

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 6, 2013

CALL TO ORDER: Mayor Hwangbo called the Regular Meeting of the La Palma City Council to order at 6:45 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 Professional Employees
Association

Unrepresented Employees: Executive Management

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

CS 3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Tera Lynn Croft vs. City of La Palma, Ryan Russell Hutton,
and DOES 1 through 20, inclusive

Mayor Hwangbo recessed to Closed Session at 6:46 p.m.

Mayor Pro Tem Shanahan joined the Closed Session at 6:48 p.m.

Council Member Charoen joined the Closed Session at 6:50 p.m.

Mayor Hwangbo recessed the Closed Session at 6:50 p.m.

OPEN SESSION

Mayor Hwangbo reconvened in Open Session at 7:02 p.m. with all members present and asked for a report.

City Attorney Kuperberg stated that there were no reportable actions for Closed Session Items, 1, 2, or 3.

PLEDGE OF ALLEGIANCE: Council Member Charoen

INVOCATION: Pastor Jim Riggan, 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
Mayor Pro Tem/Vice Chairperson Shanahan

Council/Commission Members absent: None

City Officials present: Ellen Volmert, City Manager/Executive Director
Joel Kuperberg, City Attorney
Douglas Dumhart, Community Development Director
Eric Nunez, Police Chief
Michael Solorza, Finance Director
Michael Belknap, Community Services Director
Laurie Murray, Administrative Services Mgr./City Clerk

PRESENTATIONS

1. Administrative Services Manager Murray introduced Alvaro Torres as the new South East Area Animal Control Authority (SEAACA) Officer.
2. Mayor Hwangbo presented a Proclamation to Police Chief Nunez, Captain Engen, Corporal Johnson, Officer Pastor, and Officer Marchand in recognition of National Night Out 2013.

ORAL COMMUNICATIONS

No members of the public wished to speak.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:10 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 CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION AT 7:11 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 7:12 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. 2013-31 approving the Register of Demands for August 6, 2013.

Council Member Charoen made a motion to approve Consent Calendar Items 1 and 2.

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

3. Follow-up Report on Neighborhood Noise Complaints regarding WalMart Operations

Community Development Director Dumhart gave the Staff Report.

Public Input:

Renee Buchanan, 8062 De Vries Lane, addressed the City Council regarding: her opposition to the compressor start time; the confusion with the new time restriction signage; noise from employees on the loading dock; disagreement with the reported number of phone calls to the Police Department; and the expense of building a higher block wall.

Community Development Director Dumhart responded that Staff will rectify signage issues; that adoption of the vehicle code would assist Code Enforcement of the truck traffic; that the City will work with homeowners to resolve block wall concerns; and that Staff is investigating financing mechanisms for cost effective energy solutions that could provide financing for double-paned windows to mitigate the sound issues.

Council Comments and Questions:

Discussion ensued regarding the situation at WalMart being improved; mitigating the trucks parking against the block wall; and whether Staff could address the employee noise level at the loading dock.

City Attorney Kuperberg responded that the City could make a zoning code change to numerous sites with certain land uses to reduce noise levels after a certain time; that Staff would need to measure the noise levels with appropriate equipment in order to enforce compliance; and that property owners could post their own quiet zone sign on their property.

Further discussion ensued regarding minimizing the impact of the store on the surrounding neighborhood; allowing homeowners leverage on their block wall height to mitigate the noise; that most of the area's block walls are aging and due to the block size, could not accommodate extended block heights, but could accommodate a vinyl or other light weight extension; a summary of WalMart's changes to accommodate residents concerns; the amount of truck traffic in the WalMart alley; and the manner in which deliveries are made.

Aaron Rios, WalMart Public Affairs Director, addressed the City Council regarding large deliveries being made three times a day by WalMart trucks; and the variety of delivery practices to the store.

Further discussion ensued regarding parking options for delivery trucks; and that Staff has worked with the WalMart Management Team for resolution; support for the changes made; and that the item return to the City Council for a review at a later date.

- a) Receive and file the report; and
- b) Adopt Resolution No. 2013-32 approving a building permit fee waiver for first in homeowners to raise their fence height and/or install noise reduction windows/and or doors; and
- c) Adopt Resolution No. 2013-33 establishing truck delivery hours and no parking/stopping in the alley behind 5410-5482 La Palma Avenue.

Council Member Kim made a motion to Receive and file the report; adopt Resolution No. 2013-32 approving a building permit fee waiver for first in homeowners to raise their fence height and/or install noise reduction windows/and or doors; and adopt Resolution No. 2013-33 establishing truck delivery hours and no parking/stopping in the alley behind 5410-5482 La Palma Avenue.

Mayor Pro Tem Shanahan seconded the motion.

Council Member Goedhart asked for an amendment to direct Staff to bring the item back for a review in six months.

Council Member Kim, as the maker of the motion, and Mayor Pro Tem Shanahan, as the seconder of the motion, accepted the amendment.

Further discussion ensued regarding the details of the proposed vehicle citations; and a request to have WalMart Management encourage the delivery drivers to adhere to the City's parking and delivery modifications.

The motion was carried on the following vote:

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

NOES: None

4. Curb Address Painting Policy

Community Services Director Belknap gave the Staff Report.

Public Input:

Robert Henderson, Executive Director of Care for the Children Charities, addressed the City Council regarding his organization and how they could provide these services to the City.

Pat Craig, 7662 Tracy Lane, addressed the City Council regarding her concern that numerous residences within the City do not have curb addresses; support for having youth groups conducting the curb address painting; and support for address uniformity.

Council Comments and Questions:

Discussion ensued regarding non-profit agencies conducting the curb address painting; the cost to correct mistakes; giving priority to local City organizations; that Care for the Children would donate a portion of the monies raised to a local agency; the history of who has conducted the painting in prior years; addressing liability issues; Staff's recommendations to get the addresses painted by the end of the year; concerns about the need to get the project completed within a year because of the public safety issues; that the City should be paying for the project; and that it is the City's responsibility to get the numbers painted.

Approve the Curb Address Painting Policy and direct staff to begin implementation.

Council Member Charoen made a motion to direct staff to conduct a Request for Proposal (RFP) with funding paid by the City for city-wide curb address painting, and have item brought back to the City Council for approval.

Council Member Goedhart asked for clarification on the motion as it relates to Staff's recommendation to adopt a policy.

Council Member Charoen responded that his motion supports Staff's recommendation of the policy excluding donations, allowing for local non-profit agencies to respond to the RFP process, and the City fully funding the project.

Further discussion ensued regarding City funding being incorporated into the Policy; support for an agency that has a history with the City to conduct the project; opposition to the project being City funded and support for the project being funded through donations; and the inability to establish quality control measures with local groups to complete a city-wide project.

Council Member Charoen's motion failed for lack of a second.

Council Member Goedhart made a motion to adopt the Curb Address Painting Policy with the caveat that the City fund the project.

Council Member Charoen asked for clarification on the motion, which was then restated.

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

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

NOES: Mayor Pro Tem Shanahan

Mayor Hwangbo requested to take a short recess at 9:08 p.m.

Mayor Hwangbo reconvened the City Council at 9:14 p.m. with all members present.

5. League of California Cities Resolutions

Provide direction to Mayor Hwangbo and Council Member Goedhart as the City of La Palma's Voting Delegate and Alternate Voting Delegate, respectively, for the League of California Cities' (LOCC) Annual Conference as to the City's position on the following:

- a) A Resolution calling upon the Governor and the Legislature to work with the LOCC in providing adequate funding and to prioritize water bonds to assist local governments in water conservation ground water recharge, and reuse of storm water and urban runoff programs;
- b) A Resolution seeking to outline the deficiencies in the State's current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

Mayor Hwangbo made a motion to approve a Resolution calling upon the Governor and the Legislature to work with the LOCC in providing adequate funding and to prioritize water bonds to assist local governments in water conservation ground water recharge, and reuse of storm water and urban runoff programs; and approve a Resolution seeking to outline

the deficiencies in the State's current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

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

6. City Attorney Selection

City Manager Volmert gave the Staff Report.

City Attorney Kuperberg noted his appreciation of the support from the City Council to work through this process; and his previous discussion to provide a transition to utilize an Assistant City Attorney in the near future.

Council Comments and Questions:

Discussion ensued regarding support for the cost savings in the proposal; City Council's appreciation for City Attorney Kuperberg's service over numerous years; the detailed explanation of attorney service fees; and the difficulty in comparing fees with other cities.

City Attorney Kuperberg reported on the hourly rates proposed for general services being competitive; that Rutan & Tucker contracts with Villa Park who is the only similar Orange County city; that all other clients are based on hourly charges; and that Rutan & Tucker is agreeable with the proposed changes.

Further discussion ensued regarding the difference with the new contract being the amount in the retainer versus the hourly rate; that the new contract states that Michelle Molko will be the new Assistant City Attorney; that Ms. Molko currently performs a large percentage of the City Attorney duties; that the City Council will start to see Ms. Molko often taking Mr. Kuperberg's place at City Council meetings during the next six months; that Ms. Molko does work on projects for other agencies; support for the proposed contract; that the retainer formula allows the City to use legal services when needed; and that the new contract saves La Palma money while retaining a valuable relationship.

Approve a three-year agreement for city attorney services with Rutan & Tucker.

Council Member Goedhart made a motion to approve a three-year agreement for city attorney services with Rutan & Tucker.

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

7. Establishment of a Finance Committee

City Manager Volmert gave the Staff Report.

Public Input:

Robert Carruth, 7201 Monterey Lane, addressed the City Council in support of having a finance committee at the municipal level but in opposition to not requiring committee members to have qualifications that include a finance background.

Council Comments and Questions:

Discussion ensued regarding quarterly reports being added to the review process; qualifications of committee members; contract minute taking services; Staff resources required; the value of having a committee; opposition to creating a committee; a preference for gathering general community feedback regarding the City's finances; that having a committee will not guarantee oversight of the City's finances; support for committee members having financial expertise; that the committee would be utilized during budget cycles; and opposition to individual Council Member appointments.

Council Member Goedhart made a motion to adopt Resolution No. 2013-34 creating and outlining the Finance Committee, removing sections 5C and 5D, and to include review of quarterly financial reports.

Council Member Goedhart noted support for City Council appointments to the Finance Committee; support for a Finance Committee because it will improve the annual budget process; and that the selection process be simplified.

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

AYES: Council Member Goedhart and Council Member Kim.

NOES: Council Member Charoen, Mayor Hwangbo, and Mayor Pro Tem Shanahan.

Mayor Hwangbo made a motion to approve the Staff recommendation of a Finance Committee requiring members to have financial experience and to allow local business owners to be part of the Committee.

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

AYES: Mayor Hwangbo and Council Member Kim.

NOES: Council Member Charoen, Council Member Goedhart, and Mayor Pro Tem Shanahan.

8. Council Member Request: Review of Central Park Playground Replacement Project Agreement

Community Services Director Belknap gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the need to make proposed upgrades in the Park Master Plan; that the Playground Equipment Replacement Project has already been budgeted and approved; the cost details of the playground upgrade; the financial loss of upgrading the playground and then relocating the playground in the future; postponing the project by replacing it with maintenance of the equipment and removal of the playground rock; support for Staff to return to Council with a cost evaluation of remediating the current playground equipment versus replacing it; and that Staff return with a detailed safety liability report if the current playground equipment is kept.

Receive and file the Council Member Request and provide direction to staff as appropriate.

Council Member Kim made a motion to direct staff to return to City Council with a cost estimate of remediating the current Central Park Playground Equipment including the rock; and return with an additional report on the safety liability of remediating that equipment.

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

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

Council Member Charoen attended a recent Concert in the Park and the annual California Joint Powers Insurance Authority (CJPIA) meeting.

Council Member Goedhart attended the Orange County Sanitation District (OCSD) board meeting as the alternate; and the Orange County Fire Authority (OCFA) meeting. He requested that Staff bring forward an item to discuss the La Palma Days Beer and Wine Garden for review within the next couple meetings; and asked for a status report on the for the Southern California Edison street light purchase review.

City Manager Volmert responded that the Southern California Edison street light purchase review will be completed this fall.

Council Member Kim attended the recent Concert in the Park and thanked Council Member Goedhart for attending the OCSD meeting in his absence.

Mayor Pro Tem Shanahan attended a recent Concert in the Park.

Mayor Hwangbo attended the Association of California Cities - Orange County (ACC-OC) board meeting; the Orange County Vector Control District (OCVCD) meeting; the Taste of Orange County event; the joint City Staff and Chamber of Commerce visit to local businesses; a Chamber of Commerce Mixer at Cypress College; the League of California Cities (LOCC) quarterly meeting; the Cypress 5K/10K Run; and the Westminster State of the City address; the Steven Luther Elementary School rehabilitation unveiling event. He closed by invited attendees and listeners to the Civic Expo and National Night Out event on August 10.

CITY MANAGER REMARKS

City Manager Volmert had nothing to report.

CITY ATTORNEY REMARKS

City Attorney Kuperberg thanked the City Council for his long standing working

relationship with the City of La Palma and looks forward to the new contract in the future.

ADJOURNMENT

Mayor Hwangbo adjourned the Regular Meeting of the La Palma City Council at 10:43 p.m.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk