

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 6, 2010

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the City Council to order at 7:06 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Councilmember Waldman

INVOCATION: Councilmember Waldman

ROLL CALL: Council and Commission Members

Councilmembers present: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

Councilmembers absent: None

City Officials present: Dominic Lazzaretto, City Manager/Executive Director
Joel Kuperberg, City Attorney
Ed Ethell, Chief of Police
Jan Hobson, Recreation & Community Services Director
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/ City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Shanahan presented a proclamation to the La Palma Police Dispatchers in recognition of National Public Safety Telecommunicator's Week.
2. Cheody Fortunato, Chairperson, and Abe Waheed, Co-Chairperson of the

La Palma Community Activities and Beautification Home Spotlight Committee, presented Mary Van Der Lubbe with the Quarterly Home Spotlight Award for their home at 7971 Comstock Circle.

ORAL COMMUNICATIONS

Jenelle Froisland introduced herself as the new Southern California Edison (SCE) Regional Manager for the La Palma area and informed the City Council that SCE has payment assistance plans available for its customers.

Amanda Rincon, President of the La Palma Chamber of Commerce, introduced the new Board of Directors and announced the Chamber's upcoming events, including the State of the City Luncheon on April 28, 2010.

RECESS THE CITY COUNCIL AND CONVENE AS THE COMMUNITY DEVELOPMENT COMMISSION AT 7:22 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the March 16, 2010, Regular Meeting of the Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2010-07 approving the Register of Demands for April 6, 2010.

Commission Member Herman made a motion to approve Consent Calendar Items A and B.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND
CONVENE AS THE PLANNING COMMISSION AT 7:23 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the March 16, 2010, Regular Meeting of the Planning Commission.

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

The motion was seconded by Vice Chairperson Rodriguez and carried on the following vote:

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:24 P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Waive the reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

Minutes of the March 16, 2010, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2010-16 approving the Register of Demands for April 6, 2010.

4. Annual Review of the General Plan - Fiscal Year 2008-09

Receive and File the 2008-09 Annual Report on the status of the General Plan.

5. Resolution Adopting the Pavement Management Program

Resolution No. 2010-17 adopting the updated Seven-year Pavement Management Plan (PMP).

6. Award of Contract to AToM Engineering Construction for the Community Center Restroom Remodel, City Project No. 09-BLDG-04

a) Award a contract in the amount of \$73,979 to the low responsible bidder, AToM Engineering Construction of Hemet, California, and authorize the Mayor to execute the agreement for the Community Center Restroom Remodel, City Project No. 09-BLDG-01; and

b) Authorize the appropriation of funds, in the amount of \$11,377, from the Capital Outlay Reserve (COR) Fund.

7. Notice of Completion and Acceptance of Work for the Renovation of the Civic Center Landscaping and Parking Lot Improvement Project, City Project No. 05-BLDG-01

Accept the work and authorize the Public Works Director to file the Notice of Competition and Acceptance of Work with the Orange County Recorder for the Renovation of the Civic Center Landscaping and Parking Lot Improvement Project, City Project No. 05-BLDG-01.

Councilmember Waldman made a motion to approve Consent Calendar Items 1 through 7.

The motion was seconded by Councilmember Charoen and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

8. Water Efficient Landscape Ordinance to Add Chapter 26A (Water Efficient Landscape Code) to the La Palma City Code to Comply with State Assembly Bill 1881 (AB 1881)

City Manager Lazzaretto gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the City Council's support for this Ordinance.

Councilmember Waldman made a motion to approve the Water Efficient Landscape Ordinance to Add Chapter 26A (Water Efficient Landscape Code) to the La Palma City Code to Comply with State Assembly Bill 1881 (AB 1881).

The motion was seconded by Councilmember Herman and carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

NOES: None

9. Resolution Supporting Congressional Ratification of the South Korea - United States Free Trade Agreement

Administrative Services Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding how the Free Trade Agreement could positively affect the City of La Palma; the significant percentage of local businesses that conduct business in South Korea; the large number of Korean veterans; the Federal Government being the responsible party to resolve the matter; waiting to see how the United States Congress addresses the issue before La Palma takes any action; and that the City Council should not get involved with foreign policy.

Councilmember Herman made a motion to receive and file the report.

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

AYES: Councilmember Charoen, Councilmember Herman, Mayor Shanahan, and Councilmember Waldman

NOES: Mayor Pro Tem Rodriguez

10. Study Session: Water and Sewer Rate Fee Study

- a) Finance Director Neves gave the presentation on the Water and Sewer Rate Study
- b) Provide direction on any proposed modifications that should be included in the final Water and Sewer Rate Study.

Discussion ensued regarding the City Council's appreciation for Staff's efforts in educating the public; support for the design of the new water bills; and that the increase is fair.

- c) Schedule a Public Hearing on June 1, 2010, and direct staff to send out the required Proposition 218 notices.

Councilmember Herman made a motion to Schedule a Public Hearing on June 1, 2010, and to direct staff to send out the required Proposition 218 notices.

The motion was seconded by Councilmember Waldman.

Discussion ensued regarding not putting additional financial burdens on residents during the current economic condition; needing to pay for increased water rates that are imposed on La Palma; conducting more research prior to raising water rates; where funding would come from to pay for the increased rates if users are not charged; and the numerous Capitol Improvement Projects that would not get completed if the increase is not approved.

The motion carried on the following vote:

AYES: Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

NOES: Councilmember Charoen

11. Study Session: Utility Users Tax Initiative

Administrative Services Manager Murray gave the Staff Report.

City Attorney Kuperberg reported on the Constitutional process to lower the UUT and the outcome of not taking any action.

Discussion ensued regarding the City Council's support for the proposal; that the proposed initiative would allow future Councilmembers to adjust the rate as the economy changes; the benefit to the community during good financial times; supporting the expenditure to put the item on the November 2010 ballot; the UUT being the funding source for several City services; and the overall benefit to the community if the initiative is approved.

- a) Discuss whether to consider placing a measure on a future ballot that would give the City Council authority to lower the Utility Users Tax in any year by more than the one percent (1%) currently allowed;
- b) Provide direction to staff regarding educating the public about the possible effects of a ballot measure on the activities, operations, or policies of the City; and
- c) Direct staff to bring a proposed Initiative and all associated Resolutions to the City Council for approval at its June 1, 2010, City

Council meeting.

Councilmember Charoen made a motion to direct staff to bring a proposed Initiative and all associated Resolutions to the City Council for approval at its June 1, 2010, City Council meeting.

The motion was seconded by Councilmember Waldman.

Discussion ensued regarding the manner in which to hold public meetings; the majority of the public understanding this initiative with a minimal amount of meetings; and having additional information available on the City's website.

Councilmember Charoen amended his original motion to direct staff to conduct at least one public meeting prior to June 1 and to bring a proposed Initiative and all associated Resolutions to the City Council for approval at its June 1, 2010, City Council meeting.

Councilmember Waldman accepted the amendment.

The motion carried on the following vote:

AYES: Councilmember Charoen, Councilmember Herman, Mayor Pro Tem Rodriguez, Mayor Shanahan, and Councilmember Waldman

NOES: None

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

Councilmember Waldman attended the Orange County Sanitation District (OCSD) general meeting; the Orange County Council of Governments (OCCOG) meeting; the joint City Council/Community Activities and Beautification (CAB) Committee meeting; and the League of California Cities (LOCC) SB 375 workshop.

Councilmember Charoen attended the joint City Council/Community Activities and Beautification (CAB) Committee meeting; the Community Development Town Hall meeting regarding rezoning six corner parcels; the Thai New Year Festival; and the Orange County Fire Authority (OCFA) meeting regarding several budget cuts.

Councilmember Herman attended two Orange County Vector Control District (OCVCD) meetings - an operations meeting and an emergency meeting; the joint City Council/Community Activities and Beautification (CAB) Committee meeting;

the Dignity Memorial Vietnam Wall Opening Ceremony; the grand opening of the Family 153 Mart; and the Anaheim YMCA Good Friday breakfast. He commented on the improved circulation of the *La Palma Community News*. He closed by reporting on the consistency of the previous year's sales tax revenue.

Mayor Pro Tem Rodriguez attended the joint City Council/Community Activities and Beautification Committee (CAB) meeting; the Special Meeting to interview new CAB Committee members; the Anaheim YMCA Good Friday breakfast; and the Southern California Association of Governments (SCAG) Regional Leaders meeting regarding SB 375. He reported on the expose done by a local news station regarding the current large outbreaks of mosquitoes. He announced that he plans to attend the upcoming LOCC Policy Committee meeting.

Mayor Shanahan attended the grand opening of Family 153 Mart; the Special Meeting to interview new CAB Committee members; and the City Committee meeting to add College students as recipients of the Student Recognition Awards. He announced that he plans to attend the upcoming LOCC General Meeting and a "Managing Cell Phones" meeting. He commented on the rapid response by the local fire stations to the recent fire at a local business. He asked for an update on the reconstruction of the house on Bon Villa Circle.

City Manager Lazzaretto responded that the owners are working with their insurance company and are in the process of rebuilding the residence.

Mayor Pro Tem Rodriguez announced the upcoming John F. Kennedy Scholarship interviews. He commented that the Family 153 Mart has a large selection of organic produce and commented that a weekly farmers market would be a good addition to the center.

City Manager Lazzaretto commented that Staff is working on a Grand Re-opening of the Hannam Center. He reported that the current City Code prohibits outdoor displays; however, Staff is working on ways to improve the Code to allow special events such as a farmers market.

CITY MANAGER REMARKS

City Manager Lazzaretto reminded everyone that any container with stagnant water promotes mosquito growth and encouraged everyone to empty their outside dishes. He reported that SCAG is looking to do a study for the former Pacific Electric Right-of-Way for high speed rail services and is looking to get one Councilmember from each city for a steering committee. He reminded the City Council that SEAACA is holding an Open House on April 7. He closed by reporting that upcoming agenda items will include the User Fee Study, the Five Year Implementation Plan for the Community Development Commission, and a Study Session on the Capital Improvement Plan for the FY 2010-11 Budget.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the City Council at 8:39 p.m.

/s/

Steve Shanahan, Mayor

Attest:

/s/

Kimberly A. Kenney, Deputy City Clerk