

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

October 18, 2016

CALL TO ORDER: Mayor Goedhart called the Regular Meeting of the La Palma City Council at 7:00 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California, with Mayor Pro Tem Steggell being absent.

PLEDGE OF ALLEGIANCE: Council Member Kim

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council Members

Council Members present: Mayor Goedhart, Council Member Hwangbo, Council Member Kim, and Council Member Shanahan

Council Members absent: Mayor Pro Tem Steggell

City Officials present: Laurie A. Murray, City Manager
Joel Kuperberg, City Attorney
Michael Belknap, Community Services Director
Douglas Dumhart, Community Development Director
Terry Kim, Police Captain
Sea Shelton, Administrative Services Director
Kimberly Kenney, Deputy City Clerk

PRESENTATIONS

1. Mayor Goedhart presented Certificates of Recognition to the La Palma Recreation Center Martial Arts Students for their participation in the 27th annual Jimmy Kim Taekwondo Championship Tournament.
2. Recreation Coordinator Adams introduced Daisy Martinez, Ashlee Noh, and Melissa Uribe, as the 2016 La Palma Ambassador Program Applicants.
3. Mayor Goedhart presented a Proclamation to Police Captain Kim and Sergeant Wilkerson in recognition of Red Ribbon Week.

4. Police Captain Kim introduced Guillermo Lopez as the new Officer in the Police Department.

ORAL COMMUNICATIONS

Steven Maikoski, a La Palma resident, addressed the City Council regarding his family's history with roots in Chicago; supported term limits for all politicians; support for sunset dates on tax measures; opposition to Measure JJ; inquired about the Police Department being eliminated if Measure JJ does not pass; services to be funded by Measure JJ if it passes; support for full transparency of Measure JJ; and concerns regarding ads from Measure JJ supporters.

Wally Zimmerman, a La Palma resident, addressed the City Council regarding opposition to a campaign flyer; misleading information regarding contracting out police services; the rise in crime rates; and opposition to information from those in support of Measure JJ.

Larry Herman, a La Palma resident, addressed the City Council regarding the campaign signs around the City; support for informational campaign flyers; and asked if City employees are allowed to let the public take photos of them or City vehicles.

City Attorney Kuperberg noted that employees cannot participate in campaign activities while on duty; that employees are allowed to exhibit their first amendment rights when off duty; that members of the public who wants to take pictures of City property are allowed at any time; that the City would not interfere with any member of the public wishing to take photos of City property, on City property, or with City employees; and that all requests for photos from the public are treated with the same response whether it is a student, a member of the boy scouts, or a resident who happens to be part of a campaign.

Mr. Herman continued by stating the electrical meter box on Walker Street by Houston Avenue is missing its metal cover and is being used as a trash bin; concerns for pedestrian traffic at the corner of that intersection; and the negative condition of the empty lot at Moody Street and Orangethorpe Avenue.

Community Development Director Dumhart announced that the City has notified the property owner of the poor condition on that lot.

Keith Nelson, a La Palma resident, addressed the City Council regarding opposition to a campaign flyer; opposition to City property in the flyer; opposition to having City employees present at a rally in support of Measure JJ even though they were off duty; inquired about when the FAQ page on the City's website will be available; and opposition to Measure JJ.

City Manager Murray responded that the FAQ's were just approved by the City Attorney and will be posted on the City's website the next morning.

Council Member Hwangbo asked for clarification on whether Measure JJ applies to vehicle purchases.

City Manager Murray replied that they do.

Jan Jensen, a La Palma resident, addressed the City Council regarding her experience on the Financial Sustainability Committee; that the Committee discussed several types of taxes but selected the sales tax option as it has the smallest impact on the residents in an effort to keep existing City services; thanked Staff for their work; and encouraged the public to do more research than just reading campaign flyers.

Robert Carruth, a La Palma resident, addressed the City Council in opposition to employees allowing City property to be photographed by the public for flyers in support of JJ Measure; opposition to the response received regarding the matter; read into the record the report on Stanton's sales tax measure; and opposition to Measure JJ campaign propaganda.

Dee Vincente, a La Palma Resident, addressed the City Council regarding her history of living in La Palma; support for Measure JJ; support for keeping the La Palma Police Department; opposition to a Council Member's newspaper article and campaign tactics; and opposition to the flyer against Measure JJ.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:54 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. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in the Successor Agency or otherwise as serving as members of the Successor Agency."

CONSENT CALENDAR

A. Approval of Successor Agency Minutes

Minutes of the October 4, 2016, Regular Meeting of the Successor Agency.

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

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

AYES: Mayor Goedhart, Council Member Hwangbo,
Council Member Kim, and Council Member
Shanahan

NOES: None

ABSENT: Mayor Pro Tem Steggell

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

RECESS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED
COMMUNITY DEVELOPMENT COMMISSION, AND RECONVENE AS THE CITY
COUNCIL AT 7:55 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 October 4, 2016, Regular Meeting of the City Council.
3. Approval of Register of Demands
Resolution No. 2016-65 approving the Register of Demands for October 18,
2016.

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

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

AYES: Mayor Goedhart, Council Member Hwangbo,
Council Member Kim, and Council Member
Shanahan

NOES: None

ABSENT: Mayor Pro Tem Steggell

PUBLIC HEARING

4. Consideration of Adoption of an Initial Study/Mitigated Negative Declaration, Approving Conditional Use Permit 362, and Precise Plan 276, and Introduction of an Ordinance Approving a Development Agreement with Foster Interstate Media, Inc. for a Double-sided Digital Display Billboard at 6907 Marlin Circle, La Palma, CA 90623 (APN 276-081-66)
 - a) Mayor Goedhart opened the Public Hearing at 7:55 p.m.
 - b) Community Development Director Dumhart gave the Staff Report.
 - c) Council Comments and Questions:

Discussion ensued regarding the continuity of both billboard sites; that the revenue difference would be nominal; that together, the billboard revenue would be \$204,000 a year; that approval from Caltrans would be the last stage prior to building and permit issuance; that progress is being made with Caltrans; that landscape issues are being addressed with Caltrans; and support for Staff's work on this project.
 - d) Public Input:

No members of the public wished to speak.
 - e) Mayor Goedhart closed the Public Hearing at 8:11 p.m.
 - f) Adopt a Resolution adopting an Initial Study/Mitigated Negative Declaration (IS/MND) for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.
 - g) Adopt a Resolution approving Conditional Use Permit 362 for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.

- h) Adopt a Resolution approving Precise Plan 276 for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.

Council Member Hwangbo made a motion to adopt Resolution No. 2016-66 adopting an Initial Study/Mitigated Negative Declaration (IS/MND) for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle; adopt Resolution No. 2016-67 approving Conditional Use Permit 362 for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle; and adopt Resolution No. 2016-68 approving Precise Plan 276 for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.

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

AYES:	Mayor Goedhart, Council Member Hwangbo, Council Member Kim, and Council Member Shanahan
NOES:	None
ABSENT:	Mayor Pro Tem Steggell

- i) Introduce and order the first reading of an Ordinance approving the Development Agreement between the City of La Palma and Foster Interstate Media, Inc., for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.

Council Member Hwangbo made a motion to approve the introduction and order the first reading of an Ordinance approving the Development Agreement between the City of La Palma and Foster Interstate Media, Inc., for the construction, operation, and maintenance of a double-sided digital display billboard to be located on a portion of the real property at 6907 Marlin Circle.

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

AYES: Mayor Goedhart, Council Member Hwangbo,
Council Member Kim, and Council Member
Shanahan

NOES: None

ABSENT: Mayor Pro Tem Steggell

5. Ordinance Repealing Article III of Chapter 10 of the La Palma City Code, and Adding Thereto a New Article III of Chapter 10 Adopting by Reference the 2016 Edition of the of the California Building Standards Codes (hereinafter referred to collectively as "Codes") with certain amendments, additions, deletions, and exceptions thereto
 - a) Mayor Goedhart opened the Public Hearing at 8:12 p.m.
 - b) Community Development Director Dumhart gave the Staff Report.
 - c) Council Comments and Questions:

None.
 - d) Public Input:

No members of the public wished to speak.
 - e) Mayor Goedhart closed the Public Hearing at 8:14 p.m.
 - f) Adopt an Ordinance Repealing Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, of Article III of Chapter 10 of the La Palma City Code, and adding thereto new Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Article III of Chapter 10 adopting by reference the 2016 Editions of the California Administrative Code (CAC); the California Building Code(CBC), Volumes 1 and 2 with Appendix G Flood Resistant Construction, and Appendix J Grading; the California Mechanical Code (CMC); the California Plumbing Code (CPC); the California Electrical Code (CEC); the California Residential Code (CRC) with Appendix G Swimming Pools, Spas, and Hot Tubs; the California Energy Code (CEnC); the California Green Building Standards Code (CGBSC); and the California Referenced Standards Code (CRSC) International Property Maintenance Code, based on the 2015 International Building Code as published by the International Code Council, (hereinafter referred to collectively as "Codes"); together with certain amendments, additions, deletions, and exceptions thereto.

Council Member Hwangbo made a motion to adopt Ordinance No. 2016-08 Repealing Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, of Article III of Chapter 10 of the La Palma City Code, and adding thereto new Divisions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Article III of Chapter 10 adopting by reference the 2016 Editions of the California Administrative Code (CAC); the California Building Code(CBC), Volumes 1 and 2 with Appendix G Flood Resistant Construction, and Appendix J Grading; the California Mechanical Code (CMC); the California Plumbing Code (CPC); the California Electrical Code (CEC); the California Residential Code (CRC) with Appendix G Swimming Pools, Spas, and Hot Tubs; the California Energy Code (CEnC); the California Green Building Standards Code (CGBSC); and the California Referenced Standards Code (CRSC) International Property Maintenance Code, based on the 2015 International Building Code as published by the International Code Council, (hereinafter referred to collectively as “Codes”); together with certain amendments, additions, deletions, and exceptions thereto.

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

AYES: Mayor Goedhart, Council Member Hwangbo,
Council Member Kim, and Council Member
Shanahan

NOES: None

ABSENT: Mayor Pro Tem Steggell

6. Ordinance Repealing Article II of Chapter 16 of the La Palma City Code, and Adding Thereto a New Article II1 of Chapter 16 Adopting by Reference the 2016 Edition of the California Fire Code with Appendices and Amendments Thereto

- a) Mayor Goedhart opened the Public Hearing at 8:16 p.m.
- b) Community Development Director Dumhart gave the Staff Report.
- c) Council Comments and Questions:

Discussion ensued regarding no major changes to this code cycle; and that there were only minimal changes, but none with a significant impact to the residents.

- d) Public Input:

No members of public wished to speak.

- e) Mayor Goedhart closed the Public Hearing at 8:19 p.m.
- f) Adopt an Ordinance repealing Article II of Chapter 16 of the La Palma City Code, and adding thereto a new Article II of Chapter 16 adopting by reference the 2016 Edition of the California Fire Code with appendices and amendments thereto.

Council Member Hwangbo made a motion to adopt Ordinance No. 2016-09 repealing Article II of Chapter 16 of the La Palma City Code, and adding thereto a new Article II of Chapter 16 adopting by reference the 2016 Edition of the California Fire Code with appendices and amendments thereto.

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

AYES:	Mayor Goedhart, Council Member Hwangbo, Council Member Kim, and Council Member Shanahan
NOES:	None
ABSENT:	Mayor Pro Tem Steggell

REGULAR ITEMS

- 7. Continued: Notice of Completion and Acceptance of Work for the Climatec Energy Project, City Project No. 5-BLDG-04

City Manager Murray gave the Staff Report.

Council Comments and Questions:

None

Public Input:

No members of the public wished to speak

- a) Accept the work and authorize the Community Services Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Climatec Energy Project, excluding streetlight retrofit and water pumping efficiency, City Project No. 15-BLDG-04;
- b) Authorize Staff to inform Climatec of the City's decision not to participate in the "Energy Savings Measurement & Verification Service; and

- c) Approve the carryover of the final retention payment amount from FY 2015-16 to FY 2016-17.

Council Member Kim made a motion to accept the work and authorize the Community Services Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the Climatec Energy Project, excluding streetlight retrofit and water pumping efficiency, City Project No. 15-BLDG-04; authorize Staff to inform Climatec of the City's decision not to participate in the "Energy Savings Measurement & Verification Service; and approve the carryover of the final retention payment amount from FY 2015-16 to FY 2016-17

Discussion ensued regarding the length of the program; that the project was approved so the City can realize annual energy savings; support that this is a good investment; and support for not doing the measurement verification survey.

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

AYES:	Mayor Goedhart, Council Member Hwangbo, Council Member Kim, and Council Member Shanahan
NOES:	None
ABSENT:	Mayor Pro Tem Steggell

RECONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING WITH THE CITY COUNCIL AT 8:25 P.M.

8. Cancellation of November 1, 2016, City Council and Successor Agency Meetings

City Manager Murray gave the Staff Report.

Discussion ensued regarding nothing urgent for the upcoming November 1 meeting date; that the only items are routine items - the warrant register and minutes - which can be postponed to the following meeting.

Authorize the cancellation of the November 1, 2016, City Council and Successor Agency regular meetings.

Council Member Shanahan made a motion to approve the cancellation of the November 1, 2016, City Council and Successor Agency Meetings.

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

AYES: Mayor Goedhart, Council Member Hwangbo,
Council Member Kim, and Council Member
Shanahan

NOES: None

ABSENT: Mayor Pro Tem Steggell

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED
COMMUNITY DEVELOPMENT COMMISSION AT 8:27 P.M.

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

Council Member Shanahan had nothing to report.

Council Member Hwangbo attended the League of California Cities (LOCC) Annual Conference; was installed as the President of the Orange County Division of LOCC; the Arirang Festival; the Southern California Association of Governments (SCAG) Housing Summit; the ground breaking for the construction of the La Palma Methodist Church educational building; and asked for an update to the McDonald's remodel grand opening event.

Community Development Director Dumhart responded that they are finalizing the project and have tentatively planned to have a Special VIP Event on November 7, 2016.

Council Member Hwangbo asked for an update on any concerning issues regarding this election and added that he has seen campaign signs on trees.

City Manager Murray responded that the main issue with the volume of signs is that this is the first time in recent City history with a measure on the ballot that has both opposition and supportive committees; and that campaign laws allows signs to be placed in tree wells.

City Attorney Kuperberg noted that a Federal Supreme Court ruling limits the City's ability to block campaign signs.

Community Development Director Dumhart noted that the City's code does not allow for any signs to be stapled or posted to any trees.

Council Member Kim attended the Orange County Sanitation District (OCSD) Legislative and Public Affairs Committee meeting; the OCSD Administration Committee meeting; and the OCSD State of the District breakfast.

Mayor Goedhart reminded residents of the upcoming election and encouraged everyone to vote. He closed his comments by stating he'd like to adjourn tonight's meeting in memory of Palm Springs Police Department Officers Lesley Zerebny and Jose Gilbert Vega who were killed in a planned attack and expressed the City's deepest sympathies.

CITY MANAGER REMARKS

City Manager Murray announced that all City Staff will be participating in the Great Shake out event on October 20, 2016.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the La Palma City Council meeting at 8:35 p.m. in memory of Palm Springs Police Officers Lesley Zerebny and Jose Gilbert Vega.

Gerard Goedhart
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk