

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

REGULAR MEETING – March 2, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, March 2, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Pro Tem Poe presiding.

ROLL CALL

Present: Council Members: Edgar, Mejia, Stephens and Poe

Absent: Council Members: Grose

Present: Staff: Nita McKay, Interim City Manager
Dean Derleth, City Attorney
Todd Mattern, Police Chief
Angie Avery, Recreation & Community Services Director
Steven Mendoza, Community Development Director
Susan C. Vanderpool, City Clerk

4. **INVOCATION** – The invocation was given by Ms. Blair Pietrini, Director of the Grateful Hearts Thrift store, at Council Member Mejia's request.

Mayor Pro Tem Poe read aloud a letter from Mayor Grose resigning from his position as Mayor and from the City Council. She asked City Attorney Derleth to speak about procedures for the appointment of a new Mayor and filling the vacancy created by the resignation.

City Attorney Derleth stated the Mayor was elected by other members of the City Council and, as to the issue of filling the vacancy created by the resignation, Council had sixty days to either appoint someone to the position or call a Special Election.

5. **SPECIAL ORDERS OF THE DAY**

- A. **Discussion and Possible Action Regarding Resignation or Removal of the Mayor from his Appointed Office, the Appointment of a New Mayor, the Possible Appointment of a New Mayor Pro Tem (Depending upon Mayoral Appointment), as well as Any Other Action Deemed Appropriate by the City Council Related to the Mayor's Recent Email Controversy (Administration)**

This report allowed for City Council consideration of action regarding the resignation or removal of the Mayor from his appointed office, the appointment of a new Mayor, the possible appointment of a New Mayor Pro Tem (depending upon Mayoral appointment), as well as any other action deemed appropriate by the City Council related to the Mayor's recent email controversy. If a new Mayor and, possibly new Mayor Pro Tem were appointed, the City's Charter required roll call votes be taken for the election of these two Officers.

Mayor Pro Tem Poe opened the meeting to public comment.

Chris Barnes, Chamber representative, spoke of the following upcoming events: 1) Police Officers' Association luncheon at the Eagle's Nest at the Naval Golf Course – March 11; and, 2) Annual Golf Tournament – April 20.

Suzie Barnhill, resident, spoke about the growing coyote problem in the City. She suggested the City put out information on what to do if a coyote is spotted.

Pete Carvajal, resident, read aloud a statement by Keyanus Price whereby she stated Dean Grose had done the right thing by stepping down as Mayor and Council Member, and she would continue to volunteer in the City. Mr. Carvajal thanked the community and City Council for convincing Dean Grose to resign from the City Council. He then spoke of Dean Grose's many contributions to the City of Los Alamitos.

Brad Sheridan, resident, stated he did not agree with Council Member Edgar's statements at the previous meeting regarding possible removal of Commissioners just because they might not agree with his philosophical views. He went on to state he did not think Council should appoint someone to fill the new vacancy on the Council, adding a Special Election should be held instead.

Chris Taylor, resident, stated he was glad Dean Grose did the right thing by stepping down but had no confidence in a City Council appointment to replace him. He thought Council should appoint the next highest vote getter in the previous election since it was only a few months ago.

Catherine Driscoll, resident, stated she was saddened by recent events and disappointed Dean Grose had not publically apologized. She went on to suggest either appointing the next vote getter in the recent election or holding a Special Election.

Dave Emerson, resident, was glad Dean Grose resigned for the good of the community and acknowledged he had made many contributions to the City. He thought Council Member Mejia should be appointed Mayor as 94% of people visiting his blog expressed that wish. He asked the Council for a unanimous decision on its choice for Mayor and to fill the vacancy.

Warren Kusumoto, resident, stated he was saddened and outraged by the email sent by Dean Grose, and thought a proclamation should be done.

Laura Williams, resident, opposed Dean Grose's email and felt he should have to pay the costs of police protection at tonight's meeting along with the cost of the PR firm the City retained. She felt Council should appoint Ken Parker to the vacancy, since he was the next top vote getter in the recent election. She then expressed a desire to see Council Member Edgar recalled.

Pat Blancher, resident, thanked Dean Grose for his many positive contributions to the City, and reminded people that former Council Members had done negative things in the past that had not been spotlighted by journalists.

Marianne Maciel, resident, opposed the email sent by Dean Grose, and spoke of the goodness and diversity of residents of the City.

Beth Piburn, resident, felt the email should have remained a private matter and been resolved between friends as she did not believe it was meant to offend. She thought the purpose of sharing the email with the press to ensure public attention was intentional, and served only to destroy the career of someone who had always given much to the City.

John Huesser, resident, stated he received calls from people in Pennsylvania that had found out about the email, and did not understand how the press had gotten involved.

Jody Shloss, resident, was pleased Dean Grose had resigned but thought he should have apologized. She called on other Council Members to condemn Dean Grose's actions, and asked that Ken Parker (the next top vote getter in the recent election) be appointed in his place. She thought a Special Election should be held to fill the vacancy if a unanimous vote of the Council could not be reached regarding appointment.

Sheri Lewis, Long Beach resident, opposed the email and asked Council to accept Dean Grose's resignation.

Kelli Bond, Cypress resident and member of the California Diversity Council, was glad Dean Grose had resigned, and suggested awareness training opportunities at an upcoming conference.

Sandy Stiassni, Irvine resident, opposed the email sent by Dean Grose.

Yasha Iravantchu, Rossmoor, senior at Los Alamitos High School, asked residents to have the courage to change for the better, for the future of their children.

Robert Graham, resident, opposed the email, adding there was a noticeable problem on the dais between the Council Members.

Brad Taylor, resident, stated a Council Member had spoken out about a violation of the Brown Act, and thought there could be some wrongdoing on the Council. He stated Council Member Edgar owed Catherine Driscoll an apology for saying she had a "miraculous recovery" at the last meeting. He then stated the next top vote getter in the recent election should be appointed to the Council vacancy.

Bonnie Smith, resident, stated she had lived in the City for fifty years and she had found Dean Grose to be a very caring person. While she did not agree with the email he had sent, she felt the receiver should have deleted it rather than contacting the press.

Caleb Horton, student of Los Alamitos High School, stated he lived in Seal Beach but the kids in Los Alamitos called him names and he thought Dean Grose had made matters worse by sending the email.

Mayor Pro Tem Poe closed the meeting to public comment.

Mayor Pro Tem Poe read aloud a News Release from the City Council regarding the email.

Mayor Pro Tem Poe opened nominations for Mayor.

Mayor Pro Tem Poe nominated Council Member Edgar for Mayor, seconded by Council Member Stephens.

Council Member Mejia reminded Council there was a natural rotation involved, and Mayor Pro Tem Poe should be Mayor.

Motion/Second: Poe/Stephens

Carried 3-1 (Mejia cast the dissenting vote): The City Council:

1. Accepted Dean Grose's resignation; and,
2. Elected **Troy Edgar** as the new **Mayor**.

Roll Call Vote

Council Member Mejia	Nay
Council Member Stephens	Aye
Mayor Pro Tem Poe	Aye
Mayor Edgar	Aye

The City Council took a five minute break.

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 Edgar opened Oral Communications.

Javier Mejia, resident, thought there was too much dissention on the City Council. He thought Dean Grose had made a mistake by sending the email, but an even bigger one in his response to Ms. Price. He then thanked Catherine Driscoll, Ken Parker and Fred Freeman, who were in the audience, for their service on the Council.

Brad Sheridan, resident, asked Mayor Edgar to refrain from removing Commissioners simply because they did not agree with his philosophy. He thought Mayor Edgar's judgement had been called into question due to his support of Dean Grose, and suggested he resign as well.

Chris Taylor, resident, thought the recent covenant with residents was an insult, adding he had no confidence in the Council to appoint a new City Council Member. He thought Council should not remove any of the current Commissioners.

JM Ivler, resident, stated Dean Grose had done the right thing by resigning, and pointed out the Mayor or Mayor Pro Tem had been great supporters of Mr. Grose. He noted Council Member Stephens had shown true leadership by giving a statement to the press about the email. He then stated he had with him a Notice of Intent to Circulate a Recall Petition for Mayor Edgar, and submitted it to City Attorney Derleth.

Dave Emerson, resident, thanked Council Member Stephens for giving a statement to a reporter when asked. He thought Dean Grose had done the right thing by resigning, and felt Mayor Edgar should do likewise.

John Huesser, resident, spoke about the recently completed median on Katella that Cypress wanted to cut into, and urged Council not to allow it. He stated doing so would create a dangerous traffic situation, particularly for the residents in the area.

Brad Taylor, resident, thought it would be wrong for Council to change already seated Commissioners just to seat friends. He stated it was time for the City Attorney to investigate Council for Brown Act violations.

Jody Shloss, resident, echoed Mr. Taylor's comments, and hoped more residents would watch the Council meetings.

Laura Williams, resident, thought Mayor Edgar and Mayor Pro Tem Poe should both resign from the Council. She then expressed support for the recall.

Lisette Gabler, resident, expressed support for Council, adding much work was ahead not the least of which was to hire a new City Manager. She pointed out the previous Council had spent too much money and this Council was having to deal with the consequences of that.

Jane Huesser, resident, stated she was sorry the residents in the audience had done such mudslinging at the Council, adding it was a terrible way to speak to the City Council.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

March 2, 2009.

Motion/Second: Mejia/Poe

Unanimously carried (4-0): The City Council approved the Register of Major Expenditures for March 2, 2009, in the amount of \$86,954.57.

Roll Call Vote

Council Member Mejia	Aye
Council Member Stephens	Aye
Mayor Pro Tem Poe	Aye
Mayor Edgar	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.

Motion/Second: Mejia/Poe

Unanimously carried (Stephens recused himself on 8E only, because of its proximity to his place of employment): The City Council approved the following Consent Calendar items:

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

A. Approval of Minutes

1. Approved the minutes of the Special Meeting of February 2, 2009.
2. Approved the minutes of the Regular Meeting of February 2, 2009.
3. Approved the minutes of the Special Meeting of February 14, 2009.
4. Approved the minutes of the Special Meeting of February 17, 2009.

B. Warrants

The City Council approved the Warrant Register of February 2, 2009, in the amount of \$77,758.83.

C. Mobile Command Vehicle Agreement

This report requested authority to formalize an agreement for joint ownership, maintenance, and repair of the West Cities Mobile Command Post vehicle which was acquired by the Cities of Los Alamitos, Cypress, and Seal Beach through the Urban Area Security Initiative.

The City Council authorized the Mayor to execute an Agreement between the City of Los Alamitos, the City of Cypress, the City of Seal Beach, and West Cities Communications Center Joint Powers Authority for shared use of a Mobile Command Vehicle.

D. Re-Adoption of Resolution No. 2009-01 - Revising the Salary and Benefit Resolution for Non-Represented Employees and Repealing Resolution 2008-19

This report went to the City Council meeting of January 20, 2009, and addressed revision of the medical insurance contribution benefit provided to non-represented employees. Resolution 2009-01 called for the repeal of Resolution 2008-15, but it should have called for the repeal of Resolution 2008-19. Because of this typographical error, Resolution No. 2009-01 needed to be re-adopted by the City Council.

The City Council adopted Resolution No. 2009-01, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 2008-19."

E. Approval of Notice of Completion, Katella Avenue Median Improvements at Siboney Avenue, CIP No. 08/09-01

Katella Avenue Median Improvements at Siboney Avenue were completed and in compliance with the plans and specifications. Staff recommended Council accept the work as complete, direct filing the Notice of Completion and retention release as prescribed by the public contract codes.

The City Council:

1. Accepted as complete the construction contract by Alliance Streetworks for the Katella Avenue Median Improvements at Siboney Avenue; and,
2. Directed the City Clerk to record the Notice of Completion/Final Report with the County Recorder's office; and,

3. Authorized staff to release the 10% retention, in the amount of \$18,704.50, thirty-five days after recordation of the Notice of Completion.

F. Request to Purchase One Community Services Department Mini Van

This was a request to purchase one (1) Community Services Department Mini Van to replace a 1992 Chevrolet Lumina sedan that was scheduled for surplus. Per Los Alamitos Municipal Code 2.60.110 – ‘Purchases Through Other Agencies’, this report requested authorization to utilize Purchase Order #0000946829, Agreement between the City of Los Angeles and McPeek’s Dodge of Anaheim to purchase the replacement vehicle.

The City Council authorized the City Manager to purchase one (1) 2009 Dodge Grand Caravan for \$24,529.41 utilizing Purchase Order #0000946829 between the City of Los Angeles and McPeek’s Dodge of Anaheim.

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

9. 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 Mejia thanked residents for coming to express their opinions, and apologized to all those hurt by the actions of Dean Grose. She commented that Council should have addressed the issue more quickly than it had. She went on to speak of her attendance at an event for Michael Monsoor, a Navy Seal, who had fallen on a grenade to save his comrades in battle. He grew up in Garden Grove, and she asked the meeting be adjourned in his honor and memory.

Council Member Stephens thanked residents for coming to speak. He stated that although some might think Council should have addressed the email issue more quickly, it could not do so based on City Attorney recommendation. He then thanked Dean Grose for resigning in the best interests of the City.

Mayor Pro Tem Poe thanked residents for coming to speak, and apologized to those who thought Council had not reacted quickly enough. She stated Council had all agreed to issue a press release regarding the email, and hoped the City could now move forward.

Mayor Edgar spoke of his attendance at the following: 1) Orange County Sanitation District; 2) Race on the Base; and, 3) the American Awards at Cypress College. He referred to an earlier comment from a resident about his remark regarding Ms. Driscoll’s recovery, and apologized for making it. He stated Mr. Grose had been wrong to send the email but had done the right thing for the City by resigning. He thanked Interim City Manager McKay for all her assistance during this difficult time. He went on to say it was time to move the City forward but if some residents felt compelled to organize his recall that was certainly their right. He then stated Council would be interviewing six candidates for City Manager this Saturday, and thought Interim City Manager McKay should be included for consideration.

Council Member Mejia expressed support for including Ms. McKay in the pool of applicants. She thanked Ms. McKay and all staff for their efforts at tonight's meeting.

Mayor Pro Tem Poe stated she had attended a memorial for long time resident and friend Cindy Stevens, and asked tonight's meeting be adjourned in her honor and memory.

10. ITEMS FROM THE CITY MANAGER

None.

11. ADJOURNMENT

The meeting was adjourned at 9:35 p.m. in honor and memory of Michael Monsoor, a Navy Seal, who had sacrificed his own life to save the lives of his comrades; and, in honor and memory of Cindy Stevens, a long time resident and friend to all. The next meeting of the City Council is scheduled for Monday, March 16, 2009, in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk