

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

**REGULAR MEETING – March 7, 2011**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

**Absent:** Council Members: None

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

**3. PLEDGE OF ALLEGIANCE**

Mayor Stephens led the Pledge of Allegiance.

**4. INVOCATION**

Council Member Kusumoto gave the Invocation.

**5. ORAL COMMUNICATIONS**

Mayor Stephens, at 7:09 p.m., opened Oral Communications.

Jennifer Rodriguez, resident, thanked the City Council for supporting the expansion of the Los Alamitos Medical Center.

Kelly Hanes, resident, thanked the City Council for the expansion of the Los Alamitos Medical Center.

Dr. Greg Kimura, Los Alamitos Medical Center, thanked the City Council for approving the expansion of the Los Alamitos Medical Center.

Seth Ecker, Seal Beach, congratulated the City Council for a successful Race on the Base event and invited the Council and audience to Seal Beach's 37<sup>th</sup> Run Seal Beach.

Mr. Lee thanked the City Council for the approval of the Medical Center.

Johnnie Strohmeier, business owner, thanked the three City Council Members who stepped up and saw the vision of the City and the Medical Center.

J.M. Ivler, resident, thanked Council Member Graham-Mejia for having Item #8A agendized; spoke on Item #8B and asked the public outreach include the School District and parents of students at Los Alamitos High School; commented on Commissioner appointments to the Traffic Commission.

Beth Piburn, resident, commented on the Los Alamitos Boulevard Revitalization Project and expressed her concern of the bump-outs on the corners and drainage for the street.

Javier Mejia, resident, commented on the LAMC expansion and traffic concerns; commented on the recent Traffic Commissioner appointments; and, asked the City Council review allowing traffic to travel southbound on Lexington.

Judy Klabouch, business owner, stated that slowing down traffic on Los Alamitos Boulevard will increase sales-tax dollars to the City by attracting more customers; thanked the majority of the Council who supported the expansion of the hospital; and, advised the Police Appreciation Luncheon is on Wednesday March, 9<sup>th</sup>.

Alan McClean, business owner, thanked Mayor Stephens, Mayor Pro Tem Edgar, and Council Member Poe for supporting the expansion of the Los Alamitos Medical Center.

Chuck Sylvia, resident, commented on the recent Traffic Commission appointments; stated the Traffic Commission did, in fact, review the traffic study of the Los Alamitos Medical Center expansion; commented on recent requests to allow the public to comment for five minutes on each item on the City Council Agenda.

Brad Taylor, resident, commented on not being reappointed to the Traffic Commission stating he is disappointed in their actions; commented on dishonorable actions by residents; and, commented on the trash lawsuit.

Pat Blanchard, resident, stated she is distressed by recent contributor actions, which calls for a recall, when someone sits on a meeting that discusses a lawsuit and they are the litigant; and, stated she is tired of listening to 20 minutes of oral communications when she comes to the meetings to listen to City business.

Mayor Stephens closed Oral Communications at 7:34 p.m.

## 6. REGISTER OF MAJOR EXPENDITURES

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Register of Major Expenditures for March 7, 2011, in the amount of \$240,010.81.

### Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye

Mayor Pro Tem Edgar  
Mayor Stephens

Aye  
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 Graham-Mejia pulled Consent Calendar Items #7A, #7B, and #7C.

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

All Consent Calendar Items were pulled for discussion.

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

**A. Approval of Minutes**

1. Approve Minutes of the Regular Meeting – February 7, 2011.
2. Approve Minutes of the Special Meeting – February 22, 2011.

Council Member Graham-Mejia stated she pulled the Meeting Minutes for the Special Meeting of February 22, 2011 because she was not in attendance; however, she did watch the meeting, but does not feel she should vote until she reviews a copy and is abstaining from the item.

Item 7C - Council Member Graham-Mejia stated she did view the meeting and would like to meet with Finance Manager Anita Agramonte before voting on the item.

Item 7B - Council Member Graham-Mejia referred to page one, Cypress College Foundation Americana Awards, and requested copies of cancelled checks from Council Members to confirm those items have been paid.

Jeffrey L. Stewart, City Manager, confirmed Council Members were invoiced for the expense.

Council Member Kusumoto commented on the Minutes of the Regular Meeting of February 7, 2011, referencing page 4, Item 9A, "...changes the plan to a 10-year plan with a 25-year planning window, which is a significant change from the previous meeting. Mr. Mendoza advised the other significant changes to the conditions are the revenue enhancement incorporated with a cell communication agreement..." Council Member Kusumoto stated twice City staff stated there are significant changes to the Specific Plan, yet there is a provision in the Municipal Code that states it goes back to the Planning Commission for a 45-day review which they can absolutely do nothing, and then it passes, but believes the City Council should send this back to them for a cursory review.

Motion/Second: Poe/Kusumoto  
Carried 4/0/1 (Graham-Mejia "Abstain" Item #7A2)

For the record, Council Member Graham-Mejia was in support of Item #7A1.

**B. Warrants**  
March 7, 2011.

Motion/Second: Poe/Edgar

Unanimously Carried: The City Council approved the Warrant Register of March 7, 2011, in the amount of \$58,040.27.

**C. Approval of the Fiscal Year 2011-12 Budget Calendar**

This report seeks City Council approval of the Fiscal Year 2011-12 Budget Calendar.

Mayor Pro Tem Edgar asked for clarification from Council Member Graham-Mejia regarding her comment of abstaining from approving the budget calendar for the timing of workshops, etc.

Council Member Graham-Mejia stated she is okay with the workshops; however, she would like to meet with Ms. Agramonte prior to moving forward on any budget issues.

Motion/Second: Poe/Edgar

Carried 4/1 (Graham-Mejia "Abstain")

Approved the recommended Budget Calendar for Fiscal Year 2011-12.

**8. DISCUSSION ITEMS**

**A. Review of City Council Practices Regarding Oral Communications**

During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

City Clerk Jimenez summarized the staff report for City Council.

Council Member Graham-Mejia stated several members of the community have come forward and requested the practice of allowing the public to speak for five minutes on each item at the time the item is being heard by the Council be reinstated. She stated she does not see a problem with giving residents an option of speaking on an item instead of limiting their time to five minutes to speak on any item on the agenda, and asked the City Council to reinstate past practice.

Council Member Kusumoto stated he is in favor of allowing the public interested in speaking on an item to do so at that time. He stated from his experience on the Traffic Commission it makes for a more efficient meeting, and clarity of thought in the decision-making process.

Mayor Pro Tem Edgar  
Mayor Stephens

Aye  
Aye

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Motion/Second: Poe/Kusumoto  
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For the record, Council Member Graham-Mejia was in support of Item #7A1.

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Council Member Kusumoto stated he is in favor of allowing the public interested in speaking on an item to do so at that time. He stated from his experience on the Traffic Commission it makes for a more efficient meeting, and clarity of thought in the decision-making process.

Motion/Second: Graham-Mejia/Kusumoto

Allow the public to comment for five minutes on each agenda item at the time the item is being discussed by the City Council.

Mayor Pro Tem Edgar stated this is not an issue of allowing residents to speak; it is an issue of how much time the residents have in a meeting to speak. He stated over time the Council has adopted policies minimizing the amount of time the public is allowed to comment and the Council should look at why. He stated there are some citizens who have not been responsible in their public comments in the past; he asked the community to take responsibility for their comments, be constructive, professional, and courteous.

Mayor Pro Tem Edgar stated this item is also related to meeting minutes, and the accusations that minutes are not transparent because they were consolidated. He stated the reason minutes were consolidated was because the same people that came up and gave their diatribe and personal attacks wanted to make sure those comments were in the minutes; the minutes kept getting pulled and amended. What this Council has tried to do is be more professional; we did not want to see minutes worked two to three times before approved. He stated he wants the City to move forward and if Council is going to open up oral communications at every item, we ask the public to take responsibility for your part in the public process; it comes down to constructive help to the community.

Council Member Poe provided history on public comment at Council meetings and stated there were no speaker cards until 2006 when a previous city manager implemented them. She stated last year was the first year it was not done and provided an explanation. She stated we are here to conduct the business of the city and does not think anyone has been denied the privilege of coming forward and speaking on any item, and does not see any reason to lengthen the meetings by having people come up over and over again. As far as transparency, there is not anything more transparent as having everything discussed out in the open. Council Member Poe compared last year's Closed Sessions to prior years and stated she is in favor of keeping the public comment as-is.

Mayor Stephens thanked everyone who comes forward during Oral Communications and the ones who comment constructively, professionally and are responsible in their actions.

Council Member Kusumoto withdrew his second to the previous motion and made a substitute motion: have oral communications at every subject item and limit to three minutes instead of five minutes.

Council Member Graham-Mejia requested a point of clarification on the motion from Council Member Kusumoto.

Council Member Kusumoto clarified the motion.

Additional Council discussion ensued.

Substitute Motion/Second: Kusumoto/Graham-Mejia

Carried 4/1 (Poe "No") Allow Oral Communications at every subject item with a limit of three minutes.

Sandra Levin, City Attorney, advised a Municipal Code amendment is required to implement what the Council just voted to do.

**B. Update on Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach**

During Council's February 22, 2011, meeting, Council Member Kusumoto requested an update on the funds spent for the Downtown Revitalization Project. As of March 4, 2011, Willdan Engineering Inc. (the City Engineer) has incurred \$25,867.00, of billable effort toward the Downtown Revitalization Conceptual Design, Traffic Study, and Public Outreach - Phases 2 and 3. The deliverable product and billable effort is discussed below.

Dave Hunt, City Engineer, summarized the staff report and reviewed a PowerPoint Presentation for City Council. Mr. Hunt referenced the conceptual design maps for his presentation. Mr. Hunt answered questions from City Council.

Council Member Graham-Mejia asked: how does the conceptual drawing differ from the Compass Blueprint; did the Compass Blueprint address undergrounding and location of pipelines; confirmed the \$2.2 - \$2.5 million dollars for the basic improvements and asked if the City has been successful in receiving grant funding; do the current economic standings have an impact on CDBG funding; how is public outreach for residents being conducted and recommended a letter be sent to residents; and, stated the City should consider not moving forward with the project until community input is received and financial times are better.

Mr. Hunt answered Council Member Graham-Mejia's questions as follows: the Compass Blueprint was done on a small scale and did not detail the total impacts on the properties, nor did it show undergrounding and location of pipelines; these maps provide more detailed information and provide a better cost estimate for the project; confirmed the dollar amount for the project, and stated the City was unsuccessful in receiving CDBG grant funding; however, there are future grants the City is applying for. Mr. Hunt stated most agencies are cautious when funding projects due to unknown factors of state and local budgets. He stated public outreach for residents is budgeted at approximately \$30,000, for internal use to hiring a consultant, to help prepare the materials to make sure the entire community is informed, noting methods of outreach are in the form of notifications in the paper, and on LATV.

Jeffrey L. Stewart, City Manager confirmed public outreach money will be coming from the City's reserves.

Council Member Kusumoto asked what does the \$14,000 balance of Phase 2 go towards; confirmed the curvilinear design does factor the need for bus stops; asked if there is a capacity requirement (number of car trips) for Measure M funding; asked what the \$30,000 for public outreach is for and if the project is

going to be finished on time. Council Member Kusumoto suggested the City, if it can afford the cost, simulate the curvilinear design for a few weeks to provide a real impact as to traffic flow.

Mr. Hunt answered Council Member Kusumoto's questions as follows: the remaining \$14,000 will be used to produce a final product of the conceptual design; the bus stops are not yet called out for in the conceptual plan, however, there are extra parking lanes reserved for them; yes, different streets have different capacities and OCTA will want to make sure we maintain the volume of cars on those streets. In regards to public outreach, Mr. Hunt advised there is approximately one month to do public outreach. If the Council subcommittee would like to review the public outreach plan they would need to extend the timeline. Mr. Hunt advised the curvilinear design will take more time in order to review the curves and properties, while the straight design will be a much easier process. The timing will also depend on the subcommittee's involvement; and, the public outreach may take several months or be quite easily done in one month. Mr. Hunt advised the \$30,000 will be spent by consultants specialized in public outreach coming in and preparing materials, and making sure people's concerns and issues are addressed.

Council Member Poe thanked Mr. Hunt for the update and stated she remembered it was very exciting to review the Compass Blueprint project when it was revealed. She stated she believes this project encompasses a range of solutions for any problems that might be seen. Council Member Poe stated this project is not just for businesses and once everyone has an opportunity to take part in a workshop they will find this project is really going to enhance the community. Council Member Poe stated she does understand the financing and was disappointed to learn the City did not obtain additional CDBG funding, but is hoping the economy does change and funding will become available.

Mayor Pro Tem Edgar thanked Mr. Hunt for the update and the work staff is doing. Mr. Edgar stated the project is paramount to the City's future, and the main vision is to enhance the economic future and improve the quality of life in Los Alamitos. He reviewed the steps taken and accomplished: 1) secure your flagship business; 2) kick-off the this project; and, 3) prepare financially. Mayor Pro Tem Edgar stated the City needs to reset expectations and reviewed the four-step project process: 1) define a project; 2) have the project reviewed by the entire City Council; 3) take a defined project to the public; and, 4) bring the project back to staff to technically vet it. Mayor Pro Tem Edgar spoke about the financial preparation for this project. Lastly, Mayor Pro Tem Edgar stated we need to set the right expectations for the community and need to find a publicly-acceptable project and take advantage of the economic engine created in the City.

Mayor Stephens thanked everyone for the comments and stated this is a project that is long overdue and will have a major impact in the City. He believes that notifying the citizens and the community and providing them an opportunity to express their opinions is important.

The City Council received and filed this report.

**C. Consideration of a Zoning Ordinance Amendment 10-02 as it relates to Window Sign Coverage Area**

Consideration to amend the City's Sign Code restricting window signage to 25% of a window pane instead of 25% of aggregate window area.

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

Mayor Stephens opened the Public Hearing at 8:55 p.m.

Alan McClean, business owner, asked if permits are needed for graphics; and, are window blinds/shades considered window signs. Mr. McClean also stated his windows have a sun-control tint on the glass and hopes that is not in violation of the ordinance.

With no one else wishing to speak, Mayor Stephens closed the Public Hearing at 8:57 p.m.

Council discussion ensued.

Motion/Second: Graham-Mejia/Edgar  
Unanimously Carried:

1. Waived reading in full and authorized reading by title only of Ordinance No. 11-04, and set for second reading; and,
2. Read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTION 17.28.030 REGARDING WINDOW SIGN REGULATIONS CITYWIDE;" and,
3. Amend Exhibit A to include part 1 and eliminate part 2-7.

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

**Mayor Stephens** reported on his attendance at the Relay for Life Kick-off Event and advised the Relay for Life is scheduled for August 16<sup>th</sup> and 17<sup>th</sup> at Los Alamitos High School; congratulated Alice Jempsa on receiving the Americana Awards and stated he was honored to escort her to the stage; asked for an update on the Race on the Base; and, reported he is unable to attend the Police Appreciation Awards due to a work conflict.

**Council Member Graham-Mejia** stated she spoke with the City Manager regarding obtaining a copy of the Kaylor Street title insurance and requested someone from the title company attend a council meeting and provide information on the title report; requested latent powers for Rossmoor be agendized for Council discussion; reported the Los Alamitos High School Choir is

going to New York in April and advised if someone is interested in donating funds to help a student attend they may contact Mr. Moellenkamp.

Sandra Levin, City Attorney answered Council Member Graham-Mejia questions about the title policy and referred to Scheduled A, noting the title insurance company is prepared to issue a policy stating the fee title to Kaylor Street is held by Los Alamitos Medical Center.

Council Member Graham-Mejia requested to see the chain of transfer (title company's information and how they came up with Kaylor Street being owned by the hospital).

The City Attorney stated the title company has no obligation to give us their research, we can ask the Medical Center to provide the information; however, they do not have an obligation to give it to us. She said it is highly unusual to go behind the insurance policy, and stated she has concerns because it could undermine the policy; the safer way is to rely on the title insurance.

**Council Member Kusumoto** stated he met with the City Manager about his questions on the Kaylor Street vacation; stated he attended the Race on the Base; and, asked for clarification on a statement made by the City Attorney regarding the issuance of the title insurance policy is conditioned on us vacating; and, reported on what he thought he was going to see on the title insurance policy.

City Attorney Levin provided clarification noting the issuance of this title insurance policy does not show as an exception the City's dedication and easement over Kaylor Street. They are prepared to issue the title insurance policy and have told us that Los Alamitos Medical Center is the owner of fee title and that there are the exceptions listed in the policy, and the only thing remaining for them to clear that and issue the policy is our confirmation of the street vacation. Ms. Levin stated there may not be a grant deed, as is the case in the purchase of one business from another.

**Council Member Poe** extended her congratulations on a successful Race on the Base; reported on her attendance at the Americana Awards Dinner and congratulated Alice Jempsa on receiving the award; stated she read to a first grade class at Los Alamitos Elementary School to celebrate Dr. Seuss' Birthday; stated she attended the St. Isidore Information Event; and, provided information on the upcoming Police Appreciation Luncheon; commented on the public's comments regarding the Lexington/Katella signal; refuted claims of a Brown Act violation by a public speaker, noting she was in the restroom; and, stated she did not vote for Mr. Taylor to be reappointed to the Traffic Commission because she has been frightful of his outbursts, accusations and threats.

**Mayor Pro Tem Edgar** highlighted the St. Isidore fundraising activity held on Saturday and asked Maria Teresa Diaz be invited to a Council Meeting to provide an update on the status of fundraising; asked Luciann Maulhardt of Casa Youth Shelter provide a community update at the next Council Meeting; provided information on the We Care upcoming fundraising event on Saturday; reported on his attendance at the Americana Awards and congratulated Alice Jempsa on

receiving the award; advised Casa Youth Shelter is having a blood drive on Friday; reported on his attendance at the OCSD Operations Committee Meeting; asked for the community's prayers and thoughts for previous Council Member Dean Zarkos who was diagnosed with advance stages of ALS; stated he does not understand the intense focus on the title issue and views it as a way to slow down the process, is not comfortable spending any more staff time on this item and requested the City move forward; and, stated he did not vote for Mr. Taylor for reappointment to the Traffic Commission because of his behavior, actions and demeanor.

Mayor Stephens requested the City Attorney provide clarification regarding a the accusation of a Brown Act violation.

City Attorney Levin stated there was no Brown Act violation.

**10. ITEMS FROM THE CITY MANAGER**

City Manager Stewart stated he had a productive meeting with the Los Alamitos City Employee Association and is withdrawing the Closed Session item.

**11. CLOSED SESSION**

Mr. Stewart, City Manager, withdrew Closed Session Item #11A Conference with Labor Negotiator.

**A. Conference with Labor Negotiator**

Agency Negotiators: Jeffrey L. Stewart, City Manager  
Employee Organization: Los Alamitos City Employee Association  
Authority: Government Code Section 54957.6

**RECESS**

Mayor Stephens read Closed Session Item #11B and immediately recessed into Closed Session.

**B. Conference with Legal Counsel**

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

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

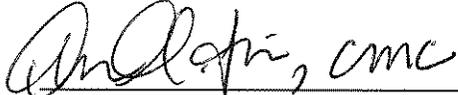
Anticipated Litigation (G.C. 54956.9b(3)(C))  
Receipt of Claim pursuant to Tort Claims Act from New Cingular Wireless PCS LLC threatening litigation (copy available for public inspection in City Clerk's office). A point has been reached where, in the opinion of the City Council on the advice of its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

**RECONVENE/ADJOURNMENT**

Mayor Stephens reconvened the City Council Meeting at 11:33 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.

  
\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

  
\_\_\_\_\_  
Adria M. Jimenez, CMC  
City Clerk