

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

THESE MINUTES ISSUED FOR
INFORMATION ONLY AND ARE
SUBJECT TO AMENDMENT AND
APPROVAL AT NEXT MEETING.

REGULAR MEETING – September 21, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:02 p.m., Monday, September 21, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Edgar presiding.

ROLL CALL

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

Absent: Council Members: Mejia

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
C. Darleen Cordova, Interim City Clerk

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

5. PRESENTATIONS

A. Presentation by Becky Esparza, Orange County Human Relations Commission, on its Annual Report

Becky Esparza discussed the role of the Orange County Human Relations Commission in the County and provided statistics on services provided to the City of Los Alamitos during the last year. The City Council was given a copy of the Commission's Annual Report for 2008-09. Mrs. Esparza presented Mayor Edgar with a Certificate of Recognition for the City's past support.

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.

Pete Carvajal, Chair, provided a brief overview of the first meeting of the working group for the Los Alamitos 50th Celebration. Plans include some type of a parade, carnival, formal dinner, traveling historical exhibit in conjunction with the Museum, and a marketing component at the Wings, Wheels and Rotors event.

Art DeBolt, resident, felt that this is not the time for hasty decisions based on limited information, impacting the future long-term economic development and fiscal well-being of the City. He quoted from the Brown Act and again urged consideration of a temporary moratorium on medical uses. He explained that he tried unsuccessfully to bring this up twice before the Planning Commission and felt he did not circumvent any procedures in bringing the issue to the Council's attention.

Jody Shloss, resident, explained her actions regarding the Melting Pot and Davita project, and the CVS drive-thru while she served on the Planning Commission. Ms Shloss discussed actions taken at Planning Commission meetings and study sessions.

Cynthia Mayfield, American Legion Auxiliary, invited everyone to their Oktoberfest fundraiser on October 10. They will be supporting St. Isidore Plaza and a unit at the Joint Forces Training Base (JFTB).

Laura Herzog, provided an update on JFTB events, including the RMAC meeting, the Survive & Thrive 5K Run/Walk and the Wings, Wheels, Rotors & Expo.

Heather Hagan, Cypress College student, announced dates of the theatre's upcoming "Seussical, the Musical" (Cat in the Hat) performances.

Ed Bremel, resident, questioned the meeting attendance of Ken Parker, the City's Orange County Vector Control representative; the need for corrective action regarding the flood control channel behind his home; theft of his mail; the traffic in Old Dutch Haven; and the poor repair work done on his sidewalk. He stated that he is pleased with the City Council.

Mayor Edgar requested an update on the Orange County Vector Control. The City Manager will get information back to the City Council.

JM Ivler, resident, wished everyone a Happy Jewish New Year, and responded to comments the Mayor made at the last meeting regarding Mr. Ivler's volunteer service. Mr. Ivler discussed his "Pop Warner time", his service on the Board of a "green" non-profit, and a product based on his patent that will help youth advance as much as one year in math.

Mayor Edgar closed Oral Communications.

7. REGISTER OF MAJOR EXPENDITURES September 21, 2009.

Motion/Second: Poe/Zarkos

Unanimously carried: The City Council approved the Register of Major Expenditures for September 21, 2009, in the amount of \$79,814.93.

Roll Call Vote

Council Member Mejia

Absent

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| 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 8B and 8E.
 Council Member Stephens pulled Item 8B and 8D.

Motion/Second: Poe/Edgar

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

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

A. Approval of Minutes

1. Approved minutes of the Regular Meeting – July 20, 2009.
2. Approved minutes of the Regular Meeting – September 8, 2009.

C. Carryover Funds from Fiscal Year 2008-09 to Fiscal Year 2009-10

This report details appropriations for projects that were not complete at June 30, 2009 and seeks City Council approval to carryover the appropriations from Fiscal Year 2008-09 to Fiscal Year 2009-10.

Approved the Fiscal Year 2008-09 carryover of appropriations to Fiscal Year 2009-10 as detailed in Attachment 1 of the report.

F. Fiscal Year 2009-10 Investment Policy

This report seeks City Council consideration for the adoption of the Investment Policy for Fiscal Year 2009-10.

City Council adopted the Investment Policy for Fiscal Year 2009-10.

G. Consideration of Resolution Approving Amended Joint Powers Agreement, including Bylaws, for the Orange County Council of Governments (OCCOG), which Redefines Board Membership, Voting Provisions, Dues and other OCCOG Operational Issues

The Orange County Council of Governments (OCCOG) is requesting cities to consider the amended and restated Joint Powers Agreement. Adoption of this Resolution would commit the City to annual dues at a cost currently of \$2,187.44. This item was held over from the September 8, 2009 meeting to respond to questions of Council.

1. Adopted Resolution No. 2009-17, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AN AMENDED AND RESTATED

ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG)
JOINT POWERS AGREEMENT; and,

2. Authorized the Mayor to execute the amended and restated Joint Powers Agreement and transmit the signed OCCOG Joint Powers Agreement to the OCCOG Interim Executive Director.

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

8. B. Warrants

Council Member Zarkos questioned staff on page 1, the payments to the Cities of Los Altos, Brea, and Newport Beach.

City Manager Stewart explained that the payment for Brea was a monthly charge for Brea IT, and the payment to Los Altos was to correct a miscoded utility users tax erroneously sent here, which should have been sent to Los Altos.

Police Chief Mattern explained that the Newport Beach payment was for the Integrated Law and Justice Agency in which we participate.

Council Member Stephens questioned staff on page 1, the Aslan Group for Lexington improvements, and on page 3, KFM Engineering.

City Engineer Huber explained that the KFM Engineering payment was for a late billing for completion of the design work, and the Aslan Group did construction management services.

Council Member Stephens questioned staff on page 5, gratuities for an excursion.

Recreation & Community Services Director Avery explained that a \$50 standard gratuity, per bus full, is paid to the bus driver for senior excursions.

Motion/Second: Zarkos/Stephens

Unanimously carried: The City Council approved the Warrant Register of September 21, 2009 in the amount of \$75,719.50.

D. Disposal of Surplus Computer Equipment

This report will declare computer equipment as surplus property, allowing the City to sell or donate this equipment.

Council Member Stephens asked how the public is informed about the availability of surplus equipment.

City Manager Stewart indicated that 501c 3's in the City are provided with a list of the surplus equipment. The remaining equipment is "surplused" out. Interested non-profits can contact the City Manager's Office.

Motion/Second: Zarkos/Poe

Unanimously carried: Declared the listed computer equipment as surplus, and authorized its disposal in accordance with the Los Alamitos Municipal Code.

E. Approval of Professional Services Agreement with Kreuzer Consulting Group for Design Services for Four Capital Improvement Projects

In August 2009, staff solicited proposals from qualified firms to provide engineering design services to prepare plans and specifications for four capital improvement projects. The projects: Citywide Concrete Repairs; Curb Return Improvements at Cerritos Avenue and Humboldt Street; Walnut Street Curb and Gutter Replacement, and Corporate Center Drive and Calle Lee Street Rehabilitation. Due to the small size and similar nature of these projects, it was prudent to combine them. Upon review of the proposals, staff is recommending Kreuzer Consulting Group be awarded the design contract for a total of \$52,170.

Council Member Zarkos questioned staff on the semantics ("design", "engineering") used.

City Engineer Huber explained that in some cases real "design" work is not needed, just preparing specifications and noting the locations.

Motion/Second: Poe/Zarkos

Unanimously carried: Authorized the City Manager to approve a Professional Services Agreement with Kreuzer Consulting Group in the amount of \$52,170.00, to provide Engineering services for Citywide Concrete Repairs; Curb Return Improvements at Cerritos Avenue and Humboldt Street; Walnut Street Curb and Gutter Replacement; and, Corporate Center Drive and Calle Lee Street Rehabilitation.

Mayor Edgar talked about the Consent Calendar process. His objective is that the Consent Calendar contain items that are the least controversial and don't require discussion.

9. ORDINANCES

A. Second Reading of Ordinance No. 09-16 - Establishing a Floodplain Management Ordinance

At its regular meeting of September 8, 2009, the City Council conducted a first reading of Ordinance No. 09-16, establishing a Floodplain Management Ordinance.

The City Engineer summarized the staff report, referred to the information contained therein, and answered questions from the City Council. Mr. Huber noted that there was an error (2009-16) in the number of the ordinance when it was introduced.

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

The City Attorney commented that the City Council previously waived further reading of the Ordinance.

Motion/Second: Poe/Zarkos

Unanimously carried: Adoption of Ordinance No. 09-16, second reading of an ordinance entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING SECTION 15.16 OF THE LOS ALAMITOS MUNICIPAL CODE TITLED "FLOODPLAIN MANAGEMENT ORDINANCE".

Roll Call Vote

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

B. Urgency Ordinance No. 09-06 – Extension of Time Limits for Temporary Banners

Consider Urgency Ordinance No. 09-06 extending the time limit for businesses to display banners until January 18, 2010.

Community Development Director Mendoza summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He indicated that an update of the success of this Ordinance will be provided at the January 18, 2010 meeting, along with feedback from the businesses. There is no fiscal impact to the City and will require minimal staff time.

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

Council Member Zarkos clarified that we are only extending the existing timeframes for approved banners. He noted that Council had received a letter today from a citizen against the extension of this.

Council Member Stephens also commented that this is just an extension of an existing ordinance. He wanted to let non-profit organizations know

that they can have banners for up to a 30-day period on public property. It is a good way for non-profits to get information out to the community.

Community Development Director Mendoza explained that there is a lot of “perceived” public property but the Recreation & Community Services Director has the authority to approve banners only for the City’s public property and referred non-profits to her.

Council Member Zarkos questioned staff on prohibitions of blocking existing signage with banners.

Mr. Mendoza explained that businesses usually don’t do that because they want maximum exposure. They usually want to accent or supplement their existing signage. Staff would try not to approve banners that would block a sign in front of a shopping center. Applications are free of charge.

Mayor Edgar commended staff and Council for their efforts. He also commented that this is a temporary measure and we need to try and work with the businesses to increase revenue and help pay for City services. Mayor Edgar felt we should show staff, which is taking furloughs to reduce salary, that the Council is also willing to make some exceptions on the revenue side, in the same way that staff has taken steps in reducing expenditures.

Motion/Second: Zarkos/Poe

Unanimously carried: Introduced by title only, waived further reading, (Interim City Clerk read the title) and adopted Urgency Ordinance No. 09-06, entitled, “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TEMPORARILY SUSPENDING THE TIME LIMIT FOR THE DISPLAY OF TEMPORARY SIGNS AND BANNERS.”

Roll Call Vote

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

10. DISCUSSION ITEMS

A. Response to Orange County Grand Jury Regarding its Final Report “Paper Water – Does Orange County Have a Reliable Future?”

On June 15, 2009, the Grand Jury approved a final report named “Paper Water – Does Orange County Have a Reliable Future?”

City Manager Stewart summarized the staff report, referred to the information contained therein, and answered questions from the City Council. Staff attempted to respond to a series of questions and formalize

the City's practices and policies regarding water and not wade too deeply into more philosophic questions, that might be more County-wide.

Council Member Zarkos asked if the City Attorney had reviewed the response. The City Manager replied in the negative. City Attorney Derleth commented that items from a civil Grand Jury are usually within the purview of staff to be able to understand the requests and craft proposed responses. He did not believe the City had "legal risks" associated with this that would mandate he be involved in the process, but thought it was a policy decision for Council and staff.

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 Pro Tem Poe commented on the report. She felt that the majority of people understand that water is a valuable commodity and that we don't have enough of it due to lack of rain. The report tells us what we already know but the reality is, "Do people understand that we don't have enough water?" South County has a lot of areas to build but if they build, water is needed to support that new development. We are a built-out City and any building we do is usually for replacement.

Mayor Edgar explained that at the end of this process, a letter goes back to the Grand Jury. This is a communication process and is posted on the City's website. When the Grand Jury puts out a report, the City has to respond. The Mayor commented that there were portions of the draft letter where we have made determinations on areas that don't affect us: F.3, LAFCO (felt we should remove or stay neutral); and F.4 (a) and (b), water supplies.

Mayor Pro Tem Poe said she appreciated the discussion and the opportunity to hear other viewpoints.

Motion/Second: Edgar/Poe
Unanimously carried:

1. Directed staff to amend the response contained in the draft letter regarding the Grand Jury's 2008-09 final report entitled, "Paper Water – Does Orange County Have a Reliable Future?"; and,
2. Authorized a brief review of the final draft by the City Attorney prior to staff bringing the letter back to the City Council.

11. 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 Zarkos said he was honored to be selected as the City's voting representative to the California League of Cities' Annual Conference and highlighted Conference activities, the resolutions under consideration, and the voting. He explained how one resolution was removed, two resolutions added, and that the Consent Calendar contained three resolutions. Since Council's direction was to vote "No" on the original two resolutions, he voted against the items on the Consent Calendar.

Council Member Zarkos asked the City Manager about the securitization of funds and if we would be discussing this later. The City Manager indicated that we are waiting for clean-up legislation. Staff is trying to determine whether or not it would help the City. The interest rate that the State would pay has not been set yet. Mr. Stewart hoped to bring this item back to the Council in October as soon as details are out.

Council Member Zarkos reported that he had attended several stakeholder meetings. There will be a final meeting Thursday night on the draft water usage ordinance. We should have the final versions of both ordinances by the end of this week.

Mayor Edgar commended Council Member Zarkos but indicated that since he was our voting representative, he could have voted differently, based on new data, if he thought it was best for the City.

Council Member Stephens thanked Council Member Zarkos for holding the line on the vote, no matter what.

Council Member Stephens reported on his attendance at recent meetings and events, including the fundraiser at St. Isidore Plaza. He thanked Council Member Zarkos for keeping expenditures down, by paying his own expenses in San Jose at the League Conference.

Mayor Pro Tem Poe also thanked Council Member Zarkos, and reported that since he was new on the Council, he had never been to a League of California Cities' Annual Conference before.

Mayor Pro Tem Poe reported on her attendance at recent meetings and events including the great fiesta at St. Isidore Plaza; the grand opening of Green Street Interiors; the 9-11 ceremony at our fire station; and the 50th birthday committee meeting. She also announced upcoming events: the opening of a satellite of the Lestonnac Free Medical Clinic, supported by organizations in Partnership for

Solutions; and Saturday evening's fundraising concert for St. Isidore Plaza at Good Shepherd Presbyterian Church.

Mayor Pro Tem Poe responded to comments made by Art DeBolt under Oral Communications regarding discussions about the hospital, moratorium, and the Brown Act. She stated that she never made any statements from the dais about her support or non-support of the hospital and any plans they have. Mayor Pro Tem Poe also noted that she was absent from the meeting when the moratorium first came up.

Mayor Edgar reported on his attendance at recent meetings and events, including the first Mayors Meeting comprised of the Mayors and City Managers of Los Alamitos, Cypress and Seal Beach on September 10, at Cypress City Hall, to discuss how we can assist the Joint Forces Training Base, specifically on some joint legislative actions. He also had an opportunity to attend the League of California Cities Board installation; the grand opening of Green Street Interiors; the 9-11 ceremony; the Police Academy graduation (of Kendra Gora) at Orange Coast College and her swearing in ceremony; Friday Night Lights kick off; the Rivers and Mountains Board Conservancy meeting in Brea regarding the extension for the Coyote Creek project; and the St. Isidore Plaza Fiesta.

The Mayor suggested that our new Police Officer be introduced formally to the community at the next Council meeting.

12. ITEMS FROM THE CITY MANAGER

None.

13. ADJOURNMENT

The meeting was adjourned at 8:24 p.m. The next meeting of the City Council is scheduled for Monday, October 5, 2009, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Jeffrey L. Stewart, City Clerk