

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

February 15, 2011

CALL TO ORDER: Council Member Waldman called the Regular Meeting of the La Palma City Council to order at 5:30 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Mayor Rodriguez and Mayor Pro Tem Charoen being absent and all other members present.

RECESS TO CLOSED SESSION

Council Member Waldman recessed to Closed Session at 5:31 p.m. regarding the following:

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 Police Association  
La Palma Professional Employees Association

Unrepresented Employees: Executive Management

Mayor Rodriguez joined the Closed Session at 5:36 p.m.

Mayor Rodriguez recessed the Closed Session at 6:42 p.m.

OPEN SESSION

The City Council reconvened in Open Session at 7:02 p.m. with Mayor Pro Tem Charoen joining the meeting all other members present and with no reportable actions.

PLEDGE OF ALLEGIANCE: Council Member Shanahan

INVOCATION: Council Member Hwangbo

ROLL CALL: Council and Commission Members

Council/Commission 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/Commission Members absent: None

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

## PRESENTATIONS

1. Mayor Rodriguez presented the Orange County Fire Authority's Best and Bravest video. He recognized Henrik Petersen as Career Firefighter of the Year, Richard Princler as Reserve Firefighter of the Year, Firefighter Martin Alcon as the Unsung Heroe of the Year, and the Special Operations United States Search and Rescue Team K-9 Unit for their heroic efforts.

## ORAL COMMUNICATIONS

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for a smoke free park and announced the upcoming Cypress College Foundation Americana Awards on February 26, 2011. He gave an Orange County Vector Control District (OCVCD) report regarding the long range plans of a recent property acquisition. He commented that he attended the Mosquito and Vector Control Association of California

(MVCAC) conference and gave a brief report. He closed by announcing that he plans to attend the upcoming OCVCD meeting on February 17, 2011.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:20 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the February 1, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2011-07 approving the Register of Demands for February 15, 2011.

C. Cash and Investment Report as of December 31, 2010

Receive and file the Cash and Investment Report as of December 31, 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.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:21 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the February 1, 2011, 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 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.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:22 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 February 1, 2011, Regular and Special Meetings of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-07 approving the Register of Demands for February 15, 2011.

4. Cash and Investment Report as of December 31, 2010

Receive and file the Cash and Investment Report as of December 31, 2010.

5. Memorandum of Understanding with the Orange County Transportation Authority for the Orangethorpe Avenue Traffic Light Synchronization Program Project

Approve and authorize the Mayor to execute Memorandum of Understanding C-9-0623 with the Orange County Transportation Authority (OCTA) giving permission to design and implement the Orangethorpe Avenue Traffic Light Synchronization Program Project.

Council Member Waldman made a motion to approve Consent Calendar Items 1 through 5.

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

PUBLIC HEARINGS

6. Proposed Ordinance Amending Penalties for Parking Violations

a) Mayor Rodriguez opened the Public Hearing at 7:23 p.m.

b) Police Chief Nuñez gave the Staff Report.

c) Public Input:

No members of the public wished to speak.

d) Mayor Rodriguez closed the Public Hearing at 7:25 p.m.

e) City Council Comments and Questions

Discussion ensued regarding the City having to pay the increased costs if the Ordinance is not passed; that the increase in fees is to the State for trial court operational costs; and that residents won't know the reasoning behind the proposed increase or what the increase is for.

City Attorney Kuperberg clarified that the increase will go into a general operations fund for trial courts.

Mayor Rodriguez asked if the proposed increase is subject to Proposition 26.

City Attorney Kuperberg responded that the increase could be challenged, however the challenge would likely be unsuccessful. He also noted that the increase was passed prior to the passage of Proposition 26 and that traffic ticket fees are exempt from the Proposition because they are fines for violations of the law.

Further discussion ensued regarding the State receiving \$12.50 for each ticket that is paid.

- f) Introduce an Ordinance amending Section 16-65 of the Municipal Code as to penalties for parking violations.

Council Member Waldman made a motion to introduce an Ordinance amending Section 16-65 of the Municipal Code as to penalties for parking violations. The motion was seconded by Council Member Shanahan.

Further discussion ensued clarifying that the City did not create the fee increase, but is simply passing along the State's increase.

The motion carried on the following vote:

AYES: Council Member Hwangbo, Mayor Rodriguez,  
Council Member Shanahan, and Council  
Member Waldman

NOES: Mayor Pro Tem Charoen

## REGULAR ITEMS

- 7. Fiscal Year 2010-11 Mid Year Budget Adjustments

City Manager Lazzaretto gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding that \$35,000 was budgeted in the prior Fiscal Year for costs that were incurred during the current Fiscal Year and that Staff is simply seeking approval to move the balance due amount into the current Fiscal Year.

Council Member Shanahan made a motion to approve the Fiscal Year 2010-11 Mid Year Budget Adjustments.

The motion was seconded by Council Member Waldman 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

8. Five Year Financial Forecast and Second Quarter Financial Report - Fiscal Year 2010-11

Finance Director Neves gave the Staff Report.

City Manager Lazzaretto noted that fuel costs and the sale of BP Arco will impact the City's financial future. He also reported that Staff will work to provide the City Council with a balanced budget.

Council Comments and Questions:

Discussion ensued regarding the decrease in revenues being due to the reduction of the Utility Users Tax (UUT), which caused the \$235,900 deficit for Fiscal Year 2010-11.

Public Comment:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council asking for clarification on the sales tax revenue.

Finance Director Neves explained that the State Board of Equalization made adjustments for an over allocation in FY 2008-09.

Mr. Goedhart also commented regarding a decrease in economic activity; that personnel and benefits is the biggest impact on the City's budget; and requested that the City provide a balanced budget for FY 2011-12.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding the potential impact if BP Arco leaves; the majority of the budget being employee benefits and pension costs; and commented on staff pay and benefits. He also noted that economists predict that there will be little or no growth in the next three to five years.

Further discussion ensued regarding the assumption that the City Council would not lower the UUT in FY 2011-12; that the City Council's direction last fall was to forecast the UUT at 5%; that the unfilled positions are a Police Captain, Park Ranger, and Recreation Superintendent; that the City Council will discuss whether or not employees will contribute to their retirement benefits during upcoming meetings; that the public requests to review the Memorandums of Understanding (MOU) prior to the City Council's vote; that residents want an easy to understand version of the MOU's; how the sales tax consultant formulates their forecasts; that another fuel company may purchase the BP Arco facility and refineries; that the City Council would like to see the impact of the UUT at 4% and 5%; that reserve funds should not be used for labor costs and employee benefits; that Staff has found savings of \$100,000 in the current Fiscal Year without impacting service levels; that the City Council would like to know if any future cuts impact service levels; and the importance of Staff and the City Council working together closely to provide a balanced budget.

Council Member Hwangbo made a motion to receive and file the Five Year Financial Forecast and Second Quarter Financial Report - Fiscal Year 2010-11.

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

9. Study Session: Video Streaming Options

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the lack of need for Video Streaming; that historically, there are only two people who listen to live audio streaming of the City Council meetings; that current economic issues prevent the implementation of Video Streaming; that the City Council supports Staff's recommendation to postpone video streaming to a time when City Hall can be renovated; that many other cities do not have audio or video streaming of their City Council



meetings; that the City does not have the money to pursue video streaming at this time; that specific Agenda items determine how many residents listen to or attend the City Council meetings; that Staff should also look into mobile deployment for events such as the La Palma Days parade; and if the City might be able to use Public Education and Governmental (PEG) Fees for partially fund the project.

Public Comment:

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for video streaming in the future when the City is more financially stable.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his support for the project, but not at this time.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his support for the least expensive solution. He noted that the live audio streaming is sufficient and supports transparency in government.

Further discussion ensued regarding audio streaming not being able to determine the speaker; that the Mayor has been identifying who the speakers are; and that the City Council supports multiple technologies.

By consensus, the City Council agreed to receive and file the Video Streaming Options report.

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

**Council Member Hwangbo** attended the State of the County presentation and the Association of California Cities - Orange County (ACC-OC) kick-off event.

**Council Member Shanahan** had nothing to report. He announced that he plans to attend the upcoming Neighborhood Watch Awards dinner.

**Council Member Waldman** attended the Orange County Sanitation District (OCSD) Administrative Committee meeting; the ACC-OC kick-off event; and announced that he plans to attend the upcoming ACC-OC ribbon cutting event at the Orange County Transportation Authority building.

**Mayor Pro Tem Charoen** attended the State of the County presentation and ACC-OC kick-off event.

**Mayor Rodriguez** attended the Orange County Firefighter's Association (OCFA) Best and Bravest Award Ceremony; the State of the County presentation; the American Cancer Society's Relay for Life kick-off event; and plans to attend the upcoming Goal

Setting Session. He reported that he plans to attend the ribbon cutting event for the ACC-OC; and that he plans to attend the upcoming Neighborhood Watch Awards dinner.

CITY MANAGER REMARKS

**City Manager Lazzaretto** reminded the City Council of the upcoming Closed Session for labor negotiations, the Goal Setting Session, and the Neighborhood Watch Awards dinner. He announced that upcoming agenda items include the Block Wall and Lattice Extension Ordinance. He reported on errors in the *Source* newsletter and that Staff will be issuing a digital version this month.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** reported on the Governor's proposal regarding redevelopment and that he will follow the item and report back to the City Council and Staff on the outcome.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 8:52 p.m.

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Ralph D. Rodriguez  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk