

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 19, 2009

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

PLEDGE OF ALLEGIANCE: Councilmember Rodriguez

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, Police Chief
Jan Hobson, Recreation and Community Service Director
Jeff Moneda, Public Works Director
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Waldman presented a Proclamation to U.S. Census Partnership Specialist Rosa Rendon, promoting the U.S. Census in La Palma.
2. Mayor Waldman presented a Proclamation to Public Works Director Jeff Moneda, in honor of Public Works Week.

ORAL COMMUNICATIONS

Leroy Mills, 5752 Lokia Drive, Cypress, City of Cypress Councilmember and District 18 Southern California Association of Governments (SCAG) Representative, addressed the City Council reporting on the status of the General Assembly meeting wherein the agency adopted its 2009-10 budget, approved the membership assessment, amended by-laws, approved a regional Council recommendation that SCAG take no position on an NFL stadium, and received and filed the local profiles of the SCAG membership. He closed by presenting the La Palma profile report to the City Council.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding an Eucalyptus tree that had been removed on Moody Street; and regarding several properties with block walls that are not aesthetically pleasing.

RECESS THE 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 May 5, 2009, Regular Meeting of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2009-11 approving the Register of Demands.

- C. Cash and Investment Report as of March 31, 2009

Receive and file the Cash and Investment Report as of March 31, 2009.

Commission Member Charoen made a motion to approve Consent Calendar Items A, B, and C.

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.

REGULAR ITEMS

- D. Review of Services Agreement with the La Palma Chamber of Commerce and Payment for First Quarter 2009

Community Development Director Di Mario gave the Staff Report.

Rick Maurice, 8172 Bellhaven Street, President of the La Palma Chamber of Commerce, introduced the Chamber's new Board and gave a presentation regarding the vision of the new La Palma Chamber of Commerce.

Commission Comments and Questions

Discussion ensued regarding that both the Chamber and the City agree that the current contract needs to be revised; the desire to see the La Palma Chamber's location within City limits; reduced membership dues; the current membership numbers; and reaching out beyond City limits for new membership.

- a) Approve payment in the amount of \$6,000 to the La Palma Chamber of Commerce for First Quarter 2009

Commission Member Rodriguez made a motion to approve and authorize payment for First Quarter 2009 to the La Palma Chamber of Commerce in the amount of \$6,000.

The motion was seconded by Mayor Waldman 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) Direct the Executive Director to issue a 90-day termination notice to the La Palma Chamber of Commerce pursuant to Section 4.2 of the Agreement between the Community Development Commission and the La Palma Chamber of Commerce; and

Commission Member Rodriguez made a motion to approve and authorize the Executive Director to issue a 90-day termination notice to the La Palma Chamber of Commerce pursuant to Section 4.2 of the Agreement between the Community Development Commission and the La Palma Chamber of Commerce.

The motion was seconded by Vice Chairperson 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

- c) Provide direction to Staff regarding the CDC's involvement with the process of reviewing and evaluating alternatives for Chamber services.

Chairperson Waldman appointed an ad-hoc Subcommittee consisting of Commission Member Rodriguez and Chairperson Waldman to review and evaluate the City's alternatives for Chamber services, with a preference for keeping services within the City.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND
CONVENE AS THE PLANNING COMMISSION AT 7:41 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the May 5, 2009, Regular Meeting of the La Palma Planning Commission.

Commission Member Charoen 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

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE THE CITY COUNCIL AT 7:42 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances
Approve the reading of all Ordinances in their entirety and read by title only.
2. Approval of Council Minutes
Minutes of the May 5, 2009, Regular Meeting of the La Palma City Council.
5. Third Quarter Financial Report - Fiscal Year 2008-09
Receive and file the Third Quarter Financial Report for Fiscal Year 2008-09.
6. Agreement with the County of Orange to Toll the Statute of Limitations for Claims Regarding Property Tax Administration Fee

Authorize the City Manager to execute an Agreement with the County of Orange to Toll the Statute of Limitations for Claims regarding Property Tax Administration Fee.

7. Approval of Final Tract Map 16876 for the Planned Unit Development at 5082 La Palma Avenue

Approve the Final Map of Tract 16876.

Councilmember Charoen made a motion to approve Consent Calendar Items 1, 2, 5, 6, and 7.

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

ITEMS PULLED FROM CONSENT CALENDAR

3. Approval of Register of Demands

Councilmember Herman requested to have Consent Calendar Item 3 be pulled to ask for clarification regarding medical premium payments to retirees.

Resolution No. 2009-22 approving the Register of Demands for May 19, 2009.

4. Cash and Investment Report as of December 31, 2008

Councilmember Herman requested to have Consent Calendar Item 4 be pulled to ask for clarification.

Receive and file the Cash and Investment Report as of March 31, 2009.

Councilmember Herman made a motion to approve Consent Calendar Items 3 and 4.

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

PUBLIC HEARINGS

8. Introduce an Ordinance Repealing Chapter 25, Article X (Emergency Water Management) of the La Palma Municipal Code and Replacing it with the La Palma Water Conservation and Water Supply Shortage Program

- a) Public Works Director Moneda gave the Staff Report
- b) Mayor Waldman opened the Public Hearing at 7:56 p.m.
- c) Receive Public Input

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the proposed Ordinance.

- d) Mayor Waldman closed the Public Hearing at 7:59 p.m.
- e) Council Comments and Questions

Discussion ensued regarding which phase the proposed Ordinance would begin in; that the current Phase One would become standard operating procedure; permanent water conservation requirements and when they come into place; that this Ordinance would take effect 30 days after approval; which City Staff member would be responsible for reporting non-compliant residents; the Public Works Director being responsible for determining hardship waivers; the ability to adjust penalties; educating the public on this matter prior to establishing an Ordinance; the Metropolitan Water District of Orange County (MWDOC) imposing penalties on the City if the City does not meet reduction requirements; installation of water meters for specific sites of the City to monitor water usage; the City being the single largest user of water within the City; having an analysis done on the City's consumption prior to establishing an Ordinance for all residents; sending residents their baseline data prior to advancing to a Phase Two status; the impact of such an Ordinance; the conservation practices in Melbourne, Australia; City Parks, Edison Right-of-Way, and City Medians being impacted the most; the

ability to delay the implementation after adoption of an Ordinance to educate the public; surcharges incurred if the City exceeds its allotment; reducing proposed penalties and fines; disconnection of service to non-compliant residents and use of flow restrictors; how citations would be issued; stopping residents from hosing off driveways; using significant discretion in issuing fines; tabling the item until more data is available on the impact of an Ordinance; water usage costs increasing due to the drought; that MWDOC utilizes penalties to encourage residents to conserve water; rewording the proposed Ordinance to include a Phase Zero; and implementing Phase Zero 120 days after adoption of an Ordinance.

- f) Introduce an Ordinance repealing Chapter 25, Article X (Emergency Water Management) of the La Palma Municipal Code and replacing it with the La Palma Water Conservation and Water Supply Shortage Program.

Councilmember Rodriguez made a motion to table Agenda Item 8 for 30 days to allow staff to incorporate the City Council's recommendations and concerns regarding educating the public and receiving an analysis on water usage.

The motion was seconded by Mayor Pro Tem Shanahan.

Discussion ensued regarding the procedure to amend the Ordinance; making changes to the Ordinance prior to adoption; Phase Zero requiring lifestyle changes; the manner in which the City will educate the public; whether or not Phase Zero is uniform in other cities being served by MWDOC; the purpose of the proposed Ordinance being to create a permanent conservation mode; Councilmembers having the option of not pursuing enforcement; and removing Phase Zero language from the Ordinance and keeping permanent water conservation terminology.

The motion carried on the following vote:

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

NOES: None

Mayor Waldman called for a short recess at 9:00 p.m.

Mayor Waldman reconvened the City Council with all members present at 9:05 p.m.

REGULAR ITEMS

9. Study Session: Community Choice Aggregation of Electrical Power Supply

Tim Keenan, Consultant for Creative Media, presented an overview of the Community Choice Aggregation (CCA) process.

Council Comments and Questions

Discussion ensued regarding the entity behind the Victorville Facility being in the form of a Joint Powers Authority (JPA); that the power plant would be run by a private/ public consortium; Victorville being committed to the project; the CCA process not impacting City Staff because Southern California Edison still being involved; whether this would have a positive impact on residents; the process appearing to be franchise; the number of current clients; that the energy plant has not been constructed yet; Inland Energy, who built the first hybrid power plant in Victorville, being contracted to build another one; a study being completed to find out how much usage is in the City of La Palma and a comparison of what the rates could be if the City goes with the CCA; the possibility of contracting for a flat rate; and Council's support for conducting the Southern California Edison baseline study.

Councilmember Herman made a motion to request a baseline study from Southern California Edison at a cost of \$624.

The motion was seconded by Councilmember Rodriguez.

Discussion ensued regarding the infrastructure required for energy transmission after the power plant is built; funding with the new Obama Administration for Smart Grid; no changes in the actual flow of energy; the total number and types of jobs that would be created at the Victorville hybrid power plant; and that several cities are waiting for the Southern California Edison baseline study and a change in the economic climate.

The motion carried on the following vote:

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

NOES: None

10. Citywide Single Family Residential Planning, Public Works, and Building Permit Fee Holiday Program for Existing Homes

Community Development Director Di Mario gave the Staff Report.

Council Comments and Questions

Discussion ensued supporting the concept; the manner in which the permit fee holiday is marketed to the public; notifying residents again prior to the end of the program; providing the City Council with a quarterly report; the City Council's support of the program; and the "green" elements added to this program.

Councilmember Charoen made a motion to adopt Resolution No. 2009-23 establishing a Citywide Single Family Residential Planning, Public Works, and Building Permit Fee Holiday Program for Existing Homes in the amount of \$50,000.

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

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION AT 9:50 P.M.

REGULAR ITEMS

11. Presentation of the Proposed Fiscal Year 2009-10 Budget
- a) City Manager Lazzaretto gave a general overview of the General Fund Budget.

Administrative Service Manager Murray presented the Administrative portion of the Administration Department Budget.

Finance Director Neves presented the Finance portion of the Administration Department Budget.

Community Development Director Di Mario presented the Community Development Department Budget.

Recreation and Community Services Director Hobson presented the Recreation and Community Services Department Budget.

Police Chief Ethell presented the Police Department Budget.

Public Works Director Moneda presented the Public Works Department Budget.

City Manager Lazzaretto and Community Development Director Di Mario presented the Community Development Commission Budget.

b) Receive Public Input

No one wished to speak.

c) Council/Commission Comments and Questions

Discussion ensued regarding the time frame for redesigning street signs; confirming the numbers in the General Reserve; allocating \$25,000 for rubberizing the Denni Street Park play area; allocating City funds in Central Park instead of the smaller Denni Street Park; waiting until the Park Master Plan is complete before the City allocates monies to improve any of the City's parks; support for designating \$3.3 million dollars to renovate City Hall; starting City Hall renovations with design work first; the desire to have a unanimous vote for a City Hall renovation; lack of concrete underneath the play area at Denni Street Park which causes the rubberizing project to be more expensive than \$25,000; and the quote including construction of the foundation; problems that occurred with the Central Park play area rubberized surfacing project and the expense incurred trying to correct ground problems; other geotechnical solutions for the ground at the Denni Street Park play area; and if the Denni Street Park renovations go over \$25,000, the project would be brought back before the City Council for approval.

Mayor Waldman made a motion to move forward with adding rubberizing surfacing to the Denni Street Park play area to the draft budget in an amount not to exceed \$25,000.

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

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

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AT 10:43 P.M.

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

Mayor Pro Tem Shanahan attended the La Palma Volunteer Recognition event. He announced that he plans to attend the Student Recognition Awards Subcommittee meeting and the upcoming Sister City event with the City of Hanam, Korea. He reported on vehicles traveling over the Carmenita overpass and dangerously running the signal at the 91 freeway exit.

City Manager Lazzaretto stated he would report this matter to the City of Cerritos.

Councilmember Rodriguez attended the La Palma Chamber of Commerce Mixer event; the Orange County Water Summit; and the City's Korean Cultural training event. He reported on the drought issues facing Melbourne, Australia, and how the residents practice water conservation. He announced that he plans to attend the upcoming Library Advisory Board Budget Adoption meeting. He asked staff about the status of the Eucalyptus tree mentioned during Oral Comments and spoke on prior City practice prior to tree removals within the City. He reported on the lack of uniformity with the block walls and deterioration along the Edison Right-of-Way. He closed by commenting that the Orange County Registrar of Voters precinct maps have mislabeled Montecito Drive, causing confusion for voters and reminded the City Council of Orange County Fire Chief Prather's upcoming retirement event.

Councilmember Herman attended the tree planting ceremony at Walker Junior High School in honor of Duane Schuster; the City's Korean Cultural training event; the La Palma Volunteer Recognition event; the Orange County Water Summit; and the La Palma Chamber of Commerce Mixer event. He reported that he plans to attend the upcoming Cerritos State of the City event; the La Palma Police Department Annual Awards event; the La Palma Memorial Day event; the Sister City Event with the City of Hanam, Korea; and the upcoming Orange

County League of California Cities event in San Diego. He commented on the amount raised for the American Cancer Society's Relay for Life event. He reported on an upcoming Code Enforcement meeting given by the Orange County Vector Control District (OCVCD). He announced he plans to attend the upcoming OCVCD meeting. He closed by commenting on the status of the Iraq War.

Councilmember Charoen attended the La Palma Volunteer Recognition Dinner. He reported that the Orange County Fire Authority appointed him as an alternate to their Executive Committee Board. He announced that he plans to attend the upcoming La Palma Police Department Annual Awards, the Memorial Day event, the Sister City Event with the City of Hanam, Korea, and the upcoming League of California Cities conference in San Diego.

Mayor Waldman attended the Southern California Association of Governments (SCAG) General Assembly meeting; the Orange County Sanitation District administration meeting; the Orange County Division League of California Cities meeting, where he was re-elected as the Second Supervisory District Representative to the Executive Board; the La Palma Volunteer Recognition Dinner; and the La Palma Chamber of Commerce Mixer event.

CITY MANAGER REMARKS

City Manager Lazzaretto reported on the attendance of Councilmembers at the Idea Exchange event and advised them that an Agenda listing it as a public meeting will be posted. He announced that he will not be present on the first day of the Sister City event with the City of Hanam, Korea, but will be in attendance thereafter. He reminded the City Council that the City is still looking for Traffic Safety Committee applicants.

Councilmember Rodriguez asked if the City should have interpreters present during the Sister City event with the City of Hanam, Korea. Councilmember Charoen responded that Mr. and Mrs. Kim will be present to facilitate and translate for the Korean delegates and attendees.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 11:14 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk