

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 16, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the City Council to order at 6:30 p.m. 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 a Closed Session at 6:30 p.m.

The City Council met in Closed Session pursuant to Government Code Section 54956.9 (a). CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Norma Alicia Cortez-Gomez, et al. v. State of California, et al.

Claimant: Norma Alicia Cortez-Gomez and Teresa Cortez

Names of Parties: State of California, City of Anaheim, City of La Palma, City of Buena Park, and DOES 1 through 110, inclusive

Case Number: 30-2009 00122292

Mayor Waldman recessed the Closed Session at 6:56 p.m.

OPEN SESSION

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 authorize defense of the Norma Alicia Cortez-Gomez, et al. litigation.

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
Jeff Moneda, Public Works Director/City
Engineer
Keith Neves, Finance Director
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Waldman presented a Proclamation to Recreation and Community Services Director Jan Hobson declaring July as Parks and Recreation Month.

ORAL COMMUNICATIONS

Tami Bui, Public Affairs Regional Manager for Southern California Edison (SCE), addressed the City Council regarding SCE's investment in infrastructure; environmental renewable energy transmission to customers; smart connect program for new digital meters; SCE's graffiti abatement program; and their partnership with the City of La Palma on the upcoming tree rebate program.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY
DEVELOPMENT COMMISSION AT 7:15 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes
Minutes of the May 19, 2009, and June 2, 2009 Regular Meetings of the
La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-13 approving the Register of Demands.

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, Commission Member
Rodriguez, Vice Chairperson Shanahan, and
Chairperson Mayor Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE
AS THE PLANNING COMMISSION AT 7:16 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the May 19, 2009, and June 2, 2009, Regular Meetings of the
La Palma Planning Commission.

Vice Chairperson Shanahan made a motion to approve Consent Calendar Item PL-1.

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.

ADJOURN THE PLANNING COMMISSION, RECONVENE THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING AT 7:17 P.M.

PUBLIC HEARINGS

1. Adoption of Fiscal Year 2009-10 Budget
 - a) Mayor/Chairperson Waldman opened the Public Hearing at 7:18 p.m.
 - b) City Manager/Executive Director Lazzaretto gave the Staff Report.
 - c) Receive Public Input

No members of the public wished to speak.
 - d) Mayor/Chairperson Waldman closed the Public Hearing at 7:28 p.m.

e) Council/Commission Comments and Questions

Discussion ensued regarding the budget presentation; the current status of the Wachovia Bank site; the advantage of keeping the City Council involved with the Budget at an early stage; and whether or not the Civic Center renovation was going to be in this Fiscal Year Budget.

f) City Council: Adopt a Resolution approving and adopting a Budget for Fiscal Year 2009-10

Resolution No. 2009-28 approving and adopting a Budget for Fiscal Year 2009-10.

g) City Council: Adopt a Resolution approving the City's Annual Appropriations Limit for Fiscal Year 2009-10

Resolution No. 2009-29 approving the City's Annual Appropriations Limit for Fiscal Year 2009-10.

i) Community Development Commission: Adopt a Resolution approving and adopting a Budget for Fiscal Year 2009-10

Resolution No. CDC 2009-14 approving and adopting a Community Development Budget for Fiscal Year 2009-10.

Council/Commission Member Rodriguez made a motion to approve Items F, G, and I as recommended.

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

AYES: Council/ Commission Member Charoen,
Council/ Commission Member Herman,
Council/ Commission Member Rodriguez,
Mayor Pro Tem/Vice Chairperson Shanahan,
and Mayor/ Chairperson Waldman

NOES: None

h) City Council: Adopt a Resolution approving a General Fund Reserve Policy

Resolution No. 2009-28 approving a General Fund Reserve Policy.

Councilmember Rodriguez made a motion to approve Item H.

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

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

NOES: Councilmember Charoen

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE CITY COUNCIL AT 7:31 P.M.

CONSENT CALENDAR

2. Waive the Reading of All Ordinances

Approve the reading of all Ordinances in their entirety and read by title only.

3. Approval of Council Minutes

Minutes of the May 19, 2009, and June 2, 2009, Regular Meetings of the City Council; and the Minutes of the June 2, 2009, Special Meeting of the City Council.

4. Approval of Register of Demands

Resolution No. 2009-30 approving the Register of Demands for June 16, 2009.

5. Approval of the Expenditure Plan for Citizen's Option for Public Safety (COPS) Funding

Resolution No. 2009-31 authorizing the expenditure plan for the Citizen's Option for Public Safety (COPS) funding.

6. Amendment of Agreement with All City Management Services, Inc., for School Crossing Guard Services

Authorize the Mayor to execute an amendment to the Agreement with All City Management Services, Inc., for school crossing guard services for a one-year period, commencing July 1, 2009, through June 30, 2010.

7. 2009 Annual Water Quality Report

Receive and File the 2009 Annual Water Quality Report.

8. Appointment of Allen Goya to the Traffic Safety Committee

Appoint Allen Goya to the Traffic Safety Committee, with a term expiring December 31, 2010.

Councilmember Herman made a motion to approve Consent Calendar Items 2 through 8.

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

PUBLIC HEARINGS

9. Ordinance to Amend the Residential Landscape Standards of the La Palma City Code Pertaining to Artificial Turf and Drought-Tolerant Plant Materials

- a) Mayor Waldman opened the Public Hearing at 7:32 p.m.
- b) Community Development Director Di Mario gave the Staff Report.
- c) Receive Public Input

No members of the public wished to speak.

- d) Mayor Waldman closed the Public Hearing at 7:33 p.m.
 - e) City Council Comments and Questions
- None.
- f) Introduce for first reading the proposed Ordinance amending Chapters 17 and 26 of the City Code pertaining to artificial turf and

drought-tolerant plant materials.

Councilmember Herman made a motion to introduce for first reading the proposed Ordinance amending Chapters 17 and 26 of the City Code pertaining to artificial turf and drought-tolerant plant materials.

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

10. Resolution Establishing Underground Utility District No. 08-01 (Walker Street - Marview Drive to Houston Avenue)

a) Mayor Waldman opened the Public Hearing at 7:34 p.m.

b) Public Works Director Moneda gave the Staff Report

c) Receive Public Input

No members of the public wished to speak.

d) Mayor Waldman closed the Public Hearing at 7:38 p.m.

e) City Council Comments and Questions

Discussion ensued regarding other areas in the City that were proposed to be Underground Utility Districts (UUD); why the proposed location was chosen; three property owners receiving upgrades to their properties by the removal of the overhead utilities; whether the property owners will be mandated to follow this protocol; the ability to mortgage future allocations if more money is needed to complete the project; a partnership with SCE to keep the project within budget; funding to assist property owners during the transition; that there is no financial exposure to the affected residents; components on the Walker Street sidewalk that could be considered an obstruction; keeping the City Council updated on the project's progress; if the project will increase open area on the sidewalk; confirmation of property owner notification; and if the project will conflict with scheduled street maintenance.

f) Adopt a Resolution establishing Underground Utility District No. 08-

01.
Resolution No. 2009-32 establishing Underground Utility District No. 08-01.

Councilmember Rodriguez made a motion to adopt Resolution No. 2009-32 establishing Underground Utility District No. 08-01.

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

REGULAR ITEMS

11. Approval of an Agreement with Moore Iacofano Goltsman (MIG) Inc. for a Parks and Recreation Comprehensive Master Plan

Recreation and Community Services Director Hobson gave the Staff Report.

Jim Pickel, Principle with MIG, gave a presentation. He introduced his partners, Maxine Surks and Ron Hagan, and their roles in the proposed Park Master Plan project.

Council Comments and Questions

Discussion ensued regarding MIG's consultant fees; the anticipated increase in cost from the preliminary quote; the differences between the five consultants considered for the project; MIG's Park Master Plan to include action plans and implementation strategies after the research is done; MIG having a long history of doing outreach in other communities; the number of cities in Orange County that MIG has done projects for; MIG's experience with smaller cities versus large cities; the timeline of how often the City Council would need to review and be updated on the project; how MIG plans to achieve the 95% confidence rating for the survey; details of stakeholder interviews; details of the workshops and the training tools; staff's review of the end product; the goal of improving the senior program; concerns with reaching representatives from the many ethnic groups residing in the City; the City Council being unanimously in favor of the project; the process for handling translating services during the telephone interviews; and that the City's interview panel consisted of

City Manager Lazzaretto, Recreation and Community Services Director Hobson, and Recreation Services Superintendent Belknap.

- a) Approve and authorize the Mayor to execute an agreement with Moore Iacofano Goltsman (MIG) Inc. for creation of a Parks and Recreation Comprehensive Master Plan in an amount not to exceed \$82,690.

Councilmember Rodriguez made a motion to approve and authorize the Mayor to execute an agreement with Moore Iacofano Goltsman (MIG) Inc. for creation of a Parks and Recreation Comprehensive Master Plan in an amount not to exceed \$82,690.

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

- b) Appropriate \$47,690 to the Adopted Fiscal Year 2009-10 Budget.

Councilmember Rodriguez made a motion to appropriate \$47,690 to the Adopted Fiscal Year 2009-10 Budget.

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

Mayor Waldman called for a short recess at 8:30 p.m.

Mayor Waldman reconvened the City Council at 8:37 p.m. with all members present.

12. Animal Care Services Review

City Manager Lazzaretto gave the Staff Report.

Public Input

No members of the public wished to speak.

Council Comments and Questions

Steve Franks, Director of Orange County Community Resources, addressed the City Council regarding Orange County Animal Control's (OCAC) existing services. He reported on recent building upgrades at OCAC and the agency's long term plans to replace the existing facility. He responded to the City Council's questions regarding the land for the new shelter already being conveyed to the County of Orange; keeping staffing at OCAC at its current level; and OCAC's response times to the public's calls.

Ryan Drabek, OCAC Interim Director, addressed the City Council regarding how OCAC responds to emergency calls and how the agency rates calls. He commented on the disposal of deceased animals.

Aaron Reyes, Director of Operations for Southeast Area Animal Care Authority (SEAACA), addressed the City Council regarding SEAACA's background; that SEAACA is a compassion-based facility; recent renovation and remodeling of their facility; and how lost animals are posted in several places to assist their owners in finding them.

Council Comments and Questions

Discussion ensued regarding Councilmember Herman's and Councilmember Rodriguez's recent visit to SEAACA; the housing of animals at the SEAACA facility; how quickly SEAACA posts lost animals to their internet site; the impressive services offered by SEAACA; the enhanced process of adopting pets at SEAACA; the detailed role of a dedicated animal control officer in La Palma; the number of animal-related emergencies SEAACA responds to at night; SEAACA's plans to canvass the City for pet licensing; the role of the dedicated officer in regards to public outreach and awareness; how Buena Park has a dedicated SEAACA Animal Control Officer; the \$38,000 fee that SEAACA is proposing being the cost to purchase and outfit a vehicle; SEAACA's hiring process and the training involved for their Animal Control Officers; City Staff involvement with the dedicated SEAACA Animal Control Officer; having that officer work with Buena Park's officer and vice versa; public outreach to include speaking at schools and working with the La Palma Police Explorers; the general public having a 60% compliance rate for dog

licensing; and SEAACA's dedicated Animal Control Officer working with La Palma Police Officers and La Palma Code Enforcement Officer.

Steve Franks, Director of OCAC, addressed the City Council, noting that OCAC is open 7 days a week, 24 hours a day; that their Animal Control Officers also canvass; that OCAC has a 32-33% compliance rate for dog licensing; that OCAC's website posts lost animals within two hours; how OCAC responds to pet licensing with members of the public that are experiencing financial hardship; and that OCAC will respect the decision of the La Palma City Council.

Councilmember Rodriguez clarified that La Palma residents have not complained about the service from OCAC, but that complaints were in regards to the response time of OCAC Officers.

- a) Authorize Staff to deliver a Notice of Termination to the County of Orange, effective December 31, 2009; and
- b) Authorize Staff to begin negotiations with Southeast Area Animal Control Authority (SEAACA) for provision of Animal Care Services effective January 1, 2010.

Councilmember Herman made a motion to authorize Staff to deliver a Notice of Termination to the County of Orange, effective December 31, 2009, and authorize Staff to begin negotiations with Southeast Area Animal Control Authority (SEAACA) for provision of Animal Care Services effective January 1, 2010.

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

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

NOES: None

13. Residential Tree Planting Rebate Program

Community Development Director Di Mario gave the Staff Report
Public Input

No members of the public wished to speak.

Council Comments and Questions

Discussion ensued regarding the small investment involved; having a list of trees, selected by an arborist, to provide to the public; organizations with expertise giving their suggestions based on the community and surrounding community environments; starting this program with new residents; having drought-resistant trees; and how to establish the proposed tree planting rebate program.

Councilmember Rodriguez made a motion to direct staff to formulate a formal residential Tree Planting Rebate Program.

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

14. Consideration of Appointing a Voting Delegate to the Summit on Governance and Fiscal Reform on July 17-18, 2009.

City Manager Lazzaretto gave the Staff Report.

Mayor Waldman made a motion to appoint himself as the Voting Delegate to the Summit on Governance and Fiscal Reform on July 17-18, 2009.

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

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

Councilmember Charoen attended the Orange County Fire Authority (OCFA) meeting and reported that OCFA has selected a new Fire Chief, Keith Richter, currently the Fire Chief for Contra Costa County.

Mayor Pro Tem Shanahan attended the Relay for Life event; and the Kiwanis Pancake Breakfast. He announced that he plans to attend the

annual California Joint Powers Insurance Authority (CJPIA) Board of Director's meeting in July.

Councilmember Rodriguez attended the Relay for Life event and the Walker Junior High School graduation. He commented that he completed his duties as the HOPE Food Bank Chairman and announced that the Orange County Library Advisory Board approved their budget. He reported that he would be a participant in the July 4th Fitness Run for Fun.

Councilmember Herman attended the Relay for Life event and the Kiwanis Pancake Breakfast. He announced that he plans to attend the upcoming Orange County Vector Control District meeting. He closed by commenting on his displeasure regarding oral comments made by members of the Orange County Professional Fire Fighters Association at the June 2, 2009, City Council meeting.

Mayor Waldman attended the Orange County League of California Cities (OCLOCC) Advocacy Committee meeting; the Relay for Life event; the Orange County Sanitation District (OCSC) Administration Committee meeting; the Kiwanis Membership Breakfast; and the OCLOCC Executive Board meeting.

Councilmember Rodriguez announced that he and Mayor Waldman will be attending the LOCC Policy Committee meeting in Sacramento on June 26, 2009. Mayor Waldman reported that his trip be over the \$250 Council Travel Policy threshold.

City Manager Lazzaretto suggested that the City Council declare the matter as an emergency item on the agenda, which requires a four-fifths vote by the City Council.

Mayor Waldman made a motion to place authorization for an expenditure of over \$250 for Mayor Waldman and Councilmember Rodriguez to attend the LOCC Policy Committee meeting in Sacramento on June 26, 2009, on the June 16, 2009, Agenda as an emergency item.

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

Mayor Waldman made a motion to approve an expenditure of over \$250 for Mayor Waldman and Councilmember Rodriguez to attend the LOCC Policy Committee meeting in Sacramento on June 26, 2009.

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

CITY MANAGER REMARKS

City Manager Lazzaretto reported that he will be out of town from June 17-21, 2009, and that Recreation and Community Services Director Hobson will be acting City Manager in his absence. He updated the City Council on upcoming agenda items and requested that the City Council confirm their attendance at the League of California Cities Annual Conference scheduled for September 16-18, 2009. He closed by commenting that the City is closing out its Fiscal Year and needs the City Council's reimbursement requests for the Finance Department.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 10:02 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk