

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 3, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:08 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Waldman

INVOCATION: Mayor Pro Tem Rodriguez

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
Douglas Dumhart, Community Development Director
Ed Ethell, Chief of Police
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Administrative Services Manager Murray introduced Simone Robinson as the City's new South East Area Animal Control Agency (SEAACA) Officer.

ORAL COMMUNICATIONS

Reginald Sirls, 4821 Windsong Avenue, addressed the City Council regarding the condition of the streets in his neighborhood and asked when they were scheduled for repair.

Mayor Pro Tem Rodriguez asked City Manager Lazzaretto which streets were scheduled for repair during this fiscal year.

City Manager Lazzaretto reported that the north end of Moody and Walker Streets are on the rehabilitation schedule this year as well as the residential streets east of Walker Street and north of La Palma Avenue. He commented that the City has a seven-year Residential Pavement Management Plan and that he will report on the status of Windsong Avenue to the City Council.

Ram Kakkar, 18321 Jeffrey Avenue, Cerritos, addressed the City Council regarding the City Council's invocation process and requested that members of the Hindu and Sikh community be given an opportunity to lead the invocation.

Mayor Shanahan asked what the City's Invocation Policy was.

City Manager Lazzaretto responded that the current practice is to offer the invocation to any Pastor or Leader of an established religion within or serving La Palma, and that staff will extend an invitation to nearby Hindu or Sikh organizations.

Councilmember Herman announced his support for invocation diversity.

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 July 20, 2010, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-17 approving the Register of Demands for August 3, 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 7:19 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 20, 2010, 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 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

PL-2. Study Session: Proposed Outdoor Display and Incidental Seating Ordinance

Community Development Director Dumhart introduced Planning Intern, Rafael Garcia, who gave the presentation.

Commission Comments and Questions:

Discussion ensued regarding keeping the requirements flexible for local business applicants; the application process; the intent of the proposed Ordinance being to address outdoor displays; the requirement for outdoor seating to be durable and aesthetically pleasing; preparing a brochure of permitted outdoor furniture; current businesses that have outside displays and seating areas; that restaurants in the City have historically wanted to have outdoor seating areas; frequent inquiries from retail stores regarding outdoor display areas; requiring dividers between walkways and table seating; keeping areas uncluttered; clarifying the definition of "a cluttered display"; safety standards; enforcement to be conducted by Code Enforcement and Building; that business owners were notified of the Development Committee meeting and the City Council meeting and that surrounding property owners will be notified if the project goes forward to the City Council; support of local businesses and a hope that the proposed Ordinance will help with stability during these economic times; guidelines; signage and advertising; handling violations and repeat violators by revoking permits or through administrative citations; and that the proposed Ordinance requires that outdoor seating adjacent to residential property has a 25 foot setback.

By consensus, the Planning Commission directed Staff to bring back the item for formal consideration.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE THE CITY COUNCIL AT 7:44 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 20, 2010, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2010-40 approving the Register of Demands for August 3, 2010.

4. Notice of Completion and Acceptance of Work for the Removal and Replacement of Curb, Gutter, and Sidewalk Project at Various Locations Citywide, City Project No. ST-298

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 removal and replacement of curb, gutter, and sidewalk project at various locations Citywide, City Project No. ST-298.

Councilmember Herman made a motion to approve Consent Calendar Items 1 through 4.

The motion was seconded by Councilmember Charoen 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. Delegation of Minor Claim Settlement

Councilmember Herman requested to have Agenda Item 5 pulled to ask Staff to explain the procedures of basic claim administration.

City Manager Lazzaretto gave a brief explanation of the current procedures and explained that the proposed Resolution would help staff expedite the settlement of minor claims.

Resolution No. 2010-14 delegating basic claim handling of minor claims to the City Manager as authorized by Government Code Section 935.4.

Councilmember Herman made a motion to approve Resolution No. 2010-14 authorized by Government Code Section 935.4.

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

6. Adoption of User Fee Schedule

- a) Mayor Shanahan opened the Public Hearing at 7:47 p.m.
- b) Finance Director Neves gave the staff report
- c) Public Input

No members of the public wished to speak.

- d) Mayor Shanahan closed the Public Hearing at 7:42 p.m.

Mayor Shanahan reopened the Public Hearing at 7:42 p.m.

Noella Lew, 5347 Andrew Drive, addressed the City Council to request that they consider extending the Permit Fee Holiday that recently expired.

City Manager Lazzaretto reported that the City exhausted the Permit Fee cap of \$50,000 in April 2010 and that the City Council approved the extension through June 30, 2010.

Community Development Director Dumhart noted that six applicants that applied prior to the June 30 deadline have not

started their residential upgrades and Staff is working on their site plans to ensure their projects are completed under the Permit Holiday.

City Manager Lazzaretto commented that the total value of the permits pulled after the extension is approximately \$70,000.

Mayor Shanahan commented that residents who applied prior to the June 30 deadline are being grandfathered into the Permit Fee Holiday and that the City Council did not extend the program past the June 30 deadline.

Discussion ensued regarding the Permit Fee Holiday applying to all improvements; that the Permit Fee Holiday was discussed during the City Council's Goal Setting Session; that the City Council based its decision to not extend the program for a variety of reasons, including low revenues and that General Fund Reserves were used to balance the FY 2010-11 Budget.

Mayor Shanahan closed the Public Hearing at 7:59 p.m.

e) Council Comments and Questions

Discussion ensued regarding prior user fee discussions; that the value of subsidized fees is \$1.6 million; that the consultant recommended a \$150,000 increase in fees; City Council support for value-added services; not increasing the fees.

f) Adopt a Resolution approving and adopting the User Fee Schedule.

Resolution No. 2010-42 approving and adopting the 2010 User Fee Schedule.

Councilmember Waldman made a motion to adopt Resolution No. 2010-42 approving and adopting the User Fee Schedule. Mayor Pro Tem Rodriguez seconded the motion.

Councilmember Herman commented that the City Council may not be able to avoid raising fees in the future.

The motion carried on the following vote:

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

NOES: None

REGULAR ITEMS

7. Street Closures for Community Event Permit 2010-05: Walker Junior High School Jog-a-Thon Fun Run

Community Development Director Dumhart gave the Staff Report.

Public Input:

Michelle Almazan, 7161 Caprice Circle, a teacher at Walker Junior High School, addressed the City Council regarding her support for the City Council's approving the street closure and the fee waiver.

Council Comments and Questions:

Discussion ensued regarding prior fee waiver requests; that the Walker Junior High School event is school staff driven and not PTA related; that the teachers were given a short time period to react to the news that City Staff was recommending denial of the fee waiver; that the City Council may not be able to waive the fees indefinitely; that the City Council wants to give back to community schools; and that community events are a part of what makes La Palma a great community.

Resolution No. 2010-43 approving street closures for Community Event Permit 2010-05.

Councilmember Waldman made a motion to approve Resolution No. 2010-43 approving street closures for Community Event Permit 2010-05: Walker Junior High School Jog-a-Thon Fun Run and approve the applicant's request for a fee waiver. The motion was seconded by Mayor Pro Tem Rodriguez.

Discussion ensued regarding the City Council's support for the event; that the School District may be able to assist with the event next year; whether the City needs to budget for events such as this; that Staff recommends bringing these type of items forward on an as-needed basis and not making them line item in the annual budget; that the City Council sponsored the John F. Kennedy High School Grad Night as a one time event; that the City Council may not be able to fund the Jog-a-Thon event in the future; and City Council support for local schools.

The motion was carried on the following vote:

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

NOES: None

Mayor Shanahan called for a short recess at 8:22 p.m.

Mayor Shanahan reconvened the City Council at 8:31 p.m. with all members present.

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

Councilmember Waldman attended the Pacific Electric Right-of-Way (PEROW) Steering Committee meeting; the Orange County Council of Governments (OCCOG) meeting; and the Orange County Sanitation District (OCSD) meeting.

Councilmember Charoen attended the Gregory Wolfe Concert in the Park and the Orange County Fire Authority (OCFA) meeting. He announced that Rancho Santa Margarita Councilmember Neil Blais is the new OCFA Chairperson and Lake Forest Councilmember Mark Tettermer is the new Vice Chairperson.

Councilmember Herman attended the Gregory Wolfe Concert in the Park; the National Night Out event; and the La Palma Chamber of Commerce networking breakfast. He reported on the Orange County Vector Control District report on fire ants; reported on the editorial regarding fire departments pursuing insurance agencies for using the jaws-of-life; and reported that this year is the warmest year on record and discussed climate change. He encouraged the City and future City Councilmembers to explore the opportunity to make La Palma a "Green City" and noted that he looks forward to seeing solar panels on a City building in the near future. He commented on Russia's large wild fire and closed by reporting on the status of the war in Iraq.

Mayor Pro Tem Rodriguez announced that he purchased water saving items for his residence. He reported that he attended the La Palma Chamber of Commerce networking breakfast; the PEROW Steering Committee meeting; the second meeting of the Inter-Community Action Network (iCAN) for Korean business owners; the Cypress School Board special meeting and announced that Brian Nakamura is the new Trustee for the Cypress School Board; the two recent Concerts in the Park; the National Night Out event; and a Relay for Life

meeting and reported that La Palma resident Christine Payette has been named the Chairperson for the 2011 Relay for Life event.

Mayor Shanahan attended the DooWah Riders Concert in the Park; the annual California Joint Powers Insurance Authority (CJPIA) meeting; and the Cypress Chamber of Commerce mixer at Cypress College.

CITY MANAGER REMARKS

City Manager Lazzaretto announced the upcoming Beatles and Beach Boys tribute bands at the Concerts in the Park and the upcoming Civic Expo. He reported that upcoming Agenda items will include the continuation of the Planned Neighborhood Development (PND) Zone discussion and the League of California Cities (LOCC) resolutions. He reported that the City would like to see senior participation at the Hub increase and commented that the City has created a Transparency in Government webpage that lists salary and benefits information for the City Council, City Manager, and other employees. The webpage also includes links to many of the City's financial documents.

Mayor Pro Tem Rodriguez announced that he plans to put an item on an upcoming agenda to require City Councilmembers to report what reimbursements they have received from the City for attendance at meetings as part of the Councilmember AB1234 reports.

Councilmember Herman asked if the City's government transparency information could also be put in the *Source*.

City Manager Lazzaretto responded that La Palma's transparency information will be put in the *Source* and *Mosaic* newsletters.

Councilmember Herman noted that he discussed upgrading the Memorial Wall with City Manager Lazzaretto to make it more noticeable.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 8:54 p.m.

Steve Shanahan, Mayor

Attest:

Laurie A. Murray, City Clerk