

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

April 2, 2002

Mayor Walker called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, April 2, 2002, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Councilmember Aragona and her Granddaughter Amanda led the Pledge of Allegiance to the United States Flag.

INVOCATION

Pastor Michael Heher of St. Irenaeus Catholic Church gave the Invocation.

ROLL CALL:

Councilmembers present: Lauree Aragona, Christine Barnes, Kenneth A. Blake, Alta E. Duke, Paul F. Walker

Councilmembers absent: None

City Officials present: Catherine Standiford, City Manager  
Vince Giampa, Chief of Police  
Ismile Noorbaksh, Director of Public Works/City Engineer  
Paul Pitts, Director of Building & Safety  
Robbeyn Bird, Director of Finance  
Jan Hobson, Director of Recreation & Community Services  
Joan Hoesterey, Principal Planner  
Joel Kuperberg, City Attorney  
Peggie Turnage, Executive Assistant

ORAL COMMUNICATIONS

Ms. Eileen Murphy, 201 20<sup>th</sup> Street, Huntington Beach, addressed the Council to request placement of a presentation on the 301H Waiver by both the Orange County Sanitation District and the Ocean Outfall Group on a future Agenda.

Mr. Don McGee, 20701 Beach Boulevard, Huntington Beach, addressed the Council to express his concern that the plume created by the outfall permitted by the 301H Waiver could cause various health problems. He urged the Council to consider eliminating the waiver.

Mr. Don Schulz, 2722 Main Way Drive, Los Alamitos, addressed the Council to ask the Council to place a study on a future Agenda to determine if the City of La Palma wants to join the coastal communities of Seal Beach, Huntington Beach, and Newport Beach in generating a Resolution to oppose the 301H waiver.

Mr. Irwin Haydock, 11570 Aquamarine Circle, Fountain Valley, addressed the Council to urge the Council to forget the presentations and the studies and consider a resolution to eliminate the 301H waiver.

Ms. Kristine Hardeman, 748 Arbolado, Fullerton, addressed the Council to request the Council to schedule a study session to review the 301H waiver.

Mr. Dennis Baker, 706½ Begonia, Corona del Mar, addressed the Council to state there has been an ongoing issue with this waiver and when people hear both sides they ask why the Sanitation District is not going full secondary. He encouraged the Council to adopt a resolution opposing the discharge of partially treated sewage into the ocean off Huntington Beach.

Mr. Larry Porter, 1501 Westcliff Drive, Newport Beach, addressed the Council to urge opposition to the renewal of this waiver. He stated that this discharge is not just wastewater. There are viruses, there are endocrine disrupters, there are pharmaceuticals, and there are toxic organic chemicals. He suggested the possibility that those chemicals being discharged are making new compounds and the effect of those compounds on sea life and humans is not known.

Mr. Jan Vandersloot, 2221 East 16<sup>th</sup> Street, Newport Beach, addressed the Council to state that he is the founder and director of the Ocean Outfall Group, which is a citizens group formed in November of 2000. He explained that the 301H waiver allows partially treated sewage to be discharged into the ocean. He added that partially treated sewage is not allowed in 99.75% of all other Sanitation Districts in the United States. He also stated that there are 240 million gallons of sewage discharged into the ocean every day and what happens to that sewage is the question. The Ocean Outfall group believes that this sewage plume is coming back to shore. He requested the Council to study this issue thoroughly and adopt a resolution opposing the waiver.

Mr. Fred Booth, Huntington Beach, addressed the Council to state he feels it is certainly worthwhile to take a look at this issue.

#### RECESS

Mayor Walker recessed the City Council to convene as the Community Development Commission at 7:25 p.m. (See separate Community Development Commission Minutes.)

#### RECONVENING

Mayor Walker reconvened the meeting in joint session with the Planning Commission at 7:30 p.m.

#### PUBLIC HEARING

#### INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15A AND CHAPTER 26 OF THE MUNICIPAL CODE

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Chairman/Mayor Walker opened the public hearing and called on Principal Planner Joan Hoesterey to present the staff report.

Ms. Hoesterey stated that this item is to amend the existing Code in Chapter 15A which pertains to regulation of adult businesses. She explained that this item is before the Commission/Council because there have been several court decisions in this area and the City Attorney has gone through the existing ordinance and made changes that would comply with the latest court rulings so that the City still has a valid ordinance. She also stated that a new section was added defining a school because one of the restrictions is that this type of business must be located 300 feet away from any schools. She then outlined the various changes that are included in the ordinance being considered.

City Attorney Joel Kuperberg stated that often when ordinances such as this are considered, members of the audience often wonder why the City is encouraging these types of businesses. He explained that the City is not encouraging adult businesses and, in fact, the Federal Court has ruled that it is illegal for cities to prohibit these kinds of uses. However, cities are allowed to regulate them to protect against secondary effects such as crimes that are sometimes generated by patrons of these places. Therefore, over the last several years, they have tried to fashion an ordinance that they believe, within the limits of the Federal Court rulings, provides the City the greatest possible protection to regulate and restrict these uses to certain areas. He added that the ordinance in front of the Commission/Council is the result of sort of a cat and mouse game that is played in the Federal Courts where every few years some new court decisions come down making it illegal to enforce certain types of regulations. When the courts do that, the ordinance is brought back with another way to regulate in a manner that the courts have said is okay. He concluded by stating that he believes the ordinance being considered this evening reflects the most stringent regulation possible in this area, consistent with what the courts have said.

There being no one who wished to address the Commission/Council on this item, Councilmember/Commissionmember Blake made a motion to close the public hearing. The motion was seconded by Councilmember/Commissionmember Aragona and carried unanimously.

Councilmember/Commissionmember Blake referred to page 5 dealing with security guards at a ratio of one for every 200 people and asked if the ratio could be reduced.

Ms. Hoesterey responded that the number in the ordinance is what is considered to be reasonable. She added this is an item that is often challenged in the courts and this ratio has been considered reasonable.

Mr. Kuperberg added that this is a standard that has been used in other jurisdictions and there is a risk factor if the ratio were reduced.

Councilmember/Commissionmember Blake asked if parking restrictions should be included in the ordinance.

Ms. Hoesterey responded that the parking goes with the use within the zone and would have to comply with the parking requirements in the zoning section of the Municipal Code.

Mr. Kuperberg clarified that this regulation is an overlay that works in conjunction with the zoning code provisions so that is why set-back, height, and other requirements are in the ordinance because all of the other zoning and City Code provisions also have to be met.

Mayor/Chairman Pro Tem Barnes referred to the definition of schools and stated that there are tutoring businesses in the Fiske building and asked if those are exempt as identified as a school. Ms. Hoesterey responded affirmatively.

Mayor/Chairman Pro Tem Barnes asked about the area at the northwest corner of Walker Street and Orangethorpe Avenue. Ms. Hoesterey responded that property is zoned Office Professional and these uses are only permitted in commercial and industrial.

Chairman Pro Tem Barnes made a motion to adopt Resolution No. 2002-10PC recommending that the City Council adopt an Ordinance Amending Chapter 15A and Chapter 26 of the La Palma Municipal Code Relating to the Regulation of Adult Businesses. The motion was seconded by Commissionmember Aragona and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker

NOES: None

ABSENT: None

Mayor Pro Tem Barnes made a motion to introduce Ordinance No. 2002-01, an Ordinance of the City Council of the City of La Palma, Amending Chapter 15A and Chapter 16 of the La Palma Municipal Code Relating to the Regulation of Adult Businesses. The motion was seconded by Councilmember Aragona and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker

NOES: None

ABSENT: None

#### CONSENT CALENDAR

Mayor Walker pulled Item Nos. 5 and 6. Councilmember Aragona pulled Item No. 1.

Councilmember Blake made a motion to approve the following items on the Consent Calendar:

ADOPTED RESOLUTION NO. 2002-16 APPROVING A REGISTER OF DEMANDS FOR APRIL 2, 2002

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO SOLICIT COMPETITIVE BIDS FOR THE REPLACEMENT OF THE ¾ TON WATER UTILITY TRUCK

AWARDED A CONTRACT IN THE AMOUNT OF \$15,000.00 TO STAIB BACKHOE & EXCAVATION FOR THE ABANDONMENT OF SWAGER WELL, CITY PROJECT NO. 01-WTR-02

The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker  
NOES: None  
ABSENT: None

MARCH 19, 2002 CITY COUNCIL MEETING MINUTES

Councilmember Blake made a motion to approve the minutes of the March 19, 2002 City Council Meeting. The motion was seconded by Mayor Pro Tem Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Walker  
NOES: None  
ABSENT: None  
ABSTAIN: Aragona

AUTHORIZATION FOR COUNCILMEMBERS TO ATTEND CONFERENCES

City Manager Catherine Standiford stated that since the staff report was prepared the participants listed in item No. 2) have stated they no longer have the desire to attend this event so participation in the California Cities Legislative Days Action has been withdrawn.

Councilmember Duke stated that according to the budget reduction measure that was recently approved, only registration would be paid for.

Ms. Standiford responded that with the expenditure controls currently in place, the City is only paying for registration fees for the staff. She added that it is her assumption that unless the Council directs differently, Council expenses would be covered.

Mayor Walker stated he personally feels that if Council and staff have to attend classes and events to get training, the policy should be opened back up at this time to include expenses for attending these events.

Councilmember Aragona stated that item No. 3 is for an event in July and suggested that decision on this event be postponed until the true costs are known. She added that staff stays longer,

Council's come and go, and she feels it is important for staff to have the ability to learn all there is to learn. Therefore, if staff is being asked to cut back she feels Council should cut back as well.

Councilmember Barnes agreed that she feels Item 3) should be postponed.

Ms. Standiford stated that in accordance with Council's past direction, the Third Quarter Revenue Report will be presented at the next meeting so at that time the Council would have more information about the state of the cities revenues versus expenses. Unfortunately that doesn't address the time concern for Item No. 1).

Councilmember Duke stated she feels that the Council should keep faith and honor its decision through the end of this fiscal year that the registration fee is paid by the City and the rest is at personal expense.

Councilmember Blake stated he supports holding off on Item 3) and since there is just one person attending item 1) he would be in favor of covering the total expense.

Mayor Walker concurred with Councilmember Duke and stated that if the Council is going to set precedence it needs to be done for everyone.

Mayor Walker made a motion to hold off on item 3) and pay registration for item 1) only. The motion was seconded by Councilmember Aragona and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker  
NOES: None  
ABSENT: None

#### COUNCIL POLICY NO. 29 RELATING TO ANNUAL HIGH SCHOOL AWARDS

Councilmember Duke stated this was a subject referred back to the Council Committee comprised of Mayor Walker and herself. She added that they have had some concern about the quality of the applicants in that the Policy stated that one male and female from both Kennedy and Buena Park High Schools would receive the awards. Therefore, they are recommending the policy be changed to recognize three recipients, regardless of gender or school, and the awards would be in the amounts of \$1,000, \$750, and \$500.

Councilmember Aragona clarified that these would be La Palma residents only.

Mayor Walker explained that in reviewing the applications they found that some really stood out but they were compelled to make their selection based on the school requirement.

Councilmember Duke added that these awards are presented not just on GPA but community involvement as well.

Councilmember Blake concurred with the concept of tying the award to individuals rather than a school. He added he was in support of the monetary amounts for this year but if the City's financial situation changes he would like to keep the same concept but perhaps have more scholarships.

Mayor Pro Tem Barnes stated she feels this change is very equitable.

Councilmember Aragona made a motion to approve the revised Council Policy No. 29, relating to the Annual High School Awards. The motion was seconded by Councilmember Blake and carried on the following roll call vote:

AYES:	Aragona, Barnes, Blake, Duke, Walker
NOES:	None
ABSENT:	None

#### COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Mayor Walker asked staff to put the Ocean Outfall request on a future Agenda and invite the Sanitation District to make their presentation. He suggested May 7<sup>th</sup>.

Councilmember Aragona stated that she is a member of the Elected Officials Leadership Academy Committee and they will be meeting on April 12<sup>th</sup> and first on that Agenda is classes in the local COG's. She also stated that she was recently appointed to the Mayors and Council Members Department Program Committee and they are developing plans and getting topics on items to be discussed at the Monterey Elected Officials Forum and also at State Convention. She reported that the City was very well represented at the Kennedy HSA Awards and it was a very good program as always. She also stated that she attended a program on rail, which offered a VIP briefing and talked about the use of the Pacific Electric Line. Councilmember Aragona stated that she attended the Sarcodosis Foundation with Mayor Pro Tem Barnes and Councilmember Duke. She reported that the Every 15 Minute Program is on target.

Councilmember Duke stated that she attended the Orange County Council of Governments and reported they had a panel that spoke on the most restrictive regulations on communities dealing with urban runoff.

Councilmember Blake stated that he attended the Orange County Fire Authority and the meeting dealt with one topic, the restructuring of the Reserve Fire Fighters Program. Under this restructuring the Station located at the Orange headquarters will be closed, Station 12 in Cypress will be merged with the La Palma Station, and Station 29 in Dana Point will be merged in with Station 30. There will be seven EMS squads, one of which will be at La Palma, and 12 EMS patrol units. He explained that the difference between a squad and a patrol is that a squad does strictly EMS service while a patrol can also do some fire suppression without entering the building. He also reported that in January 2003 they would be coming back with an apprentice program for

volunteers who want to get the training experience to get on to the Fire Department. Applicants will have to be a Firefighter I coming out of the Academy.

Councilmember Barnes stated that she attended the SCAG MAG-LEV Task Force meeting and reported that the decision for further funds was postponed because in another week they will have further details on the financial end of it for the Orange Line and in addition, many committee members were not present. She also reported that other routes are also being considered. She also stated that she attended the Orange County Transportation Definition Study meeting in Cypress and reported she spoke with some La Palma citizens who were very happy to receive the flyer that the City sent out regarding the meeting. They also expressed concern with the frequency of the train running on the Pacific Electric right-of-way. She added that she also attended the Federated Chambers Meeting and explained that this is a coalition of all the Chambers in Orange County, and OCTA made a presentation on Transportation. Councilmember Barnes stated that she attended the Sarcodosis event with Councilmember Aragona and Director of Recreation and Community Services Jan Hobson and announced that the City of La Palma will be hosting the next walk.

Councilmember Barnes announced the Buena Park/La Palma Business Health Fair Expo would be held on April 6<sup>th</sup> in the Albertson's parking lot. She also announced that the Chamber of Commerce will hold a luncheon for a "State of the City Presentation" and all are welcome.

#### CITY MANAGER REMARKS

City Manager Catherine Standiford announced that there will not be a Friday report this week, due to a lack of items. She also reminded the Council that there is a Closed Session this evening.

Councilmember Blake stated he has noticed that at Valley View Street and La Palma Avenue there are pieces of wood with nails in them, lying on the corner. He added he thought they are probably left from the installation of the wheelchair ramps installed by Buena Park. He asked if City staff could remove the wood.

Mr. Brian O'Neal stated that he has been appointed to an OCTA Transportation Committee so if anyone has any concerns or ideas on improving the bus system or other arterial means, please let him know.

Mayor Pro Tem Barnes stated that she had heard they are considering installing bike racks at the bus stops where people could lock their bikes and asked if that is going forward. Mr. O'Neal responded he did not know the answer.

Mayor Walker commended the Police Department for their handling of the recent uncompleted 911 call and the fact that minimal property damage was done when they entered the house to do their search.



CLOSED SESSION

The City Council adjourned to a Joint Closed Session with the Community Development Commission pursuant to Government Code Section 54956.8:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

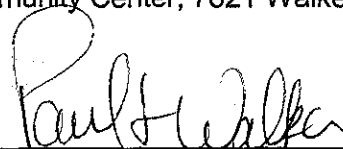
Property: 6565 Valley View Street

Negotiator: Catherine Standiford, Executive Director

Under Negotiation: Price and terms of payment

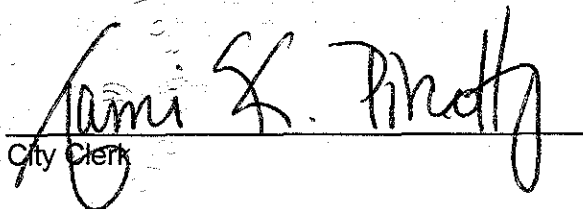
ADJOURNMENT

The City Council adjourned in memory of Rudy Starowitz at 8:42 p.m. to a Study Session on Tuesday, April 16, 2002 at 5:30 p.m. for the purpose of meeting with the Community Activities and Beautification Committee, at the La Palma Community Center, 7821 Walker Street.



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Mayor

ATTEST:

  
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City Clerk