

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 4, 2008

CALL TO ORDER: Mayor Charoen called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, March 4, 2008, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Herman

INVOCATION: Councilmember Rodriguez

ROLL CALL: Council and Commission Members

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

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager
Joel Kuperberg, City Attorney
John Di Mario, Community Development Director
Ed Ethell, Chief of Police
Jan Hobson, Recreation & Community Services
Director
Keith Neves, Finance Director
Ismile Noorbaksh, Public Works Director/ City
Engineer
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Kevin Gilhooly, representing State Senator Tom Harman, and Lindsey Stratton, representing State Assemblyman Jim Silva, presented the City with a Resolution of the California State Legislature congratulating the City of La Palma on its selection as one of America's Best Places to live for 2007 by MONEY magazine.

2. Chor-Swan Ngin of the Orange County Human Relations Council (OCHR) reported on the programs and services that the OCHR has provided in collaboration with the City of La Palma. She reported that the OCHR did not document any incidents of hate crimes in the City during 2006. Ms. Ngin presented the City with a Certificate of Recognition in appreciation of the City's efforts to create a safe and inclusive community.

ORAL COMMUNICATIONS

Steven Patterson, 5082 Lynn Circle, addressed the City Council regarding his concerns about future developments and empty lots within the City. City Manager Lazzaretto advised Mr. Patterson that the Community Development Committee has a meeting scheduled on March 10 where the proposed development of a bank would be discussed and encouraged Mr. Patterson to relay his concerns to that body.

RECESS CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION AT 7:15 p.m.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

February 19, 2008, Minutes of the Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2008-08 approving the Register of Demands for March 4, 2008.

Vice Chairperson Barnes made a motion to approve Consent Calendar items A and B.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS
PLANNING COMMISSION AT 7:15 p.m.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

February 19, 2008, Minutes of the Planning Commission.

Commission Member Herman made a motion to approve Consent Calendar item PL-1.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN PLANNING COMMISSION AND CONVENE AS CITY COUNCIL AT
7:16 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

February 11, 2008, Minutes of the Special Meeting of the City Council;
February 19, 2008, Minutes of the Special Meeting of the City Council;
and February 19, 2008, Minutes of the Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. CC 2008-09 approving the Register of Demands for March 4, 2008.

Mayor Pro Tem Barnes made a motion to approve Consent Calendar items 1, 2 and 3.

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

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

NOES: None

REGULAR ITEMS

4. Consideration of Recently Adopted Parking Ordinance 2008-01

a) Receive Staff Report

Police Chief Ethell gave the staff report.

b) Receive Public Input

Steve Richardson, 5302 Windermere Way, addressed the City Council regarding his support of the Ordinance and asked the City Council to maintain its resolve in this action.

- c) City Council Comments and Questions
- d) Receive and File

No action was necessary. The City Council received and filed the report.

- 5. Award of Contract to Kato Landscape, Inc., for Bid Division #4, Landscaping, for the Community Center Rehabilitation Project, Precise Plan 266

Councilmember Herman made a motion to approve the Award of the Contract to Kato Landscape, Inc., for Bid Division #4, Landscaping, for the Community Center Rehabilitation Project, Precise Plan 266.

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

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

NOES: None

- 6. Councilmember Request: Consideration of Regulating Exterior Paint Colors for Single-Family Residential Areas (R-1)

- a) Community Development Director Di Mario gave the staff report.
- b) Public Comment

Tom Truscott, 5202 Andrew Drive, addressed the City Council regarding his support for individual property rights and relayed his opposition to any proposed regulations.

Steven Patterson, 5082 Lynn Circle, addressed the City Council regarding his support of the proposed regulations.

Larry Freedman, 5358 Achilles Circle, addressed the City Council regarding his support of the proposed regulations.

Noella Lew, 5347 Andrew Drive, addressed the City Council and asked them to amend the Code Enforcement Rules for property and home maintenance.

Russell Moore, 5347 Achilles Circle, addressed the City Council regarding his support of the proposed regulations.

Roger Ciesinski, 5541 Fir Circle, addressed the City Council regarding his support of the proposed regulations.

Sabrina Mayland, 5428 Andrew Drive, addressed the City Council regarding her support of the proposed regulations.

Tom Truscott, 5202 Andrew Drive, addressed the City Council regarding his opposition to the use of taxpayer dollars for painting homes that are not in compliance with the proposed regulations.

Bill Coil, 5307 Achilles Circle, addressed the City Council regarding how house colors affect the value of homes and indicated that neutral colored homes are easier to sell. He stated his support of the proposed regulations.

David Bloomfield, 5320 Achilles Circle, addressed the City Council regarding his opposition to the proposed regulations.

Genelle Friese-McDonnagh, 5438 Andrew Drive, addressed the City Council regarding roof colors and encouraged the City Council to look at other cities' ordinances before adopting an Ordinance in La Palma.

Russell Moore, 5347 Achilles Circle, addressed the City Council and encouraged them to drive the City and look at the different colors that homes are painted and question whether they would want to live next door to them.

Gladys Stough, 5031 Pine Circle, addressed the City Council regarding her support of the proposed regulations. She asked what the process is to pass regulations if the City Council did not do so.

City Attorney Kuperberg explained the initiative process.

Ms. Stough also relayed concerns regarding needed updates at the Drug Emporium and Ralph's centers.

c) City Council Comments and Questions

Mayor Pro Tem Barnes spoke in opposition to the proposed regulations.

Councilmember Herman spoke in favor of the proposed regulations and discussing the matter further.

Councilmember Waldman spoke in favor of individual property rights and in opposition to stringent regulations.

Councilmember Rodriguez spoke in favor of individual property rights, encouraged communication, and spoke in favor of further researching the entire process and potential legal issues if regulations are passed. He supported researching the possibility of potential regulations.

Mayor Charoen spoke regarding property rights and balancing everyone's rights in the process.

Councilmember Rodriguez made a motion to direct staff to bring a detailed analysis of what an Ordinance would look like, taking into consideration both the City Council's and the public's comments; and to hold a Community Forum to discuss the matter prior to drafting an Ordinance.

Mayor Pro Tem Barnes asked for a friendly amendment separating the staff direction and the community forum.

Councilmember Rodriguez as the maker of the motion accepted the amendment. Councilmember Herman as the seconder of the motion accepted the amendment.

The motion was restated as:

Councilmember Rodriguez made a motion to direct staff to bring back an item that would include answers as to what an Ordinance would look like.

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

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

NOES: Mayor Pro Tem Barnes

Councilmember Rodriguez made a motion to direct staff to have a public forum, community meeting, or study session in order to get the community's input on the proposed Ordinance.

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

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

NOES: None

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

Mayor Pro Tem Barnes attended the League of California Cities (LOCC) meeting at Anaheim Stadium; the Orange County Council of Governments (OCCOG) meeting regarding the Regional Transportation Plan (RTP); the Neighborhood Watch Awards; the Cypress College Foundation Americana Awards; and the California Parks and Recreation Society (CPRS) awards event.

Councilmember Herman attended the Los Alamitos 5K Walk/Run; the Neighborhood Watch Awards; the Chamber of Commerce's Texas Loosey's ribbon cutting event; a "*Today's Focus on Green Businesses*" forum in the City of Cypress; the City's CPR and AED training; the Cypress College Foundation Americana Awards; the Orange County Sanitation District (OCSD) meeting; and an Orange County Vector Control District meeting. He reported on the proposed Senate Bill 1326 that focuses on the practices of the Coachella Valley Mosquito and Vector Control District.

Councilmember Rodriguez attended the Neighborhood Watch Awards; the Chamber of Commerce's Texas Loosey's ribbon cutting ceremony; the Cypress College Foundation Americana Awards; and a special meeting of the Library Advisory Board. He reported that the County is considering restructuring County Departments by consolidating several departments, which may affect the Library reserve funds. He also reported that the City of Los Alamitos voted to remove themselves from the Orangeline Rail Authority (MAGLEV) with the support of the Orange County Transportation Authority (OCTA). Because of an item that was revoted on at an OCSD meeting, he asked City Attorney Kuperberg to expound on reconsideration motions that could change voting outcomes in the City of La Palma.

A discussion ensued regarding voting procedures and regulations.

Councilmember Waldman attended the OCCOG meeting; the LOCC meeting; the Cypress College Foundation Americana Awards; the Neighborhood Watch Awards; the Chamber of Commerce's Texas Loosey's ribbon cutting ceremony; the City's CPR and AED training; and the OCSD meeting.

Mayor Charoen attended the Neighborhood Watch Awards; the CPRS awards event; and the Cypress College Foundation Americana Awards where he was honored to escort the Goldbergs to receive their Citizen of the Year award.

Councilmember Herman reported that he attended a Public Hearing for the OCSD where they voted on Ordinance 35 increasing charges for sanitation services. The original vote was 16 yes, 6 no, and 1 abstention. The vote required 17 yes votes to pass and the abstaining Director changed her vote so the motion would pass. Councilmember Herman questioned the legality of the vote. Councilmember Herman stated that, in the future, the entire City Council needs to discuss critical issues prior to the City's representative voting on matters that directly affect the residents of La Palma or may create controversy.

CITY MANAGER REMARKS

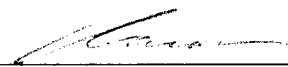
City Manager Lazzaretto reported that the Orange County Register published an article on the City's Green Policy; that staff would ask the OCSD to make a presentation to the City Council at a future date; and he reminded everyone to file their Fair Political Practice Commission (FPPC) Form 700. He also provided an update to the City Council on the Community Center Redevelopment Project as it related to the soils testing and the fabric for the sound panels.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report and offered assistance with any questions regarding compliance with the FPPC Form 700.

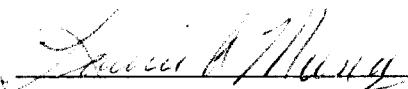
ADJOURNMENT

Mayor Charoen adjourned the City Council meeting at 9:30 p.m.



Mayor

Attest:



City Clerk