

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 16, 2006

Mayor Barnes called the regular meeting of the La Palma City Council to order at 7:01 p.m. on Tuesday, May 18, 2006, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Waldman

INVOCATION: Councilmember Rodriguez

ROLL CALL: Council and Commission Members

ROLL CALL:

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

Councilmembers absent: None

City Officials present: Catherine Standiford, City Manager
Dominic Lazzaretto, Assistant 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
Joel Kuperberg, City Attorney
Eric Nunez, Police Captain
Jim Enright, Police Captain
Lynnae Sisemore, Minutes Clerk

ORAL COMMUNICATIONS

La Palma Chamber of Commerce Board Director Holly Kelso requested that the City Council place an agenda item on the June 6 City Council Agenda to review the current La Palma Chamber of Commerce contract and consider an increase in the stipend from \$12,000 to \$24,000 due to inflation.

RECESS CITY COUNCIL AND CONVENE AS

COMMUNITY DEVELOPMENT COMMISSION: 7:06 p.m.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes
- B. Approval of Register of Demands

Councilmember Blake made a motion to approve the May 2, 2006 Community Development Commission Minutes and to adopt Resolution No. CDC 2006-11 of the May 16, 2006 Register of Demands.

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

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

NOES: None

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS CITY COUNCIL: 7:07 p.m.

CONSENT CALENDAR

- 1. Waive the Reading of All Ordinances

Councilmember Rodriguez requested this item be pulled.

City Manager Standiford indicated that this will be a regular agenda item and that there will be no staff report. She stated that it is a reminder of an action that Councilmembers should take to waive the reading of any ordinance before its entirety and read it by title only.

Councilmember Rodriugez suggested staff put in an agenda report cover page for residents to refer to instead of having no report.

Councilmember Blake made a motion to waive the reading of all Ordinances in their entirety and read by title only.

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

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

NOES: None

2. Approval of Council Minutes
3. Approval of Register of Demands

Mayor Pro Tem Waldman made a motion to approve the May 2, 2006 Minutes of the Regular Meeting of the La Palma City Council and to adopt Resolution No. 2006-21 of the Register of Demands for May 16, 2006.

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

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

NOES: None

4. Approval of Plans & Specifications, and Authorization to Solicit Competitive Bids for Rubberized Slurry Sealing on Various City Streets, City Project No. ST-274

Councilmember Herman requested this item be pulled and asked if the crack sealing was recently completed.

Director of Public Works Noorbaksh answered affirmatively. He stated that the crack sealing project was completed prior to the slurry sealing.

Councilmember Herman stated on Inwood Street, south of Bridgewood, that the east side of the gutter needs to be inspected.

Councilmember Blake asked about the cost difference of \$2,000 for the slurry sealing and the striping projects.

Director of Public Works Noorbaksh answered that labor costs are the difference in price.

Mayor Pro Tem Waldman asked if we have a standard for resurfacing versus slurry sealing a specific street.

Director of Public Works Noorbaksh answered there is not a written policy for a specific standard on slurry sealing and that resurfacing is typically done when 30% of the asphalt is broken down.

Councilmember Rodriguez asked Mr. Noorbaksh how long the practice of slurry sealing has been in effect.

Director of Public Works Noorbaksh answered that when Measure M was enacted the City changed from a 5-year plan to a 7-year plan.

Councilmember Rodriguez asked how much of this project is funded by Measure M.

Director of Public Works Noorbaksh answered \$190,000 is funded by Measure M and \$20,000 is funded from gas tax.

Councilmember Rodriguez stated he is not convinced that the proposed slurry sealing project is the best cause of action and wants to make sure the City's infrastructure is solid.

Mayor Barnes asked if the slurry sealing is sufficient to take care of any water problems that might occur.

Director of Public Works Noorbaksh answered that the whole purpose of sealing the streets is to prevent water from getting into the asphalt .

Mayor Barnes stated she did not want to delay this slurry sealing project, and if Measure M passes maybe the city could look at different possibilities.

Councilmember Herman stated he would like to see this item continued and asked for a more detailed cost analysis before considering this city project.

Councilmember Blake stated Westra Lane has not been resurfaced in 36 years and is in good condition compared to surrounding streets; he would like to continue the current process.

Mayor Pro Tem Waldman stated that the Councilmembers' job is to give citizens safe streets for the best cost, and not to change the streets for cosmetic reasons.

Councilmember Rodriguez asked how many years the city has used rubberized material.

Director of Public Works Noorbaksh answered that the rubberized material was first executed in La Palma in 1999.

Councilmember Rodriguez agreed with Mayor Pro Tem Waldman to not award this project for aesthetics; and that more facts are needed as to

whether resurfacing actually saves the streets.

Councilmember Blake made a motion to approve the Plans and Specifications, and authorize the Director of Public Works to solicit competitive bids for rubberized slurry sealing on various city streets, City Project No. ST-274.

Councilmember Herman made a substitute motion to continue the slurry seal item until a cost analysis was done on the different processes; including costs, longevity, quality, and any other parameters that would help Council make a proper decision.

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

AYES: Councilmember Herman, and Councilmember Rodriguez

NOES: Mayor Barnes, Councilmember Blake, and Mayor Pro Tem Waldman

Mayor Barnes called the vote on the first motion on the floor.

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

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

NOES: Councilmember Herman, and Councilmember Rodriguez

RECONVENE COMMUNITY DEVELOPMENT COMMISSION: 8:11 p.m.

5. Presentation of Fiscal Year 2006-2007 Budget

1) Receive Presentation

City Manager Standiford presented the budget overview for Fiscal Year 2006-2007.

City Manager Standiford summarized the topics for the budget agenda: the general fund financial overview, department budget summaries, proposed capital investment plan (CIP), water and sewer funds, proposed Community Development Commission (CDC) budget, and the general fund budget summary and recommendations.

Assistant City Manager/Director of Community Development Lazzaretto gave the Community Development Department's budget analysis.

Director of Recreation and Community Services Hobson gave the Recreation Department's budget analysis.

Chief of Police Ethell gave the Police Department's budget analysis.

Director of Public Works Noorbaksh gave the Public Works Department's budget analysis, the capital improvement plan, and the water and sewer funds.

Assistant City Manager/Director of the Community Development Lazzaretto gave a brief summary of the Community Development Commission's budget, revenues, expenditures, and capital projects.

City Manager Standiford briefly summarized the general budget fund and recommendations.

2) Receive Public Input

Duane Schuster, 8272 El Pescador, asked if the utility user's tax will be going back to 5% for the fiscal year of 2006/2007.

City Manager Standiford answered that the budget projections for the revenues assume that the utility tax rate will revert back to the 5% rate for the fiscal year of 2006/2007.

3) Council/Commission Comments and Questions

Mayor Pro Tem Waldman stated he would like to read through the details before giving his insight on the proposed budget.

Councilmember Rodriguez asked how staff would like input from Councilmembers on budget inquiries between now and the public hearing adoption on June 20, 2006.

City Manager Standiford answered that she and Finance Director Moreno would be available for questions or comments at Council's leisure.

Councilmember Rodriguez asked when the cost allocation study would take place.

City Manager Standiford answered that the cost allocation study is targeted for completion by mid-year.

Councilmember Rodriguez asked what form of agreement will take place in regards to the City Manager's voluntary salary reduction.

City Manager Standiford answered she would send a letter addressed to the City Councilmembers stating her intent to relieve the City Council of the contractual obligation for the salary adjustment for the fiscal year and to keep the cost of living percentage as with all the other city employees.

Councilmember Blake stated he would like to look over the budget in further detail before questions or comments are given.

Mayor Barnes thanked staff for the budget summaries and would like to look over the budget in further detail before questions or comments are given.

Mayor Barnes recessed the City Council Meeting at 9:41 p.m. for a short break.

Mayor Barnes reconvened the City Council Meeting at 9:46 p.m. with all members present.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND RECONVENE AS CITY COUNCIL: 9:47 p.m.

REGULAR ITEMS

6. Adoption of the "2006 Cable System Regulatory Ordinance"

Mayor Pro Tem Waldman made a motion to adopt the Cable System Regulatory Ordinance No. 2006-02 of the City Council of the City of La Palma expanding Chapter 7A of the code of the City of La Palma by adding sections 7A-35 through 7A-53.

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

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

NOES: None

7. La Palma Chamber of Commerce Newsletter

Mayor Barnes stated that she made an inquiry about this item a few months

ago in regards to an article she read either by the Fair Political Practices Commission (FPPC), the California Chamber, or the League in reference to city officials names and photographs being published in the Chamber's newsletter.

City Attorney Kuperberg stated that Council received a memorandum, prepared by him, that outlined the legal issue. This is a non-policy approach to resolving the matter that prevents inadvertent violations and allows the Council to decide what they want to do. He stated the City Manager's letter to the Chamber of Commerce formalizes a restriction on what the Chamber can do in respect to FPPC regulations. He stated there are policy options available that would allow the Chamber to print names or likenesses in the newsletter; specifically relating to how the City's contribution is paid to the Chamber.

Councilmember Herman asked how much the Chamber's newsletter cost to publish.

City Manager Standiford said staff does not have a copy of the Chamber's budget that would identify the cost of the newsletter.

Councilmember Blake asked if the the Chamber could reference city Councilmember's in attendance at an event and not to use individual names.

City Attorney Kuperberg stated that using a generic title such as "the Councilmembers," would not create an issue under regulations, but he would have to research the law to be certain.

Councilmember Rodriguez asked if this issue was a law due to mass mailings.

City Attorney Kuperberg stated that public monies should not be spent to support incumbents. He stated that several years ago it was not uncommon for local legislators to mail out updates at taxpayers' expense but the law has now changed.

Councilmember Rodriguez asked how the Council keeps a relationship with the Chamber if things that are published are in violation.

City Attorney Kuperberg stated that he is not sure the Chamber is in violation and would have to research their compliance with FPPC regulations.

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

Mayor Pro Tem Waldman attended the Volunteer Recognition banquet; the League of California Cities (LOCC) dinner; and the Orange County Sanitation

District Meeting.

Councilmember Rodriguez attended the Volunteer Recognition dinner; the John F. Kennedy High School scholarship dinner; the LOCC dinner; and the Assemblyman Harman breakfast.

Councilmember Herman stated he will be completing his AB1234 ethics training through the Orange County Vector Control District. He attended the John F. Kennedy scholarship dinner; the Volunteer Recognition dinner; and the LOCC dinner.

Councilmember Herman reported that there is dry grass on the Edison right-of-way near Barbi Lane.

Director of Public Works Noorbaksh stated that staff will look at the grass to see what needs to be done.

Councilmember Herman asked about the status of the family housing going in on La Palma Avenue.

Assistant City Manager/Director of Community Development Lazzaretto stated that the project is in its second phase of plan check and that staff will address the weeds growing in that area.

Councilmember Herman asked whether the City has requirements of canvas barriers while developments are in progress.

Assistant City Manager/Director of Community Development Lazzaretto stated that chain linked fences are required to have green mesh to the height of the fence.

Councilmember Herman asked what the City's requirements are to remove political signs.

City Manager Standiford answered that the City has an ordinance requiring signs to be removed in a certain amount of days; if the signs are not removed in the timeframe allotted, staff will notify the candidates or remove the signs themselves.

Councilmember Herman asked staff if Walker Jr. High School and Kennedy High School are staggering their starting times yet.

Chief of Police Ethell answered that the staggered school times will be implemented in the fall.

Councilmember Rodriguez asked how the City addresses signs that are put in the vines on the walls of arterial streets.

City Manager Standiford answered that potentially signs could damage the vines that adhere to the wall and stated that it would be reasonable for the City to

remove the signs.

Councilmember Herman asked for the political signs along Moody and La Palma Avenue to be removed.

Councilmember Rodriguez mentioned that west of Barbi street on the Edison right-of-way there is a saturated area where the block walls look green, wet, and black. He stated that the trees in the Edison right-of-way near Laurelwood are drooping over the walk way and asked when the trees will be trimmed.

Director of Public Works Noorbaksh stated that staff is aware of the green wall in the Edison right-of-way and will water blast the area to remove the discoloration. He stated the saturated area west of Barbi is a low spot where water gathers and that staff would try to mitigate the problem. He stated that he will have staff investigate trimming the trees near Laurelwood Avenue.

Councilmember Blake attended the Library Advisory Board Meeting; the Volunteer Recognition dinner; the La Palma Christian Church Cinco De Mayo celebration; the John F. Kennedy scholarship dinner; and the LOCC dinner.

Mayor Barnes attended the LOCC dinner; the SCAG General Meeting; the MAG LEV Task Force; and the Volunteer Recognition dinner.

CITY MANAGER REMARKS

City Manager Standiford thanked Councilmember Herman for stating when he will be completing the AB1234 ethics training, and reminded the other Councilmembers that are continuing office past January 1, 2007, that they too will have to complete their ethics training. She asked for the Councilmembers to notify Administrative Services Manager/City Clerk Murray or herself when the training is completed, because of a requirement to keep track of the training. She informed Council that management has to comply with a law that requires supervisors to complete training every two years to prevent harrassment in the work place. Staff would attend a workshop the next day to meet that requirement.

CITY ATTORNEY REMARKS

None

ADJOURNMENT

Mayor Barnes adjourned the meeting at 10:56 p.m.



Mayor

Attest:


City Clerk