

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

December 7, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 5:02 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California with Mayor Pro Tem Rodriguez absent.

RECESS TO CLOSED SESSION

Mayor Shanahan recessed to Closed Session at 5:02 p.m. regarding the following:

Mayor Pro Tem Rodriguez joined the meeting at 5:07 p.m.

C-1. Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Dominic Lazzaretto, City Manager
Laurie Murray, Administrative Services Manager

Employee Organization: La Palma General Employees Association
La Palma Professional Employees Association

C-2. Government Code Section 54957: PUBLIC EMPLOYMENT: City Manager and pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Dominic Lazzaretto, City Manager

Unrepresented Employees: Executive Management

The City Council reconvened in Open Session at 5:28 p.m. with all members present.

City Attorney Kuperberg stated that there were no reportable actions for either Closed Session item.

Mayor Shanahan called for a recess until 6:30 p.m.

Mayor Shanahan reconvened the City Council at 6:32 p.m. with all members present and recessed to Closed Session regarding the following:

C-3. Government Code Section 54956.9(b)(1) and (3)(A): CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One Case

Mayor Shanahan reconvened the City Council in Open Session at 7:08 p.m. with all members present.

City Attorney Kuperberg stated that there were no reportable actions.

PLEDGE OF ALLEGIANCE:

Council Member Herman

INVOCATION:

Council Member Charoen

ROLL CALL:

Council Members
present:

Council Member Charoen, Council
Member Herman, Mayor Pro Tem
Rodriguez, Mayor Shanahan, and
Council Member Waldman

Council Members
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

PI-1. Resolution Declaring Result of the November 2, 2010, General Municipal Election

- a) Adopt a Resolution reciting the facts of the General Municipal Election held on November 2, 2010, and declaring the result.

Resolution No. 2010-62 reciting the facts of the General Municipal Election held on November 2, 2010, and declaring the result.

Council Member Waldman made a motion to adopt Resolution No. 2010-62 reciting the facts of the General Municipal Election held on November 2, 2010, and declaring the result.

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

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

NOES: None

- b) Presentations to outgoing Council Member Larry Herman.

Mayor Pro Tem Rodriguez gave a detailed presentation recognizing outgoing Council Member Herman's years of dedicated service to the City of La Palma.

Mayor Shanahan presented a plaque to outgoing Council Member Herman in recognition of his eight years of dedicated service on the La Palma City Council.

City Manager Lazzaretto presented a City Street Name Plaque to outgoing Council Member Herman on behalf of the La Palma City Management Team and employees.

Outgoing Council Member Herman gave a speech expressing his gratitude to his family, City Management, Staff, and fellow Council Members for their support during his years of service to the City.

- c) City Clerk's administration of the official Oath of Office and Induction of

Henry Charoen and Steve Hwangbo.

City Clerk Murray administered the official Oath of Office and Induction to Council Member Charoen.

City Clerk Murray administered the official Oath of Office and Induction to Council Member Hwangbo.

PI-2. City Council Reorganization

Mayor Shanahan asked City Clerk Murray to conduct the election for Mayor.

- a) Recommendation that the City Council conduct its annual reorganization by selecting the positions of Mayor and Mayor Pro Tem.

City Clerk Murray entertained nominations for Mayor.

Mayor Shanahan nominated Mayor Pro Tem Rodriguez for Mayor.

Council Member Waldman made a motion to close the nominations.

Mayor Shanahan seconded the motion and the nomination for Mayor Pro Tem Rodriguez as Mayor carried on the following vote:

AYES: Council Member Hwangbo, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Council Member Waldman

NOES: Council Member Charoen

Mayor Rodriguez conducted the election for Mayor Pro Tem.

Council Member Waldman nominated Council Member Charoen as Mayor Pro Tem.

Council Member Waldman made a motion to close the nominations.

Council Member Shanahan seconded the motion and the nomination for Council Member Charoen as Mayor Pro Tem carried on the following vote:

AYES: Council Member Charoen, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

ABSTAIN: Council Member Hwangbo

- b) Presentations to outgoing Mayor Steve Shanahan.

Mayor Rodriguez presented outgoing Mayor Shanahan with a plaque representing his outstanding service and dedication to the La Palma Community as Mayor for 2010.

RECESS

Mayor Rodriguez called for a recess at 7:52 p.m.

Mayor Rodriguez reconvened the City Council at 8:20 p.m. with all members present.

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

No member of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 8:21 P.M.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the November 16, 2010, Regular Meeting of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2010-26 approving the Register of Demands for December 7, 2010.

Vice Chairperson Charoen made a motion to approve Consent Calendar Items A and B.

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

AYES:	Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member 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 8:22 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the November 16, 2010, Regular Meeting of the La Palma Planning Commission.

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

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

AYES:	Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member Shanahan, and Commission Member Waldman
NOES:	None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:23 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 November 16, 2010, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands

Resolution No. 2010-58 approving the Register of Demands for December 7, 2010.
4. Award of Contract to Nobest Inc. for Construction Services for the American Recovery and Reinvestment Act 2 Project, City Project No. ST-305, Federal Project No. ESPL-5319(013)

Resolution No. 2010-59 awarding a contract in the amount of \$140,000 to Nobest Inc. for the American Recovery and Reinvestment Act (ARRA) 2 Project, Rehabilitation of Orangethorpe Avenue from Moody Street/ West City Limits to SR-91 and Valley View Street from Orangethorpe Avenue to Fresca Drive, City Project No. ST-305, Federal Project No. ESPL-5319(013).
5. Award of Contract for Construction Management and Inspection Services for the American Recovery and Reinvestment Act 2 Project, City Project No. ST-305, Federal Project No. ESPL-5319(013)

Approve and authorize the Mayor to execute an agreement with AKAL Consultants, in an amount not-to-exceed \$43,500 for Construction Management and Inspection Services for the American Recovery and Reinvestment Act (ARRA) 2 Project, Rehabilitation of Orangethorpe Avenue from Moody Street/ West City Limits to SR-91 and Valley View Street from Orangethorpe Avenue to Fresca Drive, City Project No. ST-305, Federal Project No. ESPL-5319(013).

6. Approval of Submittal of the Measure M Local Signal Synchronization Plan to the Orange County Transportation Authority

Resolution No. 2010-60 approving the submittal of the Measure M Local Signal Synchronization Plan to the Orange County Transportation Authority (OCTA).

7. Orange County Operational Area Emergency Management Performance Grant
 - a) Authorize the obtainment of an Emergency Management Performance Grant from the Orange County Operational Area; and
 - b) Adopt a Resolution identifying the City Manager and/or Chief of Police as personnel authorized to execute for and on behalf of the City any actions necessary for the purpose of obtaining an Emergency Management Performance Grant from the Orange County Operational Area.

Authorize the obtainment of an Emergency Management Performance Grant from the Orange County Operational Area; and adopt Resolution No. 2010-61 identifying the City Manager and/or Chief of Police as personnel authorized to execute for and on behalf of the City any action necessary for the purpose of obtaining an Emergency Management Performance Grant from the Orange County Operational Area.

Mayor Pro Tem Charoen made a motion to approve Consent Calendar Items 1 through 7.

The motion was seconded by Council Member Hwangbo and carried on the following vote:

AYES:	Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman
NOES:	None

PUBLIC HEARINGS

8. Proposed Ordinance Repealing Article 1 of Chapter 9 of the La Palma City Code, and Adding Thereto a New Article 1 of Chapter 9 Adopting by Reference the 2010 Edition of the California Fire Code, with Appendices and Amendments Thereto

- a) Mayor Rodriguez opened the Public Hearing at 8:23 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Public Input

No members of the public wished to speak.

- d) Mayor Rodriguez closed the Public Hearing at 8:27 p.m.
- e) City Council Comments and Questions

Discussion ensued regarding sprinkler systems being required in new home construction regardless of the size; that sprinkler systems have always been required in multi-family units; and that the most recent Planned Unit Developments (PUD) have sprinkler systems installed only in the hallways and stairwells because they were built prior to the new State requirements.

- f) Adopt an Ordinance repealing Article 1 of Chapter 9 of the La Palma City Code, and adding thereto a new Article 1 of Chapter 9 adopting by reference the 2010 Edition of the California Fire Code, with appendices and amendments thereto.

Ordinance No. 2010-04 repealing Article 1 of Chapter 9 of the La Palma City Code, and adding thereto a new Article 1 of Chapter 9 adopting by reference the 2010 Edition of the California Fire Code, with appendices and amendments thereto.

Council Member Waldman made a motion to adopt Ordinance No. 2010-04 repealing Article 1 of Chapter 9 of the La Palma City Code, and adding thereto a new Article 1 of Chapter 9 adopting by reference the 2010 Edition of the California Fire Code, with appendices and amendments thereto.

The motion was seconded by Council Member Shanahan and carried on the following vote:

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

9. Proposed Ordinance Amending Various Divisions of Article 1 of Chapter 7 of the La Palma City Code, to Adopt the 2010 Edition of the California Building Codes, with Amendments, Additions, and Deletions Thereto

- a) Mayor Rodriguez opened the Public Hearing at 8:30 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Public Input

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for the green building code amendments.

- d) Mayor Rodriguez closed the Public Hearing at 8:38 p.m.
- e) City Council Comments and Questions

Discussion ensued regarding the definition of a cool roof; that white roofs do not absorb heat; if the City allows white colored roofing; that City Code has roof material color standards; that the energy efficient white roofing has white colored specks in it; that the roof color standards can be altered at a later date, based on residential demand; and that the Southern California Gas Company has a fiberglass-based emulsion roofing material and whether that would be allowed for residential purposes.

- f) Adopt an Ordinance repealing Divisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15 of Chapter 7 of the La Palma City Code, and adding thereto new Divisions 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Chapter 7 adopting by reference the 2010 editions of the California Administrative Code; the California Building Code, Volumes 1 and 2; the California Mechanical Code; the California Plumbing Code; the California Electrical Code; the California Residential Code; the California Energy Code; the California Green Building Standards Code; and the California Reference Standards Code; together with amendments, deletions, and exceptions.

Council Member Waldman made a motion to adopt Ordinance No. 2010-05 repealing Divisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15 of Chapter

7 of the La Palma City Code, and adding thereto new Divisions 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Chapter 7 adopting by reference the 2010 editions of the California Administrative Code; the California Building Code, Volumes 1 and 2; the California Mechanical Code; the California Plumbing Code; the California Electrical Code; the California Residential Code; the California Energy Code; the California Green Building Standards Code; and the California Reference Standards Code; together with amendments, deletions, and exceptions.

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

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

REGULAR ITEMS

10. Authorization for Council Members to Attend the League of California Cities 2011 New Mayors and Council Members Academy

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding whether it was necessary for the Mayor to attend the meeting; that the Mayor would benefit from the training; that newly elected Council Members benefit from the training; having an experienced Council Member or senior staff member attend the Academy with newly elected Council Members; and that Mayor Rodriguez would also be attending the League of California Cities Policy Committee for Transportation, Public Works, and Communication while in Sacramento.

Council Member Waldman made a motion to approve the authorization for Mayor Rodriguez and Council Member Hwangbo to attend the League of California Cities 2011 New Mayors and Council Members Academy.

The motion was seconded by Council Member Shanahan and carried on the following vote:

AYES: Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: Mayor Pro Tem Charoen

11. Update on Crescent Avenue and Watson Street Intersection Analysis

City Manager Lazzaretto gave the Staff Report.

Public Input:

Michele Keeble, 4437 Casa Grande Circle, Cypress, addressed the City Council regarding her suggestion to place orange, flashing, safety cones at every school zone crossing area similar to those she saw in Texas.

Mayor Rodriguez asked Ms. Keeble where the safety cones were located.

Ms. Keeble responded that the safety cones were placed at every Elementary, Junior High, and High School crossing areas in numerous cities in Texas.

Council Comments of Questions:

Discussion ensued regarding extending the appointments of Traffic Safety Committee Members until new members are seated to expedite the review process; Walker Junior High School representation at the City's meeting with the John F. Kennedy High School PSTA; gathering information regarding Ms. Keeble's safety cone suggestion; and that the crossing guard is present during the school's Zero Period time frame.

By consensus, the City Council received and filed the Crescent Avenue and Watson Street Intersection Analysis report.

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

Former Council Member Herman attended the special meeting of the Orange County Vector Control District (OCVCD) and reported that he plans to attend the upcoming OCVCD meeting.

Council Member Waldman attended the Orange County Sanitation District (OCSD) meeting; the Orange County Council of Governments (OCCOG) meeting; and the Holiday Tree Lighting Ceremony.

Council Member Shanahan attended the Holiday Tree Lighting Ceremony and a meeting with architects who are working on a Master Plan for the North Orange County Community College District. He closed by congratulating Council Member Hwangbo on his seat and passing on his best wishes to former Council Member Herman.

Council Member Hwangbo attended the Holiday Tree Lighting Ceremony and plans to attend the upcoming Employee Recognition Luncheon, and retirement parties for outgoing Recreation and Community Services Director Hobson and Police Chief Ethell.

Mayor Pro Tem Charoen attended the International Community Asian Network (ICAN) meeting.

Mayor Rodriguez attended the Buena Park Prayer Breakfast; the Americana Awards Kick-Off event; the La Palma Days Wrap-up Committee meeting; the La Palma Days Awards Ceremony; the Holiday Tree Lighting Ceremony; the Cypress College Foundation Strategic Financial Aid meeting; the Orange County Fire Authority (OCFA) Regular and Special Meetings. He announced that he plans to attend the upcoming OCFA meeting.

CITY MANAGER REMARKS

City Manager Lazzaretto congratulated Mayor Rodriguez on selection as Mayor and reported that this is the final City Council meeting for Police Chief Ethell and Recreation and Community Services Director Hobson. He announced that Recreation and Community Services Superintendent Mike Belknap has been appointed as the new Recreation and Community Services Director effective December 10, and that Police Captain Eric Nunez will be appointed as the new Police Chief, effective December 28.

Police Chief Ethell expressed his appreciation for the City Council and Staff's support for the La Palma Police Department and himself over the last 29 years.

Recreation and Community Services Director Hobson expressed her appreciation for the City Council, Staff, and Community's support during her years of service.

City Manager Lazzaretto continued by reporting on the Utility Undergrounding District activity and repairs being made on Walker Street due to a damaged water line. He announced that upcoming agenda items would include City Council appointments to outside committees and year end reports. He reminded the City Council about the La Palma Chamber of Commerce Holiday Mixer on December 8, 2010, at The Hub.

CITY ATTORNEY REMARKS

City Attorney Kuperberg congratulated Mayor Rodriguez on his selection as Mayor and congratulated Mayor Pro Tem Charoen and Council Member Hwangbo on their recent election. He also congratulated retiring Police Chief Ethell and retiring Recreation and Community Services Director Hobson. He closed by applauding Police Captain Nunez and Recreation and Community Services Superintendent Belknap on their new appointments.

Mayor Rodriguez congratulated Council Member Hwangbo on his recent election, and congratulated Recreation and Community Services Superintendent Belknap and Police Captain Nunez on their upcoming new appointments. He closed by announcing that December 7 is the anniversary of Pearl Harbor Day and thanked all veterans for their military service.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 9:33 p.m. in memory of long time resident Dave Crawford in honor of his service to the City of La Palma.

Ralph D. Rodriguez
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk