

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 7, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the City Council to order at 7:00 p.m. on April 7, 2009, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Shanahan

INVOCATION: Pastor Jose "Paddy" Padilla Jr., United Methodist 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. Chief Ethell introduced new Police Officers Luke Carlson and Bo Kim.
2. Mayor Waldman presented a proclamation to La Palma Police Dispatchers in recognition of National Public Safety Telecommunicator's Week.

3. Abe Waheed, Co-Chair of the La Palma Community Activities and Beautification Committee (CAB), presented the Bartoli Family with the Quarterly Home Spotlight Award for their home at 5182 Huntswood Circle.
4. Bob Aldrich, Assistant Executive Officer for the Orange County Local Agency Formation Commission (LAFCO), gave a presentation regarding the role LAFCO serves in Orange County and reported on the status of the boundary study.

ORAL COMMUNICATIONS

Larry Caballero, 5052 Pine Circle, addressed the City Council regarding publishing La Palma events in the *Los Cerritos Community News*.

Noella Lew, 5347 Andrew Drive, addressed the City Council regarding her new role as a Board Member of the La Palma Chamber of Commerce and gave an update on the Chamber's activities. She invited the City Council to the Chamber's next mixer at Vicencia and Buckley, Inc. on May 19, 2009.

Beverly Tyler, 5772 Daisy Circle, addressed the City Council regarding a medical emergency at her residence and the City's response.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:24 P.M.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the March 17, 2009, Regular Meeting of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2009-08 approving the Register of Demands for April 7, 2009.

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN 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 March 17, 2009, Regular Meeting of the La Palma Planning Commission.

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

NOES: None

PUBLIC HEARINGS

PL-2 Six-month Review of Precise Plan 264 and Conditional Use Permit 338, for a Walgreens with a Drive-thru Pharmacy Located at 5961 La Palma Avenue

- a) Chairperson Waldman opened the Public Hearing at 7:25 p.m.
- b) Community Development Director Di Mario gave the Staff Report.
- c) Public Input:

Beverly Tyler, 5772 Daisy Circle, addressed the City Council regarding Walgreens' delivery trucks making u-turns at the corner of Rose Street and La Palma Avenue. She requested that the issue of drivers making u-turns at that location be addressed.

City Manager Lazzaretto stated that the City can conduct a traffic study at that intersection.

Community Development Director Di Mario stated that he will contact Walgreens to ensure their truck drivers use a safer route.

- d) Chairperson Waldman closed the Public Hearing at 7:40 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the left hand turn lane at Rose Street and La Palma Avenue; conducting a formal traffic study of that intersection; whether residents received prior notification of the noise study; results of a previous noise study indicating that traffic from Valley View, prior to construction at that site, was the main noise source; there have been no further complaints of outside lighting bothering residents adjacent to the area; current signage issues at the businesses next to Walgreens; complaints from a resident that their view is blocked by the building; questions regarding financial obligations and possible assistance to businesses in the complex to help remedy their signage situation.

- f) Receive and File Report

Commission Member Rodriguez made a motion to receive and file the Six-month review of Precise Plan 264 and Conditional Use Permit 338, for Walgreens with a Drive-thru Pharmacy located at 5961 La Palma Avenue Report and require no further review.

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

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:47 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Approve the 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 March 17, 2009, Regular Meeting of the City Council, and the March 24, 2009, Special Joint Meeting of the City Council with the Community Activities and Beautification (CAB) Committee.

3. Approval of Register of Demands

Resolution No. 2009-12 approving the Register of Demands for April 7, 2009.

4. 2009 Street Closures - City Special Events

Resolution No. 2009-13 approving street closures for the three (3) 2009 City special events: Memorial Day, Monday, May 25; Fitness Run for Fun, Saturday, July 4; and La Palma Days, Saturday, November 14, 2009.

5. Award of Contract to Premier Awnings and M.B. Painting for the Central Park Awning Replacement, City Project No. 08-PRK-03

- a) Award contract in the amount of \$25,550 to the lowest responsible bidder, Premier Awnings;
- b) Award contract in the amount of \$6,550 to the lowest responsible bidder, M. B. Painting; and
- c) Authorize the Mayor to execute agreements for the Pavilion in Central Park Project, City Project Number 08-PRK-03.

6. Award of Contract to Empire Pipe Cleaning and Equipment, Inc. for General Sewer Maintenance Services, City Project No. 08-SWR-02

Award a contract in the amount of \$151,700 to the low responsible bidder, Empire Pipe and Cleaning, Inc. of Anaheim, California, and authorize the Mayor to execute an agreement for General Sewer Maintenance Services, City Project No. 08-SWR-02.

7. Amendment to Agreement with Midori Gardens for Annual Landscape Maintenance Services, City Project No. 06-PRK-01

Approve and authorize the Mayor to execute an amendment to the agreement with Midori Gardens, Inc. of Santa Ana, California, for Annual Landscape Maintenance Services, City Project No. 06-PRK-01, extending the term of the agreement through April 7, 2011.

8. Amendment to Agreement with Computer Service Company for Citywide Traffic Signal Maintenance Services, City Project No. ST-275

Approve and authorize the Mayor to execute an amendment to the agreement with Computer Service Company of Corona, California, for the Citywide Traffic Signal Maintenance Services, City Project No. ST-275, extending the term of the agreement through June 6, 2010.

9. Amendment to Agreement with Clinical Laboratory of San Bernardino, Inc. for Laboratory Analysis Services for Testing of Drinking Water Samples, City Project No. 07-WTR-03

Approve and authorize the Mayor to execute an amendment with Clinical Laboratory of San Bernardino, Inc. for Laboratory Analysis Services for Testing of Drinking Water Samples, City Project No. 07-WTR-03, extending the term of the agreement through May 1, 2011.

10. Award of Contract to MurCal, Inc. for the Replacement of the Existing Murphy Engine Control Panel at the City Yard Booster Station, City Project No. 08-WTR-03

Award the contract in the amount of \$47,000 to MurCal Inc., and authorize the Mayor to execute an agreement for the Replacement of the existing Murphy Engine Control Panel at the City Yard Booster Station, City Project No. 08-WTR-03.

11. Lease Agreement for Three (3) Copiers

Approve and authorize the Mayor to execute an Agreement with Konica Minolta Business Solutions, USA, Inc. for a 48-month lease of three (3) copy machines in the approximate amount of \$20,900 annually.

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1 through 11.

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

ITEMS PULLED FROM CONSENT CALENDAR

12. Authorization for Councilmembers to Attend the League of California Cities (LOCC) Mayors and Councilmembers Executive Forum

Councilmember Rodriguez requested that Agenda Item 12 be pulled to clarify that there are now discounts for multiple attendees.

Councilmember Rodriguez made a motion to authorize the attendance of all Councilmembers at the LOCC Mayors and Councilmembers Executive Forum, May 27 – 30, 2009, in San Diego.

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

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

Mayor Pro Tem Shanahan, and Mayor
Waldman

NOES: None

Mayor Waldman reordered the Agenda, moving Agenda Item #16 to be heard prior to the scheduled public hearing.

16. Councilmember Request: Presentation from Orange County Vector Control District (OCVCD) District Manager Gerard Goedhart Regarding a County Request for a "White Paper" in Regards to Merging Vector Control Services with the County Agricultural Commissioner's Office

Councilmember Herman reported that Supervisor Moorlach has requested a "white paper" in regards to merging vector control services with the County Agricultural Commissioner's Office and the effect that the request is having on OCVCD staff and operations. He also commented that a merger is not feasible and would not serve the best interests of the agencies currently being served by OCVCD.

Public Input:

Larry Caballero, 5052 Pine Circle, addressed the City Council regarding his opposition to merging OCVCD Services with the County Agricultural Commissioner's Office.

Gerard Goedhart, District Manager of OCVCD, addressed the City Council regarding his opposition to merging OCVCD Services with the County Agricultural Commissioner's Office. He added that a merger would have a negative impact on vector control services and that costs would likely increase due to the County's personnel overhead costs.

Council Comments and Questions

Discussion ensued regarding the budgetary challenges being faced by Orange County; the financial status of OCVCD; input from smaller agencies; the amount of time OCVCD spent on responding to the issue; OCVCD staff members who are concerned about job security; and the lack of communication from the County to OCVCD regarding the status of the issue.

PUBLIC HEARINGS

13. Introduce an Ordinance Amending Section 16-65 of the Municipal Code as to Penalties for Parking Violations

a) Mayor Waldman opened the Public Hearing at 8:20 p.m.

b) Chief Ethell gave the Staff Report

c) Public Input:

No members of the public wished to speak.

d) Mayor Waldman closed the Public Hearing at 8:22 p.m.

e) Council Comments and Questions

None.

f) Introduce an Ordinance amending Section 16-65 of the Municipal Code as to penalties for parking violations

Councilmember Herman made a motion to introduce an Ordinance amending Section 16-65 of the Municipal Code as to penalties for parking violations.

The motion was seconded by Mayor Pro Tem Shanahan.

Discussion ensued regarding parking violation penalties not being a good revenue source; that if the increase is not paid by the violators that the City will have to absorb the State's increase of \$14,000; and that if a resident violates a parking law, they should pay the associated penalty.

Mayor Pro Tem Shanahan called for the question.

The motion carried on the following vote:

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

NOES: Councilmember Charoen

REGULAR ITEMS

14. Submittal of Applications to the State of California Department of Transportation for Funding Under the Safe Routes to School Grant Program to Enhance Safety in School Zones Citywide

Public Works Director Moneda gave the Staff Report.

Councilmember Rodriguez recused himself at 8:37 p.m. due to a potential conflict of interest.

Council Comments and Questions

Discussion ensued regarding the City's pedestrian ramps becoming non-compliant with the Americans with Disabilities Act (ADA); the specifications on the City's current pedestrian ramps and what is needed for them to become compliant; and the likelihood of receiving the grant funding.

Councilmember Charoen made a motion to approve the submittal of applications to the State of California Department of Transportation for funding under the Safe Routes to School Grant Program to enhance safety in school zones Citywide.

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

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

NOES: None

ABSTAIN: Councilmember Rodriguez

Mayor Waldman called for a short recess at 8:40 p.m.

Mayor Waldman reconvened the City Council at 8:47 p.m. with all members present.

15. Adoption of an Ordinance Repealing Chapter 14 of the La Palma Municipal Code and Adding Thereto a New Chapter 14 Relating to Emergency Organization and Functions

City Manager Lazzaretto gave a brief presentation.

Councilmember Rodriguez made a motion to adopt an Ordinance repealing Chapter 14 of the La Palma Municipal Code and adding thereto a new Chapter 14 relating to emergency organization and functions.

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

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

NOES: None

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

Councilmember Charoen attended the joint City Council and CAB meeting; the Thai New Year Festival; the Center for Asian-Americans United for Self Empowerment (CAUSE) event; an Orange County Fire Authority (OCFA) orientation; and the OCFA Board meeting. He commented on Australia's "Ready, Set, Go" program and indicated that the City would put a link to the presentation on its website.

Councilmember Herman attended the Anaheim Family YMCA West Open House and the OCVCD general meeting. He reported on the status of a South Orange County aerial survey for non-maintained swimming pools and on an Orange County report on voting by mail. He noted that he plans to attend the upcoming Anaheim YMCA Good Friday event. He congratulated Mike Sellers for his promotion to Police Chief in the City of Fullerton and closed by reporting on the lack of attention to the seventh anniversary of the Iraq war.

Councilmember Rodriguez attended the joint City Council and CAB meeting; an OCFA orientation; the LOCC State Policy Committee meeting; and several meetings for Relay for Life activities. He stated that he plans to attend the upcoming Library Advisory Board meeting. He requested that staff obtain a detailed report on incident responses from the OCFA. He closed by commenting on the jaywalkers at the intersection of La Luna Drive and Walker Street.

Mayor Pro Tem Shanahan attended the joint City Council and CAB meeting and announced that he plans to tour the City's water facilities next week. He closed by thanking staff for their timely response to his questions.

Mayor Waldman attended the joint City Council and CAB meeting; the LOCC Board meeting; the Orange County Sanitation District (OCSD) general meeting; the Orange County Council of Governments (OCCOG) meeting; the LAFCO meeting; and the LOCC administrative meeting.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that tickets are on sale for the State of the City Luncheon which will be held on April 22. He stated that budget discussions will begin at the next City Council meeting, with the first discussion being about the Capital Improvement Plan (CIP).

CITY ATTORNEY REMARKS

City Attorney Kuperberg announced he will be unable to attend the next City Council meeting and the State of the City Luncheon.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the City Council at 9:15 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk