

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

REGULAR MEETING – July 5, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 7:03 p.m., Tuesday, July 5, 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 Director
Angie Avery, Community Services Director
Dave Hunt, City Engineer
Adria M. Jimenez, City Clerk
Todd Mattern, Police Chief

3. PLEDGE OF ALLEGIANCE

Council Member Kusumoto led the Pledge of Allegiance.

4. INVOCATION

Mayor Pro Tem Edgar gave the Invocation.

5. ORAL COMMUNICATIONS

Mark Lupesco, Seal Beach, thanked the City Council for their support of the Run Seal Beach 5K event. Mr. Lupesco encouraged participation for the April 2012 event.

Seth Egger, Seal Beach, provided statistical information on the Run Seal Beach 5K event and provided grant information to organizations located within Los Alamitos. Mr. Egger thanked the City Council for their support.

Dean Grose, resident, commented on the approval of city-wide CIP programs and provided historical information on Old Town West street rehabilitation. Mr. Grose thanked Seal Beach for their contributions to Los Alamitos and extended his condolences to Ed Brummel on his recent loss.

Ed Brummel, resident, advised the City Council that his mother Mary Cook, who passed away on Friday due to health issues. Mr. Brummel provided service information.

Mert Perishal, positively commented on the food trucks and stated it is good for the community; provided history on LATV and expressed her support for John Underwood; and, asked the City Attorney if there is a legal issue with Council Members receiving text messages during Council Meetings.

City Attorney Levin advised that it is legal to receive text messages during Council Meetings, it may be a public record depending on how many Council Members receive the message; however, there is no law against it.

6. REGISTER OF MAJOR EXPENDITURES

July 5, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: The City Council approved the Register of Major Expenditures for July 5, 2011, in the amount of \$724,489.15.

Roll Call Vote

Council Member Graham-Mejia	Aye
Council Member Kusumoto	Aye
Council Member Poe	Aye
Mayor Pro Tem Edgar	Aye
Mayor Stephens	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 Poe requested Item #7D be pulled.

Council Member Graham-Mejia requested Items #7A and #7B be pulled

Motion/Second: Graham-Mejia/Edgar

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

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

C. Approval of Plans and Specifications and Authorization to Bid the Community Pool Deck Shading System

This report recommends actions to begin facilitating the installation of the Community Deck Shading System at the pool located at the Joint Forces Training Base.

1. Approved the plans and specifications for the construction of the Community Pool Deck Shading System; and,
2. Authorized staff to advertise and solicit bid proposals.

- E. Acceptance of Easement at 10792 Oak Street for Alley Purposes**
An easement for alley purposes has been offered for dedication to the City by the property owner of 10792 Oak Street, and must be accepted before the property owner can finalize the construction of improvements at that location.

The City Council authorized the City Clerk to accept the attached grant of easement to the City of Los Alamitos, for alley purposes, at 10792 Oak Street.

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

A. Approval of Minutes

1. Approve Minutes of the Special Meeting – May 2, 2011.

Council Member Graham-Mejia advised she pulled this item because she is opposed to Action Minutes and would like to see them restored to their original Summary format.

Motion/Second: Edgar/Poe

Carried 4/1: (Graham-Mejia "No")

Approved Minutes of the Special Meeting – May 2, 2011.

B. Warrants

July 5, 2011.

Council Member Graham-Mejia requested information on SCAG Membership Dues and payment for Trauma Intervention.

Mr. Stewart, City Manager, advised it is in the best interest of the City to remain a member of SCAG.

Additional discussion regarding SCAG Membership and the City representative ensued. Council Member Poe expressed interest in serving at the City's representative to SCAG.

Police Chief Mattern advised payment to Trauma Intervention Programs, Inc. is for is for annual membership dues.

Motion/Second: Edgar/Poe

Unanimously Carried: Approved the Warrants of July 5, 2011.

D. Approval of Plans and Specifications and Authorization to Bid for Six Capital Improvement Projects

This report recommends actions to begin facilitating the construction of six capital improvement projects that have been bundled into one bid. The projects are as follows: Citywide Concrete Repairs; Curb Return and Traffic Signal Improvements at Cerritos Avenue and Humbolt Street; Catch Basin Enlargement on Katella Ave. and Siboney St., Walnut and Chestnut Street Curb and Gutter Replacement, and Corporate Center Drive and Calle Lee Street Rehabilitation.

City Engineer Dave Hunt provided a staff report and answered questions from Council Members.

Motion/Second: Poe/Graham-Mejia

Unanimously Carried: 1) Approved the plans and specifications for Citywide Concrete Repairs; Curb Return Improvements at Cerritos Avenue and Humbolt Street; Walnut Street and Chestnut Street Curb and Gutter Replacement; and Corporate Center Drive and Calle Lee Street Rehabilitation; and, 2) Authorized staff to advertise and solicit bid proposals.

8. DISCUSSION ITEMS

Approval of Measure M Capital Improvement Program (CIP) for FY 2011-12 through FY 2017-18, and Resolution of the City Council of the City of Los Alamitos Concerning the Status of the Circulation Element for the City of Los Alamitos

In order to remain eligible to receive Measure M Turnback funds, the Orange County Transportation Authority (OCTA) requires that all local jurisdictions comply with a variety of requirements, including annual submittal of an adopted Seven-Year Capital Improvement Program (CIP) and Resolution of the City Council of the City of Los Alamitos concerning the status of the Circulation Element for the City of Los Alamitos. Staff has prepared a Capital Improvement Program covering the Fiscal Years 2011-12 through 2017-18 that the City Council approved on June 20, 2011, and is prepared to submit this and other required documentation to OCTA upon approval by the City Council.

To complete the necessary submittals staff is recommending: 1) Adopt Resolution No 2011-12; 2) Approve the attached Seven-Year Capital Improvement Program (for transportation projects) for FY 2011/12 o 2017/18; 3) Direct the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2011/12 to 2017/18 and the required Measure M eligibility documents to the Orange County Transportation Authority.

Mr. Hunt provided a summary of the staff report and answered questions from the City Council.

Motion/Second: Edgar/Graham-Mejia

Unanimously Carried: 1) Adopted Resolution No. 2011-12, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT OF THE CITY OF LOS ALAMITOS"; and, 2) Approved the attached Seven-Year Capital Improvement Program (for transportation projects) for FY 2011/12 to 2017/18, and which was submitted and approved by the City Council on June 20, 2011; and, 3) Directed the City Engineer to file the approved Seven-Year Capital Improvement Program for Fiscal Years 2011/12 to 2017/18, and the required Measure M eligibility documents to the Orange County Transportation Authority.

9. **MAYOR AND COUNCIL INITIATED BUSINESS**

A. Council Member Kusumoto - Conference and Meeting Report – California Joint Powers Insurance Authority

Council Member Kusumoto provided an oral report his recent attendance at the CJPIA Newley Elected Council Members Academy. The City Council received and filed the report.

B. Council Announcements

Council Member Kusumoto thanked Mayor Stephens for allowing him to deliver a Certificate of Recognition to Major General Harrel; reported on his participation in the 4th of July Spectacular and thanked Angie Avery and her staff for their hard work. Council Member Kusumoto further commented on LATV funding; and, asked that the ethical issue regarding Brad Sheridan be brought back to City Council for resolution.

Council Member Poe thanked Council Member Kusumoto for his CJPIA report; reported on her attendance at the recent Chamber Mixer at Los Al Eye Care; advised that every Thursday St. Isidore is hosting food trucks and will be having a beer garden; thanked residents of Suburbia for the invitation to attend their parade and apologized for not attending as she was at the College Park North Parade; and, advised she was unable to attend the 4th of July Spectacular at the base and asked Ms. Avery for an update on the festivities.

Ms. Avery provided information on the 4th of July Spectacular and advised this event was operated at no cost to the City. Ms. Avery also provided information on attendance.

Mayor Pro Tem Edgar reported on his attendance at the OCSD Board Meeting; thanked Nancy Karmelich for work on the Banners of Honor Program; thanked Suburbia residents for the 4th of July Parade; reported on recent events at the Rivers and Mountains Conservancy; provided an update on the redistricting; asked the City Manager to meet with residents from Suburbia regarding Construction at the Base; and, reported on his attendance at the Chamber of Commerce Mixer at the Los Al Eye Care.

Mayor Stephens requested information on construction at the Base; advised he attended the 4th of July Spectacular and thanked staff, volunteers, Police, and surrounding cities' Police for their work on the event; reported that he spoke to Loretta Sanchez and Jim Silva regarding their support for the military; thanked Suburbia residents for the 4th of July parade invitation; and, thanked his colleagues for attending events on his behalf.

Council Member Graham-Mejia stated she has received input from business on the food trucks in regards to taxes and asked the City Manager for information. Council Member Graham-Mejia further commented on the food trucks and thanked the community for a good time. She stated she met with a representative from SCE with regards to the RMC project and asked the City Manager for an update. Ms. Graham-Mejia commented on the

redistricting; asked for copies of the trash contract litigation press release; responded to the comments made by a resident regarding texting at the dias; and asked for information on how the change of the State's Users tax which sunsets on July 1st effects Los Alamitos.

Mr. Stewart advised the food trucks self-report on taxes; however, the City is collecting fees on business licenses, which started approximately 6-8 weeks ago.

Mr. Stewart advised that according to Ms. Froisland, the plans will be submitted in two weeks.

Sandi Levin, City Attorney, addressed the issue of texting during Council Meetings.

Mayor Stephens confirmed the trash contract litigation press release is available on the City's website.

10. ITEMS FROM THE CITY MANAGER

The City Manager did not have anything to report.

11. CLOSED SESSION

At 8:22 p.m., Mayor Stephens recessed into Closed Session pursuant to the Agenda.

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))

AT&T Mobility Wireless Data Services Tax Litigation, Northern District of Illinois Case No. 1:10-CV-2278 and

Anticipated Litigation (G.C. 54956.9b(3)(C))

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

B. 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)

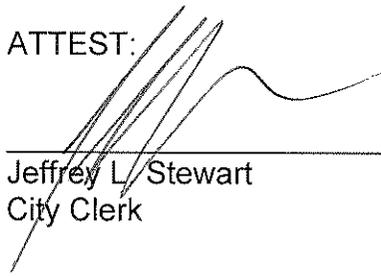
12. RECONVENE/ADJOURNMENT

Mayor Stephens reconvened the City Council Meeting at 10:30 p.m., and advised there is no reportable action. Mayor Stephens immediately adjourned the City Council Meeting.



Kenneth Stephens, Mayor

ATTEST:



Jeffrey L. Stewart
City Clerk