

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

July 7, 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.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Goedhart

INVOCATION: Council Member Hwangbo

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
Douglas Dumhart, Community Development Director
Laurie Murray, Administrative Services Director/City Clerk
Eric Nuñez, Police Chief
James Tsumura, Water Supervisor
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Police Chief Nuñez introduced Ed Fleming as the new Community Liaison Officer in the Police Department.

2. Police Chief Nuñez introduced Joshua Garcia as the new Reserve Officer in the Police Department.
3. Administrative Services Director Murray introduced Jin Kim as the new Intern in the Administrative Services Department.
4. Mayor Kim presented the Government Finance Officers Association Certificate of Achievement of Excellence in Financial Reporting to Administrative Services Director Murray.

ORAL COMMUNICATIONS

Steven Maikoski, a La Palma resident, addressed the City Council regarding his concern for the necessity of street sweeping on a weekly basis; that his street has no trees and is continuously clean; and that the City should look at similar cities like Artesia to review operations and compare.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:15 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 June 16, 2015, Regular Meeting of the Successor Agency.
- B. Approval of Register of Demands
Resolution No. SA 2015-06 approving the Successor Agency Register of Demands for July 7, 2015.

Mayor Pro Tem Goedhart made a motion to approve Consent Calendar Items A and B.

The motion was seconded by Council Member Hwangbo 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 7:16 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the June 16, 2015, Regular Meeting of the Planning Commission.

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

The motion was seconded by Commission Member Hwangbo 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

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL
AT 7:17 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 June 16, 2015, Regular Meeting of the La Palma City Council.
3. Approval of Register of Demands

Resolution No. 2015-28 approving the Register of Demands for July 7, 2015.
4. City Attorney Agreement

Approve and authorize the Mayor to execute an Amendment to the Legal Services Agreement with Rutan and Tucker, LLP.
5. Amendment to the Agreement with Southeast Area Animal Control Authority for Animal Care Services

Approve and authorize the Mayor to execute an amendment to the Agreement with the Southeast Area Animal Control Authority (SEAACA) for the provision of animal care services for the 2015-16 Fiscal Year.
6. Police Sergeant Backfill

Authorize the Police Chief to fill the current Sergeant vacancy.

7. Consideration of Accepting Dedication of Certain Property Located at 5100 Orangethorpe Avenue for Public Right of Way Purposes

Resolution No. 2015-29 accepting dedication of that certain property located at 5100 Orangethorpe Avenue for public right-of-way purposes.

Mayor Pro Tem Goedhart made a motion to approve Consent Calendar Items 1 through 7.

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

8. Adoption of an Ordinance of the City Council of the City of La Palma Amending Chapter 10 Adding Article IIA entitled "Permitting Procedures for Small Residential Solar Energy Systems"

Community Development Director Dumhart gave the Staff report.

Council Member Hwangbo made a motion to adopt Ordinance 2015-02 of the City Council of the City of La Palma Amending Chapter 10 Adding Article IIA entitled "Permitting Procedures for Small Residential Solar Energy Systems".

The motion was seconded by Mayor Pro Tem Goedhart 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

9. Water Conservation Monthly Report for May 2015

Water Supervisor Tsumura gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding support for the data in the report; an explanation on what the City defines as 'cases'; that the majority of cases are wrong watering days and water run off; that the majority of the cases are Staff generated; support to fine tune the Ordinance, to allow for a specific two day watering schedule for the entire City to avoid confusion; that flyers will be sent to approximately 800 registered pool owners regarding encouraging the use of pool covers by the Water Department; that Stage II Water Declaration flyers are being prepared to be inserted in the next cycle of water bills; support for communication in multiple languages; that Staff can monitor water usage by a general query with the new software; that the cities of Brea and Fullerton are using median signs for communicating water conservation regulations; that the methodology for watering days came from the Metropolitan Water District of Orange County (MWDOC) in an effort to decrease the chance of water pressure swings that could lead to water main breaks that Los Angeles experienced during the last drought; that most residents have automated sprinkler systems; that Staff is aggressively educating the public through mobile reader boards, newsletter, flyers, and personal contact; and that Mayor Pro Tem Goedhart offered to assist placing door hangers to encourage pool covers at residences.

By consensus, the City Council agreed to receive and file the monthly Water Conservation Report for May 2015.

10. Third Quarter Operations Report and City Council Goals Update - Fiscal Year 2014-15

Administrative Services Director Murray gave an overview on the 2014-15 Fund Balance Revenues and Expenditures.

City Manager Volmert gave a presentation on the 2015 City Council Goals update and Performance Measure highlights.

Council Comments and Questions:

Discussion ensued regarding support for Staff's hard work.

By consensus, the City Council agreed to receive and file the presentation.

11. Civil Penalties for Street Sweeping Fines

Police Chief Nuñez gave the Staff Report.

Public Comment:

Larry Herman, a La Palma resident, addressed the City Council regarding support for increasing the fine; that La Palma is on the low end of charged prices in Orange County; asked for consideration of posting fines on the street parking signs; that the goal should be to discourage residents from parking violations; support for street sweeping once a month; support for landscape watering on the same two day schedule city-wide during the week to avoid confusion; support for a door hanger to encourage pool covers; and asked for clarification on water bill payments prior to having the water shut off.

Administrative Services Director Murray explained that once water bills are mailed, the resident has 30 days to pay the bill; the process for unpaid water bills; and that Staff works with residents on a case by case basis to make water payment arrangements.

Steven Maikoski, a La Palma resident, addressed the City Council regarding opposition to increasing the Street Sweeping violation fine; that increasing the fine does not encourage compliance; that if residents become compliant, that leads to decreased fine revenue and sustained costs.

Council Comments and Questions;

Discussion ensued regarding support for weekly street sweeping; support for street cleanliness; that the average number of street sweeping fines that are issued per week is about 40; that most tickets are issued because residents forget about street sweeping; support for raising the penalty to cover actual costs; that the City only gets \$15 for every \$30 ticket that gets issued; opposition to a 50% fine increase; that the revenue is approximately \$29,760 and the City nets \$13,560 which covers the program itself; that the compliance rate increases when fines are increase , but historically drops off over time; that the 40 ticket average per week is not a large number; that there is no data to show whether the violators are repeat offenders; that the City's current fine is the lowest in the County; that there is a process for residents to dispute a ticket and request a waiver; that the rationale for increasing the fine was to reach 'fair market value' as well as for compliance; opposition to the item if the current revenue pays for the program; that this is a fine, a penalty for violators, and not a tax; support for the item because it encourages support for the Clean Water Act by keeping debris and pollution from the water system; that a reduction in street sweeping detracts from the beauty of the neighborhood; that the Los Angeles parking ticket price is \$65.00; support for increasing the fee to a reasonable adjustment; that the City Council just approved the increased Cost of Living Adjustment to all the building fees and voting in favor

of this item would show continuity; and opposition to increasing the street sweeping fine for such a low amount of issued tickets because it is not being used as a revenue generator.

Council Member Hwangbo made a motion to not increase the Civil Penalties for Street Sweeping Fines.

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

AYES: Council Member Hwangbo and Mayor Kim.

NOES: Mayor Pro Tem Goedhart, Council Member Shanahan, and Council Member Steggell.

Council Member Shanahan made a motion to approve the increase in Civil Penalties for Street Sweeping Fines as recommended by Staff.

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

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

NOES: Council Member Hwangbo and Mayor Kim

12. Resolution Amending Orange County Fire Authority (OCFA) Joint Powers Authority Agreement Relative to Board Alternates

City Manager Volmert gave the Staff report.

Public Comment:

Mr. Herman asked for clarification on the City's position of not supporting the use of alternates for the OCFA's Board Members.

Mayor Pro Tem Goedhart explained that if this is approved, there will no longer be alternates on the OCFA Board.

Council Comments and Questions:

Discussion ensued regarding support for the item; that Mayor Pro Tem Goedhart voted in favor of the item previously; opposition to Assembly Bill 1217; and that if approved, it will improve the OCFA Board Member involvement and continuity.

Mayor Pro Tem Goedhart made a motion to adopt Resolution No. 2015-31 amending Orange County Fire Authority Joint Powers Authority Agreement Relative to Board Alternates.

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

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

Council Member Shanahan thanked Staff and those who participated in the July 4th Run for Fun event.

Council Member Steggell attended the Coffee Bean & Tea Leaf Grand Opening and the July 4th Run for Fun event.

Council Member Hwangbo attended the Orange County Vector Control District (OCVCD) meeting; the Southern California Association of Governments (SCAG) meeting; the July 4th Run for Fun event; and congratulated his wife on their 27 year Anniversary.

Mayor Pro Tem Goedhart attended the OCFA Regular and Special Meeting; the Coffee Bean & Tea Leaf Grand Opening; the reception for the Dali Lama; and requested that staff procure a list from Fullerton High School District of La Palma residents in regards to intra-district permitting process; and closed by reporting that the City Council will be aggressive on the matter and will continue to persevere so La Palma students can attend La Palma schools.

Mayor Kim attended the Coffee Bean & Tea Leaf Grand Opening; Assembly Woman Young Kim's Independence Day celebration; the July 4th Run for Fun event; attended the 12 Centerpointe Ground Breaking ceremony; and the Central Park new playground re-opening ceremony.

CITY MANAGER REMARKS

City Manager Volmert reported that today was the deadline for applying for the Financial Sustainability Committee; that the City has received 35 applications; and reported that La Palma ranks #2 Hottest Housing Market in Orange County.

Administrative Services Director Murray announced that she will need to get Council Member selections by July 15 or 16 for the Financial Sustainability Committee in order to bring the Item back on the Agenda at the July 21st City Council Meeting; that Council would need to schedule interviews through Staff; and that selections be made via email to reduce confusion.

Discussion ensued regarding confusion with the selection process; that Staff needs to agendaize the matter 72 hours prior to the meeting to meet noticing requirements; that names need to be submitted by a specific date for final ratification on July 21st; details of how to determine multiple selections for the same applicant being in the order that they were received; that the July 21st Agenda Item is only to ratify the appointments to the Citizen Committee; and that each Council Member, at their discretion, can conduct interviews of the applicants, but that Staff will not have a formal interview process.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko reported on the recent Supreme Court decision regarding the local regulations of signs; that sign regulations could be viewed as unconstitutional, because the content of signs is part of one's first amendment rights; and that she will be working with Community Development Director Dumhart to possibly make amendments to the City's sign ordinance to accommodate the changes made by the Supreme Court decision.

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 Director
Steve Filarsky, Agency Labor Counsel

Employee Organizations: La Palma General Employees Association
La Palma Police Association
La Palma Professional Employees Association

Unrepresented Employees: Executive Management

CS-2. The City Council will meet in Closed Session pursuant to Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Approximately 400sf of the Street Median on Walker Street, La Palma, California, north of the 91 Freeway.

City Negotiators: Joel Kuperberg, City Attorney
Ellen Volmert, City Manager
Douglas Dumhart, Community Development Director

Negotiating Parties: Foster Interstate Media, LLC

Under Negotiations: Price and Terms

CS-3. The City Council will meet in Closed Session pursuant to Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Two potential cases

Claimants: Amar Panduranga and Asha Panduranga

Agency Claimed Against: City of La Palma

Mayor Kim recessed to Closed Session at 8:34 p.m.

Mayor Kim reconvened in Open Session at 9:34 and asked for a report.

Administrative Services Director Murray announced that there was nothing to report out on Items CS-1 or CS-2, but that the City Council voted unanimously to deny the Claim on Item CS-3.

ADJOURNMENT

Mayor Kim adjourned the Regular Meeting of the La Palma City Council at 9:35 p.m.

Peter L. Kim
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk