

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

September 6, 2011

CALL TO ORDER: Mayor Rodriguez 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: Council Member Waldman

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

Council/Commission Members present: Mayor Pro Tem/Vice Chairperson Charoen, Council/Commission Member Hwangbo, Mayor/Chairperson Rodriguez, Council/Commission Member Shanahan, and Council/Commission Member Waldman

Council/Commission Members absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director
Joel Kuperberg, City Attorney
Michael Belknap, Recreation & Community Services Director
Douglas Dumhart, Community Development Director
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Eric Nuñez, Police Chief
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Recreation Coordinator Rabinovich, and Recreation Specialist Albarian recognized the 2011 Volunteens and, along with Mayor Rodriguez, presented them with stipends.
2. Abe Waheed, Co-Chair of the La Palma Community Activities and Beautification Committee, Home Spotlight Committee, presented Alma Bordenave with the Quarterly Home Spotlight Award for her home at 5262 Ivywood Drive La Palma.

ORAL COMMUNICATIONS

Keith Nelson, 5311 La Luna Drive, addressed the City Council regarding the upcoming 25th Annual Cypress College Foundation Americana Awards. He announced that George and Barbara Mast have been selected as La Palma's Citizens of the Year.

Dieter Dammeier, representing the La Palma Police Association (LPPA), addressed the City Council regarding his support for the La Palma Police Department's (LPPD) labor negotiation proposal and his opposition to the City's proposal.

Abe Waheed, 5271 Ivywood Drive, addressed the City Council regarding his support for the La Palma Police Department.

Jeff McCombs, 7212 Monterey Lane, addressed the City Council regarding his opposition to the LPPA's proposal; requested full transparency of the proposal; and voiced his support for paying employees a fair wage; and for having the City Council declare impasse on the LPPA.

Larry Herman, 5122 Andrew Drive, congratulated George and Barbara Mast on their designation as La Palma's Citizen of the Year; provided the City Council with an update on the Orange County Vector Control District (OCVCD); discussed the Attorney Generals ruling on OCVCD trustees; and provided information to Chief Nuñez about the Orange County Sheriff's Department Pace Car Program.

Steven Maikoski, 4551 Maroon Drive, addressed the City Council regarding the damage to vehicles on Maroon Drive due to the narrowness of street. He closed by requesting that the City Council consider opening Kathy Drive to through traffic.

Mayor Rodriguez responded that his request will be forwarded to the Traffic Safety Committee for review.

Jan Jensen, 7562 Trabuco Lane, addressed the City Council regarding her support for the La Palma Police Department and her opposition to contracting with the Orange County Sheriff's Department.

William Harding, 7282 Rampart Lane, addressed the City Council regarding his support for the La Palma Police Department.

Marilyn Sweet, 8071 Janeen Circle, addressed the City Council regarding her support for the La Palma Police Department and using redevelopment funds to support that department instead of funding redevelopment projects.

Carroll Sweet, 8071 Janeen Circle, addressed the City Council regarding a telephone message that was sent citywide from the LPPA.

Mayor Rodriguez responded that the telephone message was not sent by the City of La Palma, that it was sent by the LPPA, and that the City Council is precluded from directly answering his questions.

Mr. Sweet stated that the message said the Police Department agreed to take a 9% pay cut and asked for clarification on the matter.

Mayor Rodriguez commented that the City Council and City Staff is unable to respond to his question because due to ongoing negotiations with the LPPA.

Jane Haxton-Edholm, 5081 Cartegena Circle, addressed the City Council regarding her support for the La Palma Police Department.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his dismay that the agreed upon deal announced on August 4 had fallen apart; the negotiation process; public pensions; and support for the City Council continuing to make the right decisions in the negotiation process.

Mrs. Bordenave, 5262 Ivywood Drive, addressed the City Council regarding her support of the La Palma Police Department.

Cheryl Pappas, 5272 Duke Drive, addressed the City Council regarding her opposition to the telephone message made by the LPPA and inaccuracies in that message regarding equipment; that the LPPA is not taking a 9% pay cut; and asked the City Council to stick to their guns.

Keith Nelson, 5311 La Luna Drive, addressed the City Council regarding the community's support for the Police Department; the former announcement that an agreement had been reached; being offended by an outside representative for the LPPA coming in and saying that the deal will "gut" the police department and making accusations against staff; a request that the City make statements to counter misinformation being disseminated by the LPPA; and support for employees paying towards their own pension.

Gillermo Porto, 4511 Camburry Drive, addressed the City Council regarding his support for the La Palma Police Department.

Sue Ann Kim, 7901 Los Trancos Circle, addressed the City Council regarding her support for the La Palma Police Department.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his support for an amicable resolution for the entire City; his support for a strong Police Department with good personnel; that La Palma needs to attract and retain good police officers; and that the City is becoming divided because of the La Palma Police Department labor negotiations.

Emma Diones, 7842 Norann Circle, addressed the City Council regarding her support for the La Palma Police Department.

Patricia Craig, 7662 Tracy Lane, addressed the City Council regarding her opposition to the coercion by the LPPA's telephone message; that the La Palma Police Department should have integrity, be fair, and continue to do a good job; and her opposition to the implication that if the LPPD gets less money, that the community will receive poor service.

Joe Mendoza, 5122 Shirley Drive, addressed the City Council regarding his support for the La Palma Police Department.

Mike Jewel, 5211 Blairwood Drive, addressed the City Council regarding his opposition to the LPPA not coming to an agreement with the City and asked why there is no agreement in light of the prior announcement.

City Manager Lazzaretto commented that the City has been in negotiations with the LPPA since May; that on August 1, 2011, the LPPA ratified the deal points, which included concessions on both sides; on August 2, the City announced that ratification and that the negotiating teams were working on final contract language; that the LPPA voted to reject the agreement, which included the exact language, on August 22, 2011; that the City declared impasse on August 24, 2011; and the next steps included seeking mediation by a third party mediator; and if mediation is not successful, that there would be a public hearing to implement the City's last, best, and final offer.

Mr. Jewel commented on the quality of equipment that the La Palma Police Department has; the level of staffing; and the City's low crime rates.

Gillermo Porto, 4511 Camburry Drive, addressed the City Council regarding not using comparisons from larger cities to evaluate La Palma Police Department needs.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 8:54 P.M.

Chairperson Rodriguez requested to take a short recess at 8:54 p.m.

Chairperson Rodriguez reconvened the Community Development Commission at 9:02 p.m. with all members present.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the August 16, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2011-23 approving the Register of Demands for September 6, 2011.

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

The motion was seconded by Commission Member Shanahan 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.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 9:03 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 16, 2011, 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 Commission Member Hwangbo 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 9:04 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 28, 2011, Special Meeting the City Council and the August 16, 2011, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-44 approving the Register of Demands for September 6, 2011.

Mayor Pro Tem Charoen made a motion to approve Consent Calendar Items 1-3.

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

ITEMS PULLED FROM CONSENT CALENDAR

4. Notice of Completion and Acceptance of Work for Construction Services for the Street Rehabilitation on Moody Street from La Palma Avenue to Houston Avenue, City Project No. ST-302

Mayor Rodriguez requested to have Item 4 pulled from the Consent Calendar to thank and compliment the Public Works Department for the rehabilitation work completed on Moody Street.

Council Member Hwangbo noted that the City came under bid by \$32,000 and asked if that affected the quality of the job.

Public Works Director Moneda responded that the City came under the bid amount because certain areas did not need extensive repair.

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the County Recorder for Construction Services for the Street Rehabilitation on Moody Street from La Palma Avenue to Houston Avenue, City Project No. ST-302.

Mayor Rodriguez made a motion to approve the Notice of Completion and Acceptance of Work for Construction Services for the Street Rehabilitation on Moody Street from La Palma Avenue to Houston Avenue, City Project No. ST-302.

The motion was seconded by Council Member Waldman 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

None Scheduled.

REGULAR ITEMS

5. Ordinance Authorizing the City of La Palma to Participate in the Voluntary Alternative Redevelopment Program, Subject to Certain Conditions and Reservations

Community Development Director Dumhart gave the Staff Report.

Council Comments and Questions:

Mayor Rodriguez clarified that the City can keep their redevelopment agency and funds by paying some back to the State.

Ordinance No. 2011-05 authorizing the City of La Palma to participate in the Voluntary Alternative Redevelopment Program, subject to certain conditions and reservations.

Council Member Waldman made a motion to approve Ordinance No. 2011-05 authorizing the City of La Palma to participate in the Voluntary Alternative Redevelopment Program, subject to certain conditions and reservations. The motion was seconded by Mayor Pro Tem Charoen.

Discussion ensued regarding this item being voted on under protest; that some of the redevelopment funds will be saved because of this Ordinance; that retaining and attracting business is what redevelopment funds are used for; and that, in the absence of an Ordinance, the State will take the remittance payments and use it predominately towards education.

The motion carried on the following vote:

AYES: Mayor Pro Tem Charoen, Council Member

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

NOES: None

6. Consideration of Traffic Improvements at Iris Circle and Sunflower Lane

Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding whether the Traffic Safety Committee (TSC) or surrounding community ever addressed a need at the other end of Iris Circle; that there is no issue due to the recent installation of a stop sign at Iris Circle and Rose Street; agreement with the TSC's recommendation; similar locations within the City; the cost effectiveness of restriping areas when they are part of a rehabilitation project; having the TSC review any areas of similar concern when addressing traffic improvements; that the next street resurfacing project will be in the Spring of 2012; and adopting a standard policy to cover similar situations.

Council Member Hwangbo amended the original motion to approve the installation of striping improvements at the intersection of Iris Circle and Sunflower Lane and direct Staff to develop a policy to add striping to street rehabilitation projects as needed. The motion was seconded by Council Member Shanahan.

Further discussion ensued regarding the effectiveness of the striping.

The motion carried on the following vote:

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

NOES: None

7. Consideration of Traffic Improvements at Moody Street, South of Crescent Avenue

Public Works Director Moneda gave the Staff Report.

Approve the installation of striping improvements along Moody Street, south of Crescent.

Council Member Waldman made a motion to approve the installation of striping improvements at Moody Street, South of Crescent Avenue.

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

8. League of California Cities Resolutions

Administrative Services Manager Murray gave the Staff Report.

- a) A Resolution relating to alternative methods of meeting public notice requirements and to advocate for revisions to the Government Code recognizing alternative methods as a means to meeting noticing requirements;
- b) A Resolution relating to tort reform;
- c) A Resolution relating to raising public awareness about the imminent health and safety concerns for bullied children;
- d) A Resolution relating to the Prison Rape Elimination Act of 2003;
- e) A Resolution relating to replacement of the death penalty with the sentence of life imprisonment without the possibility of parole; and
- f) A Resolution regarding the City of Bell.

Council Comments and Questions:

Discussion ensued regarding City Council's support for the tort reform resolution; that the tort reform resolution could reduce frivolous lawsuits; that the resolution for public notice requirements could eliminate newspaper or mail notification and rely solely on city websites and email over time; that there are senior citizens that still require paper notification; that the public rarely reads the noticing section of the newspaper; that the majority of the City Council supports the public noticing requirements resolution; that these items are brought forward to give direction to the voting delegate(s); that the City Council supports Staff's recommendations except for the tort reform resolution; and that Mayor Rodriguez would listen to the arguments regarding the proposed tort reform resolution prior to voting and would report back to the City Council on how he voted.

9. Association of California Cities - Orange County Urgent Meeting

Mayor Rodriguez gave a brief presentation and Council Member Waldman gave a detailed account of the reason behind the meeting.

City Manager Lazzaretto commented that the League of California Cities (LOCC) and the California Redevelopment Association (CRA) along with two cities have entered into a lawsuit against the State of California over the Redevelopment Reform Act. As part of the lawsuit process, the Association of California Cities - Orange County (ACC-OC) is considering filing a "friend of the court" brief to assist the court in making a decision on the case; that the meeting scheduled for this week is to discuss whether they should file it and what it should say; that ACC-OC will ask for language to fix redevelopment, not remove it; and will reference Proposition 22, which was passed in an effort to not allow the State to take Cities' funds.

Discussion ensued regarding the City Council not wanting to use additional taxpayer dollars to endorse the effort as the City is already a member of the California Redevelopment Agency (CRA) and the LOCC; that no member of the LOCC or CRA requested that the ACC-OC file the case; and that City Council will only support the filing if it strengthens the lawsuit case and benefits La Palma.

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING WITH THE CITY COUNCIL AT 9:40 P.M.

REGULAR ITEMS

10. Proposed Cooperation and Funding Agreement for Reimbursement of Administrative Expenses between the Community Development Commission and the City of La Palma

Community Development Director Dumhart gave the Staff Report.

- a) City Council: Adopt Resolution No. 2011-45 approving the Cooperation and Funding Agreement for Reimbursement of Administrative Expenses between the Community Development Commission and the City of La Palma; and
- b) Community Development Commission: Adopt Resolution CDC 2011-24 approving the Cooperation and Funding Agreement for Reimbursement of Administrative Expenses between the Community Development Commission and the City of La Palma.

Council/Commission Member Waldman made a motion to adopt Resolution No. 2011-45 approving the Cooperation and Funding

Agreement for reimbursement of administrative expenses between the Community Development Commission and the City of La Palma; and adopt Resolution No. CDC 2011-24 approving the Cooperation and Funding Agreement for reimbursement of administrative expenses between the Community Development Commission and the City of La Palma. The motion was seconded by Mayor Pro Tem/Vice Chairperson Charoen.

Discussion ensued regarding the City Council/Community Development Commission making two payments totaling \$1.13 million during the current fiscal year; that subsequent payments will be approximately \$275,000 per year; that the City Council/Community Development Commission will need to vote every year on the payment; that the City could opt-out of the program at any time, but that opting out would mean dissolution of all assets and the agency itself; that opting back in would take re-establishing a new development agency and that there is no language in legislation regarding how to start a new Redevelopment Agency after its dissolution.

The motion carried on the following vote:

AYES: Mayor Pro Tem/Vice Chairperson Charoen,
Council/Commission Member Hwangbo, Mayor
Rodriguez, Council/Commission Member
Shanahan, and Council/Commission Member
Waldman

NOES: None

11. Proposed Remittance Agreement between the Community Development Commission and the City of La Palma to cover required ABX1 27 Payments

Community Development Director Dumhart gave the Staff Report.

- a) City Council: Adopt Resolution No. 2011-46 approving the Remittance Agreement between the Community Development Commission and the City of La Palma to cover required ABX1 27 Payments; and
- b) Community Development Commission: Adopt Resolution No. CDC 2011-25 approving the Remittance Agreement between the Community Development Commission and the City of La Palma to cover required ABX1 27 Payments; and
- c) Community Development Commission (CDC) authorize a supplemental appropriation of \$1,133,849, required by the Remittance Agreement for Fiscal Year 2011-12 to be transferred to the City of La Palma.

Council/Commission Member Waldman made a motion to adopt Resolution No. 2011-46 approving the Remittance Agreement between the Community Development Commission and the City of La Palma to cover required ABX1 27 payments; adopt Resolution No. CDC 2011-25 approving the Remittance Agreement between the Community Development Commission and the City of La Palma to cover required ABX1 27 Payments; and that the Community Development Commission (CDC) authorize a supplemental appropriation of \$1,133,849, required by the Remittance Agreement for Fiscal Year 2011-12 to be transferred to the City of La Palma.

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

AYES: Mayor Pro Tem/Vice Chairperson Charoen,
Council/Commission Member Hwangbo,
Mayor/Chairperson Rodriguez,
Council/Commission Member Shanahan, and
Council/Commission Member Waldman

NOES: None

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AT 9:53P.M.

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

Council Member Hwangbo noted the community's support for the City's safety employees; he reported that he attended the Buena Park Chamber of Commerce Mixer; the West Orange County Legislative Committee Mixer; and the Amazing Thai Festival.

Council Member Shanahan toured Cypress College and was asked to join the Cypress College Foundation Board of Directors. He announced that he will donate \$100 of his stipend to the John F. Kennedy Performing Arts Center.

Council Member Waldman attended the Orange County Sanitation District general meeting and the Amazing Thai Festival.

Mayor Pro Tem Charoen attended the West Orange County Legislative Community Mixer and the Amazing Thai Festival. He thanked City Staff for their assistance to planners of the Amazing Thai Festival.

Mayor Rodriguez attended the City Council cook out during the last Concert in the Park; the Amazing Thai Festival; the American Cancer Society Relay for Life wrap up meeting and kick-off for next year's Relay for Life; the West Orange County Legislative Community Mixer; and the first day of school to monitor the traffic circulation. He commented on the effectiveness of the new traffic signal at Watson Street and Crescent Avenue. He announced that he plans to attend the Beat Panama to the Canal economic program; the Orange County Water District meeting; an Anaheim Athletic Prep Foundation meeting; Assembly Member Silva's Breakfast; and plans to attend Devin Larscheid's Eagle Scout Court of Honor Ceremony. He closed by reminding the City Council of the upcoming Orange County League of California Cities elections.

CITY MANAGER REMARKS

City Manager Lazzaretto noted that the City received comments regarding City message boards being used to advertise the Amazing Thai Festival and questions regarding potential misuse of public funds. He clarified that the intent was to alert the public to find alternate routes during the heavy traffic stages of the event. He stated that the crossing guard at the Watson Street and Crescent Avenue will be there until the end of this month to ease the transition and will report back on the number of people who are using that crosswalk. He reminded the City Council of the Special Closed Session on September 8, 2011. He announced that upcoming Agenda Items will include an update to traffic calming efforts at La Luna Drive; a Conditional Use Permit review of La Palma Express; and reported that the Orange County Fire Authority will be having a 9/11 Remembrance Ceremony at flag poles around the County at 8:46 a.m.

CITY ATTORNEY REMARKS

City Attorney Kuperberg commented that although there is legislation in the process, he had nothing significant to report.

Mayor Rodriguez announced that the Orange County Regional Fire Training Operations Center will have an event open to the public to review their operations and equipment on October 8, 2011.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 10:13 p.m. in memory of long time La Palma resident, Wanda Elofson.

Ralph D. Rodriguez
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk