

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

REGULAR MEETING – November 17, 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 6:00 p.m., Monday, November 17, 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

3. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL

Number of potential cases: One

Authority: Government Code Section 54956.9(b)

B. PUBLIC EMPLOYEE APPOINTMENT

Title: Interim City Manager and City Manager

Authority: Government Code Section 54957

City Attorney Derleth read aloud items 3A-B, and the City Council recessed into Closed Session. The Closed Session was conducted from 6:01 p.m. to 6:45 p.m.

RECONVENE

Mayor Parker reconvened the meeting at 7:00 p.m. City Attorney Derleth stated there was no reportable action.

5. INVOCATION – Council Member Edgar gave the invocation.

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.

Rodger Borge, Chamber, spoke of the following upcoming events: 1) Mentoring event at the Grand in Long Beach – November 19; 2) Committee meeting at the JFTB – November 19; 3) Wake Up Breakfast in Cypress – December 5; and, 4) Chamber membership meeting and inaugural awards.

Joshua Smith, a server, stated he was present to serve Council Member Grose with two lawsuits. He then submitted the paperwork.

Mayor Parker closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

November 17, 2008.

Council Member Edgar stated his intention to vote “No” regarding the invoice for \$30,115.95 for Best Best & Krieger.

Mayor Pro Tem Mejia pulled the invoice out of the Register, and asked for a vote on the remaining balance.

Motion/Second: Driscoll/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for November 17, 2008, in the amount of \$50,617.27.

Roll Call Vote

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

Mayor Pro Tem Mejia noted there was a certain amount budgeted for City Attorney fees per year which averaged approximately \$17,000 per month. City Attorney Derleth agreed, adding some months might be more and some less depending upon the situations arising.

Mayor Pro Tem Mejia asked to receive a breakdown of costs to the City associated with the lawsuit filed by Chuck Sylvia, and the appeal by Council Member Edgar. City Attorney Derleth stated the litigation cost of the lawsuit thus far was \$6,713.25; however, September had not yet been billed. He stated the cost of the appeal was \$2,327.80 with an additional \$900 to be billed.

Mayor Pro Tem Mejia asked if there would be any more activity with the lawsuit. City Attorney Derleth stated Mr. Sylvia was currently seeking an additional \$25,000 from Mayor Parker, personally. Mayor Pro Tem Mejia asked if Mayor Parker was named in the lawsuit, and City Attorney Derleth responded in the affirmative.

City Attorney Derleth stated the budget for his services for the remainder of the fiscal year was approximately \$14,000 per month. He noted if things settled down, there would be no problem with meeting the amount budgeted. Mayor Pro Tem Mejia expressed concern for more

litigation costs since Council Member Grose had just been served with a lawsuit during Oral Communications.

Council Member Edgar explained he had voted "No" to the invoice based on the budget. He stated he had questions but thought his issue could be resolved off the dais. City Attorney Derleth stated he would support whatever controls Council chose to impose upon him.

Motion/Second: Mejia/Driscoll

Carried 4-1 (Edgar cast the dissenting vote): The City Council approved the invoice for \$30,115.95 for Best Best & Krieger.

Roll Call Vote

Council Member Driscoll	Aye
Council Member Edgar	Nay
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 Driscoll pulled item 8B.
Council Member Edgar pulled item 8C.
Mayor Pro Tem Mejia pulled items 8A1 and 8A2.

Motion/Second: Grose/Edgar

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

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

A. Approval of Minutes

- 3. Approved the minutes of the Special Meeting of October 30, 2008.
- 4. Approved the minutes of the Special Meeting of November 3, 2008.

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

A. Approval of Minutes

- 1. Approve minutes of the Regular Meeting - September 15, 2008

Mayor Pro Tem Mejia referred to page 7, paragraph 7, and asked the minutes be amended to indicate her agreement the City needed Willdan's services for NPDES, and her suggestion of the possibility of employing a part-time person to save costs.

Motion/Second: Grose/Edgar

Unanimously carried: The City Council adopted the minutes of the regular meeting of September 15, 2008, as amended.

A. Approval of Minutes

2. Approve minutes of the Regular Meeting - October 6, 2008.

Mayor Pro Tem Mejia referred to page 5, paragraph 4, and asked the minutes be amended to indicate her comments regarding recent discussions over appropriate expenditures by Council and showing staff had similar, expected costs.

Council Member Grose referred to page 7, paragraph 10, and asked the minutes be amended to indicate he, too, was a member of the Chamber and would likewise abstain from the vote on Wings, Wheels and Rotors event.

Council Member Grose referred to page 14, paragraph 1, and asked the minutes be amended to indicate his affirmative vote, as well as Mayor Parker's recusal.

Motion/Second: Grose/Edgar

Unanimously carried: The City Council adopted the minutes of the regular meeting of October 6, 2008, as amended.

B. Warrants

November 17, 2008.

Council Member Driscoll moved the approval of the Warrant Register, excluding the invoice for CA Web Design, Inc.

Motion/Second: Driscoll/Mejia

Unanimously carried: The City Council approved the Warrant Register in the amount of \$79,876.85.

Council Member Driscoll referred to page 1, CA Web Design, Inc., and stated she did not support payment of this invoice given the fact they also designed the website for Citizens for the Preservation of Los Alamitos (CPLA), which was the group that launched the smear campaign against she and Mayor Parker in their bid for City Council re-election.

Mayor Pro Tem Mejia agreed, adding the issue of getting web design services from a different company should be agendized.

Motion/Second: Edgar/Grose

Carried 3-2 (Driscoll and Mejia cast dissenting votes): The City Council approved the invoice for CA Web Design, Inc., in the amount of \$262.00.

C. Trauma Intervention Programs, Inc. Agreement

Trauma Intervention Programs, Inc., (TIP), provides emotional first aid services to victims experiencing emotional trauma. This agreement authorized the City to utilize these on-scene emergency services for community members in crisis.

Police Chief Matter summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Edgar acknowledged the beneficial services TIP provided; however, his focus was on the \$1,500 membership fee per year. He asked if the City has previously been a member. Police Chief Mattern responded in the negative. Council Member Edgar asked if these services were covered through the Orange County Fire Authority. Police Chief Mattern responded in the negative, adding these services were city specific.

Council Member Edgar noted this issue was in the 2008/09 Budget, and asked if it had been overlooked until now. Police Chief Mattern stated staff had not had the time to address until now. Council Member Edgar stated the current amount due was well within the Interim City Manager's authority to approve, and asked why it was agendized. Police Chief Mattern stated Mayor Parker had requested staff agendize it.

Council Member Edgar asked Mayor Parker why he had agendized this item. Mayor Parker stated it was a valuable organization, and he wanted the residents to know about its services. He felt it was money well spent, and simply wanted to highlight the benefits of membership.

Council Member Driscoll stated she, too, had asked this item be agendized. She stated the Fire Station had contacted her regarding this important issue, and she wanted to make sure they knew the City was responding to their request.

Council Member Grose expressed support for the program; however, he reminded Council of what was happening Budget-wise in Sacramento. He stressed the importance of prioritizing programs to know which ones were truly needed and which could wait. He cautioned Council to carefully scrutinize programs not previously implemented in the City to gauge if they were truly needed.

Mayor Parker expressed amazement at criticism aimed at such a beneficial and cost effective program. He agreed Council should look carefully when prioritizing essential services, and thought \$1,440 was money well spent for this program.

Council Member Edgar stated he would vote "No" to this program, not because he thought it unworthy but because he wanted to send a message to staff to look deeper into their budgets and bring forward only programs that were absolutely necessary. He reminded Council the City had a Budget with a structural deficit.

Motion/Second: Parker/Driscoll

Carried 4-1 (Edgar cast the dissenting vote): The City Council approved and executed the Agreement between the City of Los Alamitos and Trauma Intervention Programs, Inc. for crisis intervention services.

Roll Call Vote

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

9. DISCUSSION

A. **Fourth Quarter Financial Report for Fiscal Year 2007-08 and First Quarter Financial Report for Fiscal Year 2008-09**

This report provided the City Council with an assessment of the City's financial performance compared to the amended budget through the end of Fiscal Year 2007-08 and through the end of the first quarter of Fiscal Year 2008-09.

Administrative Services Director McKay summarized the staff report, referring to the information contained therein and answered questions from the City Council.

Interim City Manager Rudat stated sales tax and revenues were trending downward, with gas stations being the only stable source of revenue at this point. He expected that would change once people started curtailing their driving. He stated he would soon be meeting with staff to discuss reducing waste and finding more effective ways of operating. He noted staff might revisit the issue of field fees with the School District to help offset operational costs.

Mayor Pro Tem Mejia pointed out when fees had been increased earlier this year, she had concerns because some had gone up by 100%. She had received negative feedback over this from residents, and thought any more increases to fees should be done incrementally. She did not want to make the field fees so high that some kids would be excluded because they could not afford to pay.

Council Member Driscoll asked if staff had received funding from the Orange County Transportation Authority for construction of a southbound onramp. She stated she had worked hard to get the funding, and wanted to make sure this project was done.

Interim Public Works Director Huber responded in the affirmative, stating there was \$45,000 in the Budget from GMA funds.

Council Member Driscoll referred to Attachment 2, page 11, Expanded Recycling Programs, and asked if there was an opportunity for future recycling plants/facilities in the City. Interim City Manager Rudat stated staff had recently met with Brigadier General Combs for discussions regarding hazardous/medical waste and green waste issues.

Council Member Driscoll asked if a recycling plant had been discussed. Interim City Manager Rudat responded in the negative. She then stressed the importance of the City's participation in any plan and/or proposed uses at the JFTB. Interim City Manager Rudat stated Brigadier General Combs was trying to get the Enhanced Use Lease program approved by the Adjutant General.

Council Member Edgar thanked Administrative Services Director McKay for her work on the Quarterly reports, adding he had questions but thought it would be a good idea to agendize a workshop once the new Council Members had been sworn in.

Mayor Pro Tem Mejia asked if the City would get money back from the CJPIA if there were not many claims submitted. Administrative Services Director McKay explained the

City would be evaluated and, if money was to be returned, it would be spread equally over an eight year period.

Mayor Pro Tem Mejia stated she had recently spoken to Brigadier General Combs regarding the location of City Hall on the JFTB, with a 50 year lease. She wondered if it would be allowed to remain even if the base were closed. Interim City Manager Rudat stated all leases would include verbiage to protect the City. He pointed out the Army Corps of Engineers would be the agency handling such things, though they were not anxious to do business with Los Alamitos since they believed they received short shrift during negotiations regarding Little Cottonwood Park.

Mayor Pro Tem Mejia stated she had heard Mr. Briggeman wanted to build a recycling center at the JFTB, and asked if Brigadier General Combs would notify the City about any such plans. Interim City Manager Rudat reiterated the Army Corps of Engineers would be the agency handling uses on the JFTB, so Brigadier General Combs would not be the contact on that issue. He pointed out the City would still have input for such a use on the base.

Mayor Pro Tem Mejia stated residents were concerned with having a recycling center at the JFTB particularly since it meant heavy trucks traveling the streets, and noxious odors. Interim City Manager Rudat stated Mr. Briggeman had submitted a proposal to Brigadier General Combs, and the City was not involved in that process. However, such proposals were the reason the City should be proactive in keeping open communications with the JFTB.

Mayor Parker agreed with comments made by Council Member Driscoll and Mayor Pro Tem Mejia regarding uses on the JFTB. He thought the additional truck traffic generated by such a facility could adversely affect the residents of Los Alamitos. He thought opposition to a recycling plant/facility should be included in the goals on page 11.

Motion/Second: Parker/Mejia

Unanimously carried: The City Council received and filed the Fiscal Year 2007-08 Fourth Quarter Financial Report and the Fiscal Year 2008-09 First Quarter Financial Report.

B. Special Meeting on December 8, 2008, for Installation of Newly-Elected Council Members and City Council Reorganization

The 'canvass of returns' conducted by the Orange County Registrar of Voters, for the November 4, 2008, election, might not be completed and documented prior to the full 28 days, which the law allows, for the Registrar to complete this process. The first meeting of the City Council in December, traditionally the date for the installation of newly-elected Council Members and City Council Reorganization, will fall within this 28 day period. Conducting a special meeting on December 8, 2008, would allow for the timely receipt and documentation of the Registrar's and City Clerks' reports, and would allow for a second meeting of the City Council on the regularly set schedule of December 15, 2008.

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

The City Council discussed the following:

- Polling for availability
- December 1 meeting falls within the 28 day canvass
- Planning Commission meeting - December 8
- Commissioners' Appreciation Dinner – December 9

City Attorney Derleth suggested keeping the December 1 meeting on the calendar.

Mayor Parker stated the Planning Commission was scheduled to meet on the 8, and he was fine with having Council meet on the 15.

Mayor Pro Tem Mejia stated staff typically polled all Council for availability; however, it seemed lately if three Council Members were available, polling ceased for the remainder of the Council. She cautioned staff to poll all five Council Members. She further stated she was very busy in December, and was sure she could not make a December 8 meeting.

Council Member Driscoll stated she would be unable to attend a meeting on the 8th as well.

Council Member Grose advised that Council Member Elect, Marilyn Poe would be out of town on December 15, and would be unable to be sworn in at that time. He urged Council to have a special meeting on Tuesday, Wednesday, Thursday or Friday the first week of December for certification and installation.

Motion/Second: Parker/Driscoll

Unanimously carried: The City Council adjourned the City Council meeting to December 1, 2008.

10. 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 Driscoll asked staff to follow up on a request by Brooke Ivler, regarding installation of a bike rack at the JFTB pool. She acknowledged a Water District representative in the audience, and pointed out the streets in Carrier Row were torn up. Interim Public Works Director Huber stated the Water District would be out by the end of the week, and the paving contractor would start December 1, 2008. He stated the job would be completed before Christmas.

Council Member Driscoll stated she was on the OCFA Board, and then reported about the current Orange County fires. She went on to speak about the cost to taxpayers to defend a

lawsuit launched by a resident against Mayor Parker. She then wished everyone a Happy Thanksgiving.

Mayor Pro Tem Mejia asked the issue of using the same web site design company used by the CPLA group, be agendized. She was happy the TIP Program had been approved, and looked forward to the City's participation. She spoke about her attendance at SCAG Energy Environmental Committee last Thursday, and advised she was gathering clothes for donation to the fire victims. She then wished everyone a Happy Thanksgiving.

Council Member Edgar spoke of his attendance at the following: 1) Veterans' Day Celebration at the JFTB – November 11; and, 2) League of California Cities' Dinner – November 13. He then spoke about AB375, which was a mandate for going green with recycling. He expressed concern regarding budgetary issues, and looked forward to a workshop about such.

Council Member Grose spoke of the following: 1) sorrow for Orange and LA County families suffering losses due to the current firestorms; 2) thanked Mayor Parker and Council Member Driscoll for service on the City Council; 3) Congratulated newly elected Marilyn Poe and Ken Stephens; 4) SCAG meeting – November 6; 5) groundbreaking and opening ceremony for Veterans Center at the JFTB – November 11; 6) OC Water District Annual Dinner – November 12; and, 7) OC League of California Cities' meeting in Garden Grove – November 13.

Mayor Parker spoke of his attendance at the following: 1) SCAG meeting; and, 2) Orange County Sanitation District meeting. He went on to distribute emails (between Interim City Manager Rudat and Council Member Edgar regarding the appeal of his business sign) he had procured. He thanked Council for approving the TIP program.

11. ITEMS FROM THE CITY MANAGER

None.

12. ADJOURNMENT

The meeting was adjourned at 9:25 p.m. The next meeting of the City Council is scheduled for Monday, December 1, 2008, in the City Council Chambers.

KENNETH C. PARKER, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk