

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

November 3, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of the City Council to order at 7:02 p.m. in the Council Chambers of La Palma City Hall at 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Herman

INVOCATION: Council Member Rodriguez

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
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/ City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:05 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the October 20, 2009, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-33 approving the Register of Demands for November 3, 2009.

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

RECONVENE THE CITY COUNCIL FOR A JOINT MEETING WITH THE COMMUNITY DEVELOPMENT COMMISSION AT 7:06 P.M.

REGULAR ITEMS

- C. Approval of Plans and Specifications, and Authorization to Solicit Competitive Bids for the Rehabilitation of Orangethorpe Avenue, from the West City Limits at Moody Street to the East City Limits at Valley View Street, City Project No. ST-294, Federal Project No. ESPL-5319(012)

Commission Member Herman made a motion to approve Plans and Specifications, and Authorization to Solicit Competitive Bids for the Rehabilitation of Orangethorpe Avenue, from the West City Limits at Moody Street to the East City Limits at Valley View Street, City Project No. ST-294, Federal Project No. ESPL-5319(012).

The motion was seconded by Vice Chairperson Shanahan.

Public Works Director Moneda gave a brief Staff Report.

Discussion ensued regarding signage denoting that the project was funded with Federal stimulus funds; that the project would take approximately one month to complete; the start date of the project being in the Spring; and the percentage of stimulus funds versus community development funds to be used.

City Manager Lazzaretto explained that the CDC has \$100,000 available for the project in the current Fiscal Year Budget; that \$500,000 in Federal stimulus dollars are available; and that the total cost of the project is estimated to be under \$500,000. Therefore, there is a high probability that the project will be 100% funded with Federal stimulus monies.

The motion carried on the following vote:

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

NOES: None

RECESS THE CITY COUNCIL, ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:10 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the October 20, 2009, Regular Meeting of the La Palma Planning Commission.

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND CONVENE AS THE CITY COUNCIL AT 7:11 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.

2. Approval of Council Minutes

Minutes of the October 20, 2009, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2009-55 approving the Register of Demands for November 3, 2009.

4. Amendment to Agreement for Professional Audit Services

Approve and authorize the Mayor to execute an amendment to the City's agreement for auditing and accounting services with Vavrinek, Trine, Day, & Co., LLP.

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

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

ITEMS PULLED FROM THE CONSENT CALENDAR

5. Purchase of Two (2) Reservoir Management System (RMS) Tank Mixers for Installation at the Meadowlark Lane and Walker Street Reservoirs.

Councilmember Herman requested to have the item pulled to ask for clarification on the bidding process.

City Attorney Kuperberg indicated that State law does not set forth regulations or processes for purchasing supplies; that the City has flexibility in these types of purchases; and that there is no legal impediment to proceeding with Staff's recommendation.

Authorize the purchase of two (2) Reservoir Management System (RMS) Tank Mixers for installation at the Meadowlark Lane and Walker Street Reservoirs.

Councilmember Herman made a motion to approve Consent Calendar Item 5.

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

None Scheduled.

REGULAR ITEMS

6. Study Session: Five Year Financial Outlook of General Fund Revenues and Expenditures

Finance Director Neves gave a detailed Staff Report.

Discussion ensued regarding the “true up” amount the State will eventually pay the City; the analysis being a trend analysis; the presentation being from a financially conservative viewpoint; the fuel industry being a core source of sales tax revenue; the probability that the City will receive a larger volume of sales tax revenue in the future; that transient occupancy tax revenue is dependent on an economic recovery; that Staff will produce a financial outlook scenario that excludes the City’s top commercial industry; that Utility Users Tax (UUT) is the City’s third largest revenue resource; and that 1% of UUT revenue equals \$225,000 and lowering the UUT would cause the City to use General Fund Reserves.

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

Mayor Pro Tem Shanahan attended the La Palma Halloween Carnival and announced that he plans to attend the upcoming La Palma Pageant and La Palma Days Parade. He reported on an article in *Concrete Resources* and commented on the Fair Political Practices Commission’s (FPPC) advice letter regarding City Councilmembers’ ability to participate in any decision regarding the Luther School Closure.

Councilmember Rodriguez attended a Relay for Life Summit; a demonstration meeting of Toastmasters; the Reflections of Arts Program at Walker Junior High School; the Walker Junior High School Renaissance Celebration; and La Palma Days Parade meetings. He congratulated the Buena Park School District in exceeding their Academic Performance Index (API) goal. He announced that he

plans to attend the La Palma Pageant and upcoming Orange County Transportation Authority Leadership symposium. He invited City Councilmembers and City Staff to the Fall Fundraising Dinner for the HOPE Food Bank on November 21st at the Knott's Berry Farm Hotel and Restaurant. He closed by reporting on University of Oregon football player, Robert Pleasant, who previously starred on the football team at La Palma's John F. Kennedy High School.

Councilmember Herman attended the La Palma Chamber of Commerce Business Expo at Cypress College and the Red Ribbon Week Kick-Off Challenge where the Kiwanis Club made a pancake breakfast. He announced that he plans to attend the upcoming La Palma Days Parade and La Palma Pageant. He closed by reporting on the status of the war in Iraq and reported on average water usage by residents in Africa.

Councilmember Charoen attended the La Palma Chamber of Commerce Mixer at EDCO Disposal; the La Palma Chamber of Commerce Business Expo at Cypress College; and the La Palma Halloween Carnival.

Mayor Waldman attended the Orange County Council of Governments meeting; the Red Ribbon Week Kick-Off Challenge at Central Park; the general meeting of the Orange County Sanitation District; and the La Palma Halloween Carnival.

CITY MANAGER REMARKS

City Manager Lazzaretto reminded the City Council of the Graduation Ceremony for the Civic Academy on November 4, 2009. He reported that there will be a joint City Council and Transportation Safety Committee meeting next Tuesday, November 10, 2009, to discuss Project Safe Streets and to consider opposing the closure of Luther Elementary School. He closed by noting upcoming agenda items: recommendations from the Traffic Safety Committee; an update to the City's Transient Occupancy Ordinance; and to consider a moratorium on development for the six corner parcels that the City is looking to rezone in the future.

CITY ATTORNEY REMARKS

City Attorney Kuperberg announced that he will be available to the City Council for questions or concerns regarding the FPPC advice letter that addresses the Luther Elementary School closure.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 8:09 p.m. to the Special Meeting of the City Council on November 4, 2009, at 6:30 p.m.

/s/

Mark I. Waldman, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk