

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 21, 2007

CALL TO ORDER

Mayor Waldman called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, August 21, 2007, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Charoen

INVOCATION: Councilmember Barnes

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, City Manager/Executive Director
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
Joel Kuperberg, City Attorney
Janet Davey, Minutes Clerk
Crystal Wilkerson, Minutes Clerk

PRESENTATIONS

1. Recreation Presentation of the Tiny Tots Program and Teen Fashion Show

Director of Recreation and Community Services Janice Hobson gave the presentation.

2. Introduction of Administrative Secretary Jan Davey

Administrative Services Manager Laurie Murray introduced Janet Davey as the new Administrative Secretary.

3. Introduction of Maintenance Worker David Fleming

Director of Public Works Ismile Noorbaksh introduced David Fleming as the new Maintenance Worker.

ORAL COMMUNICATIONS

Marion Dottl, 7362 Bourbon Lane, spoke regarding code enforcement issues.

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION: 7:13 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

July 17, 2007, Minutes of the Community Development Commission.

B. Approval of Register of Demands

CDC Resolution 2007-17 approving the Register of Demands for August 7 and 21, 2007.

C. Cash and Investment Report as of June 30, 2007

Recommendation that the City Council receive and file the Cash and Investment Report as of June 30, 2007.

Commission Member Herman made a motion to approve Consent Calendar Items A, B, and C.

The motion was seconded by Vice Chairperson Charoen and carried on the following vote:

AYES: Commission Member Barnes, Vice Chairperson
Charoen, Commission Member Herman, Commission

Member Rodriguez, and Chairperson Waldman

NOES: None

CONVENE CITY COUNCIL: 7:14 P.M.

- D. Approval of Plans & Specifications, and Authorization to Solicit Competitive Bids for the Rehabilitation of Orangethorpe Avenue from Coyote Creek Channel to the SR-91 Freeway, City Project No. St-270, Federal Project No. STPL-5319 (010)

Commission Member/Councilmember Herman made a motion to approve the Plans & Specifications, and authorize the Public Works Director to solicit competitive bids for the Rehabilitation of Orangethorpe Avenue from Coyote Creek Channel to the SR-91 Freeway, City Project No. St-270, Federal Project No. STPL-5319 (010).

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

AYES: Commission Member/Councilmember Barnes, Vice Chairperson/ Mayor Pro Tem Charoen, Commission Member/Councilmember Herman, Commission Member/Councilmember Rodriguez, and Chairperson/ Mayor Waldman

NOES: None

RECESS CITY COUNCIL AND ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS PLANNING COMMISSION: 7:17 P.M.

CONSENT CALENDAR

PL-1 Approval of Planning Commission Minutes

July 17, 2007, Minutes of the Planning Commission.

Vice Chairperson Charoen made a motion to approve Consent Calendar Item PL-1.

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

AYES: Commission Member Barnes, Vice Chairperson Charoen, Commission Member Herman, Commission Member Rodriguez, and Chairperson 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) Chairperson Waldman re-opened the Public Hearing at 7:47 p.m.
- b) City Manager Dominic Lazzaretto gave the staff report.
- c) Tami Bui, Southern California Edison, responded to Council questions. Tim Miller, T-Mobile, 5912 Bolsa Avenue, Ste. 202, Huntington Beach, California 92649, responded to Council questions.
- d) Chairperson Waldman closed the Public Hearing at 7:37 p.m.
- e) Commission comments and questions ensued.
- f) Adopt Resolution denying an Amendment to Conditional Use Permit 336.

Commission Member Barnes made a motion to adopt a Resolution approving an amendment to Conditional Use Permit 336.

The motion was seconded by Commission Member Herman and failed on the following vote:

AYES: Commission Member Barnes and Commission Member Herman

NOES: Vice Chairperson Charoen, Commission Member Rodriguez, and Chairperson Waldman

Vice Chairperson Charoen made a motion to adopt Resolution No. PC 2007-02 denying an Amendment to Conditional Use Permit 336.

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

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

NOES: Commission Member Barnes and Commission Member Herman

PL-3. Conditional Use Permit 340, Requesting Approval for the Sale of Alcohol and Addition of Live Entertainment and Stage at the Herb Garden

Restaurant located at 4961 La Palma Avenue

Commission Member Barnes recused herself at 7:42 p.m. from this item as the proposed project falls within 500 feet of her personal property.

a) Chairperson Waldman opened the Public Hearing at 7:47 p.m.

b) City Manger Lazzaretto gave the staff report.

c) Public Input.

Toni Dossi, 4981 Berton Circle, spoke in opposition to the project.

Lisa Lipe, 5008 Via Helena, spoke in opposition to the project.

Clara Lipe, 4972 Burton Circle, spoke in opposition to the project.

Kay Lee, 7601 Commonwealth, Buena Park, the project architect, responded to concerns regarding noise and trash.

d) Chairperson Waldman closed the Public Hearing at: 8:19 P.M.

e) Commission comments and questions ensued.

f) Approve Resolution approving Conditional Use Permit 340, a request to sell beer and wine with meals for on-site consumption, and the addition of live entertainment and stage at the Herb Garden Restaurant located at 4961 La Palma Avenue.

Commission Member Herman made a motion to approve Resolution No. PC 2007-03 approving Conditional Use Permit 340, a request to sell beer and wine with meals for on-site consumption, and the addition of live entertainment and a stage at the Herb Garden Restaurant located at 4961 La Palma Avenue with the addition of Item 31 stating that, "Within six (6) months of the opening of the restaurant the Planning Commission shall conduct a public hearing to review compliance with the conditions of approval."

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

AYES: Vice Chairperson Charoen, Commission Member Herman, Commission Member Rodriguez, and Chairperson Waldman

NOES: None

RECUSED: Commission Member Barnes

Chairperson Waldman recessed the Planning Commission for a short break at 8:40 p.m.

Chairperson Waldman reconvened the Planning Commission at 8:46 p.m. with all members present.

RECESS PLANNING COMMISSION AND CONVENE AS CITY COUNCIL: 8:47 P.M.

10.	<u>Award of Contracts to Low Responsive Bidders for the Community Center Rehabilitation Project, Precise Plan 266*</u>
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- a) Award a contract in the amount of \$1,731,026 to the low responsible bidder, Construct 1 One Corporation of Tustin, California, and authorize the Mayor to execute an Agreement for Bid Package #1, Building Shell;
- b) Award a contract in the amount of \$472,670 to the low responsible bidder, Construct 1 One Corporation of Tustin, California, and authorize the Mayor to execute an Agreement for Bid Package #1, Sitework;
- c) Award a contract in the amount of \$228,400 to the low responsible bidder, Commercial Roofing Systems, Inc. of Arcadia, California, and authorize the Mayor to execute an Agreement for Bid Package #3, Roofing;
- d) Direct staff to obtain at least three bids for Bid Package #4, Landscape/Irrigation with the assistance of the contractor selected in Bid Package #1 and add Bid Package #4 to their scope of work; and

* Note: Please note for clarification that Items a through d were labeled as Items 1 – 5, respectively, in the Staff Report and are referred to as Items 1 – 5 during Council discussion and in Council actions.

Karen Blake, 7801 Westra Lane, spoke in support of the project.

George Mast, 4741 El Rancho Verde Drive, spoke in support of the project.

Ken Blake, 7801 Westra Lane, spoke in support of the project.

Keith Nelson, 5311 La Luna, spoke in opposition to the rising costs of the project.

Michael Pinto, Osborn Architects, Glendale, California, responded to questions regarding the readerboard.

Alta Duke, 7692 Tracy Lane, spoke in support of the project.

Esmerelda Ward, Osborn Architects, Glendale, California, responded to questions.

Mayor Pro Tem Charoen made a motion to approve the total project base costs in the amount of \$3,137,548.

Councilmember Barnes asked for an amendment to the motion to include all of the Additive Alternatives for a total project cost of \$3,720,654.

Both the amendment and the original motion died for a lack of a second.

Mayor Waldman recessed the City Council for a short break at 10:24 p.m.

Mayor Waldman reconvened the City Council at 10:32 p.m. with all members present.

Through straw votes/informal votes, the Council approved the inclusion of Additive Items A, B, C, D, E, F, G, H, and J as follows:

Item A (Readerboard): Councilmember Barnes, Mayor Pro Tem Charoen, and Mayor Waldman in favor; Councilmembers Herman and Rodriguez opposed.

Item B (Landscaping except Palm Trees): Councilmember Barnes, Mayor Pro Tem Charoen, Councilmember Rodriguez, and Mayor Waldman in favor; Councilmember Herman opposed.

Item C (Kitchen Upgrade): Unanimous approval.

Item D (New Palm Trees): Councilmember Barnes, Mayor Pro Tem Charoen, Councilmember Rodriguez, and Mayor Waldman in favor; Councilmember Herman opposed.

Item E (Parking Lot Repair/Slurry Coat): Unanimous approval.

Item F (South Canopy and Light Monitors): Councilmember Barnes, Mayor Pro Tem Charoen, and Mayor Waldman in favor; Councilmembers Herman and Rodriguez opposed.

Item G (Paneling – Multi-Purpose Room South): Councilmember Barnes, Mayor Pro Tem Charoen, Councilmember Rodriguez, and Mayor Waldman in favor; Councilmember Herman opposed.

Item H (Administration Building Interior): Unanimous approval.

Item J (Turfstone Fire Lane Turn Around): Unanimous approval.

Item K (Underground Utilities): Councilmembers Herman and Rodriguez, and Mayor Waldman opposed; Councilmember Barnes and Mayor Pro Tem Charoen in favor.

Councilmember Barnes made a motion to approve staff recommendations 1-4, including the Additive Alternates "A-J" for a total project cost of \$3,656,733.

The motion was seconded by Mayor Pro Tem Charoen.

Discussion ensued regarding clarification of the motion and how it related to Staff Report Items 1-4 and Item 5. City Manager Lazzaretto explained that for the award of contracts, the recommendation should include Items 1-4 and that Item 5 relates to how the project will be funded.

Councilmember Rodriguez asked what the total dollar figure for Items 1-3 is.

City Manager Lazzaretto responded that the total cost for Items 1-3, including all soft costs, is \$3,137,548 and the additive Items "A-J" total \$519,185 for a total project cost of \$3,656,733.

Further discussion clarified that the motion includes the Additive Alternates in addition to Items 1-4.

Councilmember Rodriguez commented that he preferred to vote on the items separately as there are components he supports but that he will not be able to support the project in its entirety.

Councilmember Rodriguez asked the maker of the original motion for an amendment to the motion to approve staff recommendations 1-4, without the Additive Alternates for a total base project cost of \$3,137,548.

City Attorney Joel Kuperberg suggested that to reflect individual Councilmembers position on the Additive Alternates that the minutes could reflect the Additive Alternates straw votes.

Councilmember Rodriguez restated his opposition to the total cost of the project and that he preferred to vote on the base project separately from the Additive Alternates.

Both Councilmembers Rodriguez and Herman voiced concerns that if the vote is inclusive of the Additive Alternates that they would be forced to vote against the project.

Councilmember Rodriguez indicated that he wanted to recognize the hard work that went into the development of this project, but that he would be unable to support it in its entirety.

Councilmember Barnes, as the maker of the original motion, did not accept the amendment requested by Councilmember Rodriguez and the original motion carried on the following vote:

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

NOES: Councilmember Herman and Councilmember
Rodriguez

City Manager Lazzaretto described the different options available to fund the additional costs of the project, explaining that Staff's recommendation is to utilize CDC Debt Service funds. CDC Debt Service funds are restricted funds that cannot be used everywhere but can be used to fund the Recreation facility. The use of these funds would leave General Funds available for other projects that do not qualify for the use of restricted funding. The use of CDC Debt Service funds would require that the item be brought back before the Community Development Commission.

Councilmember Barnes made a motion to direct staff to bring an item to the Community Development Commission to utilize Community Development Commission Debt Service Funds to increase the project budget to accommodate the Additive Alternates items approved by the City Council.

Mayor Pro Tem Charoen seconded the motion.

Councilmember Rodriguez discussed the City's limited resources and the ability to assist businesses in making investments in the City for long term success. He voiced his opposition to utilizing the CDC Debt Service Funds. He stated that he cannot support utilizing these funds for the purpose of improving the Community Center.

Mayor Waldman asked for clarification that if funds were taken from the CDC and a project surfaced that needed those funds, the City could utilize General Fund or COR reserves if CDC funds were not available. In fact, what is being suggested would utilize the more restricted funds and allow more flexibility in the use of other funds.

City Manager Lazzaretto answered affirmatively.

Councilmember Herman stated that he believed the funds should be taken from the General Fund Reserve and not the CDC Debt Service funds.

Councilmember Herman made a substitute motion to use General Fund Reserves to fund the increases to the project budget.

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

AYES: Councilmember Herman and Councilmember Rodriguez.

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

Councilmember Barnes asked for clarification that if CDC funds are utilized, if needed could the General Fund Reserves loan the CDC funds for that purpose.

City Manager Lazzaretto answered affirmatively.

The original motion by Councilmember Barnes carried on the following vote:

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

NOES: Councilmember Herman and Councilmember Rodriguez

RECESS CITY COUNCIL AND CONVENE AS PLANNING COMMISSION:
11:31 P.M.

PL-4.	Amendment to Conditional Use Permit 310, A Request to Permit Overnight Truck and Trailer Storage at an Existing Warehouse and Distribution Business, located at 6565 Valley View
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- a) Chairperson Waldman opened the Public Hearing at 11:33 p.m.
- b) City Manager Dominic Lazzaretto gave the staff report.
- c) Receive Public Input.

Brenda Bailey of Unisource Corporation addressed the City Council and answered questions.

- d) Chairperson Waldman closed the Public Hearing: 11:44 p.m.
- e) Commission Comments and Questions: None.
- f) Adopt a Resolution approving an Amendment to Conditional Use Permit

310.

Commission Member Barnes made a motion to adopt Resolution PC 2007-04 approving an Amendment to Conditional Use Permit 310.

The motion was seconded by Vice Chairperson Charoen and carried on the following vote:

AYES: Commission Member Barnes, Vice Chairperson Charoen, Commission Member Herman, Commission Member Rodriguez, and Chairperson Waldman

NOES: None

ADJOURN THE PLANNING COMMISSION AND RECONVENE THE CITY COUNCIL: 11:49 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Approve recommendation that the City Council waive the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

July 17, 2007, Minutes of the City Council.

3. Approval of Register of Demands

Resolution No. 2007-29 approving the register of demands for August 7 and 21, 2007.

4. Receive and File Cash and Investment Report as of June 30, 2007

5. Rejection of Claim Submitted by Darrell Lee Lopez

6. Resolution Authorizing Signatories for the Deposit, Investment, and Payment of Public Funds

Resolution No. 2007-30 amending Resolution No. 2006-57 authorizing the deposit, investment and payment of public funds.

7. Conceptual Approval of a Safety Enhancement to the Walker Street Bridge at the Coyote Creek Channel

8. Request that the California Department of Transportation Install Protective Permissive Traffic Signal Heads for Westbound Traffic on Orangethorpe Avenue to Southbound Traffic into Brookside Apartments
9. Fiscal Year 2007-08 Agreement for Animal Care Services

Mayor Pro Tem Charoen made a motion to approve Consent Calendar Items 1-9.

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

11. League of California Cities Resolutions
 - a) A resolution regarding the renewal of the League Grassroots Network Program;
 - b) A resolution regarding the League examining programs, infrastructure and funding for California cities addressing the aging population;
 - c) A resolution regarding the League supporting state legislation to require a 300-foot distance separation for all new residential care facilities; and
 - d) A resolution regarding the League providing appropriate representations in any and all blue ribbon committees, working groups, and other forums convened to ensure the effective implementation of A.B. 38, which was introduced in December 2006 and is still pending at this time, to consolidate the Office of Emergency Services (OES) and the Office of Homeland Security (OHS) into a new cabinet-level Department of Emergency Services and Homeland Security; and the League sending a letter to the Governor addressing in detail, the need for local government policy participation.

Councilmember Rodriguez made a motion to direct Mayor Mark Waldman and Mayor Pro Tem Henry Charoen as the City of La Palma's Voting Delegate and Alternate Voting Delegate, respectively, to vote in favor of the proposed resolutions at the League's Annual Conference.

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

12. Review of School Crossing Guard Program and Consideration of Changes to Existing Crossing Guard Placement
 - a) Approve the reassignment of one of the two school crossing guards at La Palma Avenue and Moody Street to Furman Road at Miller Elementary School; and
 - b) Approve the reassignment of the school crossing guard currently stationed at Walker Street and Marview Drive to Walker Street at the Edison Right-of-Way.

Councilmember Rodriguez made a motion to approve staff's recommendation to reassign one of the two school crossing guards at La Palma Avenue and Moody Street to Furman Road at Miller Elementary School and to reassign the school crossing guard currently stationed at Walker Street and Marview Drive to Walker Street at the Edison Right-of-Way.

The motion was seconded by Councilmember Herman.

Councilmember Barnes made a substitute motion to keep the crossing guard at La Palma Avenue and Moody and add a crossing guard at Furman Road at Miller Elementary School.

Councilmember Barnes amended her substitute motion to keep the crossing guard at La Palma Avenue and Moody; add a crossing guard at Furman Road at Miller Elementary School; and reassign the school crossing guard currently stationed at Walker Street and Marview Drive to Walker Street at the Edison Right-of-Way.

The motion failed for lack of a second.

The original motion by Council Member Rodriguez 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 Concert in the Park event; California Joint Powers Insurance Authority Annual Meeting where the City received awards in the categories of Lowest Five-Year Average of Cost of Liability Claims, Most Improved General Liability Program, and Best Overall Performance in a General Liability Program; and the League of California Cities (LOCC) meeting.

Councilmember Herman attended the Orange County Vector Control District for their 60th Anniversary Open House; and reported on the West Nile Virus and the status of the Iraq War casualties.

Councilmember Rodriguez attended the LOCC Mayors and Councilmembers Executive Forum; a directional meeting with the Orange County Sanitation District; and announced that the City Council will be serving hot dogs at the August 25 Concert in the Park.

Councilmember Barnes attended the LOCC dinner, the Changing of Command of the 40th Infantry Division at the Joint Army Forces Training Base; the Chambers of Commerce Legislative Mixer; and the Magnetic Levitation (MAGLEV) Task Force meeting.

Mayor Waldman attended the LOCC Mayors and Councilmembers Executive Forum; two Groundwater Replenishment Committee meetings, the Groundwater Replenishment Committee Public Information Education (PIE) Subcommittee meeting; the LOCC meeting; two Orange County Sanitation District meetings; the LOCC Advocacy Committee; and a new Orange County LOCC subcommittee to promote Orange County issues; and the Changing of Command of the 40th Infantry Division at the Joint Army Forces Training Base.

CITY MANAGER REMARKS

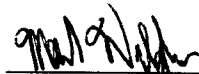
City Manager Lazzaretto announced that a special interest piece on the City of La Palma will be filmed during the Concert in the Park event this weekend and on Tuesday, August 28 in various locations.

CITY ATTORNEY REMARKS

City Attorney Kuperberg asked which City Council members would be attending the Rutan and Tucker dinner at the LOCC Conference in Sacramento.

ADJOURNMENT

Mayor Waldman adjourned the City Council meeting at 12:14 a.m. on Wednesday, August 22, 2007.



Mayor

Attest:



City Clerk