

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF LOS ALAMITOS****REGULAR MEETING – December 15, 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, December 15, 2008, in the Council Chambers, 3191 Katella Avenue, Mayor Grose presiding.

**ROLL CALL**

**Present:** Council Members: Edgar, Mejia, Stephens and Grose

**Absent:** Council Members: Poe

**Present:** Staff: David L. Rudat, Interim City Manager  
Dean Derleth, City Attorney  
Nita McKay, Assistant City Manager  
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. PUBLIC EMPLOYEE APPOINTMENT**

Title: Interim City Manager and City Manager  
Authority: Government Code Section 54957

**B. Conference with Labor Negotiator**

Agency Negotiators: Dave Rudat, Interim City Manager and Dean Derleth, City Attorney  
Employee Organization: Police Officers' Association and the City Employees' Association  
Authority: Government Code Section 54957.6

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 7:04 p.m.

**RECONVENE**

Mayor Grose reconvened the meeting at 7:05 p.m. City Attorney Derleth stated there was reportable action on 3A, and announced Nita McKay had been appointed Interim City Manager by a unanimous vote of the City Council.

**5. INVOCATION** - Council Member Mejia gave the invocation.

**6. PRESENTATIONS**

**A. Certificates of Appreciation from the Governor’s Office to former Council Members, Catherine Driscoll and Ken Parker**

Council Member Mejia and the City Council presented Certificates of Appreciation to former Council Members, Catherine Driscoll and Ken Parker, from the Governor’s office.

**B. Presentation by Brigadier General Combs to former Council Members Catherine Driscoll and Ken Parker**

Brigadier General Combs presented plaques to former Council Members, Catherine Driscoll and Ken Parker.

**7. 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 Grose opened Oral Communications.

Dean Hill, resident, asked Council to consider installing more bicycle lanes in the City, perhaps utilizing Measure M funds. He stated he had taken his request to the Traffic Commission but they had seemed uninterested in taking any action.

Mayor Grose closed Oral Communications.

**8. REGISTER OF MAJOR EXPENDITURES**

December 15, 2008.

Motion/Second: Edgar/Mejia

Carried 4-0 (Poe absent): The City Council approved the Register of Major Expenditures for December 15, 2008, in the amount of \$211,107.12.

**Roll Call Vote**

Council Member Edgar	Aye
Council Member Mejia	Aye
Council Member Stephens	Aye
Mayor Pro Tem Poe	Absent
Mayor Grose	Aye

**9. 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 Edgar pulled item 9C.

Mayor Grose pulled item 9D.

Council Member Stephens abstained on the vote for 9A only.

Motion/Second: Mejia/Edgar

Carried 4-0 (Poe absent): The City Council approved the following Consent Calendar items:

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**A. Approval of Minutes**

Approved the minutes of the Regular Meeting of December 1, 2008.

**B. Warrants**

Approved the Warrant Register of December 15, 2008, in the amount of \$94,209.33.

**E. Request to Implement Senate Bill (SB1473) and the Collection of the Appropriate Fees; January 1, 2009**

This report advised the City Council of Senate Bill 1473 which recently passed into law. It requested Council acknowledgement and direction to staff to start the collection of the appropriate fees beginning January 1, 2009.

The City Council directed staff to establish and begin collecting the fee in compliance with Senate Bill 1473, effective January 1, 2009.

**F. Recreation & Community Services Department Copier and Duplicator Service Lease Contract**

This report addressed the lease of new copier/duplicator equipment utilizing a cost per copy program to meet the printing needs of the Recreation & Community Services Department.

The City Council authorized the Mayor to execute a 60-month Lease Agreement between the City of Los Alamitos and Ricoh Business Solutions to provide for a Ricoh Aficio MP C5000 Color Copier and a Ricoh HQ7000 Digital Duplicator at an annual cost of \$7,978.

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

**C. Local Appointments List of Commissions and Boards**

This report provided information to approve the Local Appointments List of Commissions and Boards.

City Clerk Vanderpool summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Edgar asked residents to get involved by applying to open Commissions. He thought Council should consider reducing the size of most of the Commissions from seven members to five, pointing out the issue could be discussed at the January 5, 2009, meeting.

Motion/Second: Edgar/Stephens

Carried 4-0 (Poe absent): The City Council approved the Local Appointments List of Commissions and Boards, and directed the City Clerk to post and distribute as appropriate.

**D. Community Center Flooring - Award of Contract/Budget Considerations  
Community Center Floor Replacement (CIP No. 08/09-03)**

This report recommended City Council award a construction contract to the low bidder, Kerr Floors, for the Community Center Floor Replacement. The report also reviewed the available budget options associated with the additive/alternate bid items for the remainder of the facility.

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

Mayor Grose pointed out City facilities were located on prime property, and he was not in favor of spending money for improvements when relocation to another site might be happening in the near future. He stated Council had recently approved funds to strip and polish this same floor, and asked if the entire floor was in as bad a shape as depicted in the pictures attached to the staff report.

Interim Public Works Director Huber stated the pictures were taken from specific areas of the floor, and other areas had already been previously repaired.

Mayor Grose asked when the floor had originally been installed. Recreation and Community Services Director Avery stated the floor had been installed in 1976.

Council Member Mejia stated she had recently used the facility, and had noticed the floor was in disrepair. She felt renting the facility was going to be difficult given the appearance of the floor. She pointed out since the City would not be relocating anytime soon, she was in favor of repairing the floor.

Council Member Stephens asked if bids had been received for repair of the problem areas only. Interim Public Works Director Huber responded in the negative, stating bids had been received for the entire floor since there was damage throughout.

Council Member Edgar asked how much the facility was actually utilized. Recreation and Community Services Director Avery stated it was used 7 days a week/52 weeks a year.

Council Member Edgar thought this issue should be tabled until the mid-year budget discussions, due to low sales tax revenues. He expressed concern with expending funds at this time without more information regarding the City's financial position.

Council Member Mejia pointed out this project had already been budgeted, and should move forward especially to avoid any trip and fall injuries.

Interim City Manager Rudat stated the bid had been less than the amount budgeted, and pointed out the time and labor staff was currently spending on the floor would be greatly reduced with the installation of a new one. He stated City Hall relocation might not take place for at least another 3-4 years.

Motion/Second: Mejia/Grose

Carried 4-0 (Poe absent): The City Council:

1. Awarded the contract for the Community Center Floor Replacement (CIP No. 08/09-03) to the lowest responsible bidder, Kerr Floors, in the amount of \$17,980.00, and rejected all other bids; and,
2. Authorized the Interim City Manager to execute the contract for the project; and,
3. Authorized the City Engineer to execute change orders, if necessary, in an amount not to exceed 10% of the original contract amount and not to exceed the approved project budget.

## 10. PUBLIC HEARINGS

### A. Conditional Use Permit C08-10

At a special meeting of October 27, 2008, the Planning Commission recommended the City Council deny Conditional Use Permit C08-10, a request to allow an extension of operating hours to 7:00 a.m. to 10:00 p.m. for both the restaurant "Twins Grill" and associated drive-thru window, and to allow outdoor dining at 3997 Ball Road in the General Commercial (C-G) Zoning District, APN 244-293-30. (Applicant: Twins Grill Arechega, Inc.)

Community Development Director Mendoza summarized the staff report, referring to the information contained therein, and answered questions from the City Council. He asked Council to adopt an amended Resolution changing Section 3, #1, to include the prohibition of outdoor dining.

Mayor Grose opened the Public Hearing.

Mr. Arechega, applicant, gave a brief history on the project and asked the City Council to allow the restaurant drive-through to operate from 10:00 a.m. to 10:00 p.m.

Council Member Edgar asked Mr. Arechega if he had been aware of the conditions on the property when he purchased it. Mr. Arechega responded in the affirmative, adding staff had told him the conditions could be changed.

Council Member Edgar pointed out the neighborhood had banded together in opposition of the requested hours. He stated he was struggling with the idea of an applicant that purchased property knowing the conditions imposed, and then asking to change them after the fact.

Mr. Arechega stated he had already done much to mitigate neighbors concerns, but was willing to consider further compromise.

Shauna True, stated she worked for Los Alamitos High School, and wanted the restaurant to remain open.

Gilbert Youdeem, resident, stated he shared a wall with Twins Grill. He noted there had been similar problems with the previous restaurant, and now he was being asked to

compromise again. He pointed out the conditions were apparent when Mr. Arechega purchased the property, and he should not be allowed to change them.

John Riley, resident, stated much compromise had already been done and he thought the applicant should respect the conditions of the existing Conditional Use Permit. He asked Council to deny the applicant's request.

Mr. Arechega stated he did not mind rescinding the request for outdoor dining to appease the neighbors. He did, however, think 10:00 p.m. was a reasonable time to close.

Council Member Mejia suggested curbside service from 8:00 p.m. to 10:00 p.m. as a possible solution to the noise issue. Mr. Arechega stated most people did not feel safe with curbside service late in the evening.

Mayor Grose closed the Public Hearing.

Council Member Edgar expressed support for the Planning Commission's decision.

Council Member Mejia thought it unfortunate the conditions of the Conditional Use Permit were not made clear to the applicant, and recommended a changing the zone at some point in the future (if and when the restaurant ceased doing business).

Motion/Second: Edgar/Mejia  
Carried 4-0 (Poe absent): The City Council:

1. Conducted a Public Hearing; and,
2. Adopted Resolution No. 2008-42, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT C08-10, A REQUEST TO ALLOW AN EXTENSION OF OPERATING HOURS TO 7:00 A.M. TO 10:00 P.M. FOR BOTH THE RESTAURANT 'TWINS GRILL' AND ASSOCIATED DRIVE-THRU, AND TO ALLOW OUTDOOR DINING AT 3997 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-30 (APPLICANT: TWINS GRILL ARECHEGA, INC.)" as amended.

## 11. DISCUSSION

### A. Consideration of City Council Holiday Meeting Schedule and City Hall Holiday Schedule

Due to the pending holiday season, it is prudent to consider the City Council meeting schedule and City Hall business hours. A related issue is the closure of City Hall in observance of recognized holidays.

Interim City Manager Rudat summarized the staff report, and answered questions from the City Council.

Mayor Grose stated he did not want to cancel the January 5 meeting, and suggested a study session instead. He stated he had already passed out a sheet of topics to the Council.

Council Member Edgar thought Council should revisit the issue of the number of Commissioners allowed on Boards and Commissions. He also wanted to discuss areas in which Council could make reductions.

Interim City Manager Rudat asked Council to give staff any topics they wished to discuss, by 10:00 a.m. on Wednesday.

Motion/Second: Mejia/Stephens

Carried 4-0 (Poe absent): The City Council:

1. Closed City Hall the holiday week of December 22, 2008, and January 2, 2009; and,
2. Scheduled a Special meeting on January 12, 2009, to discuss, at a Budget Workshop, budget alternatives for the balance of the year; and,
4. Authorized staff to issue such advance warrants as deemed necessary to conduct the City's business.

**The City Council took a five minute break.**

**B. Award a Contract to Tyler Technologies, Inc. (In-code Product Division) for the Purchase of an Integrated Financial System (Financial Software and Related Computer Hardware)**

This agenda item requested approval of a contract between the City of Los Alamitos and Tyler Technologies, Inc. (In-code Product Division) for the purchase of an integrated financial system (financial software and related computer hardware).

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

Council Member Edgar made the following points: 1) previous control and data entry issues; 2) new system critical for financial reporting on a timely basis; and, 3) all departments will be able to access the new system. He expressed concern that Ms. McKay would act as both Administrative Services Director and Interim City Manager, and asked if she would have a problem handling it. She responded the timeline of delivery for the system could be pushed out a quarter until a new City Manager was hired.

Council Member Edgar asked if there might be an opportunity to negotiate the 25% of software cost. Ms. McKay responded in the negative.

Council Member Mejia made a motion to approve staff's recommendation, seconded by Council Member Edgar.

Council Member Edgar asked if Council Member Mejia would amend her motion to include adding a condition to hire a City Manager prior to implementation of the system. Council Member Mejia agreed.

City Attorney Derleth pointed out since time was an issue, Council could delegate Assistant City Manager McKay and himself to have control of the implementation schedule, so the Agreement could be executed immediately.

Motion/Second: Mejia/Edgar

Carried 4-0 (Poe absent): The City Council:

1. Authorized the Mayor to execute a contract between the City of Los Alamitos and Tyler Technologies, Inc. (In-code Product Division) for the purchase of an integrated financial system; and,
2. Approved the total Integrated Financial System Project costs as detailed in Attachment 1 to this report; and,
3. Authorized the Assistant City Manager to approve a warrant in the amount of \$19,237.25 as detailed on page C of the contract "on signature of the contract"; and,
4. Directed that a City Manager would be hired prior to implementation of the system; and,
5. Delegated the task of control of the implementation schedule to the City Attorney and Assistant City Manager.

**Roll Call Vote**

Council Member Edgar	Aye
Council Member Mejia	Aye
Council Member Stephens	Aye
Mayor Pro Tem Poe	Absent
Mayor Grose	Aye

**C. Issuance of Cellular Phones, Portable Computers, and Cal-Cards to City Council Members**

Mayor Grose requested the City Council review the expenditure of City funds spent on providing technology tools, cellular phones and portable computers, to the City Council Members. The Mayor also requested the Council revisit the necessity of Cal-Cards/credit cards to individual City Council Members.

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

Mayor Grose commented these issues had come up frequently during the recent election, and asked for comments regarding the appropriateness of continuing such issuance to Council.

Council Member Mejia stated she would relinquish the laptop computer; however, she found the Cal-Card and cell phone valuable tools as a Council Member.

Council Member Stephens commented Council would soon be asking staff to make cutbacks, and felt it only fair Council should lead by example.

Council Member Edgar wanted to focus on minimizing costs, and thought the elimination of these items would assist in that effort.

Mayor Grose stated Council Members had not been issued cell phones in the past, and credit cards posed problems if accidentally used for personal purposes.

Council Member Mejia thought it odd to eliminate the use of cell phones and Cal-Cards for City Council yet allow City staff to have them. She pointed out she did not utilize email, and the only way residents could reach her was by cell phone.

Council Member Mejia made a motion to receive and file the report, and address if problems arose. The motion died for lack of a second.

Mayor Grose stressed the fact Council was deciding policy for all members, not just one.

Council Member Mejia did not think Council Members should be required to pay for items used to accomplish City business.

Motion/Second: Edgar/Stephens

Carried 3-1 (Mejia cast the dissenting vote, and Poe was absent): The City Council withdrew the use of Council cell phones, laptop computers and Cal-Cards.

**D. "In God We Trust"**

Mayor Grose directed staff to bring forward a discussion item regarding the incorporation of the phrase "In God We Trust" on items identifying the City of Los Alamitos.

Mayor Grose briefed the Council on this issue.

Council Member Mejia agreed but thought it important to let the residents weigh in on this subject.

Mayor Grose asked for confirmation there were no legal factors involved. City Attorney Derleth stated legal ramifications needed to be reviewed, particularly with regard to constitutional analysis. He stated the need to establish a secular purpose, and suggested staff bring back a report once this information was received.

Council Member Edgar expressed support, however, he thought it might not be in the best interest of the community given the possible legal ramifications. He noted it could also be expensive adding the phrase to City identifiers.

Council Member Mejia expressed support but wanted to know the costs involved. She reiterated the need for resident input.

Mayor Grose made a motion to place the phrase on City letterhead and business cards. The motion died for lack of a second.

Mayor Grose stated he did not want to create problems, so he withdrew the request for this issue.

## **12. 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.

#### **A. Consideration of City Council Assignments - Appointments/ Reappointments of City Councilmembers as Representatives to other Agencies**

This report provided relevant information for the City Council's annual appointments/reappointments of Council Members as representatives to other Agencies.

Mayor Grose asked to continue this item so Mayor Pro Tem Poe could participate; however, Council wished to move forward.

Council Member Mejia nominated herself as Delegate to the Orange County Fire Authority Board of Directors. She did not receive a second.

Council Member Stephens nominated Council Member Edgar as Delegate to the Orange County Fire Authority Board of Directors, seconded by Mayor Grose. The motion carried 3-1 (Mejia cast the dissenting vote, and Poe was absent).

Motion/Second: Stephens/Edgar

Carried: 4-0 (Poe absent): The City Council approved the following appointments, and directed staff to bring back a list of the remaining vacancies:

1. **League of California Cities**  
Delegate: Dean Grose  
Alternates: Marilynn Poe
2. **Orange County Sanitation District Board of Directors**  
4<sup>th</sup> Wednesday of every month, except Nov. and Dec., (earlier in month)  
Delegate: Troy Edgar  
Alternate: Ken Stephens
3. **Orange County Fire Authority Board of Directors**  
4<sup>th</sup> Thursday, odd numbered months, except in November (3<sup>rd</sup> Thursday)  
Delegate: Troy Edgar  
Alternate: Ken Stephens
4. **West Cities Communications Center  
Joint Powers Authority Board**  
3<sup>rd</sup> Tuesday in February, May, August & November – 4:00 p.m.  
Representative:  
Alternate:

5. **Orange County Library Advisory Board**  
 Dates to be determined (4 meetings a year)  
 Representative: Marilynn Poe  
 Alternate:
  
6. **Orange County Vector Control District**  
 3<sup>rd</sup> Thursday of every month  
 Delegate: Ken Parker  
 Alternate: not allowed
  
7. **Growth Management Area (GMA) Group No. 2**  
 Meeting scheduled to be determined  
 Delegate: Dean Grose  
 Alternate:
  
8. **Los Alamitos Unified School District/City Working Group**  
 Meets on an as-needed basis  
 Representative: Gerri Mejia  
 Representative: Marilynn Poe
  
9. **OCTA – I-405 Policy Working Group**  
 Meets on an as-needed basis  
 Representative: Dean Grose
  
10. **California Joint Powers Insurance Authority (CJPIA)**  
 Meets once a year in July at CJPIA Office  
 Delegate:  
 Alternate:
  
11. **Los Alamitos/JFTB Ad Hoc Committee (Enhanced Use Leasing Program)**  
 Meets on an as-needed basis  
 Representative: Dean Grose  
 Representative: Gerri Mejia

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**Council Member Mejia** expressed disappointment with the outcome of the appointments, as she thought a compromise could have been struck but was not. She stated Council talked of unity but took no action to accomplish such. She wished all residents Happy Holidays.

**Council Member Stephens** stated it was okay to disagree, adding he felt real hope for the unity of the Council. He then wished everyone Happy Holidays.

**Council Member Edgar** spoke of his attendance at the following: 1) Sunburst building dedication; 2) League of California Cities' Dinner; and, 3) Orange County Board of Supervisor's Holiday Reception. He stated he had high hopes for the new Council, and pointed out that although he and Council Member Mejia both had their reasons for wanting to serve on the OCFA, it was good the democratic process had decided the matter. He wished everyone Happy Holidays.

**Mayor Grose** spoke of his attendance at the following: 1) Legislative Briefing – November 20; 2) League of California Cities’ Leadership Workshop; 3) Rivers and Mountains Conservancy meeting – November 24; 4) Military Affairs Committee meeting– November 25; 5) Rotary meeting – December 2; 6) Manufactured Housing Breakfast – December 3; 7) SCAG meeting – December 4; 8) Leaders of the Sea, hosted by the US Navy – December 8; 9) Commissioner Appreciation Dinner – December 9; and, 10) League of California Cities’ Holiday Reception. He then spoke of his attendance at the Sunburst building dedication. He advised the Youth Center was selling fresh Christmas trees in the Ganahl Lumber parking lot, and encouraged residents to shop there for a tree.

**13. ITEMS FROM THE CITY MANAGER**

Interim City Manager Rudat thanked the residents of Carrier Row for putting up with all the grinding, dust and noise of the current street paving. He then wished everyone Happy Holidays.

**14. ADJOURNMENT**

The meeting was adjourned at 11:10 p.m. The next meeting of the City Council is scheduled for Monday, January 5, 2009, in the City Council Chambers.

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Dean Grose, Mayor

ATTEST:

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Susan C. Vanderpool, City Clerk