

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 3, 2007

Mayor Waldman called the regular meeting of the La Palma City Council to order at 7:02 p.m. on Tuesday, April 3, 2007, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Barnes

INVOCATION: Pastor Brian Smith, Ambassador 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
Lona Laymon, City Attorney
Lynnae Sisemore, Minutes Clerk

PRESENTATIONS

1. Police Chief Ethell introduced La Palma's Dispatchers and Mayor Waldman presented them with a Proclamation designating the week of April 8-14, 2007, as National Public Safety Telecommunicator's Week 2007.

2. Mayor Waldman presented Cora Johnson from Donate Life with a proclamation designating the month of April as DMV Donate Life California 2007.

Mayor Waldman stated that Mayor Pro Tem Charoen asked for Agenda Item Number 10 regarding Community Activities and Beautification Committee stipends to be pulled from the agenda.

ORAL COMMUNICATIONS

None

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION: 7:16 p.m.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

March 20, 2007 Minutes of the Regular Meeting of the Community Development Commission

- B. Approval of Register of Demands

Resolution Number CDC 2007-08

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

The motion was seconded by Chairman Pro Tem Charoen 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 PLANNING COMMISSION: 7:16 p.m.

PL-1 Approval of Planning Commission Minutes

Chairman Pro Tem Charoen made a motion to approve the March 20, 2007 Minutes of the Regular Meeting of the Planning Commission.

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 PLANNING COMMISSION AND CONVENE AS THE CITY COUNCIL: 7:16 p.m.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances
2. Approval of Council Minutes

March 20, 2007 Minutes of the Regular Meeting of the City Council

3. Approval of Register of Demands

Resolution Number 2007-13

4. Amendment Number 11 to Cooperative Agreement C-95-982 between Orange County Transportation Authority and the City of La Palma
7. Notice of Completion and Acceptance of Work for Rubberized Slurry Sealing of Various Residential Streets, City Project No. ST-274

Councilmember Herman made a motion to approve Consent Calendar Items 1, 2, 3, 4, and 7.

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

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

NOES: None

5. Award of Contract to E.C. Construction for the Removal and Replacement of the Existing Sign at El Rancho Verde Park, City Project 05-PRK-02

Councilmember Herman requested to pull this item and asked if the El Rancho Verde Park sign was presented to the Development Committee.

Public Works Director Noorbaksh replied no.

Councilmember Herman asked if Public Works Director Noorbaksh approved the sign himself.

Public Works Director Noorbaksh replied no. He explained that the sign was brought before Council through regular Friday reports prior to staff proceeding with the project.

Councilmember Herman made a motion to approve Agenda Item Number Five.

Councilmember Rodriguez stated that the efforts in this area came to light in response to an inquiry from a resident - prior Councilmember Lauree Aragona - and asked if she has been provided information regarding the status of the park sign.

Public Works Director Noorbaksh replied no, that staff will notify Mrs. Aragona once the item has been approved.

Mayor Pro Tem Charoen asked to move the decision on this Agenda Item until after Agenda Item Number Eight so that Council has an opportunity to hear the proposed budget supplemental requests prior to making a decision on this expenditure.

Councilmember Rodriguez stated that this item is something that Council gave direction on two years ago and asked to keep this item separate from the next fiscal year budget.

Mayor Waldman suggested moving Agenda Item Number Five to Agenda Item Number 8A.

Councilmember Rodriguez asked why the item is being moved for discussion after next year's budget, since there is no connection to that budget.

Mayor Waldman replied that it is to accommodate Mayor Pro Tem Charoen's request.

Mayor Pro Tem Charoen asked what the process was of moving an agenda item.

City Attorney Laymon explained that the item must be pulled from the Consent Calendar in order to move it.

Councilmember Herman asked for clarification of Mayor Pro Tem Charoen's request.

Mayor Pro Tem Charoen replied that he requested to move Agenda Item Number Five until after Agenda Item Eight so that Council has an opportunity to hear the proposed budget supplemental requests prior to making a decision on this expenditure.

City Attorney Laymon explained that Council does not need a second motion to move the agenda item; it is the Mayor's discretion as to whether to treat it as an item after Agenda Item Eight.

Mayor Waldman replied that he will not include the item as part of Agenda Item Number Eight, but will place it after that item to continue discussion of Agenda Item Number Five.

Councilmember Herman asked Public Works Director Noorbaksh if funding was established when the park sign was first discussed.

Public Works Director Noorbaksh replied no, but the intent was that the funds would come from Park-in-Lieu Fees or other park funds.

Councilmember Herman asked for clarification that the City is not using Park-in-Lieu fees and that staff is proposing using the Capitol Outlay Reserve (COR) funds.

Public Works Director Noorbaksh answered affirmatively.

Councilmember Herman asked who made the decision to use the COR fund.

Interim City Manager/Community Development Director Lazzaretto replied that when the Council approved the plans for the Community Center Rehabilitation, it authorized the use of the Park-in-Lieu funds with the remainder coming from COR. Since there are now no Park-in-Lieu funds available, the COR fund is the next logical place to fund the sign from.

Councilmember Herman asked if the Council was voting on the matter now.

Mayor Waldman replied that there will be no voting at this time; Agenda Item Number Five will be moved to after Agenda Item Number Eight for discussion.

6. Award of an Annual Landscape Maintenance Services Contract to Midori Gardens, Inc. City Project No. 06-PRK-01

Councilmember Herman requested to pull this item and asked about page 11, item 2, of the staff report regarding chemical applications and asked what type of chemicals are applied.

Public Works Director Noorbaksh answered that the chemicals referred to are for fertilization and weed control.

Councilmember Herman made a motion to approve an Annual Landscape Maintenance Services Contract to Midori Gardens, Inc. City Project No. 06-PRK-01.

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

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

NOES: None

REGULAR ITEMS

8. Study Session on Proposed Fiscal Year 2007-08 Budget

Interim City Manager/Community Development Director Lazzaretto gave the first part of the staff report regarding the format of the two-year budget.

Councilmember Rodriguez asked if the second year estimated numbers are based on a numerical model or on anticipated events.

Interim City Manager/Community Development Director Lazzaretto replied that it depends on the line item; known items such as negotiated labor increases would be included, and items such as supplies have an escalation factor. Each department has made specific entries regarding known increases.

Councilmember Rodriguez asked if there is a way for Council to know that the numbers have received a realistic review.

Interim City Manager/Community Development Director Lazzaretto replied that every line has been studied by the Department Head, City Manager, and Finance Director and should be considered realistic.

Mayor Waldman asked if he looks at the section for each of the funds will he be able to total transfers out and transfers in.

Interim City Manager/Community Development Director Lazzaretto answered affirmatively.

Mayor Waldman asked if there is a way to separate monies that have been committed but not spent.

Interim City Manager/Community Development Director Lazzaretto replied that it is not uncommon for cities to identify earmarked funds.

Interim City Manager/Community Development Director Lazzaretto continued with the staff report regarding general fund revenue and supplemental requests for the Administration and the Community Development departments.

Police Chief Ethell gave a brief summary on the Police Department's supplemental requests.

Public Works Director Noorbaksh gave a brief summary on the Public Works Department's supplemental requests.

Recreation and Community Services Director Hobson gave a brief summary of the Recreation Department's supplemental requests.

Oral Communications

Steve Shanahan, 7821 Barbi, asked if the City could update its current website to show the time of events and to make it user friendly.

Steve Frank, 5532 Fir, spoke regarding school district boundaries north of Houston Avenue and explained that those children are not being allowed to attend Walker Junior High School or Kennedy High School. He asked for the City's assistance with the matter.

Val Higa, 5522 Fir, spoke regarding school district boundaries north of Houston Avenue and explained that those children are not being allowed to attend Walker Junior High School or Kennedy High School. She also asked for the City's assistance with the matter.

Discussion continued.

Councilmember Barnes asked if the technology funding for the regional Emergency Response Operations Center is coming from the participating agencies.

Police Chief Ethell replied no, the technology will be funded from an Urban Area Security Initiative (UASI) Grant.

Councilmember Barnes asked if the technology costs were \$33,000.

Police Chief Ethell replied no; that the technology would cost approximately \$350,000 and would be funded from the grant source.

Councilmember Barnes asked if the \$33,000 being requested is for a part-time multi-agency coordinator.

Police Chief Ethell answered affirmatively.

Councilmember Barnes asked if every agency will contribute \$33,000.

Police Chief Ethell replied that the final number depends on the number of agencies that participate.

Mayor Pro Tem Charoen asked if the requested funds for legal services regarding the Solid Waste Contract renewal are really optional.

Interim City Manager/Community Development Director Lazzaretto replied that the Council could direct the City Manager to negotiate without the assistance of legal counsel, but it would be unwise.

Mayor Pro Tem Charoen asked how often Police dogs are utilized.

Police Chief Ethell replied that the Police Department currently has one canine that is used during the Police Officer's regular shift for building searches, high risk car stops, and narcotic searches. The canine is also a strong deterrent for suspects fleeing or resisting the Police Department. It is not an extra position.

Mayor Pro Tem Charoen asked for Chief Ethell to provide statistics on how often the dog is utilized for each activity. He also asked if the funding request for extra reserve hours to investigate financial crimes is a guess or if those hours will actually be used.

Police Chief Ethell replied that the additional funding is being requested because as many of the hours that can be provided to the Police Officer Reserves will be utilized. Once budgeted hours are exhausted, reserve officers are not utilized for the remainder of that fiscal year.

Mayor Pro Tem Charoen asked if this will be an issue during the current fiscal year.

Police Chief Ethell replied affirmatively.

Mayor Pro Tem Charoen asked for clarification that the software for the police car computers was purchased, but the licensing to use the software was not purchased.

Police Chief Ethell replied that the computers for the police cars have not been purchased yet because this situation arose and because there was insufficient funding for the entire project at this time.

Mayor Pro Tem Charoen asked how much the computers cost.

Police Chief Ethell replied \$87,000.

Mayor Pro Tem Charoen asked why the software was not included in the original funding amount for the computers.

Police Chief Ethell replied that it was an oversight. The vendor did not provide a quote for the software licensing and the Police Department did not include the licensing as part of the original purchase order.

Mayor Pro Tem Charoen asked when the last time the City Yard Well was rehabilitated.

Public Works Director Noorbaksh replied that the well has not been rehabilitated in 24 years.

Mayor Pro Tem Charoen asked if wells normally last 24 years without rehabilitation and if this is an unforeseen circumstance that requires an early rehabilitation.

Public Works Director Noorbaksh replied that the normal life of a well varies between 30 to 50 years. However, they do require repairs on an as needed basis.

Mayor Pro Tem Charoen asked if the rehabilitation costs could exceed the requested funding.

Public Works Director Noorbaksh answered affirmatively.

Mayor Pro Tem Charoen asked if staff will ask for Council direction, when an actual cost is known.

Public Works Director Noorbaksh answered affirmatively.

Interim City Manager/Community Development Director Lazzaretto replied that staff has already entered into a contract under this fiscal year budget to investigate the status of the well. Once the study comes back, staff will return to Council with a more solid estimate.

Mayor Pro Tem Charoen asked which pavilion building will be painted.

Recreation and Community Services Director Hobson replied that the pavilion is the stage where community events and concerts occur.

Mayor Pro Tem Charoen asked for statistics on how many participants there are for the proposed relocated Recreation classes.

Recreation Supervisor Belknap replied that the aerobics classes occur 3 hours a week with about 20 participants; there are 3 Marshall Arts classes each Saturday with about 15 to 25 participants; and that there are 10 to 12 Polynesian classes each week with varying numbers of participants.

Mayor Pro Tem Charoen asked if a rental fee is involved.

Recreation Supervisor Belknap replied that staff has negotiated a rental fee with one of the contractors that has the needed space.

Mayor Pro Tem Charoen asked if the classes were to be cancelled, how much money would the City lose in terms of rental fees and/or enrollment fees.

Recreation Supervisor Belknap replied that he would have to research those numbers.

Mayor Pro Tem Charoen asked if there is a potential for revenue losses if the City does not relocate the classes.

Recreation Supervisor Belknap replied that there is a potential that all of those revenues would be lost if the instructors did not return as contract instructors for the City after the completion of the Community Center.

Councilmember Herman inquired if \$6 million is accurate in terms of what the City anticipates receiving in sales tax from the State Board of Equalization.

Interim City Manager/Community Development Director Lazzaretto replied that the \$6 million figure is what the City expects to receive by the end of the fiscal year.

Councilmember Herman asked when staff will hire an outside consultant to investigate the sales tax issues.

Interim City Manager/Community Development Director Lazzaretto replied the City currently has a consultant, but due to the current circumstances is not utilizing them.

Councilmember Herman asked how far along the State's audit is.

Interim City Manager/Community Development Director Lazzaretto replied that the audit has not begun.

Finance Director Moreno replied that the sales tax has been selected for audit, but has not been assigned to an auditor. That assignment is expected soon.

Councilmember Herman asked if the State has its own auditing team or if they contract with an outside service.

Interim City Manager/Community Development Director Lazzaretto replied that they have their own internal auditing team.

Councilmember Rodriguez asked if a lobbyist has been considered.

Interim City Manager/Community Development Director Lazzaretto replied it has been considered but has not been utilized because the City is making progress.

Councilmember Barnes asked for clarification that the auditing process has to run its course once it is assigned.

Finance Director Moreno answered affirmatively.

Mayor Waldman recessed the meeting for a short break at 8:49 p.m.

Mayor Waldman reconvened the meeting with all members present at 8:55 p.m.

Councilmember Rodriguez asked staff if they would accept community volunteers to help in the upkeep of the City's current website.

Interim City Manager/Community Development Director Lazzaretto replied that the City always welcomes volunteers.

Councilmember Rodriguez asked if the Regional State and Federal Emergency Management Agency (FEMA) Emergency trailers were incorporated into the multi-agency program or if it is separate.

Police Chief Ethell replied that FEMA is separate and is part of the State Regional Operational Center which is based out of Los Alamitos.

Councilmember Rodriguez asked if it is anticipated that the joint emergency operations venture will be a stand alone Joint Powers Authority (JPA) or a task force.

Police Chief Ethell replied as the program progresses it may evolve into a JPA.

Councilmember Rodriguez asked if that would be similar to the SWAT arrangement.

Police Chief Ethell answered affirmatively.

Councilmember Rodriguez asked how many other agencies would be involved.

Police Chief Ethell replied that it would be the same type of agencies that participate in the CERT program.

Councilmember Rodriguez asked where the recreation classes would be relocated.

Recreation and Community Services Director Hobson replied that the smaller classes will be held in a modular classroom on site that will be used for classes and staff office space.

Councilmember Rodriguez asked if staff is working in conjunction with Southern California Edison (SCE) on utilizing the right-of-way.

Interim City Manager/Community Development Director Lazzaretto answered affirmatively.

Councilmember Rodriguez asked if SCE knows that the construction is imminent.

Interim City Manager/Community Development Director Lazzaretto replied that SCE has been informed. He clarified that the costs associated with the modular trailer were included in the Community Center project budget.

Councilmember Rodriguez asked what the location is for the offsite classes.

Recreation and Community Services Director Hobson replied that they would be held in Lakewood and Cerritos.

Mayor Waldman asked for clarification regarding the computer maintenance fund and if monies are available in that fund for website development.

Interim City Manager/Community Development Director Lazzaretto replied that because the City has a website, funds exist for modifications to the current site, but that there are not adequate funds for a new website design. Ongoing costs will be spread across the general fund and distributed to department costs.

Mayor Waldman asked if there were no major changes to the Solid Waste Agreement and Park Disposal was in agreement with those changes if the legal costs associated with the waste negotiations would decrease.

Interim City Manager/Community Development Director Lazzaretto answered affirmatively. However, the number could increase or decrease based on the state of the negotiations.

Mayor Waldman asked if there is an ongoing maintenance program for the well.

Public Works Director Noorbaksh replied affirmatively.

Mayor Waldman asked if there is a particular practice to catch corrosion before it occurs.

Public Works Director Noorbaksh replied that detection of corrosion only occurs when there is a problem.

Mayor Waldman asked if the funds for repainting and reroofing the gazebo were anticipated in the facilities maintenance fund.

Interim City Manager/Community Development Director Lazzaretto answered affirmatively.

Mayor Waldman asked if the repairs were supposed to be performed a few years ago.

Interim City Manager/Community Development Director Lazzaretto replied that both the gazebo and pavilion repairs were scheduled with different time tables but it was decided to incorporate them into the Community Center remodel.

Mayor Waldman asked what the \$1,200 holiday tree request consists of.

Recreation and Community Services Director Hobson replied that \$500 is to purchase a live tree, \$200 is to build a box for the tree to sit on, and the remaining \$500 is to purchase ornaments. The box and ornaments can be reused each year.

Councilmember Barnes asked if the Emergency Services Coordinator cost of \$30,000 might be deferred to another year.

Police Chief Ethell replied that it is possible because it could take four or more months to get the facility built at the base.

Councilmember Herman asked for clarification on the life expectancy of a water tank.

Public Works Director Noorbaksh replied that the life expectancy is from 30 to 50 years, but that does not mean no repairs will be required during that time.

Councilmember Herman asked if the City has taken past electronic measurements of the well's wall thickness.

Public Works Director Noorbaksh replied that would have taken place at the water reservoir, not the well.

Councilmember Herman asked if the sand being seen now is more than normal.

Public Works Director Noorbaksh answered affirmatively. Normally, when the well is turned on it takes five to fifteen minutes to clear the sand, at this time it is excessive.

Oral Communications

Steve Frank, 5532 Fir, suggested having Eagle Scouts paint the Community Center gazebo as part of earning their Eagle Scout Project.

Councilmember Herman asked if any repairs need to be done to the gazebo before it is painted.

Public Works Director Noorbaksh answered affirmatively.

Interim City Manager/Community Development Director Lazzaretto replied that the gazebo project will also include re-roofing the structure.

Councilmember Barnes made a motion to accept the shared Emergency Program as indicated by the Chief of Police.

Councilmember Herman seconded the motion. He asked staff for direction on the study session and what is expected from the Council.

Interim City Manager/Community Development Director Lazzaretto replied that with the exception of the proposed joint emergency operations center, that staff has the general direction they need and that no formal approval is required. A public hearing will be held at a later date.

Councilmember Herman asked if staff was seeking approval on the preliminary supplemental items that have been discussed.

Interim City Manager/Community Development Director Lazzaretto replied that approval is not necessary unless Council decides as a group that there is an item they are opposed to. Staff will ask Council to formerly adopt the budget in June.

The motion carried on the following vote to approve the concept of the part-time multi-agency shared emergency services coordinator proposal as:

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

NOES: None

City Attorney Laymon clarified that the budget item motion was an approval of the joint public safety program that was proposed by the Chief of Police as a budget item, not as actually an approval of the program itself.

5. Award of Contract to E.C. Construction for the Removal and Replacement of the Existing Sign at El Rancho Verde Park, City Project 05-PRK-02

Councilmember Rodriguez made a motion to award a contract to E.C. Construction for the removal and replacement of the existing sign at El Rancho Verde Park, City Project 05-PRK-02.

Councilmember Barnes asked if the funds to replace the sign will be taken out of COR this fiscal year or in the next fiscal year.

Interim City Manager/Community Development Director Lazzaretto replied the funds will be encumbered in this fiscal year budget since the project is approved this year.

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

AYES: Councilmember Barnes, Councilmember Herman, Councilmember Rodriguez, and Mayor Waldman

NOES: Mayor Pro Tem Charoen

9. Support of Assembly Bill 823 Regarding Orange County Road Funds

Councilmember Herman gave a brief summary on the letter presented by Assemblyman Jose Solorio regarding legislation encouraging the County of Orange to share its Gas Tax and Proposition 42 funds with Orange County cities.

Councilmember Herman made a motion to approve and authorize the support of Assembly Bill 823 Regarding Orange County Road Funds.

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

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

NOES: None

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

Mayor Pro Tem Charoen attended the Orange County Fire Authority (OCFA) district meeting as an observer.

Councilmember Herman asked Interim City Manager/Community Development Director Lazzaretto what the status was on the T-Mobile structure.

Interim City Manager/Community Development Director Lazzaretto replied that staff is waiting for plans from T-Mobile and that there is an agreement but no drawings have been created yet.

Councilmember Herman attended the Orange County Vector Control meeting. He asked Public Works Director Noorbaksh to clarify if available grant funds from the Waste Management Board are always \$2.7 million or if it varies.

Public Works Director Noorbaksh replied that the funds vary.

Councilmember Herman asked if the City ever qualifies for a portion of the funds.

Public Works Director Noorbaksh replied that the City did receive a small grant of \$2,000 several years ago.

Councilmember Rodriguez attended the Kennedy Scholarship interviews; Assemblyman Tony Mendoza's Women of the Year Recognition dinner; and the League of California Cities Statewide Policy Committee meeting.

Councilmember Barnes attended the Orange County Council of Governments (OCCOG) meeting and the OCFA meeting.

Mayor Waldman attended the Orange County Sanitation District meeting.

CITY MANAGER REMARKS

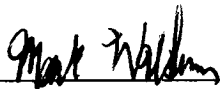
None

CITY ATTORNEY REMARKS

None

ADJOURNMENT

Mayor Waldman adjourned the meeting at 9:50 p.m.



Mayor

Attest:



City Clerk