

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

November 18, 2008

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the City Council to order at 5:00 p.m. on Tuesday, November 18, 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 at 5:02 p.m. with all members present.

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

Unrepresented Employees:

Executive Management

Mayor Charoen recessed the closed session at 6:04 p.m.

Mayor Charoen reconvened the City Council in open session at 7:00 p.m. with all members present.

City Manager Lazzaretto reported that the results of the Closed Session discussions would be reported in detail under Agenda Item Number 10.

PLEDGE OF ALLEGIANCE: Councilmember Rodriguez

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

PRESENTATIONS

1. Sergeant Morales, Corporal Parsons, and Officer Guerrero gave a presentation recognizing the Red Ribbon Week participants and introduced the Challenge winners as follows:

Los Coyotes Elementary School - Milly Chi, Ryan Jamir, Erik Johnson, Ashlee Noh, Deja Rice, Erica Roh, and Tiffany Yoo.

La Palma Christian School - Alex Beck, Kristina Lambert, Cheyenne Lorusso, Christina Mishreki, Madison Pinkney, Chandler Pipion, Nicole Reyburn, and Tabitha Wright.

Luther Elementary School - Jillori Grepo, Nathan Hwangbo, Christina Im, Robert Li, Aayush Patel, Hannah Thompson, Jane Toomey, Christopher Tran, and Chelsea Velez.

Miller Elementary School - Gihyuk Colin Kim

ORAL COMMUNICATIONS

Randy Larsheid, 5051 Decatur Drive, addressed the City Council requesting additional time for the Continental Little League to hang its banners.

Steve Patterson, 5082 Lynn Circle, addressed the City Council regarding areas within the City that need improvement.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:17 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the October 21, 2008, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2008-25 approving the Registers of Demands for November 4 and November 18, 2008.

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

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

None Scheduled.

REGULAR ITEMS

C. Cash and Investment Report as of September 30, 2008

Receive and File the Cash and Investment Report as of September 30, 2008.

Vice Chairperson Barnes made a motion to receive and file the Cash and Investment Report as of September 30, 2008.

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

RECESS THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:25 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the October 21, 2008, Regular Meeting of the Planning Commission.

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. Amendment to Precise Plan 241, to Install a Healy EVR Phase II Vac-Assist System with a Concrete Block Tank Enclosure at an Existing Chevron Gas Station Located at 5502 Orangethorpe Avenue

a) Chairperson Charoen opened the Public Hearing at 7:27 p.m.

- b) Associate Planner Hutter gave the Staff Report.
- c) Public Input

Discussion ensued regarding the location of the tank enclosure's steel doors; disguising the one-inch pipe connector with screening or landscaping; the location of vent riser pipes at other gasoline establishments; maintaining the current number of parking stalls; lack of comment from adjacent property owners; placement of the handicap parking stall; and staff's approval of the handicap stall location.

Greg Roberts, representing Carbon Tech Engineering, addressed the City Council regarding the owner's agreement with the Conditions of Approval.

- d) Chairperson Charoen closed the Public Hearing at 7:40 p.m.
- e) Commission Comments and Questions
- f) Adopt a Resolution approving Amendment to Precise Plan 241 for the proposed Healy EVR Phase II Vac-Assist system at 5502 Orangethorpe Avenue.

Resolution No. PC 2008-13 approving Amendment to Precise Plan 241 for the proposed Healy EVR Phase II Vac-Assist system at 5502 Orangethorpe Avenue.

Commission Member Herman made a motion to approve Resolution No. PC 2008-13 approving Amendment to Precise Plan 241 for the proposed Healy EVR Phase II Vac-Assist system at 5502 Orangethorpe Avenue.

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. Reapproval of Tentative Tract Map 16876 for the Construction of a 6-unit Residential Planned Unit Development at 5082 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:41 p.m.
- b) Community Development Director Di Mario gave the Staff Report
- c) Public Input

Discussion ensued regarding filing fees; the extension timeline; the timeline for construction and occupancy of the homes; the timeline for the common area being completed; an occupancy permit being issued for the first three units after completion of the common area; safety related issues during construction of the second phase; site conditions that need to be met prior to issuance of an occupancy permit; and the total amount of driveways on the property.

Thomas Yuge, Project Engineer, 2252 West Carson Street, Suite B, Torrance, addressed the City Council regarding meeting with staff after phase one and the common space are completed to review options for phase two.

- d) Chairperson Charoen closed the Public Hearing at 7:56 p.m.
- e) Commission Comments and Questions
- f) Adopt a Resolution approving Tentative Tract 16876.

Resolution No. PC 2008-14 approving Tentative Tract Map 16876 for the Construction of a 6 Unit Residential Planned Unit Development at 5082 La Palma Avenue.

Vice Chairperson Barnes made a motion to approve Resolution No. PC 2008-14 approving Tentative Tract Map 16876.

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-4. Revised Amendment Number One to Conditional Use Permit 227 for the Addition of an Emergency Backup Generator at an Existing Verizon Wireless Antenna Facility Located at 6907 Marlin Circle

- a) Chairperson Charoen opened the Public Hearing at 7:57 p.m.
- b) Community Development Director Di Mario gave the Staff Report
- c) Public Input

John Bitterly, representative from The Planning Consortium, addressed the City Council regarding their agreement with the Conditions of Approval.

Discussion ensued regarding the lack of comment from neighboring cities and the need for the emergency back up generator.

- d) Chairperson Charoen closed the Public Hearing at 8:06 p.m.
- e) Commission Comments and Questions
- f) Adopt a Resolution approving Revised Amendment Number One to Conditional Use Permit 227 to install a 30kW emergency backup generator at an existing Verizon Wireless antenna facility located at 6907 Marlin Circle.

Resolution No. PC 2008-15 approving Revised Amendment Number One to Conditional Use Permit 227 for the addition of an Emergency Backup Generator at an Existing Verizon Wireless Antenna Facility located at 6907 Marlin Circle.

Commission Member Waldman made a motion to approve Resolution No. PC 2008-15 approving Revised Amendment Number One to Conditional Use Permit 227 to install a 30kW emergency backup generator at an existing Verizon Wireless antenna facility located at 6907 Marlin Circle.

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

REGULAR ITEMS

None Scheduled.

RECESS THE PLANNING COMMISSION AND CONVENE AS THE CITY COUNCIL AT 8:07 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 October 21, 2008, Regular Meeting, and the November 5, 2008, Special Meeting of the City Council.
3. Approval of Register of Demands  
  
Resolution No. 2008-49 approving the Registers of Demands for November 4 and November 18, 2008.
4. Cash and Investment Report as of September 30, 2008  
  
Receive and file the Cash and Investment Report as of September 30, 2008.
5. First Quarter Financial Report - Fiscal Year 2008-09  
  
Receive and file the First Quarter Financial Report for Fiscal Year 2008-09.
7. Notice of Completion and Acceptance of Work for the Removal and Replacement of Curb and Gutter, Sidewalk, and Trees on Moody Street from Crescent Avenue to Houston Avenue, City Project No. ST-283
  - a) Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Removal and Replacement of Curb and Gutter, Sidewalk, and Trees on Moody Street from Crescent Avenue to Houston Avenue, City Project No. ST-283;



b) Appropriate \$8,926 from Measure M Reserves to cover the additional costs of the project.

8. Notice of Completion and Acceptance of Work for the Indigo Lane Storm Drain Improvements, City Project No. 07-SD-01

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Indigo Lane Storm Drain Improvements, City Project No. 07-SD-01.

Mayor Pro Tem Barnes made a motion to approve Consent Calendar Items 1, 2, 3, 4, 5, 7, and 8.

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

ITEM PULLED FROM CONSENT CALENDAR

6. Amendment 5 to Agreement with EDCO Disposal Corporation

Efrain Ramirez, General Manager of Park Disposal, 6762 Stanton Avenue, Buena Park, addressed the City Council regarding Park Disposal's compliance with South Coast Air Quality Management District (SCAQMD) Fleet Rule 1186.1 regarding alternative fuel street sweepers.

Councilmember Herman made a motion to approve Amendment 5 to Agreement with EDCO Disposal Corporation

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

9. Ordinance to Amend Chapters 13 and 26 of the City Code Pertaining to Compliance with City, State, and Federal Laws and Regulations
  - a) Mayor Charoen opened the Public Hearing at 8:09 p.m.
  - b) Community Development Director Di Mario gave the Staff Report.
  - c) Public Input  

No members of the public wished to speak.
  - d) Mayor Charoen closed the Public Hearing at 8:11 p.m.
  - e) City Council Comments and Questions
  - f) Introduce for first reading, the proposed Ordinance amending Chapters 13 and 26 of the City Code pertaining to compliance with City, State, and Federal laws and regulations.

Councilmember Rodriguez made a motion to introduce for first reading, the proposed 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 Councilmember Herman 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. Salary Schedule and Personnel Practices and Benefits for Management Employees

City Manager Lazzaretto reported on the results of the Closed Session. Mayor Pro Tem Barnes made a motion to approve the Salary Schedule and Personnel Practices and Benefits for Management Employees as presented.

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

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

NOES: Mayor Charoen

11. Resolution Amending the Salary Schedule for Part-time Employees and Addition of a Part Time Code Enforcement Position

Administrative Services Manager Murray gave the staff report.

Discussion ensued regarding the amount of hours needed for the proposed part time code enforcement officer; the challenges facing the department without this position being filled; the ability to find a qualified candidate; funding; reevaluating the position at the end of the Fiscal Year; updates on the status of the additional code enforcement officer; a request for adding a future agenda item that addresses new code enforcement issues; and weekend enforcement.

Councilmember Waldman made a motion to approve Resolution No. 2008-50 Amending the Salary Schedule for Part-time Employees and Addition of a Part Time Code Enforcement Position

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

12. Resolution Adding a Recreation Services Superintendent Salary to the La Palma Professional Employees Association Salary Schedule

Administrative Services Manager Murray gave the staff report.

Gerard Geodhardt, 4922 Berton Circle, addressed the City Council regarding the current state of the economy and cautioned the City Council about making additions to the current City budget.

Discussion ensued regarding costs associated with adding the proposed classification; the current rate of staff turnover; employee retention plans; and the new responsibilities of the proposed position.

Mayor Pro Tem Barnes made a motion to approve Resolution No. 2008-51 adding a Recreation Services Superintendent Salary to the La Palma Professional Employees Association Salary Schedule.

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

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

NOES: Mayor Charoen

13. Councilmember Request: Community Center Colors

Mayor Pro Tem Barnes introduced the item.

Mayor Pro Tem Barnes made a motion to approve repainting the bathrooms the same color blue as in the remodeled reception area.

The motion was seconded by Councilmember Herman.

Discussion ensued regarding positive feedback versus negative feedback; adding straps to the changing table in the restroom; the interior color of the bathrooms; that increased technology by the architects would have allowed the paint subcommittee to make a better decision; the numerous sessions held by the City Council to make the original paint color decisions; the architecture firm not being flexible with the color palette; and waiting six months before making any decision to repaint.

The motion failed on the following vote:

AYES: Mayor Pro Tem Barnes.

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

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

**Councilmember Waldman** attended the Orange County Sanitation District (OCSD) meeting; the OCSD Administration Committee meeting; the Orange County Council of Governments (OCCOG) meeting; and the Advocacy Committee of the Orange County League of California Cities meeting (OCLOCC).

**Councilmember Rodriguez** attended the Special Meeting of the Orange County Library Advisory Board; the Luther Elementary School Harvest Festival; the La Palma Halloween Carnival; the La Palma Days Parade; the Helping Other People Everyday (HOPE) fundraising dinner; the Metropolitan Water District meeting; and the Centralia School District Measure M celebration. He reported on the positive public response to the La Palma Avenue Median Project and commented on the hard work from Council and staff on the Denni Street Pocket Park project. He commented on the outcome of resurfacing north of La Palma Avenue. He inquired on the status of the City's code enforcement financial improvement program.

**Councilmember Herman** attended the Luther Elementary School Harvest Festival; the La Palma Halloween Carnival; the La Palma Days Parade; and the HOPE fundraising dinner. He announced he planned to attend the upcoming Cypress College Americana kick off event, the Buena Park Prayer Breakfast, the Denni Park dedication ceremony, and the upcoming Orange County Vector Control District (OCVCD) meeting. He commended La Palma Community Hospital for participating in the administration of flu shots. He discussed the timeframe for the City Hall landscaping project and inquired on the status of the Utility Users Tax (UUT) in regards to Voice Over Internet Protocol (VOIP). He commented on the Go Local Program with the City of Buena Park and closed by inquiring on the status of the artificial turf Ordinance.

At the request of Councilmember Herman, Gerard Geodhardt, District Manager for the OCVCD, addressed the City Council regarding the status of current West Nile Virus cases; the OCVCD building remodel project; and on the status of abandoned swimming pools in Orange County.

**Mayor Pro Tem Barnes** attended the La Palma Halloween Festival; the La Palma Days Parade; the OCLOCC meeting; the Wings, Wheels, and Rotors event at the Los Alamitos Joint Forces Training Base. She commented on the great work done on the La Palma Median Project. She reported that she plans to attend the upcoming Southern California Association of Governments (SCAG) meeting and the upcoming OCCOG meeting.

**Mayor Charoen** attended the La Palma Days Parade and the OCLOCC meeting.

CITY MANAGER REMARKS

**City Manager Lazzaretto** reported on the status of the readerboard for the Community Center and the time of the Denni Street Pocket Park dedication ceremony being hosted by BP/ARCO. He closed by commenting on the involvement of the La Palma Police Department and S.W.A.T. team in the Orange County fires.

CITY ATTORNEY REMARKS

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

ADJOURNMENT

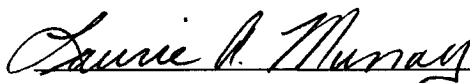
Mayor Charoen adjourned the Regular Meeting of the City Council at 9:30 p.m.



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Mark Waldman, Mayor

Attest:



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Laurie A. Murray, City Clerk