

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

REGULAR MEETING – December 5, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 6:30 p.m., Monday, December 5, 2011, in the Council Chambers, 3191 Katella Avenue, Mayor Stephens presiding.

2. ROLL CALL

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

Absent: Council Members: Poe

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra J. Levin, City Attorney
Angie Avery, Community Services Director
Anita Agramonte, Finance Director
Tony Brandyberry, P.W. Superintendent
Dave Hunt, City Engineer
Todd Mattern, Police Chief
Steven Mendoza, Community Development Dir.
Windmera Quintanar, Department Secretary

3. PLEDGE OF ALLEGIANCE

Council Member Kusumoto led the Pledge of Allegiance.

4. INVOCATION

Mayor Pro Tem Edgar gave the Invocation.

4-1. 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. Conference with Labor Negotiator

City/Agency Negotiator:	Sandra J. Levin, City Attorney
Unrepresented Employee:	City Manager/Interim City Manager
Authority:	Government Code Section 54957.6

City Council recessed into Closed Session at 6:35 p.m.

City Council reconvened in Regular Session at 7:05 p.m. City Attorney Levin stated Council had made a decision and it would be reported on later during the meeting.

5. PRESENTATIONS

A. Presentation by Michael Murray, Verizon Representative, regarding an update on FiOS

Michael Murray gave a presentation and answered questions from the City Council.

Mayor Stephens announced representatives from the Americana Awards would be giving a presentation.

Dave Shawver, Board Chair, gave a brief presentation of the event and encouraged Council to attend.

Raul Alvarez, Executive Director, introduced the 2012 Los Alamitos Citizens of the Year as James and Shirley Bailey. He gave a brief background on the Cypress College Foundation.

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.

Judy Klabouch, Chamber President, briefly discussed the State of the City and Wings, Wheels, and Rotors.

Johnnie Strohmyer, Chamber CEO, congratulated City Manager Stewart on his new position.

Beth Piburn, resident, stated support for the Americana Awards and Item E.

Roy Reynolds, Polling Strategies, provided information to the City Council regarding his services and stated interest in bidding on City projects.

Dave Shawver, Mayor of Stanton, stated opposition to the proposed water rate increase and gave a brief update.

Richard Murphy, resident, raised concerns about the trash contract process and encouraged transparency moving forward. He stated opposition to Item 10B.

7. REGISTER OF MAJOR EXPENDITURES

December 5, 2011.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: The City Council approved the Register of Major Expenditures for December 5, 2011, in the amount of \$346,807.37.

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Absent
Mayor Pro Tem Edgar	Aye
Mayor Stephens	Aye

8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Council Member Graham-Mejia pulled Item Numbers 8A, 8C, 8D, and 8E.
Council Member Kusumoto pulled Item Number 8B.

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

A. Approval of Minutes (City Clerk)

1. Approve Minutes of the Regular Meeting – November 21, 2011.
2. Approve Minutes of the Special Meeting – November 28, 2011.

Council Member Graham-Mejia stated for the record opposition to action minutes from summary minutes as they did not provide a clear picture for future Council or residents as to what was discussed at the meeting.

Motion/Second: Kusumoto/Edgar

Carried 3/1 (Graham-Mejia cast the dissenting vote): The City Council:

1. Approved the Minutes of the Regular Meeting of November 21, 2011.
2. Approved the Minutes of the Special Meeting of November 28, 2011.

B. Warrants (Finance)

December 5, 2011.

Council Member Kusumoto stated he would abstain as there was a reimbursement for his travel to be approved.

Motion/Second: Graham-Mejia/Edgar

Carried 3/1 (Kusumoto abstained): The City Council approved the Warrants for December 5, 2011, in the amount of \$44,774.18.

C. Award for the Construction of Laurel Park Rehabilitation (CIP No. 10/11-04) (Public Works)

On November 17, 2011, construction bids for the construction of Laurel Park Rehabilitation (CIP No. 10/11-04) were publicly opened. After a thorough review of all bids submitted, staff determined the bid submitted by America West Landscaping, Inc. to be the lowest responsible bid, in the total bid amount of \$189,073.64.

Council Member Graham-Mejia congratulated staff for obtaining bids and choosing the lowest bid.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council:

1. Awarded the construction of Laurel Park Rehabilitation (CIP No. 10/11-04) to America West Landscaping, Inc.; and,
2. Authorized the Mayor to execute the contract for the project; and

3. Authorized staff to execute change orders, if necessary, in an amount not to exceed the contingency reserve of \$18,907, which is 10% of the original contract amount.

D. Consideration of Timing Bids for Race on the Base (Comm. Serv.)

This report recommended City Council enter into a Professional Services Agreement with Gemini Timing for race timing services for the 2012 Race on the Base.

Council Member Graham-Mejia congratulated staff for obtaining bids and choosing the lowest bid.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council authorized the City Manager to enter into a Professional Services Agreement with Gemini Timing for race timing services for the 2012 Race on the Base.

E. Employment Agreement – City Manager (Angela C. Avery) (Admin)

The attached agreement outlines terms and conditions of a new employment agreement with City Manager appointee Angie Avery.

City Attorney Levin referred to Section 3.4.2, and indicated it should read 136 hours of vacation leave accrual per year.

Motion/Second: Graham-Mejia/Edgar

Unanimously Carried: The City Council approved the attached Employment Agreement between the City and Angela C. Avery.

City Attorney Levin indicated Council Member Poe stated she would have liked to have voted in favor of the contract and sent her congratulations.

Ms. Avery thanked the Council and expressed her appreciation.

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

9. PUBLIC HEARING

A. Community Development Block Grant (CDBG) Project List for Fiscal Year 2012-13 (Community Development)

This report set forth a recommended project list for Fiscal Year 2012-2013 of the County's Community Development Block Grant (CDBG) program and approval of the City's participation in the program which may be due in December 2011.

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

Mayor Stephens opened the Public Hearing, there being no one present wishing to speak, Mayor Stephens closed the Public Hearing.

Council Member Graham-Mejia requested using grant funding for sidewalks and expressed interest on focusing on sidewalks and ADA ramps.

Community Development Director Mendoza indicated funds could be used for such and clarified sidewalks throughout the City were monitored on a regular basis.

Council Member Kusumoto thanked staff for bringing the item forward in a timely manner.

Mayor Pro Tem Edgar stated the funds were important and expressed caution not to allocate too much staff time to the process as not much funds were available.

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

1. Opened the public hearing and accepted comments regarding proposed CDBG projects; and,
2. Adopted Resolution No. 2011-24 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA APPROVING THE CITY'S PARTICIPATION IN FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITH THE COUNTY OF ORANGE"; and,
3. Directed staff to prepare applications for submittal to the County of Orange; and,
4. Authorized the City Manager to execute all CDBG program documents for Fiscal Year 2012-2013 and appropriate amendments, if any, as they become available.

10. DISCUSSION ITEMS

A. Council Position Regarding the Ground Water Replenishment System Expansion (Community Development)

On November 21, 2011, Board Members of the Orange County Water District presented information to the City Council regarding of the Ground Water Replenishment System. At the meeting, resolutions and letters expressing support for Orange County Water District's Groundwater Replenishment System initial expansion were requested from the City.

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

Council Member Graham-Mejia inquired about Mr. Shawver's group.

City Manager Stewart indicated the rate Mr. Shawver's group protested was the increase from Golden State Water and clarified the issues were different.

Discussion regarding rate increases ensued.

Mayor Pro Tem Edgar indicated he would abstain because he was a member of the Groundwater Replenishment Steering Committee.

Motion/Second: Kusumoto/Stephens
Carried 3/0 (Edgar abstained): The City Council:

1. Reviewed and discussed; and,
2. Adopted Resolution 2011-23, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, EXPRESSING SUPPORT FOR THE GROUNDWATER REPLENISHMENT SYSTEM INITIAL EXPANSION"; and,
3. Authorized the Mayor to execute a letter of support for the Groundwater Replenishment System and forward such to Orange County Water District.

Council Member Graham-Mejia stated for the record her support was based on verification from the City Manager that this option would provide lower rates than buying water from the MET.

- B. Consideration and Possible Action of Retaining Probolsky Research, LLC for the Purpose of Conducting a Community Survey (Com Dev)**
Staff has obtained a proposal from Probolsky Research, LLC for the purpose of conducting a community telephone survey. It is recommended that the City Council authorize the City Manager to execute a professional services agreement with the firm in an amount not to exceed \$14,900.00.

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

Mayor Stephens inquired if any additional companies were looked into. City Manager Stewart answered in the negative. Mayor Stephens inquired if the issue was time sensitive. City Manager Stewart answered in the negative and added the information would be useful for updating the General Plan.

Mayor Stephens opened the meeting to the public.

Mark Nittyman, Rossmoor resident, stated support.

JM Ivler, resident, stated opposition.

Mayor Stephens closed the meeting to the public.

Discussion regarding the following topics ensued:

- Survey versus Rossmoor voting
- LAFCO process regarding annexation
- Cost of the project and County sharing the cost
- Timing of the item
- Phone surveys versus written/online surveys
- Adding the item as a ballot measure
- Rossmoor's application for latent powers
- Sole source provider
- Input from property owners
- Perception of poll as a provocation
- Utility User's Tax (UUT)
- Data driven process in the right sequence
- "In God We Trust" Survey

City Manager Stewart stated the Council did not need to take action tonight and felt a good discussion had taken place.

The City Council tabled the item to a future date.

11. **MAYOR AND COUNCIL INITIATED BUSINESS**

A. City Council Reorganization

The Los Alamitos Municipal Code specifies the annual reorganization of the City Council. The reorganization is generally conducted during the first meeting in December. However, due to the scheduled absence of a member of the City Council, staff recommends that no action be taken and that the issue be rescheduled for the regular meeting of December 19, 2011, when the entire City Council is scheduled to be in attendance.

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

Unanimously Carried: The City Council rescheduled the reorganization of the City Council to the regular meeting of December 19, 2011.

B. Council Announcements

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

Mayor Stephens thanked City Manager Stewart for his service and expressed confidence in the Council's decision appointing Angie Avery.

Council Member Graham-Mejia agreed with Mayor Stephens. She inquired about the pool heater.

City Engineer Hunt indicated it should be installed by the end of the week.

Council Member Graham-Mejia requested additional police presence in Carrier Row and New Dutch Haven due to Christmas ornament disturbances. She welcomed OC Mattress to the City and announced the Holiday Decorating Contest would take place on December 14, 2011, between 6:00 and 9:00 p.m.

Council Member Graham-Mejia thanked Officer Fernandez for providing life saving medical aide. Chief Mattern elaborated on the event.

Council Member Graham-Mejia inquired about the new police officer's start date. Chief Mattern indicated they should have a start date by the end of the year.

Council Member Graham-Mejia requested additional trimming in Carrier Row around the new wall.

Council Member Kusumoto reported attendance at the State of the City and a Stakeholder meeting with the City's consultant for the General Plan. He requested staff look into obtaining automated external defibrillator (AED) devices.

Mayor Pro Tem Edgar thanked City Manager Stewart for his service and expressed support for promoting within an organization. He reiterated support for Angie Avery and urged Council to support her to be successful. He stated Col. Toy, US Army Corp. of Engineers, expressed interest in updating Council on the future of the US Army Corp.

Mayor Pro Tem Edgar reported attendance at the Chamber Wake Up Breakfast and Seal Beach Parade honoring veterans. He encouraged everyone to attend the Americana Awards on February 25, 2012.

Council Member Graham-Mejia requested a presentation from Wink Chase and Patty Laird regarding CERT.

12. ITEMS FROM THE CITY MANAGER

City Manager Stewart expressed appreciation for the community and staff working with him. He stated all five people on the Council were good people even though they do not always agree.

13. CLOSED SESSION

Conference with Legal Counsel

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

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

Council Member Graham-Mejia and Council Member Kusumoto recused themselves.

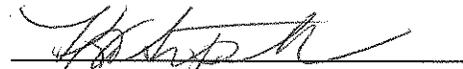
City Council recessed into Closed Session at 8:48 p.m.

City Council reconvened in Regular Session at 11:40 p.m.

No reportable action.

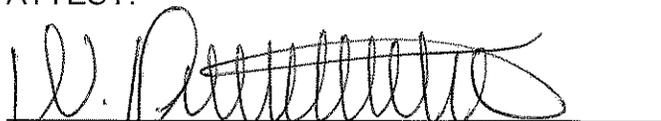
14. ADJOURNMENT

Mayor Stephens adjourned the City Council Meeting at 11:41 p.m. The next meeting of the City Council is scheduled for Monday, December 19, 2011, in the City Council Chambers.



Kenneth Stephens, Mayor

ATTEST:



Windmer Quintanar, Department Secretary