

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 3, 2015

CALL TO ORDER: Mayor Kim 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. He announced that the Closed Session scheduled at 6:15 p.m. will be held after the Open Session of the Regular Meeting.

PLEDGE OF ALLEGIANCE AND
AMERICA THE BEAUTIFUL:

Camp Fire – Long Beach Area Council Zitupi
Waku and Bumble Bees Group

INVOCATION:

President Rick Nitta, Church of Jesus Christ of
Latter Day Saints

ROLL CALL:

Council and Commission Members

Council/Commission
Members present:

Mayor Pro Tem/Vice Chairperson Goedhart,
Council/Commission Member Hwangbo,
Mayor/Chairperson Kim, Council/Commission
Member Shanahan, and Council/Commission
Member Steggell

Council/Commission
Members absent:

None

City Officials present:

Ellen Volmert, City Manager
Michelle Molko, Assistant City Attorney
Michael Belknap, Community Services
Director
Douglas Dumhart, Community Development
Director
Terry Kim, Police Captain
Kimberly Kenney, Deputy City Clerk

PRESENTATIONS

1. Dr. Gurpreet Ahuja, representing the Orange County Human Relations, gave a presentation of their Annual Report and presented a Certificate of Recognition to the City of La Palma.

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 7:09.M.

Deputy City Clerk Kenney 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 February 3, 2015, and February 17, 2015, Regular Meetings of the Successor Agency.

Council Member Shanahan made a motion to approve Consent Calendar Item A.

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

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

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 7:10 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the February 3, 2015, and February 17, 2015, Regular Meetings of the Planning Commission.

Commission Member Hwangbo made a motion to approve Consent Calendar Item PL-1.

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

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

NOES: None

PUBLIC HEARINGS

PL-2. Resolution Recommending City Council Adoption of an Ordinance Amending City of La Palma Municipal Code Chapter 44 (Zoning Code) for Purposes of a Comprehensive Update of Chapter 44 (Zoning Code).

- a) Chairperson Kim opened the Public Hearing at 7:10 p.m.
- b) Community Development Director Dumhart gave the Staff Report.

Discussion ensued regarding clarification of lot coverage for commercial versus residential properties.

Community Development Director Dumhart continued the presentation.

- c) Public Input:

Jim Johnson, 7511 Mark Circle, addressed the City Council regarding the shed set back requirements; noted his concern that sheds are being allowed to be pushed up against fence lines; and his opposition to not having a setback requirement for sheds.

- d) Chairperson Kim closed the Public Hearing at 7:49 p.m.
- e) Commission Comments and Questions:

Discussion ensued regarding support for Staff addressing signage; that the Commission had previously directed Staff to incorporate a reduced Floor to Area Ratio (FAR) from what was proposed; opposition to the 1.5 FAR at the ADP Property by Vice Chairperson Goedhart and Commission Member Steggell; overall support for 1.5 FAR at Centerpointe; support for Staff's recommendation of 1.5 FAR at both properties north of Orangethorpe; clarification of what would be allowed with a 10% deviation; how Staff decides to allow the deviation; clarification that the deviation is for unique situations not circumventing the Zoning Code; that the Community Development Director will have approval authority and discretion for any deviation request and could even require that the Planning Commission give the final approval; example of deviations to meet code requirements; support to keep the ADP property at 1.5 FAR to accommodate change and allow for increased revenue opportunities; that the Planning Commission and City Council previously supported the increased density north of Orangethorpe in order to maximize the opportunity of the area; that lowering the density could discourage any interest in developing that site in the future; support for having real estate signage addressed; Commission Member Hwangbo and Shanahan's support for 1.5 FAR for properties north of Orangethorpe; support for discretionary approval on all deviation requests; that the deviation process was created so that applicants did not have to entangle themselves in the variance procedure; that any deviation approved must be at minimal impact to the City; support for the streamlined Zoning Code; allowed building heights of up to 20 stories with a 1.5 FAR; that art in public places should not be mandated; opposition to the artificial turf permitting process; that the City does not currently have the art-in-lieu fee; that the art-in-lieu fee only applies to the B-1 District, everything north of Orangethorpe; that the public art or art-in-lieu fee only applies to any construction valued at 1.5 million or more; and opposition to mandating the public art requirement.

- f) Adopt a Resolution recommending the City Council adopt an Ordinance Amending City of La Palma Municipal Code Chapter 44 (Zoning Code) for purposes of a comprehensive update of Chapter 44 (Zoning Code).

Chairperson Kim made a motion to adopt a Resolution recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District not include a public art requirement and have a maximum F.A.R. of 0.75 for properties north and south of the 91 Freeway.

The motion was seconded by Commission Member Steggell and failed on the following vote:

AYES: Chairperson Kim and Commission Member Steggell.

NOES: Vice Chairperson Goedhart, Commission Member Hwangbo, and Commission Member Shanahan.

Further discussion ensued regarding not being able to have a perfect solution that all five Commission Members would agree on; that compromises need to be made; support for public art in such a small city; and that the Development Committee and previous Planning Commission approved the public art addition to the Zoning Code during prior meetings.

Commission Member Hwangbo made a motion to adopt a Resolution recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District not include a public art requirement. The motion was seconded by Commission Member Shanahan.

Assistant City Attorney Molko noted that this matter needs to come before the Planning Commission for a recommendation before the City Council can make any final action to approve the Zoning Code Amendments; that if the Planning Commission chose to break the Zoning Code apart or have a bifurcation for separate items, public hearing notices would have to be made again for each portion; that separating the items could lengthen the process; and could complicate the entire Zoning Code adoption process.

Further discussion ensued regarding the Planning Commission to decide on how to proceed with Zoning Code approval and support for compromising the Public Art component in order to move forward.

The motion failed on the following vote:

AYES: Commission Member Hwangbo and Commission Member Shanahan.

NOES: Vice Chairperson Goedhart, Chairperson Kim, and Commission Member Steggell.

Further discussion ensued regarding consternation with potential development on the ADP parcel; that the Planning Commission could

separate the densities in the B-1 district by having less density south of the 91 Freeway to .75 FAR and a higher density of north of the 91 Freeway to a 1.5 FAR; that the height allowed was only for design purposes; that the development would never be a small building that is 20- stories high; that the Planning Commission could put a height limit to the design; support for high buildings in Centerpointe, just not at the ADP property; that the residents were concerned with the traffic congestion related to increased density; that the Planning Commission is there to decide what is best for La Palma; and that the Planning Commission has the approval authority over a development.

Assistant City Attorney Molko stated that even if the Planning Commission and City Council approved a 1.5 FAR, there will be opportunity for them to exercise their discretion during the developmental process when the projects do come forward; that environmental impacts will help with consideration of the development; and that bifurcating issues and making motions on components of the Zoning Code, overall approving the Zoning Code in entirety tonight, is supported.

Vice Chairperson Goedhart made a motion to adopt a Resolution recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District have a maximum FAR of 0.75 for properties north and south of the 91 Freeway; not include a public art requirement; and have a maximum dwelling unit density of twenty seven (27) Dwelling Units per acre (27 DU/AC.). The motion was seconded by Chairperson Kim.

Further discussion ensued regarding not coming to an agreement; request for clarification on the expectation for approving a .75 FAR in the B-1 Mixed Use Business district; support for all the previous work done by Committees, Staff, and residents to come to the 1.5 FAR compromise; support for less development and density; that because the GP is for ten years, support for an incremental approach to density increases; that the consultants who made the recommendation are not residents of La Palma; that no developer will be interested in a .75 FAR; that the City has not received any development proposals for the ADP property; that ADP has no intentions of selling, moving, relocating, or intensifying their property; that the ADP property is currently only using a .2 FAR and is at a .4 FAR; that supporting .75 allows for almost double of what currently exists on the ADP Property; that limiting the FAR limits the developmental possibilities; that the residents did not like the increased density proposed when Centerpointe was being developed and is now part of La Palma; that the only element that the City has to increase opportunity is to allow a 1.5 FAR; and clarification that the motion included the entire B-1 district be at .75 FAR.

City Attorney Molko clarified that the current motion on the floor is to adopt a Resolution recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District have a maximum F.A.R. of 0.75 for properties north and south of the 91 Freeway; not include a public art requirement; and have a maximum dwelling unit density of twenty seven (27) Dwelling Units per acre (27 DU/AC.).

The motion failed on the following vote:

AYES: Vice Chairperson Goedhart and Chairperson Kim.

NOES: Commission Member Hwangbo, Commission Member Shanahan, and Commission Member Steggell.

Further discussion ensued regarding continuing the public hearing to a date specified; that Staff did not note any urgency in continuing the matter; and that there is consensus to increase the density at Centerpointe.

Chairperson Goedhart made a motion to adopt Resolution No. PC 2015-05 recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District have a maximum 0.75 F.A.R. for properties south of the 91 Freeway and a maximum 1.5 F.A.R. for properties north of the 91 Freeway; not include a public art requirement; and have a maximum dwelling unit density of twenty seven (27) Dwelling Units per acre (27 DU/AC.). The motion was seconded by Commission Member Steggell.

Assistant City Attorney Molko clarified that the motion was to approve a Resolution recommending the City Council adopt an Ordinance amending various portions of City of La Palma Municipal Code Chapter 44, subject to the following modifications: that the Mixed-Use Business (B-1) Zone District to have a maximum 0.75 F.A.R. for properties south of the 91 Freeway, the ADP Property, and a maximum 1.5 F.A.R. for properties north of the 91 Freeway, the Centerpointe properties; not include a public art requirement; and have a maximum dwelling unit density of twenty seven (27) Dwelling Units per acre (27 DU/AC.) for all the residential B-1 Zoned properties.

The motion carried on the following vote:

AYES: Vice Chairperson Goedhart, Chairperson Kim,
and Commission Member Steggell

NOES: Commission Member Hwangbo and
Commission Member Shanahan

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL
AT 8:38 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 February 3, 2015, and February 17, 2015 Regular Meetings and the February 5, 2015, Special Meeting.
3. Approval of Register of Demands

Resolution No. 2015-08 approving the Register of Demands for March 3, 2015.
4. 2015 Street Closures for City Special Events

Resolution No. 2015-09 approving Street Closures for three (3) 2015 City special events: Memorial Day, Monday, May 25, 2015; Fitness Run for Fun, Saturday, July 4, 2015; and La Palma Days, Saturday, November 14, 2015.
5. Award of Contract to United Storm Water Inc. and AKAL Consultants for the Installation of Catch Basin Inserts and Screens Project (Phase II), City Project No. ST-338
 - a) Award and authorize the Mayor to execute a contract in the amount of \$141,140 to United Storm Water, Inc. of Industry, California, for the Installation of Catch Basin Inserts and Screens Project (Phase II), City Project No. ST-338; and

- b) Award and authorize the Mayor to execute a contract in the amount of \$21,160 to AKAL Consultants of Foothill Ranch, California, for Professional Construction Engineering and Administration for the Installation of Catch Basin Inserts and Project (Phase II), City Project No. ST-338; and
- c) Appropriate funding from the Capital Outlay Reserve (COR) Fund balance in the amount of \$162,300 to temporarily fund the project (035-900-831.000), with expected reimbursement of this amount from the Orange County Transportation Agency (OCTA).

6. Police Records Clerk Vacancy

Authorize the recruitment and hiring of one (1) Police Records Clerk position to fill an upcoming vacancy.

7. Annual Progress Report of the General Plan (APR) for the Fiscal Year 2013-14

Resolution Approving the Annual Progress Report of the General Plan for Fiscal Year 2013-14.

Council Member Shanahan made a motion to approve Consent Calendar Items 1 through 7.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

8. City Council Policy Manual Revision

- a) Review and discuss the proposed policy revisions.

City Manager Volmert gave the Staff Report.

Public Comment:

Ralph Rodriguez, 4621 Amberwood, addressed the City Council regarding his support for coming to an agreement on the Zoning Code; that the property owners affected by that decision are notified of the changes; that in 2005, the City Council changed its composition, and questioned the policies; the process that the previous City Council went through to clean up the policies; that Council Policies are guidelines for Council Members; commented on parking tickets issued during the winter holiday season; the history behind the use of the Council Chambers; recommendation to place the City Council policies on the City's website; that prior to 2005, there were no City Council Goal Setting Sessions; and support for City Council policies and norms.

Council Comments and Questions:

Discussion ensued regarding support for the Committee Members and Staff who worked on the project; that cleaning up policies that are no longer used is necessary; that policies are in place to prevent any conflicts or confusion; suggestion to be flexible in seating assignments after the City Council reorganization; and clarification that if City Council Members wish to voluntarily change their seating, they should be able to without any conflict.

- b) Approve the revisions to the City Council Policy per the Council Policy Subcommittee's recommendation.

Mayor Kim made a motion to approve the revisions to the City Council Policy per the Council Policy Subcommittee's recommendation with the modification to allow flexibility in seating at the dais after the annual reorganization as desired by City Council members.

Discussion ensued regarding the City Council recently approving a Winter Holiday Street Sweeping Citation Moratorium; that the City Council Policies and Goals be posted to the City's website; and support for allowing flexibility to the seating arrangement at the dais.

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

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

NOES: None

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

Council Member Shanahan apologized for not being able to attend the original 6:15 p.m. scheduled for the Closed Session requiring the matter to be moved to the end of the Open Session and had nothing else to report.

Council Member Steggell attended the La Palma United Methodist Church City Employee Appreciation Luncheon; the Cypress College Foundation Americana Awards ceremony; the Crescent Little League Opening Day Ceremony/Breakfast; and the Los Coyotes Elementary School Read Across America event.

Council Member Hwangbo attended the Association of California Cities - Orange County (ACCOC) Board Meeting; the Orange County Vector Control District meeting; the Cypress College Foundation Americana Awards ceremony; the Crescent Little League Opening Day Ceremony/Breakfast; the Orange County Local Agency Formation Commission Organization (LAFCO) summit; the La Palma United Methodist Church City Employee Appreciation Luncheon; and announced that Hwang-So-Go-Jip Korean BBQ Restaurant will be catering lunch on March 11, 2015, for City employees. He closed by suggesting to join with neighboring cities in the July 4th Run for Fun event.

Mayor Pro Tem Goedhart attended the Orange County Fire Authority (OCFA) Board of Directors meeting; announced that he was appointed to the OCFA Budget and Finance committee; and the Cypress College Foundation Americana Awards.

Mayor Kim attended the Orange County Sanitation District (OCSD) meeting; the Crescent Little League Opening Day Ceremony/Breakfast; and the Cypress College Foundation Americana Awards.

CITY MANAGER REMARKS

City Manager Volmert attended the Cypress College Foundation Americana Awards; the Los Coyotes Elementary School Read Across America event; the Orange County LAFCO summit; completed the mandated AB1234 Ethics Training; and announced that High School of Choice survey was sent last week and getting a good response.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko noted that she is a University of California San Diego Alumni and serves on the Alumni Association Board of Directors, and announced that she has the pleasure to notify individuals of their admission acceptance, and one recipient happens to be a La Palma resident.

CLOSED SESSION

CS-1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

Mayor Kim recessed to Closed Session at 9:10 p.m.

Mayor Kim adjourned the Closed Session at 9:48 p.m., reconvened in Open Session, and asked for a report.

City Manager Volmert announced that there were no reportable actions from Closed Session.

ADJOURNMENT

Mayor Kim adjourned the Regular Meeting of the La Palma City Council at 9:50 p.m.

Peter L. Kim
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk