

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

August 19, 2008

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 5:05 p.m. on Tuesday, August 19, 2008, in the Council Chamber of La Palma City Hall, 7822 Walker Street, La Palma, California with all members present.

CLOSED SESSION

Mayor Charoen recessed the City Council to a Closed Session for the Community Development Commission at 5:05 p.m. with all members present.

CS-1. The Community Development Commission met in Closed Session pursuant to Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 5031 La Palma Avenue, La Palma,  
California Parcel Number: 263-302-61

Agency Negotiator: Joel Kuperberg, City Attorney;  
Dominic Lazzaretto, Executive Director;  
John Di Mario, Community Development  
Director

Negotiating Parties: Piterson Lee

Under Negotiation: Price and terms of payment

CS-2. The Community Development Commission met in Closed Session pursuant to Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 5021 La Palma Avenue, La Palma,  
California Parcel Number: 263-302-60

Agency Negotiator: Joel Kuperberg, City Attorney;  
Dominic Lazzaretto, Executive Director;

John Di Mario, Community Development  
Director

Negotiating Parties: Morsade Enterprises Inc. (Frank  
Sadeghi)

Under Negotiation: Price and terms of payment

Recess Community Development Commission and convene to a Closed Session  
of the City Council at 5:11 p.m.

CS-3. The City Council met in Closed Session pursuant to Government Code  
Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Steve Filarsky, Filarsky & Watt  
Dominic Lazzaretto, City Manager  
Laurie Murray, Administrative  
Services Manager

Employee Organization: La Palma Police Association  
La Palma General Employees  
Association  
La Palma Professional Employees  
Association

Unrepresented Employees: Executive Management

Mayor Charoen recessed the Closed Session at 6:12 p.m.

Mayor Charoen reconvened the City Council in open session at 7:00 p.m. with no  
reportable actions for either the Community Development Commission or the City  
Council and with all members present.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Barnes

INVOCATION: Councilmember Herman

ROLL CALL: Council and Commission Members

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

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, Recreation & Community Services Director  
Keith Neves, Finance Director  
Laurie Murray, Administrative Services Manager/ City Clerk  
Kimberly Kenney, Minutes Clerk

### PRESENTATIONS

None Scheduled.

### ORAL COMMUNICATIONS

No one wished to speak.

### RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION AT 7:02 P.M.

### CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes  
Minutes of the August 5, 2008, Regular Meeting of the Community Development Commission.
- B. Approval of Register of Demands  
Resolution No. CDC 2008-20 approving the Register of Demands for August 19, 2008.
- C. Cash and Investment Report as of June 30, 2008

Receive and file the Cash and Investment Report as of June 30, 2008.

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

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

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

NOES: None

#### PUBLIC HEARINGS

None Scheduled.

#### REGULAR ITEMS

None Scheduled.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS PLANNING COMMISSION AT 7:02 P.M.

#### CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 5, 2008, Regular Meeting of the Planning Commission.

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

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

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

Commission Member Rodriguez, and  
Commission Member Waldman

NOES: None

### PUBLIC HEARINGS

PL-2. Amendment No. 1 to Conditional Use Permit 227 for the Addition of an Emergency Standby Generator to an Existing Verizon Wireless Antenna Facility located at 6907 Marlin Circle

- a) Chairperson Charoen reopened the Public Hearing at 7:03 p.m.
- b) Community Development Director Di Mario gave the staff report.
- c) Public Input  
No one wished to speak.
- d) Chairperson Charoen closed the Public Hearing at 7:05 p.m.
- e) Commission Comments and Questions
- f) Table the Item indefinitely to allow for the Applicant to submit a complete application

Commission Member Waldman made a motion to deny the application for Amendment No. 1 to Conditional Use Permit 227 for the Addition of an Emergency Standby Generator to an Existing Verizon Wireless Antenna Facility located at 6907 Marlin Circle without prejudice to allow the Applicant to submit a complete application.

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

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

NOES: None

### REGULAR ITEMS

None Scheduled.

ADJOURN PLANNING COMMISSION AND CONVENE AS CITY COUNCIL AT  
7:09 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

Minutes of the August 5, 2008, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2008-33 approving the Register of Demands for August 19, 2008.

4. Cash and Investment Report as of June 30, 2008

Receive and file the Cash and Investment Report as of June 30, 2008.

Councilmember Waldman made a motion to approve Consent Calendar Items 1, 2, 3, and 4.

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

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

5. Response to the Grand Jury Report on "Water Budgets, Not Water Rationing"

Authorize the City Attorney to respond to the May 22, 2008, Grand Jury Report as outlined in the attached letter.

Councilmember Herman made a motion to approve Consent Calendar Item Number 5.

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

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

NOES: None

6. Award of Contract for Construction Inspection Services for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (ARHM) Overlay and Rubberized Slurry Seal, City Project No. ST-279

Approve and authorize the Mayor to execute an agreement with AAA Highway Inspection, in an amount not-to-exceed \$28,800 for Construction Inspection Services for the Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (ARHM) Overlay and Rubberized Slurry Seal, City Project No. ST-279.

Mayor Pro Tem Barnes made a motion to approve Consent Calendar Item 6.

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

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

NOES: None

## PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

7. Award of Contract to All American Asphalt for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (ARHM) Overlay and Rubberized Slurry Seal, City Project No. ST-279 (Continued Item)

City Manager Lazzaretto gave the staff report.

Mark Luer, Vice President of All American Asphalt, addressed the City Council regarding his firm's Slurry Seal experience now versus during the time of the last project. He noted that the sealant in that project was contaminated; the firm now has a list of great references; and they now have new staff that is ready to work on this project.

Council Comments and Questions:

Discussion ensued regarding staff turnover at All American Asphalt; ensuring communication between All American Asphalt and the City; the positive reference Seal Beach gave regarding All American Asphalt; the designation of Public Works Technician, Larry Baldwin, as the project manager; keeping the streets closed until the sealant cures; and multiple ways to guarantee the success of this project.

Public Comment:

Atul Patel, 5361 Duke Drive, addressed the City Council regarding his opposition to All American Asphalt being the company chosen for this project.

Councilmember Waldman made a motion to approve the Award of Contract to All American Asphalt for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (ARHM) Overlay and Rubberized Slurry Seal, City Project No. ST-279.

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

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

NOES: Councilmember Rodriguez



8. League of California Cities Resolutions

City Manager Lazzaretto gave the staff report.

The City Council provided direction to Mayor Charoen and Mayor Pro Tem Barnes as the City of La Palma's Voting Delegate and Alternate Voting Delegate, respectively, at the League of California Cities' (LOCC) Annual Conference as to the City's position on the following League resolutions:

a) League Bylaws Amendments

Councilmember Waldman made a motion to oppose the League Bylaw Amendments and vote no on this Amendment.

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

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

NOES: Councilmember Herman, and Councilmember Rodriguez

b) 2-1-1 California Telephone Service

c) Extension of Federal Section 45 Production Tax Credit

d) Comprehensive Statewide Water Infrastructure Plan

Councilmember Herman made a motion for the City to support the League of California Cities Resolutions listed as Regular Items 8b, 8c, and 8d.

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

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

NOES: None

9. Councilmember Request: Modify Council Policy 10

Discussion ensued regarding scheduling applicant interviews on the same night as City Council meetings; response time to the applicants; putting a time guideline (30-45 days) on the date from filing to the date of the interview; being more communicative with applicants; and adopting language that reflects these changes in Council Policy 10.

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

**Councilmember Waldman** attended the Legislative Mixer at the Los Alamitos Joint Forces Training Base and the August 9 and August 16 Concerts in the Park.

**Councilmember Rodriguez** attended the August 9 and August 16 Concerts in the Park; the Legislative Mixer at the Los Alamitos Joint Forces Training Base; the Presidential Forum between Senator Obama and Senator McCain at Saddleback Church; and the La Palma Days Parade meeting. He announced that members of the City Council will be hosting a hot dog barbeque for the public at the upcoming Concert in the Park. He also announced that he has accepted the position of Co-Chair for next year's Relay for Life event. He inquired about the procedure for notifying specific residents about the Community Workshop regarding house colors. He closed by reminding staff and appointed committee members that they are always City representatives.

**Councilmember Herman** attended the Anaheim YMCA Board Meeting; the August 16 Concert in the Park with the Radio Club; and an e-waste drop off in Los Alamitos. He announced that he will attend the upcoming Orange County Vector Control District meeting. He reminded those present of the upcoming Community Workshop at La Quinta Inn regarding paint colors for residential homes. He asked staff about ID cards for Councilmembers and thanked City Attorney Kuperberg for the update on the Medical Marijuana Court Ruling. He spoke on the new California Green Building Code, asked about the Cypress Recreation Park District boundary changes, and the status of the Community Center Rehabilitation Project. He closed by reporting on the status of the war in Iraq.

**Mayor Pro Tem Barnes** attended the Legislative Mixer at the Los Alamitos Joint Forces Training Base and the Presidential Forum between Senator Obama and Senator McCain at Saddleback Church. She announced that she plans to attend the upcoming Concert in the Park. She reported that there have been 40 million abortions since Roe versus Wade; and commented that all residents should be notified about the house color Community Workshop.

**Mayor Charoen** attended the Legislative Mixer at the Los Alamitos Joint Forces Training Base and the August 16 Concert in the Park.

CITY ATTORNEY REMARKS

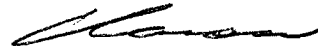
**City Attorney** Kuperberg had nothing to report.

CITY MANAGER REMARKS

**City Lazzaretto** reminded everyone of the upcoming Concert in the Park event and to adjourn the meeting to the August 26, 2008, Community Workshop meeting at La Quinta Inn.

ADJOURNMENT

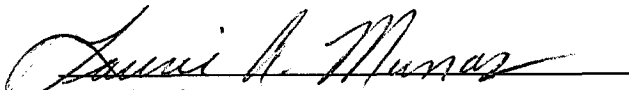
Mayor Charoen adjourned the City Council meeting at 8:32 p.m. to a Community Workshop meeting at La Quinta Inn at 7:00 p.m. on August 26, 2008.



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Mayor

Attest:

  
City Clerk