

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 6, 2008

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 6:30 p.m. on Tuesday, May 6, 2008, in the Council Chamber of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

CLOSED SESSION

Mayor Charoen recessed to a Closed Session at 6:30 p.m. to discuss the following matters:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9, subdivision (b): Two Cases

Marion Dottl Claim
Francisco Velazquez Claim

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION AT 6:43 P.M.:

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATIONS
Pursuant to Government Code Section 54956.8

Property: 5031 La Palma Avenue, La Palma, California
Parcel Number 263-302-61

Vice Chairperson Barnes recused herself due to a conflict of interest and left the room.

RECESS COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS CITY COUNCIL AT 7:00 P.M WITH MAYOR PRO TEM BARNES ABSENT.

City Manager Lazzaretto reported that the City Council, during Closed Session, voted unanimously to deny the claim presented by Marion Dottl and to deny the claim presented by Francisco Velazquez.

Executive Director Lazzaretto reported that the Community Development Commission had no reportable actions.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Pastor Jose Padilla, Jr., United Methodist Church

ROLL CALL: Council and Commission Members

Councilmembers present: Mayor Charoen, Mayor Pro Tem Barnes, Councilmember Herman, Councilmember Rodriguez, and Councilmember Waldman

Councilmembers absent: Mayor Pro Tem Barnes

City Officials present: Dominic Lazzaretto, City Manager/ Executive Director
Joel Kuperberg, City Attorney
John Di Mario, Community Development Director
Ed Ethell, Chief of Police
Jan Hobson, Recreation & Community Services Director
Keith Neves, Finance Director
Ismile Noorbaksh, Public Works Director/ City Engineer
Laurie Murray, Administrative Services Manager/ City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Charoen presented a Proclamation to Police Chief Ethell in honor of declaring May 15, 2008, as Peace Officers' Memorial Day in the City of La Palma. Officer Jeff Beaty, Officer Thomas Lomeli, Sergeant Terry Kim,

Captain Jim Enright, and Captain Eric Nunez accepted the proclamation on behalf of the La Palma Police Department.

2. Mayor Charoen presented a Proclamation to Public Works Director/ City Engineer Noorbaksh in honor of declaring May 18 through May 24, 2008, as National Public Works Week in the City of La Palma.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION AT 7:09 P.M.:

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

April 22, 2008, Minutes of the Adjourned Regular Meeting of the Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2008-12 approving the Register of Demands for May 6, 2008.

- C. Cash and Investment Report as of March 31, 2008

Receive and file the Cash and Investment Report as of March 31, 2008.

Commission Member Waldman made a motion to approve Consent Calendar Items A through C.

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

AYES: Chairperson Charoen, Commission Member Herman,
Commission Member Rodriguez, and Commission
Member Waldman

ABSENT: Vice Chairperson Barnes

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS
PLANNING COMMISSION AT 7:10 P.M.:

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

April 22, 2008, Minutes of the Adjourned Regular Meeting of the Planning Commission.

Commission Member Waldman made a motion to approve Consent Calendar Item PL-1.

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

AYES: Chairperson Charoen, Commission Member Herman,
Commission Member Rodriguez, and Commission
Member Waldman

ABSENT: Vice Chairperson Barnes

NOES: None

PUBLIC HEARINGS

PL-2. Amendment No. 2 to Conditional Use Permit 271, Requesting Approval for the Relocation of a Canopy Structure at the La Palma Car Wash Located at 5021 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:11 p.m.
- b) Community Development Director Di Mario gave the staff report.
- c) Receive Public Input

No members of the public wished to speak.

- d) Chairperson Charoen closed the Public Hearing at 7:17 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the thirty foot easement, access to the adjoining property, and the previous location of the canopy.

- f) Adopt a Resolution approving Amendment No. 2 to Conditional Use Permit 271, a request to relocate and resize the canopy structure at the La Palma Car Wash located at 5021 La Palma Avenue

Resolution No. PC 2008-03 approving Amendment No. 2 to Conditional Use Permit 271 requesting to relocate and resize the canopy structure at the La Palma Car Wash located at 5021 La Palma.

Commission Member Herman made a motion to approve Resolution PC 2008-03 approving Amendment No. 2 to Conditional Use Permit 271, requesting to relocate and resize the canopy structure at the La Palma Car Wash located at 5021 La Palma Avenue.

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

AYES: Chairperson Charoen, Commission Member Herman,
Commission Member Rodriguez, and Commission
Member Waldman

ABSENT: Vice Chairperson Barnes

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN PLANNING COMMISSION, AND CONVENE AS CITY COUNCIL AT
7:18 P.M.:

Mayor Pro Tem Barnes returned to the dais a 7:19 p.m.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Approve recommendation that the City Council waive the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

April 22, 2008, Minutes of the Adjourned Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. CC 2008-18 approving the Register of Demands for April 22, 2008.

4. Cash and Investment Report as of March 31, 2008

Receive and file the Cash and Investment Report as of March 31, 2008.

5. Third Quarter Financial Report - Fiscal Year 2007-08

Receive and file the Third Quarter Financial Report for Fiscal Year 2007-08.

7. Notice of Completion and Acceptance of Work for the Rehabilitation of Orangethorpe Avenue from Coyote Creek Channel to State Route 91, City Project No. St-270

Accept the work and authorize the Director of Public Works to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Rehabilitation of Orangethorpe Avenue from Coyote

Creek to State Route 971, City Project No. St-270, Federal Project No. STPL-5319 (010).

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1, 2, 3, 4, 5, and 7.

The motion was seconded by Councilmember Herman and carried on the following vote:

AYES: Mayor Pro Tem Barnes, Mayor Charoen,
Councilmember Herman, Councilmember Rodriguez,
and Councilmember Waldman

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR:

6. Approval of Additional Funding for the City-initiated Transit Extensions to Metrolink - Go Local Program Study

Approve and authorize an additional payment in the amount of \$5,000 to the City of Buena Park to the previously approved amount of \$80,000 for the City-initiated Transit Extension to Metrolink - Go Local Program Study.

Mayor Pro Tem Barnes made a motion to approve Consent Calendar Item 6.

The motion was seconded by Councilmember Herman and carried on the following vote:

AYES: Mayor Pro Tem Barnes, Mayor Charoen,
Councilmember Herman, Councilmember Rodriguez,
and Councilmember Waldman

NOES: None

PUBLIC HEARINGS

8. Public Hearing to Ascertain Whether a Public Nuisance Exists at 5652 Vinevale Circle

- a) Mayor Charoen opened the Public Hearing at 7:25 p.m.

- b) Community Development Director Di Mario gave the staff report.
- c) Receive Public Input

Paul Edwards, 5731 Vinevale Circle, addressed the City Council in regards to his concerns over the stagnant water in the backyard pool which has caused an increase in mosquitoes.

- d) Mayor Charoen closed the Public Hearing at 7:43 p.m.
- e) Council Comments and Questions

Discussion ensued regarding the status of the swimming pool, the status of the boarded gate, legalities regarding entrance onto the property, how the new owners can start working on a resolution, and the role the Orange County Vector Control has in rectifying the mosquito problem.

- f) Adopt a Resolution finding that a Public Nuisance exists on the property located at 5652 Vinevale Circle, Assessor's Parcel No. 262-133-14, and ordering the abatement of said Public Nuisance

Resolution No. CC 2008-19 ordering abatement of Public Nuisance on property located at 5652 Vinevale Circle.

Mayor Pro Tem Barnes made a motion to adopt Resolution No. CC 2008-19 finding that a Public Nuisance exists on the property located at 5652 Vinevale Circle, Assessor's Parcel No. 262-133-14, and ordering abatement of said Public Nuisance.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Mayor Pro Tem Barnes, Mayor Charoen,
Councilmember Herman, Councilmember Rodriguez,
and Councilmember Waldman

NOES: None

REGULAR ITEMS

- 9. City Code Amendment to Amend Chapter 26 of the Municipal Code Pertaining to Electronic Reader Board Signs in the Public/Institutional Zoning District.

Adopt Ordinance No. 2008-04 Amending Chapter 26 of the City Code pertaining to electronic reader board signs in the Public/ Institutional Zoning District.

Councilmember Herman made a motion to adopt Ordinance CC 2008-04 Board Signs in the Public/Institutional Zoning District

The motion was seconded by Councilmember Waldman and carried on the following vote:

AYES: Mayor Pro Tem Barnes, Mayor Charoen,
Councilmember Herman, Councilmember Rodriguez,
and Councilmember Waldman

NOES: None

Mayor Charoen called for a short recess at 7:54 p.m.

Mayor Charoen reconvened the City Council at 8:02 p.m.

10. Request for Funding for the Grad Nite Celebration at Kennedy High School

City Manager Lazzaretto gave the staff report.

Receive Public Input

Ernie Guardado, 8142 Suffield Street, addressed the City Council in support of the City Council providing funding for the Grad Nite Celebration at Kennedy High School.

Herb Sutherland, 8201 Somerdale Lane, addressed the City Council in support of the City Council providing funding for the Grad Nite Celebration at Kennedy High School.

Gina Bartoli, 5182 Huntswood Circle, addressed the City Council in support of the City Council providing funding for the Grad Nite Celebration at Kennedy High School.

Daniel Hernandez, 5780 Los Indios Circle, Buena Park, addressed the City Council in support of the City Council providing funding for the Grad Nite Celebration at Kennedy High School.

Steve Shanahan, 7821 Barbi Lane, addressed the City Council in support of the City Council providing funding for the Grad Nite Celebration at Kennedy High School. Mr. Shanahan offered to match the City's funding in an amount not to exceed \$1,000.

Public Works Director/City Engineer Noorkbash, on behalf of the City, offered a project of residential curb painting to help the group raise funds.

Councilmember Herman made a motion to approve and authorize funding in the amount of \$1,000 for the Grad Nite Celebration at Kennedy High School.

The motion was seconded by Mayor Pro Tem Barnes and carried on the following vote:

AYES: Mayor Pro Tem Barnes, Councilmember Herman, and Councilmember Rodriguez

NOES: Mayor Charoen and Councilmember Waldman

11. Study Session: Proposed Fiscal Year 2008-09 General Fund Budget

City Manager Lazzaretto gave the staff report.

Discussion ensued regarding budgeted overtime, registration software, the Fit N Fun snack service, and translation services.

City Council's comments were received and filed.

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

Mayor Pro Tem Barnes attended the Volunteer Recognition Dinner and the State of the City event. She requested that staff place an item on a future agenda to discuss policies and procedure on money left in the City Council Travel Account.

Councilmember Herman attended the John F. Kennedy High School Scholarship Dinner; the Donate Life Run/Walk event; the State of the City

event; and the American Cancer Society Daffodil wrap up event. He noted that he will attend the upcoming State of the City address for Cerritos. He discussed the Orange County Transportation Authority right-of-way, water conservation, solar energy, and reported on the status of the Iraq War. He also inquired about signage for the Community Center Rehabilitation and asked that coffee be provided for Council Meeting attendees.

Councilmember Rodriguez attended the Library Advisory Board Finance and Programs meeting; the Donate Life Run/Walk event; the John F. Kennedy High School Scholarship dinner; the State of the City event; the Orange County Transportation Authority Interconnectivity Study meeting; the Volunteer Recognition dinner; the Orange County Water Summit; an event at the Long Beach National Guard Facility with the Girl Scouts; and the Cinco De Mayo event at Stephen Luther Elementary School. He reported he will attend an upcoming Colorado River Aqueduct Tour and the SCAG Meeting regarding the Regional Transportation Plan finalization. He commended the City of Cypress on their graffiti removal program and also reported on a tree that needs to be trimmed on the north side of La Palma Avenue, about 1/2 mile east of Luther Elementary School.

Councilmember Waldman attended the John F. Kennedy High School Scholarship dinner; the Volunteer Recognition Dinner; the State of the City event; the Orange County Sanitation District general meeting; and the Orange County Council of Governments meeting. He reminded everyone about the upcoming law that requires drivers to use their cell phones in a "hands free" manner.

Mayor Charoen attended the District 10 Parks and Recreation event where the Blakes were honored; the State of the City event; and the Volunteer Recognition Dinner. He thanked the Chamber of Commerce for their contributions in making the State of the City event successful.

CITY MANAGER REMARKS


City Manager Lazzaretto reported that the California Waste Management Board had notified the City that its preliminary 2006 diversion rate is 68%. He also stated that volunteers are needed for La Palma Days and that some of the City's employees will participate in "Bike to Work" week on May 14.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

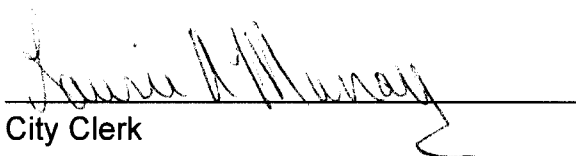
ADJOURNMENT

Mayor Charoen adjourned the City Council Meeting at 10:32 p.m. on May 6, 2008.



Mayor

Attest:



City Clerk