

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

REGULAR MEETING – November 7, 2011

1. CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, November 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 J. Levin, City Attorney
Tony Brandyberry, Public Works Superintd.
Bruce McAlpine, Police Captain
Steven Mendoza, Community Development Dir.
Angie Avery, Community Services Director
Anita Agramonte, Finance Director
Dave Hunt, City Engineer
Windmera Quintanar, Department Secretary

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Edgar led the Pledge of Allegiance.

4. INVOCATION

Mayor Stephens gave the Invocation.

Mayor Stephens announced the meeting would be adjourned in memory of former Commissioner Brad Sheridan.

5. PRESENTATIONS

A. Presentation by Becky Esparza of OC Human Relations on its Annual Report

Becky Esparza gave a Power Point presentation to the City Council and answered questions.

B. Presentation by Niall Barrett, OCTA Project Manager, on the San Diego Freeway (Interstate 405) Improvement Project

Niall Barrett gave a Power Point presentation to the City Council and answered questions.

Jenelle Godges, Southern California Edison (SCE), gave a brief presentation on the new Smart Connect meters and presented Mayor Stephens with a Commendation for partnering with SCE for the past 125 years.

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.

Mayor Stephens opened Oral Communications.

Dean Grose, resident, indicated the Rotary and High School Interact club were selling blue bracelets to help support victims of the Seal Beach tragedy. He encouraged residents to attend the State of the City Lunch on November 16.

Art Debolt, resident, indicated his belief that City Attorney Levin had oversimplified the Judge's ruling regarding the trash lawsuit.

J.M. Ivler, resident, indicated opposition to Item 9A.

Dave Emerson, resident, spoke in memory of Brad Sheridan.

Cathie Sali, resident, spoke in memory of Brad Sheridan, congratulated the Chamber on Wings, Wheels, and Rotors event, stated support for the trash contract, and thanked staff for the sidewalks on Bloomfield.

Brad Taylor, resident, spoke in opposition of the trash contract.

Richard Murphy, resident, felt Item 9A was premature and urged Council to postpone and take its time with the item.

Laura Williams, resident, agreed with Mr. Murphy.

Candace Dewitt, resident, stated disappointment in all the accusations being made and encouraged everyone to work together.

Jody Shloss, resident, spoke regarding the trash contract and stated opposition for the process that was used.

Javier Mejia, resident, spoke regarding traffic and safety concerns and stated opposition to the trash contract.

Pat Blancher, resident, apologized to the Sheridan family and felt people should be mourning Brad Sheridan's memory.

Richard Vardeman, resident, spoke in favor of the trash contract.

Mayor Stephens closed Oral Communications.

Mayor Stephens asked City Attorney to address the allegations regarding the trash lawsuit.

City Attorney Levin gave a brief review of the trash lawsuit, the reasoning behind Item 9A, and stated litigation was the only item discussed in Closed Session.

Mayor Stephens asked for an update on the sidewalks, right turn lane, and speed bumps.

City Engineer Hunt indicated the sidewalk project was under construction and City Manager Stewart stated staff would address any unintended hazards.

City Manager Stewart stated he would forward the right turn lane concern to the Traffic Commission.

City Engineer Hunt clarified the cost to install both speed humps was \$2,000, and indicated the second speed survey should be completed by the end of the week and would be forwarded to the Traffic Commission in December.

7. REGISTER OF MAJOR EXPENDITURES

November 7, 2011.

Motion/Second: Edgar/Poe

Unanimously Carried: the City Council approved the Major Expenditures for November 7, 2011, in the amount of \$569,267.77

Roll Call Vote

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

RECESS

The City Council recessed at 8:49 p.m. for a ten minute break.

RECONVENED

The City Council reconvened in Regular Session at 9:00 p.m.

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 8A.

Motion/Second: Poe/Edgar

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

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

B. Warrants

(Finance)

The City Council approved the Warrants for November 7, 2011, in the amount of \$95,439.67.

- C. **Master Funding Agreement No. C-1-2774, Between the Orange County Transportation Authority (OCTA) and the City of Los Alamitos, and the M2 Expenditure Report (Public Works)**
OCTA required that each agency who receives Measure M funds is required to execute a Master Funding Agreement. The purpose of the agreement was to clarify the role and responsibilities of the Orange County Transportation Authority and the City of Los Alamitos and to adopt an annual Expenditure Report to account for developer/traffic impact fees and funds expended by local jurisdictions which satisfy the Maintenance of Effort requirements; and included all Net Revenue fund balances, interest earned and expenditures identified by type and program or project.

The City Council:

1. Adopted Resolution No. 2011-20, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AUTHORIZING THE MAYOR TO EXECUTE A MASTER FUNDING AGREEMENT NO. C-1-2774, BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LOS ALAMITOS".
2. Adopted Resolution No. 2011-21, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LOS ALAMITOS".

- D. **Second Reading of Ordinance 11-09 – Child Safety Zones (Police)**
At its regular meeting of October 17, 2011, the City Council conducted a first reading of Ordinance No. 11-09, which established City Parks as "Child Safety Zones" and prohibited registered sex offenders from entering without written permission by the Los Alamitos Police Department.

The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 11-09; and,
2. Mayor Stephens read the title of Ordinance No. 11-09, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING Chapter 9.14 OF THE LOS ALAMITOS MUNICIPAL CODE ESTABLISHING CITY PARKS AS 'CHILD SAFETY ZONES' WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION." and,
3. Adopted Ordinance No. 11-09 by roll call vote.

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

8. A. **Approval of Minutes (City Clerk)**
1. Approve Minutes of the Regular Meeting – October 17, 2011.
2. Approve Minutes of the Special Meeting – October 24, 2011.

Council Member Graham-Mejia referred to Item 8A1, page 9, Closed Session item, and requested an amendment to state she had spoken to any interested resident regarding the issue.

Council Member Graham-Mejia referred to Item 8A2 and asked for clarification regarding her involvement in the Closed Session. Discussion ensued regarding Closed Session items and procedure.

Mayor Pro Tem Edgar asked for clarification on Council Member Graham-Mejia's request. Council Member Graham-Mejia withdrew her request and stated for the record she felt the minutes did not contain complete minutes and reflected bias.

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): the City Council:

1. Approved the Minutes of the Regular Meeting of October 17, 2011.
2. Approved Minutes of the Special Meeting of October 24, 2011.

9. ORDINANCES

A. Introduction of Ordinance No. 11-10 – Amending Sections 2.60.130 and 8.12.015 of the Los Alamitos Municipal Code and Adding Section 2.60.140 related to the Award of Services Contracts, Including Franchise Agreements for Solid Waste Collection Services (City Manager)

The proposed ordinance would amend the City's purchasing ordinance and the waste franchise ordinance and expressly provide the procedure for the award of contracts and services. The amendment memorializes existing and historical practice that services contracts are not strictly "low bid" and may be awarded based upon such factors as demonstrates competence, qualifications, and suitability for the project in general.

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

City Attorney Levin indicated staff thought this item was the best option for the City; however, it was not the only option.

Mayor Stephens clarified items discussed in Closed Session were strictly to discuss litigation. City Attorney Levin confirmed.

Mayor Stephens opened the Public Hearing.

J.M. Ivler, resident, summarized his understanding of the Judge's findings regarding the trash contract and stated opposition to Item 9A.

Mayor Stephens closed the Public Hearing.

Council Member Graham-Mejia made a motion to table the item until staff could bring additional options. She inquired if there was a conflict of interest for the three Council Members that were named in the lawsuit. City Attorney Levin answered in the negative.

Motion/Second: Graham-Mejia/Warren

Failed 3:2 (Edgar, Stephens, Poe cast the dissenting vote): Motion failed to postpone the item.

The City Council and staff discussed the following items:

- History of the trash contract including: bids received, the procedure used, and Public Hearings held
- Accusations of criminal activity
- Procedure for awarding the trash franchise
- Judge's findings regarding the trash lawsuit and complying with such
- Updating the Purchasing Ordinance for clarity
- Election of 2008
- Details of the current trash contract, indemnification clauses, and its legality
- Moving forward too quickly
- Costs associated with legal services resulting from the contract
- Purpose of implementing the trash contract franchise ordinance
- Past practices for award of service contracts
- Encouraged businesses that were negatively impacted by the implementation of the trash contract to come forward
- Doing what was best for the community
- Brown Act procedures

Motion/Second: Edgar/Poe

Carried 3/2 (Graham-Mejia and Kusumoto cast the dissenting vote): The City Council introduced Ordinance No. 11-10, by title only, waived full reading and agendaized second reading and adoption for November 21, 2011.

10. DISCUSSION ITEMS

A. Race on the Base Management Contract (Community Services)

This agenda item is a contract for management of Race on the Base.

Community Services Director Avery summarized the staff report, referring to the information contained therein, and answered questions from the City Council. She introduced Mr. Bob Segram, CEO of International City Racing.

City Council thanked Mr. Segram for being present.

Mr. Segram gave a brief summary of his qualifications, provided the history of his business, and indicated he saw potential growth in the race.

Motion/Second: Edgar/Poe

Carried 4/1 (Graham-Mejia cast the dissenting vote): The City Council authorized the City Manager to execute a one-year contract in an amount not to exceed \$95,000 with International City Racing, Inc. for professional race management services for the Race on the Base.

11. MAYOR AND COUNCIL INITIATED BUSINESS

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.

Council Member Poe reported attendance at Wings, Wheels, and Rotors on October 30; encourages residents to attend the State of the City Lunch on November 16 at Eagles Nest; reported upcoming travel out of state; requested staff continue to look into repairing street alleys; and, sent sympathy and prayers to the entire Sheridan family.

Mayor Pro Tem Edgar reported attendance at the following meetings: 1) OCFA Fire Station Dedication Stanton on October 20; 2) OCSD Strategy Session; and, 3) the Boys and Girls Club event at the Los Al Race Track; and. He stated he would be attending the upcoming Chamber Wake Up Breakfast and the State of the City. He sent his prayers to the Sheridan family.

Mayor Stephens requested the City Manager send a letter of support to the City Parks Alliance, noted the City had received an 11% sales tax increase, and he would be speaking at the State of the City Lunch.

Council Member Graham-Mejia inquired if revenue from local business could be tracked on race day and spoke in Brad Sheridan's memory.

Council Member Kusumoto reported attendance at the CJPIA Risk Forum.

12. ITEMS FROM THE CITY MANAGER

City Manager Stewart requested an update on the Los Alamitos Medical Center. Community Development Director Mendoza provided an update and indicated an application for the first building should go before the Planning Commission early 2012.

Mayor Stephens requested an item be brought before the Council that would recognize and welcome new business to the City.

Council confirmed the Regular scheduled meeting of November 21, 2011, would be held.

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)

City Attorney Levin indicated there was nothing new to discuss at this time and Closed Session would not be held.

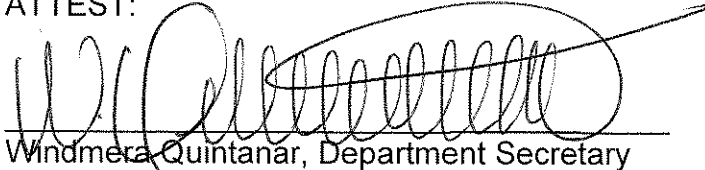
14. **ADJOURNMENT**

Mayor Stephens adjourned the City Council Meeting at 11:37 p.m. The next meeting of the City Council is scheduled for Monday, November 21, 2011, in the City Council Chambers.



Kenneth Stephens, Mayor

ATTEST:



Windmeza Quintanar, Department Secretary