

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 15, 2012

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to Order at 6:16 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

CLOSED SESSION

CS-1. The City Council will meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYMENT

Position Title: City Manager

CS-2. The City Council will meet in Closed Session pursuant to Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Michelle V. Kern vs. Jason Stone, Roy Stone, City of La Palma, City of Cypress, and Does 1 through 25, inclusive

Case Number: Orange County Superior Court 30-2012-00563519-CU-PACJC

Mayor Charoen recessed to Closed Session at 6:16 p.m.

OPEN SESSION

Mayor Charoen reconvened the City Council in Open Session at 7:05 p.m. with all members present.

City Attorney Kuperberg announced that there was nothing to report on Item CS-1 and that the City Council voted unanimously to authorize defense of the litigation on Item CS-2.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hwangbo

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

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

Council 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
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Charoen presented a proclamation to several members of the La Palma Police Department in recognition of Peace Officer's Memorial Day.
2. Police Chief Nunez introduced newly appointed Police Captain, James Engen.
3. Recreation and Community Services Director Belknap introduced Recreation Specialist Tamara York, who gave a brief presentation of the Youth Action Committee Program.

Recreation Specialist York introduced Youth Action Committee Members: Dania Al-Itani, Michael Chuang, Taylor Denson, Eddie Eun, Louis Kim, Bridget Lee, Melinda Nguyen, Sabrina Nguyen, Bianca Soto, Kylie Tierney, Melanie Wu, Sarah You, and Hyemi Yu.

ORAL COMMUNICATIONS

Jenelle Godges, Southern California Edison Local Public Affairs Region Manager, addressed the City Council regarding the Summer Readiness Plan and reported that the generation plant at San Onofre is currently off line and will not return to full capacity until safety issues are addressed.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AT 7:28 P.M.

City Clerk Murray 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 17, 2012, and May 1, 2012, Regular Meetings of the Successor Agency.

- B. Approval of Register of Demands

Resolution No. SA 2012-13 approving the Successor Agency Register of Demands for May 15, 2012.

Council Member Waldman 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 THE SUCCESSOR AGENCY AND CONVENE AS THE PLANNING COMMISSION AT 7:30 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the April 17, 2012, and May 1, 2012, Regular Meetings of the La Palma Planning Commission.

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

The motion was seconded by Commission Member Waldman 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. Precise Plan 273 and Conditional Use Permit 354 for a New Chase Bank at 5962 La Palma Avenue

- a) Chairperson Charoen opened the Public Hearing at 7:30 p.m.
- b) Associate Planner Hutter gave the Staff Report.
- c) Public Input:

Charlie Arbing, Vice President Market Director of Real Estate for Chase Bank, thanked staff for their assistance with the project.

d) Chairperson Charoen closed the Public Hearing at 7:47 p.m.

e) Commission Comments and Questions:

None.

f) Adopt a Resolution of the La Palma Planning Commission approving Conditional Use Permit 354.

Resolution No. PC 2012-06 approving Conditional Use Permit 354.

g) Adopt a Resolution of the La Palma Planning Commission approving Precise Plan 273.

Resolution No. PC 2012-07 approving Precise Plan 273.

Vice Chairperson Hwangbo made a motion to adopt Resolution No. PC 2012-06 approving Conditional Use Permit 354 and Resolution No. PC 2012-07 approving Precise Plan 273 for a New Chase Bank 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 7:45 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 10, 2012, Joint Meeting with the Community Activities and Beautification Committee and the Minutes of the April 17, 2012, and May 1, 2012, Regular Meetings of the La Palma City Council.
5. Award of Contract to AKAL Consultants for Engineering Services and Appropriation of Funds for the Safe Routes to School Project (City Project No. ST-316)
 - a) Award and authorize the Mayor to execute a contract in the amount of \$35,000 to AKAL Consultants for Engineering Services for the Safe Routes to School (STRS) Project, City Project No. ST-316; and
 - b) Appropriate funding in the Capital Outlay Reserve (COR) Fund in the amount of \$174,000, the estimated total project cost; and,
 - c) Budget \$174,000 in revenue in the COR fund in anticipation of receiving reimbursement from the Safe Routes to School program for the total project cost.
6. Award of Contract to Clinical Laboratory of San Bernardino, Inc., for Laboratory Analysis Services for Testing of Drinking Water Samples

Award and authorize the Mayor to execute an agreement for a contract in the amount of \$26,188 per year to Clinical Laboratory of San Bernardino, Inc. of San Bernardino, California, for laboratory analysis services for testing of drinking water samples.
7. Minor Amendments to the Salary Schedule and Personnel Practices and Benefits for Management Employees

Resolution No. 2012-30 adopting a salary schedule and a comprehensive listing of personnel practices and benefits for Management employees and rescinding Resolution 2011-39 in order to make minor clean-up amendments to the Resolution.
8. Authorization for Council Members to Attend the League of California Cities Annual Conference and Designation of Voting Delegates

- a) Approve the attendance of interested Council Members at the League of California Cities Annual Conference, September 5-7, 2012, in San Diego; and
- b) Designate Mayor Henry Charoen as the City of La Palma's Voting Delegate at the League's Annual Conference and Mayor Pro Tem Hwangbo as the Alternate Voting Delegate.

Council Member Waldman made a motion to approve Consent Calendar Items 1, 2, 5, 6, 7, and 8.

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 CONSENT CALENDAR

3. Approval of Register of Demands

Council Member Rodriguez asked to pull the item for clarification on the older charges from Cypress Auto Tow.

Police Captain Enright responded that the fees were a back-log from Cypress Auto Tow that had not been previously invoiced.

Resolution No. 2012-29 approving the Register of Demands for May 15, 2012.

Council Member Rodriguez made a motion to approve Consent Calendar Item 3.

The motion was seconded by Mayor Pro Tem Hwangbo 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

4. Sprite Sparks Park Grant Budget Appropriation for Rehabilitation of Central Park Basketball Courts

Council Member Rodriguez asked to pull the item to inquire about the art component of the project.

Recreation and Community Services Director Belknap responded that the basketball courts will have players painted around the edges of the courts; that the courts will be two toned; and that the Sprite logo will be placed on a commemorative plaque.

Approve the receipt of \$20,000 in revenue as a Sprite Sparks Park Grant Project and appropriate \$20,000 in expenditures to rehabilitate the Central Park Basketball Courts.

Council Member Rodriguez made a motion to approve the receipt of \$20,000 in revenue as a Sprite Sparks Park Grant Project and appropriate \$20,000 in expenditures to rehabilitate the Central Park Basketball Courts.

The motion was seconded by Council Member Waldman 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

9. Ordinance of the City of La Palma Approving the Development Agreement for a New Bank Use at 5962 La Palma Avenue

- a) Mayor Charoen opened the Public Hearing at 7:49 p.m.
- b) Community Development Director Dumhart gave the Staff Report
- c) Public Input:
None.
- d) Mayor Charoen closed the Public Hearing at 7:51 p.m.

e) Council Comments and Questions

None.

f) Introduce for first reading an Ordinance of the City of La Palma approving the Development Agreement for a new bank use at 5962 La Palma Avenue.

Council Member Waldman made a motion to Introduce for first reading 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 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

REGULAR ITEMS

10. Utility Users' Tax (UUT) Rate Setting for Fiscal Year 2012-13

Interim City Manager Matz gave the Staff report.

Council Member Waldman made a motion to approve the Utility Users' Tax (UUT) Rate at 4% for Fiscal Year 2012-13.

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

11. Agreement for Consultant Services with Charles Abbott Associates, Inc. (CAA) for As-needed Building Official, Building Inspection and Building Plan Check Services

Community Development Director Dumhart gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the applicant's rates; that the after hour rates could be adjusted; that the on-line plan check system will be fully functional in no later than 90 days; the Filemaker software; and other cities serviced by CAA.

Council Member Rodriguez made a motion to approve an agreement for Consultant Services with Charles Abbott Associates, Inc. (CAA) for As-needed Building Official, Building Inspection and Building Plan Check Services.

The motion was seconded by Council Member Waldman 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

RECONVENE THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT
COMMISSION FOR A JOINT MEETING CITY COUNCIL AT 8:06 P.M.

REGULAR ITEMS

12. Presentation of Proposed Fiscal Year 2012-13 Budget

a) Receive Presentation

Interim City Manager Matz introduced the item.

Finance Director Solorza gave a presentation on the Budget Overview, the General Fund Review Summary, and the General Fund Expenditure Summary.

Administrative Services Manager Murray gave a presentation on the proposed Administrative Services Division Budget.

Finance Director Solorza gave a presentation on the proposed Finance Division Budget.

Community Development Director Dumhart gave a presentation of the proposed Community Development Department Budget.

Recreation and Community Development Director Belknap gave a presentation on the proposed Recreation and Community Services Budget.

Police Chief Nuñez gave a presentation on the proposed Police Department Budget.

Public Works Director Moneda gave a presentation on the proposed Public Works Budget.

Community Development Director Dumhart gave a presentation on the proposed Successor Agency to the Community Development Commission Budget.

Finance Director Solorza closed the presentation by giving a General Fund Overview and General Fund Reserve Overview.

Interim City Manager Matz closed the presentation by announcing the timeline for upcoming future budget presentations.

Mayor Charoen requested a short recess at 8:52 p.m.

Mayor Charoen reconvened the City Council at 8:59 p.m. with all members present.

b) Public Input:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council asking that the City address the lack of funding for GASB 45 obligations and in opposition to the Management Aide position.

c) Council Comments and Questions:

Discussion ensued facility repairs for City Hall; that future City Council Members will have to contend with the aging City Hall infrastructure; Redevelopment Agency loans and whether the City can be reimbursed for those loans; that the State ruled that the "Seasons loan" is not an enforceable obligation; that the State will deliver an approved list of loans by May 25 to 400 agencies; that the City has paid all previous debts; and whether the City can challenge the State's denial of Seasons as a non enforceable obligation.

City Attorney Kuperberg responded that the legislative language is unclear; that several cities are joining class action suits and administrative

appeals against the State; and that there is a June 1 deadline for the State decision.

Further discussion ensued regarding many Public Works positions being funded by water and sewer funds; that an asset seizure fund is being created for the Regional Narcotics Suppression Program; the City's current technology backup practices; the aging telephone system; Voice Over Internet Protocol (VOIP) options; the potential of using Public, Educational, and Governmental (PEG) fees for the Civic Center/Central Park Wi-Fi Project; the positive financial impact of changing the vacant Recreation Supervisor position to a Management Aide position and eliminating the three-quarter Recreation Specialist position; that the City Manager's salary was forecast at the same pay scale as the previous City Manager's salary; that the increase in personnel services is attributed to increased PERS rates and some employees being eligible for merit increases; and the 4% UUT rate.

ADJOURN THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT COMMISSION AT 9:30 P.M.

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

Mayor Pro Tem Hwangbo attended the La Palma Volunteer Recognition Dinner; the Asian Pacific Islander Heritage Celebration; the Cypress Annual Police Appreciation Luncheon; the Orange County Human Relations Awards; the Orange County Government Leaders Prayer Breakfast; the John F. Kennedy High School Scholarship Dinner; and the Anaheim Union High School District (AUHSD) Board Meeting.

Council Member Rodriguez attended the La Palma Volunteer Recognition Dinner; the John F. Kennedy High School Scholarship Dinner; the AUHSD Board meeting; the Field Time Target and Training Grand Opening in Stanton; A Pacific Electric Right of Way (P & E ROW) Steering Committee meeting; and a private event at the La Palma Community Center where it appeared that the air conditioner was not functioning properly. He announced that he plans to attend the upcoming Cerritos State of the City Address; the Orange County Water Summit; and the AUHSD State of the District Meeting. He closed by reporting that there are no trash receptacles in the Ralph's Center and requested that Staff address the matter.

Council Member Shanahan attended the La Palma Volunteer Recognition Dinner. He commented that he is currently reviewing the Student Recognition Awards applications and plans to attend the upcoming Scholarship Awards Subcommittee Meeting.

Council Member Waldman attended the La Palma Volunteer Recognition Dinner; the Steve Luther Elementary School Spring Festival; the Orange County Sanitation District (OCSD) Administration Committee meeting; and noted that the Steve Luther Elementary School Principal complained that The Olson Company agreed to curtail excessive construction noise during State testing but apparently did not.

Mayor Charoen attended the Cypress Annual Police Appreciation Luncheon; the La Palma Volunteer Recognition Dinner; a meeting with the Management of Beacon Day School; and the Association of California Cities - Orange County (ACC-OC) City Selection Committee meeting.

CITY MANAGER REMARKS

Interim City Manager Matz thanked Staff for their involvement in the City's Budget process and announced that upcoming agenda items will include Student Recognition Awards, further budget discussions, the General Plan study session, Concerts in the Parks alcohol use, reviewing the automated meter reading project, Final Tract Map 17431, certification of the Sewer Management Plan, and the required election resolutions.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported that there is a tremendous amount of communication going on regarding the termination of Redevelopment Agencies and the matter is being tracked by his office in order to determine what actions the City should take.

ADJOURNMENT

Mayor Charoen adjourned the Regular Meeting of the La Palma City Council at 9:50 p.m.

G. Henry Charoen
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk