

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

September 21, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:02 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Rodriguez

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
Michelle Molko, Assistant 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

None Scheduled.

ORAL COMMUNICATIONS

Lori Dinwiddie, 6220 San Ramon Way, Buena Park, Health and Safety Chairperson for Walker Junior High School PTA, addressed the City Council regarding student safety concerns at Walker Junior High School and requested support from the City Council and Staff to resolve the safety issues.

Noella Lew, 5347 Andrew Drive, La Palma Chamber of Commerce Secretary, invited the City Council and Staff to the 7th Annual Casino Night event at La Quinta Inn on October 9, 2010. She closed by announcing the Lupus Race for Life event at La Mirada Regional Park on October 3, 2010, and invited all to attend.

Ulla Herman, 5122 Andrew Drive, addressed the City Council to announce that the Cypress College Americana Foundation has selected Ron and Elfriede MacIver as the La Palma Citizens of the Year and noted that the Americana Awards Banquet is tentatively scheduled for February 26, 2010, at the Disneyland Hotel.

Janice Goldsberry, 5261 La Luna Drive, addressed the City Council to thank them for installing the signal at La Luna Drive and for providing a Crossing Guard at that signal. She relayed her concerns with student drop off issues at Walker Junior High School and requested more Police Department intervention to resolve the safety concerns.

RECESS THE CITY COUNCIL AND RECONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:15 P.M.

CONSENT CALENDAR

A. Approval of Register of Demands

Resolution No. CDC 2010-20 approving the Register of Demands for September 21, 2010.

B. Amendment to Conflict of Interest Code

Resolution No. CDC 2010-21 approving a Conflict of Interest Code which amends the list of designated employees.

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 7:16 P.M.

CONSENT CALENDAR

None Scheduled.

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:16 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 Register of Demands

Resolution No. 2010-47 approving the Register of Demands for September 21, 2010.

3. Notice of Completion and Acceptance of Work for the Pedestrian Signal Modification Project, Walker Street at John F. Kennedy High School, City Project No. ST-293

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 Pedestrian Signal Modification Project, Walker Street at John F. Kennedy High School, City Project No. ST-293.

4. Amendment to Conflict of Interest Code

Resolution No. 2010-48 adopting a Conflict of Interest Code which amends the list of designated employees.

Councilmember Waldman made a motion to approve Consent Calendar Items 1 through 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

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

a) Mayor Shanahan reopen the Public Hearing at 7:17 p.m.

b) Community Development Director Dumhart gave the Staff Report

c) Public Input

None.

d) Mayor Shanahan closed the Public Hearing at 7:22 p.m.

e) City Council Comments and Questions

None.

f) Adopt a Resolution adopting a Negative Declaration and approving a General Plan Amendment to establish the Planned Neighborhood Development (PND) Land Use Designation and the PND Design Guidelines

Resolution No. 2010-49 adopting a Negative Declaration and approving a General Plan Amendment to establish the Planned Neighborhood Development (PND) Land Use Designation and the PND Design Guidelines.

Councilmember Charoen made a motion to adopt Resolution adopting a Negative Declaration and approving a General Plan Amendment to establish the Planned Neighborhood Development (PND) Land Use Designation and the PND Design Guidelines.

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

g) Introduce for first reading an Ordinance amending Chapter 26 of the La Palma City Code adding a Planned Neighborhood Development (PND) Zoning District and changing the Land Use Designation for certain properties to PND.

Councilmember Charoen made a motion to Introduce for first reading an Ordinance amending Chapter 26 of the La Palma City Code adding a Planned Neighborhood Development (PND) Zoning District and changing the Land Use Designation for certain properties to PND.

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

6. Proposed Ordinance Adding Section 18-28 to the La Palma City Code Prohibiting Smoking or Chewing of Tobacco or Tobacco-Related Products in Central Park

- a) Mayor Shanahan opened the Public Hearing at 7:26 p.m.
- b) Recreation and Community Services Director Hobson introduced the item.

Recreation and Community Services Superintendent Mike Belknap gave a detailed presentation.

- c) Public Input

None.

- d) Mayor Shanahan closed the Public Hearing at 7:32 p.m.
- e) City Council Comments and Questions

Discussion ensued regarding support for a smoke-free environment in the park; adults' right to smoke versus the rights of children; that during the Park Master Plan telephone survey, 72% of respondents supported a designated smoking area; the sample size of the telephone survey being 300 residents; that the residents surveyed were only asked their opinion on designated smoking areas and not about a smoke free environment; and lung cancer statistics.

Mayor Pro Tem Rodriguez made a motion to introduce for first reading an Ordinance adding Section 18-28 to the La Palma City Code prohibiting smoking or chewing of tobacco or tobacco-related products in Central Park.

Further discussion ensued regarding the proposed Ordinance being unfriendly to guests in the Community Center.

Councilmember Waldman made a substitute motion to table the discussion and ask the City Manager to poll residents regarding banning smoking completely versus designating a smoking area and to hold a public meeting regarding the matter.

The substitute motion was seconded by Councilmember Charoen.

Further discussion ensued regarding the number of residents who relayed their support for a smoke free park to certain Councilmembers; that the proposed Ordinance supports the health of park visitors; that the facility rental agreements already have numerous restrictions; that allowing smoking around children's classes is not healthy; that allowing smoking in a designated area is hard to monitor and dilutes the purpose of the proposed Ordinance; the issue of personal freedom; gathering community feedback before eliminating smoking in the park; designated smoking areas would mean that there would be second-hand smoke in the park; that 72% of the residents surveyed said they would support designated smoking areas in the park; that the survey did not ask whether the residents supported a ban on smoking in the park; and a request for Staff recommendations on how to collect further resident opinions.

City Manager Lazzaretto explained that available options include putting a poll on the City's website; mailing a survey to residents; hiring a survey company to conduct a survey; and conducting a town hall meeting. He also indicated that proceeding with any of those options could delay the Ordinance by two to three months.

Further discussion ensued regarding whether conducting a town hall meeting would change the opinions of City Councilmembers; the desire to have a consensus before banning smoking in the park; that the survey was conducted in November 2009; that prohibiting smoking in the park has been discussed by the City Council for over a year; that the City Council agrees that smoking is unhealthful overall; and that the original survey question can be perceived as residents supporting a smoking ban.

Mayor Pro Tem Rodriguez made a substitute motion to move forward the proposed Ordinance adding Section 18-28 pertaining to smoking or chewing tobacco or tobacco-related products with an amendment to add a designated smoking area.

The substitute motion was seconded by Councilmember Waldman.

City Manager Lazzaretto noted that Staff would have to determine the appropriate language of the proposed Ordinance that would allow designated smoking areas in Central Park before the City Council can vote on the Ordinance.

Councilmember Charoen asked if a Town Hall meeting would be conducted if the City Council voted on the item as amended.

City Manager Lazzaretto explained that approving the motion as amended provides Staff with direction to move forward with the proper language for the Ordinance and that no Town Hall meeting would be conducted.

The substitute motion carried on the following vote:

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

NOES: Councilmember Herman

- f) Introduce for first reading an Ordinance adding Section 18-28 to the La Palma City Code prohibiting smoking or chewing of tobacco or tobacco-related products in Central Park.

Mayor Pro Tem Rodriguez made a motion to continue the item to the October 5, 2010, City Council meeting.

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

REGULAR ITEMS

None Scheduled.

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

Councilmember Waldman attended the Orange County Sanitation District (OCSD) meeting and the annual League of California Cities (LOCC) Conference in San Diego.

Councilmember Herman attended the environmental inspection trip at Diamond Valley Lake and the Senior Club meeting where he viewed three Candidate presentations. He announced that he plans to attend an upcoming Orange County Vector Control District (OCVCD) meeting. He asked for an update on the upcoming vote regarding the Orange County Fire Authority (OCFA) Reserve Firefighter Program.

Councilmember Charoen reported on the status of the votes for the previous OCFA meeting he attended and that the upcoming proposal is to eliminate 11 out of 22 Reserve Firefighter Programs from Fire Stations in Orange County as a cost saving measure. He commented that he will report back to City Council after the upcoming OCFA meeting.

Mayor Pro Tem Rodriguez attended the environmental inspection trip at Diamond Valley Lake; the Walker Junior High School PTA meeting regarding traffic safety; the LOCC Transportation, Communications & Public Works Policy Committee meeting; and the Annual LOCC Conference in San Diego. He closed by thanking the City Attorney for dinner at the LOCC Conference.

City Manager Lazzaretto asked for an update on the votes at the LOCC business meeting.

Mayor Pro Tem Rodriguez reported that the vote for Resolution 3 regarding AB 32 and SB 375 was disapproved and that all of the other Resolutions, including the national Let's Move Campaign were approved. By the time of the vote, only 180 voting cities out of 478 were present.

Mayor Shanahan had nothing to report.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that upcoming agenda items will include recycling programs and waste diversion alternatives. He announced that the Korean Association is hosting two films on Korean history and culture at the Bowers Museum on September 25, 2010. He commented on the flooded planter between City Hall and the Police Station and advised the City Council that a broken valve was being replaced.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko had nothing to report.

Councilmember Herman noted his support for the Orange County Reserve Firefighters.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 8:24 p.m.

Steve Shanahan, Mayor

Attest:

Laurie A. Murray, City Clerk