

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

October 18, 2011

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Council Member Steve Shanahan

INVOCATION: Council Member Hwangbo

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

PRESENTATIONS

1. La Palma Pageant Co-Chair Esther De Leon Hernandez presented the 2012 La Palma Pageant contestants: Lauren Alvarez, Bobby Chua, Victoria Davis, Chase Labrador, Kristen Lovetere, Allison Moore, Amara Neshiewat, Radha Patel, and Megan Scanlon.
2. Recreation and Community Services Superintendent Belknap introduced

Kathleen Moran, representing Orange County Supervisor John Moorlach, who presented a proclamation to Mayor Rodriguez and La Palma Days Parade Chairperson, Ric Maurice, in recognition of La Palma Days as the official Orange County Veterans Day Parade.

3. Mayor Rodriguez presented a Proclamation to Sergeant Raul Morales declaring October 23 - October 31, 2011, as Red Ribbon Week.

ORAL COMMUNICATIONS

Gerard Goedhart, 4922 Berton Circle, asked the City Council for an update on the La Palma Police Association (LPPA) negotiations, initiative petition, the public records lawsuit, and the Public Employment Relations Board (PERB) Violation.

City Manager Lazzaretto responded that the City is unable to respond to specific negotiation matters. However, the City has asked for and received an extension on the PERB violation; that the initiative Title and Summary have been prepared and it has not yet been published or posted by the proponents; that the City responded to the lawsuit this week; and that the City is hopeful that the negotiations will be resolved prior to having to take any further actions.

Larry Herman, 5122 Andrew Drive, invited the City Council to the Anaheim YMCA's 100 Years of Caring Reunion on November 8, 2011, at the Anaheim Marriott Hotel; and announced that Orange County Vector Control District (OCVCD) Operations Manager, Larry Shaw, will be making a short presentation at the November 1 City Council meeting.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:31 P.M.

CONSENT CALENDAR

- A. Approval of Community Development Commission Minutes

Minutes of the September 20, 2011, and October 4, 2011, Regular Meetings of the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC 2011-29 approving the Register of Demands for October 18, 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.

ADJOURN COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:32 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the September 20, 2011, and October 4, 2011, Regular Meetings of the La Palma Planning Commission.

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

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

PL-2. Implementation of Housing Element Program No. 11, an Ordinance Amending Chapter 26 of the La Palma City Code Pertaining to Density Bonuses in Residential Districts

- a) Chairperson Rodriguez opened the Public Hearing at 7:32.m.
- b) Community Development Intern Raphael Garcia gave the Staff Report.

Commission Member Waldman asked for clarification that if the City does not adopt the Ordinance it is still subject to the law.

City Attorney Kuperberg responded that the Density Bonus Legislation is self-executing but adopting it does allow for implementation measures that will make the process simpler for the City and its applicants.

- c) Public Input:

Cheryl Papas, 5272 Duke Drive, addressed the City Council regarding her opposition to the proposed Ordinance and her opposition to the State mandating it.

Discussion ensued regarding the Ordinance only mandating density bonuses; that the Ordinance is structured so that a Developer can receive a density bonus in exchange for affordability; that the Ordinance is not for any particular project, but for projects city-wide; that the City has the authority to review projects and regulate their development; and that the Ordinance is a State requirement.

- d) Chairperson Rodriguez closed the Public Hearing at 7:45 p.m.
- e) Commission Comments and Questions

Further discussion ensued with Commission Member Hwangbo stating that he would not support the proposed Ordinance in protest to the State imposing laws on local government.

- f) Adopt a Resolution recommending that the City Council adopt a Negative Declaration for, and approve, an Ordinance amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

Resolution No. PC 2011-05 adopting a Negative Declaration for, and approval of, an Ordinance amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

Commission Member Shanahan made a motion to adopt Resolution No. PC 2011-05 adopting a Negative Declaration for, and approve, an Ordinance amending Chapter 26 of the La Palma City Code pertaining to Density Bonuses within residential districts.

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

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

NOES: Commission Member Hwangbo

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:47 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 September 20, 2011, and October 4, 2011, Regular Meetings of the La Palma City Council and the September 19, 2011, and October 10, 2011, Special Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2011-50 approving the Register of Demands for October 18, 2011.

Council Member Shanahan made a motion to approve Consent Calendar Items 1 through 3.

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

4. Replacement of Gazebo in Central Park

Recreation and Community Services Director Belknap introduced Community Activities and Beautification Committee youth member, Ryan De Cook, who presented a portion of the Staff Report. Recreation and Community Services Director Belknap finished giving the Staff Report.

Public Input:

Recreation and Community Services Director Belknap conveyed Tom Wright's comments regarding his support for the proposed new gazebo; that donations are being accepted to offset City costs; that the new gazebo be aesthetically pleasing; and that there is no sense of urgency to start the gazebo project.

Ismile Noorbaksh, 7512 Mark Circle, addressed the City Council regarding his opposition to relocating the gazebo and his support for rehabilitating the current gazebo. He further commented that he does not support the proposed walking path called for in the Park Master Plan.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his support for his support for rehabilitating the current gazebo; and his opposition to the Park Master Plan.

Cheryl Papas, 5272 Duke Drive, addressed the City Council asking what was spent on the Park Master Plan; regarding her opposition to relocating the gazebo

and her support for rehabilitating the current gazebo; and her opposition to the proposed walkway in the Park Master Plan.

City Manager Lazzaretto clarified that the City spent \$90,000 for the Park Master Plan and an additional \$274,000 for the design and specifications for the Plan.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding that he voted in favor of the Park Master Plan when he was on the City Council because the City was supposed to receive a grant; he noted that many of the volunteers involved on the previous gazebo project were Council Members, Staff, Residents, and other agencies; his concern for the safety of the gazebo; and suggested getting a corporate sponsor for the project. He closed by asking the City Council to do what it can to save the original structure.

Mayor Rodriguez noted that there is significant damage to the original gazebo, that it has become a safety risk, and that the intent from the Park Master Plan was to relocate the gazebo. City Manager Lazzaretto commented that the California Joint Powers Insurance Authority (CJPIA) has assessed that there is a risk if the gazebo is not repaired or replaced and that the City Council previously directed Staff to look for volunteers when it came time to rehabilitate the gazebo.

Elfriede MacIver, 5171 Del Sol Circle, addressed the City Council regarding her support for the Recreation and Community Services staff; and in opposition to spending money on a project if the City does not have the money.

Mr. Noorbaksh addressed the City Council and suggested that the City conduct a fundraiser by selling bricks to raise funds for the gazebo.

Council Comments and Questions:

Discussion ensued regarding the cost for relocating the gazebo; the \$19,000 estimate for rehabilitating the current gazebo; the request from members of the public to keep the gazebo at its current location; the privacy afforded by the current location; support for residential volunteers; the risk if the structure is not made safe; the historical significance of the gazebo; the absence of proper maintenance in the past; that former telephone poles were used for the vertical posts when the structure was moved and rehabilitated in the 1994; that wood products have a shorter life span than steel products; that the park master plan does not have to be completed all at one time, but rather piece-meal over time; that future City Council members may decide that a water feature is not supported; following the direction of the Park Master Plan by relocating the gazebo and making it out of steel; that the gazebo rehabilitation is a good use of funds; having a City professional supervise the project rather than forming an ad-hoc citizen committee to supervise it; that funds are budgeted for the project just as they are every year for various repairs and replacements; leaving the original

gazebo slab in place; and that the proposed new gazebo is much larger than the current one.

Sally Alvis, 7902 Birchwood Circle, addressed the City Council regarding her support for relocating and building a new gazebo so that the playgrounds can be moved at a later date as called for in the Park Master Plan.

Further discussion ensued regarding roofing materials; the condition of the athletic fields and that this year's budget includes rehabilitation of the field area; the future replacement of old playground equipment; the possibility of implementing the Park Master Plan in pieces; the cost of installing a soft-sail cover over the current gazebo slab; that the playground equipment would need to be replaced within the next five to ten years; and that the playground surface needs to be replaced.

Council Member Hwangbo made a motion to approve the repair of the Gazebo in Central Park; to keep its current location; to allocate up to \$20,000 offset with volunteer labor and donations.

Council Member Shanahan stated that he could not support the motion because it does not follow the Park Master Plan and its recommendation to build a new gazebo in the new location. Mayor Rodriguez concurred with Council Member Shanahan's comments.

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

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

NOES: Mayor Rodriguez, and Council Member Shanahan

5. Consultant Services Agreement with Hogle-Ireland, Inc. for a Comprehensive General Plan Update

Community Development Director Dumhart gave the Staff Report.

Public Input:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his opposition to the proposed update of the General Plan.

Mayor Rodriguez asked the necessity of conducting a Comprehensive General Plan Update.

Community Development Director Dumhart responded that with the impending removal of Redevelopment Funds, the City needs to prepare for future economic situations in development and the ability to pay the City's debts; that the manufacturing and industrial land uses in Centerpointe will need to be repositioned in the future; and that waiting for a future economic upturn to conduct the General Plan Update could delay how the city handles future land use and commercial issues.

City Manager Lazzaretto commented that a City's infrastructure eventually fails; that the City will experience some redevelopment opportunities in the next ten to fifteen years; and that the General Plan Update will help the City deal with redevelopment and infrastructure issues.

Laura Stetson, representing Hogle-Ireland responded that their firm was able to provide a more detailed proposal because they worked with Staff to research which areas of the General Plan needed to be updated; and that they were able to provide a lower price because of the current economic climate. She provided a brief history of Hogle-Ireland, including that she, specifically, has worked with the City of Brea and several other municipalities.

Council Comments and Questions:

Discussion ensued regarding the last update being done in 1999; that the General Plan is the City's business plan; that municipalities have a General Plan to provide future direction; that there is no legal ramification if the City does not update its General Plan; that Hawaiian Gardens recently completed a thorough General Plan Update with Hogle-Ireland; ; that it is prudent to complete the update because it assists the City in handling matters with the private commercial sector; that it includes land use intensification, traffic circulation patterns to address street upgrades, and a public safety element; the Plan will assist future Council Members with their goals and policies; that the Plan sets the future vision for the City; that future projects will comply with the updated Plan; that the update of the Plan involves the entire community through meetings with stakeholders and the general public; that there will be eight to ten public meetings during the two year update process; the need to conduct the study; that there is a possibility that redevelopment will go away and that the City will need to look at a model for how to address economic development; that the City will need to look at other ways to pay off its debt; that the current industrial area is old and will need to be updated in the next ten years; that it is prudent to plan for the future even though it is uncertain; that this assists the City in providing for alternate forms of commercial tax revenue; that future uncertainty is not a reason to postpone the update to the General Plan; that Staff is believes that the plan can be conducted within the contract amount unless the City Council requests additional meetings; that the Community Development Director would oversee the project; that the City has seen numerous changes to the commercial economy within La Palma; and that long range planning is necessary.

Approve and authorize the Mayor to execute an agreement with Hogle-Ireland, Inc. in the amount of \$271,887 to prepare the General Plan Update and Environmental Impact Report as outlined in the Hogle-Ireland, Inc. proposal dated June 3, 2011, and authorize a supplemental appropriation from General Fund Reserves in the amount of \$18,055.

Council Member Hwangbo made a motion to approve and authorize the Mayor to execute an agreement with Hogle-Ireland, Inc. in the amount of \$271,887 to prepare the General Plan Update and Environmental Impact Report as outlined in the Hogle-Ireland, Inc. proposal dated June 3, 2011, and authorize a supplemental appropriation from General Fund Reserves in the amount of \$18,055.

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

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

NOES: Mayor Pro Tem Charoen, and Council Member
Shanahan

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

Council Member Hwangbo attended the installation of John Alvis as the new President of the La Palma Kiwanis Club; the Ribbon Cutting event for the California Department of Real Estate Exam Center; the Closed Session on October 10, 2011; the Claire King Elementary School Rededication Ceremony in Cypress; and the Orange County Korean Festival.

Council Member Shanahan had nothing to report.

Council Member Waldman attended the Southern California Association of Governments (SCAG) meeting; the Ground Water Replenishment Steering Committee meeting; the Orange County Sanitation District (OCSD) Administration Committee meeting; and the Ribbon Cutting event for the California Department of Real Estate Exam Center. He closed by announcing the upcoming Steven Luther Elementary Science Night event on November 4, 2011.

Mayor Pro Tem Charoen attended the Orange County Library Advisory Board meeting.

Mayor Rodriguez attended the Random Access Network Directors meeting; the Orange County Fire Authority (OCFA) Open House; the Ribbon Cutting event for the

California Department of Real Estate Exam Center; the Claire King Elementary School Rededication Ceremony in Cypress; and announced that he plans to attend Orange County Supervisor Moorlach's Welcome Breakfast meeting in Buena Park and an Air Quality Management District Transportation conference.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that there will be upcoming grand opening ceremonies for Beacon Day School and the University of Phoenix; he announced that Linda Magnuson has been hired as the interim Finance Director; and noted that upcoming Agenda Items will include the introduction of conversations regarding contingency budget plans.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 10:03 p.m.

Ralph D. Rodriguez
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk