

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

October 21, 2008

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, October 21, 2008, in the Council Chamber of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Barnes

INVOCATION: Pastor Matthew Mitchell, Faith Fellowship

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

PRESENTATIONS

1. City Manager Lazzaretto introduced Jeff Moneda as the City's new Public Works Director/City Engineer.

2. Recreation and Community Services Director Hobson introduced Cynthia Robinson as the City's new Community Services Supervisor.
3. Kathleen Moran, Executive Analyst, representing Orange County Supervisor John Moorlach, presented the City with a proclamation recognizing La Palma Days as the Official Orange County Veterans Day Parade.

ORAL COMMUNICATIONS

Scott Smith, 13302 Arizona Street, Westminster, California, addressed the City Council regarding Americare Ambulance Service's response to the Orange County Fire Authority's Request for Proposal for ambulance services.

Gerard Goedhardt, 4727 Canehill Avenue, Lakewood, California, addressed the City Council regarding the City of Fountain Valley's consideration of adopting an artificial turf ordinance and encouraged the use of solar energy.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:16 P.M.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the October 7, 2008, Regular Meeting of the Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2008-24 approving the Register of Demands for October 21, 2008.

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

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS
THE PLANNING COMMISSION AT 7:16 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Commission Member Waldman made a motion to approve Consent Calendar Item PL-1.

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

PUBLIC HEARINGS

PL-2. Ordinance to Amend Chapters 13 and 26 of the City Code Pertaining to Compliance with City, State, and Federal Laws and Regulations

- a) Chairperson Charoen opened the Public Hearing at 7:17 p.m.
- b) Community Development Director John Di Mario gave the Staff Report
- c) Receive Public Input

Lisa Boynton, 5831 Shasta Circle, addressed the City Council regarding her opposition to the proposed Ordinance.

Discussion ensued regarding locations of dispensaries in Orange County; the need for the State and the Federal government to resolve the issue; the City's duty to uphold federal law; the prospect that pharmacies may someday be able to dispense medical marijuana; and the City not getting between a doctor's prescription and upholding the law.

- d) Chairperson Charoen closed the Public Hearing at 7:39 p.m.
- e) Commission Comments and Questions
- f) Adopt a Resolution recommending adoption of an Ordinance amending Chapters 13 and 26 of the City Code pertaining to compliance with City, State, and Federal laws and regulations.

Resolution No. PC 2008-11 recommending adoption of an Ordinance amending Chapter 13 and 26 of the City Code pertaining to compliance with City, State, and Federal laws and regulations.

Vice Chairperson Barnes made a motion to adopt Resolution No. PC 2008-11 recommending adoption of an Ordinance amending Chapters 13 and 26 of the City Code pertaining to compliance with City, State, and Federal laws and regulations.

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

PL-3. Precise Plan 269, Approval of a Community Build Project at Denni Street Pocket Park

Commission Member Waldman recused himself from the meeting at 7:40 p.m. due to a presumed conflict of interest regarding the Community Build Project at Denni Street Pocket Park.

- a) Chairperson Charoen opened the Public Hearing at 7:40 p.m.

- b) City Manager Lazzaretto gave the Staff Report
- c) Receive Public Input

No one from the Public wished to speak.

Discussion ensued regarding the proposed solar panel lighting; dog refuse bags remaining onsite; a groundbreaking ceremony; the combination of public and private interests; how quickly the plans were completed; the landscaping buffer; that T-Mobile has donated a bench for the project; and that Kobata Associates is volunteering their time for the landscape architecture services.

- d) Chairperson Charoen closed the Public Hearing at 7:49 p.m.
- e) Commission Comments and Questions
- f) Adopt a Resolution approving Precise Plan 269 for a community build project with BP/ARCO at the Denni Street pocket park.

Resolution No. PC 2008-12 approving Precise Plan 269 for a community build project with BP/ARCO at the Denni Street pocket park.

Vice Chairperson Barnes made a motion to adopt Resolution No. PC 2008-12 approving Precise Plan 269 for a community build project with BP/ARCO at the Denni Street pocket park.

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

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

NOES: None

ABSTAINED: Commission Member Waldman

Commission Member Waldman returned to the dais at 7:50 p.m.

REGULAR ITEMS

None Scheduled.

RECESS THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL.

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 September 10, 2008, Special Meeting, and the October 7, 2008, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2008-47 approving the Register of Demands for October 21, 2008.

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

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

ITEMS PULLED FROM CONSENT CALENDAR:

4. Printing Services for Quarterly Recreation Activity Guide and City News

City Council directed staff to table the item until further research can be completed regarding other available printing service options.

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

5. Councilmember Request: Presentation of Cypress School District Bond Initiative Measure M.

David Giese, Vice President of the Cypress School District Board of Directors, gave a detailed presentation on proposed Measure M.

Sherry Lowenstein, Superintendent of the Cypress School District, addressed the City Council regarding the project timeline.

6. Councilmember Request: Discussion of Activities to Extend the Utility Users Tax to Internet Based Phone Services

City Manager Lazzaretto gave a staff report on taxing internet based telephone service.

Gerard Goedhardt, 4727 Canehill Avenue, Lakewood, California, addressed the City Council regarding the City of Lakewood's UUT Ordinance as it relates to Voice Over Internet Protocol (VOIP).

Mayor Charoen called for a short recess at 8:46 p.m.

Mayor Charoen reconvened the City Council at 8:53 p.m. with all members present.

7. Councilmember Request: Discussion of Possible Closed Session Disclosures and Individual Bargaining Unit Meetings While Negotiation Period Was Open

Councilmember Rodriguez introduced the item and discussion ensued regarding allowed subject matter for closed sessions; the appointment of a chief negotiator and a media contact; the invitation to candidates to be interviewed by the La Palma Police Officers Association Political Action Committee (LPPA PAC); that Councilmember Rodriguez declined the interview due to a perceived conflict of interest; Councilmember Waldman having met with a bargaining unit; neither Councilmember Waldman nor the City Manager disclosing the meeting to the City Council prior to the

vote on the Memorandums of Understanding (MOU's); clarification that Councilmember Waldman met with the LPPA PAC and not the LPPA negotiation team; the LPPA PAC having the right to interview candidates to seek endorsements; that there is no statute to require a Councilmember to disclose any activities the individual Councilmember makes; the timeline when a contract becomes effective; the legal process of labor negotiations and how parameters are set; communication with the City Council and the final document being brought to the City Council for formal approval in open session; that the LPPA negotiating team is a separate entity than the LPPA PAC; and the Political Reform Act definition of income and gifts and that campaign contributions do not fall into the income and gift category for elected officials.

Gerard Goedhardt, 4727 Canehill Avenue, Lakewood, California, addressed the City Council regarding politics not merging with police associations or political action committees.

Steve Hwangbo, 8372 Sparrow Lane, a 17 year resident, addressed the City Council regarding politics not merging with police associations or political action committees.

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION AND PLANNING COMMISSION AT 9:26 P.M.

8. Cancellation of the November 4, 2008, City Council, Community Development, and Planning Commission Meetings

Mayor Pro Tem Barnes made a motion to approve cancellation of the November 4, 2008, City Council, Community Development, and Planning Commission Meetings.

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

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

NOES: None

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AND PLANNING COMMISSION AT 9:27 P.M.

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

Mayor Pro Tem Barnes attended the Grand Reopening Ceremony of the La Palma Community Center and the City of Stanton State of the City Address.

Councilmember Herman attended the Korean Festival in Garden Grove; the La Palma Chamber of Commerce Casino event; the La Palma Chamber of Commerce Candidates Forum; an AQMD Clean Vehicle Exposition; the City of Stanton State of City Address; the Orange County Vector Control District (OCVCD) meeting; the OCVCD Policy and Personnel Committee; and the Grand Reopening Ceremony of the La Palma Community Center. He reported on Pasadena's "Think Green" training module; climate change in the Arctic; and how government should conserve water. He closed by commenting on the casualties of the war in Iraq.

Councilmember Rodriguez attended an AQMD Clean Vehicle Exposition; the Korean American Festival in Garden Grove; the City of Stanton State of the City Address; the La Palma Chamber of Commerce Casino event; the La Palma Chamber of Commerce Candidates Forum; the Luther Elementary School Site Council; and the Grand Reopening Ceremony of the La Palma Community Center. He announced that he planned to attend a Library Advisory Board meeting and the upcoming Harvest Night at Luther Elementary School.

Councilmember Waldman attended the Orange County Sanitation District general meeting; the La Palma Chamber of Commerce Casino event; the La Palma Chamber of Commerce Candidates Forum; and the Orange County Sanitation District Strategic Planning meeting.

Mayor Charoen attended the Grand Reopening of the La Palma Community Center and the fourth "Lunch with the Mayor" meeting with Kellogg's Snacks.

CITY MANAGER REMARKS

City Manager Lazzaretto reported on an article from *Orange County Parenting Magazine* naming La Palma as the best small city in Orange County. He commented that the American Public Works Association has awarded La Palma with the Project of the Year for the Sodium Hypochlorite Generation System.

CITY ATTORNEY REMARKS

City Attorney Kuperberg congratulated Council and Staff on the Grand Reopening of the La Palma Community Center. He closed by noting that the City Council will be recessing to a Closed Session regarding labor negotiations.

CLOSED SESSION

Mayor Charoen recessed to the Closed Session at 9:45 p.m.

CONFERENCE WITH LABOR NEGOTIATORS

The City Council will meet 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

Mayor Charoen reconvened the City Council in open session at 10:26 p.m. with no reportable actions and all members present.

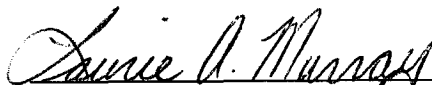
ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the City Council at 10:26 p.m.



G. Henry Charoen, Mayor

Attest:



Laurie A. Murray, City Clerk