

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

July 17, 2007

Mayor Waldman called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, July 17, 2007, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Rodriguez

INVOCATION: Pastor Jose "Paddy" Padilla Jr., A Fountain of Living Water

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  
Laurie Murray, Administrative Services Manager/City Clerk  
Deborah Moreno, Director of Finance  
Joel Kuperberg, City Attorney  
Crystal Wilkerson, Minutes Clerk

PRESENTATIONS

1. Monte Ward, Director of Special Projects with Orange County Transportation Authority, gave a presentation on Measure M

ORAL COMMUNICATIONS

No one wished to speak at this time

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION: 7:20 p.m.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

July 3, 2007, Minutes of the Community Development Commission

B. Approval of Register of Demands

CDC Resolution 2007-16 approving the Register of Demands for July 17, 2007

Councilmember Barnes made a motion to approve Items A and B

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

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS PLANNING COMMISSION: 7:34 p.m.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

July 3, 2007, Minutes of the Planning Commission

Councilmember Herman made a motion to approve Item PL-1

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

PL-2. Amendment to Conditional Use Permit 336, Requesting Approval to Omit Required Landscaping Conditions 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) Mayor Waldman re-opened the Public Hearing at 7:35 p.m.
- b) Community Development Director Lazzaretto gave the staff report
- c) Tim Miller, T-Mobile, 5912 Bolsa Avenue, Ste. 202, Huntington Beach, CA 92649 approached the podium to answer Council questions. Tami Bui, Southern California Edison came to the podium to answer Council questions.
- d) Chairman Waldman closed the Public Hearing at 8:07 p.m.
- e) Commission comments and questions ensued
- f) Continue Conditional Use Permit 336 to August 21, 2007 Regular City Council Meeting to allow Southern California Edison and T-Mobile more time to submit another proposal.

Councilmember Herman made a motion to continue Conditional Use Permit 336 to the August 21, 2007, Regular City Council Meeting to allow Southern California Edison and T-Mobile more time to submit another proposal.

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

ADJOURN PLANNING COMMISSION AND CONVENE AS CITY COUNCIL:  
8:21 p.m.

Mayor Waldman recessed the City Council for a short break at 8:22 p.m.

Mayor Waldman reconvened the City Council to regular session at 8:37 p.m.

CONSENT CALENDAR

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

Minutes of the July 3, 2007, Regular Meeting of the City Council, the minutes of the July 2, 2007, Special Meeting, the minutes of the July 3, 2007, Adjourned Special Meeting, and the minutes of the July 10, 2007, Special Meeting of the City Council.

4. Cancellation of August 7, 2007 City Council Meeting
6. Services Agreement for Temporary Classrooms during the Community Center Rehabilitation Project

Councilmember Herman made a motion to approve Consent Calendar Items 1, 2, 4, and 6.

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

3. Approval of Register of Demands

Councilmember Rodriguez made a motion to approve Consent Calendar Item 3.

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

5. Authorization for Councilmembers to Attend the League of California Cities Annual Conference
  - a) Approve the attendance of the following Councilmembers at the League of California Cities Annual Conference, September 5-8, 2007, in Sacramento: Mayor Mark Waldman, Mayor Pro Tem Henry Charoen, and Councilmembers Christine Barnes, Larry Herman, and Ralph Rodriguez.
  - b) Designate Mayor Mark Waldman as the City of La Palma's Voting Delegate at the League's Annual Conference, and Mayor Pro Tem Henry Charoen as the Alternate Voting Delegate.

Councilmember Rodriguez made a motion to approve Consent Calendar Item 5.

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 ITEM

### 7. Agreement for City Manager Services

Brian O'Neal, 5042 Cartagena, conveyed his concerns regarding how the item was listed in the agenda; the closed session process; the premature announcement of the appointment; and the naming of the candidate in the agenda. He inquired if there had been a violation of the Brown Act.

City Attorney Kuperberg responded that there was not a violation of the Brown Act.

- a) Adopt a Resolution of the City Council of the City of La Palma Appointing Dominic Lazzaretto as City Manager for the City of La Palma; and

Councilmember Barnes made a motion to adopt Resolution 2007-28 of the City Council of the City of La Palma appointing Dominic Lazzaretto as City Manager for the City of La Palma. Mayor Pro Tem Charoen seconded the motion.

Mayor Waldman asked to amend the previous motion approving Resolution 2007-28 of the City Council of the City of La Palma appointing Dominic Lazzaretto as City Manager for the City of La Palma to add that the appointment be contingent upon the completion of a current background check with no findings.

Councilmember Barnes, as the maker of the original motion, accepted the amendment. Mayor Pro Tem Charoen, as the seconder of the original motion, accepted the amendment.

Councilmember Rodriguez made a substitute motion to continue the appointment of the City Manager and the approval of an Agreement between the City of La Palma and Dominic Lazzaretto to the August 21, 2007, City Council meeting. The motion was seconded by Councilmember Herman and failed on the following vote:

AYES: Councilmember Herman and Councilmember Rodriguez.

NOES: Councilmember Barnes, Mayor Pro Tem Charoen, and Mayor Waldman.

The substitute motion having failed, Council voted on the amended motion as stated above.

The motion carried on the following vote:

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

NOES: Councilmember Herman, and Councilmember Rodriguez

b) Approve and authorize the Mayor to execute an Agreement between the City of La Palma and Dominic Lazzaretto for City Manager Services.

Mayor Pro Tem Charoen made a motion to approve and authorize the Mayor to execute an Agreement between the City of La Palma and Dominic Lazzaretto for City Manager Services. The motion was seconded by Councilmember Barnes.

Mayor Waldman proposed an amendment to the agreement to amend Section 3.2.2 of the contract to eliminate the last sentence regarding a CPI inflator for the car allowance and insert the following:

"The amount of the reimbursement shall be evaluated each fiscal year and, if appropriate, adjusted to reflect increased costs."

City Attorney, Joel Kuperberg clarified changes to the presented contract of July 17 Section 4.2 of the City Manager's agreement to read, "the City Council shall conduct an evaluation of the City Manager's performance in January 2008, in June 2008, and then annually in June;" Section 4.3 would read "within 60 days of the effective date."

Councilmember Rodriguez asked for a friendly amendment to the original motion that clarifies that the above changes were made to the agreement as presented on July 17, 2007, which supersedes the original draft in the Agenda dated July 12, 2007.

Mayor Pro Tem Charoen, as the maker of the original motion, accepted Mayor Waldman's amendment, along with the other amendments made by consensus, and Councilmember Rodriguez's friendly amendment regarding the specific draft of the Agreement. The new amended motion reads:

A motion to approve and authorize the Mayor to execute an Agreement between the City of La Palma and Dominic Lazzaretto for City Manager Services as presented in the revised Amendment dated July 17, 2007 and modified as requested by the City Council and clarified by the City Attorney amending Section 3.2.2 of the contract eliminating the annual CPI inflator for the car allowance and evaluating the rate on an annual basis as part of the City Manager's review; Section 4.2 amending the agreement stating, "the City Council shall conduct an evaluation of the City Manager's performance in January 2008, June 2008, and then annually in June;" and Section 4.3 to read "within 60 days of the effective date."

Councilmember Barnes accepted the amendments as the seconder of the motion. The motion carried on the following vote:

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

NOES: Councilmember Herman

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

Councilmember Barnes attended the 4th of July Run for Fun; the first Concert in the Park event; the Southern California Association of Governments (SCAG) meeting. She stated that she is proud that La Palma was named sixteenth in the nation of best places to live and commented on the many awards received by the City. She invited the Council to a SCAG "Dare to Prepare" conference in Ontario on August 8 and invited the public to the 60th Anniversary celebration for the Los Alamitos Chamber of Commerce.

Mayor Pro Tem Charoen attended the 4th of July Run for Fun; the Joint Forces Training Base fireworks show; the Police Department Awards Ceremony; and the first Concert in the Park event.

Councilmember Herman attended the Police Department Awards Ceremony and reported that he would not be able to attend the next Vector Control meeting on Thursday, July 19.

Councilmember Rodriguez attended the 4th of July Run for Fun; the launch of the "Great Balloon" at the Great Park in Irvine; the Police Department Awards Ceremony; the very successful Bone Marrow Donor Drive organized by Police Officer Nick Johnson; and the first Concert in the Park event. He inquired about the status of the graffiti removal in the OCTA Right-of-Way; about the upkeep of the ivy on the walls on La Palma at the bridge west of Denny that are not maintained by the City and if they could be maintained by the City; the safety of Camp Luther children walking across the bridge from La Palma to Cerritos on the La Palma bridge.

Mayor Waldman attended the 4th of July Run for Fun; the Joint Forces Training Base fireworks show; the first Ground Water Replenishment System Committee meeting; the Police Department Awards Ceremony; and the first Concert in the Park event.

Councilmember Rodriguez asked to be the first to congratulate Dominic Lazzaretto on his appointment as City Manager and wished him well in leading the City. He indicated that the entire Council is pulling for Mr. Lazzaretto's success.

Councilmember Herman echoed Councilmember Rodriguez's comments.

#### CITY MANAGER REMARKS

City Manager Lazzaretto stated that he is honored to receive the appointment and will strive to live up to the expectations of the City Council and the community; he expressed his thanks to the Management Team and to staff for their hard work over the last nine months during his interim position; and he commented that he looks forward to continuing the positive working relationship that he enjoys with the City Council and the community.

#### CITY ATTORNEY REMARKS

Nothing to report.

#### ADJOURNMENT

Mayor Waldman adjourned the City Council meeting at 10:04 p.m.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk