

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

July 6, 2010

CALL TO ORDER: Mayor Shanahan called the regular meeting of the La Palma City Council to order at 6:59 p.m. in the Council Chambers of La Palma, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Waldman

INVOCATION: Councilmember Waldman

ROLL CALL: Council and Commission Members

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

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director  
Joel Kuperberg, City Attorney  
Douglas Dumhart, 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

1. Mayor Shanahan presented a Student Recognition Award to Kevin Hsiao.

2. Mayor Shanahan presented a proclamation to Kevin Hsaio in recognition of his service on the Community Activities and Beautification Committee.
3. Mayor Shanahan presented a proclamation to AT&T External Affairs Director, John Heffernan, in support of AT&T's "No Texting While Driving" campaign.

Councilmember Herman asked about the length of the program and how AT&T measures its success.

AT&T External Affairs Director Heffernan responded that the program started in March 2010 and that they do not have resources to measure the program's success, but that AT&T does have web based resources for outside agencies and has partnerships with local law enforcement, public education, and municipal organizations.

Mayor Pro Tem Rodriguez asked if AT&T is using the cell phone disabling technology for vehicle drivers.

Director Heffernan reported that AT&T is currently working with manufacturers to find a solution. He commented on current features available to AT&T wireless customers.

#### ORAL COMMUNICATIONS

No members of the public wished to speak.

#### RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:11 P.M.

#### CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the June 15, 2010, Regular Meeting of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2010-15 approving the Register of Demands for July 6, 2010.

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

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 7:12 P.M.

### CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the June 15, 2010, 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

PL-2. Amendment No. 1 to Conditional Use Permit 338, a Request from Walgreens Co. to Add Specific Conditions Pertaining to Beer and Wine Sales Under a Type-20 Off-Sale Beer and Wine License at the Walgreens Pharmacy Located at 5961 La Palma Avenue.

- a) Chairperson Shanahan opened the Public Hearing at 7:13 p.m.
- b) Community Development Director Dumhart gave the Staff Report
- c) Public Input

Paul Blankenship, Walgreens' District Manager, addressed the Planning Commission regarding Walgreens' support for the project; that the amendment is based on customer demand; and that Walgreens will comply with the Conditions of Approval set by the City.

- d) Chairperson Shanahan closed the Public Hearing at 7:23 p.m.

Chairperson Shanahan reopened the Public Hearing at 7:24 p.m.

- e) Commission Comments and Questions

Commission Member Herman asked how Walgreens' staff determines the age of customers purchasing alcohol.

Emily Kieffer, La Palma Walgreens Store Manager, responded that Walgreens' policy requires that staff ask for identification if a customer appears to be under 40 years old.

Commission Member Charoen asked the applicant if Walgreens plans to pursue alcohol sales if the Planning Commission denies the application.

Emily Kieffer, Walgreens Store Manager, reported that the matter would have to be decided at the corporate level.

Vice Chairperson Rodriguez asked the applicant how quickly Walgreens plans to start the sale of alcohol.

Paul Blankenship, Walgreens District Manager, responded that the sale of alcohol would start as soon as the State of California approves their Alcohol and Beverage Control (ABC) license.

Vice Chairperson Rodriguez reported that when Walgreens' original Conditional Use Permit (CUP) was approved, Walgreens was not pursuing a 24 hour facility and asked the applicant if they plan to change their hours of operation.

Paul Blankenship, Walgreens District Manager, responded that Walgreens has 17, 24-hour facilities in Orange County and does not plan to pursue a change in the current hours of operation.

Chairperson Shanahan closed the Public Hearing at 7:27 p.m.

Chairperson Shanahan added that he was pleased that Walgreens was not selling alcohol in individual containers.

- f) Resolution No. PC 2010-05 approving Amendment No. 1 to Conditional Use Permit 338, a request from Walgreens Co. to add specific conditions pertaining to beer and wine sales under a Type-20 Off-Sale Beer and Wine License at the Walgreens Pharmacy located at 5961 La Palma Avenue.

Vice Chairperson Rodriguez made a motion to adopt Resolution No. PC 2010-05 approving Amendment No. 1 to Conditional Use Permit 338, a request from Walgreens Co. to add specific conditions pertaining to beer and wine sales under a Type-20 Off-Sale Beer and Wine License at the Walgreens Pharmacy located at 5961 La Palma Avenue.

The motion was seconded by Commission Member Herman.

Commission Member Charoen noted his opposition to the amendment and announced that he would not support the Resolution.

The motion carried on the following vote:

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

NOES: Commission Member Charoen

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:29 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 June 15, 2010, Regular Meeting of the La Palma City Council and the minutes of the June 15, 2010, Special Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2010-37 approving the Register of Demands for July 6, 2010.

4. Approval of Submittal of the Fiscal Year 2010-11 Measure M Eligibility Packet to the Orange County Transportation Authority

Approve the submittal of the Fiscal Year 2010-11 Measure M Eligibility Packet to the Orange County Transportation Authority.

5. Third Amendment to Agreement with MJC Construction, Inc. for General Sewer Repair Services, City Project No. 03-SWR-01

Approve and authorize the Mayor to execute an amendment to the agreement with MJC Construction, Inc. for General Sewer Repair Services, City Project No. 03-SWR-01.

6. Submittal of Applications to the State of California Department of Transportation for Funding Under the Safe Routes to School Grant Program to Enhance Safety in School Zones Citywide

Resolution No. 2010-38 approving the submittal of applications to the State of California Department of Transportation for Funding Under the

Safe Routes to School Grant Program to Enhance Safety in School Zones Citywide.

Councilmember Herman made a motion to approve Consent Calendar Items 1 through 6.

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

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

7. Amendment to Agreement for Animal Care Services

Councilmember Herman requested to have Item 7 pulled from the Agenda to ask for clarification on the cost of the contract.

Administrative Services Manager Murray and City Manager Lazzaretto clarified that the estimated cost of the agreement is \$55,003 per year.

Approve and authorize the Mayor to execute an amendment to agreement with Southeast Area Animal Control Authority (SEAACA) for animal care services.

Councilmember Herman made a motion to approve and authorize the Mayor to execute an amendment to the Agreement with the Southeast Area Animal Control Agency (SEAACA) for the provision of Animal Care Services.

The motion was seconded by Councilmember Waldman.

Mayor Pro Tem Rodriguez commented that having a contract with SEAACA has proven to provide a higher level of service to the residents of La Palma.

Councilmember Herman indicated that the animal control officer was being replaced and asked who the replacement would be.

Administrative Services Manager Murray responded that Simone Robinson is the new SEAACA Animal Control Officer and that prior to working with SEAACA, she worked with the Los Angeles American Society for Prevention of Cruelty to Animals (ASPCA) and that she will be presented at a future City Council meeting.

Councilmember Herman asked if SEAACA has provided Staff with activity statistics.

Administrative Services Murray reported that she is currently working with SEAACA on acquiring statistical reports from the agency.

The motion 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

8. Appointment to Community Activities and Beautification Committee

City Manager Lazzaretto gave a brief introduction of the item.

Appoint Gunjan M. Patel to the Community Activities and Beautification Committee with a term expiring December 3, 2013.

Councilmember Waldman made a motion to approve the appointment of Gunjan M. Patel to Community Activities and Beautification Committee with a term expiring December 3, 2013.

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

9. Adoption of the City of La Palma Engineering and Traffic Survey Update

Public Works Director Moneda gave the Staff Report.  
Council Comments and Questions:

Discussion ensued regarding the speed limits just outside City limits; that the City Council made a conscious decision to lower speeds near the Civic Center to avoid conflicts with local school zones and City Hall activity; that G. L.'s Engineers used their own radar equipment rather than utilizing any of the City's existing equipment; proximity of the testing equipment to the Orangethorpe bridge and how that may have affected recorded speed limits; the high accident rate on Walker Street; that the accidents on Walker Street are primarily at intersections; that the City is looking to improve the condition of intersections and school crossings along Walker Street; whether the City has seen an increase in accidents in the last two years; that the accident rate along Walker Street are skewed because of the low traffic volumes; that studies were done at the Walker Street and Orangethorpe Avenue intersection to determine whether a dedicated right hand turn lane would be feasible; and that the City is joining efforts with Caltrans to coordinate the signals along Orangethorpe Avenue at the 91 Freeway entrance and exit.

Adopt the "City of La Palma Engineering and Traffic Survey Update" report prepared by G. L. Engineers and dated June 9, 2010.

Councilmember Waldman made a motion to adopt the "City of La Palma Engineering and Traffic Survey Update" report, prepared by G.L. Engineers and dated June 9, 2010.

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

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

**Councilmember Waldman** attended the Orange County Sanitation District (OCSD) general meeting; the Orange County Council of Governments (OCCOG)

meeting; and the July 3rd Run for Fun event. He announced he plans to participate in next year's Run for Fun event.

**Councilmember Herman** attended the Orange County Vector Control District (OCVCD) meeting; the Anaheim YMCA Fundraiser; and the July 3rd Run for Fun event. He asked about the total number of entries for the Run for Fun event.

Recreation and Community Services Director Hobson reported that there were 841 entries compared to last year's 744 entries.

Councilmember Herman reported on the status of West Nile Virus. He commended Public Works for the great work done on Houston Avenue. He commented on two upcoming Senate Bills - SB1998, banning plastic bags and SB1121, giving farm workers overtime pay. He commented on an article regarding municipal loans for solar energy and closed by announcing his intention to enroll in the older adult exercise program "Rise and Shine" at the La Palma Community Center.

City Manager Lazzaretto reported that the County of Orange is working with different cities in a county-wide solar power program.

**Councilmember Charoen** attended the July 3rd Run for Fun event and the Orange County Fire Authority (OCFA) meeting.

**Mayor Pro Tem Rodriguez** attended the League of California Cities (LOCC) Transportation, Communication, and Public Works Policy Committee meeting; the LOCC Employee Relations Committee meeting; the La Palma Chamber of Commerce Golf Tournament; the American Cancer Society (ACS) Relay for Life meeting; and the July 3rd Run for Fun event.

**Mayor Shanahan** visited the Hub and received comments regarding the block wall colors. He attended the July 3rd Run for Fun event. He reported on the recent loss of five California Highway Patrol (CHP) officers and announced that he plans to attend the upcoming California Joint Powers Insurance Authority (CJPIA) annual meeting.

#### CITY MANAGER REMARKS

**City Manager Lazzaretto** reported that the candidate nomination period opens on July 12, 2010. He reported that upcoming agenda items would include an Ordinance to rezone corner parcels, the Park Master Plan, and a Cultural Diversity Policy. He reported on the recent passing of the founder of CARE Ambulance and that funeral services will be held tomorrow.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** announced that candidate campaign expenditure reports (Forms 460 and 470) are due by the end of the month.

Councilmember Herman commented that he has received comments from residents in support of and opposed to the block wall paint color.

City Manager Lazzaretto noted that City Staff has also received comments from residents in support of and opposed to the block wall paint color.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 8:15 p.m.

*/s/*

Steve Shanahan, Mayor

Attest:

*/s/*

Laurie A. Murray, City Clerk