

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

October 1, 2013

CALL TO ORDER: Mayor Hwangbo called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Charoen

INVOCATION: Mayur Shah, Ramakrishna Organization

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
Michelle Molko, Assistant City Attorney
Michael Belknap, Community Services Director
Douglas Dumhart, Community Development Director
Eric Nuñez, Police Chief
Michael Solorza, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk

PRESENTATIONS

1. District 65 Assemblywoman Sharon Quirk-Silva gave a report on the state of the State.
2. Mayor Hwangbo presented a Proclamation to Orange County Fire Authority Division Chief McKeown in recognition of Fire Prevention Week.
3. Assemblywoman Sharon Quirk-Silva and Mayor Hwangbo presented Certificates

to the "Jumping Coyotes" Jump Rope Team in recognition of representing the City of La Palma in the 2013 USAJR Gold Rush and National Championship jump rope competition.

ORAL COMMUNICATIONS

Larry Herman, 5122 Andrew Drive, addressed the City Council to thank Mayor Hwangbo for meeting with three of the former mayors who were unable to make his meeting; to report on the upcoming Anaheim Family YMCA Playground Equipment Dedication Ceremony at Modjeska Park on October 21, 2013; to inquire on the status of outsourcing Police Dispatch services; to address traffic concerns at the Southern California Edison (SCE) Right-of-Way and Moody Street intersection and to report graffiti on a sign at that location; to as the status on the rehabilitation of Central Park's playground equipment; and to inquire as to the status of the SCE street light purchase.

City Manager Volmert responded that outsourcing Police Dispatch services will be re-examined by the City Council before the end of the calendar year; and that SCE is currently conducting a street light audit that is the first step in the purchase plan, but will be completed in the next couple of months.

Community Services Director Belknap stated that Staff is conducting a traffic count at the SCE Right-of-Way and Moody Street, and will evaluate whether the matter needs to be reviewed by the Traffic Safety Committee; that the sign has been cleaned up; and that Staff is waiting for bids in response to rehabilitating the current playground equipment instead of purchasing new equipment.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:37 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

A. Approval of Successor Agency Minutes

Minutes of the August 20, 2013, Regular Meeting of the Successor Agency.

B. Approval of Register of Demands

Resolution No. SA 2013-13 approving the Successor Agency Registers of Demands for September 17, 2013, and October 1, 2013.

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

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

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 7:38 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 20, 2013, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Shanahan made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Council Member Kim 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 7:39 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 August 20, 2013, Regular Meeting and the September 23, 2013, Special Meeting of the La Palma City Council.
3. Approval of Register of Demands
Resolution No. 2013-40 approving the Registers of Demands for September 17, 2013, and October 1, 2013.

4. Notice of Completion and Acceptance of Work for the Residential Water Meter Replacement and Commercial Water Meter Radio Retrofit Project, City Project No. 10-WTR-05

Accept the work and authorize the Community Services Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Residential Water Meter Replacement and Commercial Water Meter Radio Retrofit Project, City Project No. 10-WTR-05.

Council Member Charoen made a motion to approve Consent Calendar Items 1 through 4.

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

Out of courtesy for the respondents in the audience, Mayor Hwangbo changed the order of Regular Items to be heard as follows:

8. Agreement between the City of La Palma and La Palma Sign Partners, LLC to advance the concept of a La Palma Digital Display Project

Community Development Director Dumhart gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding concerns with Clear Channel Outdoor in regards to their history with the City of Los Angeles; La Palma Sign Partners, LLC, consortium members and their intent; details of amending the Municipal Code to accommodate digital billboards; that a development agreement to include performance assurance and pledge of equity would be prepared after all environment studies and code updates are made; and that the proposed development agreement would guarantee a consistent revenue stream to be agreed upon at a later date.

Assistant City Attorney Molko stated that the terms of the future Development Agreement can be negotiated and clarified; that this agreement does not commit the City to a specific digital billboard project, but allows the City to pursue the project further. She also noted that the City retains full discretion on whether or not to pursue the digital billboard project after all the environmental studies and reviews have been conducted.

Public Comment:

John Duong, Clear Channel Outdoor (CCO) Real Estate & Public Affairs Vice President, addressed the City Council regarding CCO's business history; that they attempted to meet with some City Council Members prior to this meeting; and that they met the same terms as the La Palma Sign Partners' (LPSP) agreement.

Dan Vorhees, CCO Supervisor of Plant Development, addressed the City Council regarding opposition to statements made on page three in the Agenda Staff Report, in the first paragraph, regarding his company CCO and requested that they be struck from the record.

John Carroll, CCO Senior Real Estate Representative, addressed the City Council regarding the current proposed agreement's exclusivity possibly being in violation of anti-trust laws; and recommended that the City Council reconsider the matter.

Chris Norby, representing La Palma Sign Partners (LPSP), addressed the City Council regarding support for moving forward on the project; that he has received support from various former and current City Council Members; and that their financial partner, Lakeside Capital Partners, has the funds to guarantee the digital billboard build-out.

Melvin Andrews, Lakeside Capital Partners President and Chief Investment Officer in partnership with LPSP, addressed the City Council regarding his personal business experience and his company's history and business practices; and his assurance in ensuring that La Palma will get the monies promised in the agreement.

Mark Gastinough, Arrow Sign Company Sales Manager and former California Sign Association President in partnership with LPSP, addressed the City Council regarding Arrow Sign Company's business history; his working relationship with Lakeside Capital Partners; and that Arrow Sign Company is the largest sign manufacturing company in California.

Kai Griffin, representing La Palma Sign Partners, LLC, Consortium, addressed the City Council regarding the steps taken by them to ensure quality service and a quality project; that they are willing to advance a year's revenue if the City Council is unsure they can complete the project; and encouraged a partnership with La Palma.

Mr. Herman addressed the City Council inquiring whether the digital billboard sign can be used for emergency City announcements.

Assistant City Attorney Molko concurred that both proposals included the ability to utilize the digital billboard sign for Amber Alerts and other emergency messages.

Council Comments and Questions:

Discussion ensued regarding clarification that CCO's proposal will support the initial first sign; however, that the second sign isn't clearly laid out; the linear restrictions of these sign types; and whether or not the City could be in violation of anti-trust laws.

Assistant City Attorney Molko responded that the proposed due diligence agreement is commonly used by cities for furthering negotiations with a developer regarding a potential project in the future. She verified that the agreement is not in violation of anti-trust law.

Approve the Deposit/Reimbursement Agreement with La Palma Sign Partners, LLC, to cover City expenses associated with advancing the concept of digital and authorize the City Manager to execute the agreement.

Council Member Goedhart made a motion to approve the Due Diligence Agreement with La Palma Sign Partners which provides for reimbursements of City incurred expenses at established milestones and appropriate \$50,000 from General Fund reserves. The motion was seconded by Mayor Hwangbo.

Discussion ensued regarding LPSP's agreement to install two digital billboards; LPSP's ability to pay for both signs one year in advance; and whether the proposed agreement binds LPSP to produce both digital billboards.

Assistant City Attorney Molko restated that the City Council is retaining its discretion; that if the City Council were to approve the proposed agreement, it only allows the City to proceed with further negotiations; but that there would be no binding agreement for either party in respect to the proposed projects.

Mr. Griffin clarified that the digital billboard will become a City asset; and that

they are interested in the two digital billboards allowable based on the property and leasing arrangements.

Further discussion ensued regarding the history of bidders for only single digital billboard signs; the advertisers process of winning the bid and the possible advertising options for that agency; that if the agreement is approved and the process completed, LPSP consortium will be the owners of the digital billboard; concurrence that if the agreement is approved, it begins the continuing negotiations, the environmental review, and all the additional steps prior to the actual digital billboard display being constructed; and that the City Council has the ability to choose another vendor for the digital billboard even if the agreement is approved.

Assistant City Attorney Molko responded that the Due-Diligence agreement only commits the City to pursue the negotiation process for a period of 90 days, with the possibility to extend it for an additional 60 days. She further stated that at any time should the negotiations break down, the agreement could be terminated; however, there's no commitment to end up in the ultimate billboard transaction. She closed by stating the final commitment would be made when the Development Agreement is ready for City Council approval.

Community Development Director Dumhart stated that if the City proceeds down the path of good faith with a company, that will get the City through the entitlement process and that the City Council can agree to just one billboard.

Mr. Griffin noted that there are no current circumstances that would preclude less than two signs.

Further discussion ensued regarding that certain Council Members did contact CCO at their request for discussion; that Staff recommends having the deposit up front to keep the process with minimal delays; the added option that the City can front the deposit out of its own funding; the urgency to advance the project because it is a revenue generating mechanism for La Palma; support for either option in order to start the process; support for the City funding the upfront costs; that the City has no housing adjacent to the 91 Freeway; that the public should not bear the financial burden of this project; and support for LPSP's proactive and creative business model.

Mayor Hwangbo made a substitute motion to approve the Deposit/Reimbursement Agreement with La Palma Sign Partners as presented on September 3, 2013, which requires an advance deposit for City expenses.

Clarification was made that monies left from the Deposit will be refunded to LPSP.

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

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

NOES: Council Member Goedhart and Council
Member Kim

Council Member Goedhart stated that he fully supports moving forward with the project; but voted no because he does not support the advance deposit.

Mayor Hwangbo called for a short recess at 8:48 p.m.

Mayor Hwangbo reconvened the City Council at 8:54 p.m. with all members present.

6. California Home Energy Renovation Opportunity (HERO) Program

Community Development Director Dumhart gave the Staff Report and stated that the City makes no representation as to whether the items are tax deductible and recommends that homeowners consult with their own attorney or tax consultant.

Resolution No. 2013-42 approving an amendment to the Western Riverside Council of Governments (WRCOG) Joint Powers Agreement to add the City of La Palma as an Associate Member in order to authorize the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties.

Council Member Charoen made a motion to adopt Resolution No. 2013-42 approving an amendment to the Western Riverside Council of Governments (WRCOG) Joint Powers Agreement to add the City of La Palma as an Associate Member in order to authorize the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties, excluding the City's participation in the program advertising.

The motion was seconded by Council Member Kim.

Council Member Goedhart clarified that the motion includes that the City would not participate in the advertising nor would the City advocate the program.

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

5. Establishment of Irrevocable Trust with California Employers' Retiree Benefit Trust (CERBT)

Finance Director Solorza gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding clarification that the actual unfunded liability is \$3.3 million; that the unfunded balance on the actuarial report assumes a \$1.5 million investment, which would leave an approximate \$1.8 million balance; that this is a prudent investment; funding the trust at a higher level; the volatility of the stock market; consideration of a monthly investment plan versus a lump sum; the variety of investment options available; and that upon approval, the investment plan could start as early as the end the month.

- a) Adopt Resolution No. 2013-40 approving the "CERBT Agreement and Election to Prefund OPEB through PERS" (Attachment 1, Exhibit A) and the "Delegation of Authority Form" (Attachment 1, Exhibit B)
- b) Adopt Resolution No. 2013-41 amending the Fiscal Year 2013-14 General Fund budget by increasing appropriations by \$1,500,000 to be utilized for pre-funding the CERBT trust (Attachment 2)

Council Member Goedhart made a motion to adopt Resolution No. 2013-40 approving the "CERBT Agreement and Election to Prefund OPEB through PERS" (Attachment 1, Exhibit A) and the "Delegation of Authority Form" (Attachment 1, Exhibit B); and adopt Resolution No. 2013-41 amending the Fiscal Year 2013-14 General Fund budget by increasing appropriations by \$1,500,000 to be utilized for pre-funding the CERBT trust (Attachment 2).

The motion was seconded by Mayor Pro Tem Shanahan.

Further discussion ensued regarding details of the unfunded liability payment; that retiree health is a lifetime obligation; the limited options for the City; and supporting investment efforts to cover the unfunded liability amounts.

City Manager Volmert reported that the motion, if approved, fulfills the 2013 City Council Goal of establishing a Trust to meet the unfunded liability.

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. Final Draft Economic Development Action Plan 2013-16

Community Development Director Dumhart gave the Staff Report.

Approve the Economic Development Action Plan 2013-16 as presented.

Council Comments and Questions:

Discussion ensued regarding the need for funding for \$212,000 in activities during the upcoming year; that Staff will be requesting a budget adjustment during this fiscal year to accommodate those needs with no tangible return on investment; that the City will have the HUB rental income and the new digital billboard deposit will help offset the Plan costs; whether this plan will help the City's budget situation; how the General Plan discussion will affect the Economic Development Plan; and holding the Plan in abeyance until the HUB income comes to fruition.

Council Member Goedhart stated that he cannot support the Economic Development Action Plan because of the plan's proposals and the costs involved.

Council Member Kim made a motion to approve the Economic Development Action Plan for 2013-16 as presented.

The motion was seconded by Mayor Hwangbo and carried on the following vote:

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

NOES: Council Member Goedhart

9. Water Service Worker II Vacancy

Community Services Director Belknap gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the history of having a lead position in Water and Maintenance; hiring being based on qualifications; that the new lead water position would be the alternate Chief Water Operator; that the Maintenance Supervisor has been filling in for the alternate position, which is not sustainable; the differences between the Lead Water and Lead Maintenance Worker's salary ranges; and opposition to the position as proposed.

Establish a Lead Water Service Worker classification and authorize staff to begin the meet and confer process, followed by the recruitment; and, should an internal candidate be appointed, authorize staff to recruit for the then vacant Water Service Worker position.

Mayor Pro Tem Shanahan made a motion to authorize the creation of a Lead Water Service Worker classification; authorize Staff to commence the meet and confer process; and should an internal candidate be chosen, authorize Staff to begin the recruitment for a Water Service Worker II position.

The motion was seconded by Council Member Kim.

Mayor Hwangbo stated that he will not be supporting the motion for a number of reasons. He also stated that he is still not convinced that merging two departments was a good idea and that he supports having a certified Engineer on Staff.

Discussion ensued regarding the prior Public Works director's water experience; that if the motion failed, staff would ask the City Council to fill the vacant position as it currently exists.

Mayor Hwangbo made a substitute motion to authorize the recruitment and hiring of a Water Service Worker II, and maintain existing operations.

The motion failed for lack of a second

The original failed on the following vote:

AYES: Council Member Kim and Mayor Pro Tem
Shanahan.

NOES: Council Member Charoen, Council Member Goedhart, and Mayor Hwangbo.

Further discussion ensued regarding the two Water Service classifications; recruiting for a Water Service Worker I to allow for internal advancement; the significant education required for Water Service workers; and support for internal advancement for existing employees.

Council Member Goedhart moved to reconsider the substitute motion to authorize the recruitment and hiring of a Water Service Worker II and maintain existing operations.

The motion to reconsider was seconded by Mayor Hwangbo and carried on the following vote:

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

NOES: Council Member Charoen

Mayor Hwangbo made a motion to authorize the recruitment and hiring of a Water Service Worker II and maintain existing operations.

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: Council Member Charoen

10. Council Member Request: Consideration of Designating the Development Committee as the Planning Commission

Council Member Goedhart gave a report on his request.

Consider the Council Member Request and provide direction to staff as appropriate. As this is a policy question, there is no staff recommendation.

Council Member Goedhart made a motion to approve the designation of the Development Committee as the City's Planning Commission.

The motion failed for lack of a second.

11. Councilmember Request: Employee Memorandum of Understanding Salary Increase

Council Member Goedhart gave a report on his request.

Council Comments and Questions.

Discussion ensued regarding clarification as to how the salary increase was previously presented being due to the uncertainty of sales tax being reported; that according to the originally reported revenues, staff should have included the 3% increase at that time; that the adopted budget included a 2% cost of living increase; that Staff is managing the additional 1% allocation and it will be addressed during the Mid-Year Budget Adjustment; and concern for how this affects the City's budget; and a projection that the deficit could be as high as \$700,000.

Receive and file the Council Member Request.

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

Mayor Hwangbo announced that the City Council will no longer need to meet in Closed Session because the City Council voted against creating a Lead Water Worker position.

Council Member Charoen had nothing to report.

Council Member Goedhart attended the Orange County Fire Authority (OCFA) board meeting.

Council Member Kim attended the Orange County Sanitation District (OCSD) Committee meeting; the League of California Cities (LOCC) Annual Conference; the September 23 Special Meeting of the City Council; and the OCSD General meeting.

Mayor Pro Tem Shanahan had nothing to report

Mayor Hwangbo attended the LOCC Annual Conference; the September 23 Special Meeting of the City Council; and a meeting with former Mayors of La Palma.

CITY MANAGER REMARKS

City Manager Volmert had nothing to report.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko reported that she also attended the LOCC Annual Conference.

CLOSED SESSION

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

The Closed Session was not held as the City Council voted against the item that required a conference with Labor Negotiators.

ADJOURNMENT

Mayor Hwangbo adjourned the Regular Meeting of the La Palma City Council at 10:04 p.m.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk