

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS****REGULAR MEETING – November 3, 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, November 3, 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
Dean Derleth, 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
Susan C. Vanderpool, City Clerk

4. INVOCATION – Council Member Driscoll gave the invocation.

5. PRESENTATIONS

A. Presentation of Annual Report to the Mayor and City Council by Becky Esparza, Orange County Human Relations

Becky Esparza gave a presentation and answered questions from the City Council. She submitted the 2007-2008 Annual Report and presented Mayor Parker with a Certificate of Recognition for the City of Los Alamitos.

B. Presentation of Certificates of Recognition to the following “CITIZENS OF THE MONTH”: Louis & Marie Kim (January), and Blanca Harty (March)

Mayor Parker and the City Council presented Certificates of Recognition to Louis and Marie Kim. Blanca Harty was not in attendance.

C. Presentation of Certificate of Award to Nita McKay, Administrative Services Director, from the California Society of Municipal Finance Officers to the City of Los Alamitos for Outstanding Financial Reporting for Fiscal Year 2006-07

Interim City Manager Rudat summarized the award, and Mayor Parker and the City Council presented Administrative Services Director McKay with the Certificate of Award from the California Society of Municipal Finance Officers to the City of Los Alamitos.

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.

Beverly Rigby, Chamber representative, thanked the Council and staff for their support during the Wings, Wheels, and Rotor event and advised of the upcoming events: 1) Ribbon Cutting for Affordable Portables - November 7; 2) Mentoring Breakfast - November 19 at the Long Beach Grand; 3) Chamber Breakfast in November will not be held; and, 4) Holiday Breakfast Program - December 5 at the Cypress Courtyard Marriot.

Cecilia Age, resident, stated Los Alamitos was a wonderful city but needed to work on team work. She indicated she had researched Gemini Forrest Products after Mayor Pro Tem Mejia's last comments, and felt it was important to keep them in the City. She stated sales tax was vital revenue and Council should work to protect City business.

Mr. Boyer, LAUSD representative and resident, thanked Council participating on City School Working Group. He stated support for Measure K, and clarified money from the 1990 bond had been spent on the following items: 1) service to Oak, Weaver, and Lee Elementary; 2) refinanced to receive matching funds from the State to complete Los Alamitos High School; and 3) started McAullife Elementary. He stated new Measure K funds would be used to remodel and upgrade facilities, including Pine, McAuliffe, Los Alamitos High School, Oak Middle School, Los Alamitos Elementary, the District office and all the schools in Rossmoor.

Carol Sylvia, resident, acknowledged the Los Alamitos Employee Association's endorsement of candidates Marilyn Poe and Ken Stephens, adding this was the first time the employees had involved themselves in a campaign. She stated Marilyn Poe and Ken Stephens also had support from California representatives and Local agency representatives. She stated the campaign had been truthful and documents could be verified in the City Clerk's Office.

John Underwood, resident, stated the current politicizing could have been avoided if Council had communicated more efficiently with the public. He indicated the real victims of this campaign were the residents they had been deprived of important candidate information. He expressed concern with the budget and pointed out the 2006/07 CAFR showed indications of financial trouble. He hoped for a new Administration that would listen to the residents.

JM Ivler, resident, quoted an article from the Associated Press and pointed out several untruths he believed had taken place. He stated Jamie Fletcher's, OC Register, research had found CPLA's claims to be untrue. He expressed the following opinions: 1) Candidates Poe and Stephens were being bought by George Briggeman; 2) Mayor Pro Tem Mejia had informed residents why the former City Manager had left; 3) Council Member Grose and Edgar agreed with the current campaign style; and 4) stated support for candidates Dave Emerson and Ken Parker.

Chuck Sylvia, resident, stated Mayor Parker had received \$1,000 from Consolidated Disposal in his 2004 election. He pointed out Mayor Parker had also received \$500 from Williams, the previous trash company owner, and \$500 from Frank Wed, George Briggeman's Father-in-Law. He stated Mayor Parker violated the Travel Policy by taking a town car and, therefore, had to reimburse the City. He pointed out Ross Tax and Accounting had reimbursed the City, not Mayor Parker. He commented on the hotel room upgrade, indicating staff had contacted the hotel and had been told Mayor Parker requested the upgrade to a suite. He pointed out he had not campaigned against Mayor Parker in 2000, or in 2004, but felt it was now necessary because Mayor Parker's behavior as a Council majority was appalling.

Dave Emerson, resident and Council candidate, pointed out the CPLA had received \$20,000 from George Briggeman and \$10,000 from an out of town source. He stated disappointment in the recent flyer regarding 20 tax increases approved by Mayor Parker and added he felt it was deceptive. He felt the City Council not only needed teamwork, they needed sportsmanship. He then referred to three mailers he had received from candidate Ken Stephens passed out by professional service that "did not appear to be from this country." He stated he did not realize he would be campaigning against a trash hauler or the Employees Association. He stated he was offended the Employees Association did not interview him personally.

Ken Stephens, resident and Council candidate, referred to the comment made by Dave Emerson regarding who passed out his flyers and asked for clarification. Mr. Emerson clarified "illegal immigrants". Mr. Stephens cautioned people not to profile and pointed out his wife had been handing out flyers, and although she had been born in Mexico, she was a U.S. citizen. He took offense to the profiling taken place.

Pat Blancher, resident, stated she had been attacked on Dave Emerson's website and pointed out he was the only Candidate currently breaking the law with his campaign. She suggested he apologize accordingly.

Brad Taylor, resident, thought the trash company was behind the current campaigning, adding he not did appreciate being followed by Council Members Grose and Edgar or having his picture taken while passing out flyers in his neighborhood.

Council Member Edgar stated he did not take pictures and asked for specifics. Mr. Taylor indicated he had been in a parking lot with Council Member Grose on Sunday and Council Member Edgar had waved to him from a black Escalade. Council Member Edgar stated he did not own a black Escalade and had been in urgent care all day Sunday. Mr. Taylor apologized for the misunderstanding and indicated Council Member Grose had told him he could not pass out flyers.

Frank Destra, resident, expressed opposition to the current flyers.

Mayor Parker closed Oral Communications.

Mayor Parker stated the only comment made by Mr. Sylvia he agreed with was he had replaced him in 2000. He thanked Jamie Fletcher for conducting research, thus vindicating him, and informing the public of the truth. He read a passage from her recent article stating the rumors about the town car had been incorrect. He pointed out the Hotel had moved him due to poor room conditions.

7. REGISTER OF MAJOR EXPENDITURES

November 3, 2008.

Motion/Second: Driscoll/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for November 3, 2008, in the amount of \$315,898.93.

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.

Mayor Pro Tem Mejia pulled item 8A3.

Motion/Second: Mejia/Driscoll

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

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

A. Approval of Minutes

- 1. Approved the minutes of the Special Meeting of October 13, 2008.
- 2. Approved the minutes of the Special Meeting of October 20, 2008.

B. Warrants

Approved the Warrant Register of November 3, 2008, in the amount of \$94,867.47.

C. Senior Meals Program

This agenda item was an informational item on the Senior Meals Program.

The City Council received and filed the report.

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

A. Approval of Minutes

- 3. Approve minutes of the Regular Meeting – October 20, 2008.

Mayor Pro Tem Mejia referred to page 5, paragraph 4, and requested her comments regarding four conversations be included and brought back to the November 17, 2008, meeting.

Motion/Second: Mejia/Driscoll

Unanimously carried: The City Council continued the minutes of the Regular Meeting of October 20, 2008, to the meeting of November 17, 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 its regular meeting of October 6, 2008, the City Council conducted a first reading of Ordinance No. 08-04, which would amend 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. **This item was continued for second reading from the October 20, 2008, City Council meeting.**

Interim City Manager Rudat summarized the staff report, referring to the information contained therein, and answered questions from the City Council, clarifying it was brought back since it had not formally been opened for public hearing.

Mayor Parker opened the public hearing. There being no one present wishing to speak, Mayor Parker closed the public hearing.

Motion/Second: Parker/Driscoll

Unanimously carried: The City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 08-04; and,
2. Mayor Parker read the title of 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"; and,
3. Adopted Ordinance No. 08-04 by roll call vote.

Roll Call Vote

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

10. DISCUSSION

A. **Little Cottonwood Park Restroom/Budget Appropriation**

This report was in response to the request from the Joint Forces Training Base (JFTB) to disconnect the sewer lateral line for the Little Cottonwood Park restroom from their facility and further requested an appropriation from the City General Fund of \$30,000 to facilitate construction of a septic system to service the restroom.

Interim Public Works Director Huber summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Grose stated he had spoken with Interim City Manager Rudat, and understood the issue was due to the base shutting down the sewer system. He indicated he had done a site inspection and asked if a cost analysis per foot had been done. Interim Public Works Director Huber responded in the negative, adding the biggest cost would be the lift station. Interim City Manager Rudat added alternatives were not feasible and this was the most cost effective solution.

Motion/Second: Driscoll/Parker

Unanimously carried: The City Council:

1. Approved the use of a septic system to service the Little Cottonwood Park restroom facility; and,
2. Appropriated \$30,000 from the City General Fund undesignated fund balance to account 10.543.3170 for this project.

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 California Water Program tour and made the following points: 1) 75% of water comes from up North; 2) the infrastructure is poor; and 3) there were issues surrounding Colorado water. He felt the trip had been very educational and allowed him a better understanding to be proactive.

Council Member Driscoll reported attendance at the Wings, Wheels, and Rotors event and commended the Chamber and staff for a job well done. She urged residents to participate in the Senior Meals program, and thanked staff for sticking through the election. She apologized to Mayor Parker and his family for all they had gone through due to election politics. She urged all residents to vote.

Council Member Grose reiterated the importance of everyone voting, and reported attendance at the following events: 1) OCCOG meeting - October 23; 2) State Delta Tour - October 24-25; 3) RMAC meeting - October 28; 4) RMC meeting - October 30; and, 4) Watershed Conservancy meeting - October 30. He requested staff put water conservation information on the website and extended best wishes to all Council candidates.

Mayor Pro Tem Mejia requested residents listen to her comments carefully and pointed out she was commending Gemini Force products. She thanked Council Member Driscoll and Mayor Parker for their hard work and highlighted the following achievements: 1) \$5 million reserve in the General Fund, 2) upgrades throughout City Hall; 3) repaved City streets; 4) added handicap access; and, 5) purchase of Laurel Park. She congratulated Mayor Parker for solely securing \$1.44 million in grant funds from the RMC which would be used for an additional park. She thanked Council Member Driscoll for being instrumental in securing a 25 year lease with Southern California Edison that would allow space for the new park. She then

encouraged residents to vote, and stated support for Candidates Ken Parker and Dave Emerson.

Mayor Parker cautioned residents about the West Nile Virus, and asked them to report incidences to the Vector Control. He reported attendance at the following meetings: 1) SCAG Transportation Committee meeting; and 2) City School District Working group with Mayor Pro Tem Mejia. He then apologized to his Father-in-Law, as the CPLA had involved him in their campaign against him.

12. ITEMS FROM THE CITY MANAGER

Interim City Manager Rudat stated staff would put information on the website if Council member Grose provided them with such. He reported on the following projects: 1) Ball and Bloomfield - still had a lot of infrastructure to work through and citizen support was appreciated; 2) Siboney – surveying was still in process and pavement cutting was estimated to start during the week; 3) Carrier Row – project status would be discussed with staff on Thursday with an estimated start date of November 15.

Mayor Pro Tem Mejia asked how much money had been spent on legal fees for the recent appeal. Interim City Manager Rudat stated the information would be provided to Council soon. Council Member Driscoll asked the cost of the recent lawsuit brought by Chuck Sylvia also be included.

13. ADJOURNMENT

The meeting was adjourned at 8:26 p.m. The next meeting of the City Council is scheduled for Monday, November 17, 2008, in the City Council Chambers.

KENNETH C. PARKER, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk