

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

June 2, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the La Palma City Council to order at 7:08 p.m. on Tuesday, June 2, 2009, at 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  
Ed Ethell, Chief of Police  
John Di Mario, Community Development Director  
Jan Hobson, Recreation and Community Services Director  
Jeff Moneda, Public Works Director  
Keith Neves, Finance Director  
Laurie Murray, Administrative Services Manager  
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Linda Houston, Chairperson of the La Palma Community Activities and Beautification Home Spotlight Subcommittee presented Sylvia and Carlos

Maciel with the Quarterly Home Spotlight Award for their home at 5011 Cottonwood Lane.

### ORAL COMMUNICATIONS

Tim Loya, 4991 Cerritos Avenue, Cypress, Fire Captain for the Orange County Fire Authority (OCFA) addressed the City Council regarding his opposition to the OCFA Reserve Firefighter Program.

Ray Geagan, 17781 Fairhaven Avenue, Santa Ana, representative of the Orange County Professional Firefighters Association (OCPFA), addressed the City Council regarding his opposition to the OCFA Reserve Firefighter Program; the vote by the OCFA Board of Directors to retain the Reserve Firefighter program; and conveyed his displeasure with Councilmember Rodriguez's vote on the matter and associated comments.

Councilmember Rodriguez responded that he had not made the comments Mr. Loya and Mr. Geagan attributed to him.

Ken Gabrielson, 5481 Sycamore Lane, Cypress, addressed the City Council regarding his opposition to the OCFA Reserve Firefighter Program; the vote by the OCFA Board of Directors to retain the Reserve Firefighter program; conveyed his displeasure with Councilmember Rodriguez's vote on the matter and associated comments; and requested that Councilmember Rodriguez resign his position as La Palma's alternate representative for the OCFA Board of Directors.

### RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:36 P.M.

### CONSENT CALENDAR

A. Approval of Register of Demands

Resolution No. CDC 2009-02 approving the Register of Demands for June 2, 2009.

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

The motion was seconded by Commission Member Charoen 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.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:37 P.M.

### CONSENT CALENDAR

None Scheduled.

Chairperson Waldman called for a short recess at 7:37 p.m.

Chairperson Waldman reconvened the Community Development Commission at 7:44 p.m. with all members present.

### PUBLIC HEARINGS

PL-1. Proposed Ordinance Amending the Residential Landscape Standards of the La Palma City Code Pertaining to Artificial Turf and Drought-Tolerant Plant Materials

- a) Chairperson Waldman opened the Public Hearing at 7:44 p.m.
- b) Associate Planner Scott Hutter gave the Staff Report
- c) Receive Public Input

No members of the public wished to speak.

- d) Chairperson Waldman closed the Public Hearing at 7:56 p.m.
- e) Planning Commission Comments and Questions

Discussion ensued regarding installing artificial turf on City Property; other cities that have utilized artificial turf; street medians utilizing artificial turf and utilizing it in areas where there is not heavy pedestrian traffic; feedback from neighboring cities on how they are preparing for artificial turf ordinances; the desire to see La Palma have a demonstrated project by installing artificial turf on City property; backyard installation not requiring inspections; timing being appropriate considering the current drought status of California; permit fees for artificial turf falling under the approved permit fee holiday; the requirement that artificial turf look like a thriving, green, live lawn; manufacturers reducing the use of toxic lead and utilizing silica in production; drainage issues; artificial turf being aesthetically pleasing and uniform; and the current status of rebates for artificial turf.

- f) Adopt a Resolution recommending adoption of an Ordinance amending the Chapters 17 and 26 of the City Code pertaining to artificial turf and drought-tolerant plant materials.

Vice Chairperson Shanahan made a motion to adopt Resolution No. 2009-02 PC recommending adoption of an Ordinance amending Chapters 17 and 26 of the City Code pertaining to artificial turf and drought-tolerant plant materials.

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 THE CITY  
COUNCIL AT 8:08 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 Register of Demands

Resolution No. 2009-24 approving the Register of Demands for June 2, 2009.

3. Approval of Waste Disposal Agreement with the County of Orange

Approve and authorize the Mayor to sign a Waste Disposal Agreement between the City of La Palma and the County of Orange for the disposal of solid waste at county landfills until 2020.

4. Opposition to the Development of the former Pacific Electric Right-of-Way for Transit Purposes Where it Abuts the City of La Palma

Resolution 2009-25 reaffirming the City Council's opposition to development of the former Pacific Electric Right-of-Way for transit purposes where it abuts the City of La Palma.

5. Resolution Authorizing the Distribution of Tickets to City Officials, Staff, Volunteers, and Community Members for an Orange County Flyers Baseball Game

Resolution No. 2009-26 authorizing the distribution of tickets to City officials, staff, volunteers, and community members for an Orange County Flyers baseball game.

Mayor Pro Tem Shanahan made a motion to approve Consent Calendar Items 1 through 5.

The motion was seconded by Councilmember Rodriguez 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

6. Award of Contract to Prestige Striping Services, Inc., for Re-striping of City Arterial and Residential Streets, City Project No. ST-289

Councilmember Herman requested to have the item pulled to commend staff on the materials selected for the project.

Award a contract in the amount of \$59,482.36 to the low responsible bidder, Prestige Striping Services, Inc. of Corona, California, and authorize the Mayor to execute an Agreement for the Re-striping of City Arterial and Residential Streets, City Project No. ST-289.

Councilmember Herman made a motion to approve Consent Calendar Item 6.

The motion was seconded by Councilmember Shanahan 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

7. Study Session: Governmental Accounting Standards Board (GASB) Statement 45 Actuarial Analysis Report

Finance Director Neves introduced Geoffrey Kischuk of Total Compensation Systems, who presented the results of the Governmental Accounting Standards (GASB) Actuarial Analysis Report.

Council Comments and Questions

Discussion ensued regarding the benefit to the City if it begins a funding program; that there is currently no funding requirement; placing the item on the agenda for approval in three to six months; waiting for the economy to improve prior to the City setting up a trust fund; and the City having the power to invest where it desires.

8. Study Session: Utility Users Tax Initiative

Administrative Services Manager Murray gave the Staff Report.

City Attorney Kuperberg reported on the legal process of putting this item on a ballot.

- a) Discuss whether to consider placing a measure on a future ballot that would give the City Council authority to lower the Utility Users Tax in any year by more than the one percent (1%) currently allowed; and

Discussion ensued regarding the various election options; the ability for the City to spend funds to support any measure once it has taken formal action to place an item on a ballot for consideration by the voters; staff time required; and the City Council's support of lowering the Utility User Tax during these hard economic times.

- b) If there is a consensus that the City Council should formally consider such a measure, provide direction to staff regarding the substance of the proposed measure and a schedule for preparing a draft measure for formal consideration by the City Council for placement on a future ballot.

By consensus, the City Council directed staff to bring the item back for discussion and placement on the ballot with the next General Municipal Election – November 2, 2010 – and to word the initiative so the City Council would have the authority to lower the UUT to no lower than one quarter of one percent.

Mayor Waldman called for a short recess at 9:10 p.m.

Mayor Waldman reconvened the City Council at 9:16 p.m. with all members present.

## REGULAR ITEMS

### 9. Open Discussion of the Proposed Fiscal Year 2009-10 Budget

City Manager Lazzaretto gave an overview of the proposed General Fund Reserve Policy.

Discussion ensued regarding the goal of the General Fund Reserve to be at 100%; the stability of future property tax and sales tax revenues; available grant funds for the 2009-10 pavement management program; and the requirement to conduct seismic retrofitting of the Civic Center if a remodel of City Hall is not planned in the near future.

“Maintaining Morals and Ethics in your Professional Career,” “Show me the Money,” “From Neighborhood Watch to Neighborhood Council,” “Winning a Sales Tax Measure during Tough Economic Times,” and “Leadership Skills for Local Officials.”

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

**Councilmember Herman** commented that he was offended by statements of the OCPFA representatives during Oral Comments and noted his support for the Reserve Firefighter program. He stated that he attended the Cerritos State of the City address; the Orange County Vector Control District (OCVCD) meeting; the La Palma Police Department Annual Awards; the La Palma Memorial Day Services; the Sister City event with Hanam, Korea; the La Palma Public Works Open House; the League of California Cities (LOCC) Executive Forum in San Diego, including sessions on “Maintaining Morals and Ethics in your Professional Career,” “Show me the Money,” “From Neighborhood Watch to Neighborhood Council,” “Winning a Sales Tax Measure during Tough Economic Times,” and “Leadership Skills for Local Officials.” He closed by requesting that tonight’s meeting be adjourned in memory of a long time OCVCD Board Member, Sheldon Singer, who recently passed away. He reminded City Councilmembers of the upcoming Relay for Life event.

**Councilmember Charoen** attended the La Palma Public Works Open House; the La Palma Police Department Annual Awards; the La Palma Memorial Day Services; the Sister City event with Hanam, Korea; the LOCC Executive Forum, including sessions on "Best Practices for use of E-mail," "From Neighborhood Watch to Neighborhood Council," "Constructive and Positive Cultural Cities," and "City Finances: What you need to know."

**Councilmember Rodriguez** attended the LOCC Executive Forum in San Diego, including the "Executive Academy" session; the Cerritos State of the City address; the La Palma Memorial Day Services; the Sister City Idea Exchange;



the Sister City meeting with local La Palma businesses and Hanam, Korea; the La Palma Police Department Annual Awards; the La Palma Public Works Open House; and the Orange County Library Advisory Board meeting. He commented on his responsibilities as an alternate City Representative to the OCFA Board, the fact that he was unaware that La Palma had Reservists, the majority of the OCFA Board members wanting to take time to correct the Reserve program before any decision was made to disband them, that he did not discuss any labor related issues at the dais, and that he is in full support of the Reserve program of the OCFA. He commented on the urgency to get the Orange County Flyers Baseball tickets to the local schools before their summer vacation begins. He closed by announcing the Luminaria event and pancake breakfast at the upcoming Relay for Life event.

**Mayor Pro Tem Shanahan** attended the La Palma Public Works Open House; the La Palma Memorial Day Services; the Sister City event with Hanam, Korea; and the Newly Elected Officials Academy hosted by the California Joint Powers Insurance Authority (CJPIA).

**Mayor Waldman** attended the La Palma Public Works Open House; the La Palma Police Department Annual Awards; the La Palma Memorial Day Services; the Sister City event with Hanam, Korea; and the Sister City meeting with local La Palma businesses; the LOCC Executive Forum in San Diego; and the LOCC Executive Board meeting. He announced that the Korean Delegation has requested that the City Council visit Hanam, Korea, from September 20-27, 2009 for their week long equivalent to La Palma Days.

#### CITY MANAGER REMARKS

**City Manager Lazzaretto** reported on an employee fundraising event for Relay for Life. He thanked Mrs. Kim for her time and translation services for the Sister City event with Hanam, Korea, and reported on the positive feedback from the Sister City exchange with local business leaders. He commented on the Schuster Memorial unveiling and thanked Recreation staff for their efforts. He announced the upcoming Luther Elementary School visit to tour City Hall on June 9, 2009. He closed by reporting on upcoming Agenda items.

#### CITY ATTORNEY REMARKS

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

#### ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the City Council at 10:15 p.m. in memory of former Orange County Vector Control District Board member, Sheldon Singer, to the recessed Special City Council Meeting.

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Mark I. Waldman, Mayor

Attest:

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Laurie A. Murray, City Clerk