

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 2, 2013

CALL TO ORDER: Mayor Pro Tem Shanahan called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Mayor Hwangbo being absent.

PLEDGE OF ALLEGIANCE: Council Member Charoen

INVOCATION: Jasdeep Singh Mann, the California Sikh Council

ROLL CALL: Council and Commission Members

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

Council/Commission Members absent: Mayor/Chairperson Hwangbo

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
Eric Nunez, Police Chief
Jeff Moneda, Public Works Director
Michael Solorza, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Tricia Cardenas, representing Mothers Against Drunk Drivers (MADD), and Kara Medrano, representing Congress Woman Linda Sanchez, presented certificates to Officer Scott Flynn and Officer Matthew Marchand in recognition of

their being named Top DUI Officers.

2. Mayor Pro Tem Shanahan presented a proclamation to Captain James Enright, Dispatcher Charlotte Kanoti, and Dispatcher Patricia Valentino in recognition of National Public Safety Telecommunicator's Week.
3. Sally Alvis, representing La Palma Community Activities and Beautification Committee, Home Spotlight Committee, presented Peter and Isabella Benze with the Quarterly Home Spotlight Awards for their home at 7961 Birchwood Circle, La Palma.

ORAL COMMUNICATIONS

Steven Maikoski, 4551 Maroon Drive, representing the 405/605 Tea Party, announced an upcoming meeting at Rush Park on April 11, 2013, regarding the National Debt.

Ralph Rodriguez, 4621 Amberwood Avenue, addressed the City Council regarding his support for City Project ST-325, the last part of the Pavement Management Plan; support for Staff's recommendation to keep the Utility User's Tax (UUT) at 5%; and support for an explanation of UUT revenue spending to the residents.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:21 P.M.

Administrative Services Manager/City Clerk 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

None Scheduled.

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION AT 7:22 P.M.

CONSENT CALENDAR

None Scheduled.

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:23 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 Register of Demands

Adopt Resolution No. 2013-18 approving the Register of Demands for April 2, 2013.

3. Award of Contract to R.J. Noble Company for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-325

Award and authorize the Mayor to execute a contract in the amount of \$886,861 to R.J. Noble Company for the Pavement Rehabilitation of Residential Streets

with Asphalt Rubber Overlay (ARHM), City Project No. ST-325, and authorize an expenditure of up to an additional \$88,686 for contingencies, for a maximum project cost of \$975,547.

Council Member Charoen made a motion to approve Consent Calendar Items 1 through 3.

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

AYES:	Council Member Charoen, Council Member Goedhart, Council Member Kim, and Mayor Pro Tem Shanahan
NOES:	None
ABSENT:	Mayor Hwangbo

ITEMS PULLED FROM CONSENT CALENDAR

4. First Amendment to the Agreement with Midori Gardens, Inc. for General Landscape Maintenance Services for Central Park, the Edison Right-of-Way, and Various City Facilities

Council Member Kim requested to have the item pulled to inquire about the consistent pricing and the rationale for not going out to bid.

Public Works Director Moneda responded that during the last project bid, the City received higher unit prices; that Midori was the lowest bidder and offered their current services at the same pricing; and that high fuel prices will cause higher bid prices if the City re-bids the project versus extending the contract.

Approve and authorize the Mayor to execute a First Amendment to the Agreement with Midori Gardens, Inc. of Santa Ana, California, for general landscape maintenance services for Central Park, the Edison Right-of-Way, and various city facilities.

Council Member Kim made a motion to approve the First Amendment to the Agreement with Midori Gardens, Inc. for General Landscape Maintenance Services for Central Park, the Edison Right-of-Way, and Various City Facilities.

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

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

NOES: None

ABSENT: Mayor Hwangbo

5. Utility Users' Tax (UUT) Rate Setting for Fiscal Year 2013-14

Council Member Charoen requested to have the item pulled to ask the City Council to consider a lower rate.

Discussion ensued regarding the City still being in a financial crisis; support for the UUT rate at 5%; that decreasing the UUT would cause a budget deficit; and investigating further ways to decrease the FY 2013-14 budget.

Receive and file the report on the Utility Users Tax (UUT) rate for Fiscal Year 2013-14.

Council Member Goedhart made a motion to Receive and File the Utility Users' Tax (UUT) Rate Setting for Fiscal Year 2013-14 at 5%.

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

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

NOES: Council Member Charoen

ABSENT: Mayor Hwangbo

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

6. Ordinance Adding and Amending Certain Provisions within Chapter 26 of the La Palma Municipal Code to Provide a Process for Making Reasonable Accommodation to Land Use and Zoning Decisions and Procedures Regulating the Siting, Funding, Development, and Use of Housing Matters for People with Disabilities

Community Development Director gave the Staff Report.

Council Member Kim made a motion to approve Ordinance No. 2013-01 Adding and Amending Certain Provisions within Chapter 26 of the La Palma Municipal Code to Provide a Process for Making Reasonable Accommodation to Land Use and Zoning Decisions and Procedures Regulating the Siting, Funding, Development, and Use of Housing Matters for People with Disabilities.

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

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

NOES: None

ABSENT: Mayor Hwangbo

7. Ordinance Adding and Amending Certain Provisions within Chapter 26 of the La Palma Municipal Code to Subject Permanently Sited Manufactured Homes on Lots Zoned For Single-Family Dwellings to the Same Rules as Site-Built Homes in the "Single-Family District Residential (R-1)"

Community Development Director Dumhart gave the Staff Report.

Council Member Kim made a motion to adopt Ordinance No. 2013-02 Adding and Amending Certain Provisions within Chapter 26 of the La Palma Municipal Code to Subject Permanently Sited Manufactured Homes on Lots Zoned For Single-Family Dwellings to the Same Rules as Site-Built Homes in the "Single-Family District Residential (R-1)".

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

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

NOES: None

ABSENT: Mayor Hwangbo

8. Designation of Delegates and Authorization for Delegates to Attend the Southern

California Association of Governments Regional Conference and General Assembly

Administrative Services Manager Murray gave the Staff Report.

Council Member Charoen made a motion to designate Mayor Hwangbo as the delegate to attend the Southern California Association of Governments Regional Conference and General Assembly if he wishes to attend.

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

AYES:	Council Member Charoen, Council Member Goedhart, Council Member Kim, and Mayor Pro Tem Shanahan
NOES:	None
ABSENT:	Mayor Hwangbo

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

Council Member Charoen attended the La Palma Intercommunity Hospital Pool Grand Re-opening event and a meeting with Walmart representatives.

Council Member Goedhart attended the La Palma Intercommunity Hospital Pool Grand Re-opening event; a meeting with Walmart representatives; attended an Orange County Fire Authority (OCFA) meeting; and commented on the removal of block wall vines that reveal the need for painting. He requested a future meeting or update from Staff to address the goal of working with School districts; consideration of workshops for the upcoming budget meetings; and his concern regarding discussions about vacant part-time positions being conducted in Closed Session.

City Attorney Kuperberg responded that certain actions that the City Council takes could impact bargaining groups and would refer the matter to the Labor Counsel for a recommendation and finding.

City Manager Volmert reported that the matter can be addressed prior to the Closed Session upon the Labor Attorney's arrival.

Council Member Kim attended the Stanton Mayor's Prayer Breakfast; the La Palma Intercommunity Hospital Pool Grand Re-opening event; the Orange County Sanitation District (OCSD) general meeting and noted that he voted against the fee increase,

but the increase carried 18-7. He closed by commenting that he also attended a meeting with Walmart representatives.

Mayor Pro Tem Shanahan attended a meeting with Walmart representatives and the La Palma Intercommunity Hospital Pool Grand Re-opening event. He closed by reporting that the Library Advisory Board was unable to meet due to lack of a quorum and inquired on when the facts for Police Dispatch will be displayed on the City's website.

City Manager Volmert responded that the Police Dispatch fact sheet will be posted to the City's website by the end of the week.

CITY MANAGER REMARKS

City Manager Volmert announced that the City received the final determination from the Department of Finance and was not successful in the "Meet and Confer" and will have to submit \$3.6 million to the State, but will receive a percentage back; the City received a letter from Orange County regarding a court decision in regards to the triple flip occurrence, resulting in the County having to pay back \$105,341 to the City of La Palma.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported on the outcome of a trial court ruling regarding the use of personal cell phones, tablets, and other personal electronic devices to conduct official business; that the ownership of the machine is irrelevant, but texts, e-mails, and messages regarding City business qualify as public record. He closed by encouraging City Council Members and Staff to not use personal devices to conduct City business.

Mayor Pro Tem Shanahan recessed the City Council at 7:50 p.m.

Mayor Pro Tem Shanahan reconvened the City Council in Open Session with Mayor Hwangbo being absent at 8:06 p.m.

CLOSED SESSION

Council Member Goedhart asked for clarification of having unrepresented part-time positions being discussed in Closed Session.

Labor Attorney Steve Filarsky responded that eliminating an unrepresented part-time position can cause an increase to the workload of members in a bargaining unit,

therefore, the elimination of part-time positions qualify under the same "meet and confer" requirements as bargaining units.

Council Member Goedhart stated his opposition to having unrepresented part-time positions discussed in Closed Session and wanted the record to reflect his position on the matter.

Mayor Pro Tem Shanahan recessed to Close Session at 8:08 p.m.

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
Part Time Employees

CS-2. 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 Pro Tem Shanahan reconvened in Open Session at 9:10 p.m. with Mayor Hwangbo being absent and asked for a report.

Administrative Services Manager Murray reported that for Item CS-1, the City Council directed the City Manager to fill the part-time Police Services Aide position and that there is nothing to report on Item CS-2.

ADJOURNMENT

Mayor Pro Tem Shanahan adjourned the Regular Meeting of the La Palma City Council at 9:11 p.m.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk