pro Tem Edgar stated he attended an Eagle Scout Ceremony for Russ Mellen and Russell Nighswonger and congratulated them on their accomplishments. Mayor Pro Tem Edgar reported on his attendance at the League Dinner and advised the AOCC-OC Bylaws were approved as well as the pension reform guidelines; commented on the Thursday evening food truck events and stated he has been receiving calls from businesses asking if the food truck owners are required to pay permit and license fees. Mayor Pro Tem Edgar thanked City Clerk Jimenez for inviting him to attend and give the welcome at the OC City Clerks Networking Group Meeting.

City Manager Stewart advised the participating food trucks are required to purchase business licenses and they have been doing so. City Manager Stewart stated staff is working with the insurance authority to confirm proper insurance coverage is obtained.

Mayor Stephens reported on his attendance at the Orange County Fire Authority's CIP Ad-hoc subcommittee meeting and on the OCFA's Budget and Finance Committee Meeting; stated he also attended the Eagle Scout Ceremony for Russ Mellen and Russell Nighswonger and complimented the parents and Scout Masters for their hard work too; and, thanked Angie Avery, Community Services Director, for her work in achieving an almost cost-neutral department.

Council Member Graham-Mejia commented on the recent car burglaries and asked Chief Mattern to provide safety tips for residents. Ms. Graham-Mejia advised she attended a SCAG meeting in La Quinta and received an award on behalf of the City for participating in the SCAG Compass Blueprint project; she commented on the new ordinance adopted and stated that if the public is not allowed to address certain Council Members, that it be followed equally; she apologized to Ms. Salai for not contacting her and stated she does not believe she was at the last meeting and does not believe she voted and noted she has always wanted to save money for residents and businesses.

Chief Mattern reviewed best-practices, safety precautions, and anti-theft devices for the public.

Council Member Kusumoto thanked the Mayor for the honor and privilege of presenting Colonel Grimm with a Certificate of Appreciation at his retirement ceremony. Council Member Kusumoto requested the Finance Department provide monthly expenditure reports by category for assistance with tracking the City's budget.

Council Member Poe stated Starbucks has agreed to donate 10% of drink sales to St. Isidore's Plaza on Thursday evenings when the food trucks are at US Bank. Council Member Poe also stated St. Isidore's is looking into the possibility of opening a beer garden for additional income and Ms. Diaz is working on obtaining the required insurance and licensing. Council Member Poe stated she hopes this event grows through the summer and possibly develop into a Farmer's Market. Council Member Poe reported on the contractor's outreach meeting coordinated by the City and asked Steven Mendoza, Community Development Director, to provide information that came out of the meeting. Council Member Poe advised she is attending the WestComm Meeting on Tuesday in which they will be discussing and voting on the budget.

Steven Mendoza, Community Development Director, advised that staff and the contractor in attendance discussed the possibility of having preapproved "stock" plans for apartments that have already been approved by the Planning Commission, in an effort to reduce fees for plan checking.

Mayor Stephens asked City Clerk Jimenez to provide information on the Orange County City Clerk's Meeting held in Los Alamitos.

City Clerk Jimenez provided a brief update on the recent Orange County Clerks Networking Meeting hosted in Los Alamitos.

11. ITEMS FROM THE CITY MANAGER

City Manager Stewart provided an update on the West Valley Connector Project and noted the information is available on the City's website.

12. CLOSED SESSION/RECESS

City Attorney Levin provided an update on the recent court decision in the litigation of the trash contract against the City.

Mayor Stephens recessed the City Council Meeting to go into Closed Session pursuant to the agenda.

A. 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.

Existing Litigation (G.C. 54956.9(a))
AT&T Mobility Wireless Data Services Tax Litigation, Northern District of Illinois
Case No. 1:10-CV-2278 and

Anticipated Litigation (G.C. 54956.9b(3)(C))
Receipt of Claim pursuant to Tort Claims Act from New Cingular Wireless PCS LLC threatening litigation (copy available for public inspection in City Clerk's Office). A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council.

B. Conference with Legal Counsel – Existing Litigation

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.

Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract
Case Number: Orange County Superior Court Case #00420414
Authority: Government Code Section 54956.9(a)

13. RECONVENE/ADJOURNMENT

Mayor Stephens reconvened the City Council Meeting at 10:32 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.


Kenneth Stephens, Mayor

ATTEST:


Adria M. Jimenez, CMC
City Clerk