

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

REGULAR MEETING – June 15, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, June 15, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Edgar presiding.

ROLL CALL

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

Absent: Council Members: None

Present: Staff: Jeffrey L. Stewart, City Manager
Nita McKay, Assistant City Manager
Dean Derleth, City Attorney
Todd Mattern, Police Chief
Angie Avery, Recreation & Community Services Dir.
Steven Mendoza, Community Development Director
Bill Huber, City Engineer
Windmera Quintanar, Department Secretary

4. PLEDGE & INVOCATION – Council Member Stephens led the Pledge of Allegiance and Mayor Pro Tem Poe gave the Invocation.

5. PRESENTATIONS

A. Presentation of Certificates of Recognition to Rotary “Student of the Month” Winners for February, March, April and May

Mayor Edgar and the City Council presented Certificates of Recognition to Rotary “Student of the Month” Winners.

B. Presentation of Certificates of Recognition to the Los Alamitos High School Girls’ Varsity Lacrosse Team for winning the Division I Girls’ CIF Southern Section Championship

Mayor Edgar and the City Council presented Certificates of Recognition to the Los Alamitos High School Girls’ Varsity Lacrosse Team. The Girls Coach Meredith congratulated the girls and thanked them for their hard work.

C. Presentation of Certificates of Recognition to the Los Alamitos High School Men’s Vocal Group “Xtreme” for Placing First at the All Southern California Show Choir Invitational in San Diego

This item was postponed to a later date to allow additional time to notify the students.

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.

Heather Hagen, JFTB representative, spoke of the following upcoming events: 1) Sunburst Youth Graduation – June 19; 2) Radio/TV Briefing – June 20; 3) RMC Meeting at 3:30 p.m. at the JFTB – June 23; 4) 4th of July Celebration at the JFTB; 5) Welcome Home Ceremony for soldiers in mid-July; 6) Relay for life – July 25 and 26.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES

June 15, 2009.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council approved the Register of Major Expenditures for June 15, 2009, in the amount of \$19,451.15

Roll Call Vote

Council Member Mejia	Aye
Council Member Stephens	Aye
Council Member Zarkos	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.

Council Member Mejia pulled item 8A.
Mayor Pro Tem Poe pulled item 8B.

Motion/Second: Mejia/Poe

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

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

C. Resolution No. 2009-08 – Establish New Part-Time Position Classifications in the City of Los Alamitos Hourly Positions Resolution and Amend Hourly Rate Schedule

This was a request for authorization to establish three new classifications within the hourly employee resolution and adjust the hourly rate schedule to include the new positions.

The City Council adopted Resolution No. 2009-08 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AMENDING THE CITY OF LOS ALAMITOS HOURLY RATE SCHEDULE TO ESTABLISH NEW PART-TIME POSITION CLASSIFICATIONS IN THE ADMINISTRATIVE SERVICES DEPARTMENT, PUBLIC WORKS DEPARTMENT, AND RECREATION AND COMMUNITY SERVICES DEPARTMENT."

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

A. Approval of Minutes

Approve minutes of the Regular Meeting – June 1, 2009.

Council Member Mejia referred to page 7, paragraph 5, and stated she had not recommended fundraising but had suggested the use of City funds to remodel the old finance building for LATV.

Motion/Second: Mejia/Edgar

Carried 4-1 (Mayor Pro Tem Poe abstained): The City Council approved the minutes of the Regular Meeting of June 1, 2009, as amended.

B. Warrants

June 15, 2009.

Mayor Pro Tem Poe referred to page 2, invoice for Adult Computer classes in the amount of \$147.00. She indicated residents had previously volunteered to teach such classes, and felt the City should take advantage of these free services.

Council Member Stephens referred to page 1, invoice for Alamitos Auto Parts in the amount of \$473.91, and asked how often this invoice was paid. City Manager Stewart indicated he would report back at a later date with the information.

Council Member Stephens referred to the Golden State Water invoice and inquired as to the billing period covered. Assistant City Manager McKay indicated it was for a two month period.

Motion/Second: Poe/Mejia

Unanimously Carried: The City Council approved the Warrant Register of June 15, 2009, in the amount of \$78,370.01.

9. DISCUSSION

A. Waste Disposal Agreement with the County of Orange

Orange County Waste Recycling requested cities approval of a new Waste Disposal Agreement. The Agreement would require the City and its hauler to deliver all refuse to the Orange County landfill system for disposal, and increase the rate from \$22.00 to \$29.95 per ton for a 10-year period.

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

Mayor Pro Tem Poe asked why the County had not gone directly to the waste haulers for the fee increase. Community Development Director Mendoza speculated it was because the City had a better relationship with the rate payer than the trash hauler did.

Council Member Zarkos stated the deadline to accept the Agreement was not until July 21, 2009, at which time an additional 10% fee would be added. He made a motion to postpone the item until additional research could be done. Mayor Pro Tem Poe seconded the motion.

Council Member Stephens agreed additional information was needed. He pointed out the cities that have already signed represented 65% of the voting power and only 85% was needed for the Agreement to pass. He stated he did not want to pass additional hardships on to the residents.

City Manager Stewart indicated staff would bring back the item once additional research had been completed.

Council Member Mejia stated the Council had received an informative presentation regarding this issue at the last Council meeting, and opposed postponing the item.

Mayor Edgar felt maintaining a positive relationship with the County of Orange was important but felt additional information was needed. He supported postponing the item.

Motion/Second: Zarkos/Poe

Carried 4-1 (Mejia cast the dissenting vote): The City Council directed staff to complete additional research, and bring back findings regarding the Waste Disposal Agreement.

B. Pool Service and Maintenance Contract

This agenda item was a contract for service and maintenance of the pool and a 5-year snapshot of pool expenditures and revenue.

Recreation and Community Services Director Avery summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Council Member Mejia expressed disappointment that her specific concerns had not been addressed.

Council Member Zarkos inquired about the transfer from the General Fund. Recreation and Community Service Director Avery indicated it was an estimated cost to offset the difference between expenditures and revenues.

Council Member Mejia asked if additional funds would be pulled from the General Fund if revenues from the Race on the Base fell short. City Manager Stewart responded in the affirmative.

Council Member Mejia felt it was important to move forward and requested all staff, including Public Works, track the hours spent on the pool in order to assess the feasibility of maintaining the pool.

Council Member Zarkos asked if it would be prudent to pull additional funds from the General Fund in a proactive approach to potential shortfalls next year. City Manager Stewart responded in the negative.

Council Member Stephens stated he might have a conflict of interest, as he worked for a company that sponsored the pool. City Attorney Derleth stated there was no conflict since there was no monetary gain.

Motion/Second: Poe/Stephens

Carried 4-1 (Mejia cast the dissenting vote): The City Council authorized the City Manager to execute a one-year extension of the pool maintenance contract in an amount not to exceed \$21,000 with Decksides Pool Service for service and maintenance of the pool at the Joint Forces Training Base.

C. Review of Proposed Adjustments to the Fiscal Year 2009-10 Preliminary Operating Budget

This report provided the City Council with a follow-up discussion of the Fiscal Year 2009-10 Proposed Operating Budget, including a listing of all recommended budget adjustments to the originally proposed budget.

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

Council Member Mejia referred to the \$89,000 being transferred from the Garage Fund to the General Fund and stated her concern regarding future ramifications.

City Manager Stewart indicated staff was extending the life of the vehicles, however, if a vehicle broke down there was potential to pull from the General Fund. He further indicated a priority would be to restore the Garage Fund.

Council Member Mejia asked why some of her budget reductions were not included in the budget. City Manager Stewart stated they were not included for lack of Council consensus.

Council Member Stephens asked if using the Garage Fund to balance the budget was a regular practice. City Manager Stewart responded in the affirmative, adding staff did not foresee any vehicular safety issues and adjustments could be made mid-year for vehicle replacement, if necessary.

Mayor Pro Tem Poe stated she was comfortable extending the life of the vehicles because at a previous Council meeting, Master Mechanic Brandyberry had stated the vehicles were high-quality and on a regular maintenance schedule.

Motion/Second: Poe/Stephens

Unanimously carried: The City Council :

1. Reviewed and accepted the Fiscal Year 2009-10 recommended budget adjustments to the originally proposed budget as outlined in the attached list; and,
2. Set formal adoption of the Fiscal Year 2009-10 Budget for June 19, 2009.

D. Approval of Notice of Completion and FY 2008/09 Capital Improvement Program Budget Modification for Ball Road and Bloomfield Avenue Storm Drain Project (CIP No. 06/07-01)

The Ball Road and Bloomfield Avenue Storm Drain Project was completed and complied with the plans and specifications. Due to unforeseen subsurface conditions and utility re-work costs, the final project costs were considerably higher than the original contract. Staff recommended a budget modification to move cancelled Measure M funds from another project to the Ball Road and Bloomfield Avenue project. The budget modification and anticipated utility reimbursements would result in a small project surplus. Staff also recommended the City Council accept the work as complete, accept the project change orders, direct filing the Notice of Completion, and retention release as provided by the Public Contracts Code.

City Engineer Huber summarized the staff report, referring to the information contained therein, and answered questions from the City Council. He submitted a letter from OCTA regarding the I-605/Cerritos Ave. Feasibility Study Project.

Mayor Edgar expressed displeasure with the project being over budget and coming for Council approval after it had been completed.

Council Member Zarkos echoed Mayor Edgar's comment and asked how this had occurred. City Engineer Huber stated unforeseen complications had arisen, making decisions in the field necessary.

City Manager Stewart stated a new Change Order policy would be reviewed in the near future.

Council Member Stephens asked if ownership of the abandoned lines could be determined, and if any costs could be recovered. City Engineer Huber stated additional research would be needed and, if possible, staff would attempt to recoup funds.

Council Member Mejia asked how far along construction had been when they realized additional costs were going to occur, and how much of the project budget had been spent. City Engineer Huber stated the street had been opened when they discovered the problem. He noted 25-30% of the budget had been spent at that point and indicated he would bring a concrete number to Council as soon as possible.

Mayor Pro Tem Poe stated it was unfortunate the project had gone over budget by so much, but did not support taking funds from the I-605 study to cover the costs.

Mayor Edgar spoke on the following: 1) support for approving Certificate of Completion (though he did not agree with the costs); 2) review of the Change Order policy; 3) who had been in control and timing of costs incurred for the project; 4) discussion with All American Asphalt regarding policy; 5) staff correction as needed; 6) informing the City of Cypress of the change orders; 7) opposed using Measure M funds for the project, and directed staff to look into other potential funds; and 8) expressed concern for additional cost to Cypress should Council decide not to use Measure M funds for this project.

City Engineer Huber indicated billing with the City of Cypress had been set up, and the Public Works Director and City Engineer were aware of costs.

Motion/Second: Edgar/Mejia

Carried 4-1 (Council Member Zarkos cast the dissenting vote): The City Council:

1. Accepted as complete the construction contract by All American Asphalt for the Ball Road and Bloomfield Avenue Storm Drain Project; and,
2. Accepted the project change orders in the amount of \$282,827.73; and,
3. Approved allocating \$45,000 from the 2008/09 Residential Street Program project surplus to Ball and Bloomfield Storm Drain project;
4. Directed the City Clerk to record the Notice of Completion with the County Recorder's office;

5. Authorized staff to release the 10% retention, in the amount of \$90,188.69, thirty-five (35) days after recordation of the Notice of Completion;
6. Directed to staff to bring forward a revised Change Order policy; and
7. Directed staff to research if the City of Cypress' Council had been brought Change Orders throughout the project.

The City Council took a 10 minute break.

E. Consideration of a Letter to the Joint Forces Training Base (JFTB) Stating Concerns Regarding the Modification of Truck Routes Serving the JFTB Composting Pilot Program

This item was the consideration and possible action to forward a letter to the JFTB stating the City's concerns regarding plans to modify the truck routes serving the JFTB Pilot Composting Program.

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

The City Council discussed the following concerns:

- Brigadier General Combs' request to remove the cc recipients from the letter
- Stakeholder involvement in the process
- Inclusion of a Council representative on potential committees and procedures for such a project
- Fire Department involvement with the process
- Local Entitlement for Federal Base and tenants
- Compliance with Local, State, and Federal laws
- JFTB budget shortfall for infrastructure
- Truck route from the base
- Purpose of the letter (to formalize discussions with the JFTB and show the City's willingness to work alongside the JFTB)

Mayor Edgar opened the meeting to public comment.

Tony Budolla, OC Professional Firefighters representative, briefed the Council on fire concerns with the landfill, and stated their desire to be included in the procedures. He requested the JFTB consider Federal requirements.

Mayor Edgar closed public comment and invited General Combs to address the Council.

General Combs briefed the Council on the modification of truck routes and the new composting program.

The City Council discussed the following issues:

- OCFA having access to the JFTB
- Amount of material coming in and out of the base
- No more than 12 trucks on route at a time
- JFTB Fire Mediation plan
- Base vs. City's liability for the compost project
- Investigation of potential benefit for diverting green waste from surrounding cities to the JFTB
- Research of weight and traffic restrictions on Lexington
- Diversion of traffic onto Orangewood
- 30% reduction of water consumption

Mayor Edgar supported the letter, and made a motion to approve.

Council Member Mejia asked that her request to remove the cc recipients from the letter be included in the motion.

Mayor Edgar disagreed, adding he felt it was important to keep all dignitaries involved in the process.

Council Member Zarkos supported informing all stakeholders.

Mayor Pro Tem Poe expressed support for voicing the Council and City's desire to be a part of the process, and open the lines of communication.

Motion/Second: Zarkos/Poe

Carried 4-1 (Council Member Mejia cast the dissenting vote): The City Council reviewed and authorized the Mayor to sign the attached letter to Brigadier General James P. Combs.

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.

A. City Council Assignments – Appointments of City Council Members as Representatives to Other Agencies (Administration)

This report provided relevant information for City Council consideration regarding the filling of positions left vacant by the resignation of former Mayor, Dean Grose.

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

Council Member Zarkos expressed interest in the League of California Cities and Los Alamitos/JFTB Ad Hoc Committee appointments.

Council Member Mejia expressed interest in the League of California Cities adding she felt it went hand in hand with her SCAG appointment.

Mayor Pro Tem Poe asked to be appointed Delegate for the Growth Management Area Group No. 2.

The City Council made the following appointments:

4. **West Cities Communications Center
Joint Powers Authority Board**
3rd Tuesday in February, May, August & November – 4:00 p.m.
Representative: Marilyn Poe
Alternate: Ken Stephens

7. **Growth Management Area (GMA) Group No. 2**
Meeting scheduled to be determined
Delegate: Marilyn Poe
Alternate: Dean Zarkos

9. **OCTA – I-405 Policy Working Group**
Meets on an as-needed basis
Representative: Marilyn Poe

11. **Los Alamitos/JFTB Ad Hoc Committee (Enhanced Use Leasing Program)**
Meets on an as-needed basis
Representative: Marilyn Poe
Representative: Gerri Mejia

Mayor Edgar commented the primary role of the League of California Cities Delegate was to participate in voting and that role had traditionally gone to the Mayor; however, he had no preference.

Council Member Mejia offered to step down from the School Working Group if Council Member Zarkos would withdraw his interest in the League of California Cities.

Council Member Zarkos stated he was interested in the Measure K Committee, and felt his legislative background would be useful for the League appointment. He indicated he planned to attend the Annual Conference in San Jose, and would appreciate the opportunity to expand his knowledge.

Mayor Pro Tem Poe offered to step down as Alternate for Council Member Mejia but thought Council Member Zarkos might be better suited as the Delegate, given his background.

Motion/Second: Poe/Stephens

Carried 4-1 (Council Member Mejia cast the dissenting vote): The City Council appointed Council Member Zarkos as the Delegate to the League of California Cities and Council Member Mejia as the Alternate.

Mayor Pro Tem Poe stated the past weeks had been difficult for her due to the passing of Tom Poe and Sharon Berg. She thanked the Council for adjourning in Tom Poe's memory on June 1, 2009, and asked that tonight's meeting be adjourned in honor of Sharon Berg.

Council Member Zarkos stated he would be a speaker at the Los Alamitos High School Graduation at Seacoast Church. He then requested staff bring back a Commission agenda report, specifically the memo listing all open position and applications received to date. He inquired about the work being done on the LATV equipment, and wished everyone a Happy Father's Day.

City Manager Stewart indicated there was no work being done on the LATV equipment and clarified, per Council's direction, an inventory of equipment was taking place.

Council Member Mejia reported attendance at the SCAG conference held in Lake Arrowhead and La Quinta. She welcomed the new Health Fitness business, and congratulated Von's on the completion of their remodel. She requested staff look into an effective way to pass information to the residents, and suggested phone notification. She reported an event being held at the El Dorado Park where veterans were invited to come tell their stories and have them documented for historical purposes.

Council Member Stephens asked if staff had followed up with Mr. and Mrs. Quakenbush's concerns regarding dog leashes. Police Chief Mattern responded in the affirmative. Council Member Stephens went on to caution residents about students now on summer vacation, and urged everyone to be aware of vehicular safety. He encouraged all residents to wear helmets when operating a bicycle, and wished everyone a Happy Father's Day.

Mayor Edgar reported attendance at the following events: 1) OCFA meeting; and, 2) OCSD meeting. He informed Council he was in the process of obtaining the history of Rossmoor/Los Alamitos Sewer District to distribute. He thanked Council for joining him at the fallen soldier ceremonies, and appreciated them being available on such short notice. He then informed Council and residents of the ongoing fundraising efforts by WeCare and St. Isidore for the preservation of St. Isidore Church. He referred to a letter in the weekly memo regarding FEMA and the City's non-response to a recent study, and asked City Manager Stewart to respond. He informed Council he received a letter from the Pastor at Seacoast Church supporting the City's position, and asked staff to send a letter to the Pastor on his behalf. Mayor Edgar expressed interest in sending a letter to OCFA to support the reserve program, and request a specific matrix with a time period for grading.

11. ITEMS FROM THE CITY MANAGER

None.

12. CLOSED SESSION

A. Conference with Labor Negotiator

Agency Negotiators: Jeffrey L. Stewart, City Manager and Dean
Derleth, City Attorney
Employee Organization: Police Officers' Association
Authority: Government Code Section 54957.6

City Council continued this item to a date uncertain.

13. ADJOURNMENT

The meeting was adjourned at 10:50 p.m. in memory and honor of Sharon Berg. The next meeting of the City Council is scheduled for Friday, June 19, 2009, at 3:00 p.m., in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk