

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 20, 2007

Mayor Waldman called the regular meeting of the La Palma City Council to order at 7:02 p.m. on Tuesday, March 20, 2007 in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Rodriguez

INVOCATION: Father Phil Hart, St. Irenaeus Catholic Church

ROLL CALL: Council and Commission Members

ROLL CALL:

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

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, Interim City Manager/Director of Community Development
Ed Ethell, Chief of Police
Jan Hobson, Director of Recreation & Community Services
Ismile Noorbaksh, Director of Public Works/City Engineer
Laurie Murray, Administrative Services Manager/City Clerk
Deborah Moreno, Director of Finance
Noam Duzman, City Attorney
Lynnae Sisemore, Minutes Clerk

ORAL COMMUNICATIONS

None

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION: 7:06 p.m.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

March 6, 2007 Minutes of the Regular Meeting of the Community Development Commission

B. Approval of Register of Demands

Resolution Number CDC 2007-06

Commissionmember Herman made a motion to approve Consent Calendar Items A and B.

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

AYES: Commissionmember Barnes, Chairman Pro Tem Charoen, Commissionmember Herman, Commissionmember Rodriguez, and Chairman Waldman

NOES: None

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION: 7:06 p.m.

PL-1 Amendment to Conditional Use Permit 336, Requesting to Omit Required Landscaping Adjacent to the Equipment Shelter for a Telecommunications Facility in the Southern California Edison Right-of-Way 435 Feet West of Moody Street (APN: 263-155-01)

- a) Chairman Waldman re-opened the public hearing at 7:06 p.m.
- b) Interim Executive Director/Community Development Director Lazzaretto requested to continue the item until April 17, 2007.

Chairman Waldman made a motion to continue the Public Hearing to the April 17, 2007 Planning Commission Meeting.

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

AYES: Commissionmember Barnes, Chairman Pro Tem Charoen, Commissionmember Herman, Commissionmember Rodriguez, and Chairman Waldman

NOES: None

ADJOURN THE PLANNING COMMISSION AND CONVENE AS CITY COUNCIL: 7:08 p.m.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

2. Approval of Council Minutes

February 20, 2007 and March 6, 2007 Minutes of the Regular Meeting of the City Council

3. Approval of Register of Demands

Resolution Number 2007-09

4. Street Closures - City Special Events

Resolution Number 2007-10

5. Award of Professional Inspection Services for the Rehabilitation La Palma Avenue from Valley View Street to Walker Street, City Project No. ST-271, Federal Project No. STPL-5319 (009)

Councilmember Barnes made a motion to approve Consent Calendar Items 1 through 5.

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

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

NOES: None

6. Fee Reduction for Graffiti Removal Services

Councilmember Barnes requested to pull this item and asked if the Code Enforcement Officer patrols the rights-of-way for graffiti.

Interim City Manager/Community Development Director Lazzaretto replied that the Code Enforcement Officer does not routinely patrol the rights-of-way for graffiti, but will respond to complaints and contact property owners of graffiti issues when they arise.

Councilmember Barnes stated the financial impact in the staff report is unclear because of "the newly-eligible property owners that would avail themselves" and asked how many residents or homes will be affected by this.

Interim City Manager/Community Development Director Lazzaretto replied it depended on whether the question includes only the properties that abut the Orange County Transportation (OCTA) Right-of-Way, which is about 50 properties, or other rights-of-way which range from 100 to 200 properties. The financial impact is vague because it is difficult to know which homeowners will need the graffiti service.

Mayor Waldman asked why a graffiti waiver has to be signed every year.

Interim City Manager/Community Development Director Lazzaretto replied that the waiver could be written to make it an open ended agreement so it would be easier for staff and property owners to comply.

Councilmember Barnes asked if residents will be notified when graffitied walls are to be painted even if a waiver does not have to be signed each year.

Interim City Manager/Community Development Director Lazzaretto replied staff would be happy to provide notice but would not expect to notify residents of the graffiti painting unless required.

Councilmember Herman asked if the graffiti removal services should be brought back on a certain time table for Council to discuss or if it should be left to the discretion of the City Manager.

Councilmember Barnes replied that it should be left to the discretion of the City Manager.

Councilmember Rodriguez asked if when Council reviews the fee schedule, if that would be the appropriate time to review graffiti removal service fees.

Interim City Manager/Community Development Director replied the fee schedule is reviewed annually, typically during the same time period that the budget is reviewed.

Councilmember Rodriguez asked if the fee schedule will be brought back to the Council before the next budget cycle.

Interim City Manager/Community Development Director Lazzaretto answered that the whole fee schedule would be returned, but it would be too soon to evaluate the graffiti fee this year.

Councilmember Rodriguez made a motion to approve and authorize the fee reduction for graffiti removal services amending Resolution Number 2006-31.

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

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

NOES: None

REGULAR ITEMS

7. Appointments to Citizen Committees

Councilmember Barnes named the recommended appointee to the Community Activities and Beautification (CAB) Committee, Wendy Huang, and the are to be painted even if a waiver does not have to be signed each year.

Councilmember Rodriguez asked why the appointee's names were not included in his agenda.

Administrative Services Manager/City Clerk Murray replied that a complete summary packet of the applicants was provided to Council in the Friday Report. She stated that staff could provide another copy by request.

Councilmember Rodriguez asked if it was required for the names of the appointees be included in the agenda packet.

Administrative Services Manager/City Clerk Murray replied that the applications were not provided to the Council prior to the meeting because the Council sub-committee had not finished their interviews, and could not provide their recommendations until this evening.

Councilmember Rodriguez asked from a public notice perspective should the names have been publicly available.

City Attorney Duzman replied that there is not a legal requirement to have the

actual names be included because the item was put on the agenda.

Councilmember Rodriguez asked the Council sub-committee to repeat their recommendations.

Councilmember Barnes replied that the qualifications for both candidates were exemplary. Another candidate, Mr. Fekete, withdrew his application due to travel arrangements and business obligations.

Councilmember Rodriguez asked what committee Mr. Fekete applied for.

Administrative Services Manager/City Clerk Murray replied for the Development Committee or the Traffic Safety Committee.

Councilmember Barnes stated that there was one more applicant to consider, Steve Hwangbo, and the sub-committee would like to discuss if he is interested in serving on the Traffic Safety Committee.

Councilmember Herman asked if Mr. Hwangbo was interviewed.

Councilmember Barnes answered affirmatively.

Councilmember Herman asked what committee he was interested in.

Councilmember Barnes replied that he was first interested in the Development Committee, then the Traffic Safety Committee. She stated that she would like to confirm with him if he is still interested in serving on the Traffic Safety Committee.

Councilmember Herman asked if Mr. Hwangbo had indicated he did not want to be on the Traffic Safety Committee.

Councilmember Barnes replied more or less.

Councilmember Rodriguez asked the sub-committee to describe what Mr. Mitchell's connection with the community is and how his role will fit the community for the Development Committee.

Mayor Pro Tem Charoen replied that the applications were compared as they relate today and that the number of times an applicant had previously applied was not a factor. He stated that Mr. Mitchell has been in the city for twenty-three years; he has a bachelor of science in business, works for Southern California Edison; has extensive experience with new construction; is a LEED accredited professional; is a State of California asbestos inspector; and has experience with major remodels and landscaping. He added that it is unfortunate that the City received more applications than there were seats to fill for the Development Committee.

Councilmember Rodriguez asked why a candidate with a non-engineering background was chosen over a candidate with engineering experience.

Councilmember Barnes replied that Mr. Mitchell has a depth of experience in construction and remodels.

Councilmember Rodriguez asked if Mr. Mitchell has conducted commercial or residential remodels.

Councilmember Barnes replied that she thought it was both, but that she could not be certain.

Mayor Pro Tem Charoen replied that other factors were considered besides education.

Councilmember Rodriguez asked how Mr. Mitchell is involved in the community.

Councilmember Barnes replied that community involvement is not the overriding factor for selection.

Mayor Pro Tem Charoen replied that they would still like to encourage Mr. Hwangbo to apply in the future for other committee openings.

Councilmember Herman asked if one applicant interviewed better than the other.

Councilmember Barnes replied that it was a culmination of a lot of factors.

Councilmember Herman asked if the City has ever involved the current Development Committee members to find out what their criteria might be.

Interim City Manager/Community Development Director Lazzaretto answered no because it is a Council appointed committee.

Councilmember Rodriguez asked again what Mr. Mitchell's connection to the community is.

Mayor Pro Tem Charoen replied that Mr. Mitchell's length of residency is a significant factor.

Councilmember Rodriguez asked what made Mr. Mitchell stand out versus Mr. Hwangbo.

Councilmember Barnes replied it was the sum of all the qualifications and experience.

Councilmember Rodriguez asked since Mr. Mitchell is a Southern California Edison employee, would he have to abstain from any Edison right-of-way discussions.

City Attorney Duzman answered affirmatively. He stated that to the extent that the individual has an interest in the decision making, he would have to abstain from the discussion.

Councilmember Rodriguez asked if anything in the past four years has come before the Development Committee pertaining to Southern California Edison.

Interim City Manager/Community Development Director Lazzaretto replied that there is currently a discussion regarding a T-mobile site in the Edison right-of-way that the applicant would be affected by; and there has also been a Cingular telecommunications facility in the right-of-way. He stated that the Development Committee would review both of these items.

Mayor Waldman asked if the Edison right-of-way is a significant portion of the Development Committee meetings.

Interim City Manager/Community Development Director Lazzaretto replied no. The Development Committee mostly discusses single-family home remodels.

Councilmember Herman asked how long Mr. Mitchell has worked for Southern California Edison.

Councilmember Barnes replied that she did not know.

Councilmember Herman asked what a LEED accredited professional is.

Councilmember Rodriguez replied that LEED accreditation has to do with energy conservation and safety in green buildings.

Councilmember Herman asked if that would tie in with Southern California Edison.

Councilmember Rodriguez answered affirmatively.

Councilmember Herman asked if being an asbestos inspector would be an advantage for the Development Committee.

Interim City Manager/Community Development Director Lazzaretto replied it wouldn't directly apply but it would indicate that he has a familiarity with building requirements. This type of experience is not a requirement; what it is necessary is that the applicants know what is aesthetically pleasing for the City.

Councilmember Barnes made a motion to approve the sub-committee recommendations for appointments to the Citizen Committees; for the Community Activities and Beautification Committee, Wendy Huang, and for the Development Committee, Mel Mitchell. The motion was seconded by Mayor Pro Tem Charoen.

Councilmember Rodriguez requested that the maker of the motion take separate votes for each appointment.

Councilmember Barnes agreed and withdrew her original motion.

Councilmember Barnes made a motion to approve the appointment of Wendy Huang to the Community Activities and Beautification Committee.

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

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

NOES: None

Councilmember Barnes made a motion to approve the appointment of Mel Mitchell to the Development Committee. The motion was seconded by Mayor Pro Tem Charoen.

The motion was carried on the following vote:

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

NOES: Councilmember Herman, Councilmember Rodriguez

Councilmember Barnes stated that the sub-committee would like to review Council Policy 10 regarding Council appointed committee attendance and bring forward a draft revised policy.

Administrative Services Manager/City Clerk Murray replied that the sub-committee meeting is scheduled for April 5 and that their recommendation would then be brought to the next regularly scheduled Council meeting.

Councilmember Rodriguez asked Councilmember Barnes to elaborate on the attendance issues.

Councilmember Barnes replied that the sub-committee wants to make attendance requirements more consistent among all committees.

Administrative Services Manager/City Clerk Murray replied that at a prior meeting the City Council directed the sub-committee to look at attendance issues for the different committees. During the course of the interviews the sub-committee decided that they needed more time to discuss and address the issue.

Councilmember Rodriguez asked for clarification, if the policy recommendation will be to have a consistent attendance policy.

Councilmember Barnes answered that was what they were going to discuss..

Mayor Waldman commented that the policy should be brought to the entire Council, that it was not under the sub-committee's responsibilities.

Councilmember Rodriguez suggested that the matter be reviewed by the policy committee and asked Mayor Waldman if he and Councilmember Herman were on the policy committee.

Mayor Waldman answered affirmatively.

Councilmember Rodriguez asked if staff is still accepting applications for the Traffic Safety Committee.

Interim City Manager/Community Development Director Lazzaretto answered that according to the Council policy, the City is always accepting applications for any committees.

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

Mayor Pro Tem Charoen attended the League of California Cities (LOCC) dinner and the Centralia School District Foundation Fundraiser dinner.

Councilmember Herman attended the LOCC dinner; the City of Cerritos new Councilmember swearing-in ceremony; and the Orange County Vector Control District meeting. He stated that Assemblyman Jose Solorio is asking for support on AB 823, and asked staff if a request is necessary for it to be put on an agenda for discussion.

Interim City Manager/Community Development Director Lazzaretto that if Councilmember Herman wanted the City to take an official position on the matter, a request to agendize the matter needs to be made.

Councilmember Rodriguez attended the LOCC dinner; the City of Cerritos new Councilmember swearing-in ceremony; and the "Mr. and Ms. K" John F. Kennedy High School pageant. He stated that positions for vacant committee openings should be reviewed in a timely manner.

Councilmember Barnes attended the LOCC dinner; the "Mr. and Ms. K" John F. Kennedy High School pageant; and the Southern California Association of Governments (SCAG) Inaugural leadership training.

Mayor Waldman attended and was a judge at the "Mr. and Ms. K" John F. Kennedy High School pageant; the Orange County Sanitation District meeting; and the LOCC dinner.

Mayor Waldman stated that his first "Meet the Mayor" at the La Capilla restaurant was interesting and he was looking forward to future meetings. He announced that the La Palma Chamber of Commerce will be holding a mixer at the Shear Artisan Salon on March 22, 2007.

CITY MANAGER REMARKS

Interim City Manger/Community Development Director Lazzaretto introduced City Attorney, Noam Duzman from Rutan & Tucker.

CITY ATTORNEY REMARKS

City Attorney, Noam Duzman, introduced himself to the City Council and staff.

RECESS TO A CLOSED SESSION

Mayor Waldman recessed to a Closed Session at 8:06 p.m. to discuss the following matter:

PUBLIC EMPLOYEE APPOINTMENT

Government Code Section 54957

Position Title: City Manager

Mayor Waldman reconvened in open session at 8:52 p.m. with all members present and announced that there were no reportable actions.

Mayor Waldman adjourned the meeting at 8:53 p.m.

Mark Walden

Mayor

Attest:

Laurie A. Murray

City Clerk