

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 19, 2005

Mayor Blake called a Closed Session of the La Palma City Council to order at 2:00 p.m. on Tuesday, April 19, 2005, in the Mayor's Conference Room, 7822 Walker Street, La Palma, California.

CLOSED SESSION

The City Council will meet in Closed Session pursuant to Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

City Manager
City Attorney

ADJOURNMENT

Mayor Blake called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, April 19, 2005, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Councilmember Herman 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

PRESENTATION

Joan and Don Malm received a Proclamation on behalf of the City Council designating April 2005 as "Donate Life" month.

ORAL COMMUNICATIONS

Wayne Welch, DBA The Core, 16809 Bellflower Boulevard, Bellflower, presented documents to Council in regards to a business license being issued to him for providing curb painting in the City. He submitted paperwork reflecting the costs he had incurred before he was stopped by the Code Enforcement Officer for not having a valid City license. He asked that the City Council let him continue the process of curb painting this one time or refund him his costs. The City Council referred this matter to staff.

RECESS

Mayor Blake recessed the City Council to convene as the Community Development Commission at 7:15 p.m. (See separate Community Development Commission Minutes.)

RECESS

Mayor Blake recessed the Community Development Commission to convene as the Planning Commission at 7:16 (See separate Planning Commission Minutes)

RECONVENING

Mayor Blake reconvened the meeting in regular session at 7:25 p.m.

CONSENT CALENDAR

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

APPROVED THE MINUTES OF THE APRIL 5, 2005 REGULAR MEETING OF THE CITY COUNCIL AND THE ADJOURNED MINUTES OF THE APRIL 12, 2005 JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY ACTIVITIES AND BEAUTIFICATION COMMITTEE

ADOPTED RESOLUTION NO. 2005-18 APPROVING A REGISTER OF DEMANDS FOR APRIL 19, 2005

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

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

REGULAR ITEMS

3. **Approval of Appointments to SCAG**

Councilmember Rodriguez requested this item to be pulled as he will be unable to serve the alternate due to conflicting schedules. Councilmember Waldman stated that he would serve as the alternate. Mayor Blake stated it was his understanding the commitment was for primarily one meeting, to serve as the Official Delegate will attend the SCAG General Assembly on May 5, 2005, representing the City of La Palma.

Mayor Blake made a motion to receive and file the report on the Mayor's recommended appointments of Councilmember Barnes to serve as the Official Delegate, with Councilmember Waldman to serve as the Alternate Delegate to the Southern California Association of Governments and for the Official Delegate to attend the SCAG General Assembly on May 5, 2005, representing the City of La Palma. The motion was seconded by Mayor Pro Tem Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PUBLIC HEARING

4. **Consideration of Options for Solid Waste Collection and Recycling Options**

City Manager Standiford reviewed the six options for trash collection and recycling:

1. Status Quo ("Do Nothing")
2. Status Quo, Plus Buy a Higher MRF Diversion Guarantee ("More MRF")
3. Status Quo, Plus Implement a Clean Green Waste Program ("Status Quo Plus Manual Green")
4. Automate Collection of Trash & Recyclables, Plus Manual Green Waste Collection ("Automate Plus Manual Green")
5. Automate Trash/Recyclable Collection Using 65-Gallon Carts (65-Gal. Carts Plus Manual Green)
6. Full Automation Plus Manual Green Waste Collection ("Fully Automate Plus Manual Green")

John Cortez, 8241 Wickham Lane, stated that La Palma's trash system is working fine so why change it. He stated that Option 2 would be the best choice. He stated that residents have no control over the MRF and what the MRF is willing to recycle out of the trash.

Roger Tomlinson, 4575 Amberwood, stated that the percentages are way different between options. He stated that Option 2 would be the best choice.

Janice Wantz, 4571 Amberwood, stated that she agrees that Option 2 would be the best choice. She stated that if the carts are approved this evening, there is no guarantee that it will fit on the side yard where her gas meter is.

Jay Goldberg, 4782 El Rancho Verde, stated that Option 1 is the best and use Option 2 or 3 as the fall back, but none of the residents want to handle or store the 95 gallon carts.

Karel Sweet, 8071 Janeen, stated that Option 1 or 2 doesn't provide a long range solution. Options 4 and 6 are not viable to handle a 95 gallon cart and he can't store it where his other cans currently sit. He stated that Options 3 or 5, with (2) 65-gallon carts, make more sense. They offer more capacity and they will fit where his cans are currently located.

Debra Sumrow, 5001 Sharon, stated that maybe 35-gallon carts could be available for La Palma since they do exist for other automated program.

Marilyn Sweet, 8071 Janeen, stated that she was shocked when hearing at the last community meeting that the MRF only sorts through a portion of the trash and the rest goes to a landfill. She commented that she supports the "White Van Lady" by giving her their papers on a weekly basis. She stated that she doesn't want to go against the law, but at the same time, if she helping by recycling, since the MRF only does a portion, then the residents should be able to support her service.

Lisa Walker, 7812 Kelly Circle, thanked the City Council and Staff for the work they have done in involving the community on this trash and recycling system decision. She stated that "Status Quo" is great for right now, but asked about the future. She supports Options 2 and 4 which prepare for City for the future. She doesn't want to be forced with using a different option in the future if La Palma is able to select their option now.

John Lukacs, 8052 Woodglen, stated that he has an issue with the 95-gallon carts. They are too big for the small children to play around. If residents didn't leave the cans out for two or three days at a time there wouldn't be an issue, but people do.

Councilmember Barnes asked Park Disposal if the 35-gallon carts could be provided if they chose an automated option. She asked for clarification on what the MRF currently takes out of the trash.

Efrain Ramirez, Park Disposal, responded positively. He explained that the MRF currently pulls out approximately 29% and contractually they are obligated to 25% diversion. For higher rates they will provide a better recycling service. He explained that rich loads are recycled through the processing line a second time.

Mayor Blake asked how many technicians would be on the truck picking up the manual green waste and when the 10 year frozen tipping fee runs out.

Mr. Ramirez stated one man and one truck and the current tipping fee contract expire in 2009.

Mayor Pro Tem Herman stated that Option 2 mentions a diversion rate of 6%. He asked Efrain if this was a conservative number.

Mr. Ramirez stated that it was based on the contractual obligation from the MRF.

Councilmember Waldman asked if the green waste will go to the MRF.

Mr. Ramirez stated that the cost of transportation, currently, is very high. He stated that they will be looking at the most cost effective way to transport the green waste if one of these options gets approved. One way will be going through the MRF where they will put it into transfer trailers, which holds double the amount of green waste.

Councilmember Waldman asked if the green waste would be allocated at the MRF. Mr. Ramirez responded negatively. Councilmember Waldman then stated that the only options that increase diversion significantly are the ones that contain manual green waste.

Councilmember Rodriguez asked if Mr. Ramirez knows if any other cities are using the combination of Manual Green Waste and the Automated Waste option.

Mr. Ramirez stated that he knows of only one city.

Councilmember Rodriguez asked Mr. Ramirez how he knows that La Palma will meet the 10% if the Council chooses that option, since the City doesn't have a real way to compare; Buena Park met a 6% and Park Disposal is predicting 10%.

Mr. Ramirez explained that the 6% for Buena Park is due to the residential waste stream being 33% of the trash. The residential waste stream for La Palma is 50% of the whole waste stream; therefore the numbers from the residential will make a larger impact for La Palma due to their trash mainly being residential.

Janice Wantz, 4571 Amberwood, again stated that she would like Option 2. She commented that the green waste truck needed to be sanitized every time it is used. Then she asked if the load would be contaminated if residents use plastic bags.

Mr. Ramirez responded negatively and added nor would the green waste truck need to be sanitized each time it is used.

Councilmember Rodriguez explained that this came up if residents chose to use one truck to pick up both waste streams, but this is not an option now.

City Manager Standiford explained that with Option 2 residents can still use plastic bags or trash cans. But Options 3, 5 and 6 require that the waste be completely green with no other debris.

Jay Goldberg, 4782 El Rancho Verde, stated that cul-de-sacs are difficult to pick up in, due to parking issues.

Debra Sumrow, 5001 Sharon, asked if the MRF's processing speed is based on government ordinances requiring the trash be out of the MRF by a certain length of time to ensure air quality standards. So, if we slow down the MRF, is La Palma going to have a problem with the ordinance regarding get the trash picked up.

Assistant to the City Manager, Tami Piscotty, stated that there is a requirement that the trash be put through the MRF within two days and sent to a different location. If the Council was to chose

Option 2, the MRF would still be able to meet the 48 hour deadline and would have to add more individuals to sort.

Debra Sumrow, 5001 Sharon, explained that if the speed of the MRF is a band-aid now, then it will be a bigger problem if the City chooses Option 2, asking the MRF to recycle more of the trash.

City Manager Standiford explained that the air quality issue is between the Stanton Materials Recovery Facility and the Air Quality Board. The City of La Palma does not have direct contract with the MRF; that contract is between Park Disposal and the MRF.

Mayor Pro Tem Herman made a motion to close the Public Hearing. The motion was seconded by Councilmember Barnes and carried unanimously.

Mayor Pro Tem Herman stated that trucks are very hard on the asphalt in cul-de-sacs and explained that if we approve an additional load there will be two trucks coming through wearing the asphalt even more. He stated that the City should consider Mr. Goldberg's "Option 7" which is to do nothing now to see what the diversion rate is in August and if the new rate is below 50%, move forward to Option 2 and if the new rate is above 50%, do nothing.

Councilmember Barnes stated that this request is just like Option 1 but with a delay. She would like to move forward with Option 2, but it is still only temporary. Her second choice would be Option 3.

Councilmember Rodriguez asked how long will it take for an Option to take place and for the City to see the difference in the diversion. Mrs. Piscotty stated that it will take 4 to 5 months, including just for the contract process and three of those months to roll out a public education campaign if the Council chooses any of the more aggressive diversion programs.

City Manager Standiford stated that if it is Option 2 that is approved, it would take one month to approve the contracts and then the time for Park Disposal and the MRF to negotiate their contract.

Councilmember Rodriguez stated that choosing Option 2 would be in effect by August but how soon would we have the report for the diversion. Mrs. Piscotty stated that she will submit the report in August 2005 and will have to appear before the State of California in 2006. She will know if the diversion is above or below 50% by August 2005.

Councilmember Barnes responded to Mrs. Sumrow's concern with the MRF and stated that she recently took a tour. They have a filtration system that pumps the air out of the facility into the ground.

Councilmember Waldman stated that he can't see any benefit of an automated pick up for the City of La Palma. There are issues with cul-de-sacs, cart storage, etc. The only benefit would be to have manual green waste pick up. He explained if the City chooses to do nothing and to wait for the diversion rate reporting, then the City may end up losing the power of choosing an option and be forced into something else. He feels comfortable with Option 2 since it requires the MRF to recycle more of the trash.

Councilmember Rodriguez asked what happened the last time the City failed the diversion rate.

City Manager Standiford explained that the State gave the City a "Good Faith" effort and didn't require the City to file a plan for a more stringent action, but clearly advised us that if the diversion rate fell below 50% again the City would be required to take a more stringent action.

Assistant to the City Manager, Tami Piscotty, stated that several questions and concerns have come up about the diversion rate amongst other cities similar to La Palma. She stated that the key in comparing La Palma to other cities is finding cities with similar waste streams. La Palma has more green waste than most cities.

Councilmember Rodriguez asked staff if La Palma is basing the numbers for the waste stream from the years of 89-90. City Manager Standiford responded positively. Councilmember Rodriguez expressed his concern that residents use gardeners to mow their lawns so the green waste is taken with them, so he feels that La Palma's waste stream has decreased since 1990 to current.

Assistant to the City Manager, Tami Piscotty explained that the last time the City of La Palma appeared in front of the Waste Board, the Board staff recommended that the City of La Palma recalculate the base rate and at that time she received a quote to perform a new waste characterization study for \$40,000. She stated that the residential sector for yard waste is 23% and is based on the 1990 characterization.

Mayor Blake stated that he was in favor of Option 3, which is a "Status Quo", but feels that residents need to separate their green waste in their own containers with no trash bags. He feels that if the diversion rate goes down, then the City of La Palma will be forced with an option that the residents will not be happy with.

Councilmember Rodriguez stated that he would like to hold off from making a decision until the next reported numbers are presented to the City. His second choice would be Option 2 by changing the contract with the MRF.

Mayor Pro Tem Herman stated that he would also like to wait to see the new diversion numbers.

Councilmember Waldman stated that he agrees with Mayor Pro Tem Herman and Councilmember Rodriguez, but it is a risk that is not necessary.

Councilmember Rodriguez asked how many times has the State forced cities to reanalyze their waste stream. Mrs. Piscotty stated she does not know that answer.

Mayor Blake asked if it would be more than a 50% threat if the City's diversion rate number fell below the 50% level again.

Mrs. Piscotty stated that it is a significant threat. La Palma is able to legitimately change the data to get as high as 63%. The State requires La Palma to default to County Sales Tax Data as an adjustment factor, so they know the City has the ability to change the numbers and La Palma is one of the very few cities that can do that, since La Palma has dramatic taxable sales increases plus La Palma has a very favorable base year. The State made it very clear in 2000 that if La Palma fell below again, the City will have to recalculate its base year.

Mayor Pro Tem Herman made a motion to reopen the Public Hearing. He then asked how many cities were required to recalculate their base year.

Steve South, Chief Operating Officer of Park Disposal, explained that when cities are not in compliance with 50% threshold, Integrated Waste Management Board staff encourages the City to file a SB1066, which is a three-year time extension. In essence this time allows the City to formulate a plan as to how they will achieve the 50% goal. Part of this plan might involve a base year study, a new program being implemented, or just stepping back and revisiting the entire process cumulatively. But the SB1066 does require the State Waste Board staff to review which option the City chooses when their three years is up. He also stated that this process is sun-setting and needs to be reestablished by the Legislature and will be looked at by 2006. He also stated that cities have been fined instead of receiving the SB1066 option, like the City of Gardena, which was fined a substantial amount.

Mayor Pro Tem Herman made a motion to close the Public Hearing and carried unanimously.

Councilmember Waldman made a motion to approve Option 2 which requires residents to pay more to have the MRF guarantee a higher diversion rate of 35%. 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 facilities meeting for the Anaheim Union High School District to discuss the current bond issue. The Council will receive a printed report on this topic. The modernization work should be completed by September. She suggested that if anyone was interested in the Performing Arts Committee, to see her since they are trying to raise money to support the Kennedy facility.

Mayor Pro Tem Herman reported that the Orange County Vector Control is focusing more on mosquitos right now. He commented that the seasonal drains tend to be working well.

Councilmember Rodriguez attended the League of California Cities as a newly elected official. He asked for staff to agendize an item to discuss the need for meals before Council meetings. He also asked for a financial statement reflecting the amount spent the last couple of years for these meals.

Councilmember Waldman attended the Orange County Sanitation District where they discussed the maintenance, operation and technical services of the District. The waste water discharges, as well as the bio-solids, easily meet federal standards.


Mayor Blake attended the Orange County Fire Authority meeting in Washington, D.C. to obtain funding for an urban search and rescue team. They are also looking into signal light funding.

CITY MANAGER COMMENTS

City Manager Standiford stated that there will not be a Friday Report this week, as she will be attending a City Manager and Police Chief seminar.

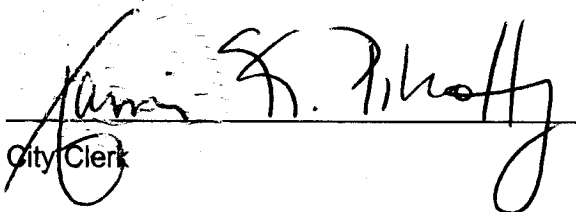
ADJOURNMENT

Mayor Blake adjourned the meeting at 9:45 p.m. to a Closed Session on May 3, 2005 at 5:30 p.m.



Mayor

ATTEST:



City Clerk