

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

April 5, 2011

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present and Council Member Shanahan being absent.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Jack Hughes, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council/Commission Members present: Mayor Pro Tem/ Vice Chairperson Charoen, Council/Commission Member Hwangbo, Mayor/Chairperson Rodriguez, and Council/Commission Member Waldman

Council/Commission Members absent: Council/Commission Member Shanahan

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 a Proclamation to the La Palma Police Dispatchers in recognition of National Public Safety Telecommunicator's Week.

2. Kristin Benda, Co-Chair of the La Palma Community Activities and Beautification Home Spotlight Subcommittee, presented Roy and Lorraine Teramoto with the Quarterly Home Spotlight Award for their home at 5052 Cadiz Circle, La Palma.

### ORAL COMMUNICATIONS

No members of the public wished to speak.

### RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:18 P.M.

### CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the March 15, 2011, Regular Meeting of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2011-10 approving the Register of Demands for April 5, 2011.

Commission Member Waldman made a motion to approve Consent Calendar Items A and B.

The motion was seconded by Vice Chairperson Charoen and carried on the following vote:

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

NOES: None

ABSENT: Commission Member Shanahan

### PUBLIC HEARINGS

None Scheduled.

## REGULAR ITEMS

- C. Selection of Preferred Developer for Phase II of the Denni Street Affordable Housing Specific Plan and Authorization to Negotiate a Disposition and Development Agreement

Executive Director Lazzaretto introduced the item and Community Development Director Dumhart gave the Staff Report.

Commission Comments and Questions:

Discussion ensued regarding the approval being for the preferred developer and not the design; that the drawings in the Staff report are only conceptual drawings; why the Subcommittee panelists chose The Olson Company; that it could be easier for The Olspn Company to garner support for annexation to Phase One of the project because of their history with the project; that Habitat for Humanity recognized the challenges with entering from Montecito Drive and that City Venture's proposal looked at other access points; that the request for proposals sought to have primary access from Montecito Drive, using La Palma Avenue as a secondary access point; that the Montecito Drive Homeowner's Association President supports The Olson Company because of their previous experience and familiarity with Phase One; that The Olson Company has a proven track record and the Subcommittee chose them because of their previous affordable housing accomplishments; that any City proceeds from affordable housing sales must go back into affordable housing; the explanation of low- and moderate-income; and that the current residents of the previous phase are very happy with the product quality that The Olson Company provided.

City Attorney Kuperberg indicated that there are State laws that might allow certain people who work and/or live in La Palma to get a higher chance of being one of the homeowners, but that the language is not clearly defined.

Further discussion ensued regarding the proposed location of the entry doors; that the project still has to go through the design phase; that the project would need to have some sort of privacy fencing; emergency vehicle access; potential conflicts with students being dropped off at Steve Luther Elementary School; that during Phase I, the only concern that residents had was what affordable housing is; that Season's of La Palma was not part of The Olson Company's Montecito Drive project; that the majority of the Subcommittee voted Habitat for Humanity project last because it is a fee ownership project and that they believe there are better options for providing very low-income housing in the community; that the proposed project is projected to have the same access way from Montecito Drive as the previous phase; and support for the affordability component.

- a) Select The Olson Company as the preferred developer for Phase II of the Denni Street Affordable Housing Specific Plan; and

- b) Authorize staff to negotiate a Disposition and Development Agreement for the Community Development Commission's consideration.

Commission Member Hwangbo made a motion to select The Olson Company as the preferred developer for Phase II of the Denni Street Affordable Housing Specific Plan and authorize staff to negotiate a Disposition and Development Agreement for the Community Development Commission's consideration.

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

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

NOES: None

ABSENT: Commission Member Shanahan

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:57 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the March 15, 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 Vice Chairperson Charoen and carried on the following vote:

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

NOES: None

ABSENT: Commission Member Shanahan

## PUBLIC HEARINGS

### PL-2. Ordinance Amending the La Palma City Code Pertaining to Maximum Permissible Density in the Village Overlay

- a) Chairperson Rodriguez opened up the Public Hearing at 7:58 p.m.
- b) Planning Intern Rafael Garcia gave the Staff Report.
- c) Public Input

No members of the public wished to speak.

- d) Chairperson Rodriguez closed the Public Hearing at 8:02 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the proposed Ordinance being connected to the previous item, Phase I of the Denni Street Affordable Housing Project; that the zoning change would apply, but that entitlements have already been processed for that parcel; that the proposed Ordinance amends the Development Code to ensure no ambiguity between the Development and General Plans; that the Development Code is not as specific as the General Plan regarding units per acre; and that the draft Ordinance addresses specific units per acre.

- f) Resolution No. PC 2011-02 recommending that the City Council adopt a Negative Declaration for, and approve, an Ordinance amending Chapter 26 of the La Palma City Code pertaining to the maximum permitted density under the Village Overlay.

Commission Member Hwangbo made a motion to approve Resolution No. PC 2011-02 recommending that the City Council adopt a Negative Declaration for, and approve, an Ordinance amending Chapter 26 of the La Palma City Code pertaining to the maximum permitted density under the Village Overlay.

The motion was seconded by Vice Chairperson Charoen and carried on the following vote:

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

NOES: None

ABSENT: Commission Member Shanahan

## REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:06 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 March 15, 2011, Regular Meeting of the La Palma City Council and the minutes of the March 21, 2011, and March 22, 2011, Special Meetings of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-13 approving the Register of Demands for April 5, 2011.

4. Notice of Completion and Acceptance of Work for the American Recovery and Reinvestment Act 2 Project, City Project No. ST-305, Federal Project No. ESPL-5319(013)

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the American Recovery and Reinvestment Act (ARRA) 2 Project, Rehabilitation of Orangethorpe Avenue from Moody Street/West City Limits to SR-91 and Valley View Street from Orangethorpe Avenue to Fresca Drive, City Project No. ST-305, Federal Project No. ESPL-5319(013).

5. Notice of Completion and Acceptance of Work for the Houston Avenue Sewer Lining Project, City Project No. 10-SWR-01

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Houston Avenue Sewer Lining Project, City Project No. 10-SWR-01.

6. Notice of Completion and Acceptance of Work for the Re-stripping of City Arterial and Residential Streets, City Project No. ST-289

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Re-stripping of City Arterial and Residential Streets, City Project No. ST-289.

7. Award of Contract to Midori Gardens, Inc. for General Landscape Maintenance Services for Central Park, the Edison Right-of-Way and Various City Facilities

Approve and authorize the Mayor to execute an Agreement with Midori Gardens, Inc. of Santa Ana, California, for general landscape maintenance services for Central Park, the Edison Right-of-Way, and various City facilities.

8. Award of Contract to R.J. Noble Company for Construction Services for Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM) and Rubberized Slurry Seal (REAS), City Project No. ST-308

Award a contract in the amount of \$807,150 to R.J. Noble Company for Construction Services for Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM) and Rubberized Slurry Seal (REAS), City Project No. ST-308.

Council Member Waldman made a motion to approve Consent Calendar Items 1 through 8.

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

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

NOES: None

ABSENT: Council Member Shanahan

#### ITEMS PULLED FROM THE CONSENT CALENDAR

9. Purchase of a Replacement Liquid Propane Gas Utility Truck

Mayor Pro Tem Charoen requested to have the item pulled to inquire if the current vehicle could be used for another one to two years rather than being replaced at this time.

Discussion ensued regarding this vehicle being skipped twice in the vehicle replacement schedule; that the vehicle is in disrepair; that a portion of the vehicle cost is offset by the Air Quality Management District's (AQMD) Alternative Fuels Grant funds; that Staff looked at purchasing the vehicle in the least expensive manner; that if the City does not take advantage of the proposal, it would have to wait another two years for replacement; and questions on the current condition of the vehicle.

Carlo Nafarrete, Maintenance Supervisor, responded that while the mileage is low, there has been significant strain on the vehicle. He noted that the suspension and body are rusty and that faulty door latches have become safety issues.

Further discussion ensued regarding the proposed Liquid Propane Gas (LPG) vehicle having a cheaper fuel cost; that the cost would approximately be under \$10,000 after the grants and the sale of the vehicle at auction; and that the City Council supports more efficient City vehicles.

Adopt Resolution No. 2011-14 authorizing the purchase of a Liquid Propane Gas (LPG) Utility Truck and authorize the Police Chief to send the replaced vehicle to auction.

Council Member Waldman made a motion to approve purchase of a replacement Liquid Propane Gas (LPG) Utility Truck.

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

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

NOES: Mayor Pro Tem Charoen

ABSENT: Council Member Shanahan

## PUBLIC HEARINGS

None Scheduled.

## REGULAR ITEMS

### 10. Agreement with the Municipal Water District of Orange County

Public Works Director Moneda gave the Staff Report.



The City Council asked for clarification on the number of northern Orange County Cities that approved the agreement thus far.

Kevin Hunt, Metropolitan Water District of Orange County General Manager responded that seven of the north Orange County cities have approved the agreement and three more are scheduled to hear the item before April 20, 2011.

The City Council asked for clarification on the optional services being offered by MWDOC and when Orange County Agencies would be taking advantage of these services.

Mr. Hunt noted that because the School and Water Use Efficiency Programs are heavily granted, the majority of agencies would keep those services annually; and that preliminary budget costs would be presented annually prior to agencies deciding on the services they wish to select.

Council Comments and Questions:

Discussion ensued regarding the definition of Core Services; that Core Services are provided annually; that MWDOC has received 16 City approvals to date; that the term of the agreement is five years; and that no City Councils have voted against the Agreement.

Approve and authorize the Mayor to execute an Agreement with the Municipal Water District of Orange County (MWDOC).

Council Member Waldman made a motion to approve the Mayor to execute an agreement with the Municipal Water District of Orange County.

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

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

NOES: None

ABSENT: Council Member Shanahan

11. Authorization for the City Manager to Execute an Agreement with General Pump Company for Emergency Repair and Rehabilitation of the Walker Street Well, under Section 2-46 of the City Code, City Project No. 10-WTR-04

Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the outcome of not approving the project requiring that more water be imported from the Metropolitan Water District, which would increase water costs; that if the project were postponed until next year, it would cost the City an additional \$45,000; that General Pump Company has provided consistent quality; that approving the project would lead to cost savings; that the well casing is currently removed and the well system is offline; that the savings comes from having the water quality test being done during the repair and rehabilitation of the Walker Street Well; that postponing the project would cause the City to have to go out for another bidding process; that the City conducts water sampling tests every year; and that completion of the project could take 30-90 days.

- a) Authorize the City Manager to execute an Agreement with General Pump Company in an amount not to exceed \$160,000 for Emergency Repair and Rehabilitation of the Walker Street Well, under City Code Section 2-46, "Exception to bidding procedures - Emergencies;" and
- b) Authorize the appropriation of funds in the amount of \$80,000 from the Water Capital Reserve Fund.

Council Member Hwangbo made a motion to authorize the City Manager to execute an agreement with General Pump Company in an amount not to exceed \$160,000 for emergency repair and rehabilitation of the Walker Street Well, under City Code Section 2-46, "Exception to bidding procedures - Emergencies;" and authorize the appropriation of funds in the amount of \$80,000 from the Water Capital Reserve Fund.

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

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

NOES: None

ABSENT: Council Member Shanahan

12. Designation of Delegates and Authorization for Delegates to Attend the Southern California Association of Governments Regional Conference and General Assembly

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding only members of the Southern California Association of Governments (SCAG) Regional Council actually voting; prior SCAG meetings; that the City Council delegate would be able to comment on the Regional Economic Growth Strategy and the Transportation and Sustainable Communities Plan at the meeting; that the City Council delegate would only attend the meeting if the SCAG agenda items have significant impact to the City of La Palma; that SCAG plans to expand its role as a regional planning agency; and that the Pacific Gas and Electric Right-of-Way is an important topic, but not substantial enough to attend the meeting; that voting in favor of the item would allow the City cost savings on accommodations and transportation fees; and that voting for the item does not necessarily mean that the SCAG delegate will attend the meeting.

Council Member Waldman made a motion to designate Mayor Rodriguez as the La Palma delegate to attend the Southern California Association of Governments Regional Conference and General Assembly.

Mayor Pro Tem Charoen noted his abstention is due to a deficiency of important issues on SCAG's current agenda and the lack of need for a City Council member to attend the meeting.

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

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

NOES: None

ABSENT: Council Member Shanahan

ABSTAINED: Mayor Pro Tem Charoen

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

**Council Member Waldman** attended the monthly Association of California Cities - Orange County (ACC-OC) Executive Committee meeting; the Orange County Sanitation District (OCSD) meeting; the Orange County Council of Governments (OCCOG) meeting; and the joint Community Activities and Beautification (CAB) and City Council meeting.

**Council Member Hwangbo** attended the joint CAB and City Council meeting and the joint meeting with City Staff and the Anaheim Union High School District (AUHSD). He announced that he plans to attend the upcoming League of California Cities (LOCC) Policy Committee meeting. He closed by reporting his positive feedback on the i-Pad version of the agenda.

**Mayor Pro Tem Charoen** attended the joint CAB and City Council meeting and attended the Thai New Year's Festival as La Palma's representative.

**Mayor Rodriguez** attended the Friends of Education Dinner hosted by the AUHSD where he and his wife, Diana, received an award; the City of Cerritos Swearing-In ceremony; the Eagle Scout Court of Honor ceremony; the joint CAB and City Council meeting; the Orange County Transportation Authority (OCTA) Transit Study; the Orange County Fire Authority (OCFA) board meeting; and the Library Task Force Special Meeting as an alternate.

#### CITY MANAGER REMARKS

**City Manager Lazzaretto** reminded the City Council of the upcoming April 11, 2011, Closed Session; the April 18, 2011, joint meeting of the Traffic Safety, Development Committee, and City Council; and the State of the City presentation on April 21, 2011, at the La Palma Community Center. He updated the City Council that Redevelopment is still active at the State level and that the Committee passed an Affordable Housing Bill that is supported by the California Redevelopment Association. He announced that the State is looking to end the City's COPS Grant Funding and that the State will make scheduled gas tax payments to the City. He closed by commenting that upcoming agenda items will include the budget discussions on the Capitol Improvements Plan.

Council Member Hwangbo asked for clarification on how cities are moving redevelopment funds around to avoid the State taking them if Governor Brown is successful in his bid to end Redevelopment.

City Manager Lazzaretto responded that La Palma also has concerns and plans to ensure that measures are in place to pass Resolutions to pay off debt or fund projects if necessary. He cautioned that these should only be taken as a last resort and requested that the City Council reserve their actions.

#### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** commented that he has been informing City Manager Lazzaretto on various alternatives regarding redevelopment funds. He agreed that he supports not moving hastily on any actions.

Mayor Rodriguez announced that he attended an ACC-OC Task Force meeting on the subject. He also noted that he has been asked to attend an upcoming meeting in Sacramento regarding redevelopment, but will report back to the City Council and Staff on the agenda items before asking for support to attend that meeting.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 9:08 p.m.

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Ralph D. Rodriguez  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk