

MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

ITEM NO. 8A1

REGULAR MEETING – October 20, 2008

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

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, October 20, 2008, in the Council Chambers, 3191 Katella Avenue, Mayor Parker presiding.

ROLL CALL

Present: Council Members: Driscoll, Edgar, Grose, Mejia and Parker

Absent: Council Members: None

Present: Staff: David L. Rudat, Interim City Manager
Jamie Raymond, Assistant City Attorney
Nita McKay, Administrative Services Director
Angie Avery, Recreation & Community Services Director
Steven Mendoza, Community Development Director
Bill Huber, Interim Public Works Director/City Engineer
Todd Mattern, Police Chief
Patricia Gorczyca, Assistant to the City Manager
Windmera de Venecia, Department Secretary

4. **INVOCATION** – Mayor Pro Tem Mejia gave the invocation.

5. **PRESENTATIONS**

A. **Presentation by Lorenzo Tyner, Orange County Sanitation District, Director of Finance and Administrative Services**

Council Member Grose inquired if the information presented differed from previously received information. He felt the presentation was in response to political issues that should not be addressed from the dais. Mayor Parker and Mayor Pro Tem Mejia stated the presentation was brought forth because several residents had raised concerns.

Council Member Edgar agreed with Council Member Grose, stating Mayor Parker had not received input from the City Council before voting on a tax increase for the Orange County Sanitation District. He did not believe the dais was the appropriate forum to provide political information, adding the OCSD had made a decision 8 months ago and the information had already been received.

Mayor Parker and Mayor Pro Tem Mejia stated the public should be presented with the information.

Mr. Tyner gave a PowerPoint presentation and answered questions from the City Council.

Council Member Edgar asked for confirmation the tax increase was over a five year period. Mr. Tyner answered in the affirmative. Council Member Edgar inquired if the OCSD Board had voted on a 60% stipend increase. Mr. Tyner answered in the affirmative, adding the increase would not result in additional expenditures because the amount of monthly meetings had been decreased. Council Member Edgar noted the stipend was paid per meeting, and Members could attend more than once a month. He pointed out the Executive Director now received a salary of \$273,000 a year.

Council Member Edgar stated he did not support taxation, and thought Mayor Parker should have polled the Council for input. He then asked how many votes were needed to pass the tax increase. Mr. Tyner indicated there were 25 members and a majority vote was needed for passage. The increase had passed 13/12. Council Member Edgar pointed out if Board Member Parker had voted the Council consensus, the increase would not have occurred.

Mayor Pro Tem Mejia noted she had spoken with OCSD Board Members and Mayor Parker was not the swing vote. She pointed out Council Member Edgar had sat on various Boards and Commissions and had not conferred with Council before making decisions. She asked if the increase was due to the quality of water. Mr. Tyner answered in the affirmative, adding the increase would help purify the water being used.

Council Member Driscoll expressed support for secondary water treatment since in kept water clean, adding other agencies are also switching. She stated the reduction in meetings combined with the stipend increase would not result in an overall increase. Mr. Tyner confirmed, adding there had been a 25% reduction in meetings.

Mayor Parker pointed out all Council had voted to increase rates within the City, and the 61% increase was not during one year, but spread out over a five year period. He felt the Board had made the right decision, adding he would bring back information to Council in the future.

B. Presentation by Trauma Intervention Program (TIP) Representative

Sandy Hill, Community Relations Manager, gave a presentation and answered questions from the City Council.

Council Member Driscoll stated she had heard the presentation at an OCFA event and thought the program was invaluable. She stated the cost was minimal, and expressed support for looking into the service.

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. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

Mayor Parker opened Oral Communications.

Heather Hagan reported on the following upcoming events: 1) Wings, Wheels and Rooters; 2) RMC Meeting - October 28; 3) Air Mobility Conference - November 6-9; 4) Veteran Day

Celebration - November 11 from 11 – 4 p.m.; 5) Volunteer Core Orientation - November 14 from 9-11:30 a.m.; and, 6) Earthquake Drill for the State of California - November 13.

Scott Smith, Americare Ambulance Services, submitted information regarding a Request For Proposal (RFP) for emergency ambulance services.

Tami Bui, Chamber representative, advised of the upcoming Wings, Wheels, and Rotors, on October 26 and the Mentoring Breakfast on November 19. She stated the ballot for the new Board of Directors had been mailed out.

Diana Hill, Chair of Measure K, expressed support for Measure K. She stated tax dollars should be spent to repair schools and schools were in need of modernization.

Council Member Driscoll asked if money would be set aside for the fields from Measure K funds. Ms. Hill stated \$2 million had been set aside to repair the gym and an additional \$2 million was designated to match funds from booster clubs.

Laura Williams, resident, expressed support for the OCSD implementation of payment for secondary water treatment. She stated the Council had worked hard to improve the City's budget, and felt it had been handled appropriately.

Dean Zarkos, resident, voiced his disappointment in receiving campaign information in his gated community. He felt Dave Emerson was not independent, and he would not receive adequate representation if Dave Emerson were elected.

Dave Emerson, resident and Council candidate, apologized for the miscommunication and assured the public everyone would be well represented if he were elected to Council. He clarified his website was "letsfixlosal" and not "savelosal." He expressed interest in holding a Candidates Forum, and had been in contact with the League of Women Voters who were available on October 28. He asked staff to look into cutting this year's fiscal budget since the economy was not recovering.

Ken Stephens, resident and Council candidate, thanked citizens for tolerating all the candidates and thanked residents for the warm welcome he had received while walking the neighborhoods. He stated the City needed a cohesive City Council, and he had chosen to live in Los Alamitos for its safety and small town feel. Mr. Stephens advised a Memorial Ceremony for Kathi Busi would be held at All Souls Cemetery in Long beach between 2-4 p.m.

Pat Blancher, resident, expressed support for Measure K. She stated the following items of concern: 1) Farquhar traffic; 2) 3 story complex being built in her neighborhood; 3) irresponsible Council expenses; 4) loss of management and City history; 5) expensive severance and recruitment costs; and, 6) Mayor Parker's actions regarding the Suburbia Parade. She stated the CPLA was not run by the trash company but was a group of concerned residents looking for answers.

Josh Shloss, resident, made the following comments in regards to Council Member Edgar's Guest View in the News Enterprise: 1) former City Manager Serlet was let go when residents were concerned and the City needed stability; 2) lack of organizational memory within the City;

3) funds spent on the ACLU lawsuit when Council was concerned with expenditures; and, 4) any future policy creation should keep in mind the cost of staff and attorney time.

Ed Bremel, resident, expressed disappointment in the property tax increase. He felt it was unfair to residents to continue to raise taxes. He asked what Mayor Parker was hiding by canceling the Candidates Forum, and thought Mayor Parker should let residents know why he was running for office. He expressed concern regarding the Farquhar traffic, the benefits of switching to secondary water treatment, and the amount of money being spent.

Sharon Berg, resident, felt it was unfortunate no Candidates Forum was going to be held. She pointed out Yorba Linda held a Candidates Forum in its Council Chambers. She indicated John Underwood had received permission from the City Manager, and had contacted all the candidates for availability. She asked how many regional boards Mayor Parker was on representing the City of Los Alamitos, the stipend received, and how Council representatives were appointed.

Mayor Parker indicated he was appointed by the Council to serve on the Orange County Sanitation District Board and the Orange County Vector Control Board. He indicated he was appointed to SCAG by County Legislatures. He stated he received a \$100/mo. stipend for SCAG and \$120/ mo. for three meetings from the OCVC.

Cathie Salai, resident, expressed support for the secondary water treatment but not for the increase in the Board stipend and the Director's salary. She stated opposition for Measure K as she felt it was an extension of the measure from 1990. She pointed out the Superintendent's salary was high, and parents now paid for everything except academic programming.

John Ellinger, resident, stated every year the water and sewers were cleaned and scoped for problems, and all parameters were currently being met. He indicated he had previously been able to receive a waiver for taxes and would no longer be eligible.

John Underwood, resident, expressed disappointment the Candidates Forum had been canceled and took offense to the disparagement of his integrity and professional standing. He indicated he had several email correspondences from Interim City Manager Rudat that coordinated the event and approved its moving forward. He pointed out other cities used Council Chambers for Candidates Forums, and did not feel it was an improper venue. He stated he had contacted all candidates for their availability, and he was unbiased and would have served solely as the moderator of the event.

Mr. Underwood further pointed out that in 2006, Mayor Parker had insisted on the cancellation of the Candidates Forum. He felt Mayor Parker had once again interfered in public business, creating an obstacle for communication between the candidates and the public.

Javier Mejia, resident, expressed disappointment in the politics taking place at the dais. He supported Mayor Parker, stating he had gotten to know him through City events. He made the following points: 1) residents have the right to ask questions; 2) Mayor Parker paid for a town car, no limo was taken; 3) it was common to provide coffee during City business; and, 4) appeal fees are waived for City Council.

Jim Lacey, CPLA lawyer, gave a brief history on the implementation of seals and their historical value. He pointed out Mayor Parker was misrepresenting the City by using a similar seal to the City seal and asked the City Attorney to issue a cease and desist immediately.

JM Ivler, resident, expressed disappointment in Council Member Edgar's recent conduct, stating the dais should not be used as a political forum. He felt the Council should work to get along and was disappointed in the recent business sign. He expressed support for candidate Dave Emerson and Mayor Parker. He thought Council Member Edgar's recent Guest View echoed the views of the CPLA.

Art Debolt, resident, pointed out when he was a Council Member the vote for secondary water treatment had been unanimous. He thought Council Member Edgar's Guest View seemed to reiterate the views of CPLA. He pointed out Henry Taboada had been termed out through PERS and Interim City Manager Rudat was on the same path. He encouraged the Council to work together to move forward. He stated his opposition for the candidates endorsed by CPLA, adding he still had unanswered questions about the Los Alamitos Aquatics Foundation.

Mayor Pro Tem Mejia thought additional investigation was needed for the pool, since there was the appearance of corruption. She stated she had a good relationship with Council Member Edgar her first year on the City Council; however, during that time several disturbing conversations regarding former City Manager, Luci Serlet, had taken place. They were as follows:

- She stated the first conversation had been between Council Member Edgar, Ms. Serlet, and George Briggeman over questionable tax issues. She stated Council Member Edgar had indicated he did not want Ms. Serlet looking into the tax situation, so she advised him to confront her.
- She stated the second conversation occurred during a lunch requested by George Briggeman to discuss the Budget. She stated he did not end up talking about the budget but instead brought up several different issues, including a private dinner conversation with Ms. Serlet where the topic of Gemini Forest taxes, and whether they had been paid or not, was discussed. This was the same issue Council Member Edgar did not want reviewed. She thought the most disturbing statement made by George Briggeman was "I guess she doesn't know how things are done around here."

Assistant City Attorney Raymond cautioned Mayor Pro Tem Mejia against further dialog, as it could be construed as a violation of the Brown Act. Mayor Pro Tem Mejia stated her intent to continue with her response.

- The third conversation was with Ms. Serlet, who stated she had been told by Council Member Edgar not to look into taxes. When Council Member Edgar later asked what action had been taken, Ms. Serlet stated she had done her job as City Manager. Mayor Pro Tem Mejia pointed out there had been trouble from that point forward.
- The fourth conversation happened last year at "Relay for Life", and was perhaps the most disturbing. She stated Council Member Edgar had called her over for a private conversation, and indicated George Briggeman could help her husband get a job. She thought the offer inappropriate, and declined.

She stated it was unfortunate the public had to be made aware of these conversations but felt it was important, given the current situation. She thought individuals involved in CPLA were questionable, and pointed out their lawyer also represented trash haulers.

7. REGISTER OF MAJOR EXPENDITURES

October 20, 2008.

Motion/Second: Driscoll/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for October 20, 2008, in the amount of \$ 128,805.13.

Roll Call Vote

Council Member Driscoll	Aye
Council Member Edgar	Aye
Council Member Grose	Aye
Mayor Pro Tem Mejia	Aye
Mayor Parker	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 Grose pulled item 8A1.

Motion/Second: Grose/Edgar

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

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

A. Approval of Minutes

2. Approved the minutes of the Special Meeting of September 15, 2008.
3. Approved the minutes of the Special Meeting of October 6, 2008.

B. Warrants

Approved the Warrant Register of October 20, 2008, in the amount of \$81,194.71.

C. Race on the Base Management Contract

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

The City Council authorized Interim City Manager Rudat to execute a one-year contract in an amount not to exceed \$25,000 annually with Make-U-Fit Productions/Renegade Racing for professional race management services for the Race on the Base.

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

Mayor Parker Called for a 5 minute break.

A. Approval of Minutes

1. Approve minutes of the Regular Meeting –September 2, 2008.

Council Member Grose questioned page 6, under Council Comments, where Mayor Parker had reported attendance at the OCVC and OCCOG meetings. He pointed out the OCVC minutes for August 21, 2008, reflected Mayor Parker as not present and the Vice Chair of OCCOG reported Mayor Parker had left the August 28, 2008, meeting after 10 minutes and the Board had been unable to continue due to a lack of a quorum.

Mayor Pro Tem Mejia pointed out Council Member Edgar had arrived an hour late for a mandatory two hour ethics training class in Fountain Valley. She stated Council should work together and trust one another.

Mayor Parker stated due to AB1234 statutes, Council must report what meetings were attended. He indicated he had been excused by the Chair and Vice Chair of OCCOG, as he had to attend a court hearing. He pointed out the minutes did not need to be amended.

Motion/Second: Grose/Edgar

Unanimously carried: The City Council approved the minutes of the Regular Meeting, September 2, 2008.

9. ORDINANCES

A. Second Reading of Ordinance No. 08-04 - Amendment to the City of Los Alamitos Municipal Code Relating to the Granting of Solid Waste Franchises

At the City Council meeting of September 15, 2008, the City Council directed the City Attorney to prepare an Ordinance that required future solid waste franchises to be competitively bid upon. The City Attorney prepared an Ordinance (attached) that amends Sections 8.12.015, 8.12.055, and 8.12.060 of the Los Alamitos Municipal Code relating to the granting of solid waste franchises. Upon the expiration of the current exclusive franchise agreement, the City shall issue a formal request for proposals for all future exclusive franchise, contract, permit or license for the collection, transfer, recycling, composting and/or disposal of solid wastes.

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

Mayor Parker pointed out this was the first time the City would require trash franchises to go out to bid.

The City Council:

- 1 Waived reading in full and authorized reading by title only; and,
2. Adopted Ordinance No. 08-04, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 8.12.015, 8.12.015, 8.12.055, and 8.12.060 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO THE GRANTING OF SOLID WASTE FRANCHISES".

Roll Call Vote

Council Member Driscoll	Aye
Council Member Edgar	Aye
Council Member Grose	Aye
Mayor Pro Tem Mejia	Aye
Mayor Parker	Aye

***Since the public comment portion was not opened, and there were individuals wishing to speak, this item was continued to the meeting of November 3, 2008, to allow for public comment.**

10. DISCUSSION

A. Use of the City Council Chambers and City Facilities for Community Related Events, Including Council Candidate Forums and Related Issues

Council Member Dean Grose requested an agenda item for discussion regarding the use of the City Council Chambers and City facilities.

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

Council Member Grose stated the City Attorney advised the use of the Council Chambers for a Candidates Forum was allowable, as long as the forum remained unbiased. He submitted a memo that detailed Orange County cities using Council Chambers for Candidate forums and pointed out 44% of the cities allowed such. He requested staff develop a policy for equal access and use of the Council Chambers by the public, including fees, and bring back for discussion within 60-90 days.

Mayor Pro Tem Mejia stated her main concern was fair representation. She indicated her support for the citizens having access to the Council Chambers. She felt John Underwood was not appropriate for the moderator and pointed out the City would be held liable if the forum was biased.

Assistant City Attorney Raymond stated the Council Chamber was a public resource and the legal use of the Chambers would require information to be presented in an unbiased manner.

Mayor Pro Tem Mejia stated it was not necessary to hold the Candidates Forum in the Council Chambers, adding the year she ran for Council the Forum was conducted at the school.

Council Member Driscoll expressed support for a Candidates Forum but indicated due to the legal potential, she did not support the use of the Council Chambers.

Council Member Edgar expressed support for developing a policy that would outline what uses where appropriate to avoid future confusion.

Council Member Driscoll asked for clarification on the last sentence of the staff report. Interim City Manager Rudat stated the question regarding the legality of candidate participation had been determined by legal counsel not to be a conflict of interest.

Motion/Second: Grose/Edgar

Motion failed 3-2 (Driscoll, Mejia, and Parker dissented): Directed staff to develop a policy to allow equal access of the Council Chambers by the public, similar to the use of other public facilities.

*** No further action was taken and Council proceeded to Council Comments.**

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 Edgar reported attendance at the Taste of Los Al event and State of the City for Stanton. He congratulated Larry Andrade on his appointment to the Planning Commissioner and thanked Ben Sutherlin for his time.

Council Member Driscoll reported attendance at the Taste of Los Al event. She indicated volunteers were needed for the Senior Meals program, and interested residents should contact City Hall. She thanked staff for installing the new security fence around the fire station, and thanked the Planning Commission candidates for re-interviewing.

Council Member Grose reported attendance at the following events: 1) Crime Survivor's 5K walk - Oct 11; 2) Cypress Chamber Breakfast - October 14; and, 3) 80th Anniversary Allandale Insurance. He noted the West OC Community Legislative Affairs Committee would meet at the JFTB on Friday. He requested staff bring back additional information on the Senior Meals program.

Mayor Pro Tem Mejia reported she had been able to assist with the auction for the Taste of Los Al event. She commented Carol Sylvia was misinformed as no Brown Act violation had occurred. She stated the letter Mr. Vardeman had received from three former Council Members, permitting the use of City owned road, was a Brown Act violation. She disapproved of Council Member Edgar's opposition to the Melting Pot restaurant, stating it would bring additional tax dollars into the City.

Mayor Parker reported attendance at the following: 1) OCVC meeting; 2) OCSD meeting; and, 3) Los Alamitos High School Hall of Fame Dinner.

12. ITEMS FROM THE CITY MANAGER

None.

13. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Interim City Manager
Authority: Government Code Section 54957

Assistant City Attorney Raymond read aloud item 13A, and the City Council recessed into Closed Session. The Closed Session was conducted from 9:57 p.m. to 10:50 p.m.

RECONVENE

Mayor Parker reconvened the meeting at 10:51 p.m. Assistant City Attorney Raymond stated there was no reportable action.

14. ADJOURNMENT

The meeting was adjourned at 10:52 p.m. The next meeting of the City Council is scheduled for Monday, November 3, 2008, in the City Council Chambers.

KENNETH C. PARKER, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk