

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 17, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Charoen

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

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
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Patty Mouton, Outreach and Advocacy Vice President for the Alzheimer's Association, addressed the City Council regarding the upcoming 2K Memory Walk at California State University Fullerton on October 23, 2010, and invited the City Council and residents to attend the event.

Mayor Pro Tem Rodriguez asked how long the Alzheimer's Association has been hosting this event.

Ms. Mouton responded that the Memory Walk has been held for 20 years at different locations.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:09 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the August 3, 2010, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-18 approving the Register of Demands for August 17, 2010.

C. Cash and Investment Report as of June 30, 2010

Receive and File the Cash and Investment Report as of June 30, 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 7:10 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 3, 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. Proposed Ordinance Amending Chapter 26 of the La Palma City Code Adding Provisions for the Creation of the Planned Neighborhood Development (PND) Zoning District and Changing the Land Use Designation for Certain Properties to PND

a) Chairperson Shanahan reopened the Public Hearing at 7:10 p.m.

b) Associate Planner Scott Hutter gave the Staff Report.

c) Public Input

No members of the public wished to speak.

d) Chairperson Shanahan closed the Public Hearing at 7:17 p.m.

e) Commission Comments and Questions

Discussion ensued regarding the benefits of the Ordinance to businesses; that businesses would have more options; and that the Ordinance provides more flexible design alternatives.

f) Resolution No. PC 2010-06 recommending City Council approval to a General Plan Amendment and amendments to Chapter 26 of the City Code adding a "Planned Neighborhood Development (PND)" Zoning District and changing the Land Use Designation for certain properties to Planned Neighborhood Development.

Commission Member Waldman made a motion to approve Resolution No. PC 2010-06 recommending City Council approval to a General Plan Amendment and amendments to Chapter 26 of the City Code adding a "Planned Neighborhood Development (PND)" Zoning District and changing the Land Use Designation for certain properties to Planned Neighborhood Development. The motion was seconded by Vice Chairperson Rodriguez.

Discussion ensued regarding changing the transition period from five years to three years; the economy not being able to fully recover in three years; the majority of Commission Members being comfortable with the five-year transition period; that the City Council has the ability to change the timetable if it does not work; and potential drawbacks to a three year transition period.

City Attorney Kuperberg indicated that the Ordinance sets a specific ending date for the transition period, but the City Council can process an amendment to the Ordinance to change the date at any time.

Further discussion ensued regarding the shorter time limit putting tough constraints on businesses; and that the proposed Ordinance will encourage long-term, sound business decisions.

The motion carried on the following vote:

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

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:24 P.M.

Mayor Shanahan called for a short recess at 7:25 p.m. to allow staff to address technical difficulties with the audio telecast.

Mayor Shanahan reconvened the City Council at 7:27 p.m. with all members present.

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 August 3, 2010, Regular and Special Meetings of the La Palma City Council.
3. Approval of Register of Demands
Resolution No. 2010-44 approving the Register of Demands for August 17, 2010.
4. Cash and Investment Report as of June 30, 2010
Receive and file the Cash and Investment Report as of June 30, 2010.
5. Award of Contract to Industry Coatings Co. for the Arterial Block Wall

Painting (Phase 2), City Project No. ST-303B

Award the contract in the amount of \$36,805 to the low responsible bidder, Industry Coatings Co. of San Pedro, California, and authorize the Mayor to execute the agreement for the Arterial Block Wall Painting (Phase 2), City Project No. ST-303B.

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

6. Support of the Huntington Beach Water Desalination Facility

Public Works Director Moneda introduced the item.

Brian Lochrie, Faubel Public Affairs Executive Vice President representing Poseidon Resources, gave a detailed presentation.

Council Comments and Questions:

Discussion ensued regarding the cost factors of desalinated water versus imported water; that the cost of desalinated water would decrease over a 10-year period; that Poseidon Resources has various funding options available; that Scripps Institute conducted an environmental study on the salinity of the outgoing water, which noted only minimal amounts of tiny plankton and microscopic fish eggs not surviving the process.

Councilmember Herman requested that Mr. Lochrie supply the City with a copy of the Scripps Institute Environmental Study.

Further discussion ensued regarding the project benefiting all of Orange County by providing a new water resource and freeing up imported water; that the Orange County Municipal Water District (OCMWD) was not asked to endorse the project as they are currently in negotiations with Poseidon Resources; and that La Palma would continue to purchase the cleanest source of water available at the least expensive rate.

City Attorney Kuperberg commented that the City itself does not negotiate the rates of imported water, but rather the Metropolitan Water District of Orange County (MWDOC) sets the rates prior to exporting water to La Palma. He added that the MWDOC rates reflect the blended water resources they pull from and that using the desalinated water would increase the rates at a minimal level.

Further discussion ensued regarding brine waste; that Huntington Beach will regularly monitor the discharge; that the construction is privately funded; that the subsidies go directly to the water purchasing agencies; that studies show that imported water rates will increase over time; and that all Cities that have been asked to support the project have.

Resolution No. 2010-45 supporting the Huntington Beach Water Desalination Facility.

Councilmember Waldman made a motion to adopt Resolution No. 2010-45 supporting the Huntington Beach Water Desalination Facility.

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

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

NOES: None

7. Youth Appointments to Community Activities and Beautification Committee

City Manager Lazzaretto gave a brief Staff Report.

Councilmember Waldman made a motion to appoint Ryan DeCook and Megan Hsiao as Youth Members to the Community Activities and Beautification Committee with terms expiring August 31, 2011. The motion was seconded by Mayor Pro Tem Rodriguez.

The motion carried on the following vote:

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

NOES: None

8. California Joint Powers Insurance Authority Aggregate Retrospective Deposit Repayment

Administrative Services Manager Murray gave the Staff Report.

- a) Approve the prepayment of the City's outstanding Retrospective Deposit to the California Joint Powers Insurance Authority; and
- b) Appropriate \$154,433 from the Insurance Internal Service Fund.

Council Comments and Questions:

Discussion ensued regarding the City Council's support of the item and the six percent (6%) discount.

Councilmember Waldman made a motion to approve the prepayment of the City's outstanding Retrospective Deposit to the California Joint Powers Insurance Authority; and appropriate \$154,433 from the Insurance Internal Service Fund.

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

9. League of California Cities Resolutions

Provide direction to Mayor Pro Tem Rodriguez and Councilmember Mark Waldman as the City of La Palma's Voting Delegate and Alternate Voting Delegate, respectively, at the League of California Cities' (LOCC) Annual Conference as to the City's position on the following:

City Manager Lazzaretto introduced the item and Administrative Services Manager Murray gave a brief overview of each resolution.

- a) A resolution relating to LOCC Bylaws Amendments;
The City Council provided direction to support the resolution.
- b) A resolution relating to the national Let's Move Campaign;
The City Council provided direction to support the resolution.
- c) A resolution opposing the LOCC Board of Directors' decision to defer action on Assembly Bill 32 (AB 32) and Senate Bill 375 (SB 375) and to adopt the LOCC Board-appointed task force recommendations;

Council Comments and Questions:

Discussion ensued regarding why the LOCC Board of Directors took actions against the task force's recommendation; that the LOCC reviewed their positions on AB32 and SB375 several months ago; that Mayor Pro Tem Rodriguez did not agree with the LOCC Board of Directors taking a position differently from its member agencies; that the members support the reduction of greenhouse gases, but not in the manner being mandated; the details of AB32 and SB375; the LOCC's position on the bills; new information becoming available; and that City representatives will have a difficult time deciding the matter due to its complexity.

The City Council discussed supporting the resolution; however, it asked the delegates to discuss any new information and make their best decision based on the facts on hand at the time of the vote.

- d) A resolution relating to responsible banking;

Council Comments and Questions:

Discussion ensued regarding opposition to a resolution that forces a financial institution to report transactions to a local public agency; clarification of terms in the resolution regarding banks receiving city funds; that the resolution does not compel the banks to change their lending practices but just to provide an annual report; that the resolution may not benefit La Palma citizens; that the language in the resolution is somewhat forceful; and that the City should not tell private industries how to run their business.

The City Council provided direction to oppose the resolution.

- e) A resolution relating to unfunded State mandates;

The City Council provided direction to support the resolution.

- f) A resolution relating to enhancing public safety while driving a motor vehicle.

The City Council provided direction to support the resolution.

Mayor Pro Tem Rodriguez reported that the committees discussed "Smart Phone" and their GPS features. He asked Police Chief Ethell if using the GPS function while driving is a violation.

Police Chief Ethell responded that any manipulation of a cell phone while driving is a violation because the law clearly states usage must be hands free.

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

Councilmember Herman attended the Stanton Relay for Life event and announced that the upcoming Orange County Vector Control District (OCVCD) meeting has been postponed to next month. He gave an update on the white nose syndrome in bats and how the fungus will affect the insect community if it spreads. He reported on the anti-vandalism article regarding campaign signs in the *Source* and asked for the Police Chief to comment on the penalties.

Police Chief Ethell explained that stealing or vandalizing campaign signs is a crime; it is a misdemeanor with a fine of up to \$1,000.

Councilmember Herman closed by reporting that his total reimbursements received for attendance at various meetings for the month of July 2010 was \$460.

Councilmember Charoen attended the last two Concerts in the Park and the Civic Expo. He announced that he plans to attend the upcoming Concert in the Park, where Councilmembers will be cooking hot dogs for the public. He noted that the hot dogs are paid for by the City Council.

Councilmember Waldman attended the West Orange County Legislative Chamber of Commerce Mixer and reported that he has attended each of the Concerts in the Park.

Mayor Pro Tem Rodriguez announced that the City Council will be cooking hot dogs for the public during the last Concert in the Park. He commented on the increased visibility of CAB Committee members at the concerts and announced

that he plans to assist in the Walker Junior High School registration and plans to attend the upcoming booster event at John F. Kennedy High School. He noted that he attended the West Orange County Legislative Chamber of Commerce Mixer and the quarterly Community Development Commission-Chamber of Commerce Subcommittee meeting.

Councilmember Waldman announced that the La Palma Chamber of Commerce has selected Shamaine Almanza as their new Treasurer and reported that he and Mayor Pro Tem Rodriguez assisted an older child who had become stuck in a toddler swing during the last Concert in the Park.

Mayor Shanahan attended a briefing on Disneyland's resort expansion project. He announced that he plans to attend the last Concert in the Park and will participate in cooking hot dogs at the event.

CITY MANAGER REMARKS

City Manager Lazzaretto announced the upcoming final Concert in the Park. He reported that future agenda items will include the Outdoor Display Ordinance; the Park Master Plan; a resolution for handicap parking in residential areas; and the mid-term review of the City Council's 2010 goals.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported on three bills being considered in the State Legislature in response to the City of Bell scandal regarding reporting requirements for city councilmember and city staff compensation and reimbursements. He also commented that there is a bill regarding city manager salaries and announced that he will report back to the City Council and Staff when the bills are approved.

Mayor Pro Tem Rodriguez reported that the City of Huntington Beach is testing a paperless agenda pilot program. He asked the City Manager if La Palma could collect their data to review the results and any related cost savings.

City Manager Lazzaretto responded that La Palma staff has been researching paperless options and will return to the City Council with a formal response.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 8:44 p.m.

Steve Shanahan, Mayor

Attest:

Laurie A. Murray, City Clerk