

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

September 1, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 6:00 P.M.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Property: 5410 La Palma Avenue, La Palma, California  
Parcel Number 262-102-14

Agency Negotiator: Joel Kuperberg, City Attorney; Dominic Lazzaretto, Executive Director; and John Di Mario, Community Development Director

Negotiating Parties: Peter Kent Grant

Under Negotiation: Price and terms of payment

RECESS THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE CITY COUNCIL AT 6:15 P.M.

CLOSED SESSION

The City Council will meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Position Title: City Manager

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION IN OPEN SESSION AT 7:05 P.M.

City Attorney Kuperberg stated that there were no reportable actions from either closed session item.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:06 P.M.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Pastor Jose "Paddy" Padilla Jr., La Palma  
United Methodist Church

ROLL CALL: Council and Commission Members

Councilmembers present: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director  
Joel Kuperberg, City Attorney  
John Di Mario, Community Development Director  
Ed Ethell, Chief of Police  
Jan Hobson, Recreation & Community Services Director  
Keith Neves, Finance Director  
Jeff Moneda, Public Works Director/City Engineer  
Laurie Murray, Administrative Services Manager/ City Clerk  
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Recreation Specialist Albarian recognized the 2009 Volunteens, and along with Mayor Waldman and Recreation Coordinator Hinojosa, presented

them with stipends.

2. Sherrie Lowenstein, Superintendent of the Cypress School District, gave a presentation regarding proposed school closures due to declining enrollment.

Discussion ensued regarding how many students are gained or lost through intra- or inter-district transfers; who the City should direct questions to; bussing; where Luther Elementary School students would go if Luther Elementary School is closed; and long term enrollment projections.

### ORAL COMMUNICATIONS

Ulla Herman, La Palma Chairperson for the Cypress College Americana Committee, announced to the City Council that this year's Citizen of the Year is former Mayor Kenneth Blake. The Cypress College Americana Man of the Year is former Los Angeles Dodger Coach, Tommy Lasorda.

Reyna Reynoso, Public Affairs Manager for Southern California Gas Company, introduced herself to the City Council.

Chris Barnes, 4971 Berton Circle, addressed the City Council regarding an upcoming fundraiser - "Back for the Future" - at the John F. Kennedy High School Performing Arts Center on September 12, 2009. The event will raise money for facility enhancements to the center.

### RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 8:06 P.M.

### CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the August 4 and August 18, 2009, Regular Meetings of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2009-19 approving the Register of Demands for September 1, 2009.

Commission Member Charoen made a motion to approve Consent Calendar Items A and B.

The motion was seconded by Vice Chairperson Shanahan and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, Chairperson Waldman

NOES: None

### PUBLIC HEARINGS

None Scheduled.

### REGULAR ITEMS

None Scheduled.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 8:08 P.M.

### CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 4 and August 18, 2009, Regular Meetings of the La Palma Planning Commission.

Commission Member Rodriguez made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Vice Chairperson Shanahan and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, Chairperson Waldman

NOES: None

### PUBLIC HEARINGS

PL-2. Amendment to Precise Plan 29 for a Proposed Remodel and Conditional Use Permit 342 for a Car Wash Use, Alcohol Sales, and a 24-Hour Mini-mart at the Existing Unocal 76 Service Station Located at 5482 La Palma Avenue

- a) Chairperson Waldman opened the Public Hearing at 8:10 p.m.
- b) Community Development Director Di Mario gave the staff report
- c) Pubic Input

Carl Hoy, representing Travis Companies Inc., 4430 East Miraloma Avenue in Anaheim, addressed the Planning Commission on behalf of the applicant relaying their concurrence with the findings and conditions of approval.

Discussion ensued regarding the length of time for a car wash; the process and mechanics of the car wash; the timing mechanism for the exit door; the state-of-the-art dryer; dry-off activity having to stay on the Unocal site and not in the adjacent shopping center parking lot; noise test results for the car wash; the distance that the spray would reach; the applicant being in full concurrence with the conditions of approval for alcohol sales and storage; the reason for having two entrances at the Mini-mart; having the main door open for 24 hours and closing the rear entrance after 10:00 p.m.; the large amount of high school and junior high school students that could visit the facility after school is out; timing for commencement and completion of the project; where cars will be located while queing for the car wash; the Alcohol Beverage Control (ABC) permit process; that there will be three stores at the corner who sell alcohol when construction is complete; alcohol sales being projected to be 25% of the store's sales; the location of the alcohol cooler; alcohol robberies historically occurring after midnight; a six-month review of the Conditional Use Permit; adding a condition that the rear entrance be closed after a designated time for security purposes; and the low numbers of alcohol related robberies in La Palma.

- d) Chairperson Waldman closed the Public Hearing at 8:57 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding what time period the rear entrance should be closed; the other two gas station/mini-marts in La Palma being located very far from the high school and junior high schools; age of those apprehended in alcohol robberies being young adults; having the rear door lock from the outside and open from the inside to meet fire and building codes; and whether the applicant would agree to have the rear entrance closed at a certain time.

Chairperson Waldman reopened the Public Hearing at 9:02 p.m.

Carl Hoy addressed the Planning Commission regarding the applicant's willingness to comply to an additional condition to have the rear entrance closed at a designated time.

Chairperson Waldman closed the Public Hearing at 9:03 p.m.

- f) Adopt a Resolution approving Amendment to Precise Plan 29 for the proposed remodel and Conditional Use Permit 342 for a car wash use, alcohol sales, and a 24-hour mini-mart at the existing Unocal 76 Service Station located at 5482 La Palma Avenue.

Commission Member Rodriguez made a motion to adopt a Resolution approving Amendment to Precise Plan 29 for the proposed remodel and Conditional Use Permit 342 for a car wash use and a 24-hour mini-mart at the existing Unocal 76 Service Station located at 5482 La Palma Avenue with the addition of Condition Number 95 stating "The door on the south side of the mini-mart shall be locked to prevent entry into the mini-mart between the hours of 10:00 p.m. and 6:00 a.m."

The motion was seconded by Commission Member Herman.

Chairperson Waldman made a substitute motion to approve the Resolution but including the sale of alcohol.

The motion failed for lack of a second.

The original motion was carried on the following vote:

AYES: Commission Member Charoen, Commission Member Herman, Commission Member Rodriguez, Vice Chairperson Shanahan, Chairperson Waldman

NOES: None

Chairperson Waldman made a motion to approve a Resolution approving Amendment to Precise Plan 29 for the proposed remodel and Conditional Use Permit 342 for alcohol sales as conditioned by staff at the existing Unocal 76 Service Station located at 5482 La Palma Avenue.

The motion was seconded by Vice Chairperson Shanahan and carried on the following vote:

AYES: Commission Member Rodriguez, Vice Chairperson Shanahan, and Chairperson Waldman

NOES: Commission Member Charoen and Commission Member Herman

Chairperson Waldman called for a short recess at 9:07 p.m.

Chairperson Waldman reconvened the Planning Commission at 9:14 p.m. with all members present.

#### REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND CONVENE AS THE CITY COUNCIL AT 9:14 P.M.

#### CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Waive the reading of all Ordinances in their entirety and read by title only.

4. Response to the Grand Jury Report on “‘Paper Water’—Does Orange County Have a Reliable Future?”

Authorize the Mayor to respond to the June 15, 2009, Grand Jury Report as outlined in the attached draft letter.

Mayor Pro Tem Shanahan made a motion to approve Consent Calendar Items 1 and 4.

The motion was seconded by Councilmember Charoen and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: None

#### ITEMS PULLED FROM CONSENT CALENDAR

##### 2. Approval of Council Minutes

Councilmember Herman requested to have the item pulled to inquire on staff's response to Oral Comments.

City Manager Lazzaretto replied that City Staff is working on a response and will report back to the City Council.

Minutes from the August 4 and August 18, 2009, Regular Meetings of the La Palma City Council.

Councilmember Herman made a motion to approve Consent Calendar Item 2.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: None

##### 3. Approval of Register of Demands

Councilmember Herman requested to have the item pulled to ask for clarification on the costs from Rubberized Sidewalks, Inc.



Public Works Director Moneda responded that the cost is for materials at Central Park and the installation will be an additional separate cost.

Resolution No. 2009-43 approving the Register of Demands for September 1, 2009.

Councilmember Herman made a motion to approve Consent Calendar Item 3.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: None

#### PUBLIC HEARINGS

5. Ordinance Amending Chapter 26 of the La Palma City Code to Comply With Senate Bill 731 Relating to Massage Therapy

- a) Mayor Waldman opened the Public Hearing at 9:19 p.m.
- b) Community Development Director Di Mario gave the Staff Report
- c) Receive Public Input

No members of the public wished to speak.

- d) Mayor Waldman closed the Public Hearing at 9:20 p.m.
- e) City Council Comments and Questions

No members of the City Council had any comments or questions of staff.

- f) Introduce for first reading an Ordinance amending Chapter 26 of the La Palma City Code to comply with Senate Bill No. 731 and its changes to Chapter 10.5 of Division 2 of the Business and Professions Code, relating to massage therapy.

Councilmember Charoen made a motion to introduce for first reading an Ordinance amending Chapter 26 of the La Palma City Code to comply with

Senate Bill No. 731 and its changes to Chapter 10.5 of Division 2 of the Business and Professions Code, relating to massage therapy.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: None

### REGULAR ITEMS

#### 6. League of California Cities (LOCC) Resolutions

- a) A resolution relating to social host liability; and

City Manager Lazzaretto gave the Staff Report.

Councilmember Herman made a motion to oppose a resolution relating to social host liability.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: Councilmember Rodriguez

- b) A resolution urging City governments and others to divest from banks that fail to cooperate with foreclosure prevention efforts.

City Manager Lazzaretto gave the Staff Report.

Discussion ensued regarding the resolution setting a standard for acceptable practices by banks in foreclosure efforts; the impact numbers in the LOCC report not properly reflecting the experience in the City of La Palma; the City not getting involved in banks' business practices; and the overall number of banks that do not cooperate with foreclosure prevention efforts.

Mayor Waldman made a motion to oppose a resolution urging city governments and others to divest from banks that fail to cooperate with foreclosure prevention efforts.

The motion was seconded by Mayor Pro Tem Shanahan and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: Councilmember Rodriguez

7. Consideration of Modifications to the Community Center Rehabilitation Project

- a) Approve the Plans and Specifications for the Community Center Restroom Remodel (City Project No. 09-BLDG-01) and authorize the Public Works Director to solicit bids for the project;

City Manager Lazzaretto gave the staff report.

Public Input:

Chris Barnes, 4471 Berton Circle, addressed the City Council regarding her opposition to dark flooring and in support of a lighter color palette.

Richard Lutz, 8182 Bellhaven Street, addressed the City Council regarding his opposition to dark flooring and colors.

Jean Otani, 5292 Bransford Lane, addressed the City Council regarding her opposition to dark flooring and in support of a lighter color palette.

Council Comments and Questions:

Discussion ensued regarding the proposed flooring; installation of new LED lighting; using a darker palette for the flooring for ease of maintenance; and the texture of the proposed floor tiles.

Chris Barnes, 4471 Berton Circle, addressed the City Council asking that the partitions be painted a light color.

Richard Lutz, 8182 Bellhaven Street, addressed the City Council asking if additional lighting could be added to the project.

City Manager Lazzaretto replied that new LED lighting had been added to the project.

Further discussion ensued regarding the amount of wall space that will be in a lighter color; the bathroom becoming brighter with the installation of the new LED lighting; and going with a lighter flooring than the sample.

Mayor Waldman made a motion to approve the Plans and Specifications for the Community Center Restroom Remodel (City Project No. 09-BLDG-01) with the color of the flooring be in a lighter palette and authorize the Public Works Director to solicit bids for the project;

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

AYES: Councilmember Charoen, Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: None

- b) Approve an agreement with National Sign & Marketing Corporation of Chino, California for installation of two Electronic Readerboards and allocate \$54,725 from the General Fund Reserve for the project; and

City Manager Lazzaretto gave the Staff Report.

Public Input:

Sharon Gutjahr, 5489 Dirk Circle, addressed the City Council regarding her support for the installation of two electronic readerboards.

Council Comments and Questions:

Discussion ensued regarding increasing the length of the readerboard; the capabilities of the proposed readerboard's pixel resolution; the responsible party for keeping the readerboard up to date; losing the aspect ratio by going with a longer readerboard; whether or not the Police Department could use the readerboard during emergencies; and Councilmember Charoen's concerns with taking funds from the General Fund Reserve.

Mayor Pro Tem Shanahan made a motion to approve an agreement with National Sign & Marketing Corporation of Chino, California for installation of two Electronic Readerboards and allocate \$3,270 from the Urban Park Grant Fund, \$24,334 from Park Development Fund, and the balance of \$27,000 from the General Fund Reserve for the project.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Herman, Councilmember Rodriguez, Mayor Pro Tem Shanahan, and Mayor Waldman

NOES: Councilmember Charoen

- c) Approve the revised exterior color schemes for the Community Center, authorize the Public Works Director to solicit bids, and allocate \$6,500 from the General Fund Reserve to complete the project.

City Manager Lazzaretto gave the Staff Report.

Public Input:

Sharon Gutjahr, 5489 Dirk Circle, addressed the City Council regarding her opposition to the revised color scheme for the Community Center.

Jean Otani, 5292 Bransford Drive, addressed the City Council regarding her support for the revised color scheme for the Community Center.

Richard Lutz, 8182 Bellhaven Street, addressed the City Council regarding his opposition to the revised color scheme for the Community Center.

Chris Barnes, 4471 Berton Circle, addressed the City Council regarding her opposition to both the current and revised color schemes.

Councilmember Rodriguez made a motion to lighten the blue in the light monitors to look like a continuation of the sky.

Council Comments and Questions:

Discussion ensued regarding the proposed palette of earth tones; toning down the blue paint in the light monitors; removing the green paint altogether; not spending the funds to repaint; the amount of positive comments versus negative comments regarding the current colors of the Community Center; residents who stated they would help repaint the Community Center; and the timeframe to repaint for normal wear and tear.

Sharon Gutjahr, 5489 Dirk Circle, addressed the City Council regarding her support of taking no action and leaving the Community Center colors as is.

Councilmember Rodriguez rescinded his original motion.

Mayor Pro Tem Shanahan made a motion to receive and file the report, thereby taking no action.

The motion was seconded by Mayor Waldman.

Councilmember Herman made a substitute motion to repaint the light monitors a light blue and to take no further actions as to the exterior colors of the Community Center.

The motion was seconded by Councilmember Rodriguez and carried on the following vote:

AYES: Councilmember Herman, Councilmember Rodriguez, and Mayor Waldman

NOES: Councilmember Charoen and Mayor Pro Tem Shanahan

COUNCILMEMBER AB1234 REPORTS, REPORTS FROM CITY-AFFILIATED COMMITTEES, AND COUNCIL REMARKS

**Councilmember Charoen** attended the La Palma Chamber of Commerce Legislative Committee Mixer and met with Thailand's new Consul General.

**Councilmember Herman** attended the Anaheim YMCA Financial Audit Team; the Senior Barbeque at Central Park; the Hollywood Stones Concert in the Park where he cooked hot dogs for residents; the reception for the new Orange County Transportation Authority (OCTA) CEO, Will Kempton. He reported on recent outcomes with the Orange County Vector Control District (OCVCD) and on the incident on YMCA property where two children left the premises by slipping through an opening in the fence. He commented on the new stop signs

at Kevin Lane and Oak Drive and discussed the new "Mosaic" newsletter. He closed by commenting on the status of the war in Iraq and on the new La Palma Business Attraction materials.

**Councilmember Rodriguez** attended the Hollywood Stones Concert in the Park where he cooked hot dogs for residents; the Orange County Library Subcommittee meeting; and the reception for the new OCTA CEO Will Kempton. He announced that he plans to attend a follow up meeting for the La Palma Chamber of Commerce regarding contract negotiations and the upcoming Soy Tofu ribbon cutting event. He closed by asking for clarification on a letter from Supervisor Moorlach's office and reported on the faded red curbs and the traffic situation around Walker Junior High School.

Chief Ethell responded that increased policing and more officers are enforcing the parking situation during the first few weeks of school.

**Mayor Pro Tem Shanahan** attended the Senior Barbeque at Central Park and commented on positive feedback from Cerritos Residents regarding La Palma's Concerts in the Park. He announced that he would not be present at the next City Council meeting and closed by reporting on the loss of two firefighters in the recent fires and passed on condolences to their families.

**Mayor Waldman** attended a Ground Water Replenishment meeting; the La Palma Chamber of Commerce Legislative Mixer; the Hollywood Stones Concert in the Park where he cooked hot dogs for residents; and the Orange County Sanitation District (OCSD) general meeting. He reported that his daughter Michelle reported to Luther Elementary School for her first day of kindergarten.

#### CITY MANAGER REMARKS

**City Manager Lazzaretto** reminded the City Council that MIG is trying to conduct interviews with Councilmembers for the Park Master Plan. He announced that he will not be present at the next City Council meeting as he will be out of the country on an LOCC International exchange and that Community Development Director Di Mario will be the acting City Manager during his absence. He also reported that the City will be bringing forward an item to declare a residence on Santa Margarita as a public nuisance for code enforcement issues. He closed by passing on his condolences to the families of the lost firefighters and thanked the firefighters for keeping his home intact.

#### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** had nothing to report.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 11:08 p.m. in memory of Senator Ted Kennedy.

*/s/*

Mark I. Waldman, Mayor

Attest:

*/s/*

Laurie A. Murray, City Clerk