

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

November 17, 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 began the City Council meeting with a moment of silence in remembrance of the victims of the Paris Terrorist Attacks of November 13, 2015.

PLEDGE OF ALLEGIANCE: Council Member Hwangbo

INVOCATION: Pastor Eliot Bland, La Palma Christian Center

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: Eric Nuñez, Acting City Manager/Police Chief
Michelle Molko, Assistant City Attorney
Michael Belknap, Community Services Director
Douglas Dumhart, Community Development Director
Laurie Murray, Administrative Services Director/City Clerk
Kimberly Kenney, Deputy City Clerk

PRESENTATIONS

1. Mayor Kim presented a Proclamation to Raj Patel, Christmas Tree Village President, in recognition of November 28, 2015, as Small Business Saturday.
2. Mayor Kim presented a Proclamation to Francine Marlenée, Integrated Communications Manager for the Innovation Institute, welcoming their company to the La Palma Business Community.

ORAL COMMUNICATIONS

Wally Zimmerman, a La Palma resident, addressed the City Council regarding his previous concerns with individuals rummaging through trash in his neighborhood; the lack of response to his concerns; whether the City Council will give direction to the Police Department to address the problems of crime in the community; his belief that trash rummagers are connected to petty theft crimes in the community; and the process to make a citizen's arrest.

Acting City Manager/ Police Chief Nuñez concurred with Mr. Zimmerman's concerns, but noted that on the day in question a new dispatcher was in training at the time the call was made, which contributed to his concerns not being addressed at that time; that the City Council has directed the Police Department to enforce the laws in the community with fairness and without prejudice; that misdemeanor crimes get cited out in the field or the suspects are brought in for booking and then cited; that because of Proposition 47, the police can no longer transport criminals to the County for misdemeanor crimes; that the Police are receptive to hearing citizens' concerns, but that they are unable to stop all criminal activity; that an extra patrol check has been issued as a result of the trash rummaging complaints; and he provided an explanation of the process for making a citizen's arrest.

Mayor Kim stated that the Police Department is aware that this is a priority for the community.

Acting City Manager/ Police Chief Nuñez responded that this is an operational issue and that he would address it with the Police Captains.

Jim Johnson, a La Palma resident, commended the City Council for the La Palma Days Parade and requested for it to be continued; expressed support for Council Member Steggell's request to address citywide block wall beautification; support for the La Palma Police Department and their efforts to keep the community safe; his concerns for speed limit violators; requested more patrol in the residential areas and by the schools; thanked the City for everything it does as he is moving with his family to Virginia after being a 40-year resident; and thanked the City Council and Staff for making La Palma a great place to live.

Mr. Belknap noted that Staff is currently reviewing bid results to address the Block Wall project and will be reporting back to the City Council at a future meeting.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF LA PALMA AT 7:26 P.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 November 3, 2015, Regular Meeting of the Successor Agency.

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

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

None Scheduled.

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION, AND CONVENE AS THE PLANNING COMMISSION AT 7:28 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the November 3, 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 Commission Member Steggell 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. Consideration of Resolutions Approving Tentative Parcel Map 2015-156 and Precise Plan 281, for a 3-lot Single Family Subdivision on a 19,000 Square Foot Site located at 8231 Moody Street (APNs 262-077-01 & 262-077-02).

- a) Chairperson Kim opened the Public Hearing at 7:29 p.m.
- b) Community Development Director gave the Staff Report.

Commission Member Steggell reported that she listed the property in question and represented the seller from the sale of this property to the current owners. She asked if there was a conflict of interest on the matter.

Assistant City Attorney Molko responded that because Council Member Steggell will not receive monetary benefit or commission from the current real estate transaction and had no interaction with the current buyer, there was no conflict of interest.

Discussion ensued regarding clarification that Commission Member Hwangbo lives on Sparrow Lane and whether that would constitute as a conflict of interest; and that his home on Sparrow Lane was outside of the 500 foot conflict of interest boundary.

- c) Public Input:

Terryl Weber, a La Palma resident, addressed the City Council regarding misleading images of a green belt being along the wrought iron fence in the proposal; opposition to having a wrought iron fence along the Moody Creek channel and support for continuing the block wall along Lot A; support for increased street lighting at the end of the proposed cul-de-sac; opposition

to Lot A being dedicated to the City and being used for storage; and requested to keep the neighborhood's look consistent.

Community Development Director Dumhart responded to Mr. Weber's concerns and noted that the images are only a rendering, not an actual simulation and not designed to be misleading; that the block wall along Moody Creek was discussed at the previous Development Committee meeting, but it was not moved forward in an effort to minimize expenses caused by maintenance and graffiti abatement of the block wall; that the Planning Commission could require a block wall as a condition if desired; that Lot A is adjacent to a major City water line and could be used as a staging area for any water line accessibility issues; that Lot A was recommended to "be able to host two additional parking spaces;" and that the City Engineer reviewed the option for a street light, but deemed that it is not necessary.

Kyle McCune, a La Palma resident and Development Committee Member, addressed the City Council regarding the developer accommodating every request made by the committee and support for the project's approval.

Hal Woods, Centerstone Communities West President, addressed the City Council regarding his praise of the service he has received from City Staff; that a block wall provides no additional flood control protection; that there is an existing street light near the cul-de-sac and opposition to installing an additional light as it would be disruptive to the new homeowners; that Mr. Weber previously asked for new mailboxes to be installed and removal of a lion statue installed at the end of his fence in the public right-of-way; and that his company wants to be a good neighbor, to construct a quality project, but does not want to make improvements to adjacent properties.

Kay Highland, a La Palma resident, addressed the City Council regarding possible safety concerns if no additional street light is installed.

Chairperson Kim asked for clarification on the street lighting decision made by the City Engineer; whether Southern California Edison was consulted in the engineering consideration; and where the City's responsibility would fall for maintenance of the block wall in regards to potential graffiti abatement.

Community Development Director Dumhart responded that the City Engineer studied the lighting standards and that the street light that exists is very close to the current block wall resulting in a non-warranted extra street light; that the graffiti concern is based on experience with the City's block walls near main arterials along the creek and the maintenance involved; that property owners will be required to maintain the block walls on their property; and that the Planning Commission has the choice to decide to keep the wrought iron fence or replace it with a block wall.

- d) Chairperson Kim closed the Public Hearing at 8:13 p.m.

Assistant City Attorney Molko noted that the applicant provided a brief letter and full size development renderings to the Planning Commission.

- e) Commission Comments and Questions:

Discussion ensued regarding the location of the current street light at the end of Sparrow Lane; that the block walls along Houston Avenue are varied heights, but most are 8 feet tall; explanation of the rationale behind the heights of the block walls for each side of the proposed development site; support for continuing the block wall along the Moody Creek channel; description of the parking around the cul-de-sac including the potential addition of two more parking spaces with Lot A; the parking availability on each proposed lot; location of the lion statue that is requested to be removed as part of the development as it is in the public right-of-way; that an existing chain link fence would be removed as part of the grading project on the property; explanation of why Lot A is requested to be dedicated to the City to allow flexibility of accessing a major water line or adding future parking to the cul-de-sac; that the developer is not interested in developing Lot A because of the need to create a homeowners association to maintain that lot; support for leaving Lot A with nothing on it except mulch as recommended by the Development Committee and eliminate any impression of adding parking to Lot A; a request to strike the parking language on Lot A from the Conditions of Approval; support for the developer choosing La Palma as a place for development; support for waiting to determine whether or not to install an additional street light; and overall support for installation of the continuing block wall along the Moody Creek channel.

- f) Adopt Resolution No. PC 2015-11 approving Tentative Parcel Map No. 2015-156 to establish a 3 lot single-family residential subdivision with access via Sparrow Lane subject to Conditions of Approval
- g) Adopt Resolution No. PC 2015-12 approving Precise Plan 281 to build 3 single-family homes on the R-1 lots created by Tentative Parcel Map No. 2015-156 subject to Conditions of Approval.

Vice Chairperson Goedhart made a motion to adopt Resolution No. PC 2015-11 approving Tentative Parcel Map No. 2015-156 to establish a 3 lot single-family residential subdivision with access via Sparrow Lane subject to Conditions of Approval and Adopt Resolution No. PC 2015-12 approving Precise Plan 281 to build 3

single-family homes on the R-1 lots created by Tentative Parcel Map No. 2015-156 subject to Conditions of Approval with the acceptance and maintenance of Lot A, installing mulch and eliminating parking from the language in the Conditions of Approval for Lot A , that a wrought iron fence with gate be placed on the street front portion of Lot A in the cul-de-sac, and replacing the wrought iron fence with a block wall along the Moody Creek flood control channel.

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

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

NOES: None

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 8:31 P.M.

CONSENT CALENDAR

Mayor Kim announced that Item 4 is being pulled from the Consent Calendar to be voted on after Item 5 is heard and voted on. He reported that on Item 2, the Special Meeting Minutes were being pulled to be placed on the next Agenda.

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 November 3, 2015, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2015-45 approving the Register of Demands for November 17, 2015.

Council Member Shanahan made a motion to approve Consent Calendar Items 1, 2, and 3.

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

5. City Manager Appointment and Agreement

Mayor Kim presented the appointment of Administrative Services Director Laurie Murray as the City's new City Manager and gave a brief biography.

Council Comments and Questions:

Discussion ensued regarding congratulating Mrs. Murray on her new position; Council Member Hwangbo's support for a candidate who has a stronger, more experienced City Manager background in light of the City's difficult future; that he wished Mrs. Murray sincerest success, but will be voting no on the resolution, and yes on the agreement; that Mayor Pro Tem Goedhart has decades of experience evaluating City Managers and being a City Council member and that Mrs. Murray has his full support and confidence as the City Manager; overall support for Mrs. Murray's appointment; and City Council appreciation to Acting City Manager and Police Chief Nunez for his service.

- a) Adopt Resolution No. 2015-46 of the City Council of the City of La Palma appointing Laurie A. Murray as City Manager for the City of La Palma; and
- b) Approve and authorize the Mayor to execute an Agreement between the City of La Palma and Laurie A. Murray for City Manager Services.

Mayor Pro Tem Goedhart made a motion to adopt Resolution No. 2015-46 of the City Council of the City of La Palma appointing Laurie A. Murray as City Manager for the City of La Palma; and approve and authorize the Mayor to execute an Agreement between the City of La Palma and Laurie A.

Murray for City Manager Services. The motion was seconded by Mayor Kim.

Council Member Hwangbo requested to separate the two items, allowing a separate motion and vote for each item.

Assistant City Attorney Molko responded that he could make a substitute motion to move Item 5(a) separately.

Council Member Shanahan made a substitute motion to adopt Resolution No. 2015-46 of the City Council of the City of La Palma appointing Laurie A. Murray as City Manager for the City of La Palma. The motion was seconded by Council Member Hwangbo.

Mayor Pro Tem Goedhart responded that if the intention is to not approve the appointment and the name is on the contract, it should be done in one motion; and that items A and B should be moved together as they complement each other.

Assistant City Attorney Molko noted that for efficiency purposes, the City Council can consolidate the items into one motion; however, they are two separate distinct actions and that it is also appropriate to move each item separately if desired.

Council Member Hwangbo agreed to approve the appointment as he does not want division at the dais; and that he had already made his position clear.

Council Member Shanahan withdrew the substitute motion.

The original motion by Mayor Pro Tem Goedhart carried on the following vote:

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

NOES: None

The City Council congratulated newly appointed City Manager Murray on her position; City Manager Murray stated her appreciation for the Council's decision; her appreciation to her colleagues for their support; and embraced the responsibilities of the position.

4. Administrative Services Director Vacancy

Authorize staff to recruit for an Administrative Services Director to fill the vacancy created by the appointment of the current incumbent to City Manager.

Mayor Pro Tem Goedhart made a motion to approve and authorize the recruitment for an Administrative Services Director to fill the vacancy created by the appointment the current incumbent to City Manager.

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

Mayor Kim requested to take a short recess at 8:43 p.m.

Mayor Kim reconvened the City Council at 8:51 p.m.

6. School District Territory Update

City Manager Murray gave the Staff Report.

Public Comment:

Chris Barnes, a La Palma resident, addressed the City Council regarding the history of her involvement as a Council Member with the previous defeated School District bill from Senator Harmon in 2008; and inquired on the voting protocol and requirements for affected residents in Buena Park and La Palma.

City Manager Murray responded that the voting protocol will depend on whether the matter would be considered an insignificant transfer; if insignificant then it would only be voted on by the residents north of Houston Avenue; and if it is significant it would be voted on by everyone in the district; that the school district's definition of "insignificant" needs to be determined in order to clarify voting on the issue; and that once the wording is defined, it could become an amendment to Assembly Bill 523.

Council Comments and Questions:

Discussion ensued regarding Assembly Woman Kim being updated on the City's progress; the conflict in number of transfers from the Fullerton Joint Union High School District (FJUHS) in the previous Staff Report; that the numbers in this Staff Report were verified by FJUHS; that the update indicates that the school districts are cooperating with parents requests for student transfers; Council Member Hwangbo's experience with the intra-district permitting process; appreciation for the updated information; that the City Council is learning this unfamiliar process; concern for the definition of "insignificant" and that it is subject to many interpretations; support for sending a letter to the residents encouraging them to apply for school transfers; the challenge with receiving denials from the Buena Park School District; support for updating the City's website with current school transfer process; and appreciation for the complexity of what the City is entering into.

Receive and file the report and provide direction to Staff as to how to proceed.

Mayor Pro Tem Goedhart made a motion to approve Staff Recommendation to continue working with the school districts to gather information and to achieve a transfer agreement; should a transfer agreement not be reached, develop an action plan for the January 2016 Assembly Education Committee hearing; and, should AB 523 fail, continue meeting with all five school districts to achieve a transfer agreement and move forward with a Resolution to be adopted in June 2017 to work through the process for the petition to be placed on the November 2018 ballot; to update the City's webpage with City actions and transfer information; to notify affected residents of the City's plans and progress as appropriate; and to provide update reports to City Council as appropriate

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

7. Water and Sewer Rate Study Update

Community Services Director Belknap gave the Staff report.

Assistant City Attorney Molko responded that because of the legal ruling results from the San Juan Capistrano tiered rate structure, a tiered rate structure is difficult to accomplish as they need to be structured to be directly correlated to the cost of providing the water service; and that the legal preference is to support a single rate structure.

Council Comments and Questions:

Discussion ensued regarding some cities currently using a tiered rate structure; that some cities are more accepting of risk and some are more adverse to risk; that legal research is unclear as to why tiered system still exists; City Attorney support for the safest decision; and that someone would have to challenge the tiered rate structure for there to be a legal issue.

Provide direction on the revised Water and Sewer Rate Study; and reschedule the Public Hearing with formal notification to all property owners, as is required by Proposition 218, for January 19, 2016.

Council Member Hwangbo made a motion to approve the revised Water and Sewer Rate Study and reschedule the Public Hearing with formal notification to all property owners, as is required by Proposition 218, for January 19, 2016.

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 attended the La Palma Days Parade; thanked Staff for their support and efforts; and congratulated new City Manager Murray on her new role.

Council Member Steggell attended the La Palma Days Parade; thanked Staff for their support and efforts; thanked Acting City Manager/Police Chief Nunez for his service as the interim City Manager; wished Mayor Kim a happy birthday; and requested to have a report back on the status of the Block Wall rehabilitation project.

Community Services Director Belknap responded that the Block Wall project would be placed on the December 15, 2015, City Council Agenda.

Council Member Hwangbo attended the Southern California Association of Governments (SCAG) Regional Council meeting; the La Palma Days Parade; thanked Staff and Volunteers for their efforts; recognized La Palma's 60th Anniversary; wished everyone a happy Thanksgiving; and commented on the recent terrorist attacks in Paris and denounced terrorism.

Mayor Pro Tem Goedhart congratulated new City Manager Murray on her new role and asked when a report on the La Palma Days event would be made available.

Community Services Director Belknap stated that Staff will be having a wrap up meeting soon; however, all the financials will not be accounted for until January 2016, so staff will be able to report back at that time.

Mayor Pro Tem Goedhart continued his report by noting that the City Council will start working on the City's finances in preparation of next year's budget; and with the recommendations by the Financial Sustainability Committee, Staff and the City Council will be ready for the challenge ahead; and wished everyone a happy Thanksgiving.

Mayor Kim attended the Eagle Scout Court of Honor; the November 11, 2015, Special Meeting; the Orange County Sanitation District (OCSD) Administrative Committee meeting; the La Palma Days Parade; and thanked Staff and the Volunteers for all their efforts.

CITY MANAGER REMARKS

City Manager Murray thanked everyone for their support; wished Mayor Kim a happy birthday; and closed by wishing everyone a happy Thanksgiving.

CITY ATTORNEY REMARKS

Assistant City Attorney Molko had nothing to report.

ADJOURNMENT

Mayor Kim adjourned the Regular Meeting of the La Palma City Council at 9:28 p.m.

Peter L. Kim
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk