

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

August 18, 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, with all members present.

PLEDGE OF ALLEGIANCE: Councilmember Charoen

INVOCATION: Mayor Pro Tem Shanahan

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  
Jan Hobson, Recreation & Community Services Director  
Jeff Moneda, Public Works Director/City Engineer  
Keith Neves, Finance Director  
Laurie Murray, Administrative Services Manager/ City Clerk  
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Carroll Sweet, 8071 Janeen Circle, addressed the City Council regarding the traffic at La Palma Avenue and De Vries Lane. He stated that there is heavy pedestrian traffic and suggested that the City install a crosswalk.

RECESS CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:03 P.M.

CONSENT CALENDAR

A. Approval of Register of Demands

Resolution No. CDC 2009-18 approving the Register of Demands for August 18, 2009.

Commission Member Rodriguez 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

ITEM PULLED FROM CONSENT CALENDAR

B. Cash and Investment Report as of June 30, 2009

Commission Member Herman requested to have the item pulled so he could ask for clarification regarding the future interest the City will accrue.

Finance Director Neves responded that the future interest the City will accrue is predicted to be 2%.

Receive and File the Cash and Investment Report as of June 30, 2009.

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

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 COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:05 P.M.

### CONSENT CALENDAR

None Scheduled.

### PUBLIC HEARINGS

PL-1. Proposed Ordinance Amending Chapter 26 of the La Palma City Code to Comply with Senate Bill 731 Relating to Massage Therapy

- a) Chairperson Waldman opened the Public Hearing at 7:05 p.m.
- b) Community Developer Director Di Mario gave the Staff Report.
- c) Public Input

No members of the public wished to speak.

d) Chairperson Waldman closed the Public Hearing at 7:08 p.m.

e) Planning Commission Comments and Questions

Discussion ensued regarding enforcement of the Ordinance; the total number of massage facilities in the City of La Palma; massage therapists being exempt from going through the City's approval process if they have State approval of their license; how the City plans to screen for unsuitable practices; and whether the size of the massage facility has any impact on the filing and approval process.

f) Adopt a Resolution recommending adoption of an Ordinance amending Chapter 26 of the La Palma City Code to comply with Senate Bill No. 731 and its changes to Chapter 10.5 of Division 2 of the Business and Professions Code, relating to massage therapy.

Resolution PC 2009-03 recommending adoption of an Ordinance amending Chapter 26 of the La Palma City Code to comply with Senate Bill No. 731 and its changes to Chapter 10.5 of Division 2 of the Business and Professions Code, relating to Massage Therapy.

Commission Member Herman made a motion to approve Resolution No. PC 2009-03 recommending adoption of an Ordinance amending Chapter 26 of the La Palma City Code to comply with Senate Bill No. 731 and its changes to Chapter 10.5 of Division 2 of the Business and Professions Code, relating to massage therapy.

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

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

2. Approval of Register of Demands

Resolution No. 2009-40 approving the Register of Demands for August 18, 2009.

3. Cash and Investment Report as of June 30, 2009

Receive and file the Cash and Investment Report as of June 30, 2009.

7. Support for Assembly Bill 1506 Regarding State Issued Registered Warrants

Authorize the Mayor to sign a letter supporting Assembly Bill 1506 (AB 1506) regarding State issued registered warrants, more commonly known as State IOU's.

Mayor Pro Tem Shanahan made a motion to approve Consent Calendar Items 1, 2, 3, and 7.

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

4. Amendment to Agreement with Empire Pipe Cleaning and Equipment, Inc. for General Sewer Maintenance Services, City Project No. 08-SWR-02

Councilmember Herman requested to have Item 4 pulled so he could ask for clarification on the cost increase of the contract.

Councilmember Herman made a motion to approve Consent Calendar Item 4.

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

5. Participation in the County of Orange's Mortgage Credit Certificate Program

Consent Calendar Item 5 was pulled in error.

Councilmember Rodriguez made a motion to approve Consent Calendar Item 5.

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

6. California Integrated Waste Management Board Used Oil Recycling Grant

Councilmember Herman requested to have Item 6 pulled to ask for clarification on how long Cypress would continue to manage the existing grant funds and to inquire which programs this affected.

Administrative Services Manager Murray replied that the existing funding through Cypress is estimated to last two years and that this only affects the Used Oil Recycling Program.

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

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

None Scheduled.

### REGULAR ITEMS

8. Street Closures for Community Event Permit 2009-02: Walker Junior High School Jog-A-Thon Fit Run

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 manner in which the City plans to close the right lane on Walker Street and that vehicles will only be on Walker Street and not on the residential streets.

Tom Leonard, 7139 Hoover Way, Buena Park, the Site Supervisor at Walker Junior High School, addressed the City Council regarding the school ensuring the route is safe for participants; the timeframe of the event; and other activities after the event.

Further discussion ensued regarding the potential heat; having water stations available; Public Works and Police Department Staff being the designees to direct traffic on Walker Street; placing signage to alert drivers of the upcoming delay; that the funds raised will be utilized to help needy students and support Walker Junior High School; Council's support of the program; having the program become an annual event; and not being able to get funding from Anaheim Union School District due to State budget cuts.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding his support of the project and encouraged the school to contact the Public Works Department regarding fundraising opportunities through painting house numbers on curbs.

Councilmember Herman made a motion to approve Street Closures for Community Event Permit 2009-02: Walker Junior High School Jog-A-Thon Fit Run.

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

9. 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.

Public Works Director Moneda gave the Staff Report.

Public Input:

Wallace Yelle, 7461 Puerto Rico Drive, addressed the City Council regarding his support of installing a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Cesar Luevanos, 5592 Oak Drive, addressed the City Council regarding his support for installing a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Heriberto Montoya, 5602 Oak Drive, addressed the City Council regarding his support for installing a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Sidney and Gloria Armstrong, 7421 Puerto Rico Drive, addressed the City Council regarding their support for installing a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Rosemary Scichilone, 7461 Darlene Circle, addressed the City Council regarding her support for installing a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council suggesting that the City consult the American Automobile Association (AAA) for an unbiased opinion regarding the matter.



#### Council Comments and Questions:

Discussion ensued regarding the increased Police activity since the item was on the last agenda.

Captain James Enright, responded explaining that the Police Department had conducted patrols at the Oak Drive and Puerto Rico Drive designated area; the violations and citations issued; the City's motor officer having conducting a random radar screening with the average speed being 23 miles per hour; the difference between issuing a citation versus a warning to violators; other alternative to control traffic; and the proposed stop sign increasing the City's liability.

Further discussion ensued regarding the average speed of drivers traveling north and south being slower than the speed of drivers traveling east and west; drivers not speeding on a cul-de-sac street versus a through street; that the research and studies being referred to were not based on small, residential infrastructures such as occur in La Palma; concern that 15 drivers were stopped in a four hour period at the intersection; the safety of residents in the neighborhood being worth the investment of a stop sign; that 11 of 13 surveyed Orange County cities follow the Manual on Uniform Traffic Control Devices (MUTCD) standards; the number of residents who do not stop at designated stop signs in residential areas; National Research and data not supporting the installation of a multi-way stop at the intersection; the engineering procedure for calculating the speed of drivers on Oak Drive; that the citations issued by the Police Department were stop sign violations rather than speeding violations; the location and attire of the Police Officer who conducted the random radar screening; that the traffic study also indicated an average speed of 23 miles per hour on Oak Drive; alternatives to control traffic other than placing a stop sign at an unwarranted intersection; studies showing that stop signs are ineffective in controlling speed; and that the stop sign could increase the City's liability.

Councilmember Herman made a motion to approve the installation of a multi-way stop at the intersection of Oak Drive and Puerto Rico Drive.

Discussion ensued regarding the ten mile per hour difference on these streets and the lack of study data regarding this; the length of time the City has had to deal with issues at this intersection; support for the research, work, and standards that City staff adheres to; and not voting against safety for the community.

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

AYES: Councilmember Herman, Councilmember Rodriguez, and Councilmember Charoen

NOES: Mayor Pro Tem Shanahan, and Mayor Waldman

Mayor Waldman called for a short recess at 8:31 p.m.

Mayor Waldman reconvened the City Council at 8:39 p.m. with Councilmember Charoen recusing himself from the dais due to a potential conflict of interest.

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

Public Works Director Moneda gave the Staff Report.

Public Input:

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding the MUTCD standards for warranted intersections being for arterial streets and not residential. He suggested that the City paint the curb red to deter residents from parking at the intersection or that the City paint line striping on Kevin Lane and Andrew Drive.

Council Comments and Questions:

Discussion ensued regarding laws of parking at the curve of a street; other areas in the City that have red curb painting; site visibility being obstructed when someone is parked on a curve; the existing red curb painted on Houston Avenue; the impact of center striping at the Trinity Street and Sharon Street intersection and at the Maroon Street and Denni Street intersection; the alternative of placing a center line, limit line, and stop legend at Kevin Lane south bound as it intersects with Andrew Drive; the number of other communities that use raised pavement markers at intersections; support for staff's recommendation; and the consideration of putting raised pavement markers at the left hand turn lane going north on Walker Street turning west onto Orangethorpe Avenue.

Councilmember Rodriguez made a motion to approve the installation of a stop sign and center line striping at Kevin Lane traveling south as it intersects with Andrew Drive.

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

AYES:	Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman
NOES:	None
ABSENT:	Councilmember Charoen

Councilmember Charoen returned to the dais at 9:05 p.m.

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

**Councilmember Charoen** had nothing to report but announced that his wife had volunteered at the Free Health Care Clinic organized by Remote Area Medical (RAM) event at the Los Angeles Forum.

**Councilmember Rodriguez** attended a joint meeting with the City Council Subcommittee and the La Palma Chamber of Commerce; the Long Run and Urban Dread Concerts in the Park; and the Civic Expo at La Palma Central Park. He announced that he plans to attend the upcoming Concert in the Park with the Rolling Stones tribute band and added that Councilmembers will barbeque hot dogs for the public during that concert at their annual cookout.

**Mayor Pro Tem Shanahan** asked for an update on the recent curb address painting solicitations going on Citywide. He closed by thanking staff for putting a newsblast regarding the issue on the City's website to inform the public. He closed by reporting on his recent visit to the Free Health Care Clinic organized by RAM at the Los Angeles Forum.

**Councilmember Herman** thanked Staff for their work on Agenda Item 9. He reported that he attended the Long Run Concert at the Park; attended the HOPE fundraiser; the Urban Dread Concert in the Park; and the Civic Expo at La Palma Central Park. He announced that he plans to attend the upcoming Senior Barbeque at Central Park. He closed by commenting on the Free Health Care Forum at the Los Angeles Forum put on by the RAM Foundation.

**Councilmember Rodriguez** commented on an article regarding the City of Artesia implementing a pharmacy program for patients with medications not covered by traditional insurance and how this is being organized by the National League of California Cities and asked Staff to research it.

**Mayor Waldman** attended a joint meeting with the City Council Subcommittee and the La Palma Chamber of Commerce and the Long Run and Urban Dread Concerts in the Park. He announced that he plans to attend the upcoming Annual La Palma Chamber of Commerce Mixer in Stanton.

CITY MANAGER REMARKS

**City Manager Lazzaretto** announced that the next City Council meeting would include the following items: Community Center Colors and Readerboards; User Fee Study; Annual League of California Cities (LOCC) Resolutions; and a presentation from the Cypress School District Superintendent to update La Palma on proposed school closures. He closed by noting that the upcoming Concert in the Park is the final performance in the series.

CITY ATTORNEY REMARKS

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

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the City Council at 9:22 p.m.

*/s/*

Mark I. Waldman, Mayor

Attest:

*/s/*

Laurie A. Murray, City Clerk