

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

December 6, 2011

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 5:31 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Council Member Hwangbo being absent.

CLOSED SESSION

Mayor Rodriguez recessed to closed session at 5:32 p.m. regarding the following:

CS1. Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Karla Ramirez and Mario Ramirez vs. City of Cypress, City of La Palma, Southern California Edison Company, a California Corporation and Does 1 through 30, inclusive

Case Number: Los Angeles Superior Court BC470526

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One Case

Section 54956.95: LIABILITY CLAIMS

Claimant: Michelle V. Kern

Agency Claimed Against: City of La Palma

Council Member Hwangbo joined the Closed Session at 5:35 p.m.

Council Member Waldman excused himself at 6:35 p.m.

Council Member Waldman returned to Closed Session at 6:38 p.m.

Mayor Rodriguez recessed the Closed Session at 6:50 p.m.

OPEN SESSION

Mayor Rodriguez reconvened the City Council in Open Session at 7:00 p.m. with all members present.

City Attorney Kuperberg stated there were no reportable actions for the Ramirez et al. claim and that the City Council voted unanimously to deny the Michelle V. Kern claim.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Jack Hughes, 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
Eric Nuñez, Police Chief
Laurie Murray, Administrative Services Manager
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Cypress College Foundation representatives Raul Alvarez and David Shawver gave a presentation on the upcoming Americana Awards event and announced

that George and Barbara Mast are the La Palma Citizens of the Year. They closed the presentation by thanking the La Palma City Council for their support.

2. Corporal Les Parsons gave a presentation recognizing the Red Ribbon Week participants and introduced the Challenge Winners as follows:

Steven Luther Elementary School - Garrett Conover, Sydney Dena, Bradley Hilbert, Kobe McKinzie, Angela Park, Darien Rorick, Kaylin Ryono, Medha Sharma, Erika Tam, and Julian Vega.

Los Coyotes Elementary School - Rhea Jethvani, Allison Kim, Jacob Lee, Jaide Lee Lin, Joseph Magalona, Alison Siebert, and Calvin Yoo.

La Palma Christian School - Butler Bland, Leslie Colbert, Sophia Escano, Mckenna Link, Cheyenne Lorusso, Victoria Min, Trevor Palmquist, Ella Simmons, and Reagan Wix.

Walker Junior High School - Jaime Lee

ORAL COMMUNICATIONS

Lynn T. Johnson, 5271 Marview Drive, addressed the City Council regarding her opposition the City calling its tree a Holiday Tree rather than a Christmas Tree. She asked where the tree was purchased.

City Manager Lazzaretto responded that the tree was purchased from the tree lot at Orangethorpe Avenue and Moody Street.

City Attorney Kuperberg commented that he was unaware of whether the City has had previous exposure on this matter and that the proposed language could result in legal problems. He offered to research the language and report back to the City Council.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his appreciation for allowing him to serve as the City's representative at the Orange County Vector Control District; that his term will expire on December 20, 2011, and that the City Council consider opening the position to La Palma residents; he also voiced his support for underground utilities and highlighted bicycle lanes.

Steven Maikoski, 4551 Maroon Drive, addressed the City Council regarding his opposition to the City calling its tree a Holiday Tree rather than a Christmas Tree.

Keith Nelson, 5311 La Luna Drive, addressed the City Council regarding his appreciation of their support of the Kiwanis Club in assisting La Palma needy families on December 17, 2011, and requested continued support by the City Council and surrounding business communities for the Food Basket event.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:40 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the November 15, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2011-32 approving the Register of Demands for December 6, 2011.

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

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 7:41 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the November 15, 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 Hwangbo 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

PL-2. Zoning Map Amendment 2011-01, an Ordinance Amending the City's Zoning Map to Apply the Village Overlay to the Multiple Family Residential District Zoned Properties Located at 5052 and 5062 La Palma Avenue

a) Chairperson Rodriguez opened the Public Hearing at 7:41 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 7:46 p.m.

e) Commission Comments and Questions:

Discussion ensued regarding the adjacent property--Russell Estates--having 6 homes; the size of the Russell Estates lot versus the adjoining lots; that the zoning change is required to meet the State's density standards; that the City does not know what would be developed on the subject property; and that the urgency is due to State Housing Development mandates and the close of the fourth Housing Element cycle.

City Attorney Kuperberg commented that the City is coming to an end of a Housing Element cycle; and that the City would suffer sanctions and penalties during the new Housing Element if it does not comply.

Further discussion ensued regarding the HCD directing the City to comply or the City's Housing Element would fall out from State certification, which would make the City ineligible for Housing funds and possibly open the City up to litigation; that the location was the preferable site within the City because of the high density designation and the proximity to existing commercial and educational uses; that other locations do not meet the community's goals; that the Village Overlay Zone allows a tailored development up to three stories; that the City is not obligated to subsidize the property or pressure the property owners to sell; that the change allows the property owners to be more flexible with their property; that the subject property along with the adjacent property adjacent were originally discussed as a 21 unit project; that the current Multi-Family Residential Zoning allows for 3 units per property or seven if they are combined; and that there are already high density units on the outskirts of the City.

- f) Adopt a Resolution recommending City Council Approve Zoning Map Amendment 2011-01 via Ordinance and the associated Negative Declaration.

Resolution No. PC 2011-06 approving the Zone Map Amendment 2011-01 via Ordinance and the associated Negative Declaration.

Commission Member Shanahan made a motion to adopt Resolution PC 2011-06 recommending City Council Approve Zoning Map Amendment 2011-01 via Ordinance and the associated Negative Declaration. The motion was seconded by Vice Chairperson Charoen.

Discussion ensued regarding opposition to the item as it is being mandated by the state and that there is no other alternative.

The motion carried on the following vote:

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

NOES: Commission Member Hwangbo

PL-3. Amendment No. 2 to Conditional Use Permit No. 155, a Request to Permit One (1) Billiards Table at Cliff's Hideaway Located at 5442 Orangethorpe Avenue

- a) Chairperson Rodriguez opened the Public Hearing at 8:02 p.m.
b) Planning Intern Apor gave the Staff Report
c) Public Input:

Joe Zine, 7051 Walker Street, addressed the City Council regarding his opposition to the noise emanating from the establishment; his opposition to the patrons who sit outside the property; and opposition to deliveries being made after 10:00 p.m.

Tina Bavouset, 8210 Santa Margarita Lane, addressed the City Council regarding the pool table having been in the establishment for 30 years; that—as one of the new owners she is attempting to address the noise issue; and that she is requesting to keep the facility's opening time at 6 a.m. as previously approved.

d) Chairperson Rodriguez closed the Public Hearing at 8:15.m.

e) Commission Comments and Questions:

Discussion ensued regarding the noise level; that the applicant is willing to monitor the patrons and call the Police if they need further support; that the Municipal Code does not prohibit a bar next to a senior housing facility; that the new property owners need to adhere to the noise Ordinance; that the pool table has been there for over 30 years; that the La Palma Police Department (LPPD) is very proactive in that area; that there have been 18 LPPD service calls since 2007; that some of those calls are attributed to a resident of the adjacent Senior Housing; that the patrons have historically been responsive to the LPPD; that authorities could cite the business owner for non-compliance if the noise continues; that the establishment is not under consideration at this meeting, only the pool table is; that the City Council can review the Conditional Use Permit (CUP) after its approval; that the extended hours were previously approved in the original CUP; that a pool table encourages patrons to stay inside the establishment longer; and that the business has a long history in La Palma.

f) Adopt a Resolution approving Amendment No. 2 to Conditional Use Permit No. 155 to an existing cocktail lounge at 5442 Orangethorpe Avenue.

Resolution No. PC 2011-07 approving Amendment No. 2 to Conditional Use Permit No. 155 to an existing cocktail lounge at 5442 Orangethorpe Avenue.

Commission Member Waldman made a motion to adopt Resolution No. PC 2011-07 approving Amendment No. 2 to Conditional Use Permit No. 155 to an existing cocktail lounge at 5442 Orangethorpe Avenue.

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

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:34 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 15, 2011, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-58 approving the Register of Demands for November 15, 2011.

4. Resolution Adopting the June 30, 2011, Measure M2 Expenditure Report

Resolution No. 2011-59 adopting the Fiscal Year 2010-11 Measure M2 Expenditure Report.

Council Member Waldman 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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

5. Youth Appointments to Community Activities and Beautification Committee

Administrative Services Manager Murray gave the Staff Report.

Council Member Waldman made a motion to approve the appointment Ryan DeCook and Megan Hsiao as Youth Members to the Community Activities and Beautification Committee with terms expiring August 31, 2012. The motion was seconded by Council Member Hwangbo.

Discussion ensued regarding the outstanding service that the two youth CAB members currently contribute and the City Council's support for their appointment.

The motion carried on the following vote:

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

NOES: None

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

Community Development Director Dumhart gave the Staff Report.

Adopt Ordinance No. 2011-06 amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

Council Member Waldman made a motion to adopt Ordinance No. 2011-06 amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

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

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

Mayor Pro Tem Charoen attended the Cypress College Foundation Americana Awards Kick-Off event; the 84th Birthday Celebration of the King of Thailand; and provided clarification on his comments from the previous meeting.

Council Member Hwangbo attended the League of California Cities (LOCC) Legislative briefing; the Buena Park Mayor's Prayer Breakfast; and the LOCC Quarterly General Meeting.

Council Member Shanahan attended the Cypress College Foundation Americana Awards Kick-Off event and announced that his company will donate up to \$1,000 to Bruno Serato's (Americana's Man of the Year) charity benefitting the hungry; the "We Give Thanks" volunteer event; and congratulated Mayor Rodriguez on his year of dedicated service.

Council Member Waldman attended the Orange County Sanitation District General Meeting and congratulated Mayor Rodriguez on his year of dedicated service.

Mayor Rodriguez attended the "We Give Thanks" volunteer event; the Cypress College Foundation Americana Awards Kick-Off event; that LOCC Legislative briefing; the Buena Park Mayor's Prayer breakfast; the Orange County Fire Authority (OCFA) Board Meeting; the LOCC-Orange County dinner; suggested a joint LOCC and California Joint Powers Insurance Authority (CJPIA) meeting regarding risk management; and the HOPE Food Drive, which also hosted a flu clinic with the Orange County Health Care Agency. He closed by noting he will adjourn the meeting in memory of former Lake Forest Council Member Richard Dixon.

CITY MANAGER REMARKS

City Manager Lazzaretto reminded the City Council of the upcoming annual Tree Lighting event on December 7, 2011, and that upcoming agenda items include the City Council Reorganization and the annual financial reports.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

Mayor Rodriguez clarified his comments from the previous City Council meeting and apologized for any misunderstanding. He closed by stating his position as Mayor was a great honor.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 8:55 p.m. in memory of former Lake Forest Council Member, Richard Dixon.

G. Henry Charoen
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk