

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

October 16, 2007

Mayor Waldman called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, October 16, 2007, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Henry Charoen

INVOCATION: Councilmember Barnes

ROLL CALL: Council and Commission Members

ROLL CALL:

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

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director  
Joel Kuperberg, City Attorney  
John Di Mario, Community Development 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  
Crystal Wilkerson, Minutes Clerk

PRESENTATIONS

1. City Manager Lazzaretto introduced John Di Mario as the new Community Development Director.
2. Kathleen Moran from Supervisor Moorlach's office presented a proclamation to the City, recognizing La Palma Days as the Official Orange County Veterans Day Parade.

3. Recreation and Community Services Director Hobson introduced Roweena O'Leary, Co Chair of the La Palma Days Pageant, who introduced the La Palma Days Pageant Contestants.
4. Mayor Waldman presented a Proclamation to Police Officer Julian Gonzales designating October 21 - 27 as Red Ribbon Week.

#### ORAL COMMUNICATIONS

Lawrence Freedman, 5358 Achilles Circle, addressed the City Council regarding a barking dog ordinance, restricting overnight parking on residential streets, and restricting residential housing colors.

Phillip Teng, 7952 Suffield Lane, addressed the City Council regarding construction at the Walgreen's location and when trees would be planted.

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

#### CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes  
October 2, 2007, Minutes of the Community Development Commission.
- B. Approval of Register of Demands  
CDC Resolution 2007-21 approving the Register of Demands for October 16, 2007.

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

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

#### ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS PLANNING COMMISSION: 7:21 p.m.

## CONSENT CALENDAR

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

October 2, 2007, Minutes of the Planning Commission.

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

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

## PUBLIC HEARINGS

### PL-2. Conditional Use Permit 341, Requesting Approval for the Sale of Alcohol and Addition of Live Entertainment and a Stage at the Texas Loosey's Chili Parlor & Saloon Restaurant located at 40 Centerpointe Drive.

- a) Chairperson Waldman opened the Public Hearing at 7:22 p.m.
- b) Community Development Director Di Mario gave the Staff Report
- c) Receive Public Input

Ron Waldman, founder of Texas Loosey's Salon, addressed the City Council on behalf of Dave Maus, the proprietor of the proposed establishment, regarding the history of the restaurant chain; and various concerns with some of the Conditional Use Permit (CUP) restrictions, including entertainment, kitchen operating hours, alcohol/food ratio, individual business licenses for contract entertainers, hostess costumes, offsite storage, operating hours of the restaurant, and model gratuities.

Jeff Platt, 8082 Ainsworth Lane, spoke in favor of the project and approximately 20 others in the audience also indicated their support.

David Sullivan, 4951 El Rancho Verde Drive, spoke in favor of the project.

Planning Commission discussion ensued regarding the operating hours of the kitchen, hostess costumes, types of entertainment, business licenses, the operating hours of the restaurant, alcohol/food ratios, banquet facilities, model

gratuities, other Texas Loosey's establishments, the City's Adult Business Ordinance, and the proposed stage area.

The Planning Commission took a brief recess at 8:59 p.m.

The Planning commission reconvened at 9:07 p.m. with all members present.

- d) Chairperson Waldman closed the Public Hearing at 9:07 p.m.
- e) Commission comments and questions.

Chairperson Waldman reopened the public hearing at 9:36 p.m.

The Planning Commission asked questions of the applicant regarding the types of lingerie that would be modeled during the proposed fashion shows, hostess costumes, and hours of operation; and the City Attorney suggested language for Condition 55.

Chairperson Waldman closed the public hearing at 9:50 p.m.

- f) Approve a Resolution approving Conditional Use Permit 341, a request to sell beer, wine, and distilled spirits for on-site consumption under a Type 47 ABC Liquor License, and the addition of various forms of live entertainment and a stage at the Texas Loosey's Chili Parlor & Saloon located at 40 Centerpointe Drive.

Commission Member Herman made a motion to approve Resolution 2007-39 approving Conditional Use Permit 341, a request to sell beer, wine, and distilled spirits for on-site consumption under a Type 47 ABC Liquor License, and the addition of various forms of live entertainment and a stage at the Texas Loosey's Chili Parlor & Saloon located at 40 Centerpointe Drive with the following amendments: 1) Condition Number 44 was amended to reflect an 8:00 a.m. opening time on Saturdays, Sundays, and Holiday Mondays; 2) Condition 46 was amended to say, "Failure to comply with ABC rules and/or the failure to serve meals during normal business hours seven (7) days a week will be grounds for revocation of the conditional use permit;" 3) Condition 47, items a and b were amended to reflect that food service "will continue until at least" rather than "will stop at;" 4) Condition 51 was omitted; 5) Condition 52 was amended to limit evening performances to 7:30 p.m. to 1:00 a.m. on Friday and Saturday and to 7:30 p.m. to 11:30 p.m. on Sunday; 6) Condition 55, item a was amended to say, "No patron shall directly or indirectly pay or give any gratuity to any model, and the model shall not solicit or accept any direct gratuity from any patron, by the patron delivering or

transferring the gratuity into the model's clothing or to any portion of the model's body defined as a 'specified anatomical part' pursuant to Section 26-36 of the La Palma City Code;" and 7) Condition 59 was added to require that the applicant place a prominently visible notice in the front of the restaurant at least one hour prior to the start of any fashion show advising parental discretion is advised.

The motion was seconded by Commission Member Rodriguez 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 PLANNING COMMISSION AND CONVENE AS CITY COUNCIL: 9:53 p.m.

## CITY COUNCIL

### 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

October 2, 2007, Minutes of the City Council.

3. Approval of Register of Demands

Resolution No. 2007-38 approving the Register of Demands for October 16, 2007.

4. Renewal of Water Quality Ordinance Implementation Agreement No. D07-082 between the County of Orange and the City of La Palma

Approve recommendation that the City Council renew the Water Quality Ordinance Implementation Agreement No. D07-082 between the County of Orange and the City of La Palma.

5. Notice of Completion and Acceptance of Work for the Removal and Replacement of the Existing Sign at El Rancho Verde Park, City Project 05-PRK-02

a) Accept the work and authorize the Director of Public Works to file the Notice of

Completion and Acceptance of Work with the Orange County Recorder for the Removal and Replacement of the Existing Sign at El Rancho Verde Park, City Project 05-PRK-02.

- b) Authorize the transfer of \$30,295 from the Capital Outlay Reserve (COR) fund to pay the contractor for the removal and replacement of the existing sign at El Rancho Verde Park.

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1 through 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

#### PUBLIC HEARINGS

- 6. Introduction of an Ordinance Amending the La Palma Municipal Code to Declare the Use of Unauthorized Temporary Solid Waste Containers a Public Nuisance and Authorizing the Impoundment of Said Containers
  - a) Mayor Waldman opened the Public Hearing at 9:54 p.m.
  - b) Administrative Services Manager Murray gave the Staff Report.
  - c) Receive Public Input.

None.
  - d) Mayor Waldman closed the Public Hearing at 10:05 p.m.
  - e) Council Comments and Questions.
  - f) Introduce an Ordinance of the City Council of the City of La Palma amending the La Palma Municipal Code to declare the use of unauthorized temporary solid waste containers a public nuisance and authorizing the impoundment of said containers.

Councilmember Rodriguez made a motion to introduce an Ordinance of the City Council of the City of La Palma amending the La Palma Municipal Code to declare the use of unauthorized temporary solid waste containers a public nuisance and authorizing the impoundment of said containers.

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. Award of Contract to Environmental Construction, Inc., for the Installation of On-Site Sodium Hypochlorite Generation Systems at the Walker Well and City Yard Well Sites, City Project No. 03-WTR-02
- a) Deny the protest from SCW Contracting Corporation of Fallbrook, California, that the low bidder Environmental Construction, Inc., of Woodland Hills, California, is non responsive.

Councilmember Barnes made a motion to deny the protest from SCW Contracting Corporation of Fallbrook, California, that the low bidder Environmental Construction, Inc., of Woodland Hills, California, is non-responsive.

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

- b) Award the contract to the low responsible bidder, Environmental Construction, Inc., of Woodland Hills, California, in the amount of \$633,221 for the base bid and authorize the Mayor to execute an agreement for the installation of On-Site Sodium Hypochlorite Generation Systems at the Walker Well and City Yard Well Sites, City Project No. 03-WTR-02.
- c) Authorize the appropriation of additional funds in the amount of \$325,500 from the Water Capital Reserve Fund.

Councilmember Rodriguez made a motion to approve Items b and c awarding the contract to the low responsible bidder, Environmental Construction, Inc., of Woodland Hills, California, in the amount of \$633,221 for the base bid and authorizing the Mayor to execute an agreement for the installation of on-site Sodium Hypochlorite Generation Systems at the Walker Well and City Yard Well Sites, City Project No. 03-WTR-02 and

to authorize the appropriation of additional funds in the amount of \$325,500 from the Water Capital Reserve Fund.

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

8. Award of Professional Construction Inspection and Administration Services for the installation of Sodium Hypochlorite Generation Systems at the Walker Well and City Yard Well Sites, City Project No. 03-WTR-02

Councilmember Herman made a motion to approve the recommendation that the City of La Palma award a Professional Construction Inspection and Administration Services for the installation of Sodium Hypochlorite Generation Systems at the Walker Well and City Yard Well Sites, City Project No. 03-WTR-02.

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

9. Approve Sewer System Management Plan's Development Plan, Schedule, Goals, and Organization Structure

Councilmember Barnes made a motion to approve the Sewer System Management Plan's Development Plan, Schedule, Goals, and Organization Structure

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



**Councilmember Barnes** attended a MAGLEV demonstration in Solano Beach and invited the City Council to the Los Alamitos Chamber of Commerce "Wheels, Wings, and Rotors" event.

**Mayor Pro Tem Charoen** attended the opening ceremony for the Smithsonian Vietnamese-American exhibit at the Vietnamese Arts Center in Garden Grove.

**Councilmember Herman** attended the Solar House exhibit and the Buena Park Metrolink Station grand opening and will attend an Orange County Vector Control District meeting on October 18. He also reported on the number of journalist' casualties in Iraq.

**Councilmember Rodriguez** attended the Orange County Sanitation District meeting, the Orange County Library Advisory Board meeting, and the Buena Park Metrolink Station grand opening.

**Mayor Waldman** attended the Orange County Sanitation District meeting, the Ground Water Replenishment Committee meeting, and the Orange County League of California Cities Advocacy Committee meeting.

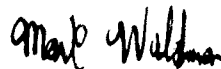
CITY MANAGER REMARKS

**City Manager Lazzaretto** had nothing to report.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** had nothing to report.

Mayor Waldman adjourned the City Council meeting at 10:43 p.m.



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Mayor

Attest:



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City Clerk