

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 1, 2011

CALL TO ORDER: Mayor Rodriguez called the Regular Meeting of the La Palma City Council to order at 6:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

RECESS TO CLOSED SESSION

Mayor Rodriguez recessed to Closed Session at 6:02 p.m. regarding the following:

C-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of Case: Aaron King vs. City of La Palma
Case Number:30-2009-00319215

C-2. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Representatives: Dominic Lazzaretto, City Manager
Laurie A. Murray, Administrative Services Manager

Employee Organization: La Palma General Employees Association
La Palma Police Association
La Palma Professional Employees Association

Unrepresented Employees: Management Employees

OPEN SESSION

The City Council reconvened in Open Session at 7:00 p.m. with all members present and with no reportable actions.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Dave Lutes, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council/Commission Members present: Mayor Pro Tem/ Vice Chairperson Charoen, Council/Commission Member Hwangbo, Mayor/Chairperson Rodriguez, Council/Commission Member Shanahan, and Council/Commission Member Waldman

Council/Commission members absent: None

City Officials present: Dominic Lazzaretto, City Manager/ Executive Director
Joel Kuperberg, City Attorney
Michael Belknap, Recreation and Community Services Director
Douglas Dumhart, Community Development Director
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Eric Nunez, Police Chief
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Rodriguez presented a proclamation to Brian O'Neal, North Orange County Regional Occupational Program (ROP) Board Member, in recognition of Career Technical Education Month.

ORAL COMMUNICATIONS

Christine Payette, 8222 El Pescador, American Cancer Society's Relay for Life Co-Chair addressed the City Council regarding the upcoming Relay for Life kickoff event at the Buena Park Senior Center on February 7, 2011, and the upcoming Relay for Life event at Buena Park Junior High School on June 4, 2011.

Brian O'Neal, 5042 Cartegena Circle, addressed the City Council regarding his support for the upcoming Relay for Life event and thanked former Council Member Larry

Herman for his numerous years of service to the La Palma community. He closed by congratulating Mayor Rodriguez, Police Chief Nunez, and Recreation and Community Services Director Belknap on their new positions.

Tim Holland, 5458 Houston Avenue, addressed the City Council regarding dead and diseased pine trees and submitted a petition requesting the removal of the pine trees on Houston Avenue.

Mayor Rodriguez asked for an update on the Houston Avenue rehabilitation project.

City Manager Lazzaretto responded that the City has instituted additional street sweeping as needed and that Staff would schedule trimming to mitigate the maintenance issues.

Public Works Director Moneda reported that the pine tree trimming is proposed in the next Fiscal Year budget and that Staff is scheduled to meet with an Arborist to inspect the diseased trees and remove the dead tree.

Abe Waheed, 5271 Ivywood Drive, addressed the City Council regarding tract signs being replaced.

Mayor Rodriguez asked for clarification of the status on the subdivision signage project.

City Manager Lazzaretto responded that the signs were removed as part of the citywide Block Wall Painting Project and that Staff has not proposed a long term solution to replace them because of the estimated cost of \$10,000.

RECESS THE CITY COUNCIL AND CONVENE AS COMMUNITY DEVELOPMENT COMMISSION AT 7:23 P.M.

CONSENT CALENDAR

A. Approval of Community Development Commission Minutes

Minutes of the January 18, 2011, Regular Meeting of the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. CDC 2011-04 approving the Register of Demands for February 1, 2011.

Vice Chairperson Charoen 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: Vice Chairperson Charoen, Commission Member Hwangbo, Chairperson Rodriguez, Commission Member Shanahan, and Commission Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

C. Opposition to the Governor's Proposal to Abolish Redevelopment in California

Executive Director Lazzaretto gave the Staff Report.

Commission Comments and Questions:

Discussion ensued regarding that the City will lose \$3.376 million annually if the Governor's proposal is passed and that Redevelopment Funds are important to the economic prosperity of the community.

- a) Adopt a Resolution opposing the Governor's proposal to abolish redevelopment in California; and

Resolution No. CDC 2011-05 opposing the Governor's proposal to abolish redevelopment in California.

- b) Authorize the Chairperson and Executive Director, as necessary, to travel to Sacramento to provide City representation in this matter.

Commission Member Hwangbo made a motion to adopt Resolution No. CDC 2011-05 opposing the Governor's proposal to abolish redevelopment in California and authorizing the Chairperson and Executive Director, as necessary, to travel to Sacramento to provide City representation in this matter.

Further discussion ensued regarding that when Governor Brown was Mayor of Oakland, he commented on how important and beneficial redevelopment funds are to a community.

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

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

NOES: None

- D. Request for Qualifications and Proposals (RFQ/P) for the Development of Phase II of the Denni Street Affordable Housing Specific Plan and Authorization to Solicit Proposals

Planning Intern Rafael Garcia gave the Staff Report.

Public Comment:

Alicia Porto, 4511 Cambury Drive, addressed the City Council regarding an error in the Power Point presentation that switched the first phase of senior housing and the townhomes and to comment on the entrance to the last phase of the affordable housing project being accessed from Montecito Drive and proposing access from Trinity Lane.

Commission Comments and Questions:

Discussion ensued regarding the preferred entrance being Montecito Drive; that as developers prepare plans for the last phase, a variety of entrances may be determined; how the ownership of the land will transfer; that the State of California mandates that cities have affordable housing within their communities; the income levels being targeted for this type of housing; that the proposed project will add twelve affordable homes into La Palma; and that nonprofit organizations could also participate in the development of the low income housing proposals.

- a) Approve the Request for Qualifications and Proposal (RFQ/P) for the Development of Phase II of the Denni Street Affordable Housing Specific Plan; and
- b) Authorize solicitation of proposals from the prequalified list of developers;

Commission Member Waldman made a motion to approve the Request for Qualifications and Proposal (RFQ/P) for the Development of Phase II of the Denni Street Affordable Housing Specific Plan and authorize solicitation of proposals from the prequalified list of developers.

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

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

NOES: None

- c) Request the Chairperson establish an Ad-Hoc Subcommittee to review the proposals, interview respondents, and make a recommendation for the preferred Developer.

Chairperson Rodriguez appointed Commission Members Shanahan and Waldman to an Ad Hoc Committee to review the proposals, interview respondents, and make a recommendation for a preferred Developer.

RECONVENE THE CITY COUNCIL FOR A JOINT MEETING WITH THE COMMUNITY DEVELOPMENT COMMISSION AT 7:55 P.M.

- E. Approval of Funding for the Moody Street Rehabilitation Project Based on Blight Elimination Findings

City Manager/Executive Director Lazzaretto gave the Staff Report.

- a) City Council: Adopt a Resolution approving funding for the Moody Street Rehabilitation Project based on blight elimination findings; and

Resolution No. 2011-04 approving funding for the Moody Street Rehabilitation Project based on blight elimination findings.

Council Member Waldman made a motion to adopt Resolution No. 2011-04 approving funding for the Moody Street Rehabilitation Project based on blight elimination findings.

The motion was seconded by Mayor Pro Tem Charoen and carried on the following vote:

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

- b) Community Development Commission: Adopt a Resolution approving funding for the Moody Street Rehabilitation Project based on blight elimination findings.

Resolution No. CDC 2011-06 approving funding for the Moody Street Rehabilitation Project based on blight elimination findings.

Commission Member Shanahan made a motion to adopt Resolution No. CDC 2011-06 approving funding for the Moody Street Rehabilitation Project based on blight elimination findings.

Discussion ensued regarding the total budget for the project; that the amount will be split between the General Fund and the Community Development Commission; that the City will be saving approximately \$112,000; and that the bids received were extremely low due to the economy.

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

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

NOES: None

RECESS THE CITY COUNCIL, ADJOURN THE COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:59 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the January 18, 2011, Regular Meeting of the La Palma Planning Commission.

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

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

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

NOES: None

PUBLIC HEARINGS

PL-2. Ordinance Amending Chapters 17 and 26 of the City Code Pertaining to Fences, Walls, and Hedges to Permit Lattice Extensions

- a) Chairperson Rodriguez opened the Public Hearing at 8:00 p.m.
- b) Associate Planner Scott Hutter gave the Staff Report
- c) Public Input

Gary De Forest, 5162 Del Norte Circle, addressed the City Council regarding his opposition to having vegetation; stair stepping; and lattice extensions on block walls.

Alicia Porto, 4511 Cambury Drive, addressed the City Council regarding her support for extending block wall heights with either lattice or brick blocks.

Ismile Noorbaksh, 7541 Trabuco Lane, addressed the City Council regarding his opposition to lattice extensions on residential block walls.

Chairperson Rodriguez asked how many homes currently have lattice extensions along arterial block walls.

Community Development Director Dumhart responded that there are 17 residential homes that have lattice extensions along arterial streets and that there are approximately 313 residents whose block walls have been repainted.

Thomas Ho, 8002 Joan Circle, addressed the City Council regarding his residential wall not being uniform with other walls in the City, support for extending block wall heights with brick block, and opposition to lattice extensions.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his support for both block wall and lattice extensions and his opposition to having the City regulate resident choices for wall extensions.

Jan Jensen, 7562 Trabuco Lane, addressed the City Council regarding potential safety issues if homeowners extend the wall height on their own and not by a licensed contractor and her opposition to lattice extensions.

Dave Padilla, 4501 Cambury Drive, addressed the City Council regarding his opposition to lattice extensions and safety concerns of current block walls.

- d) Chairperson Rodriguez closed the Public Hearing at 8:30 p.m.
- e) Commission Comments and Questions

Discussion ensued regarding whether the Planning Commission could discuss lattice extensions and the Houston Avenue block wall extensions as one item and that Commission Members who live within the buffer zone of the Houston Avenue Block Wall extension agenda item would have to recuse themselves; that some Commission Members were unaware of lattice extensions; that residents desire lattice extensions for sound barrier reasons or privacy; that block wall extensions could be too costly; that eight feet is the maximum height for block walls; and if residents could decrease the height of their block wall.

City Attorney Kuperberg responded that a decrease to the original height of a block wall would take an amendment to the Precise Plan.

Further discussion ensued regarding resident safety being a priority; that the City should not regulate block wall extensions; that the City should not have a standard for uniform walls; and that the original Ordinance, which did not allow lattice or stepping was not enforced properly.

Chairperson Rodriguez reopened the Public Hearing at 8:40 p.m.

Jim Johnson, 7511 Mark Circle, addressed the City Council regarding his opposition to the City regulating block wall height and his support for block and lattice extensions. He asked that the City enforce lattice extension maintenance.

Further discussion ensued regarding how the City would regulate the extensions to ensure they are installed properly and residents being required to undergo a plan check to ensure building and safety codes are being adhered to.

Robert Carruth, 7201 Monterey Lane, asked about the safety history of lattice extensions.

Further discussion ensued regarding a wall failure along the Southern California Edison (SCE) Right-of-Way; that most residents who currently have lattice are unaware it is against City Code; that the Planning Commission generally supports a universal look; that not every resident can afford block wall extensions; that there are ways to enforce the safety of current block walls; that lattice weighs much less than brick blocks; that the residents own the block walls; that block walls were not originally constructed to today's code requirements; and that Staff will look at specifications for wall extensions that the Building Inspector can monitor.

City Attorney Kuperberg clarified that the proposal is to allow the Planning Commission to change the Zoning code to allow both lattice and block wall extensions.

City Manager Lazzaretto noted that the La Palma Municipal Code states that a resident cannot raise a block wall with lattice and another section states that to raise a block wall, it must be done in concurrence with neighbors, a complete section at a time. He added that this proposal addresses both of these issues.

Further discussion ensued regarding the combination of both lattice and block extensions in one Ordinance; the number of varying block wall heights due to lack of code enforcement; and that City Staff supports uniformity on complete sections of block walls; that the City Council gave Staff direction to enforce block wall extensions but to not enforce lattice extensions; and that Staff has requested residents to remove their block wall extensions in the past year.

Chairperson Rodriguez closed the Public Hearing at 9:02 p.m.

- f) Adopt a Resolution recommending adoption of a Lattice Ordinance amending Chapters 17 and 26 of the City Code pertaining to fences, walls, and hedges to permit lattice extensions.

Resolution No. PC 2011-01 recommending adoption of a Lattice Ordinance amending Chapters 17 and 26 of the City Code pertaining to fences, walls, and hedges to permit lattice extensions.

Commission Member Shanahan made a motion to adopt Resolution No. PC 2011-01 recommending adoption of a Lattice Ordinance amending Chapters 17 and 26 of the City Code pertaining to fences, walls, and hedges to permit lattice extensions as recommended by Staff.

Discussion ensued regarding the extension of the height of block walls should encompass both blocks and lattice, and that the Planning

Commission could remove Section (d) (1) and (2) from the proposed Ordinance to allow both types of extensions.

Commission Member Waldman requested an amendment to the motion to adopt Resolution No. PC 2011-01, striking Section (d) (1) and (2) of the Ordinance, permitting lattice and block wall extensions.

Commission Member Shanahan accepted the amendment.

Commission Member Waldman seconded the motion.

Discussion ensued regarding there being no need to discuss block wall extensions if the item is approved; that there is height limit of 8 feet for a block wall, including the extension; that a lattice extension cannot be any higher than two feet in height; that the City allowing wall heights of no more than 8 feet high since 1984; that previous Councils would allow a higher block wall if the residence backed a commercial site; and tabling the item until the language of the proposed Ordinance is changed.

Commission Member Waldman requested an amendment to the amended motion to reword Section (3) to read "A lattice extension of a wall shall be no higher than the lesser of two feet in height, or a total height for the wall plus lattice extension of eight feet."

Commission Member Shanahan accepted the motion.

Further discussion ensued regarding Commission Members having dealt with the issue for decades; and that Commission Members support for letting residents make their own choices for their property as long as it is constructed safely.

The amended motion carried on the following vote:

AYES: Commission Member Hwangbo, Chairperson
Rodriguez, Commission Member Shanahan,
and Commission Member Waldman

NOES: Vice Chairperson Charoen

REGULAR ITEMS

PL-3. Consideration of Block Wall Height Extensions on Houston Avenue

Chairperson Rodriguez requested to have the Item PL-3 tabled in consideration of the vote on the previous Agenda Item.

Chairperson Rodriguez requested to take a short recess at 9:18 p.m.

Chairperson Rodriguez reconvened the Planning Commission at 9:27 p.m. with all members present.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 9:28 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 January 18, 2011, Regular and Special Meetings of the City Council.

3. Approval of Register of Demands

Resolution No. 2011-05 approving the Register of Demands for February 1, 2011.

5. Award of Contract to R.J. Noble for Construction Services for Street Rehabilitation on Moody Street from La Palma Avenue to Houston Avenue, City Project No. ST-302

Award a contract in the amount of \$550,596.50 to R.J. Noble for Construction Services for street rehabilitation on Moody Street from La Palma Avenue to Houston Avenue, City Project No. ST-302.

Council Member Shanahan made a motion to approve Consent Calendar Items 1, 2, 3, and 5.

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

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

4. Resolution Approving Sponsorship of the 2011 Cypress College Foundation Americana Awards at the Benefactor Level, and Authorizing the Distribution of Tickets to City Officials and City Volunteers to Attend the Event

Mayor Pro Tem Charoen requested to have the item pulled to consider reducing the sponsorship level in lieu of the City's current deficit.

Discussion ensued regarding the City's support for the Cypress College Foundation for numerous years; that many high school graduates from John F. Kennedy High School attend Cypress City College; and that supporting the Americana Awards is how the City shows its support to the community by honoring the La Palma Citizen of the Year.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding his support for sponsoring the Cypress College Foundation.

Further discussion ensued regarding sponsorship funds being an investment in the community by helping to support needy students.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding his support for sponsoring the event at a lower level in consideration of the City's current deficit.

Resolution No. 2011-06 approving the sponsorship of the 2011 Cypress College Foundation Americana Awards at the Benefactor Level, and authorizing the distribution of tickets to City officials and City Volunteers to attend the event.

Council Member Shanahan made a motion to approve Resolution No. 2011-06 approving sponsorship of the 2011 Cypress College Foundation Americana Awards at the Benefactor Level, and authorizing the distribution of tickets to City Officials and City Volunteers to attend the event. The motion was seconded by Council Member Hwangbo.

Mayor Pro Tem Charoen made a substitute motion to sponsor the 2011 Cypress College Foundation Americana Awards at the five seat level instead of a full table at the Benefactor level.

The substitute motion failed due to lack of a second.

The original motion carried on the following vote:

AYES:	Council Member Hwangbo, Mayor Rodriguez, and Council Member Shanahan
-------	--

NOES: Council Member Waldman

ABSTAINED: Mayor Pro Tem Charoen

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

6. Appointments to the Traffic Safety Committee

Administrative Services Manager Murray gave the Staff Report.

Discussion ensued regarding the City Council having to make a decision for three seats from eight great candidates and encouraged those who did not get appointed to not get discouraged, but apply for future openings.

Mayor Rodriguez made a motion to approve the Appointments of Allen Goya, Jan Jensen, and Peter Kim to the Traffic Safety Committee, all with four-year terms expiring December 31, 2014.

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

AYES: Mayor Pro Tem Charoen, Council Member Hwangbo, Mayor Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

7. Sale of Salvaged Street Name Signs

Public Works Director Moneda gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding if it was fair to offer the signs on a first come-first serve basis; that Staff will advertise the sale of street signs in advance to prepare the public; that auctioning the street signs could be more fair; that funds from the auction could go to a good cause; that a "donation" of public funds could create legal problems; that the value of an arterial street sign could be worth more than the value of a residential street sign; and that the sale should not be labor intensive for City Staff.

Public Comment:

Jan Jensen, 7562 Trabuco Lane, addressed the City Council regarding the signs not being sold at a neighborhood Concert in the Park event, but on a separate day and that residents should have priority on the purchase of street signs.

Robert Carruth, 7201 Monterey Lane, announced his support for a silent auction.

Further discussion ensued regarding not selling the signs at a public event; that this process should be made as easy as possible; that the City Yard is holding approximately 600 street signs; and that a future date should be set to allow enough time to inform the residents.

William Porto, 4511 Cambury Drive, suggested notifying the residents of the street sign sale via email.

Further discussion ensued regarding how to notify residents of the sale; the minimum cost and how to address multiple requests for the same sign; and that the people who read City publications, and see the notice, should be rewarded.

Council Member Hwangbo made a motion to let City Staff determine the best way to sell salvaged street name signs.

Robert Carruth, 7201 Monterey Lane, suggested that the sale be made in the form of donations.

City Attorney Kuperberg clarified that if the donations went to a cause that benefits the City of La Palma, no legal concerns would arise.

Further discussion ensued regarding designating a project for the donated funds; setting a recommended donation amount would benefit the City and is legal; setting a minimum donation amount of \$25 per sign; setting the sale date on April 4, 2011; and that residents would be notified in *The Source*.

By consensus, the City Council agreed to set the street sign sale date for April 4, 2011, to set the minimum donation amount at \$25; and that the donations be designated for the Gazebo at Central Park.

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

Council Member Hwangbo attended the League of California Cities (LOCC) New Council Member Academy and attended the Cypress and Buena Park State of the City events.

Council Member Shanahan had nothing to report.

Council Member Waldman attended the joint meeting of the Orange County LOCC and Association of California Cities Orange County (ACC-OC); the Orange County Sanitation District (OCSD) meeting; and the Orange County Council of Governments (OCCOG), where he will continue as Chairperson through May 2011.

Mayor Pro Tem Charoen attended the Cypress State of the City event; the Orange County Public Library Advisory Board meeting, where Laura Anderson was elected as Chairperson and Rose Espinosa as Vice Chairperson.

Mayor Rodriguez attended the LOCC New Council Member Academy; the LOCC Transportation, Communication, and Public Works Policy Committee meeting; the Oxford High School fundraiser for a victim of a drunk driver; the Cypress State of the City event; the Buena Park State of the City event; the Orange County Fire Authority (OCFA) Board meeting; participated in the La Palma Chamber of Commerce move to its new location; the Metropolitan Water District of Orange County meeting with Staff members; and a Reflections Art Gallery for Anaheim Union High School District.

CITY MANAGER REMARKS

City Manager Lazzaretto reported that he is the new Chairperson for the California Joint Powers Insurance Authority City Manager's Committee and announced that upcoming Agenda Items will include the Mid-Year Budget Adjustments and video streaming alternatives for City Council meetings.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Rodriguez adjourned the Regular Meeting of the La Palma City Council at 10:22 p.m.

Ralph D. Rodriguez
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk