

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 16, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. at La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Charoen

INVOCATION: Councilmember Waldman

ROLL CALL: Council and Commission Members

Councilmembers present: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director
Joel Kuperberg, City Attorney
Ed Ethell, Chief of Police
Keith Neves, Finance Director
Jeff Moneda, Public Works Director/City Engineer
Mike Belknap, Recreation Superintendent
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Joseph Cho, Ph.D., Mayor Pro Tem of Cerritos and Advisory Board Member of Friends of American Veterans of Korean War, announced the upcoming 60th Anniversary of the Korean War to be held in Seoul, Korea. He thanked all the American Veterans and reported that he would like to continue to strengthen the

bonds of friendship by inviting all Korean War Veterans to attend this fully accommodated event.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:07 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the February 2, 2010, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-04 approving the Register of Demands for February 16, 2010.

C. Cash and Investment Report as of December 31, 2009

Receive and file the Cash and Investment Report as of December 31, 2009.

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 7:08 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the February 2, 2010, Regular Meeting of the La Palma Planning Commission.

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

The motion was seconded by Vice Chairperson 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 THE CITY
COUNCIL AT 7:09 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 January 25, 2010, Special Meeting of the City Council and the February 2, 2010, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2010-11 approving the Register of Demands for February 16, 2010.

4. Cash and Investment Report as of December 31, 2009

Receive and file the Cash and Investment Report as of December 31, 2009.

Mayor Pro Tem Rodriguez made a motion to approve Consent Calendar Items 1 through 4.

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

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

5. Award of Contract to Industry Coatings Co. for the Arterial Block Wall Painting, City Project No. ST-303

Mayor Pro Tem Rodriguez requested to have the item pulled to allow public comment and to request the project schedules for arterial street block walls.

City Manager Lazzaretto presented the timeline for the project and reported that the painting is an interim approach until funding can be secured for the original plan of planting ivy along the block walls.

Public Comment:

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding his opposition to painting the block walls. He asked the City Council to save the money allotted for painting the block walls and wait for grant money to install ivy on the walls as the City Council previously planned. He also noted that painting the walls require more funding to maintain.

Mayor Shanahan asked City Attorney Kuperberg if the City faced any legal issues by painting the residential block walls with public funds.

City Attorney Kuperberg responded that there are no legal issues because the California Courts have established that no prohibited gift of funds occur if the donation goes to the benefit of the public agency donor as this is part of the City's beautification process.

Council Comments and Questions:

Discussion ensued regarding the amount needed to plant ivy along the block walls being \$1.7 million and ongoing maintenance fees; that the City is trying to set an example of conserving water; what the timeline would be for completing the Ivy Block Wall Master Plan; the amount of years it would take to complete the project City-wide; that the previous block wall painting project along Crescent brought much support from the public; and that the public should not have to wait for the City beautification.

Award a contract in the amount of \$50,000 to the low responsible bidder, Industry Coatings Co. of San Pedro, California, and authorize the Mayor to execute the agreement for the Arterial Block Wall Painting, City Project No. ST-303.

Mayor Pro Tem Rodriguez made a motion to award the contract to Industry Coatings Co. for the Arterial Block Wall Painting, City Project No. ST-303.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

6. Second Quarter Financial Report - Fiscal Year 2009-10

Finance Director Neves gave the Staff Report.

Council Comments and Questions:

Receive and file the Second Quarter Financial Report for Fiscal Year 2009-10

Discussion ensued regarding the decrease of diesel sales for trucking companies due to the economic downturn; the current status of the vacant employment positions within the City; whether residents have taken advantage of energy efficient remodels with the Permit Fee Holiday; large remodels leading to property tax adjustments; the time allotted to hit the budget; the City anticipating less property tax revenue next year due to Proposition 13; the City's expenditures being less the next fiscal year; and the City's revenues increasing over the next few years as the economy gets better.

By consensus, the City Council agreed to receive and file the Second Quarter Financial Report - Fiscal Year 2009-10.

7. Consideration of Traffic Improvements at the Intersections of Amberwood Avenue/Suffield Street and at the Crescent Avenue/Watson Street Crosswalk

a) Approve a request for striping improvements at the intersection of Amberwood Avenue/Suffield Street

Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding whether staff would support the removal of the pedestrian ramp; the actual speed being

higher at the knuckle; costs for removing the pedestrian ramp; the condition of the sidewalk around the pedestrian ramp; the Traffic Safety Committee's recommendation to not remove the ramp; poor sight visibility at the pedestrian ramp because it is placed on the curve of the street; the total cost breakdown for the striping and pedestrian ramp removal combined; and notifying the residents in the area of the proposed changes to the street and proposed removal of the pedestrian ramp.

Councilmember Herman made a motion to approve Staff's recommendation to install striping improvements at the intersection of Amberwood Avenue/Suffield Street and remove the pedestrian ramp at the inner radius of the knuckle of the subject intersection.

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

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

NOES: None

- b) Approve the installation of traffic improvements at the crosswalk area located at Crescent Avenue/Watson Street

Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding Council's support of Staff pursuing a grant from the Safe Routes to Schools program to fund this project; the amount of children using the crosswalk in the afternoon; the need to install crosswalk signs prior to the crosswalk instead of right at the crosswalk; adjacent cities using reflectors on crosswalk poles; the crosswalk not being at an intersection; installing signs on both sides of the street prior to the crosswalk; the City Council's support of upgrading the crosswalk; and the visibility of the lights during daylight hours versus evening hours.

- c) Authorize the appropriation of \$7,000 from the City's General Fund Reserve to cover the costs associated with the installation of striping improvements on Amberwood Avenue/Suffield Street and the installation of traffic improvements at the crosswalk area located at Crescent Avenue/Watson Street.

Mayor Pro Tem Rodriguez made a motion to approve the installation of traffic improvements at the crosswalk area located at Crescent Avenue/Watson Street and authorize the appropriation of \$9,500 from the City's General Fund Reserve to cover the costs associated with the installation of striping improvements on Amberwood Avenue/Suffield Street and the installation of traffic improvements at the crosswalk area located at Crescent Avenue/Watson Street.

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

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

NOES: None

By consensus, the City Council agreed to have Staff pursue the purchase and installation of additional crosswalk signage at the Crescent Avenue/Watson Street crosswalk.

8. Amendment to City Council Policy 20 - Street Banner Policy to Add Standards for the Electronic Readerboard

Recreation Superintendent Belknap gave the Staff Report.

City Attorney Kuperberg reported on the standards that other Cities currently use and recommended that the City dispense of the \$50 fee.

Discussion ensued regarding the length of time to get an application approved; Council's support for a non-fee based approach; using the approval timeframe as a guideline and not a standard; being flexible with the two week timeline so community groups have enough time to prepare for their event; the legal risk of allowing the public to post a message; the majority of other cities not allowing the public to post on their readerboards; urgent and emergency messages taking precedence over local group advertisements; only allowing advertisements that include or benefit the community overall; not limiting the number of times a group can place an advertisement; availability being based on City usage; ability to bring the item back to the City Council if it becomes problematic; changing Item 2 to read "All fees and applications for the readerboard use *SHOULD* be submitted to the Recreation and Community Services Director"; and adding language on Item 6 to read "Messages may remain live for a maximum of two weeks with no minimum number of days;

however, as space permits this period may be extended at the discretion of the Recreation and Community Services Director".

Mayor Pro Tem Rodriguez made a motion to approve an amendment to City Council Policy 20 - Street Banner Policy to Add Standards for the Electronic Readerboard as amended during discussion and to eliminate fees.

Councilmember Charoen stated that he is not going to support the proposal because of the risk exposure to the City and asked the City Council if the City could do more research before any decision is made.

Discussion ensued regarding whether or not Staff would come up with a different recommendation if more time were allowed; the City Attorney reporting that he conducted ample research to develop a sound policy prior to bringing this item before the City Council and that the existing banner policy has a similar issue, yet no member of the public has come before the City to pursue the matter in court.

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

AYES:	Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman
NOES:	None
ABSTAINED:	Councilmember Charoen

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

Councilmember Herman reported that he attended the Orange County Vector Control District (OCVCD) Operations meeting and has been appointed to that committee; the Orange County Ground Water Replenishment District tour with Dr. Fran Flavel from Australia; the community meeting regarding proposed water rate increases; the monthly Neighborhood Watch meeting and commented on the great job Kirsten Rowe is doing; and the Senior Club Lunar New Year Celebration. He plans to attend the upcoming Neighborhood Watch Awards; the Cypress College Americana Awards event; the Relay for Life fundraiser; and the upcoming Joint Forces Training Base Challenge race; and announced that he plans to attend the upcoming Cerritos Annual Mayoral transition meeting and requested Staff to prepare a Certificate of Recognition.

Councilmember Charoen attended the community meeting regarding proposed water rate increases and the League of California Cities (LOCC) general meeting.

Councilmember Waldman attended the Ground Water Replenishment District Steering Committee; the community meeting regarding proposed water rate increases; and the Orange County Sanitation District Administration Committee meeting. He announced that he will be unable to attend the Neighborhood Watch Awards and has accepted a position on the Centralia School District Superintendent's Advisory Committee.

Mayor Pro Tem Rodriguez attended the community meeting regarding proposed water rate increases; the Orange County Ground Water Replenishment District tour with Dr. Fran Flavel from Australia; the local PTA meetings at Walker Junior High; and the LOCC general meeting. He announced that he plans to attend the Cypress College Americana Awards; the Neighborhood Watch awards; the opening day for the Continental Little League; and the upcoming PTA meeting at Luther Elementary School.

Mayor Shanahan attended the community meeting regarding proposed water rate increases. He asked Police Chief Ethell about the reduction in thefts in the crime report.

Police Chief Ethell responded that it is due to the great work of the City's Police Officers.

Mayor Shanahan continued by reporting that he plans to attend the Cypress College Foundation Americana Awards and the Neighborhood Watch awards.

CITY MANAGER REMARKS

City Manager Lazzaretto announced that upcoming agenda items include replacing street signs; reviewing the User Fee Study; and options for uses of the grant parcel purchase at the Ralphs center. He closed by noting his appreciation for the City Council's participation in the LOCC's City Manager Exchange Program and the time they spent working with Dr. Fran Flavel from Australia.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported that he has been researching the IRS proposals with Recreation and Community Services Director Hobson regarding part time employees and added that Form 700 forms are due by April 1, 2010.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 9:00 p.m.


/s/

Steve Shanahan, Mayor

Attest:


/s/

Laurie A. Murray, City Clerk