

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

January 16, 2018

CALL TO ORDER: Mayor Goedhart called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: National Honor Society, John F. Kennedy High School

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council Members

Council Members present: Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

Council Members absent: None

City Officials present: Laurie Murray, City Manager
Joel Kuperberg, City Attorney
Mike Belknap, Community Services Director
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Sea Shelton, Administrative Services Director
Kimberly Kenney, Deputy City Clerk

PRODECURAL ITEMS

PI-1. Oath of Office and Induction of newly appointed Council Member

- a) Deputy City Clerk Kenney administered the official Oath of Office and Induction to newly appointed Council Member Kathy Flachmeier.

Newly inducted Council Member Flachmeier thanked her family and friends for their support and looks forward to serving the Community of La Palma.

RECESS

Mayor Goedhart requested a short recess at 7:06 p.m.

Mayor Goedhart reconvened the City Council meeting at 7:19 p.m. with all members present.

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Principal of John F. Kennedy High School (JFK), Dr. Zurbano, invited the City Council to the upcoming JFK Town Hall meeting with Assemblywoman Sharon Quirk-Silva on February 9, 2018, from 10:00 a.m. - 11:00 a.m. at the Performing Arts Center.

Larry Herman, a La Palma resident, congratulated Council Member Flachmeier on her appointment; and noted that on the north side of Houston Avenue, a utility box has a cover that is partially off.

Robert Carruth, a La Palma resident, congratulated Council Member Flachmeier on her appointment; discussed a previous election flyer claiming that actions taken decreased the City's unfunded liability; noted specifics from the August 2017 CalPERS report; opposition to the election flyer; support for full transparency with residents; increases in the City's unfunded liability; former payments to the City's unfunded liability; opposition to not seeing any of this information in the City's Mosaic; and is available to explain CalPERS numbers to anyone interested.

RECESS THE CITY COUNCIL AND CONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:31 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 December 19, 2017, Regular Meeting of the Successor Agency.

Council Member Flachmeier abstained from Consent Calendar Item A.

B. Approval of Register of Demands

Adopt Resolution No. SA 2018-01 approving the Register of Demands for January 2 and January 16, 2018.

C. Adoption of the Twelfth Recognized Obligation Payment Schedule July 1, 2018, to June 30, 2019 (ROPS 18-19A/B)

Adopt Resolution No. SA 2018-02 approving the twelfth Recognized Obligation Payment Schedule (ROPS 18-19A/B) - July 1, 2018, to June 30, 2019.

Council Member Steggell made a motion to approve Consent Calendar Items A, B, and C, with Council Member Flachmeier abstaining from Item A, the Minutes.

The motion was seconded by Mayor Pro Tem Goodman and carried on the following vote:

AYES: Council Member Flachmeier, Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, 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 RECONVENE THE CITY COUNCIL AT 7:32 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 December 19, 2017, Regular Meeting of the City Council and the January 3, 2018, Special Meeting of the City Council.

Council Member Flachmeier abstained from Consent Calendar Item 2.

3. Approval of Register of Demands

Adopt Resolution No. 2018-01 approving the Register of Demands for January 2 and January 16, 2018.

Councilmember Kim announced that he had a conflict on Item 3. Councilmember Kim did not participate in the vote on this item.

4. Time Extension for Precise Plan 285, for Starbucks to Construct a new Starbucks Coffee Shop with Drive-Through at 5014 Orangethorpe Avenue (APN 263-011-01)

Adopt Resolution No. 2018-02 granting a one-year time extension for Precise Plan (PP) 285.

Mayor Pro Tem Goodman made a motion to approve Consent Calendar Items 1 through 4.

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

AYES: Council Member Flachmeier, Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

NOES: None

PUBLIC HEARINGS

5. Conditional Use Permit (CUP) 376, to operate an Adult Day Care Facility in approximately 10,374 square feet of the existing commercial building located at 4941 La Palma Avenue, La Palma, CA 90623 (APN 263-312-63)

Mayor Goedhart recused himself at 7:34 p.m.

City Attorney Kuperberg noted that Mayor Goedhart is recusing himself to avoid a conflict of interest as a result of his residence being within a 500 foot radius to this project; however, because of his property interest, he is allowed to participate in the Public Hearing as a member of the public.

a) Mayor Pro Tem Goodman opened the Public Hearing at 7:35 p.m.

b) Planning Manager Hutter gave the Staff Report

c) Council Comments and Questions:

None.

d) Public Input:

Kelly Hwang, a former La Palma resident and now neighboring citizen, addressed the City Council regarding her opposition to the project due to the current impacted parking situation at the shopping center; safety concerns for an adult day care in such a busy center; safety concerns for a fire truck's ability to enter and exit; whether the use would even be beneficial to the City; and general opposition to the project.

Charlie Chung, a La Palma business owner, addressed the City Council regarding his opposition to the project due to the current impacted parking situation at the shopping center; opposition to the business approval process he experienced as a non-sales tax producing business; that a senior center would not provide sales tax or other revenue; suggested that he would bring legal action if the City Council brings that kind of business to La Palma as discrimination for what he experienced when trying to open his business; and that he is overall happy to run his business in La Palma.

Council Member Kim asked if Mr. Chung's business is in the Hanam Center, to which he responded that it is not.

Eunice Han, a Cypress resident, addressed the City Council regarding her experience as an employee of an adult day care in Cypress; that she shops at that center and parking is always an issue; that an adult day care at a shopping center is very dangerous if dealing with frail and very sick patients; that loading/unloading time with patients is time consuming and obstructs traffic; that employees and attendees of the center would

negatively impact an already impacted parking situation at the shopping center; and asked for consideration of her concerns.

Council Member Kim asked Ms. Han if her adult day care center is in a commercial or retail center. She responded that her center is a stand alone building with no commercial above or nearby except for an afterschool academy building next to their lot, and that it is much safer to load and unload her patients there.

Eunice Kang, an employee of a business at this shopping center, addressed the City Council regarding her opposition to the project due to the current impacted parking situation at the shopping center; that there are over 20 businesses in this plaza including 1 large supermarket, 4 health service businesses, 7 restaurants, 2 teaching services, a bank, a barber, a hair salon, and a cleaners; that this is a lot of businesses for a center that only has approximately 230 parking spaces; safety concerns for customers and employees of this type of business; the potential influx of elderly drivers; the traffic impacts in the already congested area; the difficult entry and exits on this lot; and that she lives next to a senior home and endures sirens every day and night because of the health care needs and how disruptive that would be the neighborhood.

Minnie Bhullar, a La Palma resident, addressed the City Council regarding her opposition to the project due to the current impacted parking situation; safety concerns with an adult day care business; ; concerns for addressing hygiene product disposal; the ability to handle the garbage for a large center; concerns for the homes right next to the business, being mindful for those who work at night and sleep during the day; the potential ambulances and fire trucks that would create a nuisance; and that if this Conditional Use Permit is approved, there is a potential for another rehabilitation center or similar business to be placed in that shopping center.

Jay Moon Chang, Manager of Hanam Super 1 Market, addressed the City Council regarding not having information about the number of employees the project will have with parking requirements; concern about the current impacted parking in that center; that he wants to know how many vehicles will be parked there during the day; and that the applicant should explain their parking plan.

City Manager Murray added that all the details the public is inquiring about will be brought forward in a Staff Report at the February 6 City Council meeting.

Jerry Lomeli, a La Palma resident, asked for clarification of the actual site for this project; concern about the potential occupancy; whether this company is profit or nonprofit; concerns about the needs for additional handicapped parking that will take away legitimate parking; and asked if the concerns brought up tonight will be addressed at the next presentation.

City Manager Murray announced that the Staff Report was brief tonight as it will be continued to February 6 where the matter will be discussed in detail and all questions answered.

Gerard Goedhart, a La Palma resident, addressed the City Council regarding the planning problems in the City; that the site was developed as a shopping center and not an adult day care; that the shopping center is currently under parked; concern about traffic issues that could impact parking in the adjacent residential neighborhoods; and that Staff needs to address the parking situation and the impact on the residents and people who use this center.

- e) Continue the Public Hearing to the February 6, 2018, City Council Meeting.

Council Member Kim made a motion to continue the Public Hearing to the February 6, 2018, City Council Meeting.

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

AYES: Council Member Flachmeier, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

NOES: None

RECUSED: Mayor Goedhart

- 6. Report on 45-day Urgency Ordinance 2017-04, and Adoption of a Zone Text Amendment No. 2018-XX, an Ordinance amending certain land use provisions within Chapter 44 of the La Palma Municipal Code to prohibit Multifamily Development in the B-1 Zone, conditionally permit Hotel and Motel Developments in the B-1 Zone, prohibit Emergency Shelters in the PI Zone and permit Emergency Shelters in the GI Zone, and Prohibit Transitional and Supportive Housing Projects in the OP, B-1, and PI Zones

- a) Mayor Goedhart opened the Public Hearing at 8:09 p.m.

- b) Planning Manager Hutter gave the Staff Report on the Urgency Interim Ordinance imposing a 45-day moratorium on certain land uses.
- c) Accept, file, and issue the report on the Urgency Interim Ordinance Imposing a 45-day moratorium on the approval of any land use development entitlements, permits, or other approvals within the B-1, PI, and OP Zones identified upon an administrative review of the 2014 General Plan and subsequent comprehensive Zoning Code rewrite.

Council Member Kim made a motion to accept, file, and issue the report on the Urgency Interim Ordinance Imposing a 45-day moratorium on the approval of any land use development entitlements, permits, or other approvals within the B-1, PI, and OP Zones identified upon an administrative review of the 2014 General Plan and subsequent comprehensive Zoning Code rewrite;

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

AYES: Council Member Flachmeier, Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

NOES: None

- d) Planning Manager Hutter gave the Staff Report on the introduction of a new Ordinance amending land use provisions within Chapter 44 of La Palma's Municipal Code.
- e) Council Comments and Questions:

None.
- f) Public Input:

Jerry Lomeli, a La Palma resident, addressed the City Council regarding support for the presentation and whether the changes made address the public's concerns regarding the incident that caused the Moratorium.

Planning Manager Hutter concurred, that this Ordinance for Zone Text Amendments addresses all the land use concerns that were identified at the December 5, 2017, City Council meeting.

City Manager Murray clarified that this Ordinance for Zone Text Amendments is not for the La Palma Avenue project, but for zoning changes up in the business areas of Centerpointe and that the other zoning changes would come forward at a later date.

- g) Mayor Goedhart closed the Public Hearing at 8:20 p.m.
- h) Introduce Zone Text Amendment Ordinance No. 2018-01, an Ordinance amending certain land use provisions within Chapter 44 of the La Palma Municipal Code to prohibit Multifamily Development in the B-1 Zone, conditionally permit Hotel and Motel Developments in the B-1 Zone, prohibit Emergency Shelters in the PI Zone and permit Emergency Shelters in the GI Zone, and Prohibit Transitional and Supportive Housing Projects in the OP, B-1, and PI Zones.

Council Member Steggell made a motion to introduce Ordinance No. 2018-01, an Ordinance amending certain land use provisions within Chapter 44 of the La Palma Municipal Code to prohibit Multifamily Development in the B-1 Zone, conditionally permit Hotel and Motel Developments in the B-1 Zone, prohibit Emergency Shelters in the PI Zone and permit Emergency Shelters in the GI Zone, and Prohibit Transitional and Supportive Housing Projects in the OP, B-1, and PI Zones.

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

AYES: Council Member Flachmeier Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

NOES: None

REGULAR ITEMS

- 7. Resolution Approving Sponsorship of the 2018 Cypress College Foundation Americana Awards at the Benefactor Level, and Authorizing the Distribution of Tickets to City Officials and City Volunteers to Attend the Event

City Manager Murray gave the Staff Report.

Adopt Resolution No. 2018-03 approving sponsorship of the 2018 Cypress College Foundation Americana Awards at the Benefactor level, and authorizing the distribution of tickets to City officials and City volunteers to attend the event.

Council Member Kim made a motion to adopt Resolution No. 2018-03 approving Sponsorship of the 2018 Cypress College Foundation Americana Awards at the Benefactor Level, and Authorizing the Distribution of Tickets to City Officials and City Volunteers to Attend the Event

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

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

NOES: None

8. Appointments to External Committees and Internal Subcommittees

- a) Appoint Representatives and Alternates, where appropriate, to the various External and Internal Committees.

Mayor Goedhart announced his recommendations as follows: for the CJPIA, Mayor Pro Tem Goodman will serve as the Primary representative and Mayor Goedhart will serve as the Alternate; for the Orange County Fire Authority (OCFA), Council Member Steggell as the Primary representative with no Alternate required; for Orange County Sanitation District (OCSD), Council Member Kim as the Primary representative and Mayor Pro Tem Goodman as the Alternate; for the Orange County Vector Control District (OCVCD), Mayor Pro Tem Goodman for a two-year appointment with no Alternate; for the Municipal Water District of Orange County (MWDOC), Council Member Kim for the Primary representative and Council Member Steggell as the Alternate; for the Orange County Library Advisory Board (OCLAB), Council Member Steggell as the Primary representative and Council Member Flachmeier as the Alternate; for the Southern California Association of Governments (SCAG) General Assembly, Council Member Flachmeier as the Primary representative and Council Member Kim as the Alternate; for the City's Business Task Force, Council Member Flachmeier and Mayor Pro Tem Goodman; for the City's Public School Liaison, Mayor Goedhart and Council Member Kim; for the City's Council Policy Sub-Committee, Mayor Goedhart and Mayor Pro Tem Goodman; and recommended the creation of a new OCFA Ad-Hoc Committee with Mayor Goedhart and current OCFA Representative Council Member Steggell as committee members to explore whether the City should remain with the OCFA or provide notice by the June 30, 2018 deadline that the City would exit the OCFA.

- b) Adopt Resolution No. 2018-04 designating and appointing a Representative to the Orange County Fire Authority's Board of Directors.

Council Member Kim made a motion to approve the appointments to external and internal Committees as recommended by Mayor Goedhart including the creation of an OCFA Ad-Hoc Committee, and adopt Resolution No. 2018-04 designating and appointing Council Member Steggell as the Representative to the Orange County Fire Authority's Board of Directors.

The motion was seconded by Mayor Pro Tem Goodman and carried on the following vote:

AYES: Council Member Flachmeier, Mayor Goedhart, Mayor Pro Tem Goodman, Council Member Kim, and Council Member Steggell

NOES: None

Council Member Kim asked if the OCFA Ad-Hoc Committee will return back to the City Council with the results of their meeting. Mayor Goedhart concurred and that they plan to meet prior to the City Council's Strategic Planning meeting so the City Council can be given information at that time.

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

Council Member Kim attended the Special City Council Meeting and congratulated Council Member Flachmeier on her appointment.

Council Member Steggell attended the Special City Council Meeting and congratulated Council Member Flachmeier on her appointment.

Council Member Flachmeier attended the Community Coffee with Assemblywoman Sharon Quirk-Silva and thanked the City Council for their support.

Mayor Pro Tem Goodman attended the Special City Council Meeting; the Community Coffee with Assemblywoman Sharon Quirk-Silva; and congratulated Council Member Flachmeier on her appointment.

Mayor Goedhart attended the Special City Council Meeting; thanked all the applicants for their participation; congratulated Council Member Flachmeier on her appointment; attended the Community Coffee with Assemblywoman Sharon Quirk-Silva; and

announced that the City Council has a Strategic Planning meeting scheduled for Friday, January 26, at 9:00 a.m. in the Fan Palm Room at the La Palma Community Center.

CITY MANAGER REMARKS

City Manager Murray congratulated Council Member Flachmeier on her appointment; announced that there will be no Weekly Report due to her attendance at the League of California Cities (LOCC) New Mayors and Council Members Academy with Council Member Flachmeier; and added that Administrative Services Director Shelton will be acting City Manager in her absence.

CITY ATTORNEY REMARKS

City Attorney Kuperberg congratulated Council Member Flachmeier on her appointment.

CLOSED SESSION

CS-1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one (1) potential case - Byung Kim and Mae Kim

Mayor Goedhart recessed to Closed Session at 8:31 p.m.

Mayor Goedhart reconvened the City Council in Open Session at 9:15 p.m. and asked for a report.

City Attorney Kuperberg announced that the City Council, by unanimous decision, authorized the initiation of a civil law suit against Byung and Mae Kim, for the recovery of delinquent residential rentals in the approximate amount of \$8,400.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the City Council at 9:16 p.m.

Gerard Goedhart
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk