

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 3, 2001

Mayor Aragona called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, April 3, 2001, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Pastor Sandra Heer of the Fountain of Living Waters Methodist Church gave the Invocation.

ROLL CALL:

Councilmembers present: Lauree Aragona, Christine Barnes, Kenneth A. Blake, Alta E. Duke, Paul F. Walker

Councilmembers absent: None

City Officials present: Len Wood, Interim City Manager
Vince Giampa, Chief of Police
Ismile Noorbaksh, Director of Public Works/City Engineer
Tami K. Piscotty, Assistant to the City Manager
Robbeyn Bird, Director of Finance
Joan Hoesterey, Principal Planner
Jan Hobson, Director of Recreation & Community Services
Joel Kuperberg, City Attorney
Peggie Turnage, Executive Assistant

PRESENTATIONS

Mayor Aragona and Councilmember Blake presented Proclamations to Ake Saethia and Justin Chan commending them on their attainment of the rank of Eagle Scout.

Executive Director Jane Adams of the California Parks and Recreation Society made a Fit N Fun Award presentation to Director of Recreation and Community Services Jan Hobson and the City Council. Recreation Coordinator Tina Hansen, assisted by Community Services Supervisor Janet Cates and Recreation Specialist Noel Munivez, presented Certificates of Appreciation to each of the schools and organizations that partner with the City in this project and then introduced the Recreation Staff who participate in the Fit N Fun Program.

ORAL COMMUNICATIONS

Reverend Sandra Heer, Fountain of Living Waters Church, 8111 Walker Street, invited everyone to attend the Buena Park/La Palma Ministerial Association Community Good Friday Services at the Congregational Church in Buena Park. She also invited everyone to attend an Easter Sunrise Program at Central Park sponsored by the Fountain of Living Waters and the La Palma Christian Center.

Brian O'Neal, 5042 Cartagena, La Palma, invited everyone to attend the Kennedy High School Scholarship Foundation Annual fundraising dinner on May 5th at 6:45 p.m. He explained that this dinner helps to provide funds for graduating seniors.

RECESS

Mayor Aragona recessed the City Council to convene as the Community Development Commission at 7:34 p.m. (See separate Community Development Commission Minutes.)

RECONVENING

Mayor Aragona reconvened the meeting in regular session at 8:10 p.m.

CONSENT CALENDAR

Councilmember Duke pulled Item No. 6.

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

APPROVED THE MARCH 20, 2001 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2001-14 APPROVING A REGISTER OF DEMANDS APRIL 6, 2001

REJECTED CLAIM SUBMITTED BY THE HEIRS OF MARK LEE MORRISON

AWARDED A CONTRACT IN THE AMOUNT OF \$39,060.60 TO CIVIL WORKS CORP. FOR THE REMOVAL AND REPLACEMENT OF P.C.C. CUB & GUTTER AND SIDEWALK ON VARIOUS RESIDENTIAL CITY STREETS, CITY PROJECT NO. ST-240

APPROVED MAYOR ARAGONA'S ATTENDANCE AT THE STATEWIDE AIR QUALITY CONFERENCE FOR LOCAL ELECTED OFFICIALS IN SACRAMENTO AND APPROVED AN APPROPRIATION IN THE AMOUNT OF \$6,000 TO THE CITY COUNCIL'S MEETINGS AND TRAINING BUDGET TO COVER THE EXPENSES FOR THE REMAINDER OF THE FISCAL YEAR

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

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

USE OF THE EDISON RIGHT-OF-WAY

Councilmember Duke referred to page two of the agreement, second paragraph, and asked if that means that Edison will do the work.

Director of Public Works/City Engineer Ismile Noorbaksh responded that paragraph three gives the City the right to obtain its own estimate and have the work done.

Councilmember Duke asked if this is the normal procedure for the rest of the right-of-way.

Mr. Noorbaksh responded that this condition does not apply to the rest of the right-of-way, but it is one of the first agreements that Edison will use as precedent setting as they negotiate with other cities.

Interim City Manager Len Wood explained that the rest of the Edison right-of-way is under a separate license.

Mayor Aragona commended Mr. Noorbaksh and Jerry Dominguez of Southern California Edison for their work in putting this agreement together. She also thanked Assemblyman Tom Harmon and State Senator Ross Johnson for their involvement in this issue as well as Assemblywoman Havice, Assemblyman Ken Maddox and Senator Joe Dunn.

Councilmember Duke made a motion to approve the "Amendment to License" Agreement between Southern California Edison Company and the City of La Palma for the use of the Edison Right-of-Way. The motion was seconded by Councilmember Blake and carried on the following roll call vote:

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

REGULAR ITEM

CONSIDERATION OF AN INTERIM URGENCY ORDINANCE PROHIBITING APPROVAL OF COMPUTER VIDEO ARCADE USES AND TUTORING SCHOOL USES IN THE CITY OF LA PALMA

Principal Planner Joan Hoesterey stated that the City's zoning ordinance does not require a conditional use permit or other discretionary approval for Computer Video Arcades or Private Tutoring Uses, which eliminates the City's ability to impose conditions on the uses to ensure the safety of the children and young adults who are patrons and clients of these uses.

Ms. Hoesterey explained that La Palma currently has one "computer arcade" business that is located in a commercial/retail center that backs up to a residential use. The City's current zoning code does not provide controls to regulate the problems currently being generated from this use. During the past two weeks the City has received four inquiries regarding proposals to establish more of these businesses in two other retail/commercial locations in the City. The majority of the commercial/retail centers in which these businesses could currently locate are adjacent to residential uses. Ms. Hoesterey added that the computer video arcade currently operating in La Palma has no control over their patrons that frequently congregate outside the facility creating noise and disrupting both the nearby businesses and residential uses.

Ms. Hoesterey also explained that the City currently has several private tutoring schools and has received recent inquiries for additional tutoring facilities in other commercial/retail centers. These facilities typically provide tutoring for students in the first through twelfth grades. The City's current Zoning Code does not have controls or regulations that relate specifically to this use and children can attend these facilities for up to 10 hours per day during school breaks and holidays and for 6 hours on Saturdays. There are health and safety issues related to this type of business that place both students and motorists at risk. There are no provisions for supervised outdoor activity during operating hours, so the students play in the parking lots and through the center and the unsupervised students frequently cross adjacent parking lots or street to obtain food and snacks, creating safety concerns.

City Attorney Joel Kuperberg explained that when the Council wants to enact a zoning ordinance, typically there is a public hearing, two readings, environmental documentation and then the zoning ordinance takes effect thirty days after the second reading. State Law builds in a special mechanism for when it is necessary to take immediate action because events may be occurring that tie the Council's hands to engage in future regulations. The Council would not be adopting an ordinance tonight for the purpose of stopping some type of use, it would be adopting an ordinance to suspend processing and approval of certain types of uses so that those uses can be studied and see if some solutions can be reached to allow those uses under somewhat different rules, or perhaps determine that those uses are only appropriate to certain areas of the City or may not be appropriate at all. The purpose of the urgency legislation is not to stop something from happening, but to suspend it until an analysis can be done.

Mr. Kuperberg added that procedurally it works a little different. The Council has to find, based upon the evidence that has been presented in the written staff report as well as in the oral staff report, that there is an immediate threat to public health or safety that necessitates suspending decision making, suspending approvals, suspending the processing of these two types of uses. If the Council finds that the evidence supports that conclusion that there is an immediately health or safety threat, then by a 4/5 vote the Council can enact this urgency ordinance which goes into effect immediately and will suspend those uses for a period of 45 days. During that time staff can do an analysis. The law also provides that if it takes longer than that to do the analysis and come up with recommendations on how to solve the problem, the Council is permitted two extensions of this moratorium. One extension would be for another ten and a half months and a second extension would give the Council another full twelve months. The Council can take up to a full twenty-four months to suspend activities while studies are underway.

Councilmember Barnes referred to Ms. Hoesterey's reference to fifteen maximum hours a week and commented that these businesses appear to be exceeding this maximum.

Ms. Hoesterey clarified that the building and fire codes provide that the use classification changes if its more than fifteen hours and some additional safety guards are required, particularly fire walls, exits and restrooms. She stated that there are several existing businesses that do meet that code requirement. The requests currently being received are for a longer period of time so staff needs to study what other regulations of the State and County or Health might be out there that regulate these for the safety of the children.

Mayor Pro Tem Walker suggested that when this study is done perhaps it should be done as a joint consideration with site inspections by the Fire Authority, Building and Police Departments.

Ms. Hoesterey responded that would be part of the study, to look at what the City has, as well as what other cities do to regulate this type of use and the problems they may have.

Mayor Aragona asked if the City is bound by law to notify existing businesses if this ordinance is adopted.

Mr. Kuperberg responded this ordinance is directed towards prospective uses, not existing uses. The existing businesses have already been approved and would be considered legal non-conforming uses. Even if it is a legal non-conforming use, it still has to comply with occupancy codes and all of the rest.

Mayor Aragona commented that she feels that the problems that are occurring with the video arcade business warrants a study and for public health and safety, and for risk exposure, the City would be remiss if it did not do the study.

Councilmember Duke stated she shares a real concern in this area, that this is needed right now.

Councilmember Blake expressed concern that some of the tutoring facilities are actually day care facilities.

Councilmember Duke made a motion to adopt Urgency Ordinance No. 2001-02, an Urgency Ordinance of the City Council of the City of La Palma Prohibiting the Processing or Approval, of Computer Video Arcade Uses or tutoring School Uses in the City of La Palma and; direct staff to study these issues and provide a report on this matter at the May 15, 2001 City Council meeting. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker

NOES: None

ABSENT: None

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES

Councilmember Blake stated that he had attended the Orange County Fire Authority Executive Board Meeting and reported that a lease with Rancho Santa Margarita's Water District was approved to put in a temporary Fire Station for the Ladera Community that is being built. They also adopted a Resolution approving a pre-qualification process for contractors seeking bids with the Authority. The design phase of the Regional Operations and Training Center was also approved and it will now go into preparation of the construction documents and development of the financial plan. If everything goes according to plan move-in will be in approximately one year. Councilmember Blake reported that he also attended a Board of Directors Workshop.

Councilmember Blake stated he attended the League of California Cities Community Services Policy Committee meeting. He stated he had the pleasure of serving on the Helen Putnam jury for Community Services and one of the twelve cities being considered was La Palma. He added that the recipient would be announced in two to three weeks. At the meeting they also had a presentation on the cities, counties and schools partnership. He also presented a legislative and energy update.

Councilmember Blake reported that the League, for the first time in recent years, has been asked to participate in a major news conference announcing the distribution of the 2.1 billion dollars in Proposition 12 Park money. The press conference will be held at 11 a.m. on Friday, April 6th at Jesse Owens County Park in Los Angeles and as Chairman of the Community Services Committee he has been asked to represent the League.

Mayor Aragona stated that she attended the Southern California Council of Governments Regional Transportation Plan meeting along with Councilmembers Barnes and Duke. She reported that the meeting dealt with light rail, high speed rail, who the riders will be and how a subsidy plan will be worked out for those riders who can't afford to ride. The locations of the possible rail line were also discussed.

Mayor Aragona reported that she had the honor of representing the City of La Palma at a reception for Governor Davis and Vincente Fox, President of Mexico.

Mayor Aragona reported that she as well as several other Councilmembers attended the Youth 20/20 Volunteer Recognition Dinner and it was a pleasure to see the community partners and the support that the community has for this very worthwhile program. She also reported that she attended the renaissance program at Kennedy High School where scholars with grade point averages of from 3.0 all the way up to 4.0 and above were honored.

Mayor Aragona reported she attended the California State League Policy Committee on Transportation, Public Works and Communications and served on the Helen Putnam jury for this committee. She stated there were fifteen applicants and the recipient is Vacaville. Bakersfield and Turlock received an Award of Excellence.

Mayor Aragona announced that she has been appointed to an Alternative Transportation Subcommittee which will address air quality with current and new transportation modes.

Mayor Aragona reported that she represented the City at the Sarcoidosis Foundation Educational Seminar and Luncheon and was pleased to present them a Proclamation on behalf of the City. She added that Cerritos Mayor Bowen challenged her and the City to participate in the Walk on May 19th.

Mayor Aragona reported that she had attended the California JPIA City Council Training Academy which is very worthwhile and she highly recommended it to all Councilmembers and staff.

Mayor Pro Tem Walker stated he attended the Orange County Sanitation District and also the joint meeting with the Water District which dealt with the topic of the Ground Water Replenishment System. He reported that the items that were approved were the authorization for the ground water replenishment system, governance procedures, and also final design construction start-up services. He also reported that the first dairy in the Corona area was hooked up and this will be an interesting project to see what happens.

Councilmember Barnes stated she enjoyed accompanying Mayor Aragona to the SCAG meeting and Councilmember Blake to the Fire Authority meeting and stated she got a lot of very good information from these meetings.

Councilmember Barnes reported that she attended Assemblyman Maddox's breakfast and she has some information to hand out to the Councilmembers. She reported that she also attended the Grand Opening of the National Business Center.

Councilmember Barnes reported that she attended the California JPIA Seminar with Mayor Aragona and found it to be very helpful and educational and the speakers were excellent.

COUNCIL REMARKS

Mayor Pro Tem Walker stated he had the pleasure to attend the Southern California Apartment Association Gemini Awards which was a very nice event.

Councilmember Barnes stated that several of the businesses at the Ralph's Center have inquired about monument signs. She added that she directed their questions to the City Planner.

Councilmember Blake stated he thought that the turnout for the Youth 20/20 Awards was very good.

Councilmember Blake stated that the word is out on the City Manager recruitment because he has received several inquiries. He commented that La Palma apparently has a good reputation.

Councilmember Blake announced that he has been appointed Chair for the 2001 Nominating Committee for the Orange County Division of the League of California Cities.

Mayor Aragona commented that since Rudy Starowitz had not been to any of the recent Council meetings she had asked Public Works Secretary Ginger Wilbert to check on his welfare. Ginger made the call and talked with him. She stated she appreciated Ginger for making contact with him and asked Mr. Noorbaksh to pass her thanks along to her. She also commended Peggie Turnage for her promptness in preparing the Agenda Follow-Up and in preparing the Agenda documents for her signature.

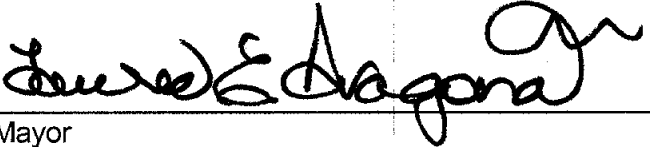
CITY MANAGER REMARKS

Interim City Manager Len Wood announced that the cities DSL provider has gone out of business and as a result the City's outside e-mail is not in operation.

Assistant to the City Manger Tami Piscotty added that staff is currently looking for another provider to service the needs of the City.

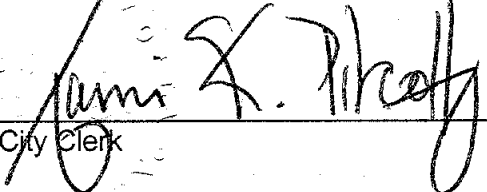
ADJOURNMENT

The City Council adjourned at 9:07 p.m.



Mayor

ATTEST:



City Clerk