

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 18, 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: Council Member Steggell

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

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
Joel Kuperberg, City Attorney
Michael Belknap, Community Services Director
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

None Scheduled.

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 7:01 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 4, 2015, Regular Meeting of the Successor Agency.

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

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

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE SUCCESSOR AGENCY, AND CONVENE AS THE PLANNING COMMISSION AT 7:02 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the August 4, 2015, Regular Meeting of the Planning Commission.

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

The motion was seconded by Vice Chairperson Goedhart 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 7:03 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 4, 2015, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2015-37 approving the Register of Demands for August 18, 2015.

Council Member Hwangbo made a motion to approve Consent Calendar Items 1 through 3.

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

ITEMS PULLED FROM CONSENT CALENDAR

4. Request for Continuous Recruitment and Backfill of vacant full-time and part-time (reserve) Police Officer Positions for FY 2015-16

Council Member Shanahan requested to have the Item pulled from the Consent Calendar to clarify the number of police officers going through current background checks with other Police agencies.

Police Chief Nuñez responded that there are now four police officers in background with other agencies at this current time.

Grant authority to the City Manager to backfill vacant Police Officer and Reserve Police Officer positions and recruit for anticipated vacancies that will occur over the course of this fiscal year.

Council Member Shanahan made a motion to approve Consent Calendar Item 4.

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

5. Introduction and First Reading of an Ordinance of the City of La Palma amending Chapter 42, Article VII (Conservation and Water Management) of the La Palma Municipal Code

- a) Mayor Kim opened the Public Hearing at 7:07 p.m.
- b) Community Services Director Belknap introduced Water Supervisor Tsumura who gave the Staff Report.

c) Public Input:

No members of the public wished to speak.

- d) Mayor Kim closed the Public Hearing at 7:11 p.m.

e) Council Comments and Questions:

Discussion ensued regarding the status of the City's water reduction efforts; that the State has mandated a 20% water reduction and La Palma reduced its water use by 27% in July; that Staff has seen the residents be responsive to water reduction requests; clarification that pool covers will be required for new pools; that recommendation for pool covers was given to existing pool owners and results have been positive; that all other water agencies recommend the use of pool covers; that because the City does not have the funds to cover a pool cover rebate, it is in the City's best interest to make pool covers mandatory for new pool installations; that Staff has seen a good response to the pool cover brochures for existing pools; that residents installing a new pool would not be issued a permit unless they have a pool cover; that in a drought, it is discouraged to install a new pool; that the only State mandate was that each water agency do everything they can to conserve water and get compliance from high water users; question as to why Staff did not use the same 'Strongly Recommend' pool cover language for existing and new pools; support for having the same pool recommendation language for both; explanation of an automatic shut off valve; the process for new pool installation requiring a building permit; that during the permit process, a pool cover is taken into consideration when designing a new pool; that requiring a pool cover is a reasonable request; that a pool cover is only a nominal investment for a \$30,000 pool installation; clarification of Stage III Water Alert regarding ponds; consideration of the Stage III language be changed to allow refilling a pond if there is aquatic life in it versus refilling a pond that is used as a decorative

feature; the status of the City's water well pump malfunction; and that the old water pump motor was replaced.

- f) Introduce for First Reading and Read by Title Only an Ordinance of the City of La Palma amending Chapter 42, Article VII of the Municipal Code Regarding Conservation and Water Management.

Mayor Pro Tem Goedhart made a motion to approve the introduction for First Reading and Read by Title Only an Ordinance of the City of La Palma amending Chapter 42, Article VII of the Municipal Code Regarding Conservation and Water Management, as long as the language change is made to the Stage III restrictions regarding ponds prior to the adoption of the Ordinance.

City Attorney Kuperberg recommended that the motion be to approve Staff recommendation and amend the language for Stage III to differentiate between ponds that sustain aquatic life versus ponds used as a decorative feature.

Mayor Pro Tem Goedhart made a motion to introduce for First Reading and Read by Title Only an Ordinance of the City of La Palma amending Chapter 42, Article VII of the Municipal Code Regarding Conservation and Water Management as recommended by Staff with the amendment to change the language for Stage III restrictions to differentiate between ponds that sustain aquatic life versus ponds used as a decorative feature.

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

REGULAR ITEMS

6. Consideration of a Resolution Authorizing the City Manager to Develop and Submit a Petition for Territory Transfer to the Orange County Committee on District Organization for High School Education Purposes

City Manager Volmert gave the Staff Report.

Public Input:

Cheryl Clancy, a La Palma resident, addressed the City Council in support of allowing La Palma students north of Houston Avenue to go to La Palma schools.

Michelle Jones, a La Palma resident, addressed the City Council in support of allowing La Palma students north of Houston Avenue to go to La Palma schools.

Reginald McDermott, a La Palma resident addressed the City Council regarding the arduous process residents have to endure with the inter-district process every year for his children; and in support of allowing La Palma students north of Houston Avenue to go to La Palma schools.

Council Member Shanahan asked Mr. McDermott for clarification on the number of children he has and whether he has been denied approval for the inter-district permits.

Mr. McDermott responded that he has three children, and every year he has to go through the inter-district process; that every permit request gets immediate initial denial; that he has received permit approval from Buena Park School District currently, but that the school districts make it horribly difficult and complicated to endure the process.

Richard and Regina Fleshman, La Palma residents, addressed the City Council in support of allowing La Palma students north of Houston Avenue to go to La Palma schools.

Mayor Kim clarified that this petition only impacts High School students, but that the City Council is trying to take this as an incremental approach.

Jim Pardo, a new La Palma resident, addressed the City Council in support of allowing La Palma students north of Houston Avenue to go to La Palma schools; described his personal experience of having been bussed; and in opposition to the current inter-district process for residents.

Dante Balacanao, a La Palma resident, addressed the City Council in support for allowing La Palma students north of Houston Avenue to go to La Palma schools.

Jim Johnson, a La Palma resident, addressed the City Council in support of allowing La Palma students north of Houston Avenue to go to La Palma schools; and inquired if the measure would finally encourage the State government to accommodate this request.

Mayor Kim responded that Assembly Member Young Kim sponsored Assembly Bill 523 (AB523) allowing La Palma children to attend La Palma schools; that the City Council unanimously supported the legislation; that Mayor Pro Tem Goedhart, Council Member Steggell, and himself testified before the State Education Committee, urging the committee to adopt the legislation; that AB523 was not

ratified; and that this measure is another option to move the matter forward to the Orange County Committee on District Organization in order to get La Palma children to attend La Palma schools.

Council Comments and Questions:

Discussion ensued regarding City Council appreciation for residents who presented their support during this meeting and process; that the City Council fully supports this measure and its endeavor; the history of the issue; the difficulties due to the school district jurisdiction; surprise that some approvals being given for residential inter-district permits; request for bussing costs per student; the time each individual spends on the bus; that the drive time is 12 minutes versus 20 minutes on the bus to get to Buena Park High School; whether bussing is given to children who are involved in after school programs; that there is more than just true cost per student and data should be looked at with other time factors taken into consideration; that the action tonight is to consider passing a resolution that could lead to a petition to file that may lead to an election that has nothing to do with Sacramento or State level government; that ultimately, the Orange County Committee on District Organization will need to make a determination on the evidence and factors whether this measure will lead to a vote in the upcoming election; that the City is hopeful that these actions will result in a local vote that will allow La Palma students to attend their local school and not become a vote by the school districts; realization that cooperation with the Fullerton Union High School District (FUHSD) is poor and that they were ordered by the State Education Committee to meet with La Palma Officials; hopeful that the school district will be reasonable; that this City Council is determined to make this happen and that residents' rights are acknowledged; that this endeavor is not a reflection of the quality of education outside of La Palma, but about the students who want the opportunity to attend their local schools; whether approving the Resolution would cause animosity before the meeting with FUHSD on August 26; that the hope for the meeting with FUHSD would be that they are informed of La Palma's concerns; that the FUHSD meeting will be an introduction to promote La Palma's ideas and further conversation; that there won't be anything filed prior to that meeting; that Staff will be coming back to the City Council as things progress and new information is given; that City Manager Volmert had an optimistic meeting with the FUHSD Superintendent this morning; that the purpose of the August 26 meeting will be to resolve the issue for La Palma residents; that granting the inter-district permits could have resolved this problem from the beginning; opposition to endorsing the Resolution until after the meeting with FUHSD to generate good will; support to endorse the Resolution because of the long history of opposition from FUHSD; and that the City has given FUHSD numerous courtesies over the years.

Adopt Resolution No. 2015-38 of the City Council of the City of La Palma approving submittal of a proposal for transfer of territory between the Fullerton Joint Union High School District and the Anaheim Union High School District, and authorizing

the City Manager of the City of La Palma to transmit the proposal to the Orange County Committee on District Organization.

Mayor Kim made a motion to adopt Resolution No. 2015-38 authorizing the City Manager to develop and submit a Petition for Territory Transfer to the Orange County Committee on District Organization for high school education purposes.

Discussion ensued regarding Mayor Pro Tem Goedhart's support to start the petition process; that he is not hopeful that FUHSD will have a change of attitude; and that this will clearly indicate what the City's intention is; and that this is long overdue.

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

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

Council Member Shanahan had nothing to report.

Council Member Steggell attended the Civic Expo; the Concert in the Park; and announced that she will submit an agenda request to review maintenance of block walls in an effort to discuss their aesthetics within the next month.

Community Services Director Belknap responded that Staff has been conducting research on the block walls and gathering information to be heard at the second meeting in September.

Council Member Hwangbo had nothing to report.

Mayor Pro Tem Goedhart noted that in addition to the action approved for the Territory Transfer Petition, he requested that the City Manager prepare a letter to inform the State Legislature on the progress because AB523 will be heard again in January 2016, and asked if he needed to make a separate or amended motion.

City Attorney Kuperberg responded that in the ordinary course of business, the City Manager has the authority to keep the State apprised of actions taken by the City Council and does not require any additional motions or requests by the City Council.

Mayor Pro Tem Goedhart continued his report stating that he attended the Civic Expo and the Orange County Fire Authority (OCFA) Budget and Finance Committee.

Mayor Kim attended the Civic Expo.

CITY MANAGER REMARKS

City Manager Volmert attended the Civic Expo and announced that she will be out of the office, and that Community Development Director Dumhart will be the Acting City Manager in her absence. She closed by announcing that Money Magazine has once again rated La Palma as one of the best places to live in the United States, and that La Palma was only one of two small cities in California to be given that accolade.

CITY ATTORNEY REMARKS

City Attorney Kuperberg reported a change in recent law that the Supreme Court issued a decision that confirms the City can continue to use an expedited California Environmental Quality Act (CEQA) process to help relieve undue burdens and keep costs down for residents and City projects.

ADJOURNMENT

Mayor Kim adjourned the Regular Meeting of the La Palma City Council at 8:27 p.m.

Peter L. Kim
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk