

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 21, 2005

Mayor Blake called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, June 21, 2005, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Herman led the Pledge of Allegiance to the United States Flag.

INVOCATION

Father Scott with St. Ireneaus Catholic Church 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
Robbeyn Bird, Director of Finance
Jim Enright, Police Captain
Jan Hobson, Director of Recreation & Community Services
Dominic Lazzaretto, Director of Community Development
Ismile Noorbaksh, Director of Public Works/City Engineer
Eric Nunez, Police Captain
Tami Piscotty, Assistant to the City Manager/City Clerk
Joel Kuperberg, City Attorney
Crystal Wilkerson, Administrative Secretary

PRESENTATIONS

Chief Ethell, La Palma Police Department recognized Officer Ron Wilkerson as the newest Police Sergeant.

Mayor Blake presented a proclamation to Director of Recreation, Jan Hobson, proclaiming June 24th and 25th as Relay for Life days in La Palma.

Mayor Blake recognized the Athlete of the Award winners from John F. Kennedy High School and Walker Junior High School.

ORAL COMMUNICATIONS

Jerry Dominguez, Southern California Edison, stated that last year the City of La Palma approached their company regarding funding for an educational kiosk. Southern California Edison has been able to provide funding in the amount of \$2,000 and he is here today to present the second \$100 installment of this money to the City. Mayor Blake accepted the check on behalf of the City of La Palma. Jerry Dominguez further stated that usually Southern California Edison doesn't typically provide funding to municipalities, but this was a special situation and was well deserved.

RECESS

Mayor Blake recessed the City Council to convene as the Community Development Commission at 7:15 p.m. (See separate Community Development Commission Minutes.)

RECONVENING

Mayor Blake reconvened the meeting in regular session at 7:16 p.m.

CONSENT CALENDAR

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

APPROVED THE MAY 10, 2005 ADJOURNED MEETING OF THE CITY COUNCIL AND DEVELOPMENT AND TRAFFIC SAFETY COMMITTEES AND MAY 3, 2005 AND MAY 17, 2005 REGULAR MEETING MINUTES OF THE CITY COUNCIL

1. ADOPTED RESOLUTION NO. 2005-21 APPROVING A REGISTER OF DEMANDS FOR JUNE 7, 2005 AND JUNE 21, 2005

2. ADOPTED RESOLUTION NO. 2005-22 REAFFIRMING THE CITY'S STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2005-06
3. APPROVED THE COOPERATION AGREEMENT WITH THE COUNTY OF ORANGE FOR THEIR SUPPORT SERVICES IN THE URBAN COUNTY CDBG AND HOME PROGRAMS AND AUTHORIZED THE MAYOR TO EXECUTE THE AGREEMENT
4. APPROVED THE AGREEMENT FOR LEGAL SERVICES WITH RUTAN AND TUCKER
5. ACCEPTED THE WORK AND AUTHORIZED THE DIRECTOR OF PUBLIC WORKS TO FILE THE NOTICE OF COMPLETION AND ACCEPTANCE OF WORK WITH THE ORANGE COUNTY RECORDER FOR THE INSTALLATION OF DRAINAGE DEVICES ALONG ANDREW DRIVE AND HOUSTON AVENUE, AND CONCRETE DRIVEWAY IMPROVEMENTS ON MARLIN CIRCLE, 300' SOUTH OF FRESCA DRIVE, CITY PROJECT NOS. 03-SWR-02 AND ST-269
6. APPROVED AND AUTHORIZED THE MAYOR TO EXECUTE THE AGREEMENT WITH SA ASSOCIATES OF ARCADIA, CALIFORNIA, IN AN AMOUNT NOT-TO-EXCEED \$8,500.00 FOR PROFESSIONAL INSPECTION SERVICES FOR EXTERIOR PAINTING OF THE CITY YARD AND WALKER STREET RESERVOIRS, CITY PROJECT NO. 04-WTR-06
7. APPROVED AND AUTHORIZED THE MAYOR TO EXECUTE AN AGREEMENT WITH SA ASSOCIATES OF ARCADIA, CALIFORNIA, IN AN AMOUNT NOT-TO-EXCEED \$22,000.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF THE 2005 URBAN WATER MANAGEMENT PLAN, CITY PROJECT NO. 05-WTR-01
8. ADOPTED RESOLUTION 2005-23 CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF LA PALMA

10. APPROVED THE FISCAL YEAR 2005-2006 MEASURE M ELIGIBILITY PACKET TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY
11. RECEIVED AND FILED THE ANNUAL WATER QUALITY REPORT
13. ADOPTED RESOLUTION 2005-25 ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA PALMA AND THE LA PALMA POLICE ASSOCIATION
15. ADOPTED RESOLUTION 2005-26 ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA PALMA AND THE LA PALMA PROFESSIONAL EMPLOYEES ASSOCIATION

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

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

9. **Approval of Plans & Specifications and Authorization to Solicit Competitive Bids for the Removal and Replacement of Curb, Gutter and Sidewalk on Various City Streets, Project No. ST-266**

Mayor Pro Tem Herman pulled this item from the Consent Calendar to commend Director of Public Works, Ismile Noorbaksh, in replacing the curb and gutters first before the street rehabilitation in the recommended region.

Mayor Pro Tem Herman made a motion to approve the Plans & Specifications, and authorized the Director of Public Works to solicit competitive bids for the Removal and Replacement of Curb, Gutter and Sidewalk on Various City Streets, City Project No. ST-266.

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

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

12. **Change in Left Turn Signal at Moody Street at La Palma Avenue**

Councilmember Rodriguez pulled this item from the Consent Calendar to express his concern with changing the light, which crosses a major arterial street. He asked if staff looked at other streets within the City where this same type of protective/permissive signal is being used, to see how it was working and if staff had asked the California Joint Powers Insurance Authority whether changing the light would affect the City's risk of liability.

Director of Public Works, Ismile Noorbaksh, stated that he has not asked the California Joint Powers Insurance Authority about the City's liability risk. He stated that he reviewed the Police Department's Accident Report at this intersection and due to the several accidents reported, specifically broadside incidents, there is justification for the change to be made.

Councilmember Rodriguez stated his interest is seeing the Police Department's Accident Report related to intersections using this lighting device and crossing major arterial streets.

Mayor Pro Tem Herman asked what the position of the minority vote was for the Traffic Safety Committee in relation to this item. Mr. Noorbaksh stated that the position was that one member wanted to leave the situation as status quo.

Councilmember Rodriguez asked if the dual left-turn recommendation was going to be handled on a separate day and if it would be brought back to Council for approval. Mr. Noorbaksh responded positively.

Councilmember Rodriguez made a motion to approve and authorize the Director of Public Works to replace the protective permissive signal phasing to fully protected left turn signal phasing for northbound and southbound traffic on Moody Street at La Palma Avenue.

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

14. **Approval of Councilmembers Attendance at Conference**

City Manager Standiford pulled this item from the Consent Calendar and explained that since the preparation of the staff report, a couple of changes have occurred. One change is that Councilmember Rodriguez had been scheduled to attend the Rose Academy Institute Conference last week and at the last minute the conference was postponed to September and he no longer needs approval. The second change is that Councilmember Barnes has expressed her interest in attending the League of California Cities Executive Forum in Monterey, CA.

Councilmember Waldman made a motion to approve the attendance of Councilmembers Rodriguez, Waldman and Barnes at the League of California Cities Executive Forum, July 27-29, 2005 in Monterey, CA. The motion was seconded by Councilmember Waldman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Mayor Blake stated that he would like to discuss the Regular Item 17 out of order before the Public Hearings as the representatives of EDCO/Park Disposal have another meeting to attend and would like to be present if there are any questions.

REGULAR ITEM

17. **Rate Adjustment for Sanitation Services**

Assistant to the City Manager, Tami K. Piscotty, explained that the purpose of the agenda item is to advise the City Council of the recently approved rate increase for Park Disposal. The last rate increase for trash services was in July 2001. The rate increase for residential customers will be \$.45 per month and corresponds with the City Council's direction to increase diversion at the Material Recovery Facility. Commercial bin customers will see an increase of 1.76%. This rate increase will be in effect for the August bill and will reflect services for the month of July 2005. Commercial trash accounts will receive their increase July 1st since they receive monthly invoices. Staff will notify all customers of this trash rate increase on the City's website and in The Source.

Councilmember Rodriguez commented that several residents approached him after the approval of the MRF increase and they all expressed the value of work received for the very fair and modest cost and expressed his thanks.

Mayor Pro Tem Herman made a motion to receive and file the report regarding the rate adjustment for residential and commercial sanitation services, effective July 1, 2005. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

PUBLIC HEARING

16. **Adoption of Fiscal Year 2005-2006 Budget**

City Manager Standiford stated that the General Fund budget is balanced and core services are maintained, it remains a "status quo" budget for the second consecutive year, and it incorporates supplemental budget requests for enhancement of selected services, primarily in the Police Department. The FY 2005-2006 budget goals include maintaining long-term financial stability of the General Fund, maintaining adherence to adopted City Council financial policies, remaining responsive to community and organizational needs as they evolve, addressing priorities established by the City Council in January, 2005, and continuing to allocate General Fund resources for capital projects based on needs identified in the CIP.

Ms. Standiford summarized the General Fund Budget, specifically that it includes projected revenues at \$9,766,100, expenditures \$8,375,600, the transfer to COR of \$165,000, a planned reserve of \$545,000 and a balance of \$680,500.

Ms. Standiford gave some suggestions for the use of the remaining balance, some of which came from councilmembers. She stated that the City Council might want to consider lowering the UUT by 1% reflecting a loss of income of \$178,000, consider installation of an electronic sign in the Civic Center costing roughly \$95,000, consider installing a PVC storm drain on Indigo Lane from Shirley to Andrew Drives at an estimated cost of \$127,000, a one day City Council Goal Setting Retreat with a facilitator costing \$6,000, leaving a remaining balance of \$274,500 for possibly a City Hall retrofit.

Ms. Standiford briefly went through priority A and B projects, as listed on the proposed Capital Improvement Plan for Fiscal Year 2005-06. They include residential slurry sealing, curb and gutter replacement, Walker Street tree replacement, NPDES catch basin filters, median enhancement at La Palma near Denni Street, water and sewer master plans, water system improvements, playground resurfacing and equipment replacement at Central Park and El Rancho Verde Park, City Hall building roof repair and replacement, softball restroom plumbing improvements, and to refurbish City Hall planters and trees. She stated that the "B" projects include Community Center rehabilitation, installation of surface drains required by the NPDES,

dual left turn lanes at La Palma Avenue and Valley View Street, and arterial street rehabilitation of Orangethorpe (Coyote Creek to 91 freeway) and La Palma (Valley View to Walker).

City Manager Standiford ended her presentation and opened the item for public comments.

Marilyn Sweet, 8071 Janeen Circle, asked if bus benches could be installed throughout the City. She stated that she has been having conversations with Mr. Batori from the Orange County Transportation Authority, and he is forwarding her information on possible grants for the City to receive free benches/shelters with lighting. She explained that he was unable to fund this in the OCTA budget for this year and she is asking if the City could budget the grant request in 2007. She stated that the current benches are in very poor condition, and there were not enough of them along bus routes.

Director of Public Works, Ismile Noorbaksh state that he spoke with Mr. Batori last week and he is looking into some funding. He requested Council to consider a few benches for this coming fiscal year budget and stated that the Community Development Department is also going to contribute. He stated that the benches cost anywhere from \$600-800 each and can be installed by City staff.

Councilmember Rodriguez asked as to when the benches could be made available to the bus riders.

Mr. Noorbaksh stated that it will take him a little while to research this request.

Councilmember Rodriguez asked if a few of them could be replaced particularly the ones affecting the students before the new school year starts. Mr. Noorbaksh responded positively.

Mayor Pro Tem Herman asked if trash cans could be issued as part of the bench replacement. Mr. Noorbaksh stated that they would be included.

Keith Nelson, 5311 La Luna, recommended utilizing extra funds for one-time projects for City Hall especially the roof repair. He suggested that a letter be distributed City-wide discussing the water rate increase, not a stuffer that gets thrown away or by the internet, since everyone doesn't have access. He suggested using some of the left over funds to send a separate letter. He also requested that extra money be set aside for promoting the 50th anniversary and the La Palma Days Parade.

Jerrall Sweet, 8071 Janeen Circle, asked if the UUT tax is not reduced, will it help alleviate the water/sewer rates.

City Manager Standiford responded negatively.

Mayor Blake closed the public hearing with no objections from the Council.

Mayor Pro Tem Herman requested clarification to Mr. Nelson's recommendations.

City Manager Standiford explained that in regards to spending the excess revenues on expenditures for one-time costs, staff concurs. As far as the outreach to the community on the 50th anniversary, the estimated cost is \$1,000 for first-class postage Citywide. With regards to lowering the UUT, the decision is up to the City Council and could be increased back to 5% at any time. She stated that the 50th anniversary funding has already been allocated for this Fiscal Year, and that staff is exploring purchasing advertising.

Director of Recreation and Community Services, Jan Hobson, stated that staff has met with the Orange County Register's Advertising and Editorial staff. They gave the City discounted rates and are currently running a two-color, half-page ad for the July Run for Fun. Two of the City's residents, the Maclvers are currently putting together historical information that will be run in the City's brochures and staff has asked the Register and West Side Weekly for costs on running four page ads, and/or publishing a special pullout section.

Councilmember Chris Barnes asked as to when the sewer master plan will be completed.

Director of Public Works, Ismile Noorbaksh stated that there is about 30% more to complete. The remaining component is the CCTV and then putting the whole report together. In terms of months he is expecting to complete it within 60 days.

Mayor Pro Tem Herman expressed his concern with educating the public on the new water increase and supported the need to do a city-wide, individual one-page letter.

Councilmember Barnes stated that she would not like to see the UUT lowered to 1% especially if a disaster should occur and the City should need that extra money.

Councilmember Rodriguez commented that he thought a two-year budget methodology was to be presented this evening.

City Manager Standiford explained that in January at the City Council's goal setting retreat, the Council indicated the interest in exploring the feasibility of doing a two-year budget. Also at that time, it was discussed that, given the timing of developing the FY 2005/06 budget it was not practical to do it for the current fiscal year. Instead the goal was to work through the summer and fall on a methodology and present it to the Council with a prototype sometime in the early part of 2006.

Mayor Pro Tem Herman concurred that setting money aside for City Hall retrofitting is necessary.

Mayor Blake agreed that a citywide education letter about the water increase is necessary and concurred with more advertising and money being used for promoting the City's 50th anniversary.

Councilmember Rodriguez felt that the utility users tax should be reduced by 1%. He stated that the rate goes back to 5% effective July 1, 2006.

Mayor Pro Tem Herman concurred with Councilmember Rodriguez in reducing the UUT by 1%.

Councilmember Waldman also stated that he supports the reduction of the UUT.

Keith Nelson, 5311 La Luna, requested that a citywide education letter be sent telling residents that they are receiving a UUT reduction.

Mayor Pro Tem Herman made a motion to approve and adopt a budget for Fiscal Year 2005-2006 and temporarily reduce the Utility Users Tax to 4% for Fiscal Year 2005-2006. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Blake, Herman, Rodriguez, Waldman

NOES: Barnes

Councilmember Rodriguez made a motion to adopt Resolution 2005-34 approving the City's Appropriation Limit for Fiscal Year 2005-2006. 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

Commissionmember Barnes made a motion to adopt Resolution 2005-15 of the Community Development Commission approving a budget for the Fiscal Year 2005-2006. The motion was seconded by Commissionmember Herman and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

Mayor Blake opened the discussion on the proposal to install PVC pipe for drainage purposes on Indigo Land and Shirley Drive.

Mayor Pro Tem Herman announced that he had a conflict of interest because he lives within 500 feet of the proposed project. In accordance with State law, he left the Council Chambers for the duration of the discussion on this matter.

Mayor Blake stated that drainage in this area has been an ongoing issue and it is necessary to install the drainage system using some of the left over money for this one-time purpose. He asked if this would prevent the asphalt from deteriorating so often due to the standing water.

Public Works Director, Ismile Noorbaksh, responded positively.

Councilmember Waldman asked if there are other places in the City that have similar problems.

Mr. Noorbaksh stated that there are some problems on the arterial streets where the water backs up in the parking lanes.

Councilmember Rodriguez made a motion to approve the installation of a PVC storm drain on Indigo Lane from Shirley Drive to Andrew Drive, at an estimated cost of \$127,000. The motion was seconded by Councilmember Waldman and carried on the following roll call vote:

AYES: Barnes, Blake, Rodriguez, Waldman

NOES: None

ABSENT: Herman

Mayor Pro Tem Herman returned to the Council Chambers.

Mayor Blake opened up the discussion about allocating any left over money towards an electronic sign.

City Manager Standiford stated that the Director of Recreation and Community Services, Jan Hobson, has received a couple of quotes for this type of sign. The quotes consist of two different sizes: the smaller sign 6 1/2 X 8 ft and a larger sign that is 6 1/2 X 13 ft. The larger sign is estimated at \$89,000 and the smaller sign at \$65,000. Both signs are two sided. The vendor has included the cost to relocate the sign so it is more visible.

Councilmember Barnes asked what other cities have this type of sign.

City Manager Standiford stated cities typically do not have these large signs, they are more frequently being used at auto malls where the City may use the sign for public event advertisement.

Councilmember Rodriguez asked if staff looked into placing a traditional monument sign on the City Hall side of the street.

Mrs. Standiford responded negatively and stated a standard sign would need to be placed where the split face sign at City Hall is currently.

Councilmember Barnes expressed her concern with this type of sign not fitting in with the current design of the building.

Mayor Blake stated that he would like to see them allocate money for this sign as part of the retrofitting of City Hall.

Councilmember Barnes made a motion that staff be directed to implement the January 2006 City Council goal setting retreat, public education and outreach for the UUT and water rate increase

and advertising for the City's 50th Anniversary/La Palma Days Celebration; to come back if necessary, with budget adjustments for those purposes and that any General Fund Balance remaining at the end of Fiscal Year 2005/2006 be deposited into a newly established City Hall retrofitting fund. The motion was seconded by Councilmember Rodriguez and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

18. Rate Adjustments for Water and Sewer Services

Director of Public Works, Ismile Noorbaksh explained that the City's sewer and water rates were revised in 1997 in response to Proposition 218. The last adjustment was in 2003. Several incidents have occurred that necessitate the reevaluation of the rates. The Orange County Water District has reduced the groundwater pumping amount and next year is proposing to reduce it even more. The loss of groundwater supply means that more water will need to be purchased from Metropolitan Water District and that is the reason for the requested increase in the rates.

Mayor Pro Tem Herman asked when will the rate will need to be increased again.

Mr. Noorbaksh said two years.

Mayor Blake asked when the groundwater replenishing program kicks in.

City Attorney, Joel Kuperberg responded that it is slated to open in 2007.

Councilmember Rodriguez asked when was the last time the rates were increased.

Mrs. Standiford stated that the last time the rates were increased was in 2003 and that was to make the fund balanced. Prior to that it had been seven years since the rates were adjusted.

Councilmember Rodriguez asked what the increases were in other cities.

Mr. Henry Medema, the City's water rate study consultant, stated that the agencies he contacted have annual increases from 10% to 25%. He stated that the water rate increase alone over the next two years is \$250,000, which is about \$5.00 per customer per month.

Councilmember Waldman made a motion to adopt Resolution 2005-27 approving Water and Sewer Rate Charges for Fiscal Year 2005-06 for the services provided by the City of La Palma. The motion was seconded by Mayor Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Herman, Rodriguez, Waldman

NOES: None

19. **Citizen Committee Stipends**

City Manager Standiford stated that this item was requested to be listed on the agenda for discussion.

Henry Charoen, 5600 Orangethorpe Avenue, also the Vice Chairman of the Community Activities and Beautification Committee (CAB), stated that this Committee should be treated the same as the others. He doesn't want to give the public the impression that CAB isn't as valuable by not providing them with stipends.

Mayor Pro Tem Herman stated that he supports increasing the Development Committee and Traffic Safety Committee stipends by \$25.

Councilmember Rodriguez stated that the CAB Committee does make a difference but is not managed the same way as the Development and Traffic Safety Committees. Development and Traffic Safety are more involved and give a lot of educational support to direct City Council on decisions.

Mayor Pro Tem Herman stated that expertise should be paid for but not program planning.

Mayor Pro Tem Herman also stated that he doesn't support a stipend for CAB, therefore he would drop any proposed changes for stipends entirely.

Councilmember Barnes supported a stipend for CAB, recognizing the hours they devote and recommends they give all committees a stipend of \$25.

Councilmember Barnes made a motion to keep the stipend for the Development Committee at \$25. The motion was seconded by Mayor Pro Tem Herman.

Councilmember Rodriguez amended the motion to increase the Development Committee to \$50. The amendment to the motion was seconded by Mayor Pro Tem Herman and carried on the following roll call vote:

AYES: Blake, Herman, Rodriguez

NOES: Barnes, Waldman

Councilmember Rodriguez made a motion to increase the Development Committee stipend to \$50, but continue to offer no stipends for Traffic Safety Committee or CAB. The motion was seconded by Mayor Pro Tem Herman and carried on the following roll call vote:

AYES: Blake, Herman, Rodriguez

NOES: Barnes, Waldman

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Waldman attended the Orange County Sanitation District and reported that they will be voting on the budget as well as asking District staff to identify savings to minimize rate increases.

Councilmember Rodriguez attended the Measure M Super Committee Meeting.

Mayor Pro Tem Herman handed out an Orange County Vector Control District West Nile Virus Activity map. He asked about the status of the Weatherly property.

Community Development Director, Dominic Lazzaretto responded that a 6-unit project on this property is coming to the Development Committee in July.

Mayor Pro Tem Herman reported that he gave scholarship awards on behalf of the City Council at the John F. Kennedy High School and Buena Park High School events. He expressed his appreciation for legislative updates and recreation program cost breakdowns.

Mayor Blake reported that he attended the Orange County Fire Authority budget workshop, and that a deployment study was being initiated.

ADJOURNMENT

Mayor Blake adjourned the meeting at 10:15 p.m.

Kenneth A. Deane
Mayor

ATTEST:

Jan K. Pihott
City Clerk