

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

December 15, 2009

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

PLEDGE OF ALLEGIANCE: Councilmember Charoen

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
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

1. Police Chief Ethell introduced Kirsten Rowe as the new Management Analyst for the La Palma Police Department.

PROCEDURAL ITEMS

PI-1. City Council Reorganization

Mayor Waldman asked the City Clerk Murray to conduct the election for Mayor.

City Clerk Murray entertained nominations for Mayor.

Councilmember Charoen nominated Mayor Pro Tem Shanahan for Mayor.

Councilmember Rodriguez nominated Councilmember Herman for Mayor.

Councilmember Rodriguez made a motion to close the nominations.

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

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

NOES: None

Discussion ensued regarding Councilmember Rodriguez's support for Councilmember Herman as the next Mayor and his concern regarding Mayor Pro Tem Shanahan not being able to participate in the Luther Elementary School closure due to his residential location.

The nomination for Mayor Pro Tem Shanahan as Mayor carried on the following vote:

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

NOES: Councilmember Rodriguez

ABSTAIN: Councilmember Herman

Mayor Shanahan conducted the election for Mayor Pro Tem.

Councilmember Waldman nominated Councilmember Rodriguez as Mayor Pro Tem.

Councilmember Waldman made a motion to close the nominations.

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

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

NOES: None

ABSTAIN Councilmember Rodriguez

The nomination for Councilmember Rodriguez as Mayor Pro Tem carried on the following vote:

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

NOES: None

ABSTAIN: Councilmember Rodriguez

Mayor Shanahan recessed the City Council at 7:11 p.m.

Mayor Shanahan reconvened the City Council at 7:28 p.m. with all members present.

Mayor Shanahan presented outgoing Mayor Waldman with a plaque representing his outstanding service and dedication to the La Palma Community as Mayor for 2009.

ORAL COMMUNICATIONS

City of Cypress Councilmember and District 18 Representative for the Southern California Association of Governments (SCAG) Leroy Mills, reported on the recent SCAG meeting regarding global warming climate changes; the current status of the State budget crisis; and term limits.

Pastor Nick Nicolaidis, representing the Church of the Carpenter, addressed the City Council regarding the services of their Care Group that helps recovering drug addicts. He closed by requesting the City Council's blessing

and endorsement of their Care Group's event on Saturday, January 23, 2010, at the La Palma Community Center at 12:30 p.m.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:39 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the December 1, 2009, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2009-26 approving the Register of Demands for December 15, 2009.

C. Annual Financial and Compliance Audit Reports and Annual Financial Transactions Report of the La Palma Community Development Commission for the Fiscal Year Ended June 30, 2009

Receive and file the annual financial and compliance audit reports and the annual Redevelopment Agency's Financial Transactions Report for the Fiscal Year ended June 30, 2009.

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION AT 7:40 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the December 1, 2009, Regular Meeting of the La Palma Planning Commission.

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN PLANNING COMMISSION AND CONVENE AS THE CITY COUNCIL AT 7:41 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Approve recommendation that the City Council waive the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

Minutes of the December 1, 2009, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2009-60 approving the Register of Demands for December 15, 2009.

4. Acceptance of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2009

Receive and file the Comprehensive Annual Financial Report (CAFR) of the City of La Palma for the Fiscal Year ended June 30, 2009.

6. Revised Agreement for Animal Care Services

Approve and authorize the Mayor to execute a revised Agreement with the Southeast Area Animal Control Authority (SEAACA) for the provision of Animal Care Services, beginning January 1, 2010, through June 30, 2014.

7. Settlement Agreement and Release of Claims with Construct 1 One Corporation for Bid Divisions No. 1 and 2 for the Community Center Rehabilitation Project

a) Approve and authorize the Mayor to sign the Settlement Agreement and Release of Claims with Construct 1 One Corporation for Bid Divisions No. 1 and 2 for the Community Center Rehabilitation Project;

b) Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for Bid Divisions No. 1 and 2 for the Community Center Rehabilitation Project; and

c) Appropriate \$51,958.60 from the Capital Outlay Reserve Fund to cover the costs of the Settlement Agreement and Release of Claims.

8. Orange County Taxi Administration Program Revised Regulations

Resolution No. 2009-62 adopting revised Orange County Taxi Administration Program regulations.

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

Adopt and issue the report on Interim Urgency Ordinance prohibiting the processing or approval of development entitlements, permits, or approvals on designated properties in the Neighborhood Commercial (NC) Zone.

Councilmember Waldman made a motion to approve Consent Calendar Items 1 through 4, and Items 6 through 9.

Councilmember Charoen asked that it be noted he was voting no on Agenda Item 7.

The motion was seconded by Mayor Pro Tem Rodriguez and carried on the following vote with Councilmember Charoen voting no on Agenda Item 7:

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

5. Resolution Authorizing the Submittal of a California Energy Commission's Energy Efficiency and Conservation Block Grant

Councilmember Herman requested to have this item pulled to ask for clarification of the consultant's fees, the application process, and the application deadline.

Resolution No. 2009-61 authorizing the submittal of a California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG).

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

10. Ordinance Repealing and Replacing in its Entirety Chapter 5 (Animal Control) of the La Palma City Code

Administrative Services Manager Murray gave the Staff Report.

Ordinance No. 2009-08 repealing and replacing in its entirety Chapter 5 (Animal Control) of the La Palma City Code.

Councilmember Charoen made a motion to approve Ordinance No. 2009-08 repealing and replacing in its entirety Chapter 5 (Animal Control) of the La Palma City Code.

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

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

NOES: None

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

Councilmember Charoen attended the La Palma Holiday Tree Lighting event and wished everyone a Merry Christmas.

Councilmember Herman attended the Water Conservation Workshop; the La Palma Chamber of Commerce Holiday Mixer; the La Palma Seniors Club Christmas luncheon; and participated in the Kiwanis Home Decoration Contest. He noted that he plans to attend the upcoming Employee Recognition Luncheon and the upcoming Orange County Vector Control District (OCVCD) meeting. He closed by reporting on the new species of invading ants - the Raspberry Ant.

Councilmember Waldman attended the La Palma Holiday Tree Lighting event; the La Palma Chamber of Commerce Holiday Mixer; the Orange County Sanitation District Administration Committee meeting; and the League of California Cities Holiday event.

Mayor Pro Tem Rodriguez attended the La Palma Holiday Tree Lighting event; the Relay for Life Team kick-off meeting; and participated in the Business Retention Subcommittee meeting with the La Palma Chamber of Commerce. He closed by asking the City Council to close in memory of John Cortez, a forty year La Palma resident.

Mayor Shanahan attended and participated in the Community Project with BP/ARCO and commended BP/ARCO and City Council for their participation; and the La Palma Holiday Tree Lighting event. He reported that he plans to attend the City's upcoming Employee Recognition Luncheon.

Councilmember Herman inquired about La Palma's participation in the County-wide Curfew Sweep.

Police Chief Ethell responded that the City had two officers who participated and that no residents were cited.

Councilmember Herman asked if the new Deputy City Clerk for the City of Yorba Linda is the same Lynnae Sisemore who used to work for the City of La Palma.

City Manager Lazzaretto confirmed that she was.

CITY MANAGER REMARKS

City Manager Lazzaretto announced that the Cypress School District has set a hearing date on January 12, 2010, regarding the Cypress School Closures and reported that he will transmit the La Palma Resolution opposing the Luther Elementary School closure. He commented on the upcoming Special Meeting on December 22, 2009, regarding City Council Committee appointments and to extend the Interim Ordinance regarding the City's six corner parcels. He reported that upcoming Agenda Items would include the Water Rate Study; the Curb, Gutter, and Sidewalk Master Plan; and appointments to City Council Committees. He congratulated new Mayor Shanahan and thanked former Mayor Waldman for

his efforts over the past year. He closed by wishing everyone a happy Holiday Season.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report; congratulated Mayor Shanahan and Mayor Pro Tem Rodriguez; and wished everyone a happy, healthy, and holiday season and wonderful New Year.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 8:00 p.m. in memory of John Cortez and wished everyone a safe and happy holiday season.

/s/

Steve Shanahan, Mayor

Attest:

/s/

Laurie A. Murray, City Clerk