

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

January 18, 2005

Mayor Blake called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, January 18, 2005, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Councilmember Waldman led the Pledge of Allegiance to the United States Flag.

INVOCATION

Pastor Sandra Heer, with A Fountain of Living Water Methodist Church gave the Invocation.

ROLL CALL:

Councilmembers present: Christine M. Barnes, Kenneth A. Blake, Larry A. Herman,  
Ralph D. Rodriguez, Mark I. Waldman

Councilmembers absent: None

City Officials present: Catherine Standiford, City Manager  
Ed Ethell, Chief of Police  
Tami Piscotty, Assistant to the City Manager/City Clerk  
Ismile Noorbaksh, Director of Public Works/City Engineer  
Jan Hobson, Director of Recreation & Community Services  
Robbeyn Bird, Director of Finance  
Dominic Lazzaretto, Director of Community Development  
Joel Kuperberg, City Attorney  
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

1. Taran McDonald announced that the 2005 Relay for Life Event will be held June 24 and 25, 2005 at Buena Park High School. The kick off will be held February 16, 2005 between 6-7:15 p.m. at the Sky Bar.
2. Community Activities and Beautification Committee chair, Henry Lee presented residents Ralph and Helen Villegas with the Home Spotlight Award.

CONVENE COMMUNITY DEVELOPMENT COMMISSION

**E. Installation of Draining Devices at Andrew Drive, and Marlin Circle Street Improvements**

Public Works Director, Ismile Noorbaksh, explained that the recommendation is for Mike Prlich & Sons, Inc. to be awarded a contract in the amount of \$38,235.00 for the installation of drainage devices along Andrew Drive and Houston Avenue, and Concrete Driveway Improvements on Marlin Circle, 300' South of Fresca Drive.

Councilmember Waldman asked for explanation as to why the City would want to install these drainage devices. Mr. Noorbaksh responded that the NPDES requires that the City limit the amount of surface flow, so this is a response to these requirements.

Councilmember Waldman asked if this is the only area in the City subject to these rules. Mr. Noorbaksh answered negatively and explained that this is the first area identified.

Councilmember Rodriguez asked if this is the first time that the City has suggested this type of solution. Mr. Noorbaksh answered positively.

Councilmember Rodriguez asked if other cities are using the same process. Mr. Noorbaksh explained that they are doing something, but not necessarily the same program.

Councilmember Barnes stated that on Thelma Avenue there is another spot where there is standing water.

Councilmember Barnes made a motion that the City Council Award the contract in the amount of \$38,235.00 to Mike Prlich & Sons, Inc. and to adopt Resolution 2005-04 consenting to public improvements on Marlin Circle. The motion was seconded by Councilmember Waldman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Commissionmember Rodriguez made a motion that the Community Development Commission adopt Resolution 2005-03CDC approving street improvements on Marlin Circle and allocating \$6,730.00 from the CDC Capital Projects Fund to the project. The motion was seconded by Commissionmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Mayor Blake recessed the Community Development Commission to reconvene the meeting in regular session at 7:20 p.m. (See separate Community Development Commission Minutes.)

CONSENT CALENDAR

Mayor Pro Tem Herman made a motion to approve the following items on the Consent Calendar:

APPROVED THE JANUARY 4, 2005 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2005-03 APPROVING A REGISTER OF DEMANDS FOR JANUARY 18, 2005

RECEIVED AND FILED THE INVESTMENT REPORT AS OF DECEMBER 31, 2004

AUTHORIZED AN EXPENDITURE TOWARDS THE PURCHASE OF A TABLE IN THE AMOUNT OF \$1,000 TO PARTICIPATE IN THE AMERICANA AWARDS

ADOPTED RESOLUTION NO. 2005-05 AUTHORIZING THE DESTRUCTION OF TAPE RECORDINGS OF THE CITY COUNCIL MEETINGS FROM JANUARY 2001 THROUGH DECEMBER 2001

ADOPTED RESOLUTION NO. 2005-08 AMENDING RESOLUTION NO. 2003-55 AUTHORIZING THE DEPOSIT, INVESTMENT AND PAYMENT OF PUBLIC FUNDS

ADOPTED RESOLUTION NO. 2005-06 APPROVING THE SUBMITTAL OF AN APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM PROJECTS TO REHABILITATE ORANGETHORPE AVENUE FROM COYOTE CREEK CHANNEL TO THE 91 FREEWAY OVERPASS AND LA PALMA AVENUE FROM VALLEY VIEW STREET TO WALKER STREET, CITY PROJECT NOS. ST-270 & ST-271

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) OF THE CITY OF LA PALMA FOR FISCAL YEAR ENDED JUNE 30, 2004

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

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

#### REGULAR ITEMS

#### 8. **Re-Striping City Arterial and Residential Streets**

Mayor Blake expressed his concern with the quality of work received by the contractor since the bid was so low.

Mr. Noorbaksh reassured him that the staff would make more frequent inspections of the work than usual and stated that the business has been operating for many years. The City does have a labor and material bond to make sure they comply with the contract requirements.

Chairman Blake asked if this business has done work before in the City. Mr. Noorbaksh responded positively.

Chairman Blake made a motion to award the contract to J and S Sign Company, Inc. and Authorized the Mayor to execute the agreement for the re-striping of City arterial and Residential Street, City Project No. ST-265. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

#### 10. **Cable Franchise**

Assistant to the City Manager, Tami Piscotty gave an update on the Cable Ordinance

Franchise negotiations. She stated that tonight the Council has before it a request for a six-month extension to the current franchise with Comcast for cable television services. She gave a brief history of cable television regulatory actions in La Palma and the status of negotiations. She explained that the original cable ordinance was adopted in November 1986, providing regulations for cable system installation and operations. Copley/Colony was awarded the first cable franchise shortly thereafter and expired in December 2002; the parties have mutually agreed to extensions in six-month increments so that negotiations could progress.

Mrs. Piscotty further stated that Federal law dictates the franchise renewal negotiations include a number of steps including the franchise compliance audit, franchise fee audit, technical audit and the PEG access needs assessment which were all conducted in 2002/2003 by TMC. The audit work found cable operator in compliance.

She explained that Cypress and La Palma began working jointly on a new cable regulatory ordinance and franchise renewal in 2004. The ordinance is the larger of the tasks since it regulates system operations for current and any future cable operators in the two cities. The franchise document will be specific to each city. The next steps are to complete the cable system regulatory ordinance and continue franchise renewal negotiations specific to La Palma.

Councilmember Herman asked who received complaints about cable service. Mrs. Piscotty stated that the City receives them and stated that there are very few and are usually related to cable channel line up.

Councilmember Waldman asked what would happen if the City was to let the franchise expire. Mrs. Piscotty stated that a number of cities have done this and the franchise just keeps continuing and the service never changes for the customers.

Councilmember Rodriguez asked if the volume of customers included internet service. Mrs. Piscotty answered negatively.

Councilmember Rodriguez stated that he never new, as a customer, to contact the City directly with his complaints and asked if the City received the complaints from the cable provider. Mrs. Piscotty stated that it is not required now but will be in the new ordinance.

Councilmember Rodriguez stated that he was approached by a few residents the other day about the poor reception received by Comcast while it is raining. He also explained that Comcast came out and replaced a device to fix the problem but then it just reoccurs when the rain comes again.

Councilmember Barnes asked if the franchise was to lapse if the customers would cease to receive service. Mrs. Piscotty responded negatively.

Mayor Pro Tem Herman asked if the reason for the length of time was due to both parties not coming to common ground. Mrs. Piscotty stated that it was almost two years before the two parties even started to discuss the franchise.

Mayor Pro Tem Herman asked what the consultant costs are. Mrs. Piscotty explained that the consultants work and costs was applied to the 2002/2003 budget. The only remaining costs are for the Ordinance and Franchise and is roughly \$9,000.

Mayor Pro Tem Herman asked what the Franchise Fee was set at. City Manager Standiford stated that it is 5% and it can not be raised and staff doesn't recommend lowering it.

Mayor Pro Tem Herman made a motion to adopt Resolution 2005-07 extending the term of the cable franchise held by Comcast of Cypress, Incorporated for six months. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

11. **Painting Speed Limit Legends on Arterial Streets**

Director of Public Works, Ismile Noorbaksh stated that per the municipal code it is not a requirement to paint speed limits on streets. It is used specifically to enforce traffic. At one time it was popular for cities to paint legends at the time of posting speed limit signs. As soon as the funds were exhausted, cities began to realize that painting the legends were no more effective than the posted signs.

Mr. Noorbaksh explained that the City of La Palma has a total of 64 speed limit signs. If the City decides to install the legends the City would need 226 and only 54 if the entrances of the City are painted. He explained that since the City has received a bid for re-stripping all the City arterial streets, staff took a look at the cost to paint these legends and it comes to \$1,017.00 for all streets and \$243.00 if only the street entrances are painted.

Councilmember Rodriguez asked when the next traffic study was going to occur. Police Chief Ethell stated that it needs to be completed by May and he figures the study might be done in March.

Councilmember Rodriguez asked which cities still have pavement legends. Mr. Noorbaksh stated Fullerton is the only one he knows of. He asked if Mr. Noorbaksh has looked at Lakewood and Mr. Noorbaksh explained that we usually compare to Orange County cities only.

Mayor Pro Tem Herman stated that there are 42 entries into residential streets and commented that it would roughly cost \$300.00 to include these streets. He stated that the cost is minimal to make the City streets a little safer and to slow down the vehicles exiting and going to the freeway.

Councilmember Barnes expressed her concern with the upkeep and on going expense and doesn't feel the residential streets need to be done at all.

Councilmember Waldman stated that adding the legends to the street would not make a significant difference in traffic violators.

Councilmember Rodriguez expressed his concern with slowing down traffic in front of the schools. He stated that La Palma is more of a thoroughfare and adding the legends for such a minimal amount is a good way to research if they work.

Mayor Blake stated that it is very hard to see the legends at night and when it is raining, but a sign is more effective. He also feels if one is speeding they're not going to concentrate on the limit posted below them.

Councilmember Rodriguez stated that drivers look at the street for many of things including turning, stopping, keep clear, pedestrian crossing, etc. so he feels adding the speed will only remind drivers.

Diane Scheerhorn, Superintendent with Centralia School District, stated that we always need to concentrate on the safety of the children. Placing the speeds on the street will only protect them that much more.

Councilmember Barnes asked if the timing of repairing the stripes and legends would always coincide or would the City be looking at different costs for each repair. Mr. Noorbaksh stated that it would be four times higher if they were separated but the City would always do both items together. She encouraged residents to put "children at play" sign in their yards to slow down drivers. Mr. Noorbaksh responded that these signs are not recommended.

Mayor Pro Tem Herman made a motion to Authorize the Director of Public Works to add speed limits on all arterial streets in La Palma. The motion was seconded by Councilmember Rodriguez and failed on the following roll call vote:

AYES: Rodriguez, Herman



NOES: Barnes, Blake, Waldman

Councilmember Waldman made a motion to receive and file the report on painting speed limit legends on arterial streets. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

#### COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Barnes attended the City Citizens oversight committee where they discussed a number of working issues. Some included the bond issue for Anaheim Union High School District, the new property AUHS has purchased, and an update on the construction at Kennedy High. She also attended the Inter Jurisdictional Planning Forum for growth management area two (Measure M) and they approved the transportation improvement projects on the priority list. Some discussion took place on signal synchronization and permissive left turns. She asked if City Maps could be included in their notebooks. She asked for an update on the old Denny, the Pre-School improvement and the homes at Paul's Auto Care. Mr. Lazzaretto stated that V.I.P. Buffet is in the middle of construction and have been slowed down by the intense rain but have continued to build the interior. Paul's Auto Care is in the final stages of plan check. The Stepping Stones Preschool is also at the final stages of plan check.

Mayor Pro Tem Herman stated that he attended the American Public Works Association. He also attended the Orange County Vector Control meeting and mentioned that not much is going on except for an employee who is celebrating 50 years of service. Mr. Herman asked if Mr. Cho has removed the sign from his property. Mr. Lazzaretto stated that all the signs have been removed but the posts remain.

Councilmember Rodriguez stated that he looks forward to meeting with the applicants for the citizen committee's tomorrow evening. He stated that he would like for staff to brief the Council on how the new Code Enforcement policies are working. He also would like to see a report on how

many tickets are given on street sweeping day. He thanked Superintendent Scheerhorn and Board Trustee Blake for attending the meeting this evening.

Councilmember Waldman attended a meeting for Cal Pers.

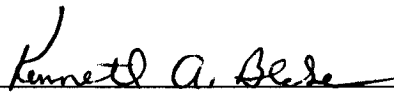
Mayor Blake stated that he also attended the Cal Pers meeting. He stated that the Fire Authority meeting is next week. He stated that Councilmember Barnes will be standing in for him at the next League meeting for the City selection. He mentioned that a citizen had asked if the City could beautify the area between the Police Department and City Hall to help celebrate our 50 years and suggested planting the city flower (daisies). The citizen also asked if the back portion of the memorial garden could be tended to.

#### CITY MANAGER COMMENTS

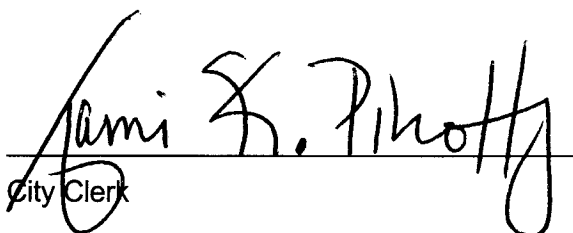
City Manager Standiford stated that Mr. Noorbaksh has been working on refreshing and enhancing the plantings around City Hall and should be coming to Council as a Capital Improvement Project sometime soon. She reminded Council that they are scheduled for a Team and Goal building retreat starting Monday.

#### ADJOURNMENT

Mayor Blake adjourned the meeting at 9:15 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk