

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL
October 5, 2004

Mayor Duke called the regular meeting of the La Palma City Council to order at 7:05 p.m. on Tuesday, October 5, 2004, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Mayor Duke led the Pledge of Allegiance to the United States Flag.

INVOCATION

Pastor Darrell Yarbrough with La Palma Christian Center gave the Invocation.

ROLL CALL:

Councilmembers present: Christine M. Barnes, Kenneth A. Blake, Alta E. Duke,
Larry A. Herman, Paul F. Walker

Councilmembers absent: None

City Officials present: Catherine Standiford, City Manager
Ed Ethell, Chief of Police
Ismile Noorbaksh, Director of Public Works/City Engineer
Robbeyn Bird, Director of Finance
Dominic Lazzaretto, Director of Community Development
Jan Hobson, Recreation and Community Services Director
Andrew Ainsworth , City Attorney
Ayumi Wunder, Management Analyst

PRESENTATIONS

The Mayor and the City Council presented a proclamation proclaiming October 3-9, 2004 as "Fire Prevention Week" in La Palma. Recreation Coordinator Noel Munivez introduced the Miss La Palma Pageant Contestants.

ANNOUNCEMENTS

City Manager Standiford introduced Andrew Ainsworth, Attorney from Rutan and Tucker, LLC, substituting for City Attorney Joel Kuperberg. The City Manager also announced the promotions of Sergeant Eric Nunez to Police Captain and Officer Raul Morales to Sergeant.

ORAL COMMUNICATIONS

Ralph Rodriguez, 4621 Amberwood Avenue, stated that 45 of his campaign signs have been taken in the past seven days. Mr. Rodriguez has reported this activity to the Police Department and has notified Neighborhood Watch. Mr. Rodriguez has also contacted the District Attorney and the local press.

Keith Nelson, 5311 La Luna, stated that La Palma Days Parade has been designated as the official Orange County Veterans Day event. He stated that 30 bands would be participating this year. The Parade is being sponsored to a great degree by Amvets, a gold sponsor, contributing \$5,000. The first mayor of La Palma, Jack DeVries, will also be participating. The parade will be held on November 13, 2004, beginning at 9:30 a.m. with the Band Review portion.

RECESS

Mayor Duke recessed the City Council to convene as the Community Development Commission at 7:32 p.m. (See separate Community Development Commission Minutes.)

Mayor Duke recessed the Community Development Commission at 7:32 p.m. to convene as the Planning Commission.

RECONVENING

Mayor Duke reconvened the City Council meeting in regular session at 7:33 p.m.

CONSENT CALENDAR

Councilmember Walker moved to approve the following items on the Consent Calendar:

APPROVED THE SEPTEMBER 21, 2004 CITY COUNCIL MEETING MINUTES

APPROVED AND AUTHORIZED THE MAYOR TO EXECUTE THE AMENDMENT NO. 8 TO COOPERATIVE AGREEMENT C-95-982 BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LA PALMA.

The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman, Walker

NOES:

ABSENT:

Mayor Pro Tem Blake pulled item #4, OCFA Firefighter Memorial and Councilmember Herman pulled item #2.

Item #2: **Approval of Register of Demands**

Councilmember Herman thanked Finance Director Robbeyn Bird for condensing the Register of Demands. He stated that condensing 45 pages of the Register of Demands to a page and a half is cost-effective and easier to read.

Councilmember Herman moved to approve item #2.

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

AYES: Barnes, Blake, Duke, Herman, Walker

NOES:

ABSENT:

Item #4 **OCFA Firefighter Memorial**

Mayor Pro Tem Blake stated that he requested that this item be placed on the agenda as a result of Luther Elementary School teachers thanking the City for being involved in the Orange County's Fire Authority's Flame Relay and Memorial. He believed that it was appropriate to request support from the City Council. He stated that from a personal standpoint, he is in favor of the Memorial coming from three generations of firemen. The support does not have anything to do with being involved with the Fire Authority.

Lauree Aragona, 8302 Bellhaven Street, stated that using public funds for the Memorial is offensive to her. Mrs. Aragona stated that in tight budget times, a City that relies on a Utility Users Tax, should look at the use of both general fund dollars and discretionary funds differently. Mrs. Aragona stated she does not object to the Orange County Firefighters Memorial and will match any councilmember that has contributed. She also expressed a willingness to help with a fundraiser to raise \$7,500. She stated she would rather have the City spend money on things like the Every 15 Minutes Program that directly benefit the La Palma community.

Ralph Rodriguez, 4621 Amberwood Avenue, stated he supports Mrs. Aragona's sentiments. He stated the number one concern of La Palma residents is the City's finances, protecting the general fund and reversing the Utility Users Tax when it becomes affordable. Mr. Rodriguez stated that the Memorial should be funded by private donations.

Keith Nelson, 5311 La Luna, asked about the projected cost of the Firefighter Memorial.

Mayor Pro Tem Blake stated the Memorial budget is \$500,000, but that they are trying to raise \$800,000 to pay for both the Memorial and the ongoing maintenance fees.

Mr. Nelson stated that the cost of the Memorial should be raised through private donations and funding. He believes the City's money should be used for things that directly affect the community.

Duane Schuster, 8272 El Pescador, agreed that a fundraiser should be created instead of using the City's general fund.

Dennis Doi, 5222 Del Este Circle, agreed with Mrs. Aragona that the money should come from private citizens as a donation instead of tax dollars.

Councilmember Walker stated that he does not agree on contributing \$7,500 for a city of La Palma's size. He stated that each City will have its own individual plaque and believes the amount should be looked at. Councilmember Walker asked the City Manager if citizens can raise the money on behalf of the City.

City Manager Standiford stated that the City is not a 501c(3) organization. The OCFA established the Memorial Fund as a 501c(3) organization because citizens cannot donate to the OCFA and get a tax-deductible benefit.

Mayor Pro Tem Blake stated that he can ask the Treasurer of the Memorial Fund if citizens can donate and have it count it towards the City of La Palma's contribution.

Councilmember Walker stated that he would not mind contributing \$3,500 but if possible, would like to see the citizens group raise more.

Councilmember Herman stated that he agrees the money should come from the private sector. He asked how much the OCFA has raised.

Mayor Pro Tem Blake stated the OCFA has raised \$480,000 and the goal is \$800,000.

Councilmember Herman asked what are the "other special projects, education, and outreach expenditures" referenced in the Memorial Fund information.

Mayor Pro Tem Blake stated that there also will be an educational center that is built in the OCFA headquarters.

Councilmember Herman stated that taking the City of Buena Park as an example, with a population of 80,000 people, the cost for the Memorial is six cents per person. Projecting the calculation to the City of La Palma, it should be \$969. He stated that he does not believe it is expected for a small city to contribute so much, but would support a fundraiser.

Councilmember Barnes said she looked at the request the same way as the recent Continental Little League request. She stated that she has personally donated and will support any fundraising. She would like to promote the fundraising through Neighborhood Watch or the newspapers.

Mayor Duke stated that the request does not meet the City's criteria for nonprofit grants. The rule applied to Little League should be applied for the request for funds for the Memorial as well. Mayor Duke stated that it would have more meaning coming from the heart of the community rather than the General Fund of the City.

Councilmember Herman made a motion to deny the donation of \$7,500 to the Orange County's Fire Authority's Firefighter Memorial and encourage the residents or citizens in the community to form an organization to pool the donated money. Councilmember Herman asked the City Manager if there was a better way to state his motion.

City Manager Standiford stated that Council may want to encourage citizens to make a personal or private donation to the Firefighter Memorial Fund in the City of La Palma's name. Staff could provide information on who the check should be written to and where it should be sent.

City Manager Standiford stated that staff will contact the OCFA regarding contributions on behalf of the City of La Palma and get specific instructions.

Mark Waldman, 4502 Amberwood Avenue, stated that the City should follow the Relay for Life and have funds centrally collected at City Hall. He suggested that the donations be put in a large envelope with the accounting on the outside of the envelope. Then the City could formally present the checks to the Memorial Fund.

City Manager Standiford stated the City can be the collection point for donation checks so long as people understand the checks are payable to Firefighter Memorial Fund and the not the City of La Palma. Staff could work with the OCFA to prepare a flyer with appropriate instructions that could be distributed with the next Neighborhood Watch newsletter.

City Manager Standiford suggested that the City Council consider a motion to deny the donation of \$7,500 to the Orange County's Fire Authority's Firefighter Memorial and to encourage the residents or citizens in the community to organize a fundraiser and to authorize City Hall to be a collection point for donations made payable to the Memorial Fund.

Councilmember Walker made a motion to deny the donation separate from encouraging citizens involvement.

Councilmember Herman amended his original motion to deny the \$7,500 donation of City funds.

The motion was seconded by Mayor Pro Tem Blake and carried on the following roll call vote:

AYES: Barnes, Blake, Duke, Herman

NOES: Walker

ABSENT:

Councilmember Herman made a motion to encourage citizens to make a donation to the Firefighter Memorial Fund and authorize City staff to provide a central collection point at City Hall for that purpose.

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

AYES: Barnes, Blake, Duke, Herman, Walker

NOES:

ABSENT:

REGULAR ITEM

Item 5 **Zone Change 2004-01, a Modification of Development Standards and to Change the Land Use Designation at 5052, 5062, and 5082 La Palma Avenue**

Councilmember Barnes made a motion to adopt, by title only, waiving further reading, an Ordinance adopting Zone Change 2004-01, to modify R-3 development standards in the City Code and to change the land use designation for properties at 5052, 5062, and 5082 La Palma Avenue.

AYES: Barnes, Blake, Duke, Herman

NOES: None

ABSTAIN: Walker

ABSENT: None

Item 6 **Informal Review of Site Plan for 5014 Orangethorpe Avenue**

City Manager Standiford stated that due to the nature of this project, the developer is requesting preliminary feedback from the City Council, prior to filing any application for entitlements.

Community Development Director Dominic Lazzaretto stated that the project proponent is the Festival Companies. They are proposing to demolish an existing gas station and to construct a multi-tenant retail building with one drive-through space. The lot size at 5014 Orangethorpe Avenue is approximately 22,400 square feet.

Mr. Lazzaretto stated that the problem with the current development standards is that the City's zoning code identifies restaurants as a single entity whether it is a fine dining sit-down

establishment or a Baskin Robbins. The intense parking requirements exist whether or not it's a high intense use or low intense use and limits what can be done with the site if a restaurant is proposed.

The Festival Companies has provided a siteplan that does not comply with the established City standards. The Festival Companies would like to obtain a general sense from the City Council of whether the City would consider a modification to the City's standards prior to conducting a full study.

The City Council received a presentation from Aaron Swerdlow of Festival Companies, for the project proposed at 5014 Orangethorpe Avenue.

Mr. Swerdlow stated that it is early in the process and wanted to see if there is support for this type of project and types of zoning exemptions.

Councilmember Herman asked if Festival Companies purchases gas stations that have clean up problems.

Mr. Swerdlow stated all of them have clean up problems and they coordinate with the gas stations to clean it up.

Councilmember Herman asked how many of the gas stations are usually vacant and how many are operating.

Mr. Swerdlow stated they were all vacant when they closed escrow. However, this gas station is unique because they still have term on their lease. Their lease allows them to continue to sit as a vacant site until they finish the clean-up.

Mayor Duke asked why Mr. Swerdlow thinks the project would be successful. She stated that the City is experiencing traffic conditions on the corner of Walker and Orangethorpe. She is concerned anything of this nature being successful at that particular corner.

Mr. Swerdlow stated he believes this is a phenomenal location. He stated they understand the co-tenancy that Starbucks brings and are 100% confident that it will attract good retailers. It has good traffic and demographics. The parking impact of gas stations would be far worse than a parking impact of a retail center. Going from a gas station to a retail use will actually improve congestion.

City Manager Standiford reminded the City Council that the project is not expected to be approved tonight.

Councilmember Barnes stated that set-backs limit what you can build. She believes that the location is good in relation to the other businesses.

Councilmember Herman asked how many tenants would be on the lot.

Mr. Swerdlow stated that on average there are three tenants.

Mayor Pro Tem Blake stated his concern is cars backing up onto the street or flow of parking lot.

City Manager Standiford stated that the developer is asking is whether the City Council is interested in a zone modification to differentiate between different types of restaurant uses with regards to parking and setback requirements. There are a couple of alternatives to make it work, keeping in mind that this is not the only gas station in town. As it stands today the project is impossible.

Councilmember Herman asked if the parking changes would be specific to the property.

Mr. Lazzaretto stated that the City Council can change the entire zoning code or create a different zone for a food court for very small sites. The third option would be to treat this as a demonstration site. A Specific Plan to the General Plan can be created to lay out only specific landscaping, setback development, and parking standards for this site.

City Manager Standiford stated a simple straw vote can be taken that is non-binding. City Manager Standiford asked for a raise of hands for those who would consider a Specific Plan type of zoning modification for this site only. City Manager Standiford wanted the record to show that all five hands were raised.

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Barnes attended the Anaheim Union High School District Measure Z Oversight Committee meeting. Kennedy auditorium is a primary concern. Turner Construction is now in charge of the construction of the auditorium. The next meeting is January 5, 2005, and the Committee will be visiting a few sites. The meetings are open to the public.

Mayor Pro Tem Blake attended the Orange County Fire Authority Board meeting and approved enhanced paramedic service in the City of Irvine. This will also benefit the cities of Tustin, Santa Ana Heights, and John Wayne Airport. The Board also approved enhanced paramedic service for Rancho Santa Margarita which will also benefit Coto de Caza, Dove Canyon, and Trabuco Canyon. The Board recognized Fire Explorer Post #9661 from Buena Park for receiving the 2004 Harold "Spike" Yoh Award only given to two Exploring Posts a year in the nation. Mayor Pro Tem Blake is also looking for convertibles for the La Palma Days parade.

Councilmember Herman stated that the Orange County Vector Control District has reported another West Nile Virus fatality in Orange County. The Orange County Vector Control also had a kick-off for the Fire Ant Program. The Asian Tiger mosquito does not seem to be a threat to Orange County.

Councilmember Walker stated that he would like to buy the food for the employees' Oktoberfest lunch and asked if the Mayor would like to join him. The lunch will be held on October 27, 2004 from 12 noon to 1:30 p.m. Councilmember Walker would like to show his appreciation to all of the employees for the past eight years.

Mayor Duke stated that she would be happy to join Councilmember Walker and support the event financially.

Councilmember Walker asked the City Manager if new councilmembers receive the Council Norms.

City Manager Standiford stated that every councilmember receives the City Council Policy Manual and the Council Norms is one of the policies.

Councilmember Walker stated that in the Council Norms, it states that a sitting councilmember will not directly support or campaign for any person for the local city council. He has received several calls that Councilmember Herman is campaigning and putting in signs. Councilmember Walker stated that there is nothing the City Council or the City Manager can do about it, but that he wanted to bring the issue up.

Councilmember Herman stated that he read the Council Norms when he first became Councilmember two years ago and had a discussion with the City Manager. He felt that that the Council Norms were ridiculous and that they should be one page instead of six pages. City Manager Standiford had agreed with him. He believes he has a right to help anybody he wants to and did not sign off on the Norms.

Councilmember Walker disagreed and would like to follow up with the Fair Political Practices Commission (FPPC).

Mayor Duke attended the Open House for the new Council Chambers at the City of Cypress.

Councilmember Barnes stated that the Council Norms does state that if a Councilmember is going off Council, either retiring or terming out, than you can support candidates.

Mayor Duke stated the Council Norms were created to mutually agree on the conduct of Councilmembers based on the behavior of other City Councils elsewhere at that time.

Councilmember Herman stated that he had proposed the Council Norms to be reviewed two years ago.

City Manager Standiford stated she is getting proposals for a City Council retreat for the new Council, and that discussion of the Council Norms would be a good topic to include.

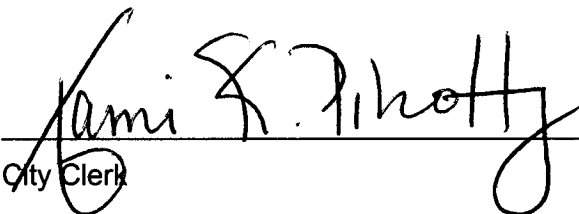
ADJOURNMENT

Mayor Duke adjourned the meeting at 9:24 p.m. until the next scheduled meeting on October 19, 2004.



Mayor

ATTEST:



City Clerk