

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 4, 2003

Mayor Barnes called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, March 4, 2003, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Pastor Michael Heher from St. Irenaeus Catholic Church gave the Invocation.

ROLL CALL:

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

Councilmembers absent: None

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

ORAL COMMUNICATIONS

There was no one who wished to address the City Council at this time.

RECESS

Mayor Barnes recessed the City Council to convene as the Community Development Commission at 7:02 p.m. (See separate Community Development Commission Minutes.)

RECONVENING

Mayor Barnes reconvened the meeting in regular session at 7:03 p.m.

CONSENT CALENDAR

Councilmember Blake made a motion to approve the following item on the Consent Calendar:

APPROVED THE FEBRUARY 18, 2003 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2003-09 APPROVING A REGISTER OF DEMANDS FOR MARCH 4, 2003

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

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

REGULAR ITEMS

PAINTING OF RED CURBS IN FRONT OF FIRE HYDRANTS AND PAINTING OF ADDRESS NUMBERS

City Manager Standiford gave a staff report pertaining to the painting of red curbs in front of Fire Hydrants. She stated that due to a reduction in staffing and the impact of ongoing maintenance, the City ceased painting and maintaining red curbs in front of fire hydrants in residential areas about five years ago. Since that time, the visibility of painted red curbs has declined significantly in some areas. The California Vehicle Code requires a 15-foot clearance on either side of a fire hydrant, unless there is red curb indicating a shorter clearance. In the past, the City standard for painting of red curb has been 7 ½ feet on either side of the fire hydrant, or to a natural boundary (such as a driveway approach), whichever is shorter. This standard has provided more parking spaces for vehicles on the street, particularly in cul-de-sacs, where parking is already limited. In fact, the City sometimes receives requests for red curb painting to make such increased street

parking possible. Currently, there are approximately 110 cul-de-sacs in the City, and several longer streets that also have some portions of painted red curb. The life expectancy of painted curb is about three years.

There are two options for painting and maintaining red curb in front of fire hydrants. One is to try to identify an individual or group, such as a scouting group, to do the painting as a community project. This option would involve providing the individual or group with specific standards for the painting, and some staff supervision to ensure that the work is done properly. The City would also need to provide the paint. In recent years, the City has received only three requests from scouts to do community projects. One involved identifying the City's street trees, one involved the installation of a bench, and one involved stenciling storm drain catch basins. The advantage of this option is that the impact on City staff resources would be minimal. The disadvantage is that painting of the red curb would be a "one shot" project, and a new individual or group would need to be identified within two to three years to repaint the curb for maintenance purposes. This also may not be a project of interest to groups.

Another option is to have City staff perform the work. With more than 110 areas that would require painting, this would have an impact on staff's ability to perform other street maintenance work, but could be worked in to existing priorities. The advantage of this option is that the City would have control over the completion of the project. The disadvantage is that it would reduce available staff hours to perform other maintenance work visible to the community such as trimming of ivy along block walls, hanging of street banners, maintenance of City park areas and buildings, etc.

If the City Council feels that the painting and maintenance of red curb in front of fire hydrants should be a priority, it is recommended that more formal standards be adopted, regardless of which option for performing the work is pursued, to ensure consistency of installation throughout the City. The following are recommended standards.

1. Red curb painting would be done in front of fire hydrants that are located in cul-de-sacs due to lack of street frontage for parking.
2. Red curb painting would also be done in front of fire hydrants in or near the middle of a residential front yard, since the presence of the hydrant limits parking in front of a home.
3. Red curb painting would not automatically be provided in other residential areas. Drivers would have to comply with the California Vehicle Code.
4. Once the program is implemented, the installation of new red curb would be considered on an individual bases, in response to complaints received.
5. Red curb painting would be done when the red curb has faded to a point that it is not visible at night, estimated to be approximately three years.

Public Works Director/Engineer, Ismile Noorbaksh, explained that the staff of the Public Works Department really likes the idea of outside groups to paint the red curbs. He stated that in the past there have been heavy requests from the condominium associations for the need for painting the curbs and the City has felt that the curbs look fine. Other individuals have called requesting the curb be painted and City staff has explained that the City has decided to no longer maintain the curbing, so the individual painted it themselves. He stated that if City Council does find that the City staff should maintain these curbs, then they would have to restructure their daily responsibilities.

Mr. Richard Lutz, 8182 Bellhaven Street, is in favor of painting red curbs in front of fire hydrants within the City. He explained that he has observed many areas within the City where the paint is no longer visible on the curb and due to this; individuals think it is okay to park there. He feels that this puts homeowners at risk if there is a fire. He also stated that many hydrants have block walls or shrubs surrounding them and it is impossible to see them. The red curb would help in case of an emergency. Mr. Lutz also stated that he has noticed that the hydrants are being painted right now and some are white, yellow and blue and the silver chains are painted. He stated that he has a preference that they all be yellow.

Councilmember Blake asked Chief Giampa if the V.I.P. could help paint the curbs on the weekends. Chief Giampa stated that he would check to see if the V.I.P.'s would be interested in

doing that type of labor. Councilmember Blake felt it is necessary for the curbs to be painted red and would like to see an organization do it and not City staff.

Mayor Pro Tem Duke asked City staff how many fire hydrants are in the City. City Manager Standiford stated that there are 110 cul-de-sacs in the City. Public Works Director, Ismile Noorbaksh, stated that there are roughly 128 fire hydrants in cul-de-sacs and 199 in the overall residential areas. Mayor Pro Tem Duke expressed that 327 fire hydrants is a lot for one volunteer day of painting. She asked if this could be tied in with a pre-existing recurring project, like street resurfacing and repairing, and would it cover all of the fire hydrants within the residential area. She asked how long it would take City staff to do the red curbing.

Mr. Noorbaksh stated that maybe it could be put in with the sidewalk repair or maybe the street re-stripping. City Manager Standiford asked Mr. Noorbaksh how frequently the City stencils the lines in the streets. She stated that her concern is if the red curb only lasts a few years and the City is on a longer cycle, the paint would deteriorate rapidly and it would be hard for the City to maintain. Mr. Noorbaksh stated that the City re-stripes the streets every other year. Mr. Noorbaksh explained that it would take at least two fiscal years for the City staff to paint all of the red curbs.

Councilmember Herman stated that he felt the red curbing was necessary for emergency purposes. Councilmember Herman mentioned that he would be happy to see an organization or group of people volunteer their time to paint the curbs versus Public Works staff. He would like to see the City staff paint the curbs at the same time as another project. He mentioned that in the City Code it states that the curb needs to be painted 15 feet both ways of the fire hydrant, but also mentions that the City Council can adopt an ordinance to reduce that distance and if the City chooses to go under 10 feet it is necessary to post a sign or marking. He stated that it is important for the City to look at every fire hydrant within the residential area in relation to the measurement. Councilmember Herman mentioned that a blue dot is supposed to be placed on the street, marking where a fire hydrant is located, and stated that the fire hydrant on his street near his home is missing the blue dot and this is mandated by the Fire Code. He also mentioned that the Fire Code states there should be a three foot circumference around the fire hydrant must be clear so the Fire Department can access the hydrant.

Councilmember Walker stated that it takes someone fifteen minutes to paint the curb at each fire hydrant. He also mentioned that the City Code states that there should be 15 feet on both sides of the fire hydrant and places in the City have 7 ½ feet. He also asked why some of the fire hydrants are different colors. Mr. Noorbaksh explained that when the fire hydrants are repainted there are a few steps involved; water blasting and priming (white paint), then the hydrants are painted yellow. The City purchases the blue caps and then the City paints the top blue. Councilmember Walker also stated that there are several blue dots missing in his tract and it is important to have those replaced after street resurfacing.

Mayor Barnes stated that she was interested in a combination approach with volunteers and possibly Neighborhood Watch. She also stated that it would be nice to see this project added to another existing job.

Councilmember Herman expressed his concern that volunteers may not want to do this type of labor, but he believes red curbs are of high importance.

Councilmember Walker asked Chief Giampa if V.I.P. is still issuing warning tickets. Chief Giampa responded that V.I.P. does not get involved with any enforcement issues, even warnings. Councilmember Walker thought that maybe the City could put an article in the newspaper warning residents that they will be ticketed if they park in front of a hydrant.

City Manager Standiford explained that the Officers are not driving around issuing citations and the City is actually bringing this up due to a complaint. She stated that Officers are ticketing when a resident calls in with a complaint only. She explained that staff never intended the red curbs to not be a priority. This has never been staff's position, it's been more of an issue as to where it fits in with the other priorities. She confirmed that Council is stating it is a high priority, we need to check for the clearance and the circumference of the fire hydrants and to make sure the blue dots are in place on the streets, and Council would like staff to initiate a citywide red curb painting program, enlisting the help of community groups to augment the program as the opportunity arises, through Volunteer Connection Day, scouting projects, etc. She stated that if Council would

like Staff to be proactive with enforcement, then the Police Department will have to prioritize these citations with their other calls for service.

Mayor Barnes clarified that red curb painting in front of hydrants in cul-de-sacs, and red curb painting in residential tracts should be the high priorities.

Councilmember Herman disagreed and feels that all fire hydrants in the City are just as important and need to be addressed.

Mayor Pro Tem Duke expressed her concern with overwhelming the City staff with such a large volume of fire hydrant painting and feels the City should try to get community help.

PAINTING OF RESIDENTIAL ADDRESS NUMBERS ON CURBS

City Manager Standiford gave a staff report in regards to painting numbers on curbs. In 1988, the City Council adopted an ordinance that requires a permit to be obtained from the Public Works Department prior to painting home address numbers on the curbs. The ordinance limits the issuance of the permit, "only to local non-profit groups" (LPMC Section 22-8.1). At the time the ordinance was adopted, the City Council felt that nonprofit groups should be allowed to request donations from property owners for the painting service, but directed that this donation be limited to \$5.00. There was no City Council consensus on whether the donation amount should be allowed to be increased in the future.

As with the painting of red curb, the City has two primary options for addressing this need. One is to identify nonprofit organizations who would be willing to do the work in return for the right to request donations. This option would require a limited amount of staff supervision to ensure that addresses are painted correctly, and in the past, the City has provided the paint for this work. The advantage of this option is that the impact on City resources would be minimal.

However, nonprofits who have contacted the City in the last two years have indicated that the \$5.00 donation limitation, in light of the work involved, makes this an undesirable fund raising project. This past fall, a nonprofit organization contacted the City with an interest in performing

address painting, but upon discovering the donation limit, they decided not to continue. Neighboring cities currently allow non profits to request donations of \$10 to \$15. Assuming the donation limit were raised, staff could proactively contact local nonprofits and/or school groups to see if they would be interested in such a project.

The second option is for City staff to perform the work, which would have a significant impact on hours available for other maintenance projects. In fact, painting of address numbers would be far more time consuming than painting red curb in residential areas, due to the number of residences in the City. If the City Council agrees that this is a priority, and if other groups can not be identified to do the work, staff recommends that a formal maintenance schedule be developed so that portions of the City are covered over a three-to four-year period. Again, this work would have to be prioritized against other City maintenance projects. The Police Department advises that they do not have difficulty identifying residences in La Palma, in part because most officers are very familiar with the community, because the Department maintains detailed address map books for staff to consult, and because most residences have addresses on the home structures which are visible from the street.

Public Works Director Noorbaksh explained that in the past year when groups have donated their time in painting numbers on curbs, he said they wouldn't have any adult supervision and after a few hours they would leave the paint and supplies in front of someone's house unattended and not return to complete the work and or have painted the numbers in error. Mr. Noorbaksh stated that last year was the last time the City received a call in regards to painting numbers on curbs and after discovering that \$5.00 donation is the most they can receive per home, they withdrew and the City hasn't received volunteers since. Mr. Noorbaksh expressed that the City definitely needs to raise the amount and hopefully the City can find an interested volunteer group to start the project.

Mayor Pro Tem Duke stated this might be a project that the citizens would want to do as a block improvement. She feels that this is a beautification project and it should be done during the month of May along with the large item trash pick up.

Mr. Noorbaksh stated that the City only has four stencils and this might cause complications with loaning them out to residential tracts.

Mayor Pro Tem Duke commented that City staff would have to keep a running sign out sheet to the contact of the tract who would be directing their neighbors.

Councilmember Herman stated the City should send letters out to the organizations within our City to see if someone would respond. He feels the project should be done right and stated the unlicensed organizations that come in over the weekend charge too much and do a sloppy job.

Councilmember Walker stated that he is interested in adopting an ordinance raising the rate to \$12.00.

Councilmember Herman asked if the City could put a cap on the amount collected by the organizations for curb numbering. City Attorney Kuperberg responded positively.

Councilmember Blake explained that it is hard work to paint the numbers and takes longer than 15 minutes. It probably takes more like a half hour per home. The private companies that come into the City would not paint the numbers until the resident paid them, and then the company wouldn't come out to paint the numbers after they collected the money. Councilmember Blake agrees with adopting an ordinance that raises the amount of the donation to not exceed \$15.00 per home.

Mayor Barnes feels that community support would be a great way to start.

Councilmember Walker made a motion to adopt an ordinance increasing the rates collected for painting residential address numbers on curbs to up to \$15.00 per home. The motion was seconded by Councilmember Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

AMENDMENT OF THE LA PALMA COMMUNITY DEVELOPMENT PLAN, PURSUANT TO SENATE BILL 211, TO ELIMINATE THE TIME LIMIT FOR INCURRING INDEBTEDNESS

Community Development Director, Dominic Lazzaretto, gave a staff report on this topic. Under Assembly Bill 1290 adopted in 1993, the Legislature required redevelopment agencies to establish certain time limits for their Redevelopment Plan. Specifically, this included the time element on plan effectiveness, which is set at thirty years, repayment of debt at forty years and the establishment of a debt incurrence time limit that is set at twenty years. Section 33333.6 of the California Redevelopment Law establishes this twenty year time limit and prior to a law enacted last year, the only way to amend that twenty year limit is through a full amendment process which can be costly and prohibitive because it is a difficult process for most cities to establish the findings that are required. The debt time limits established under AB 1290 in this City is Area A & B (which is known as the Original Project Area or the Community Development Project) and would expire on May 3, 2003; Moody Street expires on June 2, 2007 and Walker Street expires on July 7, 2012. All are twenty years from date of adoption. Once the time limit on indebtedness passes, the redevelopment agency has no authority to incur additional debt in the project area, as such this would essentially stop all activity in the project area because the Community Development Commission (CDC) could then only repay the debt that was incurred prior to that date and complete existing projects that were identified as of that date. The CDC would not be able to provide assistance to new projects that came about after that indebtedness time limit had passed. The CDC can only receive tax increment up to the amount of outstanding debt that exists within the project area and without any debt the CDC receives no tax increment funds. Therefore, if the debt time limit were allowed to expire the CDC would receive less tax increment annually as outstanding debts are retired and this would include bonds. Specifically debt includes, according to the redevelopment law, bonded debt, short and long-term contracts, reimbursement agreement, CDC annual operating expenses, and contingent obligations which would be disposition and development agreements and owner participation agreements where future payments are made to the participant.

In 2001, the State Legislature passed SB 211 which now allows redevelopment agencies to eliminate the debt time limit completely. This can be done without a full amendment process and it enables the CDC to incur debt until the end of the project area is life. Along with eliminating the

debt time limit comes the stipulation that the CDC would need to pay a portion of new tax increment to taxing entities that do not currently have a reimbursement agreement with the redevelopment agency. These taxing entities that would be affected by the project include school districts, the County and water districts. Upon passing the ordinance, tax increment would be based on an increase in value over a new base year (2003-2004). Of this new based year, any increase in taxes or additional taxes that are received over this year, 20% of these dollars would be sent to affected entities that do not currently have an agreement with the City. Ten years after that, a second base year will be established (2013-2014) which requires 16.8% of any new tax increment after the previous tax year (2003-2004). This is in addition to the first base year and there would be two levels of payments that would be sent to the taxing entities. The CDC would continue to receive the full portion of pre-2004 tax increment dollars.

The alternative to adopting the ordinance would be to allow the time limits to sunset at their natural dates. This would limit the total income to the CDC and reduce the effectiveness of the project area. The City would not be able to do as many projects that it would be able to if the Council decides to pass the ordinance. The second alternative would be that the CDC could incur a large sum of debt immediately which would be repaid over the remaining years of the project. The downside of this would be the timing would make it difficult to carry out the bonds immediately and the State Budget situation would make it very unlikely for the City to be able to bond against that because the State is proposing a moratorium on new bonding and State bond ratings are currently in flux. Lastly, this would tend to be a financially risky alternative since the City would be forced to bond against projects that are not currently identified. If the projects never came to life, the CDC and the City could eventually be liable for those bonds.

Based on the facts provided, the following conclusions were identified. Without passing the proposed ordinance, the CDC's ability to carry out projects would be diminished. New payments to affected entities would be significant, although they would be minimal when compared to the full value of the project. The ordinance enhances the CDC's flexibility to carry out projects in the project area and would be more physically conservative, and the ordinance maximizes the potential for future projects, programs and expenditures within the Redevelopment Project Area. Staff is recommending approval of the ordinance.

Councilmember Herman made a motion to introduce, by title only, waiving further reading, an Ordinance of the City Council of the City of La Palma Amending the La Palma Community Development Plan, Pursuant to Senate Bill 211, as Codified in Health and Safety Code Section 33333.6(e)(2), to Eliminate the Time Limit on Incurring Indebtedness . The motion was seconded by Councilmember Walker and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Blake attended the Orange County Fire Authority Executive Board meeting and mentioned that they extended their workers compensation excess insurance for an annual premium of \$480,000 with a \$2 million dollar deductible. La Palma could be affected if OCFA fell short of paying claims, and possibly OCFA could request the City of La Palma cover the difference of the workers compensation for the City's Fire Station #13. Councilmember Blake attended the Orange County League of Cities Advocacy Committee and is requesting the other Council Members review the State and Federal Legislature platform and let him know of any comments or mail them directly. He also stated that the League is requesting a councilmember from each city to be the legislative contact for the Committee and is asking if another councilmember would be interested and to let him know. Councilmember Blake stated that an Orange County Division Legislative Breakfast has been scheduled for Friday, April 18, 2003 and will be held at Chapman University from 8:30 - 10:00 a.m. to discuss items affecting Orange County. Councilmember Blake mentioned that every dollar that goes to Sacramento for taxes the City gets \$.10 back; whereas San Francisco sends a dollar in and gets \$1.10 back. The Committee is pushing for this Legislative Breakfast to make sure each city is receiving their fair share.

Mayor Pro Tem Duke stated that her SCAG meeting is on Thursday, March 6, 2003. She stated she went to a LINC Board meeting and asked about the occupancy at Seasons La Palma and it is 100% filled. She mentioned the volume of cars parked in front and LINC is supposed to be checking into it.

Councilmember Herman attended the Orange County Vector Control District meeting and shared a letter on Fire Ants from the Secretary of Food and Agriculture, Bill Lyons, and stated that funding is still available and it hasn't been touched, but there is great concern that it eventually will be used. He stated that Vector Control found out that they were servicing 220 parcels of property in Orange County that they weren't receiving revenue from which equals \$500/year. Councilmember Herman attended the Orange County Sanitation District orientation session with Councilmember Walker and stated that the meeting was very informative and entertaining.

Mayor Barnes shared a Souvenir Soccer Ball that was presented to the City of La Palma at the 100th Anniversary of Korean Immigration Day on March 1, 2003.

CITY MANAGER COMMENTS

City Manager Standiford mentioned that there is a lengthy report from the City's consultant related to the Cable Television franchise renewal process. The City plans to meet with the Council to get some direction on the cable franchise renewal on April 1, 2003.

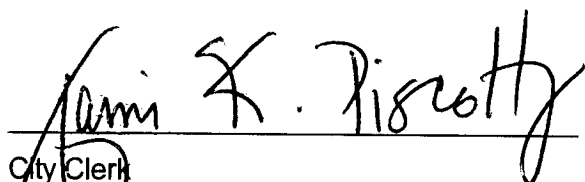
ADJOURNMENT

Mayor Barnes adjourned the meeting at 8:12 p.m., in the name of Recreation and Community Services Director Jan Hobson's mother, who passed away recently.



Mayor

ATTEST:



City Clerk