

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

January 3, 2012

CALL TO ORDER: Mayor Charoen 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, with all members present.

PLEDGE OF ALLEGIANCE: Council Member Waldman

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

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

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
Eric Nuñez, Police Chief
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Abe Waheed, Co-Chair of the La Palma Community Activities and Beautification Home Spotlight Subcommittee, presented Antonio and Eustolia Ocampo with the Quarterly Home Spotlight Award for their home at 8072 Circle, La Palma.

Staff Request: Add an Emergency Item to the Agenda

City Manager Lazzaretto introduced the Emergency Item, a Resolution to be the Successor Agency for the dissolution of the La Palma Community Development Commission, and requested that the City Council vote to add it as the final item to the Agenda.

Council Member Waldman made a motion to add the Emergency Item to the Agenda. The motion was seconded by Council Member Shanahan and carried on the following vote:

AYES: Charoen, Hwangbo, Rodriguez, Shanahan,
and Waldman

NOES: None

ORAL COMMUNICATIONS

Jackie Filback, Field Representative to Assembly Member Chris Norby, introduced herself and wished the City Council and Staff a happy new year.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:11 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the December 20, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2012-01 approving the Register of Demands for January 3, 2012.

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

The motion was seconded by Vice Chairperson Hwangbo and carried on the following vote:

AYES: Chairperson Charoen, Vice Chairperson

Hwangbo, Commission Member
Shanahan, Commission Member
Rodriguez, 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 7:12 P.M.

City Attorney Kuperberg noted that State of California law now requires that an announcement be made to the public regarding whether the City Council receives additional stipends for serving in different capacities or on other commissions.

Administrative Services Manager Murray announced that the City Council would now recess the Community Development Commission meeting, and convene as the La Palma Planning Commission. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in the Planning Commission meeting, or otherwise as serving as members of the La Palma Planning Commission.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the December 20, 2011, Regular Meeting of the La Palma Planning Commission.

Council Member Waldman made a motion to approve Consent Calendar Item PL-1.

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

AYES: Chairperson Charoen, Vice Chairperson Hwangbo, Commission Member Shanahan, Commission Member Rodriguez, and Commission Member Waldman

NOES: None

PUBLIC HEARINGS

PL-2. Precise Plan 272 and Vesting Tentative Tract Map 17431 for the Construction of a 12-unit Residential Townhome Development at 4611 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:14 p.m.
- b) Associate Planner Hutter gave the Staff Report
- c) Public Input

Gerard Goedhart, 4922 Berton Circle, addressed the Planning Commission asking for clarification on the cost of the townhomes; size of the private yards; guest parking spaces; whether the turning radius would accommodate trash trucks, and voiced concern for ingress/egress and potential u-turns on La Palma Avenue.

Steven Maikoski, 4551 Maroon Drive, addressed the City Council regarding consideration of a protected left turn at Denni Street and other traffic concerns.

Jim McMahan, 7911 Squaw Valley Circle, addressed the City Council regarding the lack of notification from the City regarding the project; that the Denni Street utilities were supposed to be completed during the first phase of the Montecito project; his opposition to the lack of urban development on Denni Street; previous accidents at the intersection of Denni Street and La Palma Avenue; and his concern for other traffic issues.

Abe Waheed, 5271 Ivywood Drive, addressed the City Council regarding his concern for potential u-turns on La Palma Avenue and consideration of installing a separate turn lane to resolve the issue.

Staff responded that the trash truck has adequate space to conduct a three-point turn; that the Orange County Fire Authority (OCFA) approved the site plan to ensure that fire trucks could also turn around; that the final design will incorporate all necessary parking spaces; that there will be

Codes, Covenants, and Restrictions (CCR) for the project; that the Homeowner's Association will manage the guest parking spaces; that the Traffic Safety Committee (TSC) approved the project with the condition of installing a "No U-Turn" sign on La Palma Avenue along the front of the homes; that three units will be priced for low-income at approximately \$150,000, three units will be priced for moderate-income at approximately \$350,000, and six units will be priced at market rate at approximately \$415,000; that there were no traffic options for a turn pocket along La Palma Avenue; that notices were mailed out to adjacent Cerritos residents; the posting was conducted at the site, at three locations within the City, and in local adjudicated newspapers; that Staff will deliver notices to the section of Cerritos residents that are affected; that all improvements of the first phase of the Denni Street project were completed by the developer and accepted by the City; that the traffic study did not warrant any further street improvements to the Denni Street/La Palma Avenue intersection; and that a "No U-Turn" sign was recommended at the Redford Lane traffic signal.

Kim Prijatel, Vice President of Development for The Olsen Company, addressed the City Council regarding rear yard depths varying from 10-15 feet based on the floor plan selected and that the yards are approximately 300 square feet in general.

- d) Chairperson Charoen closed the Public Hearing at 8:10 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding the project not being affected by the recent California Supreme Court decision regarding redevelopment; that the Homeowners Association is responsible for addressing open space and parking issues; that two color pallets will be used; ease of conducting a u-turn at the Steven Luther Elementary School lot entrance; that the school custodian will be responsible for access from the property to Steven Luther Elementary; that ingress and egress to the property are limited from La Palma Avenue; support for a "No U-Turn" and "No Left Turn" sign to be installed at the Redford Lane intersection; support for the exposed street walls having ivy added to provide continuity from the Montecito project along La Palma Avenue; opposition to adding another signal on La Palma Avenue due to the proximity to the school; support for keeping the width of the driveway as is; disappointment in the decision of the Montecito Homeowners Association Board's decision to not allow vehicles through that project to the proposed project site; and concern about the turning radiuses into the garages.

Chairperson Charoen reopened the Public Hearing at 8:23 p.m.

Kim Prijatel responded that there is ample space for vehicles to enter/exit the garages; that La Palma Avenue would not have been an exit/entry point if the Montecito project would have allowed access; and that The Olsen Company modified the design to allow a 90 degree turn in the complex.

Further discussion ensued regarding the item needing approval only for the Precise Plan and Tract Map and whether the Planning Commission can add a condition to revisit the traffic concerns at a later time.

City Attorney Kuperberg responded that the Planning Commission has the authority to reopen the project at any time to make modifications.

Further discussion ensued regarding opposition to having a marker on the exterior wall entryway; that the northern wall will have to be demolished to allow utilities to be accessed; and that the City will work with property owners to ensure their needs and the project's needs are met.

City Attorney Kuperberg commented that the developer contacts the property owners to explain the demolishing and replacement of the wall and landscaping and that the applicant will have to research easement issues.

Kim Prijatel noted that The Olsen Company has never had issues with property owners during a construction phase; that they will notify adjacent homeowners of wall modifications; that they will maintain security and privacy for those homeowners during construction; that the wall will be rebuilt on the project site's property line so the Homeowner's Association will be responsible for the maintenance and integrity of the wall.

Chairperson Charoen closed the Public Hearing at 8:32 p.m.

- f) Adopt a Resolution approving Precise Plan 272 and Vesting Tentative Tract Map 17431.

Resolution No. PC 2012-01 approving Precise Plan 272 and Vesting Tentative Tract Map 17431.

Commission Member Shanahan made a motion to adopt Resolution No PC 2012-01 approving Precise Plan 272 and Vesting Tentative Tract Map 17431. Commission Member Rodriguez seconded the motion.

Commission Member Waldman asked for a friendly amendment to add a CUP requiring ivy to be added to the exterior block wall.

Commission Member Rodriguez asked for a friendly amendment requiring the installation of a "No Turn" sign along the intersection of the project and La Palma Avenue.

The maker and seconder of the original motion accepted the amendments.

The motion carried on the following vote:

AYES: Chairperson Charoen, Vice Chairperson Hwangbo, Commission Member Shanahan, Commission Member Rodriguez, and Commission Member Waldman

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 8:34 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 December 20, 2011, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands
Resolution No. 2012-01 approving the Register of Demands for January 3, 2012.
4. Resolution Authorizing Signatories for the Deposit, Investment, and Payment of Public Funds

Resolution No. 2012-02 amending Resolution No. 2010-64 authorizing the deposit, investment, and payment of public funds.

Council Member Waldman made a motion to approve Consent Calendar Items 1 through 4.

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

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

NOES: None

PUBLIC HEARINGS

5. Zoning Map Amendment 2011-01, an Ordinance Amending the City's Zoning Map to Apply the Village Overlay to the Multiple Family Residential District Zoned Properties Located at 5052 and 5062 La Palma Avenue

- a) Mayor Charoen opened the Public Hearing at 8:35 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Public Input

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his concern for having a high density project area; whether this amendment is mandated by the State of California; whether there are height restrictions on the property; and what the combined parcel size would be.

Community Development Director Dumhart responded that there are height limitations, but the Village Overlay would give design flexibility in order to meet density requirements; that the combined parcel size is 34 thousand square feet; and that the City could get a maximum of 15 units for the combined property and 7 units per single property.

- d) Mayor Charoen closed the Public Hearing at 8:45 p.m.
- e) Council Comments and Questions

No City Council members had a comment.

- f) Introduce for first reading the proposed Ordinance for Zoning Map Amendment 2011-01 applying the Village Overlay (VO) designation to 5052 and 5062 La Palma Avenue.

Council Member Rodriguez made a motion to introduce for first reading the proposed Ordinance an Ordinance of the City of La Palma amending the City's Zoning Map to overlay certain Multiple Family Residential (R-3) zoned properties at 5052 and 5062 La Palma Avenue with Village Overlay (VO).

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

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

NOES: Mayor Pro Tem Hwangbo

REGULAR ITEMS

6. Resolution Approving Sponsorship of the 2012 Cypress College Foundation Americana Awards at the Benefactor Level, and Authorizing the Distribution of Tickets to City Officials and City Volunteers to Attend the Event

Council Member Shanahan recused himself as he is a Board Member of the Cypress College Foundation.

Discussion ensued regarding whether City Council Members needed to recuse themselves because of their involvement in the Cypress College Employment Opportunity Program Services (EOPS) and that the EOPS is a federally funded program unlike the Cypress College Foundation.

City Attorney Kuperberg responded that City Council Members involved in the Cypress College EOPS do not have to recuse themselves and that City Council Member Shanahan can speak on the matter as a resident of La Palma, but does have to remove himself from the Council Chambers.

Administrative Services Manager Murray gave the Staff Report.

Public Input:

Steve Shanahan, 7821 Barbi Lane, Board Member of the Cypress College Foundation, addressed the City Council regarding support for the item;

announced that George and Barbara Mast are La Palma's Citizens of the Year; that the event is the least expensive way recognize volunteerism; that all funds go directly to the emergency grant program; and asked for the City Council's support.

Council Comments and Questions:

Discussion ensued regarding the City Council's support of education; support for recognizing the City's volunteers; that the City Council historically supports the Americana Awards; that the City Council has several partnerships and funds several programs such as crossing guards, annual Student Recognition Awards scholarships, Police Interaction with Youth (PIY), and joint improvement projects with local school sites; and that Mr. and Mrs. Mast are recognized as pillars within the La Palma community.

Council Member Rodriguez made a motion to approve Resolution No. 2012-03 approving sponsorship of the 2012 Cypress College Foundation Americana Awards at the Benefactor Level, and authorizing the distribution of tickets to City Officials and City Volunteers to attend the event.

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

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

NOES: None

RECUSED: Council Member Shanahan

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING WITH THE CITY COUNCIL AT 8:59 P.M.

REGULAR ITEMS

7. Appointments to External Committees and Internal Subcommittees

City Manager Lazzaretto introduced the item and relayed Fair Political Practices Commission (FPPC) guidelines regarding Committee Appointments.

City Attorney Kuperberg added that there needs to be quorum of at least three City Council members and a majority vote in that quorum in order to approve the

appointment; and that a recusal is required only if there is a stipend that exceeds \$250 a year.

- a) Appoint a Representative to the California Joint Powers Insurance Authority (CJPIA);

By Consensus, Council Member Shanahan was appointed as the CJPIA Representative.

- b) Appoint an Alternate to the CJPIA;

By Consensus, Mayor Charoen was appointed as the CJPIA Alternate.

- c) Adopt a Resolution designating and appointing a Representative to the Orange County Fire Authority's (OCFA) Board of Directors;

Council Member Rodriguez recused himself from the dais at 9:06 p.m.

Council Member Shanahan recused himself from the dais at 9:06 p.m.

Mayor Pro Tem Hwangbo made a motion to adopt Resolution No. 2012-04 appointing Council Member Rodriguez as the Representative to the Orange County Fire Authority's (OCFA) Board of Directors.

The motion failed for lack of a second.

Council Member Waldman made a motion to adopt Resolution No. 2012-04 appointing Council Member Shanahan as the Representative to the Orange County Fire Authority's (OCFA) Board of Directors.

The motion was seconded by Mayor Charoen and failed on the following vote:

AYES: Mayor Charoen and Council Member Waldman

NOES: Mayor Pro Tem Hwangbo

RECUSED: Council Member Rodriguez and Council Member Shanahan

City Attorney Kuperberg explained that because this item required a resolution that it requires a 2/3 vote by the majority of the City Council and since two members have recused themselves and only two voted in favor of the motion, the Resolution cannot be passed.

By consensus, the City Council agreed to table Agenda Items 7c and 7d regarding the OCFA Appointments until the end of the Committee Appointments.

Council Members Rodriguez and Shanahan returned to the dais at 9:12 p.m.

City Manager Lazzaretto commented that the City Attorney has filed a petition on behalf of the City with the FPPC to modify the regulations as they relate to committee appointments.

City Attorney Kuperberg reported on the action that was taken for the OCFA Appointments for all City Council Members present.

- d) Adopt a Resolution designating and appointing an Alternate to the OCFA's Board of Directors;

Item tabled to the end of the Committee Appointments.

- e) Appoint a Representative to the Orange County Sanitation District (OCSD);

Council Member Waldman recused himself from the dais at 9:14 p.m.

Council Member Shanahan made a motion to appoint Council Member Waldman as the Representative to the Orange County Sanitation District (OCSD);

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

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

NOES: None

RECUSED: Council Member Waldman

Council Member Waldman returned to the dais at 9:16 p.m.

- f) Appoint an Alternate to the OCSD;

Mayor Pro Tem Hwangbo recused himself at 9:17 p.m.

Council Member Shanahan made a motion to appoint Mayor Steve Hwangbo as the Alternate to the OCSD.

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

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

NOES: None

RECUSED: Mayor Pro Tem Hwangbo

Mayor Pro Tem Hwangbo returned to the dais at 9:18 p.m.

- g) Appoint a Representative to the Orange County Vector Control District (OCVCD) for a two or four year term;

By consensus, the City Council agreed that the representative serve a two-year term and expressed a preference that a Council Member be the OCVCD representative.

Council Member Rodriguez recused himself at 9:23 p.m.

Mayor Pro Tem Hwangbo recused himself from the dais at 9:24 p.m.

Council Member Waldman made a motion to to appoint Mayor Pro Tem Hwangbo as the Representative to the Orange County Vector Control District (OCVCD) for a two year term.

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

AYES: Mayor Charoen and Council Member Waldman

NOES: Council Member Shanahan

RECUSED: Mayor Pro Tem Hwangbo and Council Member Rodriguez

Mayor Pro Tem Hwangbo and Council Member Rodriguez returned to the dais at 9:29 p.m.

- h) Appoint a Representative to the Municipal Water District of Orange County

(MWDOC) Elected Officials' Meetings;

As no Council Members were interested in becoming appointees, the item was tabled to end of Committee Appointments.

- i) Appoint an Alternate to the MWDOC Elected Officials' Meetings;

Item tabled to the end of the Committee Appointments.

- j) Appoint a Representative to the Orange County Library Advisory (OCLA) Board;

By consensus, the City Council agreed to appoint Mayor Charoen as the Representative to the OCLA Board.

- k) Appoint an Alternate to the OCLA Board;

By consensus, the City Council agreed to appoint Council Member Rodriguez as the Alternate to the OCLA Board.

- l) Appoint two Representatives as the City Council's Public School Liaisons;

By consensus, the City Council agreed to appoint Council Member Shanahan and Waldman as representatives as the Public School Liaisons.

- m) Appoint two Representatives to the City Council's Student Recognition Awards Subcommittee.

By consensus, the City Council agreed to appoint Mayor Charoen and Council Member Shanahan as the Student Recognition Award representatives.

Discussion ensued regarding a successor committee to replace the Chamber of Commerce subcommittee; that the City should still interface with local businesses; the role of Staff within the subcommittee; the importance of business retention by having a government liaison; that the Mayor should always be a part of the committee; and that the title of the subcommittee be the "Business Subcommittee."

By consensus, the City Council agreed to appoint Mayor Charoen and Council Member Shanahan as representatives to the Business Subcommittee.

- h) Appoint a Representative to the Orange County MWDOC Elected Officials Meetings.

By consensus, the City Council agreed to appoint Council Member Waldman as the Representative to the MWDOC Elected Officials Meetings.

- i) Appoint an Alternate to the Orange County MWDOC Elected Officials Meetings.

By consensus, the City Council agreed to appoint Council Member Rodriguez as the Alternate to the Orange County MWDOC Elected Officials Meetings.

- c) Adopt a Resolution designating and appointing a Representative to the Orange County Fire Authority's (OCFA) Board of Directors;

Mayor Charoen gave a brief overview of the previous vote for the OCFA Representative.

Council Member Rodriguez recused himself at 9:44 p.m.

Council Member Shanahan made a motion to adopt Resolution No. 2012-04 designating and appointing Council Member Rodriguez as Representative to the OCFA Board of the Directors.

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

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

NOES: None

RECUSED: Council Member Rodriguez

Council Member Rodriguez returned to the dais at 9:48 p.m.

- d) Adopt a Resolution designating and appointing an Alternate to the OCFA's Board of Directors;

Council Member Shanahan recused himself at 9:47 p.m.

Council Member Rodriguez made a motion to adopt Resolution No. 2012-05 designating and appointing Council Member Shanahan as the Alternate for the OCFA Board of Directors.

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

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

NOES: None

RECUSED: Council Member Shanahan

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION AT 9:50 P.M.

EMERGENCY ITEM

Resolution electing to be the Successor Agency for the Dissolution of the La Palma Community Development Commission.

City Manager Lazzaretto introduced the item and Community Development Director Dumhart gave a detailed Staff Report.

Council Comments and Questions:

Discussion ensued regarding support for the City Council to become the Successor Agency and that being the Successor Agency gives the City more control over what happens to current redevelopment properties.

Council Member Waldman made a motion to adopt Resolution No. 2012-06 approving the City Council to serve as the Successor Agency to the Dissolved Community Development Commission of the City of La Palma pursuant to Health and Safety Code Section 34173.

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

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

NOES: None

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

Council Member Waldman had nothing to report.

Council Member Shanahan had nothing to report.

Council Member Rodriguez had nothing to report and wished everyone a happy new year.

Mayor Pro Tem Hwangbo attended the OCSD meeting; a luncheon hosted by the La Palma United Methodist Church for the La Palma Police Department; and the Kyoto Tachibana, Japan High School Green Band performance at John F. Kennedy High School; He also wished everyone a happy new year.

Mayor Charoen had nothing to report and announced that he plans to attend the upcoming Grand Opening of the University of Phoenix.

CITY MANAGER REMARKS

City Manager Lazzaretto announced that upcoming Agenda Items include the League of California Cities and Association of California Cities-Orange County participation, redevelopment items, and the General Plan Study Session.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report and wished everyone a happy new year.

ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the La Palma City Council at 10:00 p.m.

G. Henry Charoen
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk