

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 17, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the City Council to order at 6:37 p.m. on Tuesday, February 17, 2009, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

CLOSED SESSION

Mayor Waldman recessed the City Council to Closed Session at 6:38 p.m.

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One Case

Section 54956.95: LIABILITY CLAIMS

Claimant: Aruya

Agency Claimed Against: City of La Palma

CS-2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision of (a) of Government Code Section 54956.9

Name of Case: County of Santa Clara on Behalf of Itself and All Others Similarly Situated, and The People of the State of California, By and Through San Francisco City Attorney Dennis Herrera vs. Driver Alliant Insurance Services, Inc. and Does 1-100 Inclusive.

Mayor Waldman recessed the Closed Session at 6:50 p.m.

Mayor Waldman reconvened the City Council in Open Session at 7:00 p.m. with all members present.

City Attorney Kuperberg reported that the City Council voted unanimously to reject the claim submitted by Victor Aruya.

PLEDGE OF ALLEGIANCE: Councilmember Charoen

INVOCATION: Pastor Matthew Mitchell, Faith Fellowship Church

ROLL CALL: Council and Commission Members

Councilmembers present: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor 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. Recreation and Community Services Director Hobson introduced Burton Ferguson as the City's new Recreation Coordinator.
2. Vicki Maciha, Senior Victim Advocate for the Orange County Chapter of Mother's Against Drunk Driver's, presented awards to Officers Jeffrey Beatty and Adam Foster for their record of DUI arrests in La Palma.
3. Mayor Waldman presented plaques to outgoing Community Activities and Beautification (CAB) Committee Members Sharon Gutjahr, Noella Lew, Jashbhai Patel, and Stephen Shanahan.

Mayor Waldman presented plaques to outgoing Development Committee Members Terry Goen and Clifford Ishii.

Mayor Waldman presented a plaque to outgoing Traffic Safety Committee Member Richard Maurice.

Outgoing Development Committee Member Mel Mitchell and outgoing Traffic Safety Committee Member Jay Goldberg were unable to attend the meeting to receive their plaques.

ORAL COMMUNICATIONS

No members of the public wished to speak.

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

CONSENT CALENDAR

A. Approval of Register of Demands

Resolution No. CDC 2009-04 approving the Register of Demands for February 17, 2009.

Commission Member Charoen made a motion to approve Consent Calendar Item A.

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

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

NOES: None

B. Cash and Investment Reports as of December 31, 2008

Receive and File the Cash and Investment Report as of December 31, 2008.

Commission Member Rodriguez made a motion to approve Consent Calendar Item B.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

JOINT SESSION WITH THE COMMUNITY DEVELOPMENT COMMISSION AND CITY COUNCIL

REGULAR ITEMS

C. Fiscal Year 2008-09 Mid Year Budget Adjustments

City Manager/ Executive Director Lazzaretto gave the staff report.

Public Input

Marie Brennan, 5201 Huntswood Circle, addressed the City Council regarding improving the public restroom at Central Park.

Council/ Commission Comments and Questions

Discussion ensued regarding the proposed park plan and the status of fees paid to Orange County Animal Care Services.

Resolution No. CDC 2009-05 approving the Community Development Commission Fiscal Year 2008-09 Mid-Year Budget Adjustments.
Resolution No. 2009-06 approving the City Council Fiscal Year 2008-09 Mid-Year Budget Adjustments.

Commission Member Rodriguez made a motion to approve Resolution No. CDC 2009-05 and Resolution No. 2009-06 approving the Community Development Commission and City Council Fiscal Year 2008-09 Mid Year Budget Adjustments.

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

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, Chairperson Waldman

NOES: None

AJDOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:30 P.M.

No Planning Commission items scheduled.

ADJOURN THE PLANNING COMMISSION AND CONVENE AS THE CITY COUNCIL AT 7:30 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.
3. Cash and Investment Reports as of December 31, 2008

Receive and File the Cash and Investment Report as of December 31, 2008.
4. Second Quarter Financial Report - Fiscal Year 2008-09

Receive and File the Second Quarter Financial Report - Fiscal Year 2008-09.
7. City Council Policies on Ticket Distribution, Meals at City Council and Committee Meetings, and City Logo Attire
 - a) Resolution No. 2009-07 adopting a ticket distribution policy; and
 - b) Resolution No. 2009-08 authorizing City payment for meals and refreshments at City Council and Committee meetings occurring

during normal mealtimes and City Logo Attire for Councilmembers, City Staff, and Contract Staff.

8. Resolution Approving Sponsorship of the 2009 Cypress College Foundation Americana Awards at the Benefactor Level, and Authorizing the Distribution of Tickets to City Officials and City Volunteers to Attend the Event

Resolution No. 2009-09 approving sponsorship of the 2009 Cypress College Foundation Americana Awards at the Benefactor Level.

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1, 3, 4, 7, and 8.

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

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

NOES: None

2. Approval of Register of Demands

Councilmember Herman requested that the item be pulled to ask for clarification.

Resolution No. CC 2009-06 approving the Register of Demands for February 17, 2009.

Councilmember Herman made a motion to approve Consent Calendar Item 2.

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

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

NOES: None

5. Notice of Completion and Acceptance of Work for the Installation of Landscaped Median Islands and Monument Sign on La Palma Avenue

from Denni Street to 240 Feet West of Moody Street, City Project No. ST-285, Federal Project No. RPSTPLE-5319(011)

Councilmember Rodriguez requested that the item be pulled to thank the Contractor and City Staff—specifically, Larry Baldwin—for the great work done on this project.

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 Installation of Landscaped Median Islands and Monument Sign on La Palma Avenue from Denni Street to 240 Feet West of Moody Street, City Project No. ST-285, Federal Project No. RPSTPLE-5319(011).

Councilmember Rodriguez made a motion to approve the Notice of Completion and Acceptance of Work for the Installation of Landscaped Median Islands and Monument Sign on La Palma Avenue from Denni Street to 240 Feet West of Moody Street, City Project No. ST-285, Federal Project No. RPSTPLE-5319(011)/

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

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

NOES: None

6. Notice of Completion and Acceptance of Work for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (AHRM) and Rubberized Slurry Seal, City Project No. ST-279

Councilmember Rodriguez requested that the item be pulled to thank the Contractor for the great work done on this project.

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 Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (AHRM) and Rubberized Slurry Seal, City Project No. ST-279

Councilmember Rodriguez made a motion to approve the Notice of Completion and Acceptance of Work for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Hot Mix (AHRM) and Rubberized Slurry Seal, City Project No. ST-279.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

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

Councilmember Charoen attended the Orange County League of California Cities (OCLOCC) general meeting and the American Public Works Association (APWA) event. He announced that he plans to attend the upcoming Neighborhood Watch event and the upcoming Cypress College Foundation Americana Awards.

Councilmember Herman thanked staff for their work on paperweights as gifts for dignitaries and for their efforts on the Visionary and The Source. He attended the APWA event and the OCLOCC general meeting. He commented that he spoke with the goal setting consultant and is looking forward to the upcoming goal session. He discussed the State of California's current budget crisis and closed by commenting on the status of the Iraq war.

Councilmember Rodriguez attended the OCLOCC general meeting. He asked City Manager Lazzaretto to agendize the City's OCLOCC membership during the upcoming goal setting session.

Mayor Pro Tem Shanahan attended the OCLOCC general meeting. He announced that he plans to attend the Cypress College Foundation Americana Awards and thanked staff for their support of CAB.

Mayor Waldman attended the Orange County Sanitation District (OCSD) meeting; the OCLOCC general meeting; and the Southern California Association of Governments (SCAG) Advocacy Committee meeting.

CITY MANAGER REMARKS

City Manager Lazzaretto had nothing to report.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reminded the City Council about the February 26 AB 1234 Ethics training.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the City Council at 7:49 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk