

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

REGULAR MEETING – July 6, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, July 6, 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
Dean Derleth, City Attorney
Nita McKay, Assistant City Manager
Todd Mattern, Police Chief
Angie Avery, Recreation & Community Services Dir.
Steven Mendoza, Community Development Director
Bill Huber, City Engineer
Susan C. Vanderpool, City Clerk

4. PLEDGE & INVOCATION – Council Member Mejia led the Pledge of Allegiance and Council Member Zarkos gave the Invocation.

5. PRESENTATIONS

A. Presentation to Brigadier General James P. Combs, on the occasion of his retirement from the Joint Forces Training Base

Mayor Edgar and the City Council presented Brigadier General Combs with a Commendation signed by all Council Members, and a commemorative street sign with his name on it.

B. Presentation to Susan C. Vanderpool, City Clerk, on the occasion of her retirement from the City

Mayor Edgar and the City Council presented City Clerk Vanderpool with a Plaque of Appreciation for her years of service to the City.

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.

Tami Bui, Local Public Affairs Regional Manager for Southern California Edison, gave the 2009 annual report.

Art DeBolt, resident and Stakeholder Representative for the I-405 freeway widening project (separate from the Interconnect project), briefed the Council on

the status of the project and the fact it was not completely funded, as previously thought.

Mayor Pro Tem Poe thanked Mr. DeBolt for his report, and suggested a representative from the Orange County Transportation Authority (OCTA) be invited to give a presentation at an upcoming Council meeting.

Mayor Edgar stated since the City had a group that dealt with the I-405 Interconnect, a letter outlining the City's position should be sent to the representatives of District 2. He asked City Manager Stewart to agendize such a letter for Council consideration at the next meeting.

Mr. DeBolt, resident, spoke about the lack of FIOS capability in Old Town West, and asked Council to contact Verizon and apply pressure for them to finish FIOS throughout the City, as was promised.

Laura Herzog, Relay for Life, urged all to attend the upcoming Relay for Life event to be held at the Joint Forces Training Base on Saturday, July 25.

Heather Hagan, JFTB, spoke of the following upcoming events at the base: 1) in-processing with the Sunburst Youth Academy; 2) Relay for Life – July 25; 2) Military Affairs Committee meeting – July 28, at 3:30 p.m.; 3) New Interim Base Commander; and, 4) Homecoming event for 300 soldiers with the National Guard – Long Beach arrival.

Maria Diaz, Rossmoor resident, stressed the importance of LATV being more diverse in its programming which should include music and the arts rather than just sports. She suggested John Underwood take part in LATV decisions.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES
July 6, 2009.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for July 6, 2009, in the amount of \$484,408.77.

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 Zarkos pulled items 8A1 and 8F.
Council Member Mejia pulled item 8A1.
Council Member Stephens pulled items 8B and 8E.
City Manager Stewart pulled and tabled item 8D, due to conflicting reports on the Pavement Management Plan that needed to be reconciled prior to Council consideration.

Motion/Second: Mejia/Poe

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

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

A. Approval of Minutes

2. Approved the minutes of the Special Meeting of June 19, 2009.

C. Amendment to Professional Services Agreement with City of Brea (Brea IT) for Information Technology Support Services

This was a request to amend the Professional Services Agreement with the City of Brea (BreaIT) to extend the term for information technology support services for one additional year until June 30, 2010.

The City Council authorized the City Manager to execute the Second Amendment to the Professional Services Agreement with City of Brea for Information Technology Support Services in an amount not to exceed \$87,570.

G. Consideration of a One-Year Extension of the Agreement between the City and the Los Alamitos City Employees Association and Approval of Side Letter of Agreement Authorizing an Eleven (11) Day Employee Furlough Program

The Memorandum of Understanding (MOU) between the City and the Los Alamitos City Employees Association (CEA) expired on April 30, 2009. The City and CEA had engaged in negotiations for a successor MOU since January. In recognition of the City's budget constraints anticipated during FY 2009-2010, the City and CEA tentatively agreed to extend the current MOU through June 30, 2010 with no changes in contract language. In addition, the City and CEA have agreed to a Side Letter of Agreement specifying the implementation of an eleven (11) day furlough program. Approval of the MOU, Side Letter Agreement and the proposed furlough program would result in an estimated budget savings of \$68,300.

The City Council:

1. Adopted Resolution No. 2009-09, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO EXTEND A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ALAMITOS AND THE LOS ALAMITOS CITY EMPLOYEES ASSOCIATION THROUGH JUNE 30, 2010"; and,

1. Approved the Side Letter of Agreement authorizing the employee furlough program; and,
2. Authorized the closure of non-public safety City facilities during the "holiday furlough period" between December 24, 2009, and January 3, 2010 (four (4) business days).

H. Resolution No. 2009-12 Revising the Salaries and Benefits Resolution for Non-Represented Employees and Repealing Resolution 2009-01

This report addressed the repeal of Resolution No. 2009-01 and the adoption of Resolution No. 2009-12, in order to extend the Salaries and Benefits Resolution for Non-Represented Employees through June 30, 2010.

The City Council adopted Resolution No. 2009-12, 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. 2009-01"

I. Consideration of a One-Year Extension of the Agreement between the City and the Los Alamitos Police Officers Association

The Memorandum of Understanding (MOU) between the City and the Los Alamitos Police Officers Association (POA) expired on June 30, 2009. The City and POA had engaged in negotiations for a successor MOU. The City and POA tentatively agreed to extend the current MOU for a period of one year through June 30, 2010. Both sides have agreed to continue to meet during the course of the extension to discuss mutually beneficial ways of addressing the City's ongoing budget issues.

The City Council adopted Resolution No. 2009-13, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO EXTEND A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ALAMITOS AND THE LOS ALAMITOS POLICE OFFICERS ASSOCIATION THROUGH JUNE 30, 2010".

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

A. Approval of Minutes

1. Approve minutes of the Regular Meeting – June 15, 2009.

Council Member Zarkos referred to page 3, last paragraph, and asked if staff had done further research on the issue (Waste Disposal Agreement with Orange County), as directed at the previous meeting. City Manager Stewart responded in the affirmative, adding the issue would be placed on the July 20, 2009, agenda.

Council Member Zarkos referred to page 6, the Notice of Completion for the Ball and Bloomfield Storm Drain project, and asked if further discussion on this issue would be included with item 9A on tonight's agenda. City Manager Stewart responded in the affirmative.

Council Member Mejia referred to page 4, last sentence, and asked it be changed to "Council Member Mejia noted her previous request for certain information had not been included in the agenda packet." She then referred to page 7, paragraph 3, and asked that her comments regarding Brigadier General Combs be included.

Motion/Second: Mejia/Edgar

Unanimously carried: The City Council asked staff to make the requested changes, and bring back to the next meeting for approval and adoption.

B. Warrants

July 6, 2009.

Council Member Stephens referred to page 2, and questioned the invoice for the City of Seal Beach in the amount of \$2,557. Police Chief Mattern stated the invoice was for booking fees related to Los Alamitos' arrestees.

Council Member Stephens referred to page 3, and questioned the invoice for Diamond Environmental in the amount of \$2,684.76. Recreation & Community Services Director Avery stated it was the cost of replacing two port-a-potties that had been vandalized.

Council Member Stephens referred to page 5, and questioned the invoice for Hydro-Scape Products in the amount of \$1,292.51 and asked if it was a one-time fee. Community Development Director Mendoza stated this had been purchased in the previous fiscal year to save money.

Council Member Stephens referred to page 11, and questioned the invoice for Stover Seed Company in the amount of \$6,117.19. He expressed concern with a total expenditure of \$10,000 on the McAuliffe field within the last thirty days, and asked if there was any way to track what was being spent on each field and park. City Manager Stewart responded in the affirmative, adding he would get that information back to Council. Council Member Stephens asked City Manager Stewart to track the costs for the last two years.

Motion/Second: Mejia/Stephens

Unanimously carried: The City Council approved the Warrant Register of July 6, 2009, in the amount of \$148,971.74.

E. Award of Contract Lexington Drive Rehabilitation from the Old Railroad Crossing to Cerritos Avenue. (CIP No. 08/09-04)

This report recommended City Council award a construction contract to R.J Noble Company, on the basis of the lowest qualified bid, for the Lexington Drive rehabilitation from the Old Railroad Crossing to Cerritos Avenue.

Council Member Stephens expressed concern with damage to the street created by the flow of water from the racetrack. City Engineer Huber stated he had spoken with the Cypress Water Quality Code Enforcement Officer, who stated he would be meeting with the facilities manager at the racetrack to rectify the issue.

Council Member Stephens commended staff for a successful bidding process that led to a 30.6% reduction in the amount allocated for the project.

Motion/Second: Mejia/Edgar

Unanimously carried: The City Council:

1. Awarded the contract for the Lexington Drive rehabilitation from the Old Railroad Crossing to Cerritos Avenue (CIP No.08/09-04) for the lowest responsible bid to R.J. Noble Company in the amount of \$116,092.50, and rejected all other bids; and,
2. Authorized the Mayor to execute the contract for the project; and,
3. Authorized staff to execute change orders, if necessary, in an amount not to exceed the contingency reserve of \$11,609.00, which is 10% of the original contract amount.

F. Consideration of 2-Hour, 7am-6pm Time Limit Parking Request on the South Side of Katella Avenue East and West of Cherry Street

Mr. Gerald Bertram, property and business owner, at 3700 Katella Avenue, as well as several neighboring businesses requested the City install 2-hour time limit parking on the south side of Katella Avenue east and west of Cherry Street, to provide patron parking currently being lost due to long term parking users. Staff reviewed the request and associated issues, and concurred with the request. The Traffic Commission reviewed the item at its June 10, 2009, meeting and recommended City Council support the requested parking restriction.

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

Mayor Edgar opened the meeting to public comment.

A gentleman from the audience stated some of Dr. Clark's employees parked on the street, and wondered where they would park if the parking restriction was approved.

Council Member Zarkos thought if permit parking was approved in the requested area, it would only move parking to areas in front of other businesses.

City Engineer Huber noted the Traffic Commission had reviewed this issue, and had recommended Council approve permit parking.

Adam Barozy, local business representative, stated he had spoken on this issue at the Traffic Commission meeting, and they thought businesses should be able to designate their parking to customers and employees.

Mr. Bertram, Bertram Insurance, stated customers to other businesses were using his parking, along with hospital employees.

Mayor Pro Tem Poe did not understand why hospital employees were not utilizing hospital parking, as well as the tram provided for their convenience.

Council Member Mejia asked Mr. Bertram if he had attended the meeting at the hospital and, if so, if the parking situation been discussed. Mr. Bertram stated he and his wife had attended several meetings with the hospital, and the administrators had advised a tram system would be instituted while the parking structure was being built – which had been done.

Pat Blancher, resident, expressed support for this permit parking, stressing the importance of accommodating businesses within the City.

Mayor Edgar closed the meeting to public comment.

Council Member Zarkos opposed staff recommendations without further background information. He asked staff to bring this back as a Discussion Item, with additional information that would include the minutes of the Traffic Commission meeting at which this issue had been heard.

Mayor Edgar agreed, adding he would like staff to also include the report that went to the Traffic Commission.

Council Member Mejia stated the basic issue was that hospital employees were using business parking, and it might be better to address this issue after the new hospital parking structure had been completed.

Motion/Second: Edgar/Mejia

Unanimously carried: The City Council directed staff to gather additional information that included the staff report and minutes from the Traffic Commission meeting, and input from the hospital.

9. DISCUSSION ITEMS

A. **Consideration of a Change Order Policy Regarding Public Works Projects Awarded by the City in Accordance with the California Public Works Code**

This report provided a Change Order Policy for City Council consideration.

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

Mayor Edgar opened the meeting to public comment. There being no one present wishing to speak, Mayor Edgar closed the meeting to public comment.

Mayor Edgar did not think the staff report adequately addressed the root cause or problem analysis of the case study (Ball/Bloomfield storm drain project) whereby an additional charge of \$282,000 was incurred as a change order. He felt such analysis was needed in order to create a better change order policy that would ensure similar situations could not occur again.

Council Member Zarkos agreed with Mayor Edgar's comments and concerns.

Council Member Stephens agreed it was important to prevent such situations from happening in the future.

Council Member Mejia thought the proposed Change Order Policy addressed the concerns previously raised. She also thought the City should try to recoup some of the costs, caused by the pipes in the street, from the owners of the pipes.

City Manager Stewart stated the root causes of the Ball/Bloomfield project overage could be attributed to a weak design, late reporting practices and the fact no coring had been done on the streets prior to construction. He stated these problems had been addressed in the proposed Change Order Policy. He stated if owners of the pipes could be identified, staff would invoice them for some of the costs incurred.

Mayor Pro Tem Poe asked for an explanation of "coring". City Manager Stewart stated "coring" was a practice of boring into the ground approximately 3-4 feet to check for potential problems. He stated it was

an inexpensive practice but a good preventative measure that could be worked into future contracts for the City's protection.

Council Member Stephens agreed with identifying the owner(s) of the troublesome pipes in the Ball/Bloomfield project, if possible, and then attempting to recoup some of the City's expenses.

Mayor Edgar stated he was not completely satisfied the proposed Change Order Policy addressed all his concerns, adding more information was needed.

City Engineer Huber explained the unfortunate chain of events regarding the discovery of underground pipes and what had been needed to rectify the situation of an open, trenched street. He stated Cypress had been involved in the weekly construction meetings, and was well aware of the situation, even going so far as to try to identify the owners of the pipes. He noted the contractor had properly reported findings at the site in a timely manner, and the change orders had been approved by him for the sake of safety.

Mayor Edgar thanked City Engineer Huber for his explanation, and stressed the importance of including a more thorough status reporting process in the proposed Change Order Policy.

Council Member Zarkos stated it did not look as if City Engineer Huber had received as many updates on the mounting costs as he should have, and agreed with including better reporting methods in the Change Order Policy to prevent such overages in the future.

Council Member Stephens asked if Cypress had been billed for its share of the costs. City Engineer Huber stated Cypress had been billed once and then sent a revised invoice two weeks ago.

Mayor Pro Tem Poe referred to the proposed Change Order Policy, item 4A, and suggested adding a requirement for weekly update reports. City Manager Stewart clarified such reporting could be required for "non-fixed" change order costs.

City Attorney Derleth suggested providing an upfront limit for "time and material" change orders that would require the contractor to report to staff once that limit had been reached, thereby enabling staff to take the issue back to Council for further consideration and/or approval.

Mayor Edgar asked for City Attorney Derleth's recommendation regarding whether the policy could be changed now or if staff needed to come back with different verbiage. City Attorney Derleth recommended staff bring this back to Council with the addition of the following paragraph, "Time and Material Change Orders. If authorizing time and material change

orders, the City Engineer shall give the contractor a cap at which they must report back, and mandate periodic reporting to staff.”

Motion/Second: Poe/Stephens

Unanimously carried: The City Council directed staff to bring back the proposed Change Order Policy with the City Attorney’s recommended change.

B. Consideration of Fiscal Year 2009-10 Investment Policy

This was a request for City Council consideration for the adoption of the Investment Policy for Fiscal Year 2009-10.

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

Mayor Edgar opened the meeting to public comment. There being no one present wishing to speak, Mayor Edgar closed the meeting to public comment.

Mayor Edgar stated the report included a substantial amount of information, and suggested providing feedback to Assistant City Manager McKay once Council had an opportunity for further review.

Council Member Zarkos agreed, adding more time was needed for review of the information provided.

Council Member Mejia suggested holding a workshop on this issue, so Council could have a better understanding of what it entailed.

Mayor Pro Tem Poe agreed with holding a workshop, and recommended staff provide suggestions of where and how the City could safely invest.

Motion/Second: Edgar/Zarkos

Unanimously carried: The City Council directed staff to calendar a workshop to review the City’s Investment Policy.

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. Update of City Commissions

Council Member Zarkos requested staff bring forward an update on the status of the recruitment for open Commissions. The recruitment period for the Parks, Recreation & Cultural Arts and Planning Commissions

expired July 1, 2009. Staff asked for direction regarding the appointment process.

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

Mayor Pro Tem Poe reminded Council of her previous suggestion of including, for Council consideration, the geographic area in which an applicant resided. She felt this would assist Council in appointing Commissioners to represent all areas of the City.

Council Member Stephens agreed with Mayor Pro Tem Poe's concept of attempting to appoint Commissioners from as many different parts of the City as possible, for a more equal representation.

Council Member Mejia pointed out doing such was "districting", which was not a requirement when electing Council Members and, therefore, should not be a requirement when appointing Commissioners.

Mayor Pro Tem Poe stated she understood Council Member Mejia's point, but was simply suggesting including the area in which an applicant lived so, all things being equal, an individual from a different area of the City could be appointed (for more equal representation). She pointed out the practice had been done during her previous tenure on the Council, and she was merely suggesting it be re-implemented.

Council Member Mejia agreed staff could include the area in which an applicant resided (more for informational purposes than policy).

Motion/Second: Poe/Stephens
Unanimously carried: The City Council:

1. Directed staff to reopen the recruitment for the Parks, Recreation and Cultural Arts Commission; and,
2. Directed staff to arrange interviews of applicants for the next City Council meeting.

Council Member Zarkos referred to an issue raised by a Mr. Roberts regarding work being done in the alleyway behind his business, and asked Community Development Director Mendoza for the status. Mr. Mendoza stated an outreach call had been placed to Mr. Roberts on June 16th, but staff had yet to receive a return call from him. He advised that staff would continue to attempt to contact Mr. Roberts.

Council Member Zarkos thanked staff for researching the weight-limit Ordinance for City streets. He asked City Manager Stewart to agendaize weight-

limit information related to Lexington, for the July 20, 2009, meeting. He went on to refer to information he received regarding a charge of \$65 per hour to a 501(c)(3) for paralyzed veterans to scuba dive at the JFTB, and asked staff to find out why that was done. He also wanted staff to look into the possibility of donating pool time to this group.

City Manager Stewart stated he would meet with Recreation & Community Services Director Avery to ascertain what the needs of the group were, and bring back a report to the next meeting.

Council Member Zarkos advised he had heard Pop Warner football teams were not being charged for the use of City fields, yet the City was charging these paralyzed veterans for the use of the pool. He stated he did not understand where the line was drawn, and who made such decisions.

Council Member Mejia stated she had been involved with Pop Warner Football for the past five years, and knew for a fact the organization paid for field usage.

Council Member Zarkos asked City Manager Stewart to check with Finance to ensure that was true, given the fact he and Council Member Mejia were told different things.

Recreation & Community Services Director Avery interjected that Council Member Mejia was correct when she said Pop Warner Football paid for using City fields, adding the City had no policy for fee waivers for park, field or facility uses. City Manager Stewart stated staff would follow up on this issue.

Council Member Stephens spoke of his attendance at the following: 1) Suburbia 4th of July Parade; and, 2) LATV Ad Hoc meeting. He then advised of an incident on the base whereby a waitress had a cardiac arrest and due to the inefficiency of the emergency system, had died before help arrived. He asked City Manager Stewart to compose a letter of concern regarding the dispatching of emergency personnel with regard to response time.

Mayor Edgar stated he was aware of the situation, and had spoken with Police Chief Mattern over the weekend. He assured Council Member Stephens he would contact and ensure the Orange County Fire Authority (OCFA) understood the City's concerns regarding this type of emergency situation. City Manager Stewart suggested checking with base protocols prior to contacting the OCFA.

Council Member Stephens spoke of his attendance, earlier in the day, at the Swearing In ceremony for newly hired Police Officer, Brad Fernandes.

Mayor Pro Tem Poe spoke of her attendance at the following: 1) Growth Management Area 2 meeting – June 24; 2) Chamber Mixer at the Old Ranch Country Club – June 25; 3) Retirement luncheon of Fire Chief Prather – June 30; 4) Retirement dinner for Brigadier General Combs; 5) Suburbia Parade; 6) Retirement ceremonies for Brigadier General Combs; and 7) Swearing In of newly hired Police Officer, Brad Fernandes. She went on to thank Recreation &

Community Services Director Avery and staff for making the 4th of July Spectacular such a wonderful event. She thanked City employees for assisting the City during these difficult financial times by agreeing to a furlough program.

Mayor Pro Tem Poe noted in the past the Navy had paid for improvements to Lexington (from Katella to the Base), and asked staff to see if such funding was still available. She also asked staff to revisit the permit parking in Old Town West, as she thought it may no longer be necessary now that Cottonwood Christian Center had relocated to Katella. She then referred to the fact that Belmont Shores had received \$11 million dollars in grant money to provide bike lanes, and requested staff look into the possibility of obtaining grant funding for bike lanes on Los Alamitos Boulevard.

Council Member Mejia spoke of her attendance at a SCAG Conference in Lake Arrowhead, where she had been told the City had been awarded a grant from SCAG's Compass Blueprint Program. She suggested staff bring back a report regarding the grant as it related to the possible overlay process recommended by the Planning Commission. She went on to ask City Manager Stewart for an update on a recent letter from an Apartment Row resident regarding a stop sign. City Manager Stewart stated staff had sent a response advising the issue would be agendized for the Traffic Commission meeting this week.

Mayor Edgar spoke of the following: 1) completion of all employee contracts; 2) the need to stabilize City Commissions; 3) the General Plan; 4) Economic planning; 5) meeting with Congressman Royce regarding the JFTB runway improvements; 6) RMC meeting; 7) Sanitation District meeting; 8) Water District meeting; 9) Suburbia parade; and, 10) Swearing In of newly hired Police Officer, Brad Fernandes. He then asked staff to bring back a report regarding the top ten vendors, and a plan to approach them for a reduction in costs charged to the City.

Mayor Pro Tem Poe asked City Manager Stewart for an update on the new payroll system. City Manager Stewart advised the issue had been placed on hold, but was now moving forward.

11. ITEMS FROM THE CITY MANAGER

City Manager Stewart advised that staff was looking into the possibility of hiring an Interim City Clerk on a part-time basis to fill the gap until a permanent replacement could be found.

12. ADJOURNMENT

The meeting was adjourned at 10:30 p.m. The next meeting of the City Council is scheduled for Monday, July 20, 2009, in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk