

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

August 20, 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 being absent.

City Attorney Kuperberg stated that after the City Council Agenda was posted, the City received notification on two items; Current litigation, Ramirez et al, and requested to add this urgency item into the Closed Session Agenda in order to address potential action prior to the next meeting; and an additional item to be added to the Open Session Agenda regarding a legislative matter that cannot wait until the September City Council meeting.

Mayor Pro Tem Shanahan made a motion to add the additional Closed Session and Open Session Items to the Agenda.

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

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

NOES: None

ABSENT: Council Member Charoen

CLOSED SESSION

CS-1. The City Council will meet in Closed Session regarding: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Government Code Section 54957  
Position Title: City Manager

CS-2. The City Council will meet in Closed Session pursuant to Government Code LITIGATION (Paragraph (1) of Subdivision (d) of Section 54956.9)

Name of Case: Karla Ramirez and Mario Ramirez vs. City of Cypress, City of La Palma, Southern California Edison Company, a California Corporation and Does 1 through 30 inclusive

Case Number: Los Angeles Superior Court BC470526

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

Council Member Charoen joined the Closed Session at 6:51 p.m.

OPEN SESSION

Mayor Hwangbo reconvened in Open Session at 7:06 p.m. and asked for a report.

City Attorney Kuperberg stated there was nothing to report out of Closed Session.

PLEDGE OF ALLEGIANCE:

Council Member Goedhart

INVOCATION:

Dr. Deepinder Singh, Guru Nanak Sikh Temple

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, Community Services Director  
Douglas Dumhart, Community Development  
Director  
Eric Nuñez, Police Chief  
Laurie Murray, Administrative Services  
Manager/City Clerk

PRESENTATIONS

Michael Hearst, Orange County Vector Control District Manager, gave a presentation on recent Vector Control activities in the City of La Palma.

### ORAL COMMUNICATIONS

Ralph Rodriguez, 4621 Amberwood Avenue, addressed the City Council regarding his disappointment in the delay of the recent street rehabilitation project and the lack of communication to the residents regarding the reason for the delay.

Community Services Director Belknap responded that shortly after sending out notices of the project start date, Staff had to send a postponement notice because the contractor experienced equipment issues and the rubberized product plant went offline - causing delays in all of the contractor's projects; that the contractor is obligated to keep the original schedule; that Staff sent out additional notices and posted an update to the City's website to minimize the misinformation; and that utility companies are completing their upgrades prior to commencement of the Street Rehabilitation Project.

City Manager Volmert stated that Staff is working on posting updated street construction information to the City's website.

### RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:33 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 July 16, 2013, Regular Meeting of the Successor Agency.

B. Approval of Register of Demands

Adopt Resolution No. SA 2013-10 approving the Successor Agency Register of Demands for August 20, 2013.

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

None Scheduled.

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE  
DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE  
PLANNING COMMISSION AT 7:35 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 16, 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 7:36 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 July 16, 2013, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands  
  
Adopt Resolution No. 2013-34 approving the Register of Demands for August 20, 2013.
4. Destruction of Obsolete Finance Department Records  
  
Adopt Resolution No. 2013-35 authorizing the destruction of obsolete finance records pursuant to the California Government Code Section 34090.
5. Part Time Recreation Vacancies  
  
Authorize the recruitment and hiring of two (2) Senior Recreation Leaders and four (4) Recreation Leaders and create an eligibility list for six (6) months should future vacancies occur.

Mayor Pro Tem Shanahan made a motion to approve Consent Calendar Items 1 through 5.

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

## PUBLIC HEARINGS

None Scheduled.

## REGULAR ITEMS

6. Crossing Guard Services at La Palma Avenue and Redford Lane (Steve Luther Elementary School)

Police Chief Nuñez gave the Staff Report.

Public Input:

Joyce Collins, 8022 Hampshire Circle, addressed the City Council in support of the additional Crossing Guard at Redford Lane and La Palma Avenue.

Administrative Services Manager Murray read a letter into the record from Patrick Donnelly, 4591 Cambury Drive, addressing the City Council in opposition to the elimination of one Crossing Guard at Redford Lane and La Palma Avenue.

Elena Goldgorin, 4802 Elben Drive, addressed the City Council in opposition to the elimination of one Crossing Guard at Redford Lane and La Palma Avenue.

Ralph Rodriguez, 4621 Amberwood Avenue, addressed the City Council regarding staff turnover and how it affects the information being provided to the City Council; the history of traffic issues at the Redford Lane and La Palma Avenue location; the unique circumstances present at the location that create a need for an additional Crossing Guard at that intersection; and reminded the City Council that in its efforts to become financially secure promised that it would not severely cut services.

- a) Provide direction to staff regarding whether or not to reinstate the reduction in crossing guard services approved in the adopted budget.
- b) Continue discussions with Cypress School District regarding equitable shared costs for crossing guard services.

Recommendation that the City Council receive and file the report and provide direction to Staff as needed.

Council Comments and Questions:

Discussion ensued regarding the City Council's intention was not to cut a crossing guard, but to seek funding from the school districts to share the costs; reassessing all school crossing locations; opposition to an additional traffic study; restoring the funding for second crossing guard; the time required to conduct a City-wide school site intersection review; that the matter would be agendaized, but no earlier than October; that the review should include the same type of information for all school intersections and were provided in this report.

Mayor Hwangbo made a motion to reinstate the additional Crossing Guard at La Palma Avenue and Redford Lane. The motion was seconded by Council Member Kim.

Council Member Goedhart asked for clarification that the motion did not include a study.

Mayor Hwangbo confirmed that the motion did not include a study.

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

EMERGENCY ITEM ADDED

8. Senate Bill 594: Prohibiting local government organizations from using public resources to take positions on ballot measures that affect their members.

Administrative Services Manager Murray gave the Staff Report.

Council Member Goedhart made a motion to approve the opposition of Senate Bill 594 and requested clarification on the Senate Appropriation Committee members that belong to the Orange County delegation.

Administrative Services Manager responded that Vice Chairperson Diane Harkey is from south Orange County, Assembly Member Eric Linder is from Corona, and Assembly Member Donald Wagner represents Tustin, Lake Forest, Irvine, and Orange. She closed by noting that Staff could send the letter of opposition to those members, to La Palma's representatives, and the author of the bill.

The motion was seconded by Mayor Pro Tem Shanahan.

Mayor Pro Tem Shanahan asked for clarification and Administrative Services Manager Murray confirmed that the communication attached to the staff report was from the League of California Cities.

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

7. Study Session: Mid-Year City Council 2013 Goals Review

Receive and file the report and provide direction to Staff as needed.

City Manager Volmert gave a detailed Staff Report on the 2013 City Council Economic Development Goal and progress to date. .

Discussion ensued regarding disappointment with the agenda packet report's lack of details and formality; the session's goal being to receive direction from the City Council; the businesses that are exempt from paying the City's Utility User's Tax (UUT); tax revenue being lost to bundled services; the legal process and cost for an election to increase the City's UUT; that eliminating the sales tax exemption could equal approximately a \$30,000 increase in UUT; that the commercial businesses that are exempt would not leave the city because they own their properties; and whether the City has the authority to tax bundled utility services.

City Attorney Kuperberg responded that there are federal restrictions on taxing non-telephone utilities and that Staff would have to conduct research on taxing bundled utilities as the laws are changing.

City Manager Volmert gave a detailed Staff Report on the Communication/Engagement Goal.

Discussion ensued regarding La Palma residents becoming more engaged in their community; that the Orange County Register is expanding its newspaper to add a local community newspaper; and the upcoming smart phone business application from the City's business licensing software provider, E2G2.

City Manager Volmert gave a detailed Staff Report on the Maintaining Quality of Life Goal: addressing the school district issues within the City.



Discussion ensued regarding the community's concern regarding school districts within La Palma and support for Staff to find a resolution.

City Manager Volmert gave a detailed Staff Report on the Maintaining Quality of Life Goal: street improvements and code enforcement.

Discussion ensued regarding funding for the Code Enforcement Officer; the number of contracted hours for Code Enforcement; desire for a detailed productivity report for Code Enforcement; and needing more information on having a permanent part-time Code Enforcement Officer.

City Manager Volmert gave a detailed Staff Report on the Public Safety Goal:

Discussion ensued regarding the details of a Police Department staffing/workload study; the importance of having a firm experienced with public safety conduct the staffing study; that there should also be a study for the Administration Department; that the Police Department staffing/workload study was discussed during the Spillman Software upgrade; consensus to not conduct a study until after a full Staff Report has been presented to the City Council for authorization of the expenditure; and support to continue finding fiscal efficiencies.

City Manager Volmert gave a detailed Staff Report on the Balanced Budget Goal.

City Manager Volmert closed the presentation by reporting on the upcoming Energy, General Plan Review, Budgeting, Technology, Performance Measurement, and Organizational Review projects.

Discussion ensued regarding appreciation for City Staff; that there is work to do regarding the fiscal sustainability of the City; that a balanced budget is a high priority; and urgency for Staff to address the school district issue.

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

**Mayor Pro Tem Shanahan** thanked the City Council members for their contributions at the last Concert in the Park hot dog cook-off event.

**Council Member Kim** attended the Civic Expo and the last Concert in the Park hot dog cook-off event.

**Council Member Goedhart** attended the Orange County Fire Authority (OCFA) Budget and Finance Committee meeting and the last Concert in the Park hot dog cook-off event.

**Council Member Charoen** had nothing to report.

**Mayor Hwangbo** attended a Centerpointe Property Management meeting; the Cypress School District Oversight Committee meeting; the Civic Expo and National Night Out event; the Orange County Vector Control District (OCVCD) Board of Trustees meeting; and the Orange County Great American Chamber of Commerce mixer.

CITY MANAGER REMARKS

**City Manager Volmert** had nothing to report.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** reported on litigation regarding tiered water rates in San Juan Capistrano and that La Palma's rate structure is not similar to the structure in that case, but that he would continue to monitor the case. He closed by noting that Assistant City Attorney Molko will be present at the next City Council meeting in his absence.

ADJOURNMENT

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

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Steve Hwangbo  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk