

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

REGULAR MEETING – October 19, 2009

CALL TO ORDER

The City Council met in Regular Session at 7:01 p.m., Monday, October 19, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Edgar presiding.

ROLL CALL

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

Absent: Council Members: Poe

Present: Staff: Jeffrey L. Stewart, City Manager
Sandra Levin, Interim City Attorney
Nita McKay, Assistant City Manager
Angie Avery, Recreation & Community Services Dir.
Steven Mendoza, Community Development Director
Bruce McAlpine, Police Captain
Bill Huber, City Engineer
C. Darleen Cordova, Interim City Clerk

PLEDGE & INVOCATION – Council Member Stephens led the Pledge of Allegiance and Council Member Mejia 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.

Mayor Edgar introduced the Orange County Fire Authority's new Chief Keith Richter who explained why he had a bizarre haircut. Last week, the OCFA had a Shave O'Rama as a fundraiser which raised \$25,000 for a manager who has cancer. The Chief looked forward to working with the City and getting to know the staff and City Council. If he can do anything to assist the City, he encouraged the Council to contact him or his staff.

Mayor Edgar commented that we are very proud of our Station No. 2 and its staff, and the Battalion Chiefs who attend our meetings.

Laura Herzog, Joint Forces Training Base, reported on the California National Guard's allocation of \$1 million for repairs to the runway and other efforts to obtain additional funding through Congressman Royce's Office and Homeland Security. She also announced upcoming events at the Base, including Wings, Wheels and Rotors, the RMAC meeting, Halloween Costume Party, a Veterans' Day Salute, and the Las Vegas Night.

Mayor Edgar asked about the recent arrival at Long Beach Airport of some veterans returning from Iraq. Ms. Herzog said it was not a return of any of our soldiers.

Pat Blancher, Los Alamitos resident, thanked the Council for the wonderful job it is doing. She commented that some residents from other cities who attended the last meeting were grateful to be heard. The City is setting a good example. Ms Blancher was angry that the State is "raiding" the cities.

Tom Rothwell, Los Alamitos resident, expressed his appreciation for the accomplishments that the City has worked out with General Harrel in protecting our community.

Mayor Edgar closed Oral Communications.

6. REGISTER OF MAJOR EXPENDITURES

October 19, 2009.

Motion/Second: Mejia/Stephens

Unanimously carried: The City Council approved the Register of Major Expenditures for October 19, 2009, in the amount of \$96,182.99.

Roll Call Vote

Council Member Mejia	Aye
Council Member Stephens	Aye
Council Member Zarkos	Aye
Mayor Pro Tem Poe	Absent
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 requested Item #7A2 be pulled.

Motion/Second: Mejia/Edgar

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

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

A. Approval of Minutes

1. Approved minutes of the Special Meeting – October 5, 2009.

B. Warrants

The City Council approved the Warrant Register of October 19, 2009, in the amount of \$55,994.67.

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

A. Approval of Minutes

2. Approve minutes of the Regular Meeting – October 5, 2009.

Council Member Mejia requested additional comments she made be included on page 3, in the last two paragraphs, and on page 9, the fourth paragraph. She just wanted to add more specifics of what she said.

Council Member Zarkos wanted to clarify if something was not reflected accurately in the minutes.

Council Member Mejia reported that in the past she was told by the City Attorney that she could review the tapes as to her comments and request additions.

Motion/Second: Edgar/Zarkos

Unanimously carried: Continued this item to the next meeting.

8. PUBLIC HEARINGS

A. Consideration to Modify Schedule of Fees Pertaining to Residential Solar Installation Permits

The Sierra Club is urging cities to review and consider lowering fees to make solar panel installation more affordable for residents. This report provides an analysis of the current fee and a recommendation for modification.

Community Development Director Mendoza summarized the staff report, referred to the information contained therein, and answered questions from the City Council. He indicated that the Sierra Club had conducted a survey of solar permitting fees and Los Alamitos ranked on the higher end of Orange County cities. The Planning Commission recommended a simplification or merger of the building, electrical, and plumbing permits related to residential solar panel installation and to combine them into one "Residential Solar Installation Permit". The second recommendation was to adjust the fee to recover only outside costs (a contract Building Inspector). Several cities have reduced their fees to zero, including Seal Beach.

Mr. Mendoza explained that staff was recommending combining the three Building and Safety fees into one flat fee of \$250 and retaining the in-house Planning Review Fee of \$50. Should Council so desire, the \$50 Planning Review Fee could be eliminated and the proposed resolution amended. The fiscal impact to the City is minimal.

The Mayor opened the Public Hearing.

Catherine Driscoll, Los Alamitos resident, asked if there were any Orange County Fire Authority fees related to solar inspections. An OCFA

representative in the audience indicated “No”; they are not regulated by the Fire Code.

No one else appearing either in favor or in opposition, the Public Hearing was closed.

Council Member Mejia wanted to eliminate the \$50 Planning Review fee to encourage residents to address “green” issues and reduce their costs.

Council Member Zarkos asked if we were adopting a new resolution or modifying an existing resolution. The Community Development Director explained that this new resolution amends the previous resolution which has the entire schedule of fees that were studied a few years ago. We cannot use the old resolution number.

Upon request by Council Member Zarkos, Mr. Mendoza described the fiscal impact to the City of approximately \$2,300 per year. The biggest “hit” is to Willdan because they will not receive their full fee, but they have been asked to do this in a number of cities. Willdan was willing to do this in the cities they serve.

Council Member Stephens was in agreement with helping residents and encouraging conservation.

The Interim City Attorney suggested that the motion should include the words “and Planning Review” in Section 2 and in the box under Section 2.

Motion/Second: Mejia/Stephens

Unanimously carried: Adopted Resolution No. 2009-18 entitled, “A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING RESOLUTION 2008-12 REGARDING BUILDING AND SAFETY FEES RELATED TO RESIDENTIAL SOLAR INSTALLATION PERMITS.”, as amended on page 2, Section 2, to include the words “and Planning Review”.

9. DISCUSSION ITEMS

A. Consideration of a Policy and Procedure for Naming of City Parks, Facilities, and Specific Facilities

This report seeks City Council consideration for the adoption of a Policy and Procedure for Naming of City Parks, Facilities and Specific Facilities.

Recreation & Community Services Director Avery summarized the staff report, referred to the information contained therein, and answered questions from the City Council. There are three basic components, facility-wise: parks, other City facilities (City Hall, Police Station, Community Center), and naming of specific facilities (athletic fields, basketball courts, tennis courts, picnic shelters etc.). The City Council would evaluate the merits of each suggestion and would have the final

authority. She explained that the main criteria for naming or renaming might be recognition for outstanding services, recognition of a significant donation or contribution to a facility or the community, dedication in memory of someone who has contributed to that particular facility or the community in general, or a person may be memorialized who died in the line of duty while performing an heroic act. The naming or renaming of a park facility or specific facility may include a marker, plaque, tree or bench etc. The basic policy would allow for the individual or group submitting the nomination to pay for the design, manufacture and installation of that type of memorial.

Ms. Avery explained that the two-page nomination form is simple to complete. If it is a park site or park-related facility, the process would be for the nominator to submit it to the Recreation & Community Services Director, who would prepare it for consideration by the Parks, Recreation and Cultural Arts Commission. If it is for other facilities, then the nomination form would go to the City Manager for his direction.

Council Member Zarkos thought the staff report was excellent but wanted to table this discussion until the next meeting. He knew that Mayor Pro Tem Poe had read the staff report and had some very specific comments she would like to make.

Council Member Mejia thanked staff and indicated that someone in the community had approached her about an employee who had worked for the City for approximately 10 years as a scorekeeper for adult softball who lost his fight with cancer. In his memory, they asked for the City to erect a small remembrance at the baseball diamond. This seemed to be something that would make the community feel good. She also clarified that her request was to erect, if the Council saw fit, a memorial at the baseball diamond in memory of this gentleman. She would like to move forward with this item now because it would have to come back to the Council before we made a decision. Tonight, we are just talking about a policy.

Council Member Stephens favored tabling this item because he knew Mayor Pro Tem Poe would like to participate in every vote on something like this since she has been in the community for such a long time.

Mayor Edgar thanked Council Member Mejia for bringing this item forward. He thought as a policy this is an area that is uncovered. From the Mayor's perspective, he was concerned that this could be taken to extremes and a facility such as Laurel Park could be renamed. He would like to see protection for the preservation of some of the key parks in Los Alamitos from an historian's viewpoint. Therefore, he would like to consider a select list of potential parks which we would never want to change the name because it is part of our history.

Council Member Mejia stressed that renaming a park was never part of her request but thought the staff report was trying to be all inclusive. When some individuals brought forth the suggestion, she thought that spoke highly of the Parks and Recreation Department and it would be something nice. She did not favor renaming anything.

Motion/Second: Zarkos/Stephens

Carried 3/1, Mejia "No"): Tabled consideration of this item until the next meeting.

B. Proposition 1A Securitization

This report summarizes the recent action taken by the California Legislature and signed into law by the Governor suspending Proposition 1A and allowing the State to borrow 8% of the property tax revenue apportioned to cities, counties and special districts. The estimated property tax borrowing from the City of Los Alamitos is \$283,252.

Assistant City Manager McKay summarized the staff report, referred to the information contained therein, and answered questions from the City Council. She explained the benefits of the Proposition 1A Securitization Program (immediate cash relief and all costs of financing would be borne by the State of California); and the drawbacks (no 2% annual interest of approximately \$5,600). Currently the LAIF interest rate is .75%.

Upon questioning by Council Member Zarkos, the City Manager explained that the State is required to repay the City within three years at 2% per annum interest. If we were to take the securitization, the funds would be placed in LAIF where we earn .71% annually. Presuming the State pays us back, we would realize more funds from interest, without going to the securitization program. The argument in favor of participating is that there is a fundamental belief that the State is not going to repay the cities within the Constitutionally-allotted time. Past history has shown that the State repaid when it borrowed money from CalPERS, at a fairly high interest rate within the legal time limits; and the City Manager has not heard anything that indicates that the State won't pay. Because we have the ability to "absorb" the hit this year and earn the interest, rather than place the money in LAIF, staff is recommending we don't participate in the securitization program.

Council Member Stephens asked if there was a penalty to the State if it does not pay us back within the allotted time. City Manager Stewart said it was unclear, but likely 481 cities in California would probably form a class action suit and litigate against the State for payment. He did not think the State would risk that.

Mayor Edgar commented that this was just a question of our investment strategy. By 2013, this will have worked itself out and he did not see the risk of bankruptcy or subordination of our funds.

Council Member Zarkos asked if staff had calculated net present value, 2013 at 2% vs. today at .75% and was informed staff had not because this was considered a "hit" to Reserves and not to the General Fund.

Motion/Second: Edgar/Mejia

Unanimously carried: Because the City has sufficient undesignated fund balance in the General Fund, the City Council decided not to participate in the Proposition 1A Securitization Program. The City will be repaid by the State of California on or before June 30, 2013 with 2.0% annual interest.

C. Consideration of Short Term (90-day) Extension of the City's Traffic Signal Maintenance Contract with Republic Electric

The City's Traffic Signal Maintenance Agreement with Republic Electric expires on October 31, 2009. The agreement provides for two, 1-year extensions. Staff is requesting additional time to compare contract pricing with other cities and negotiate with Republic Electric on costs, or possibly solicit bids from other vendors. A 90-day extension to December 31, 2009 is requested.

City Engineer Huber summarized the staff report, referred to the information contained therein, and answered questions from the City Council. The City has 20 signalized intersections. Staff has done some cost comparisons and felt there were some areas where we could negotiate better prices. Staff has talked to the contractor but had been unable to negotiate a price. Either we renegotiate our current terms with the contractor for lower prices or go out to bid. If we cannot negotiate, Mr. Huber explained it will take some time to go out and rebid the services with other vendors who provide similar services.

Mayor Edgar asked if there were any local companies that could take over the contract since Republic Electric was out of Anaheim. The City Engineer indicated that there were only three companies in and around the Orange County-Los Angeles metro area that provided this specialized service and he did not know where they were located. Staff can check to see if there are any based in Los Alamitos.

Mayor Edgar requested staff discuss the costs for service versus equipment for the light that was hit numerous times at Humbolt and Cerritos. Mr. Huber explained that monthly routine maintenance is \$80 per month per signal and there is extraordinary maintenance for knock-downs, special call-outs, and malfunctions, etc. The Cerritos and Humbolt intersection has been a problem intersection. The April 15, 2008 bill was for three separate costs (December, January and February). In December, the signal was hit and knocked down. The contractor reinstalled the signal and within a few weeks, the signal was hit again, so a temporary was installed. It has been in a temporary situation since then, but in this year's CIP budget, there is a project for Cerritos and Humbolt to

improve that intersection. The design is underway and construction may begin next January or February.

Council Member Mejia asked if the City gets reimbursed from the insurance companies for these accidents. Mr. Huber responded in the affirmative, that we do try to recover those costs. We regularly bill the insurance companies if we can track the damage to a particular person who hit the signal.

Council Member Stephens asked if the lower fees paid by other cities was for the monthly maintenance. The City Engineer said the cost of technicians, electricians, and the cost of the service truck seemed to be within range, but it was the monthly maintenance fee which was much higher for Los Alamitos.

Council Member Stephens asked about a fixed fee for accidents. Mr. Huber said payment is based on the hourly rates and equipment costs that are in the agreement, but each accident will vary due to the extent of damage.

Council Member Mejia thanked staff for working to save money.

Motion/Second: Mejia/Zarkos

Unanimously carried: Extended the contract for Traffic Signal Maintenance with Republic Electric for a period of 90 days

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.

Council Member Zarkos thanked staff, Mr. Huber in particular, for getting the stop signs at Florista and Chestnut.

Council Member Zarkos spoke on his attendance at the Crime Survivors Event, and noted that we are having an Open House on October 22. The City Manager and the Community Development Director indicated that the 4:00 p.m. forum will be in the Council Chambers to discuss the proposed Landscape Efficiency Ordinance and the Water Conservation Ordinance.

Council Member Mejia reported on her attendance at the Taste of Los Alamitos.

Council Member Stephens commented that he thought all of the Council was at the Taste of Los Alamitos and reported on his attendance at the Crime Survivors' event. He announced that Police Officer Brad Fernandes had completed his 13-weeks of field training and will be in a car solo. Council Member Stephens

cautioned parents to be sure their children wear helmets while riding their bicycles.

Mayor Edgar commended Larry Strawther for all his efforts on the Taste of Los Alamitos. Mayor Edgar reported on his attendance at the following: League of California Cities dinner, meeting with Mayor Pro Tem Poe at the Diocese of Orange regarding St. Isidore Plaza; and the Anaheim Mayor's Prayer Breakfast. Mayor Edgar encouraged participation at the upcoming Las Vegas Night.

Mayor Edgar thanked staff for efforts regarding Laurel Manor and had the Recreation and Community Services Director comment on steps taken to resolve the disruption caused by early morning use of the adjacent tennis courts. Ms. Avery reported on the corrective measures but had been unsuccessful in her attempts to contact Mr. Wilhelm.

Mayor Edgar expressed appreciation for Major General Harrel's efforts regarding the composting issue.

11. ITEMS FROM THE CITY MANAGER

None.

12. ADJOURNMENT

The meeting was adjourned at 8:07 p.m. The next meeting of the City Council is scheduled for Monday, November 2, 2009, in the City Council Chambers.

Troy D. Edgar, Mayor

ATTEST:

Jeffrey L. Stewart, City Clerk