

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

February 5, 2013

CALL TO ORDER: Mayor Hwangbo called the Regular Meeting of the La Palma City Council to order at 6:30 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California with Council Member Charoen and Mayor Pro Tem Shanahan being absent.

CLOSED SESSION

CS-1. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Ellen Volmert, City Manager Laurie Murray, Administrative Services Manager
Steve Filarsky, Agency Labor Counsel

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

Unrepresented Employees: Executive Management

Mayor Hwangbo recessed to Closed Session at 6:31 p.m.

Mayor Pro Tem Shanahan joined the meeting at 6:32 p.m.

Mayor Hwangbo adjourned the Closed Session at 6:37 p.m.

OPEN SESSION

Mayor Hwangbo reconvened in Open Session at 7:00 p.m. with all members present.

Administrative Services Manager Murray stated that there were no reportable actions.

PLEDGE OF ALLEGIANCE: Council Member Charoen

INVOCATION: Pastor Steve Bland, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council/Commission members present: Council/Commission Member Charoen, Council/Commission Member Goedhart, Mayor/Chairperson Hwangbo, Council/Commission Member Kim, and Mayor Pro Tem/Vice Chairperson Shanahan

Council/Commission members absent: None

City Officials present: Ellen Volmert, 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
Eric Nuñez, Police Chief
Michael Solorza, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Mayor Hwangbo presented a proclamation to former Senator Tom Harman for his years of dedicated service to the citizens of La Palma and surrounding communities.
2. Mayor Hwangbo presented a proclamation to former Assemblyman Jim Silva recognizing his years of dedicated service to the citizens of La Palma and surrounding communities.
3. Mayor Hwangbo presented a proclamation to Brian O'Neal, President of the Anaheim Union High School District (AUHSD) Board of Trustees of the North Orange County Regional Occupational Program, in recognition of Career Technical Education Month.

ORAL COMMUNICATIONS

Steven Maikoski, 4551 Maroon Drive, invited the City Council and public to the upcoming 405/605 Tea Party Patriots seminar on March 2, 2013, regarding the United Nations Agenda 21.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:20 P.M.

Administrative Services Manager Murray stated, "The City Council will now recess and convene as the Successor Agency to the Dissolved Community Development Commission of the City La Palma, 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 meetings, or otherwise as serving as members of the Successor Agency or Planning Commission."

CONSENT CALENDAR

A. Approval of Successor Agency Minutes

Minutes of the January 15, 2013, Regular Meeting of the Successor Agency.

B. Cash and Investment Report, Second Quarter FY 2012-13, as of December 31, 2012

Receive and File the Cash and Investment Report for the second quarter of the 2012-13 Fiscal Year (as of December 31, 2012).

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

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

AYES: Council Member Charoen, Council Member
Goedhart, Mayor Hwangbo, Council Member
Kim, and Mayor Pro Tem Shanahan

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

- C. Fourth Recognized Obligations Payment Schedule - July 1, 2013, to December 31, 2013

Community Development Director Dumhart gave the Staff Report.

Adopt Resolution No. SA 2013-02 approving the Fourth Recognized Obligations Payment Schedule (ROPS 13-14A) for July 1, 2013, to December 31, 2013.

Council Member Goedhart made a motion to adopt Resolution No. SA 2013+-02 approving the Fourth Recognized Obligations Payment Schedule (ROPS 13-14A) - July 1, 2013, to December 31, 2013.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION AT 7:25 P.M.

CONSENT CALENDAR

- PL-1. Approval of Planning Commission Minutes

Minutes of the January 15, 2013, Regular Meeting of the La Palma Planning Commission.

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

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

AYES: Commission Member Charoen, Commission Member Goedhart, Chairperson Hwangbo, Commission Member Kim, and Vice Chairperson Shanahan

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:26 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 15, 2013, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands
Adopt Resolution No. 2013-02 approving the Register of Demands for February 5, 2013.
4. Cash and Investment Report, Second Quarter FY 2012-13, as of December 31, 2012
Receive and File the Cash and Investment Report for the second quarter of the 2012-13 Fiscal Year (as of December 31, 2012).
5. Award of Contract to United Storm Water Inc. for the Measure M2 Environmental Cleanup Program Project, City Project No. ST-326

- a) Award and authorize the Mayor to execute a contract in the amount of \$66,277 to United Storm Water, Inc. of Industry, California, for the Measure M2 Environmental Cleanup Program Project, City Project No. ST-326; and
 - b) Approve Resolution No. 2013-03 appropriating funds from the Capital Outlay Reserve (COR) Fund balance in the amount of \$66,277 to temporarily fund the project (035-900-831.000), with expected reimbursement of this amount from the Orange County Transportation Agency (OCTA).
6. Crescent Avenue Arterial Street Improvements Cooperative Agreement
- a) Authorize participation of the City of La Palma with the City of Cypress in a shared jurisdiction street improvement project on Crescent Avenue from the east City limit of Moody Street to the west City limit of Walker Street; and
 - b) Authorize the City Manager and Public Works Director to approve and execute the project participation agreement with the City of Cypress.
7. Purchase of a Replacement Backhoe Loader (LP-27) and Vacuum Sweeper (LP-29)
- Authorize the purchase of a John Deere 310SK Backhoe Loader and a RS 501 Vacuum Sweeper through the California Multiple Award Schedules (CMAS) contract 4-08-23-0023A and authorize the Public Works Director to send the replaced vehicles to auction.
8. Agreement between the City of La Palma and the City of Buena Park for Use of the Buena Park Police Firing Range
- Approve the agreement for La Palma Police Department's use of the Buena Park Firing Range.
9. Resolution Adopting New Rules Relating to Employer-Employee Organization Relations
- Adopt Resolution No. 2013-04 repealing Resolution 71-7 and adopting new rules relating to Employer-Employee Organization Relations.

Council Member Charoen made a motion to approve Consent Calendar Items 1 through 9.

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

AYES: Council Member Charoen, Council Member
Goedhart, Mayor Hwangbo, Council Member

Kim, and Mayor Pro Tem Shanahan

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

13. Council Member Request: Cypress College Americana Awards Funding

Mayor Hwangbo moved Item 13 up in the Agenda to allow the representatives from the Cypress College Americana Awards Foundation to comment on the item.

Mayor Pro Tem Shanahan gave brief overview of the item and the reasoning behind supporting the event.

The following individuals addressed the City Council in support of the City providing funding for a table at the Cypress College Foundation Americana Awards:

Raul Alvarez, Executive Director of the Americana Foundation and Community Relations at Cypress College.

Jenelle Godges, Cypress College Americana Awards Chairperson and Southern California Edison Representative.

Becky Ishii, 7881 Louise Lane.

Ulla Herman, 5122 Andrew Drive.

Brian O'Neal, 5042 Cartegenia Circle.

Keith Nelson, 5311 La Luna Drive, who also spoke about the honoree, John Alvis.

- a) Consider Mayor Pro Tem Shanahan's request and discuss whether to restore funding for the purchase of a table at the Cypress College Americana Awards; and (if approved)
- b) Adopt Resolution No. 2013-07 appropriating \$2,500 from General Fund Reserves and adopt a Resolution Amending the Fiscal Year 2012-13

Budget; and

- c) Adopt Resolution No. 2013-08 authorizing participation in the 2013 Cypress College Foundation Americana Awards.

Discussion ensued regarding restoring funding for the purchase of a table at the Cypress College Foundation Americana Awards.

Mayor Pro Tem Shanahan made a motion to adopt Resolution No. 2013-07 appropriating \$2,500 from General Fund Reserves and amending the Fiscal Year 2012-13 Budget; and adopt Resolution No. 2013-08 authorizing participation in the 2013 Cypress College Foundation Americana Awards.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

10. Operating Covenant and Restrictive Covenants Affecting Interest in Real Property Agreement with Tesoro Refining & Marketing Company, LLC

Community Development Director Dumhart gave the Staff Report and acknowledged City Staff and Patrick Foley, Tesoro's Director of Real Estate, for their support throughout the process.

Discussion ensued regarding the proposed agreement and appreciation for Community Development Director Dumhart's efforts in securing the agreement with Tesoro.

The following individual addressed the City Council:

Larry Herman, 5122 Andrew Drive, addressed the City Council commending City Staff for their efforts in arranging the Tesoro agreement and recommended that the City Council create a policy on how the revenues be spent and suggested that they earmark a portion of the expected revenues for the Capital Outlay Reserve (COR) rather than putting all of the revenues into the General Fund.

Further discussion ensued regarding the Federal Trade Commission's (FTC) approval of Tesoro's purchase still pending; and welcoming Tesoro to the City of La Palma.

Mayor Hwangbo made a motion to adopt Resolution No. 2013-05 approving an Operating Covenant and Restrictive Covenants Affecting Interest in Real Property Agreement with Tesoro Refining & Marketing Company, LLC. and authorizing the Mayor to execute.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

11. Agreement with Spillman Technologies, Inc. for Computer Aided Dispatch and Records Management System (CAD/RMS) Equipment and Services

Police Chief Nunez gave the Staff Report.

The following individual addressed the City Council:

Keith Nelson, 5311 La Luna Drive, addressed the City Council regarding the huge cost differential in the current versus proposed dispatch system and requested clarification of the cost.

Police Chief Nunez explained the business model of the West Covina system and that service costs have increased 30 percent (30%) over the last five years.

Discussion ensued regarding the West Covina system versus the proposed Spillman Technologies system and the efficiencies and increased productivity offered by the proposed system.

- a) Approve and authorize the Mayor to execute an agreement with Spillman Technologies, Inc., for their Computer Aided Dispatch and Records Management System (CAD/RMS) equipment and services; and
- b) Approve Resolution No. 2013-06 appropriating funds from General Fund reserves in the amount of \$200,000 (\$193,816 plus 3% for contingency costs) to fund the procurement of the new CAD/RMS system.

Council Member Goedhart made a motion to approve and authorize the Mayor to execute an agreement with Spillman Technologies, Inc., for their Computer Aided Dispatch and Records Management System (CAD/RMS) equipment and services; and approve Resolution No. 2013-06 appropriating funds from General Fund reserves in the amount of

\$200,000 (\$193,816 plus 3% for contingency costs) to fund the procurement of the new CAD/RMS system.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

12. Options for Addressing the City's Other Post Employment Benefit (OPEB) Liability

Finance Director Solorza gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the options for addressing the City's OPEB liability, including types of trusts and investment strategies.

- a) Approve the Staff recommended method as outlined in the Conclusions to this agenda report; or
- b) Provide alternative directions to Staff based on a different option not presented in this report.

Council Member Goedhart made a motion to direct staff to begin discussions with a third party agency that would offer the most cost effective alternative to the pay as you go method in order to establish an irrevocable trust OPEB trust by June 30, 2013.

Mayor Pro Tem Shanahan asked for clarification of the motion, which Council Member Goedhart provided.

Mayor Pro Tem Shanahan seconded the motion.

Council Member Charoen asked for further clarification of the staff recommendation versus the motion on the floor, which Finance Director Solorza provided.

The motion carried on the following vote:

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member

Kim, and Mayor Pro Tem Shanahan

NOES: None

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

Mayor Pro Tem Shanahan had nothing to report.

Council Member Kim attended the Cypress State of the City Luncheon, the Orange County Sanitation District (OCSD) monthly meeting; the January 28 Special Meeting of the City Council; the Buena Park State of the City luncheon; an AUHSD meeting; the Orange County Fire Authority (OCFA) "Best and Bravest" awards dinner.

Council Member Goedhart attended the OCSD orientation; the first meeting of the OCFA Board meeting; and the OCFA "Best and Bravest" awards dinner.

Council Member Charoen attended the Anaheim Bolts mixer and the Dialysis Training Institute grand opening.

Mayor Hwangbo attended the Cypress State of the City Luncheon; the January 28 Special Meeting of the City Council; a meeting with Assemblywoman Sharon Quirk-Silva's staff; the Buena Park State of the City Luncheon; a meeting with Congresswoman Linda Sanchez; the AUHSD Board meeting; and the La Palma-Buena Park Relay for Life kick-off event.

CITY MANAGER REMARKS

City Manager Volmert attended the Cypress State of the City Luncheon; the AUHSD meeting; a meeting with Assemblywoman Sharon Quirk-Silva; and a meeting with Congress Woman Linda Sanchez.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported that the California Legislature is back in session and bills are being introduced and circulated, including some regarding CEQA reform, the Brown Act, and property tax issues. He will advise staff and the City Council regarding proposed legislation as appropriate.

ADJOURNMENT

Mayor Hwangbo adjourned the Regular Meeting of the La Palma City Council at 9:23 p.m.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk