

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

November 17, 2009

CALL TO ORDER: Mayor Waldman called the Regular Meeting of La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 295

INVOCATION: Pastor Matthew Mitchell, Faith Fellowship 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  
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

Esther De Leon Hernandez, Director of the La Palma Chamber of Commerce, addressed the City Council regarding a Christmas Food Drive; upcoming Chamber events; and the benefits of the Chamber being located near City Hall. She closed by challenging City staff to a Christmas Carol sing-off at the upcoming Chamber Christmas Mixer.

Mayor Waldman called for a short recess due to technical difficulties at 7:05 p.m.

Mayor Waldman reconvened the City Council at 7:08 p.m. with all members present.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:08 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes from the November 3, 2009, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-24 approving the Register of Demands for November 17, 2009.

C. Cash and Investment Report as of September 30, 2009

Receive and File the Cash and Investment Report as of September 30, 2009.

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

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, and

Chairperson Waldman

NOES: None

### PUBLIC HEARINGS

None Scheduled.

### REGULAR ITEMS

- D. Approval of Real Property Purchase Agreement for Property Located at 5410 La Palma Avenue
- a) Approve and authorize the Chairperson to execute the Real Property Purchase Agreement between Steven P. Grant, et. al. and the Community Development Commission for the acquisition of property located at 5410 La Palma Avenue;
  - b) Authorize the Executive Director to execute all further documents and instruments as necessary to effectuate the purchase of the property, including the Certificate of Acceptance and all closing documents; and
  - c) Approve a supplemental appropriation for Fiscal Year 2009-10 in the amount of \$630,000 from the CDC Debt Service Fund (Account No. 046-810-990.000) to the CDC Capital Improvement Fund (Account No. 041-000-495.100) for the purchase of the property.

Community Development Director Di Mario gave the Staff Report.

Discussion ensued regarding City Council's satisfaction with the purchase; how the property could enable the City to expand its services; and staff bringing a detailed upgrade plan to the City Council at a later date.

Commission Member Rodriguez made a motion to approve Regular Item D, Sections a, b, and c.

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

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

Chairperson Waldman

NOES: None

ADJOURN COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS  
THE PLANNING COMMISSION AT 7:16 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the November 3, 2009, Regular Meeting of the La Palma Planning Commission.

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

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

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

NOES: None

PUBLIC HEARINGS

PL-2. Six-Month Review of Conditional Use Permit 346, Consisting of a 1,502 Square Foot Day Spa Facility at 30 Centerpointe Drive, Suite 9A

a) Chairperson Waldman opened the Public Hearing at 7:17 p.m.

b) Associate Planner Scott Hutter gave the Staff Report

c) Public Input

No members of the public wished to speak.

d) Mayor Waldman closed the Public Hearing at 7:21 p.m.

e) Commission Comments and Questions

Discussion ensued regarding whether the Associate Planner's visit was scheduled; the cleanliness and atmosphere of the facility; the applicant's ability to meet all the conditions; and whether the owner wants to expand the clientele to accommodate male customers.

f) Receive and File Report

Commission Member Rodriguez made a motion to receive and file the Report.

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

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

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:21 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 November 3, 2009, Regular Meeting of the City Council and the Minutes of the November 3 and November 4, 2009, Special Meetings of the City Council.

3. Approval of Register of Demands

Resolution No. 2009-57 approving the Register of Demands for November 17, 2009.

4. Cash and Investment Report as of September 30, 2009

Receive and File the Cash and Investment Report as of September 30, 2009.

5. First Quarter Financial Report - Fiscal Year 2009-10

Receive and file the First Quarter Financial Report for Fiscal Year 2009-10.

Councilmember Charoen made a motion to approve Consent Calendar Items 1 through 5.

The motion was seconded by Mayor Pro Tem Shanahan 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

6. Award of Contract to Atom Engineering Construction for the Community Center Restroom Remodel, City Project No. 09-BLDG-01

- a) Award a contract in the amount of \$53,935 to the low responsible bidder, Atom Engineering Construction of Hemet, California, and authorize the Mayor to execute the agreement for the Community Center Restroom Remodel, City Project No. 09-BLDG-01; and
- b) Authorize the expenditure of \$15,065 for available contingencies in the project, if needed.

Councilmember Herman requested that this item be pulled to ask for clarification on the possible contingency expenditures.

Director Moneda indicated that additional plumbing repairs could be necessary.

Councilmember Rodriguez inquired about plumbing changes that were planned with the recently completed Community Center remodel project.

City Manager Lazzaretto stated that those changes were removed from the project as a cost savings measure.

Councilmember Herman made a motion to approve Consent Calendar Item 6, Sections a and b.

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

7. Consideration of Traffic Improvements at the Intersections of Santa Margarita Lane/Del Este Circle and Along La Luna Drive, and Additional Parking Restrictions Along Crescent Avenue
  - a) Deny a request for a multi-way stop at the intersection of Santa Margarita Lane/Del Este Circle;
  - b) Approve the installation of striping improvements along Santa Margarita Lane from La Luna Drive to Crescent Avenue and along La Luna Drive from Moody Street to Walker Street;

Public Works Director Moneda gave the Staff Report on Sections a and b.

Council Comments and Questions:

Discussion ensued regarding whether the resident who requested the stop sign lived on Santa Margarita Lane or Del Este Circle; if pedestrians or cyclists could be confused by the proposed striping on Santa Margarita Lane; not striping Del Este Circle; the width of streets causing higher rates of speed; evaluating the site again in six months to measure the success

of the improvements in lowering the average speed; the width of Santa Margarita Lane being 40 feet wide versus the average street width being 28 to 34 feet wide; narrowing the drive lanes causing drivers to slow down; other options available to deter speeds if the striping is not successful; the proposed alternative possibly reducing residential parking; posting speed limit signs in addition to the striping; the same technique being used at other problem sites within the City; and that Staff is in the process of developing a more formalized plan to address these residential issues.

Councilmember Herman made a motion to approve Regular Item 7, Sections a and b.

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

- c) Approve additional parking restrictions along Crescent Avenue from 5551 Crescent Avenue to Walker Street; and
- d) Authorize the appropriation of funds from the City's General Fund Reserves to cover the costs associated with striping La Luna Drive and Santa Margarita Lane and the painting of red curb along Crescent Avenue.

Public Works Director Moneda gave the Staff Report on Sections c and d.

Public Input:

Phillip Oh, 5822 Lemon Avenue in Cypress, addressed the City Council asking what the consequences are for those who ignore the parking restrictions.

Police Chief Ethell responded that violators would be cited.

Council Comments and Questions:

Discussion ensued regarding continuing the red paint north to Walker Street; the higher visibility of a red curb versus a street sign; the curb of the east of the driveway already being painted red; and where delivery vehicles would park.



Councilmember Rodriguez made a motion to approve Staff recommendation on Regular Item 7, Sections c and d, adding additional parking restrictions from 5551 Crescent Avenue to Walker Street, and including additional red striping to the second no parking sign.

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

8. Consideration of Circulation Improvements at the Community Center Parking Lot
  - a) Receive and file the Parking Lot Study Report;
  - b) Approve the restriping of the northern driveway at Central Park from three (3) 10-foot lanes to two (2) 15-foot lanes;
  - c) Approve the installation of an ADA-compliant disabled access ramp and driveway at the southern end of the parking lot adjacent to the crosswalk on Walker Street; and
  - d) Authorize the appropriation of funds from the City's General Fund Reserves to cover the costs associated with the restriping of the northern driveway, reconstruction of the southern driveway, and installation of an ADA compliant disabled access ramp.

Public Works Director Moneda gave the Staff Report.

Public Input:

Kenneth Blake, 7801 Westra Lane and member of the Traffic Safety Committee, addressed the City Council regarding his support of changing the three narrow lanes at the northern driveway to two, ten-foot wide lanes, and his concern for safety at the southern driveway due to the electronic sign.

Ed Appleton, 5201 Del Este Circle, addressed the City Council regarding when modifications to the crosswalk opposite of the southern driveway would be made.

Council Comments and Questions:

Discussion ensued regarding support for changing the northern driveway from three lanes to two lanes; the possibilities of softening the ninety degree angle of the curb at the south side of the northern driveway; truncated domes being installed at the southern driveway to assist the blind; that the electronic readerboard was turned off over the last two days for training; standard practices for readerboards; installing audible timers for the blind at crosswalks; removing the bollards at the southern driveway; developing a policy for when both driveways are opened; and keeping the safety of visitors as the primary concern.

Councilmember Herman made a motion to approve Regular Item 8, Sections a, b, c, and d.

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

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

NOES: None

Mayor Waldman called for a short recess at 8:09 p.m.

Mayor Waldman reconvened the City Council at 8:15 p.m. with all members present.

9. Interim Urgency Ordinance Prohibiting the Processing or Approval of Development Entitlements, Permits, or Approvals on Designated Properties in the Neighborhood Commercial (NC) Zone

Community Development Director Di Mario gave the Staff Report.

- a) Introduce and adopt an Interim Urgency Ordinance prohibiting the processing or approval of any land use development entitlements, permits, or approvals on designated properties in the Neighborhood Commercial (NC) Zone pending the completion of a study of amendments to the City's Zoning Ordinance; and

Councilmember Herman made a motion to approve the introduction and adopt an Interim Urgency Ordinance prohibiting the processing or approval of any land use development entitlements, permits, or approvals

on designated properties in the Neighborhood Commercial (NC) Zone pending the completion of a study of amendments to the City's Zoning Ordinance.

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

- b) Introduce for first reading an Interim Ordinance prohibiting the processing or approval of any land use development entitlements, permits, or approvals on designated properties in the Neighborhood Commercial (NC) Zone pending the completion of a study of amendments to the City's Zoning Ordinance.

Councilmember Herman made a motion to approve the introduction of the first reading an Interim Ordinance prohibiting the processing or approval of any land use development entitlements, permits, or approvals on designated properties in the Neighborhood Commercial (NC) Zone pending the completion of a study of amendments to the City's Zoning Ordinance.

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

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

**Mayor Pro Tem Shanahan** attended the La Palma Days Parade and Band Review; the unofficial Sister City event at Mayor Waldman's residence; the joint City Council and Traffic Safety Committee meeting; and the La Palma Pageant. He closed by reporting that he plans to attend the upcoming Cypress College Americana Awards kick-off event and the upcoming Buena Park Prayer Breakfast.

**Councilmember Rodriguez** attended the La Palma Pageant; the joint City Council and Traffic Safety Committee meeting; the La Palma Days Parade and Band Review; the League of California Cities (LOCC) Legislative Webinar; and the Cypress College Extended Opportunity Programs and Services (EOPS) Advisory Committee meeting to help in outreach efforts to disadvantaged students. He announced that he plans to attend the upcoming Cypress College Americana Awards kick-off event and the upcoming HOPE Foodbank benefit dinner. He requested that Staff develop a communication policy for the new readerboards and overhead banners and closed by reporting on the positive feedback received regarding the La Palma Community Newspaper and the new look of *The Source*.

**Councilmember Charoen** attended the La Palma Days Parade and Band Review; the joint City Council and Traffic Safety Committee meeting; and the Civic Academy Graduation Ceremony. He announced that he plans to attend the upcoming Orange County Fire Authority (OCFA) meeting and closed by wishing everyone a happy Thanksgiving holiday.

**Councilmember Herman** attended an Orange County Vector Control District (OCVCD) Executive Meeting; an Anaheim YMCA Board Meeting; the joint City Council and Traffic Safety Committee meeting; the La Palma Days Parade and Band Review; the La Palma Pageant; and the Sister City Visit during the La Palma Days event. He announced that he plans to attend an upcoming OCVCD meeting; the upcoming Cypress College Americana Awards kick-off event; and the upcoming Buena Park Prayer Breakfast. He noted his disappointment in hearing that RR Donnelly, a large business in La Palma, is closing and laying off 40 employees. He reported that he will be out of town over the Thanksgiving Holiday.

**Mayor Waldman** attended the Orange County Sanitation District Committee (OCSDC) meeting; the La Palma Pageant; the Ground Water Replenishment Steering Committee meeting; the Cypress School District Board meeting regarding the closing of Luther Elementary School; the joint City Council and Traffic Safety Committee Meeting; the unofficial Sister City event at his residence; and the La Palma Days Parade and Band Review. He announced that he plans to attend the upcoming Cypress School District Closure Committee meeting on November 19, 2009, at 6:30 p.m. at Luther Elementary School.

#### CITY MANAGER REMARKS

**City Manager Lazzaretto** reported that he will be out of town during the Thanksgiving Holiday; and requested that the City Council turn in their Municipal Code Books for updating. He announced that the December 1 City Council Agenda would include a Block Wall Painting Study Session; a required model

Landscaping Ordinance; the Animal Care Ordinance; and the Transient Occupancy Tax (TOT) update.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** had nothing to report and wished everyone a happy and healthy Thanksgiving Holiday.

ADJOURNMENT

Mayor Waldman adjourned the Regular Meeting of the La Palma City Council at 8:46 p.m. and wished everyone a happy Thanksgiving Holiday.

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Mark I. Waldman, Mayor

Attest:

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Laurie A. Murray, City Clerk