

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

July 20, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Charoen

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

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, Executive Director/City Manager
Joel Kuperberg, City Attorney
Douglas Dumhart, Community Development Director
Ed Ethell, Chief of Police
Jan Hobson, Recreation & Community Services Director
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Shanahan presented a proclamation to Police Captain Jim Enright in recognition of National Night Out.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:06 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the July 6, 2010, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-16 approving the Register of Demands for July 20, 2010.

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

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 7:07 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 6, 2010, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Rodriguez made a motion to approve Consent Calendar Items PL-1.

The motion was seconded by Commission Member Waldman 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

PL-2. Proposed Ordinance Amending Chapter 26 of the La Palma City Code Adding Provisions for the Creation of the Planned Neighborhood Development (PND) Zoning District and Changing the Land Use Designation for Certain Properties to PND

- a) Chairperson Shanahan opened the Public Hearing at 7:08 p.m.
- b) Community Development Director Dumhart introduced Civic Solutions President, Tom Merrill, who gave a detailed presentation.

Civic Solutions Principal Project Manager, Maryanne Marks, gave a brief presentation on the development standards and design guidelines for the PND Zoning District.

- c) Public Input

Dinesh Kumar Arsid, a commercial property owner, addressed the City Council regarding his recent remodel, that he was not informed about the zoning moratorium when he remodeled; the problems he

has incurred leasing his property; and the current parking restrictions.

- d) Chairperson Shanahan closed the Public Hearing at 7:52 p.m.
- e) Commission Comments and Questions

Councilmember Herman asked Mr. Arsid if his building is occupied and when he purchased and remodeled the property.

Mayor Shanahan reopened the Public Hearing at 7:53 p.m.

Mr. Arsid responded that his original tenant moved out in November 2009, and that the space has been occupied since January 2010 by his personal business, I2Staff.

Councilmember Herman asked staff when the zoning moratorium went into effect and how it is possible that it was not communicated to the applicant when he pulled his building permits.

City Manager Lazzaretto responded that the zoning moratorium went into effect in October 2009 and that it only restricts certain uses. Because the Office/Professional use that Mr. Arsid applied for was an allowed use, there was no need to inform him of the moratorium.

Chairperson Shanahan closed the Public Hearing at 7:54 p.m.

Commission Comments and Questions:

Discussion ensued regarding how the proposed PND Zone could work if adjoining parcels consolidated or worked together; that Mr. Arsid could continue his business as a grandfathered use; using design incentives to encourage adjacent properties to consolidate or work together; that the proposed development standards would allow for smaller design setbacks and less design restrictions; that pole signs would not be allowed, but sign codes would be relaxed so that building signs could be seen from the adjoining freeway; that Mr. Arsid's business could benefit from the new zone; working with local business owners throughout the development review process; the Redevelopment Agency's ability to financially assist business owners; that Option One could force businesses to leave their current locations; that Option Three would grandfather current business uses; that certain businesses do not produce tax revenues; the proposed zoning encourages property owners to work with adjacent property owners to develop a project that has a

better business model and generates more tax revenue; larger restrictions being placed on new businesses and existing businesses being allowed to operate as is; requiring current businesses to comply with the proposed zone requirements not being a good practice; allowing a multiple year grace period for existing businesses to comply; developing a strategy to encourage business owners to redevelop; the proposed zoning method is becoming common amongst other cities; Option Three being an option that doesn't harm the current business owner; the consultant recommendation being Option One—to change all sites and move forward; the need to diversify the City's sales tax base; that the Planning Commission could rescind the proposed ordinance at a later date if it is not working; the Planning Commission's concern for current business owners; Option Three being fair to the current businesses; and if Option Three is selected, staff could develop a reasonable timeline; and continuing the Public Hearing to revise the proposed Ordinance to allow a modified form of Option Three.

City Attorney Kuperberg stated that zoning stays with the land; therefore, if the business use remains the same it is allowed.

Further discussion ensued regarding when a business location changes tenants or owners or wishes to change to a different nonconforming use.

City Attorney Kuperberg discussed what constitutes a nonconforming use and what the proposed Ordinance considers a like business.

Further discussion ensued regarding the complexity of the proposed Ordinance; that staff would provide the Planning Commission with further analysis of Option Three, allowing for an amortization period; that State law allows a massage use in a location where an office use is allowed; and that current buildings with a mixed uses would qualify for the amortization period and buildings built on the empty lots would automatically fall under the proposed PND zoning requirements.

- f) Adopt a Resolution recommending that the Planning Commission approve a General Plan Amendment and amendments to Chapter 26 of the City Code adding provisions for the creation of a new Zoning District entitled "Planned Neighborhood Development (PND)" and changing the Land Use Designation for certain properties to Planned Neighborhood Development; including necessary map and text amendments to the General Plan; and the proposed PND Design Guidelines.

Resolution No. PC 2010-06 approving a General Plan Amendment and amendments to Chapter 26 of the City Code adding provisions for the creation of a new Zoning District entitled "Planned Neighborhood Development (PND)" and changing the Land Use Designation for certain properties to Planned Neighborhood Development; including necessary map and text amendments to the General Plan; and the proposed PND Design Guidelines.

Chairperson Shanahan continued the Public Hearing to August 17, 2010.

Chairperson Shanahan called for a short recess at 8:49 p.m.

Chairperson Shanahan reconvened the Planning Commission at 8:56 p.m. with all members present.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:57 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 July 6, 2010, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2010-39 approving the Register of Demands for July 20, 2010.

5. Notice of Completion and Acceptance of Work for the Rehabilitation of Orangethorpe Avenue from the West City Limits at Moody Street to the East City Limits at Valley View Street, City Project No. ST-294, Federal Project NO. ESPL-5319(012)

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 Rehabilitation of Orangethorpe Avenue from the West City Limits at Moody Street to the East City Limits at Valley View Street, City Project No. ST-294, Federal Project No. ESPL-5319 (012).

6. Second Amendment to Agreement with Empire Pipe Cleaning and Equipment, Inc. for General Sewer Maintenance Services, City Project No. 03-SWR-01

Approve and authorize the Mayor to execute a second amendment to the Agreement with Empire Pipe Cleaning and Equipment, Inc. for General Sewer Maintenance Services, City Project No. 03-SWR-01, extending the term of the contract through June 30, 2011.

Mayor Pro Tem Rodriguez made a motion to approve Consent Calendar Items 1, 2, 3, 5, and 6.

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

ITEMS PULLED FROM CONSENT CALENDAR

4. Notice of Completion and Acceptance of Work for the Community Center Restroom Remodel Project, City Project No. 09-BLDG-01

Councilmember Herman requested to have Item 4 pulled from the Agenda to compliment staff on the project.

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 Community Center Restroom Remodel Project, City Project No. 09-BLDG-01.

Councilmember Herman made a motion to approve Consent Calendar Item 4.

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

7. Approval of Master Plan Design Improvements to Central Park

Recreation and Community Services Director Hobson introduced the item.

Jim Pickel, Moore Iacofanco Goltsman (MIG) Principal introduced Landscape Architect and Project Manager Darren Reckter who gave a presentation on the Design Development Components.

Jim Pickel gave a presentation on the Public Art Component of the Park Master Plan.

Recreation and Community Services Director Hobson closed the presentation by reporting on the Phasing Structure of the Park Master Plan.

Public Input:

Umesh Patel, 5252 Bridgewood Drive, addressed the City Council regarding his opposition to relocation of the baseball field.

Vernon Atwood, 7761 Herman Lane, President of the Parkview Estates Homeowner's Association, addressed the City Council regarding his

opposition to the relocation of the baseball field and announced his support for the alternate plan for the Park Master Plan.

Louis Toth, 7892 Lemonwood Circle, addressed the City Council regarding his opposition to the Park Master Plan.

Tom Wright, 7921 Westra Lane, addressed the City Council regarding his support of the project and his desire to either retain the original gazebo or to build another similar to the original as the gazebo is a part of La Palma's history. He asked what the size is of the proposed gazebos.

Recreation and Community Services Director Hobson responded that the proposed gazebos are approximately 30 feet wide and can house 8 tables versus the current gazebo, which is 26 feet and can house 6 tables.

City Manager Lazzaretto responded that staff chose the design of the proposed gazebo specifically to mimic the look of the original gazebo and that the design is very flexible.

Councilmember Herman commented that the City should have maintained the original gazebo better.

Atul Patel, 5361 Duke Drive, addressed the City Council regarding his opposition to the relocation of the baseball field and announced his support for the alternate plan for the Park Master Plan.

Cheryl Pappas, 5272 Duke Drive, addressed the City Council regarding whether legal Public Hearing notices were sent to residents before the Park Master Plan was brought to the City Council for a decision.

City Manager Lazzaretto responded that legal notices were not required prior to this stage, but legal notices were sent for tonight's meeting. Also, during the Concept Park Master Plan workshops, notices were put in the local newspapers, the *Mosaic*, the *Source*, and on the City's website.

Cheryl Pappas continued by addressing the City Council regarding her opposition to the relocation of the children's playground and the baseball field. She asked how much the City had in reserves and wanted to know if the City would proceed with the Park Master Plan before knowing if grant funds are approved for the project.

Mayor Shanahan reported that the City of La Palma has approximately \$15 million in reserves.

Recreation and Community Services Director Hobson responded that the City has submitted a grant application and that the City may look at

alternative funding sources when it reviews an upcoming comprehensive City-wide Master Plan.

Russell Lobue, 5312 Polis Drive, addressed the City Council regarding his opposition to the relocation of the baseball field and the location of the proposed volleyball courts.

Mayor Shanahan called for a short recess at 10:13 p.m.

Mayor Shanahan reconvened the City Council at 10:19 p.m. with all members present.

Nitesh Patel, 5021 Shirley Drive, addressed the City Council regarding his support for the Park Master Plan as it increases property values.

John Alvis, 7902 Birchwood Circle, addressed the City Council regarding his support for the Park Master Plan and his support for the public art component. He stated his opposition to the proposed alternative location of the meditation garden and requested that the City add some historical elements.

Sally Alvis, 7902 Birchwood Circle, addressed the City Council regarding her support of the Park Master Plan including the relocation of the baseball field and the public art component. She also stated her opposition to proposed alternative location of the meditation garden.

Aleta Bollins, 5322 Bridgewood Drive, addressed the City Council regarding her support of the Park Master Plan design and the location of the playground. She asked if the Tiny Tots play equipment would be accessible during phase one of the Master Plan rehabilitation and why the City is replacing the current children's play equipment.

Recreation and Community Services Director Hobson responded that the Tiny Tots playground will be made available to the public, depending on the construction phasing. She also stated that the current equipment was purchased in 1994 and has a limited life expectancy. She added that the new equipment was requested by numerous residents during the Community Outreach process.

Abe Waheed, 5271 Ivywood Drive, addressed the City Council regarding his support of the Park Master Plan. He asked that the pathway around the park be made out of a soft material that is easy on the knees of runners and walkers.

Cathy Corkhill, 5321 Bridgewood, addressed the City Council regarding her opposition to the relocation of the baseball field and to ask the City to address the language of basketball players. She asked the City Council to consider the adjacent neighborhood when making their decision.

Council Comments and Questions:

Discussion ensued regarding the total funding needed for the phases of the project; the current status of the grant application; the cost of relocating the baseball field; that the new bathroom at the north end of the park is in the design with or without the relocation of the ballfield; which trees would be removed; that the 36 trees slated for removal would be replaced with 74 trees; that staff is working to keep certain trees that have been planted in honor of residents and as many of the trees along the fence of the baseball field as possible; that Public Works will be responsible for maintaining the new park amenities and that those extra costs evaluated; not seeing a need to relocate the baseball field based on the lack of use; not placing the meditation garden next to the basketball courts; one of the gazebos being built to mimic the original in order to preserve a part of La Palma's history; redesigning the meditation garden in a linear path; crushed granite is being proposed for the walkway, which is better for pedestrian use; making this site plan as functional as possible; making small, inexpensive upgrades to the southern bathroom; that the water feature is designed so that during cold weather, the equipment can be used without water; parking issues in adjacent neighborhood; the volleyball courts being used for badminton also; installing public art only if funding is available; monitoring traffic at the intersection of Bridgewood Drive and Nelson Lane; public art features being incorporated into the hardscape or landscape; and naming the gazebos to honor the residents who built the original gazebo.

- a) Approve the preliminary designs prepared by Moore Iacofano Goltsman (MIG) Inc. for the Master Plan improvements to Central Park; and
- b) Provide MIG direction regarding an additional Public Art component.

By consensus, the City Council agreed to modify the Park Master Plan, incorporating Plan B, relocating the meditation garden, keeping the south restroom; and incorporating public art into the design. The City Council also directed staff to bring back a cost analysis and alternate funding options—if grant funding is not approved—at a future meeting.

8. Council Policy 34 Establishing a Cultural Diversity Policy

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the policy formalizing current practices and ; being respectful of all residents; and the City Council's appreciation and support for the policy.

Adopt proposed Council Policy 34 establishing a Cultural Diversity Policy.

Councilmember Charoen made a motion to adopt Council Policy 34 establishing a Cultural Diversity Policy.

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

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

Councilmember Waldman attended the Ground Water Replenishment Steering Committee meeting. He reported that he was unable to attend the last Orange County Sanitation District (OCSD) meeting.

Councilmember Charoen attended the last two Concerts in the Park and asked about the attendance for the "Journey" tribute band.

Councilmember Herman attended the monthly Neighborhood Watch meeting and the Orange County Vector Control District (OCVCD) meeting. He reported on the status of the War in Afghanistan.

Mayor Pro Tem Rodriguez announced that he plans to attend the upcoming La Palma Chamber of Commerce networking breakfast and the upcoming Pacific Electric Right-of-Way (PE ROW) Steering Committee meeting. He reported on recent employment vacancies in surrounding school districts.

Mayor Shanahan attended the Concert in the Park and a meeting with the Korean Chamber of Commerce of Orange County and the National Unification

Advisory Council regarding the Korean Free Trade Agreement. He announced that he plans to attend the upcoming California Joint Powers Insurance Authority (CJPIA) annual meeting and the Cypress/La Palma Chamber of Commerce event.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that the City estimates that there were 800 to 900 attendees at the "Journey" tribute Concert in the Park. He reported that upcoming agenda items will include a Study Session regarding outdoor displays; a User Fee Public Hearing; and the midterm review of City Council's Goals. He announced that the upcoming Concert in the Park features the "Doo Wah Riders" and that a Civic Academy is planned to begin in September.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

Mayor Shanahan asked Recreation and Community Services Director Hobson what attendance was at the recent Concerts in the Park.

Recreation and Community Services Director Hobson confirmed that there were 800 to 900 attendees at the "Journey" tribute Concert in the Park and that there were 500 to 600 attendees at the prior concert.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the City Council at 11:26 p.m.

Steve Shanahan, Mayor

Attest:

Laurie A. Murray, City Clerk