

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 1, 2006

Mayor Barnes called the regular meeting of the La Palma City Council to Order at 7:00 p.m. on Tuesday, August 1, 2006 in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Blake

Mayor Pro Tem Waldman provided the invocation.

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
Ismile Noorbaksh, Director of Public Works/City Engineer
Laurie Murray, Administrative Services Manager/City Clerk
Deborah Moreno, Director of Finance
Joel Kuperberg, City Attorney
Lynnae Sisemore, Minutes Clerk

PRESENTATIONS

1. Chief of Police Ethell introduced the reinstated Police Department Administrative Secretary, Ginger Molar.
2. Councilmember Herman presented a 2006 California Joint Powers Insurance Authority (CJPIA) Risk Management Award to City Manager Standiford.

ORAL COMMUNICATIONS

None

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION: 7:08 p.m.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

July 5, 2006 Minutes of the Regular Meeting of the Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2006-17 and Resolution No. CDC 2006-18.

C. Cash and Investment Report as of June 30, 2006

Councilmember Blake made a motion to approve items A, B, and C.

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

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

NOES: None

D. Community Development Commission Statement of Investment Policy

Councilmember Rodriguez requested to pull this item and asked how the addition of a new redevelopment zone would affect the investment policy.

City Attorney Kuperberg answered that the investment policy is a safe keeping of the agency's finances regardless of what property is included in the redevelopment plan.

Councilmember Rodriguez asked if the addition of a redevelopment

zone should be placed on a future agenda.

Assistant City Manager/Community Development Director Lazzaretto answered that staff added funds to the 2006/07 fiscal year budget to consider modifying the boundaries of the redevelopment plan area.

Mayor Barnes asked Finance Director Moreno to provide a summary of past rates before submitting the investment reports for Council's review.

Councilmember Blake made a motion to adopt Resolution No. CDC 2006-19 of the Community Development Commission Statement of Investment Policy.

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

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION: 7:12 p.m.

PL-1 Approval of Planning Commission Minutes

Councilmember Blake made a motion to approve the July 5, 2006 Planning Commission Minutes of the La Palma Planning Commission.

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

PL-2 Review of Conditional Use Permit 318, To Operate A Warehouse/

Distribution Facility at 6907 Marlin Circle

- a) Chairman Barnes opened the public hearing at 7:13 p.m.
- b) Assistant Executive Director/Community Development Director Lazzaretto gave the staff report.
- c) No public input was received.
- d) Chairman Barnes closed the public hearing at 7:19 p.m.
- e) Commission Comments and Questions

Councilmember Herman asked why the company needs a sewer discharge in the trash enclosure.

Assistant Executive Director/Community Development Director Lazzaretto answered that trash enclosures should have a closed top and a sewer connection for wet items or chemicals. He stated that the closed sewer system treats contaminated liquids before they are released, where as the storm drains do not. Without a sewer connection, the liquids from trash will go to the storm drain.

Councilmember Herman asked if the company would have to treat the sewage items that are released into the sewer system.

Assistant Executive Director/Community Development Director Lazzaretto answered that the sanitation department would take care of the sewage discharge.

Councilmember Herman made a motion to adopt Resolution No. PC 2006-06 of the Planning Commission of the City of La Palma, amending Conditional Use Permit 318.

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

ADJOURN PLANNING COMMISSION AND CONVENE AS CITY COUNCIL:
7:22 p.m.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances
4. Cash and Investment Report as of June 30, 2006
5. City of La Palma Statement of Investment Policy
Resolution No. 2006-36
6. Approval of Expenditure Plan for Citizen's Option for Public Safety (COPS) Funding
Resolution No. 2006-37
7. Resolution Identifying Personnel Authorized to Execute Actions Necessary for the Purpose of Obtaining Federal Financial Assistance
Resolution No. 2006-38
8. FY 2006-07 Agreement for Animal Care Services

Councilmember Blake made a motion to approve items 1, 4, 5, 6, 7, and 8.

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

2. Approval of Council Minutes

Councilmember Rodriguez requested to pull this item to clarify statements in the minutes.

Councilmember Rodriguez asked when staff will provide the results of the deflection study of the curb, gutter, and sidewalk project.

Public Works Director Noorbaksh answered that staff will provide a full report to the City Council at its meeting on September 5, 2006.

Mayor Pro Tem Waldman asked staff for clarification on the answer to his question regarding the amount of money that the City receives to fund curb, gutter, and sidewalk repairs and all other problems was true and correct.

Public Works Director Noorbaksh clarified that there are not enough funds to cover all aesthetic problems, but that there are enough funds for areas that are in dire need of repair and are considered hazardous.

Councilmember Herman asked if \$15,000 was added to the \$60,000 budget for this upcoming year to total \$75,000.

City Manager Standiford answered that the capital improvement plan has \$75,000 budgeted, but may need price adjustments due to different assessments for projects.

Councilmember Rodriguez asked if the assessment is done prior to asking for the funds.

City Manager Standiford answered not necessarily. She stated that staff will sometimes budget the capital improvement plans prior to assessments being done.

Councilmember Herman asked if \$60,000 is a standard amount for projects.

Public Works Director Noorbaksh answered that historically staff will budget \$60,000 to \$75,000.

Councilmember Herman made a motion to approve the July 5, 2006 City Council Minutes of the Regular Meeting.

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

3. Approval of Register of Demands

Councilmember Rodriguez requested to pull this item and asked about payment for work being completed at Central Park.

City Manager Standiford stated that the check in question is on the Register of Demands for August 1, 2006, page three of nine, check number 86473, for bleachers in the tennis court area.

Councilmember Rodriguez asked if the amount listed was for replacement or purchase of new bleachers.

City Manager Standiford answered the bleachers were replacements.

Recreation and Community Services Supervisor Belknap answered that the bleachers were new and meet current code requirements. He stated that the old bleachers were at the City Yard ready for recycling and that the installation and transport fees were not included in this check register.

Councilmember Herman asked about the July 18, 2006 Register of Demands, page 4 of 9, check number 86348, if the security camera has been installed.

Police Chief Ethell answered the security camera will be installed in two to three weeks.

Councilmember Herman asked if the motorcycle was a replacement or if it is additional equipment.

Police Chief Ethell answered that it is a replacement for the old motorcycle.

Councilmember Herman asked about check number 86366, regarding the Lewis Partners Team Workshop.

City Manager Standiford answered the fees are for a facilitator for a team building workshop for the the police department.

Councilmember Herman asked for clarification of check number, 86404, on emergency provisions replacements.

Police Chief Ethell answered the replacements were for emergency disaster supplies.

Councilmember Herman asked how often the tennis courts are resurfaced.

Recreation and Community Services Supervisor Belknap answered every seven years; and that the process takes a week.

Councilmember Herman asked if gopher control at the Edison right-of-way is under control.

Public Works Director Noorbaksh answered affirmatively.

Councilmember Herman made a motion to adopt Resolution No. 2006-34 of the Register of Demands for July 18, 2006 and Resolution No. 2006-35 of the Register of Demands for August 1, 2006.

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

9. Consideration of a Resolution Endorsing and Supporting the Renewal of Measure M

Councilmember Rodriguez requested to pull this item to express his support for Measure M.

Councilmember Rodriguez made a motion to adopt Resolution No. 2006-39 endorsing and supporting the Renewal of Measure M.

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

REGULAR ITEMS

10. Allocation of \$250,000 from Measure M on Gas Tax Reserves for the Repair of Curbs, Gutters, and Sidewalks

Mayor Pro Tem Waldman requested this item be placed on the agenda and asked Public Works Director Noorbaksh to clarify how the fees are determined for repairs of curbs, gutters, and sidewalks.

Public Works Director Noorbaksh answered that there is \$60,000 to \$75,000 budgeted for arterial projects for specific categories of street repair, and that there are not enough funds to repair everything, especially for aesthetic purposes.

Mayor Pro Tem presented slides of a few curbs, gutters, and sidewalks throughout the City to demonstrate damages, cracks, and erosion.

Councilmember Herman asked if a sidewalk is elevated would it be ground down to be level with the walkway.

Public Works Director Noorbaksh answered affirmatively.

Councilmember Blake asked if the meter boxes were new, due to electronic reading of the water meters.

Public Works Director Noorbaksh answered that the boxes are not new but all of the meter box lids are new, due to the new meter reading system.

Councilmember Herman asked if there is a slight gap in between the sidewalk and gutter of all of the homes in La Palma.

Public Works Director Noorbaksh answered that there is a gap there for the sidewalk to settle, and it would only be replaced if it was a danger to the public.

Mayor Pro Tem Waldman asked if conditions that would create liability issues could be documented so the City can repair them and stated that seven years was too long to wait for each project.

Public Works Director Noorbaksh answered that there is not enough staff to complete this type of inventory for the entire City, and that he would need a timeframe of when Council would want this type of inventory project completed.

Mayor Pro Tem Waldman stated he would like to have other hazardous streets looked at and documented before the next project cycle.

Public Works Director Noorbaksh stated that an engineer can be retained to do this type of inventory project for the entire City.

Councilmember Blake stated that the City should outsource this type of project to a professional engineer, but asked what an estimated cost would be for the research; to map the entire City; and to see if it could be done in an efficient manner.

Public Works Director Noorbaksh answered affirmatively and could provide the engineer with the criteria and mapping to inspect the City streets.

Mayor Barnes asked for an estimated cost on this type of project.

Public Works Director Noorbaksh answered that he estimated the cost to be between \$35,000 and \$40,000.

City Manager Standiford stated that before an accurate cost could be determined, that staff could get assistance from the California Joint Powers Insurance Authority (CJPIA) for professional guidance on how to outsource this request.

Councilmember Rodriguez suggested having the entire Council walk through the City to look at its streets prior to the study session on September 5, 2006.

Public Works Director Noorbaksh stated that he has scheduled three specialty experts to speak at the September 5, 2006 Study Session on core samples, slurry sealing and rubberized asphalt concrete.

Councilmember Herman stated that grass and weeds overgrow in sidewalk cracks and cause damage to streets and asked staff if a

contractor could be hired to eliminate the problem.

Public Works Director Noorbaksh answered that the slurry seal project requires the contractor who repairs curbs, gutters, and sidewalks to eliminate the weeds prior to beginning the project.

Councilmember Herman stated he would like the grass overgrowth in streets to be taken care of on a regular basis.

Mayor Barnes recessed the City Council meeting for a short break at 8:45 p.m.

Mayor Barnes reconvened the City Council meeting with all members present at 8:50 p.m.

11. Notification to Households Regarding Current Street Maintenance Project and Street Maintenance Study Session

Mayor Pro Tem Waldman gave a brief presentation recommending staff notify residents of current street maintenance projects and to encourage La Palma residents to attend a study session on the current street maintenance project.

Councilmember Herman asked what the cost of a mass mailing to those residents would entail.

City Manager Standiford answered that the soft cost would be approximately \$150.

Councilmember Herman asked if the study session would be advertised if an item was on an agenda for a particular project.

City Manager Standiford answered it is not a public hearing that requires legal notification; and that it is Council's discretion of what the letter should include.

Mayor Pro Tem Waldman asked what the industry's accepted standard is for slurry sealing.

Public Works Director Noorbaksh answered the slurry sealing standard is five to seven years.

Councilmember Rodriguez asked staff if a new standard would be established of sending a letter to residents for all City projects, and asked why this particular project area is special.

Mayor Pro Tem Waldman answered that because an inaccurate letter was sent anonymously with no accountability, that makes this case special.

Councilmember Rodriguez stated he supports the letter to the project area, however, it is setting a new standard of individual norms.

Discussion ensued regarding the anonymous letter.

Councilmember Herman asked City Attorney Kuperberg what the constitutional rights are of handing out flyers on residents doorsteps.

City Attorney Kuperberg answered there were no restrictions to handing out flyers to residents doorsteps.

Further discussion ensued regarding the anonymous letter when the City should have been involved in responding to the letter that was sent to residents.

Mayor Barnes asked staff to inform the entire City instead of only the residents in the project area.

Discussion ensued regarding notifying all residents.

Councilmember Blake stated his support for sending a letter to the project area in this instance: but does support it in all circumstances.

Councilmember Herman stated that he supports Councilmember Blake's suggestion, however, he supports notifying residents for a future project.

Roger Ciesinski, 5541 Fir, asked Council to explain what direction they would decide to go to repair the streets. He asked Council what they expect to accomplish from the study session.

Mayor Barnes answered that the study session provides information from experts to learn more about the different applications and processes than can occur for street maintenance.

City Manager Standiford answered that before a project or work is started in a neighborhood, staff will always distribute notices to every property area letting residents know when the project is going to start, how long it will take, and when to move cars and so on.

Mr. Ciesinski asked to have standards for residents to follow at times of major projects.

Mayor Barnes answered that standards are given by the information received by experts in the particular project fields so Council could make a determination.

Councilmember Blake made a motion to send a letter via first class mail to residents of the effected project area informing them of the study session or agenda item.

Mayor Pro Tem Waldman asked that the motion be amended motion to add references to a notice that are sent out for project notification and that hearings will correct some inaccuracies.

City Manager Standiford clarified the motions on the floor. She stated that Councilmember Blake has accepted Mayor Pro Tem's suggestion that a notice include reference to the notice or letter that was previously received in his motion and whether Councilmember Herman concurs with the amended motion.

Discussion ensued regarding the amendment to the motion.

Councilmember Herman answered that he would second the motion for discussion.

Councilmember Blake amended the original motion to add to the letter that it was brought to the Council's attention that a flyer was sent out to residents prior to a City project, which may or may not have been received by residents concerning the project area. This was not an official City communication. There will be an agenda item on September 5, 2006 to discuss the merits of the slurry seal resurfacing.

Councilmember Rodriguez asked what would happen if another letter is sent before the September 5th study session.

Councilmember Blake answered nothing would happen because Council would inform residents of a study session.

Councilmember Herman asked if after the study session would a separate agendized item be up for discussion on what transpired in the meeting.

City Attorney Kuperberg answered that if a study session is conducted as part of a meeting the fact that Council agenda'd a topic will allow Council to take action, however, this is not a traditional study session and is part of the regular meeting.

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

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

NOES: Councilmember Rodriguez

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

Councilmember Rodriguez asked about Code Enforcement reports and their monthly trends.

Assistant City Manager/Community Development Director Lazzaretto answered that code enforcement activity usually fluctuates, is sometimes a fluke, or can be seasonal.

Councilmember Rodriguez asked if the expectations and trends of Code Enforcement will change from month to month, and what should Council expect to continue.

Assistant City Manager/Community Development Director Lazzaretto answered it is sort an anomaly, the code enforcement officer picks up approximately 42 cases per month on average, and during summer months tends to pick up more cases.

Assistant City Manager/Community Development Director Lazzaretto stated that a lot of summer cases are normally derived from RV parking and other parking issues; the number of citations sent out to residents average to five to seven per month for different violations; and that street sweeping citations are issued by the police department service aide.

Police Chief Ethell answered that street sweeping citations are being issued by the Police Service Aide; if for some reason the aide is out sick or unavailable, Police Officers on patrol will perform street sweeping parking enforcement.

Assistant City Manager/Community Development Director Lazzaretto stated that cases that are open, closed, or ongoing are handled accordingly. He stated that some close quickly and others tend to have patterns.

Councilmember Rodriguez asked for an update on the Central Park playground resurfacing.

Public Works Director Noorbaksh answered that the contractors stated there was a rubber shortage, but should have the project complete in the next few weeks to comply with the completion date.

Councilmember Rodriguez stated that the Gas Company is taking a while to complete a project on the P & E right-of-way.

Assistant City Manager/Community Development Director Lazzaretto stated the project will take a couple of months to complete the rehabilitation of a gas main and some equipment.

Councilmember Rodriguez asked if the Gas Company has informed the residents along Amberwood Street that backs up to the right-of-way.

Assistant City Manager/Community Development Director Lazzaretto answered staff is not aware of a notification given by the Gas Company.

Councilmember Rodriguez attended the Orange County Transportation Authority (OCTA) Meeting on Measure M and the Board of Supervisors Meeting.

Mayor Pro Tem Waldman attended the Orange County Sanitation District meeting and all three La Palma Concerts in the Park.

Councilmember Blake had nothing to report.

Councilmember Herman asked about a residential cooling station for residents who can not endure the weather.

City Manager Standiford answered that there are six registered cooling stations in Orange County; including the cities of Garden Grove, Santa Ana, and Orange. Many are in convalescent hospitals or other agencies that serve to the senior population. She stated that in the City of La Palma residents can cool off Mondays through Fridays in the Community Center in the morning prior to 3 p.m., or can come to the La Palma Police Department's lobby. She also stated that the City of Buena Park has a Senior Center that provides cooling stations.

Councilmember Herman asked when the La Palma Chamber of Commerce will return regarding their request.

Assistant City Manager/Community Development Director Lazzaretto answered that he is still working with the Chamber of Commerce.

Mayor Barnes attended a SCAG meeting and attended the Cypress City Council Meeting to present a proclamation in recognition of the City's 50th Anniversary.

Councilmember Rodriguez asked if there was an update on providing an extra crossing guard at Luther Elementary School.

Police Chief Ethell answered that staff will bring the inquiry to the next Council meeting to discuss the costs.


CITY MANAGER REMARKS

City Manager Standiford stated as a requirement of completing AB1234 ethics training, that Council provide a copy of certification for City files. She stated that she will be on vacation for two weeks, and to direct all inquires to Assistant City Manager Lazzaretto.

CITY ATTORNEY REMARKS

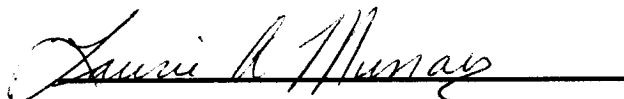
None

Mayor Barnes adjourned the meeting at 10:09 p.m to a regular City Council Meeting August 15, 2006.



Mayor

Attest:



City Clerk