

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

REGULAR MEETING – July 20, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:00 p.m., Monday, July 20, 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
Mal Richardson, Assistant 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

PLEDGE & INVOCATION – Mayor Edgar led the Pledge of Allegiance and Council Member Stephens gave the Invocation.

5. 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.

Roger Borgee, Chamber representative, spoke of the following upcoming events: 1) Wake Up Breakfast – August 7; 2) Ribbon Cutting for CLS – August 20 at 5:30 p.m.; 3) OC Legislative Mixer – August 21; 4) Conference “Where’s the Money” – August 22; and 5) Wings, Wheels, and Rotors at the JFTB – August 25.

Laura Herzog stated “Relay for Life” would take place this Saturday at 10 a.m. on the JFTB. She encouraged everyone to attend.

Mayor Edgar closed Oral Communications.

6. REGISTER OF MAJOR EXPENDITURES

July 20, 2009.

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for July 20, 2009, in the amount of \$74,160.00.

Roll Call Vote

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

7. 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 7A.

Motion/Second: Mejia/Edgar

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

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

B. Warrants

The City Council approved the Warrant Register of July 20, 2009, in the amount of \$83,496.86.

C. Resolution No. 2009-10 – Modification of the Schedule of Penalties for Parking Violations

Penalties for municipal parking violations are established by the governing body of the local jurisdiction where the violation occurred. Due to an increase in penalty assessments, this report sought to modify the schedule of penalties for parking violations in the City of Los Alamitos.

The City Council adopted Resolution No. 2009-10 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING A SCHEDULE OF PENALTIES FOR MUNICIPAL PARKING VIOLATIONS."

D. DUI Cost Recovery Program - Resolution No. 2009-03

California Government Code Sections 53150 through 53159, provide the authority by which the City of Los Alamitos, as a public agency, can recover costs associated with a police response to those incidents where an impaired driver causes a traffic accident.

The City Council adopted Resolution No. 2009-03, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A DUI EMERGENCY RESPONSE COST RECOVERY PROGRAM FOR INCIDENTS CAUSED BY PERSONS DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS."

E. Alcoholic Beverage Control Grant

The California Department of Alcoholic Beverage Control (ABC) offers a Grant Assistance Program (GAP) to provide funding for local law enforcement agencies to implement programs targeting crime and public nuisance problems associated with alcoholic beverage outlets. The Los Alamitos and Seal Beach Police Departments were selected by ABC to receive this funding.

The City Council received and filed this report.

F. Public Safety Interoperable Communications Grant

The Public Safety Interoperable Communications (PSIC) grant provided funding from the Federal Department of Homeland Security for the purchase of 700 MHz radios for use by the Police Department.

The City Council authorized the Chief of Police to purchase seven (7) 700 MHz Motorola portable radios through the Public Safety Interoperable Communications (PSIC) grant.

G. Temporary Designation of City Clerk Responsibilities to the City Manager - Resolution No. 2009-14

Effective July 17, 2009, the City Council accepted the retirement of Susan C. Vanderpool, City Clerk. Section 2.12.030A of the Municipal Code required the appointment of the City Clerk by Resolution. This Resolution confirmed the appointment of the City Manager as City Clerk.

The City Council adopted Resolution No. 2009-14, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS APPOINTING THE CITY MANAGER AS CITY CLERK OF THE CITY OF LOS ALAMITOS."

H. Consideration of Employment Agreement for Interim City Clerk

Susan C. Vanderpool retired from her position as City Clerk effective July 17, 2009. The City Clerk position provides critical services related to the official business of the City. Staff anticipated a search for a new City Clerk could take as long as six months. In the interim, staff recommended the City Council temporarily authorize the City Manager to execute the official duties of the City Clerk (under a separate item on this agenda), and authorize an Agreement with Ms. C. Darleen Cordova to serve as Interim City Clerk in a part-time capacity. If approved, Ms. Cordova would work as an employee of the City under a modified Employee Agreement.

The City Council authorized the City Manager to execute an Agreement for Interim City Clerk Services with C. Darleen Cordova.

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

A. Approval of Minutes

Approve minutes of the Regular Meeting – July 6, 2009.

Council Member Mejia referred to page 7, last paragraph, and stated she would like her statement to reflect the curbing might not be necessary once the new structure was complete.

Council Member Mejia then referred to page 13, paragraph 3, and asked the minutes to reflect her attendance at the SCAG conference was at no cost to the City.

Lastly, Council Member Mejia referred to page 11, paragraph 5, and stated she would like her comments to reflect she was opposed to districting because she felt it might discourage applicants from applying.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council approved the minutes of the Regular Meeting of July 6, 2009, as amended.

8. DISCUSSION ITEMS

A. Consideration of 2-Hour, 7 a.m. – 6 p.m. Time Limit Parking Request on the South Side of Katella Avenue East and West of Cherry Street (Gerald Bertram)

This item was reviewed by the City Council at its July 6, 2009, meeting. At that time, City Council requested staff to provide the minutes and staff report from the Traffic Commission meeting of June 10, 2009, and further information regarding the hospital plans for a future parking structure.

Mr. Gerald Bertram, property and business owner, at 3700 Katella Avenue, and several neighboring business owners 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 concurs with the request. The Traffic Commission reviewed the item at its June 10, 2009, meeting and recommended City Council support of the requested parking restriction.

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

Council Member Zarkos asked if the new hospital parking lot would be for employees only. City Engineer Huber answered in the affirmative, adding it would not relieve the current parking issue.

Mayor Edgar asked if staff supported the conclusion that this parking issue was caused by repeat offenders. City Engineer Huber answered in the affirmative.

Mayor Edgar opened the meeting to the public.

Gerald Bertram stated he was certain the repeat offenders were from the hospital and added the purpose for his request was to ensure adequate parking. He stated parking had only become an issue in the years following the completion of the three-story hospital building.

Council Member Zarkos asked if Mr. Bertram felt the 2-hour limit would impact the residential neighborhood. Mr. Bertram answered in the negative.

Nick Zamboni, business owner, stated support for a 2-hour time limit, but requested special consideration for his construction vehicles while his unit was being remodeled. City Engineer Huber stated such consideration could be arranged.

Peter xxxx, business owner, stated support for the 2-hour time limit.

David Tran, business owner, also stated support for the 2-hour time limit, adding car alarms were frequently being set off and no one would come to reset them. He expressed concern for safety as it was difficult to maneuver in and out of his parking lot.

Mayor Edgar asked if parking lot safety had been looked into. City Engineer Huber answered in the negative, adding the issue had not been previously raised.

Mayor Edgar asked what noise laws were in place regarding car alarms. Chief Mattern stated the vehicle code allowed for removal of the car if the alarm sounded for 45 minutes.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council:

1. Approved Resolution No. 2009-11, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ESTABLISHING 2-HOUR PARKING, 7AM TO 6PM - KATELLA AVENUE, APPROXIMATELY 190 FEET WEST OF CHERRY STREET TO 200 FEET EAST OF CHERRY STREET."; and,
2. Directed staff to work with Mr. Tran to address the safety issue for traffic coming in and out of the parking lot.

B. Consideration of a 10-Year Agreement between the City of Los Alamitos and the County of Orange Recycling Waste Disposal

Orange County Waste Recycling requested cities consider 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 Edgar opened the meeting to the public. There being no one present wishing to speak, Mayor Edgar closed the meeting to the public.

Council Member Mejia stated support for the agreement and added diverting green waste to the Base would lower the City's carbon footprint. She asked if staff has had discussions regarding this issue with the Base. City Manager Stewart answered in the negative. Council Member Mejia requested staff start such dialogue.

Mayor Pro Tem Poe stated her support for the agreement and added this contract would not affect the agreement with Consolidated Disposal. She felt it would be to the City's benefit to move forward.

Council Member Stephens stated the rate of \$29.95 per ton was far below the surrounding city and county rates. He stated support for the agreement.

Council Member Zarkos asked staff if this was the best financial agreement for the City. City Manager Stewart and Community Development Director Mendoza answered in the affirmative. Council Member Zarkos stated his support for the agreement.

Motion/Second: Mejia/Poe

Unanimously carried: The City Council:

1. Reviewed and discussed the Waste Recycling Agreement; and,
2. Directed the Mayor to Execute the Waste Recycling Agreement with the County of Orange.

C. Consideration of a Letter to the Orange County Transportation Authority Requesting Clarification of Expenditures of Measure M Funds

During the July 6, 2009, City Council meeting, the Council heard a presentation by the City's representative on the Stakeholders Working Group for the I-405 Improvement Project. In a follow-up action to those comments, the City Council requested staff to prepare a letter to the

OCTA stating the Council's concerns about specific components of the project and the expenditure of Measure M funds.

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

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

Motion/Second: Poe/Mejia

Unanimously carried: The City Council approved the proposed letter to the OCTA.

D. Consideration of an Analysis of Truck Weight Limits on Lexington Drive

An analysis of Lexington Drive weight limits was requested by Council during the July 6, 2009, Council meeting.

Community Development Director Mendoza summarized the staff report referring to the information contained therein and answered questions from the City Council.

Council Member Zarkos stated his concern regarding the composting project on the Base, specifically the safety issue related to fire. He expressed disappointment that the City's issues had not been adequately addressed and did not approve of the project expanding. He expressed concern regarding a conversation he had with a senior staff member of Brigadier General Combs' office, and felt the only tool the City had was to enforce the weight restrictions on Lexington until the Base addressed the City's concerns.

City Manager Stewart confirmed Council Member Zarkos' direction was to enforce weight limits on South Lexington for non-military vehicles. Council Member Zarkos answered in the affirmative and added staff should continue discussions with the Base.

Council Member Mejia made the following points: 1) the last compost fire was in 1994; 2) the Base had two wells on site for fire emergencies; 3) she was surprised to hear the project was expanding; 4) the project decreased water consumption by 30%; 5) the project met both NEPA and CEQA regulations; 6) project was a pilot program; 7) the Base had Federal jurisdiction but was doing its best to work with surrounding cities; 8) the trucks coming in and out of the Base were necessary to maintain the Base's infrastructure; and, 9) she was not concerned with 12 additional trucks compared to the everyday traffic on Lexington. She opposed enforcing any restriction on Lexington.

Council Member Stephens stated his support for maintaining the Base. He expressed concern for the infrastructure of Lexington and asked what the original purpose for the street was. City Engineer Huber stated there should be a Traffic Index for Lexington and staff would look into such.

Council Member Stephens stated his concern for the sustainability of the street for the next five years and pedestrian safety. He asked staff if the Lexington improvements would hold up under the increased truck loads. City Engineer Huber answered in the affirmative, adding the project would have a heavy Traffic Index.

Mayor Pro Tem Poe stated the composting project was small now but she had also heard talk about expanding. She stated Council was aware the Base was not within the City's jurisdiction and expressed disappointment that Los Alamitos was not contacted about green waste. She asked staff if the City had an agreement with the Naval Base for Lexington maintenance. Community Development Director Mendoza answered in the negative.

Mayor Edgar stated support for the enforcement of City regulations and added it was the only tool the City had to try and slow down the project so dialogue with the Base could begin. He asked staff if a response to the City's letter had been received. City Manager Stewart answered in the negative.

Mayor Edgar reiterated support for weight limit enforcement, adding trash franchise fees helped to cover the cost of street maintenance and there were no such fees for the composting trucks that were well over the street's weight limit.

Mayor Edgar opened the meeting to the public.

Captain Harry Chang, JFTB representative, commented on the following concerns brought up by Council:

- The compost pile would not grow during the 5-year pilot program.
- The Base had 10,000 gallons of water on site for fire emergencies, which could be handled by their onsite Fire Department.
- The compost piles were regularly inspected by OCFA and are well regulated.
- No conclusions can be made about the benefits of bringing other city's green waste until the end of the 5-year pilot program.
- The project does not fall under CEQA and NEPA regulations because of its small size.
- The Base does its best to work with the surrounding community; however, if the City opposes, the Base, as a Federal enclave, will act as it sees fit.
- Twelve trucks a day on Lexington is only a small percentage of current traffic.

- Enforcing weight restrictions on Lexington will affect the non-profit outreach programs housed on the Base

Council Member Stephens reiterated he was not concerned with military vehicles on the Base. His concerns were: 1) safety; 2) wear and tear on Lexington; and, 3) 12 additional trucks a day did not cover the trucks coming out of the Base.

Captain Chang stated all the vehicles coming in and out of the Base were non-profit. Council Member Stephens asked if that included Rainbow. Captain Chang answered in the affirmative.

Captain Chang stated the Base was interested in engaging cities and had tried to do so through the Regional Military Affairs Committee (RMAC).

Council Member Mejia asked staff if there were any safety issues regarding truck traffic on Lexington. Chief Mattern stated from his recollection there was no history of traffic accidents.

Council Member Mejia stated she felt the lack of response from the Base was due to the detailed report that needed to be generated since the Council had voted to include the carbon copy list on the request letter. She stated the City needed to work with the Base and felt a negative environment would be created by enforcing weight restrictions on Lexington.

Mayor Edgar asked Captain Chang what was being tested during the five-year pilot program. Captain Chang stated the interest and the relationship with cities was being tested.

Mayor Edgar stated water was not the main course of action should a fire break out among the compost piles. The main course is to tear apart the piles and Mayor Edgar did not feel the Base had such equipment readily available. Mayor Edgar stated he did not see a benefit for the City by bringing in surrounding cities green waste at no cost and was concerned about street maintenance.

Captain Chang stated some benefits included: Aggreman had agreed to redo the Base's landscape; 50% reduction in water use; bring Base emissions close to zero; and cost savings would reduce expenditures.

Mayor Edgar stated Council needed to evaluate the process based on potential benefit. He encouraged Captain Chang to have an open relationship with the City, adding the RMAC was not an official body of the City and further requested all information be forwarded to the City Manager.

Mayor Edgar acknowledged the Base was a Federal enclave and stated a working relationship would be beneficial to both parties. He reiterated the

Council wanted to have an open dialogue with the Base and felt the compost project needed to slow down so the long-term effects on the community could be assessed.

Motion/Second: Edgar/Mejia
Unanimously carried: The City Council:

1. Received and filed the report; and,
2. Directed staff to bring back a report addressing exemptions to the weight limits, including allowable structures, and Council concerns.

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

City Council reviewed the proposed Change Order Policy at its July 6, 2009, meeting and provided comment and recommendation for policy revisions. This report provides a revised Change Order Policy for City Council consideration and adoption.

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

Council Member Zarkos opposed City Engineer Huber taking full responsibility for the situation.

Council Member Mejia agreed and added Council needed to shoulder some of the responsibility as well, since they had been notified on four different occasions.

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

Motion/Second: Edgar/Poe
Unanimously carried: The City Council adopted the proposed Change Order Policy.

**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.

Mayor Pro Tem Poe reported attendance at the following events: 1) the Museum's Honored Citizen Day – July 2; 2) CJPIA yearly meeting; 3) City/School District Working Group meeting – July 16; and, 4) City Clerk Susan Vanderpool's retirement celebration – July 17. She cautioned residents regarding leaving

children and pets in the car during the heat and reminded everyone about water safety.

Council Member Zarkos stated Council had interviewed candidates for the Planning and Parks, Recreation, and Cultural Arts Commissions, and had several great candidates. He thanked everyone for applying.

Council Member Mejia congratulated Chief Mattern on being awarded the ABC grant and asked him to give a brief explanation. Chief Mattern stated it was a partnership with the City of Seal Beach that would allow them to strategize public awareness for underage drinking.

Council Member Mejia stated she had received a letter from SCAG offering a 10% waiver of dues and suggested Council decline the offer. She reported she would be attempting to attend future RMAC meetings and thanked all Commission applicants for applying. She then asked the status of Council Member Zarkos request for documentation of Pop Warner's payment of fees. City Manager Stewart responded staff was in the process of completing the request.

Council Member Stephens thanked all the Commission applicants who applied and reported attendance at the LATV Ad Hoc Committee meeting. He then thanked Recreation and Community Services Director Avery for the exceptional park programs this summer.

Mayor Edgar reported attendance at the following events: 1) the Museums' Honored Citizen's Day – July 12; and 2) the Welcome Home for Soldiers at Long Beach. He then commented on the great effort of PAC for the Future that donated 500 backpacks to children of soldiers.

Mayor Pro Tem Poe stated PAC for the Future had received enough in contributions this year to complete the 500 backpacks without fundraising efforts. She added each backpack included school supplies, a teddy bear, and a hand-written note.

Mayor Edgar asked staff to comment on the award of SCAG Compass Blueprint Grant. Community Development Director Mendoza stated the grant would take 98% of future growth and place it into 2% of the land area to increase density, transportation hub, etc. The City would have no financial obligation and would be receiving \$80,000-\$100,000 in consulting services.

Mayor Edgar stated he had received a lot of good information regarding the heart attack incident on the Base but was still unclear on policy.

Council Member Stephens indicated he would like the policy clarified and thought it might be prudent to establish an agreement between the Base and OCFA for emergency services. He added the City of Seal Beach had a Mutual Aid agreement with the Base and reiterated the City's need to establish an official protocol.

Mayor Edgar directed staff to bring back protocol for emergency response on the Base in mid-August. He stated he attended City Clerk Vanderpool's retirement celebration and thanked the LATV Ad Hoc Committee members for their teamwork.

10. ITEMS FROM THE CITY MANAGER

None.

11. ADJOURNMENT

The meeting was adjourned at 9:40 p.m. The next meeting of the City Council is scheduled for Monday, August 3, 2009, in the City Council Chambers.

Troy Edgar, Mayor

ATTEST:

Jeffrey L. Stewart, City Clerk