

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

November 16, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:02 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Charoen

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

Council Members present: Council Member Charoen, Council Member Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Council Member Waldman

Council Members absent: None

City Officials present: Dominic Lazzaretto, Executive Director/City Manager  
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. Recreation and Community Services Director Hobson introduced jaNell Adams as the new Recreation Coordinator.

2. Corporal Les Parsons gave a presentation recognizing the Red Ribbon Week participants and introduced the Challenge winners as follows:

Los Coyotes Elementary School - Raquel Figueroa, Menka Jagad, Halie Jamir, Rhea Jethvani, Joshua Park, Duon Phuc-Quang, and Madison Walker.

La Palma Christian School - Ashley Barton, Lucas Chapman, Jamee Manual, Victoria Min, Trevor Palmquist, Brandon Tsai, Reagan Wix, and Tabitha Wright

Luther Elementary School - Alex Brady, Matthew Callas, Diego Cruz, Susan Gallegos, Heidi Han, Dev Khurana, Desiree Lutu, Ryan Pauley, Nicole Perez, and Laura Sato.

Miller Elementary School - Avery Braden, Ethan Oliver, Kaitlyn Soto, Megan Soto, Ryan Soto, Kade O'Toole, and Makenna O'Toole.

Walker Junior High School - Jan Abadilla, Yezzica Cabrera, Mary Dynda, and Maddi Thompson.

## ORAL COMMUNICATIONS

Tracy Iacovetti, 5221 Marview Drive, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of the City installing a traffic signal.

City Manager Lazzaretto commented that a traffic study is currently being conducted and a crossing guard has been placed at that intersection during the interim. He added that City Staff will share the results of the traffic study with John F. Kennedy High School Staff and PTA.

Sandi Cole, 7532 Keith Circle, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of the City installing a traffic signal.

City Manager Lazzaretto reported that both the La Palma and the Cypress Police Departments have increased enforcement in the area.

Mayor Shanahan asked for clarification on what time the crossing guard begins their shift at the intersection of Crescent Avenue and Watson Street.

Police Chief Ethell responded that crossing guards are very effective; that the crossing guard is scheduled to begin their shift at 6:30 a.m.; and encouraged parents who feel that the intersection is unsafe to have their children cross the street at the controlled intersection at Crescent Avenue and Walker Street.

Peter Na addressed the City Council regarding his fond memories of Sydney Ramirez.

Noemi Sesmas, 6922 Berry Avenue, Buena Park, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Kristian Garcia, 8633 Walker Street, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Berlin Edmund, 8787 Moody Street, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Mayor Shanahan asked for clarification on the number of traffic incidents that have occurred at that intersection.

Police Chief Ethell stated that Sydney Ramirez' death has been the only fatality at that intersection in the past 30 years. He added that in the past ten years, there have been 17 vehicular and 3 pedestrian accidents in the area.

Cynthia Moore, 8501 Walker Street, Apartment D, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of removing the crosswalk altogether or installing a traffic signal.

Linda Cabrera, 8402 Carob Street, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Shawnee Ramirez, 5881 Los Amigos Street, Buena Park, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Mike Jo, addressed the City Council in support of dealing with the public safety concerns at Crescent Avenue and Watson Street.

Kathy Kellogg, 8542 Acacia Drive, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of removing the crosswalk altogether or installing a traffic signal.

Maureen Castrejon, 8594 Watson Street, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Angela Lynn Martinez, 8555 Salisbury Lane, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in

support of removing the crosswalk altogether or installing a traffic signal. She also commented on the positive response by Public Works to previous emails regarding this crosswalk.

Sherry Kingston addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of removing the crosswalk altogether or installing a traffic signal.

Police Chief Ethell noted that the Crescent Avenue speed limit instructs drivers to reduce speeds to 25 miles per hour when children are present and clarified that the crosswalk was installed prior to his employment with the City, 29 years ago.

City Manager Lazzaretto commented that he was not aware of a recent traffic study.

Sherry Kingston handed the City Council a traffic signal petition with an estimated 1,700 signatures.

Arthur Fournier, 8312 Monique Way, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of removing the crosswalk altogether or reducing the speed limit.

Darlene Le Masters, 8262 Fontainbleau Way, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Sierra Ramirez, addressed the City Council in support of dealing with the public safety concerns at Crescent Avenue and Watson Street.

Debbie Lopez, 8541 1/2 La Homa, Cypress, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of addressing public safety at that intersection. She also invited the City Council to attend the John F. Kennedy High School Holiday Choir Show, where the Choir will be singing "Light a Candle" in Sydney Ramirez' memory.

James Kingston, a Cypress resident, addressed the City Council by submitting a petition signed by Sydney Ramirez' family to address public safety concerns at Crescent Avenue and Watson Street.

Police Chief Ethell clarified that there have been three pedestrians accidents and four vehicle accidents related to the crosswalk at Crescent Avenue and Watson Street.

City Manager Lazzaretto clarified that the traffic study has already begun and that it will take approximately three weeks for the completion of the study; that the study is being conducted because the City wants to choose the best solution for the Crescent Avenue/Watson Street intersection; and that the City will conduct public meetings to address the outcome of the study.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and encouraged the City to install a temporary solution.

Atenas Fiesco, 5099 Via Brenda, address the City Council regarding the November 1, 2010, traffic incident at Crescent Avenue and Watson Street and in support of installing a traffic signal.

Mayor Shanahan clarified that members of the City Council are prohibited by State law to address the public during the oral comment period on nonagendized matters.

City Attorney Kuperberg confirmed that the City Council is governed by State laws that prohibit Council Members from providing feedback or taking actions during oral comment unless the item is on the Agenda.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council by suggesting the City Council add this item to the Agenda as an emergency item by two-thirds vote so that they can take action.

Jon LeMasters, 8262 Fontainbleau Way, Cypress, addressed the City Council in support of addressing public safety at Crescent Avenue and Watson Street by admonishing students to be more aware of the traffic and that the City install a "no right turn on red" sign at the intersection.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding management salaries and employee compensation; and in support of installing a traffic signal.

Arthur Baker, 8638 Watson Street, Cypress, addressed the City Council in support of dealing with the public safety concerns at Crescent Avenue and Watson Street.

Tom Wright, 7921 Westra Lane, addressed the City Council regarding citizens volunteering their time as crossing guards in order to deal with the public safety concerns at Crescent Avenue and Watson Street.

Council Member Herman asked if the item can be agendized as an emergency item to allow the City Council to take action.

City Attorney Kuperberg responded that in order to make an emergency exception, the Brown Act requires that the need to take action on the matter arose after the Agenda was posted. He advised that the matter can be agendized for the next meeting.

Jeff McCombs, 7210 Monterey Lane, addressed the City Council regarding management salaries and employee compensation.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding employee contributions to retirement and healthcare benefits.

Mayor Shanahan expressed condolences on behalf of the City Council to the community and assured the audience that the City is working hard to promote safety for all of its citizens.

Mayor Pro Tem Rodriguez requested that Staff agendaize the Crescent Street/Watson Avenue intersection on the next Agenda.

City Manager Lazzaretto responded that Staff will agendaize an open discussion item on the next Agenda to provide an update to the City Council and allow City Council Members the ability to discuss the matter.

Mayor Shanahan requested to take a short recess at 9:18 p.m.

Mayor Shanahan reconvened the City Council at 9:27 p.m. with all members present.

Tom Wright, 7921 Westra Lane, addressed the City Council regarding his appreciation of Council Member Larry Herman for all of his efforts.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 9:29 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the October 19, 2010, Regular Meeting of the La Palma Planning Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-25 approving the Register of Demands for November 2, 2010, and November 16, 2010.

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

Receive and file the Cash and Investment Report as of September 30, 2010.

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 9:30 P.M.

### CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the October 19, 2010, Regular Meeting of the La Palma Planning Commission.

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

The motion was seconded by Mayor Pro Tem 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 THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 9:31 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 October 19, 2010, Regular Meeting of the La Palma City Council.
4. Cash and Investment Report as of September 30, 2010  
Receive and file the Cash and Investment Report for Fiscal Year 2010-11.
5. First Quarter Financial Report - Fiscal Year 2010-11  
Receive and file the First Quarter Financial Report for Fiscal Year 2010-11.
6. Approval of Program Supplement No. 011-N to Administer the Agency-State Agreement for Federally Funded Project No. 12-5319R for Orangethorpe Avenue from the West City Limits to State Route 91 and Valley View Street from Orangethorpe Avenue to Fresca Drive, City Project No. ST-305, Federal Project No. ESPL-5319(013)  
  
Approve Program Supplement No. 12-5319R for Orangethorpe Avenue from the west City limits to State Route 91 and Valley View Street from Orangethorpe Avenue to Fresca Drive, City Project No. ST-305, Federal Project No. ESPL-5319(013).



Council Member Herman made a motion to approve Consent Calendar Items 1, 2, 4, 5, and 6.

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

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

NOES: None

#### ITEMS PULLED FROM THE CONSENT CALENDAR

#### 3. Approval of Registers of Demands

Council Member Herman requested to have the Agenda Item pulled to ask for clarification on certain warrants. Clarification was provided that the massage therapy test fees are for testing of certain massage therapy license applicants; that the Miller Elementary School expenditure was to replace fixtures damaged during the City's summer programs; the photograph expense was for a photograph of the outgoing Mayor for the Council Chambers; and that the Orange County Sanitation District fees are pass-through fees collected from residential remodel projects.

Resolution No. 2010-54 approving the Registers of Demands for November 2, 2010, and November 16, 2010.

Council Member Herman made a motion to approve Resolution No. 2010-54 approving the Registers of Demands for November 2, 2010, and November 16, 2010.

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

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

NOES: None

## PUBLIC HEARINGS

None Scheduled.

## REGULAR ITEMS

### 11. Council Member Request: Campaign Irregularities

Council Member Herman requested to move the item up on the Agenda because of the lateness of the hour so the City Council could receive public input on the matter.

Council Member Herman gave a brief report on alleged campaign irregularities that may have occurred during the recent election.

Public Input:

Tom Wright, 7921 Westra Lane, addressed the City Council regarding supporting visibility.

Sharon Gutjahr, 5489 Dirk Circle, addressed the City Council regarding her opposition to the language used by Council Member Herman; election signs; that the original letter sent out to the community was from Council Member Elect Hwangbo; the identity of the author of the misinterpreted letter; and whether the City has a corrected version of the misinterpreted letter that was translated.

City Manager Lazzaretto responded that the City has prepared two translations of the misinterpreted letter that are available to the public.

Council Member Herman commented that he found the person who was distributing the misinterpreted letter; Council Member Elect Hwangbo spoke with the distributor and found out the identity of the originator was; and if any member of the public wants to find out who the originator is that they need to contact Council Member Elect Hwangbo.

City Manager Lazzaretto noted that the translated version of the letter provided to members of the public at this meeting was translated by a City employee who passed a Korean language proficiency exam and read the letter as translated.

Ed Burn, 5052 Malaga Drive, addressed the City Council regarding his opposition to the misinterpreted letter; that Mr. Hwangbo's campaign sign was stolen from his property; that campaign sign theft is a criminal offense; and that he encourages the City Council to direct the City Attorney to conduct a full investigation of the matter.

Christine Payette, 8222 El Pescador Lane, addressed the City Council stating that stealing signs is unlawful and unethical; she encouraged prosecuting those responsible.

Sharon Gutjahr, 5489 Dirk Circle, addressed the City regarding the recent campaign irregularities and requested to be informed of the outcome.

Keith Nelson, 5311 La Luna, addressed the City Council regarding his opposition to the misinterpreted letter and his opposition to the La Palma Police Association's (LPPA) involvement in recent elections. He recommended that members of the City Council who received election funding from the LPPA recuse themselves from the upcoming labor negotiations.

Brian O'Neal, 5042 Cartagena Circle, addressed the City Council regarding the recent campaign irregularities and requested that they conduct a full investigation of the matter.

Council Member Herman asked that the campaign irregularities be resolved and requested clarification on conducting an investigation.

City Attorney Kuperberg responded that the City can conduct an investigation, but that the investigations are limited by the willingness of participants and residents, along with the time and scope of the investigation.

Council Member Herman noted that it appears that the allegations are true and that the investigation should move forward.

Council Member Waldman asked if campaign sign theft and the distribution of letters against a candidate are crimes.

City Attorney Kuperberg responded that campaign sign theft is a crime; however, he would need to research whether the misinterpreted letter is a crime because it was distributed as an unsigned document.

Mayor Pro Tem Rodriguez commented that candidates are required to report income received and spent for their campaign and asked if the candidate could be charged with a crime for not reporting these amounts.

City Attorney Kuperberg responded that if a candidate fails to report the money being spent on advertising or on their campaign, it is a violation of the Political Reform Act and that the investigating agency becomes the Fair Political Practices Commission (FPPC) or the Orange County District Attorney.

Discussion ensued regarding no police reports having been filed regarding campaign sign theft; how to report sign theft; that violations of local criminal codes can be enforced by the City Attorney on rare occasion; that most criminal

acts are investigated by the County District Attorney; that sign theft can be addressed by the Police Department, but the creation and distribution of the misinterpreted letter cannot be handled at the local level; that the City Clerk would be unaware of incomplete FPPC campaign disclosure forms by candidates and the only way to pursue fraud at that level is by a party who is aware of wrong doing to report it to the FPPC; that any member of the public has the right to review a candidate's FPPC filings; that the FPPC has an investigative unit that focuses on campaign disclosure violations; that City Staff referred the translation of the Korean language letter to the Secretary of State; and that the Secretary of State did not pursue the matter.

Keith Nelson, 5311 La Luna, asked what staff members were concerned about the letter and who made the decision to forward it to the Secretary of State.

City Manager Lazzaretto responded that both he and the Elections Official were obligated to forward their concerns and the letter to the Secretary of State.

Council Member Charoen commented that some of his campaign signs were ruined by incimate weather and that some residents reported to him that campaign signs were placed on their property without their permission so they removed them.

Marilyn Burn, 5052 Malaga Drive, addressed the City Council regarding the fact that her campaign signs were stolen, not damaged and that it is not something that people report to the Police.

Further discussion ensued regarding the misinterpreted letter focusing on ethnicity; that the current City Council always strives to bring the community together; that campaign signs were stolen directly from Council Members' property; that the public needs to report stolen campaign signs because it is a crime; that the original letter was sent to the Korean community; and that the original letter is more damaging than the misinterpreted letter.

Steve Hwangbo, 8372 Sparrow Lane, addressed the City Council regarding his successful campaign and commented that the message of the original letter was that he wanted to serve the City he has lived in for 20 years and that the letter can be misinterpreted as the translation can change from one interpreter to another. He closed by stating as Council Member Elect that his mission on the City Council is to move beyond the issue and continue to improve the City of La Palma.

George Mast, 4741 El Rancho Verde Drive, addressed the City Council regarding his opposition to the misinterpreted letter.

Further discussion ensued regarding the original letter being sent because the Korean community may need help with understanding a ballot; that Council

Member Elect Hwangbo never assisted any member of the community with their ballot; that there is no perfect translation of another language to English; that three translations of the original letter are all different; that the original letter was translated by an employee who passed a bilingual exam; that candidates hand out campaign material in different languages during every election season; that the misinterpreted letter was created to cause division within the community; that the majority of Council Members want to move forward in order to deal with pressing issues; and that Staff referred the letter to the Secretary of State for investigation.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his support for a full investigation into the identity of the party who distributed the misinterpreted letter.

Sharon Gutjahr, 5489 Dirk Circle, addressed the City Council regarding the lack of respect amongst Council Members during the discussion and at the Candidate's Forum.

Michael Herman, 5122 Andrew Drive, addressed the City Council regarding his congratulations to his father, Council Member Herman, for his dedication to the City of La Palma during his eight years of service.

Council Member Waldman congratulated Council Member Charoen on his reelection and Council Member Elect Hwangbo on his election. He read a letter from a citizen who proposed a united City Council.

Mayor Shanahan requested to take a short recess at 11:01 p.m.

Mayor Shanahan reconvened the City Council at 11:07 p.m. with all members present.

Mayor Shanahan asked to continue the Closed Session Items to the upcoming December 7, 2010, meeting.

Council Member Herman asked for clarification that the Closed Session items are not the start of labor negotiations.

City Attorney Kuperberg responded that he could neither confirm, deny, or disagree with Council Member Herman's assessment.

By consensus, the City Council agreed to continue the Closed Session items to the December 7, 2010, City Council meeting.

7. Proposed Ordinance Adding Section 18-28 to the La Palma City Code Limiting Smoking or Chewing of Tobacco or Tobacco-Related Products to Designated Areas in Central Park

Recreation and Community Services Superintendent Belknap gave the presentation.

Public Comment:

Tom Wright, 7921 Westra Lane, addressed the City Council regarding his support for a smoke-free park.

Gerard Goedhard, 4922 Berton Circle, addressed the City Council regarding his support for smoke-free park.

Council Member Herman requested an overview of the Ordinance if it is approved by the City Council.

City Manager Lazzaretto responded that if the Ordinance is adopted, a survey will be conducted to determine residents wishes regarding a designated smoking area versus a smoke-free park and the results will be presented to the City Council at the January 18, 2011, City Council meeting. He commented that if the City Council takes no further action, the park will become a non-smoking park effective February 1, 2011. He closed by noting that the City Council would need to adopt a resolution in order to allow a designated smoking area.

Adopt an Ordinance adding Section 18-28 to the La Palma City Code limiting smoking or chewing of tobacco or tobacco-related products to designated areas in Central Park.

Mayor Pro Tem Rodriguez made a motion to adopt Ordinance 2010-06 adding Section 18-28 to the La Palma City Code Limiting Smoking or Chewing of Tobacco or Tobacco-Related Products to Designated Areas in Central Park

Discussion ensued that the City Council has the authority to come back at a later date to make changes to the Ordinance prior to the February 1, 2011, effective date.

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

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

NOES: None

Further discussion ensued regarding the City Council's support to conduct the phone survey at an approximate cost of \$400; not supporting smoking in the park; and what percentage of people surveyed who desire a smoke-free park will be enough to substantiate one.

Council Member Waldman made a motion to direct staff to conduct a residential survey regarding smoking in Central Park.

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

AYES: Council Member Charoen, Mayor Shanahan,  
and Council Member Waldman

NOES: Council Member Herman, and Mayor Pro Tem  
Rodriguez

8. Proposed Ordinance Repealing Article 1 of Chapter 9 of the La Palma City Code, and Adding Thereto a New Article 1 of Chapter 9 Adopting by Reference the 2010 Edition of the California Fire Code, with Appendices and Amendments Thereto

Community Development Director Dumhart gave the Staff Report.

- a) Adopt a Resolution setting forth findings with respect to local conditions;
- b) Introduce for first reading an Ordinance repealing Article 1 of Chapter 9 of the La Palma City Code, and adding thereto a new Article 1 of Chapter 9 adopting by reference the 2010 Edition of the California Fire Code, with appendices and amendments thereto; and

Mayor Pro Tem Rodriguez made a motion to adopt Adopt Resolution No. 2010-56 setting forth findings with respect to local conditions and Introduce for first reading an Ordinance repealing Article 1 of Chapter 9 of the La Palma City Code, and adding thereto a new Article 1 of Chapter 9 adopting by reference the 2010 Edition of the California Fire Code, with appendices and amendments thereto.

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

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

NOES: None

- c) Set a Public Hearing on the matter for December 7, 2010.

Mayor Pro Tem Rodriguez made a motion to set a Public Hearing on the matter for December 7, 2010.

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

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

NOES: None

9. Proposed Ordinance Amending Various Divisions of Article 1 of Chapter 7 of the La Palma City Code, to Adopt the 2010 Edition of the California Building Codes, with Amendments, Additions, and Deletions Thereto

Community Development Director Dumhart gave the Staff Report.

- a) Adopt a Resolution setting forth findings with respect to local conditions;
- b) Introduce for first reading an Ordinance repealing Divisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15 of Chapter 7 of the La Palma City Code, and adding thereto new Divisions 3, 4, 5, 6, 7, 8, 9, and 10 of Chapter 7 adopting by reference the 2010 editions of the California Administrative Code; the California Building Code, Volumes 1 and 2; the California Mechanical Code; the California Plumbing Code; the California Electrical Code; the California Residential Code; the California Energy Code; the California Green Building Standards Code; and the California Reference Standards Code; together with amendments, deletions, and exceptions; and
- c) Set a Public Hearing on the matter for December 7, 2010.

Council Member Herman made a motion to adopt Resolution No. 2010-57 setting forth findings with respect to local conditions; introduce for first reading an Ordinance repealing Divisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15 of Chapter 7 of the La Palma City Code, and adding thereto new Divisions 3, 4, 5, 6, 7, 8, 9, and 10 of Chapter 7 adopting by reference the



2010 editions of the California Administrative Code; the California Building Code, Volumes 1 and 2; the California Mechanical Code; the California Plumbing Code; the California Electrical Code; the California Residential Code; the California Energy Code; the California Green Building Standards Code; and the California Reference Standards Code; together with amendments, deletions, and exceptions; and set a Public Hearing on the matter for December 7, 2010.

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

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

NOES None

10. Ratify the Execution of an Amendment to the Agreement by the City Manager with MJC Construction for Emergency Sewer Repair Services on Crescent Avenue, under Section 2-46 of the City Code, City Project No. 03-SWR-01

Public Works Director Jeff Moneda gave the Staff Report.

- a) Ratify the execution of an Amendment to the Agreement by the City Manager between the City and MJC Construction in an amount not to exceed \$94,300, for emergency sewer repair services on Crescent Avenue, under City Code Section 2-46, "Exception to Bidding Procedures and Emergencies;" and
- b) Authorize a supplemental appropriation of \$94,300 from the City's Sewer Fund Reserve to cover the full costs associated with the subject project.

Mayor Pro Tem Rodriguez made a motion to Ratify the execution of an Amendment to the Agreement by the City Manager between the City and MJC Construction in an amount not to exceed \$94,300, for emergency sewer repair services on Crescent Avenue, under City Code Section 2-46, "Exception to Bidding Procedures and Emergencies;" and authorize a supplemental appropriation of \$94,300 from the City's Sewer Fund Reserve to cover the full costs associated with the subject project.

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

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

NOES: None

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

**Council Member Charoen** attended Karen Blake's Centralia School District Board Retirement; Dave Gaudio's retirement event; and the La Palma Days Parade. He announced that he plans to attend Police Chief Ethell's and Recreation and Community Services Director Hobson's retirement events. He asked for an update on the outcome and attendance of the La Palma Days parade.

Recreation and Community Services Director Hobson reported that there were 32 bands and approximately 10,000 visitors.

**Council Member Waldman** attended Karen Blake's Centralia School District Board Retirement; the Orange County Sanitation District (OCSD) meeting; the OCSD General Meeting; the Orange County Council of Governments (OCCOG) meeting; the La Palma Days Parade; the Halloween Carnival at Central Park; the Miss La Palma Pageant; and the League of California Cities (LOCC) Administrative Committee meeting.

**Mayor Pro Tem Rodriguez** attended the La Palma Chamber of Commerce Breakfast Mixer; the Walker Junior High School Reflections judging event; the 76 Gas Station Grand reopening; Dave Gaudio's retirement event; the Halloween Carnival at Central Park; the Walker Junior High School Renaissance Rally; the Miss La Palma Pageant; the Centralia School District Board Meeting; the Pacific Electric Right of Way (PE-ROW) Steering Committee Meeting; the LOCC General Meeting; the La Palma Days Parade; the HOPE Food Bank Fundraiser; the LOCC Legislative Update web-conference; and an Orange County Fire Authority (OCFA) Special Meeting regarding upcoming labor negotiations. He reported that he appointed to the California Identification Remote Access Network Board (RAMB) committee. He announced that he plans to attend the upcoming OCFA Board Meeting as the alternate.

**Mayor Shanahan** attended the Walker Junior High School Renaissance Rally; the vigil for Sydney Ramirez; Dave Gaudio's retirement event; the Halloween Carnival at Central Park; Karen Blake's Centralia School District Board Retirement; and the La Palma Days Parade.

**Council Member Larry Herman** attended the Orange County Vector Control District (OCVCD) meeting; Dave Gaudio's Retirement event; the Halloween Carnival at Central Park, the La Palma Days Parade; the HOPE Food Bank Fundraiser; and the La Palma Chamber of Commerce Breakfast Mixer. He reported that he plans to attend an

upcoming OCVCD meeting; and the upcoming Cypress College Americana kick-off event. He reported on the status of the Afghanistan and Iraq war. He closed by announcing his support for the City's resolution of the November 1, 2010, traffic incident at Crescent Avenue and Watson Street.

### CITY MANAGER REMARKS

**City Manager Lazzaretto** reported on the International City/County Management Association annual conference. He reported that upcoming agenda items will include the update on the Crescent Avenue and Watson Street intersection; certification of the election results; the City Council Reorganization; and the La Palma Days Committee Reception. He closed by wishing the City Council and Staff a Happy Thanksgiving.

### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** reported on the outcome of Proposition 26 and congratulated Council Member Herman on his two terms on the La Palma City Council and his retirement. He closed by wishing the City Council a Happy Thanksgiving.

Mayor Shanahan commented on his support for Measure U being passed by La Palma voters and announced his recognition of those that spoke on behalf of the November 1, 2010, traffic incident at Crescent Avenue and Watson Street. He closed by expressing his appreciation for serving as Mayor for the previous year.

### RECESS TO CLOSED SESSION

By consensus, the City Council agreed to continue the Closed Session items to the December 7, 2010, City Council meeting.

- C-1. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Dominic Lazzaretto, City Manager  
Laurie Murray, Administrative Services Manager

Employee Organization: La Palma General Employees Association, La Palma Professional Employees Association

- C-2. The City Council will meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYMENT: City Manager and pursuant to

Government Code Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS

Agency Designated Representatives: Dominic Lazzaretto, City Manager

Unrepresented Employees: Executive Management

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 12:01 a.m. on November 17, 2010, in memory of Sydney Ramirez.

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Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk