

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Charoen

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

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
Eric Nuñez, Police Chief
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Rodriguez presented Certificates of Recognition to the La Palma Recreation Center Martial Arts Students for their participation in the 22nd annual Jimmy Kim Taekwondo Championship Tournament.

ORAL COMMUNICATIONS

Barton Harlan, representing the Orange County Grand Jury, addressed the City Council regarding November being Grand Jury Awareness Month; the current recruitment for Grand Jurists; and the roles and responsibilities of Grand Jurors.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding National Recycling Day; a source separation program in La Palma; and special assessment districts for underground utilities.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the Orange County Sanitation District (OCSD) approving labor contracts in Closed Session; and asked the City to request an explanation.

City Manager Lazzaretto announced that the City is aware of the matter and will report back to City Council when the OCSD concludes its investigation.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:32 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the November 1, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2011-31 approving the Register of Demands for November 15, 2011.

C. Cash and Investment Report as of September 30, 2011

Receive and file the Cash and Investment Report as of September 30, 2011.

Vice Chairperson Charoen made a motion to approve Consent Calendar Items A, B, and C.

The motion was seconded by Commission Member Waldman 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 7:33 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the November 1, 2011, Regular Meeting of the La Palma Planning Commission.

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

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 PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:34 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 Council Minutes

Minutes of the November 1, 2011, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-55 approving the Register of Demands for November 15, 2011.

4. Cash and Investment Report as of June 30, 2011

Receive and file the Cash and Investment Report as of September 30, 2011.

Council Member Shanahan made a motion to approve Consent Calendar Items 1 through 4.

The motion was seconded by Mayor Pro Tem Charoen 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

5. First Quarter Financial Report - Fiscal Year 2011-12

Council Member Hwangbo requested to have the Item pulled from the Consent Calendar to ask for clarification on the City's finances.

City Manager Lazzaretto gave a brief presentation of the First Quarter Financial Report for Fiscal Year 2011-12.

Receive and file the First Quarter Financial Report for Fiscal Year 2011-12.

Council Member Hwangbo made a motion to receive and file the First Quarter Financial Report - Fiscal Year 2011-12.

The motion was seconded by Council Member Waldman 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

6. Ordinance Amending Chapter 26 of the La Palma City Code Pertaining to Density Bonuses in Residential Districts

- a) Mayor Rodriguez opened the Public Hearing at 7:38 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Public Input:

No members of the public wished to speak.

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

Discussion ensued regarding enforcement of housing requirements; that affordable housing and affordable rental units are income restricted; that requirements would be regulated by development agreements; that the affordable housing apartment complexes are managed by management companies and that the City receives frequent reports; that single-family affordable housing is monitored by the City during the escrow process; that the City would be in violation of State Law if it does not comply; that 15 housing programs were identified in the Housing Element report to garner State support for the City's Housing Element; and that adopting Density Bonuses in Residential Districts would encourage State support of the City's future Housing Elements.

- f) Introduce for first reading the proposed Ordinance amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

Council Member Waldman made a motion to Introduce for first reading the proposed Ordinance amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

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

REGULAR ITEMS

7. Award of Contract to RBF Consulting for the Preparation of the Sewer Master Plan, City Project No. 11-SWR-01

Public Works Director Moneda gave the Staff Report.

Public Input:

Larry Herman, 5122 Andrew Drive, asked if the Sewer Master Plan includes storm water.

Public Works Director Moneda indicated that it does not.

Council Comments and Questions:

Discussion ensued regarding the plan including an hydraulic analysis for the entire sewer system; that changes in the General Plan land use requirements could trigger additional sewer flow; that there is conflicting information in the current Sewer Master Plan; that the Plan will identify areas that have failed or are likely to fail and planning for sewer repairs saves the City money in the long run; that timing is critical as there are plans to pave Walker and Moody Streets; that Closed Circuit Television (CCTV) was not used during the 2005 Sewer Master Plan update; that current camera recording technology gives a more accurate record of the infrastructure; that the low proposal response rate is due to economic cut backs in outside firms; that the City has sufficient Sewer funds to pay for the additional \$15,000; that the lower bid utilizes several subcontractors which could lead to an inferior end product; that the difference between the two proposals is \$6,800; that the Sewer Fund currently has a \$1.8 million balance; that City Code requires seeking at least three bids for a project of \$25,000 or more, but if a response is only received from two, the City can choose from those two; that there are several qualified agencies who can conduct the Sewer Master Plan; that Staff sent out bids to contractors who had done prior work for the City; and that a high quality Sewer Master Plan is worth the expense.

- a) Approve and authorize the Mayor to execute an Agreement with RBF Consulting of Irvine, California, in the amount of \$115,580, for the preparation of the Sewer Master Plan, City Project No. 11-SWR-01; and

- b) Authorize a supplemental appropriation of \$15,580 from the Sewer Fund to cover the full costs associated with the subject project.

Council Member Shanahan made a motion to approve and authorize the Mayor to execute an Agreement with RBF Consulting of Irvine, California, in the amount of \$115,580, for the preparation of the Sewer Master Plan, City Project No. 11-SWR-01; and a supplemental appropriation of \$15,580 from the Sewer Fund to cover the full costs associated with the subject project.

Further discussion ensued regarding the cost; the bids; the use of subcontractors; RBF's prior work; and that CCTV cameras will be used on the entire sewer system.

The motion was seconded by Council Member Waldman 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

8. Retention Payment to Employees in the La Palma General Employees Association, La Palma Professional Employees Association, and Unrepresented Management Group

City Manager Lazzaretto gave the Staff Report.

Public Comment:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the proposed payments.

Discussion ensued regarding all negotiations having been publicly disclosed on agendas at least 72 hours in advance of the Closed Sessions; and that the majority of the City Council feels there needs to be equity across all bargaining groups.

Cheryl Papas, 5272 Duke Drive, addressed the City Council regarding her opposition to the proposed payments and the percent of the City's budget that goes towards employee salaries and benefits.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his opposition to the proposed payments.

Council Comments and Questions:

Discussion ensued regarding the proposal and the Staff Report; that the inequity was caused by the approval of the La Palma Police Department (LPPD) Memorandum of Understanding (MOU); that this effort is a way to resolve the inequity; that the overall outcome of the labor negotiations is a three year savings of approximately \$1 million; that each employee labor group is very different from the others; and opposition to certain comments that have been made regarding the matter.

- a) Adopt Resolution No. 2011-56 authorizing the payment of a one percent (1%) retention payment to eligible employees in the La Palma General Employees Association, La Palma Professional Employees Association, and unrepresented Management Group; and
- b) Authorize a supplemental appropriation of \$25,000 to the Employee Benefits Internal Service Fund, Account Number 061-610-515.

Council Member Shanahan made a motion to adopt Resolution No. 2011-56 authorizing the payment of a one percent (1%) retention payment to eligible employees in the La Palma General Employees Association, La Palma Professional Employees Association, and unrepresented Management Group; and Authorize a supplemental appropriation of \$25,000 to the Employee Benefits Internal Service Fund, Account Number 061-610-515.

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

AYES: Mayor Rodriguez, Council Member Shanahan,
and Council Member Waldman

NOES: Mayor Pro Tem Charoen, and Council Member
Hwangbo

9. Council Member Request: Support of Governor Brown's Twelve Point Pension Reform Plan

Administrative Services Manager Murray gave the Staff Report.
Council Comments and Questions:

Discussion ensued regarding the current proposal not addressing unfunded liability issues; that the proposal is the first step in the right direction; and that the City Council should support the item.

Public Comment:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council in support of the proposal.

Robert Carruth, 7201 Monterey Lane, addressed the City Council in support of the proposal.

Steven Maikoski, 4551 Maroon Drive, addressed the City Council in support of the proposal.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his opposition to the proposal's retirement age.

Council Comments and Questions:

Discussion ensued regarding the resolution supporting the concepts behind the proposal; support of the proposal; adding an "as of" date to the Resolution; this being a first step in fixing the government debt crisis; opposition to the age requirement; potential legal and legislative challenges; that the intention of the item is to express generalized support of the proposal and not supporting all twelve points specifically; and that the League of California Cities has not yet prepared a position on the proposal.

Resolution No. 2011-57 approving support for Governor Brown's Twelve Point Pension Reform Plan.

Council Member Shanahan made a motion to approve Resolution No. 2011-57 supporting Governor Brown's Twelve Point Pension Reform Plan and revise the wording in Section 1 to read, "That the City Council hereby endorses and supports the concepts underlying the Governor's Twelve Point Pension Reform Plan as currently proposed as of November 15, 2011."

Council Member Shanahan withdrew his original motion to allow Council Member Hwangbo to be the maker of the motion.

Council Member Hwangbo made a motion to approve Resolution No. 2011-57 supporting Governor Brown's Twelve Point Pension Reform Plan and revise the wording in Section 1 to read, "That the City Council hereby endorses and supports the concepts underlying the Governor's Twelve Point Pension Reform Plan as currently proposed as of November 15, 2011."

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

AYES: Council Member Hwangbo, Mayor Rodriguez,

Council Member Shanahan, and Council
Member Waldman

NOES: None

ABSTAINED: Mayor Pro Tem Charoen

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

Council Member Hwangbo attended the Metropolitan Water District of Orange County (MWDOC) Elected Officials Forum; the Anaheim YMCA 100th Anniversary Celebration; two John F. Kennedy High School Guest Teacher events; and the Oxford Academy Talent Show. He thanked Staff and Volunteers for all their time and effort in the planning of La Palma Days, despite its cancellation; and thanked Community Development Director Dumhart for bringing a Farmer's Market to La Palma. He closed by wishing everyone a happy Thanksgiving.

Council Member Shanahan thanked Staff and Volunteers for all their time and effort in the planning of La Palma Days, despite its cancellation; and reminded the City Council of the upcoming Americana Awards Kick-Off event at the White House restaurant on November 16, 2011.

Council Member Mark Waldman attended the Southern California Association of Governments (SCAG) meeting; the Luther Elementary Science Night; the Miss La Palma Pageant; and the OCSD Internal Audit Subcommittee Meeting.

Mayor Pro Tem Charoen had nothing to report.

Mayor Rodriguez announced that Rob Patterson is the new Orange County Fire Authority (OCFA) Battalion Chief; announced that he attended Fire Chief Ed Fleming's retirement ceremony; the Fifth Annual Gift of History Event at Angel's Stadium; the Artesia Chamber of Commerce Meeting; the League of California Cities (LOCC) City Selection Meeting where he was reappointed as the Random Access Network Board representative, Huntington Beach City Council Member Don Hansen was named the Orange County Transportation Authority (OCTA) representative, and Los Alamitos Council Member Troy Edgar was named the Watershed representative; the Oxford Academy Talent Show; the La Palma Pageant; the Helping People Everyday event; and the Anaheim Prep-Sports Foundation meeting. He commented on the La Palma Days Parade cancellation; reported that he plans to attend the upcoming LOCC Legislative Briefing; the Americana Awards Kick-Off Event at the White House restaurant; the upcoming Buena Park Mayor's Breakfast; and the OCFA Board Meeting. He closed by reporting that he is receiving inquiries about the La Luna Drive/Walker Street intersection traffic during school hours.

City Manager Lazzaretto responded that the City is currently conducting a signal phasing study at the La Luna Drive/Walker Street intersection and reported that the Police Department will follow up with enforcement at that intersection.

Public Works Director Moneda commented that the item will go before the Traffic Safety Committee at an upcoming January 2012 meeting and that the Consultant working on the study has recommended some signal phasing changes that could prevent traffic issues. He closed by stating that the City plans to implement those recommendations.

Mayor Rodriguez requested that the schools be notified of the Traffic Safety Committee meeting where this issue will be on the agenda.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that he attended a quarterly meeting with the Anaheim Union High School District; that Rita Rhea, a La Palma resident, is the new Assistant Principal at John F. Kennedy High School. He announced that Allison Moore was crowned as the new Miss La Palma and asked Staff to report on the La Palma Days Parade cancellation.

Recreation and Community Services Director Belknap gave a brief report on the cancellation and stated that the City saved approximately \$70,000 by cancelling the event when it did; that the City is issuing refunds to all the bands and vendors; and that the trophies and the theme will be used for the La Palma Days 2012 event.

City Manager Lazzaretto continued his reported by announcing that the City of Cerritos has applied for a federal grant for the Del Amo Bridge Project and that Congresswoman Sanchez has agreed to endorse the grant request and the Cities of Lakewood and Cypress are also supporting the project; that property owner of the former Ralph's location will soon announce a tenant; and that upcoming agenda items will include a Closed Session regarding litigation, the Annual Financial Report, the Conditional Use Permit (CUP) for Cliff's Hideaway, and the proposed rezoning of two parcels on La Palma Avenue. He closed by wishing everyone a happy and safe Thanksgiving holiday.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported that he is following the litigation regarding Redevelopment and noted that the outcome is not likely to be favorable to Redevelopment Agencies; and that he is tracking a Fair Political Practices Commission (FPPC) issue and will update the City Council upon completion. He also closed by wishing everyone a happy Thanksgiving holiday.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 9:32 p.m. in honor of Veteran's Day and wished everyone a happy Thanksgiving holiday.

Ralph D. Rodriguez
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk