

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

**ADJOURNED REGULAR MEETING – TUESDAY, FEBRUARY 17, 2009**

**CALL TO ORDER**

The City Council met in Adjourned Regular Session at 7:00 p.m., Tuesday, February 17, 2009, in the Council Chambers, 3191 Katella Avenue, Mayor Grose presiding.

**ROLL CALL**

**Present:** Council Members: Edgar, Mejia, Stephens, Poe and Grose

**Absent:** Council Members: None

**Present:** Staff: Nita McKay, Interim City Manager  
Jamie Raymond, Assistant City Attorney  
Steven Mendoza, Community Development Director  
William Huber, Interim City Engineer  
Angie Avery, Recreation and Community Services Director  
Todd Mattern, Police Chief  
Susan C. Vanderpool, City Clerk

4. **INVOCATION** – The invocation was given by Council Member Edgar.

5. **PRESENTATIONS**

**Presentation of Commendation to Larry and Nancy Strawther of “Our Los Al”**

Mayor Grose directed this be brought back to the next meeting so the entire group could attend.

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 Grose opened Oral Communications.

Heather Hagan, JFTB representative, spoke about the following upcoming events: 1) Legislative meeting – February 20; 2) Race on the Base – February 21; 3) Military Affairs Committee meeting – February 24; 4) Sunburst Youth Academy Family Day – March 14; 5) Red Cross Blood Drive – April 2; 6) Sunburst Youth Academy Graduation – June 19; 7) 4<sup>th</sup> of July Spectacular; 8) Relay for Life – July 25-26; 9) Crime Survivors Run/Walk; 10) Wings, Wheels & Rotors – October 25; and, 11) Veterans Day Celebration – November 11.

Brian Smith, reporter, advised of the Relay for Life “kick off” on February 26, 6:30 p.m., at the Old Ranch Country Club, and urged all to attend. He pointed out the Relay for Life event would be held at the JFTB this year, rather than at Oak Middle School.

Catherine Driscoll, resident, read aloud, and submitted, a letter for attachment regarding the following issues:

- The invoice for previous Interim City Manager Rudat's attendance at the League's City Manager conference (he had already terminated employment with the City by the time the event had taken place)
- City Council Agreement/Covenant with residents
- Hours of the City Attorney and previous Interim City Manager
- Agree with Council Member Mejia that City Attorney should be present in Closed Session meetings
- Importance of Commissions – does not support reducing members to five

Ms. Driscoll asked Council not to remove residents' comments from the minutes.

JM Ivler, resident, submitted a copy of Ms. Driscoll's letter of January 12, 2009, and asked it be made an attachment to the minutes of that date. He then advised of his attendance at the Traffic Commission meeting, and thanked Interim City Manager McKay for making sure his issues would be addressed.

Stephen Hammond, resident, spoke about the Meals on Wheels program. He then spoke about City computers at the Youth Center not being utilized, and suggested classes to teach computer applications to seniors might be done by volunteers.

Diane Singletary, resident, spoke about the growing problem of coyotes in the City. She stated some residents were feeding the coyotes, which was one reason they were being drawn into the neighborhoods. She stated she had been in contact with Long Beach Animal Control, and they suggested a meeting with our Interim City Manager and City Attorney to develop an Ordinance prohibiting the feeding of coyotes.

Mayor Grose closed Oral Communications.

## 7. REGISTER OF MAJOR EXPENDITURES

February 17, 2009.

Motion/Second: Edgar/Mejia

Unanimously carried: The City Council approved the Register of Major Expenditures for February 17, 2009, in the amount of \$1,108,760.07.

### Roll Call Vote

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

## 8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

Council Member Mejia pulled items 8B and 8C.

Mayor Grose pulled item 8A.

Motion/Second: Mejia/Edgar

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

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**D. Fiscal Year 2007-08 Comprehensive Annual Financial Report (CAFR)**

This item transmitted the Comprehensive Annual Financial Report for the Fiscal Year which ended on June 30, 2008.

The City Council received and filed the Comprehensive Annual Financial Report (CAFR), which included the Transmittal Letter and Management's Discussion and Analysis prepared by the Administrative Services Department.

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

**A. Approval of Minutes**

Approve minutes of the Regular Meeting – January 5, 2009.

Mayor Grose referred to page 3, third paragraph from the bottom, and stated he would like the first sentence to read, "Mayor Grose passed out information from Council Member Edgar..."

Motion/Second: Grose/Poe

Unanimously carried: The City Council adopted the minutes of January 5, 2009, as amended.

**B. Warrants**

February 17, 2009.

Council Member Mejia asked if the City was seeking reimbursement from previous Interim City Manager Rudat for his attendance at the City Managers Conference that had taken place after he separated service from the City.

Interim City Manager McKay stated the charge was made on a Cal Card prior to his leaving, and staff had not yet invoiced him for the charge.

Council Member Mejia then referred to page 7, invoice for Debra Reilly, investigative services for \$8,889 and asked what this related to. Interim City Manager McKay stated previous Interim City Manager Rudat had hired Ms. Reilly to do an investigation in the Police Department, which had been completed and now should be paid.

Motion/Second: Mejia/Edgar

Unanimously carried: The City Council approved the warrants for February 17, 2009, in the amount of \$85, 278.51.

**C. Ratification of "A New Vision for Los Alamitos 2009" Agreement/Covenant**

Staff received a request from Council Member Edgar to agendize City Council ratification of an Agreement/Covenant between the City Council and residents of Los

Alamitos. This Agreement/Covenant was first heard at the City Council meeting of January 5, 2009.

Council Member Mejia stated this was a great idea but could not support it due to what she perceived as Brown Act Violations with new Council Members, as well as other Council Members speaking about issues discussed in Closed Session meetings.

Council Member Edgar stated he had brought this forward so Council Member Mejia would have more time to review it and, hopefully, move forward with the rest of the Council.

Mayor Grose opened the meeting to public comment.

JM Ivler, resident, pointed out a covenant already existed between the Council and residents because Council had been voted into office by residents. He felt Council broke the covenant every time they went into Closed Session without the City Attorney, and every time they removed resident comments from minutes.

Mayor Grose closed the meeting to public comment.

Motion/Second: Poe/Stephens

Carried 4-1 (Mejia cast the dissenting vote): The City Council ratified the Agreement/Covenant between the City Council and residents of Los Alamitos.

## **9. DISCUSSION**

### **A. City Attorney Attendance at Council Meetings and Hours of the Previous Interim City Manager**

At the January 20, 2009, City Council meeting, Council Member Mejia requested staff agendaize the issue of City Attorney attendance at Council meetings, and hours worked by the previous Interim City Manager.

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

Council Member Mejia stressed the importance of having the City Attorney present at all Council meetings to ensure Council adherence to legislative rules and regulations. For this reason, she expressed concern regarding the decreasing of the budget for City Attorney services. Council Member Stephens agreed the City Attorney should attend the meetings.

Council Member Mejia made a motion to establish a policy to mandate City Attorney attendance at all City Council meetings, including Closed Session discussions. The motion died for lack of a second.

Mayor Grose agreed with Council Member Mejia's point but did not think a mandate was necessary. Mayor Pro Tem Poe agreed.

Council Member Edgar stated the budget allocation was a control measure to help keep City Attorney costs down.

Council Member Mejia stated Council had given direction to previous Interim City Manager Rudat to work a specific number of hours per week, and he had not complied. She asked who had given him the authorization to set his own hours.

Mayor Grose advised Mr. Rudat had scheduled a vacation in December and had been gone most of the month, and he doubted anything had been done with malicious intent.

Council Member Mejia stated Mr. Rudat's actions disregarded Council governance, and showed a lack of respect for Council. She thought the City should seek reimbursement for Mr. Rudat's expenditures for the City Managers conference he attended after he had separated service from the City.

Mayor Grose opened the meeting to public comment.

JM Ivler, resident, expressed shock previous Interim City Manager Rudat had not followed Council direction, and wondered who had given him authorization to set his own hours contrary to Council direction.

Alice Jempsa, resident, stated during her tenure on the City Council, Members contacted the City Manager regarding concerns and the City Manager then contacted the City Attorney if there was a need. She pointed out only one call was then made to the City Attorney, which kept costs low. She expressed surprise a Commissioner was allowed to contact the City Attorney at all, since that had never been allowed before. She thought the City Attorney's time could definitely be made better use of if Council Members would go to the City Manager first.

Mayor Grose closed the meeting to public comment.

Council Member Mejia asked Interim City Manager McKay to get a breakdown of City Council calls to the City Attorney as well as calls from Commissioners. She asked this item be placed on the next agenda.

Mayor Grose thought it would be more appropriate for that issue to be addressed during the Council Comments section of the agenda.

Council Member Edgar felt time was being wasted on this issue since Mr. Rudat had already separated service from the City. He felt Council should spend its time more productively.

Motion/Second: Poe/Edgar

Carried 4-1 (Mejia cast the dissenting vote): The City Council received and filed the report.

**B. Mid-Year Budget Review for Fiscal Year 2008-09**

This report provided the City Council with a summary of the Fiscal Year 2008-09 Mid-Year Budget Review, and recommendations were provided to the City Council at the Special City Council Meeting on February 2, 2009.

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

Mayor Grose referred to Attachment 1, stating he could not locate the \$72,000 spoken of at the prior meeting. Interim City Manager McKay explained the \$250,000 in the Technical Fund could be reduced to \$178,000 and \$72,000 would be the difference. Mayor Grose stated he favored transferring the decreased amount to the General Fund, so the Budget would not be balanced out of the Technical Fund.

Motion/Second: Edgar/Poe

Unanimously carried: The City Council approved the Budget adjustments to the Fiscal Year 2008-09 Operating Budget as recommended in Attachment 1, along with the transfer of monies in the Technical Fund to the General Fund which would be used to balance the Budget.

General Fund estimated revenues	Total decrease of \$610,670
General Fund appropriations	Total decrease of \$560,820
Garage Fund estimated revenues	Total decrease of \$10,670
Garage Fund appropriations	Total decrease of \$10,670
JFTB Pool Fund estimated revenues	Total decrease of \$32,390
JFTB Pool Fund appropriations	Total decrease of \$20,000
Gas Tax Fund appropriations	Total increase of \$75,350
Rivers & Mountains Conservancy Fund appropriations	Total increase of \$48,360

Mayor Pro Tem Poe referred to Attachment 3, and asked if a compromise had been reached regarding the part-time hours in Administration. Interim City Manager McKay responded in the affirmative, adding the compromise of hours was in lieu of the elimination of the two part-time positions.

Motion/Second: Edgar/Poe

Unanimously carried: The City Council approved the additional Budget adjustments to the Fiscal Year 2008-09 Operating Budget as recommended:

**GENERAL FUND - Increases/(Decreases) in Appropriations**

**City Council.....\$(20,490)**

Proposed budget reductions in the City Council budget include reductions to City Council compensation and related benefits, supplies, travel, employee appreciation luncheon, and dues/subscriptions. Items that have been adjusted from the original recommendation of the City Council Budget Ad Hoc Committee include the following. Part-time retirement and Medicare charges are 3.75% and 1.45%, respectively, of salary and have been adjusted accordingly. Technology charges remain the same for the fiscal year because if we reduce Council budget, we would distribute charges to another General Fund department. There would be no General Fund savings. The Commissioner Appreciation Dinner is adjusted to \$5,100, as expenditures for this

line item were paid after the Ad Hoc Committee reviewed the Council budget. The actual total cost was \$5,100.

**City Manager/City Clerk.....\$(44,210)**

The position of Assistant to the City Manager has become vacant since the Mid-Year Budget Review on February 2, 2009. I am recommending that the City Council unfund this position for the remainder of the fiscal year.

**City Attorney.....\$(10,000)**

This item was discussed at the February 2, 2009 Mid-Year Budget Review and City Council recommended reducing City Attorney contractual services by \$25,000. In further discussions with the City Attorney and noting that expenditures for the first six months of the fiscal year total \$108,648, the recommendation is to reduce the contractual services \$10,000 to \$190,000 for the fiscal year. This will allow for an average month billing of \$13,500 for the remainder of the fiscal year. We are making every effort at the staff level and the Attorney’s office to monitor these costs.

**Administrative Services Department.....\$(16,990)**

This item reduces part-time hours within the Administrative Services Department. It includes reductions in part-time payroll and accounting/finance, and reduces the hours at the City reception area by half. The workload for this hourly reduction will be absorbed by full-time staff members.

**Police Department.....\$(30,700)**

This item includes reductions in part-time hours at the Police front counter, part-time investigations, and Reserve Officer hours. Also included is deferring the assignment of an officer as the School Resource Officer (retaining all officers for patrol), deferring the replacement of the vacant Special Weapons and Tactics position, and canceling the final CERT presentation for the fiscal year. The workload for this hourly reduction will be absorbed by full-time staff members.

**Recreation and Community Services Department.....\$(25,920)**

This recommendation includes reductions in part-time hours at the front counter within the department, part-time Recreation Coordinator, Recreation Intern, Senior Meals Coordinator, Senior Services Coordinator, and Pre-School Assistant. It also includes small reductions to adult sports awards, day camp supplies, and day camp excursions. The workload for this hourly reduction will be absorbed by full-time staff members.

**C. City Commissions**

Staff was directed to bring forward a report to City Council regarding information related to City Commissions.

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

Mayor Pro Tem Poe stated that although Council truly appreciated all Commissioners, she was concerned with the narrow representation from all

neighborhoods in the City. She suggested the City be divided into three districts, with every attempt being made to make appointments from each one. She then submitted information detailing her suggestion.

Council Member Stephens agreed many of the neighborhoods were not represented on the Commissions, adding attendance of Commissioners seemed to be a problem as well.

Council Member Edgar stated since there were currently many openings on Commissions, and suggested reducing the number of Commissioners from seven to five. He then suggested re-interviewing the Planning and Traffic Commissions.

Council Member Mejia thought it ironic Council was unconcerned with previous Interim City Manager Rudat's attendance yet concerned about Commission attendance. She advised that a Parks, Recreation and Community Services Commissioner had recently resigned due to Council behavior.

Council Member Edgar thought there was a disconnect between Council and Commissions. He reiterated his suggestion of reducing Commissions with seven members to five members.

Mayor Pro Tem Poe thought reduction of Commissioners was not the answer whereas districting might be.

Council Member Mejia asked what action would be taken if no one from a particular district applied. Mayor Grose stated staff could come back with a districting plan that would include the answer to that question.

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

1. Directed staff to return with a districting plan for appointment of Commissioners; and,
2. Approved retaining the Commissions with seven members at seven, and the Commissions with five members at five.

Mayor Grose suggested having a joint meeting with the Planning Commission soon.

## **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.

**Mayor Grose** commended the Police Department for great efforts in handling a serious traffic accident last Friday.

**Council Member Stephens** agreed, adding Carrier Row residents were the first to respond to the accident. He then spoke of his attendance at the following: 1) Orange County Sanitation District meeting; and, 2) he was a judge for a public speaking contest at one of the local schools.

**Council Member Edgar** spoke of his attendance at the following: 1) Orange County Sanitation District meeting; 2) Chamber Board meeting; and, 3) We Care Fundraiser (Designing Whims hosted event). He urged all to attend the Race on the Base this Saturday, adding the name had been changed to Run4Chance because HBO had donated \$25,000 and they wanted to highlight the Chance Phelps Foundation and new movie. He then urged all to attend the kickoff for the Relay for Life event.

**Council Member Mejia** thanked Interim City Manager McKay and staff for budget cuts, and asked for the coyote issue to be agendized soon with the possibility of an Ordinance. She waived the reading of Catherine Driscoll's letter of January 12, 2009, and asked it be inserted at the end of her comments. She then spoke of her attendance at recent SCAG meetings, adding she looked forward to the upcoming Race on the Base event. She stated City Attorney fees were the cost of doing business as a City, and urged Council to mandate City Attorney attendance at all Council meetings.

\*Catherine Driscoll's letter of January 12, 2009:

Council,

I am here to speak on the issue of the possibility of breaking the recently completed median on Katella Avenue at Siboney to allow for a left-hand turn into the 24 Hour Fitness.

My first objection is the SAFETY factor! Besides the most important issue, SAFETY, I object because the Council voted 5-0 in October 2008, to design and build that median as a solid median to Siboney with NO left-hand turns going northbound into the 24 Hour Fitness. This was voted on and TAXPAYER dollars were allocated and spent. For this Council to even consider tearing it back up to accommodate Cypress' left turn is absolutely ludicrous. That media was supposed to be built with the Smart Street improvements years ago and wasn't because Poe, Jempsa and Bates decided to change the original design plans. Five years ago, this community protested against the egresses and ingresses on Katella and made it very clear that the median was to be a solid median all the way to Siboney with NO left turns into the 24 Hour Fitness or any other area within the Los Alamitos Race Track ("LART").

This item came before the Council on August 18, 2009, and carried a 4-0 vote (with Parker being absent) for approval of going out to bid with some minor changes. Actually, Edgar seconded my motion. The only concerns raised by Council Member Edgar or Council Member Grose were that we ensure that it would be a solid median.

On September 2, 2008, this item came before the Council with approval to go out to bid. The only issue raised by Council Member Edgar was the cost of the project, and he "reiterated his support for going out to bid". This went down as a 5-0 vote.

On October 6, 2008, the project was awarded to the lowest bidder at a cost projected to be \$232,750 which I remind you are TAXPAYERS dollars through Measure M, and Gas Tax Fund

dollars. Again, TAXPAYERS dollars. That item passed unanimously 5-0 with NO comments or concerns from Council Member Edgar or Council Member Grose.

The City Manager came to me on this issue right before my term was up and inquired as to my thoughts on the issue. "I don't want to move this forward and bring to the rest of the Council without getting your input as I know you have the most history on this issue and know that you know how the community feels." I very clearly stated that I did not support giving Cypress a left hand turn as this item had been voted on by the entire Council, money allocated, and the community has spoken VERY clearly for the past five years on how they felt about this issue. However, it is unfortunate that this item is even being discussed and the will of the people is being dismissed.

Council Member Stephens shouldn't even be able to discuss this item as he works at the 24 Hour Fitness in question. Councilwoman Poe, you let the people down in your previous term and I can't even imagine that you would even consider this item. The residents in your own neighborhood have shown the level of confidence in you as you came in second to last in this past 2008 election. Don't sell them out again.

I know that Cypress offered to pay for this but are they going to reimburse the City the \$232,750 that it cost to build it? We spent the taxpayers' dollars to build that median. If you allow this, then you just threw their money down the drain and you dismissed what the residents asked us to do. Build the median SOLID with no left hand turns all the way to Siboney.

I will reiterate that this is a SAFETY issue. It is proven that making a left hand turn or a u-turn at a signal is safer than making a left turn with no signal across a major intersection. After what happened in front of the Blockbuster on Katella with the 20 plus accidents (before it was blocked off for safety reasons), I can't believe that you would even consider putting the safety of peoples' lives at risk.

Council Member Edgar and Council Member Grose if you vote to approve this item then you have blatantly lied and mislead the residents of Los Alamitos. You can disagree with me, but if you would have really felt that a left turn should have been put in, then why didn't you vote no at the August 18<sup>th</sup>, the September 2<sup>nd</sup>, and the October 6<sup>th</sup> meetings? No need to answer that question, as your voting record has already spoken for you.

I am all about being good neighbors with Cypress, but this issue was discussed six years ago with the community and the City Council voted unanimously in 2008 to design, approve, and build that median. It's built. Leave it alone. It's what the residents wanted. Your job is to represent the best interests of Los Alamitos residents, NOT the residents or businesses of Cypress. I am hopeful that you will make the right decision and leave the median as it is.

Respectfully, Catherine Driscoll

Resident, Former Council Member, Former Mayor Pro Tem and Mayor of Los Alamitos

**Mayor Pro Tem Poe** advised she would be going to the Race on the Base, and congratulated the Police Department for its handling of the serious traffic accident last Friday. She spoke of a problem regarding a building alarm at the JFTB, that goes off whenever it rains. She stated people were leaving food out at night for feral cats, which attracted coyotes to the

neighborhood. She agreed with developing an Ordinance that would address the coyote issue. She then spoke of her attendance at the following: 1) West Comm meeting; 2) We Care event; and, 3) Vector Control Open House. She suggested Ken Parker, representative for Los Alamitos on the Board of Vector Control, come to Council meetings to advise of the latest information.

**Mayor Grose** stated he had begun meeting with local businesses as part of a retention program. He further stated his intention to attend City Council meetings in other Orange County cities. He then spoke of his attendance at the following: 1) Youth Center event; 2) SCAG meetings; and, 3) League of California Cities meeting. He went on to extend condolences to Diane Maikui, Department Secretary for Community Development, on the recent loss of her beloved mother, Lily Freidhoff. He asked the meeting be adjourned in honor and memory of Mrs. Freidhoff.

**11. ITEMS FROM THE CITY MANAGER**

None.

**12. CLOSED SESSION**

**A. Public Employee Appointment**

Title: City Manager

Authority: Government Code Section 54957

Assistant City Attorney Raymond, read aloud 12A, and the City Council recessed into Closed Session. The Closed Session was conducted from 10:12 p.m. to 10:23 p.m.

**RECONVENE**

Mayor Grose reconvened the meeting at 10:24 p.m. Assistant City Attorney Raymond stated there was no reportable action.

**13. ADJOURNMENT**

The meeting was adjourned at 10:25 p.m. in honor and memory of Lily Freidhoff. The next meeting of the City Council is scheduled for Monday, March 2, 2009, at 7:00 p.m., in the City Council Chambers.

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Dean Grose, Mayor

ATTEST:

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Susan C. Vanderpool, City Clerk