

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CITY COUNCIL REGULAR MEETING

Monday, March 18, 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 Murphy**
4. **INVOCATION** **Council Member Edgar**

5. PRESENTATIONS

- A. **Presentation of an Award by Mothers Against Drunk Driving (MADD) Representative to Officer Samantha Mathias for DUI Officer of the Year**
- B. **Presentation by Orange County Transportation Authority (OCTA) Representatives, Dennis Mak, Project Manager, and Sarah King, Outreach Manager, Regarding OCTA Projects and Programs**
- C. **Presentation by Orange County Sanitation District (OCSD) Representatives Jim Herberg, Assistant General Manager, and Lorenzo Tyner, Director of Finance and Administrative Services, Regarding Proposed Sewer Fee Schedule**

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 March 18, 2013, in the amount of \$184,583.75, ratify the Register of Major Expenditures for February 20, 2013 to March 17, 2013 in the amount of \$1,304,915.67 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 March 19, 2013 to April 14, 2013.

Roll Call Vote

Council Member Edgar
Council Member Grose
Council Member Murphy
Mayor Pro Tem Graham-Mejia
Mayor Kusumoto

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 Special Meeting of February 4, 2013
 - 2. Approve the Minutes of the Special Meeting of February 14, 2013.
 - 3. Approve the Minutes of the Special Meeting of February 19, 2013.
 - 4. Approve the Minutes of the Regular Meeting of February 19, 2013.

- B. Warrants (Finance)**
Approve the Warrants for March 19, 2013 in the amount of \$82,643.41 and ratify the Warrants for the time period for February 20, 2013 to March 17, 2013 in the amount of \$100,137.89, 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 March 19, 2013 to April 14, 2013.

- C. Second Reading of Ordinance No. 13-01 – Amending Chapter 9.14 of the Los Alamitos Municipal Code (City Manager)**
At its Regular meeting of February 19, 2013, the City Council conducted a first reading of Ordinance No. 13-01. This ordinance will allow for an amendment to Chapter 9.14 to address various potential legal issues raised by Appellate Division of the Orange County Superior Court decision.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 13-01; and,
2. Mayor Kusumoto read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION".

- D. Resolution No. 2013-05 – Designation of City Treasurer (Finance)**
This report seeks consideration of a resolution designating Joshua A. Brooks, Finance Director, as City Treasurer.

Recommendation: Adopt Resolution No. 2013-05, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING FINANCE DIRECTOR, JOSHUA A. BROOKS, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2012-19 IN ITS ENTIRETY".

- E. Budget Appropriation - Speed Humps (Public Works)**
This report serves to clarify a mid-year budget adjustment necessary to complete the Speed Hump Project previously approved by Council.

Recommendation: The City Council approve the request and authorize a budget amendment in the amount of \$9,120 in additional funds from the Traffic Safety Fund to account 44.570.5501.1306 to complete the speed hump project.

**F. Liability Coverage & Agreement with the Los Alamitos Senior Club
(Community Services)**

The Los Alamitos Senior Club is a 501(c)3 non-profit organization incorporated in 1976 and has operated since then without liability coverage. According to the Memorandum of Liability Coverage issued to the City of Los Alamitos administered by the California Joint Powers Insurance Authority (CJPIA), any nonprofit California corporation associated under written contract approved by the Member's council, can be considered a "Protected Party" and be extended liability coverage for occurrences arising out of the functions described in the contract.

Recommendation:

1. Authorize the Interim City Manager to execute the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement; and,
2. Designate the Los Alamitos Senior Club as a Protected Party for the purpose of extending liability coverage only for occurrences arising out of the functions described in the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement.

**G. Stansbury Park Lease Renewal with Metropolitan Water District
(Community Development)**

This report provides background on the lease of park land from Metropolitan Water District (MWD) and new lease terms proposed by MWD.

Recommendation: Authorize the Interim City Manager to sign the attached lease and authorize a budget amendment in the amount of \$3,310 from the Park Development Fund to account 10.534.5201.

9. DISCUSSION ITEMS

**A. City Council Policy on Amendment of City Council Minute Format
(City Clerk)**

On August 2, 2010, the City Council adopted Resolution 2010-06 which established the policy for Action Minute format. Mayor Pro Tem Graham-Mejia asked to agendaize this item to readdress the format in which minutes are prepared.

Recommendation:

1. Fully implement action minutes as previously approved by Resolution 2010-06; or,
2. Approve implementing Summary Minutes and direct Staff to prepare a Resolution adopting such; or,
3. Approve implementing Verbatim Minutes and direct Staff to research the most cost efficient consultant to provide the transcription services.

- B. Selection of Top Proposers for City Attorney Services (Com. Dev.)**
This report provides an update on the Permanent City Attorney recruitment process.

Recommendation: Discuss or defer to Closed Session to select one or more finalist to continue in the City Attorney recruitment process.

- C. Thirty-Three Acre Katella Industrial Development in the City of Cypress (Community Development)**
This report provides an update on the proposed development of Thirty-Three acres in the City of Cypress.

Recommendation: Receive and file.

- D. Community Give-Back Program (City Manager)**
This report gives the City Council the opportunity to act on the Ad Hoc Committee's recommendation to fund the top four ranked programs from the Community Give-Back survey.

Recommendation: Action as Council deems appropriate regarding the Community Give-Back survey.

10. MAYOR AND COUNCIL INITIATED BUSINESS

- A. Designation of Voting Delegate and Alternate for the Southern California Association of Governments (SCAG) 2013 General Assembly (City Clerk)**
The Southern California Association of Governments (SCAG) General Assembly will be held May 2 – 3, 2013 at the JW Marriott Desert Springs Resort & Spa in Palm Desert, California. Each year, SCAG's member cities select a Delegate and/or Alternate to represent their City to participate at this Annual Meeting.

Recommendation:

1. Appoint a Council Member to attend and serve as the City's Voting Delegate for the Southern California Association of Governments (SCAG) General Assembly; and,
2. Appoint a Council Member to attend and serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence; or,
3. Take no action.

- B. Request by Congressman Alan Lowenthal (City Manager)**
Mayor Kusumoto has been contacted by Congressman Alan Lowenthal's office requesting that the Los Alamitos City Council meet with him and provide a prioritized list of concerns.

Recommendation: City Council provide a prioritized list of at least five items, i.e., status and use of the JFTB; School Safety Officer; economic stimulus at the local level; and green initiatives to help California at the state and local levels; and select two Council Members to meet with Congressman Lowenthal and his staff.

- C. 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.

11. ITEMS FROM THE CITY MANAGER

12. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Title: City Attorney
Authority: Government Code Section 54957

B. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager
Authority: Government Code Section 54957

C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

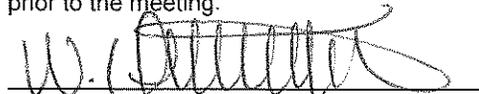
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

One potential case: City adv. Santa Ana Regional Water Quality Control Board

13. ADJOURNMENT

2013 City Council Meeting Schedule	
Meetings begin at 6:00 p.m.	
Monday, April 15	Monday, August 19
Monday, May 6 - Special	Monday, September 16
Monday, May 20	Monday, October 21
Monday, June 17	Monday, November 18
Monday, July 15	Monday, December 16

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

3/18/13

Date

CITY OF LOS ALAMITOS
Register of Major Expenditures
March 18, 2013

To Approve

Pages:			
01-03	\$ 184,583.75	Major Warrants	03/18/2013
Subtotal	<u>\$ 184,583.75</u>		

To Ratify

Pages:			
04	\$ 300,000.00	Advance Warrants	02/21/2013
05	\$ 130,276.00	Advance Warrants	02/25/2013
06	\$ 52,252.81	Advance Warrants	03/04/2013
	\$ 145,568.17	Payroll	02/15/2013
	\$ 95,234.79	Payroll Benefits	02/15/2013
	\$ 152,073.54	Payroll	03/01/2013
	\$ 159,510.36	Payroll Benefits	03/01/2013
Subtotal	<u>\$1,034,915.67</u>		

Grand Total \$1,219,499.42

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 March 19, 2013 to April 14, 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 Josh Brooks, Finance Director.


 this 12th day of March, 2013

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT		
THE BANK OF NEW YORK MELLON TRUST CO.	INTEREST PAYABLE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	71,241.27		
			TOTAL:	71,241.27		
BIG TOP RENTALS	RACE ON BASE EQUIP.RENTAL	GENERAL FUND	SPECIAL EVENTS	26,936.35		
			TOTAL:	26,936.35		
COMPUTER SERVICE CO.	COUNTDOWN PED HOUSING	GENERAL FUND	STREET MAINTENANCE	2,276.05		
			COUNTDOWN PED INSTALL	GENERAL FUND	STREET MAINTENANCE	1,040.00
			COUNTDOWN PED INSTALL	GAS TAX	CAPITAL PROJECTS	5,000.00
			COUNTDOWN PED INSTALL	MEASURE M	CAPITAL PROJECTS	5,000.00
			TOTAL:	13,316.05		
DEKRA-LITE	HOLIDAY BANNERS	GENERAL FUND	RECREATION ADMINISTRAT	12,890.49		
			TOTAL:	12,890.49		
SEQUEL CONTRACTORS, INC.	RETENTION	C.D.B.G	NON-DEPARTMENTAL	132.34-		
			OLD TOWN STREET IMPROVE	C.D.B.G	CAPITAL PROJECTS	2,646.65
			RETENTION	GAS TAX	NON-DEPARTMENTAL	1,060.23-
			OLD TOWN STREET IMPROVE	GAS TAX	CAPITAL PROJECTS	13,548.36
			OLD TOWN STREET IMPROVE	GAS TAX	CAPITAL PROJECTS	7,656.40
			RETENTION	MEASURE M	NON-DEPARTMENTAL	382.82-
			OLD TOWN STREET IMPROVE	MEASURE M	CAPITAL PROJECTS	7,656.40
			TOTAL:	29,932.42		
J.S. BANK	SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	11.99		
			SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	78.49
			SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	16.63
			SR. CLUB VOLUNTEER LUNCH	GENERAL FUND	NON-DEPARTMENTAL	20.80
			SR. CLUB NAME TAGS	GENERAL FUND	NON-DEPARTMENTAL	28.33
			SR. CLUB VOLUNTEER LUNCH	GENERAL FUND	NON-DEPARTMENTAL	30.52
			SR. CLUB VOLUNTEER LUNCH	GENERAL FUND	NON-DEPARTMENTAL	29.32
			SR. CLUB INSTALLATION	GENERAL FUND	NON-DEPARTMENTAL	76.18
			SR. CLUB PRINTER CARTRIDGE	GENERAL FUND	NON-DEPARTMENTAL	42.14
			SR. MEALS KEYBOARD	GENERAL FUND	NON-DEPARTMENTAL	237.19
			DRYCLEAN TABLECLOTH	GENERAL FUND	CITY COUNCIL	10.00
			DRYCLEAN TABLECLOTH	GENERAL FUND	CITY COUNCIL	10.00
			COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
			DRYCLEAN TABLECLOTH	GENERAL FUND	CITY COUNCIL	50.00
			COUNCIL DINNER	GENERAL FUND	CITY COUNCIL	75.43
			COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
			ACCOC ORIENTATION	GENERAL FUND	CITY COUNCIL	40.00
			LOCC CONFERENCE	GENERAL FUND	CITY COUNCIL	569.70
			COUNCIL COFFEE	GENERAL FUND	CITY COUNCIL	12.95
			COUNCIL DINNER	GENERAL FUND	CITY COUNCIL	54.75
			NNA MEMBERSHIP	GENERAL FUND	CITY MANAGER	475.00
			NNA MEMBERSHIP	GENERAL FUND	CITY MANAGER	178.00
			GOV'T ACCOUNTING GUIDE	GENERAL FUND	ADMINISTRATIVE SERVICE	78.63
			OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	407.57
			TRAINING	GENERAL FUND	POLICE ADMINISTRATION	300.57
			OFFICE SUPPLIES - P/D	GENERAL FUND	POLICE ADMINISTRATION	278.84
			PATROL SUPPLIES	GENERAL FUND	PATROL	34.06
			SWAT SUPPLIES	GENERAL FUND	PATROL	47.35
			PROP & EVID SUPPLIES	GENERAL FUND	RECORDS	14.40
			RECORDS CITATION CABINET	GENERAL FUND	RECORDS	870.17
			WINDOWS ACROBAT	GENERAL FUND	COMMUNICATIONS TECHNOL	297.56
			WINDOWS ACROBAT	GENERAL FUND	COMMUNICATIONS TECHNOL	297.56

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	WEBSITE HOSTING	GENERAL FUND	COMMUNITY OUTREACH	12.95
	WEBSITE HOSTING	GENERAL FUND	COMMUNITY OUTREACH	14.95
	DOMAIN NAME RENEWAL	GENERAL FUND	COMMUNITY OUTREACH	34.33
	COMMISSION MTG COFFEE	GENERAL FUND	PLANNING	12.95
	COMMISSION MTG DINNER	GENERAL FUND	PLANNING	431.00
	COMMISSION MTG REFRESHMENT	GENERAL FUND	PLANNING	50.54
	REPAIR ORDER FORMS	GENERAL FUND	PUBLIC WORKS ADMIN	43.56
	PLUMBING SUPPLIES	GENERAL FUND	PARK MAINTENANCE	24.08
	LATV ELECTRICAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	144.85
	LATV RESTROOM TILE	GENERAL FUND	BUILDING MAINTENANCE	70.63
	PROPANE	GENERAL FUND	BUILDING MAINTENANCE	22.95
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	90.66
	DEPT. NETWORK/ADVERTISE	GENERAL FUND	RECREATION ADMINISTRAT	1,395.00
	AMERICANA AWARDS DISPLAY	GENERAL FUND	RECREATION ADMINISTRAT	19.45
	AQUATIC CERTIFICATION	GENERAL FUND	AQUATICS	975.00
	AQUATICS SUPPLIES	GENERAL FUND	AQUATICS	35.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	15.96
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	13.97
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	25.36
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	1.00
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	29.62
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	28.10
	RACE ON BASE AD	GENERAL FUND	SPECIAL EVENTS	26.86
	RACE ON BASE SUPPLIES	GENERAL FUND	SPECIAL EVENTS	279.09
	RACE ON BASE SUPPLIES	GENERAL FUND	SPECIAL EVENTS	21.78
	RACE ON BASE SUPPLIES	GENERAL FUND	SPECIAL EVENTS	223.78
	RACE ON BASE SUPPLIES	GENERAL FUND	SPECIAL EVENTS	50.76
	RACE ON BASE SUPPLIES	GENERAL FUND	SPECIAL EVENTS	49.04
	RACE ON BASE BAGS	GENERAL FUND	SPECIAL EVENTS	500.00
	RACE ON BASE BAGS	GENERAL FUND	SPECIAL EVENTS	7.63
	RACE ON BASE POSTER FRAME	GENERAL FUND	SPECIAL EVENTS	64.38
	RACE ON BASE EXPO BOOTH	GENERAL FUND	SPECIAL EVENTS	725.00
	RACE ON BASE SOUND & STAGE	GENERAL FUND	SPECIAL EVENTS	400.00
	RACE ON BASE MEDALS	GENERAL FUND	SPECIAL EVENTS	502.50
	RACE ON BASE SIGNS	GENERAL FUND	SPECIAL EVENTS	941.76
	RACE ON BASE WEB DESIGN	GENERAL FUND	SPECIAL EVENTS	10.95
	RACE ON BASE PHONE CARDS	GENERAL FUND	SPECIAL EVENTS	52.56
	METAL FOR FENCING	BUILDING IMPROVEME	CAPITAL PROJECTS	42.98
	LEAF BLOWER	GARAGE FUND	GARAGE	398.52
	CHAIN SAWS	GARAGE FUND	GARAGE	1,379.84
	OIL	GARAGE FUND	GARAGE	374.40
	SAW BLADE FOR TILE	GARAGE FUND	GARAGE	96.13
	BACKHOE REPAIR	GARAGE FUND	GARAGE	150.00
	BATTERIES	GARAGE FUND	GARAGE	131.90
	EYEWASH STATION PARTS	GARAGE FUND	GARAGE	315.49
	EYEWASH STATION PARTS	GARAGE FUND	GARAGE	93.63
			TOTAL:	15,030.92
WILLDAN ENGINEERING	CITY ENGINEER	GENERAL FUND	CITY ENGINEER	3,800.00
	PLAN CHECKING	GENERAL FUND	CITY ENGINEER	5,305.00
	OLD TOWN WEST ENGINEERING	GAS TAX	CAPITAL PROJECTS	1,256.25
	OLD TOWN WEST	GAS TAX	CAPITAL PROJECTS	2,280.00
	OLD TOWN WEST INSPECTION	GAS TAX	CAPITAL PROJECTS	2,595.00
			TOTAL:	15,236.25

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
===== FUND TOTALS =====				
10	GENERAL FUND	64,295.92		
19	C.D.B.G	2,514.31		
20	GAS TAX	31,275.78		
25	BUILDING IMPROVEMENT	42.98		
26	MEASURE M	12,273.58		
31	LAUREL PARK DEBT SERVICE	71,241.27		
50	GARAGE FUND	2,939.91		

	GRAND TOTAL:	184,583.75		

TOTAL PAGES: 3

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
LOS ALAMITOS UNIFIED SCHOOL DISTRICT	OAK SCHOOL RENOVATIONS	GENERAL FUND	RECREATION ADMINISTRAT	300,000.00
			TOTAL:	300,000.00

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===== FUND TOTALS =====
10  GENERAL FUND                300,000.00
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      GRAND TOTAL:              300,000.00
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TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES - JAN	GENERAL FUND	BUILDING INSPECTION	10,979.64
	NPDES INSPECTIONS - JAN	GENERAL FUND	NPDES	1,800.00
	TOTAL:			12,779.64
GOLDEN STATE WATER	WATER MAIN EXT-COYOTE CRK	RIVERS/MTNS. CONSE	CAPITAL PROJECTS	74,800.00
			TOTAL:	74,800.00
INTERNATIONAL CITY RACING, INC.	MGMT FEE FOR RACE 2013	GENERAL FUND	SPECIAL EVENTS	10,000.00
			TOTAL:	10,000.00
REDFLEX TRAFFIC SYSTEMS, INC.	PHOTO ENFORCEMENT - JAN	GENERAL FUND	TRAFFIC	13,728.00
			TOTAL:	13,728.00
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	14,340.78
	SLO-PITCH FLD/LAUREL PRK	GENERAL FUND	PARK MAINTENANCE	478.21
	MCAULIFFE PARK	GENERAL FUND	PARK MAINTENANCE	47.57
	PUMP STATIONS	GENERAL FUND	BUILDING MAINTENANCE	299.05
	CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	737.44
	POLICE STATION	GENERAL FUND	BUILDING MAINTENANCE	1,497.23
	COMMUNITY CENTER	GENERAL FUND	BUILDING MAINTENANCE	1,568.08
	TOTAL:			18,968.36

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===== FUND TOTALS =====
10  GENERAL FUND                55,476.00
41  RIVERS/MTNS. CONSERVANCY    74,800.00
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GRAND TOTAL:                    130,276.00
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TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
STATE OF CALIFORNIA	ELECTRIC	GENERAL FUND	AQUATICS	7,394.46
	ESPC	GENERAL FUND	AQUATICS	135.51
	GAS	GENERAL FUND	AQUATICS	14,689.84
	WATER	GENERAL FUND	AQUATICS	3,621.00
	SEWER	GENERAL FUND	AQUATICS	3,417.00
			TOTAL:	<u>29,257.81</u>
WILL ENTERPRISES	RACE ON THE BASE T=SHIRTS	GENERAL FUND	SPECIAL EVENTS	21,891.24
	RACE ON THE BASE T-SHIRTS	GENERAL FUND	SPECIAL EVENTS	1,103.76
			TOTAL:	<u>22,995.00</u>

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===== FUND TOTALS =====
10  GENERAL FUND                52,252.81
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      GRAND TOTAL:                52,252.81
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TOTAL PAGES: 1

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS****SPECIAL MEETING – February 4, 2013****1. CALL TO ORDER**

The City Council met in Special Session at 6:02 p.m., Monday, February 4, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Angie Avery, City Manager
Corey Lakin, Recreation Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir
Windmera Quintanar, CMC, City Clerk

3. SPECIAL ORDERS OF THE DAY**A. Approval of Agreement with Steven N. Skolnik for Interim City Attorney Services (City Manager)**

Mayor Warren Kusumoto recommended Steven N. Skolnik to serve as Interim City Attorney. Approval of the agreement would formalize the appointment of Mr. Skolnik as the Interim City Attorney effective February 5, 2013.

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

City Council and Staff discussed the following topics:

- Concern regarding the selection process
- Preference to have all Council Members involved in the interview process
- Current candidate is not interested in permanent position
- Transparency was provided through the whole process and resumes and answers had been given to Council
- Concern that Council questions had not been brought up before the meeting
- Support for moving forward with the current candidate
- Ad Hoc Committee was not able to agree on the action to take and had informed Council it had completed its task

- Concern regarding a Brown Act Violation
- Clarification there was no inappropriate discussions of the process
- Concern that all Council Members were not offered the opportunity to interview all the candidates
- Support for additional meetings to involve all Council Members in the process
- Support for all Council Members being involved in the selection process for the permanent City Attorney
- Prior City Attorney was Interim and then appointed with no process
- Mr. Skolnik came highly recommended

Motion/Second: Graham-Mejia/Murphy

Carried 4/1 (Edgar cast the dissenting vote): The City Council authorized the Mayor to execute the agreement with Steven N. Skolnik for the provision of Interim City Attorney services.

Mayor Kusumoto indicated he was not well and recused himself. He turned the meeting over to Mayor Pro Tem Graham-Mejia and left the Council Chamber.

Council welcomed Mr. Skolnik. Mr. Skolnik gave a brief background on himself.

B. City Attorney Services – Development of Evaluation Plan for Scoring and Weighting of Proposals (City Manager)

This workshop allowed the City Council to develop an Evaluation Plan to score proposals received for City Attorney Services.

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

Community Development Director Mendoza passed out draft evaluation forms for Council's review.

City Council and Staff discussed the following topics:

- Criteria as listed on the draft form was in no particular order and was up to Council's discretion to move around
- Mayor Pro Tem Graham-Mejia stated cost and quality of proposal were most important to her
- Good quality proposal should be a given
- Weighting versus ranking 1 through 10 for a 100% total
- Current rating model was successfully used by the General Plan Sub Committee
- Support for establishing a recruitment process that can be reused
- Interviews can be misleading and should be scored separately
- Desire for a strong, non-political City Attorney

- Staff should weigh in on the process since they routinely interact with the City Attorney
- Comparing cost will be challenging as there are many differentials
- Importance of the firm's rate and ability to self govern

Mayor Pro Tem Graham-Mejia opened the item for public comment.

Dave Emerson, resident, spoke in favor of the workshop.

Mayor Pro Tem Graham-Mejia closed the item for public comment.

City Council and Staff discussed the following topics:

- Difficulty in comparing cost
- Cost difference between structures based on rate or how services are rendered
- Difficulty in gauging the time necessary to do a job properly and the cost associated
- Desire for transparency through the process
- Reporting authority for the City Attorney
- Understanding how a firm provides a service will be a good indicator of associated cost
- Previous work history is as important as cost
- Scoring should be used as a guide in making a decision and should not be considered the final decision

City Council provided their ranking of each criteria for the record and Community Development Director Mendoza projected the results on the screen (Attachment 1).

Mayor Pro Tem Graham-Mejia requested reference be taken from the Council as a whole and not by individual Council Members.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council approved the Evaluation Plan for scoring and weighting of City Attorney Services Proposals.

4. **ADJOURNMENT**

The City Council adjourned at 7:18 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

ATTEST:

Warren Kusumoto, Mayor

Windmera Quintanar, CMC, City Clerk

3

CITY OF LOS ALAMITOS approved by council City Attorney Services Proposal Evaluation Form Note : Scoring is 0, 5, 6, 7, 8, 9, 10		Weighting	Firm 1					Comments
			WK	GGM	TE	DG	RM	
1	Experience of firm, particularly staff assigned to supervise & administer contract	1.3	0	1	1.2	1.3	1.3	
2	Understanding of the needs and requirements of the City	1.3	0	1.3	1.2	1.2	1	
3	Proposed costs (Refer to Cost Analysis Sheet 1)	1.2	0	1	1.3	1.3	1.3	
4	Number and type of declared conflicts (High Score = Few Conflicts)	1.2	0	1.2	1.3	1.2	1	
5	Demonstrated knowledge of public agencies, particularly municipalities	1.2	0	1.2	1.2	1.2	1.2	
6	Content, quality, completeness and form of submitted proposal (Refer to Proposal Analysis Checklist - Sheet 2)	1	0	1.3	1	1	1	
7	Education and experience of personnel assigned to City	1	0	1	1	1	1	
8	Location of firm and availability of personnel assigned to City	1	0	1.2	1	1	1	

City Attorney Services Proposal Evaluation Form Criteria for Finalists (Scoring is 0, 5, 6, 7, 8, 9, 10)		Weighting	Firm 1					Comments
			WK	GGM	TE	DG	RM	
9	Interviews (To be scored at later date)	1.3	0	1.3	1.3	1.3	1.3	
10	Quality of references (only to be done on finalists)	1.2	0	1	1.2	1.2	1.2	

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

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

SPECIAL MEETING – February 14, 2013

1. CALL TO ORDER

The City Council met in Special Session at 5:13 p.m., Thursday, February 14, 2013, in the Council Chamber, 3191 Katella Avenue, Mayor Pro Tem Graham-Mejia presiding.

2. ROLL CALL

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

Absent: Council Members: None

Present: Staff: Angie Avery, City Manager
Windmera Quintanar, CMC, City Clerk

3. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Title: Interim City Manager
Authority: Government Code Section 54957

Mayor Pro Tem Graham-Mejia opened the item for public comment. There being no one present wishing to speak, Mayor Pro Tem Graham-Mejia closed the item for public comment.

RECESS

The City Council recessed into Closed Session at 5:15 p.m.

RECONVENE

The City Council reconvened in Special Session at 6:27 p.m.

Motion/Second: Murphy/Edgar

Unanimously Carried: The City Council authorized the Mayor to execute an agreement with Greg Korduner for the provision of Interim City Manager services.

4. ADJOURNMENT

The City Council adjourned at 6:28 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 5:00 p.m.**, in the City Council Chamber.

ATTEST:

Warren Kusumoto, Mayor

Windmera Quintanar, CMC, City Clerk

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

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

SPECIAL MEETING – February 19, 2013

1. CALL TO ORDER

The City Council met in Special Session at 5:02 p.m., Tuesday, February 19, 2013 in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose, Murphy, Mayor Kusumoto

Absent: Council Members: Mayor Pro Tem Graham-Mejia

Present: Staff: Angie Avery, City Manager
Steve Skolnik, Interim City Attorney
Tony Brandyberry, Public Works Superintendent
Dave Hunt, City Engineer
Corey Lakin, Community Services Director
Linda Magnuson, Interim Finance Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. SPECIAL ORDERS OF THE DAY

A. Mid-Year Budget Review for Fiscal Year 2012-13 (Finance)

This report provided the City Council with a Mid-Year budget and financial update for the Fiscal Year 2012-13. The report also made recommendations for budget amendments, both to estimated revenues, and to expenditures.

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

City Council and Staff discussed the following topics:

- Residential and Business Improvement Program
- Reserve funds earmarked for the General Plan
- \$7.8 million in reserves, potentially less due to earmarked projects
- Carry over funds for Fiscal Year 13/14
- One time Worker's Compensation refund of \$100,000
- Air Quality Management fund

- Laurel Park debt
- Rivers and Mountains Conservancy Grant Project
- Technology Replacement Schedule

Motion/Second: Edgar/Kusumoto

Unanimously Carried: The City Council:

1. Received and filed the mid-year budget report; and,
2. Approved the budget amendments to the Fiscal Year 2012-13 Operating and Capital Budget as discussed and recommended in the report.

4. ADJOURNMENT

The City Council adjourned at 5:55 p.m. The next meeting of the City Council is scheduled for **TUESDAY, February 19, 2013, at 6:00 p.m.**, in the City Council Chamber.

Warren Kusumoto, Mayor

Attest:

Windmera Quintanar, CMC, City Clerk

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – February 19, 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 Regular Session at 6:07 p.m., Tuesday, February 19, 2013 in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL

Present: Council Members: Edgar, Grose, Murphy, Mayor Kusumoto

Absent: Council Members: Mayor Pro Tem Graham-Mejia

Present: Staff: Angie Avery, City Manager
Steve Skolnik, Interim City Attorney
Corey Lakin, Community Services Director
Linda Magnuson, Interim Finance Director
Todd Mattern, Police Chief
Steven Mendoza, Community Development Director
Cassandra Palmer, Support Services Manager
Windmera Quintanar, CMC, City Clerk

3. PLEDGE OF ALLEGIANCE

Council Member Grose led the Pledge of Allegiance.

4. INVOCATION

Council Member Murphy gave the Invocation.

5. ORAL COMMUNICATIONS

Mayor Kusumoto opened the meeting for Oral Communications.

Diana Hill, resident, gave a brief update on the Sugar Beet Festival and plans for a Sugar Town Challenge.

Courtney Meredith, Relay for Life representative, spoke regarding the upcoming Relay for Life to be held on June 29-30th at McAuliffe Middle School.

Richard Vardeman, resident, expressed concern for disturbing noises coming from Trend Offset Printing and requested noise producing hours be prohibited between 10:00 p.m. and 7:00 a.m.

JM Ivler, resident, spoke regarding the newly formed Los Alamitos Business Cooperative, a 501 (c)6.

Mayor Kusumoto closed the meeting for Oral Communications.

6. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Grose/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for February 19, 2013, in the amount of \$69,665.47, ratified the Register of Major Expenditures for January 22, 2013 to February 18, 2013 in the amount of \$590,725.65, 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 February 20, 2013 to March 17, 2013.

Roll Call Vote

Council Member Edgar	Aye
Council Member Grose	Aye
Council Member Murphy	Aye
Mayor Pro Tem Graham-Mejia	Absent
Mayor Kusumoto	Aye

7. 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 Murphy pulled item 7A.

Motion/Second: Edgar/Grose

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

B. Warrants (Finance)

Approved the Warrants for February 19, 2013 in the amount of \$57,178.86 and ratified the Warrants for the time period January 23, 2013 to February 18, 2013 in the amount of \$66,230.74, 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 February 20, 2013 to March 17, 2013.

C. Approval of Agreement with Gregory D. Korduner for Interim City Manager Services (City Manager)

Mayor Warren Kusumoto recommended Gregory D. Korduner to serve as Interim City Manager. Approval of the agreement formalized the appointment of Mr. Korduner as the Interim City Manager effective February 19, 2013.

The City Council authorized the Mayor to execute the agreement with Gregory D. Korduner for the provision of Interim City Manager services.

End of Consent Calendar

Items pulled from the Consent Calendar

A. Approval of Minutes (City Clerk)

1. Approve the Minutes of the Special Meeting of January 22, 2013.
2. Approve the Minutes of the Regular Meeting of January 22, 2013.

Council Member Murphy referred to Item 8A2, page 15, line 6, and indicated it should state "closed" the item.

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

1. Approved the Minutes of the Special Meeting of January 22, 2013.
2. Approved the Minutes of the Regular Meeting of January 22, 2013, as corrected.

End of items pulled from the Consent Calendar.

City Manger Avery introduced Interim City Manager Greg Korduner at the request of Council Member Grose.

Mr. Korduner thanked the Council and stated he looked forward to working with the City.

8. DISCUSSION ITEMS

A. Consideration of Membership in the Association of California Cities – Orange County (City Manager)

The City of Los Alamitos joined the Association of California Cities – Orange County (ACC-OC) in February, 2011. Mayor Kusumoto asked to agendize this item to gain the Council's perspective on the value to the community derived from the City's membership in the organization.

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

Lacey Kelly, ACC-OC Chief Executive Officer, presented informational packets to the Council and outlined the benefits of membership with the organization.

City Council and Staff discussed the following topics:

- Growth of the organization
- Collaboration of interested parties
- Availability of unbiased research tools
- Benefit as a regional advocate
- Recent New Council Member Orientation and attendance by Council Member Grose and Murphy
- City Manger participation on City Manager Committee
- League of California Cities, Orange County division formation
- Unique organization based on “ground up” philosophy
- Support for continually reviewing the City’s memberships in various organizations

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

Motion/Second: Grose/Murphy

Carried 3/1 (Kusumoto cast the dissenting vote): The City Council discussed and took action to continue membership in the ACC-OC.

B. Appropriation of Resources to the Los Alamitos Unified School District for Renovation of Oak Middle School (City Manager)

On September 17, 2012, the City Council approved the commitment of \$300,000 to assist the Los Alamitos Unified School District with the renovation of the Oak Gymnasium and a Public Restroom Facility at Oak Middle School to benefit the community. The Council needs to formally appropriate the funds now, so that the donation can be made and the check sent to the School District.

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

City Council and Staff discussed the following topics:

- History of the Youth Center and Gymnasium
- City owns the Youth Center and the School District owns the gym with an agreement with the City for use of the gym in perpetuity
- Concern for giving the money up front before construction even begins
- School Districts need to have the funding up front before the project can be approved by the State
- Construction estimated to begin in a number of months

- Provisions in the agreement regarding construction start dates and refunds
- School District has historically finished under budget on its projects
- Opposition to the City funding overhead and concern for overall cost of the project
- Consideration of approving the agreement with direction to Staff to return with a more detailed cost structure
- Measure K funding has specific requirements of how funding can be used
- \$300,000 is only 1/3 of the athletic related cost for the project and does not include classroom modernization
- Possibility of requesting updates from the School District once the project is underway
- Maintenance and fees discussion would be taking place in the near future
- Maintenance of McAullife restrooms to be discussed during the budget process

Mayor Kusumoto opened the item for public comment.

Pete Carvajal, resident, requested the Commissions be involved in future discussions and spoke in favor of the project.

Mayor Kusumoto closed the item for public comment.

Council stated support for involving the Commissions in the future.

Motion/Second: Edgar/Murphy

Unanimously Carried: The City Council:

1. Formally appropriated an amount not to exceed \$300,000 or one-third of the cost of renovation, whichever cost is lower, for the renovation of the Oak Gymnasium and a new Public Restroom Facility at Oak Middle School; and,
2. Authorized the City Manager to enter into a funding agreement with the Los Alamitos Unified School District in a form acceptable to the City Attorney; and,
3. Directed Staff to keep the Council apprised on construction costs and cost structure.

**C. Continuance of the Business and Residential Improvement Program
(Community Development)**

This report provided a one year recap of the Business and Residential Improvement Program and a recommendation to continue the Program until June 30, 2013.

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

City Council and Staff discussed the following topics:

- Reserved funds for pulled permits currently have till the end of the fiscal year to complete their permit
- Support for extending the program until June 30, 2013 with a specific date for project completion
- Opportunity to carry over remaining funds in the budget process
- Length of construction causes a delay in reimbursement request
- Roughly 80% of reserved funds are for business
- Concern the funds were not being reserved because lack of suppliers and/or available funding for projects

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

Motion/Second: Edgar/Grose

Unanimously Carried: The City Council continued the program through June 30, 2013, or until current funds are reserved (whichever comes first), with reimbursements due by December 31, 2013.

**D. Creation of Ad Hoc Subcommittee to Review City Attorney Proposals
(City Manager)**

This report established an Ad Hoc Subcommittee for review of City Attorney Request for Proposals if more than 10 proposals were received.

Community Development Director Mendoza recommended no action be taken as only seven proposals were received.

**E. Commitment of Resources to Hire a Police Officer to Serve as a
School Resource Officer (City Manager)**

This report gave the City Council the opportunity to make a commitment of funds to hire a Police Officer to serve as School Resource Officer (SRO).

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

City Council and Staff discussed the following topics:

- History of the SRO position and suspension of project due to budget constraints
- Possibility of receiving funding from the County of Orange
- Security polices throughout the School District
- Director of Safety position being added by the School District to implement an overall safety plan and central coordination for the District
- Police Department is dispatched to the High School fairly frequently and having a dedicated Officer would allow more Officers to remain on patrol
- Request for an update on the milestones of the SRO project in the past
- Long-term cost of funding a SRO and the need for long-term funding commitments from all partners and stakeholders
- Mayor Kusumoto working with Supervisor Moorlach's office to discuss potential funding
- Importance of protecting the students year-round
- Concern the Police Department would not be able to absorb the additional costs with ongoing day-to-day pressures of the Department

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:

- Support for making a commitment for an SRO
- \$95,000 includes salary, benefits, training, uniform, equipment, and a vehicle on an annual basis
- Need to start recruitment immediately in order to have an Officer recruited, hired, and fully trained by September
- Concern for not having a funding source for the position
- Position would need funding for at least three years for it to be a beneficial endeavor
- Support for moving forward with direction to Staff to return with a funding source and the School District's plan for the future of the position

- SRO would not be restricted to the High School and patrol all sites if needed
- Beneficial opportunity to partner with School District and Seal Beach City Council
- City's 50% portion of funding was to ensure the City maintained responsibility for the position
- Should the County allocate funding, it may reduce the City's 50%
- Possibility of using Community Give-Back funding and opposition for a project that had associated ongoing cost
- Negotiate with Seal Beach and the School District to commit to the funding for at least 3 years

Motion/Second: Kusumoto/Murphy

Unanimously Carried: The City Council:

1. Formally commit to fund approximately one-half of the salary, benefits, training and equipment needs for a new Police Officer to work as a School Resource Officer for a minimum of 3 years from the reserve funds; and,
2. Requested the Police Chief investigate ways to absorb 50% of the City's portion in the existing budget; and,
3. Directed Staff to obtain a definite response from the County Supervisor regarding funding

9. MAYOR AND COUNCIL INITIATED BUSINESS

A. Council Announcements

Council Member Murphy spoke regarding the following topics: attendance at Courage to Remember and the ACC-OC New Council Member Orientation; requested the meeting be closed in prayer for Mayor Pro Tem Mejia and her health; and, thanked City Manager Avery for her service.

Council Member Grose spoke regarding the following topics: posting future events attend on his website; attendance at the Senior Club Lunch; Swearing in of Congressmen Alan Lowenthal; Cypress Community Forum; Groundbreaking for Sausalito Walk; School District/City Working Group meeting; ACC-OC New Council Member Orientation; 79th Sustainment Change of Command Ceremony; Southern California Edison briefing on San Onofre Nuclear generating station; Chamber Ribbon Cutting for Katella Senior Center; met with a developer and Council Member Murphy regarding development of the SuperMedia site; and, requested an update on the impacts of the Telephone User Tax.

Council Member Edgar spoke regarding the following topics: closing the meeting in honor of Twila Sutherlin; attendance at the Orange County Sanitation District Board meeting; thanked City Manager Avery for her service; welcomed Interim City Manager Greg Korduner; attendance at Swearing in of Congressmen Alan Lowenthal; attendance at Groundbreaking for Sausalito Walk; and, meeting with a developer regarding development of the SuperMedia site.

Mayor Kusumoto spoke regarding the following topics: attendance at the Senior Club Lunch, 79th Sustainment Change of Command Ceremony, and Swearing in of Congressmen Alan Lowenthal; requested an update for Race on the Base; thanked City Manager Avery for her service; and, introduced Interim City Attorney, Steve Skolnik.

Community Services Director Lakin provided an updated for Race on the Base to be held on Saturday, February 23rd at the Joint Forces Training Base.

10. ITEMS FROM THE CITY MANAGER

City Manager Avery thanked the Council, Staff, and community for her career with the City and stated she appreciated the opportunity.

11. 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)

RECESS

The City Council recessed into Closed Session at 8:46 p.m.

RECONVENE

The City Council reconvened in Regular Session at 9:53 p.m.

Mayor Kusumoto indicated there was no reportable action.

12. ORDINANCES

A. Consideration of Adoption of Ordinance No. 13-01 Amending Chapter 9.14 of the Los Alamitos Municipal Code (City Attorney)

Currently, the Los Alamitos Municipal Code prohibits registered sex offenders from entering City parks without written permission from the Police Department. The ordinance adding these provisions to the Municipal Code was modeled on a County ordinance which was declared invalid by the Appellate Division of the Orange County Superior Court. The City has not enforced these provisions since the County ordinance was declared invalid. Therefore, Staff recommended amending this chapter to address various potential legal issues raised by the Court's decision.

Motion/Second: Edgar/Grose

Unanimously Carried: The City Council:

1. Discussed and considered an ordinance amending the Municipal Code to narrow application of the prohibition on sex offenders in City parks and providing for signage informing the public of such restrictions; and,
2. Introduced by title only and waive further reading of Ordinance No. 13-01, and set for second reading; and,
3. Read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION".

13. ADJOURNMENT

The City Council adjourned at 9:55 p.m. in support of Mayor Pro Tem Graham-Mejia's quick recovery and memory of Twila Sutherlin. The next meeting of the City Council is scheduled for **Monday, March 18, 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
March 18, 2013

To Approve

Pages:			
01-06	\$ 82,643.41	A/P Warrants	03/18/2013
Subtotal	<u>\$ 82,643.41</u>		

To Ratify

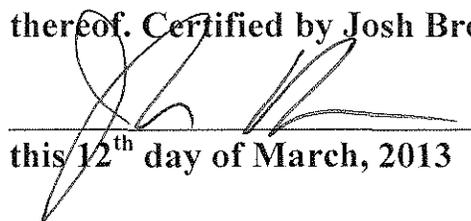
Pages:			
07-11	\$ 58,949.39	Advance Warrants	02/25/2013
12-15	\$ 39,603.01	Advance Warrants	03/04/2013
	\$ 1,585.49	March Retirees	03/01/2013
Subtotal	<u>\$ 100,137.89</u>		

Grand Total \$ 182,781.30

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 March 19, 2013 to April 14, 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 Josh Brooks, Finance Director.


 this 12th day of March, 2013

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
24/7 EVENT SERVICES, INC.	RACE ON BASE GUARDS	GENERAL FUND	SPECIAL EVENTS	833.75
	RACE ON BASE PARKING SVCS	GENERAL FUND	SPECIAL EVENTS	1,220.00
			TOTAL:	<u>2,053.75</u>
ADAMSON POLICE PRODUCTS	EQUIPMENT	GENERAL FUND	PATROL	159.84
			TOTAL:	<u>159.84</u>
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	465.00
			TOTAL:	<u>715.00</u>
SYNGO, LLC	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	336.00
			TOTAL:	<u>336.00</u>
AT & T MOBILITY	BILL CYCLE 01/24-02/23	GENERAL FUND	PATROL	409.06
			TOTAL:	<u>409.06</u>
BARBARA BANNERMAN	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	994.24
			SPECIAL CLASSES	479.05
			TOTAL:	<u>1,473.29</u>
BEE REMOVERS	BEE REMOVAL	GENERAL FUND	BUILDING MAINTENANCE	135.00
			TOTAL:	<u>135.00</u>
BRENDAN SCREENPRINTING & EMBROIDERY	RACE ON BASE SILKSCREENING	GENERAL FUND	SPECIAL EVENTS	1,000.00
			TOTAL:	<u>1,000.00</u>
BUSINESS PRODUCTS DISTRIBUTORS	COPY PAPER	GENERAL FUND	CITY MANAGER	9.14
	COPY PAPER	GENERAL FUND	ADMINISTRATIVE SERVICE	9.14
	COPY PAPER	GENERAL FUND	POLICE ADMINISTRATION	9.13
	COPY PAPER	GENERAL FUND	COMMUNITY DEVEL ADMIN	9.13
	OFFICE SUPPLIES - COM DEV	GENERAL FUND	COMMUNITY DEVEL ADMIN	20.05
	OFFICE SUPPLIES - COM DEV	GENERAL FUND	NEIGHBORHOOD PRESERVAT	71.95
	COPY PAPER	GENERAL FUND	PUBLIC WORKS ADMIN	9.13
	COPY PAPER	GENERAL FUND	RECREATION ADMINISTRAT	9.13
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	63.95
	OFFICE SUPPLIES - REC	GENERAL FUND	RECREATION ADMINISTRAT	42.72
			TOTAL:	<u>253.47</u>
	BYRNE & NIXON LLP	LEGAL SERVICES	GENERAL FUND	CITY ATTORNEY
TOTAL:				<u>1,354.03</u>
CALIFORNIA BUILDING STANDARDS	GREEN FEES - 4Q12	GENERAL FUND	NON-DEPARTMENTAL	58.50
			TOTAL:	<u>58.50</u>
CALIFORNIA FORENSIC PHLEBOTOMY, INC.	BLOOD TESTS	GENERAL FUND	PATROL	229.70
			TOTAL:	<u>229.70</u>
CAMERON WELDING	COMPRESSED OXYGEN	GARAGE FUND	GARAGE	35.61
			TOTAL:	<u>35.61</u>
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	802.32
			TOTAL:	<u>802.32</u>
CARTRIDGE WORLD OF LOS ALAMITOS	TONER CARTRIDGE	GENERAL FUND	CITY MANAGER	60.05
			TOTAL:	<u>60.05</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CHARLES ABBOTT ASSOCIATES, INC.	WQMP SERVICES - JAN	GENERAL FUND	NON-DEPARTMENTAL	414.00
			TOTAL:	414.00
BOB COHEN	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	105.00
			TOTAL:	105.00
COLANTUONO & LEVIN, PC	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	2,607.50
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	1,044.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	25.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	41.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	460.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	2,236.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	414.00
	GENERAL COUNSEL SVCS - JAN	GENERAL FUND	CITY ATTORNEY	363.95
			TOTAL:	7,191.45
CPRS DISTRICT 10 - CITY OF LOS AL	TRAINING	GENERAL FUND	RECREATION ADMINISTRAT	80.00
			TOTAL:	80.00
DEPARTMENT OF CONSERVATION	SMIP FEES - 4Q12	GENERAL FUND	NON-DEPARTMENTAL	193.50
			TOTAL:	193.50
DOG DEALERS, INC.	INSTRUCTOR - DOG OBEDIENCE	GENERAL FUND	SPECIAL CLASSES	226.80
			TOTAL:	226.80
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	2,187.00
			TOTAL:	2,187.00
DUKE'S DETAIL SERVICE	CAR WASH - P/W	GARAGE FUND	GARAGE	40.00
	CAR WASH - P/D	GARAGE FUND	GARAGE	185.00
			TOTAL:	225.00
ECOLOGICAL FERTIGATION, INC.	FERTIGATION SYSTEM-LRL PRK	GENERAL FUND	PARK MAINTENANCE	324.28
			TOTAL:	324.28
FRANCHISE TAX BOARD	TAX FILING FEE	LAUREL PARK DEBT S	NON-DEPARTMENTAL	10.00
			TOTAL:	10.00
FUSCOE ENGINEERING	POSTAGE/SHIPPING/DELIVERY	GENERAL FUND	NPDES	7.12
	POSTAGE/SHIPPING/DELIVERY	GENERAL FUND	NPDES	7.14
	PROFESSIONAL PERSONNEL	GENERAL FUND	NPDES	4,216.00
			TOTAL:	4,230.26
GALLS / LONG BEACH UNIFORM	UNIFORMS & EQUIPMENT	GENERAL FUND	PATROL	1,139.27
			TOTAL:	1,139.27
GANAHL LUMBER COMPANY	STAPLES	GENERAL FUND	STREET MAINTENANCE	3.55
	SOCCER SUPPLIES	GENERAL FUND	SPORTS	32.37
	RACE ON BASE STAKES	GENERAL FUND	SPECIAL EVENTS	55.72
	RACE ON BASE PLASTIC WRAP	GENERAL FUND	SPECIAL EVENTS	184.62
	CONCRETE REPAIR SUPPLIES	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	44.63
	TOOLS	GARAGE FUND	GARAGE	10.79
			TOTAL:	331.68
GLENN E. THOMAS CO.	P/D CHARGER PARTS	GARAGE FUND	GARAGE	346.99
			TOTAL:	346.99

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GLOBALSTAR USA	SATELLITE PHONE - FEB	GENERAL FUND	EMERGENCY PREPAREDNESS	42.39
			TOTAL:	42.39
GOLDEN STATE WATER COMPANY	BILL CYCLE 12/12-02/12	GENERAL FUND	STREET MAINTENANCE	1,079.48
	BILL CYCLE 12/12-02/12	GENERAL FUND	PARK MAINTENANCE	108.01
			TOTAL:	1,187.49
HARRY'S PLUMBING AND DRAINS, INC.	TOILET REPAIRS	GENERAL FUND	BUILDING MAINTENANCE	122.00
			TOTAL:	122.00
HI-WAY SAFETY, INC.	RACE ON THE BASE	GENERAL FUND	SPECIAL EVENTS	2,433.50
	SIGN POLE ANCHORS	GENERAL FUND	STREET MAINTENANCE	20.33
	RACE ON BASE POLE RENTAL	GENERAL FUND	SPECIAL EVENTS	1,259.37
			TOTAL:	3,713.20
JACOBSEN WEST	MOWER PARTS	GARAGE FUND	GARAGE	146.62
			TOTAL:	146.62
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - ADMIN SVCS	GENERAL FUND	ADMINISTRATIVE SERVICE	745.08
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	504.38
			TOTAL:	1,249.46
KUSTOM IMPRINTS	MASTERS SWIM BANNERS	GENERAL FUND	AQUATICS	177.00
			TOTAL:	177.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	492.83
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
			TOTAL:	561.08
ALYSON LUMAN	RACE ON BASE FILMING/VIDEO	GENERAL FUND	SPECIAL EVENTS	300.00
			TOTAL:	300.00
MIKE PLANT & ASSOCIATES, INC.	RACE 2013 SIGNAGE	GENERAL FUND	SPECIAL EVENTS	2,062.65
			TOTAL:	2,062.65
MISC. VENDOR	REFUND - MISDIRECTED CHECK	GENERAL FUND	NON-DEPARTMENTAL	41.96
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	124.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	64.00
	REFUND - ADULT ED CLASS	GENERAL FUND	NON-DEPARTMENTAL	81.00
	REFUND - ADULT ED CLASS	GENERAL FUND	NON-DEPARTMENTAL	81.00
	REFUND - TODDLER CLASS	GENERAL FUND	NON-DEPARTMENTAL	62.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	20.00
	REFUND - DANCE CLASS	GENERAL FUND	NON-DEPARTMENTAL	4.00
	REFUND - TAI CHI	GENERAL FUND	NON-DEPARTMENTAL	42.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	250.00
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	45.00
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	91.99
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	91.99
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	94.12
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	70.82
			TOTAL:	1,227.88
MUSCO LIGHTING, LLC	LIGHTING - OAK FIELD	GENERAL FUND	SPORTS	400.00
	LIGHTING - MCAULIFFE FIELD	GENERAL FUND	SPORTS	400.00
			TOTAL:	800.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
NEWS ENTERPRISE	PUBLIC HEARING AD	GENERAL FUND	COMMUNITY DEVEL ADMIN	106.87
			TOTAL:	106.87
NEXTEL COMMUNICATIONS	TRAFFIC CALMING SIGN	GENERAL FUND	TRAFFIC	17.24
			TOTAL:	17.24
NORM'S AUTO COLLISION CENTER, INC.	P/D CHARGER REPAIR	GARAGE FUND	GARAGE	2,304.26
			TOTAL:	2,304.26
ORANGE COUNTY TAX COLLECTOR	SEWER FEES - MUSEUM	GENERAL FUND	ADMINISTRATIVE SERVICE	147.00
	SEWER FEES - COMM CENTER	GENERAL FUND	ADMINISTRATIVE SERVICE	1,911.28
	SEWER FEES - PD/CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	1,567.02
			TOTAL:	3,625.30
RONALD JAMES KURLLE	RACE ON BASE FLYERS/AD	GENERAL FUND	SPECIAL EVENTS	1,073.00
			TOTAL:	1,073.00
PACIFIC TELEMAGEMENT SERVICES	POLICE PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
			TOTAL:	82.64
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	643.59
			TOTAL:	643.59
REDFLEX TRAFFIC SYSTEMS, INC.	INTERSECTION COMM - KAT/BF	GENERAL FUND	TRAFFIC	65.00
			TOTAL:	65.00
RETAIL ACQUISITION & DEVELOPMENT, INC.	BATTERIES	GENERAL FUND	PATROL	294.34
			TOTAL:	294.34
RICOH AMERICAS CORPORATION	COPIER LEASE - FEB	GENERAL FUND	RECREATION ADMINISTRAT	561.60
			TOTAL:	561.60
THE RINKS WESTMINSTER ICE	INSTRUCTOR - ICE SKATING	GENERAL FUND	SPECIAL CLASSES	46.20
			TOTAL:	46.20
ROBERTSON'S	CONCRETE	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	1,040.91
			TOTAL:	1,040.91
SCIENTIA CONSULTING GROUP	IT SERVICES - MAR	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	5,700.00
			TOTAL:	5,700.00
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	CITY MANAGER	21.06
	BUSINESS CARDS	GENERAL FUND	CITY MANAGER	21.06
			TOTAL:	42.12
STEVEN N. SKOLNIK	GENERAL COUNSEL SVCS - FEB	GENERAL FUND	CITY ATTORNEY	7,357.50
			TOTAL:	7,357.50
SOUTH COAST SUPPLY & GARDEN DAZE	SOIL - CONCRETE REPAIRS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	28.22
	CONCRETE TOOLS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	83.07
			TOTAL:	111.29
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGS/ST LIGHTS	GENERAL FUND	STREET MAINTENANCE	53.89
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	178.29
			TOTAL:	232.18

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SOUTHERN CALIFORNIA GAS	3614 FENELY	GENERAL FUND	STREET MAINTENANCE	16.60
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	380.86
			TOTAL:	397.46
SPARKLETT'S DRINKING WATER	WATER SERVICE	GENERAL FUND	BUILDING MAINTENANCE	121.18
			TOTAL:	121.18
SPRINT	LONG DISTANCE SERVICE	GENERAL FUND	CITY MANAGER	40.31
	LONG DISTANCE SERVICE	GENERAL FUND	ADMINISTRATIVE SERVICE	40.31
	LONG DISTANCE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	40.31
	LONG DISTANCE SERVICE	GENERAL FUND	COMMUNITY DEVEL ADMIN	40.31
	LONG DISTANCE SERVICE	GENERAL FUND	PUBLIC WORKS ADMIN	40.31
	LONG DISTANCE SERVICE	GENERAL FUND	RECREATION ADMINISTRAT	40.31
			TOTAL:	241.86
TIME WARNER CABLE	ADMIN CABLE SERVICE	GENERAL FUND	CITY MANAGER	164.96
	P/D CABLE SERVICE	GENERAL FUND	COMMUNICATIONS TECHNOL	47.89
	COMPUTER CTR INTERNET	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	282.80
TOTAL COMPENSATION SYSTEMS, INC	TCS UPDATE GASB45/OPEB	GENERAL FUND	ADMINISTRATIVE SERVICE	3,600.00
			TOTAL:	3,600.00
TOTALFUNDS BY HASLER	POSTAGE	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
			TOTAL:	500.00
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT NOTIFICATION	GENERAL FUND	STREET MAINTENANCE	48.00
			TOTAL:	48.00
VERIZON CALIFORNIA, INC.	CITY HALL PHONE/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	996.65
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	80.11
			TOTAL:	1,076.76
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	8,253.64
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	365.16-
	CNG FUEL	GARAGE FUND	GARAGE	222.15
			TOTAL:	8,110.63
WEBER PRINTING COMPANY, INC.	PRINTING OF BROCHURE	GENERAL FUND	RECREATION ADMINISTRAT	3,680.00
			TOTAL:	3,680.00
WEIL TROPHIES	JR. PEE WEE OLYMPIC MEDALS	GENERAL FUND	SPORTS	34.56
			TOTAL:	34.56
WEST COAST ARBORISTS, INC.	FY 12/13 STREET TREES	GAS TAX	CAPITAL PROJECTS	3,374.00
			TOTAL:	3,374.00
POLLY WOMACK	INSTRUCTOR - NEEDLECRAFTS	GENERAL FUND	SPECIAL CLASSES	201.50
			TOTAL:	201.50

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
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===== FUND TOTALS =====

10	GENERAL FUND	61,182.68		
20	GAS TAX	3,374.00		
31	LAUREL PARK DEBT SERVICE	10.00		
44	TRAFFIC IMPROVEMENT	1,196.83		
50	GARAGE FUND	11,179.90		
53	TECHNOLOGY REPLACEMENT	5,700.00		

 GRAND TOTAL: 82,643.41

TOTAL PAGES: 6

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
A.R. ZEFF'S	BACKFLOW VALVE TESTS	GENERAL FUND	PARK MAINTENANCE	1,577.25
			TOTAL:	1,577.25
AMERN RENTALS	ROLLER RENTAL	GENERAL FUND	SPECIAL EVENTS	131.48
			TOTAL:	131.48
ALL AMERICAN ASPHALT	ASPHALT - RACE REPAIRS	GENERAL FUND	SPECIAL EVENTS	361.61
			TOTAL:	361.61
ALL CITIES ELECTRIC	LIGHTS - LAUREL PARK	GENERAL FUND	SPORTS	245.00
			TOTAL:	245.00
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL - COM CTR	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL - PARKS	GENERAL FUND	PARK MAINTENANCE	465.00
			TOTAL:	715.00
BARCO PRODUCTS CO.	SPEED HUMP SUPPLIES	GENERAL FUND	STREET MAINTENANCE	1,360.80
			TOTAL:	1,360.80
BENESYST	FLEX ADMIN SERVICES - MAR	GENERAL FUND	ADMINISTRATIVE SERVICE	188.40
			TOTAL:	188.40
BOY BOORMAN	INSTRUCTOR - PHOTOGRAPHY	GENERAL FUND	SPECIAL CLASSES	56.40
			TOTAL:	56.40
BOBIND K. BOYES	INSTRUCTOR - YOGA	GENERAL FUND	SPECIAL CLASSES	50.70
			TOTAL:	50.70
ANNETTE BROMEN	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	70.20
			TOTAL:	70.20
BSN SPORTS, INC.	SOCCER SUPPLIES	GENERAL FUND	SPORTS	382.53
			TOTAL:	382.53
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES - P/W	GENERAL FUND	PUBLIC WORKS ADMIN	76.99
	OFFICE SUPPLIES - P/W	GENERAL FUND	PUBLIC WORKS ADMIN	36.45
			TOTAL:	113.44
CALIFORNIA PARK & REC SOCIETY	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	150.00
			TOTAL:	150.00
CAMERON WELDING	WELDING SUPPLIES	GARAGE FUND	GARAGE	106.15
			TOTAL:	106.15
CARSON SUPPLY CO., INC.	IRRIGATION SUPPLIES	GENERAL FUND	PARK MAINTENANCE	1,418.33
			TOTAL:	1,418.33
CITY OF SEAL BEACH	JANUARY BOOKINGS	GENERAL FUND	PATROL	595.00
			TOTAL:	595.00
COP WARE, INC.	LEGAL SOURCE BOOK	GENERAL FUND	POLICE ADMINISTRATION	400.00
			TOTAL:	400.00
DECKSIDE POOL SERVICE	POOL MAINTENANCE	GENERAL FUND	AQUATICS	1,290.00
	CHLORINATION SYSTEM REPAIR	GENERAL FUND	AQUATICS	796.20
	POOL REPAIRS	GENERAL FUND	AQUATICS	105.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	2,191.20
FEDEX	SHIPPING	GENERAL FUND	CITY COUNCIL	26.95
	SHIPPING	GENERAL FUND	PATROL	6.86
	SHIPPING	GENERAL FUND	PATROL	6.25
			TOTAL:	40.06
TALESE A. FERNBACH	INSTRUCTOR - ADULT ED	GENERAL FUND	SPECIAL CLASSES	88.40
			TOTAL:	88.40
CARRI FOX	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	16.80
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	14.70
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	10.50
			TOTAL:	42.00
GALLS / LONG BEACH UNIFORM	UNIFORMS	GENERAL FUND	PATROL	315.09
	UNIFORMS	GENERAL FUND	TRAFFIC	371.68
			TOTAL:	686.77
GANAHL LUMBER COMPANY	SILICONE	GENERAL FUND	BUILDING MAINTENANCE	11.86
			TOTAL:	11.86
GLENN E. THOMAS CO.	POLICE UNIT REPAIRS 48-2	GARAGE FUND	GARAGE	1,167.59
			TOTAL:	1,167.59
GOLDEN STATE WATER COMPANY	BILL CYCLE 12/06-02/04	GENERAL FUND	STREET MAINTENANCE	4,462.34
	BILL CYCLE 12/06-02/04	GENERAL FUND	PARK MAINTENANCE	1,919.45
	BILL CYCLE 12/06-02/04	GENERAL FUND	BUILDING MAINTENANCE	416.00
			TOTAL:	6,797.79
HARTZOG & CRABILL, INC.	STOP SIGN STUDY	GENERAL FUND	CITY ENGINEER	7,500.00
			TOTAL:	7,500.00
HEART TO HEART CPR	INSTRUCTOR - BABYSITTING	GENERAL FUND	SPECIAL CLASSES	270.00
			TOTAL:	270.00
HI-WAY SAFETY, INC.	WARNING SIGNS	GENERAL FUND	STREET MAINTENANCE	53.46
	SPEED HUMP SIGNS	GENERAL FUND	STREET MAINTENANCE	627.65
	NO PARKING LATV SIGN	GENERAL FUND	STREET MAINTENANCE	23.48
	BARRICADES	GENERAL FUND	STREET MAINTENANCE	416.45
	BARRICADES & SIGNS	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	1,245.02
			TOTAL:	2,366.06
HYDRO-SCAPE PRODUCTS, INC.	WEED KILLER - MCAULIFFE	GENERAL FUND	PARK MAINTENANCE	140.41
			TOTAL:	140.41
K&S AIR CONDITIONING, INC.	HEATER REPAIR - CITY HALL	GENERAL FUND	BUILDING MAINTENANCE	411.83
			TOTAL:	411.83
KUSTOM IMPRINTS	RACE ON THE BASE BANNERS	GENERAL FUND	SPECIAL EVENTS	325.62
			TOTAL:	325.62
THOMAS LASSER	RACE ON THE BASE EMCEE	GENERAL FUND	SPECIAL EVENTS	300.00
			TOTAL:	300.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	107.25

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	107.25
LONG BEACH SOCCER REFEREE ASSOCIATION	ADULT SOCCER REFEREE	GENERAL FUND	SPORTS	480.00
			TOTAL:	480.00
LOS ALAMITOS AUTO PARTS	OIL & FILTERS	GARAGE FUND	GARAGE	88.27
	FILTERS	GARAGE FUND	GARAGE	73.68
			TOTAL:	161.95
LOS ALTOS TROPHY	NAME BADGE	GENERAL FUND	CITY COUNCIL	8.53
	MAGNET BACKS	GENERAL FUND	CITY COUNCIL	7.18
	NAME BADGE	GENERAL FUND	CITY MANAGER	8.53
			TOTAL:	24.24
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SERVICES	GENERAL FUND	SPORTS	54.00
			TOTAL:	54.00
MEMORIAL OCCUPATIONAL MEDICAL SERVICES	PRE-EMPLOYMENT PHYSICALS	GENERAL FUND	ADMINISTRATIVE SERVICE	240.00
			TOTAL:	240.00
MISC. VENDOR	REFUND - ETIQUETTE CLASS	GENERAL FUND	NON-DEPARTMENTAL	42.00
	REFUND - ETIQUETTE CLASS	GENERAL FUND	NON-DEPARTMENTAL	42.00
	REFUND - RACE ON BASE	GENERAL FUND	NON-DEPARTMENTAL	80.00
	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	3,000.00
	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	619.83
			TOTAL:	3,783.83
MARISCILLA MONSERRATE-SANDERS	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	450.45
			TOTAL:	450.45
MICK MOORE	COMPUTER LOAN	GENERAL FUND	NON-DEPARTMENTAL	1,374.61
			TOTAL:	1,374.61
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
	RODENT & GOPHER CONTROL	RIVERS/MTNS. CONSE	CAPITAL PROJECTS	795.00
			TOTAL:	1,090.00
NEWS ENTERPRISE	PUBLISH NOTICE	GENERAL FUND	CITY COUNCIL	85.56
	PUBLISH NOTICE	GENERAL FUND	CITY COUNCIL	78.37
			TOTAL:	163.93
DIANA C. PEREZ	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	292.50
	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	162.50
			TOTAL:	455.00
MABRIELA PEREZ UGALDE	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	163.80
			TOTAL:	163.80
PERSONNEL CONCEPTS	OSHA COMPLIANCE POSTERS	GENERAL FUND	ADMINISTRATIVE SERVICE	793.32
			TOTAL:	793.32
THE PLANNING CENTER	COORD MEETINGS - GP EIR	GENERAL FUND	PLANNING	1,705.00
	PROJECT WEBSITE - GP EIR	GENERAL FUND	PLANNING	77.50
	DRAFT GENERAL PLAN	GENERAL FUND	PLANNING	350.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	2,132.50
POWER DISTRIBUTORS, INC.	JFTB POOL LIGHT SERVICE	GENERAL FUND	AQUATICS	217.50
	LAUREL PARK LIGHT SERVICE	GENERAL FUND	SPORTS	304.76
			TOTAL:	522.26
QUALITY CODE PUBLISHING, LLC	MUNI CODE SUPPLEMENT	GENERAL FUND	CITY MANAGER	1,617.82
			TOTAL:	1,617.82
REFRIGERATION UNLIMITED, INC	ICE MACHINE SERVICE/REPAIR	GENERAL FUND	BUILDING MAINTENANCE	533.80
			TOTAL:	533.80
REINA RIVERA	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	614.25
			TOTAL:	614.25
ROSS CREATIONS	SOUND & STAGE-RACE ON BASE	GENERAL FUND	SPECIAL EVENTS	400.00
			TOTAL:	400.00
SUSAN SAXE-CLIFFORD, PH.D.	PRE-EMPLOYMENT EXAM	GENERAL FUND	ADMINISTRATIVE SERVICE	375.00
			TOTAL:	375.00
SCPPOA	MEETING	GENERAL FUND	AQUATICS	12.00
			TOTAL:	12.00
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	CITY MANAGER	21.06
			TOTAL:	21.06
STATE OF CALIFORNIA DEPARTMENT	FINGERPRINT NEW EMPLOYEE	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
	FINGERPRINT NEW EMPLOYEE	GENERAL FUND	ADMINISTRATIVE SERVICE	32.00
			TOTAL:	64.00
SUNNY SLOPE TREES	TREE	GENERAL FUND	PARK MAINTENANCE	97.20
			TOTAL:	97.20
TARGET SPECIALTY PRODUCTS	FERTILIZER - MCAULIFFE	GENERAL FUND	PARK MAINTENANCE	1,040.51
			TOTAL:	1,040.51
TIFCO INDUSTRIES, INC.	WELDING BLANKET	GARAGE FUND	GARAGE	103.91
			TOTAL:	103.91
U.S. HEALTHWORKS MEDICAL GROUP	PRE-EMPLOYMENT PHYSICAL	GENERAL FUND	ADMINISTRATIVE SERVICE	592.00
			TOTAL:	592.00
UNDERGROUND SERVICE ALERT OF SO CAL	SERVICE ALERT NOTIFICATION	GENERAL FUND	STREET MAINTENANCE	33.00
			TOTAL:	33.00
UNITED STATES POSTMASTER	BROCHURE POSTAGE	GENERAL FUND	RECREATION ADMINISTRAT	70.00
			TOTAL:	70.00
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	54.09
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	85.26
	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	120.59
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	882.16
	CITY HALL PHONE/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	989.84
	POLICE ALARMS	GENERAL FUND	COMMUNICATIONS TECHNOL	124.34
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	48.34

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	87.43
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	46.29
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	46.29
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	46.29
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	46.62
			TOTAL:	2,577.54
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	6,237.75
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	303.38
	CNG FUEL	GARAGE FUND	GARAGE	173.47
			TOTAL:	6,107.84
WEIDENHOEFER DESIGN STUDIO	ACTIVITIES GUIDE	GENERAL FUND	RECREATION ADMINISTRAT	1,725.00
			TOTAL:	1,725.00
WEST COAST ARBORISTS, INC.	FY 12/13 STREET TREES	GAS TAX	CAPITAL PROJECTS	210.00
			TOTAL:	210.00
WEST PAYMENT CENTER	SUBSCRIPTION - JAN	GENERAL FUND	INVESTIGATION	102.85
			TOTAL:	102.85
WESTERN OIL SPREADING SERVICES	TACK EMULSION	GENERAL FUND	STREET MAINTENANCE	371.14
			TOTAL:	371.14
DIANN S. ZENDA	INSTRUCTOR - MAH JONGG	GENERAL FUND	SPECIAL CLASSES	21.45
			TOTAL:	21.45

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

10	GENERAL FUND	49,051.93
20	GAS TAX	210.00
41	RIVERS/MTNS. CONSERVANCY	795.00
44	TRAFFIC IMPROVEMENT	1,245.02
50	GARAGE FUND	7,647.44
GRAND TOTAL:		58,949.39

TOTAL PAGES: 5

ENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
DAMSON POLICE PRODUCTS	EQUIPMENT	GENERAL FUND	PATROL	729.01
			TOTAL:	729.01
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	150.00
			TOTAL:	150.00
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES - P/W	GENERAL FUND	PUBLIC WORKS ADMIN	28.37
			TOTAL:	28.37
CAMERON WELDING	WELDING SUPPLIES	BUILDING IMPROVEME	CAPITAL PROJECTS	129.24
			TOTAL:	129.24
COMPUTER SERVICE CO.	SIGNAL REPAIR - JAN	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
CYPRESS CHAMBER OF COMMERCE	STATE OF CITY LUNCH	GENERAL FUND	CITY COUNCIL	54.00
			TOTAL:	54.00
DAPEER, ROSENBLIT & LITVAK, LLP	MUNI CODE ENFORCE - JAN	GENERAL FUND	NEIGHBORHOOD PRESERVAT	984.45
			TOTAL:	984.45
DELL MARKETING L.P.	DESKTOP COMPUTERS	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	9,754.78
			TOTAL:	9,754.78
DUKE'S DETAIL SERVICE	CAR WASH - P/D	GARAGE FUND	GARAGE	185.00
	CAR WASH - P/W	GARAGE FUND	GARAGE	40.00
			TOTAL:	225.00
EARTEC CO.	TCS 4000 WIRED SYSTEM	LOS ALAMITOS TV	LOS ALAMITOS TV	1,364.50
			TOTAL:	1,364.50
SYNTHIA E. EMAMI	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	160.00
			TOTAL:	160.00
BALLS / LONG BEACH UNIFORM	EQUIPMENT	GENERAL FUND	PATROL	178.19
			TOTAL:	178.19
BANAHL LUMBER COMPANY	LUGS & BOLTS	GENERAL FUND	STREET MAINTENANCE	72.87
	TOOLS	GENERAL FUND	STREET MAINTENANCE	37.86
	SAFETY EQUIPMENT	GENERAL FUND	STREET MAINTENANCE	18.87
	LINE LEVELS & GLOVES	GENERAL FUND	STREET MAINTENANCE	23.73
	ELECTRICAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	14.22
	LATV ELECTRICAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	74.63
	PHONE CORD	GENERAL FUND	BUILDING MAINTENANCE	7.00
	FENCING	BUILDING IMPROVEME	CAPITAL PROJECTS	2.66
	PAINTING SUPPLIES	BUILDING IMPROVEME	CAPITAL PROJECTS	35.93
			TOTAL:	287.77
HARTZOG & CRABILL, INC.	TRAFFIC ENGINEER SVCS-JAN	GENERAL FUND	CITY ENGINEER	431.25
	OCTA TLSP COORD SPRT-JAN	GENERAL FUND	CITY ENGINEER	500.00
	TRAFFIC SIG SYSTEM OPS-JAN	GENERAL FUND	CITY ENGINEER	1,077.34
			TOTAL:	2,008.59
HI-WAY SAFETY, INC.	SIGN POLE ANCHORS	GENERAL FUND	STREET MAINTENANCE	60.98
	NO PARKING SIGNS	GENERAL FUND	STREET MAINTENANCE	99.79
			TOTAL:	160.77

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JUDICIAL DATA SYSTEMS CORP.	PARKING CITE SVCS - JAN	GENERAL FUND	TRAFFIC	220.60
			TOTAL:	220.60
KIMBALL MIDWEST	HAND CLEANER	GARAGE FUND	GARAGE	292.20
	BRAKE CLEANER	GARAGE FUND	GARAGE	363.37
			TOTAL:	655.57
LINDA KLEIN	MILEAGE REIMBURSEMENT	GENERAL FUND	NON-DEPARTMENTAL	40.68
			TOTAL:	40.68
KLIMCZAK GROUP	INSTRUCTOR - TODDLER CLASS	GENERAL FUND	SPECIAL CLASSES	81.90
			TOTAL:	81.90
KONICA MINOLTA BUSINESS SOLUTIONS	COPIER LEASE - P/D	GENERAL FUND	POLICE ADMINISTRATION	264.61
			TOTAL:	264.61
LEAGUE OF CALIFORNIA CITIES	2013 ANNUAL DUES	GENERAL FUND	CITY COUNCIL	6,057.70
			TOTAL:	6,057.70
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
			TOTAL:	68.25
LOS ALAMITOS AUTO PARTS	MOTOR OIL	GARAGE FUND	GARAGE	103.42
	DRAIN PLUG	GARAGE FUND	GARAGE	5.07
			TOTAL:	108.49
MAILFINANCE	POSTAGE MACHINE LEASE	GENERAL FUND	ADMINISTRATIVE SERVICE	166.81
			TOTAL:	166.81
MISC. VENDOR	REFUND - PRESCHOOL	GENERAL FUND	NON-DEPARTMENTAL	26.00
	REFUND - ADULT ED CLASS	GENERAL FUND	NON-DEPARTMENTAL	32.00
	REIMBURSEMENT FOR SOFTWARE	GENERAL FUND	COMMUNICATIONS TECHNOL	297.56
	FEE REIMBURSEMENT PROGRAM	GENERAL FUND	COMMUNITY DEVEL ADMIN	645.28
			TOTAL:	1,000.84
NATIONAL RETAIL FINANCIAL SVCS, INC.	LIGHT BULBS - COUNCIL CHMB	BUILDING IMPROVEME	CAPITAL PROJECTS	1,057.26
	LIGHT BULBS - COM CTR	BUILDING IMPROVEME	CAPITAL PROJECTS	1,493.67
			TOTAL:	2,550.93
MARIA O'CONNELL	MEAL REIMBURSE - TRAINING	GENERAL FUND	POLICE ADMINISTRATION	89.65
	TRAINING REIMBURSEMENT	GENERAL FUND	POLICE ADMINISTRATION	20.00
			TOTAL:	109.65
PENINSULA SEPTIC SERVICE, INC.	SEPTIC TANK SVC-CTNWD PARK	GENERAL FUND	BUILDING MAINTENANCE	400.00
			TOTAL:	400.00
PETTY CASH	KEYS	GENERAL FUND	POLICE ADMINISTRATION	12.50
	KEYS	GENERAL FUND	POLICE ADMINISTRATION	10.00
	POSTAGE STAMPS	GENERAL FUND	POLICE ADMINISTRATION	9.20
	PARKING	GENERAL FUND	POLICE ADMINISTRATION	4.50
	COMMANDERS' LUNCHEON	GENERAL FUND	POLICE ADMINISTRATION	102.00
	TRAINING	GENERAL FUND	POLICE ADMINISTRATION	45.00
	VELCRO	GENERAL FUND	PATROL	14.88
	FIREARM CLEANING SUPPLIES	GENERAL FUND	PATROL	19.38
	PARKING	GENERAL FUND	PATROL	2.00
	FUEL REIMBURSEMENT	GARAGE FUND	GARAGE	34.23

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	<u>253.69</u>
PLANNING DIRECTORS ASSOCIATION OF OC	MEMBERSHIP DUES	GENERAL FUND	COMMUNITY DEVEL ADMIN	125.00
			TOTAL:	<u>125.00</u>
ROSSMOOR CAR WASH	CAR WASHES - P/D	GARAGE FUND	GARAGE	36.00
			TOTAL:	<u>36.00</u>
SIR SPEEDY	BUSINESS CARDS	GENERAL FUND	PUBLIC WORKS ADMIN	21.06
			TOTAL:	<u>21.06</u>
SOUTH COAST SUPPLY & GARDEN DAZE	SAND BAGS - RACE ON BASE	GENERAL FUND	SPECIAL EVENTS	169.13
	FELT FIBER	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	4.51
	CONCRETE BROOM	TRAFFIC IMPROVEMEN	CAPITAL PROJECTS	48.38
			TOTAL:	<u>222.02</u>
SOUTHERN CALIFORNIA EDISON	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	16.95
			TOTAL:	<u>16.95</u>
TRAIN2SHAPE	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	60.00
	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	120.00
			TOTAL:	<u>180.00</u>
TYLER TECHNOLOGIES	TIME SHEET ENTRY	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	1,299.90
	HR BASE PACKAGE	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	2,480.63
	PAYROLL/PERSONNEL	TECHNOLOGY REPLACE	ADMINISTRATIVE SERVICE	2,756.25
			TOTAL:	<u>6,536.78</u>
UNITED STATES POSTMASTER	PERMIT RENEWAL	GENERAL FUND	RECREATION ADMINISTRAT	200.00
			TOTAL:	<u>200.00</u>
USA MOBILITY WIRELESS, INC.	PAGER FEES	GENERAL FUND	PUBLIC WORKS ADMIN	20.10
			TOTAL:	<u>20.10</u>
V & V MANUFACTURING, INC.	POLICE MEDAL	GENERAL FUND	PATROL	110.60
			TOTAL:	<u>110.60</u>
VICTORY LOCK AND KEY	GYM & P/D KEYPAD	GENERAL FUND	BUILDING MAINTENANCE	117.33
	SR. CTR CLOSET LOCKS	GENERAL FUND	BUILDING MAINTENANCE	59.75
			TOTAL:	<u>177.08</u>
WEIL TROPHIES	BASKETBALL TROPHIES	GENERAL FUND	SPORTS	669.76
			TOTAL:	<u>669.76</u>
MEREDITH WOODSON	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	357.50
			TOTAL:	<u>357.50</u>
YALE CHASE EQUIPMENT & SERVICE	RACE ON BASE GOLF CARTS	GENERAL FUND	SPECIAL EVENTS	1,495.77
			TOTAL:	<u>1,495.77</u>

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
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===== FUND TOTALS =====
10  GENERAL FUND                18,116.01
25  BUILDING IMPROVEMENT        2,718.76
28  LOS ALAMITOS TV            1,364.50
44  TRAFFIC IMPROVEMENT         52.89
50  GARAGE FUND                 1,059.29
53  TECHNOLOGY REPLACEMENT     16,291.56
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                                GRAND TOTAL:    39,603.01
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TOTAL PAGES: 4

City of Los Alamitos

Agenda Report Consent Calendar

March 18, 2013
Item No: 8C

To: Mayor Warren Kusumoto & Members of the City Council

From: Gregory D. Korduner, Interim City Manager

Subject: Second Reading of Ordinance No. 13-01 – Amending Chapter 9.14 of the Los Alamitos Municipal Code

Summary: At its Regular meeting of February 19, 2013, the City Council conducted a first reading of Ordinance No. 13-01. This ordinance will allow for an amendment to Chapter 9.14 to address various potential legal issues raised by Appellate Division of the Orange County Superior Court decision.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 13-01; and,
2. Mayor Kusumoto read the title of Ordinance No. 13-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION".

Background and Discussion

The City Council adopted Chapter 9.14 of the Municipal Code in 2011, which prohibits registered sex offenders from entering City parks, as defined, without written permission from the Police Department. That chapter was adopted based on a County model, which was recently declared invalid by the Appellate Division of the Orange County Superior Court. One of the reasons for the Court's decision was that if every city adopted different restrictions, a registrant would not necessarily know what the rules of any particular city might be (or even which city he or she was in at the moment). In order to address this potential problem, and to provide notice to the public that specific areas are considered "child safety zones," Staff recommended posting signs at City parks informing the public and registered sex offenders of the City's rules.

Staff further recommended the proposed amendments to the Municipal Code that narrow the definition of "sex offender" to the specific type of individual who poses a threat to children in the community. A person may be required to register as a sex offender for many reasons, some of which may not involve a threat to children. Therefore, Staff recommended limiting the application of the ordinance to individuals who meet both of the following conditions: (1) the individual has been convicted of a sexual offense involving a minor and (2) the individual is required to register as a sex offender under Penal Code section 290 et seq. This will ensure that the restriction serves to protect the public from the specific threat of child predators, without unnecessarily burdening the rights of individuals who may not present that threat.

The City Council introduced and set for second reading Ordinance 13-01 at its Regular meeting on February 19, 2013. The changes in Ordinance 13-01 would go into effect 30 days after adoption.

Fiscal Impact

None at this time.

Submitted and Approved by:



Gregory D. Korduner
Interim City Manager

Attachment: 1. Ordinance No. 13-01

ORDINANCE NO. 13-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, ORANGE COUNTY, CALIFORNIA, AMENDING CHAPTER 9.14 OF TITLE 9 OF THE LOS ALAMITOS MUNICIPAL CODE "ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION

WHEREAS, on April 5, 2011, the Orange County Board of Supervisors unanimously adopted an Ordinance creating child safety zones to protect children from registered sex offenders; and

WHEREAS, the April 5, 2011 County of Orange Ordinance prohibited registered sex offenders from entering County parks without written permission from the Orange County Sheriff's Department, but did not apply to any City parks that are located in Orange County; and

WHEREAS, the City of Los Alamitos wanted to extend the County prohibition to City of Los Alamitos parks to establish Child Safety Zones in the City of Los Alamitos to further protect children from sexual predators in areas where children frequent; and

WHEREAS, on November 7, 2011, the City Council adopted Ordinance No. 11-09, adding Chapter 9.14 to Title 9 of the Los Alamitos Municipal Code, modeled on the Orange County ordinance, prohibiting sex offenders from entering City parks without written permission from the Police Department; and

WHEREAS, on November 15, 2012, the Appellate Division of the Orange County Superior Court declared the County Ordinance invalid based on California Constitutional provisions; and

WHEREAS, the City suspended enforcement of Chapter 9.14 of the Los Alamitos Municipal Code immediately upon learning of the Court's decision, and shortly thereafter posted a notice on the online version of the Municipal Code to that effect; and

WHEREAS, the Council wishes to amend Chapter 9.14 of the Los Alamitos Municipal Code to cure potential legal infirmities presented by the Court's decision with respect to the County Ordinance, and to narrow the application of the City Ordinance.

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

SECTION 1. Findings. The City Council finds as follows:

Statistical information from the United States Department of Justice indicates that supervised release of sex offenders is only partly effective in preventing the offender from committing another sex offense. Furthermore, studies show that registration and monitoring alone are not wholly effective in preventing sexual predators from locating and contacting potential victims.

City Parks are frequented by children, and offer opportunities for sexual predators to identify potential victims for future attacks, or to develop a trusting relationship which will expose those children to future abuse.

Although most sexual abuse occurs between family members, registered sex offenders are frequently prohibited from contact with minor family members, and they may seek victims elsewhere.

There are approximately 11,328 registered sex offenders listed on the Megan's Law website for Los Angeles County, any of which are within short driving distance to the parks in Los Alamitos.

SECTION 2. Chapter 9.14 of Title 9 of the Los Alamitos Municipal Code is hereby amended to read:

Chapter 9.14 ESTABLISHING CITY PARKS AS CHILD SAFETY ZONES AND PROHIBITING SEX OFFENDERS FROM ENTERING CITY PARKS WITHOUT WRITTEN PERMISSION FROM THE LOS ALAMITOS POLICE DEPARTMENT

Sections:

- 9.14.010: Purpose and Intent
- 9.14.020: Definitions
- 9.14.030: Prohibitions
- 9.14.040: Penalties for Violations
- 9.14.050: Other prosecution authorized
- 9.14.060: Severability

9.14.010: Purpose and Intent

It is the purpose and intent of this ordinance to protect children from registered sex offenders by restricting sex offenders' access to locations where children regularly gather. It is intended to reduce the risk of harm to children by impacting the ability of sex offenders to be in contact with children. It is further the intent of this ordinance to provide additional restrictions beyond those provided for in state law by restricting sex offenders from certain locations, and by allowing for criminal penalties for violations of this ordinance. It is not the intent of this ordinance to allow conduct otherwise prohibited by state law, or to contradict state law. City of Los Alamitos parks are recognized by the Los Alamitos City Council as locations where children regularly gather.

9.14.020: Definitions

City of Los Alamitos Parks. For purposes of this ordinance, a City of Los Alamitos park may include any City-owned, leased, operated or maintained land before or after the effective dates of this ordinance by the City of Los Alamitos as a recreation area, including, but not limited to Labourdette Park, Laurel Park, Little Cottonwood Park, Orville Lewis Jr. Park, Roberts Park, Soroptimist Park, Stansbury Park, and Sterns Park.

Child or Children. For purposes of this ordinance, "child" means any person under eighteen years of age.

Sex Offender. For purposes of this ordinance, "sex offender" means any person for whom registration is required under Section 290 of the California Penal Code and who has been convicted of a sex offense against a child.

9.14.030: Prohibitions

A sex offender who enters into or upon any City of Los Alamitos park where children regularly gather, without written permission from the Los Alamitos Police Department is guilty of a misdemeanor. Each entry into any such area, regardless of the time period between entries, shall constitute a separate offense under this ordinance.

9.14.040: Penalties for violation.

Punishment for a violation of this section shall be as follows:

- (1) Upon a first conviction, by imprisonment in a county jail for a period of not more than six months, or by a fine not exceeding five hundred dollars (\$500), or by both imprisonment and a fine.
- (2) Upon a second conviction, by imprisonment in a county jail for a period of not less than ten (10) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500). Upon a second conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ten (10) days.
- (3) Upon a third or subsequent conviction, by imprisonment in a county jail for period of not less than ninety (90) days and not more than six months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500). Upon a third or subsequent conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ninety (90) days.

9.14.050: Other prosecution authorized.

Nothing in this ordinance shall preclude or prohibit prosecution under any other provision of law.

9.14.060: Severability.

If any section, paragraph, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The City Council of the City of Los Alamitos hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3. Signs shall be posted at each entrance to a City park, or in such conspicuous location so that they can be seen and read by individuals before entering park grounds. The signs shall read:

"NOTICE: Under Los Alamitos Municipal Code Section 9.14.030, individuals who have committed a sexual offense against a child and who are required to register under Penal Code Section 290 may not enter this park without prior written permission from the Los Alamitos Police Department."

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and cause the same to be published in the manner required by law. This ordinance shall become effective when notice has been posted as provided in Section 3, but in no event sooner than thirty (30) days from and after its passage.

APPROVED, PASSED AND ADOPTED this 18th day of March, 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Steve Skolnik, Interim 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 above and foregoing is a true and correct copy of Ordinance No. 13-01, introduced at a regular meeting of the City Council of the City of Los Alamitos held on the 19th day of, February 2013, and was thereafter adopted at a regular meeting held on the 18th day of March, 2013, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, CMC, City Clerk

City of Los Alamitos

Agenda Report Consent Calendar

March 18, 2013
Item No: 8D

To: Mayor Warren Kusumoto & Members of the City Council
Via: Gregory D. Korduner, Interim City Manager
From: Joshua A. Brooks, Finance Director
Subject: Resolution No. 2013-05 – Designation of City Treasurer

Summary: This report seeks consideration of a resolution designating Josh Brooks, Finance Director, as City Treasurer.

Recommendation: Adopt Resolution No. 2013-05, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING FINANCE DIRECTOR, JOSHUA A. BROOKS, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2012-19 IN ITS ENTIRETY".

Background

The position of Finance Director and City Treasurer had been filled on an interim basis by Linda Magnuson since August 2012. The position of Finance Director has now been permanently filled with the hiring of Josh Brooks.

Discussion

It is recommended that Joshua A. Brooks, Finance Director be appointed City Treasurer. Resolution No. 2013-05 repeals Resolution No. 2012-19 and designates Joshua A. Brooks as City Treasurer.

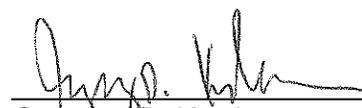
Fiscal Impact

None.

Submitted By:


Joshua A. Brooks
Finance Director

Approved By:


Gregory D. Korduner
Interim City Manager

Attachment: 1. Resolution No. 2013-05

RESOLUTION NO. 2013-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPOINTING FINANCE DIRECTOR, JOSHUA A. BROOKS, AS CITY TREASURER OF THE CITY OF LOS ALAMITOS AND REPEALING RESOLUTION NO. 2012-19 IN ITS ENTIRETY

WHEREAS, the City Charter of the City of Los Alamitos provides for a City Treasurer whose duties and responsibilities are more specifically therein defined; and a vacancy occurred in which the interim Finance Director was appointed as the City Treasurer on an interim basis until such time as the position of Finance Director was filled.

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: That Finance Director, Joshua A. Brooks, is hereby appointed as City Treasurer of the City of Los Alamitos.

SECTION 3: That the City Treasurer shall have all of the powers and duties as set forth in the Government Code of the State of California, and the City Charter and City Code of the City of Los Alamitos.

SECTION 4: That Resolution 2012-19 is hereby repealed in its entirety.

SECTION 5: The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Steven N. Skolnik, Interim 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 18th day of March, 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

Agenda Report Consent Calendar

March 18, 2013
Item No: 8E

To: Mayor Warren Kusumoto & Members of the City Council
Via: Gregory D. Korduner, Interim City Manager
From: Tony Brandyberry, Public Works Superintendent
Steven A. Mendoza, Community Development Director
Subject: Budget Appropriation - Speed Humps

Summary: This report serves to clarify a mid-year budget adjustment necessary to complete the Speed Hump Project previously approved by Council.

Recommendation: The City Council approve the request and authorize a budget amendment in the amount of \$9,120 in additional funds from the Traffic Safety Fund to account 44.570.5501.1306 to complete the speed hump project.

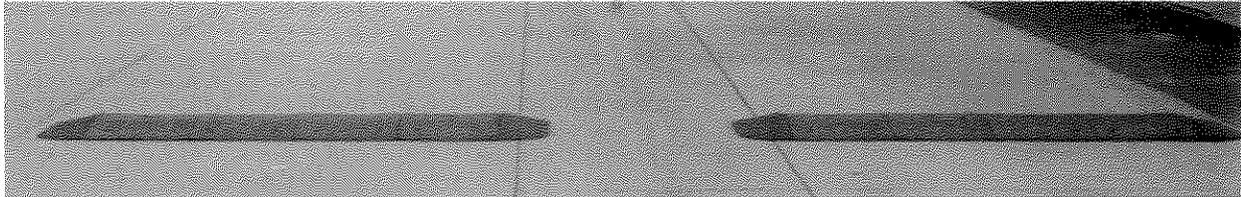
Background

During the budget adoption of 2012/2013, the City Council approved \$20,000 from the Traffic Safety Fund to purchase and install speed humps in the Green Avenue alley. The program was successful and additional locations were requested. To complete the additional locations, allocation of additional funding is required. Additional funds are necessary to add seven sites to the project.

Discussion

Although it was touched upon during the recent mid-year discussions, the actual appropriation of funds was not appropriately addressed. To clarify the full support of City Council, staff is revisiting this request. Staff is seeking approval to appropriate the funds. The additional funds are requested to ensure the installation of Speed Humps in the Walnut Street alley in Old Town West. The price includes speed humps and signage for the Walnut Street alley along with speed humps for the asphalt portion of the Green Avenue alley. The additional speed humps will be ordered and placed in storage until the alley is repaired.

The average speed bump has 10 pieces including end caps (some more) and each of pieces of the speed hump is approximately \$1,000.00. The requested funding allows for completion of the project plus funds for various signs.

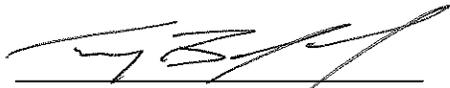


Estimated Cost Per Hump	
Center Pieces (8 per hump) @ \$86.82 ea.	\$694.56
End Caps (4 per hump) @ \$59.85 ea.	\$239.40
Hardware (per hump)	\$20.00
Subtotal	\$953.96
Shipping (per hump)	\$35.00
Grand Total	\$988.96

Fiscal Impact

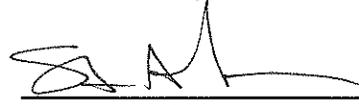
An appropriation of \$9,120 is being requested from the Traffic Safety Fund balance to account 44.570.5501.1306. This amount includes a 20% contingency. The remaining fund balance will be \$346,066.

Submitted By:



Tony Brandyberry
Public Works Superintendent

Reviewed By:



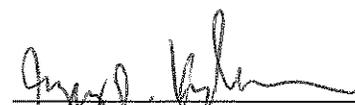
Steven A. Mendoza
Community Development Director

Fiscal Impact Reviewed By:



Joshua A. Brooks
Finance Director

Approved By:



Gregory D. Korudner
Interim City Manager

City of Los Alamitos

Agenda Report Consent Calendar

March 18, 2013
Item No: 8F

To: Mayor Kusumoto & Members of the City Council
Via: Greg Korduner, Interim City Manager
From: Corey Lakin, Director of Recreation & Community Services
Subject: Liability Coverage & Agreement with the Los Alamitos Senior Club

Summary: The Los Alamitos Senior Club is a 501(c)3 non-profit organization incorporated in 1976 and has operated since then without liability coverage. According to the Memorandum of Liability Coverage issued to the City of Los Alamitos administered by the California Joint Powers Insurance Authority (CJPIA), any nonprofit California corporation associated under written contract approved by the Member's council, can be considered a "Protected Party" and be extended liability coverage for occurrences arising out of the functions described in the contract.

Recommendation:

1. Authorize the Interim City Manager to execute the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement; and,
2. Designate the Los Alamitos Senior Club as a Protected Party for the purpose of extending liability coverage only for occurrences arising out of the functions described in the City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement.

Background

The Los Alamitos Senior Club was established in 1976 as an official non-profit organization of the City of Los Alamitos by the City of Los Alamitos for the purpose of providing a central facility, programs and support to meet the needs of the older adult population. The club meets every Thursday at the Community Center from 10:00am to 3:15pm. The Senior Club has its own board of directors and provides opportunities to meet new friends, develop new interests and socialize with one's peers. Club activities include: crafts, bingo, cards, table games, luncheons, holiday parties, birthday celebrations, guest speakers, entertainment, charity projects, and volunteer

opportunities. Guests are welcome to attend twice before becoming a member. The annual membership fee is \$10.

Los Alamitos Senior Club also offers trips to various locations. With at least two trips every month, seniors have the opportunity to visit historical landmarks, local casinos, museums, and theater performances. In addition to day trips, overnight trips are also available to locations such as San Francisco, Las Vegas, Death Valley, and Yellowstone National Park. The "Travel Club" operates under the umbrella of the Los Alamitos Senior Club Board. With a portion of the profits above and beyond what is required to sustain the trips, the "Travel Club" transfers money on a regular basis to assist in supplementing the revenue for the Senior Club to offset the expenses of activities and luncheons.

Discussion

According to the Memorandum of Liability Coverage issued to the City of Los Alamitos administered by the California Joint Powers Insurance Authority (CJPIA), Section 3, page 11 item C, it states: "Any nonprofit California corporation or unincorporated association under written contract, approved by the Member's governing board or council, to perform specified functions under the Member's direction and control. The corporation or unincorporated association is a Protected Party only for Occurrences arising out of the functions described in the contract. For the purposes of this section, direction and control means the authority of the Member to be involved in decision making and to overturn decisions."

The Los Alamitos Senior Club has been operating as a non-profit organization for 37 years utilizing the City of Los Alamitos Community Center as their sole facility. The attached City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement formalizes the understanding between the City of Los Alamitos and Los Alamitos Senior Club of approved usage of the facility and appropriate conduct of members during club activities on and off-site. Such an agreement has never been established.

The City of Los Alamitos is and has always been closely associated with the Senior Club through assistance in marketing, staff support, and facility usage. In the event of an incident, if the City were to be named in a claim associated with the Senior Club, this liability coverage provided through adopting the Senior Club as a Protected Party would ensure that both the City of Los Alamitos and the Senior Club are covered through the City's insurance policy through CJPIA.

Fiscal Impact

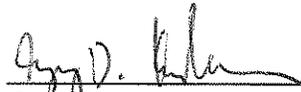
There is no cost associated with the designation of the Los Alamitos Senior Club as a Protected Party under the Memorandum of Liability Coverage issued to the City of Los Alamitos administered by the California Joint Powers Insurance Authority.

Submitted By:



Corey Lakin
Director of Recreation and Community Services

Approved By:



Greg Korduner
Interim City Manager

*Attachments: 1. City of Los Alamitos/Los Alamitos Senior Club Community Center Use Agreement
2. Memorandum of Liability Coverage for the City of Los Alamitos administered by the California Joint Powers Insurance Authority*

**CITY OF LOS ALAMITOS/LOS ALAMITOS SENIOR CLUB
COMMUNITY CENTER USE AGREEMENT**

This AGREEMENT ("Agreement") is entered into this 18th day of March, 2013, between the CITY of LOS ALAMITOS (the "City") and the LOS ALAMITOS SENIORS ("Senior Club"). The City and Senior Club are sometimes hereinafter individually referred to as "Party" and collectively as "Parties."

RECITALS

- A. WHEREAS, it is the mission of both the City and Senior Club to provide recreational and social programs and services for the senior citizens of the community;
- B. WHEREAS, the City presently has a facility known as the Los Alamitos Community Center ("Community Center") located at 10911 Oak Street Los Alamitos, CA, 90720 which consists of various multi-purpose rooms, kitchens, meeting rooms, storage areas and office space;
- C. WHEREAS, the Parties desire to work cooperatively to utilize designated portions of the Community Center to provide recreational and social programs and services for the senior citizens in the community, pursuant to the terms and conditions of this Agreement and subject to all rules and restrictions relating to the use of the Community Center;
- D. WHEREAS, the Parties agree that the senior citizens served by the Community Center will benefit by a clear delineation of the Parties' respective functions and responsibilities; and
- E. WHEREAS, the Parties agree that the primary objective of the Agreement is to provide programs, services, activities and events that satisfy the needs and desires of senior citizens of the community.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the Parties hereto agree as follows:

1. RECITALS; TERM OF AGREEMENT

- 1.1 The recitals set forth above are hereby incorporated within this Agreement.
- 1.2 This Agreement shall be in full force and effect from the date set forth above ("Effective Date") until terminated by one or both of the parties. The Agreement shall remain in effect from the Effective Date and will automatically renew each year until either party terminates the Agreement. Either Party may terminate the Agreement at any time, with or without cause, by giving the other party at least thirty (30) days written notice if with cause or ninety (90) days written notice if without cause. If termination is based on the City's right to terminate pursuant to Section 3 below, City may terminate the Agreement immediately.

2. SENIOR CLUB USE OF COMMUNITY CENTER

- 2.1 The City designates certain areas within the Community Center that may be used by Senior Club during designated days and times for designated activities (the "Regular Use Schedule"), as set forth in Exhibit "A".
- 2.2 Any request by Senior Club to use the Community Center outside the Regular Use Schedule will be reviewed on a case by case basis and will require City Recreation & Community Services staff approval.
- 2.3 The City reserves the right to cancel, change or postpone any Senior Club event falling within the Regular Use Schedule or otherwise approved by the City pursuant to subsection 2.2. However, every effort will be made to adhere to the Regular Use Schedule or relocate events to another room in the Community Center or other facility over which the City has control.

- 2.4 The City designates certain storage locations within Community Center ("Senior Club Storage Areas") for the use of the Senior Club, as set forth in Exhibit "B."

3. DISCRIMINATION, HARASSMENT, AND BEHAVIOR POLICIES

- 3.1 Senior Club understands that any unlawful discrimination (as described in this Section and in Sections 3.2 and 3.3 below and attachments to this Agreement referenced therein) against any person by Senior Club personnel in its use of the Community Center on the basis of race, color, national origin, disability, ancestry, religion, sex (including pregnancy, childbirth or related medical or mental condition), marital status, legally protected medical condition, veteran status, age, sexual orientation or other legally protected class or status will not be tolerated by the City and shall constitute a material breach of this Agreement.
- 3.2 Harassment for any discriminatory reason, such as race, color, sex, sexual orientation, pregnancy or related medical condition, age, physical or mental disability, national origin, marital status, religion or any other basis protected by state or federal laws is strictly prohibited at the Community Center. Senior Club, its officers, directors, agents, employees, members and volunteers are expected to avoid questionable or borderline conduct that could constitute harassment. Forms of harassment include, but are not limited to, the following:
 - 3.2.1 Verbal: innuendoes, epithets, stereotyped characterizations, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
 - 3.2.2 Visual/Non-verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; derogatory written materials or commentaries; leering or obscene gestures;
 - 3.2.3 Physical: unwanted physical contact including touching or interference with an individual's normal movement; and
 - 3.2.4 Threatening retaliation as a result of a negative response to harassment.
- 3.3 Senior Club has the primary responsibility to ensure that its officers, directors, agents, employees, participants, members and volunteers comply with the Community Center's anti-harassment and anti-discrimination policies. Senior Club shall also work to uphold the Senior Club's and City's general behavior policies and guidelines as set forth in Exhibits "D" hereto and utilize these policies to foster positive relations between the City staff and members and volunteers of the Senior Club. In particular "the law provides a clear distinction between the rights of a business to refuse service based on conduct as opposed to personal characteristics and the misconduct of disruptive behavior of particular individuals may be grounds for refusing to do business with them or denying them services." Senior Club's failure to enforce these policies shall constitute a material breach of this Agreement entitling City to any and all remedies at law or in equity, including summary termination of this Agreement.

4. CITY RESPONSIBILITIES

The City shall:

- 4.1 Collect and process membership dues for its members.
- 4.2 Provide staff direction, as available, for the primary setup for the rooms for authorized events or activities, as properly requested by the Senior Club pursuant to subsection 5.2.
- 4.3 Publish a "senior newsletter" on a monthly schedule. Space will be reserved, at no cost, for the Senior Club to list additional information and activities in the Los Alamitos Recreation and Community Services Activities Guide (space to be approved by Recreation Manager). Any inserts will be at the sole cost of the Senior Club. Senior Club agrees to pay whatever additional expenses are required or associated with the addition of any inserts.

- 4.4 Pay for utility cost, and maintenance cost, incurred through the operation of the rooms utilized by Senior Club, except for any damage caused or contributed by Senior Club or any guest or invitee of Senior Club. Senior Club agrees to pay whatever expenses are required to restore the Community Center, or any property of such facility, or any part of the rented facility, to the same condition as prior to when Senior Club utilized the facility.
- 4.5 Assist with the coordination of annual events such as the Holiday Bazaar and Volunteer Luncheon.
- 4.6 Assist with producing flyers for Senior Club Travel.
- 4.7 Provide a copy machine for the use of Senior Club at staff guidance and discretion.

5. SENIOR CLUB RESPONSIBILITIES

Senior Club shall:

- 5.1 Senior Club has the authority to control admission of participants to Senior Club events and to control the behavior of participants at Senior Club events. Senior Club may limit admission of participants to Senior Club events to individuals who are members of the Los Alamitos Senior Club. Senior Club has the authority to implement disciplinary actions against individuals, up to and including permanent removal from Senior Club programs. Senior Club, however, must comply with the requirements of Section 3 of this Agreement and in all respects comply with all applicable laws, rules and regulations. All members and guests shall sign a release, waiver and assumption of risk waiver form indemnifying and holding the City and the Senior Club harmless.
- 5.2 Provide all necessary office supplies for Senior Club activities, programs, events, etc.
- 5.3 Notify the City of any setup needs at least fourteen (14) days in advance of a scheduled event or activity. Setup diagrams shall be provided to the Department Secretary no later than seven (7) days in advance of any room usage. Senior Club may provide the City the setup for their monthly luncheon one (1) day in advance during the Senior Club monthly board meeting.
- 5.4 Not admit to any Community Center room a larger number of persons than the room will safely accommodate.
- 5.5 Provide all necessary gaming supplies for table and card games including but not limited to cards, shufflers, score cards, etc.
- 5.6 Provide and adequately supervise senior citizen programs and services, as described in Exhibit "C" hereto.
- 5.7 Maintain daily attendance records/sign-in sheets with liability waiver for all activities and submit sign-in sheets to file in Community Center for record keeping.
- 5.8 Collect fares or fees, pay invoices, and provide supplies and communicate to users or members regarding any services offered by the Senior Club as outlined in this Agreement, including but not limited to travel services and bingo.
- 5.9 Maintain an active nonprofit 501 (c)(3) status with the Internal Revenue Service and provide the City with proof of the following documentation:
 - 5.9.1 Nonprofit 501 (c)(3) Letter of Determination.
 - 5.9.2 Annual filing with the Office of the California Attorney General.

- 5.9.3 Biennially filing with the California Secretary of State.
- 5.9.4 Annual City of Los Alamitos bingo permit.
- 5.10 Be responsible for providing volunteers for the production of programs, services, and activities for all Senior Club related functions.
- 5.11 Agree to abide by all the City policies, rules and regulations for use of the Community Center.
- 5.12 Obtain authorization from City staff before posting signs upon the exterior or interior walls of the Community Center or other City facilities.
- 5.13 Keep those portions of the Community Center used pursuant to this Agreement within occupancy limits. Hallways, emergency exits and walkways shall be clear and free of tables, chairs, equipment, rubbish and litter. No offensive matter or refuse or substance constituting an unnecessary, unreasonable, or unlawful fire hazard, or material detrimental to the public health, shall be permitted to remain within the Community Center and Senior Club shall prevent any accumulation thereof from occurring.
- 5.14 As needed, meet with the City to discuss any problems or matters under this Agreement.
- 5.15 Provide the City with list of volunteers who are overseeing said programs and activities on the behalf of the Senior Club.
- 5.16 Provide the City with a schedule of planned trips and activities for each upcoming year. The Director of Recreation and Community Services or his or her designee must formally approve these and any additional trips or activities and has the authority to deny coverage of any specific trip or activity.
- 5.17 Provide trainings to all Senior Club volunteers related to topics including conflict resolution, customer service, etiquette and discriminatory harassment. When possible, City staff will try to include Senior Club volunteers in any available staff trainings that are applicable.
- 5.18 Provide trainings related to first aid and CPR to volunteers whom are conducting and participating in activities off site of the Community Center (i.e. Trips and Travel program, etc.). When possible, City staff will try to include Senior Club volunteers in any available staff trainings that are applicable.
- 5.19 Not use or permit the Community Center to be used in any manner which creates a nuisance or that causes a violation of the City's noise ordinance outside the Community Center, or in violation of the Community Center's operating policies and procedures, including, without limitation, live, recorded, or broadcast entertainment or the use of loudspeakers or sounds or light apparatus other than as may be required by law or necessary or advisable for safety purposes.
- 5.20 Notify the City of any facility damage, needed repairs, injuries or accidents, vandalism, and suspicious activity.
- 5.21 Follow the City's procedure for storage of food items in order for the City to adhere to the County Health Code requirements.

6. INDEMNIFICATION

- 6.1 Assumption of Risk: Senior Club assumes all risk for loss, damage (excluding normal wear and tear), liability, injury, cost or expense that may arise during, or be caused in any way by its use or occupancy of the Community Center.
- 6.2 Indemnification: When coverage is afforded under the terms of the Memorandum of Liability Coverage with the California Joint Powers Insurance Authority, the City of Los Alamitos agrees to defend, indemnify and hold harmless the Senior Club and its officers, directors, employees, and volunteers from and against actions, claims, judgments, attorneys fees, costs, damages, penalties, costs or liabilities that may be asserted or claimed by any person or entity arising out of or in connection with this Agreement or the

operations carried on by Senior Club at the Community Center or any area to which Senior Club has access hereunder.

7. LEGAL RELATIONS AND RESPONSIBILITIES

- 7.1 Nature of Relationship: This Agreement does not create any agency, partnership, joint venture, landlord-tenant or employment relationship between the City and Senior Club.
- 7.2 The City's Reservations: Although Senior Club has the authority to control its events and the individuals that attend such events, the City does not relinquish custody or control of City facilities and does hereby specifically retain the right to enact, modify or enforce any and all appropriate laws, rules, and regulations applicable to the Community Center. Representatives of the City may enter any area of the Community Center and facilities at any time and on any occasion without notice or any other restrictions whatsoever.
- 7.3 Compliance with Laws: Senior Club shall keep itself fully informed of all existing and future laws and regulations which in any manner affect the activities of Senior Club under this Agreement, or the use of the Community Center by Senior Club. Senior Club shall at all times observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees.
- 7.4 Assignment: This Agreement is personal to Senior Club and any assignment, voluntarily or by operation of law, shall automatically terminate this Agreement.

8. MISCELLANEOUS PROVISIONS

- 8.1 Notices: Any notice or payment may be given by personal delivery to the Senior Club President or by depositing the same in the mail as follows:

If to the City:

CITY OF LOS ALAMITOS
10911 Oak Street
Los Alamitos, CA 90720
Attn: Director of Recreation and Community Services

If to Senior Club:

LOS ALAMITOS SENIORS
10911 Oak Street
Los Alamitos, CA 90720
Attn: Senior Club President

- 8.2 Warranty of Authority: Each officer of the City and Senior Club signing this Agreement warrants and represents by such signature that he or she has the full legal authority to bind his or her respective party to all of the terms, conditions and provisions therein.
- 8.3 The City's Liability on Termination: Senior Club hereby waives any monetary damages or claim for damages that may be caused by any action of the City pertaining to this Agreement or in terminating this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CITY OF LOS ALAMITOS

LOS ALAMITOS SENIORS

By: _____
Greg Korduner
Interim City Manager

By: _____
Flo Emmett
President

Attest: _____
Windy Quintanar, City Clerk

By: _____
Diane Baer
Secretary

Approves as to form:

By: _____
Steve Skolnik
Interim City Attorney

[Two Notarized Signatures, President **OR** Vice
President **AND** Secretary, Required For Senior
Club]

Exhibit "A"

Regular Use Schedule

The City designates the following rooms within the Community Center that may be used by Senior Club during the designated times. All times listed below include thirty (30) minutes for set-up and clean-up (game and activity supplies). City is responsible for setup of tables and chairs.

A. Activity Room 1, 2 & 3

Thursdays	9:00 a.m. - 3:30 p.m.	Bingo
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Exhibit "B"

The following is a list of the storage cabinets located at the Los Alamitos Community Center for the Senior Club's supplies and equipment:

Senior Club Storage Areas

- a. Activity Room #2/3 Storage Area – 2 Designated cabinets
- b. Activity Room #2/3 Kitchen Area – Designated cupboards

Exhibit "C"

SENIOR CLUB PROGRAM AND SERVICES

The following are a list of programs and services the Senior Club shall provide:

- 1) Travel Program:
 - a. Select, reserve and coordinate trips to and from the Community Center.
 - b. Register, accept payment, and refund participants.
- 2) Bingo:
 - a. Offer Bingo callers, supplies, board, cards and miscellaneous equipment.
- 3) Card Games
- 4) Entertainment
- 5) Holiday Activities
- 6) Monthly Membership Luncheons
- 7) Monthly Senior Club Board Meetings

Exhibit "D"

LOS ALAMITOS SENIOR CLUB RULES OF CONDUCT FOR ALL CLUB ACTIVITIES LOS ALAMITOS SENIOR CLUB HARASSMENT & DISCRIMINATION POLICY

Los Alamitos Senior Club Rules of Conduct for all Club Activities

Etiquette:

Much of the popularity of activities sponsored by the Los Alamitos Senior Club is attributed to the high standards of etiquette, which are observed by all participants. Participants should maintain at all times a courteous attitude toward partners and/or opponents. A participant should carefully avoid remark or action that might cause annoyance or embarrassment to another participant that might interfere with any participant enjoying the activity. Participants who fail to uphold these standards should be reported to the chairperson of the function. This policy strives to promote a friendly atmosphere while eliminating unacceptable behavior pursuant to the By-Laws of the Senior Club i.e. Article 11, Section 2.

All Activity Policy Violations;

- Badgering, rudeness, insinuations, or intimidation
- Negative comments
- Loud and disruptive arguing with anyone
- Excessive talking that disturbs participants

If the chairperson agrees that you are in violation, you will be asked to cease the behavior. If you refuse to comply, you will be asked to leave the activity, however participant may return another day.

If the behavior or disturbance persists, the club president will be informed and he or she will investigate to determine if any action is required. Investigation includes speaking with the alleged offender in a private setting, and gathering information from room hosts, volunteers or witnesses. If disciplinary action is required, it should be of a progressive nature starting with a verbal warning followed by written warning(s), suspensions of increasing length, and ending in permanent removal from the Los Alamitos Senior Club activities. All phases of discipline should be treated in a confidential manner. In severe circumstances, steps in the progressive discipline steps may be bypassed. If the behavior has not improved after the remedy has been imposed then Law Enforcement may be summoned.

Los Alamitos Senior Citizens Club Harassment and Discrimination Policy

Harassment and discrimination pertaining to sex, sexual orientation, race, color, ancestry, religion, national origin, disability, medical condition, age, marital status or any other protected class under State and Federal law is strictly forbidden and will not be tolerated by the Yorba Linda Senior Citizens Club.

Examples of what may constitute prohibited harassment include, but are not limited to, the following:

1. Kidding or joking about membership in one of the protected classifications;
2. Assault, impeding or blocking movement or any physical interference with normal movement;
3. Cartoons, posters, and other materials referring to membership in one of the protected classifications;
4. Threats, hand gestures, badgering, rudeness, insinuations, or intimidation;
5. Degrading words or offensive terms based on the individual's membership in one of the protected classifications;
6. Prolonged staring or leering at a person;

This policy applies to all officers, members and non-members.

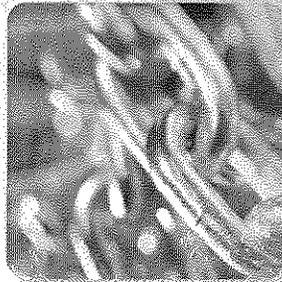
If you feel you are a victim of harassment or discrimination, please notify The Senior Club President or a Senior Club Board Member. After a complaint has been filed, the Senior Club will investigate the matter and attempt to remedy the situation in a timely manner. If the person making the complaint is not satisfied with the remedy of the Senior Club, the Senior Club President, or designee, will prepare a report of the complaint and submit it to the City of Los Alamitos Director of Parks and Recreation. The Director, or designee, will investigate the complaint further and work with the Senior Club Board of Directors to insure appropriate actions have occurred which are consistent with the law, Rules of Conduct, and Bylaws of the Los Alamitos Senior Club.

Memorandum of Liability Coverage

Issued to the Los Alamitos

Effective July 1, 2012 – July 1, 2013

Administered by the California Joint Powers Insurance Authority



INTEGRITY

EXCELLENCE

INNOVATION

TEAMWORK

Effective July 1, 2012 – July 1, 2013, as a joint protection program authorized pursuant to
Article 11(a) of the California JPIA joint powers agreement

Providing Innovative Risk Management Solutions For Our Public Agency Partners



COVER PAGE

**MEMORANDUM OF LIABILITY COVERAGE
FOR THE
CALIFORNIA JOINT POWERS INSURANCE AUTHORITY**

MEMBER: Los Alamitos

MAILING ADDRESS: 3191 Katella Avenue
Los Alamitos, CA 90720

PROTECTION LIMITS: Primary layer: \$15,000,000

PROTECTION PERIOD: From July 1, 2012 at 12:01 a.m. Pacific Time until July 1, 2013 at 12:01 a.m. Pacific Time.

ENDORSEMENT(S): None

This Memorandum, and any endorsements thereto, are a description of the terms and conditions of the Program through which certain specified and limited self-insured risks of liability are administered by the Authority and shared by its Members. *This Memorandum is not an insurance policy.* As provided in Section 990.8 of the California Government Code and appellate court cases of *Orange County Water District v. Association of California Water Agencies JPIA* (1997) and *City of South El Monte v. Southern California Joint Powers Insurance Authority* (1995), the pooling of self-insured claims or losses among the Members of the Authority shall not be considered insurance nor be subject to regulation under the Insurance Code.

CALIFORNIA JPIA

By 
President

TABLE OF CONTENTS

1. INTRODUCTION	1
2. PROTECTION PROVIDED	1
<i>A. Payments on Behalf of Protected Parties</i>	1
<i>B. Defense and Settlement</i>	2
<i>C. Protection Limit</i>	3
<i>D. Statutory Limitations</i>	3
<i>E. Territorial Limitation</i>	4
3. DEFINITIONS	4
4. EXCLUSIONS	13
5. CONDITIONS AND RESPONSIBILITIES	20
<i>A. Inspection and Audit</i>	20
<i>B. Severability of Interest</i>	20
<i>C. Protected Party's Duties in the Event of Occurrence, Claim or Suit</i>	20
<i>D. Other Protection</i>	21
<i>E. Termination or Amendment</i>	21
<i>F. Changes</i>	21
<i>G. Subrogation</i>	22
<i>H. Assignment</i>	22
<i>I. Joint Powers Agreement</i>	22
<i>J. Appeal of Disputes</i>	22
<i>K. Arbitration</i>	24

MEMORANDUM OF LIABILITY COVERAGE
for the
CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

1. INTRODUCTION

This **Memorandum**, and any endorsements thereto, are a description of the terms and conditions of the **Program** through which certain self-insured risks of liability are administered by the **Authority** and shared by its **Members** pursuant to the Joint Powers Agreement creating the **Authority** under the provisions of Section 6500 et seq. of the Government Code.

As provided in Section 990.8 of the Government Code, pooling of losses in this **Program** is *not insurance*. The sole duty of the **Authority** is to administer the **Program** adopted by the **Members**. The **Authority** can indemnify only **Claims** or losses, which are pooled under the terms of this **Memorandum** and the Joint Powers Agreement. There is no transfer of risk from the **Member** or any **Protected Party** to the **Authority** nor assumption of risk by the **Authority**.

The provisions of the **Program** are subject to and subordinated to the Joint Powers Agreement or any action taken by the Executive Committee or the Board of Directors in connection with the **Program**. This **Program** has been adopted pursuant to action taken by the Executive Committee, and is subject to any amendment, modification or extension by the Executive Committee or the Board of Directors.

The terms of this **Memorandum** shall be construed in an evenhanded fashion in accordance with the principles of California contract law. If the language of this **Memorandum** is alleged to be ambiguous or unclear, the issue of how the protection should apply shall be resolved in a manner most consistent with the relevant terms of this **Memorandum** without regard to authorship of the language and without any presumption of arbitrary interpretation or construction in favor of either the **Protected Party** or the **Authority**. Any controversy or dispute arising out of or related to an interpretation or breach of this **Memorandum** shall be settled in accordance with the appeals procedures as set forth in this **Memorandum**.

Throughout this **Memorandum**, words and phrases that appear in **bold** print are defined in 3. DEFINITIONS.

2. PROTECTION PROVIDED

A. *Payments on Behalf of Protected Parties*

Subject to all provisions of this **Memorandum**, the **Authority** will cause the **Program** to pay on behalf of the **Protected Party** all sums that the **Protected Party** shall become

legally obligated to pay as **Damages** by reason of **Tort Liability** imposed by law, or the **Tort Liability** of others assumed in a **Protected Contract**, because of:

- (i) Bodily Injury or Property Damage;
- (ii) Personal Injury;
- (iii) Public Officials Errors and Omissions;
- (iv) Broadcast/Publication Injury;
- (v) Employment Practices Injury;
- (vi) Employee Benefit Administration Liability; or
- (vii) Termination of City Manager's Employment Liability

caused by an **Occurrence** to which this **Memorandum** applies.

B. *Defense and Settlement*

The **Authority**, at the shared expense of its **Members**, and out of funds of the **Program** deposited or obligated to be deposited by its **Members**, shall investigate, negotiate, settle, or **Defend**, at the **Authority's** sole discretion, any **Claim** or **Suit** which has been tendered to the **Authority** and which in the sole opinion of the **Authority** is encompassed by this **Program**. The **Authority** shall control selection of defense counsel. **Defense Costs** incurred by the **Protected Party** prior to the tender of the **Claim** or **Suit**, as required by 5. CONDITIONS AND RESPONSIBILITIES, to the **Authority** are the sole obligation of the **Protected Party**. The date of the tender of the **Claim** or **Suit** shall be the date written notice of said **Claim** or **Suit** is received at the **Authority's** offices (or its designated Claims Administrator).

The obligation of the **Authority** as described above shall cease to apply after the *Protection Limit* has been exhausted by any combination of payments hereunder for judgments, settlements, or **Defense Costs**, or if the **Authority** tenders the *Protection Limit* on behalf of any **Protected Party**. For purposes of excess insurance or reinsurance, any **Defense Costs** incurred prior to the tender of the *Protection Limit* shall be deducted from the *Protection Limit* that is tendered.

With respect to any **Claim** or **Suit** or part thereof which has been tendered to the **Authority** and over which the **Authority** assumes full or partial responsibility or charge of the settlement or **Defense**, the **Authority** shall, if applicable, cause the **Program** to pay:

- (i) All expenses incurred by the **Authority** on behalf of a **Protected Party**;
- (ii) Costs taxed against a **Protected Party** in the **Suit**; and
- (iii) Other reasonable expenses incurred by a **Protected Party** at the **Authority's** request to assist the **Authority** in the investigation or **Defense** of the **Claim** or **Suit**; but this shall not include the office expenses of the **Protected Party**, the salaries of **Employees** or officials of the **Protected Party**, nor expenses of any claims administrator engaged by the **Protected Party**.

With respect to a **Claim** or **Suit** for which the **Authority** has determined that only a portion is encompassed by this **Program**, the **Authority** shall cause the **Program** to fund

any **Defense** to the **Claim** or **Suit** against the **Member** and any settlement or final judgment of that **Claim** or **Suit**, subject to the reservation by the **Authority** of the right to recover from the **Member** any amounts paid by the **Authority** for such settlement or final judgment which are paid to claimants for **Claims** or **Suits**, or portions thereof, not encompassed by the **Program**.

With respect to a **Claim** or **Suit** for which the **Authority** has determined that no portion is encompassed by this **Program**, the **Claim** or **Suit** shall be referred, in its entirety, back to the **Protected Party**.

The payment of **Defense Costs** will reduce the *Protection Limit* under this **Program**.

C. *Protection Limit*

The *Protection Limit* shown on the Cover Page and the rules below determine the most the **Program** will pay, inclusive of **Defense Costs**, regardless of the number of:

- (i) Protected Parties;
- (ii) **Claims** made or **Suits** brought; or
- (iii) Persons or organizations that sustain injuries or **Damages**.

The *Protection Limit* stated on the Cover Page is the most the **Program** will pay per **Member** for the sum of **Damages**, **Defense Costs** and expenses as included in B. *Defense and Settlement* under any or all or any combination of **Bodily Injury, Property Damage, Personal Injury, Public Officials Errors and Omissions, Broadcast/Publication Injury, Employment Practices Injury, Employee Benefit Administration Injury, or Termination of City Manager's Employment Liability** arising out of any one **Occurrence**.

For the purpose of determining the *Protection Limit* all **Bodily Injury, Property Damage, Personal Injury, Public Officials Errors and Omissions, Broadcast/Publication Injury, Employment Practices Injury, Employee Benefit Administration Liability, or Termination of City Manager's Employment Liability** arising out of exposure to substantially the same general condition(s) shall be considered as arising out of one **Occurrence**.

Any actual or alleged loss of use of tangible property not physically injured or destroyed shall be deemed to occur at the time of the **Occurrence** that caused such loss of use. Any other injury or damage occurring or alleged to have occurred over more than one **Protection Period** shall be deemed to have occurred during the **Protection Period** when the **Occurrence** began.

D. *Statutory Limitations*

Notwithstanding sections 2.A. and 2.B. above, the defense and/or indemnity protections afforded by this agreement to a past or present elected or appointed official or **Employee** of a **Member** are not broader than the **Member's** own duty to defend and indemnify its official or **Employee** under California Government Code sections 825, et seq. and 995, et seq. All immunities, defenses, rights, and privileges of the **Member** under the Government Code apply to the **Program** as well, including any defense that the official or **Employee** acted outside the course and scope of employment or acted with fraud,

corruption or actual malice, or any defense that the action or proceeding or type of damage sought is not the type for which the **Member** is obligated to provide defense and/or indemnity. The defense and/or indemnity protections are also subject to all the terms, conditions, and Exclusions of this **Memorandum** and do not apply if not covered by this **Memorandum**, even if an obligation to defend and/or indemnify would exist under the Government Code.

E. ***Territorial Limitation***

This **Memorandum** applies only to **Claims** made in the courts of the United States or of any State.

3. **DEFINITIONS**

Administration under **Employee Benefits Administration Liability** means:

- A. Giving counsel to employees with respect to the **Employee Benefits Programs**;
- B. Interpreting the **Employee Benefits Programs**;
- C. Handling of records in connection with the **Employee Benefits Programs**; or
- D. Effecting enrollment, termination, or cancellation of employees under the **Employee Benefits Programs**, provided all such acts are authorized by the **Member**.

Aircraft means any vehicle designed to transport people or property through the air.

Airport means any locality either on land or water which is adopted for the landing and taking off of **Aircraft**, including all land, water, buildings, structures, equipment or other improvements necessary or convenient in the establishment and operation of an **Airport**.

Authority means the California Joint Powers Insurance Authority.

Automobile means a land motor vehicle, trailer, or semi-trailer.

Bodily Injury means bodily injury, sickness, or disease sustained by any person, including death resulting from any of these at any time.

Broadcast/Publication Injury means injury caused by or arising out of:

- A. Any form of defamation or other tort related to disparagement or harm to the character, reputation or feelings of any natural person or organization including but not limited to libel, slander, product disparagement, trade libel, infliction of emotional distress, outrage, or outrageous conduct;
- B. Any form of invasion of, infringement of, or interference with rights of privacy or publicity; including but not limited to false light, public disclosure of private facts, intrusion, and commercial appropriation of name or likeness;
- C. Infringement of copyright or trademark;
- D. Plagiarism or piracy or misappropriation of ideas under implied contract;

- E. Unauthorized use of names, trade names, trademarks, service marks, titles, formats, ideas, characters, character names, characterizations, performances, plots, musical compositions, slogans, program material, or any other similar material; or
- F. Denial of access to broadcast facilities based upon application of judgment or standards relating to the acceptability of material for public broadcast; committed in the course of the **Protected Party's** broadcast or publication activities.

Certification means a signed statement by a **City Manager** that he or she is entitled to the **Unemployment Protection Payment** because he or she is unemployed or is employed but at a specified lower salary than he or she was earning at the time of the **Occurrence** and has not retired under a retirement program in which the **City Manager** earned benefits as a public employee. The initial executed **Certification** must be received within 60 days following the **Waiting Period**.

City Manager means the governing body-appointed chief administrative officer of a **Protected Party** whether called **City Manager**, Chief Administrative Officer, General Manager or other title designating the highest appointed official of the governmental entity.

Claim means a notice, demand, or **Suit** against a **Protected Party** to recover **Damages**. **Claim** does not include an administrative claim filed with the Equal Opportunity Employment Commission, the California Department of Fair Employment and Housing, or other similar state or federal administrative agency.

Dam means a structure described by California Water Code sections 6002 through 6004.

Damages means compensation in money recovered by a party for loss or detriment it has suffered through the acts of a **Protected Party**. **Damages** does not include defense of **Claims** or any punitive, exemplary or multiplied damages or non-monetary relief or redress or injunctive relief.

Defense Costs means all fees and expenses incurred in connection with the adjustment, investigation, defense, and appeal of a **Claim** covered hereunder, including attorney fees, court costs, premiums for appeal bonds, and interest on judgments accruing after the entry of judgment, and also shall include the costs of any claims administrator or defense counsel assigned by the **Authority** to respond to any **Claim** on behalf of the **Authority**. **Defense Costs** shall not include the office expenses of the **Protected Party**, nor the salaries of employees or officials of the **Protected Party**, nor expenses of any claims administrator engaged by the **Protected Party**. **Defense Costs** also do not include any fee or expense relating to coverage issues between the **Authority** and any **Protected Party**.

Discrimination means injury caused by or arising out of:

- A. Unlawful discrimination because of race, sex, color, age, religion, or national origin, or membership in any similar legally protected class; or
- B. Violation of the discrimination prohibitions of the Americans with Disabilities Act of 1990, any rules or regulations promulgated thereunder and amendments thereto or similar provisions of any federal, state, or local statutory law or common law.

Employee includes any person falling within the definition of “employee” under section 810.2 of the Government Code. That section provides: “**Employee** includes an officer...employee, or servant, whether or not compensated, but does not include an independent contractor.” **Employee** also includes any volunteer designated by the **Member** to perform specific functions in the course and scope of authorized activities under the direction and control of the **Member**.

Employee Benefit Administration Liability means liability for injury or damage caused by or arising out of any negligent act, error or omission of the **Protected Party** in the **Administration** of the **Member’s Employee Benefits Programs**.

Employee Benefits Program means group life insurance or self-insurance, group medical, dental or vision-care insurance or self-insurance, pension plans, retirement plans, deferred compensation plans, workers’ compensation, unemployment insurance, social benefits, disability benefits, and other similar employee benefits.

Employment Practices Injury means injury arising out of the following offenses:

- A. Wrongful dismissal, discharge, or termination of employment;
- B. Breach of any oral or written employment contract or quasi-employment contract;
- C. Employment-related coercion or misrepresentation;
- D. Violation of employment discrimination laws;
- E. Workplace sexual or other harassment;
- F. Wrongful failure to employ or promote;
- G. Wrongful discipline, negligent evaluation, or wrongful demotion;
- H. Wrongful deprivation of a career opportunity; or
- I. Employment-related:
 - (i) Invasion of privacy,
 - (ii) Defamation, or
 - (iii) Wrongful infliction of emotional distress.

Fungi means any type or form of fungus, including mold or mildew and any mycotoxins, spores, scents, or byproducts produced or released by fungi.

Hostile Fire means a fire that becomes uncontrollable and breaks out from where it is intended to be.

Levee means a permanent embankment intentionally constructed for the purpose of preventing overflow of a watercourse or body of water.

Medical Benefit means the cost of all benefits to which a **City Manager** is entitled under the Comprehensive Omnibus Budget Reconciliation Act of 1986 (COBRA).

Member means the entity, including all of its departments and constituent agencies, that is a signatory to the Joint Powers Agreement creating the **Authority** as may be amended from time to time, which has adopted a resolution to participate in the **Program**, and

whose name appears on the Cover Page of this **Memorandum**. **Member** includes any other agency for which the **Member's** governing board or council acts as the governing board, and also includes any commissions, agencies, districts, authorities, redevelopment agencies, boards, or similar entities coming under the **Member's** direction and control. **Member** shall include any other agency authorized by the **Authority's** Executive Committee or Board of Directors.

Memorandum means this Memorandum of Liability Coverage authorized by the Joint Powers Agreement of the **Authority** specifying the terms and conditions of the **Program** through which certain specified and limited self-insured risks of liability are administered by the **Authority** and shared by its **Members**.

Nuclear Material means "source material," "special nuclear material," or "by-product material" as those terms are given meaning in the Atomic Energy Act of 1954 or any law amendatory thereto.

Occurrence means:

- A. With respect to **Bodily Injury** or **Property Damage**, an accident, including continuous or repeated exposure to conditions, that first occurs during the **Protection Period** and that results in **Bodily Injury** or **Property Damage** neither expected nor intended from the standpoint of the **Protected Party**;
- B. With respect to **Public Officials Errors and Omissions**, actual or alleged conduct described in the definition of **Public Officials Errors and Omissions** during the **Protection Period**;
- C. With respect to **Employee Benefits Administration Liability**, actual or alleged conduct described in the definition of **Employee Benefits Administration Liability** during the **Protection Period**;
- D. With respect to **Personal Injury, Broadcast/Publication Injury, and Employment Practices Liability**, an offense described in the definitions of those terms; or
- E. With respect to **Termination of City Manager's Employment Liability**, injury arising out of:
 - (i) Dismissal, discharge, or termination of the employment of a **City Manager**;
or
 - (ii) Failure to renew an employment contract which results in termination of the employment of a **City Manager**

for which liability on the part of a **Protected Party** can be settled through the acceptance by the **City Manager** of an **Unemployment Protection Payment** in exchange for a **Waiver** and **Certification**.

All claims based on or arising out of **Harassment** or similar conduct (including molestation or sexual abuse) by an **Employee**, or more than one **Employee** acting in concert, will be considered arising out of one **Occurrence** and shall be deemed to have been committed at the time of the first of such acts or alleged acts, regardless of the number of:

- (i) Protected Parties;

- (ii) **Claims** made or **Suits** brought; or
- (iii) persons or organizations that sustain injuries or **Damages**.

If a series of wrongful acts committed by one **Employee**, or more than one **Employee** acting in concert, takes place over more than one **Protection Period**, the wrongful acts will be deemed to have been committed during the first **Protection Period** and only the **Protection Limit** for that **Protection Period** shall apply.

Personal Injury means injury, other than **Bodily Injury**, **Property Damage** or **Public Officials Errors and Omissions**, resulting from one or more of the following offenses:

- A. False arrest, detention, or imprisonment;
- B. The use of force for the purpose of protecting persons or property;
- C. Malicious prosecution or abuse of process;
- D. Wrongful entry by any employee of the **Member** into a room, dwelling, or other similar premises that a person occupies;
- E. Wrongful eviction by any employee of the **Member** of a person from a room, dwelling, or other similar premises that such person occupies;
- F. The publication or utterance of a libel or slander, including statements that disparage a person's or organization's goods, products, or services;
- G. A publication or utterance that violates a person's right of privacy;
- H. Interference with an existing or prospective economic advantage, contract, or agreement;
- I. **Discrimination**;
- J. Violation of civil rights; or
- K. Infliction of emotional distress.

Pollutants/Hazardous Materials includes without limitation:

- A. Any flammable or explosive substances, radioactive materials, asbestos, polychlorinated biphenyls, chemicals, substances known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, toxic substances, or related materials which are regulated by or under any federal, state, or local environmental law;
- B. Any material identified as hazardous in Sections 66261.10 through 66261.126 of Title 22 of the California Code of Regulations, as amended from time to time (collectively);
- C. Any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. The term "waste" includes materials to be recycled, reconditioned, or reclaimed; and
- D. **Fungi** and bacteria of any kind, unless caused by an otherwise covered **Occurrence**.

Program means the California Joint Powers Insurance Authority Liability Protection Program described by this **Memorandum** and the Agreement of the **Members** creating

the **Authority**. The **Program** is a fund created by the **Members** for the purpose of pooling self-insured losses.

Property Damage means:

- A. Physical injury to or destruction of tangible property which occurs during the **Protection Period**, including the loss of use thereof at any time resulting therefrom; or
- B. Loss of use of tangible property that has not been physically injured or destroyed provided such loss of use is caused by an **Occurrence** during the **Protection Period**.

Protected Contract means a written agreement that satisfies all of the following:

- A. The agreement pertains to the **Member's** operations and by the contract terms the **Member** assumes the **Tort Liability** of another to pay damages because of **Bodily Injury** or **Property Damage** to a third person or organization;
- B. The agreement is entered into prior to the **Bodily Injury** or **Property Damage** for which a **Claim** is made; and
- C. The agreement, including its value, is reported by the **Member** and approved by the **Authority** through issuance of an evidence of coverage letter prior to the **Bodily Injury** or **Property Damage** and the value is added to the **Member's** annual payroll for use in any retrospective deposit or annual contribution computation.

A **Protected Contract** may cover an architect, engineer, or surveyor for his or her role as a Public Official, except for the application of paragraphs B.(i) and B.(ii) below. **Protected Contracts** may apply to contract public works directors, building officials, planning directors, **City Managers**, city attorneys, city prosecutors, redevelopment directors, or other contracted Public Officials for occurrences arising out of their official duties, but this coverage applies only to the named contract Public Official and does not extend to other individuals within the contractor's firm.

A **Protected Contract** does not include any part of any contract or agreement:

- A. That indemnifies any person or organization for injury or damages caused by or arising out of the ownership, operation, maintenance or use of any **Aircraft, Airport or Watercraft**;
- B. That indemnifies an architect, engineer, or surveyor. This exclusion does not apply in the instance where an individual is under an exclusive contract as a contract Public Official solely for the benefit of the **Member** (i.e., no work is performed by the person for any other person or entity), for injury or damage arising out of:
 - (i) Preparing, approving, or failing to prepare or approve maps, drawings, opinions, reports, surveys, change orders, designs or specifications; or
 - (ii) Giving or failing to give directions or instructions, if that is the primary cause of the injury or damage;
- C. Under which the **Protected Party**, if an architect, engineer, or surveyor, assumes liability for injury or damage arising out of the **Protected Party's** rendering or

failing to render professional services, including those listed in B. above and supervisory, inspection, or engineering services;

- D. That indemnifies any person or organization for damages by fire, explosion, or water damage to premises rented or loaned to the **Member**; or
- E. That indemnifies any person or organization in connection with the establishment, designation, or implementation of a **Quiet Zone**.

Limited Protected Contract means a written agreement, contract or permit in which:

- A. The **Member** assumes the **Tort Liability** of another to pay damages because of **Bodily Injury** or **Property Damage** to a third party in one of the following:
 - (i) Easements or License Agreements;
 - (ii) Leases of Real or Personal Property;
 - (iii) Encroachment Permits;
 - (iv) Special Events Sponsored by the **Member**; or
 - (v) Use of Facilities, Equipment, real or personal property by the **Member**; or
- B. The **Member** assumes the **Tort Liability** of another to pay damages because of **Bodily Injury** or **Property Damage** to a third party for an activity not named in paragraph A. directly above, and upon its review of the agreement, **Authority** staff has determined at its sole discretion that any risks assumed in the agreement do not significantly increase the **Member's** risk exposure, and an Evidence of Coverage letter has been issued by the **Authority**; or
- C. The **Member** is obligated to provide evidence of coverage for a third party to participate in a funding program administered by another government or evidence of coverage required by bond indentures entered into by the **Member** if **Authority** staff has determined in its sole discretion that any risks assumed in the agreement do not significantly increase the **Member's** risk exposure, and an Evidence of Coverage letter has been issued by the **Authority**;

and which is entered into prior to the **Bodily Injury** or **Property Damage** for which a **Claim** is made.

A **Limited Protected Contract** does not include any part of any contract or agreement that indemnifies any person or organization for injury or damages caused by the sole negligence of such person or organization, or that cannot be included in a **Protected Contract**.

A **Limited Protected Contract** also does not include any part of a contract or agreement that indemnifies the owner or operator of a **Railroad**.

Protected Party means:

- A. The **Member** named on the Cover Page;
- B. Persons who are, or were, elected or appointed officials or **Employees** of the **Member**, whether or not compensated, while acting within the scope of their duties

or employment as such, including while acting on outside committees, commissions, or boards at the direction of the **Member**, except that the protection so provided does not apply to **Bodily Injury** to another official or employee of the **Member** in the course of and arising out of his or her duties to or employment by the same **Member**;

- C. Any nonprofit California corporation or unincorporated association under written contract, approved by the **Member's** governing board or council, to perform specified functions under the **Member's** direction and control. The corporation or unincorporated association is a **Protected Party** only for **Occurrences** arising out of the functions described in the contract. For the purposes of this section, direction and control means the authority of the **Member** to be involved in decision making and to overturn decisions;
- D. Any person or entity identified as an additional **Protected Party** in a letter certifying such additional **Protected Party** status issued by the **Authority**, for **Bodily Injury** or **Property Damage** during the time period identified in the letter; if a particular activity is identified in the letter, the person or entity is a **Protected Party** only for **Occurrences** arising out of the described activity. Additional **Protected Party** status will apply only where required by the terms of a written agreement.
- E. Any person while using an **Automobile** owned, hired, or leased by a **Member**, and any person or organization legally responsible for the use thereof, provided the use is with the express permission of the **Member**, and only for **Bodily Injury** and **Property Damage**. This protection does not apply to:
 - (i) Any person or organization, or any agent or employee thereof, engaged in selling, repairing, servicing, delivering, testing, road testing, parking or storing, **Automobiles**, with respect to any **Occurrence** arising out of any such occupation or activity;
 - (ii) With respect to any hired automobile, to the owner or a lessee thereof, other than the **Member**, or to any agent or employee of such owner or lessee; or
 - (iii) Any person or organization or to any agent or employee thereof engaged in a business of operating buses or other **Automobiles** for the transport of members of the public unless that business is owned by the **Member** and operated by its employees.

(This **Memorandum** does not provide Underinsured or Uninsured Motorist coverage.); or

- F. The **Authority**, its officers and employees while acting in the course and scope of their duties or employment.

No person or entity is a **Protected Party** with respect to the conduct of any current or past partnership, joint venture or joint powers authority (including any separate entity created pursuant to a joint powers agreement). However, for any person who is an official or **Employee** of a **Member**, who participates in the activities of a partnership, joint venture, or joint powers authority and is acting for or on behalf of the **Member** at the time of the **Occurrence**, protection is afforded by this **Memorandum**. Such

coverage shall be in excess of, and shall not contribute with, any collectible insurance, self-insurance or other coverage provided to the other joint powers authority, agency or entity.

Protection Period means the time period shown on the Cover Page of this Memorandum.

Public Officials Errors and Omissions means any act, error, omission, misstatement, misleading statement, neglect, or breach of duty by any **Protected Party** in the discharge of that individual's duties for the **Member**; or any matter claimed against any **Protected Party** solely by reason of the individual being or having been an employee of the **Member**. **Public Officials Errors and Omissions** does not include **Bodily Injury, Property Damage, Personal Injury, Broadcast/Publication Injury, or Employment Practices Injury**.

Quiet Zone means a segment of a rail line, within which is situated one or a number of consecutive public highway-rail crossings at which locomotive horns are not routinely sounded. **Quiet Zone** includes partial quiet zone, a segment of a rail line within which is situated one or a number of consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded for a specified period of time during the evening and/or nighttime hours. **Quiet Zone** also includes all vehicle or pedestrian crossings wherein localized or "wayside" horns have been installed at the crossing in lieu of a locomotive sounding its horn.

Radioactive Contamination Injury means **Bodily Injury** or **Property Damage** caused by or arising from ionizing radiations or contamination by radioactive material.

Railroad means a commercial railway as described by the California Public Utilities Code, Section 229. **Railroad** includes street railroad as described by the California Public Utilities Code, Section 231. **Railroad** does not include amusement railroad rides that do not cross public streets.

Suit means a civil proceeding in which a **Protected Party** is named as a defendant or cross defendant, or an arbitration proceeding or alternative-dispute resolution proceeding to which a **Protected Party** submits with the **Authority's** written consent.

Termination for Cause means dismissal, discharge, termination of employment, or failure to renew a contract for the reasons stated in 29 USC §1111 of the Employee Retirement Income Security Act of 1974. This includes ending the employment of a **City Manager** because the **City Manager** has been convicted of robbery, bribery, extortion, embezzlement, fraud, grand larceny, burglary, arson, a felony violation of a state or federal law regulating a controlled substance (felony drug conviction), murder, rape, kidnapping, perjury, assault with intent to kill, or any felony involving abuse or misuse of the **City Manager's** position to obtain illegal personal gain.

Tort Liability means civil liability that would be imposed by law in the absence of any agreement or contract.

Unemployment Protection Payment means a payment that shall be paid once a month, for a time period not to exceed six months (the "Payment Period") following the **Waiting Period**, that shall equal the amount of the **City Manager's** salary at the time of the termination of employment **Occurrence** plus payment of the **Medical Benefit** less any

amount of compensation earned, while self-employed or as an employee, or any other payment received as a result of the **Occurrence** during the Payment Period.

“Salary,” for purposes of this **Unemployment Protection Payment**, means the regular monthly compensation of the **City Manager**, whether paid monthly, bi-weekly, semi-monthly, or otherwise, and does not include **Benefits**, bonuses, car allowances, expenses, or other allowances, contributions to the Public Employees Retirement System or any deferred compensation payments made on behalf of the **City Manager** by the **Protected Party**.

Waiting Period means a period of time after the termination of employment **Occurrence** equal to the greater of (1) six months or (2) the number of months of salary received by the **City Manager** as a severance payment from the **Member**.

Waiver means a full and complete relinquishment by a **City Manager** of any and all rights to sue a **Protected Party** for any **Benefit**, compensation, injury, or damages, known or unknown, past, present or future, arising out of the employment of, termination of the employment of, or failure to employ the **City Manager**. The **Waiver** must be signed and returned to the **Authority** within 60 days following the termination of employment.

Watercraft means a vessel, more than 25 feet in length, designed to transport persons or property in, on, or through water.

4. **EXCLUSIONS**

This **Memorandum**, including any obligation to defend or to pay **Defense Costs**, does not apply to:

- A. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by or arising out of the ownership, maintenance, use or operation of any **Watercraft, Aircraft, or Airport** or any air show events sponsored or controlled by the **Protected Party** or conducted on property owned by the **Protected Party**. Protection does apply to use of an **Aircraft or Watercraft**, if the **Aircraft or Watercraft** is not owned in whole or in part by the **Member** and the **Member** exercises no part in the servicing or maintenance of the **Aircraft or Watercraft**. However, this limited protection does not apply to:
 - (i) Loss, loss of use of, or damage to the **Aircraft or Watercraft**; or
 - (ii) Use of any **Aircraft or Watercraft** for hire or reward.
 - (iii) Public Officials Errors and Omissions coverage

- B. Any **Claim, Suit**, obligation or alleged obligation for which a **Protected Party** or any insurance company as his/her/its insurer may be held liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law.
- C. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for **Bodily Injury** to:
 - (i) An employee of the **Protected Party** arising out of and in the course of employment by the **Protected Party**; or
 - (ii) The spouse, child, parent, brother, or sister of that employee as a consequence of paragraph (i) above.

This Exclusion C. applies whether the **Protected Party** may be liable as an employer or in any other capacity, and to any obligation to share damages with or repay someone else who must pay damages because of the injury. However, this exclusion does not apply to liability assumed in a **Protected Contract** or **Limited Protected Contract**.

- D. Injury to or destruction of:
 - (i) Property owned by the **Protected Party**;
 - (ii) Property rented to or leased to the **Protected Party** where it has assumed liability under any contract for damage to or destruction of such property unless the **Protected Party** would have been liable in the absence of such assumption of liability; or
 - (iii) Property in the care, custody, or control of any **Protected Party**.
- E. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by, arising out of or in any way connected with the operation of the principles of eminent domain, condemnation proceedings, or inverse condemnation, by whatever name called, whether such liability accrues directly against the **Protected Party** or by virtue of any agreement entered into by or on behalf of the **Protected Party**. This Exclusion E. shall not apply to liability, loss, cost or expense arising from **property damage** caused by earth movement, subsidence of land, flooding not caused by the failure of a **Dam** or **Levee**, or sewer backup, even though a legal theory upon which a claimant seeks recovery is the principle of inverse condemnation. This Exclusion E shall not apply when the claim or suit alleges damages arising out of temporary physical measures taken by the **Member** for public safety reasons in an effort to prevent or reduce a loss.
- F. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release, escape, or any other forms of exposure to or the presence of **Pollutants/Hazardous Materials** including any **Claim, Suit**, liability, alleged liability, loss, cost or expense directly or indirectly caused by or arising out of any:
 - (i) Request, demand, or order that any **Protected Party** or others test for, monitor, clean up, remove, contain, treat, detoxify, or neutralize, or in any way respond to, or assess the effects of **Pollutants/Hazardous Materials**;

- (ii) **Claim or Suit** by or on behalf of a governmental authority or any other entity or person for costs of or damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying, or neutralizing, or in any way responding to, or assessing the effects of **Pollutants/Hazardous Materials**; or
- (iii) Actions or steps taken to mitigate damages or to relocate persons, property or business as a result of **Pollutants/Hazardous Materials**.

EXCEPTION TO EXCLUSION, PROTECTION FOR CERTAIN ACCIDENTAL POLLUTION INJURIES. However this Exclusion F. does not apply to **Bodily Injury or Property Damage** arising out of or caused by any actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of **Pollutants/Hazardous Materials** if:

- (i) It was directly caused by **Hostile Fire**, explosion, lightning, windstorm, vandalism or malicious mischief or collision, overturning or upset of a motor vehicle or railroad vehicle; and
- (ii) It was accidental and was neither expected nor intended by the **Protected Party**; and
- (iii) It was instantaneous and was demonstrable as having commenced at a specific time and date during the term of this **Memorandum**; and
- (iv) Its commencement became known to the **Protected Party** within seven days; and
- (v) Its commencement was reported in writing to the **Authority** within twenty days of becoming known to the **Protected Party**; and
- (vi) Reasonable efforts were expended by the **Protected Party** to correct or terminate the discharge, dispersal, seepage, migration, release, or escape of **Pollutants/Hazardous Materials**.

Nothing contained in this EXCEPTION TO EXCLUSION, PROTECTION FOR CERTAIN ACCIDENTAL POLLUTION INJURIES shall operate to provide any protection or obligation to defend or pay **Defense Costs** with respect to:

- (i) Any site or location used by others on the **Protected Party's** behalf for the handling, storage, disposal, dumping, processing, or treatment of waste material. This exclusion applies whether or not the action by others was known to the **Protected Party**;
- (ii) Any clean-up costs mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and any similar laws or statutes;
- (iii) Clean up, removal, containment, treatment, detoxification or neutralization of **Pollutants/Hazardous Materials** situated on premises the **Protected Party** currently owns, rents or occupies; or

- (iv) Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense based upon or arising out of **Personal Injury or Public Officials Errors and Omissions**.
- G. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense directly or indirectly based on or arising out of the hazardous properties of **Nuclear Material**. However, this exclusion does not apply to **Radioactive Contamination Injury**.
- H. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense directly or indirectly caused by any complete or partial failure, interruption or surge in the supply of water, electrical power, gas or fuel, unless such failure, interruption or surge results from sudden and accidental physical destruction of tangible property which is caused by the **Protected Party**.
- I. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense arising out of the partial or complete structural failure of a **Dam or Levee**.
- J. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by, or arising out of, or in connection with the operation of any hospital, clinic (including a mobile clinic), or established health-care facility owned or operated by the **Protected Party**, but protection does apply to liability arising out of the rendering of emergency medical aid by paramedics, emergency medical technicians, or other **Protected Parties** who are not acting in the course of their employment by a hospital, clinic, or established health-care facility. Protection also applies for liability arising out of the operation of any hospital, clinic (including a mobile clinic) or established health care facility, owned and operated by the **Protected Party** for animal care and control purposes.
- K. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by or arising out of or in connection with:
 - (i) the ownership, maintenance, use, or operation by the **Protected Party** of any **Railroad**; or
 - (ii) the establishment, designation, or implementation of a **Quiet Zone**.
- L. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by, based upon or arising out of the Employee Retirement Income Security Act of 1974, Public Law 93-406, or any amendment or addition thereto, or any statute or common law rule which imposes fiduciary duties and responsibilities with respect to employee benefits or retirement plans; however this exclusion does not apply to liability protected under **Employee Benefit Administration Liability**.
- M. Any **Claim, Suit**, liability, or alleged liability for punitive or exemplary damages or fines or other damages imposed primarily for the sake of example and by way of punishing the **Protected Party**, including liability of a **Member** to defend or pay damages where the governing body thereof has elected to provide a defense or pay damages for a **Claim**, action or judgment for punitive or exemplary damages.
- N. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by the intentional conduct of a **Protected Party** with willful and conscious disregard of the rights or safety of other or with malice. However, where the **Protected Party** did not authorize, ratify, participate in, consent to or have knowledge of such conduct

by its past or present **Employee**, elected or appointed official or volunteer and the claim against the **Protected Party** is based solely on its vicarious liability arising from its relationship with such **Employee**, elected or appointed official or volunteer, this exclusion does not apply to that **Protected Party**.

- O. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense caused by or arising out of any violation of state or federal antitrust or restraint-of-trade laws.
- P. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense arising out of:
 - (i) the adoption or administration of any ordinance, resolution or regulation; or
 - (ii) the approval or disapproval of any land-use entitlement including but not limited to general plan amendments, zoning amendments, conditional-use permits, tract maps, development agreements, owner-participation agreements, or disposition-and-development agreements; or
 - (iii) the approval or disapproval of any rent control ordinance, outdoor advertising ordinance, or adult bookstore ordinance; or
 - (iv) the approval or disapproval of the operation of a medical marijuana dispensary, any ordinances governing that activity and any and all enforcement efforts.

This exclusion shall not apply to claims of neglect or failure to enforce any law.

- Q. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense including **Tort Liability**:
 - (i) Arising out of or as a consequence of an actual or alleged breach of any contract or agreement;
 - (ii) For any amount actually or allegedly due under the terms of any contract or agreement; or
 - (iii) Arising out of or as a consequence of the failure, refusal, or inability of a **Protected Party** or anyone acting on behalf of a **Protected Party** to enter into or renew any contract or agreement.

However, this Exclusion P. shall not apply to **Tort Liability** imposed by law for **Damages** caused by, arising out of, or as a consequence of failure or delay by a **Protected Party** or anyone acting on behalf of a **Protected Party** to fully perform any duties or obligations under any contract or agreement.

As used in this Exclusion P., the term “contract or agreement” shall include but not be limited to a **Protected Contract** or **Limited Protected Contract**.

- R. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for declaratory, injunctive, equitable or other relief, writs of mandate or prohibition or other prerogative writs, or other relief not seeking **Damages**. This includes any expense or cost incurred by a **Protected Party** arising from the cost of reasonable accommodation of any disabled person, including any **Employee**.

- S. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for **Personal Injury** or **Broadcast/Publication Injury** directly or indirectly caused by or arising out of any:
- (i) Oral or written publication of material, if done by or at the direction of the **Protected Party** with knowledge of its falsity;
 - (ii) Oral or written publication of material whose first publication took place before the beginning of the **Protection Period**; or
 - (iii) Act, omission, or offense committed by a **Protected Party** with actual malice.
- T. Any liability for which the **Protected Party** is obligated to pay damages by reason of liability assumed in a contract or agreement. This Exclusion does not apply to liability for **Bodily Injury** or **Property Damage**:
- (i) Assumed in a contract or agreement that is a **Protected Contract** or **Limited Protected Contract**; or
 - (ii) That the **Protected Party** would have independent of a written contract or agreement.
- U. Any **Claim** or **Suit** by a **Member** against a **Protected Party**, except that this section shall not apply to a **Claim** or **Suit** brought against the **Authority**.
- V. Any **Claim** or **Suit** by a **Member** against another **Member**.
- W. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense based upon or arising out of:
- (i) Loss of, loss of use of, injury to, destruction of, diminution of value of, disappearance of, or costs of recovery of any money or securities, or any financial loss or default;
 - (ii) Refunds of taxes, fees, or assessments;
 - (iii) The issuance, management of proceeds or repayment of bonds, notes or other debt instruments by any **Member** or any agent acting on behalf of such **Member**; or
 - (iv) The purchase, transfer, or sale of any securities by any **Member** or agent acting on behalf of such **Member**.
- X. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for **Public Officials Errors and Omissions Liability** based upon or arising out of:
- (i) Liability of any **Protected Party** arising out of estimates of probable costs or cost estimates being exceeded or for faulty preparation of bid specifications or plans including liability for mechanic's lien claims, stop notice claims, change order claims, site differential claims, or similar claims for the value of services or materials provided; this exclusion extends to such claims, however denominated, including claims of breach of oral or written contract, third party beneficiary claims, quantum meruit claims, and/or open account claims;
 - (ii) Any **Protected Party** obtaining remuneration or financial gain to which the **Protected Party** is or was not legally entitled;

- (iii) Liability assumed by a **Protected Party** in a contract or agreement, but this exclusion does not apply to liability for **Damages** that the **Protected Party** would have independent of the contract or agreement; or
 - (iv) Willful violation of penal code or ordinance committed by or with the knowledge or consent of any **Protected Party**.
- Y. Under **Employment Practices Injury**, any **Claim, Suit**, liability, alleged liability, loss, cost, or expense that:
- (i) Constitutes benefits due or to become due or the equivalent value of such benefits, including but not limited to perquisites, fringe benefits, payments in connection with an employee benefits plan, or any other payment other than salary or wages to or for the benefit of an **Employee** arising out of the employment relationship;
 - (ii) Is representative of back salary either unpaid in whole or part or paid at an improper rate to an **Employee** by the **Member**;
 - (iii) Is based upon, arises from, or is in consequence of the employment reinstatement of the claimant by the **Member** or the continued employment of the claimant;
 - (iv) Is based upon, arises from, or is a consequence of an **Occurrence** that began prior to this **Memorandum's Protection Period**;
 - (v) Constitutes front pay, future damages or other future economic relief or the equivalent thereof, if the **Member** is ordered to reinstate the **Employee** pursuant to a judgment or other final adjudication, but fails to do so; or
 - (vi) Is based upon, arises from or is in consequence of an actual or alleged violation of the responsibilities, obligations or duties imposed by the Employee Retirement Income Security Act of 1974, the Fair Labor Standards Act, the National Labor Relations Act, the Worker Adjustment and Retraining Notification Act, the Consolidated Omnibus Budget Reconciliation Act of 1985, the Occupational Safety and Health Act, rules or regulations promulgated there under and amendments thereto or similar provisions of any federal, state, or local statutory law or common law.

However, with respect to the exclusions listed in items (i) through (vi) immediately above, no fact pertaining to or knowledge possessed by any **Protected Party** shall be imputed to any other **Protected Party** to determine if protection is available under this **Memorandum**.

- Z. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for **Employee Benefit Administration Liability** based upon or arising out of:
- (i) Any dishonest, fraudulent, criminal or malicious act, libel, slander, discrimination, or humiliation;
 - (ii) Failure of performance of contract by an insurer;
 - (iii) Failure of any investment plan to perform as represented by a **Protected Party**;

- (iv) Advice given by a **Protected Party** to an **Employee** to participate or not participate in subscription plans; or
 - (v) The inability of any **Employee Benefits Program** to meet its obligations due to insolvency or inadequacy of funding.
- AA. Any **Claim, Suit**, liability, alleged liability, loss, cost, or expense for termination of a **City Manager's** employment based upon or arising out of:
- (i) Termination for Cause;
 - (ii) Lack of a duly executed **Waiver**; or
 - (iii) Lack of a duly executed **Certification**.

5. **CONDITIONS AND RESPONSIBILITIES**

A. *Inspection and Audit*

The **Authority** shall be permitted but not obligated to inspect the **Protected Party's** property and operations at any time. Neither the **Authority's** right to make inspections nor the making thereof nor any report hereon shall constitute an undertaking, on behalf of or for the benefit of the **Protected Party** or others, to determine or warrant that such property or operations are safe or healthful, or are in compliance with any law, rule or regulations. The **Authority** may examine and audit the **Protected Party's** books and records at any time during the **Protection Period** and extensions thereof and within three years after the final termination of this **Program**, as far as they relate to the subject matter of this **Memorandum**.

B. *Severability of Interest*

The term **Protected Party** is used severally and not collectively, and the protection afforded applies to each **Protected Party** against whom a **Claim** is made as if a separate **Memorandum** were issued to it, but the inclusion herein of more than one **Protected Party** shall not operate to increase the per **Member Protection Limit**.

C. *Protected Party's Duties in the Event of Occurrence, Claim or Suit*

- (i) In the event of any **Occurrence**, written notice containing particulars sufficient to identify the **Protected Party** and also reasonably obtainable information with respect to the time, place, and circumstances thereof, and the names and addresses of the injured and of available witnesses, shall be given by or for the **Protected Party** to the **Authority's** Claims Administrator as soon as practicable.
- (ii) If a **Claim** is made against a **Protected Party**, the **Protected Party** shall immediately forward to the **Authority's** Claims Administrator every demand, notice, summons or other process received by the **Protected Party** or the **Protected Party's** representative.
- (iii) The **Authority's** Claims Administrator will review the **Claim**, undertake whatever investigation is indicated, and take appropriate action, depending on the circumstances. A **Claim** may be returned to claimant as "insufficient," if

it does not contain minimum and essential information about the incident or the identity of the claimant. A **Claim** may also be returned as “late,” if the prescribed time for filing has been exceeded. The Claims Administrator may request that the **Member** reject the **Claim**, or take no action until further notice, or such actions may be taken by the Claims Administrator if claims handling authority has been delegated to the **Authority** by the **Member**.

- (iv) The **Protected Party** shall cooperate with the **Authority** and, upon the **Authority’s** request, assist in making settlements, in the conduct of **Suits**, and in enforcing any right of contribution or indemnity against any person or organization who may be liable to the **Protected Party** because of injury or damage with respect to which protection, including any **Defense** obligation, is afforded under this **Memorandum**; and the **Protected Party** shall not, except at the **Protected Party’s** own cost, voluntarily make any payment, assume any obligation or incur any expense. No **Claim** shall be settled without the prior written consent of the **Authority**, and the **Authority** shall not be required to contribute to any settlement to which it has not consented.

D. Other Protection

If collectible insurance or any other coverage or protection with any insurer, any permissibly self-insured general employer, joint powers insurance authority or any other source is available to the **Protected Party** covering a loss also protected hereunder (whether on a primary, excess or contingent basis), the protection hereunder (including any **Defense** obligation) shall be in excess of, and shall not contribute with, such insurance or other coverage or protection, provided that this clause does not apply with respect to any insurance purchased by a **Protected Party** specifically to be in excess of this **Memorandum**. Under no circumstances shall the protection afforded by this **Program** be considered primary, pro rata, concurrent or co-existent with such insurance, coverage, or other protection, unless agreed to by the **Member** through a written agreement approved by the **Authority** through the issuance of an evidence of coverage letter prior to a loss.

E. Termination or Amendment

This **Memorandum** may be terminated or amended at any time in accordance with the Joint Powers Agreement and Bylaws of the **Authority**. The Executive Committee may adopt exclusions of coverage, copayments or deductibles for actions or omissions of a **Member** that are deemed to be a risk to the program. Such exclusions, copayments or deductibles may be imposed immediately upon adoption by the Executive Committee or as a consequence of a **Member’s** failure to adhere to an approved Performance Improvement Plan.

F. Changes

Notice to any agent or knowledge possessed by any agent of the **Authority** or by any other person shall not effect a waiver of or a change in any part of this **Memorandum**, nor shall the terms of this **Memorandum** be waived or changed, except by a written addendum issued by the **Authority** to form a part of this **Memorandum**.

G. *Subrogation*

The **Authority** shall reserve the right to subrogate for any payments made hereunder and to assume the **Protected Party's** recovery rights. The **Protected Party** shall do nothing after loss to prejudice such rights and shall do everything necessary to secure such rights. The **Protected Party** may waive subrogation rights, but only through written agreement executed before the **Occurrence** giving rise to the loss. The **Authority** shall have standing to seek subrogation recovery in its own name or in the name of the **Protected Party**, and the **Protected Party** shall cooperate with and assist the **Authority** in pursuing such recovery, including assigning its right to recover subrogated amounts, and if necessary executing a written agreement to effect such assignment. Any amount so recovered shall be apportioned as follows:

- (i) The **Authority** shall be reimbursed to the extent of all payment under this **Memorandum**. Any remaining balance shall be applied to reimburse the **Protected Party**;
- (ii) The expenses of such recovery proceedings shall be apportioned in the ratio of respective recoveries. If there is no recovery in proceedings conducted solely by the **Authority**, the **Authority** shall bear the expenses thereof.

H. *Assignment*

Assignment of interest under this **Memorandum** shall not bind the **Authority** until its consent is endorsed hereon; if, however, the **Member** shall be adjudged bankrupt or insolvent, such protection and **Defense** obligations as are afforded by this **Memorandum** shall apply (a) to **Member's** legal representative, as the **Member**, but only while acting within the scope of said representative's duties as such, and (b) with respect to the property of the **Member**, to the person having proper temporary custody thereof, as a **Protected Party**, but only until the appointment and qualification of a legal representative.

I. *Joint Powers Agreement*

The provisions of this **Memorandum** are subject to and subordinate to the terms and provisions of the Agreement creating the **Authority**, and in the event of any conflict between the terms and provisions of said Agreement and this **Memorandum**, the terms and provisions of the Agreement shall control.

J. *Appeal of Disputes*

No party is entitled to appeal or arbitrate claims under this **Memorandum** other than the **Member**. Specifically, **Employees** are not intended to be third party beneficiaries of this agreement and shall have no right to bring an action against the **Authority** for a declaration of rights to protection under this **Memorandum**. The sole remedy of any **Employee** shall be the **Employee's** right to defense or indemnity against the employing **Member** under the provisions of the California Government Code.

Any disputes concerning coverage, protection, **Defense** obligations, or procedures of the **Program**, as interpreted by the **Authority's** staff, shall be appealed to the **Authority's** Executive Committee in accordance with the following procedures.

- (i) A written notice that a **Claim** is not covered by the **Memorandum** will normally be provided to the **Member** by the Claims Administrator. A **Member** may request any determination of a lack of coverage made by the Claims Administrator to be reviewed by the Chief Executive Officer. Such a request shall be in writing and must be made within 90 days of the date of the written notice from the Claims Administrator.
- (ii) Upon request, the Chief Executive Officer shall review a determination of a lack of coverage made by the Claims Administrator or **Authority** staff and shall send to the **Member** a written determination of coverage.
- (iii) If a **Member** disagrees with the coverage determination by the Chief Executive Officer, the **Member** may appeal the decision to the Appeals Committee. The Appeals Committee consists of the Executive Committee and the chairs of the Managers and Finance Officers Committees. Appeals must be in writing within 90 days of the date of the Chief Executive Officer's written decision. The appeal request must state why the **Member** disagrees with the denial, and the **Member** should present any information that may have a bearing on the ultimate determination of coverage.
- (iv) The appeal request shall be presented by **Authority** staff to the Appeals Committee, on a regularly scheduled Executive Committee meeting day, allowing time for sufficient review and agenda deadlines. Staff shall notify the **Member** in advance of the meeting at which its appeal will be presented.
- (v) If the **Member** would like to personally address the Appeals Committee, the **Member** or the **Member's** representative may attend the meeting and speak to the issue.
- (vi) The Appeals Committee may refer the appeal to the Coverage Committee and consider the recommendation of the Coverage Committee during its deliberation on the appeal. The Appeals Committee's decision is final. **Authority** staff will notify the **Member** of the Appeals Committee's decision in writing.
- (vii) Following a final determination regarding a **Claim**, consideration of the decision may be reopened at the request of the **Member** if circumstances change as follows: (1) a new and distinct **Claim** arising out of the prior **Occurrence** is presented to the **Member**, or (2) new and distinct causes of action are added to the **Claim**. If the new **Claim** or causes of action are reasonably thought by the **Member** to be covered, the Appeals Committee will reconsider the issue, in accordance with the procedure in this paragraph J., upon request. Any request for such reconsideration must be in writing within 90 days of the notice to the **Member** of the new **Claim** or cause of action.

If a **Member** disputes a coverage issue relating to the application or scope of an exclusion, then, during the course of the administrative and arbitration proceedings provided herein, only upon the request of the **Member**, the **Authority** shall defend the

Claim against the **Member** and have the right to control any settlement of that **Claim**, subject to the right of the **Authority** to recover from the **Member** any amounts paid out by the **Authority** for such defense or settlement which are finally determined by the Appeals Committee, or as a result of the Binding Arbitration Process, not to be owed by the **Authority** under the **Program**. If the **Member** does not elect to request such a defense, **Defense Costs** incurred during the coverage appeal shall be at the sole cost and expense of the **Member**.

K. *Arbitration*

If the **Member** has followed the coverage Appeals Procedure outlined in 5.J. *Appeal of Disputes* and disagrees with the final determination of the Appeals Committee, the **Member** may request consideration of the coverage issue through the **Authority's** Binding Arbitration Process.

The Arbitration process shall be as follows:

- (i) Following a decision by the Appeals Committee, the appealing **Member** shall notify the Chief Executive Officer in writing, within 30 days of the Appeals Committee's final decision, that it wishes to participate in Binding Arbitration and shall submit a non-refundable \$1,000 arbitration appeal fee. The written notice shall specify the grounds for the arbitration.
- (ii) Following payment of the arbitration appeals fee, the name of each **Member**, other than the appealing **Member** and the **Members** represented on the Appeals Committee, shall be placed in an unmarked envelope. Each envelope shall be placed in a box and eleven envelopes shall be drawn by the Chief Executive Officer. A representative of the appealing **Member** may be present at the drawing.
- (iii) The **City Managers** of the eleven **Members** shall be the pool of potential arbitrators. The eleven **Members** and the names of their **City Managers** shall be given in writing to the appealing **Member**.
- (iv) The appealing **Member** shall have the right to strike two or less names from the pool for any reason which shall not be disclosed. The **Authority** shall have the right to strike two or less names from the pool for any reason which shall not be disclosed. The appealing **Member** and the **Authority** must strike names within five business days of the drawing. The right of either party to strike names shall lapse at 5:00 PM on the fifth day following the drawing. Notice of names stricken by either party shall be given in writing to the other party prior to 5:00 PM on the fifth day following the drawing.
- (v) The remaining **City Managers** shall be contacted by the Chief Executive Officer to determine their willingness to serve on the arbitration panel. If more than five are willing to serve, each name shall be placed in an unmarked envelope, put in a box, and the Chief Executive Officer shall draw five envelopes from the box. The individuals whose names are drawn shall be the arbitration panel and they shall be disclosed in writing to the appealing **Member**.

- (vi) If only five are willing to serve, they shall be the arbitration panel.
- (vii) If fewer than five are willing to serve, the name of each member not drawn in the previous selection drawing shall be placed in an unmarked envelope, put in a box, and four envelopes shall be drawn for each arbitration panel position needed to have a five-member panel. A representative of the appealing **Member** may be present at the drawing. The names drawn shall be disclosed to the appealing **Member** who may reject, for any reason which shall not be disclosed, one name for each four names drawn. The **Authority** may also reject one name for each four names drawn and shall not disclose the reason. Names rejected by the appealing **Member** and the **Authority** must be rejected within 48-hours of the drawing. The right to reject names shall lapse 48-hours following the drawing.
- (viii) The **City Managers** of the **Members** remaining shall be contacted by the Chief Executive Officer to determine their willingness to serve on the arbitration panel. The names of those willing to serve shall be placed in unmarked envelopes, put in a box, and the number necessary to fill out the arbitration panel shall be drawn by the Chief Executive Officer and disclosed in writing to the appealing **Member**. A representative of the appealing **Member** may be present at the drawing.
- (ix) This process shall be repeated until five members are obtained for the arbitration panel.
- (x) The arbitration panel members shall be compensated at the rate of \$125 per half-day or portion thereof. If a panel member is required to stay away from home overnight, lodging shall be paid by the **Authority**. Necessary meals shall be provided for all panel members. Mileage costs shall be reimbursed by the **Authority** at its standard rate.
- (xi) The cost of the arbitration panel shall be borne by the **Authority**. The cost of presentation by the appealing **Member**, including preparation, exhibits, attorneys, and all other costs of the **Member** shall be paid by the **Member**.
- (xii) The arbitration panel may request legal counsel that shall be selected by the Chief Executive Officer and paid for by the **Authority**. Legal counsel shall not be the counsel for the **Authority** that has advised the staff and Executive Committee. However, counsel for the **Authority** may participate in or make the presentation to the arbitration panel on behalf of the **Authority**, as requested by the Chief Executive Officer.
- (xiii) The parties to the arbitration shall not be governed by formal rules of evidence.
- (xiv) The arbitration panel's decision shall be final and binding on the **Member** and the **Authority**. Decisions of the arbitration panel shall be by majority vote.
- (xv) The decision of the arbitration panel shall be written and shall govern the issue decided but may be referred to by the **Authority** and future arbitration panels for precedent.

City of Los Alamitos

Agenda Report Consent Calendar

March 18, 2013
Item No: 8G

To: Mayor Warren Kusumoto & Members of the City Council
Via: Gregory D. Korduner, Interim City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Stansbury Park Lease Renewal with Metropolitan Water District

Summary: This report provides background on the lease of park land from Metropolitan Water District (MWD) and new lease terms proposed by MWD.

Recommendation: Authorize the Interim City Manager to sign the attached lease and authorize a budget amendment in the amount of \$3,310 from the Park Development Fund to account 10.534.5201.

Background

Stansbury Park consists of three parcels of land. Two parcels are owned by the City of Los Alamitos and the one parcel is owned by the Metropolitan Water District (MWD) of Southern California. The City has leased this parcel from MWD for \$100 per year since 1971. The portion of the park subject to the lease is depicted in the attached photo. MWD has spent the past year trying to update its Southern California leases. MWD has approached the City with a request to modernize the lease and bring the rent amount up to date.

Discussion

MWD is requesting an increase in the annual rent from the current \$100 to \$450 per year with a 3% annual inflator. MWD is also requesting that the City of Los Alamitos remove five Eucalyptus trees from its site, as these deep rooted trees could damage MWD water lines



below ground. MWD requested the removal after noticing the trees near a vital Southern California pipeline. MWD officials are concerned for potential damage to the line or, even more so, for the difficulty in conducting repairs with the trees' growth.

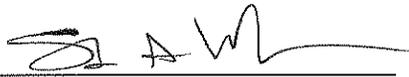
Staff has informed the neighborhood surrounding the park of the tree removal. A letter was sent to each College Park North resident as a proactive informational item. Staff received feedback from one neighbor whom requested that the replacement shrubs should not be so large that they would create a hiding place for suspicious characters. Although the loss of the trees is unfortunate, the preservation of the open space park is most important. Therefore Staff recommends the tree removal and renewal of the lease within the proposed terms. The lease terms are as follows:

Term	Year to Year beginning March 1, 2013 not to exceed five years.
Rent	\$450 annually, paid in advance One time \$1,500 processing fee
Inflator	Adjusted 3% increase on July 1 of each year

Fiscal Impact

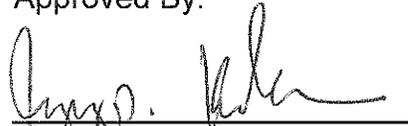
Staff is recommending a budget amendment in the amount of \$3,310 from the Park Development Fund. The \$3,310 includes first year's rent of \$450, the \$1,500 processing fee, and the \$1,360 to remove the trees. Future years rent will be incorporated into the budget.

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Gregory D. Korduner
Interim City Manager

Fiscal Impact Reviewed By:



Joshua A. Brooks
Finance Director

Attachments: 1. Lease
2. Tree Removal Estimate

LEASE

R.L. 245
Second Lower Feeder
MWD Parcel No. 1433-5-1 Fee (Ptn.)
APN 7078-019-907 (Ptn.)
WSO Los Angeles Team 1

Permission is hereby granted to CITY OF LOS ALAMITOS (Lessee) to enter upon specified portions of real property (Property) owned by THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (Lessor), designated as a portion of the Second Lower Feeder fee Parcel 1433-5-1. Said Property is shown on Exhibit "B" attached hereto and incorporated herein by reference.

1. DESCRIPTION OF PROPERTY. Lessor hereby leases to Lessee, on the terms hereinafter set forth, that certain property hereinafter referred to as Property. Said Property is shown on Exhibit "B" attached hereto and incorporated herein by reference.

2. TERM. The term of this Lease shall be year-to-year beginning on March 1, 2013, but not to exceed past five years. If it is requested that this Lease continue past February 28, 2018, it will be subject to approval by Lessor's Board of Directors. This Lease may be terminated in accordance with the provisions of Paragraph 9 herein below.

3. USE. Property shall be used for public park activities and shall be subject to Lessor's paramount right to use Property for purposes for which it was acquired. Lessee expressly agrees to occupy and use the Property only for public park purposes.

4. RENT. The rent shall be \$450 annually payable in advance.

A one time processing fee of \$1,500 will be charged for this conveyance.

5. DETERMINATION OF FUTURE RENT. The annual rent shall be adjusted by three percent (3%) each year, to be increased on July 1st of each year. The adjusted rent shall be rounded to the nearest dollar. Lessor shall have the option to reappraise the rent every five years.

6. RENTAL PAYMENTS. All rental payments shall be made payable to The Metropolitan Water District of Southern California and mailed to Post Office Box 54153, Los Angeles, CA 90054-0153, with the Lease R.L. No. 245 noted on the check and on the face of the envelope.

7. LATE PAYMENT CHARGES. Lessee hereby acknowledges that late payment by Lessee to Lessor of rent and other sums due hereunder will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, if any installment of rent or any other sum due from Lessee shall not be received by Lessor within

twenty (20) days after such amount shall be due, Lessee shall pay to Lessor a late charge equal to ten percent (10%) of such overdue amount. In no event shall the late charge exceed the maximum allowable by law. The parties hereby agree that such late charge will incur by reason of late payment by Lessee. Acceptance of such late charge by Lessor shall in no event constitute a waiver of Lessee's default with respect to such overdue amount, nor prevent Lessor from exercising any of the other rights and remedies granted hereunder.

8. RETURNED CHECK CHARGE. Lessee shall pay to Lessor a fee of \$100 for any checks returned, plus, Lessee must pay to Lessor any and all other fees incurred with such return. If Lessee has two returned checks within any 12-month period, Lessor shall not accept personal checks for any current or future payments due under this Lease. In this event, acceptable payment shall be in the form of cashier's check, money order, or cash delivered in person to Lessor's Accounts Receivable Section located at 700 North Alameda Street, Los Angeles, CA 90012-2944.

9. TERMINATION. This Lease may be terminated at any time by Lessor or Lessee upon ninety (90) days prior written notice. Ninety (90) days prior to the anniversary date, Lessee must provide written notice to Lessor informing Lessor of its intention to continue its operation for another year. Notice is to be deemed given upon the mailing thereof, postage prepaid, to the recipient at its address herein below set forth.

In the event this Lease is terminated in accordance with the provisions of this clause, there shall be no pro rata refund of any fee paid in advance for the remaining term.

Violation of any term, covenant, condition or provision contained herein shall be cause for termination of the Lease, unless corrected within ten (10) days after Lessor's written request to do so.

10. LOAD LIMITS. If Lessee plans to use any equipment on our property which impose loads greater than AASHTO H-20, Lessee shall submit the specifications of such equipment for review and written approval by Lessor a minimum of 30 days prior to its use.

11. IMPROVEMENTS. Pursuant to the terms of this Lease, no improvements except pre-approved park improvements shall be placed on Property without Lessor's prior written consent. Lessee shall not change the existing grade or otherwise modify the topography of Property including excavating any trenches without prior written consent of Lessor.

12. REMOVAL OF IMPROVEMENTS. All structures and/or other improvements placed on Property by Lessee shall be the personal property of Lessee and shall be removed by Lessee from Property by the last day of the Lease; provided, further, Lessor may keep, or dispose of at Lessee's expense, any real or personal property not so removed.

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13. VACATING THE PROPERTY. At the expiration of the term, or any sooner termination of this Lease, Lessee shall quit and surrender possession of Property and its appurtenances to Lessor in as good order and condition as Property was delivered to Lessee, reasonable wear and tear, and damage by the elements excepted.

14. MAINTENANCE. Lessee shall, at its sole cost and expense, keep Property free of noxious weeds, trash, debris, and graffiti and shall comply with all applicable laws and regulations concerning the use of Property.

15. HAZARDOUS SUBSTANCE. For purposes of this Lease, the term "Hazardous Substance" means: (a) any substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 United States Code Section 9601 et seq.; the Resources Conservation and Recovery Act, 42 United States Code Section 6901 et seq.; the Hazardous Materials Transportation Conservation and Recovery Act, 42 United States Code Section 1801 et seq.; the Resources Conservation and Recovery Act, 42 United States Code Section 6901 et seq.; the Clean Water Act, 33 United States Code Section 1251 et seq.; the Toxic Substances Control Act, 15 United States Code Section 2601 et seq.; the California Hazardous Waste Control Act, Health and Safety Code Section 25100 et seq.; the California Hazardous Substance Account Act, Health and Safety Code Section 25330 et seq.; the California Safe Drinking Water and Toxic Enforcement Act, Health and Safety Code Section 25249.5 et seq.; California Health and Safety Code Section 25280 et seq. (Underground Storage of Hazardous Substances); the California Hazardous Waste Management Act, Health and Safety Code Section 25170.1 et seq.; California Health and Safety Code Section 25501 et seq. (Hazardous Materials Release Response Plans and Inventory); or the California Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., all as amended (the above-cited California state statutes are hereinafter collectively referred to as "the State Toxic Substances Laws"); or any other federal, state, or local statute, law, ordinance, resolution, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any Hazardous Substance, now or at any time hereafter in effect; (b) any substance, product, waste or other material of any nature whatsoever which may give rise to liability under any of the above statutes or under any statutory or common law theory based on negligence, trespass, intentional tort, nuisance or strict liability or under any reported decisions of a state or federal court; (c) petroleum or crude oil other than petroleum and petroleum products which are contained within regularly operated motor vehicles; and (d) asbestos.

a. Lessor warrants and represents that as of the date hereof there are no Hazardous Substances in or about Property and that Property and improvements thereon and Lessee's proposed use thereof do not violate any applicable Federal, State or local statutes, ordinances, regulations, rules or other requirements, and that there is not presently pending any proceeding before any Federal, State or local tribunal or agency, the outcome of which would diminish or preclude Lessee's use of Property as permitted by this Lease. Except as so provided, Lessor makes no warranty or representation whatsoever concerning Property, including without limitation, the condition, fitness or utility for any purpose thereof, any improvements thereto or personal property located

thereon, or compliance thereof with applicable laws, ordinances or governmental regulations; and the Lessee's right to use Property is strictly "as is," with all faults; and Lessee hereby disclaims all other warranties whatsoever, express or implied, the condition of the soil (or water), geology, and any warranty of merchantability or habitability or fitness for a particular purpose.

b. Except as otherwise permitted in this Lease, Lessee shall not use, create, store or allow any Hazardous Substances on the premises. Fuel and other Hazardous Substances stored in a motor vehicle for the exclusive operation of such vehicle and storage batteries used for emergency power are excepted.

c. In no case shall Lessee cause or allow the deposit or disposal of any such Hazardous Substances on Property.

d. No underground storage tanks shall be installed.

e. Lessor or its officers, employees, contractors or agents shall at all times have the right to go upon and inspect Property and the operations conducted thereon to assure compliance with the requirements herein stated. This inspection may include taking samples for chemical analysis of substances and materials present and/or testing soils on Property and taking photographs.

f. Lessee shall, within reasonable time, either prior to the release by Lessee or following the discovery by Lessee of the presence of, or believed presence of, a Hazardous Substance as defined herein, give written notice to Lessor in the event that Lessee knows or has reasonable cause to believe that any release of a Hazardous Substance has come or will come to be located on or beneath the subject Property. The failure to disclose in a timely manner the release of either a material amount of Hazardous Substance or an amount which is required to be reported to a state or local agency pursuant to law (e.g., California's Hazardous Materials Storage and Emergency Response Act, Health and Safety Code Section 25550 et seq.) may subject Lessee to a default under this Lease in addition to actual damages and other remedies provided by law. Lessee shall immediately clean-up and completely remove all Hazardous Substances placed by Lessee on Property, in a manner that is in all respects safe and in accordance with all applicable laws.

g. Lessee shall disclose to Lessor Lessee's disposal of any Hazardous Substances placed on Property by Lessee and provide written documentation of its safe and legal disposal.

h. Breach of any of these covenants, terms and conditions shall give Lessor the authority to immediately terminate this Lease and/or to shut down Lessee's operations thereon, pending rectification of the breach, in which case, Lessee will continue to be liable under this Lease to clean up all Hazardous Substances placed by Lessee on Property. Lessee shall be responsible for and bear the entire cost of removal and disposal

20. TAXES. The possessory property interest created by this Lease may be subject to property taxation, and Lessee may be subject to the payment of property taxes levied on such interest by the County. Lessee is required to pay any such tax directly to the County.

21. MECHANICS' LIENS. Lessee shall keep Property free from any liens arising out of any work performed, material furnished, or obligations incurred by Lessee, or any tenant or subtenant thereof.

22. WAIVER. The waiver by Lessor or Lessee of any breach of any term, covenant, condition or provision, hereinafter referred to as Terms, contained herein shall not be deemed to be a waiver of such Terms of any subsequent breach of the same or any other Terms contained herein. The subsequent acceptance of rent by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any Terms of this Lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

23. ATTORNEYS' FEES. The prevailing party in any action brought by either party hereto based on any claim arising under this Lease shall be entitled to reasonable attorneys' and/or consultant's fees.

24. LIABILITY INSURANCE. Lessee has furnished insurance coverage evidenced by the Certificate of Insurance attached hereto as Exhibit "C." A review of the insurance coverage will be made every year in order to adjust the coverage to be commensurate with the appropriate insurance coverage existing for similar type leaseholds at the time of review. Failure to maintain a current Certificate of Insurance on file with Lessor evidencing such insurance shall be cause for termination. Insurance coverage shall remain in effect throughout the term of lease and throughout any renewals.

Said insurance shall meet the following requirements:

- a. General liability in the amount of \$1,000,000 with a \$2,000,000 aggregate
- b. Worker's compensation coverage with California statutory limits, and employer's liability in the amount of \$1,000,000
- c. Auto liability in the amount of \$1,000,000 each accident

Insurance coverage shall have the following endorsements:

- a. Name Lessor as additional insured on the general liability and automobile liability
- b. Shall obligate the insurance carrier to provide to Lessor not less than a 30-day notice of cancellation or material change affecting the coverage of the policies

- c. The workers' compensation policy endorsed with a waiver of subrogation in favor of Lessor
- d. The Lessee's insurance is primary to any self-insurance or insurance of Lessor

Lessor shall have no liability to Lessee or to any insurer, by way of subrogation or otherwise, on account of any loss or damage to Lessee's respective property, or the Project, regardless of whether such loss or damage is caused by the negligence of Lessor or Lessee, arising out of any of the perils or casualties insured against by the property and/or liability insurance policies carried. The insurance policies obtained by Lessee pursuant to this Lease shall permit waivers of subrogation that the insurer may otherwise have against the non-insuring party. In the event the policy or policies do not allow waiver of subrogation prior to loss, Lessee shall, at the request of Lessor, deliver to Lessor a waiver of subrogation endorsement in such form acceptable to Lessor. If such an endorsement is not available and the Lessee's insurer pursues separate legal action against the Lessor, the Lessee shall be responsible for all legal fees and payment of any funds Lessor is legally held obligated to pay.

All carriers must be admitted to do business in California and have an AM Best rating of not less than A: VII. A non-admitted carrier may be used with authorization by Lessor with an AM Best rating of at least A: X. The exception to these ratings is for the State Compensation Fund (Workers' Compensation), which is unrated.

25. ASSUMPTION OF RISK AND INDEMNITY. Lessee assumes all risk of loss to itself, which in any manner may arise out of the use of Property under this Lease. Further, Lessee hereby agrees to indemnify and defend Lessor and its directors, officers, employees, and agents against any liability and expense, including the reasonable expense of legal representation whether by special counsel or by Lessor's staff attorneys, resulting from injury to or death of any person, or damage to any property, including property of Lessor, or damage to any other interest of Lessor, including, but not limited to, suit alleging noncompliance with any statute or regulation which in any manner may arise out of the issuing of this Lease, or use by Lessee of Property, or any adjoining land used with Property.

26. AMENDMENTS. The provisions of this Lease may be amended by mutual written consent of the parties hereto.

27. NO RELOCATION ASSISTANCE. Lessee acknowledges that Lessee is not entitled to relocation assistance or any other benefits under the Uniform Relocation Assistance Act or any other applicable provision of law upon termination of this Lease.

28. COMPLIANCE WITH WATER QUALITY STANDARDS. Lessee's use of the Property must comply with all applicable water quality standards, and failure to do so is grounds for termination of the Lease. In addition, Lessee must indemnify Lessor for any costs arising out of violations of water quality standards resulting from Lessee's use of the Property.

29. This Paragraph intentionally left blank.

30. This Paragraph intentionally left blank.

31. USE OF RESTRICTED HERBICIDES AND MATERIALS. The use of the following chemicals is prohibited:

Pesticides:

Aldrin
Chlordane
DDT
Dieldrin
Endrin
Heptachlor
Heptachlor Epoxide
Lindane
Methoxychlor
Tozaphene

Herbicides:

2, 4-D plus
2, 4-T plus
2, 4, 5-TP (silvex)

Should Lessee find it necessary to apply one of the organophosphorus or carbamate compounds, Lessor must be notified in writing at least ten (10) days in advance of use of materials concerning the amount of active material to be applied, method of application, and date when material is to be used. Further, the compound must be applied under the permit provisions and regulations for restricted materials, as provided by the California Administrative Code, Title 3-Agriculture, Chapter 4, Article 20 and 21, on "Restricted Herbicides and Materials."

Lessee shall not dispose of any empty containers and unused material on Property, or on other property of Lessor.

Use of any pesticides or herbicides not so prohibited shall be approved in writing by Lessor prior to application.

32. COMPLIANCE WITH LAW. Lessee shall observe and comply with all rules, regulations, and laws now in effect, or which may be enacted during the term of this Lease or any extension hereof or any occupancy hereunder, by any municipal, county, state, or federal authorities having jurisdiction over the Property or the use allowed by this Lease.

Date Executed: _____

Lessor's Mailing Address:
Post Office Box 54153
Los Angeles, CA 90054-0153
Attention: Real Property Development
and Management Group
Telephone: (213) 217-7750

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Jeffrey Kightlinger
General Manager

By: _____
John C. Clairday, Group Manager
Real Property Development
and Management Group



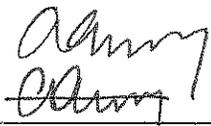
Lessor

Date Executed: _____

Lessee's Mailing Address:
3191 Katella Avenue
Los Alamitos, CA 90720
Telephone (562) 431-3538

CITY OF LOS ALAMITOS

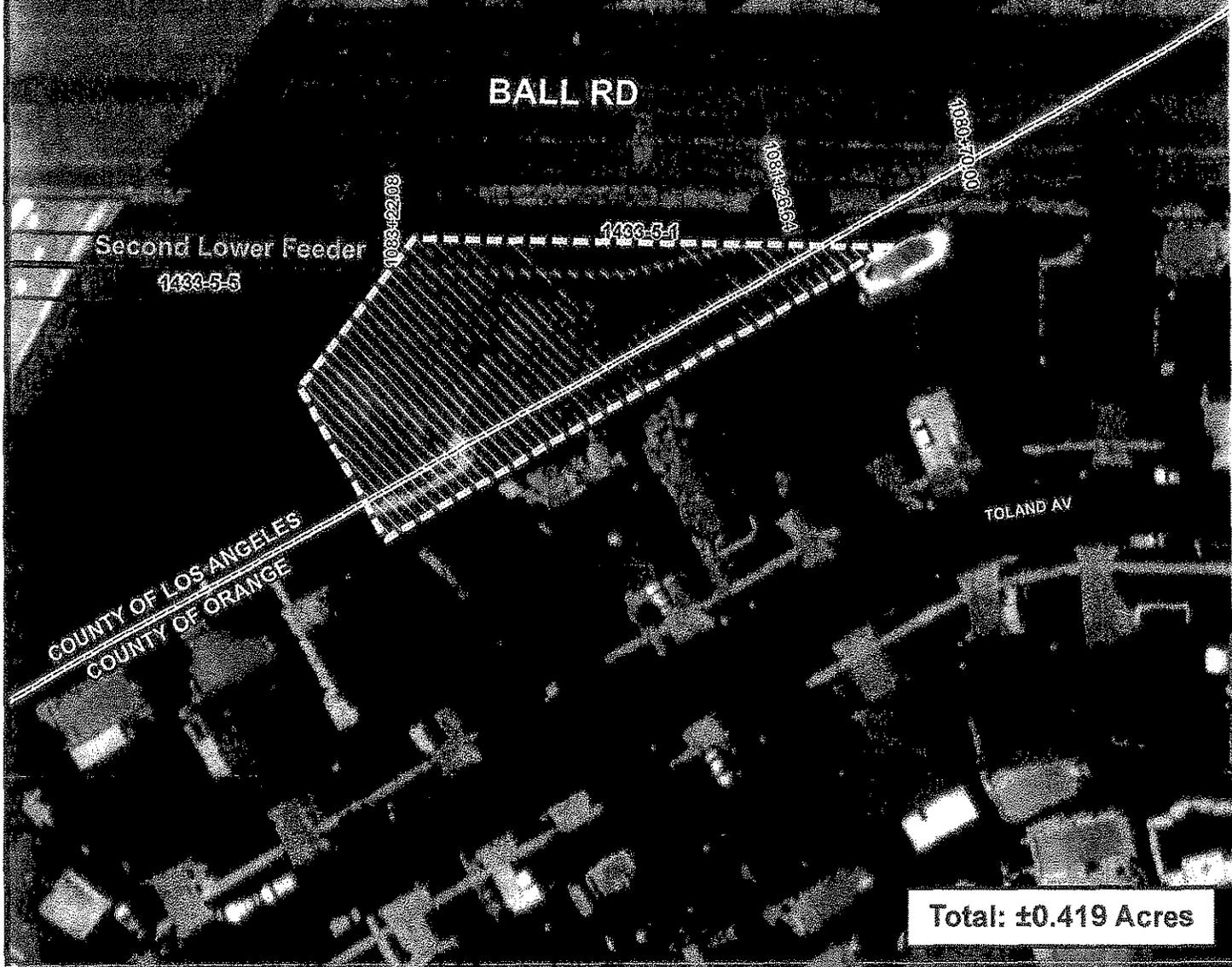
By: _____
Angie Avery, City Manager



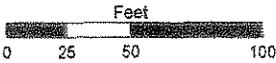
Lessee

EXHIBIT B

PORTION OF LOT 54, TRACT NO. 10548, M.B. 174-18
IN THE CITY OF LONG BEACH
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



Total: ±0.419 Acres



THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY. IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING, RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY IS IMPLIED OR GUARANTEED.

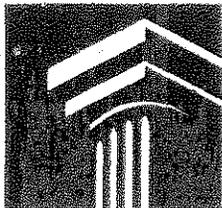
COLORADO RIVER AQUEDUCT
SECOND LOWER FEEDER

LEASE RL 245



The Metropolitan Water District of Southern California
Engineering Services Group

MWD to City of Los Alamitos
ROW: 1433-5-1 (Por.) APN: 7078-019-907 (Por.)



CALIFORNIA
J · P · I · A

EXHIBIT C

REVISED

December 13, 2012

Paul Norleen
The Metropolitan Water District of Southern California
Post Office Box 54153
Los Angeles, CA 90054-0153

Member Name:	City of Los Alamitos
Additional Protected Party:	The Metropolitan Water District of Southern California
Activity:	Entrance upon specified portions of real property designated as a portion of the Second Lower Feeder fee Parcel 1433-5-1
Coverage Period:	From 12:01 AM on 1/1/2013 to 11:59 PM on 6/30/2013

This Evidence of Coverage is issued on an annual basis and will be automatically reissued every June until expiration of the written contract.

The City of Los Alamitos (Member) along with other California public agencies, is a member of the California Joint Powers Insurance Authority (California JPIA), and participates in the following self-insurance and commercial insurance program that is administered by the California JPIA for its members:

General Liability Program, Including Automobile Liability	
Coverage Limit:	\$1,000,000 per occurrence
Annual Aggregate Limit:	\$2,000,000

Workers' Compensation Program	
Coverage Limit	Statutory
Employers Liability	\$1,000,000

On behalf of the Member, the California JPIA agrees to include the above-named additional Protected Party as a Protected Party under the Memorandum of Liability Coverage for the liability protection program, subject to the above-stated limits, but only for "Occurrences" arising out of the described activity, during the described Coverage Period, and where required under the terms of a written agreement between the Member and the additional Protected Party. The California JPIA will endeavor to provide at least thirty (30) days notice of any change in the foregoing information. If the written agreement requires, coverage shall be primary. Subrogation rights are waived per the terms of the contract.

Coverage is subject to all the terms, Definitions, Exclusions, Conditions and Responsibilities of the Memorandum of Liability Coverage and the Limits of Coverage stated above.

Sincerely,

Jim Thyden
Insurance Programs Manager

cc: Windmera Quintanar, CMC, City of Los Alamitos

City of Los Alamitos

Agenda Report Discussion Items

March 18, 2013
Item No: 9A

To: Mayor Warren Kusumoto & Members of the City Council
Via: Greg Korduner, Interim City Manager
From: Windmera Quintanar, CMC, City Clerk
Subject: City Council Policy on Amendment of City Council Minute Format

Summary: On August 2, 2010 the City Council adopted Resolution 2010-06 which established the policy for Action Minute format. Mayor Pro Tem Graham-Mejia asked to agendize this item to readdress the format in which minutes are prepared.

Recommendation:

1. Fully implement action minutes as previously approved by Resolution 2010-06; or,
2. Approve implementing Summary Minutes and direct Staff to prepare a Resolution adopting such; or,
3. Approve implementing Verbatim Minutes and direct Staff to research the most cost efficient consultant to provide the transcription services.

Background

At the July 5, 2010 City Council meeting, the City Council requested that the City's current policy of using Summary Minutes as the formal record of the City Council be placed on a future City Council agenda for review and discussion. At that time, Council summary minutes included background information on the discussion items, brief summaries of public comments, and the action taken on the item. They were not verbatim minutes, but typically included a high level of detail.

On August 2, 2010, the Council adopted Resolution 2010-06 which established the policy for Action minutes, with the caveat that the recorded DVDs of the meeting would be permanently retained. To date, the Clerk's Office has not fully implemented action minutes. Minutes in their current form today are a combination of summary and action minutes. They include limited detail of the discussion and the action taken on the item.

Discussion

The City Clerk is responsible for preparing the minutes of the City Council meetings. Minutes are the official record of a meeting and reflect the type of meeting, when and where a meeting was held, beginning and ending times, officials present and absent, issues that were discussed, what action was taken, and how members voted.

Robert's Rules of Order In Brief notes, "...it is not necessary to summarize matters discussed at a meeting in the minutes of that meeting, it is improper to do so. Minutes are a record of what was done at a meeting, not a record of what was said." (p. 120).

Types of Minutes

Minutes can be action, summary, verbatim or a combination of these. Whatever the format, minutes should be accurate, brief, and clear. They should also be objective, consistent, include professional language, be easy to read and have a logical flow.

Action Minutes contain very little, if any narrative. They are the most accurate form of minutes as they only record the action that was taken on each item. There is not subjectivity on the part of the transcriber. The time involved in preparing action minutes is minimal and would allow the Clerk's Office to more efficiently use its time for other important day to day tasks.

Action minutes provide the necessary documentation of City Council actions and DVDs are retained permanently for those who might want more detail on discussion of a particular agenda item. The DVDs provide an accurate and comprehensive backup of City Council deliberations and citizen discussion.

Example of Action Minutes

Disposal of Surplus Equipment

This report brought forth a recommendation to dispose of surplus equipment.

City Manager White summarized the Staff report and answered questions from the City Council.

Mayor Green opened the item for public comment.

Brian Smith, resident, spoke in favor of the item.

Mayor Green closed the item for public comment.

Motion/Second: Smith/Green

Carried 4/1 (Brown cast the dissenting vote): The City Council declared the listed equipment as surplus, and authorize its disposal in accordance with the Los Alamitos Municipal Code.

Summary Minutes provide limited City Council/Staff comments as well as noting the members of the public in support or opposition to an issue. The amount of comments included can vary depend on the topic being discussed and the interpretation of the transcriber's intent. Summary minutes rely on interpretation by the transcriber to determine what is being said and which portions of the dialogue are important.

Summary minutes provide more background of what happened at the meeting, but have some inherent difficulties. They are labor intensive. The transcriber needs to decipher which comments are important for the official record and which comments should be excluded. The time it takes to prepare summary minutes takes much longer than the original meeting. Further, the transcriber must remain neutral when picking and choosing which comments carry more importance.

Example of Summary Minutes

Disposal of Surplus Equipment

This report brought forth a recommendation to dispose of surplus equipment.

City Manager White summarized the Staff report and answered questions from the City Council.

Council Member Smith asked if the items could be donated to a charity and thought it would be a good idea to do so. Staff responded in the negative.

Mayor Green opened the item for public comment.

Brian Smith, resident, spoke in favor of the item and stated he would like to see the items donated to charity as well. He felt it would be a good way for the City to give back to the community.

Mayor Green closed the item for public comment.

Mayor Green inquired why the items could not be given to charity. Staff responded it was a Council adopted policy to send the items to bid.

Council Member Smith asked that the policy be agendized for the next meeting for discussion.

Council Member Brown stated opposition and felt Staff could make due with the equipment on hand and should not be giving away anything that could be reused.

Motion/Second: Smith/Green

Carried 4/1 (Brown cast the dissenting vote): The City Council declared the listed equipment as surplus, and authorize its disposal in accordance with the Los Alamitos Municipal Code.

Verbatim Minutes are defined as “word by word”. Every word spoken is recorded as provided in legal proceedings. Verbatim minutes are a detailed method of preparing minutes, which does not involve subjectivity on the part of the transcriber. They are very labor intensive and require a significant more amount of Staff time to transcribe. Without additional staff in the City Clerk’s Office, verbatim minutes would be detrimental to the daily functions of the office. Should Council decide to adopt verbatim minutes, Staff recommends hiring a professional transcriber to provide the service.

Meeting Minutes Practice

Prior to 2010, Summary Minutes were prepared that contained a high level of detail. On occasion the minutes would not be prepared in time for approval at the next meeting and a back log of minutes to transcribe started to accumulate. In addition, minutes would often be pulled at the meeting for corrections without further guidance. The City Clerk would then try to coordinate with the Council Member that requested the changes. In some cases the minutes would come to Council for approval 2-3 times. At this time, there was a full time City Clerk and a full time Secretary to assist with the day to day responsibilities of the City Clerk’s Office in addition to the preparation of these detailed minutes.

Currently, the City Clerk prepares a combination of Action and Summary minutes. In an effort to move towards the Council adopted policy of Action Minutes, the City Clerk has slowly been reducing the amount of comments provided for each report while trying to remain sensitive to the Council Members who would like to see more comments in the minutes. Currently, there is one full time City Clerk who manages the day to day responsibilities.

Preparation of Summary Minutes requires the City Clerk to watch or listen to the meeting; type the summarized discussion; edit, review and proofread the documents. Consistent with other cities’ experiences, summary minutes average 2-3 hours of Staff time per hour of meeting time (depending on the complexity of the discussion). An average 4-hour meeting requires approximately 8-12 hours of Staff time for just the preparation of minutes. Should Council chose to return to a more inclusive and detailed form of Summary minutes, additional assistance will be needed in the City Clerk’s Office to fulfill the day to day requirements of the position.

The problem inherent with Summary Minutes is that any commentary included for the official record is included at the discretion of the transcriber. The potential for misinterpretation of the discussion or inadvertent omission of relevant information is significantly greater compared to Action minutes. In addition, as the official City record, all information contained in the minutes could be used in any potential legal proceeding. Should Council decide to return to summary minutes, Staff would need specific direction regarding how much information to include. Those standards would be formalized in a resolution. Action minutes provide a clear picture of the action taken by Council and offer the most efficient use of Staff time.

Practice of Surrounding Cities

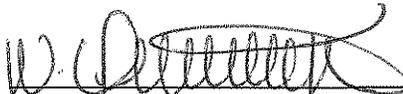
Staff contacted the Association of California Cities-Orange County to survey the minutes formats used by surrounding cities. Of the 8 cities that responded, 4 cities use action minutes format and 4 use summary minutes format. Examples from the cities that responded have been provided for Council's review.

City	Minute Format	Transcription Time for One Hour of Meeting	City Clerk Office Staff
Brea	Action	1.5 hours total	2 Full Time 1 Part Time
Cypress	Limited Summary	1.5 hour	2 Full Time
Huntington Beach	Detailed Summary	City Clerk Management Services - \$165/hour	4 Full Time 3 Part Time
La Palma	Limited Summary – No detail for public or Council comments	2 hours	2 Full Time
Laguna Niguel	Detailed Summary	3 hours	1 Full Time
Los Alamitos	Summary	2-3 Hours	1 Full Time
Mission Viejo	Action, with limited comment	2-5 hours total	3 Full Time 1 Part Time
San Juan Capistrano	Action	4 hours at the most	4 Full Time
Stanton	Action	1.5 hours total	1 Full Time

Fiscal Impact

None at this time.

Submitted By:


 Windmera Quintanar, CMC
 City Clerk

Approved By:


 Gregory D. Korduner
 Interim City Manager

- Attachments:
1. Resolution No. 2010-16
 2. Sample Minutes from Surrounding Cities.

City of Los Alamitos

City Clerk's Office

MEMORANDUM

TO: Mayor Warren Kusumoto & Members of the City Council

FROM: Windmera Quintanar, CMC, City Clerk

DATE: March 18, 2013

SUBJECT: AGENDA ITEM 9A

Information was requested regarding an agenda management system known as Granicus. Granicus offers a service known as Government Transparency Suite. This software would enable Staff to link the agenda (known as time stamping) to a specific point on the City Council recorded meetings. This process allows an interested party to jump to their particular item of interest versus having to review the entire recording. This software does not transcribe minutes.

In addition to the agenda linking, the service include an online search function, unlimited video and document storage, ability to time stamp live, and iLegislate (an iPad application for paperless agenda). The service includes one meeting location and unlimited bodies. This means the City Council and all Commissions would be able to utilize the software as long as the meeting was held in the Council Chamber.

Without knowing the specific services Council might be interested in, Staff received a basic estimate for cost from Granicus for the Government Transparency Suite. The initial set up cost is approximately \$5,000 and includes the hardware, software, training, and set up. In addition, there is an approximate monthly subscription cost of \$600. This price is based off the City's population.

Attachment



Everything you need to manage and broadcast government media online

- Give citizens convenient access to live and archived streaming through your website.
- Reduce public inquiries with searchable, self-service access online.
- Import agendas and index video live to eliminate hours of work.
- Manage and distribute unlimited meetings and events--all completely automated.
- Reach a broader audience - integrate closed captions with video.

Promote accountability and build public trust.

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RESOLUTION NO. 2010-16

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS
ESTABLISHING "ACTION" MINUTES FORMAT
FOR CITY COUNCIL MEETINGS

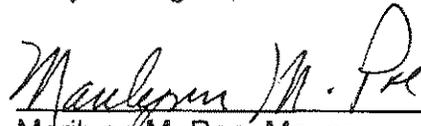
WHEREAS, it is the responsibility of the City Clerk to keep an accurate legal record of the actions and proceedings of the legislative body. The record of proceedings used is referred to as "Minutes"; and,

WHEREAS, the Minutes are not transcriptions, nor an exact record of discussions and conversations. Minutes only record what action was taken, not what was said; and,

WHEREAS, the DVD recordings are a true record of City Council meetings are available to the public; and,

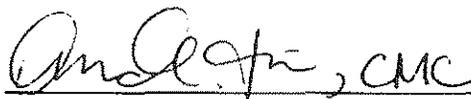
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Alamitos does hereby approve the implementation of "Action" minutes format for creating the written record of actions and proceedings of the legislative body.

PASSED, APPROVED AND ADOPTED this 2nd day of August, 2010.



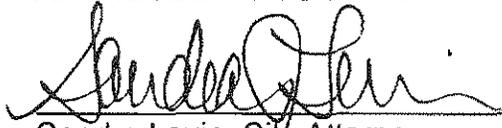
Marilyn M. Poe, Mayor

ATTEST:



Adria M. Jimenez, CMC
City Clerk

APPROVED AS TO FORM:



Sandra Levin, City Attorney

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

I, Adria M. Jimenez, CMC, City Clerk of the City of Los Alamitos, do hereby certify that Resolution No. 2010-16 was adopted at a meeting of the City Council held on the 2nd day of August, 2010, by the following vote to wit:

AYES: Council Members Edgar, Zarkos, Mayor Pro Tem Stephens, Mayor Poe

NOES: Graham-Mejia

ABSENT: None

ABSTAIN: None



Adria M. Jimenez, CMC
City Clerk



MINUTES

FEBRUARY 5, 2013

CLOSED SESSIONS

5:45 p.m. - Executive Conference Room
Level Three

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Garcia called the Closed Session of the Brea City Council meeting to order at 5:45 p.m.

COUNCIL MEMBERS

PRESENT: Garcia, Marick, Moore, Murdock, Simonoff

ABSENT: None

EXCUSED: None

1. Public comment

None.

2. Liability Claim pursuant to Government Code §54961 - LaFlamme: 503-10-34

3. Conference with Legal Counsel pursuant to Government Code §54956.9(b) - 1 case anticipated litigation

Mayor Garcia recessed the Closed Session at 6:31 p.m.

STUDY SESSION

6:30 p.m. - Executive Conference Room
Level Three

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Garcia called the Study Session of the Brea City Council meeting to order at 6:32 p.m.

4. Public Comment

None.

5. Clarify regular meeting topics

None.

ACTION ITEMS

6. Appointments to Cultural Arts Commission, Parks, Recreation, and Human Services Commission, Planning Commission, and Traffic Committee to fill vacancies

M / S Murdock / Simonoff to make the following appointments:

- Re-appoint Judythe Randlett and appoint Innie Hahn to the Cultural Arts Commission with terms expiring December 31, 2016
- Re-appoint Bill McMillan and appoint Steve Shatynski to the Parks, Recreation, and Human Services Commission with terms expiring December 31, 2016
- Appoint James McGrade and George Ullrich to the Planning Commission with terms expiring December 31, 2016; and Carrie Flanders to the Planning Commission with term expiring December 31, 2014
- Re-appoint Howard Holman to the Traffic Committee with term expiring December 31, 2014

Motion carried as follows:

AYES:	COUNCIL MEMBERS:	Marick, Moore, Simonoff, Murdock, Garcia
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

City Clerk Balz announced that there was one vacancy remaining on the Traffic Committee to be filled. *(This appointment was taken out of order after Item No. 7)*

M / S Simonoff / Marick to appoint Shivinderjit Singh to the Traffic Committee with term expiring December 31, 2014.

Motion carried as follows:

AYES:	COUNCIL MEMBERS:	Marick, Moore, Simonoff, Murdock, Garcia
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

DISCUSSION ITEMS

7. Fiscal Year 2012-13 mid-year budget review

Staff presented an overview of the Fiscal Year 2012-13 Budget.

REPORTS

8. COUNCIL MEMBER REPORTS

Mayor Garcia asked Council Members to report out on their regional organizations during the Council Announcement portion of the General Session.

Mayor Garcia recessed the Study Session at 7:00 p.m.

GENERAL SESSION
7:00 p.m. - Council Chamber
Plaza Level

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Garcia called the General Session of the Brea City Council meeting to order at 7:07 p.m.

9. Pledge of Allegiance - Led by Girl Scout Troop 811
10. Invocation - Led by Associate Pastor Jonathan Park, Crossway Church
11. Mayor's Theme

Mayor Garcia presented his theme, "Active Lives Healthy City Brea 2013"

12. Proclamation: Career and Technical Education Month - February 1-28, 2013

Mayor Garcia presented a Proclamation to North Orange County Regional Occupational Program Public Information Manager Pat Hansmeyer proclaiming February 1 -28, 2013 as Career and Technical Education month.

13. Presentation: Orange County Transportation Authority (OCTA) - State Route 57 widening project update

Mayor Garcia called upon OCTA Project Manager Steven King and Community Outreach Liaison Ryan Romeos who presented an update on the State Route 57 widening project, ramp closures and other OCTA projects

14. Report - Prior Study Session

City Manager O'Donnell provided a report on the prior study session items.

15. Matters from the audience

Dave Radar spoke regarding Mayor's Theme and upcoming Chamber events. Phil Painchaud spoke regarding trash pickup. Eric Johnson spoke regarding the Fire Safe Council activities and the Carbon Canyon Wildfire Protection Plan. George Ullrich spoke regarding the Ready Set Go Program, training received in Olinda community, and an upcoming drill. He also thanked the Fire and Police Departments and Anna Cave for providing CERT training. Keith Fullington spoke regarding the Fire Safe Council, Sister City travel, the Sister City Program and requested a refund of expenditures.

16. Response to public inquiries - City Manager

City Manager O'Donnell responded to matters from the audience.

ADMINISTRATIVE ITEMS - *This agenda category is for City Council consideration of a wide variety of topics related to the City's operations. Public comments regarding items in this section should be presented during "Matters from the Audience."*

17. Measure T analysis

City Attorney Markman presented an analysis of the Measure T implementation

CONSENT CALENDAR - *The City Council approves all Consent Calendar matters with one motion unless Council or Staff requests further discussion of a particular item. Items of concern regarding Consent Calendar matters should be presented during "Matters from the Audience."*

CITY COUNCIL - CONSENT

Council Member Marick commented on Item No. 22 and transparency of the total compensation package.

Mayor Pro Tem Murdock pulled Item No. 26 for discussion prior to the vote on the Consent Calendar.

Staff presented a report on the Birch Street Median enhancements.

M / S Simonoff / Moore to approve the recommended items on the City Council Consent Calendar as follows:

18. Approve the January 15, 2013, City Council Meeting Minutes
19. Receive and file the November 27, 2012, Parks, Recreation and Human Services Commission Meeting Minutes
20. Approve the January 25 and February 1, 2013, City Warrant Registers
21. Approve the 2013-15 Operational Goals
22. Adopt **Resolution No. 2013-009** of the Council of the City of Brea approving Memorandums of Understanding with the: 1) Brea Management Association (Non-Safety); and 2) Brea Fire Management Association
23. Approve the Quitclaim Deed for the water service easement on Valencia Avenue north of the Metropolitan Water District to La Floresta, LLC, for future dedication to Caltrans as part of the La Floresta Development project and authorize City Clerk to record deed
24. Approve the agreement with Country Road Homeowners Association to indemnify the City of Brea of any liability resulting from issuance of permits to homeowners association as owner/builder
25. Accept contract with Stephen Doreck Equipment Rentals, Inc., as complete for replacement of existing water main from Carbon Canyon Regional Park to Pump Station No. 3 and water valves from Pump Station No. 3 to the San Bernardino County boundary for Carbon Canyon Waterline Upgrade, Project 7449 and authorize City Clerk to record Notice of Completion
26. Accept contract with Pima Corporation dba Advanced Construction as complete for construction of landscaped medians along Birch Street between Orange Avenue and east of the 57 freeway for Birch Street Median Enhancements Phase 1 and 2, Projects 7862 and 7204 and authorize City Clerk to record Notice of Completion

27. Award the Request for Proposal to Kreuzer Consulting Group for \$199,976 plus contingencies from Fund 560 to install landscape and hardscape on a parcel located on Imperial Highway from Valencia Avenue to the Orange County Flood Control Channel and to construct new landscaped medians along Valencia Avenue from Birch Street to Sandpiper Way for Imperial Highway Greenbelt Improvements, Project 7285 and Valencia Avenue Landscaped Median Improvements, Project 7206, respectively, and authorize execution of contract documents

AYES:	COUNCIL MEMBERS:	Marick, Moore, Simonoff, Murdock, Garcia
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

CITY / SUCCESSOR AGENCY - CONSENT

M / S Simonoff / Moore to approve the recommended items on the City / Successor Agency Consent Calendar as follows:

28. Approve the January 25 and February 1, 2013, Successor Agency Warrant Registers

AYES:	COUNCIL MEMBERS:	Marick, Moore, Simonoff, Murdock, Garcia
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ADMINISTRATIVE ANNOUNCEMENTS

31. City Manager

None.

32. City Attorney

None.

COUNCIL ANNOUNCEMENTS

Council Member Simonoff reported on the activities of the League of California Cities Public Safety Committee and the discussion of Corrections facilities realignment policies at his recent meeting in Sacramento. Council Member Moore reported on the activities of the Orange County Vector Control Board stating that the West Nile virus threat is over and that the new concern is a flea-borne typhus carried by fleas found in possums and feral cats. Council Member Marick reported on the Wildlife Corridor Conservation Authority and her trip to Sacramento to attend the League of California Cities New Mayor's and Council Member Academy. Mayor Pro Tem Murdock reported on the activities of the Orange County Council of Governments, the appointment of the new executive director, and announced that the City of Brea will be host their next quarterly meeting. He also reported on the activities of the Orange County Sanitation District and the League of California Cities Housing, Community and Economic Development Policy Committee. Mayor Garcia reported on the activities of the National League of Cities Community and Economic Development Committee and the formation of the New Military Communities Council.

ADJOURNMENT

Mayor Garcia adjourned the meeting at 8:54 p.m.

Respectfully submitted,

The foregoing minutes are hereby approved this 19th day of February, 2013.



Cheryl Balz, City Clerk



Ron Garcia, Mayor

Administration Links

MINUTES OF A REGULAR MEETING OF THE CYPRESS CITY COUNCIL HELD FEBRUARY 11, 2013

A regular meeting of the Cypress City Council was called to order at 5:30 p.m. by Mayor Narain in the Executive Board Room, 5275 Orange Avenue, Cypress, California.

Members present:

Mayor Prakash Narain
Mayor Pro Tem Leroy Mills
Council Member Doug Bailey
Council Member Rob Johnson
Council Member Mariellen Yarc

Staff present:

City Manager John Bahorski
City Attorney William Wynder
Director of Finance and Administrative Services Richard Storey
Police Chief Jackie Gomez-Whiteley
Public Works Director Doug Dancs
Recreation and Community Services Director June Liu
Assistant Finance Director Matt Burton
Assistant City Engineer Kamran Dadbeh
Planning Manager Doug Hawkins
Public Works Superintendent Bobby Blackburn
Recreation Superintendent Dena Diggins
Recreation Supervisor Jeff Draper
Recreation Supervisor Shelly Myers
Administrative Services Manager Andrew Tse
City Clerk Denise Basham

ORAL COMMUNICATIONS:

None.

WORKSHOP SESSION:

FISCAL YEAR 2012-13 MID-YEAR BUDGET REVIEW

The Director of Finance and Administrative Services stated that the estimated revenues for Fiscal Year 2012-13 were up \$.5 million due to the residual tax increment from the Redevelopment Agency dissolution. He indicated that the six-month comparison sales tax are down approximately \$400,000 due to the audit requirement of having to accrue one more month into the previous year which means one less month of sales tax revenues.

The Director of Finance and Administrative Services explained that the Triple Flip is when the State budget was attempted to be balanced five years ago, the State would take part of local government's sales tax and repay

it with the money that the State gets from the ERAF shift.

The Director of Finance and Administrative Services stated that the estimated expenditures are down because of Personnel savings due to a PARS retirement incentive effective at the end of June 2012, along with vacancies and ongoing freezing of positions.

Mayor Pro Tem Mills asked the Director of Finance and Administrative Services to explain, for the benefit of the new City Council Members, the O.C. Transportation Authority exchange transfer.

The Director of Finance and Administrative Services stated that several years ago the O.C. Transportation Authority (OCTA) received money from the State but found out that it could not be used for transportation. He stated that OCTA had money that it could not spend and contacted cities to negotiate a trade of general fund monies for the gas tax money. He indicated that the City had been doing that for the past several years, however, this year ceased that exchange.

Council Member Johnson asked if there was an advantage to the exchange transfer.

The Director of Finance and Administrative Services responded that there was an advantage to OCTA in that they would be able to spend the money on transportation, however, there was no real advantage to the City.

The Director of Finance and Administrative Services stated that the General Fund balance has a \$4.5 million surplus in net operations. He stated that, as per the City Council policy, \$2.25 million is allocated for Capital Projects.

The Director of Finance and Administrative Services stated that based on City Council action, committed funds in the City General Fund is \$6 million which is a 25% contingency. He indicated that certain items of the fund balance are staff assigned internally and that it is expected that approximately \$3 million would be used for future infrastructure and to fund the \$5 million Public Employees' Retirement System (PERS) unfunded liability.

Council Member Bailey asked for clarification on the PERS funding.

The Director of Finance and Administrative Services responded that PERS has set aside a rate that the City is charged and that a percent of the City's payroll is charged. He stated that PERS provides the City with an annual funded/unfunded actuarial report that is typically one year late. He stated that the most recent report of June 30, 2011, indicates that in the general employees liability the City is approximately \$4.6 million underfunded and that the Police Department is part of a pool, however, it would be probably approximately another \$4-\$5 million underfunded.

Council Member Bailey asked about AB340 and the indication of the change formulas in 2017.

The Director of Finance and Administrative Services stated that new employees are under a new formula and that a formula change could be negotiated with current employees. He indicated that the 2017 date was if the City wanted to negotiate for employees to pay a portion of the normal cost related to the actuarial report and should it come to impasse, the City could implement a certain percentage of the normal cost.

The Director of Finance and Administrative Services stated that monies loaned to the State under Proposition 1A will have to be paid back this next year, however, it is anticipated that the State would re-borrow the monies.

Mayor Pro Tem Mills asked when relocation funding was used last.

The Director of Finance and Administrative Services replied that stabilization funding has not been used because it is set aside in case major revenue producing businesses leave or have operations disruption that cause a change in the City operations.

Council Member Bailey clarified that relocation funding would be for something catastrophic self-insuring the City's sales tax.

The Director of Finance and Administrative Services commented that the City fund balance is expected to increase by \$294,000 by the end of the fiscal year

The Director of Finance and Administrative Services stated that the Cypress Recreation and Park District General Fund has its own funding source which includes property tax and fees, and it is estimated that revenues would be increased by \$704,000 mostly due to the additional property tax and residual tax increment from the dissolution of the Redevelopment Agency. He stated that the excess revenues would be used to pay down the promissory note between the Redevelopment Agency, the City, and the Cypress Recreation and Park District. He indicated that the Cypress Recreation and Park District has \$2 million worth of cash flow and a contingency of \$1 million.

The Director of Finance and Administrative Services commented on mid-year budget issues including the economy and the impact of Proposition 30.

Council Member Bailey asked if Proposition 30 would impact more expensive revenue sources such as an auto mall, and commented that the purchase of building materials has been affected.

The Director of Finance and Administrative Services stated that the sale of construction items has been impacted by the economy. He stated that there are still unknowns related to the 13 acre site as a result of the dissolution of the Redevelopment Agency.

The Director of Finance and Administrative Services stated that mid-year budget issues include the Promissory Notes between the City and the Redevelopment Agency, and the impact of the State budget. He assured that this year's budget is still within the City's goals.

The Director of Finance and Administrative Services stated that a PERS pension issue for Fiscal Year 2013-14, is that the miscellaneous employees unfunded accrued liability is \$4.6 million as of June 30, 2011. He indicated that it is proposed to do a one-time transfer of \$5 million from the City General Fund.

Council Member Johnson asked if there is a risk to putting this money into the unfunded actuarial accrued liability fund.

The Director of Finance and Administrative Services responded in the negative, and stated that excess General Fund monies would be moved into the employee benefits fund, not PERS. He stated that those monies would reduce future operation costs and that it could be moved to other operations if it is needed.

Council Member Bailey asked of the benefit of having the unfunded actuarial accrued liability fund with negotiating groups.

The Director of Finance and Administrative Services responded that the City could fund more operations annually.

Mayor Narain asked if there is any disadvantage or if other projects would be affected.

The Director of Finance and Administrative Services responded that other projects would not be affected and that the funds could be moved in the future into infrastructure funding or back into the City General Fund. He indicated that the City would still have control over the monies.

The Director of Finance and Administrative Services indicated that repayment of the Redevelopment Agency loans has not been resolved by the State. He stated, however, that \$860,000 in the City General Fund has been collected and \$902,000 in the Cypress Recreation and Park District for a total of \$1.7 million in residual tax increment that would not have been collected in those funds if the Redevelopment Agency remained. He indicated that the amount should be reduced an additional \$500,000-\$600,000 by the end of the Fiscal Year and this money is being used to reduce the \$23.9 million loan with the Redevelopment Agency.

Mayor Narain asked where the \$1.7 million would be allocated.

The Director of Finance and Administrative Services indicated that the \$1.7 million would be allocated into the infrastructure fund because that is the fund that originally loaned the monies.

The Director of Finance and Administrative Services stated that for Fiscal Year 2013-14, the budget is expected to remain status quo with operations, capital projects, and that vacant positions would remain frozen. He stated that the residual tax increment would be used to pay back the City loans and that there are ongoing negotiations with the Police Management Association and negotiations will soon begin with the Police Officers' Association. He stated that Management, Mid-Management, Executive Management, and unrepresented groups benefits would be under consideration for salary adjustments also.

Mayor Pro Tem Mills asked if the City could sustain for one year without revenues.

The Director of Finance and Administrative Services responded in the affirmative.

Council Member Yarc asked for clarification on the residual tax increment.

The Director of Finance and Administrative Services responded that the Redevelopment tax increment was eliminated and turned into property tax, and the Redevelopment Agency's remaining cash was reallocated to taxing entities as one-time revenue.

Council Member Johnson asked if frozen positions include the Police Department and Redevelopment/Economic Development Manager.

The Director of Finance and Administrative Services responded in the affirmative.

STAFF REPORTS/DEPARTMENT COMMUNICATION

The City Manager indicated that if staff decreases due to elimination and/or frozen positions as mentioned in the budget review workshop, there would be a concern with staff e-mail addresses and phone numbers on Agenda Reports. He stated that City Council held a workshop on communication and protocol, and that based on

staff's survey, the City of Newport Beach is the only City that puts staff information on Agenda Reports. He stated that there have been no complaints from the public and that there is a 95%+ customer satisfaction rating based on an independent survey. He stated that there could be operational issues by doing such.

Council Member Bailey asked for clarification on the operational issues that could occur.

The City Manager stated that it could cause the City Council Member frustration if a staff member is on vacation and/or not available.

Mayor Narain stated that the City Council could reach the City Manager should questions arise, and asked how the public would address Agenda Item issues and if a central phone number could be listed.

The City Manager responded that general department phone numbers could be placed on the Agenda Report face sheet.

Mayor Narain expressed concern with the public addressing Agenda Item concerns.

Council Member Bailey commented that the City Council should be able to contact staff with Agenda Item questions and/or concerns.

Mayor Pro Tem Mills stated that he raised this matter at the City Council meeting and that there were no comments and/or objections. He stated that based on implied consent, that reports for the next City Council meeting would reflect the e-mail address and phone number of the staff who authored the report. He indicated that the City Manager stated that an implied consent was insufficient and that a vote by the City Council would be needed. Mayor Pro Tem Mills clarified that he asked for an Agenda Item so that a vote of the City Council could be taken, and that he did not ask for a staff report or survey of the matter.

Mayor Pro Tem Mills stated that on a recent public hearing, he was likely to vote against the item, however, dialog with staff assisted him with making a decision in favor of the item.

The City Manager commented that there is a coercive effect when the City Council holds a quasi-judicial hearing with staff.

The City Attorney stated that the context of a public hearing should be asked in a public arena, otherwise one or more of the City Council Members could be accused of prejudging the outcome of the hearing. He stated that he and the City Manager have a tell one, tell all duty to the City Council Members, and that it is difficult to what is being told to a Council Member by City staff.

Council Member Bailey asked how a balance could be reached.

The City Manager stated that the City Council should work through the Department Heads and the City Manager, and that directly contacting junior staff members could cause issues that they may not be aware of.

Mayor Pro Tem Mills stated that if the City Council is not to contact staff for public hearings, how would other matters be handled.

The City Attorney stated that questions that illicit facts do not pose a problem.

Council Member Bailey asked Mayor Pro Tem Mills if he feels that he is not getting information.

Mayor Pro Tem Mills stated that he attempts to have his questions resolved prior to the City Council meetings and that if there is something particularly noteworthy, he would raise that matter at the City Council meeting. He indicated that he is aware that he not state his vote until the public hearing has been closed.

Mayor Narain stated that a Department Head can direct City Council to staff who prepared the staff report.

The City Manager cautioned that a conversation between a City Council Member and staff could easily go from purposes of inquiry to directing staff.

Mayor Narain stressed the importance that all City Council Members should have the same information.

Council Member Bailey stated that he does not have a concern with other Council Members speaking directly to staff.

Council Member Johnson asked for clarification for the benefit of the new Council Members on the chain of command and that a phone number should be listed.

The City Manager indicated that general phone numbers could be placed on the Agenda Report.

Mayor Narain stated that the rules for the general public are clear and that he understands the issues raised by the City Manager and Mayor Pro Tem Mills. He indicated that the City Council is a policy maker and that they do not manage the City, as it would be disruptive to staff. He commented that there is a delicate balance between getting information from the source or going through the Department Head and that could be viewed as an unintentional interference with management.

Mayor Narain clarified that City Council Members are not to call staff members directly.

Mayor Pro Tem Mills clarified that a Department Head may be contacted as long as the Council Members have access to the author of the staff report.

CLOSED SESSION:

The City Attorney reported that the City Council would be meeting in Closed Session regarding Conference with Legal Counsel – Anticipated Litigation, pursuant to Government Code Section 54956(d)(4), Number of Cases: One.

At 6:46 p.m., the Mayor recessed the meeting.

7:00 P.M. SESSION:

The 7:00 p.m. session of the City Council meeting was called to order at 7:11 p.m. by Mayor Narain.

Members present:

Mayor Prakash Narain

Mayor Pro Tem Leroy Mills

Council Member Doug Bailey

Council Member Rob Johnson

Council Member Mariellen Yarc

Staff present:

City Manager John Bahorski
City Attorney William Wynder
Director of Finance and Administrative Services Richard Storey
Police Chief Jackie Gomez-Whiteley
Public Works Director Doug Dancs
Recreation and Community Services Director June Liu
Assistant City Engineer Kamran Dadbeh
Planning Manager Doug Hawkins
Administrative Services Manager Andrew Tse
City Clerk Denise Basham

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Narain.

INVOCATION: The invocation was given by City Attorney Wynder.

REPORT OF WORKSHOP AGENDA/CLOSED SESSION:

The Mayor asked for the report of the Closed Session Agenda items discussed earlier in the evening.

The City Manager reported that the City Council held a workshop regarding Fiscal Year 2012-13 mid-year budget review. He stated that the City is on track in regard to revenues and expenditures.

The City Manager reported that the City Council held a workshop regarding staff reports/department communication. He stated that the City Council discussed the changes they would like to see on the Agenda Reports and that staff would be moving forward with making those changes.

The City Attorney reported that the City Council met in Closed Session regarding Conference with Legal Counsel – Anticipated Litigation, pursuant to Government Code Section 54956(d)(4), Number of Cases: One. He stated that a privileged and confidential opinion regarding the City's obligation options was provided, and that a litigation avoidance strategy was discussed and will be brought back to the City Council at a future Closed Session. He indicated that Council Member Bailey was opposed to this approach.

No other action was taken in Closed Session, nor was any solicited.

ORAL COMMUNICATIONS: *LIMITED TO ONE-HALF HOUR. (THREE MINUTES PER SPEAKER, SPEAKING ONCE.)*

Mayor Narain asked anyone who wished to speak on any topic not included on the meeting Agenda to come forward.

Tim McLellan, Assistant Superintendent of Cypress School District, expressed appreciation to the City Council and staff, and provided a brief District update.

Mayor Narain recognized audience member Brian Nakamura, President, Cypress School District Board of Trustees, and thanked him for his attendance at tonight's meeting.

Mike McGill, Cypress, spoke regarding placing campaign disclosure Form 460's on the City's website.

It was the consensus of the City Council to agendaize the item for discussion.

Tim Keenan, Cypress Chamber of Commerce, provided an update on upcoming activities and events.

CONSENT CALENDAR:

All matters listed on the Agenda under "Consent Calendar" are to be considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the Agenda.

It was moved by Council Member Bailey and seconded by Council Member Johnson, to approve Consent Calendar Items No. 1 through 5.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Yarc, Johnson, Bailey, Mills and Narain

NOES: 0 COUNCIL MEMBERS: None

ABSENT: 0 COUNCIL MEMBERS: None

Item No. 1: APPROVAL OF CITY COUNCIL MINUTES OF THE MEETING OF JANUARY 28, 2013.

Recommendation: That the City Council approve the Minutes of the Meeting of January 28, 2013, as submitted.

Item No. 2: MOTION TO INTRODUCE AND/OR ADOPT ALL ORDINANCES AND RESOLUTIONS PRESENTED FOR CONSIDERATION BY TITLE ONLY AND TO WAIVE FURTHER READING.

Item No. 3: REJECTION OF ALL BIDS AND AUTHORIZATION TO SOLICIT NEW COMPETITIVE BIDS FOR SEWER REHABILITATION AT VARIOUS LOCATIONS, PUBLIC WORKS PROJECT NO. 77.

Recommendation: That the City Council reject all bids and authorize the Director of Public Works to solicit new competitive bids for Sewer Rehabilitation at Various Locations, Public Works Project No. 77.

Item No. 4: AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. C-1-2466 BETWEEN ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND THE CITIES OF CYPRESS, ANAHEIM, GARDEN GROVE, LOS ALAMITOS, ORANGE, STANTON, VILLA PARK, THE COUNTY OF ORANGE, AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO EXTEND THE TERM OF THE AGREEMENT FOR THE KATELLA AVENUE TRAFFIC LIGHT SYNCHRONIZATION PROGRAM (TLSP) PROJECT.

Recommendation: That the City Council approve Amendment No. 1 to Cooperative Agreement No. C-1-2466 for the Katella Avenue TLSP Project, and authorize the Mayor to execute the amendment on behalf of the City.

Item No. 5: APPROVAL OF COMMERCIAL WARRANT LIST AND WIRE TRANSFERS FOR FISCAL YEAR 2012-13 FOR WARRANTS NO. 24836 THROUGH 24985.

Recommendation: That the City Council approve the attached warrant register and wire transfers for Fiscal Year 2012-13.

END OF CONSENT CALENDAR

NEW BUSINESS:

No items.

RECREATION & PARK DISTRICT MATTERS: *The Cypress City Council, Acting as the Ex Officio Governing Board of Directors.*

No items.

SUCCESSOR AGENCY TO THE CYPRESS REDEVELOPMENT AGENCY MATTERS: *The Cypress City Council, Acting as the Successor Agency to the Cypress Redevelopment Agency.*

No items.

ORAL COMMUNICATIONS: *For Matters Not on the Agenda.*

None.

ITEMS FROM CITY COUNCIL MEMBERS:

Mayor Narain requested reports from the Council Members on their respective committee assignments.

Council Member Johnson:

Met with O.C. Fire Authority Chief Richter. Attended the Courage to Remember Holocaust event in Santa Ana. Met with Jenelle Godges from Southern California Edison. Attend the O.C. Business Council installation of new officers. Attended a town meeting at the Cypress Library with Assembly Member Sharon Quirk-Silva. Attended the State of the County luncheon. Attended Opening Day ceremonies for Cypress Girls Softball League. Wished Cypress High School girls and boys basketball good luck in their championship quest. Spoke of recent health concerns of Father Patrick Moses, St. Irenaeus Catholic Church.

Mayor Pro Tem Mills:

Attended the Courage to Remember Holocaust event in Santa Ana. Met with Assembly Member Sharon Quirk-Silva. Attended a town meeting at the Cypress Library with Assembly Member Sharon Quirk-Silva. Attended a SCAG Cal Environmental Protection Agency Environmental Health Screening Tool workshop. Attended the SCAG Bylaws Committee meeting. Attended the SCAG Transportation Committee, Regional Council, and Joint Policy Committee meetings. Congratulated Harmony Estates on selling 13 of the 16 homes on Moody Street/Orange Avenue.

Mayor Narain:

Interviewed by a reporter for the Korea Daily newspaper. Attended the swearing-in ceremony for Congressman Alan Lowenthal. Attended the State of the County luncheon.

Council Member Bailey:

Thanked everyone for the cards and well wishes. Stated he was elected President of O.C. Vector Control.

Council Member Yarc:

Attended a town meeting at the Cypress Library with Assembly Member Sharon Quirk-Silva. Attended the Woman's Club of Cypress general meeting. Attended the State of the County luncheon. Participated in a Woman's Club of Cypress event at Long Beach Veterans Hospital. Attended an O.C. District Board Meeting for the California Federation of Women's Clubs.

ITEMS FROM CITY MANAGER:

No items.

ADJOURNMENT: Mayor Narain adjourned the meeting at 7:46 p.m. to Monday, February 25, 2013, beginning at 5:30 p.m. in the Executive Board Room.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

City of Cypress Department of Administration ~ 5275 Orange Avenue ~ Cypress, CA 90630 ~ 714-229-6780

**Minutes
City Council/Public Financing Authority Regular Meeting
City of Huntington Beach**

**Monday, February 4, 2013
4:30 PM – Study Session, Room B-8
6:00 PM – Regular Meeting
Civic Center Council Chambers
2000 Main Street
Huntington Beach, California 92648**

**The audio recording of the 4:30 PM portion of this meeting,
and the video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk, and is also archived at
<http://www.huntingtonbeachca.gov/government/agendas/>**

CALL TO ORDER – 4:30 PM, Room B-8

ROLL CALL

Present: Sullivan, Hardy (arrived at 4:32 PM), Harper, Boardman, Carchio, Shaw, and Katapodis
Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Robin Estanislau announced supplemental communications received after distribution of the City Council agenda packet:

Notice of Absence received from City Clerk Joan Flynn requesting permission to be absent from the Council meeting pursuant to Resolution 2001-54.

A PowerPoint communication on Study Session Item No. 1 received from Deputy City Manager Bob Hall, dated February 4, 2014, entitled "Street Lighting Update."

A PowerPoint communication on Study Session Item No. 2 received from City Attorney Jennifer McGrath entitled, "Proposed Social Hosting PowerPoint, An Ordinance Revision."

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None

STUDY SESSION

1. Staff provided City Council an update on street lighting, including a plan to re-structure the provision of street lighting services that will provide better light quality, eliminate antiquated infrastructure, and reduce energy use and costs.

City Manager Fred Wilson introduced the item and deferred to Energy Project Manager Aaron Klemm for a report.

Manager Klemm presented an update on street lighting including an overview of recent developments in street-lighting technology, details of a rate case as well as Edison's policy change with regard to ownership of street lights and an update on Proposition 39, and an update on the results of the City's RFQ. Manager Klemm noted that street lights are the most visible energy service that the City provides. He reported that every 7-Eleven in Southern California uses energy-saving LED white light sources for their parking lots and exteriors for their buildings because of increased visibility and safety. He presented photographs of the City's LED retro-fitted lights, Bluff Top parking lots and industry lighting throughout the

City. He noted benefits of using LED lighting and addressed studies and comparisons of "before" and "after" retrofits. Mr. Klemm addressed yearly expenditures by the City in electricity prior to and after lighting retrofits, background on the matter and details of the current related resolution. He addressed savings by the City as a result of an agreement with the California Public Utilities Commission (CPUC) freezing rates for the next three years.

He addressed changes to Edison policies where they are now willing to amicably sell the City their street-lighting systems. He presented details of the models presented and noted that the "less depreciation" model is the best for the City. He reported that over 75% of the City's light poles are fully depreciated and that staff is expecting a fairly attractive purchase price because of the age of the system.

Manager Klemm presented information regarding Proposition 39 noting that it provides \$550 million annually for five years for clean-energy projects in government facilities, and reported that the legislation is currently seeking to write the rules for accessing the funds. He noted that local governments are eligible for the funding and seeking amendments to remain eligible. He reported that currently, the proposed legislation is focused on K-14 getting all of the funds and addressed the challenges with that proposal.

Manager Klemm addressed the City's release of an RFQ for a long-term partner that would guarantee savings to the General Fund of at least 10% of first year savings, support the City in working with Edison on the valuation of the existing street lighting system for purchase, upgrading to long-life efficient lighting and upgrades to dangerous, inefficient street-light infrastructure. The City would also utilize the long-term partner for long-term operations and maintenance of the street lighting system. Mr. Klemm reported that six organizations responded to the RFQ, addressed the interview process and reported that the highest-rated proposal was Siemens. He addressed the phasing of the work, referenced a letter of intent from Siemens and presented information on the organization as well as their goals in working with the City.

Manager Klemm asked that Council consider a \$10,000 appropriation to pay Edison for their initial study and approve a not-to-exceed amount of \$60,000 for Siemens to support the City in the process. Once the information is available, staff would return to Council at a future meeting with the information from Edison including costs to develop a fully-executed purchase price from Edison and follow through with the process. The process would end at a public hearing for final approval to move forward with the project.

Mayor Pro Tem Harper wondered if there are other cities that have had similar experiences and Mr. Klemm recited similar experiences in Northern California and San Diego.

Discussion followed regarding changes in Edison policies and previous experience by City staff in working with Siemens, timeline for completion of the project, the possibility of equipping the street lights with solar energy, expected service levels by Siemens when there are unexpected issues during holidays and/or weekends, current plans for replacement of the street light heads and related increased public safety.

Ensuing discussion followed regarding the valuation process of the street lights and the increased public safety element related to the lights. It continued regarding the length of time for the relationship with Siemens, subsequent rebidding after the term of the contract and the number of competing bids.

2. City Attorney provided Council a review of the Social Hosting Ordinance

City Attorney McGrath presented details of the Social Hosting Ordinance addressing background, public outreach, similar ordinances by other cities and existing applicable California laws. She reported that the ordinance would become part of the Loud Party Ordinance and would be another tool to help responding Law Enforcement. Ms. McGrath noted a policy issue and reported that it has been reviewed by her office as well as the Huntington Beach Police Department. She reported that the item is prepared for Council's regular agenda of February 18, 2013.

Councilmember Carchio indicated that parents would continue having the right to administer alcohol to their children as they please. He addressed existing problems with under-aged drinking and spoke in support of the ordinance.

Councilmember Hardy felt that if there is no intention for the ordinance to apply to a parent's own child, language should be inserted accordingly.

City Attorney McGrath highlighted existing language that covers the intent of the ordinance.

Discussion followed regarding scenarios where parents would have no knowledge of under-age drinking occurrences and how these would be addressed.

Police Chief Small reported that the issue of providing alcohol to one's own child is a very slippery slope. He presented examples that could be contributing to the delinquency of a minor and include child endangerment.

Discussion followed regarding the City of Irvine ordinance, noting that the City's proposed ordinance is almost identical.

Councilmember Katapodis reiterated the concerns of Chief Small.

RECESSED TO CLOSED SESSION – 5:11 PM

A motion was made by Councilmember Carchio, second by Councilmember Sullivan to recess to Closed Session at 5:11 PM.

The motion carried with the following roll call vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

CLOSED SESSION

3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuits [and potential lawsuits]: *Casados v. City of Huntington Beach*, Orange County Superior Court Case No. 30-2011-00509863. In this case, Plaintiff, Glorianna Casados, claims she slipped on the sidewalk on Hamilton Avenue east of Brookhurst Street.
4. Pursuant to Government Code Section 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: *Parks Legal Defense Fund v. The City of Huntington Beach, et al.*; Orange County Superior Court Case No. 30-2012-00570541. In this second lawsuit challenging the Senior Center, a public interest advocacy organization alleges that the City violated CEQA, City Charter Section 612 (Measure C), and City's General Plan in approving the Senior Center.
5. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding *Pacific Mobile Home Park, LLC v. City of Huntington Beach*, Orange County Superior Court Case No. 30-2011-00497684, Court of Appeal Case No. G047060, challenging the City's denial of Tentative Tract Map No. 17397 and CDP No. 10-017, to subdivide an existing for-rent mobile home park of 252 units for ownership purposes.

6:00 PM – COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:01 PM

CLOSED SESSION REPORT BY CITY ATTORNEY – None

ROLL CALL

Present: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
Absent: None

PLEDGE OF ALLEGIANCE - Led by Girl Scout Troop 2042

INVOCATION - Reverend Dr. Peggy Price from the Huntington Beach Interfaith Council

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS AND PRESENTATIONS

Announcement - As part of the City's Human Relations Task Force recognition of federal diversity months, Mayor Boardman recognized February as National African American History month and addressed the theme recognizing the Emancipation Proclamation and the March on Washington.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Robin Estanislau announced supplemental communications that were received by the City Clerk's Office following distribution of the Council agenda packet:

Notice of Absence received from Joan L. Flynn, City Clerk requesting permission to be absent from the City Council meeting pursuant to Resolution No. 2001-54.

For Consent Item No. 9, a communication received from Janice M. Bellucci, President of California Reform Sex Offender Laws, dated February 1, 2013 regarding the adoption of Ordinance No. 3969.

For Public Hearing Item No. 10, a PowerPoint communication received from Scott Hess, Director of Planning and Building, dated February 4, 2013 entitled Circulation Element Update.

For Councilmember Items No. 12, a communication received from Pedigo Company dated February 4, 2013 regarding Revision to the City's Development Impact Fees.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Mayor Boardman opened the Public Comments portion of the meeting. She noted that if anyone wanted to address Council on non-agenda items, it may not be discussed pursuant to the Brown Act, but directed them to fill out a blue card so that staff may follow up.

Leslie Gilson and Jean Nagy, Huntington Beach Tree Society, presented Mayor Boardman with a Certificate of Appreciation for the City's efforts for Gibbs Park and invited the public to attend a re-dedication event on Tuesday, February 12, 2013 at 11:00 AM. They thanked the City for its generosity and the people who donated to the project. (00:08:22)

Carole Monheim, President of Assistance League of Huntington Beach, presented information regarding the organization including its history and efforts in helping the community. She addressed its mission and philanthropic programs, scholarships and grants and others that positively impact the lives of the needy in the community. She reported on the organization's thrift shop and fundraising events. (00:10:54)

Jennifer Shepard, Assistant Superintendent of Educational Services for the Huntington Beach City School District, commented positively on the services and impacts of the Assistance League of Huntington Beach. She noted the importance of recognizing the programs offered by the Assistance League of Huntington Beach and help offered to students, and expressed her appreciation for their services. (00:13:48)

Ron Lowenberg commented positively on the great work done by the Assistance League of Huntington Beach. He spoke on behalf of Golden West College and highlighted programs in which the Assistance League participates to help students including scholarships and grants for veterans and nursing students. He expressed his appreciation to the League and Council for their years of support. (00:16:20)

Michael Barton reported appearing before Council previously and commented positively on the quick responses he received from the City and the Huntington Beach Police Department regarding his issue. He referenced a recent letter to the editor of the "Orange County Register" regarding traffic and expressed concerns with the number and timing of traffic signals in Orange County. (00:19:22)

Mayor Boardman directed Mr. Barton to fill out a blue card and stated that staff will follow up with him regarding the matter.

Jerry Wheeler, President and CEO of the Huntington Beach Chamber of Commerce, commented on the City's plans to increase developer fees over the next three years, already in progress. He addressed the review process previously approved and felt that the newly-proposed sudden change will send a negative message that Huntington Beach does not support businesses. He expressed opposition to the proposed changes and addressed subsequent possible losses for the City. He wondered about the credibility of the existing agreement and upcoming projects. He stated his opinion that the right thing to do is to dismiss the matter and let the marketplace do its job. (00:22:59)

Janice Bellucci, President of the California Reform Sex Offender Laws, spoke in opposition to Ordinance No. 3969 and asked Council to delay further consideration of the ordinance and consider repealing it entirely. She stated that the existing ordinance violates the State and Federal Constitutions, referenced her supplemental communication and urged Council to follow the actions of the City of Lake Forrest in this regard. Ms. Bellucci stated her opinion that the ordinance violates the Constitution and is not necessary since there are existing State laws that ensure public safety. She addressed myths related to sexual abuse and hoped that Council will consider her recommendations. (00:25:38)

Kathleen Garner, California Reform Sex Offender Laws, referenced an article from the "Christian Science Monitor", dated November, 2012, noting there is a 62% drop in child abuse cases in the United States between 1992 and 2010 and that cases of child abuse are usually perpetuated by family members and other caregivers. She spoke in opposition to Ordinance No. 3969, referenced Megan's Law, reiterating that the vast amount of child sexual abuse cases are perpetuated by someone that the child already knows. She stated that she has never heard of the related instances in the City's parks and beaches and wondered regarding the need for such an ordinance. (00:28:14)

Frank Lindsay, Board Member of California Reform Sex Offenders Laws, asked that Council repeal proposed Ordinance No. 3969 noting that the State has many tools and laws that identify those who would be potential problems. He expressed concerns with the definition of parks (which includes beaches and piers), and asked that Council reconsider approving an ordinance he considers non-compassionate. (00:31:21)

Greg Goran, representing the Surfrider Foundation, spoke in support of the single-use plastic bag

ordinance (Item 13). He noted working in the community to obtain its opinion on the matter and indicated finding overwhelming support. He urged Council to approve the ordinance. (00:33:41)

Robert Curtis presented personal testimony regarding his past, noted his community involvement and his service to the Country and spoke in opposition to proposed Ordinance No. 3969. (00:35:33)

Linda Cordero asked Council to seriously consider not adopting Ordinance No. 3969. She presented personal testimony noting that she was the victim of sexual violence and that the perpetrator is not on any registry and that she would not feel safer if he were. She addressed the need for compassion and felt that laws like the proposed are not right, do not make people safer and draw attention away from people that need to be watched. (00:38:53)

Tom Gibbs, Land-Use Attorney for Pedigo Products and Archstone, spoke in opposition to Item No. 12. He reported that Pedigo owns the property on Gothard and Edinger and is in contract to sell the property to Archstone. He commented positively on a development planned by Archstone, noting that it will bring jobs to the community as well as benefits to residents and revenues to the City. He stated Archstone's plan does not fit within the grandfathering clause of the ordinance and provided a brief status update on the project. He addressed expenses and time already exerted by the developer and hoped that the project will not be affected by the proposed changes in development impact fees. He felt that support of the action would set a negative precedence for the City. (00:41:44)

Dianne Thompson, local business owner, spoke in opposition to Item No. 12. She addressed the process in developing the existing agreement and felt that it should be maintained. She felt that Council's pending action to approve the request may not be considered as "business-friendly" going forward, and may result in decreasing the City's credibility. (00:45:03)

Dr. Nancy Irwin, treatment professional of sex offenders and survivor of child sexual abuse, spoke in opposition to proposed Ordinance No. 3969. She felt that the ordinance would not serve to prevent future victims and stated that none of her clients chose to have an attraction to children and that it is only through understanding and compassion that they ask for help. She addressed the cycle of abuse and the importance of allowing them to integrate with society. She felt that the best way to help victims is to help the perpetrators and urged Council to repeal the ordinance and encouraged use of funds for stronger education instead of law enforcement. (00:47:05)

Connor Chilcott, student at Golden West College and a member of the Surfrider Foundation, spoke in support of Item No. 13 and noted environmental issues connected with the use of plastic bags. He presented statistics regarding the use of plastic bags noting that they are made from non-renewable fossil fuels and that it is cheaper to produce new plastic bags than it is to recycle old bags. He listed the dangers of plastic bags to marine life and other animals and noted his opinion that they are the leading cause in flooding and clogging sewer drains that can lead to catastrophic floods. (00:49:38)

Deborah Orrill, teacher at Golden West College and Member of the Huntington Beach Environmental Board, listed her experience on issues related to recycling and materials management. She thanked Council for addressing this issue and noted that there are currently over fifty cities and counties throughout California that have banned the use of plastic bags. She suggested that Council not consider the matter as being against something, but rather advocating for a preferred choice and a limited amount of waste in the oceans and waterways. She reported that costs to cities for storm water clean-up are particularly important. Ms. Orrill noted that she has a large amount of research at Council's disposal, and urged Council to act in support of the ordinance. (00:52:23)

Shawn Thompson praised former City employee Dave Simcox and his dedication to the City's Junior Lifeguard Program. She commented positively on his character and his experience and asked that Council look for ways to have him continue his involvement. (00:57:03)

Sarah Sheehy, California Grocers Association, spoke in support of Item No. 13 and listed surrounding

cities that have established ordinances banning the use of plastic bags. She expressed her appreciation to the City for its efforts in support of the environment, citizens and local business and urged Council to move forward in approving the ordinance. (00:59:34)

Councilmember Shaw reported receiving many emails regarding Mr. Simcox, and noted that the City's Charter prohibits Council from interfering with personnel decisions at any level, other than the City Manager level.

City Manager Fred Wilson added that there is a State law that prohibits the City from hiring a retired public employee to serve in any paid capacity. He reported that staff has encouraged him to participate in the 50th Anniversary celebration next summer.

Reverend Doctor Peggy Price spoke in support of Spiritual Alliance for Religion and Hope (SARAH), a women's interfaith organization that began after 9/11. She reported that one of the organization's goals is to participate in the Compassionate Cities Project which is based upon the Charter for Compassion and noted that it has no costs to cities or taxpayers but has many advantages. She stated that the goal is to have cities sign the Charter for Compassion and listed cities that have already participated. Reverend Price noted that it allows the City to promote the idea of compassion and creates compassionate activities. She asked that Council consider the possibility of signing the Charter. (01:02:59)

There being no others wishing to address Council, Mayor Boardman closed the Public Comments portion of the meeting.

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Mayor Pro Tem Harper reported attending OCTA meetings.

Mayor Pro Tem Harper made the following remarks.

"Mayor, I respectfully ask that we adjourn this evening's Huntington Beach City Council in honor of our former Assemblyman Nolan Frizzelle.

Retired Assemblyman Dr. Nolan Frizzelle died Thursday, January 31, 2013 at his home in Folsom with his wife of 33 years, Ina, by his side. He was 91.

Nolan Frizzelle was born in Los Angeles on October 16, 1921, to Charles and Marie Frizzelle. Nolan graduated from Beverly Hills High School where he attended school with many who would go on to become the biggest entertainers of their time.

Nolan studied engineering and business at both UCLA and Stanford Universities but later immediately followed in his father's footsteps and obtained his O.D., opening his first practice in Newport Beach.

A proud member of the "Greatest Generation", Nolan enlisted in the U.S. Marine Corp immediately following the bombing of Pearl Harbor, was commissioned as a 1st Lieutenant and served as an infantry instructor until the war's end.

His involvement in politics began in Orange County after he moved his young family to Balboa Island where he served his community through his active involvement in both the local Chamber of Commerce and eventual Presidency of the Rotary Club.

His leadership role in the Presidential campaign of Barry Goldwater led to his 1964 election as President of the California Republican Assembly. Later, during a quiet dinner at the famous Trader Vic's restaurant, Frizzelle convinced Ronald Reagan to run for Governor of California and the two shared a life-long friendship.

As a candidate for President in 1980, Reagan supported his old friend by appearing at a rally for Frizzelle's Assembly campaign – the only such appearance he made for any candidate during his run for the presidency. Dr. Nolan Frizzelle won a seat in the California State Assembly by defeating a three-term incumbent Democrat, Assemblyman Dennis Mangers.

During a summer between my years at Huntington Beach High School, I interned at the Office of Assemblyman Nolan Frizzelle, who represented half of Huntington Beach in what was then the 69th Assembly District. That experience meant very much to me. Assemblyman Nolan Frizzelle was always kind and thoughtful when he came into the District Office. Assemblyman Nolan Frizzelle's commitment to conservative principles was an inspiration to me at a young age. For that, I will always be thankful.

Assemblyman Frizzelle represented his Orange County Assembly District from 1980 to 1992 and came to be known for his quiet leadership, stubborn individualism, his oratorical talents, and his wry sense of humor. He will be remembered as a man of principle, honesty and integrity by all who know him.

Outspoken, proudly old-fashioned, and deeply committed to his family, he met each day with optimism and a strong faith in God and his country.

He is survived by his wife, Ina, his children Roger and Diana Frizzelle, David Frizzelle, Diane and Reg Denny, Bob and Dale Frizzelle, Sabina Pellissier, Tim Evans, his grandchildren Jenny and Andy Stepaniuk, Joe and Melissa Frizzelle, Robbie and Stacy Frizzelle, Pat and Deanna Frizzelle, Christopher Frizzelle, Mike Frizzelle, Alicia Denny, Steven Frizzelle, Johanna Pellissier, Karin Britta Frizzelle, and great-grandchildren Nicholas and Adam Stepaniuk, Savannah, Will and Joshua Frizzelle.

In lieu of flowers, the family requests remembrance donations be made to The Bridge Community Church, 511 Sibley Road, Folsom, CA, 95630.

If there are any members of the Frizzelle family present, would you please stand?

Thank you, Mayor, for allowing me to recognize a former Huntington Beach resident who has been profoundly influential in my life and acknowledge his years of representation of Huntington Beach."

Councilmember Hardy announced her appointment of Kim Carr to the Public Works Commission, and thanked both she and Planning Commission appointee Dan Kalmick for their willingness to serve.

Councilmember Carchio provided positive comments about attending the Orange County Business Council Annual Dinner.

Councilmember Sullivan provided positive comments about attending a Huntington Beach Firefighters' Award event.

Councilmember Shaw announced attending his first meeting of the Orange County Sanitation District.

CITY MANAGER'S REPORT

City Manager Fred Wilson reported on the success of the Surf City Marathon held on February 3, 2013. He expressed his appreciation to Mayor Boardman for serving as the official starter.

Mayor Boardman announced her plans to walk the Half Marathon at next year's event.

CITY TREASURER'S REPORT

1. The City Treasurer presented the December 2012 Quarterly Investment Summary Report

City Treasurer Alisa Cutchen presented the December 2012 Quarterly Investment Summary Report. She addressed a summary of the City's portfolio as of December 31, 2012, including the market value of each investment. She noted an additional balance in the City's Bank Operating account of approximately \$40 million which is larger than typically reported because of maturing investments, called investments and property taxes. Investments of those funds will be made in the near future. Ms. Cutchen reported on Investments by Type noting that the majority of investments are in Federal Agencies. She addressed the California State Government Code regarding allowable investments for cities, the main types of allowable investments and presented examples of specific investments within the City's portfolio. In addition, she presented information on portfolio earnings and performance, two-year U.S. Treasury rates for the last five years and noted that the City's portfolio continues to meet its objectives.

A motion was made by Councilmember Carchio, second by Councilmember Hardy to receive and file the Quarterly Investment Report for December 2012, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

CONSENT CALENDAR

Councilmembers Carchio and Sullivan requested removal of Item No. 7 from the Consent Calendar for separate discussion and consideration.

Councilmember Hardy asked to be recorded as Abstaining on Item No. 2, and as No on Item No. 9.

Councilmember Sullivan asked that he and Councilmember Katapodis be recorded as Abstaining on Item No. 2.

2. Approved and adopted minutes

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve and adopt the minutes of the City Council/Public Financing Authority Regular Meeting of November 19, 2012, as written and on file in the office of the City Clerk.

The motion carried with the following vote:

AYES: Harper, Boardman, Carchio, and Shaw
NOES: None
ABSTAIN: Sullivan, Hardy, and Katapodis

3. Approved and authorized execution of contract extension Amendments to Professional Services Contracts with Engineering Resources of Southern California, and A&E Consultants Group to continue to provide as-needed general development engineering services

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between The City of Huntington Beach and Engineering Resources of Southern California, Inc," to extend the existing professional service contract for 2 additional years, and to decrease original contract amount by \$150,000, from \$750,000 to \$600,000; and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between The City of Huntington Beach and A&E Consultants Group, Inc," to extend the existing professional service contract for 2 additional years, and to decrease original contract amount by \$150,000, from \$750,000 to \$600,000.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

4. Accepted Office of Criminal Justice Planning (OCJP) Grant for 2013 Violence Against Women Program; and, approved appropriation and expenditure of funds

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to accept the grant between the State of California, Office of Criminal Justice Planning, California Emergency Management Agency (Cal EMA) and the City of Huntington Beach; and, approve the appropriation and expenditure of \$276,161 of which \$207,121 is to be fully reimbursed by the grant from the California Emergency Management Agency. The remaining \$69,040 will be funded from appropriations in the Police Department's budget.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

5. Approved additional appropriation for as-needed General Environmental Engineering Services

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve appropriation of \$85,000 to the Fire Prevention business unit (10065201.69365) for environmental engineering services.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

6. Re-structuring street lighting services – Approved \$10,000 appropriation; and, approved and authorized execution of a binding Letter of Intent with Siemens Mobility and Logistics Division

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to approve the appropriation of \$10,000 from the unappropriated balance in Business Unit 80787009 for payment to Southern California Edison for an initial study of a representative sample of 100 street lights establishing a maximum potential purchase price; and, approve the attached binding Letter of Intent between the City of Huntington Beach and Siemens Mobility and Logistics Division and authorize the Mayor and City Clerk to execute the binding Letter of Intent as approved as to form by the City Attorney; and, authorize city staff to participate in discussions with parties to support amendments to bills (AB 29, AB 39 and SB 39) that ensure that LED street light upgrades remain eligible for funding under Proposition 39 implementation bills and apply for funding as it becomes available; and, authorize the City Manager to sign any subsequent agreements, approved as to form by the City Attorney, necessary to finalize the investment grade assessment for future Council consideration.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

7. Adopted Resolution No. 2013-04 authorizing the sale of water outside the City limits to the Bolsa Chica Land Trust (BCLT); and, approved waiver of encroachment permit fee

Councilmembers Carchio and Sullivan requested removal of this item from the Consent Calendar for separate discussion and consideration.

In response to Councilmember Carchio's inquiry, it was noted that no reclaimed water will be used and that the City does not have reclaimed water available. Councilmember Carchio wondered about the size of the pipe to be used and staff reported that it has not yet been determined but that either a 2-inch or 4-inch pipe would suffice. A determination will be made depending on the amount of water to be retreated toward vegetation. Staff reported that previous grants of fee waivers were provided to the U.S. Department of Fish and Game and the Bolsa Chica Conservancy.

In reply to Councilmember Sullivan's inquiry, staff reported that the U.S. Department of Fish and Game will be paying for the water and meter fees. He wondered whether the Bolsa Chica Land Trust will pay for the water.

Mayor Boardman reported that the Bolsa Chica Land Trust has a memorandum of understanding (MOU) with the State to do the restoration and it was confirmed that it is within the Land Trust's budget to pay for the water.

Mayor Pro Tem Harper noted that water is being provided to unincorporated areas outside the City limits and wondered if this could be a movement towards the eventual annexation of the City of Bolsa Chica.

Mayor Boardman reported there is nothing about annexation related to this item.

Councilmember Carchio noted that without providing the water, the vegetation will not grow and that most people believe that the area is within City limits.

City Attorney Jennifer McGrath reported that since annexation is not part of the agenda, it would not be appropriate to hold such a discussion. She added that the staff could be directed to address the issue on a future agenda.

A motion was made by Councilmember Carchio, second by Mayor Boardman to adopt Resolution No. 2013-04, "A Resolution of the City Council of the City of Huntington Beach Providing for the Sale of Water Outside the City Limits to the Bolsa Chica Land Trust;" and, approve waiver of encroachment permit fee.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

8. Adopted Ordinance No. 3968 amending Huntington Beach Municipal Code Chapter 10.44 relating to Parking Time Limits and approved for introduction January 22, 2013 - (Vote: 5-0-2, Hardy-Absent, Shaw-Out of Room)

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to adopt Ordinance No. 3968, "An Ordinance of the City of Huntington Beach Amending Sections 10.44.010, 10.44.020, 10.44.030, and 10.44.040 of Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits."

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

9. Adopted Ordinance No. 3969 amending Chapter 9.22 of the Huntington Beach Municipal Code relating to Sex Offender prohibition in parks and approved for introduction January 22, 2013 - (Vote: 5-1-1, Sullivan-No, Hardy-Absent)

A motion was made by Councilmember Carchio, second by Councilmember Katapodis to adopt Ordinance No. 3969, "An Ordinance of the City of Huntington Beach Amending Chapter 9.22 of the Huntington Beach Municipal Code Relating to Sex Offender Prohibition" in parks.

The motion carried with the following vote:

AYES: Sullivan, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: Hardy

PUBLIC HEARING

10. Approved General Plan Amendment No. 11-001 (Circulation Element Update) by adopting Resolution No. 2013-07

Senior Planner Ricky Ramos presented details of the report addressing background and noting that the Circulation Element is one of the required elements within the City's General Plan. He addressed the purpose of the element, updates and reported that the update was reviewed by an Ad Hoc Committee comprised of members from Council, the Planning Commission and the Public Works Commission. He addressed the General Plan hierarchy and details of the Circulation Element Update. He noted key changes including recommending a revised level-of-service standard, roadway classification changes, changes to the Master Plan of Arterial Highways and the use of Technical Administrative Reports and addressed new legislative requirements.

Transportation Manager Bob Stachelski highlighted significant changes proposed in the Circulation Element including a revision in the level-of-service standards, identification of intersections needing long-term improvements to meet the new standards, designation of the street system and classification of streets including the Banning extension to the Santa Ana River. He noted available alternatives and their related implications as well as the process for changes to the Master Plan of Arterial Highways including future Banning deletion consistent with OCTA action. He presented the benefits of the implementation of Technical Administrative Reports including allowing ongoing updates to the Circulation Element to stay current and presented examples of the reports recommended. He noted that additional reports could be added to address specific issues of interest.

Mr. Stachelski reported that one of the recommendations is the implementation of a Bicycle Master Plan for the City. He reported that the process has been started, that staff is currently reviewing the first draft of the report.

Mr. Ramos detailed the public participation process so far, including previous Planning Commission and City Council hearings, and presented the recommendations of the Commission and staff.

Councilmember Carchio stated that the residents of the City have spoken "loud and clear" regarding the Banning Bridge and felt that the City needs to move forward to remove it from the Master Plan of Arterial Highways and the Circulation Element.

Mayor Pro Tem Harper wondered regarding the steps needed in order to remove the Banning Bridge from the map.

Mr. Stachelski noted the need to ensure that an appropriate environmental analysis has been completed and addressed communications with adjacent cities regarding the matter. He reported that the City of Costa Mesa has concurred with Huntington Beach regarding the need for an environmental analysis and that the City of Newport Beach has expressed general concurrence but no formal action has been taken. He added that at this point, concurrence from the OCTA is not needed since they have already taken the action to remove it.

Brief discussion followed regarding the possibility of political outreach to the City of Newport Beach to

reach formal concurrence.

Mayor Boardman requested clarification regarding the specific sections of the bridge pertaining to the City and Mr. Stachelski reported that it would be the extension of Banning to the Santa Ana River, which is a short segment. He added that the bridge itself is not in the City, but that the City's action would preclude any bridge from being built in the future.

Interested parties were invited to address Council. There was no response and Mayor Boardman closed the Public Hearing.

Discussion followed regarding deletion of the bridge within the Circulation Element.

Mayor Boardman addressed deletion of the Hamilton extension across the wetlands from Newland to Beach as well as deletion of a road that would've gone from Slater and Graham into the Bolsa Chica wetlands.

Mr. Stachelski clarified that Council's action at this time would not delete the aforementioned segments but would initiate staff's process to pursue deletion of those with the OCTA.

Mayor Pro Tem Harper indicated that he will carry those issues to OCTA and continue working towards the modifications as presented.

A motion was made by Councilmember Hardy, second by Councilmember Shaw to approve General Plan Amendment No. 11-001 by adopting Resolution No. 2013-07, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 11-001 (Circulation Element Update)" as amended directing staff to modify the final version of the Circulation Element to reflect deletion of the extension of Banning Avenue from Brookhurst Street to the Santa Ana River.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

ADMINISTRATIVE ITEMS

11. Adopted Resolution No. 2013-05 approving and adopting the 2012 Water Master Plan and Financial Plan; approved for introduction Ordinance No. 3970 amending Municipal Code 14.12.010 to replace the 2005 Water Master Plan; and, adopted Resolution No. 2013-06 identifying specific water projects on which monies can be expended.

Principal Civil Engineer Duncan Lee presented the report addressing background and a general overview of the Water Master Plan, funding sources, elements of the plan, purpose of the Water Master Plan and the Financial Plan, City characteristics and projected growth, water demand trend through the last fifteen years, successful water conservation efforts by the City and its residents and maximum day demand. Mr. Lee presented details of the City's supply capacity, reservoir capacity, emergency storage capacity, projects completed since 2005 and next steps. He addressed remaining related Capital Improvement Projects and details of the Financial Plan.

He reported on beginning balances and revenues, project fund balance with and without the Southeast Reservoir expense and related shortfalls and surpluses.

A motion was made by Mayor Pro Tem Harper, second by Councilmember Carchio to adopt Resolution No. 2013-05, "A Resolution of the City Council of the City of Huntington Beach Approving and Adopting that Certain Report Entitled "2012 Water Master Plan and Financial Plan Update, City of Huntington Beach;" and, approve for introduction Ordinance No. 3970, "An Ordinance of the City of Huntington

Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Pertaining to Water Fees," to replace the 2005 Water Master Plan; and, adopt Resolution No. 2013-06, "A Resolution of the City Council of the City of Huntington Beach Identifying the Specific Water Projects from the Approved Water Master Plan on which Capital Facilities Charge Monies and Capital Surcharge Monies Can Be Expended."

In response to Councilmember Sullivan's inquiry, Mr. Lee reported that the Capital surcharge sunsetted in December, 2007 but the sunset did not remove the surcharge because it had to pay for maintenance and explained the changes that occurred noting that the fund no longer goes into the Water Master Plan but directly into maintenance.

In reply to Mayor Boardman regarding a potential future need to draw increasing amounts of water from the ground water basin, Mr. Lee reported that staff does not currently know how much water will be needed but addressed plans for increased conservation efforts if needed. He stated that the numbers will change according to circumstances. He continued responding to Mayor Boardman's inquiry regarding modeling efforts to determine the needs should a major earthquake occur. Mr. Lee reported there is no precise study but that the City has an emergency response plan in place working closely with other agencies.

Discussion followed regarding considering the feasibility of better protecting the City's infrastructure from the damage of seismic activity. Mr. Lee explained the existing network of water lines and the City's ability to isolate any in the event of a rupture and has put in place local redundancies for added protection. He added there is a new pipe going in with the Southeast reservoir and that staff will consider providing added protection to the pipe.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, and Katapodis
NOES: None

COUNCILMEMBER ITEMS

12. Submitted by Mayor Boardman - Revision to the City's Development Impact Fees
Continued from January 22, 2013 meeting

Mayor Boardman provided a brief history of the item including a study session where a study was reviewed to mitigate the impacts of the fee increases to the community. She noted the results of the study indicating that there could be additional fees imposed to mitigate the impacts to Police and Fire services. She addressed staff's original recommendations to phase in the fees over three years charging 70%, 80% and 90% over a period of three years as well as what was approved by Council which was a 30% increase over each year over a period of three years. She indicated that she supported the recommendation since she believed that was the best deal that could be obtained for the City's residents.

Mayor Boardman presented the overall impacts to revenue with the current policy versus if staff recommendation had been approved, noting that it results in a loss in revenue of \$5 million. She noted that impacts fees are fees to help mitigate the impacts that developments have in the community and that by not charging the appropriate fees, the residents must pay. She addressed park revenue from fees from 2012 to 2014 noting that the current policy represents a loss of over \$4 million to park impact funds.

Councilmember Carchio expressed his appreciation to the Mayor for bringing forth the item and felt that when the agreement was first reached, Council was being fair and honest. He stated that developers made their commitments on the basis of the approved policy and that the developers are giving the City what it needs. He referenced Measure Z relative to no new taxes and opined that the proposed fee is a tax. He encouraged Council to be honest with developers and encourage them to continue to develop within the City. He stated that if the City allows them to move forward, they will produce more than \$5

million in value for the City.

Mayor Pro Tem Harper noted his opinion that the business community is watching the City of Huntington Beach and wondering if the City is still "open for business". He felt that there are many key issues of concern to the business community and stated that uncertainty causes capital to not take action. He noted the current weak economy and felt that this proposal will have the effect of stopping development resulting in decreased revenue to the City.

Councilmember Hardy wondered regarding the present term and staff reported that the 60% will take effect in September of 2013 and 90% in September of 2014. She inquired regarding triggers for grandfathering projects. Staff reported that one of the components to the resolution was the grandfathering of projects that, as of June of 2012, had already received their zoning entitlement and would have to submit for building permits by February 18, 2013 with six additional months to pay for the building permits. Changes would be subject to new fees.

In response to Councilmember Hardy's inquiry, Mayor Boardman reported that her proposal is to implement 100% immediately but indicated that she supports staff's original recommendations and was willing to consider Council discussion.

Councilmember Hardy wondered regarding the City's fee structure compared to nearby surrounding cities. Staff reported that it is difficult to compare development impact fees because they are unique and based on individual studies for the particular community. It was noted that development impact fees look at the build out of the General Plan and what public facilities demands will be in twenty years.

Councilmember Hardy commented on the need for \$5 million in park development funds but acknowledged a fairness issue and stated that she is not ready to approve the 100% increase but that she will support staff's original recommendation. She referenced the deadlines and felt that they pose an issue of fairness.

Councilmember Sullivan reported reviewing the study and felt that the current policy is fair as it stands.

Mayor Boardman clarified the projects that would not be affected and noted that she is aware of only one project that would be affected by the change, which would be the Archstone project. At the time of consideration, they testified that if the fees were raised, they would not be able to build. However, they renegotiated the deal and were able to move forward with the project. She reported the number of units built in the last two years and noted that their impact has not yet been felt. She added that residential housing does not pay for itself and that money generated in property taxes does not pay for Police and Fire services required by those residents and that impact fees help to mitigate that.

Councilmember Carchio reported receiving a call regarding the Red Oak project, noting that they may not be able to submit their paperwork in time to be grandfathered into the policy. He commented on the \$5 million initial loss in fees and felt that it would be mitigated over the years. He felt that new development will increase the amount available for parks, and stressed the need to continue to build and be fair with all developers in the City. He stated that he knows of several developers looking to build in the City and felt that the proposed increase may turn them away. Councilmember Carchio noted that the 90% will eventually be reached and that the matter could be revisited at that time, if it is found to be insufficient.

Mayor Pro Tem Harper expressed concerns about the City not being perceived as "business-friendly," creating uncertainty and causing developers to move on to other areas. He noted that when residential properties are developed, revenues are not just from housing or property taxes but that residents contribute to the sales tax base of the City.

Councilmember Hardy wondered regarding the effect of fees on whether a complex will be condominiums or apartments. Staff reported that the fees don't play into the issue at this point but rather the determination is based on what the market can absorb.

Discussion followed regarding the fees related to rental versus ownership units, previous studies, determinations to make the fees equitable and upcoming projects that may be affected.

Mayor Boardman referenced staff's original recommendation and felt that was a compromise from the very start.

Councilmember Shaw commented on possible Huntington Beach rental rates for new and older units. He compared these with other cities in the area noting that they would not be equal. He felt that is why people want to build in Huntington Beach, because of the ability to charge higher rental rates. He voiced concerns about fairness and expressed a willingness to consider a compromise on the matter.

A motion was made by Mayor Boardman to direct staff to bring forth Resolution No. 2012-23 moving Development Impact Fees to 70%, 80% and 90% over three years. The motion failed for lack of a second.

Councilmember Carchio addressed the reason why developers went from ownership units to apartment units, noting that they cannot get funding. He stressed the need to be fair with developers.

A motion was made by Councilmember Hardy, second by Mayor Boardman to direct staff to leave the fees at 30% for the duration of the year and subsequently increase to 80% of the recommended 100% in year 2 and 90% of the recommended 100% in year 3.

Discussion followed regarding clarification of the fees originally recommended by staff and what was approved by Council and examples of fees at the various scenarios.

Councilmember Hardy changed her motion to direct staff to leave the fees at 30% until September, 2013 and increase to 60% of the recommended 100% fee in year 2 and 90% of the recommended 100% fee in year 3. Mayor Boardman, the second to the original motion did not agree to the change, so the original motion stood.

Councilmember Katapodis noted most existing development projects are already at the 60% fee level. He stated that he wouldn't want any projects being currently considered to be affected by the proposed change. He clarified that by "considered" he means projects that have already been approved by Council and are moving forward. He felt that the Archway project should be at the 60% level.

Councilmember Carchio commented that the Archstone project would then fall into the 80% level and felt that this would discourage development in the City.

Councilmember Hardy noted the importance of being able to maintain existing parks and increasing park space.

Councilmember Katapodis indicated he would not support going to 80% in year 2.

Councilmember Hardy changed her motion to direct staff to leave the fees at 30% until September, 2013 and increase to 60% in year 2 and 90% of the recommended 100% fee in year 3.

Councilmember Hardy retracted the proposed change above so that the original motion stood as follows:

A motion was made by Councilmember Hardy, second by Mayor Boardman to direct staff to leave the fees at 30% for the duration of the year and subsequently increase to 80% of the recommended 100% in year 2 and 90% of the recommended 100% in year 3.

Councilmember Katapodis stated that he would prefer keeping the current structure but increase to 90% on January 1, 2014.

Councilmember Hardy agreed to change her motion to direct staff to leave the fees at 30% until September, 2013, increase to 60% from September to December 2013 and to 90% on January 1, 2014. Mayor Boardman agreed to the change.

Discussion followed regarding clarification of changes to the timing of the fees.

The motion carried with the following vote:

AYES: Hardy, Boardman, Shaw, and Katapodis
NOES: Sullivan, Harper, and Carchio

Staff noted that the item will be brought before Council at its March 18, 2013 meeting.

13. Continued from January 22, 2013 meeting, Mayor Boardman and Councilmember Shaw item regarding the Single-Use Carryout Bag Reduction Ordinance and Environmental Impact Report No. 2011-002, requesting continuance for City Council consideration to the March 18, 2013 meeting.

Councilmember Shaw reported the need for an EIR on this item and that it was partially funded by the Surfrider Foundation. He noted that the EIR is in place and reported on the results of a recent study regarding the negative environmental effects caused by plastic bags. He felt that even if the ordinance causes a small positive effect, it would be worth it and commented on the success of the ordinance in other cities and noted that the Grocer's Association supports the ordinance. He stated his opinion that the ordinance will be good for the environment as well as good for businesses.

Mayor Boardman noted that the agenda item relates to bringing forward the EIR that has already been completed. She reported that when Council voted for an EIR, it took the unusual step of requiring private groups to pay for it, even though it was required by an action of Council. She reported that the Surfrider Foundation coordinated fundraising and helped offset the cost of the EIR. She addressed the cost of the EIR noting savings by "piggy-backing" to EIRs conducted by other cities.

A motion was made by Councilmember Shaw, second by Mayor Boardman to direct staff to schedule the Single-Use Carryout Bag Reduction Ordinance and Environmental Impact Report No. 2011-002 for consideration before the City Council at the regularly scheduled meeting on Monday, March 18, 2013.

Mayor Pro Tem Harper wondered regarding the cost of the EIR and staff reported that it was approximately \$29,900. He noted that Surfrider came up with \$4,500 to offset the cost of the EIR. Mayor Pro Tem Harper felt that Surfrider is not honoring its commitment and addressed various cost-cutting actions by the City and stated that he doesn't believe that the amount is negligible. He expressed concern with the policy, but specifically about the agenda item, opining that the City is giving out a handout and that it is totally inappropriate. He felt the issue is about freedom versus government intrusion and spoke in opposition to the item.

Mayor Boardman reported that during previous Council discussion regarding the matter, Councilmembers indicated that private groups should have to pay for the EIR. A member of the Surfrider organization stated that they would, but he had no authorization from Surfrider to enter into an agreement. Surfrider never committed to paying for the EIR but did agree to help coordinate private fund-raising to help pay for the EIR and they have done so. She stressed that this is not a "hand-out" to Surfrider because Surfrider never agreed to pay for the EIR.

Councilmember Sullivan stated that he is opposed to the matter for "health" reasons adding that reusable bags are a breeding ground for e-coli and other harmful bacteria. He referenced results of a recent study in support of his statement as well as related cases in the City of San Francisco.

Councilmember Shaw reported that the study referenced by Councilmember Sullivan was funded by the American Chemistry Council who represents most of the manufacturers of plastic bags.

Mayor Pro Tem Harper wondered regarding the funding source for the EIR.

City Manager Wilson reported that the money came from the Planning budget that the cost has already been incurred and the EIR completed.

The motion carried with the following vote:

AYES: Hardy, Boardman, Shaw, and Katapodis
NOES: Sullivan, Harper, and Carchio

14. Submitted by Council Members Carchio and Shaw - Video Camera System for Downtown

Councilmember Shaw noted that the recommendation was developed from Police Chief Small's study regarding actions that could be taken to make downtown safer. He reported that the matter would have a fiscal impact but he and Councilmember Carchio believes that it is worthy of discussion.

Councilmember Carchio addressed public safety issues related to the downtown area affecting both residents and businesses. The cameras would be another tool to facilitate law enforcement in the area. He reported that 350 bicycles were stolen last year from under the pier, and felt that cameras in the area may have prevented that. He stressed the need for the cameras to support downtown residents, businesses and the Police Department.

Mayor Pro Tem Harper noted that downtown is not a mall and spoke in opposition to the government placing cameras in a public area. He stated his opinion that this is not what the residents of Huntington Beach desire and felt that it will have a negative impact on visitors and businesses in the downtown area, as well as a negative impact on freedom.

Councilmember Katapodis agreed that the level of manpower at the Huntington Beach Police Department is reduced and noted that the LAPD uses cameras and that the cameras are extremely effective in fighting crime. He stated his opinion that the only people that worry about the cameras are criminals, and noted that business has flourished in the areas where cameras have been installed in Los Angeles. He expressed support for the proposal.

Mayor Boardman clarified the matter before Council and felt that the final decision regarding the location of the cameras rests with Council. She reported that she is uncomfortable with cameras that would be generally looking down Main Street but suggested placing cameras in known and specific problem areas with appropriate signage.

A motion was made by Councilmember Carchio, second by Councilmember Shaw to direct the Police and Information Services Departments to explore the feasibility and cost of installing a video camera system in Downtown Huntington Beach and prepare a report for the City Council with their findings and recommendations.

Mayor Pro Tem Harper expressed his disagreement in wanting to follow the footsteps of the City of Los Angeles, noting his opinion a significant portion of Huntington Beach residents had left areas such as Long Beach and Los Angeles because of the way the government had intruded into their lives.

Councilmember Carchio reported that the intent is to pinpoint problem areas and addressed the benefits of installing cameras to fight/deter crime. It was noted that the Police Department often uses private internal surveillance videos for their investigations. Councilmember Carchio discussed how cameras can act in place of a Police Officer to deter criminal activity in the area.

Councilmember Katapodis indicated that he loves living in Huntington Beach and pointed out that the use of cameras in the City of Los Angeles works to deter crime. He agreed that they need to be placed in strategic locations.

Mayor Pro Tem Harper wondered if Council would agree to remove the cameras once the Huntington Beach Police Department is fully staffed.

Ensuing discussion pertained to following the Chief's recommendations going forward.

Councilmember Shaw stated that he has enough faith in the Police Chief to know that he will have a clearly-articulated reason and purpose for the cameras to be in place and that this is a much-needed tool at this time.

Police Chief Small referenced Councilmember Carchio's comments regarding the number of bicycles stolen, noting that is the same number of people who will not be returning to Huntington Beach. He agreed that video surveillance will deter criminal activity and will allow the Police to quickly identify criminals in order to quickly process them through the justice system.

The motion carried with the following vote:

AYES: Sullivan, Hardy, Boardman, Carchio, Shaw, and Katapodis
NOES: Harper

15. Submitted by Councilmember Carchio - Proposal to establish a Sustainable Innovation Team for Huntington Beach

Councilmember Carchio noted that he voted against the plastic bag ordinance because he felt that it was not taken far enough. He stated the need to make clear decisions regarding how the City approaches the issue of sustainability. He provided a PowerPoint presentation addressing the goal of zero-waste and noted that life depends on a clean ocean. He listed suggestions as to how the plastic-bag challenge can be addressed collectively, within the community, details of a proposed sustainability innovation team and the task at hand.

He addressed innovation and collaboration, Seattle Mariners and BASF sample innovations, compostable innovations available and consideration of future possibilities including zero-waste. He presented recommendations and suggested bringing all stakeholders together under the Environmental Board including himself, Mayor Boardman, school representatives, non-profits, Marketing and Visitors Bureau, sustainability experts, and sustainable businesses that would work collaboratively with the Environmental Board, the Chamber of Commerce's Sustainable Surf City program and Golden West College's Recycling and Resource Management program and report back to Council on the resources necessary to develop and implement a plan to become a zero-waste City. He stressed the importance of protecting the planet for future generations.

Mayor Pro Tem Harper felt that the City does not need to compete with the State legislation. He stated that he cannot support the item.

Councilmember Shaw felt that Councilmember Carchio is on the right track and stated that the existing Environmental Board is available to implement the vision, also offering to help in any way he can.

Mayor Boardman reported that she is one of the current liaisons to the Environmental Board and commented on the qualifications and expertise of Deborah Orrill in this area. She reported that at the meetings she has attended, there have also been representatives from Sustainable Surf City and felt that many of the appropriate players are already in place on the Environmental Board. She announced an upcoming meeting of the Board and felt that Councilmember Carchio's presentation would be perfect to present to them. She stated that she would be happy to be part of a Sub-Committee of the

Environmental Board that would focus on this issue.

In response to Councilmember Hardy's inquiry, City Manager Wilson reported the previous existence of a Green Committee but noted that it was merged into the Environmental Board. Councilmember Hardy stated that she likes the idea but expressed concerns that the group may not be able to handle the tasks.

Councilmember Carchio clarified and reiterated the recommended action.

Mayor Boardman stated that what is being suggested is to ask the Environmental Board to examine the feasibility of working towards a zero-waste community.

Mayor Pro Tem Harper noted that an Ad Hoc Committee can be created by the Mayor and felt that a presentation before Council was unnecessary. He expressed concerns with clarity and suggested that other agencies may not want to participate because of lack of resources.

Councilmember Katapodis noted there is already an Environmental Board and suggested that the Mayor take the information to them for further action.

Councilmember Carchio felt that the Board does not have all of the suggested players and Mayor Boardman reported that there are many already on the Board, although the schools may not have representation.

No action was taken on the matter.

Mayor Boardman will meet with the Environmental Board and ask them to examine working towards establishing a zero-waste community.

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Harper reported attending the ribbon-cutting for the new Kathy May's Lakeview Café and encouraged the public to patronize Kathy May's. Additionally, he commented positively on attending the Annual Dinner for the Orange County Business Council, as well as the Surf City USA Marathon.

Councilmember Carchio expressed his appreciation to the Community Services Department for their work in the Kinder Vision Clinic event and commented positively on the event. In addition, he commented on the recent Golf Tournament and thanked staff, volunteers and those connected with the event. He also thanked staff for their help with the Surf City Marathon as well as the Huntington Beach Police Department.

Councilmember Katapodis commented positively on the Kinder Vision event as well as the Golf Tournament.

Mayor Boardman reported attending the Huntington Beach Fire Department's award and recognition ceremony and commented positively on the event. In addition, she reported attending the Relay for Life Kickoff event at Golden West College and announced the event in May. She thanked all of the volunteers who made it possible.

Mayor Boardman announced the ongoing Farmer Markets throughout the City.

ADJOURNMENT

There being no further business to come before Council, Mayor Boardman adjourned the meeting at 10:10 PM in memory of former Assemblyman Nolan Frizzelle.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, February 19, 2013, at 4:30 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach,
and Secretary of the Huntington Beach
Public Finance Authority

ATTEST:

City Clerk, Clerk, Secretary

Mayor-Chair

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 19, 2013

CALL TO ORDER: Mayor Hwangbo called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Goedhart

INVOCATION: Council Member Kim

ROLL CALL: Council and Commission Members

Council/Commission Members present: Council/Commission Member Charoen, Council/Commission Member Goedhart, Mayor/Chairperson Hwangbo, Council/Commission Member Kim, and Mayor Pro Tem/Vice Chairperson Shanahan

Council/Commission Members absent: None

City Officials present: Ellen Volmert, City Manager/Executive Director
Joel Kuperberg, City Attorney
Michael Belknap, Recreation and Community Services Director
Douglas Dumhart, Community Development Director
Jeff Moneda, Public Works Director
Eric Nuñez, Police Chief
Michael Solorza, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AT 7:04 P.M.

Administrative Services Manager/City Clerk Murray stated, "The City Council will now recess and convene as the Successor Agency to the Dissolved Community Development Commission of the City La Palma, and then recess and convene as the Planning Commission. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in either the Successor Agency or Planning Commission meetings, or otherwise as serving as members of the Successor Agency or Planning Commission."

CONSENT CALENDAR

A. Approval of Successor Agency Minutes

Approve the Minutes of the February 5, 2013, Regular Meeting of the Successor Agency.

B. Approval of Register of Demands

Resolution No. SA 2013-03 approving the Successor Agency Register of Demands for February 19, 2013.

Council Member Charoen made a motion to approve Consent Calendar Items A and B.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE SUCCESSOR AGENCY AND CONVENE AS THE PLANNING COMMISSION AT 7:05 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Approve the Minutes of the February 5, 2013, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Shanahan made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Commission Member Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Chairperson Hwangbo, Commission Member Kim, and Vice Chairperson Shanahan

NOES: None

PUBLIC HEARINGS

PL-2. Ordinance Adding and Amending Certain Provisions within Chapter 26 of the La Palma City Code to Provide a Process for Making Reasonable Accommodation to Land Use and Zoning Decisions and Procedures Regulating the Citing, Funding, Development, and Use of Housing Matters for People with Disabilities

- a) Chairperson Hwangbo opened the Public Hearing at 7:05 p.m.
- b) Associate Planner Hutter gave the Staff Report
- c) Public Input
No members of the public wished to speak
- d) Chairperson Hwangbo closed the Public Hearing at 7:15 p.m.

e) Commission Comments and Questions

Discussion ensued regarding establishing fees to cover the costs of the Planning Department's review.

City Attorney Kuperberg responded that a fee is allowed; however, due to the nature of the matter, it may be prudent to waive any fees.

f) Adopt Resolution No. PC 2013-01 recommending that the City Council approve an Ordinance of the City Council of the City of La Palma adding and amending certain provisions within Chapter 26 of the La Palma City Code to provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the citing, funding, development, and use of housing designed for, intended for occupancy by, or for supportive services for, persons with disabilities in the "Single-Family District Residential (R-1)" and "Multiple Family Residential District (R-3) and "Village Residential Overlay District (VO)"

Chairperson Hwangbo made a motion to adopt Resolution No. PC 2013-01 recommending that the City Council approve an Ordinance of the City Council of the City of La Palma adding and amending certain provisions within Chapter 26 of the La Palma City Code to provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the citing, funding, development, and use of housing designed for, intended for occupancy by, or for supportive services for, persons with disabilities in the "Single-Family District Residential (R-1)" and "Multiple Family Residential District (R-3) and "Village Residential Overlay District (VO)".

The motion was seconded by Commission Member Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Chairperson Hwangbo, Commission Member Kim, and Vice Chairperson Shanahan

NOES: None

PL-3. Ordinance Adding and Amending Certain Provisions within Chapter 26 of the La Palma City Code to Subject Permanently Sited Manufactured Homes on Lots Zoned For Single-Family Dwellings to the Same Rules as Site-Built Homes in the "Single-Family District Residential (R-1)"

- a) Chairperson Hwangbo opened the Public Hearing at 7:18 p.m.
- b) Associate Planner Hutter gave the Staff Report.
- c) Public Input

Kevin Sequeira, 7791 Inwood Lane, addressed the City Council regarding the proposed Ordinance.

- d) Chairperson Hwangbo closed the Public Hearing at 7:27 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the proposed Ordinance and State legislation.

- f) Adopt Resolution No. PC 2013-02 recommending that the City Council approve an Ordinance of the City Council of the City of La Palma adding and amending certain provisions within Chapter 26 of the La Palma City Code to subject permanently sited manufactured homes on lots zoned for single-family dwellings to the same rules as site-built homes in the "Single-Family District Residential (R-1)"

Chairperson Hwangbo made a motion to adopt Resolution No. PC 2013-02 recommending that the City Council approve an Ordinance of the City Council of the City of La Palma adding and amending certain provisions within Chapter 26 of the La Palma City Code to subject permanently sited manufactured homes on lots zoned for single-family dwellings to the same rules as site-built homes in the "Single-Family District Residential (R-1)"

The motion was seconded by Commission Member Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Chairperson Hwangbo, Commission Member Kim, and Vice Chairperson Shanahan

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:29 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Waive the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

Approve the Minutes of the January 2, 2013, January 8, 2013, January 28, 2013, and February 11, 2013, Special Meetings of the La Palma City Council and the Minutes of the February 5, 2013, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Adopt Resolution No. 2013-09 approving the Register of Demands for February 19, 2013.

5. Assignment of Hogle-Ireland, Inc. Contract for Planning Services to Moore Iacofano Goltsman, Inc.

Approve and authorize the Mayor to execute the assignment of the Agreement for consultant services with Hogle-Ireland, Inc. to Moore Iacofano Goltsman, Inc.

Council Member Charoen made a motion to approve Consent Calendar Items 1, 2, 3, and 5.

The motion was seconded by Council Member Kim and carried on the following vote:

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

4. Award of Contract to Cinbad Industry, Inc. for Construction Services for the Renovation of the Community Center Floors at Central Park, City Project No. 12-BLDG-04

The item was pulled in order to receive a Staff Report and have a discussion on the item.

Public Works Director Moneda gave the Staff Report.

Discussion ensued regarding the renovation of the Community Center floors.

Public Comment:

The following individuals addressed the City Council regarding the proposed flooring project:

Larry Herman, 5122 Andrew Drive.

Kevin Sequeira, 7791 Inwood Lane.

Further discussion ensued regarding the renovation of the Community Center floors, cost savings if the entire project were not completed, and a request for the bid outcomes on each Community Center room.

Mayor Hwangbo called for a short recess at 7:52 p.m.

Mayor Hwangbo reconvened the City Council at 7:56 p.m. with all members present.

Public Works Director Moneda reported that the Royal Palm Room and Lobby floor replacement would be \$51,706 including the 15% contingency.

Further discussion ensued regarding the renovation of the Community Center floors, and the potential liabilities if the floor is left in its current condition.

Award a contract in the amount of \$66,482.61 to Cinbad Industry, Inc. for construction services for the renovation of the Community Center floors at Central Park, City Project No. 12-BLDG-04.

Mayor Pro Tem Shanahan made a motion to approve the Award of Contract to Cinbad Industry, Inc. for Construction Services for the Renovation of the Community Center Floors at Central Park, City Project No. 12-BLDG-04.

The motion was seconded by Council Member Charoen.

Council Member Goedhart noted that he would not support the item because that there are other alternatives that do not include the replacement of the entire Community Center flooring.

The motion carried on the following vote:

AYES: Council Member Charoen, Mayor Hwangbo,
Council Member Kim, and Mayor Pro Tem
Shanahan

NOES: Council Member Goedhart

PUBLIC HEARINGS

6. Adoption of Updated User Fee Schedule, Continuance of Public Hearing

Finance Director Solorza gave the Staff Report

- a) Mayor Hwangbo opened the Public Hearing at 8:25 p.m.
- b) Public Input

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding continuing the item until more study has been conducted.

City Attorney Kuperberg offered that the City Council could continue the public hearing to a later date in order to meet the noticing requirements.

- c) Continue Public Hearing to March 5, 2013

By consensus, the City Council agreed to continue the item to the March 5, 2013, City Council meeting.

Larry Herman, 5122 Andrew Drive, addressed the City Council to request that the audience be supplied with copies of the items being studied.

REGULAR ITEMS

7. 2014-2021 Update of the City's Housing Element

a) Associate Planner Hutter introduced the item and Laura Stetson, MIG-Hogel Ireland Principal, gave the detailed presentation.

b) Public Input

No members of the public wished to speak.

c) Council Comments and Questions

Discussion ensued regarding the updated 2013 Draft Housing Element; and that the City risks lawsuits if it does not comply with State mandates.

d) Authorize Staff to submit the updated 2013 Draft Housing Element to the California Department of Housing and Community Development for review.

Council Member Goedhart made a motion to approve and authorize Staff to submit the updated 2013 Draft Housing Element to the California Department of Housing and Community Development for review.

The motion was seconded by Mayor Hwangbo and carried on the following vote:

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

Mayor Hwangbo called for a short recess at 9:03 p.m.

Mayor Hwangbo reconvened the City Council at 9:10 p.m. with all members present.

8. Long-Term Capital Improvement Program (CIP) Funding Plan

Review the long-term (ten year) Capital Improvement Plan (CIP) projected project and funding plan and provide feedback on the projected use of various funding sources to meet the City's long-term infrastructure needs. City Council feedback will help Staff in finalizing the CIP as part of the budget process. Formal

presentation of the CIP will occur as part of the regular Fiscal Year 2013-14 budget development process (April) with anticipated adoption occurring in June.

Finance Director Solorza and Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the long-term CIP projected project and funding plan; various components of the plan, and a need to re-evaluate the Park Master Plan.

The City Council received and filed the report.

9. Second Quarter Operating Report and Mid Year Budget Adjustments, Fiscal Year 2012-13

- a) Receive the presentation on the Second Quarter Operating Report

Finance Director Solorza gave the Staff Report

Discussion ensued regarding the Second Quarter Operating Report and Mid Year Budget Adjustments for Fiscal Year 2012-13; the proposed funding for a "Citizen Outreach Survey;" and the enhanced reporting on Council Goals.

- b) Approve a Resolution amending the Fiscal Year 2012-13 Budget to adjust certain Department and Program budgets which do not increase total appropriations as outlined in Exhibit A to Attachment 4

Council Member Kim made a motion to adopt Resolution No. 2013-10 amending the Fiscal Year 2012-13 Budget to adjust certain Department and Program budgets which do not increase total appropriations as outlined in Exhibit A to Attachment 4 excluding the \$10,000 funding for the Citizen Outreach Survey.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Council Member Charoen, Council Member
Goedhart, Mayor Hwangbo, Council Member
Kim, and Mayor Pro Tem Shanahan

NOES: None

10. Financial Strategy Engagement/Outreach Plan

City Manager Volmert gave the Staff Report

Public Input

Kevin Sequeira, 7791 Inwood Lane, addressed the City Council regarding finding a way to report how sales tax would be impacted if residents purchased products/services from La Palma versus outside the City; finding other alternatives to reach out to the older adult community who aren't computer savvy; and utilizing the news-blasts technology through the City's website.

- a) Provide direction regarding the draft plan; and

Discussion ensued regarding the draft Financial Strategy Engagement/Outreach Plan; the use of "Smart Phone" applications and social media technology; a community outreach survey; town hall meetings; and newsletters.

- b) Adopt the draft plan, with or without amendments; or alternatively

- c) Bring the draft plan back for adoption at a later meeting, incorporating feedback

By consensus, the City Council directed Staff to conduct more research regarding the proposed comprehensive outreach survey and asked that the survey be cost efficient.

Council Member Goedhart commented that he had concerns regarding the plan and did not support it.

City Manager Volmert commented that the key audience will define the strategy of the survey and without that, Staff cannot move forward with the survey project.

Further discussion ensued regarding directing Staff to follow through with the research for the survey; include how much Staff time is involved; and to include what outreach efforts are not currently being utilized now.

COUNCILMEMBER AB1234 REPORTS, REPORTS FROM CITY-AFFILIATED COMMITTEES, AND COUNCIL REMARKS

Mayor Pro Tem Shanahan attended the State of the County Address.

Council Member Kim attended the Association of California Cities - Orange County

(ACC-OC) newly elected officials orientation; the La Palma Neighborhood Watch Appreciation Banquet; the City Council User Fee Study Session; and the Orange County Sanitation District (OCSD) Administration Committee meeting.

Mayor Hwangbo asked that Staff request a presentation from OCSD on the proposed fee increase.

City Manager Volmert reported that Staff had scheduled a presentation for the March 19, 2013, City Council meeting.

Council Member Goedhart attended an Orange County Fire Authority (OCFA) budget meeting.

Council Member Charoen attended the User Fee Study Session and plans to attend the upcoming Committee Member interviews.

Mayor Hwangbo attended the Cypress School District Oversight Committee meeting; the State of the County Address; the La Palma Neighborhood Watch Appreciation Banquet; the User Fee Study Session; and a League of California Cities Orange County (LOCC-OC) meeting. He reported that Staff had been treated to lunch by one of the local Korean restaurants and requested a status report on the upcoming Chase Bank.

Community Development Director Dumhart responded that Chase Bank should be completed by the end of May. He also commented that the Walmart Neighborhood Market should be completed in that same time frame.

CITY MANAGER REMARKS

City Manager Volmert attended the User Fee Study Session; the La Palma Neighborhood Watch Appreciation Banquet; and the ACC-OC City Manager's meeting.

CITY ATTORNEY REMARKS

City Attorney Kuperberg commented on the problems that cities are having with the Department of Finance in relation to the cities' Successor Agencies; that La Palma is faring better than most California cities in that regards; and the ACC-OC convened a meeting with agency attorneys to discuss and strategize regarding the challenges that the State has implemented.

CLOSED SESSION

CS-1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

Mayor Hwangbo recessed to Closed Session at 10:55 p.m.

Mayor Hwangbo reconvened in Open Session at 11:10 p.m.

Administrative Services Manager Murray stated that there was nothing to report from Closed Session.

ADJOURNMENT

Mayor Hwangbo adjourned the Regular Meeting of the La Palma City Council at 11:11 p.m.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk

LAGUNA NIGUEL CITY COUNCIL

Minutes of the Regular Meeting of February 5, 2013 - 7:00 p.m.

CALL TO ORDER – The meeting was called to order by Mayor Ming at 7:00 p.m.

INVOCATION – was given by Monsignor John Urell, Saint Timothy Roman Catholic Church

PLEDGE OF ALLEGIANCE – was led by Brownie Girl Scout Troop 2498

ROLL CALL

Mayor Robert Ming – Present

Mayor Pro Tem Linda Lindholm – Present

Council Member Laurie Davies – Present

Council Member Jerry McCloskey – Present

Council Member Jerry Slusiewicz – Present

PRESENTATIONS

1. Presentation to Laguna Niguel Holiday Parade Committee Volunteers

The Mayor and City Council presented certificates of appreciation to the Laguna Niguel Holiday Parade Committee Executive Committee Members for their volunteer work.

2. Resolution Commending Thomas Rinefort for Attaining the Rank of Eagle Scout

The Mayor and City Council presented a Resolution commending Thomas Rinefort for attaining the rank of Eagle Scout.

3. OCTA Presentation on I-5 Widening Project

OCTA Staff gave a presentation on the I-5 Widening Project from El Toro to the 73 Toll Road. The presentation included information on the proposed project including the number of general purpose lanes that would be added, the general time frame for the start and completion of the project, and the cost. At the City's request, OCTA Staff also discussed the two improvement alternatives that are still being studied for the Avery Parkway interchange. The two concepts, Improved Diamond and Hook Ramps, will be analyzed as part of the next step in the process and a final selection will be made so that preliminary design can begin.

Mayor Pro Tem Lindholm expressed a strong preference for the Improved Diamond option due to its minimal impact on businesses and Camino Capistrano and what she perceived as providing more effective/efficient traffic flow.

Mayor Ming also stated his preference for the Improved Diamond option. Mayor Ming then asked about the other 8 options that were reviewed for this interchange and specifically asked for details on why the direct connection to Paseo de Colinas was eliminated and also mentioned how there was an option with this alternative to have direct access to the Metrolink Station (if the parking garage was constructed).

OCTA Staff provided some general information on this issue and agreed to provide detailed back up on the options that were reviewed/rejected.

PUBLIC COMMUNICATIONS

There were none.

CONSENT CALENDAR

Council Member Slusiewicz stated he would be abstaining from voting on Warrant #78575 – payable to Ice Palace – Aliso Viejo Ice Rink, Inc. for Contract instructor share of recreation program fees.

Council Member Davies requested Items 12 and 14 be pulled for discussion. Council Member Lindholm requested Item 12 be pulled for discussion. Mayor Ming requested Items 8, 11 and 14 be pulled for discussion.

A MOTION was made by Council Member McCloskey, seconded by Council Member Davies to approve the remainder of the Consent Calendar as presented with Council Member Slusiewicz abstaining from voting on Warrant #78575 – payable to Ice Palace – Aliso Viejo Ice Rink, Inc. for Contract instructor share of recreation program fees.

Motion carried 5-0.

1. **Warrants of January 22, 2013**
Approved as written with Council Member Slusiewicz abstaining from voting on Warrant #78575 – payable to Ice Palace – Aliso Viejo Ice Rink, Inc. for Contract instructor share of recreation program fees.
2. **Warrants of February 5, 2013**
Approved as written.
3. **Payroll Summary Register**
Approved as written or amended.
4. **Minutes of the Regular City Council Meeting of December 18, 2012 – 7:00 p.m.**
Approved as written.
5. **Minutes of the Special City Council Meeting of December 19, 2012 – 2:00 p.m.**
Approved as written.

6. **Minutes of the Special City Council Meeting of December 20, 2012 – 2:00 p.m.**
Approved as written.
7. **Minutes of the Special City Council Meeting of January 7, 2013 – 2:00 p.m.**
Approved as written.
9. **Minutes of the Special City Council Meeting of January 29, 2013 – 4:00 p.m.**
Approved as written.
10. **Minutes of the Special City Council Meeting of January 30, 2013 – 4:00 p.m.**
Approved as written.
13. **Amendment No. 1 to OCTA Cooperative Agreement No. C-9-9271 for Maintenance of the Parking Lot Expansion at Laguna Niguel/Mission Viejo Metrolink Station**
 - a. Approved Amendment No. 1 to Cooperative Agreement No. C-9-9271 Between Orange County Transportation Authority and City of Laguna Niguel and City of Mission Viejo for Parking Capacity Expansion at Laguna Niguel/Mission Viejo Commuter Rail Station; and
 - b. Authorized the Mayor to sign the Amendment.
15. **Southern California Association of Governments (SCAG) Appointment**
Appointed Mayor Ming as the City's Representative and Council Member Davies as the Alternate to the Southern California Association of Governments.

ITEMS PULLED

8. **Minutes of the Special City Council Meeting of January 21, 2013 – 7:00 p.m.**

Mayor Ming stated he still had concerns about choosing "Crossings" as the new name for the Gateway Area. He suggested that the City Council have another discussion about "Crossings" when the Sign Program is brought back to the City Council for discussion.

A MOTION was made by Mayor Ming, seconded by Council Member Slusiewicz, to approve the minutes as presented.
Motion carried 5-0.

11. Investment Report as of December 31, 2012.

Mayor Ming inquired about the General Fund Loans item in the Investment Report as he was concerned that it created a perception that LAIF funds were borrowable.

Finance Director Erlandson and City Manager Casey clarified that while the General Fund Loans reference seemed confusing, State Law strictly prohibits the use of LAIF proceeds to fund state government. City Manager Casey suggested that either ACC-OC or the State League make a recommendation to the State Treasurer's Office that these activities be segregated for purposes of public reporting and accounting as it creates the perception that LAIF Funds are borrowable.

A MOTION was made by Mayor Ming, seconded by Council Member McCloskey, to receive and file the City of Laguna Niguel Investment Report as of December 31, 2012.
Motion carried 5-0.

12. Issuance of Purchase Order for the Security System at Crown Valley Community Park

Council Member Davies inquired about getting a second bid as the cost of this security system was \$6,700 over budget.

Public Works Director Rogers explained the sole source justification. He stated that the \$6,700 was actually for additional work requested by City Staff. He stated that Staff felt it appropriate to use the same vendor that installed the system at City Hall and is contracted to monitor the system.

Discussion ensued.

Mayor Pro Tem Lindholm stated she was in support of the security system with the stipulation that the security system at Crown Valley Community Park be independent of City Hall.

Deputy City Manager Lawrence explained the issuance of security card readers and reviewed protocol for allowing access to Crown Valley Community Park.

A MOTION was made by Council Member Davies, seconded by Council Mayor Pro Tem Lindholm, to:

- a. Find that purchasing the security system from a sole source is necessary to match existing City equipment and to facilitate effective maintenance and support;
- b. Authorize the issuance of a Purchase Order to Redrock Security and Cabling in the amount of \$41,771.75 to purchase and install the security system;
- c. Authorize the City Manager to sign the Purchase Order; and

d. Direct Staff to ensure that the security system be independent of City Hall.

Motion carried 5-0.

14. **Niguel Woods Permit Parking Request**

Mayor Ming reviewed the recommendations and suggested that the City Council consider delaying the implementation of the permit parking on the Niguel Road end of the Niguel Woods Community to see if the residents from Pointe Niguel Apartments would voluntarily relocate to the proposed new parking that will be provided on Niguel Road. He suggested that this might minimize the need for permit parking.

Discussion ensued regarding the proposed parking on Niguel Road and Mayor Ming's suggestion.

Mayor Pro Tem Lindholm expressed concerns about the safety of the proposed parking on Niguel Road.

Staff indicated that there were other locations in the City with similar parking and excellent traffic safety records overall. The Council asked for a detailed explanation from Staff as to how the additional width would be provided for the parking.

A MOTION was made by Mayor Ming, seconded by Council Member Davies, to implement the changes on Niguel Road, implement permit parking immediately on Happy Sparrow Lane and place a 45 day delay on the permit parking on Running Dear Lane and Little Pond Lane.

Discussion ensued.

Council Member McCloskey made an amendment to the motion that there be no delay in implementing the permit parking.

The City Council continued the discussion about the possible delay in implementing the permit parking near Niguel Road and allowed a resident from the Niguel Woods Community to offer his input.

PUBLIC SPEAKER

Bernie Hendricks spoke in support of implementing the Niguel Woods Permit Parking Program immediately. He spoke of the negative impacts the parking overflow has had on his home and neighborhood.

After hearing from Mr. Hendricks, Mayor Ming withdrew his motion and recommended that permit parking be implemented as recommended in the Staff report.

Mayor Pro Tem Lindholm stated she still had reservations about the proposed new parking on Niguel Road and asked that the

recommendations be split into two motions; one for the implementation of the permit parking and the second for the recommendation to provide parking on Niguel Road. The Council agreed to split the recommendations as suggested by Mayor Pro Tem Lindholm.

A MOTION was made by Mayor Pro Tem Lindholm, seconded by Council Member Davies to approve:

- a. Find that vehicles from the multi-family complexes including, but not limited to, Niguel Pointe Apartments are parking on Running Deer Lane from Niguel Road to Little Fawn Lane, Little Fawn Lane from Running Deer Lane to White Otter Lane and on Happy Sparrow Lane from Highlands Avenue to Gray Squirrel Lane and “substantially interfere with the normal and expected use of available public street parking spaces at regular daily or weekly intervals” on Running Deer Lane between Niguel Road and Little Fawn Lane, Little Fawn Lane from Running Deer Lane to White Otter Lane and on Happy Sparrow Lane from Highlands Avenue to Gray Squirrel Lane;
- b. Adopt Resolution No. 2013-1092;

RESOLUTION NO. 2013-1092

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
ESTABLISHING A PERMIT PARKING DISTRICT ON RUNNING
DEER LANE BETWEEN NIGUEL ROAD AND LITTLE FAWN
LANE, LITTLE FAWN LANE FROM RUNNING DEER LANE TO
WHITE OTTER LANE AND ON HAPPY SPARROW LANE FROM
HIGHLANDS AVENUE TO GRAY SQUIRREL LANE AND
ESTABLISHING A BAIL AMOUNT FOR PERMIT PARKING
VIOLATIONS ON RUNNING DEER LANE BETWEEN NIGUEL
ROAD AND LITTLE FAWN LANE, LITTLE FAWN LANE FROM
RUNNING DEER LANE TO WHITE OTTER LANE AND ON
HAPPY SPARROW LANE FROM HIGHLANDS AVENUE TO
GRAY SQUIRREL LANE

Motion carried 5-0.

A MOTION was made by Mayor Ming, seconded by Council Member Davies to:

- a. Approve the restriping/resigning of Niguel Road to provide for on-street parking on the south side of Niguel Road between Running Deer Lane and the clubhouse driveway for Crown Highlands Homeowners Association;
- b. Direct Police Services to continue to provide parking enforcement in the area as time and personnel permits;

- c. Direct Staff to monitor/review the parking conditions for at least 90 days following implementation of permit parking and report the findings to the Traffic Commission and City Council; and
- d. Direct Staff to continue to work with the managers for Pointe Niguel Apartments to see if there are any ways to increase on-site parking through modified parking allocations or physical changes to the site and to discuss whether fencing should be considered between the apartment property and Niguel Woods.

Motion carried 4-1 with Mayor Pro Tem Lindholm voting no.

PUBLIC HEARING

1. Zoning Code Amendment CA 12-02 (Density Bonuses for Affordable Housing)

Community Development Director Fox presented the staff report. He stated that on November 6, 2012, the City Council considered Zoning Code Amendment CA 12-02 to update the City's existing density bonus regulations (Laguna Niguel Zoning Code Section 9-1-37) to be consistent with current State Density Bonus Law (Government Code Sections 66915-65918). The Council continued the item and asked for additional information on how the proposed standards would be implemented within the Gateway Specific Plan area, potential development scenarios demonstrating the application of State Density Bonus Law, and whether a test claim concerning State Density Bonus Law has been filed with the State Mandates Commission.

Community Development Director Fox summarized the 3 issues from the November 6, 2012 City Council meeting.

Discussion ensued.

Council Member McCloskey asked for additional information regarding concessions.

Community Development Director Fox provided additional information regarding concessions.

Mayor Ming opened the public hearing.

There were no public comments.

Mayor Ming closed the public hearing.

Mayor Ming stated that the reason he had asked for additional information was to ensure the integrity of the Laguna Niguel Specific Plan, the residential unit cap and the trip generation cap. He stated he was satisfied

with the clarifications and would be supporting the adoption of the ordinance.

The title of the proposed Ordinance, which is the following, was read:

ORDINANCE NO. 2013-173

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
APPROVING ZONING CODE AMENDMENT CA 12-02 AMENDING
ZONING CODE SECTION 9-1-37, DENSITY BONUSES FOR
AFFORDABLE HOUSING

A MOTION was made by Council Member McCloskey, seconded by Council Member Davies to waive the reading of the full text of the Ordinance.

Motion carried 5-0.

A MOTION was made by Council Member Slusiewicz, seconded by Council Member McCloskey to direct that the proposed Ordinance with any changes to it, be placed on the Agenda for the next regular meeting of the City Council for adoption.

Motion carried 5-0.

CITY MANAGER

1. 2013 City Membership in the League of California Cities

City Manager Casey presented the staff report. He stated that at the January 7, 2013 Special City Council Meeting, Mayor Ming requested that payment of the 2013 annual dues be withheld until the current City Council could discuss and re-evaluate City membership in the League. He summarized the reasons for Staff's recommendation to continue the membership in the League of California Cities.

Tony Cardenas, Public Affairs Manager for the Orange County Division of the League of California Cities, spoke in support of continuing the City's membership in the League of California Cities.

Discussion ensued.

Mayor Ming spoke against renewing the City's 2013 membership in the League of California Cities. He stated that the League Board policies did not represent the City of Laguna Niguel interests.

Council Member McCloskey stated he was in favor of renewing the City's membership in the League of California Cities.

Council Member Slusiewicz stated he was in favor of renewing the City's membership in the League of California Cities.

Council Member Davies stated she was not in favor of renewing the City's membership in the League of California Cities.

A MOTION was made by Mayor Ming, seconded by Council Member Davies, not to renew the membership in the League of California Cities for Calendar Year 2013.

Motion carried 3-2 with Council Members McCloskey and Slusiewicz voting no.

OTHER BUSINESS/COUNCIL REPORTS

1. **USS McClusky/First Battalion, Fourth Marine Regiment - Status Report**

Council Members Davies and McCloskey announced Military Support Committee interviews on Wednesday, February 13, 2013.

2. **City of Laguna Niguel/Iraqi Sister City Relationship/Status Report**

Mayor Ming suggested changing the City of Laguna Niguel/Iraqi Sister City Relationship/Status Report to a quarterly status report. He reported that a package of school materials for school children had been sent to Al Qaim Mayor Farhan.

3. **Economic Development Status Report**

Community Development Director Fox reported that the Laguna Niguel Gateway residential projects were moving forward, that the trees from the Crown Valley slope at the Mission Yamaha site had been removed, that the Lifetime Fitness demolition was moving forward, and that the Allan Cadillac dealership remodel is in plan check.

Mayor Pro Tem Lindholm suggested Staff look at the construction impacts (truck traffic) of the new projects on Crown Valley Parkway.

Council Member Davies inquired about the completion date on the widening of Crown Valley Parkway at Interstate 5.

Public Works Director Rogers responded that Phase I would be complete the weekend of February 11th and Phase II would be complete in 3 to 4 weeks.

4. **Council Reports**

Council Member Slusiewicz reported on the League of California Cities New Council Members Conference he had attended along with Council Members Davies and McCloskey.

Council Member Davies reported on the League of California Cities Conference she had attended along with Council Members McCloskey and Slusiewicz. She reported she had visited State Senator Mimi Walters and State Assembly Woman Diane Harkey's office.

Council Member McCloskey reported he had attended an ACC-OC seminar regarding cyber security, the League of California Cities Conference along with Council Members Davies and Slusiewicz, a Laguna Niguel Chamber of Commerce Installation Breakfast, his first OCFA meeting, and a Laguna Niguel Presbyterian Church Fundraising event for a child with a very serious disease. He also reported that he co-chaired his first Military Support Committee, that he had attended the OCFA Best and Bravest event and the Laguna Niguel Girls Softball Opening Day ceremonies at Niguel Hills Middle School.

Mayor Pro Tem Lindholm reported she had attended the Laguna Niguel Girls Softball Opening Day ceremonies at Niguel Hills Middle School, an ACC-OC luncheon featuring the Orange County Register Publisher and a Public Safety Committee meeting. She asked for a Utility Boxes ordinance update.

City Attorney Dixon reported that an item regarding Utility Boxes would be presented to the City Council for discussion sometime in March 2013.

Mayor Ming reported he had attended the Laguna Niguel Girls Softball Opening Day ceremonies at Niguel Hills Middle School, the OCBC Annual Dinner, and a TCA Board meeting. He reported that Supervisor Pat Bates wants to meet with Mayor Pro Tem Lindholm and himself to discuss the South County Courthouse property. He asked Community Development Director Fox for an update.

Community Development Director Fox reported that the Board of Supervisors at their last meeting discussed the start of a master developer selection process for some reuse of the South County courthouse property and postponed further action until a new County Director of Real Estate is hired.

Mayor Ming stated that it was very important to be involved in those discussions. He stated that he and Mayor Pro Tem Lindholm would be talking to Supervisor Bates to provide input and would keep the City Council informed. He announced the State of the City address on April 26, 2013. He reported that the City Council had conducted interviews for the vacancies on the City's Commissions and Committees and that it was a very difficult session as there were so many qualified applicants. He stated that this cycle the City Council wanted to give other residents the opportunity to serve. He thanked the outgoing Commissioners and Committee members for their service.

Mayor Ming announced he had three initiatives for this year: (1) publicize the City's trails with a scavenger hunt to find the City Council, (2) CATV

programing before the City Council meetings, and (3) a Cap and Trade tree credit program for the residents of Laguna Niguel.

City Manager Casey suggested that the City Council continue Closed Session Items 3 and 4 to the next regular City Council meeting.

A MOTION was made by Mayor Ming, seconded by Council Member McCloskey, to continue Closed Session Items 3 and 4 to the next regular City Council meeting.
Motion carried 5-0.

3. PUBLIC EMPLOYEE DISCIPLINE/DISSMISSAL/RELEASE

Continued to the next regular City Council meeting.

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One potential case.

Continued to the next regular City Council meeting.

CLOSED SESSION

The Mayor and City Council adjourned into Closed Session at 9:58 p.m. to discuss the following:

1. CONFERENCE WITH LABOR NEGOTIATORS:

Government Code Section 54597.6

Agency Designated Representatives: Mayor Robert Ming
Council Member Jerry McCloskey

Unrepresented Employee: City Manager

2. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT:

Government Code Section 54597

Title: City Manager

The Mayor and City Council reconvened out of Closed Session at 10:56 p.m.

Mayor Ming adjourned the meeting to an adjourned regular meeting on February 13, 2013 at 7:00 p.m. and continued the following items for discussion:

1. CONFERENCE WITH LABOR NEGOTIATORS:

Government Code Section 54597.6

Agency Designated Representatives: Mayor Robert Ming
Council Member Jerry McCloskey

Unrepresented Employee: City Manager

2. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT:

Government Code Section 54597

Title: City Manager

CITY ATTORNEY

1. Appointment and Employment of New City Manager

Recommendation:

- a. Appoint and employ a City Manager to replace Interim City Manager Tim Casey;
- b. Approve the Employment Agreement for the new City Manager;
- c. Authorize the Mayor to execute the Employment Agreement on behalf of the City of Laguna Niguel; or
- d. Continue the consideration of this matter to an adjourned regular meeting on another date and time to be determined by the City Council.

ADJOURNMENT

Mayor Ming adjourned the meeting at 10:56 p.m.

Respectfully submitted,



Juana I. Laur, MMC
Deputy City Clerk



MISSION VIEJO MINUTES

City Council, Community Development Financing Authority,
Successor Agency of the Community Development Agency,
Housing Authority, and Library Board of Trustees*

February 18, 2013

A Regular Meeting of the City Council, the Community Development Financing Authority, the Successor Agency of the Community Development Agency, the Housing Authority, and the Library Board of Trustees of the City of Mission Viejo, California, was called to order by Mayor Reardon at 5:02 p.m., on February 18, 2013, at 200 Civic Center, Mission Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 5:00 p.m. on February 13, 2013, on the outdoor bulletin board at City Hall. Copies were also posted at the Montanoso Recreation and Fitness Center, 25800 Montanoso Drive, and the Norman P. Murray Community and Senior Center, 24932 Veterans Way.

*All Board and Agency memberships are reflected in the title "Council Member."

Present: Council Member Leckness
Council Member Schlicht
Council Member Ury (arrived at 5:05 p.m.)
Mayor Pro Tem Kelley
Mayor Reardon

Absent: None

Staff Present: Dennis Wilberg, City Manager
Keith Rattay, Assistant City Manager/Director of Public Services
William P. Curley III, City Attorney
Cheryl Dyas, Director of Administrative Services
Karen Hamman, City Clerk

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Kelley

INVOCATION: Mayor Reardon

CLOSED SESSION

CS1. Labor Negotiations -- The City Council will Provide Direction to its Labor Negotiator Pursuant to Government Code Section 54957.6. The Parties to the Negotiations are the City and the City's Unrepresented Employees. The City's Negotiator is Dennis Wilberg.

CS2. Public Employee Performance Evaluation of the Incumbent for the Position of City Manager Pursuant to Government Code Sections 54957 and 54957.6.

RECESS TO CLOSED SESSION AND RECONVENE

At the hour of 5:04 p.m., Mayor Reardon recessed the meeting to Closed Session. The City Council reconvened at 6:07 p.m. with all five City Council Members present.

REPORT OF CLOSED SESSION

City Attorney Bill Curley announced that the Council discussed and provided direction to staff for item CS1. The Council further considered goals and objectives for the City Manager under CS2 but there was no reportable action from Closed Session.

PRESENTATIONS

P1. Presentation on the Wounded Warriors Amputee Softball Team Event

The City Council received the presentation from Victor Gonzalez who shared highlights from the 2012 Wounded Warriors Amputee Softball game and announced that the 2013 event will be held on March 9, 2013.

PUBLIC COMMENTS

Ryan R. Farsat, Partner, Anthony's ARCO, M.V.: requested the Council's support of small local business owners. He stated that his sales are down nearly 50% and that ARCO is no longer the low price gas leader due to BP's pending sale of the ARCO brand to Tesoro. Mr. Farsat noted that his business model needs to change in order to adapt to what is happening and he looks forward to the Council's support.

Angela Erk-Salvatierra, M.V.: requested that the City post banners on the light posts to honor the men and women who are currently serving in the military, including pictures and the branch of service.

Joe Holtzman, M.V.: reminded the Council and residents that on Thursday, February 21, 2013, from 2:00 to 5:00 and from 6:00 to 9:00 p.m., the CPUC will hold two public hearings at the Costa Mesa Neighborhood Community Center regarding the San Onofre Nuclear power plant. He also outlined his attendance at the NRC's meeting in Capistrano Beach last week on the same subject. Lastly, Mr. Holtzman asked the Council to pull items 3 and 4 from the Consent Calendar so he may ask some questions.

CONSENT CALENDAR

Items 2, 3, 4, 6, 8, and 10 were removed from the Consent Calendar for separate discussion.

Motion made by Council Member Ury, seconded by Council Member Leckness, to approve the Consent Calendar as described below.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

1. Waive Reading of Ordinances and Resolutions

Approved the reading by title of all ordinances and resolutions and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

5. Quarterly Check Registers and Quarterly Cash Receipts Report - Second Quarter of FY 2012-13

Received and filed.

7. Semi-Annual Financial Reports for the Community Development Financing Authority - For the First Six Month Ended December 31, 2012

Received and filed.

9. Mission Viejo Community Development Financing Authority (MVCDFCA) Treasurer's Monthly Report for December 2012

Received and filed.

11. Successor Agency of the Community Development Agency Treasurer's Monthly Report for December 2012

Received and filed.

12. Ordinance Establishing an Employee Disclosure Program for Local Enactments and Suspending and Terminating the Enforcement of Mission Viejo Municipal Code Section 2.80

Adopted *Ordinance 13-297* Establishing an Employee Disclosure Program for Local Enactments and Suspending and Terminating the Enforcement of Mission Viejo Municipal Code Section 2.80.

13. Jeronimo Road Pavement Rehabilitation Project & Peter A. Hartman Way Sidewalk Construction Project, CIP 837

Approved the bid specifications and authorized staff to advertise for construction bids for the subject project.

14. Laguna Niguel/Mission Viejo Commuter Rail Station-Amendment No. 1 to Cooperative Agreement C-9-9271

Approved Amendment No. 1 to Cooperative Agreement C-9-9271 between the City of Laguna Niguel, the City of Mission Viejo and the Orange County Transportation Authority, updating contact information for the City of Laguna Niguel.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

15. Review and Approval of Recognized Obligation Payment Schedule (ROPS 13-14A) for the Fiscal Period July 1, 2013 to December 31, 2013

Celeste Brady, Stradling Yocca Carlson and Rauth, Special Counsel: presented the staff report on items 15 and 16 as companion items.

Council Member Schlicht stated that she is concerned about wasting money on the Camino Capistrano bridge improvements.

Director of Administrative Services Dyas responded that there is no request for dollars during this six-month period.

City Manager Wilberg reminded the Council that the status on this project has not changed since the last time it was discussed. This is a regional project and Mission Viejo was asked to be the lead agency and take the project through the planning and environmental stage, which has been done. There is no other funding and therefore the project is currently on hold. Staff is not spending time on the project and Mission Viejo does not plan to provide funding for its completion.

Motion made by Council Member Ury, seconded by Mayor Pro Tem Kelley, to adopt Successor Agency **Resolution 13-01** Approving the Recognized Obligation Payment Schedule 13-14A ("ROPS 13-14A") For the Six-Month Period of July 1, 2013, to December 31, 2013, Subject to Submittal to and Review by the Oversight Board and Then by the Department of Finance Pursuant to California Health and Safety Code, Division 24, Part 1.85, as Amended by Assembly Bill 1484; Authorize Posting and Transmittal Thereof.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury

NOES: None
ABSENT: None

16. Successor Agency Administrative Budget for Six-Month Period July 1, 2013 to December 31, 2013

Special Counsel Celeste Brady, Stradling Yocca Carlson and Rauth, presented a brief report.

Motion made by Mayor Pro Tem Kelley, seconded by Council Member Ury, to adopt Successor Agency **Resolution 13-02** Approving the Successor Agency's Administrative Budget for the six-month period July 1, 2013, to December 31, 2013, Pursuant to Section 34177(j) of the Dissolution Act.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

17. Update From Successor Agency Staff Regarding Dissolution Act Matters

Celeste Brady, Stradling Yocca Carlson and Rauth, Special Counsel: updated the Successor Agency Board on recent communications with Department of Finance ("DOF"), State Controller's Office ("SCO") and County Auditor-Controller ("CAC").

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. City Council Minutes

Council Member Schlicht stated that the Minutes do not reflect her request that the City Attorney come back with a stronger whistleblower ordinance with a firewall (pages 8 and 9.)

Motion made by Council Member Schlicht, seconded by Mayor Pro Tem Kelley, to approve the Minutes for regular City Council meeting of February 4, 2013, as amended.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

3. Check Register Dated January 25, 2013 in the Amount of \$1,932,826.55

Resident Joe Holtzman asked why the City spent almost \$6,000 on hard drives and why the

City isn't using the Cloud or Carbonite instead. Mr. Holtzman also inquired about the expense for a fax line for Council Member Ury and a payment to RJM for Oso Creek. Director of Administrative Services Cheryl Dyas indicated that answers to the questions would be supplied after staff researches the items.

By consensus, the City Council ratified the accompanying check register.

4. Check Register Dated February 1, 2013 in the Amount of \$466,924.13

Council Member Schlicht asked about a payment to the Orange County Conservation Corps and how we know that the citizens are benefiting and not the contractor.

Assistant City Manager/Director of Public Services Keith Rattay responded that the Conservation Corps is hired by the City, not the contractor. He noted that the Conservation Corps removes debris but does not haul and chip the material.

Motion made by Council Member Schlicht, seconded by Council Member Ury, to ratify the accompanying check register.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

6. Quarterly Financial Report for the City of Mission Viejo - Second Quarter of 2012-13

Director of Administrative Services Cheryl Dyas presented the staff report.

Council Member Schlicht asked questions about specific funds and balances.

Motion made by Council Member Ury, seconded by Mayor Pro Tem Kelley, to receive and file.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

8. City Treasurer's Monthly Report for December 2012

Director of Administrative Services Cheryl Dyas presented the staff report.

Council Member Schlicht asked questions regarding park fees.

Motion made by Mayor Pro Tem Kelley, seconded by Council Member Ury, to receive and file.
On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

10. Mission Viejo Housing Authority (MVHA) Treasurer's Monthly Report for December 2012

Council Member Schlicht asked about cash receipts of \$20,000 and what the source is.

Director Dyas stated that she doesn't know specifically but some expenses in this particular fund are for items related to the former Community Development Agency. She indicated that she will provide a definitive answer after she researches the matter.

Motion made by Mayor Pro Tem Kelley, seconded by Council Member Ury, to receive and file.

On roll call, said motion carried by the following vote:

AYES: Kelley, Leckness, Reardon, Schlicht, Ury
NOES: None
ABSENT: None

MAYOR'S, COMMISSION, AND COMMITTEE REPORTS

18. Orange County Fire Authority (OCFA) Report

Stephen Wontrobski, M.V.: discussed concerns that he raised at the recent OCFA Budget and Finance Committee meeting regarding competitive bids and he stated that the OCFA treats members of the public with disrespect. He also discussed his objection to recent OCFA equipment purchases.

Mayor Pro Tem Kelley presented the report.

19. Foothill/Eastern Transportation Corridor Agency Report

Mayor Reardon presented the report.

20. San Joaquin Hills Transportation Corridor Agency Report

Mayor Reardon presented the report.

21. Orange County Transportation Authority (OCTA)

Council Member Ury presented the report.

22. SCAG Transportation & Communications Committee (TCC) Report

Mayor Pro Tem Kelley presented the report.

STAFF REPORTS

City Manager's Report

23. Muirlands Boulevard Street Lights

City Manager Wilberg presented the staff report.

The Council Members asked questions of staff.

By consensus, the City Council directed staff to return with additional information and options, including the possibility of grant funding.

City Manager Wilberg drew the Council's attention to the 2012 Annual Report and noted that it is available at City facilities in printed version and is also on the City's website. Mr. Wilberg announced that Mission Viejo was, once again, named the safest city in the state.

Council Member Schlicht asked when Kaleidoscope will be taking down the Monster billboard and for a status of the Master Financial Plan. She also asked if staff has any plans for Crown Valley Parkway to help keep traffic flowing when the Ortega Hwy interchange project is underway.

City Attorney's Report

COUNCIL MEMBER COMMENTS AND ACTIONS

24. Council Member Reports of Events and Activities Attended

The City Council Members acknowledged their event and activities calendars as presented in the report and agreed to provide any changes to the City Clerk for the public record.

Council Member Leckness

Council Member Leckness outlined his attendance at recent Chamber of Commerce events and the Capo Valley High School student art gallery open house. He also attended a ribbon cutting ceremony at Alicia Dental Care and a grand opening event at Carl Hankey School. Lastly,

Council Member Leckness announced that he attended the Casta del Sol Republican Club meeting yesterday and he noted that Mayor Reardon was great as the keynote speaker.

Council Member Schlicht

Council Member Schlicht wished peace to those who are observing the holy time of Lent. She announced that she uses the Annual Report to quote financial information on the City and she outlined her attendance at recent events including the Capo High School art open house and the February 12 NRC public hearing on SONGS. She stated that most of the concerns raised at the meeting were about the defects in the generator and who knew what and when. Council Member Schlicht noted that Senators Boxers and Mackey have released a statement indicating that both SCE and Mitsubishi were aware of the defects prior to installation of the generator and that could mean criminal liability. Council Member Schlicht recommended that those wishing to be placed on the deferral list for Smart Meter installation should call 1-877-238-0092 to apply. She also reminded residents that the CPUC will hold two public participation hearings to review what responsibilities rate payers should have in the cost of operating SONGS. The meetings are from 2:00 to 5:00 p.m. and 6:00 to 9:00 p.m. on February 21 at the Costa Mesa Neighborhood Community Center, 1845 Park Avenue, Costa Mesa. There will also be a Saddleback Republican Assembly meeting at the Murray Community Center on February 21, 2013, at 7:00 p.m. and prior to that at 5:30, the Chamber of Commerce Mixer will be held at the Hills Hotel in Laguna Hills. In honor of President's Day and our 2nd Amendment rights, Council Member Schlicht concluded her comments with a quote from Thomas Jefferson, "No free man shall ever be debarred the use of arms. The strongest reason for the people to retain the right to bear arms is, as a last resort, to protect themselves against tyranny in government."

Council Member Ury

Mayor Pro Tem Kelley

Mayor Pro Tem Kelley congratulated Alicia Dental Care on their grand opening. She also discussed her attendance at the 2nd Annual Capistrano High School Art Gallery exhibit open house. She noted that a lot of schools don't have an area dedicated to an art gallery and she was very impressed with the talent that she saw on display. Mayor Pro Tem Kelley reminded residents that they can donate blood on February 22 from noon to 6:00 p.m. in the Saddleback Room at City Hall. Every donor can save up to 3 lives and she encouraged residents to contact her for an appointment or make a reservation on the Red Cross website. Lastly, Mayor Pro Tem Kelley announced that the City will host a Resource Fair on developmental disabilities on February 23, 2013, from 10:00 a.m. to 4:00 p.m. at the Murray Community Center. There will be a wealth of information with over 30 agencies participating and speakers throughout the day. Assessments will also be available by appointment.

Mayor Reardon

Mayor Reardon announced a two-part program to educate the community about the growing issue of prescription drug overdoses in Mission Viejo and throughout the County. On February

21, a School Resource Officer will display the drug paraphernalia that has been confiscated in local schools and explain to parents what kids are using it for. Then, on February 28, Commissioner Ed Hall will make a presentation on the legal system and a program that he has implemented in his courtroom for young people with drug issues. Mayor Reardon discussed her attendance at the Capo High School Art Gallery open house where she also enjoyed a brief production of a Midsummer Night's Dream, and her recent attendance at a League of Cities meeting as well as the ACCOC's newly elected official's orientation. Mayor Reardon thanked City Clerk Karen Hamman for an excellent job on the 2012 Annual Report and she provided responses to questions that were posed at the last Council Meeting on check register entries. She noted that the payment to Petra Geotechnical was for work performed through June 30, 2012, as part of the approved purchase order for the tennis center renovation. The balance of the payment related to a change order approved by the City Council in December. The second item was a payment to Liebert Cassidy and Whitmore for membership in the Orange County Human Relations Consortium which provides hundreds of human resources training opportunities for city staff.

ADJOURNMENT

At the hour of 8:23 p.m., with no further business to come before the City Council at this session, Mayor Reardon adjourned the meeting to Monday, March 4, 2013, at 5:00 p.m.

Karen Hamman, City Clerk

Approved at the meeting of March 4, 2013

CITY OF SAN JUAN CAPISTRANO

COUNCIL POLICY

Subject:	Page	Effective Date	Policy Number
MINUTES FORMAT FOR CITY COUNCIL AND ALL COMMISSIONS/COMMITTEES/ BOARDS	1 of 1	3/6/2012	125

It is a policy of the City Council that the minute format for all webcasted (either video recorded or audio-only recorded) City Council and Commissions/Committees/Boards meetings be "action" minutes. If the meeting is a workshop or study session, "action" minutes can be expanded into "summary minutes" when appropriate, at the direction of the Mayor or the Chairperson. The audio/video recordings of these meetings are to be kept permanently.

"Action" Minutes are to include the following:

- Meeting date
- Starting and ending time
- Location
- Indication whether the meeting is a regular, regular adjourned, or special meeting
- Roll Call – City Council and Commissioners/Committee & Board Members
- Names of staff members presenting items or responding to questions
- Title of each item presented for approval/review/discussion
- List of speakers under Oral Communications
- A statement of action (motion, resolution, ordinance, or direction) and how the members voted

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**MINUTES
FEBRUARY 5, 2013
SAN JUAN CAPISTRANO CITY COUNCIL
REGULAR MEETING**

CLOSED SESSION: Please refer to Special Meeting Minutes

BUSINESS SESSION:

Mayor Taylor called the Regular Meeting of the City Council of the City of San Juan Capistrano to order at 6:08 p.m. in the City Council Chamber. Council Member Byrnes led the Pledge of Allegiance and Mayor pro tem Allevato gave the invocation.

ROLL CALL

COUNCIL MEMBERS PRESENT: Roy L. Byrnes M.D., Larry Kramer, Derek Reeve, Mayor pro tem Sam Allevato and Mayor John Taylor

COUNCIL MEMBERS ABSENT: None.

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

ANNOUNCEMENT OF CLOSED SESSION ACTIONS: Mayor Taylor announced that he recused himself from Closed Session item A, due to the proximity of this item to his residence. Mayor pro tem Allevato announced that he recused himself from Closed Session item C, due to his Homeowners Association ownership of property within 500 feet of Lot 217.

CITY CLERK ANNOUNCEMENT: Per Assembly Bill 23, Maria Morris, City Clerk, announced that each Housing Authority Board Member is receiving a \$50.00 stipend for conducting the Housing Authority meeting

CITY COUNCIL REPORTS ON OUTSIDE AGENCIES:

- League of California Cities Conference – Mayors and Newly Elected City Council Members.
- Water Advisory Committee of Orange County (WACO) meeting.
- Nine South County Agencies meeting.
- California League of Cities Public Safety Policy Committee meeting.
- Ortega/I-5 Interchange Project Stakeholder's meeting.
- South Orange County Mayor's breakfast.
- Luncheon welcoming Congressman Darrell Issa to our District.
- League of California Cities – Community and Economic Development Sub-Committee meeting.
- Announcement – Construction of the Dr. Joe Cortese Dog Park has begun.
- President of the United States Inauguration.
- Economic Preservation meetings regarding the Ortega/I-5 Interchange Project.
- San Diego Gas & Electric and Public Utilities Commission Hearing Regarding the Reliability Enhancement Project.
- Ribbon Cutting Ceremony – Cancun Authentic Mexican Restaurant.

INTRODUCTIONS AND PRESENTATIONS:

1. MAYOR PRO TEM ALLEVATO INTRODUCED THE FOLLOWING INDIVIDUALS IN ATTENDANCE: Gerald Muir, Parks, Recreation and Senior Services Commission and Youth Advisory Board; Bob Cardoza, Design Review Committee; Steve Behmerwohld, Kathy Hooper and Ronald Denman, Parks, Recreation and Senior Services Commission; Robert Williams, Planning Commission; Ilse Byrnes, Kenneth Hart and Robert Ferguson, Open Space, Trails and Equestrian Commission; and Jameson Johnson, Youth Advisory Board.
2. JSERRA HIGH SCHOOL BASEBALL TEAM MEMBERS PROVIDED A PRESENTATION REGARDING THEIR VOLUNTEERISM EFFORTS IN THE COMMUNITY (610.40)
3. MR. TONY FOSTER PROVIDED A PRESENTATION AND WAS RECOGNIZED FOR HIS WORK ON THE CITY TRAILS (610.40)

ORAL COMMUNICATIONS:

- Mark Bodenhamer, Chamber of Commerce; Jamenson Johnson, Youth Advisory Board; Laura Freese, City resident; and Clint Worthington, City resident.

CONSENT CALENDAR:

Council Action: Moved by Mayor pro tem Allevato, seconded by Council Member Byrnes and carried unanimously to approve consent calendar items 1 through 11, 15 and 19 as recommended by staff with Council Member Byrnes abstained from consent calendar 4; Mayor pro tem Allevato abstained from consent calendar 9; and Council Member Reeve opposed to consent calendar 10 and 11.

1. MOTION TO READ ORDINANCE BY TITLE ONLY, APPROVED.
2. CITY COUNCIL MINUTES – SPECIAL MEETING (CLOSED SESSION) OF JANUARY 15, 2013, APPROVED.
3. CITY COUNCIL MINUTES – REGULAR MEETING OF JANUARY 15, 2013, APPROVED.
4. CHECK REGISTER FOR CHECKS AND ELECTRONIC TRANSACTIONS DATED DECEMBER 28, 2012, TO JANUARY 10, 2013; PAYROLL (CHECKS) DATED JANUARY 4, 2013; PAYROLL (DIRECT DEPOSITS) DATED JANUARY 4, 2013, RECEIVED AND FILED (300.30)

Council Member Byrnes abstained due to a check payable to himself for an overpayment refund.

ROLL CALL:

AYES: COUNCIL MEMBER: Reeve, Kramer, Allevato and Mayor Taylor
NOES: COUNCIL MEMBER: None
ABSENT: COUNCIL MEMBER: None
ABSTAINED: COUNCIL MEMBER: Byrnes

5. CASH AND INVESTMENT REPORT FOR THE MONTH ENDED DECEMBER 31, 2012, RECEIVED AND FILED (350.30)
6. ANNUAL FINANCIAL REPORT OF DEVELOPMENT IMPACT FEES PURSUANT TO GOVERNMENT CODE SECTION 66006 (AB 1600), RECEIVED AND FILED (420.20)
7. RESPONSES TO THE ORANGE COUNTY GRAND JURY'S REPORT "THE DISSOLUTION OF REDEVELOPMENT: WHERE HAVE WE BEEN? WHAT LIES AHEAD?" RECEIVED AND FILED; AND MAYOR AUTHORIZED TO SIGN RESPONSE LETTER TO THE GRAND JURY ON BEHALF OF THE CITY (400.10)
8. NEW DEVELOPMENT APPLICATION STATUS, RECEIVED AND FILED (440.10)
9. AMENDMENT TO THE PERSONAL SERVICES AGREEMENT FOR PROVISION OF REAL ESTATE BROKER SERVICES WITH CBRE, INC., APPROVED (600.30)

Council Member Allevato abstained due to his Homeowners Association owns property within 500 feet of Lot 217.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Reeve, Kramer and Mayor Taylor
 NOES: COUNCIL MEMBER: None
 ABSENT: COUNCIL MEMBER: None
 ABSTAINED: COUNCIL MEMBER: Mayor pro tem Allevato

10. PERSONAL SERVICES AGREEMENT WITH THE ORANGE COUNTY CONSERVATION CORPS (OCCC) FOR INVASIVE PLANT REMOVAL AND LAND HABITAT RESTORATION MAINTENANCE WORK ON THE 2C RANCH/TRABUCO CREEK HABITAT RESTORATION PROJECT AT A COST NOT TO EXCEED \$210,440, APPROVED (CIP 11204, 11205, 11206 AND 13201) (600.30)

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Kramer, Allevato and Mayor Taylor
 NOES: COUNCIL MEMBER: Reeve
 ABSENT: COUNCIL MEMBER: None

11. PERSONAL SERVICES AGREEMENT WITH PACIFIC RESTORATION GROUP, INC. FOR THE HYDROSEEDING OF CALIFORNIA NATIVE PLANT SEED FOR THE 2C RANCH/TRABUCO CREEK HABITAT RESTORATION PLAN NOT TO EXCEED \$50,112.00 TO BE FULLY FUNDED WITH ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) ENVIRONMENTAL MITIGATION PROGRAM (EMP) GRANT FUNDS, CALTRANS COOPERATIVE AGREEMENT FUNDS, AND CALIFORNIA HABITAT CONSERVATION FUND (HCF) GRANT FUNDS, APPROVED (600.30)

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Kramer, Allevato and Mayor Taylor
NOES: COUNCIL MEMBER: Reeve
ABSENT: COUNCIL MEMBER: None

12. CONSIDERATION OF A CAPITAL IMPROVEMENT PROJECT FUNDING APPROPRIATION FOR THE 2C RANCH-TRABUCO CREEK HABITAT RESTORATION PROJECT (CIP 13201) TO BE FUNDED BY A 2010 STATE HABITAT CONSERVATION FUND (HCF) GRANT (530.10)

Council Action: Moved by Mayor pro tem Allevato, seconded by Council Member Byrnes, and carried 4-1 with Council Member Reeve opposed to approve the following: City's Fiscal Years 2013-2019 Seven-Year Capital Improvement Program to appropriate 2C Ranch Trabuco Creek Habitat Restoration Project (CIP No. 13201) for \$204,350, amended as follows: \$68,118 for Fiscal Year 2012-2013; \$68,116 for Fiscal Year 2013-2014; and \$68,116 for 2014-2015; City's Fiscal Years 2013-2019 Seven-Year Capital Improvement Program to decrease funding for 2C Ranch Trabuco/Oso Creek Riparian Restoration Project (CIP No. 11204) by \$99,925, amended as follows: \$33,309 for Fiscal Year 2012-2013; \$33,308 for Fiscal Year 2013-2014; and \$33,308 for 2014-2015; estimated State Grant Revenue increased by \$99,925 (36-00000-43920-13201-000) as follows: \$33,309 for Fiscal Year 2012-2013; \$33,308 for Fiscal Year 2013-2014; and \$33,308 for 2014-2015; estimated Measure M Grant Revenues to transfer \$99,925 from 36-00000-43411-11204-000 to 36-00000-43411-13201-000, adjusted as follows: \$33,309 for Fiscal Year 2012-2013; \$33,308 for Fiscal Year 2013-2014; and \$33,308 for 2014-2015; and, \$4,500 appropriated from the Parks and Recreation Fund (11-00000-69050-13201-000) to provide funding for the indirect overhead costs in CIP 13201 (50-00000-49050-13201-000) that are not funded by either Grant as follows: \$1,500 for Fiscal Year 2012-2013; \$1,500 for Fiscal Year 2013-2014; and \$1,500 for Fiscal Year 2014-2015.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Kramer, Allevato and Mayor Taylor
NOES: COUNCIL MEMBER: Reeve
ABSENT: COUNCIL MEMBER: None

13. FEE WAIVER FOR SPECIAL ACTIVITIES PERMIT (SAP) 13-004 FOR THE SECOND SATURDAY ART FAIR (RANDI PESHKIN), APPROVED (390.30)

Mayor Taylor recused himself due to proximity to his residence and left the Council Chamber. Mayor pro tem Allevato took control of the meeting.

Grant Taylor, Development Services Director, provided an agenda report and responded to questions.

- Public Comments: Randi and Joe Peshkin, applicants; Laura Freese, City resident; and Mark Bodenhamer, Chamber of Commerce.

Council Action: Moved by Mayor pro tem Allevato, seconded by Council Member Kramer, and carried 4-0 with Mayor Taylor recused to approve the Special Activities Permit Fee Waiver of \$899.06; and staff to bring back to the City Council a fee study, that includes a monthly fee, and an additional study regarding issues with survivability of the program.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Reeve, Kramer and Mayor pro tem Allevato
NOES: COUNCIL MEMBER: None
ABSENT: COUNCIL MEMBER: None
RECUSED: COUNCIL MEMBER: Taylor

14. **RESOLUTION NO. 13-02-05-01** ADOPTED APPROVING THE SUBMITTAL OF A TRANSPORTATION IMPROVEMENT PROJECT GRANT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION AUTHORITY PROGRAM AND AMENDING THE FISCAL YEARS 2013-2019 SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (800.70)

- Public Correspondence: Lennie DeCaro, City resident.

Jim Ross, Interim Public Works Director, responded to questions.

- Public Comments: Mike Johnson, City resident.

Council Action: Moved by Council Member Kramer, seconded by Mayor pro tem Allevato, and carried 4-1 with Council Member Reeve opposed to adopt **Resolution No. 13-02-05-01** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, APPROVING THE SUBMITTAL OF A TRANSPORTATION IMPROVEMENT PROJECT GRANT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION AUTHORITY PROGRAM AND AMENDING THE FISCAL YEARS 2013-2019 SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM."

15. **RESOLUTION NO. 13-02-05-02** ADOPTED ENTITLED "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ESTABLISHING A LOADING ZONE ON THE WEST SIDE OF CAMINO CAPISTRANO 590 FEET SOUTH OF LA ZANJA STREET (THE VILLA) (570.30)

16. CAMINO LA RONDA TRAFFIC CALMING FOLLOW-UP REVIEW, RECEIVED AND FILED (590.60)

- Public Correspondence: William S. Morgan, City resident; and Diane Dokos, City resident.

Council Member Kramer recused himself and stepped out of the Council Chamber due to proximity to his residence.

Alan Oswald, Senior Traffic Engineer, responded to questions.

- Public Comments: Trevor Dale, City resident; Mike Johnson, City resident; Cori Armstrong, City resident; Diane Dokos, City resident; William Dokos, City resident; and Peter Margarita, City resident.

Council Action: Moved by Council Member Byrnes, seconded by Mayor pro tem Allevato, and carried 4-0 with Council Member Kramer recused to direct staff to bring back to the City Council further physical calming measure recommendations.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Reeve, Allevato and Mayor Taylor
NOES: COUNCIL MEMBER: None
ABSENT: COUNCIL MEMBER: None
RECUSED: COUNCIL MEMBER: Kramer

17. EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE UNITED STATES DEPARTMENT OF JUSTICE, APPROVED; AND CITY MANAGER AND CHIEF OF POLICE SERVICES AUTHORIZED TO EXECUTE (600.50)
18. \$10,000.00 GRANT FROM THE SAN DIEGO GAS & ELECTRIC COMPANY FOR THE CITY OF SAN JUAN CAPISTRANO'S COMMUNITY EMERGENCY RESPONSE TEAM, ACCEPTED; FISCAL YEAR 2012/2013 BUDGET REVENUE ACCOUNT 01-00000-48302-00000-000 BY 10,000.00, INCREASED; AND \$10,000.00 APPROPRIATED TO THE FISCAL YEAR 2012/2013 BUDGET EXPENSE ACCOUNT 01-41200-63704-00000-000 (520.10)

Council Action: Moved by Mayor pro tem Allevato, seconded by Council Member Byrnes, and carried unanimously to accept a \$10,000.00 Grant from the San Diego Gas & Electric Company for the City of San Juan Capistrano's Community Emergency Response Team; increase Fiscal Year 2012/2013 Budget Revenue Account 01-00000-48302-00000-000 by 10,000.00; and appropriate \$10,000.00 to the Fiscal Year 2012/2013 Budget Expense Account 01-41200-63704-00000-000.

19. MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN JUAN CAPISTRANO FIESTA ASSOCIATION FOR THE 2013 FIESTA DE LAS GOLONDRINAS CELEBRATION, APPROVED; AND RESOLUTION 13-02-05-03 ADOPTED ENTITLED "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, APPROVING A REQUEST FOR A FEE WAIVER OF CITY FEES TO THE SAN JUAN CAPISTRANO FIESTA ASSOCIATION FOR THE EVENTS ASSOCIATED WITH THE 2013 FIESTA DE LAS GOLONDRINAS CELEBRATION, SWALLOWS DAY PARADE; AND GRANTING AN EXCEPTION TO THE CITY'S FIREARM DISCHARGE REGULATIONS FOR SWALLOWS DAY PARADE." (600.30/585.10)

PUBLIC HEARINGS:

1. TEMPORARY STREET CLOSURES FOR THE FIESTA DE LAS GOLONDRINAS PARADE AND THE MERCADO ON SATURDAY, MARCH 23, 2013, APPROVED; AND ISSUANCE OF A PARADE PERMIT TO THE SAN JUAN CAPISTRANO FIESTA ASSOCIATION, PER MUNICIPAL CODE SECTION 5-11.05 (B), APPROVED (150.60)

Alan Oswald, Senior Traffic Engineer, provided a staff report and responded to questions.

Mayor Taylor opened the public hearing and invited testimony.

- Public Testimony: Kathy Hooper, Fiesta Association.

Mayor Taylor closed the public hearing.

Council Action: Moved by Council Member Byrnes, seconded by Council Member Allevato, and carried unanimously to approve the temporary street closures for the Fiesta de las Golondrinas Parade and the Mercado on Saturday, March 23, 2013; and approve the issuance of a parade permit to the San Juan Capistrano Fiesta Association, per the City Municipal Code, Section 5-11.05(b).

2. TEMPORARY CLOSURE OF ORTEGA HIGHWAY BETWEEN CAMINO CAPISTRANO AND EL CAMINO REAL FOR THE MISSION GATE HOUSE PRESERVATION PROJECT GRAND OPENING EVENT, APPROVED (820.70)

Mayor Taylor recused himself due to proximity to his residence and stepped out of the Council Chamber. Mayor pro tem Allevato took control of the meeting.

Alan Oswald, Senior Traffic Engineer, provided a staff report and responded to questions.

Mayor pro tem Allevato opened the public hearing and invited testimony.

- Public Testimony: Mechelle Lawrence-Adams, Mission San Juan Capistrano.

Mayor pro tem Allevato closed the public hearing

Council Action: Moved by Council Member Byrnes, seconded by Council Member Kramer, and carried 4-0 with Mayor Taylor recused to approve the temporary closure of Ortega Highway between Camino Capistrano and El Camino Real for the Mission Gate House Preservation Project Grand Opening Event.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Reeve, Kramer and Mayor pro tem Allevato
NOES: COUNCIL MEMBER: None
ABSENT: COUNCIL MEMBER: None
RECUSED: COUNCIL MEMBER: Taylor

SAN JUAN CAPISTRANO HOUSING AUTHORITY: (Refer to Housing Authority Minutes)

SUCCESSOR AGENCY TO THE SAN JUAN CAPISTRANO COMMUNITY REDEVELOPMENT AGENCY (Refer to Successor Agency Minutes)

ADMINISTRATIVE ITEMS:

H1. DEVELOPMENT SERVICES

- a. CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) ENVIRONMENTAL REVIEW PROCESS REGARDING SAN DIEGO GAS & ELECTRIC (SDG&E) SOUTH ORANGE COUNTY RELIABILITY ENHANCEMENT (SOCRE) PROJECT AND THE NOTICE OF PREPARATION (NOP) COMMENTS FOR THE ENVIRONMENTAL IMPACT REPORT (EIR) (1010.70)

Mayor pro tem Allevalo recused himself due to co-ownership of property within 500 feet of the project and stepped out of the Council Chamber.

- Public Correspondence: Bob Cardoza, City resident.

Grant Taylor, Development Services Director, provided a staff report and responded to questions.

- Public Comments: Duane Caves, San Diego, Gas & Electric; Bob Cardoza, City resident; and Ilse Byrnes, City resident.

Council Action: Moved by Council Member Byrnes, seconded by Council Member Kramer, and carried 4-0 with Mayor pro tem Allevalo recused to incorporate the following revisions to the letter sent to the California Public Utilities Commission: 1) state "...the Historic 1918 Capistrano Substation building..." instead of "...the Capistrano Substation.."; 2) request a 45 day extension of the comment period; 3) request additional scoping meetings to be scheduled; and 4) request that further steps of the process be advertised in a more local basis.

ROLL CALL:

AYES: COUNCIL MEMBER: Byrnes, Reeve, Kramer and Mayor Taylor
NOES: COUNCIL MEMBER: None
ABSENT: COUNCIL MEMBER: None
RECUSED: COUNCIL MEMBER: Mayor pro tem Allevalo

H2. CITY CLERK

- a. INTRODUCTION AND FIRST READING OF AN ORDINANCE REMOVING ARTICLE 2, AMENDING ARTICLE 7, REPLACING ARTICLE 8 AND ADDING ARTICLE 13 OF CHAPTER 2 OF TITLE 2 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE REMOVING THE HOUSING ADVISORY COMMITTEE, ORGANIZING THE TRANSPORTATION COMMITTEE, AMENDING THE DUTIES OF THE PLANNING COMMISSION AND ORGANIZING THE INVESTMENT ADVISORY COMMITTEE; RESOLUTION 13-02-05-03 ADOPTED AMENDING MEMBERSHIP REQUIREMENTS FOR CITY COUNCIL COMMISSIONS AND COMMITTEES; RESOLUTION 13-02-05-04 ADOPTED AMENDING THE TERM OF OFFICE FOR THE YOUTH ADVISORY BOARD; REVISED CITY COUNCIL POLICIES 201 (APPOINTMENT – CRITERIA FOR CONSIDERATION); 202 (COMMISSION/COMMITTEE/BOARD APPOINTMENT PROCEDURE); 209 (COMMISSION/COMMITTEE/BOARD CHAIRMAN AND SECRETARY MEETINGS); AND 211 (COMMISSION/COMMITTEE/BOARD ATTENDANCE STANDARDS), APPROVED; AND NEW CITY COUNCIL POLICIES 127 (ELECTRONIC COMMUNICATION DURING OPEN PUBLIC MEETINGS); 214 (FREQUENCY OF COMMISSION/COMMITTEE/BOARD MEETINGS); 215 (COMMISSION AND COMMITTEE CHAIRS MEETINGS WITH MAYOR AND MAYOR PRO TEM); 216 (COMMISSION/COMMITTEE/BOARD COMMUNICATION THROUGH SECRETARY); AND 217 (COMMISSION/COMMITTEE/BOARD NOT TAKING INDIVIDUAL ACTION), APPROVED (610.30/110.10)

Maria Morris, City Clerk, provided a staff report and responded to questions.

- Public Comments: Robert Ferguson, Open Space, Trails and Equestrian Commission.

Maria Morris, City Clerk, read the title of the Ordinance.

Council Action: Moved by Council Member Reeve, seconded by Council Member Byrnes, and carried unanimously to approve the first reading and introduction of an ordinance entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING ARTICLE 7, REPLACING ARTICLE 8, AND ADDING ARTICLE 13 OF CHAPTER 2 OF TITLE 2 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE ORGANIZING THE TRANSPORTATION COMMITTEE, AMENDING THE DUTIES OF THE PLANNING COMMISSION, AND ORGANIZING THE INVESTMENT ADVISORY COMMITTEE;" adopt RESOLUTION 13-02-05-03 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING MEMBERSHIP REQUIREMENTS FOR CITY COUNCIL COMMISSIONS AND COMMITTEES; adopt

RESOLUTION 13-02-05-04 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING THE TERM OF OFFICE FOR THE YOUTH ADVISORY BOARD;" and approve the revision to City Council Policies 201 (Appointment – Criteria for Consideration), 202 (Commission/Committee/Board Appointment Procedure), 209 (Commission/Committee/Board Chairman and Secretary Meetings), and 211 (Commission/Committee/Board Attendance Standards) and approve new City Council Policies 127 (Electronic Communication During Open Public Meetings), 214 (Frequency of Commission/Committee/Board Meetings), 215 (Commission and Committee Chairs Meetings with Mayor and Mayor Pro Tem), 216 (Commission/Committee/Board Communication through Secretary), and 217 (Commission/Committee/Board Not Taking Individual Action); including the following changes: 1) dissolution of the Housing Advisory Committee; 2) removing the term 'staggering of appointments" in Council Policy 202 (Commission/Committee/Board Appointment Procedure); and 3) membership in the Cultural Heritage Commission to consist of five (5) members.

ORDINANCES: None.

COUNCILMANIC ITEMS:

1. UPDATE REGARDING ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) ASSISTANCE FOR SAN JUAN CAPISTRANO BUSINESS OUTREACH DURING THE I-5/ORTEGA INTERCHANGE PROJECT CONSTRUCTION (ECONOMIC PRESERVATION (I-5 ORTEGA INTERCHANGE PROJECT) SUB-COMMITTEE) (800.26)

Council Member Byrnes recused himself and stepped out of the Council Chamber to avoid appearance of impropriety.

- Public Comments: Jonathan Volzke, Faubel Public Affairs; Clint Worthington, City resident; and John Gillotti, Mission Grill owner.

2. DISCUSSION REGARDING CHANGING THE CITY COUNCIL PUBLIC BUSINESS MEETING TIME – CONSENSUS TO BRING BACK FOR CONSIDERATION A CITY COUNCIL POLICY THAT WOULD REQUIRE A CITY COUNCIL 4/5 VOTE TO DISCUSS NEW ITEMS LISTED ON THE POSTED AGENDA AFTER 10:00 P.M. (610.15)
3. CONSIDERATION OF DECLARING A VACANCY ON THE HOUSING ADVISORY COMMITTEE – ITEM REMOVED FROM THE AGENDA (110.20)

ADJOURNMENT:

There being no further business Mayor Taylor adjourned the meeting at 10:48 p.m. to Tuesday, February 19, 2013, at 5:00 p.m. for Closed Session, and 6:00 p.m. for a public Business Session, in the City Council Chamber.

Respectfully submitted,


MARIA MORRIS, CITY CLERK *Deputy*

Approved: February 19, 2013

ATTEST:


JOHN TAYLOR, MAYOR

MINUTES OF THE CITY COUNCIL OF THE CITY OF STANTON
REGULAR MEETING JANUARY 22, 2013

1. CALL TO ORDER / CLOSED SESSION

The meeting was called to order at 6:00 p.m. by Mayor Shawver.

2. ROLL CALL

Present: Council Member Donahue, Council Member Ramirez, Council Member Warren, Mayor Pro Tem Ethans and Mayor Shawver.

Absent: None.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the City Council of the City of Stanton proceeded to closed session at 6:01 p.m. for discussions regarding:

**4A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code Section 54956.9(b)(1))**

Potential number of cases: Four

5. CALL TO ORDER / REGULAR CITY COUNCIL MEETING

The meeting was called to order at 6:33 p.m. by Mayor Shawver.

The City Attorney reported that the City Council met in closed session from 6:01 to 6:33 p.m.

The City Attorney reported that direction was given and no reportable action was taken.

6. PLEDGE OF ALLEGIANCE

Led by David Ronnenberg, CR&R.

7. SPECIAL PRESENTATIONS AND AWARDS

Mayor Pro Tem Shawver introduced Mr. David Ronnenberg, CR&R as the Cypress College Foundation Americana Awards, City of Stanton Citizen of the Year.

- David Ronnenberg, CR&R made a brief introduction about himself to the City Council.

8. ORAL COMMUNICATIONS – PUBLIC

Phil A. Grenkavich, Placentia, presented a proposal to the City Council regarding revenue enhancements.

Calvin Sung, Representative, Assemblywoman Sharon Quirk-Silva's office, made a brief introduction about himself and the office of Assemblywoman Sharon Quirk-Silva to the City Council.

Lieutenant Jeff Passalaqua reported on the City's Crime Statistics for year 2012.

9. CONSENT CALENDAR

Mayor Shawver pulled consent calendar item 9D from the agenda for separate discussion.

City Attorney Kimberly Hall Barlow reported that a correction was made to Item 9C, line item number two and request that the City Council approve Item 9C as amended.

Motion/Second: Ethans/Donahue
Motion unanimously carried:

The City Council unanimously approved the following Consent Calendar items:

CONSENT CALENDAR

9A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

The City Council waived reading of Ordinances and Resolutions.

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated, December 13, 2012 and January 8, 2013, in the amount of \$161,254.56

9C. APPROVAL OF MINUTES

1. The City Council approved Minutes of Regular Meeting – December 11, 2012; and
2. Approved Minutes of Regular Meeting – January 8, 2013.

END OF CONSENT CALENDAR

9D. DECLARATION OF SURPLUS PROPERTY

From time to time equipment purchased by the City has outlived its useful life. In compliance with the purchasing policy, staff is required to petition the Council to declare the property surplus, obsolete, or unusable.

Motion/Second: Shawver/Ramirez
Motion unanimously carried:

1. The City Council declared the equipment listed on Attachment A as surplus; and
2. Directed staff to sell or salvage equipment according to the Administrative Policy IV-4-12: Purchasing Policy and Procedures.

10. PUBLIC HEARINGS None.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. APPROVAL OF BUDGET ADJUSTMENT 2013-11

A budget adjustment for fiscal year 2012-13 is necessary to reflect changes in the cash contract charge and fire services agreement with the Orange County Fire Authority.

Motion/Second: Warren/Ethans
Motion unanimously carried:

The City Council approved Budget Adjustment 2013-11.

12B. UPDATE ON THE PROGRESS MADE BY THE NEIGHBORHOOD ENHANCEMENT TASK FORCE

In September of 2012, the City Manager created the Neighborhood Enhancement Task Force. The goal of the Task Force is to provide the transient population in the City with the resources they need to find proper shelter and to address the secondary and tertiary effects of the transient population on the community. This staff report provides an update on the efforts to date.

Motion/Second: Ethans/Warren
Motion unanimously carried:

The City Council received and filed report.

12C. CYPRESS COLLEGE AMERICANA AWARDS DINNER

At the January 8, 2013 City Council Meeting, Mayor Pro Tem Ethans requested that City Council consider purchasing a table at the Cypress College Americana Awards Dinner scheduled for Saturday, February 23, 2013 in the Grand Ballroom of the Disneyland Hotel at a cost of \$2,500.00. This Awards dinner honors the Citizen of the Year from surrounding communities. This year Mr. David Ronnenberg was selected and will be honored as the City of Stanton Citizen of the Year.

Motion/Second: Donahue/Ethans

Motion unanimously carried:

The City Council directed staff to bring this item back to the next regularly scheduled City Council meeting, once the statistical information has been gathered regarding how many Stanton residents have been granted funding through the Cypress College Foundation.

12D. AN ORDINANCE REPEALING CHAPTER 10.26 (SOLICITATION IN PUBLIC RIGHTS-OF-WAY) OF TITLE 10 (VEHICLES AND TRAFFIC) RELATING TO SOLICITATION TO AND FROM MOVING VEHICLES

The Ninth Circuit Court of Appeals, overturning its own earlier case law, has held that an ordinance prohibiting solicitation of employment, business, or funds to/from vehicles throughout the City is unconstitutional under the First Amendment, because it curtails substantially more protected conduct than necessary to achieve the City's goals. This overturned previous case law on the matter. Because Chapter 10.26 of the Stanton Municipal Code ("SMC") was drafted using language grounded in the overturned case law, it is no longer in compliance with First Amendment jurisprudence.

Motion/Second: Shawver/Ramirez

Motion unanimously carried:

The City Council introduced Ordinance No. 1013 for its first reading, by title only, waived further reading and adopted Ordinance No. 1013.

12E. AN ORDINANCE REPEALING AND REPLACING SECTION 9.92.090 OF CHAPTER 9.92 (SHOPPING CART CONTROL) OF TITLE 9 (PEACE AND SAFETY MORALS) AND SECTION 10.28.040 OF CHAPTER 10.28 (SOLICITATION IN POSTED COMMERCIAL PARKING AREAS) OF TITLE 10 (VEHICLES AND TRAFFIC) RELATING TO PENALTIES

Staff has determined that the current provisions of the Stanton Municipal Code ("SMC") that pertain to solicitation in commercial areas and shopping carts require stronger penalties for effective enforcement. Currently, SMC 9.92.090 and 10.28.040 allow violators to be charged only with an infraction. The proposed ordinance would increase allowed penalties to misdemeanors. This will be the first reading of the proposed ordinance.

Motion/Second: Ethans/Warren
Motion unanimously carried:

At the request of the City Attorney, Kimberly Hall Barlow, this item has been continued to the next regularly scheduled City Council meeting.

12F. AN ORDINANCE REPEALING AND REPLACING SECTION 9.04.010 OF CHAPTER 9.04 (ALCOHOLIC BEVERAGES) OF TITLE 9 (PEACE AND SAFETY MORALS) RELATING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES

Section 9.04.010 of the Stanton Municipal Code is being amended so as not be partially preempted by the California Business & Professions Code, and to make a violation of this section a misdemeanor.

Motion/Second: Ethans/Warren
Motion unanimously carried:

The City Council introduced Ordinance No. 1011 for its first reading, by title only, waived further reading and adopted Ordinance No. 1011.

12G. PROCEDURE TO INITIATE CITY COUNCIL REVIEW OF PLANNING COMMISSION DECISIONS

This ordinance would revise the requirements for City Council review of Planning Commission actions by providing each Council Member authority to request a review on his or her own initiative.

Motion/Second: Warren/Ramirez
Motion unanimously carried:

The City Council introduced, gave first reading, by title only to Ordinance No. 1012 amending Section 20.32.050 of Title 20 "Zoning", Chapter 20.32 "Administration" of the Stanton Municipal Code, waived further reading and adopted Ordinance No. 1012.

13. WRITTEN COMMUNICATIONS None.

14. MAYOR/COUNCIL INITIATED BUSINESS

14A. COMMITTEE REPORTS/COUNCIL ANNOUNCEMENTS

Mayor Shawver announced that the Orange County Fire Authority (OCFA) has completed a review of the City's response times and services for the last three months, with our newly reorganized fire crew. Reports have shown that response times and services were better and more productive than last reported. The OCFA report is set for approval at their next meeting which will be held on Thursday, January 24, 2013.

Mayor Pro Tem Ethans reported on the Typhus and West Nile Virus.

14B. COUNCIL INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

Mayor Pro Tem Ethans requested to agendize the review and/or re-appointment of the Planning Commissioners corresponding with their appointed seat.

Mayor Pro Tem Ethans requested to agendize the possibility of acquiring a Diary Queen within the City of Stanton.

Council Member Warren requested that staff invite local charities to a City Council meeting to provide an overview of their organization.

14C. COUNCIL INITIATED ITEMS FOR A FUTURE STUDY SESSION

City Manager James A. Box announced that the City will be conducting a special study session for the City's Strategic Plan on February 14, 2013.

15. ITEMS FROM CITY ATTORNEY None.

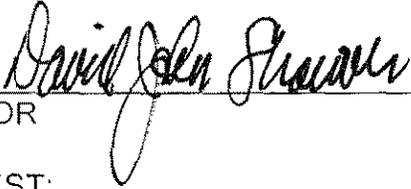
16. ITEMS FROM CITY MANAGER

City Manager James A. Box announced that he will be out of the office at a PARMA conference February 4th through February 6, 2013 and that Nick Guilliams will serve as the Acting City Manager in his absence.

The City Council recessed to the Successor Agency Meeting at 7:28 p.m.

The City Council reconvened at 7:29 p.m.

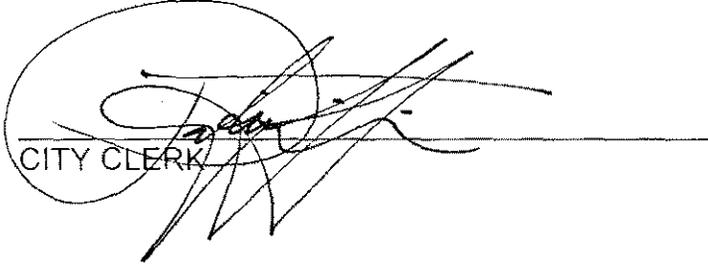
17. **ADJOURNMENT** in memory of Huell Howser.
Motion/Second: Shawver/
Motion carried at 7:31 p.m.



Handwritten signature of David John Shawver in cursive script, written over a horizontal line.

MAYOR

ATTEST:



Handwritten signature of the City Clerk, written over a horizontal line. The signature is highly stylized and partially obscured by a large, hand-drawn circle.

CITY CLERK

City of Los Alamitos

Agenda Report Discussion Items

March 18, 2013
Item No: 9B

To: Mayor Warren Kusumoto & Members of the City Council

Via: Gregory D. Korduner, Interim City Manager

From: Steven A. Mendoza, Community Development Director

Subject: Selection of Top Proposers for City Attorney Services

Summary: This report provides an update on the Permanent City Attorney recruitment process.

Recommendation: Discuss or defer to Closed Session to select one or more finalist to continue in the City Attorney recruitment process.

Background

The City Council has been working diligently toward securing a new permanent City Attorney. Toward that effort, the Council appointed an Ad Hoc Subcommittee on December 17, 2012. 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 City Council first discussed the contents of the Request for Proposal (RFP) on January 7, 2013, and during the January 22, 2013 meeting, Council adopted a schedule and approved the RFP. On February 4, 2013 the City Council approved the final Evaluation Plan. The RFP was released on January 23, 2013 with a due date of February 19, 2013 at noon.

Discussion

The following seven firms met the February 19, 2013 deadline and submitted proposals to the City of Los Alamitos.

1. Burke, Williams & Sorenson
2. Jones & Mayer
3. Meyers Nave
4. Ross & Casso
5. Stradling, Yocca, Carlson & Rauth
6. Wallin, Kress, Reisman & Kranitz
7. Woodruff, Spradlin & Smart

The seven proposals were distributed to each Council Member to analyze in accordance with the predetermined Evaluation Plan. The completed Evaluation Plans were returned on March 11, 2013.

With the Evaluation Plans complete, Council will meet in Closed Session to discuss the proposers and to select firms to continue in the selection process. The combined scoring of all the evaluations will be discussed in Closed Session to select the number of firms for the interview process.

The approved schedule has been included for reference.

Fiscal Impact

None.

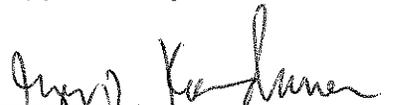
SCHEDULE	
Council or Subcommittee to Select Top Proposers (Closed or Open Session)	3/18/13
Notify Top Proposers	3/19/13
Council or Subcommittee to Conduct 1st Interviews (Special Closed Meeting)	4/1/13
2nd Interviews if necessary (Regular Meeting)	4/15/13
Negotiation of Agreement	4/16/13
Council Award of Contract (Regular Meeting)	5/20/13
Contract Effective Date	5/21/13

Submitted By:



Steven A. Mendoza
Community Development Director

Approved By:



Gregory D. Korduner
Interim City Manager

City of Los Alamitos

Agenda Report Discussion Items

March 18, 2013
Item No: 9C

To: Mayor Warren Kusumoto & Members of the City Council
Via: Gregory D. Korduner, Interim City Manager
From: Steven A. Mendoza, Community Development Director
Subject: Thirty-Three Acre Katella Industrial Development in the City of Cypress

Summary: This report provides an update on the proposed development of Thirty-Three acres in the City of Cypress.

Recommendation: Receive and file.

Background

At the request of Councilmember Richard Murphy, this update is being provided for a proposed development within the City of Cypress. The City of Cypress is in receipt of an application for the development of 33 acres within the Los Alamitos Race Track (LART). The project consist of warehouse, light manufacturing and office uses. The conceptual site plan for the proposed project shows a configuration with three buildings.

Development Plan

Building 1	182,000	Sq. Ft.
Building 2	167,000	Sq. Ft.
Building 3	376,000	Sq. Ft.
Total	725,000	Sq. Ft.

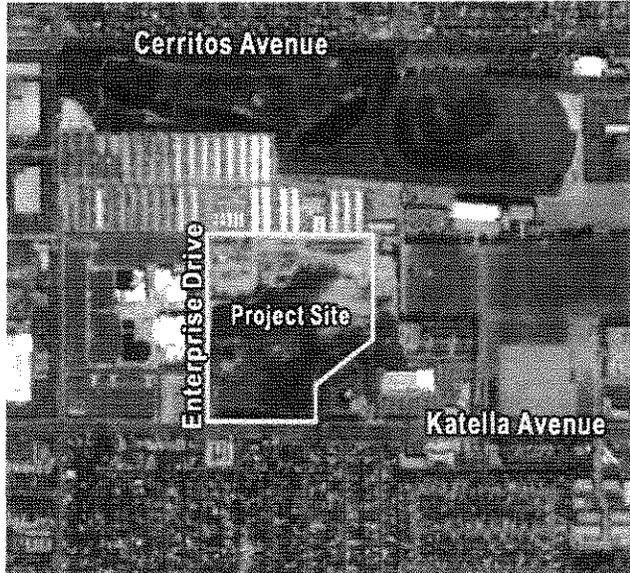
Discussion

The City of Cypress has mailed out a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for this proposed project. A NOP is the first step in the process as they study the potential environmental impacts of the 725,000 square foot development. A Notice of Prep (NOP) places neighboring agencies, communities, and utilities on notice that the City of Cypress is currently studying the project. It also provides the City of Los Alamitos and other agencies the opportunity to request that specific impacts be addressed in the future EIR such as traffic counts at specific intersections. An NOP is sent out before traffic, air, and noise studies have been prepared, so analysis of impacts has yet to begin. Once the studies are produced and

published within the Environmental Impact Report, staff will begin the peer review of the studies.

Outreach

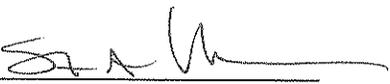
Prologis, the site developer, will host an open house on Tuesday, March 19, 2013 from 7:30 p.m. to 9:30 p.m. at the Former Cypress Golf Course Clubhouse (4921 Katella Avenue). This open house will give the public an opportunity to drop in any time during the session and view plans and ask questions of Prologis. Residents and property owners in Carrier Row and New Dutch Haven will be notified by Prologis.



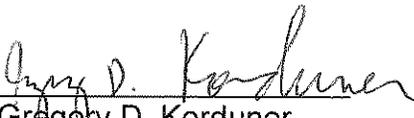
Fiscal Impact

None.

Submitted By:


Steven A. Mendoza
Community Development Director

Approved By:


Gregory D. Korduner
Interim City Manager

- Attachment: 1. Open House Flyer
2. Site Plan



March 8, 2013

Dear Resident,

As you may have heard, there are plans being made to develop the site located on the north side of Katella between the Cottonwood Church and the Marriott Hotel. We'd like to introduce ourselves as the new owner and developer and let you know what is in the planning stages. Please join us for an interactive open house on Tuesday, March 19, 2013.

OPEN HOUSE NEW DEVELOPMENT

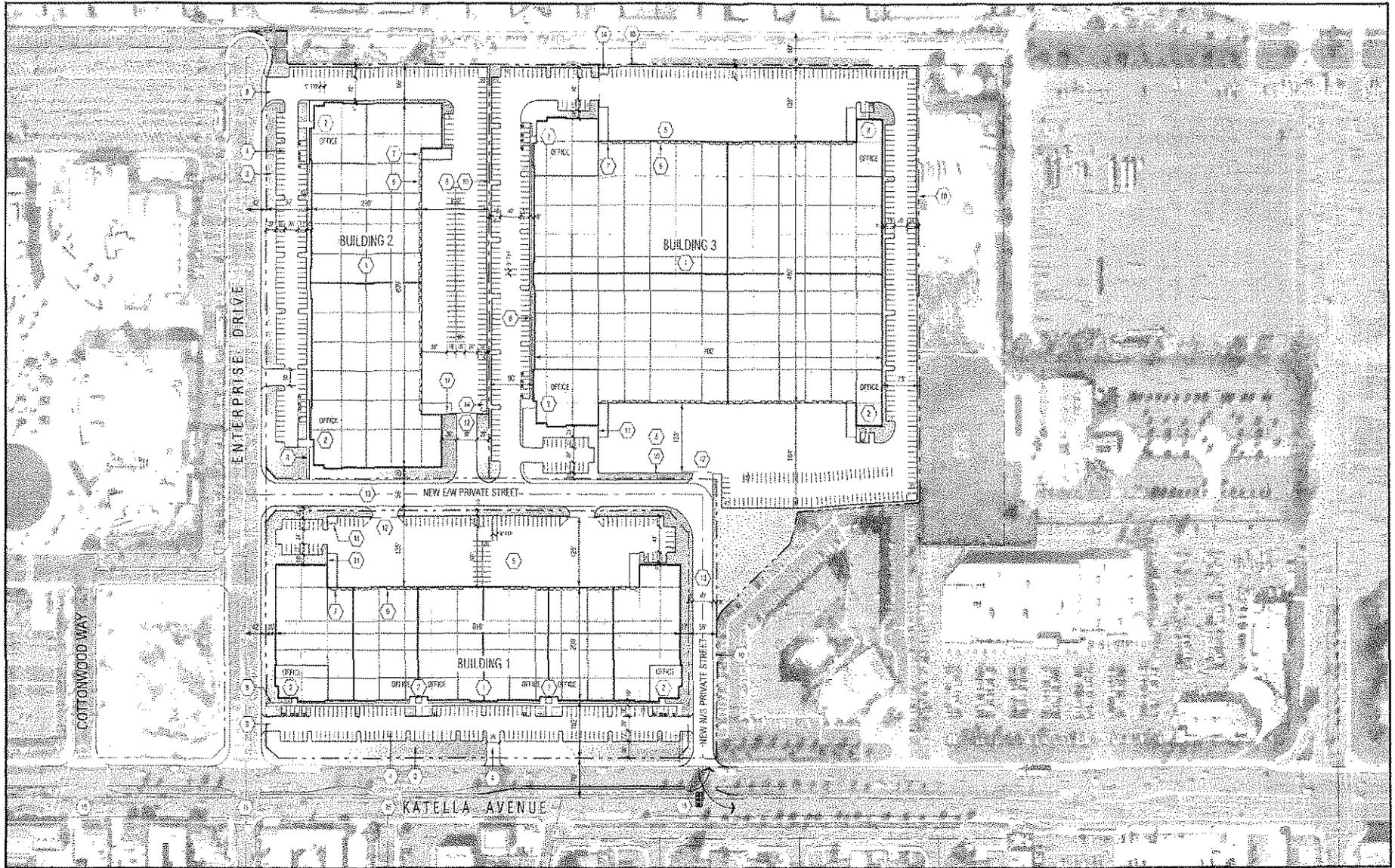
**Come meet the developer, hear about what is being
planned and share your ideas.**



**Location: Former Cypress Golf Course Clubhouse
4921 Katella Ave
Los Alamitos, CA 90720-0000**

Date: Tuesday, March 19, 2013

Time: Drop by any time between 7:30pm and 9:30pm



Source: RGA Office of Architectural Design, January 24, 2013.

NOT TO SCALE



08/15 • JN 132370

INITIAL STUDY
725,000 SQUARE-FOOT INDUSTRIAL COMPLEX

Conceptual Site Plan

Exhibit 3

City of Los Alamitos

Agenda Report Discussion Items

March 18, 2013
Item No: 9D

To: Warren Kusumoto & Members of the City Council
From: Gregory D. Korduner, Interim City Manager
Subject: Community Give-Back Program

Summary: This report gives the City Council the opportunity to act on the Ad Hoc Committee's recommendation to fund the top four ranked programs from the Community Give-Back survey.

Recommendation: Action as Council deems appropriate regarding the Community Give-Back survey.

Background

The Community Give-Back Ad Hoc Committee met and discussed the results of the Community Give-Back survey. The survey was distributed to all Los Alamitos residents and 105 of those surveys were returned to the City. Residents were asked to select their top 5 choices out of the 10 choices provided, and rank them from 1 being most important to 5 being least important. Staff compiled the surveys and provided the Ad Hoc Committee with a spreadsheet of the results.

The priorities from the respondents were submitted accordingly: 1) Plant Trees, 448; 2) Free Summer Parks Programs, 376; 3) Re-establish Police Explorer Program, 374; 4) Develop a Community Garden, 294; 5) Other, 240; 6) Emergency Kits, 226; 7) Holiday Decorations, 224; 8) Sugar Beet Festival, 180; 9) Digital Reader Board, 172; and 10) Senior Trips Scholarship, 146. The Committee is recommending the City Council consider the top four ranked programs which include:

1.	Plant trees*	\$76,000
2.	Expand Free Summer Park Programs	\$42,000
3.	Re-establish Police Explorer Program	\$15,000
4.	Develop a Community Garden	\$8,500
TOTAL		\$141,500

*The Ad Hoc Committee discussed planting a more mature tree that does not cause root damage and requested West Coast Arborists be contacted for input. Also, discount purchases of the trees was a factor.

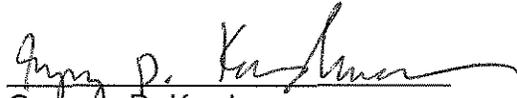
Discussion

At this time, the City Council should discuss the Community Give-Back Ad Hoc Committee's recommendation to fund the top four programs.

Fiscal Impact

\$141,500 from the City's unassigned fund balance will be used as a one-time expenditure to fund the Community Give-Back program.

Submitted By:



Gregory D. Korduner
Interim City Manager

Fiscal Impact Reviewed By:



Joshua A. Brooks
Finance Director

City of Los Alamitos

Agenda Report Mayor and Council

March 18, 2013
Item No: 10A

To: Mayor Kusumoto & Members of the City Council

Via: Greg Korduner, Interim City Manager

From: Windmera Quintanar, CMC, City Clerk

Subject: Designation of Voting Delegate and Alternate for the Southern California Association of Governments (SCAG) 2013 General Assembly

Summary: The Southern California Association of Governments (SCAG) General Assembly will be held May 2 – 3, 2013 at the JW Marriott Desert Springs Resort & Spa in Palm Desert, California. Each year, SCAG's member cities select a Delegate and/or Alternate to represent their City to participate at this Annual Meeting.

Recommendation:

1. Appoint a Council Member to attend and serve as the City's Voting Delegate for the Southern California Association of Governments (SCAG) General Assembly; and,
2. Appoint a Council Member to attend and serve as the City's Alternate Voting Delegate in the event of the Voting Delegate's absence; or,
3. Take no action.

Background

Southern California Association of Governments (SCAG) is the nation's largest metropolitan planning organization, representing six counties, 191 cities and more than 18 million residents. SCAG undertakes a variety of planning and policy initiatives to encourage a more sustainable Southern California now and in the future.

At least once every year, SCAG convenes the General Assembly to bring together the official representatives of SCAG's membership and help set the agency's course for the coming year. The General Assembly is a forum where policy matters can be identified and addressed. A quorum of the General Assembly consists of official representation from one-third of the member cities and one-third of the member counties.

Each member county and each member city has one official representative and one alternate in the General Assembly, except the City of Los Angeles, which has three official representatives and three alternates due to its population size. Member cities and counties must communicate the names of their official representatives and alternates to SCAG within 45 days before the annual meeting of the General Assembly.

Discussion

The SCAG 2013 Regional Conference and General Assembly is scheduled for Thursday, May 2, through Friday, May 3, 2013 in Palm Desert. One aspect of the Annual Conference is the General Assembly where the membership will consider and take action on the Fiscal Year budget, 2012-2013 SCAG Officers, and the proposed amendment to the SCAG Bylaws.

In order to facilitate the conduct of business at the General Assembly Meeting, each City Council must designate a Voting Delegate and Alternate. Designation of the Delegate is consistent with SCAG's Bylaws. SCAG has requested notification of the delegates 45 days before the conference.

The Voting Delegate and Alternate must be registered to attend the conference. The City is currently a member of SCAG and therefore registration is free for any Council Member. Hotel accommodations are \$115 per night.

Accordingly, this item has been placed on the agenda for City Council consideration. Currently, no one on the City Council has expressed an interest in attending this year's conference.

Fiscal Impact

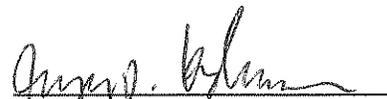
There is no cost associated with the designation of a Voting Delegate/Alternate or attendance at the conference. Should hotel accommodations be approved by Council, the cost would be \$115/night, per Council Member.

Submitted



Windmera Quintanar, CMC
City Clerk

Approved By:



Gregory D. Korduner
Interim City Manager

- Attachments:
1. Request e-mail from SCAG
 2. SCAG Annual Conference Brochure

Windy Quintanar

From: Harris-Neal, Lillian [Harris-Neal@scag.ca.gov]
Sent: Wednesday, January 23, 2013 10:42 AM
To: Adria Jimenez
Cc: Windy Quintanar
Subject: Delegate/Alternate

Dear City Clerks:

The Southern California Association of Government (SCAG) General Assembly will be held May 2 – 3, 2013 at the JW Marriott Desert Springs Resort & Spa in Palm Desert, California. Each year, SCAG's member cities select a Delegate and/or Alternate to represent their city to participate at this Annual Meeting.

If you have not done so, please send a copy of your city's action in appointing a SCAG Delegate and/or Alternate as soon as possible. Delegates/Alternates are required to submit FPPC Form 700, Statement of Economic Interests, to our office. You may use the form filed within your city; however, please note "SCAG" in Box 1 of the form.

Please note: If your City currently has a Regional Council Member that serves on the SCAG Board, per SCAG Bylaws, that person is your City delegate so there is no need to appoint a delegate. However, please provide us with the name of the alternate.

Statement of Economic Interests forms are available on FPPC's website at <http://www.fppc.ca.gov/index.php?id=500> and must be filed with this agency no later than April 1, 2013.

Thank You,

Lillian Harris-Neal
Clerk of the Board
Strategy, Policy and Public Affairs
Southern California Association of Governments (SCAG)
818 W. 7th Street, 12th Floor
Los Angeles, CA 90017
T: (213) 236-1858 | F: (213) 236-1816
E: harris-neal@scag.ca.gov | W: www.scag.ca.gov

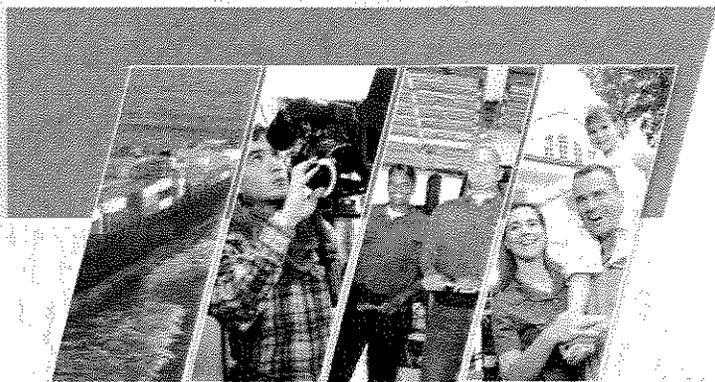


GA HOME HOTEL & TRAVEL SPONSORSHIP REGISTER

2013 Regional Conference & General Assembly



Gateway to NATIONAL PROSPERITY



2013 Regional Conference and General Assembly
Gateway to National Prosperity

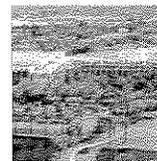
May 2-3, 2013
JW Marriott Desert Springs Resort & Spa

About the Event

Mark your calendars! We look forward to having you join us at our 2013 Regional Conference and General Assembly.

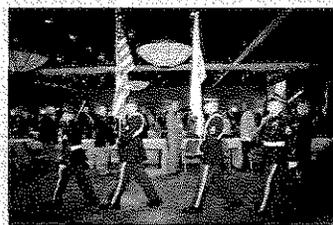
This year's conference – "Gateway to National Prosperity" – will focus on job growth, the economy and working together to build a sustainable region. Additionally, the 2013 Regional Conference & General Assembly presents meaningful regional coordination and networking opportunities to all participants.

Event Location



74855 Country Club Drive
Palm Desert, CA 92260
View Map
Phone: (760) 341-2211
Toll-free: (888) 538-9459

Photos from the 2012 Regional Conference and General Assembly





Hotel & Travel

Hotel

Conference Location

JW Marriott Desert Springs Resort & Spa
74855 Country Club Drive
Palm Desert, CA 92260
Phone: (760) 341-2211
www.desertspringsresort.com



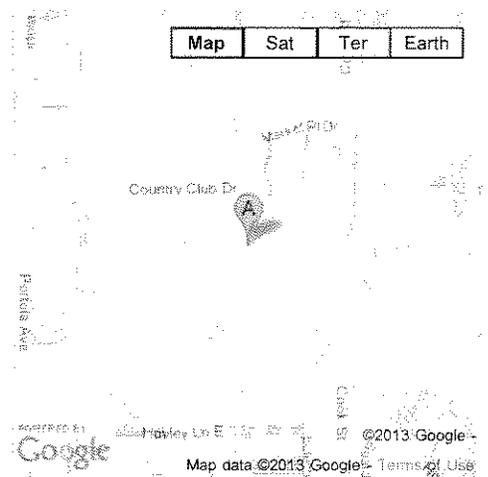
For your convenience we have reserved a block of rooms at a conference rate of \$115.00 plus tax at the JW Marriott Desert Springs Resort & Spa.

To take advantage of this special hotel arrangement, please call the JW Marriott Desert Springs Resort & Spa at (760) 341-2211 or toll-free at (888) 538-9459. When reserving your room mention Southern California Association of Governments or SCAG and have your personal credit card ready to guarantee your reservation.

For the best room selection and availability please make your plans as early as possible. A limited number of rooms are available at the conference rate until the room block has been filled or until Friday, April 12, 2013, after which the normal rate and availability restrictions will apply.

If you enjoy golf, SCAG has negotiated a special golf rate of \$100 per person. Contact the JW Marriott Desert Springs Resort & Spa for more information.

For more hotel and travel information visit JW Marriott Desert Springs Resort & Spa.



Event Location

JW Marriott Desert Springs Resort & Spa
74855 Country Club Drive
Palm Desert, CA 92260
Phone: (760) 341-2211
Toll-free: (888) 538-9459

Latest Tweets

about 83 days ago we said, Hi everyone, you can now find updates about me and SCAG at our new Twitter account @SCAGnews. Thank you.

Social Media



Contact SCAG

818 W. 7th Street, 12th Floor
Los Angeles, CA 90017
Tel: (213) 236-1800
Fax: (213) 236-1961

City of Los Alamitos

Agenda Report Mayor and Council

March 18, 2013
Item No: 10B

To: Warren Kusumoto & Members of the City Council
From: Gregory D. Korduner, Interim City Manager
Subject: Request by Congressman Alan Lowenthal

Summary: Mayor Kusumoto has been contacted by Congressman Alan Lowenthal's office requesting that the Los Alamitos City Council meet with him and provide a prioritized list of concerns.

Recommendation: City Council provide a prioritized list of at least five items, i.e., status and use of the JFTB; School Safety Officer; economic stimulus at the local level; and green initiatives to help California at the state and local levels; and select two Council Members to meet with Congressman Lowenthal and his staff.

Background

Mayor Kusumoto has been contacted by Congressman Alan Lowenthal's office requesting that the City Council meet with him and provide a prioritized list of at least five concerns i.e., status and use of the JFTB; School Safety Officer; economic stimulus at the local level; and green initiatives to help California at the state and local levels. Attached is a letter from the Department of Health & Human Services, provided by Casa Youth Shelter, regarding federal budget cuts for the remainder of the fiscal year.

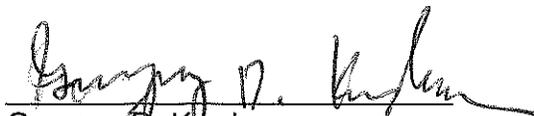
Discussion

At this time, the City Council should discuss the list of prioritized concerns and appoint two members of the City Council to meet with Congressman Alan Lowenthal and his staff on Tuesday, April 2, 2013 at 3:00 p.m.

Fiscal Impact

None.

Submitted By:



Gregory D. Korduner
Interim City Manager

Attachment: 1. Letter from the Department of Health & Human Services

City of Los Alamitos
City Clerk's Office

MEMORANDUM

TO: Mayor Warren Kusumoto & Members of the City Council

FROM: Windmera Quintanar, CMC, City Clerk *WQ*

DATE: March 18, 2013

SUBJECT: AGENDA ITEM 10B

The attached e-mail was submitted by Council Member Edgar for consideration by the City Council.

Attachment

Windy Quintanar

From: Greg Korduner
Sent: Monday, March 11, 2013 2:02 PM
To: Windy Quintanar; Janice Shore
Subject: FW: Agenda Item Request - Congressman Lowenthal (SEQUESTRATION UPDATE - Runaway and Homeless Youth Program Grantees)
Attachments: RHY Letter- RHY Grantee.pdf

Hi Windy/Janice...fyi...Greg

From: Troy Edgar (Personal) [<mailto:troy@troyedgar.com>]
Sent: Monday, March 11, 2013 11:58 AM
To: 'Warren Kusumoto'; Warren Kusumoto; Dean Grose; Richard Murphy; wethreemejias@aol.com
Cc: Greg Korduner; Steve Skolnik
Subject: Agenda Item Request - Congressman Lowenthal (SEQUESTRATION UPDATE - Runaway and Homeless Youth Program Grantees)

Hello Warren,

As requested, I respectfully submit the following agenda item to be discussed in the meeting being prepared for on April 2nd with Congressman Lowenthal.

1. **SEQUESTRATION UPDATE & EFFECT ON LOCAL PROGRAMS IN LOS ALAMITOS - Runaway and Homeless Youth Program Grantees - Casa Youth Shelter**

Sequestration will cause a prioritization battle for the allocation of available funds. Especially in discretionary programs funded by the Health & Human Services (HHS) and the Administration of Children , Youth, and Families ((ACYF).

Please review note below to letter below from Ms. Powell (HHS) to understand their perspective and the response to Casa Board members regarding the \$15K/month of grant funding that is a stake. I have chosen to pursue this issue with our City's delegation and have this put on the agenda versus going independently. I feel this will have a much greater effect and this process may need to be replicated with our other local U.S. representatives that are serviced by the Shelter.

Objective: (Awareness & Advocacy)

- Provide overview of the current services and capabilities including demographic details on the populations served.
- High level overview of the budget and dependency for HHS Grant Funding.
- Seek advice on further advocate actions that Casa could take to help us in the future prioritization of funds.
- Request a letter of support to HHS Commission

I have asked Warren to potentially join him for this meeting next month, but I will accept whatever he decides.

This note is only to inform everyone of this situation and not ask for agreement on any part. I wanted to make sure I was responsive to the request for agenda items for the meeting with Congressman Lowenthal.

Thanks,
Troy

Further information/disclosures:

Casa Youth Shelter (Los Alamitos)

The purpose of Casa Youth Shelter is to provide temporary shelter for runaways and youth in crisis, enabling them

to come through the crisis with an increased personal strength and a sense of renewal while in a supportive environment, with family reunification as a primary goal. I am a current member of their Board of Directors.

From: Tom Timmons [Casa Youth Shelter - Finance]
Sent: Wednesday, March 06, 2013 7:32 AM
To: Casa Youth Shelter Board Members
Cc: Robin Sinclair (Casa Youth Shelter - Executive Director)
Subject: Fwd: SEQUESTRATION UPDATE - Runaway and Homeless Youth Program Grantees

Good morning fellow board members.

The feds didn't wait long to get the bad news out.

I wanted to get this notice to you all right away even though we don't know the exact effect it will have on our federal grant. The notice says we may be losing all or part of our federal grant which is currently \$15k/mo.

Updates will be communicated as we learn more about what's going on here.

Tom Timmons, Treasurer
Casa Youth Shelter

Begin forwarded message:

From: "Powell, Debbie A. (ACF)" <debbie.powell@acf.hhs.gov<mailto:debbie.powell@acf.hhs.gov>>
Subject: SEQUESTRATION UPDATE - Runaway and Homeless Youth Program Grantees
Date: March 5, 2013 1:09:28 PM PST
To:

SUBJECT: Sequestration Update - To Authorized Representatives and/or Project Directors

Dear Authorized Representative and/or Project Director:

Attached, please find a message from Bryan Samuels, Commissioner for the Administration on Children,

Youth and Families regarding sequestration.

Sincerely,

Debbie A. Powell, Acting Associate Commissioner Deputy Associate Commissioner Family and Youth Services Bureau Administration for Children and Families U. S. Department of Health and Human Services
1250 Maryland Avenue, SW
Washington, DC 20024
Ph: 202 205-2360 Fax: 202 205 8420
debbie.powell@acf.hhs.gov<mailto:debbie.powell@acf.hhs.gov>
<http://www.acf.hhs.gov/programs/fysb/index.html>

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**ADMINISTRATION FOR CHILDREN AND FAMILIES
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES**
1250 Maryland Ave., SW
Washington, D.C. 20024

Dear RHY Grantee:

As you are likely aware, in accordance with the Budget Control Act of 2011, a series of spending cuts, called sequestration, will cancel approximately \$85 billion in budgetary resources across the Federal government for the remainder of the Federal fiscal year. As a partner with you in accomplishing the Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau's (FYSB) mission, we are writing to provide you with information about what this reduction means for the funds provided to your organization.

At this time, the Department of Health and Human Services and ACF/ACYF/FYSB are taking every step to mitigate the effects of these cuts, but based on our initial analysis, it is possible that your grants or cooperative agreement awards may be affected. Examples of this impact could include: not issuing continuation awards or negotiating a reduction in the scope of your awards to meet the constraints imposed by sequestration. Additionally, plans for new grants or cooperative agreements may be re-scoped, delayed, or canceled depending on the nature of the work and the availability of resources.

To the extent that fiscal year 2013 funds for your grants or cooperative agreement are affected due to these budget cuts, you will be contacted by the appropriate Grant Management Officer with additional details at a later point. Please note that these budget cuts do not affect grant or cooperative agreement awards made with fiscal year 2012 resources.

Thank you for your continued partnership with the Department of Health and Human Services and ACF/ACYF/FYSB, and for your cooperation as we work together to manage these circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Samuels".

Bryan Samuels
Commissioner