

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

December 17, 2013

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

PLEDGE OF ALLEGIANCE: Council Member Goedhart

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, 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

1. Mayor Hwangbo presented a proclamation and cash award to Jesse Amend, in recognition of being named the 2013 Employee of the Year.
2. Mayor Hwangbo presented a proclamation and cash award to James Tsumura, in recognition of being named the 2013 Supervisor/Professional Employee of the Year.

3. Mayor Hwangbo presented a plaque to retiring Police Captain Jim Enright in recognition of his 25 years of dedicated service to the City of La Palma.
4. Children from the La Palma Korean United Methodist Church performed traditional Korean Dance and provided a martial arts demonstration. Following the demonstration, Mayor Hwangbo presented a proclamation to Dr. Oh, President of the Korean-American Federation of Orange County and to members of the Korean-American Chamber of Chamber of Commerce in recognition of January 13 as Korean-American Day.

PI-1. City Council Reorganization

- a) Conduct its annual reorganization by selecting the positions of Mayor and Mayor Pro Tem

City Clerk Murray entertained nominations for Mayor.

Mayor Hwangbo made a motion to nominate Mayor Pro Tem Shanahan as Mayor.

Seeing there were no other nominations, City Clerk Murray closed the nominations for Mayor.

The motion was for Mayor Pro Tem Shanahan as Mayor carried on the following vote:

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

NOES: None

ABSTAINED: Mayor Pro Tem Shanahan

Mayor Shanahan entertained nominations for Mayor Pro Tem.

Council Member Hwangbo made a motion to nominate Council Member Kim as Mayor Pro Tem.

Seeing there were no other nominations, Mayor Shanahan closed the nominations for Mayor Pro Tem.

The motion for Council Member Kim as Mayor Pro Tem carried on the following vote:

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

NOES: None

- b) Make a presentation to outgoing Mayor Steve Hwangbo.

Mayor Shanahan made a presentation to outgoing Mayor Hwangbo for his dedicated service to the City of La Palma.

Senator Bob Huff presented former Mayor Hwangbo with a certificate of recognition for his service to the La Palma community.

Ms. Kara Madraneo, representing Congresswoman Linda Sanchez's office, presented former Mayor Hwangbo with a certificate of recognition for his service to the La Palma community.

Calvin Sung, representing Assemblywoman Sharon Quirk-Silva's office, presented former Mayor Hwangbo with a certificate of recognition for his service to the La Palma community.

Elizabeth Swift, former Buena Park Mayor, presented former Mayor Hwangbo with a certificate of recognition for his service to the La Palma community.

On behalf of Michelle Steel, State Board of Equalization Vice Chairperson, Mayor Shanahan presented former Mayor Hwangbo with a certificate of recognition for his service to the La Palma community.

Outgoing Mayor Hwangbo recognized agency officials and thanked City Staff and City Council Members for their support.

RECESS

Mayor Shanahan requested a recess at 7:37 p.m.

Mayor Shanahan reconvened the City Council at 7:52 p.m. with all members present.

ORAL COMMUNICATIONS

1. Dave Shawver and Jenelle Godges, representing the Cypress College Foundation, introduced the City Selection Committee, announced the upcoming

Americana Awards on February 22, 2014, at the Disneyland Hotel, and asked for the City Council's support. Keith Nelson, Cypress College Americana Awards City Selection Committee Chairperson addressed the City Council and recognized Ralph and Diana Rodriguez as the 2013 Citizen of the Year award recipients.

2. Leroy Mills, Mayor of Cypress, extended Cypress City Council's congratulations to Mayor Shanahan on his position and thanked outgoing Mayor Hwangbo for his dedicated service. He closed by wishing a wonderful holiday season to all.
3. Ralph Rodriguez, 4162 Amberwood Avenue, thanked the Cypress College Americana Awards City Selection Committee for the recognition, thanked outgoing Mayor Hwangbo for his service, and congratulated Mayor Shanahan on his position.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 8:04 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 THE SUCCESSOR AGENCY TO THE
DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE
PLANNING COMMISSION AT 8:05 P.M.

CONSENT CALENDAR

None Scheduled.

PUBLIC HEARINGS

PL-1. Consideration of Conditional Use Permit (CUP) 358 to permit a new restaurant (Bulgogi House Korean BBQ) with on-site consumption of alcoholic beverages (Type 47 License) at 6901 Walker Street (APN 276-072-08)

- a) Chairperson Shanahan opened the Public Hearing at 8:05 p.m.
- b) Community Development Director Dumhart gave the Staff Report
- c) Public Input:

Lee Rabun, Land Use Consultant for Bulgogi House Korean BBQ owner Mr. Park, addressed the City Council regarding the successful history of Mr. Park's chain of restaurants, the details of the upgrades made to the building, the variety of foods available, and the owner's commitment to La Palma.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his opposition to the restaurant being open until 2:00 a.m.

- d) Chairperson Shanahan closed the Public Hearing at 8:17 p.m.
- e) Planning Commission Comments and Questions

Discussion ensued regarding the varied hours of operation; that the business is truly a food service versus alcohol sales; that the owner would like to have the option to stay open until 2:00 p.m.; the upscale atmosphere created by the owner; City Council support for the project; that the applicant agrees to all conditions laid out by Staff; and that Staff has been working closely together with the owner to complete this project.

- f) Adopt Resolution No. PC 2013-06 approving CUP 358, a request from the Bulgogi House Korean BBQ Restaurant to sell beer, wine, and distilled spirits for on-site consumption under a Type 47 State Liquor License.

Commission Member Hwangbo made a motion to adopt Resolution No. PC 2013-06 approving CUP 358, a request from the Bulgogi House Korean BBQ Restaurant to sell beer, wine, and distilled spirits for on-site consumption under a Type 47 State Liquor License.

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

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

NOES: None

PL-2. Consideration of Conditional Use Permit (CUP) 359 to permit a new tutoring business (Grade Power Learning Center) at 5438 La Palma Avenue (APN 262-102-18)

- a) Chairperson Shanahan opened the Public Hearing at 8:25 p.m.
- b) Associate Planner Hutter gave the Staff Report
- c) Public Input:
No members of the public wished to speak.
- d) Chairperson Shanahan closed the Public Hearing at 8:30 p.m.
- e) Planning Commission Comments and Questions

Discussion ensued regarding the history behind zoning criteria for tutorial uses; that the City Council could place additional conditions to ensure student safety; whether the applicant had considered other locations within La Palma; that service based businesses are located within retail spaces; and, the synergy of close proximity to local schools.

John Gifford, Applicant and resident at 5221 Bridgewood Drive, addressed the City Council regarding the desire to be close to a school to meet the needs of students.

Further discussion ensued regarding support for the item.

- f) Adopt Resolution No. PC 2013-07 approving CUP 359, to permit a new tutoring use (Grade Power Learning Center) at 5438 La Palma Avenue (APN 262-102-18).

Vice Chairperson Kim made a motion to adopt Resolution No. PC 2013-07 approving CUP 359, to permit a new tutoring use (Grade Power Learning Center) at 5438 La Palma Avenue (APN 262-102-18).

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

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

NOES: None

REGULAR ITEMS

PL-3. Consideration of Resolution Recommending City Council Approve a Negative Declaration and Adopt the La Palma Housing Element 2014-2021

Rick Zimmer, MIG Director of Planning Services, gave the presentation.

Planning Commission comments and questions:

Discussion ensued regarding the item being previously approved in February 2013; that Staff needed to meet the State's requirements prior to this adoption; and that Staff would like meet the State's submittal deadline of February 12, 2014.

Commission Member Hwangbo made a motion to adopt Resolution No. PC 2013-08 approving a Negative Declaration and adopt the La Palma 2014-2021 Housing Element.

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

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

NOES: None

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 8:54P.M.

CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Waive the reading of all ordinances in their entirety and read by title only.

3. Notice of Completion and Acceptance of Work for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-325

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 Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-325.

4. Resolution Adopting the June 30, 2013, Measure M2 Expenditure Report

Resolution No. 2013-54 adopting the June 30, 2013, Measure M2 expenditure report.

5. Appointments to External Committees and Internal Subcommittees

Approve continuation of the current committee appointments until further action is taken at the January 21, 2014 meeting.

Council Member Charoen made a motion to approve Consent Calendar Items 1, 3, 4, and 5.

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

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

2. Approval of Register of Demands

Council Member Goedhart requested to have the item pulled to separate the vote for payment to the Association of California Cities - Orange County (ACC-OC) in

lieu of his previous opposition to the ACC-OC's lack of transparency and information available on their website.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for Council Member Goedhart's request to oppose payment to the ACC-OC.

Council Member Goedhart made a motion to adopt Resolution No. 2013-53 approving the Register of Demands, excluding the payment to ACC-OC.

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

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

NOES: None

Discussion ensued regarding the benefits of La Palma being a member of the ACC-OC; that Staff has used ACC-OC resources for research; that Council Members are active in both the League of California Cities (LOCC) and the ACC-OC; and that City Council should require all agencies that are used by the City to be transparent.

Council Member Hwangbo made a motion to approve payment to the ACC-OC as listed in the Warrant Register.

Further discussion ensued regarding support for the ACC-OC and the urgency for them to fix their transparency issue; that Council Member Goedhart has requested full transparency since the beginning of this year; directing Staff to resolve the transparency issue; and that the City Council would like to review both the LOCC and the ACC-OC memberships in the future for possible duplication.

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

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

NOES: Council Member Goedhart

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

6. Amended Reserves Policies

City Manager Volmert gave the Staff Report.

Council comments and Questions:

Discussion ensued regarding support for having a Reserve policy; the balance of the funds being just under \$31 million; the requirement to keep a minimum balance available; that Staff is looking at future needs in order to identify funds for the Capital Outlay Reserve (COR); and that Staff reviews capital project funding every year.

Council Member Hwangbo made a motion to amend the adopted Reserves Policies to add the remaining Special Revenue, Capital and Enterprise Funds.

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

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

NOES: None

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

Council Member Charoen had nothing to report.

Council Member Goedhart attended the Orange County Fire Authority (OCFA) Special Meeting and stopped in briefly for the annual Employee Recognition Luncheon. He closed by wishing everyone a happy holiday season.

Council Member Hwangbo attended the Holiday Tree Lighting Ceremony and the annual Employee Recognition Luncheon.

Mayor Pro Tem Kim attended the Holiday Tree Lighting Ceremony; the Orange County Sanitation District (OCSD) Administrative Committee meeting; thanked outgoing Mayor Hwangbo for his service; and closed by congratulating Mayor Shanahan on his position.

Mayor Shanahan attended the Holiday Tree Lighting Ceremony and the annual Employee Recognition Luncheon.

CITY MANAGER REMARKS

City Manager Volmert reminded the City Council to return goal setting materials in order to prepare for the upcoming meeting and wished everyone a happy holiday season.

CITY ATTORNEY REMARKS

City Attorney Kuperberg attended the Employee Recognition Luncheon; recognized outgoing Mayor Hwangbo for his service; congratulated Mayor Shanahan and Mayor Pro Tem Kim on their positions; and wished everyone a happy holiday season.

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 Shanahan wished everyone a happy holiday season and recessed to Closed Session at 9:26 p.m.

Mayor Shanahan reconvened in Open Session at 10:00 p.m. with no reportable actions.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 10:01 p.m.

Steve Shanahan
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk