

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 5, 2005

Mayor Blake called a Closed Session of the La Palma City Council to order at 6:00 p.m. on Tuesday, April 5, 2005, in the La Palma Community Center, 7821 Walker Street, La Palma, California.

CLOSED SESSION

The City Council met in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE OF LABOR NEGOTIATIONS:

La Palma Police Association
La Palma Professional Employees Association

ADJOURNMENT

Mayor Blake called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, April 5, 2005, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Councilmember Barnes led the Pledge of Allegiance to the United States Flag.

INVOCATION

Councilmember Waldman gave the Invocation.

ROLL CALL:

Councilmembers present: Christine M. Barnes, Kenneth A. Blake, Larry A. Herman,
Ralph D. Rodriguez, Mark I. Waldman

Councilmembers absent: None

City Officials present: Catherine Standiford, City Manager
Ed Ethell, Chief of Police
Eric Nunez, Police Captain
Tami Piscotty, Assistant to the City Manager/City Clerk
Ismile Noorbaksh, Director of Public Works/City Engineer
Jan Hobson, Director of Recreation & Community Services
Dominic Lazzaretto, Director of Community Development
Joel Kuperberg, City Attorney
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

Palo Morales with the Orange County Chapter of Mothers Against Drunk Drivers (M.A.D.D.) presented a certificate to Officer Brad Miller for having the highest DUI arrest rate of all La Palma Officers during 2004.

Noella Lew and Henry Lee presented a lawn ornament to Ms. Lidia Flores at 4871 Dove Circle, as the La Palma Quarterly Spotlight

ORAL COMMUNICATIONS

None

RECESS

Mayor Blake recessed the City Council to convene as the Community Development Commission at 7:20 p.m. (See separate Community Development Commission Minutes.)

RECONVENING

Mayor Blake reconvened the meeting in regular session at 7:21 p.m.

CONSENT CALENDAR

Commissionmember Barnes made a motion to approve the following item on the Consent Calendar

APPROVED THE MINUTES OF THE MARCH 15, 2005 PLANNING COMMISSION MEETING

The motion was seconded by Commissionmember Waldman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PUBLIC HEARINGS

PL-2 Amendment to Precise Plan 258, 5911 Fresca Drive

Community Development Director, Dominic Lazzaretto, stated that the applicant, Kenneth Loesch, is requesting an Amendment to Precise Plan 258 located at 5911 Fresca Drive. He is requesting to subdivide the property into two lots for the construction of a speculative industrial building.

Mr. Lazzaretto stated that the Planning Commission approved Precise Plan 258 for the construction of a building at this location in 2002; however, the applicant chose not to construct the building and the Precise Plan has expired.

Mr. Lazzaretto stated that the proposed project was heard at the March 14, 2005 Development Committee Meeting and they recommended approval. An initial study and negative declaration was prepared for the proposed project.

Mr. Lazzaretto concluded by explaining that the proposed building is smaller than the one originally approved and it provides better circulation and decreases parking demand. The design features will improve the aesthetics of the area.
Chairman Blake made a motion to close the public hearing, which carried unanimously.

Commissionmember Rodriguez asked the applicant what the time table is for the project.

Bill Handley, Handley Engineering, 130 El Camino Real, Tustin, stated that the ground breaking would be in 3-4 months and the construction would take approximately 6 months.

Chairman Blake asked if the applicant is aware of all the conditions and if they are accepting of them. Bill Handley responded positively.

Commissionmember Barnes asked if the current tenants are anticipating any parking increases.

Bill Handley stated that Iron Mountain has suggested that they might be interested in this building and then there would not be any increase in parking.

Chairman Pro Tem Herman asked Mr. Lazzaretto if he is comfortable with the variances and if they are reasonable requests. Mr. Lazzaretto stated that this is a building that was built a long time ago that was built for a specific tenant and sits as an underutilized space.

Commissionmember Barnes made a motion to amend Precise Plan 258, Variance 2005-01, and Tentative Tract Map 2002-241. The motion was seconded by Commissionmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PL-3 Initiation of the Revocation of Conditional Use Permit 318, 6907 Marlin Circle

Community Development Director, Dominic Lazzaretto, stated that this subject is in regards to the revocation of Conditional Use Permit 318, MHT Luxury Alloys located at 6907 Marlin Circle. He stated that on February 15th staff presented a list of noncompliance items and provided the status of the initial efforts to bring the facility into compliance. At that time, the Planning Commission continued the item to allow MHT Luxury Alloys to make certain improvements. Since then, the facility's manager has completed most of the items. They still need to construct a trash enclosure and are waiting for the contractor to finalize the design. MHT needs to cease unapproved manufacturing activities. One machine has been moved, the others are to follow when the Long Beach facility has closed escrow. MHT also needs to obtain approval of high pile storage. The inventory has been reduced and the application with OCFA has been filed with Planning.

Mr. Lazzaretto concluded by stating that several staff will continue to monitor the site on a regular basis and is requesting a continuance of this item until July 19th.

Chairman Blake made a motion to close the public hearing, which carried unanimously.

Commissionmember Barnes asked how long will it take for Long Beach to approve the building closing escrow.

Anthony Cincato, 5318 Cala De Orbales, Torrance, stated that the building has been purchased and is in escrow. He explained that the hold up is getting a Conditional Use Permit through the City of Long Beach due to the parking limitations. This all developed within the last week and if it does not work out, there are alternative plans in relocating the machines in La Palma to another facility located in Riverside.

Chairman Pro Tem Herman asked for clarification of the high pile storage.

Mr. Cincato stated that there is way too much inventory for the building. He has recently signed two leases to help with the distribution of materials to eliminate this issue.

Chairman Pro Tem Herman asked when the high pile storage will be taken care of. Mr. Cincato stated within 60 days. He stated that all of the mentioned incomplete items will be resolved within 60 days.

Chairman Pro Tem Herman made a motion to continue the Public Hearing to July 19, 2005. The motion was seconded by Commissionmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

ADJOURNMENT

Chairman Blake adjourned the Planning Commission Meeting at 7:40 p.m. to convene as the City Council.

CONSENT CALENDAR

Mayor Pro Tem Herman made a motion to approve the following items on the Consent Calendar:

APPROVED THE MARCH 15, 2005 CITY COUNCIL REGULAR MEETING MINUTES AND THE MINUTES OF THE MARCH 21, 2005 ADJOURNED MEETING

ADOPTED RESOLUTION NO. 2005-15 APPROVING A REGISTER OF DEMANDS FOR MARCH 15, 2005

REJECTED THE BIDS FOR PROJECT NO. 04-WTR-06 RECEIVED FROM NW PAINTING OF DESERT HOT SPRINGS, CALIFORNIA, AND AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO SOLICIT NEW, COMPETITIVE BIDS FOR EXTERIOR PAINTING OF THE CITY YARD AND WALKER WELL RESERVOIRS AND RELIEVED THE LOW BIDDER, ROYAL CONSTRUCTION COMPANY OF FULLERTON, CALIFORNIA, FROM ITS RESPONSIBILITY TO COMPLETE THE EXTERIOR PAINTING OF THE CITY YARD AND WALKER WELL RESERVOIRS AND AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO RELEASE THE BID BOND.

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO SOLICIT COMPETITIVE BIDS FOR THE PURCHASE OF A 2005 STREET SWEEPER (LP-23).

The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman
NOES: None

REGULAR ITEMS

3. **Approval of Street Closures – City Special Events**

Councilmember Rodriguez asked if it would be necessary to keep a portion of Walker Street closed a little longer during La Palma Days since there may be additional activities due to the City will be celebrating its 50th Anniversary.

Councilmember Barnes asked if extending the closure is even needed, and requested looking at the activities planned before making any changes.

City Manager Standiford stated that staff has no problem looking into this possibility, but wished the Council to be advised that when a street is closed, there is staff standing at the closures.

Mayor Pro Tem Herman asked if maybe the lights could be programmed to flash until the event was over to slow down traffic.

City Manager Standiford mentioned that staff could advise the parade committee and the Community Activities and Beautification Committee that the City Council is willing to approve Walker Street to be closed for a longer period of time if needed. If the committees find it necessary, then staff could come back to the City Council to approve the request.

Chairman Herman asked how many personnel would have to stay at the street closure.

Chief Ethell stated that closing a lane is easier than closing the street so it depends on what the Council would like. Extending the closure by an hour or two would be done regardless if needed during the event.

Councilmember Rodriguez made a motion to adopt Resolution 2005-16 approving Street Closures for three City special events. The motion was seconded by Mayor Pro Tem Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman
NOES: None

6. **Authorization to Reject the Bids for Project No. ST-264**

Councilmember Rodriguez asked about the time table involved with extending the bid process and as to when this area will be repaired.

Director of Public Works, Ismile Noorbaksh stated that it will be 60 days before construction is started. He explained that by then the weather will be hotter and will allow the slurry seal to dry appropriately.

Councilmember Rodriguez asked if Mr. Noorbaksh felt that he would receive enough qualified bids. Mr. Noorbaksh responded positively.

Councilmember Rodriguez asked why street legends are being painted if the street is going to be repaved in the next 60 days.

Mr. Noorbaksh explained that the current legends are not reflective so to avoid any liabilities to the City they will be painted now and repainted when the slurry seal is completed.

Councilmember Rodriguez made a motion to reject all bids received and authorize the Director of Public Works to solicit new competitive bids for Rubberized Slurry Sealing on Various City Streets, Project No. ST-264. The motion was seconded by Councilmember Waldman and carried on the following roll call vote:

AYES: Barnes, Herman, Rodriguez, Waldman
NOES: None
ABSTENTION: Blake

7. Opposition to the Use of the Pacific-Electric Right-of-Way

City Manager Standiford explained that this item was discussed about a month ago, regarding concerns that there is confusion about the City of La Palma's position on the use of the Pacific-Electric Right-of-Way for transit purposes. Staff was asked to draft a resolution expressing the City's opposition to that purpose; specifically, where it abuts the City boundaries. A copy of the Resolution, if adopted, will be sent to the OCTA, Orange Line JPIA, Metropolitan Transportation Authority, and anyone else Council wants to inform.

Councilmember Rodriguez made a motion to adopt Resolution 2005-17 expressing its opposition to the use of the Pacific-Electric Right-of-Way where it abuts the City boundaries for transit purposes. The motion was seconded by Councilmember Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman
NOES: None

8. Governance of Orange Country Vector Control District

Mayor Pro Tem Herman stated that the AB 991 has been postponed for three weeks to April 27, 2005. The committee chairman and staff referred the bill back to Assemblyman Devore for revision and clarification. He stated that this may be a sign that the bill is in trouble.

Mayor Pro Tem Herman made a motion that the City Council oppose Assembly Bill 991. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman
NOES: None

9. **California Low Cost Automobile Insurance Program**

Mayor Pro Tem Herman stated that he would like to see this legislative measure extended to other counties so low income households could benefit and have some sort of insurance coverage.

Mayor Blake asked if the bill would be self funding. City Manager Standiford stated that the Department of Insurance is stating that they believe it will continue to be self-supporting even if it is expanded to the additional counties. Mayor Blake stated that he would like to see if they would add a clause to the bill that the State could never use any government funding for the additional costs. He asked if proof could be given showing that it hasn't cost governments, since it has been working in Los Angeles.

Mayor Pro Tem Herman made a motion to continue the item to allow staff to research the federal poverty level, how the program is paid for, what the potential impact will be with the expansion of the program and the removal of the Cap will do in terms of its ability to be self supporting, and the status of the bill. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman
NOES: None

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Waldman will be attending the Orange County Sanitation District meeting tomorrow to discuss bio-solid waste and how to diversify it from the three rural counties.

Councilmember Barnes attended the tours for the Anaheim Union High School District for Kennedy and Cypress High Schools.

Councilmember Rodriguez attended wished Sergeant Jim Wells in his retirement. He stated that he was pleased with the process of the possible trash upgrade and reaching out for the community's opinion.

Mayor Pro Tem Herman asked Mr. Noorbaksh about the work on Houston Avenue; if it was part of the sewer and if it is the first replacement. He responded positively. Mayor Pro Tem Herman asked how the service for the gophers is coming along. Mr. Noorbaksh stated that the City has a good control on this situation through the Edison Right-of-Way.

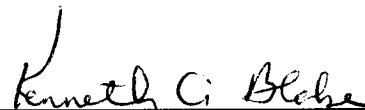
Mayor Blake attended the executive meeting for the Orange County Fire Authority where they discussed routine administrative items. At the Board of Directors meeting they adopted a resolution which amends the rules and procedures to allow alternates in closed session. They signed a contract with CARE Ambulance Service. They also updated the Mid-Year Budget Review, Physical Health Contingency Plan, and the Financial Stability Policy.

CITY MANAGER COMMENTS

City Manager Standiford stated that the Closed Session was wrapped up quickly and requested that the Mayor recess back into Closed Session to clarify direction from Council and then adjourn to April 12, 2005 at the Community Center for a Joint Meeting with the Community Activities and Beautification Committee at 6:00 p.m.

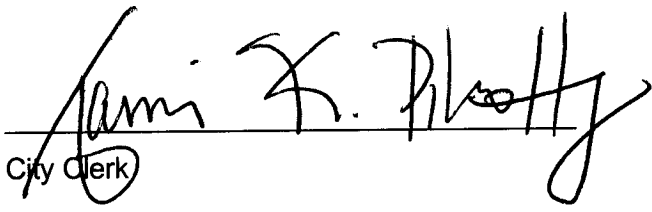
RECESS

Mayor Blake recessed the meeting at 8:30 p.m. to a Closed Session pursuant to Government Code Section 54957.6. Mayor Blake adjourned the Closed Session at 8:57 p.m. to a Joint Meeting with the Community Activities and Beautification Committee on April 12, 2005 in the Community Center at 6:00 p.m.



Mayor

ATTEST:



City Clerk