

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

September 16, 2014

CALL TO ORDER: Mayor Shanahan 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, with all members present.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

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

Council/Commission Members absent: None

City Officials present: Michael Belknap, Acting City Manager/Community Services Director
Michelle Molko, Assistant City Attorney
Douglas Dumhart, Community Development Director
Laurie Murray, Administrative Services Director/City Clerk
Eric Nuñez, Police Chief
Scott Hutter, Associate Planner

PRESENTATIONS

1. Mayor Shanahan presented a Proclamation to Orange County Fire Authority Battalion Chief Dave Anderson in recognition of Fire Prevention Week.
2. Mayor Shanahan presented a Proclamation to Johnny Lee in recognition of his attaining the rank of Eagle Scout.

3. Mayor Shanahan presented a Proclamation to Commander Dannie D. Watkins of the Capter 752, Military Order of the Purple Heart representing all of Orange County in recognition of La Palma as a Purple Heart City.

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 7:13 P.M.

Administrative Services Director/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 19, 2014, and September 2, 2014, Regular Meetings of the Successor Agency.

- B. Approval of Register of Demands

Resolution No. SA 2014-10 approving the Successor Agency Registers of Demands for September 16, 2014.

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

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:14 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 16, 2014, and September 2, 2014, Regular Meetings of the Planning Commission.

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

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

PUBLIC HEARINGS

Chairperson Shanahan passed on his commendation to Associate Planner Hutter for his diligence, knowledge, and thanked him for all his efforts as a Staff Member.

PL-2. Consideration of Conditional Use Permit (CUP) 363 to permit a new large family day care home to be operated at a single-family zoned property at 4831 Sharon Drive (APN 263-322-03)

Chairperson Shanahan recused himself at 7:16 p.m. due to a presumed conflict of interest regarding the proposed large family day care home at 4831 Sharon Drive.

a) Vice Chairperson Kim opened the Public Hearing at 7:16 p.m.

b) Associate Planner Hutter gave the Staff Report

c) Public Input:

Ike Gonzalez, 7791 Jennifer Circle, addressed the City Council regarding his opposition to having a large family day care or other home-based business in a residential neighborhood.

Chris Barnes, 4971 Berton Circle, addressed the City Council regarding her support for the proposed large family day care at 4831 Sharon Drive.

d) Vice Chairperson Kim closed the Public Hearing at 7:38 p.m.

e) Planning Commission Comments and Questions:

Discussion ensued regarding support for public comment; commendation for Staff's presentation; that the City has approved 3 large family day cares since 2010; the State mandated age-range for large family day cares; and that the applicant has operated a small family day care for the previous fifteen years without a complaint.

f) Adopt a Resolution Approving CUP 363, to conditionally permit a new large family day care home (Ae Ryon Kim & David Byongdoo Kim) to be operated from the single-family zoned property at 4831 Sharon Drive (APN 263-322-03).

Commission Member Hwangbo made a motion to adopt Resolution No. PC 2014-05 approving CUP 363, to conditionally permit a new large family day care home (Ae Ryon Kim & David Byongdoo Kim) to be operated from the single-family zoned property at 4831 Sharon Drive (APN 263-322-03).

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

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

NOES: None

RECUSED: Chairperson Shanahan

Chairperson Shanahan returned to the dais at 7:42 PM

PL-3. Consideration of a Resolution Recommending City Council Approval of an Ordinance adding Section 44-137(h) to Chapter 44 of the La Palma City Code to establish a new zoning overlay district entitled "Freeway Overlay District (FO) and repealing Division 5 of Article III of Chapter 44, Titled "Signs", and Adding thereto a New Division 5 of Article III of Chapter 44 Titled "Signs"

- a) Chairperson Shanahan opened the Public Hearing at 7:43 p.m.
- b) Community Development Director Dumhart gave the Staff Report

c) Public Input:

No members of the public wished to speak.

d) Chairperson Shanahan closed the Public Hearing at 8:06 p.m.

e) Commission Comments and Questions:

None.

f) Adopt a Resolution recommending the City Council approve an Ordinance adding Section 44-137(h) to Chapter 44 of the La Palma City Code to establish a new zoning overlay district entitled "Freeway Overlay District (FO) and repealing Division 5 of Article III of Chapter 44 Titled "Signs", and adding thereto a new Division 5 of Article III of Chapter 44 Titled "Signs."

Commission Member Goedhart made a motion to adopt Resolution No. PC 2014-06 recommending the City Council approve an Ordinance adding Section 44-137(h) to Chapter 44 of the La Palma City Code to establish a new zoning overlay district entitled "Freeway Overlay District (FO) and repealing Division 5 of Article III of Chapter 44 Titled "Signs", and adding thereto a new Division 5 of Article III of Chapter 44 Titled "Signs." The motion was seconded by Vice Chairperson Kim.

Discussion ensued regarding the importance of this as a revenue source for the City of La Palma; that the digital billboard project commenced in October 2013; and that the City Council would like to see more progress on the billboard project.

The motion 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

None Scheduled.

RECESS THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 8:08 P.M.

Administrative Services Director Murray reported that after the Agenda was posted, a matter came to the City's attention and Staff is requesting to add an emergency item to Closed Session regarding the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (1) of subdivision (d) of Section 49564.9: One (1) potential case for claimant, City of Carson.

She added that a motion and majority vote is needed to add this emergency item to the agenda.

Assistant City Attorney Molko clarified that in order to place this on the agenda, two findings have to be made - the matter came forward after the agenda was posted and that there is an immediate need to take action before the next scheduled City Council meeting.

Council Member Hwangbo made a motion to make a finding that the matter came forward after the agenda was posted and there is an immediate need to take action before the next scheduled City Council meeting; and to approve the addition of an Emergency Item to CLOSED SESSION: ***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION*** Initiation of litigation pursuant to paragraph (1) of subdivision (d) of Section 49564.9: One (1) potential case for claimant, City of Carson.

The motion was seconded by Council Member Goedhart 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

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 City Council Minutes

Minutes of the August 19, 2014, and September 2, 2014, Regular Meetings of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2014-50 approving the Register of Demands for September 16, 2014.

Mayor Pro Tem Kim made a motion to approve Consent Calendar Items 1 through 3.

The motion was seconded by Council Member Charoen 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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

4. 9-1-1 System Upgrade

Police Chief Nuñez gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding City Council support for the item; that this upgrade would accommodate future information technology ability to interface with instant message or text to the 9-1-1 system; lack of funds from taxes for the project; that the State agreed to fund the 9-1-1 System upgrade; the ability to use social media and GPS location technology; and the numerous other technology upgrades being built into the system.

Approve and authorize the purchase of hardware, software, furnishings, electrical upgrades, and any other equipment or services necessary to upgrade the City's 9-1-1 System to the Next Generation 9-1-1 (NG911) IP based system and replace the digital call logger device for a total project amount not to exceed \$223,000.

Council Member Hwangbo made a motion to approve and authorize the purchase of hardware, software, furnishings, electrical upgrades, and any other equipment or services necessary to upgrade the City's 9-1-1 System to the Next Generation 9-1-1 (NG911) IP based system and replace the digital call logger device for a total project amount not to exceed \$223,000.

The motion was seconded by Council Member Goedhart 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

RECONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE
DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND PLANNING
COMMISSION AT 8:23 P.M.

5. Cancellation of the November 4, 2014, and January 6, 2015, City Council, Successor Agency, and Planning Commission Meetings

Administrative Services Director/City Clerk Murray gave the Staff Report.

- a) Cancel the November 4, 2014, City Council, Successor Agency, and Planning Commission meetings to allow the City Council and the public to fully participate in the General Municipal Election being held on that day; and
- b) Cancel the January 6, 2015, City Council, Successor Agency, and Planning Commission regular meetings and hold a Special meeting in its place to conduct the City Councils annual goal setting study session in its place.

Mayor/Chairperson Shanahan made a motion to cancel the November 4, 2014, City Council, Successor Agency, and Planning Commission meetings to allow the City Council and the public to fully participate in the General Municipal Election being held on that day; and cancel the January 6, 2015, City Council Successor Agency, and Planning Commission regular meetings and hold a Special meeting in its place to conduct the City Council's annual goal setting study session in its place. The motion was seconded by Mayor Pro Tem/Vice Chairperson Kim.

Discussion ensued regarding the history of cancelling the first meeting of the year and how well that worked for Goal Setting purposes.

The motion carried on the following vote:

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

NOES: None

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED
COMMUNITY DEVELOPMENT COMMISSION AND PLANNING COMMISSION AT 8:25
P.M.

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

Mayor Pro Tem Kim attended the Orange County Sanitation District Committee (OCSD) Administration Committee meeting.

Council Member Hwangbo had nothing to report; asked for clarification on the hours of operation for the cooling station at the Community Center during the current heat wave; and inquired on whether the Police Department has received any calls regarding concerns for the heat.

Community Services Director Belknap responded that the cooling station would be open from 9:00 a.m. to 8:00 p.m. the next day and may be extended if conditions are warranted. He noted that the Community Center is open every day including weekends so if the public needed to cool down, they are welcome to stop by.

Police Chief Nuñez responded that the Police Department has not received any heat related calls, but that the Community Center has had one visitor to the cooling station.

Council Member Goedhart had nothing to report.

Council Member Charoen had nothing to report.

Mayor Shanahan attended the League of California Cities (LOCC) Annual Conference.

CITY MANAGER REMARKS

Acting City Manager Belknap had nothing to report except that in City Manager Volmert's absence, he will be acting City Manager until Saturday, September 20, when Police Chief Nunez will take the role of Acting City Manager until City Manager Volmert's return on September 29, 2014.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko had nothing to report.

CLOSED SESSION

CS-1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Government Code
Section 54957 Position Title: City Manager

CS-2. Emergency Item: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION Initiation of litigation pursuant to paragraph (1) of subdivision (d) of
Section 49564.9: One (1) potential case for claimant, City of Carson.

Mayor Shanahan recessed to Closed Session at 8:28 p.m.

Mayor Shanahan reconvened in Open Session at 9:29 p.m. and asked for a report.

Administrative Services Director Murray responded that there were no reportable actions out of the Closed Session.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 9:30 p.m.

Steve Shanahan
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk