

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

September 2, 2008

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 6:17 p.m. on Tuesday, September 2, 2008, in the Council Chamber of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

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 6:55 p.m.

Mayor Charoen reconvened the City Council in open session at 7:02 p.m. with no reportable actions and all members present.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Pastor Jose Padilla, Jr., United Methodist Church

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
Ismile Noorbaksh, Public Works Director/ City
Engineer
Laurie Murray, Administrative Services Manager/
City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Charoen presented a plaque to Director of Public Works/City Engineer Ismile Noorbaksh in honor of his retirement and a service pin in honor of his twenty years of service to the City of La Palma.
2. Noella Lew, Chairperson of the La Palma Community Activities and Beautification Home Spotlight Subcommittee, presented Gerry and Deena Barnes with the Quarterly Home Spotlight Award for their home at 5151 Glenwood Circle.
3. Recreation and Community Services Director Hobson recognized the 2008 Volunteens and presented them with stipends.
4. Mr. Michael Hearst from the Orange County Vector Control District gave a presentation regarding Red Imported Fire Ants.

ORAL COMMUNICATIONS

No one wished to speak.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY
DEVELOPMENT COMMISSION AT 7:49 p.m.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the August 19, 2008, Regular Meeting of the Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2008-21 approving the Register of Demands for September 2, 2008.

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

The motion was seconded by Commission Member Herman 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
THE PLANNING COMMISSION AT 7:50 p.m.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 19, 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 Rodriguez and carried on the following vote:

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

NOES: None

PUBLIC HEARINGS

PL-2. Six Month Review and Amendment No. 1 to Conditional Use Permit 341, for the Sale of Alcohol and Live Entertainment at Texas Loosey's Chili Parlor & Saloon Restaurant Located at 40 Centerpointe Drive.

- a) Chairperson Charoen opened the Public Hearing at 7:51 p.m.
- b) Community Development Director Di Mario gave the Staff Report.
- c) Public Input

Discussion ensued regarding the positive impact of the restaurant's success; the low level of law enforcement involvement over the past six months; proposed new hours of operation; adding a breakfast menu; the addition of pool tables; and the type of entertainment being provided.

David Moss, 5512 Fir Circle, responded to Council questions regarding extended hours; addition of pool tables; the breakfast menu; regulating patrons who have had too much to drink; fashion

shows being held after Monday Night Football; hours of competitors across the street; and previous incidents involving law enforcement.

- d) Chairperson Charoen closed the Public Hearing at 8:09 p.m.
- e) Commission Comments and Questions
- f) Approve a Resolution amending Conditional Use Permit 341 and extending the review of compliance with the Conditions of Approval an additional six months.

Resolution No. 2008-07 PC amending Conditional Use Permit 341 and extending the review of compliance with the Conditions of Approval an additional six months.

Commission Member Waldman made a motion to approve Resolution No. 2008-07 PC amending Conditional Use Permit 341 and extending the review of compliance with the Conditions of Approval an additional six months.

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

- PL-3. Six Month Review and Amendment No. 1 to Conditional Use Permit 340, for the Sale of Alcohol and Live Entertainment and a Stage at Café Herb Garden Located at 4961 La Palma Avenue.

Vice Chairperson Barnes recused herself from the meeting at 8:10 p.m. due to a presumed conflict of interest regarding the item.

- a) Chairperson Charoen opened the Public Hearing at 8:10 p.m.
- b) Community Development Director Di Mario gave the Staff Report.
- c) Public Input

No one from the public wished to speak.

Discussion ensued regarding the establishment's California Department of Alcoholic Beverage Control license; the type of products being sold; and the types of drinks being served.

- d) Chairperson Charoen closed the Public Hearing at 8:17 p.m.
- e) Commission Comments and Questions
- f) Approve a Resolution amending Conditional Use Permit 340 to require a review of compliance with the Conditions of Approval within 12 months of the original opening of the restaurant.

Resolution No. 2008-08 PC amending Conditional Use Permit 340 to require a review of compliance with the Conditions of Approval within 12 months of the original opening of the restaurant.

Commission Member Waldman made a motion to approve Resolution No. 2008-08 PC amending Conditional Use Permit 340 to require a review of compliance with the Conditions of Approval within 12 months of the original opening of the restaurant.

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

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

NOES: None

ABSTAINED: Vice Chairperson Barnes

Mayor Charoen adjourned the Planning Commission at 8:18 p.m. and called for a short recess.

Mayor Charoen reconvened the City Council at 8:25 p.m. with all members present.

REGULAR ITEMS

None Scheduled.

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 19, 2008, Regular Meeting of the City Council.

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1 and 2.

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

ITEMS PULLED FROM CONSENT CALENDAR

3. Approval of Register of Demands

Resolution No. 2008-37 approving the Register of Demands for September 2, 2008.

Councilmember Herman made a motion to approve Consent Calendar Item 3.

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

4. Approval of updated Sewer and Water Standard Drawings, City Project No. 08-SWR-01 and 08-WTR-01.

Approve the updated Sewer and Water Standard Drawings, City Project No. 08-SWR-01 and 08-WTR-01.

Councilmember Herman made a motion to approve the updated Sewer and Water Standard Drawings, City Project No. 08-SWR-01 and 08-WTR-01.

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

5. Award of Contract to Belaire-West Landscape, Inc., for the Renovation of the Civic Center Landscaping and Parking Lot Improvement, City Project No. 05-BLDG-01.

Award Contract to Belaire-West Landscape, Inc. for the Renovation of the Civic Center Landscaping and Parking Lot Improvement, City Project No. 05-BLDG-01.

Mayor Pro Tem Barnes made a motion to approve and award the Contract to Belaire-West Landscape, Inc., for the Renovation of the Civic Center Landscaping and Parking Lot Improvement, City Project No. 05-BLDG-01.

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

PUBLIC HEARINGS

6. Resolution Establishing Underground Utility District No. 08-01 (Walker Street - Marview Drive to Houston Avenue).

- a) Mayor Charoen opened the Public Hearing at 8:30 p.m.
- b) City Manager Lazzaretto gave the Staff Report.
- c) Public Input

No one from the public wished to speak.
- d) Mayor Charoen closed the Public Hearing at 8:31 p.m.
- e) Table the item for reconsideration on a date to be determined in the future.

Councilmember Herman made a motion to approve tabling the item indefinitely for reconsideration to a date to be determined in the future.

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

REGULAR ITEMS

10. Councilmember Request: Resolution Opposing Proposition 7

Councilmember Herman gave a staff report.

Councilmember Herman made a motion to approve Resolution No. 2008-39 Opposing Proposition 7.

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

Mayor Pro Tem Barnes recused herself from the meeting at 8:33 p.m. due to a presumed conflict of interest regarding the Appeal of Staff's Denial of a Special Business Permit for a Proposed Savers Thrift Store at 4951 La Palma Avenue.

7. Appeal of Staff's Denial of a Special Business Permit for a Proposed Savers Thrift Store at 4951 La Palma Avenue.

Community Development Director Di Mario gave the Staff Report.

Public Input

Elayne Roberts, 412 Playa Boulevard, La Selva Beach, Director of Hope Services, addressed the City Council regarding Hope Services' relationship with Savers Retail Stores and relayed her support of granting Savers appeal.

David Cree from Snohomish, Washington, and Director of Real Estate for Savers, addressed the City Council regarding existing problems with the La Mirada store; Savers proposal to deal with the dumping issue; times for deliveries; the large compactor; and the drop off enclosure.

Rex Peterson, 3326 West 10000 South, South Jordan, Utah, addressed the City Council regarding Savers relationship with Hope Services.

Gregory Barnes, 4971 Berton Circle, addressed the City Council regarding his support of staff's denial of Savers' Special Business Permit.

Council Comments and Questions

Discussion ensued regarding the current evidence of dumping at the La Mirada Savers' store location; concern over the possibility of illegal dumping at a La Palma location, if approved; the potential of a bell disturbing the residential homes backing the site; hours of operation for the drop-off station; the lack of diligence from the applicant to correct the dumping situation at the La Mirada location; Council's support of staff's decision to deny the application; the probable large amount of white waste and e-waste at the site; and the large trash compactor.

A second discussion ensued with City Attorney Kuperberg regarding the Council's alternatives with the appeal.

Councilmember Waldman made a motion to deny the appeal of a Special Business Permit for a proposed Savers Thrift Store at 4951 La Palma Avenue.

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

AYES: Mayor Charoen, Councilmember Herman,
Councilmember Rodriguez, and
Councilmember Waldman

NOES: None

ABSTAINED: Mayor Pro Tem Barnes

8. Memorial for Former Mayor Duane Schuster

Recreation and Community Services Director Hobson gave the Staff Report.

Council Comments and Questions

Discussion ensued regarding a Community Commemorative Area with engraved bricks at the base of the City Hall flag pole; how to identify a commemorative area; the need to ensure that Duane Schuster was the inspiration for the commemorative area; Council Policy 24 regarding recognition of those that have passed; the option of letting the Schuster family make the decision of how to recognize former Mayor, Duane Schuster; and potential changes to Council Policy 24.

Council directed staff to further explore the idea of a commemorative area, install a plaque in that area to recognize Mr. Duane Schuster, and to update City Council Policy 24 , including having the Council Policy Subcommittee review the proposed changes.

9. Community Center Rehabilitation Project Status

City Manager Lazzaretto gave the Staff Report.

Council Comments and Questions

Discussion ensued regarding the readerboard, its cost and weight; the size of restroom tiles; addressing current construction delays; cost impact of rental facilities for existing staff; cupboards in the King Palm room; durability of the countertops and cabinets; and the exterior paint colors.

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

Councilmember Waldman attended the Orange County Sanitation District meeting; the Orange County League of California Cities meeting (OCLOCC); the Orange County Council of Governments meeting; and the Special Community Meeting regarding house colors.

Councilmember Rodriguez attended an event with the Kiwanis Club at Kennedy High School; the August 23 Concert in the Park; the Special Community Meeting regarding house colors; and reported on the status of Senate Bill 375.

Councilmember Herman attended the Orange County Vector Control District meeting; the Special Community Meeting regarding house colors; and the August 23 Concert in the Park. He commented on an article in the *Orange County Register* regarding a pay increase for the Executive Director of the Orange County Sanitation District. He also reported on the amount of homeless people in Los Angeles County and on the status of the Iraq War.

Mayor Pro Tem Barnes attended the Orange County Council of Governments meeting and the Special Community Meeting regarding house colors.

Mayor Charoen attended the Special Community Meeting regarding house colors.

CITY MANAGER REMARKS

City Manager Lazzaretto reported on the upcoming meeting with the Sister City Committee and the City of Cerritos.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

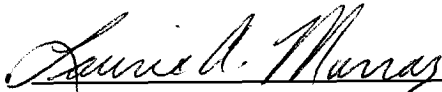
ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the City Council at 10:44 p.m.



G. Henry Charoen, Mayor

Attest:



Laurie A. Murray, City Clerk