

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

May 15, 2001

Mayor Aragona called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, May 15, 2001, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Associate Pastor Marcus Reid of the La Palma Christian Center gave the Invocation.

ROLL CALL:

Councilmembers present: Lauree Aragona, Christine Barnes, Kenneth A. Blake, Alta E. Duke, Paul F. Walker

Councilmembers absent: None

City Officials present: Len Wood, Interim City Manager  
Vince Giampa, Chief of Police  
Ismile Noorbaksh, Director of Public Works/City Engineer  
Tami K. Piscotty, Assistant to the City Manager  
Joan Hoesterey, Principal Planner  
Jeffrey Goldfarb, Deputy City Attorney  
Peggie Turnage, Executive Assistant

PRESENTATIONS

Mayor Aragona and Mayor Pro Tem Walker presented a Proclamation to Chief Brame designating June 2001 as Drowning Prevention and Awareness Month. Chief Brame thanked the City for the Proclamation, presented drowning statistics and encouraged everyone to participate in the "Watch the Water" program.

Mayor Aragona, assisted by Councilmembers Barnes and Duke, presented a Proclamation to Angeline Huang on her attainment of the Girl Scout Gold Award.

ORAL COMMUNICATIONS

Vector Control Representative Larry Herman reported that Red Imported Fire Ant Authority is continuing to put out the potato chip bait along with the yellow flags. After two to four hours they come back and pick up the potato chip to determine if there is any infestation. He added that they try to put the bait out during school hours so that the children don't pick them up. He reported that the latest infestation located in La Palma was at the Drug Emporium Shopping Center but it has been treated and is under control. There are eight to ten residential areas within the City that are

being retreated. He explained that re-treatment is done every 90 days for a period of one year. Mr. Herman added that Hugh Howser did a special on the red imported fire ant on his television show, California Gold and he has the tape if anyone is interested in looking at it. Mr. Herman then reported that the Orange County Vector Control District will be celebrating "Mosquito and Vector Control Awareness Week May 21<sup>st</sup> through the 28<sup>th</sup> and there will be an Open House at their facility in Garden Grove Monday through Friday of that week from 9 a.m. to 3 p.m. Mr. Herman presented the Council a copy of the bulletin prepared by the Vector Control dealing with wild animal feeding and reported this bulletin is the first step in the educational program. He suggested it might be appropriate to include this bulletin in the La Palman.

#### RECESS

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

#### RECONVENING

Mayor Aragona reconvened the meeting in regular session at 9:34 p.m.

#### CONSENT CALENDAR

Mayor Aragona pulled Item No. 4.

Mayor Pro Tem Walker pulled Item No. 1 so that he could abstain for consideration of this item.

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

ADOPTED RESOLUTION NO. 2001-21 APPROVING A REGISTER OF DEMANDS FOR MAY 15, 2001

REJECTED THE CLAIM PRESENTED BY NICHELE KING, et al

APPROVED THE CITY OF LA PALMA VOLUNTEER GUIDELINES

APPROVED THE PARTIAL CLOSURE OF WALKER STREET ON MONDAY, MAY 28, 2001, AS RECOMMENDED BY THE COMMUNITY ACTIVITIES AND BEAUTIFICATION COMMITTEE FOR THIS YEAR'S MEMORIAL DAY CEREMONY

TOOK A POSITION OF SUPPORT ON AB 476 (HARMAN) RELATING TO THE COMPOSITION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY

AWARDED A CONTRACT IN THE AMOUNT OF \$130,000.00 TO SOFFA ELECTRIC, INC. AND AUTHORIZED THE MAYOR TO EXECUTE THE AGREEMENT FOR THE UPGRADE OF THE CITY'S EXISTING WATER TELEMTRY SYSTEM WITH SCADA IMPROVEMENTS, CITY PROJECT NO. 98-WTR-01, PHASE II

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

AYES: Aragona, Barnes, Blake, Duke, Walker  
NOES: None  
ABSENT: None

APPROVAL OF THE MAY 1, 2001 CITY COUNCIL MEETING MINUTES

Councilmember Blake made a motion to approve the Minutes of the May 1, 2001 City Council Meeting. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke  
NOES: None  
ABSENT: None  
ABSTAIN: Walker

AUTHORIZATION FOR COUNCILMEMBER TO ATTEND CONFERENCE

Mayor Aragona stated she pulled this item because she felt that the record should show that she is a member of the Board of Directors of the California JPIA and therefore she is a voting member and represents the City of La Palma on that particular board and that is the reason she would like to attend this conference. Secondly, she asked staff to explain the additional appropriation of \$2,500 to the City Council's meetings and training budget.

Assistant to the City Manager Tami Piscotty stated that staff is recommending an additional \$2,500 be placed in the budget. She explained that a supplemental appropriation was approved on April 3<sup>rd</sup>. At that time, staff did not anticipate the number of meetings of the full City Council that are scheduled for the rest of May and June. Now that staff has a better picture of what the Council will be doing, extra funds need to be included to accommodate the Council meetings and Closed Sessions. She stated that the \$2,500 does not include any conferences and will only be used if needed..

Councilmember Blake stated that for the conferences the Council attends, the City gets much more back than the actual dollars that go out. He added that for the past several years he has contended that enough has never been budgeted in this category.

Councilmember Duke stated she agrees that the Council needs to be more specific and really look at their schedules when the budget is prepared so that they are not coming back and reappropriating money during the course of the year; they need to live with the budget that they establish.

Councilmember Blake made a motion to approve Mayor Lauree E. Aragona's attendance at the California Joint Powers Insurance Authority (CJPIA) Conference, October 10-12, 2001, in San Francisco, and approve an additional appropriation of \$2,500 to the Council's Meetings and Training Budget. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

- AYES: Aragona, Barnes, Blake, Duke, Walker
- NOES: None
- ABSENT: None

PUBLIC HEARING

URGENCY ORDINANCE NO. 2001-02 EXTENDING A TEMPORARY MORATORIUM PROHIBITING THE PROCESSING OR APPROVAL OF COMPUTER VIDEO ARCADE USES AND TUTORING SCHOOL USES IN THE CITY OF LA PALMA

Mayor Aragona opened the Public Hearing and called on Principal Planner Joan Hoesterey to present the staff report.

Ms. Hoesterey stated that on April 3, 2001 the City Council adopted an Interim Urgency Ordinance to prohibit the processing or approval of computer video arcade uses or tutoring schools in the City. This prohibition was for a forty-five day period permitting staff to begin study and preparation of a recommendation for Council action. Staff has done some preliminary research on this item in both areas of the arcade uses as well as the tutoring schools and those documents are still being reviewed. At this time staff is requesting that the Council extend the effective time period of the Ordinance for an additional ten and one-half months to permit a more in-depth analysis of existing codes and regulations before preparing a recommendation for the Council.

Ms. Rhonda McCune, Governmental and Real Estate Consultant, 1973 Newport Blvd., #26, Costa Mesa, representing the property owner at 4982 La Palma Avenue, addressed the Council to state that her clients purchased this property a year and a half ago, they have one large unit that is 3500 square feet and two small units. She stated there is a lot of demand for the space but the problem is this is a secondary commercial location and the demands that they have had for the large spacer have been for a restaurant, a liquor store, or a market, but they can't have any of those things. When they realized they couldn't have those uses they applied to split that unit and they were denied in June of last year. They continued to market the location and finally after many, many months, came up with the Learning Center and signed a lease. Ms. McCune suggested that the moratorium is not really needed for staff to continue to research and establish specific guidelines, staff could continue to refine and develop specifications for these types of uses and they don't need the moratorium. She requested that if the Council does decide to continue the moratorium, they are asking that Council consider deleting the tutoring uses from the moratorium. She stressed that this is not a preschool, and it is not a nursery school, the children are there from one to two hours and the parents pay \$30 to \$40 an hour.

There being no one in the audience who wished to address the Council on this item, Councilmember Blake made a motion to close the public hearing. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker  
NOES: None  
ABSENT: None

Councilmember Duke stated that in reading the letter from the Learning Center she was a little confused because the letter indicates that when it comes to holidays and school vacations, they will have the children for a full day which appears to her to be child care.

Ms. Nin Kim, 21209 Bloomfield Avenue, representing the Learning Center, addressed the Council to state that during holidays and school vacations their hours would be extended from 9 a.m. to 6:30 p.m. however the students would only be there for two hours maximum. She explained that their students typically are tutored in two-hour sessions and the Learning Center is definitely not a day care center. She provided a typical holiday daily schedule for the Council's consideration.

Councilmember Duke asked if the maximum time a student would stay would be two hours and Ms. Kim responded affirmatively.

Mayor Aragona asked how many teachers there would be and Ms. Kim responded there would be four.

Mayor Aragona asked how many students there would be at one time. Ms. Kim responded there would be approximately 28 to 30.

Councilmember Blake asked if this is a classroom setting instead of individual tutoring and Ms. Kim responded affirmatively.

Mayor Aragona asked how many cubicles the classes would be broken up into and Ms. Kim responded there would be minimally six.

Councilmember Blake expressed concern about the number of people coming and going in a period of a day since the classes are every two hours. He stated that is a substantial number of people going through there in a period of a day.

Councilmember Blake asked if there would be soundproofing so that the piano tutoring would not disturb the other classes and Ms. Kim responded affirmatively.

Mayor Aragona asked if the students would be picked up by the school or dropped off by their parents.

Ms. Kim responded they would be picked up during the school year. During vacation the students could be picked up if they live close by, otherwise their parents would have to drop them off.

Councilmember Blake asked the age group of the students. Ms. Kim responded that they predominately have 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> graders on the waiting list.

Mayor Aragona asked what would be involved if the Council were to break out one item over another and would that approach be fair.

Deputy City Attorney Jeff Goldfarb responded that the first step would be to modify the ordinance; the issue of whether it is fair or appropriate is really whether the Council believes that the findings are there and appropriately made. That is the finding that says that there is an urgent situation, that there is a problem that's created and it is a problem that needs to be addressed and it's a problem such that the Council needs to study it and doesn't want any uses that are going to go in which are going to exacerbate the problem until the Council has had an opportunity to make a determination as to how best to deal with it.

Councilmember Blake stated that this applicant looks to be a true tutoring business as opposed to another application that was recently denied that clearly looked like a day care operation. Would there be a legal problem in approving this use after rejecting the previous one.

Mr. Goldfarb responded that if the Council wanted to do that then it would appear the way to do that would be to come back with at least a clear definition that would distinguish a true tutoring use from a use which the Council would create the types of problems that are referenced in the ordinance. He stated that what he is hearing is that the longer the period of time that children are actually at the use, the more likely that the problems the Council is concerned about are going to occur. If, in fact, that is the case, then perhaps one way to deal with it would be to change the ordinance so that it would also incorporate a definition that distinguishes tutoring uses from what become more child care or more latch key type services.

Mayor Aragona stated that she really has a problem with the PC Tech business on Valley View, the safety and what is going on there and the risk that the kids that go in there are exposed to, so how does the Council show that it approves of a program that is nurturing children and continue a moratorium on one that doesn't.

Councilmember Blake expressed concern because there are two or three tutoring businesses in the City that merchants have complained about because the children are there all day long and are playing in the parking lot to get a break.

Councilmember Barnes expressed concern on how the operation of these schools could be monitored.

Councilmember Duke concurred with Councilmember Barnes and asked what the City's recourse would be if they find someone that steps over the line.

Mr. Goldfarb responded that typically the recourse is code enforcement.

Mayor Aragona asked if the business license or permit could be pulled if a school does not follow the intended use.

Mr. Goldfarb responded affirmatively and added that he assumes one way or another there is going to be some kind of permit that is going to be generated in conjunction with this. If it's a conditional use permit, or a permit that would be akin to a conditional use permit, then certainly in a situation where the conditions of the conditional use permit are not being complied with then the City has the ability to revoke the conditional use permit or impose additional conditions to better monitor the situation.

Mayor Pro Tem Walker asked if the Council could do a limited time CUP.

Mr. Goldfarb responded that limited time CUP's create a real legal problem and the reason that they do is because the law assumes that if a use is appropriate, the use is appropriate. The Council could always request that the applicant come back with a report, or that staff come back with a report, to provide Council information on it and if the information discloses that the use is not complying with the conditions the Council could then initiate either a modification or revocation of the permit.

Ms. Hoesterey stated that the City Code does not require a Conditional Use Permit for any of these uses currently and that was part of the reason for the moratorium so that staff could put in some conditions and adopt a code that would require a conditional use permit. Staff would like to get those regulations in place before any more of these uses are permitted to go into affect.

Mayor Aragona clarified that staff intends to bring the ordinance back to Council at the September 18<sup>th</sup> meeting and Ms. Hoesterey responded affirmatively.

Mr. Goldfarb stated that the ordinance would require a first introductory reading, then a second reading and then effective date. He added that if the Council wanted to remove a short time tutoring use from this ordinance then it would have to be done by an amendment to the zoning ordinance as well and that action could not be taken at this meeting.

Councilmember Duke asked the applicant to provide a better picture of the traffic flow.

Mayor Aragona reopened the Public Hearing to permit comment from the audience.

Mr. Larry Herman, 5122 Andrew Drive, La Palma, addressed the Council to ask what impact this ordinance would have on the existing tutoring schools located in the City.

Deputy City Attorney Jeffrey Goldfarb responded that the existing tutoring schools are grandfathered and would not be affected by the ordinance.

Mayor Pro Tem Walker made a motion to close the public hearing. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker

NOES: None

ABSENT: None

Mayor Pro Tem Walker made a motion to adopt Interim Urgency Ordinance No. 2001-03 extending Interim Urgency Ordinance No. 2001-02 for an additional period of 10.5 months to provide time for staff to complete the study of these issues and bring a recommendation back to the Council. The motion was seconded by Councilmember Barnes and carried on the following roll call vote:

AYES: Aragona, Barnes, Blake, Duke, Walker

NOES: None

ABSENT: None

#### REGULAR ITEMS

##### INSTALLATION OF A RUMBLE STRIP ON WALKER STREET

Interim City Manager Len Wood stated that on February 6, 2001 the Council considered a recommendation from the Traffic Safety Committee to install two rumble strips on Walker Street, north of Fresca Drive. At that time the City Council referred the item back to the Traffic Safety Committee for further consideration because it was felt that the rumble strips may be noisy. In addition, the Council was concerned that the residents/businesses were not notified of the proposal. To alleviate the City Council's concerns staff scaled the two rumble strips down to rumble strip and the residents/businesses located within a 300' radius of the proposal were notified and invited to attend the Traffic Safety Committee meeting to provide their comments. At the Traffic Safety Committee meeting of April 10, 2001 one business owner, Mr. Charles Bell of Wallace Engineering, spoke in favor of the rumble strip and further requested that a study of the intersection of Walker Street and Fresca Drive be conducted for feasibility to install a traffic signal. The Traffic Safety Committee, having reviewed and deliberated on the subject matter, is recommending City Council approval of the installation of one rumble strip.

Mayor Aragona stated that she noticed, in the package, a letter from a business owner requesting the installation of a traffic signal and she asked how that request would be handled.

Mr. Wood responded that request was for a signal on private property and the business owner would be asked to participate in the funding of such a traffic signal. Mr. Wood added that he did support the installation of the rumble strips.

Councilmember Barnes stated that since the last meeting additional strips have been installed parallel to the traffic on the shoulder and commented she feels that is a good placement.



Councilmember Blake made a motion to approve the installation of one (1) rumble strip on Walker Street, north of Fresca Drive. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Blake, Duke  
NOES: Barnes, Walker  
ABSENT: None

SPEAKER FOR CENTRALIA SCHOOL DISTRICT EVENT

Councilmember Blake stated he had been approached by the President of the Centralia School Board requesting that the City Council appoint a representative to speak as to what the Council would like to see in a Superintendent.

Councilmember Barnes asked if there is any conflict of interest in Councilmember Blake bringing this item to Council since his wife is a member of the School Board. Councilmember Blake responded negatively.

Councilmember Barnes stated she has a problem appointing a member of City Council making comments on that level. She suggested a letter might be appropriate, even after the person is selected.

Mayor Pro Tem Walker stated that he agrees with Councilmember Barnes and stated it would be like someone coming in and telling the City Council what qualities they wanted to see in a City Manager. He concurred with the idea of sending a letter.

Councilmember Duke stated she was not uncomfortable with going to the School Board with this, the City Council is willing to take input from the community and the bottom line is the City Council makes the decision and the same would be with the School Board and suggested if the Council supports this, it should be the mayor.

Mayor Aragona stated that as the Mayor she is not comfortable in telling another elected body what criteria they should look for in a Superintendent. She stated she has no problem writing a letter after the fact congratulating the new Superintendent and stating that the City looks forward to working with them.

Councilmember Duke made a motion that the City designate a member of the City Council to speak before the Centralia School District during the Public Input Stage of the recruitment of their new School District Superintendent. The motion was seconded by Councilmember Blake and was defeated on the following roll call vote:

AYES: Blake, Duke  
NOES: Aragona, Barnes, Walker  
ABSENT: None

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Barnes reported that she attended the Christian Businessmen's Government Leaders Breakfast. In addition she attended the West Orange County Legislative Committee and reported that the El Toro issue is going to be on the ballot in March of 2002. She also reported that she attended the preview of the Yorba Linda Community Center, which was very enlightening, the La Palma Police Association Awards Ceremony, the Volunteer Recognition Program, and the advisory committee for Beginning Teachers Support and Assessment (BTSA). She explained that the purpose of BTSA is to retain well-trained and qualified teachers because the attrition rate is so drastic during the first five years.

Mayor Pro Tem Walker commented that he noticed some great transit systems on his recent trip to Australia, one of which was speed cameras and stated that no one speeds there. He asked what validity the cameras would have if they were used here.

Mr. Wood stated staff would look into this issue.

Mayor Pro Tem Walker asked if notices for the 5K/10K Run/Walk would be going out soon.

Interim City Manager Len Wood responded that approximately 17,000 flyers are being printed and will be distributed to various runners and running groups and they will also be distributed through sporting good shops and health fitness clubs. In addition, the whole front page of the last La Palman was dedicated to the run.

Mayor Pro Tem Walker stated he understands there is a charge for a family of four for the Fit-n-Fun Walk and asked the purpose of the charge.

Director of Recreation and Community Services Jan Hobson responded that is an entry fee just like any of the other runners would pay for the 5K Walk or Run. There are different fees for individuals or family with or without a shirt.

Councilmember Barnes asked if the participants in the family Fit-N-Fun would receive water or anything as part of their entry fee.

Ms. Hobson responded there would be entertainment or water, like there is water on the route for the 5K/10K folks; there will be water out on the route for those folks.

Councilmember Blake stated he thought the fee was just for the shirt and registration and Ms. Hobson responded affirmatively. Ms. Hobson added that the flyers Mayor Pro Tem Walker asked

about would also be going out in the June Neighborhood Watch and in the summer brochure there will be an advertisement.

Mayor Aragona stated that at the last SCAG meeting there was a presentation on the High Speed MAGLEV and reported that there is not an Orange County component at this time. She reported that she had been invited by Assemblymen Cox and Harman to take a tour of the Huntington Beach Boeing plant and the reason they had this tour at Boeing was the energy crisis and its impact on business. The second piece of that issue is the cost to the Boeing employees of housing and utilities in Southern California. She added that it was very interesting to learn the large number of Boeing employees that reside in La Palma. Mayor Aragona stated she attended the OCTA Task Force meeting and reported there will be a meeting the first week in June to talk about how the City selection approach will work for future open seats on the OCTA Board. She also reported that the La Palma Red Ribbon 2001 Kick Off Planning Committee met and did a self-assessment of last year's program. The next meeting will be in August and they will be concentrating on Walker Junior High. She reported on the Air Quality Symposium in Sacramento and stated that they had two SUV's which can go about 60 miles on a charge and they would be willing to bring the two vehicles down for staff, Council and citizens to take a look at. She added that while she was in Sacramento she was invited by Assemblyman Harman to do a program called "Capital Forum" which is shown on cable in his District. She stated she was asked to talk about how to improve relationships between local governments and Sacramento and highlight a couple of examples of how La Palma has worked well with Sacramento. They also talked about transportation and grants that gave her a chance to show off the grants that the City has received. She reported that she also had a chance to follow up on an issue she has been working on with David Rosenberg in the Governor's Office. Mayor Aragona stated she attended a retirement celebration for Cerritos Councilmember Grace Hu and reported that she learned that the Cerritos Sheriff's Station is going to honor La Palma's Officer of the Year, Raul Morales who had worked on a Cerritos Task Force. She thanked Director of Public Works/City Engineer Ismile Noorbaksh for his quick action on an issue that came out of the Neighborhood Watch dealing with the agapanthus in the left turn pocket that at times block the view of westbound traffic. She stated that Mr. Noorbaksh immediately had his staff thin those out and added that there is some plan in the future to relocate those so that the vision concern goes away.

Councilmember Blake stated he attended a special board meeting of the Orange County Fire Authority and reported that they reviewed the 2001-2003 budget and there is a copy in the Mayor's office if anyone wants to go through it. He added that they also reviewed staff's recommendation for financing the new regional fire operations and training Center, which is approximately a fifty million dollar project. Councilmember Blake also stated that he attended the Arrow of Light Ceremony for Pack 650 and spoke to the boys. He added that he enjoyed attending the Police Awards Ceremony and the two emcees but he was a little disappointed with the turn out at Volunteer Recognition Day but thought that since it rained just before it may have kept some of the people away. Councilmember Blake reported that he gets constant complaints from residents in his area and asked if the graffiti is gone on the fence where the Mobil Station had been on Valley View Street and La Palma Avenue. Also, the residents are wondering if something can be done about the missing slats. Councilmember Blake reported that Dr. Carlisle's funeral will be held on Thursday and he has directions and times if anyone is interested.

Councilmember Duke reported that SCAG had their meeting and installation of new officers and she felt it was very well attended. She stated she enjoyed the Prayer Breakfast they had attended. Councilmember Duke reported that the month of May is Senior Recognition Month and stated she would like to see something happen in Orange County. She explained that in Los Angeles County every representative from every City in a Supervisors District is honored at the Dorothy Chandler Theater with a luncheon and a proclamation.

Chief Giampa stated that the McClellan County Sheriff's Department has designed a lapel pin in memory of Officer Wally Davis and they have sent a number of those pins down to the City. He reported that he has authorized La Palma's Officers to wear those on their uniforms until August 6<sup>th</sup>, which is one day and a year after his death, and as a token of appreciation for the Council's action on this he passed lapel pins along to them as well.

CLOSED SESSION

The City Council recessed to a Closed Session at 10:55 p.m. pursuant to Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATOR

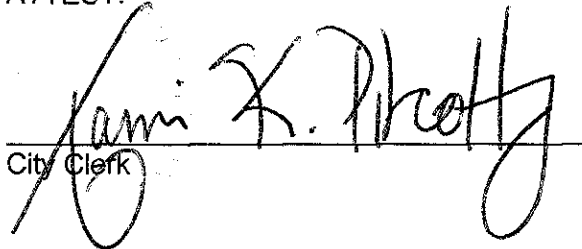
Agency Negotiator: Len Wood, Interim City Manager  
La Palma Police Association

ADJOURNMENT

The City Council reconvened and adjourned at 11:55 p.m. in memory of Dr. John Carlisle to a Closed Session on Tuesday, May 29, 2001 beginning at 6:00 P.M. pursuant to Government Code Section 54958: PUBLIC EMPLOYMENT; Recruitment of City Manager.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk