

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 4, 2004

Mayor Duke called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, May 4, 2004, 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

Mayor Pro Tem Blake gave the Invocation.

ROLL CALL:

Councilmembers present: Christine M. Barnes, Kenneth A. Blake, Alta E. Duke,
Larry A. Herman

Councilmembers absent: Paul F. Walker

City Officials present: Catherine Standiford, City Manager
Vince Giampa, Chief of Police
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
Jeff Kirkpatrick, Police Captain
Ed Ethell, Police Captain
Joel Kuperberg, City Attorney
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

Mayor Duke, on behalf of the City Council, presented a proclamation to the La Palma Police Department recognizing Saturday, May 15, 2004 as California Peace Officers' Memorial Day in the City of La Palma. Chief Giampa invited everyone to attend the Police Department's Award Ceremony, May 20, 2004 at the Radisson in Buena Park. The banquet is to start at 6:30 p.m.

Mayor Pro Tem Blake, on behalf of the City Council, presented a proclamation to Director of Public Works, Ismile Noorbaksh, designating May 16-22 as National Public Works Week in the City of La Palma. Ismile Noorbaksh invited everyone to attend the open house at the City Yard, Saturday, May 22nd from 11a.m. – 3 p.m.

RECESS

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

RECESS

Mayor Duke recessed the Community Development Commission to convene as the Planning Commission and City Council.

JOINT PUBLIC HEARING

PL-1. *Technical Update to Zoning Code*

Dominic Lazzaretto gave a staff report explaining that the item before the Planning Commission and City Council is a technical clean up of the Zoning Code Update. The City Council adopted the Zoning Code Update on December 2, 2003. It was a comprehensive update of the Zoning Standards and included new development regulations. It addressed evolving issues in the community, it consolidated all topics into a single chapter of the Zoning Code, and it provided clarity and ease of use through a series of graphics, tables, charts, and similar renderings.

The purpose of this evening's item is to amend portions of Chapters 7, 11, 13, 17, and 26 of the La Palma City Code. It will revise the temporary sign standards, which was an issue that was brought up on the evening that the Zoning Code was adopted. It corrects typographical errors and outdated cross references that have been discovered since the adoption of the document. It provides consistency with State and Federal Law and it establishes property maintenance standards for the community.

The most significant changes are the temporary sign standards which have been updated from what was adopted in the updated Zoning Code which reflects 20 days consecutively and 60 days in a calendar year. The proposed modification will bring the days to 21 consecutive days permitted and 63 total calendar days in a year.

Gate openings along the Southern California Edison Right of Way would continue to be approved by staff, provided that a letter is obtained from Southern California Edison agreeing to the gate opening.

The proposed Zoning Code amendment reinstates the Home Business License regulations which were inadvertently removed in the original document.

It reinstates the minimum floor area regulations for single family residences. This was in the previous Zoning Code but the table was not brought forth to be in the revised document. He explained that for a three bedroom, the minimum floor area would be 1,500 sq. ft., four bedrooms would be a minimum 1,800 sq. ft., and five bedrooms or more it would be 2,100 sq. ft. minimum for the house. In addition to this, minimum of two bathrooms would be required for three bedroom or more residences.

The proposed Zoning Code Amendment would exempt satellite dishes of less than one meter in diameter. Currently, the Zoning Code exempts all dishes less than 24 inches in diameter. The Federal Telecommunications Act updated this standard to one meter or less to be exempt from local regulations.

It identifies monopole and telecommunication facility heights in specific zones to reflect the height limitations in the zones that are permitted on buildings. It also establishes a regulation that building mounted antennas would have to be less than 15 ft. above the roof line of the building.

There are two modifications to the Land Use Table. First, to require a Conditional Use Permit for central dry cleaning and laundry plants. This is due for the potential for environmental impacts such as noise, vibrations, and chemicals that are used in the processing. Also to require a Special Permit and a Conditional Use Permit for operators of tattoo parlors, body piercing, and permanent makeup artists.

The document before the Council and Commission established specific property maintenance standards. This is in an effort to reduce ambiguity and ease interpretation. Also, it will allow staff to remove any subjectivity or all possible subjectivity from the enforcement of the Code.

The findings that can be made are that the Code Amendment is necessary and desirable for the development of the community. It is in harmony with the various elements and objectives of the La Palma General Plan. It is not detrimental to the existing uses in the Zoning Code. It is necessary to protect the public health, safety, and general welfare. It will not have any significant environmental impacts on the community. There have been no public comments regarding this item and staff is recommending adoption.

Commissionmember Herman made a motion to close the public hearing.

The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES:	Barnes, Blake, Duke, Herman
NOES:	None
ABSENT:	Walker

Councilmember Barnes asked Mr. Lazzaretto to explain the roofs required for trash enclosures.

Mr. Lazzaretto stated that this item responds to current storm water regulations specifically the requirement that cities ensure that rain water does not mix with the waste stream generated by

dumpsters. Requiring a cover over the dumpster ensures that the rain doesn't saturate the dumpsters and flow out onto the street.

Councilmember Barnes asked if most of the City's dumpsters have roofs.

Mr. Lazzaretto stated most do not. Most of them either have a lid or a roof.

Councilmember Barnes asked for clarification if the lids were adequate enough for protection.

Mr. Lazzaretto stated the lid would not be sufficient according to the new proposed standard. It would need an actual roof over the enclosure.

Councilmember Barnes asked if the owner's will be notified.

Mr. Lazzaretto explained that it will be similar to any other development standard; it would be a legal non-conforming use so long as the owner did not modify their property. But if the owner comes in for a Precise Plan or building modification or changes the trash enclosure in any way, the owner would be responsible to update it to standards.

Mayor Pro Tem Blake asked if the section regarding the public right-of-way includes the Edison Right-of-Way or is it considered private property. Moving forward, if the City's lease is up on the land and if Southern California Edison comes back with something the City can't afford, would this preclude them for storing under the public right-of-way or is it considered their private property.

Mr. Lazzaretto explained that it would be considered their property. The no storage in the public right-of-way rule is intended to provide clarity to a law that already exists elsewhere in the City Code so residents cannot store trash, toys, or basketball hoops in the right of way.

Councilmember Barnes noticed that the maintenance standards have been included in this amendment and asked what the levels of maintenance owners have relate to their buildings.

Mr. Lazzaretto explained that this is what the proposed standards are intended to clarify. It identifies specific standards like peeling paint, broken windows, and specific levels of decay. There would still be a level of subjectivity on what is excessive peeling paint, or aging, etc, but it does establish some sort of a standard that one can reference to this section of the City Code to address the issue.

Mayor Duke asked if Councilmember Barnes' comment was regarding just the business community.

Councilmember Barnes answered positively and explained that there are certain retail areas that ask her questions about what the City can do to help maintain certain buildings. These business areas do not pertain to peeling paint or cracks in the stucco, but general maintenance. She has directed these calls to the City and was wondering, with the new proposed language, would it allow the City to have more enforcement.

Mr. Lazzaretto explained that, with the revised language, is the intent of the City to have more effective enforcement. He explained that it doesn't necessarily change any standards, but provides a written document for business owners to follow.

City Manager Standiford explained that one of the challenges for Code Enforcement, and particularly property maintenance Code Enforcement, is what the City is trying establish here are minimum standards. Some residents and tenants would like see higher than the minimum standard, but the City can only enforce to the minimum standards.

Commissionmember Barnes made a motion for the Planning Commission to adopt a Resolution recommending amendments, additions, and deletions to portions of Chapters 7, 11, 13, 17, and 26 of the La Palma City Code.

The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman
NOES: None
ABSENT: Walker

Mayor Pro Tem Blake made a motion for the City Council to introduce by title only, waiving further reading, an Ordinance adopting amendments, additions, and deletions to portions of Chapters 7, 11, 13, 17, and 26 of the La Palma City Code.

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

AYES: Barnes, Blake, Duke, Herman
NOES: None
ABSENT: Walker

ADJOURNMENT

Chairman Duke adjourned the Planning Commission at 7:30 p.m.

RECONVENING

Mayor Duke reconvened the meeting in regular session at 7:30 p.m.

CONSENT CALENDAR

Mayor Pro Tem Blake made a motion to approve the following item on the Consent Calendar:

APPROVED THE APRIL 20, 2004 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2004-16 APPROVING A REGISTER OF DEMANDS FOR MAY 4, 2004

APPROVED THE REVISED COUNCIL POLICY NO. 8 RELATING TO PROCLAMATIONS; AND COUNCIL POLICY NO. 14 REALTING TO COMMITTEE TERMS OF OFFICE

DESIGNATED THE MAYOR TO SERVE AS THE VOTING DELEGATE AND THE CITY MANAGER TO SERVE AS THE ALTERNATE VOTING DELEGATE AT THE LEAGUE OF CALIFORNIA CITIES SPECIAL MEETING ON THURSDAY, MAY 13, 2004

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

AYES: Barnes, Blake, Duke, Herman

NOES: None

ABSENT: Walker

Item 4: **Third Quarter Financial Report**

Councilmember Herman asked Director of Finance, Robbeyn Bird, to take a look at the figure listed at the bottom of the report of \$1.5 million and questioned if this is revenue generated more than the previous year. He asked if this figure changed due to the monies that used to go to the COR fund.

The Director of Finance, Robbeyn Bird stated, yes, that is true.

Councilmember Herman stated that further down the report, it states that without the Capital Outlay Reserve money into the General Fund, that the City would have an amount of \$175,000.

The Director of Finance, Robbeyn Bird responded positively.

Councilmember Herman stated that further down on the same page of the report, it states that revenues exceed expenditures by \$339,000 or \$340,000 after three quarters and asked if he took the figure of \$340,000 from \$1.5 million, is this what the City will spend out of the General Fund for the last quarter?

City Manager Standiford clarified that there is an inaccurate statement in the sentence he is referring to. This sentence states, "that the forecast indicates that there are several revenues that will not meet the budgeted projections as well as several revenues that will exceed budgeted projections resulting in revenues exceeding expenditures". She explained that Attachment B of the staff report compares revenues against revenues. It does not bring expenditures into the picture at all. Really what it is saying is that revenues will exceed what the City projected in the budget, with Staff is projecting approximately \$340,000.

Councilmember Herman asked if this was after three or four quarters.

City Manager Standiford stated that the projection is after four quarters.

Councilmember Herman referred to the COR fund report submitted for Council this evening, and asked City Manager Standiford if in FY 2003/2004 16.1% was spent, and what should the expect that number to be at the end of the fiscal year.

The Director of Finance, Robbeyn Bird, explained at the bottom portion of that page that the number is projected out until the end of the year, four quarters.

Councilmember Herman moved to approved Item 4 on the Consent Calendar. The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman

NOES: None

ABSENT: Walker

Item 5: **Public Works Replacement Vehicles**

Councilmember Herman clarified with Director of Public Works, Ismile Noorbaksh, that they are going down in size for LP10 from a ¼ ton to a ½ ton.

He responded positively.

Councilmember Herman clarified with the Director of Public Works, Ismile Noorbaksh, that they are going from a ¾ ton to a 2 ton.

Director of Public Works, Ismile Noorbaksh, explained that the reason for the increase in size is that nothing is available in a ¾ ton size that will satisfy the Department's purpose since a utility bed needs to be put on it. The smallest the City can buy off of a bid from L.A. County is a 2 ton. If the City tries to buy a 1 ton, it is more expensive for the City to buy it on its own, versus buying the 2 ton off of the L.A. County bid.

Councilmember Herman asked if the City was happy with the Chevrolet products as far as maintenance goes.

Director of Public Works, Ismile Noorbaksh, said yes they are pretty happy. As far as maintenance, it varies between the Ford and Chevy.

Councilmember Herman explained that Vector Control has standardized on the Chevy S10 model and is trying to get away from this model due to the trouble they have been experiencing with maintenance. They drive their trucks a little different than the City since we are on paved roads and Vector Control vehicles are not. They have been looking at Toyotas.

Mayor Pro Tem Blake moved to approve Item 5 on the Consent Calendar. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman

NOES: None

ABSENT: Walker

REGULAR ITEMS

7. PERS Contract Amendment for Survivor Benefits

City Manager Standiford explained that this is a second reading of an Ordinance that was adopted by title only for first reading two weeks ago and is requiring a vote for final adoption this evening.

Councilmember Barnes made a motion to adopt by title only, waiving further reading, an Ordinance of the City Council of the City of La Palma Authorizing an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of La Palma. The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman

NOES: None

ABSENT: Walker

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Herman did not have anything to report on Orange County Vector Control District. He asked City Manager if the ERAF shift was becoming larger.

City Manager Standiford stated not necessarily. She stated that she will be attending a meeting tomorrow afternoon where all Orange County City Managers will get a briefing by Chris McKenzie, the Executive Director of the League of California Cities, to give an update on continuing conversations between the League, CSAC, and the special districts. We continue to hear reports and press from the Governor's staff that a deal has been made. We also continue to hear reports from the League and local coalition that no deal has been finalized or struck. There is a desire to try and get the Governor's support for the LOCAL Initiative because he has a favorable track record getting initiatives passed when he is involved. There is a concern if he is not in support of the Initiative, that it stands a greater risk of not passing in November. The LOCAL Initiative has qualified for the November ballot. The question is what it will cost the cities in the short term to gain the Governor's support. Her understanding is that the Governor is asking for local governments to absorb a cumulative \$1.3 billion hit. Out of Sacramento, the City has heard two different stories as to whether it will be an ERAF shift from redevelopment funds versus an ERAF shift from property tax funds, versus some sort of swapping of a portion of the City's Vehicle License Fees. At this time, she doesn't have any solid information about what the discussions

have been and what deals are on the table. She hopes to have this information after tomorrow's meeting and will include what she learns in this week's Friday Report. In the meantime, Legislative Action Days is coming up next week and she and the Mayor will be attending along with Finance Director, Robbeyn Bird, on Wednesday. This will also be the time when the Governor's May revised budget is scheduled to be released. The League is calling for a Special Meeting next Thursday at 8:00 a.m. to potentially consider approval of some sort of a deal between the Governor and the LOCAL Coalition for support of the Initiative. If there is a constitutional guarantee that it is for two years and no more, then this would clearly be one of those things where the amount of the shift is something that the Council may want to use as accumulated, unallocated reserves to cover since it is a short term, one time cost. But, without the constitutional protection, it changes the landscape quite a bit.

Councilmember Herman explained that the reason he asked this question was because in the Weekly Report from Vector Control District Manager, he stated that the shift for special districts would increase from \$100 million to \$350 million and the original estimate was for \$580,000.

City Manager Standiford stated that the City has seen a couple of different scenarios and the City of Anaheim did an analysis of the estimated impact of a rumored proposal of swapping the Vehicle License Fees for property tax and, unlike many cities in Orange County, under this scenario, La Palma would actually come out a little better and would have to pay a little less money than we would under the Governor's original ERAF proposal in his budget in January. It depends upon the nature of what gets taken away and from what source. The latest proposal that the City has heard about that involves a Vehicle License Fee swap appears to leave redevelopment funds and focuses on other funds. Depending on the city and their revenue source, this can be good news or really bad news. A city like Laguna Woods, messing around with their Vehicle License Fee Revenue, which is their number one revenue source, has a huge impact.

Councilmember Herman asked what number the City is working with currently to balance the budget.

City Manager Standiford stated that we have not been given a specific official number. In the Governor's January proposal, the City's estimate to the impact to our General Fund related to property tax is approximately \$115,000. There was also some media coverage several weeks ago reporting that the counties were trying to cut a deal, whereby the \$1.3 billion was split more evenly between the partners in the LOCAL Coalition and the Governor's proposal that he released in January, and the bulk of the hit was falling on the counties. She stated that she hesitates reacting to rumor and speculation and wants to hear from Chris McKenzie and the people who have met with the Governor's office about what the specific deal points, before she invests a lot of energy trying to figure out what impact it is going to have on La Palma.

Mayor Pro Tem Blake stated that the Orange County Fire Authority Board Meeting was cancelled. He attended their Annual Promotion Ceremony and Councilmember Walker was promoted to Engineer and pinned by his wife, Lisa. City Manager Standiford stated that Councilmember Walker was not able to attend this evening's meeting due to an emergency serving on a strike team in Riverside fighting the Cerrito fire. Mayor Pro Tem Blake attended the Volunteer Recognition dinner. He feels that the amount of volunteers that our City has, make this City special. He also attended the State of the City luncheon.

Councilmember Barnes also attended the Volunteer Recognition Event and it was fun seeing City staff in poodle skirts, pony tails and bobby socks. There was wonderful food, a nice turn out and Mayor Duke did a lovely job of thanking our treasured volunteers. She announced that World Buffet is having their Grand Opening tomorrow and everyone is welcome to attend the ribbon cutting.

Mayor Duke complimented Staff on planning the Volunteer Recognition Event and the Chamber of Commerce on the State of the City Luncheon. She thanked Staff and the members of the Council for their donations on the basket. She reminded everyone that National Day of Prayer is Thursday.

Councilmember Herman asked City Manager Standiford when the Los Coyotes Central Kitchen issue will be reviewed by the Development Committee.

Director of Community Development, Dominic Lazzaretto, stated that the City does not know when it will be coming to the Development Committee for review. The Traffic Study was reviewed by the Traffic Safety Committee and this is the first step related to the Environmental Document and there were some additional studies that were requested. When these studies are available they will be forwarded to the Development Committee for their consideration. June will be the absolute earliest, but probably more like July.

CITY MANAGER COMMENTS

City Manager Standiford updated the Council on the Budget process. She mentioned that the proposed Budget will be presented at the next meeting, May 18th. She explained that, as in year's past, they will be provided the Budget document at the meeting where the Proposed Budget is presented, so Staff can focus the presentation on the big issues. Council and the public will have a full month to review the Budget and make comments. Final consideration of the Budget is scheduled for a Public Hearing on June 15, 2004. She cautioned the Council that the Budget is being presented prior to seeing the Governor's May revision and it is likely that the City will be adopting a Budget before the State does, so it will be subject to change, but Staff is prepared to present the balanced budget proposed for FY 2004/2005.

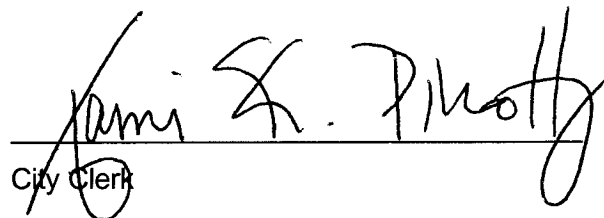
ADJOURNMENT

Mayor Duke adjourned the meeting at 7:55 p.m. until the next regular scheduled meeting May 18, 2004 at 7:00 p.m.



Mayor

ATTEST:



City Clerk