

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

March 20, 2012

CALL TO ORDER: Mayor Charoen 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, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Waldman

INVOCATION: Pastor Dave Lutes, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council/Commission Members present: Mayor/Chairperson Charoen, Council/Commission Member Rodriguez, Council/Commission Member Shanahan, and Council/Commission Member Waldman

Council/Commission Members absent: Mayor Pro Tem Hwangbo

City Officials present: Terry Matz, Interim 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  
Michael Solorza, Finance Director  
Laurie Murray, Administrative Services Manager/City Clerk  
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

Mayor Charoen introduced Terry Matz as the City's Interim City Manager.

Interim City Manager Matz introduced Michael Solorza as the City's new Finance Director.

1. Mayor Charoen presented certificates to Amy Dinh, Sidney Lacad, Jeehye Lee, and Chan Nguyen as the John F. Kennedy High School winners of the Orange County Health Association Tobacco Use Prevention Program Art Contest.

Mayor Charoen requested a short recess at 7:11 p.m.

Mayor Charoen reconvened the City Council at 7:14 p.m. with Council Member Hwangbo being absent.

### ORAL COMMUNICATIONS

Steven Maikoski, 4551 Maroon Drive, addressed the City Council to thank them for addressing the traffic issues on Maroon Drive. He also stated that, if given notice, he would volunteer to photograph City Council presentations.

### CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AT 7:14 P.M.

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

### CONSENT CALENDAR

- A. Approval of Successor Agency to the Community Development Commission Minutes

Minutes of the March 6, 2012, Regular Meeting of the Successor Agency of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC SA 2012-05 approving the Register of Demands for March 20, 2012.

Council Member Waldman made a motion to approve Consent Calendar Items A and B.

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

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

NOES: None

ABSENT: Mayor Pro Tem Hwangbo

### PUBLIC HEARINGS

None Scheduled.

### REGULAR ITEMS

None Scheduled.

### RECESS THE CITY COUNCIL AND CONVENE AS THE PLANNING COMMISSION AT 7:15 P.M.

### CONSENT CALENDAR

#### PL-1. Approval of Planning Commission Minutes

Minutes of the March 6, 2012, Regular Meeting of the La Palma Planning Commission.

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

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

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

NOES: None

ABSENT: Vice Chairperson Hwangbo

## PUBLIC HEARINGS

### PL-2. Amendment to Conditional Use Permit No. 342, La Palma Express Service Station at 5482 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:15 p.m.
- b) Planning Intern Rafael Garcia gave the Staff Report
- c) Public Input:

No members of the public wished to speak.

- d) Commission Comments and Questions

Discussion ensued regarding the requested neon sign; the request to raise the car wash sign would require a master sign plan change and that would have to go before the Development Committee for approval; that the Planning Commission has the authority to change the allowed alcohol sales time; that the noise tests show that the existing noise levels are just under the level allowed; that the noise tests were conducted at several locations within the site; that the car wash doors have to remain open during operation; that the requirement of closing the car wash doors was for aesthetic reasons; that the proposed neon sign is not a scrolling sign; that the proposed neon sign is planned to be within the 10% signage requirement of the original CUP; that alcohol sales are allowed between 6:00 a.m. and 2:00 a.m. at the Chevron station, between 6:00 a.m. and 12:00 a.m. at the Arco station, and between 6:00 a.m. and 2:00 a.m. at La Palma Liquor; that allowed noise levels are lowered at 7:00 p.m. and again at 10:00 p.m.; that the noise tests were conducted without the vacuum cleaner; that, based on the manufacturer's ratings, the vacuum cleaner will be compliant with the City's Noise; that homes to the east are who would be adversely affected with noise if car wash hours are increased; that traffic along La Palma Avenue adds to noise levels; that the vacuum cleaner will be used in conjunction with the car wash and not used separately; that there is less traffic after 10:00 p.m.; and that the vacuum cleaner noise can also be tested.

Basem Nesheiwat, the owner of La Palma Express, addressed the City Council regarding the inability to fix the car wash doors; that he is willing to conduct another noise level test from the eastern residences; that there is a minimal number of visitors to his station after 10:00 p.m.; that the car wash doors are burdensome to open and close; that the car wash doors were not installed properly to begin with; that the neon sign will be in compliance with the property's Master Sign Plan.

Further discussion ensued regarding the car wash doors having not worked properly since the Certificate of Occupancy was issued;; concern for the extension of liquor sale hours; that the Planning Commission would like revisit the CUP in six months to evaluate future noise levels; overall support for extended liquor sale hours; and that the Planning Commission supports illuminating neon sign as long as it does not endorse a tobacco product.

City Attorney Kuperberg noted that the City is restricted from limiting advertising by content.

- e) Chairperson Charoen closed the Public Hearing at 7:50 p.m.

Further discussion ensued regarding support for the majority of the applicant's requests; that the street noise on Valley View Street and La Palma Avenue exceed the City's noise limits; support for extending car wash hours to 10:00 p.m. but not for a 24 hour operation; that other car washes in La Palma are not allowed to operate 24 hours a day; and that the noise testing was conducted at the property lines of the project site.

City Attorney Kuperberg stated that while the Planning Commission has the discretion to allow extended hours of operations, the applicant is required to meet the noise levels allowed by the City's Ordinance; and that the only way to modify the required noise ordinance after 10:00 p.m. is to amend the Zoning Code.

Commission Member Waldman made a motion to approve the placement of an automobile vacuum cleaner adjacent to the car wash entrance on the south side of the convenience store at the site subject to operational limitation of 7:00 a.m. to 7:00 p.m.

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

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

NOES: None

ABSENT: Vice Chairperson Hwangbo

Commission Member Rodriguez made a motion to approve allowing the car wash exit door to remain open during operating hours as recommended by Staff.

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

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

NOES: None

ABSENT: Vice Chairperson Hwangbo

Commission Member Rodriguez made a motion to amend the hours of liquor sales from the current hours of 10:00 a.m. to 12:00 a.m. (Midnight) to 6:00 a.m. to 2:00 a.m.

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

AYES: Commission Member Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: Chairperson Charoen

ABSENT: Vice Chairperson Hwangbo

Commission Member Waldman made a motion to approve the addition of one illuminated window sign on the subject site.

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

AYES: Commission Member Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: Chairperson Charoen

ABSENT: Vice Chairperson Hwangbo

Commission Member Rodriguez made a motion to approve the increase of the operational hours of the car wash from the current hours of 7:00 a.m. to 7:00 p.m. to 7:00 a.m. to 10:00 p.m.

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

AYES: Commission Member Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: Chairperson Charoen

ABSENT: Vice Chairperson Hwangbo

- f) Adopt a Resolution approving certain amendments to Conditional Use Permit 342 for the existing Unocal 76 Service Station located at 5482 La Palma Avenue.

Resolution No. PC 2012-03 approving certain amendments to Conditional Use Permit 342 for the existing Unocal 76 Service Station located at 5482 La Palma Avenue.

Commission Member Rodriguez made a motion to adopt Resolution No. PC 2012-03 approving certain amendments to Conditional Use Permit 342 for the existing Unocal 76 Service Station located at 5482 La Palma Avenue with the conditions set forth by the Planning Commission as listed.

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

AYES: Commission Member Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: Chairperson Charoen

ABSENT: Vice Chairperson Hwangbo

### REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:07 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 March 6, 2012, Regular Meeting of the City Council and the March 13, 2012, Special Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2012-20 approving the Register of Demands for March 20, 2012.

4. Purchase of Replacement Vehicle for the Police Department

- a) Authorize the purchase of one replacement vehicle for the Police Department
- b) Appropriate \$25,570 from the Vehicle Maintenance Internal Service Fund Reserves to the Vehicle Maintenance and Replacement Fund for the purchase.

5. Annual Progress Report of the General Plan - Fiscal Year 2010-11

Resolution No. 2012-21 approving the 2010-11 Annual Progress Report on the status of the General Plan.

6. Award of Contract for City Manager Recruitment Services

- a) Approve and authorize the Mayor to execute an agreement with Peckham and McKenney for City Manager recruitment services in an amount not-to-exceed \$17,000, plus reimbursement for expenses in an amount not-to-exceed \$7,000; and
- b) Appropriate \$24,000 from General Fund Reserves to the Internal Services Employee Benefits Fund (Account 061-610-600).

Council Member Shanahan made a motion to approve Consent Calendar Items 1 through 6.

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

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



NOES: None

ABSENT: Mayor Pro Tem Hwangbo

### PUBLIC HEARINGS

7. Ordinance Amending Chapter 26 of the La Palma City Code Adding and Amending Certain Provisions to the "Planned Neighborhood Development (PND)" Zoning District

- a) Mayor Charoen opened the Public Hearing at 8:07 p.m.
- b) Community Development Director Dumhart gave the Staff Report
- c) Public Input:

No members of the Public wished to speak.

- d) Mayor Charoen closed the Public Hearing at 8:09 p.m.
- e) Commission Comments and Questions  
None.

- f) Introduce for first reading, an Ordinance amending Chapter 26 of the La Palma City Code adding and amending certain provisions to the Planned Neighborhood Development (PND) Zoning District.

Council Member Rodriguez made a motion to introduce for first reading, an Ordinance amending Chapter 26 of the La Palma City Code adding and amending certain provisions to the Planned Neighborhood Development (PND) Zoning District.

Discussion ensued regarding the City Council and Staff working together to make City Codes appropriate for the La Palma Community.

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

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

NOES: None

ABSENT: Mayor Pro Tem Hwangbo

REGULAR ITEMS

8. Participation in the Orange County Regional Narcotic Suppression Program (RNSP)

Police Chief Nunez gave the Staff Report

Council Comments and Questions:

Discussion ensued regarding the Police Department conducting a selection process for the RNSP officer; that the position would come from patrol officer ranks; that the City could get paid an estimated \$155,667 per year through asset forfeitures; that the proposal is for a three year contract; that losing a patrol officer to the program would not impact service levels because the department has been down an officer and a new officer comes on staff after April 14, 2012; the current departmental staffing levels; that at the end of three years, the City would be able to approve another contract; that there are consistently 3 officers on shift with one supervisor; that the addition of a new officer would assist the shift scheduling overall; that the Police Department backfills from non-patrol divisions to reduce overtime costs; that there is no request to hire an additional officer to backfill the RNSP assigned personnel; that Police Chief Nunez met with La Palma Police Association President to discuss the matter; that the RNSP recently conducted a high level seizure in La Palma; that the residents will not see a difference in front line services; that being a part of the RNSP gives access to high-end policing tools; and that this is an opportunity to provide a high level of service while generating revenues in providing services to the public.

- a) Approve the City's participation in the Regional Narcotic Suppression Program (RNSP), which requires dedicating one full-time police officer for a period of up to three years to the specialized task force; and
- b) Authorize the City Manager or their designee to execute all necessary documents to participate in the program.

Council Member Waldman made a motion to approve the City's participation in the Regional Narcotic Suppression Program (RNSP), which requires dedicating one full-time police officer for a period of up to three years to the specialized task force; and authorize the City Manager or their designee to execute all necessary documents to participate in the program.

Further discussion ensued regarding rotating the officers into the RNSP task force; that this is an outstanding training mechanism to help the officers grow professionally; and support for a program that funds its own position.

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

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

NOES: None

ABSENT: Mayor Pro Tem Hwangbo

9. Study Session: City Manager Recruitment

Administrative Services Manager Murray gave a brief overview of the City Manager recruitment process.

Public Input:

Thomas Truscott, 5202 Andrew Drive, addressed the City Council regarding his opposition to the City Manager recruitment fees; his opposition to the outgoing City Manager's salary; and his support for a recent political science graduate to become the City Manager.

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

**Council Member Rodriguez** attended a Relay for Life Planning meeting; the March 13 Special City Council meeting; former City Manager Lazzaretto's going away party; and the Gazebo Rededication Ceremony. He announced that he plans to attend the Anaheim Union High School District (AUHSD) Foundation meeting; the upcoming Orange County Fire Authority (OCFA) board meeting; the upcoming John F. Kennedy High School's Choir Spring Program; and the upcoming Steven Luther Elementary School Modernization Presentation. He closed by reporting that he attended funeral services for long time resident and City Volunteer, Emily Zechiel.

**Council Member Shanahan** attended the March 13 Special City Council meeting; and former City Manager Lazzaretto's going away party. He thanked Public Works for the great job on Maroon Drive and thanked the Police Department for their presence on Sharon Drive. He announced that he plans to attend the upcoming Economic Development Subcommittee meeting with the Buena Park Area Chamber of Commerce.

**Council Member Waldman** attended the Association of California Cities-Orange County (ACC-OC) meeting and the Orange County Sanitation District (OCSD) Finance Committee meeting.

**Mayor Charoen** attended the ACC-OC meeting and announced that Lisa Bartlett was voted in as the new President and Council Member Waldman was voted in as a Board member. He also attended the March 13th Special City Council meeting; Carol Chen's Mayoral Transition for the City of Cerritos; and the Gazebo Rededication Ceremony. He announced that he plans to attend the upcoming Economic Development Subcommittee meeting with the Buena Park Area Chamber of Commerce; and that he will be interviewed by a Fullerton Political Science student. He announced that he plans to attend the upcoming Steven Luther Elementary School Modernization Presentation; the upcoming ACC-OC meeting; and the Thai New Year Celebration on April 1, 2012.

#### CITY MANAGER REMARKS

**Interim City Manager Matz** announced that the upcoming Oversight Committee Board meeting is scheduled for April 12, 2012, at 8:00 a.m. in the Council Chambers of La Palma City Hall. He closed by thanking the City Council for the opportunity to serve as the Interim City Manager.

#### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** reported that the Fair Political Practices Commission (FPPC) voted 3-2 to approve an amendment to appointing committee members to outside committees. He commented that the committee appointments will need to report their compensation on the City's website and noted that the City Council may attend the Oversight Committee Board meeting, but cannot discuss any City business.

#### ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the La Palma City Council at 8:57 p.m. in memory of Emily Zechiel.

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G. Henry Charoen  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk