

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

December 21, 2010

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 6:31 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California with all members present.

RECESS TO CLOSED SESSION

Mayor Rodriguez recessed to Closed Session at 6:32 p.m. regarding the following:

C-1. Government Code Section 54956.9(c): CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One Case (Potential litigation against on-line travel services for loss of transient occupancy tax due to Internet Sales)

Mayor Rodriguez called for a recess at 6:40 p.m.

OPEN SESSION

The City Council reconvened in Open Session at 7:00 p.m. with all members present.

City Attorney Kuperberg stated that there were no reportable actions from the Closed Session item.

PLEDGE OF ALLEGIANCE: Council Member Shanahan

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

Council Members present: Mayor Pro Tem/Vice Chairperson Charoen,

Council/Commission Member Hwangbo,  
Mayor/Chairperson Rodriguez, Council/Commission  
Member Shanahan, and Council/Commission  
Member Waldman

Council Members absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director  
Joel Kuperberg, City Attorney  
Michael Belknap, Recreation and Community Services  
Director  
Douglas Dumhart, Community Development Director  
Jeff Moneda, Public Works Director/City Engineer  
Keith Neves, Finance Director  
Eric Nunez, Acting Police Chief  
Laurie Murray, Administrative Services Manager/City  
Clerk  
Kimberly Kenney, Minutes Clerk

### PRESENTATIONS

1. Mayor Rodriguez presented a Proclamation and cash award to Claudia Castellanos, in recognition of being named the 2010 Employee of the Year.
2. Mayor Rodriguez presented a Proclamation and cash award to Scott Hutter, in recognition of being named the 2010 Supervisor/Professional Employee of the Year.
3. Chor-Swang Ngin, Ph.D., representing the Orange County Human Relations Council and Commission, presented a Certificate of Recognition to the City of La Palma for promoting a safe, inclusive community in collaboration with the Orange County Human Relations in 2009-10.

### ORAL COMMUNICATIONS

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his attendance at the Orange County Vector Control District meeting and reported on the status of an upcoming property acquisition.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY  
DEVELOPMENT COMMISSION AT 7:21 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the December 7, 2010, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-27 approving the Register of Demands for December 21, 2010.

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, 2010

Receive and file the annual Financial and Compliance Audit Reports and the annual Financial Transactions Report for the Fiscal Year ended June 30, 2010.

Vice Chairperson Charoen made a motion to approve Consent Calendar Items A, B, and C.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

RECONVENE THE CITY COUNCIL FOR A JOINT MEETING WITH THE COMMUNITY DEVELOPMENT COMMISSION AT 7:22 P.M.

REGULAR ITEMS

D. Appointments to External Committees and Internal Subcommittees

By consensus, the City Council/Community Development Commission agreed to appointed Council/Commission Member Shanahan as the California Joint Powers Insurance Authority representative and Mayor Pro Tem/Vice Chairperson Charoen as the alternate representative .

By consensus, the City Council/Community Development Commission appointed Mayor/Chairperson Rodriguez as the Orange County Fire Authority representative and Mayor Pro Tem/Vice Chairperson Charoen as the alternate representative.

By consensus, the City Council/Community Development Commission appointed Mayor Pro Tem/Vice Chairperson Charoen as the Orange County Library Advisory Board representative and Mayor/Chairperson Rodriguez as the alternate representative.

Mayor Rodriguez was recently appointed to the Orange County Remote Access Network (RAN) Committee by the League of California Cities (LOCC) City Selection Committee; therefore, by consensus, the City Council/Community Development Commission appointed Council/Commission Member Hwangbo as the alternate representative.

By consensus, the City Council/Community Development Commission appointed Council/Commission Member Waldman as the Orange County Sanitation District representative and Council/Commission Member Hwangbo as the alternate representative.

The City Council/Community Development Commission acknowledged that Larry Herman is the Orange County Vector Control District representative, with one year remaining on his term.

Mayor/Chairperson Rodriguez requested that the City Council review the manner of selecting Orange Council Vector Control District appointees during the 2011 Goal Setting Session.

By consensus, the City Council/Community Development Commission appointed Council/Commission Members Hwangbo and Shanahan to the Public School Liaison Subcommittee.

By consensus, the City Council/Community Development Commission appointed Mayor/Chairperson Rodriguez and Council/Commission Member Waldman as the CDC/La Palma Chamber of Commerce Subcommittee representatives.

By consensus, the City Council/Community Development Commission appointed Council/Commission Member Shanahan and Mayor Pro Tem/Vice Chairperson Charoen as the Student Recognition Awards Subcommittee representatives.

RECESS THE CITY COUNCIL, ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:46 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the December 7, 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 Commission Member Hwangbo and carried on the following vote:

AYES: Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member 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 7:47 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 December 7, 2010, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2010-63 approving the Register of Demands for December 21, 2010.

5. Resolution Authorizing Signatories for the Deposit, Investment, and Payment of Public Funds

Resolution No. 2010-64 amending Resolution No. 2010-02, authorizing the deposit, investment, and payment of public funds.

6. Destruction of Obsolete Finance Department Records

Resolution No. 2010-65 authorizing the destruction of obsolete finance records pursuant to the California Government Code Section 34090.

7. Amendments to the Memorandums of Understanding for the La Palma General Employees Association and the La Palma Professional Employees Association

- a) Adopt a Resolution adopting an amendment to the 2008-09 - 2010-11 Memorandum of Understanding between the City of La Palma and the La Palma General Employees Association; and

Resolution 2010-66 adopting an amendment to the 2008-09 - 2010-11 Memorandums of Understanding between the City of La Palma and the La Palma General Employees Association.

- b) Adopt a Resolution adopting an amendment to the 2008-09 - 2010-11 Memorandum of Understanding between the City of La Palma and the La Palma Professional Employees Association.

Resolution No. 2010-67 adopting an amendment to the 2008-09 - 2010-11 Memorandum of Understanding between the City of La Palma and the La Palma Professional Employees Association.

Council Member Shanahan made a motion to approve Consent Calendar Items 1, 2, 3, 5, 6, and 7.

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

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

NOES: None

#### ITEMS PULLED FROM CONSENT CALENDAR

4. Acceptance of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010

Mayor Rodriguez asked to pull Item 4 from the Consent Calendar to allow for public comment.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding decreased sales tax revenues, the City's projected deficit, and to encourage the City Council to address the situation.

Mayor Rodriguez asked City Manager Lazzaretto for an official response to Mr. Goedhart's comments.

City Manager Lazzaretto clarified that Mr. Goedhart's numerical references are accurate; and that there are opportunities for change on the horizon. Staff brought forward the Five Year Financial Forecast to the City Council earlier in the year to advise them of the magnitude of the situation. Also, with the promotion of the Recreation and Community Services Director and Police Chief positions, the Recreation Superintendent position and one Captain position will be left vacant for the remainder of the Fiscal Year to review long-term needs and as a cost savings measure. On a positive note, Staff has seen some projections from the Board of Equalization that indicates that sales tax revenues will be increasing. However, the City Council and the organization have some tough decisions to make in the coming years.

Mayor Rodriguez asked for clarification that the matter will be discussed during the City Council Goal Setting Session.

City Manager Lazzaretto answered affirmatively.

Receive and file the Comprehensive Annual Financial Report (CAFR) of the City of La Palma for the Fiscal Year ended June 30, 2010.

Council Member Waldman made a motion to receive and file the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010.

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

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

NOES: None

### PUBLIC HEARINGS

None Scheduled.

### REGULAR ITEMS

8. League of California Cities, League of California Cities - Orange County Division, and Proposed Association of California Cities - Orange County Membership

City Manager Lazzaretto gave a brief report and introduced Lacy Kelly, Executive Director of the League of California Cities Orange County Division (LOCC-OC), who gave a detailed presentation in support of the Association of California Cities - Orange County (ACC-OC).

Discussion ensued regarding Staff's recommendation that the City continue its membership in the State LOCC and not take any action in regards to membership in a County organization until more agencies commit to joining the ACC-OC and until more is known about the function and structure of the ACC-OC; and that the Orange County City Managers Association (OCCMA) has not taken a formal position on joining the ACC-OC, but that it did encourage City Managers to bring the matter forward to their respective City Councils.

Public Input:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding the value of membership in the LOCC and the county organization; however, he cautioned them to look at funding necessities rather than "nice to haves." He also addressed the City Council regarding not spending funds on a facilitator for the City Council's annual Goal Setting Session.

Further discussion ensued regarding the LOCC-OC having been established to help Orange County Cities maintain local control; that the LOCC-OC does influence decisions at the State level; the importance of a united Orange County; that the State LOCC assists La Palma by keeping the City informed on State legislative matters; the importance of transparency in the State and County



organizations; some cities not renewing membership due to fiscal restraints; that the ACC-OC has incorporated and will hold its first board meeting on December 22; that ACC-OC dues will be the same as the projected LOCC-OC dues were; that the State LOCC has not been representing the City of La Palma appropriately; not paying the State LOCC dues and paying the ACC-OC dues; the ACC-OC dues formula; that Staff would have a better idea about the direction of the ACC-OC after January 2011; Staff needing specific direction regarding which agency the City should pay dues to; support for the ACC-OC; the State LOCC success in getting Proposition 22 passed; that 12 of the 15 ACC-OC members are members of the State LOCC; that ACC-OC membership dues cannot be increased without a vote by the members; that the State LOCC has approximately 480 city members out of approximately 500 cities in California; that without the State League's representation, La Palma would have to research legislation on its own; and that the ACC-OC's 501(c)(3) status will require transparency.

Council Member Waldman made a motion to approve the City's membership in the proposed Association of California Cities - Orange County Division, and continue the City's membership in the State League of California Cities.

Mayor Pro Tem Charoen requested that the authorization of the two memberships be made as separate motions.

Council Member Waldman amended the motion to approve the City's membership in the proposed Association of California Cities - Orange County Division and to allocate \$7,800 for the Fiscal Year 2010-11 dues.

The motion was seconded by Mayor Pro Tem Charoen.

Council Member Shanahan asked the maker of the motion to amend the motion to add that the approval is subject to the dues remaining the same as the LOCC-OC and that the organization provide the same level of service as the LOCC-OC. The maker and seconder of the motion accepted the changes.

The amended motion as further amended carried on the following vote:

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

NOES: None

Mayor Pro Tem Charoen made a motion to cancel the City's membership in the State League of California Cities and to not pay the current dues of \$6,600.

The motion failed due to lack of a second.

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

**Council Member Waldman** attended the Orange County Sanitation District (OCSD) Administration Committee meeting; the OCSD general meeting; the Employee Recognition luncheon; Jan Hobson's retirement party; the LOCC-OC Executive Board meeting; and Ed Ethell's retirement party.

**Council Member Shanahan** attended the Employee Recognition luncheon and Jan Hobson's retirement party. He congratulated Michael Belknap on his promotion to Recreation and Community Services Director. He also announced that he recently accepted the Governor's Award from the Governor's Council on Physical Fitness for La Palma being the most physically fit City in Orange County.

**Council Member Hwangbo** attended the Employee Recognition luncheon; Jan Hobson's retirement party; Ed Ethell's retirement party; and the HOPE Food Bank Toy and Food Drive event.

**Mayor Pro Tem Charoen** attended the La Palma Chamber of Commerce Holiday Mixer; the Employee Recognition luncheon; Jan Hobson's retirement party; Orange County Supervisor John Moorlach's Open House event; and Ed Ethell's retirement party.

**Mayor Rodriguez** attended the Employee Recognition luncheon; the La Palma Chamber of Commerce Holiday Mixer; Jan Hobson's retirement party; the Pacific Electric Right of Way (PE ROW) Citizens Committee meeting; the Buena Park School District Board meeting, where Barbara Michel is the new Board President; the Buena Park City Council meeting, where three new City Council Members were sworn in; Ed Ethell's retirement party; the HOPE Food Bank Toy and Food Drive event; the La Palma Chamber of Commerce Toy and Food Drive event; and the Eagle Scout Court of Honor Ceremony for former Community Activities and Beautification Committee Youth Member and 2010 Student Recognition Award winner, Kevin Hsaio. He congratulated Eric Nunez on his promotion to Police Chief.

CITY MANAGER REMARKS

**City Manager Lazzaretto** thanked the City Council and Staff for their participation in the Silent Auction Fundraiser at the Employee Recognition luncheon and commented that the donations received were used to assist two La Palma families. He reported on recent issues caused by the series of storms, including a power outage at the north end of La Palma. He announced that upcoming agenda items will include the license agreement with the La Palma Chamber of Commerce; a Conditional Use Permit (CUP) for a training facility in Centerpointe; requests for additions to the commemorative area to add Obrey Duke and Glenn Reeves' names; and recommendations from the Traffic Safety Committee for additional stop signs. He announced that City Hall will be closed

on December 23 and 24, in observance of the Christmas holiday, and on December 31 and January 3, in observance of the New Year holiday. He reported that he will be absent the last week of December 2010 and that Administrative Services Manager Murray will be the Acting City Manager in his absence. He noted that Staff is coordinating a Special Meeting of the City Council to review applications for the Traffic Safety Committee. He reported on the upcoming John F. Kennedy High School Parent-Teacher-Student Association (PTSA) meeting on December 22, regarding the recent traffic study results. He closed by wishing all present a happy holiday season.

#### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** had nothing to report and wished everyone present a happy holiday season.

Mayor Rodriguez noted that he will be attending the December 22, 2010, PTSA meeting and inquired if other Council Members planned to attend.

#### ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 9:02 p.m. and wished everyone present a happy holiday season.

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Ralph D. Rodriguez  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk