

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 21, 2012

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 6:04 p.m. in the Council Chambers of La Palma City Hall at 7822 Walker Street, La Palma, California.

CLOSED SESSION

CS-1. The City Council will meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYMENT

Position Title: City Manager

Mayor Charoen recessed to Close Session at 6:04 p.m. with all members present.

OPEN SESSION

Mayor Charoen reconvened in Open Session at 7:09 p.m. with all members present and no reportable actions.

PLEDGE OF ALLEGIANCE: Council Member Shanahan

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

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

Council/Commission Members absent: None

City Officials present: Dominic Lazzaretto, City Manager
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

None Scheduled.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AT 7:10 P.M.

CONSENT CALENDAR

- A. Approval of Successor Agency to the Community Development Commission Minutes
Minutes of the February 7, 2012, Regular Meeting of the Successor Agency.
- B. Approval of Register of Demands
Resolution No. CDC SA 2012-03 approving the Successor Agency Register of Demands for February 21, 2012.
- C. Cash and Investment Report as of December 31, 2011
Receive and File the Cash and Investment Report as of December 31, 2011.

Council Member Shanahan made a motion to approve Consent Calendar Items A, B, and C.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS THE CITY COUNCIL AND CONVENE AS THE PLANNING COMMISSION AT 7:11 P.M.

Administrative Services Manager Murray stated that, "The City Council will now recess the Community Development Commission meeting, and convene as the La Palma Planning Commission. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in this Planning Commission meeting or otherwise as serving as members of the La Palma Planning Commission."

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the February 7, 2012, 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 Rodriguez and carried on the following vote:

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

PL-2. Study Session: Proposed Chase Bank Development at 5962 La Palma Avenue

Community Development Director Dumhart gave the Staff Report.

Public Input:

Charlie Arbing, Vice President Market Director of Real Estate for Chase Bank, introduced himself.

Eric Townsend, of Gensler, introduced himself as the architect for the project.

Commission Comments and questions:

Discussion ensued regarding the lot having been vacant for a a long time; the cost for dealing with soils issues; and the timeline for the project.

Mr. Arbing responded that the typical construction schedule is approximately 135-150 days; however, it is anticipated that there will be delays due to challenges associated with La Palma's high water table.

Further discussion ensued regarding penalty provisions for nonpayment of in-lieu fees; that the in-lieu fees would be approximately \$3,000 a year; that the south property wall is 9 feet tall due to previous construction requirements; and Chase Bank's discussions with the adjacent property owner.

Mr. Arbing stated that Chase Bank representatives met with the Matthew family and will address their concerns regarding dust, additional screening of the ATM area, and the west and south signs, which will be turned off from 10 p.m. to 6 a.m.

Further discussion ensued regarding the architectural design; increased security for the walk-up ATM's; lighting issues; the enhanced bus stop; high traffic concerns at Valley View; that the Development Committee and Traffic Safety Committee had addressed concerns with accidents at the intersection by installing bollards; that the developers have made all accommodations to the requests of Committee reviews; that there is ample access for the bus area; the incorporation of the La Palma logo on the project; the City's Corporate Connection program; the location of a La Palma monument sign near the proposed bank location; and the rooftop design.

Mr. Arbing commented that the roof top design screens the air conditioning unit and blends architecturally with the adjacent residential roof tops.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:59 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 February 7, 2012, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2012-13 approving the Register of Demands for February 21, 2012.

4. Cash and Investment Report as of December 31, 2011

Receive and File the Cash and Investment Report as of December 31, 2011.

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

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

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

NOES: None

PUBLIC HEARINGS

5. Resolution of Intention and Proposed Ordinance Authorizing an Amendment to the Contract with the California Public Employees' Retirement System
 - a) Mayor Charoen opened the Public Hearing at 8:00 p.m.
 - b) Administrative Services Manager Murray gave the Staff Report
 - c) Public Input:
No members of the public wished to speak.
 - d) Mayor Charoen closed the Public Hearing at 8:02 p.m.
 - e) Council Comments and Questions
None.
 - f) Adopt the Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System (CalPERS) and the City Council of the City of La Palma.
 - g) Introduce for first reading, an Ordinance of the City Council of the City of La Palma authorizing an amendment to the contract between the City Council of the City of La Palma and the Board of Administration of the California Public Employees' Retirement System.

Council Member Waldman made a motion to adopt Resolution of Intention No. 2012-14 to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System (CalPERS) and the City Council of the City of La Palma and introduce for first reading, an Ordinance of the City Council of the City of La Palma authorizing an amendment to the contract between the City Council of the City of La Palma and the Board of Administration of the California Public Employees' Retirement System.

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

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

NOES: None

6. Ordinance Amending Chapter 26 Of The La Palma City Code Adding and Amending Certain Provisions to the Planned Neighborhood Development (PND) Zoning District

Mayor Charoen opened the Public Hearing at 8:03 p.m. and announced that the item will be continued to the March 20, 2012, City Council Agenda.

REGULAR ITEMS

7. E2G2, Inc. Business License Software Test Pilot Program

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding support for the project because it promotes local business; that—in the absence of a Chamber of Commerce—this provides local business with a support based tool; implementation being planned to coincide with the July renewal period; not renewing the current software; if the pilot project failed that the City could fall back to the original software application; and that Baldwin Park, Hawaiian Gardens, and Indio are currently participating in the pilot program.

Eddie Rivera, E2G2's Communication Director, addressed the City Council regarding Baldwin Park and Hawaiian Gardens no longer being in a testing phase; that Santa Ana and Buena Park are coming on board shortly; and that over a dozen other cities are interested in also becoming pilot cities.

Craig Sunada, E2G2's Director of Business Development, addressed the City Council regarding running both E2G2 and HDL side by side to reduce any risk and that a long term contract would include security language that would turn the software over to the City.

Further discussion ensued regarding the impact of the pilot program on current Staff; whether E2G2 has the capital to see the project through; that E2G2 already has other firm clients such as Buena Park and Santa Ana, and that E2G2 has doubled their sales in current cities they are active in; that the City Council is more comfortable running the program parallel with the current software; that signing up early will provide the City with 20% of the revenues and once out of

the pilot phase, new cities would only receive 10%; that E2G2 is currently working on a patent for their consumer application for use with Smart Phones; that the “bugs” being experienced by other Cities are minor and usually related to end users not having basic computer knowledge; that E2G2 has experienced minimal client dissatisfaction; a request to see a list of problems that other cities of incurred; that E2G2 sends out team members to work with small business owners; that internet advertising is more cost effective than traditional advertising; that the City Council would like to see the true cost of staff time for the pilot program; that the City assumes risk when taking on a pilot program; that business owners can apply on-line for a license; that the program will include a business directory; whether the City could reduce the business license fees; that the City cannot reduce any City fee without a vote by the public; that the City’s fees have recently been cut due to the elimination of the processing fee; and that the program provides support for local businesses.

Mayor Pro Tem Hwangbo made a motion to approve and authorize the City Manager to execute an agreement with E2G2, Inc. for participation in a Business License Software Test Pilot Program.

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

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

NOES: None

8. Fiscal Year 2011-12 Second Quarter Financial Report and Mid Year Budget Adjustments

City Manager Lazzaretto gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding adjustments being made to compensate for former CDC expenses, attorney fees, and the City Manager recruitment; the process of billing for CDC staff time; that staff time on CDC projects is being tracked internally; that all the work on the upcoming Affordable Housing project won’t necessarily be reimbursed; that being reimbursed for the Attorney’s time on CDC projects still needs clarification; and the sizeable lack of clarity on the sale of redevelopment property.

City Attorney Kuperberg responded that the affordable housing element is the most crucial out of all the redevelopment activities that might not be reimbursed; that those projects would have to be paid from General Fund monies; that the

General Fund would have to pay for business attraction instead of redevelopment; that existing obligations should be recognized; and that beautification projects that were previously funded by redevelopment could be detrimental to the General Fund.

Further discussion ensued clarifying that the State of the City Address and City Attorney Fees previously paid for from CDC funds will have to be paid from the General Fund; that the City has the obligation to fetch the highest value for CDC properties; that the City's financial state is better than expected; that additional surplus monies would be used on street projects to continue the City's pavement rehabilitation plan; and a recommendation that surplus monies be put into the Capital Outlay Reserve (COR) Fund.

Council Member Waldman made a motion to adopt Resolution No. CC 2012-15 approving the Fiscal Year 2011-12 Second Quarter Financial Report and Mid Year Budget Adjustments and to transfer any surplus monies in excess of the \$9,946,600 projected General Fund balance into the Capital Outlay Reserve (COR) fund.

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

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

NOES: None

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

Mayor Pro Tem Hwangbo attended Supervisor Moorlach's State of the County Luncheon; State Senator Bob Huff's Luncheon for the Chinese Party Secretary of the Jiangsu Province; and the Orange County Vector Control District (OCVCD) Trustees meeting.

Council Member Rodriguez attended Supervisor Moorlach's State of the County Address and the Neighborhood Watch Awards Dinner. He announced that he plans to attend the upcoming Orange County Fire Authority (OCFA) meeting; the upcoming Americana Awards; the upcoming Continental Little League's Opening Day. He closed by commenting on the positive feedback he received regarding the upgrades to the facade of Super One Mart and thanked Public Works Staff for responding and cleaning up the paint on block walls.

Council Member Shanahan stated that he plans to attend the Continental Little League Opening Day; the upcoming Americana Awards; and the Anaheim Union High School District (AUHSD) quarterly meeting.

Council Member Waldman attended the Orange County Sanitation District (OCSD) Administrative Meeting; testified on behalf of the Association of California Cities - Orange County (ACC-OC) at the City of Buena Park; the ACC-OC board meeting; the ACC-OC networking meeting; and the Southern California Association of Governments (SCAG) briefing on the Regional Transportation Plans.

Mayor Charoen attended Supervisor Moorlach's State of the County Address; the Neighborhood Watch Awards Dinner; and announced that he plans to attend the upcoming Americana Awards.

CITY MANAGER REMARKS

City Manager Lazzaretto announced that he plans to attend the upcoming Americana Awards and reminded everyone to patronize Chili's in Buena Park so a portion of proceeds can be made to the City's Relay for Life team. He noted his upcoming resignation and reported that his last day will be March 18, 2012. He closed by reporting that upcoming Agenda Items include three Traffic Safety Committee items, including Denni Street and Maroon Drive.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported that his firm has petitioned the Fair Political Practice Commission on behalf of several cities regarding the agency's rules on appointments to external committees and that he would be requesting support of those efforts at the next City Council meeting.

ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the La Palma City Council at 9:23 p.m.

G. Henry Charoen
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk