

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 6, 2017

CALL TO ORDER: Mayor Steggell called the Regular Meeting of the La Palma City Council to order at 7:01 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California, with Mayor Pro Tem Hwangbo and Council Member Kim being absent.

PLEDGE OF ALLEGIANCE: Mayor Steggell

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council Members

Council Members present: Council Member Goedhart, Council Member Goodman, and Mayor Steggell

Council Members absent: Mayor Pro Tem Hwangbo Council Member Kim

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

PRESENTATIONS

None Scheduled.

Mayor Steggell announced that there is a change in the Agenda and asked the City Attorney to respond.

City Attorney Kuperberg reported that the originally scheduled Closed Session Item regarding property negotiation will not be heard as it is no longer necessary; that a new matter requiring Counsel guidance regarding potential threatened litigation falling under Government Code Section 54956.9 needs to be added as an Emergency Closed Session

Item to this Agenda; and that a majority vote by the City Council in favor of adding it to the Agenda needs to happen in order to go into Closed Session to discuss the matter.

Council Member Goedhart made a motion to add an Emergency Closed Session Item under Government Code Section 54954.6 - Potential Litigation - to the Agenda.

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

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

City Attorney Kuperberg added that the approved Closed Session Emergency Item will be heard at the end of the Open Session.

ORAL COMMUNICATIONS

Jonathan Loomis, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Jerry Lomeli, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Melina Ho, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Kathy Cuellar, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

City Manager Murray reported that the proposed 11-Unit Apartment Complex on La Palma Avenue is not on the agenda; therefore, the City cannot respond to comments made.

City Attorney Kuperberg clarified for members of the audience that under California Law, the City is required to have a public comment period; that any member of the public may comment on any matter whether it is on the agenda or not; and if the matter is not on the agenda, the City Council is not allowed to answer questions or have a dialogue on the matter.

Krista Marvin, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Sharon Nix, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Robert Carruth, a La Palma resident, addressed the City Council regarding clarification of the Brown Act; his opposition to a previous response he received; opposition to the original Closed Session Item being pulled from the Agenda; and citywide notification of projects like the one being proposed.

City Attorney Kuperberg responded that Council members cannot substantively address or discuss a matter that is not on the agenda, and can only provide brief responses. He closed by noting that Council members cannot have extended dialogue on non-agendized matters.

Gary Pickett, a La Palma resident, addressed the City Council regarding support for hearing resident's concerns.

City Attorney Kuperberg responded that California State Law restricts what the City Council can say tonight because it is not on the agenda; however, it will be on a future meeting agenda where the City Council can substantively address the comments and concerns.

City Manager Murray announced that the project will be heard at the June 12, 2017, Development and Circulation Meeting and that public hearing notices were sent out to all residences within 1,000 feet of the project.

Sue Palma, a La Palma resident, addressed the City Council regarding inquiring on how the Public Hearing notices got sent out.

City Manager Murray continued by detailing that after the Development and Circulation Committee Meeting review of the project, the matter will be forwarded to the City Council where it will be heard at the July 5, 2017, Regular Meeting. She closed by adding that this will be the time when the City Council will be able to answer questions from the public.

Community Development Dumhart addressed the City Council regarding Government Code requirements for Public Hearing noticing within 300 feet of the proposed project; and that concerns from residents at a previous meeting resulted in Council Member direction to Staff to notice residents within 1,000 feet of the project site.

Wally Zimmerman, a La Palma resident, addressed the City Council regarding support for developing a mechanism for getting feedback to the residents and keeping the community involved.

Jim Park, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Krista Marvin, addressed the City Council regarding La Palma having higher property values than neighboring city Cerritos.

Sharon Nix, asked about the review procedure for the proposed 11-Unit Apartment Complex.

City Attorney Kuperberg explained that the Development and Circulation Committee is an advisory body; that when they review the item on June 12, 2017, they will make a recommendation to the City Council where the matter will be heard by them on July 5, 2017.

Kristen Marvin, addressed the City Council with her opposition to the meeting being held on July 5, 2017.

A La Palma Resident addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Akm Taraque, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Helen Choi, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Jerry Lomeli, a La Palma resident, addressed the City Council regarding support for improving public notification for City matters.

Nelson Reynolds, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Daniel Marvin, a La Palma resident, addressed the City Council regarding opposition to the proposed 11-Unit Apartment Complex on La Palma Avenue.

Larry Herman, a La Palma resident, addressed the City Council regarding an article on how to cool a warming city and asked when residents will receive the new EDCO trash receptacles.

Community Services Director Belknap responded that the new trash receptacles will be delivered to residents by the third week of July, 2017.

RECESS THE CITY COUNCIL AND CONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:56 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 May 16, 2017, Regular Meeting of the Successor Agency.

Council Member Goedhart made a motion to approve Consent Calendar A.

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

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

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 7:57 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 May 16, 2017, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2017-29 approving the Register of Demands for June 6, 2017.

4. Water Conservation Monthly Report for April 2017

Receive and file the Water Conservation Monthly Report for April 2017.

5. Resolution Accepting FY2016 UASI Grant

Resolution No. 2017-30 approving the acceptance of the Urban Areas Security Initiative (UASI) Grant and authorizing the City Manager, or her designee, to complete and sign all necessary materials to facilitate the grant.

6. Award of Contract to Nobest, Incorporated for the CDBG ADA Ramp Construction Project, Phase II, City Project No. ST-345

a) Disqualify the apparent low bidder Kalban, Incorporated as non-responsive for not submitting the required CDBG Bid documents at the time of bid.

b) Approve Award of Contract in the amount of \$264,000 to the second lowest bidder, Nobest, Incorporated, for the CDBG ADA Ramp Construction Project, Phase II, City Project No. ST-345.

Council Member Goedhart made a motion to approve Consent Calendar 1 through 6.

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

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

PUBLIC HEARING

7. Consideration of Resolution Approving Precise Plan 285 for a New Starbucks Coffee Shop with Drive-Through located at 5014 Orangethorpe Avenue. (APN 263-011-01)

- a) Mayor Steggell opened the Public Hearing at 7:58 p.m.
- b) Director Dumhart gave the Staff Report
- c) Council Comments and Questions:

Discussion ensued regarding the parking spaces at the project site; that additional parking spaces will be added once the Gateway Center is completely built; that Staff's intent was to ensure there is adequate vehicle circulation between the buildings; that the total parking spaces for Starbucks is more than required; explanation of the International Traffic Engineering Standards regarding parking for the center; support for the Pivot hedge along Orangethorpe; support for having Starbucks in La Palma; and an inquiry into the amount of Starbucks drive through business.

Kayman Wong, Kaidence Development Project Manager representing Starbucks, responded that drive through customers make up about 70-75% of Starbucks business transactions. He closed by adding that Starbucks has introduced a new mobile app that will increase the drive through business even further.

Further discussion ensued regarding support for the parking plan; that Starbucks is changing their environment with their new app that allows customers to order their coffee ahead of time; and support for having more food choices in La Palma.

- d) Public Input:

A La Palma resident, inquired about the environmental impacts resulting from increased traffic at the project site; parking concerns at adjacent businesses; and employee parking impacts to existing spaces.

Community Development Director Dumhart responded that bioswells planned for ground installation around the perimeter will capture the toxins collected from storm water which will be filtered before going out to the ocean; that there are some State exemptions because this is not a large scale project; that impacts will be minimalized; that employee parking was taken into consideration when detailing the parking design.

City Manager Murray addressed the parking issues with McDonalds; that during the Gateway Center construction, the crews are using the extra parking; and that once construction is completed, the additional parking spaces will be open.

The La Palma resident noted his concerns for overflow parking being forced onto the street.

Community Development Director Dumhart responded that there will always be seasonal parking fluctuations which is why the City encouraged interconnectivity between these business lots.

Terry Weber, a La Palma resident, addressed the City Council regarding parking concerns; driveway safety; and that increased traffic be taken into consideration.

Jerry Lomeli, a La Palma resident, addressed the City Council regarding clarification of trip generation; parking concerns; and other traffic concerns.

Community Development Director Dumhart explained the peak hours for traffic entering and exiting the Starbucks property; and that the number assumes that 50% of the store's traffic will be generated from traffic that is already passing along Orangethorpe Avenue.

Kayman Wong responded to Mr. Lomeli's concerns by reporting that because Starbucks has numerous locations, they take parking issues into consideration with every site; that specific and numerous studies are done prior to presenting the project to the City Council; that they not only use a traffic manual, but also use an actual person standing onsite and manually counting vehicles; that during busy hours of 6 a.m. and 9 a.m., parking is not concerning because of heavy drive through use; and the importance to Starbucks image to have the necessary parking.

Community Development Director noted that commercial retailers rely on adequate parking otherwise, the business' image is connected to a bad experience which is why Starbucks has pushed for positive traffic circulation and parking connectivity between the commercial lots at the project site.

- e) Mayor Steggell closed the Public Hearing at 8:46 p.m.
- f) Adopt a Resolution approving Precise Plan 285 for a new Starbucks Coffee shop with Drive-Through located at 5014 Orangethorpe Avenue (APN 263-011-01)

Council Member Goedhart made a motion to adopt Resolution No. 2017-31 approving Precise Plan 285 for a new Starbucks Coffee shop with Drive-

Through located at 5014 Orangethorpe Avenue (APN 263-011-01) with the added Staff recommendation to provide perimeter hedge along project site.

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

AYES: Council Member Goedhart, Council Member Goodman, and Mayor Steggell

NOES: None

ABSENT: Mayor Pro Tem Hwangbo, and Council Member Kim

Mayor Steggell requested to take a short recess at 8:47 p.m.

Mayor Steggell reconvened in Open Session at 8:54 p.m.

REGULAR ITEMS

8. Memorandum of Understanding Extensions

Administrative Services Director Shelton gave the Staff Report.

Council Comments and Questions:

None.

Public Comment:

No members of the public wished to speak.

- a) Adopt a Resolution approving one year extensions to the Memorandum of Understandings between the City of La Palma and the La Palma General Employees Association, La Palma Professional Employees Association, and La Palma Police Association and one-time lump sum payments to all group members including Executive Management employees; and
- b) Adopt a Resolution authorizing FY 2016-17 budget adjustment in the amount of \$124,300.

Council Member Goedhart made a motion to Resolution No. 2017-32 approving one year extensions to the Memorandum of Understandings between the City of La Palma and the La Palma General Employees

Association, La Palma Professional Employees Association, and La Palma Police Association and one-time lump sum payments to all group members including Executive Management employees; and adopt Resolution No. 2017-33 authorizing FY 2016-17 budget adjustment in the amount of \$124,300.

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

AYES: Council Member Goedhart, Council Member Goodman, and Mayor Steggell

NOES: None

ABSENT: Mayor Pro Tem Hwangbo, and Council Member Kim

Council Member Goedhart, Goodman, and Steggell commented how much they appreciate the employees and thanked them for working with the City over the past five years to work through reductions, and noted appreciation for cooperation with this current negotiation.

RECONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING WITH THE CITY COUNCIL AT 8:58 P.M.

City Manager Murray thanked Director Shelton and the Management Team for their work on the Budget. She also thanked the City Council members for the significant work done this year that will contribute to the City's fiscal solvency for years to come.

PUBLIC HEARING

9. Adoption of Fiscal Year 2017-18 Operating and Capital Budget

- a) Mayor Steggell opened the Public Hearing at 8:58 p.m.
- b) Administrative Services Director Shelton gave the Staff Report
- c) Public Input:

Terry Weber, a La Palma resident, addressed the City Council regarding information sharing; opposition to the lump sum pension payment; and whether CalPERS recipients should be part of making pension decisions.

- d) Mayor Steggell closed the Public Hearing at 9:07 p.m.
- e) City Council Comments and Questions:

City Council discussion ensued regarding support for this budget; that the City made a reasonable decision based on the information we have for future savings and benefit; that the lump sum payment approach will allow the City to not go into a deficit and it is the right decision; that the Budget has been a learning process; that the lump sum payment towards unfunded liabilities was a difficult and very important decision; that the City Council has discussed the various options made available; that there were several meetings to review the budget and discuss concerns before making any decisions; thanked Staff for all the meetings reviewing budget numbers, balances, expenditures, and revenues; that the City had an actuarial come and present scenarios of current unfunded liability pension obligations and options to address it; and that the decision the City Council made to pay the debt down is going to create financial solvency.

- f) Adopt a Resolution approving and adopting a Budget for Fiscal Year 2017-18, which includes the City's Financial Policy Statements
- g) Adopt a Resolution approving the City's Annual Appropriations Limit for Fiscal Year 2017-18; and
- h) Adopt a Resolution approving updates to the Management Employees and La Palma Professional Employees Salary Schedules.

Council Member Goedhart made a motion to Resolution No. 2017-34 approving and adopting a Budget for Fiscal Year 2017-18, which includes the City's Financial Policy Statements; adopt Resolution No. 2017-35 approving the City's Annual Appropriations Limit for Fiscal Year 2017-18; and adopt Resolution No. 2017-36 approving updates to the Management Employees and La Palma Professional Employees Salary Schedules.

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

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

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 9:13 P.M.

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

Council Member Goodman attended the Orange County Vector Control District (OCVCD) Board of Trustees meeting; the California Joint Powers Insurance Authority (CJPIA) New Council Member Academy; and the Annual Memorial Day ceremony.

Council Member Goedhart attended the Annual Memorial Day Ceremony; requested to add an item on June 20 City Council Agenda regarding public notification for the proposed Apartment Complex for transparency; and congratulated Associate Planner on the arrival of his fourth child.

Mayor Steggell attended the Steve Luther Police Interaction with Youth (PIY) Graduation; the City Selection Committee; the Annual Memorial Day Ceremony; and congratulated Associate Planner Hutter on the arrival of his fourth child.

CITY MANAGER REMARKS

City Manager Murray reported on AB1250 legislation regarding limiting abilities for contracting for Professional Services and that the Legislature removed Cities from having to comply; that City Staff will be taking opposition on legislation that limits local control; and thanked Management Analyst Robinson for individually contacting all Assembly Member offices noting La Palma's opposition to AB1250.

CITY ATTORNEY REMARKS

City Attorney Kuperberg had nothing to report and announced that Assistant City Attorney Emily Webb will be present in his absence at the next meeting.

EMERGENCY CLOSED SESSION

CS-1. URGENCY ITEM: One matter of threatened litigation pursuant to Government Code Section 54956.9

Mayor Steggell recessed to Closed Session at 9:18 p.m.

Mayor Steggell reconvened in Open Session at 9:57 p.m. and asked for a report.

City Manager Murray announced that there were no reportable actions out of Closed Session.

ADJOURNMENT

Mayor Steggell adjourned the City Council meeting at 9:59 p.m. in memory of Mayor Pro Tem Hwangbo's father, Reverend James Hwangbo, after a long battle with cancer.

Michele Steggell
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk