

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

November 18, 2003

Mayor Barnes called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, November 18, 2003, 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.

INVOCATION

Mrs. Karen Bland, La Palma Christian Center, 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  
Jeff Kirkpatrick, Police Captain  
Robbeyn Bird, Director of Finance  
Jan Hobson, Director of Recreation  
Dominic Lazzaretto, Director of Community Development  
Joel Kuperberg, City Attorney  
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

Mayor Barnes and Councilmember Herman presented certificates to the students who received first place in the schools poster and essay contests reflecting Red Ribbon Week. Certificates were also given to the winners of the Red Ribbon Week Challenge.

ORAL COMMUNICATIONS

None

## RECESS

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

## RECONVENING

Mayor Barnes reconvened the meeting in regular session at 7:17 p.m.

## CONSENT CALENDAR

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

APPROVED THE NOVEMBER 4, 2003 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2003-50 APPROVING A REGISTER OF DEMANDS FOR NOVEMBER 18, 2003

APPROPRIATED THE \$400,000 PREVIOUSLY RESERVED FOR ENHANCED RETIREMENT BENEFITS AND TRANSFERRED THIS APPROPRIATION TO THE EMPLOYEE BENEFITS FUND (61-610-564)

RECEIVED AND FILED THE INVESTMENT REPORT AS OF SEPTEMBER 30, 2003

ACCEPTED THE WORK AND AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO FILE THE NOTICE OF COMPLETION AND ACCEPTANCE OF WORK WITH THE ORANGE COUNTY RECORDER FOR THE INSTALLATION OF MONUMENT SIGNS IN THE STREET MEDIANS ON ORANGETHORPE AVENUE AT CENTERPOINTE DRIVE AND SOMMERSET CIRCLE AND MOODY STREET AT HOUSTON AVENUE, CITY PROJECT NO. ST-233

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

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

## REGULAR ITEMS

### **3. Extension of Cable Franchise**

Councilmember Walker commented that he doesn't like the City being committed to a franchise that we really can't negotiate against. He feels that it is a monopoly and if the City really doesn't want a non-monopolized organization, than the City should allow all cable providers to be available to residents.

Councilmember Herman asked City Manager Standiford if six months will be enough time for an extended contract to include negotiations.

City Manager Standiford explained that the City still hasn't reached resolution on some of the deal points related to the Franchise Agreement itself, and in addition, there are two other pieces that go hand in hand that pertain the Franchise renewal. One involves the City needing to update their telecommunications ordinance and the second is the actual franchise document. The City of La Palma has started a partnership with the City of Cypress for purposes of working jointly on both the franchise document and the telecommunications ordinance, since the City of Cypress is in the same situation as the City of La Palma. Both cities hope that, working together, they can get language in the documents that mirror each other and share consultant costs. She further explained that Comcast is in a major lawsuit with the City of San Jose over the issue of public education and government access funding as part of franchise renewals. One of the reasons why is it taking awhile for Comcast to give the City of La Palma feedback on our proposal for the Franchise Agreement may be related to their lawsuit.

Councilmember Walker made a motion to adopt Resolution 2003-51 extending the term of the cable franchise held by Comcast of Los Angeles, Incorporated. 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

## PUBLIC HEARING

### **7. Zoning Code Update**

Community Development Director, Dominic Lazzaretto, stated that the Zoning Code has not been updated for over 20 years and it is necessary to identify additional standards to reduce ambiguity and misinterpretation. He explained that Zoning Codes evolve over the years as city's goals and standards change and this document is meant to bring the zoning code into modern standards for modern issues. The Zoning Code addresses emerging issues that are evolving today and it incorporates recently adopted Ordinances including the Vehicle Repair, Second Unit and Parking Standards Ordinances.

Mr. Lazzaretto explained that the goals of the document are to provide conformity with the City's General Plan, and to consolidate related information into a single section. Currently the zoning controls and regulations are located throughout the City Code and this document will place this information in a single chapter. The Zoning Code will remove conflicting sections, and it makes the document easier to use and understand through additional definitions and language. It also codifies several existing policies and practices that are in place that have been enacted over the years, but never made it into the City's Code. Upon adoption, the document will be available in electronic format on the City's website so the public can search and use the City's Zoning Code. The proposed Zoning Code is organized into six Articles on various topics: Section I: General Provisions and Definitions, Section II: Zoning Districts and Allowable Uses (includes Development Standards for Specific Uses/Zones), Section III: Standards for all Zoning Districts (including Parking, Signs, and Landscaping), Section IV: Administrative Procedures (Hearings, Appeals,

Enforcement of Chapter), Section V: Permits, Plan and Certificates, and Section VI: Subdivision Map Act Division. Throughout the Zoning Code, charts, tables, and graphics assist the user.

Mr. Lazzaretto explained that the most significant change will be that the Development Committee will be given approval authority for Residential Precise Plan Amendments including second story room additions, and first floor room additions. Currently the Development Committee can only give recommendations to the Planning Commission and, with this change, the Committee will be able to give approval authority and the Planning Commission would only come into matters if there was an appeal on a decision that the Development Committee had made.

New standards have been adopted for noise restrictions, canopies, workshops, sheds and outdoor fireplaces, signs, fountains and fish ponds, and trash and recycling enclosures. Additional standards have been identified for tutoring facilities where records of clients and inspection of the facility would be required and arcade facilities/computer rental uses that include internet cafes. The proposed Zoning Code prescribes a process for obtaining variances and currently there is no variance process in the City Code. It also identifies special permits and temporary use permit standards. The proposed Zoning Code will combine the Neighborhood Business and General Business Zones into a single classification of (NC) and it develops standards for the Open Space Standards. Other changes include requiring Conditional Use Permits for vocational schools and colleges, religious uses will be prohibited in the Multi-Use Business Zone, a Conditional Use Permit will be required in the General Industrial Zone, and a 24-hour monitored surveillance will be required for self-storage facilities.

Mr. Lazzaretto went on further stating that other significant changes include a limit up to four animals for residential properties (plus any un-weaned litter under six months old). The animal section includes a list of acceptable household pets and identifies other prohibited pets: fowl, horses, sheep, cattle, pigs, goats, and dangerous animals.

The proposed Zoning Code identifies a method and practice for obtaining block party and film permits which will be reviewed and issued by the City Manager. It also identifies a community event permit which will be required for any organized activity involving the use of public property or impacting public property (ie: fairs, festivals, parades) and excludes City events. Any private company that would want to utilize public land would need to obtain a community event permit and the Special Permit Committee would approve or deny the permit and implement the conditions of approval.

Mr. Lazzaretto summarized stating that the current Zoning Code is antiquated and does not provide standards in many areas, it has conflicting language and it is contained in several sections throughout the City Code. The proposed Zoning Code removes the ambiguous and conflicting language, it includes additional requirements to address emerging situations, moves all Zoning issues within one chapter of the City Code and it incorporates standards from recent Ordinances.

Mr. Lazzaretto concluded by stating that the Development Committee had reviewed the document and has recommended adoption. Changes from the Planning Commission Study Session have been incorporated. No public comments were received and staff is recommending adoption.

Council/Commissionmember Walker made a motion to close the public hearing. The motion was seconded by Councilmember Herman and carried unanimously.

Council/Commissionmember Blake asked if the developments in Los Angeles, regarding the Adult Entertainment issue being listed on the ballot, would have any effect on La Palma.

City Attorney Kuperberg stated that the issue that will be placed on the ballot in Los Angeles and will only be for that jurisdiction.

Council/Commissionmember Herman stated that Mr. Lazzaretto did an excellent job putting together the Zoning Code update considering it has been over 20 years and a lot of changes needed to be made or added. He asked when another update would be necessary.

Mr. Lazzaretto stated that he doesn't recommend a set schedule for a comprehensive update. Smaller updates are added monthly or yearly as needed. He stated that the Zoning Code will be updated as needed.

Council/Commissionmember Herman asked City Manager Standiford if any significant changes were made to the Block Party process.

Mrs. Standiford responded negatively and explained that the City has formalized a process that is currently in process and identified it in the proposed Code. She explained that the current process is that in order to have a Block Party it needs to be a cul-de-sac, and 100% agreement from all residents in the tract.

Council/Commissionmember Herman clarified that if a resident wants to have a party on their property, this process would not apply.

Mrs. Standiford said yes and explained that in order to have a street closure the applicant would need to go through the Block Party process.

Mayor/Chair Barnes clarified that the Development Committee is aware that they will be taking on the responsibility of approving Precise Plan Amendments.

Mr. Lazzaretto responded positively and stated that this idea was presented to them two years ago and the Committee has been wondering when this was going to take effect.

Council/Commissionmember Herman asked if the Committee was only going to approve the Precise Plan Amendments if the applicant met the Code standards 100%.

Mr. Lazzaretto responded positively.

Mayor/Chair Barnes asked if further notification could be given to the City Council, either by a notice in their mailbox or an email, so they could review and give their input before the Development Committee had their meeting. She explained that it is really hard to review the copy of the Development Committee packet that is left in the Mayor's Conference Room at City Hall, due to not knowing when it is available for review and that some of the Council have full time jobs.

Mrs. Standiford stated that staff could put a copy of the Development Committee Agenda in the Friday Report and the complete packet would still be available in the Mayor's Conference Room at City Hall if there was something that Council would like to review.

Council/Commissionmember Herman stated that the Community Development Department prepares him his own personal notebook.

Mrs. Standiford stated that one can be issued to the other Councilmembers upon request.

Mayor/Chair Barnes asked if the standards for temporary signs and banners were going to change. She stated that business associates have approached her at the Chamber of Commerce

and their concern is the City's rules are strict. She asked if it was possible to get any other variance for special needs other than what is written in the proposed Zoning Code amendment.

Mr. Lazzaretto responded negatively. He explained that the exceptions need to be addressed in the Code in order for businesses to utilize that specific need.

Mayor/Chair Barnes explained that businesses are concerned that the City doesn't allow businesses to advertise for a long enough time. They feel other cities have a longer time period.

Mr. Lazzaretto stated that Council can update what has been presented, as to how long a banner can be up in front of the business. Right now the Code states a banner can be up a total of 30 days per calendar year, but not more than 14 days for any given time with a month in between. Mr. Lazzaretto explained that any time frame that Council chooses, some business is going to think that it is not long enough.

Mayor/Chair Barnes asked if staff could research what other neighboring cities allow.

City Manager Standiford stated that the second reading of the ordinance is scheduled for December 2, 2003 and staff could have this research for them at that time. She explained that Council could postpone taking action this evening if they wish to change this section of the proposed Zoning Code Amendment. Another option is to adopt the first reading and receive the survey Mayor Barnes is requesting at the next reading, December 2, and the City can modify or make changes then.

Council/Commissionmember Herman asked if any real estate changes were made to the Code.

Mr. Lazzaretto responded negatively explaining that the section has remained the same stating real estate signs need to be removed 30 days after the property has been sold and open house signs are allowed on Saturday, Sunday, and Wednesday at six signs per home. The hours they can be posted are 11:00am – 6:00pm on Saturday and Sundays and Wednesday from 8:30am – 2:30pm.

Mayor/Chair Pro Tem Duke made a motion to adopt Resolution 2003-20PC, approving the adoption of the La Palma Zoning Code update and related modifications to the City Code. The



motion was seconded by Council/Commissionmember Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

Councilmember Walker made a motion to introduce by title only, waiving further reading, an Ordinance adopting the City of La Palma Zoning Code update and making related modifications to the City Code. The motion was seconded by Councilmember Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman, Walker

NOES: None

ABSENT: None

#### REGULAR ITEM

#### 8. ***Driver's Licenses for Illegal Aliens***

City Manager Standiford stated that Mayor Barnes requested this item be listed on the agenda. Seal Beach has adopted a resolution similar to the one presented tonight. Los Alamitos is also going to consider a resolution similar to the City of La Palma's and Seal Beach's.

Councilmember Walker asked, since this was the second item that the new Governor signed, will this be a moot point.

City Manager Standiford stated that the Governor issued a proclamation calling the Legislature to an extraordinary session to consider a number of issues, one being the possible repeal of this law. The Governor can't repeal the law himself.

Mayor Barnes explained that this is not an ethnicity issue. It is legal versus illegal and legitimizing illegal behavior or action with a legal document. Many people come to the United States and go through the legal process while taking a lot of their time and enduring pain in the process to follow the rules and procedures.

Mayor Pro Tem Duke agreed with Mayor Barnes that legitimizing an illegal action does not make sense. She stated the State should not reward someone for being here illegally.

Councilmember Herman stated that he will not support the Resolution, not because he is for or against the driver's license for illegal aliens, but for the simple fact that this is a State issue and should be resolved by the new Governor in a Special Legislative Session that he has called. Instead, he feels that the City should focus on issues that will impact our City.

Mayor Pro Tem Duke made a motion to adopt Resolution 2003-52, opposing the recent legislation to provide California driver's licenses to illegal aliens and supporting the repeal of same. The motion was seconded by Commissionmember Walker and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Walker

NOES: Herman

ABSENT: None

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

Councilmember Walker went to the Sanitation District meeting and is moving forward with the Class A Bio Solids project. The JWRS project and both phases of the pipe line along the riverbed are in full swing. Work should start March 2004. He stated that there will be maps available soon showing the areas of renovation and the project should be completed by 2007.

Councilmember Herman stated that he was filling in for Councilmember Walker on Thursday for a Sanitation District meeting. Councilmember Herman asked what was happening with the Los Coyotes School Kitchen proposed project.

Community Development Director, Dominic Lazzaretto, stated that the City hasn't received any new information but has received confirmation that they plan to move forward with the traffic and noise studies that the City had requested for the Environmental Review. These studies should be taking place shortly, before the end of the month.

Councilmember Herman asked if the Denny's Restaurant project has started.

Community Development Director, Dominic Lazzaretto, stated that the architect has pulled the grading permits and demolition should be taking place soon.

Councilmember Herman asked what the status was on the Walker Well.

Public Works Director, Ismile Noorbaksh, stated that the City should receive a proposal by next week from the manufacturer stating what needs to be done with wires in the motor and the shaft. The well should be running in the next thirty days. The signal controller should be out Thursday. The cost planned to recover the monies is around \$19 thousand along with billing the cost to the individual who hit the controller.

Councilmember Herman thanked City Attorney, Joel Kuperberg, and City Manager Standiford in their response in having access to financial records of non profit organizations. He stated that he feels the City should have some type of accountability with the Chamber of Commerce and suggested that the Council place this topic on the next agenda as an amendment or a change in the agreement.

Mayor Pro Tem Duke said that SCAG is still promoting the 2004 RTP. The Economic Forecast Conference she attended had some ray of hope that cities will be gaining slowly in all areas but are lagging on the housing issues.

Mayor Barnes thanked all City departments for the successful parade. She stated that the monument signs are very attractive. She attended the League of California Cities dinner. A speaker from the Urban Land Institute spoke on the need for affordable housing and mixed use housing with commercial services close to transit centers. There was also an update on the League of California Cities measures to be put on the November ballot. Many people are making personal donations. Mayor Barnes had the pleasure of presenting a proclamation to Bud Bellinfante in honor of his retirement. He has served La Palma for 21 years and was a Fire Fighter for 34 years. Mayor Barnes asked for a report on the growth management meeting that she was unable to attend.

Director of Public Works, Ismile Noorbaksh, stated that he attended the growth management meeting in Garden Grove where they made a request for an additional \$44,000 for the completion of the Moody Bridge/Coyote Channel, which was approved. He stated that he would leave his memo on the meeting in the Mayor's Conference room for the other Councilmembers to read.

Councilmember Walker asked if the La Palma bridge was approved for reconstruction.

Director of Public Works, Ismile Noorbaksh, said the City has received the funding. This project has to be addressed to Cal Trans for approval. Cal Trans states that this project does not meet all the criteria so it is postponing the project. It will be at least two or three years before the project starts.

Councilmember Walker asked about the curb and gutter project.

Director of Public Works, Ismile Noorbaksh, stated that the curb and gutter project design has been completed and he will be submitting it to Council for authority to advertise.

Mayor Pro Tem Duke stated that Downey just recently finished a project installing their city seal in the asphalt with a thermoplastic material. She stated that it is very impressive and would like to see La Palma possibility use this material in the future.

Director of Public Works, Ismile Noorbaksh, stated that the City's crosswalks are made of this material.

Councilmember Herman asked when the slurry sealing was going to start.

Director of Public Works, Ismile Noorbaksh, stated that due to the weather, the contractor has been waiting for the weather to heat up. The contractor would like to see at least three consecutive days at above 70 degrees to ensure the drying of the asphalt.

#### CITY MANAGER COMMENTS

City Manager Standiford stated that the State repealed the Vehicle License Fee yesterday. Due to this, she is instituting a hiring freeze, which includes the Police Department, and will consider critical replacements on a case by case basis. She explained that the Governor may have had the right to repeal the increase in the VLF, but it takes legislative action to fulfill his promise that local government will not be negatively impacted by that action. The Legislature was called in to extraordinary session today to consider a number of items: the VLF backfill, Worker's Compensation Forum, a spending cap for the State Government, and a \$15 billion dollar bond measure that the Governor would like on the March ballot. The Legislature has to approve the spending cap and the bond by December 5, 2003 to be placed on the March ballot. She explained that Staff had calculated the amount of the Vehicle License Fee backfill that is now at risk as part of the Governor's executive order at \$405,000 for the remainder of this fiscal year, which represents about 5% of the City's General Fund budget. She has sent a letter to Assemblyman Harman and Senator Johnson urging them to try and resolve the backfill of the VLF as quickly as possible. She stated that the City will continue receiving applications for Police Officer positions, but will not be hiring until the VLF issue has been resolved.

City Manager Standiford further stated that the Code Enforcement Study Session will be postponed to January 6, 2004 due to conflicting schedules with the La Palma Days Coordinating committee meeting.

Councilmember Herman asked how many vacancies are there in the Police Department.

City Manager Standiford stated that there is one Police Officer vacancy right now and one Officer is on light duty and is not patrolling. There is also a vacancy in Recreation and a part-time vacancy in the Community Development Department.

ADJOURNMENT

Mayor Barnes adjourned the meeting in memory of Alfredo Lagmay Sr. and Guillermo Chavira at 8:00 p.m.



Mayor

ATTEST:

  
City Clerk