

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 17, 2012

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Council Member Rodriguez being absent.

PLEDGE OF ALLEGIANCE: Council Member Shanahan

INVOCATION: Mayur Shah, The Sindhu Center

ROLL CALL: Council and Commission Members

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

Council/Commission Members absent: None

City Officials present: Terry Matz, Interim City Manager
Joel Kuperberg, City Attorney
Michael Belknap, Recreation & Community Services Director
Douglas Dumhart, Community Development Director
Jeff Moneda, Public Works Director/City Engineer
Eric Nuñez, Police Chief
Michael Solorza, Finance Director
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Charoen presented a Proclamation to Donate Life Ambassador Cora Johnson in recognition of Donate Life Month.

Council Member Rodriguez joined the City Council Meeting at 7:05 p.m.

2. Mayor Charoen presented a Proclamation to Recreation and Community Services Director Belknap in recognition of Arbor Day.

ORAL COMMUNICATIONS

Linda Crum, 8271 Bellhaven Street, addressed the City Council regarding a request to waive the City's Central Park policy regarding alcohol for an upcoming event in the gazebo.

Jackie Filbeck, representing Assembly Member Chris Norby, updated the City Council on several Assembly Bills that are before the California Legislature.

Larry Herman, 5122 Andrew Drive, thanked Police Chief Nunez for putting the American Cancer Society's Relay for Life Event in the *Source*; gave positive feedback regarding the road improvements on Maroon Drive; commented that the Central Park baseball field looks good; reported on the YMCA's Good Friday Breakfast; announced the May 12 Volunteer Work Day at Stoddard Park in Anaheim; and announced that today is equal pay day for women.

CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AT 7:19 P.M.

City Attorney Kuperberg stated that, "The City Council will now recess and convene as the Successor Agency of the La Palma Community Development Commission, and then recess and convene as the Planning Commission. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in either the Successor Agency or Planning Commission meeting, or otherwise as serving as members of the Successor Agency or Planning Commission."

CONSENT CALENDAR

- A. Approval of Successor Agency to the Community Development Commission Minutes

Minutes of the April 3, 2012, Regular Meeting the Successor Agency to the La Palma Community Development Commission.

- B. Approval of Register of Demands

Resolution No. CDC SA 2012-11 approving the Successor Agency to the La Palma Community Development Commission Register of Demands for April 3, 2012.

Council Member Rodriguez made a motion to approve Consent Calendar Items A and B.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS SUCCESSOR AGENCY AND CONVENE AS THE PLANNING COMMISSION AT 7:20 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the April 3, 2012, 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 Rodriguez and carried on the
following vote:

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

NOES: None

PUBLIC HEARINGS

PL-2. Resolution Recommending Adoption of an Ordinance of the City of La Palma

Approving the Development Agreement for a New Bank Use at 5962 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:21 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Public Input:
No members of the public wished to speak.
- d) Chairperson Charoen closed the Public Hearing at 7:24 p.m.
- e) Commission Comments and Questions:
None.
- f) Adopt Resolution No. PC 2012-05 recommending that the City Council adopt an Ordinance of the City of La Palma approving the Development Agreement for a new bank use at 5962 La Palma Avenue.

Commission Member Rodriguez made a motion to adopt Resolution No. PC 2012-05 recommending that the City Council adopt an Ordinance of the City of La Palma approving the Development Agreement for a new bank use at 5962 La Palma Avenue.

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

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

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION, AND RECONVENE AS THE CITY COUNCIL AT 7:25 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 April 3, 2012, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands

Resolution No. 2012-25 approving the Register of Demands for April 17, 2012.
4. Amendment to Conflict of Interest Code

Resolution No. 2012-26 adopting a Conflict of Interest Code which amends the list of designated employees to include members of the Oversight Board to the Successor Agency to the Community Development Commission of the City of La Palma ("Oversight Board").
6. Award of Contract to All American Asphalt for the Moody Street (Phase 1) and Walker Street (Phase 2) Arterial Rehabilitation Projects (City Project No. ST-312 and ST-313)

Award and authorize the Mayor to execute a contract in the amount of \$949,949 to All American Asphalt for two arterial rehabilitation projects. Moody Street from Crescent Avenue and Houston Avenue to Orangethorpe (Phase 1, City Project No. ST-312) and Walker Street from Crescent Avenue to La Palma Avenue (Phase 2), City Project No. ST-313), and to authorize an expenditure of up to an additional \$237,487 for contingencies, for a maximum project cost of \$1,187,436.
7. Replacement of Police Vehicle Mobile Data Computers
 - a) Approve the purchase of replacement Police vehicle mobile data computers (MDC's); and
 - b) Appropriate \$33,500 from the Computer Replacement Fund to fund the purchase of the MDC's and docking stations.

Council Member Waldman made a motion to approve Consent Calendar Items 1, 2, 3, 4, 6 and 7.

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

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

NOES: None

ITEMS PULLED FROM THE CONSENT CALENDAR:

5. Investment of Monies in the Local Agency Investment Fund by the City of La Palma

Mayor Pro Tem Hwangbo requested to have the item pulled to clarify the amount currently in the account, the interest rate from last year to this year, and if there are any safe alternatives to invest the funds in.

Council Member Rodriguez commented that during the time of the Orange County bankruptcy, many agencies did not always utilize "safe" investments and that the City's focus is to have secure public funds.

Resolution No. 2012-27 authorizing investment of monies in the Local Agency Investment Fund (LAIF).

Mayor Pro Tem Hwangbo made a motion to adopt Resolution No. 2012-27 authorizing the investment of monies in the Local Agency Investment Fund by the City of La Palma.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

8. Council Member Request: Appointment of Director to the Anaheim Union High School District Foundation

Council Member Rodriguez introduced the item and gave a brief report on the item.

Council Comments and Questions:

Discussion ensued regarding the term, and any potential liability exposure.

City Attorney Kuperberg responded that it is unlikely that the City would have any exposure to liabilities by participating on the board; that the City would be covered under its current policy if a Council Member was sued for a decision; and that the foundation should obtain their own insurance to protect its members.

Further discussion ensued regarding the foundation is an independent entity from the School District and it does have its own insurance that protects the entity and the Board; that the Foundation is looking to investments in the community; that there are two very large schools in La Palma that serve surrounding cities; that the board can service beyond School Districts limitations; that both Council Members and residents could serve on the board; the amount of seats available and who makes the appointments; and the schedule of the Foundation meetings.

Council Member Rodriguez made a motion to appoint Mayor Pro Tem Hwangbo as Director to the Anaheim Union High School District Foundation with a term ending in December 2012.

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

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

NOES: None

9. Study Session: General Plan Update - Presentation of Draft Economic Development Report and proposed new Land Use Designations

Laura Stetson, Hogel-Ireland Vice President, gave a detailed presentation on the status of the General Plan Update; proposed several new General Plan designations to create development opportunities; and outlined the timeframe for completion of the project.

Alonzo Pedrin, Alfred Gobar Associates Principle, presented the results of the economic analysis performed by the firm.

Public Comment:

Charlie Bell, 380 Bluebird Canyon Drive, Laguna Beach, addressed the City Council regarding the 6901 Walker property, which is owned by his father; the general plan process; and concern for any impacts the process would have on the use of the property or the value of the property.

Discussion ensued regarding current property uses and the impact of new General Plan designations on the continued operation of those uses, and restrictions on expansion beyond the current footprint.

Charles Bell, 113 East Bay Avenue, Newport Beach, addressed the City Council regarding when he purchased the 6901 Walker property; that he was not notified about the first meeting; the hearing notices he received; that the property is currently vacant and concerns for future tenants; La Palma's need for businesses that generate taxes; and the City's former investment in his property.

Christine Barnes, 4971 Berton Circle, addressed the City Council requesting clarification on the presenter's reference to multiple hotels rather than the City's one hotel; and that residents have previously opposed higher density projects within the City.

Mr. Pedrin responded that he was referring to not only the City's hotel but to hotels in neighboring communities as well.

Marianne Astle, 7692 Cory Circle, addressed the City Council regarding her opposition to high density projects and the town center concept. She also asked about the vacant properties in the City.

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding potential population increases to the City; changing the character of the City; and requesting clarification on the proposed zoning designations for Moody and La Palma.

Director Dumhart stated that the potential population increase is approximately 3,300 residents; that the General Plan is still in the planning phase; that there will still be public input; the Moody/La Palma property is not proposed to be mixed use; and that there are three mixed use categories--two of those areas currently house multi-tenant developments and the other proposed area is the town center area.

Robert Carruth, 7201 Monterey Lane, addressed the City Council regarding potential demographic changes in La Palma; his support for not changing the atmosphere of La Palma; that large cities should not be models for La Palma; that La Palma is a safe community; that the City is facing rising costs that property taxes cannot cover; that high density leads to high traffic and undesirable communities; that the Hospital property is the only location that could be developed differently to benefit the City; and he inquired what the City's response would be to a developer who came in and proposed a maximum density project.

Council Comments and Questions:

Discussion ensued regarding that the public comments are consistent with the members of the public that the consultants spoke to; La Palma's small "home town" atmosphere; that increased commercial density leads to higher traffic and more noise; remaining open minded and providing options for future development; the need to expand commercial to create higher tax revenues; future use of the RR Donnelly property being allowed; that the Fountain of Living Water Methodist Church is one of the most underutilized property in La Palma; that the portable buildings on the property are allowed by a Temporary Use Permit that will expire soon; that if the church property was rezoned to Neighborhood Commercial, the church facility would not be able to expand their building, but that the property owner could request a modification through the City Council.

City Attorney Kuperberg noted that if the General Plan allowed only a non-institutional use and the church facility could not expand, its only opportunity to expand would be to seek a General Plan change and zoning change from the City to convert the property back to institutional use.

Discussion ensued regarding institutional properties requesting to become commercial properties in order to make a profit; that the City Council could modify a detailed zoning code regulating uses on the property; that La Palma has a limited use of commercial properties; and that the City Council could add a list of uses to the Public Institutional Zone.

City Attorney Kuperberg noted that it would be unusual to change the land use designation but that many city zoning codes allow a small proportion of expansion, but that it would be problematic for the church property as it would need to increase the building foot print by 50-100% in order to fully utilize the space.

Discussion further ensued regarding application of two land use designations for the church property; that La Palma does not use eminent domain; that the medical towers next to the hospital have a 34% vacancy rate; that the residents and property owners should have tools to evolve and attract businesses while

making investments in the community; concern for zoning changes on the church property; that the Bell Family was notified for this meeting; that it will take approximately two years before land use changes will take affect; that the General Plan is still in the beginning stages; that as the General Plan Update process continues, all property owners affected will be notified of meetings; that property owners abroad have been notified and are now starting to get actively involved in the General Plan Update process; that the proposed lodging criteria is "upper mid-scale to up-scale economy" for the City's local hotel; that the City is already impacted by vacating businesses; that the City Council supports preserving the City's quality of life by supporting the General Plan's Update proposals; the City Council's support for the consultant's work on the General Plan Update; the growth of the Fountain of Living Water Methodist Church's congregation; how to address the intersection at Walker Street and Orangethorpe Avenue if density were to increase; requests that the public keep an open mind to the proposals of the General Plan; that the land use plan and environmental impact report need to be incorporated in the General Plan Update; that the General Plan Update will be fully completed in approximately two years; the implementation of the General Plan will be several years in the future; and that the Denni Street Phase One was built out in 1997 and the City is just now building out Phase Two.

Mayor Charoen requested to take a short recess at 9:38 p.m.

Mayor Charoen reconvened the City Council at 9:45 p.m. with all members present.

10. Study Session: FY 2012-13 Capital Improvement Program (CIP)

Finance Director Solorza gave a general overview of the Capital Improvements allocation and funding sources.

Public Works Director Moneda gave a detailed presentation of the City-Wide projects that need to be completed by next fiscal year.

Finance Director Solorza closed his presentation by reporting on the status of the General Fund Reserve.

Public Works Director Moneda closed his presentation by reporting on City-Wide unfunded projects.

Council Comments and Questions:

Discussion ensued regarding support for transferring the excess General Fund Reserves to the Capital Outlay Reserves (COR); that this isn't the time for the

more costly , large scale projects due to the uncertainty of the City's finances; that the Federal Transportation Investment Generating Economic Recovery (TIGER) Grant has paid for some Capital Improvement projects and other grants the City has received; that that the current COR balance is enough to fund all of the identified projects;; that the City Hall renovation/expansion includes roof repair; that the current COR balance is in excess of \$3.5 million; that there would be improvements to Valley View Street; that arterial street rehabilitation is crucial for the City's commercial businesses; that Southern California Edison promised with the new meters that customers would have access to detailed information; that a future project could include customer access to water meter reports and that information will be available by contacting the City's Account Clerk; that the proposed seismic retrofit of City Hall only includes the breeze way between City Hall and the Police Department; the Moody Street Median rehabilitation project; the possibility of installing a surveillance system within the City; the exact amount for the City Hall renovation being over \$3 million; that both the Police Department and Recreation buildings have already been renovated; support for Staff to review the actual cost for renovating City Hall; support for renovating City Hall once the outcome of BP/ARCO has been determined; that the number of costly variables for the renovation of City Hall is due to the building's age; that City Hall's electric capability is at its capacity; that the original City Hall renovation drawings only focused on current space needs and are not detailed plans; that unforeseen construction costs would include foundation and ground level work before the building construction even commenced; that La Palma has experienced several soil issues during construction projects, including high ground water with the Community Center renovation; the staff time required re-evaluate the existing City Hall renovation specifications; delaying the City Hall renovation project; that combining street projects could lower the overall labor costs; that any CIP projects after FY 2014-15 would need to have funding finalized in order to be completed; and that two steady funding sources are the Gas Tax and Measure M funds.

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

Council Member Waldman attended the Orange County Sanitation District (OCSD) Administrative Committee meeting.

Council Member Rodriguez attended the Anaheim Union High School District Foundation meeting; the Joint City Council/Community Activities and Beautification (CAB) Committee meeting; the Successor Agency Oversight Board meeting; the and the Cerritos Parks and Recreation Services (CPRS) Awards banquet. He announced that he plans to attend the upcoming State of the City Address; the upcoming Super 1 Mart Grand Opening event; the upcoming Random Access Network Board meeting (RANB); the upcoming League of California Cities Board (LOCC) quarterly meeting; and the John F. Kennedy High School Girls Basketball banquet. He closed by reporting

that May 23 is Career Day at Walker Junior High School and asked if Staff could speak at the event and asked for clarification on the public comment regarding the alcohol policy at Central Park.

Recreation and Community Services Director Belknap clarified that alcohol is allowed in the Community Center, but not in the gazebo.

Council Member Shanahan attended the Joint City Council/CAB Committee meeting and the Ground breaking ceremony for Buena Park's Park Landing LEED Certified facility. He announced that he plans to attend the upcoming State of the City Address and the upcoming Super 1 Mart Grand Opening event.

Mayor Pro Tem Hwangbo attended the Anaheim YMCA Good Friday Prayer Breakfast; interviewed John F. Kennedy High School students for scholarships; and the Joint City Council/CAB Committee meeting. He announced that he plans to attend the upcoming State of the City Address; the upcoming Super 1 Mart Grand Opening event; and the Successor Agency Oversight Board Committee meeting. He reported that he visited Maroon Drive and supported the improvements and noted that the Cub Scouts will lose their meeting site at Steve Luther Elementary School while it's under renovation and asked if Staff or residents can accommodate them at available facilities.

Mayor Charoen attended the Joint City Council/CAB Committee meeting and announced that he plans to attend the upcoming State of the City Address; the upcoming Joint City Council/ Traffic Safety Committee (TSC) and Development Committee meeting; and the Tapestry Walk Ground Breaking Ceremony. He closed by commenting that he will not be able to attend the Super 1 Mart Grand Opening event.

CITY MANAGER REMARKS

Interim City Manager Matz announced that a Korean Delegation will be visiting La Palma on April 26 with Mayor Pro Tem Hwangbo facilitating and reported that upcoming Agenda Items include a Proclamation for Wildfire Awareness week, Cash and Investment Report, Award of Contract for Phase II of the Residential Pavement Rehabilitation Plan, and revisions to the Student Scholarship Policy.

CITY ATTORNEY REMARKS

City Attorney Kuperberg stated that he will be unable to attend the State of the City Address.

ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the La Palma City Council at 11:00 p.m.

G. Henry Charoen
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk