

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 15, 2006

Mayor Barnes called the regular meeting of the La Palma City Council to Order at 7:00 p.m. on Tuesday, August 15, 2006 in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Pastor Tony Robles, La Palma Christian Center

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: 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

ORAL COMMUNICATIONS

None

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION: 7:01 p.m.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

August 1, 2006 Minutes of the Regular Meeting of the Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2006-20

Councilmember Herman made a motion to approve Items A and B.

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 COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS PLANNING COMMISSION: 7:02 p.m.

PL-1 Approval of Planning Commission Minutes

Councilmember Blake made a motion to approve the August 1, 2006 Planning Commission Minutes of the La Palma Planning Commission.

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

ADJOURN PLANNING COMMISSION AND RECONVENE AS CITY COUNCIL: 7:02 p.m.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances
2. Approval of Council Minutes
August 1, 2006 Minutes of the Regular Meeting of the City Council.
3. Approval of Register of Demands
Resolution No. 2006-40
4. Authorization for Councilmember Herman to Attend the League of California Cities Annual Conference
5. Approval of Traffic Safety Committee Recommendation to Paint Red, the North and South Curvilinear Curb Sections of Cambury Drive at Redford Lane
 - a) The north curb of Cambury Drive; from the beginning of the curb return of Cambury Drive at Redford Lane then southwest, curvilinear 39.7' to the end of the curb return on Cambury Drive.
 - b) The south curb of Cambury Drive; from the beginning of the curb return of Cambury Drive at Redford Lane then northwest, curvilinear 39.7' to the end of the curb return on Cambury Drive.
6. Approval of Traffic Safety Committee Recommendation to Install a "W54" Pedestrian Crossing Symbol Sign with a "Yield to Pedestrian" Sign on Valley View Street, Southbound, at Orangethorpe Avenue
7. Resolution Adding a Parking Control Officer Salary to the Part-time Salary Schedule
Resolution No. 2006-41

Councilmember Herman made a motion to approve Items 1 through 7.

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

REGULAR ITEMS8. Approval of an Amendment to the Professional Services Agreement for Design Services for the Community Center Rehabilitation Project

Assistant City Manager/Community Development Director Lazzaretto gave the staff report.

Mayor Pro Tem Waldman asked if the 17.33% increase in engineering costs is a reasonable and customary amount.

Assistant City Manager/Community Development Director Lazzaretto answered it is extremely reasonable; Design and Engineering Services are often that number and when added to the management component, fees can be significantly higher.

Mayor Pro Tem Waldman asked if there is a breakdown in the fee structure between the design and management phases.

Assistant City Manager/Community Development Director Lazzaretto replied that the project has seven different phases. Currently, the project is in the design phase. He stated that the design and engineering phase would happen first; and the management phase is identified in the contract during later phases. The fees are broken out by phases - not by task.

Mayor Pro Tem Waldman asked if the project is later scaled down in scope of work, what savings would be realized.

Assistant City Manager/Community Development Director Lazzaretto replied that staff would be able to show the savings based on what is removed from the project. Not knowing what is being removed makes it hard to determine what is not being designed or managed. There would be a savings and most of it would be in the management portion, as all of the design services are being completed at this time.

Councilmember Rodriguez asked why this request was not brought to Council during the previous discussion of the project, and was it an oversight not discussing the incremental costs at that time.

Assistant City Manager/Community Development Director Lazzaretto clarified that some of the cost had already been incurred, but it would

not be billed until approved - meaning any additional work done at this point is on a complimentary basis. He said the number was included in the line item; he knew this percentage increase would be coming back to Council; so he did not include it in the first discussion.

Councilmember Herman asked if \$2.74 million has been put aside in the budget.

Assistant City Manager/Community Development Director Lazzaretto answered affirmatively.

Councilmember Herman asked if the project is approximately \$400,500 short in reaching the \$3.14 million project cost.

Assistant City Manager/Community Development Director Lazzaretto replied that is correct.

Councilmember Blake asked if it is better to have the total package designed now and include items that would not be done at this point in time, rather than engineering the additive or deductive items later on as funds are acquired.

Assistant City Manager/Community Development Director Lazzaretto answered that as a separate project to engineer additional items at a later date would be more expensive than doing it as a total package now.

Councilmember Herman asked if Council approves the \$143,000 for engineering costs, and then items are removed later during the project; would the costs of the first two line items, regarding the complete design of the full package, be incurred.

Assistant City Manager/Community Development Director Lazzaretto answered that they would because this is the work being done at this time.

Councilmember Herman asked if these fees are in addition to the \$260,000 first proposed by Osborn Architecture.

Assistant City Manager/Community Development Director Lazzaretto answered that it replaces the \$260,000. Due to incremental differences for the first two phases, the cost would be approximately \$27,000 to \$28,500 to pay costs not to get line item costs; what the deductive bidding items are; and what the different design options for fixtures and finishes are. The future project will be dependent on

future finances.

Mayor Pro Tem Waldman asked if the \$2.7 million is a budget item or an allocation.

Assistant City Manager/Community Development Director Lazzaretto answered that resources have been set aside in Capital Outlay Reserves (COR) and/or have received grant allocations. He stated there is not an established project budget at this time.

Councilmember Blake asked if by approving this increase tonight, that in no way is the Council saying that they are going to be spending \$3.2 million for the project, but that the plans would be engineered to include additive and deductive items.

Assistant City Manager/Community Development Director Lazzaretto answered affirmatively.

Councilmember Blake asked if at the time when a final design is decided on, if that is when the 17.33% would be added to the management costs? He also asked if the fee would exceed \$402,000.

Assistant City Manager/Community Development Director Lazzaretto answered affirmatively.

Councilmember Rodriguez asked Mayor Pro Tem Waldman if he would have made the same motion on June 20, 2006 if he knew it would cost \$28,500 to find out the detail for this project.

Mayor Pro Tem Waldman answered that he would have because of the economic benefit to the City.

Keith Nelson, 5311 La Luna, asked Council to find out costs before bringing engineering costs into this prolonged project. He asked for Council to take the time now to find out what the different costs will be before going over budget on this project.

Councilmember Herman asked staff if there was any reason why Council couldn't look at this issue tonight and take away items that Council feels are not necessary, or would this request need to be agendaized.

City Attorney Kuperberg stated that it would be better for Council to address issues of downsizing the capital budget by separately agendaizing it for another meeting.

Mayor Pro Tem Waldman made a motion to approve an Amendment to the Professional Services Agreement for Design Services for the Community Center Rehabilitation Project. The motion was seconded by Councilmember Blake.

Councilmember Rodriguez asked when these updates will come back to Council to remove items from the project.

Assistant City Manager/Community Development Director Lazzaretto replied that the changes would be brought to Council in October.

Councilmember Rodriguez asked what the second step would be before coming to Council from a project's prospective.

Assistant City Manager/Community Development Director Lazzaretto answered that the project will go to the Development Committee for a review and precise plan process, then it will come to Council as the Planning Commission and City Council for both the precise plan and for the specific project component.

Councilmember Rodriguez asked if the Development Committee is going to evaluate the entire project or possibly remove items and if they have that authority.

Assistant City Manager/Community Development Director Lazzaretto answered that the Development Committee does not have the authority to remove those types of components, but will identify those items that are part of the additive/deductive portion of the project.

Councilmember Rodriguez stated if the Development Committee has to look at how the structure will be built, how will they know what should be considered as additive or deductive items.

Assistant City Manager/Community Development Director Lazzaretto answered that the Development Committee will have to look at the project as if the additive/deductive portions of the project have or have not been built.

Councilmember Rodriguez asked if the City's financial situation had changed.

Finance Director Moreno replied that there had been no changes to

the City's financial condition.

The motion was carried on the following vote:

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

NOES: Councilmember Herman, and Councilmember
Rodriguez

9. Consideration of Amending Existing Crossing Guard Contract with All
Cities Management

Police Chief Ethell gave the staff report.

Councilmember Rodriguez asked how many crossing guards are currently being utilized in the City.

Police Chief Ethell answered that there are five areas in the City that use crossing guards.

Councilmember Rodriguez asked if the Police Chief asked double crossing guard questions of the City of Lakewood, since they utilize double crossing guards.

Police Chief Ethell replied that he did not speak to the City of Lakewood, but knows that they have two crossing guards at the Del Amo Street location.

Councilmember Rodriguez asked if staff has contacted Ms. Dinwiddie on any of the crossing guard findings subsequent to her request for an additional crossing guard at Redford Lane.

Police Chief Ethell answered that he has not spoken with Ms. Dinwiddie.

Councilmember Rodriguez asked if the additional crossing guard has been reviewed by the Traffic Safety Committee.

Police Chief Ethell replied no.

Councilmember Blake asked if Council approves the additional crossing guard to the intersection of La Palma Avenue and Redford Lane, and were to turn down a request with a similar

situation, would the City's liability increase.

City Attorney Kuperberg replied that there are not a lot of cases dealing with crossing guard related municipal liability. The decision is a discretionary one, and courts in regards to discretionary decisions do not typically subject government agencies to liabilities. He stated that there isn't a consistency on how courts look at liability cases, although they articulate general principals. It may, however, increase the City's exposure to being sued.

Mayor Pro Tem Waldman asked if a speed control device is going to be installed in the area of Redford Lane and La Palma Avenue.

Police Chief Ethell answered a speed warning device will be at that location.

Mayor Pro Tem Waldman asked if it will encourage drivers to reduce their speeds.

Police Chief Ethell answered affirmatively.

Mayor Barnes recessed the City Council meeting for a break at 8:00 p.m.

Mayor Barnes reconvened the City Council meeting with all members present at 8:04 p.m.

Pam Carlson, Los Coyotes Elementary School Principal, 8122 Moody, asked for consideration of an additional crossing guard on Moody Street and La Palma Avenue due to a high volume of traffic in the morning and afternoon hours.

Rick Maurice, 8172 Bellhaven, asked Council to consider the high volume of children that cross directly across La Palma and to look at the high volume of traffic in all school zones and asked the City not to wait for a pedestrian accident, but instead take steps to prevent a pedestrian accident.

Councilmember Herman asked staff if the Traffic Safety Committee would consider looking at the traffic flow for all school zones.

Assistant City Manager/Community Development Lazzaretto answered that staff will present the request to the Traffic Safety Committee if Council directs staff to do so.

Mayor Barnes asked if the Committee would be doing a traffic study and obtaining services of a company.

Public Works Noorbaksh answered that the Traffic Safety Committee can investigate and study the requested locations and will need to identify a way to install additional control devices during school hours to inform drivers of the conditions to follow. He stated that it is time to file for a grant to study all intersections and to obtain a comprehensive report on traffic school zone areas.

Councilmember Rodriguez asked Ms. Carlson at what intersection on Moody was she requesting an additional Crossing Guard.

Ms. Carlson answered the intersection of Moody Street and La Palma Avenue.

Councilmember Rodriguez asked Ms. Carlson if she knew how many children cross that particular intersection.

Ms. Carlson answered that she was not sure, and would have to research how many families currently attended Los Coyotes Elementary School.

Councilmember Herman asked if the study of traffic at different school sites will come forward, or need to be agendaized for a meeting.

Public Works Director Noorbaksh asked for the Police Department and the Public Works Department to converse with one another on this case. He stated that applications for a grant are usually filed by the end of the year. He stated the grant would be for a pedestrian safety study for the City of La Palma, but will have to come to City Council for approval before the grant is submitted.

Mayor Barnes asked when the two new traffic control devices are installed at the intersection of Redford Lane and La Palma Avenue, will there be a study before installation to calculate the number of vehicles speeding during school hours.

Police Chief Ethell answered the traffic control devices have radar installed which tracks the speed of vehicles whether the device is turned on or off.

Public Works Director Noorbaksh stated that a radar study was recently conducted in that intersection.

Mayor Barnes asked if that radar study was performed during school hours when children use the crosswalks.

Police Chief Ethell replied that the radar study was done during the day but not when children were utilizing the crosswalk areas.

Councilmember Herman asked if the Traffic Safety Committee was the best group to look at the busy school intersections.

Public Works Director Noorbaksh answered if Council directs staff to investigate the location; it could be researched by the Traffic Safety Committee.

Councilmember Blake stated that all of the crossing guard locations should be looked at by the Traffic Safety Committee instead of just the one intersection proposed at Redford Lane and La Palma Avenue. But he was comfortable with the intersection of Bravo, Moody, & Redford being investigated now.

Councilmember Herman asked what would be the timeline to take this request to the Traffic Safety Committee.

Public Works Director Noorbaksh replied that the next Traffic Safety Committee will be in October, but a special meeting could be called if Council directed staff to do so. He also recommended applying for a grant to study all of the school zoned intersections.

Councilmember Herman made a motion to add an additional Crossing Guard at the intersection of La Palma Avenue and Redford Lane prior to the school year. The motion was seconded by Councilmember Rodriguez.

Councilmember Blake asked for the motion to be amended to also add a Crossing Guard at the intersection of Moody Street and La Palma Avenue.

Councilmember Herman accepted the amendment.

Councilmember Rodriguez confirmed his second to the amended motion and asked that the positioning of the crossing guards be determined as needed.

Councilmember Herman asked if the expenditure would increase to \$14,000 for two crossing guards.

Police Chief Ethell answered that the La Palma and Moody intersection might require summer school services which would be an additional \$1,000. He stated it would be between \$14,000 and \$15,000 to add additional crossing guards.

The motion was carried on the following vote:

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

NOES: Mayor Barnes

Mayor Pro Tem Waldman made a motion to direct the Traffic Safety Committee to look into traffic patterns at all schools and to evaluate alternative control devices.

Councilmember Herman asked if this request to the Traffic Safety Committee would include submitting a grant at the end of the year for traffic study of the school zones.

Public Works Director Noorbaksh replied that he would like to submit the grant.

Councilmember Rodriguez asked for clarification if the Council is directing the Police Chief and Public Works Director to go forward and look at the grant option, if it is not available would the request come back to Council if any additional costs were involved.

Police Chief Ethell and Public Works Director Noorbaksh both replied that is correct.

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

Councilmember Blake made a motion to allocate up to \$16,000 from the general fund reserves to fund two additional crossing guards.

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

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

Councilmember Herman asked staff about the status of the T-Mobile station on the Edison right-of-way.

Assistant City Manager/Community Development Director Lazzaretto answered that the T-Mobile project is currently delayed; pending the landscaping decision of Edison.

Councilmember Herman asked Public Works Director Noorbaksh when the next major arterial street project will occur.

Public Works Director Noorbaksh answered that he will be submitting a staff report requesting authority to advertise on pavement rehabilitation of La Palma Avenue between Walker and Valley View Streets, in the near future.

Councilmember Herman asked staff if the next residential project will be brought forth to Council at the September 5, 2006 Council meeting.

Public Works Director Noorbaksh answered that it would if the consultants are available.

Councilmember Blake attended the Orange County Fire Authority Academy 30th Graduation and the League of California Cities monthly meeting.

Mayor Pro Tem Waldman attended the League of California Cities monthly meeting.

Councilmember Rodriguez attended the League of California Cities monthly

meeting and a Chamber of Commerce event. He asked if a discussion would take place on Proposition 218, regarding metered utility rates.

City Attorney Kuperberg answered that Council recently received an update on the utility rates and stated that an assessment of the impact would be looked at, especially if they were to be modified. He stated that when La Palma decided on the water rate increase process last year, the requirements of Proposition 218 were followed.

Councilmember Rodriguez stated there was a recent adjustment to the sanitation rates for solid waste, and asked since it is through a private contractor is it outside the realm of this utility rate discussion.

City Attorney Kuperberg stated that when Proposition 218 passed in 1996, it was immediately identified that trash disposal fees are paid on a flat rate fee whether a resident is there or not. He stated it is regulated through a franchise.

Mayor Barnes attended the League of California Cities monthly meeting. She asked Council to review the League of California Cities resolutions so they could provide direction at the next Council meeting.

Councilmember Rodriguez asked if there would be an item on the consent calendar for Council's consideration.

Mayor Barnes replied that a vote or consent would have to be taken on each resolution.

Councilmember Rodriguez asked if the items could be legally discussed if they were not on an agenda.

Mayor Barnes stated if it was on the agenda it could be discussed.

City Attorney Kuperberg replied that if the intent is to place the items on the agenda whether on consent or otherwise they could be discussed; and if the resolution's were not on the consent calendar it could come up for discussion in the ordinary course.

Councilmember Blake asked if the agenda item would be listed as the League of California Cities resolutions package.

City Attorney Kuperberg stated that the Mayor or City Manager could take a recommendation on each one to gauge how Council would likely react.

Councilmember Herman asked when the Los Alamitos Chamber event will

be.

Mayor Barnes answered that there are two legislative mixers; one on August 25 from 5:00 - 7:00 p.m. at the Joint Forces base for all to attend; the other event is held by the General of the Joint Forces bases for City staff.

ASSISTANT CITY MANAGER REMARKS

City Manager Standiford will return on Monday, August 21.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Barnes adjourned the meeting at 8:50 p.m. to a regular City Council Meeting, September 5, 2006.



Mayor

Attest:



City Clerk