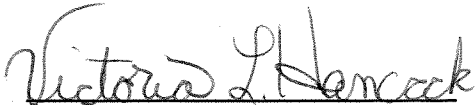


Mayor Ledford opened the Public Hearing, there was testimony and the Public Hearing closed with no objections. There was discussion among Council. A motion was made and carried unanimously to adopt Resolution No. CC 2006-165.



Victoria L. Hancock, CMC  
City Clerk

DATE: June 21, 2006

SUBJECT: Hearing Regarding Proposed Resolution No. CC 2006-165, to Announce the Intention to Consider the Abandonment of the Palmdale Cemetery as a Place of Future Interment Pursuant to California Health and Safety Code Section 8825 et seq

ISSUING DEPARTMENT: Public Works

#### **SUMMARY**

Issue: Should the City Council adopt the resolution to announce its intention to consider the abandonment of the Palmdale Cemetery as a place of future interment pursuant to California Health and Safety Code Section 8825 et seq?

Recommendation: It is recommended that the City Council open and conduct a hearing on the adoption of the proposed resolution, take testimony from the property owner and the public, and consider all the evidence presented. If the City Council finds, based on its consideration of the evidence presented, and the testimony and comments received during the hearing, that the evidence warrants the findings necessary for the abandonment of the Palmdale Cemetery as a place of future interment, then staff recommends that the City Council adopt the resolution and direct that staff proceed with the necessary actions required under California Health and Safety Code Section 8825 et seq, including another public hearing and resolution to consider the subject abandonment at the first City Council meeting of August 2006.

Fiscal Impact: There are no fiscal impacts associated with this action. However, should actions be undertaken pursuant to California Health and Safety Code Section 8825 et seq, initial costs of approximately \$220,000 would be incurred to make the site clean, safe and secure (see attached Exhibit A), along with incurring an annual maintenance cost of approximately \$30,000.

## **BACKGROUND**

The City Council has before it, a request from staff to consider the adoption of a resolution to announce its intention to consider the abandonment of the Palmdale Cemetery, located at the northeast corner of Avenue S and 20<sup>th</sup> Street East. The subject property is more specifically described in the subject resolution. The proposed action is necessary to publicly announce the City's intention to consider the subject actions to ameliorate the threat and danger to the health, safety, comfort and welfare of the public pursuant to California Health and Safety Code Section 8825 et seq, and to take testimony on the subject actions.

The subject resolution will not obligate the City to proceed with the abandonment of the subject cemetery, however it does meet the requirement to notify the public, and will allow staff sufficient time to publish public notices as required under Section 8826, prior to any future actions that the City Council may choose to take. The subject resolution does however obligate the City to further consider the disposition of the Palmdale Cemetery, and it does provide the opportunity for the public to give testimony and evidence regarding same, and to give input and participate in the discussions regarding the potential actions that may be undertaken by the City.

The family of those interred may be very interested in the general condition of the site, and even the condition of specific plots or grave markers, along with the disposition of these should further actions be undertaken by the City. The public, especially Veteran's groups, may be very interested in the Veteran's Memorial at the site, and any potential changes to the display or to it's accessibility. The neighborhoods around the site may be very interested in the fact that the site is used to dump trash that may harbor vermin and other health hazards. For each of these groups, this is an ideal time to participate in a discussion that may lead to the establishment of the site as a sacred historical site for Palmdale.

If the City Council approves the subject resolution, the next course of action is for staff to publish public notices and then bring a second resolution for City Council consideration. That second resolution would actually consider the abandonment of the subject cemetery, and the City Council would be required to make the following three (3) findings, pursuant to Section 8825 et seq, in order to adopt a resolution to abandon the Palmdale Cemetery as a place of future interment:

- A. The site is a non-endowment care cemetery;
- B. The site has not had more than 10 human body interments within the past 5 years; and

C. The site presents a threat or danger to the health, safety, comfort, or welfare of the public.

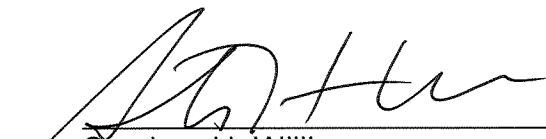
This hearing relates only to taking public testimony and hearing evidence regarding whether the City should proceed to bring a future action to consider the abandonment of the subject cemetery. Testimony and evidence presented will be used to assist the City Council in making the above noted findings should further action be warranted. Regarding Finding A, staff has contacted the State Cemetery and Funeral Bureau regarding the status of the Palmdale Cemetery, which they identify as a Public County Cemetery, and were informed in writing that they keep no records of endowment care funds for public cemeteries; staff has no further reason to believe that the cemetery is an endowment care facility. Regarding Finding B, staff also contacted the property owner, local mortuaries, and has searched through available records on the Internet, and believes that the last interment was either in 1999 or 2001, depending upon whom you ask, but has no reason to believe that the total interment since 2001 exceeds 10 human bodies. Regarding Finding B, staff has thoroughly documented the condition of the site, made a presentation to the City Council on May 24<sup>th</sup>, 2006, regarding same, and believes that justification exists for this finding.

Staff recommends that the City Council open and conduct a public hearing, consider all testimony and evidence, and make the determination whether further action is warranted, including a second resolution to consider the abandonment of the Palmdale Cemetery as a place of future interment, and direct staff accordingly.


Respectfully submitted by,

Reviewed by,

  
\_\_\_\_\_  
Timothy W. Hughes  
Deputy Director of Public Works

  
\_\_\_\_\_  
Stephen H. Williams  
Assistant City Manager

  
\_\_\_\_\_  
Leon E. Swain  
Director of Public Works

  
\_\_\_\_\_  
Robert W. Toone, Jr.  
City Manager

# **EXHIBIT “A”**

**Palmdale Cemetery Abandonment  
Probable Minimum Cost to the City**

Phase 1 – Cleanup the Site and eliminate the immediate safety hazards (\$20,000)

Remove weeds, trim trees, remove trash, remove all “copings, improvements and embellishments which are found to be a threat or danger to the health, safety, comfort, or welfare of the public,” remove loose grave markers, remove damaged walls, restrict vehicle access, and catalog all grave markers and historic artifacts found. Allow families to restore and improve family plots at no cost to the City.

Phase 2 – Map the Site, and secure and improve the appearance (\$200,000)

Mapping of the site with ground penetrating radar, removal of the old block wall, install wrought iron fencing around perimeter (approximately 1,000 linear feet) to secure the site from graffiti, vandalism and trash dumping, install proper signage, repair grave markers and return historical artifacts to the site. Allow public access on a part-time basis.

Phase 3 – Provide recurring maintenance of the Site (\$30,000 annually)

Upon dedication as “Palmdale Pioneer Memorial Park,” improvements to the site will be limited to the establishment of a park memorial and recurring maintenance. Allow families to provide recurring maintenance of family plots at no cost to the City.

The above phased actions will be required should the City take action to abandon the Palmdale Cemetery as a place of future interment and establish the Site as a Pioneer Memorial Park pursuant to California Health and Safety Code Section 8825 et seq. No further actions are required of the City, however the City may provide a park memorial.

Future Phase 4 – Develop park memorial and/or new Veteran’s Memorial outside of the Site (\$50,000)

Upon dedication as “Palmdale Pioneer Memorial Park,” improvements to the site will be limited to the establishment of a park memorial and recurring maintenance. Allow families to provide recurring maintenance of family plots at no cost to the City.

Future Phase 5 – Develop Palmenthal Historical Park (\$6.7 million)

The Historical Park would pay tribute to the founding of Palmdale and the significant influences on its development over the past 130 years.