

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

October 4, 2011

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall at 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Steve Bland, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council/Commission Members present: Mayor Pro Tem/Vice Chairperson Charoen, Council/Commission Member Hwangbo, Mayor/Chairperson Rodriguez, Council/Commission Member Shanahan, and Council/Commission Member Waldman

Council/Commission Members absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director  
Joel Kuperberg, City Attorney  
Michael Belknap, Recreation & Community Services Director  
Douglas Dumhart, Community Development Director  
Jeff Moneda, Public Works Director/City Engineer  
Keith Neves, Finance Director  
Eric Nuñez, Police Chief  
Laurie Murray, Administrative Services Manager/City Clerk  
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Recreation and Community Services Director Belknap introduced new Recreation Specialists, Andrea Terry and Andrea Turner.
2. Mayor Rodriguez presented a Proclamation to Orange County Fire Authority Battalion Chief George Cesario in recognition of Fire Prevention Week.
3. Southern California Edison Regional Public Affairs Manager, Jenelle Godges, presented a Resolution to the City of La Palma in recognition of Southern California Edison's 125th Anniversary.

### ORAL COMMUNICATIONS

Steven Maikoski, 4551 Maroon Drive, addressed the City Council regarding the damage from vehicles being hit on Maroon Drive. He read a letter from Hartzog & Crabill regarding possibilities to reduce the impact of the narrowness of the street and requested that Kathy drive be open at Maroon Drive.

Discussion ensued regarding the location of vehicles on Maroon Drive that sustained damage; that the vehicles were on the south side of the street; that the City of La Palma contracted Hartzog & Crabill to conduct a study of alternatives for Maroon Drive; that Mr. Maikowski's comments are important to the City Council and Staff; and that Mr. Maikowski's concerns will be reviewed at the December 19, 2011, Traffic Safety Committee Meeting.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his opposition to the petition repealing the Utility Users Tax (UUT) being circulated by the La Palma Police Association (LPPA); that the petition contained misleading and false information; that the tactic is costing the City money for employee time and attorney fees; and requested that the City pursue collecting reimbursement from the LPPA's legal representatives, Lackie, Dammeier & McGill and from the LPPA for the monies that have been spent due to their litigation.

Cheryl Pappas, 5272 Duke Drive, asked the City Council why the City has not put a rebuttal to the UUT Petition, the other LPPA Lawsuits, and Police Officers salaries on the City's website.

City Attorney Kuperberg noted that the City can only post a rebuttal when the petition has been qualified for the election and that posting a rebuttal prior to that time could be considered an influence of the election. He closed by noting that it is too early to post a rebuttal at this juncture.

Administrative Services Manager Murray responded that Police Officer salaries are currently posted on the Employment pages of the City's website; and that staff will be updating the website to make salaries and benefits available in a more user- friendly

format and in a method that adheres to requirements by the State and the Orange County Grand Jury.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:28 P.M.

CONSENT CALENDAR

A. Approval of Register of Demands

Vice Chairperson Charoen made a motion to approve Consent Calendar Item A.

The motion was seconded by Commission Member Shanahan and carried on the following vote:

AYES: Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:29 P.M.

CONSENT CALENDAR

None Scheduled.

PUBLIC HEARINGS

PL-1. Conditional Use Permit 353 and Precise Plan 271, a Request by Verizon Wireless to Construct a Cellular Facility in the Church Steeple at the La Palma Christian Center Located at 8082 Walker Street

- a) Chairperson Rodriguez opened the Public Hearing at 7:29 p.m.
- b) Associate Planner Hutter gave the Staff Report
- c) Public Input  
  
No members of the public wished to speak.
- d) Chairperson Rodriguez closed the Public Hearing at 7:41 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the proposed tower providing both voice and data services; that there are eight cell towers within the City; and that the materials selected are consistent with the adjacent Southern California Edison power box.

- f) Adopt Resolution No. PC 2011-04 approving Conditional Use Permit 353 and Precise Plan 271, a request by Verizon Wireless to construct a cellular facility in the church steeple at the La Palma Christian Center located at 8082 Walker Street.

Commission Member Waldman made a motion to adopt Resolution No. PC 2011-04 approving Conditional Use Permit 353 and Precise Plan 271, a request by Verizon Wireless to construct a cellular facility in the church steeple at the La Palma Christian Center located at 8082 Walker Street.

The motion was seconded by Commission Member Shanahan and carried on the following vote:

AYES: Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: None

REGULAR ITEMS

PL-2. Six-Month Review of Conditional Use Permit No. 342, La Palma Express Service

Station at 5482 La Palma Avenue

Planning Intern Luciano Apor gave the Staff Report.

#### Public Input

Mike Jewel, 5211 Blairwood Drive, addressed the City Council regarding leaving the car wash door up once the business opens in the morning and that he experienced vehicle problems from the gasoline purchased at this site. He requested that the City conduct a test on the fuel at this station and what his recourse is with that business owner to resolve damage sustained to his vehicle's engine.

City Manager Lazzaretto responded that testing fuel is conducted by the Orange County Division of Weights and Measures.

City Attorney Kuperberg commented that the City cannot enforce quality control measures on a business and that the consumer can pursue private litigation to resolve the matter.

#### Commission Comments and Questions:

Discussion ensued regarding installation of a pedestrian warning sign at the exit of the car wash; the numerous signs at that location not being consistent with the conditions of approval; concern about the large tobacco signs; that the owner has removed the large tobacco sign; that the limitation of signage comes from the City's Zoning Code; that every city has zoning codes regulating signage; that the Development Committee does not conduct the six month review; that Code Enforcement has been given authority to work with the business owner to resolve non-compliance matters; that businesses surpassing their signage limits is a consistent challenge; that the City strives for signage compliance; that business owners typically want more signage than what is allowed; that the Planning Commission works closely with business owners to help them be successful; installation of a mirror at the car wash exit so vehicles can see the pedestrian traffic; that there was only one theft incident at this site; that the majority of thefts happen at the two stations on Orangethorpe Avenue because of freeway access; that the City has not received complaints regarding the car wash door being open; that the main reason for keeping the car wash door closed was due to aesthetics and noise; that closing the car wash door in between washes can be seen by the public as an implication that the car wash is inoperable or closed; that there is an average of 75 car washes per day; that the store has had a 100% taxable increase after their business remodel; that Staff recommends car wash usage during daylight hours; that Staff approves manual operation of the car wash doors; and that the City Council encouraged Staff to work with the business owner.

By consensus, the Planning Commission agreed to have Staff work with the business owner to resolve the signage issues; to extend the hours of operation for the car wash; to approve leaving the car wash door open during business hours; and to receive and file the Six Month Review of Conditional Use Permit No. 342 for the La Palma Express Service Station at 5482 La Palma Avenue.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:15 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances  
  
Waive the Reading of all Ordinances in their entirety and read by title only.
2. Approval of Register of Demands  
  
Resolution No. 2011-49 approving the Register of Demands for October 4, 2011.
3. Addition of Extreme Heat Weather Annex to the Emergency Operations Plan  
  
Adopt the Extreme Heat Weather Annex to the City's Emergency Operations Plan, establishing a policy that outlines the City's trigger points for opening a cooling station.

Mayor Pro Tem Charoen made a motion to approve Consent Calendar Items 1 through 3.

The motion was seconded by Council Member Shanahan and carried on the following vote:

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

## REGULAR ITEMS

None Scheduled.

## COUNCILMEMBER AB1234 REPORTS, REPORTS FROM CITY-AFFILIATED COMMITTEES, AND COUNCIL REMARKS

**Council Member Waldman** attended the League of California Cities (LOCC) Annual Conference; the Orange County Sanitation District (OCSD) General Board Meeting; and plans to attend the upcoming OCSD Strategic Planning Meeting and invited Council Member Hwangbo as the alternate. He closed by noting that he has been elected as the Executive Vice President for the Steven Luther Elementary School PTA.

**Council Member Shanahan** attended the LOCC Annual Conference and reported that he will donate \$100 of his stipend to the Cypress College foundation. He noted that resident Robert Carruth will also be donating to the John F. Kennedy Scholarship Foundation and to the Central Park Gazebo project.

**Council Member Hwangbo** attended the LOCC Annual Conference and the LOCC Employee Relations Policy Committee Meeting; a fundraiser at the John F. Kennedy High School Performing Arts Center; the Ribbon Cutting Ceremony for Wellness Medical; the Anaheim Mayor's Prayer Breakfast; the Cypress Police Department Appreciation Luncheon; the birthday recognition event for Mahatma Ghandi and the United Nations' Day for nonviolence.

**Mayor Pro Tem Charoen** had nothing to report.

**Mayor Rodriguez** attended the LOCC Annual Conference; the Ribbon Cutting Ceremony for Wellness Medical; the Orange County Fire Authority (OCFA) Board of Directors meeting; the La Palma Days Parade Committee Meeting; and announced the upcoming OCFA Open House event on October 8, 2011.

## CITY MANAGER REMARKS

**City Manager Lazzaretto** attended the LOCC Annual Conference and announced that Staff will be researching new business licensing software and avenues of social networking. He reported that the City is going to use a test portal with Facebook, which is expected to go live on October 31, 2011. He announced that upcoming Agenda Items will be Gazebo replacement alternatives and selection of a General Plan Update Consultant, and reminded City Council that this meeting is Finance Director Neves' final City Council Meeting and thanked him for his years of service.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** thanked the City Council for attending his dinner at the LOCC Annual Conference and extended his best wishes to Finance Director Neves.

Mayor Rodriguez commented that the La Palma Express business owner asked for extra bus benches in front his business to accommodate the large number of students that visit his establishment after school.

City Manager Lazzaretto responded that Staff is working to address that request.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 8:30 p.m.

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Ralph D. Rodriguez  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk