

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 4, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the La Palma City Council to order at 6:45 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 6:45 P.M.

CLOSED SESSION

Mayor Waldman recessed the City Council to a Closed Session at 6:45 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of Litigation pursuant to subdivision (c) of Section 54956.9: One Case (Joint Lawsuit with the California Redevelopment Agency and other Cities against the State of California)

OPEN SESSION

Mayor Waldman reconvened the Community Development Commission in Open Session at 7:00 p.m. with all members present.

City Attorney Kuperberg reported that the Community Development Commission voted unanimously to authorize the approval to participate in any lawsuit necessary brought by other Redevelopment Agencies against the State of California for the recent budget enactment that takes money away from Redevelopment Agencies in an effort to balance the State budget.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE CITY COUNCIL AT 7:02 P.M.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Shanahan

INVOCATION:

Pastor Jose "Paddy" Padilla Jr., La Palma
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
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Abe Waheed, Co-Chairperson of the La Palma Community Activities and Beautification Home Spotlight Subcommittee, presented Bert and Gail Poan with the Quarterly Home Spotlight Award for their home at 8191 Del Oro Lane.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY
DEVELOPMENT COMMISSION AT 7:09 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the July 21, 2009, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-17 approving the Register of Demands for August 4, 2009.

Commission Member Herman made a motion to approve Consent Calendar Items A and B.

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 7:10 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 21, 2009, Regular Meeting of the La Palma Planning Commission.

Commission Member Rodriguez made a motion to approve Consent Calendar Item PL-1.

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

PL-2. Proposed Ordinance amending Chapter 26 of the La Palma City Code to comply with Senate Bill 731 relating to Massage Therapy.

a) Community Development Director Di Mario requested to continue this item to the August 18, 2009, Planning Commission Agenda.

b) Mayor Waldman opened the Public Hearing at 7:12 p.m.

c) Public Input

No members of the public wished to speak.

d) Continue the Public Hearing to the August 18, 2009, Planning Commission Meeting

Commission Member Charoen made a motion to continue the Public Hearing to the August 18, 2009, Planning Commission Meeting.

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 CONVENE AS THE CITY COUNCIL AT 7:13 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

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

2. Approval of Council Minutes

Minutes of the July 21, 2009, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2009-29 approving the Register of Demands for August 4, 2009.

4. Amendment to Agreement with MJC Construction, Inc. for General Sewer Repair Services, City Project No. 08-SWR-03

Approve and authorize the Mayor to execute an amendment to the Agreement with MJC Construction, Inc. of Bonita, California, for General Sewer Repair Services, City Project No. 08-SWR-03, extending the term of the agreement through June 30, 2010.

Councilmember Rodriguez made a motion to approve Consent Calendar Items 1 through 4.

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

5. Consideration of Traffic Improvements at the Intersections of Oak Drive/Puerto Rico Drive and Andrew Drive/Kevin Lane

- a) Deny a request for a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive; and
- b) Deny a request for a multi-way stop at the intersection of Andrew Drive and Kevin Lane.

Mayor Waldman stated that Staff requested to continue this item until the August 18, 2009, City Council Agenda so that the public can be notified of the meeting.

Mayor Waldman asked for Public Comment at 7:14 p.m.

No members of the public wished to speak

Councilmember Herman made a motion to continue the Consideration of Traffic Improvements at the Intersections of Oak Drive/Puerto Rico Drive and Andrew Drive/Kevin Lane.

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 WITH THE CITY COUNCIL AT 7:14 P.M.

C. Joint Study Session: Economic Development/Redevelopment Review and Discussion

Community Development Director Di Mario gave the staff report regarding business attraction and marketing efforts.

City Manager Lazzaretto addressed the City Council regarding prior efforts at the corner of Orangethorpe Avenue and Moody Street.

Community Development Director Di Mario continued the staff report regarding the rezoning of six corner parcels, including the corners of Orangethorpe Avenue and Moody Street, the corner of Valley View Street and La Palma Avenue, and the corner of Walker Street and La Palma Avenue.

Discussion ensued regarding Walgreen's responsibility to maintain its Walker Street and La Palma Avenue site; whether the original footprint could be enlarged; and parking requirements.

Community Development Director Di Mario continued the staff report regarding the corner of Crescent Avenue and Moody Street.

Discussion ensued regarding remediation being complete at the Crescent Avenue and Moody Street site.

Community Development Director Di Mario continued the staff report regarding the Ralph's shopping center.

Discussion ensued regarding the ownership of the Unocal site and proposed improvements to the Unocal site.

Community Development Director Di Mario continued the staff report regarding the Hannam Market Center.

Discussion ensued regarding the condition of the alley behind the Hannam Market Center.

Community Development Director Di Mario continued the staff report regarding the Community Development Commission's financial overview and associated plan limitations; challenges the City is facing in developing these centers; and that the Community Development Commission's eminent domain authority has expired.

Public Comment:

Abe Waheed, 5271 Ivywood Drive, addressed the City Council regarding how the parcels in the Ralph's Center and the Hannam Market Center got divided. He also commented that eminent domain has expired and

requested that the City Council reinstitute it so that the City can encourage upgrades to blighted parcels.

City Manager Lazzaretto responded that the property was originally developed as divided parcels.

City Attorney Kuperberg added that this is not something that would happen now.

City Manager Lazzaretto added that he was seeking direction on eminent domain this evening.

Further discussion ensued regarding City Manager Lazzaretto's prior experience in utilizing eminent domain; the process involved with eminent domain; the length of time and cost to reinstate eminent domain; the 2004 expiration date of eminent domain; the current owners and their disinterest in upgrading the parcels; incentives given by the City to the owners of the Ralph's Center and Hannam Market Center to encourage them to upgrade their sites; City Council's concern of using eminent domain to take private property and selling it to a corporate establishment; options to restrict the use of eminent domain; not moving towards reinstating eminent domain at all; code enforcement regulations being utilized rather than eminent domain being used to upgrade blighted parcels and commercial sites; difficulty in getting the divided owners to upgrade their commercial parcels at the same time; code enforcement having issued numerous citations to the owners of the Hannam Market Center and their lack of response; whether the City's code enforcement efforts are strict enough; California law regarding eminent domain being stricter and in favor of homeowners.

City Attorney Kuperberg reported on the Connecticut case and what the appropriate scope of eminent domain is: a public project or a project that is for the ultimate public good. He stressed that the Connecticut law did not require a finding of blight and that California law does.

The City Council took an informal straw vote to direct staff to provide more research and analysis on the scope, cost, and outcome of establishing eminent domain at the Ralph's Center and Hannam Market Center.

AYES: Larry Herman, Ralph Rodriguez, and Steve Shanahan.

NOES: Henry Charoen and Mayor Waldman.

Further discussion ensued regarding purchasing other parcels within the City, including the Grant Property at the Ralph's Retail Center; using the Grant property as a "Teen Drop Off Center"; the square footage of the

Grant property building and its current condition; and the possibility of the City purchasing the old Walgreen's site property along with the Grant property.

Mayor Waldman reopened Agenda Item 5 at 8:35 p.m. - Consideration of Traffic Improvements at Intersections of Oak Drive/Puerto Rico Drive and Andrew Drive/Kevin Lane, for public comment.

Richard Lutz, 8182 Bellhaven Street, a member of the Traffic Safety Committee, addressed the City Council and suggested that the City Council agree with the recommendations given by the Traffic Safety Committee and City Staff regarding not putting a stop sign at the intersections that don't meet the warrants by the Manual on Uniform Traffic Control Devices (MUTCD) at the named intersections. He closed by stating that the opinions of Committee Members, City Staff, and outside Consultant should be considered when making a decision.

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

Councilmember Charoen attended the Orange County Fire Authority (OCFA) general meeting and the Open House for Board of Equalization Board Member Michelle Steel.

Councilmember Herman attended the City of Cypress 5K Walk; the Mighty Cash Cats Concert in the Park; the Chamber of Commerce Mixer; and the Proud Mary Concert in the Park. He commented on the difficulty of getting through La Palma Avenue at Denni Street intersection before the light changes. He reported on Orange County Vector Control District (OCVCD) updates and asked for a status on the City of La Palma's contract with the La Palma Chamber of Commerce. He reported on the tree planting partnership with the Air Quality Management District (AQMD) for commercial sites and closed by asking for a status of painting the block walls in the City.

City Manager Lazzaretto responded that code enforcement is working on resolving the extended lattice work put on block walls by residents before the block wall painting commences.

Councilmember Rodriguez attended the Mighty Cash Cats Concert in the Park; the Proud Mary Concert in the Park; the Chamber of Commerce Mixer; and the Crescent Car Wash Grand Re-Opening ceremony. He reported on the plant overgrowth on the "For Lease" sign at the Hannam Market Center and on the *Orange County Register* article regarding school closures, asking City Staff to place information regarding the closure on the City's website. He closed by

announcing that he plans to attend Chief Richter's Induction Ceremony as the new Fire Chief for the OCFA.

Mayor Pro Tem Shanahan attended the Crescent Car Wash Grand Re-Opening. He commented on the positive feedback he has received from the public regarding the Concerts in the Park. He reported on a block wall on Shirley Drive and Moody Street that is being reconstructed, where the bricks are in the Edison Right-of-Way. He closed by wishing a happy belated birthday to Councilmember Charoen.

Mayor Waldman attended the Orange County Sanitation District (OCSD) general meeting; the Crescent Car Wash Grand Re-Opening ceremony; the Mighty Cash Cats and Proud Mary Concerts in the Park; the Chamber of Commerce Mixer; and a press conference in the City of Stanton where a group of elected officials stated their concern and outrage that the State is taking money from local government in order to balance the State budget. He commented on new water fountains and the new basketball court in Central Park. He closed by reminding the City Council that the evaluations of the City Manager are due to him by August 27.

CITY MANAGER REMARKS

City Manager Lazzaretto announced that an Eagles tribute band will be performing at the upcoming Concert in the Park. He reported that the City's sign board is being placed at certain locations in the City advertising the need for water conservation.

CITY ATTORNEY REMARKS

City Attorney Kuperberg wished a happy belated birthday to Councilmember Charoen and had nothing else to report.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 9:04 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk