

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 3, 2005

Mayor Blake called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, May 3, 2005, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Mayor Pro Tem Herman 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
Eric Nunez, Police Captain
Dominic Lazzaretto, Director of Community Development
Joel Kuperberg, City Attorney
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

Mayor Blake, on behalf of the City Council, presentation a proclamation to Director of Public Works, Ismile Noorbaksh designating the week of May 15 through May 21, 2005 as National Public Works Week in the City of La Palma.

Mayor Pro Tem Herman, as a delegate for the Orange County Vector Control Board, showed a video presentation to advise the public on ways to control mosquito multiplication.

ORAL COMMUNICATIONS

None

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.)

RECONVENING

Mayor Blake reconvened the meeting in regular session at 7:16 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 MARCH 21, 2005 AND MARCH 30, 2005 ADJOURNED MEETINGS OF THE LA PALMA CITY COUNCIL AND THE APRIL 19, 2005 REGULAR MEETING MINUTES

ADOPTED RESOLUTION NO. 2005-19 APPROVING A REGISTER OF DEMANDS FOR MAY 3, 2005

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

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PULLED ITEMS

Staff pulled Item (3) on the Consent Calendar to provide and explain additional paperwork regarding the third quarter financial report to the City Council.

Director of Finance, Robbeyn Bird provided "Attachment C" to all members of the Council and stated that the Budgeted column has not changed, the second column is broken down to reflect 75% of the current year, the third column is the same as "Attachment A", the fourth column gives an amount for over or under budget when compared to actual and the fifth column is the budget to actual percentage. She explained that it appears that the revenues are not coming in based on the projections, it shows that the City is down an estimated \$294,058 from where the City should be at 75% of the year. Once the notes are reviewed one can see that there are several payments still needing to come in and then the City will be almost \$500,000 ahead from projections.

Councilmember Waldman asked if the budgeted amount was from the figures of the July budget or the modified version in January. Ms. Bird stated, from the adopted.

Mayor Pro Tem Herman questioned the projected revenues and asked if the left over revenue went to the General Fund Reserve. Ms. Bird responded positively. He further asked what the reserve amount was currently. Ms. Bird stated approximately \$9 million and part is restricted funds so the amount would be \$7 million. He asked if she had a forecast for the end of the year. She stated yes, that it is in "Attachment B" at \$9.9 million. He asked what the surplus amount would be. She stated somewhere in between \$400,000 and \$500,000.

Mayor Pro Tem Herman made a motion to receive and file the Third Quarter Financial Report. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Councilmember Rodriguez pulled Item 4 on the Consent Calendar to request an update as to what is involved in the study for sewer flow monitoring, how far across the City it will be conducted, and what kind of technologies are being used.

Director of Public Works, Ismile Noorbaksh, stated that on August 17, 2004 the City Council awarded a contract to SA Associates to complete a sewer master plan. This was in response to the National Pollution Discharge Elimination System. As part of this plan the City will receive a grant in the amount of \$73,000 from the Orange County Sanitation District. He explained that two of the requirements, which are not part of the proposal, include the Sewer Flow Monitoring and the Flow Circuit Television Monitoring of the Sewer lines. Eight locations have been chosen throughout the City. The consultant will install three items including the velocity sensor, depth sensor and pressure sensor to determine the velocity and depth of the sewer flow. The velocity and depth sensors will provide information as to the quantity of flow in the sewer line to determine the capacity in the sewer line. Based on the capacity the determination of the pipelines are at capacity or need additional improvements will be made. The pressure sensors can determine back pressure in the pipelines reflecting kinks or bends.

Councilmember Rodriguez asked as to when the CCTV study will take place.

Mr. Noorbaksh responded within the next three to four weeks after the contract is approved.

Mayor Pro Tem Herman asked how the eight locations were selected.

Mr. Noorbaksh explained it was based on sewage flow and land use.

Councilmember Rodriguez asked if this new study will help with the recent issue of water back up that just occurred on the east side of town.

Mr. Noorbaksh explained that the issue was caused by grease in the lines that had accumulated over a number of years and the Director of Community Development is working on this issue with the F.O.G. program.

Councilmember Rodriguez made a motion to approve and authorize the Mayor to execute an Agreement with ADS Environmental Services, in an amount not-to-exceed \$27,800, for a Sewer Flow Monitoring Study in conjunction with the preparation of the Sewer Master Plan, City Project No. 03-SWR-01. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PUBLIC HEARING

5. Alternatives for Recreational Vehicle, Trailer, and other Large Vehicle Parking in Residential Zones

Director of Community Development, Dominic Lazzaretto, gave a staff report for alternatives relating to recreational vehicles, trailers and other large vehicle parking in residential zones. He stated that two very important community values include liberty and community and both are at "at play" in any discussion of large or small RV parking; one provides more personal freedom and the other can infringe upon property rights. So the question for the La Palma community is not yes or no, it is how much of one value is the community willing to give up, to ensure the other value is maintained.

Mr. Lazzaretto stated that in 1987 the City had several meetings on RV/Trailer Parking and then adopted Ordinance 87-07 establishing the City's current large vehicle parking standards. Parking issues continue to be the most common Code Enforcement complaint. He stated that because driveway regulations are more strict than street regulations, most large vehicles end up in the street. Officers must mark the vehicle and return 3 days later and, as long as the vehicle has moved a few inches, it can remain parked on the street.

Mr. Lazzaretto mentioned that in January 2004, the Code Enforcement Officer marked all RVs and trailers parked on the public street for the 72 hour parking restriction. Over 30 vehicles were marked, 2 citations were issued, and there was no visible reduction in the number of RVs or trailers parked on the street. In January, 2004 the City Council conducted a Code Enforcement Study Session. The City Council directed staff to examine the potential of flexing the hours/days of the Code Enforcement Officer, determine available alternatives, and to survey similar cities to see how they have chosen to regulate RVs and trailers. He stated that the result of this direction was during flexing the Code Enforcement's time during darkness made it difficult to identify traditional code violations, the vehicle marks at different times/days yielded no different results and alternating the work schedule resulted in no significant observations and on-street parking was intensified in evening hours.

Mr. Lazzaretto presented options for street parking for the Councils review and comments. The first option was do nothing and leave the current minimal restrictions in place; Second, prohibit all large vehicle parking on the public street at any time; Third, establish an overnight parking restriction for RVs and trailers; and Fourth, establish an overnight parking restriction but allow exceptions through a permit system. He then presented options for private property parking. Option A, do nothing and leave the current restrictions in place; Option B, prohibit all RV and trailer parking on driveways; and Option C, allow all RV and trailer parking on driveways.

Mr. Lazzaretto stated that the survey of other cities showed that most cities have some type of regulation that limits street parking of RVs and trailers, the most common of overnight restriction

with permits. Most cities do not regulate RV and trailer parking on driveways, and exactly the opposite of the regulations are currently in place in La Palma.

Mr. Lazzaretto stated that staff's recommendation is to approve Option 4: Overnight street restriction with permits and Option C: No restriction on driveway parking. He explained that allowing parking on private property provides a greatest sense of liberty where the individual has the most right to it. Controlling parking on streets provides for a greater community good through decreased parking demand and increased visual appeal and allowing reasonable exceptions through permits allows RV/trailer owners to fully utilize their property. He stated that the fiscal impacts include charge of permits, start-up costs for signage, permits and public education costing less than \$7,500, parking citation revenues would be similar or slightly less than current levels, and an annual savings of staff time is expected through eased enforcement.

Diane Stitch, would like the City Council to address commercial trucks, specifically the cement truck parked across from her house.

Mayor Blake asked if this would apply to commercial trucks to which Mr. Lazzaretto responded affirmatively stating that if the truck exceeded 10,000 lbs.

Camille Vali, 5459 Dirk, stated her concerns about the safety hazard, limited parking and negative impact on street beautification from RVs.

John Cortez, 8241 Wickham, said small tow trailers and cars in driveways with car covers are a problem and these should be stored in the garage.

Ed Byrne, 5052 Malaga, stated that he is an avid RV owner. The 72-hour rule is manipulated. He does not think the majority of residents should be penalized because of a few. He supports overnight parking with permits, but no coupons. He opposes any reductions in driveway parking restrictions.

Steve Frank, 5532 Fir, stated that he has RV parking behind a gate. He does not want any change to on-street parking, possibly a permit system is acceptable. He does not want trailers to be allowed on driveways.

Raymond Krikron, 5192 Bransford, said that the City survey seems to show there are more trailers on the street, with only 15 RVs on the street.

Mike Lemming, 5081 Cordoba, said there are commercial vehicles on his street that get ticketed, but not RVs. In addition to visual blight, RVs cause safety problems. He prefers overnight parking with permits.

Dale Oates, 8352 Suffield, stated that Code Enforcement complaints come from staff, City Council and to a lesser degree residents. Enforcement has changed from reactive to proactive and we should get rid of all code enforcement.

Roger Ciesinski, 5541 Fir Circle, stated he would like to see the elimination of overnight street parking, but allow 72-hour parking in driveways.

Marion Astle, 7692 Corey, said she does not want to see a restriction on driveway or street parking of her motorcycle trailer. She wants to allow limited RV parking on streets.

Anthony Alfano, 5438 Dirk, wants to provide for more than 48-hour loading/unloading. He does not want to see any changes to the existing system.

John Lee, 5150 Del Este, said he has not had a problem with RVs until his neighbor started parking multitudes of large vehicles.

Dallas Binger, 5221 Toulouse, said he was confused by the complaint graph and sought clarification on RVs vs. trailers. He does not think RVs should be able to be parked in front of

people's houses, except for loading/unloading. He said disallowing RV parking on Houston was a mistake.

Tim Holland, 5458 Houston, said when parking was allowed on Houston, there were up to 20 cars; it was ugly and dangerous.

Ken Palma, 5171 Decatur, said the rules should remain as they are; RVs look beautiful if they are well-maintained.

Ray Flanders, 4772 Amberwood, stated he supports the 100 ft. rule, but there are other code violations that should be pursued.

Gil Gilbert of the Good Sam Club, 9315 Via Vista, Buena Park, said that his group is an advisory committee on parking rights. People who store RVs need time to load/unload and maintain them.

Mayor Blake called Mr. Ed Byrne to the podium and asked him how long his RV was including his truck and asked how long it took him to prepare for a 3-4 month vacation. Mr. Byrne stated that his fifth wheel is 30 ft and 47 ft including the truck. He stated that it takes 72 hours for him to prepare for a long trip.

Mayor Blake closed the Public Hearing and carried unanimously.

Mayor Pro Tem Herman asked Mr. Lazzaretto if the fee for citations was the same as when the Police Officers issue them. Mr. Lazzaretto responded affirmatively. He further asked how much the citations were for driveway parking. Mr. Lazzaretto stated that the initial citation is \$22 and then it doubles and triples, etc. and eventually will go through the court system if not fully addressed by the homeowner.

Councilmember Rodriguez asked if trailer parking on driveways for over 6 hours was being enforced. Mr. Lazzaretto stated that it has been placed on hold until the City Council comes to a conclusion on which option is appropriate to put into place.

Councilmember Rodriguez asked if the Police Department can handle the increased volume of calls if a permit process is put into place. Chief Ethell responded affirmatively.

Mayor Blake asked how the City would handle out-of-town visitors and them parking on the street.

Mr. Lazzaretto stated that this topic would be a part of the Ordinance process.

Mayor Pro Tem Herman asked if the driveway parking could be a permit option.

Mr. Lazzaretto stated that the City Attorney could look into having this option as "D".

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

Councilmember Waldman asked the public, with a raise of hands, how many of them were on a waiting list to store their RVs. No one in the public responded and he further stated depending on the decision they make this evening, many will be looking into storage.

Ellen Burn, 5052 Malaga, commented that a family on her block sleeps in the RV and another RV just recently moved in 6 months ago and has parked on the street continuously. Both neighbors have been talked to by the concerned residents in regards to them finding a permanent RV storage place. She stated that she pays \$85/mth to store her RV. The reaction the concerned residents were receiving from the RV owners parking on the street, was why should they pay when they only have to move the RV every 72 hours.

Mike Lemming, 5081 Cordoba, stated that the primary concern is safety, beautification and parking. He stated that overnight parking isn't the concern due to family's sleeping. He feels a daytime restriction needs to be put into place.

Camille Vali, 5459 Dirk, she asked if she needed to submit a formal complaint letter on behalf of her comments made this evening.

City Manager Standiford stated that this was not necessary as her comments were in the record.

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

Councilmember Barnes was wondering if the same complaint was being reported by the same person on a regular basis and if that is why the numbers are so high for the RV parking.

Director of Community Development, Dominic Lazzaretto stated that this is possible. The one graph provided with 64% was based on the Code Enforcement Officer taking a count of RV complaints before the first Study Session. Some of the complaints could have been the same person. People tend to be private with announcing their address and name.

Councilmember Barnes asked if the resident, Dale Oats put a vehicle on a trailer and stored it in his garage if it would still need to be registered.

Mr. Lazzaretto stated that he would think that Council would direct staff to write an ordinance to protect the City from that type of an action.

Councilmember Rodriguez stated that he is concerned with adopting some of the options due to the consistency of enforcement. He is mainly concerned with unlimited driveway parking. He is always seeing vehicles overhanging the sidewalk whether they are vehicles or RV's. He questioned if these fines were being written since there is such a large amount.

Mr. Lazzaretto stated that these are being addressed and that they show up on different report than the one provided this evening. He asked Councilmember Rodriguez to provide specific addresses and he would have the Code Enforcement Officer look into the issue.

Councilmember Rodriguez asked how many violations were being distributed.

Code Enforcement Officer, Chet Corbin, stated that he does not have a specific number on hand. He stated that as a complaint comes to his attention he generates a letter and will initiate a Code Enforcement case and usually this will correct the sidewalk violation without issuing a violation.

Councilmember Rodriguez asked how many of these letters were being generated. Mr. Corbin stated that this has not been a proactive enforcement and would need Council to direct that as a more major concern for him to focus on along with the Police Department.

Councilmember Rodriguez stated his concern with staff not addressing all code enforcement violations proactively.

City Manager Standiford stated that the City Code is too large for one employee to proactively take responsibility for, so in January of 2004, the Council had a study session and asked the community to help identify what the priorities should be for the Code Enforcement Officer. She explained that the Code Enforcement Officer is only a part time job 20 hours per week and the other half is a parking enforcement officer.

Mayor Pro Tem Herman asked if Council was to choose Option 4 if it would free up the Code Enforcement's time so he could focus on other violations. Mr. Lazzaretto answered positively.

Councilmember Rodriguez asked if the City could look into residential parking zones like the City of Cypress.

City Manager Standiford stated that Cypress is in the process of reviewing this option but has not implemented anything.

Mr. Lazzaretto stated that Cypress had an ordinance prepared but to his knowledge, it has not been adopted yet.

Councilmember Waldman made a motion to adopt Option 4 for overnight restrictions with permits and directed staff to come back to Council with a recommended program within an Ordinance. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Mayor Pro Tem Herman made a motion to continue the Public Hearing on the driveway options until staff could determine if a permit option could be a possible choice. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez

NOES: Waldman

REGULAR ITEM

6. Provision of Dinner for City Council Meetings

Councilmember Rodriguez asked that this item be agendaized for discussion. He stated that he feels that the Council should be able to eat on their own before meetings and meals should only be provided if they are having a closed session or study session before the Council meeting.

Mayor Blake expressed that it would be very difficult for him to eat between work and an early Council meeting. He also mentioned that he would be willing to have closed sessions after the Council Meetings to allow him to eat after work, then make the 7:00 p.m. meeting.

Councilmember Barnes stated that it is very difficult for her to eat in between work and the meeting. She also mentioned that it is nice for staff to have something at work since sometimes they are held up with Council until minutes before the meeting. She stated that councilmembers who are not interested in eating the food provided should let staff know in advance.

Mayor Pro Tem Herman stated that he usually does not participate in the dinners provided unless there is a closed session or study session directly before the Council meeting. He also stated that the Council Policy Committee would be happy to discuss this item further if need be.

Councilmember Waldman stated at first he was concerned with the policy, but now he sees the courtesy of it. He suggested an opt out plan.

Councilmember Rodriguez stated that it is important for staff to be taken care of, but the five elected councilmembers should be able to adjust their schedule. He feels a lot of the food is wasted and not eaten. He stated that it is not the cost he is concerned with.

City Manager Standiford made it clear that meals are not purchased to feed staff and staff makes the necessary arrangements in their schedule to make sure they eat before a meeting, so asked the Council to please not make a decision based on staff. She stated that meals are purchased for the councilmembers who have a difficult time making it to scheduled meetings before regular Council meetings.

Councilmember Barnes made a motion to continue the common practice of providing food prior to Council Meetings that start at 6:00 P.M. or earlier if councilmembers notify staff that they wish for their meal to be provided. The motion was seconded by Councilmember Waldman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Waldman

NOES: Rodriguez

7. Potential Cancellation of June 7 City Council Meeting

City Manager Standiford explained that in past practice when two or more Councilmembers have indicated that they will not be able to attend a Council Meeting, as a courtesy the City Council will cancel the meeting and extend the items to the next regularly scheduled meeting. Mayor Pro Tem Herman and Councilmember Barnes will not be able to attend the June 7, 2005 City Council Meeting.

Mayor Pro Tem Herman stated that he will also miss the May 17, 2005 City Council Meeting and would be back for the June 7, 2005 City Council Meeting, and suggested that he would be prepared to discuss his 2005/2006 Draft Budget questions in a public forum and to hear the other Council's input on this item.

Mayor Blake stated that he would not like to make his comments unless Mayor Pro Tem Herman was at the meeting to hear them, and vice versa. Councilmember Barnes concurred.

City Manager Standiford explained that in the past the Budget was presented with a broad overview of the proposed budget of the upcoming fiscal year. Staff focuses on big picture issues, the departments will report to the City Council on significant changes, and that evening staff will deliver the details of the proposed budget. Then, there will be a full month for the City Council to review the proposed budget document. In past practice, during that month Councilmembers have asked questions and sought clarifications with staff before the budget was brought back for consideration of adoption; June 21, 2005 is when the budget will be brought to the City Council for consideration of adoption.

Councilmember Rodriguez expressed that he would really like to have a meeting where they can discuss the proposed budget before the June 21, 2005 meeting.

Councilmember Waldman stated that this would not be a productive meeting as two of the more experienced members would not be available to attend.

Councilmember Barnes expressed how she went out of her way to schedule her trip around the presentation of the budget because it was very important for her to hear all of the Councilmember's comments.

Councilmember Rodriguez asked the City Manager if the City was committed to adopting the budget on June 21, 2005.

City Manager Standiford explained that the City Attorney would prefer to adopt the budget before July 1, 2005 due to the fiscal year ending.

City Attorney, Joel Kuperberg explained that the City has the power to authorize and appropriate on an annual basis and La Palma's ends on June 30, 2005. This City has on one or two occasions adopted a budget the first week in July, but is not a preferred practice. The City does not want to lapse the adoption of the budget too long, because at some point the City will not have financial authorization to make payments.

Councilmember Rodriguez proposed to the other Councilmember's to move the June 7, 2005 to June 14th. Councilmember Barnes stated that it would not allow her time to ask questions to staff regarding the proposed budget since she is returning from vacation on June 10th. Mayor Blake stated that he still would not be able to attend and he would miss hearing the other members' comments.

Councilmember Waldman made a motion to cancel the June 7, 2005 City Council Meeting. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Waldman

NOES: Rodriguez

Mayor Blake requested to add the discussion of writing a letter against AB1295 regarding the fireworks bill that is proposed, for the May 10, 2005 meeting.

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Waldman attended the Orange County Sanitation District and stated that the Single Family sewage rates are increasing due to several new programs and costs increasing from regulatory changes.

Councilmember Rodriguez toured the Sanitation District Facility.

Mayor Pro Tem Herman attended the Orange County Vector Control District meeting. He stated that AB991 was voted down in the Legislature.

Councilmember Barnes will be attending the Southern California Association of Governments conference. She stated that she has accepted the C.E.O. position of the Los Alamitos Chamber of Commerce.


Mayor Blake attended the Orange County Fire Authority executive meeting where they discussed routine items. He also attended the Orange County Mayor's Meeting where they discussed security issues in Council Chambers and the guidelines for public comments at meetings. He attended the State of the City Luncheon and commended City Manager Standiford for her presentation on the history of La Palma. He attended the California Park Society Dinner and honored the La Palma historians, McGivers and Janet Cates was installed as the president elect.

CITY MANAGER COMMENTS

City Manager Standiford reminded Mayor Blake to adjourn tonight's meeting to the Joint Meeting of the Development Committee and Traffic Safety Committee, Tuesday, May 10, 2005. She also stated that the Orange County Public Library is being asked to meet, May 12, 2005 on the proposed budget to discuss modifying the distribution formula since most cities are in a deficit in their budget.

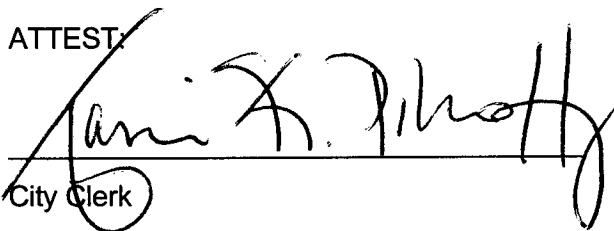
ADJOURNMENT

Mayor Blake adjourned the meeting at 10:45 p.m. to the Joint Meeting of the Development Committee and Traffic Safety Committee on Tuesday, May 10, 2005 at the La Palma Community Center.



Mayor

ATTEST:



City Clerk