

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

April 3, 2018

CALL TO ORDER: Mayor Goedhart called the Regular Meeting of the La Palma City Council to order at 6:02 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Council Member Kim being absent.

CLOSED SESSION

CS-1. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Laurie Murray, City Manager  
Sea Shelton, Administrative Services  
Director  
Steve Filarsky, Agency Labor Counsel

Employee Organizations: La Palma General Employees  
Association  
La Palma Police Association  
La Palma Professional Employees  
Association

Unrepresented Employees: Executive Management

CS-2. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6 (d) (1): CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of Case: City of La Palma v. Byung Kim, et al., Orange County  
Superior Court No. 30-2018-00972031

Mayor Goedhart recessed to Closed Session at 6:03 p.m.

Council Member Kim joined the Closed Session at 6:05 p.m.

OPEN SESSION:

Mayor Goedhart reconvened in Open Session at 7:00 p.m. and asked for a report.

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

PLEDGE OF ALLEGIANCE: Council Member Steggell

INVOCATION: Pastor Jim Riggan, La Palma Christian Center

ROLL CALL: Council Members

Council Members present: Council Member Flachmeier, 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  
Kathy Graham, Community Development Consultant

### PRESENTATIONS

1. Mayor Goedhart and City Manager Murray presented a plaque in recognition of Cindy Robinson's 18 Years of Dedicated Service.

### ORAL COMMUNICATIONS

Rocky Pavone, a certified financial instructor, announced that April is Financial Literacy Month; noted financial statistics regarding Americans' bill paying patterns, credit card debt, and not having a valid savings for a rainy day; efforts to bring financial literacy to the colleges as a mandated course; and noted his contact information and office location in Cerritos for those interested in more financial information.

Wally Zimmerman, a La Palma resident, addressed the City Council regarding several Orange County cities that passed anti-Sanctuary City resolutions and asked what the City of La Palma's position is on the matter.

Mayor Goedhart responded that the City Council reviewed the matter at a City Council meeting in December of last year; that SB 54 has very little - if any - impact on our law enforcement activity in La Palma; and noted that to be clear, La Palma is not a Sanctuary City; that Los Alamitos has chosen to move forward into the area of litigation; that La Palma is going to monitor the federal lawsuit against the State of California; that if someone has committed a serious crime, the City will report it; and that before this went into effect, the City Council took proactive measures and discussed this issue and was comfortable with what the Police Chief recommended.

Police Chief Kim added that SB 54 does not impact our local enforcement efforts and operations; that the City is not in the business of enforcing immigration laws, however the legislation does allow some latitude to interact with federal law enforcement agencies if certain conditions are met; and that this law does not affect La Palma Police Department operations.

Mayor Goedhart commented that there is a lot of disinformation out there and clarified that the City of La Palma is not a Sanctuary City.

Christopher Aguilera, representing Assemblywoman Sharon Quirk-Silva, addressed the City Council and announced an upcoming Open House and Health Resource fair on April 7 from 10:00 a.m. - 1:00 p.m. at her Buena Park office.

Larry Herman, a La Palma resident, addressed the City Council regarding his concern for the empty tree wells in the City and asked about an update on replacing the trees; noted that Meals on Wheels program needs to be better advertised to our seniors; wished Assistant to the City Manager Robinson much success in her new endeavor; and asked who would replace her position as a conduit for Relay for Life.

Mayor Goedhart responded that trees will be addressed as we go through the budget discussions and added that the State is still in a drought; support for the suggestion to increase advertising for the City's Meals on Wheels; and asked who would be taking over Cindy's position as the liaison for Relay for Life.

City Manager Murray announced that Assistant to the City Manager Robinson will be returning for the Relay for Life event this year, but Staff will be looking for a new City liaison for next year's event.

RECESS THE CITY COUNCIL AND CONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:24 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 March 20, 2018, Regular Meeting of the Successor Agency.

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

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 7:25 P.M.

### CONSENT CALENDAR

1. Waive the Reading of All Ordinances

Waive reading of all Ordinances in their entirety and read by title only.

2. Approval of Council Minutes

Minutes of the March 20, 2018, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2018-14 approving the Register of Demands for April 3, 2018.

Councilmember Kim announced that he had a conflict on Item 3 (Warrant Register number 25704). Councilmember Kim did not participate in the vote on this item.

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

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

REGULAR ITEMS

4. Council Member Request: Resolution Adopting Pension Sustainability Principles

Council Member Flachmeier introduced the item and noted her support for pension sustainability and reform as recommended by the League of California Cities (LOCC).

City Manager Murray explained that the LOCC's five points of pension sustainability include that public compensation should be sustainable; provide long term stability; have solutions towards the pension system; support of legal/legislative remedies; and flexibility for cities regarding their contract agreements. She also added that the legislation remedies should include a single benefit level for every employee; converting all currently deemed "Classic" employees to the same provisions (benefits and employee contributions) currently in place for "PEPRA" employees for all future years of service; and temporary modifications to retiree Cost of Living Adjustments (COLA).

Mayor Goedhart noted that the City Council previously took action in support of ending the California Rule; that as a CalPERS retiree, he supports the ending of the COLA until the fund recovers or is better funded; and that he supports success for the retirement system.

Council Member Flachmeier made a motion to adopt Resolution No. 2018-15 approving the adoption of the League of California Cities Pension Sustainability Principles.

Mayor Pro Tem Goodman noted his support for this Resolution in an effort to address pension reform.

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

## STUDY SESSION

### 5. Review of Zoning Code Section 44-139 Allowable Land Uses

- a) Review and discuss the proposed modifications to the Zoning Code Section 44-139 Allowable Uses.

Planning Manager Hutter gave the Staff Report regarding the overview of proposed changes to the Neighborhood Commercial (NC) and Planned Neighborhood Development (OND) zones; and a review of pawn shop and second hand store uses.

Discussion ensued regarding whether the City has seen an influx in pawn shops or second hand stores; that this change would not allow those uses in the Neighborhood Commercial (NC) zone without City Council approval.

Planning Manager Hutter continued with the Staff Report; and a review of changes to dry cleaners, pet grooming, and other service business uses.

Discussion ensued regarding dry cleaner usage being a standard cleaning use with cleaning inside the facility; that the City Council's intention is to clean up the Zoning Code; that this endeavor is to address the Planned Neighborhood Development (PND) Zone as it impacts businesses; that no one can 'legislate' economic activity and this review is a result of this.

Planning Manager Hutter continued with the Staff Report; and a review of changes to office uses and medical service uses.

Discussion ensued regarding not allowing full service medical centers in the NC Zone as they are permitted by right in the Office Professional (OP) Zone; and that the number of doctor offices in one building determines whether it becomes a medical center versus a doctor's office.

Planning Manager Hutter continued with the Staff Report; and a review of recreational uses, internet cafes, mortuaries, and massage uses.

Discussion ensued regarding the City having a clear definition of a massage facility versus a day spa.

Planning Manager Hutter continued with the Staff Report including giving an update on the proposed Adult Day Care use to operate out of a vacant retail space; that the applicant has withdrawn their permit; and the applicant has relocated to a local church with an application being processed for that location.

Discussion ensued whether to allow an Adult Day Care use in the NC zone; that Mayor Goedhart had to recuse himself from the previous Adult Day Care Use application as his residence was in conflict to the proposed site; that since this discussion will be a Citywide zoning change and the applicant has withdrawn his original application, Mayor Goedhart can now participate in this discussion.

Planning Manager Hutter continued with the Staff Report; and a review of emergency shelter uses.

Discussion ensued regarding a recent County court hearing for addressing the homeless crisis; that emergency shelters are permitted by right in the General Industrial (GI) zone, but conditionally allowed in Open Space (OS); concern for having homeless encampments in the City's OS zone; that the homeless should be in a shelter; that the definition of temporary shelter and removing that from OS zone could potentially affect the City during an emergency disaster situation;; that when the City's zoning code was adopted many years ago, they did not anticipate the current homeless crisis; that this loop hole needs to be addressed as to deal with the homeless issue; that the Council directed Staff to review this matter closely so the City is not taken advantage of and housing could be addressed in the GI zone; that Staff suggested terminating the emergency shelter use for the City's OS zone as the Council has the authority to review the matter in an emergency disaster situation; that supportive and transitional housing is not the same as an emergency shelter; that the Council can make an emergency declaration during a crisis to address housing for residents in that type of scenario; that there are special authority laws that would give the discretion to those designated to be able to make those decisions; that

City Attorney Kuperberg noted that emergency shelters would be to address an emergency use not just a civilian who is sleeping on the bench; that the Courts are pressuring cities to address the homeless issue and if the City allows this, we are opening up the City to problems; that the emergency use would be for a period up to six months; that some decisions are made from bigger cities that do not apply to our small city - and that it would be prudent to protect La Palma from being forced to allow our open space to be taken advantage of by a larger city's ruling; and a consensus to eliminate the Emergency Shelter Use from the City's OS Zoned areas.

Planning Manager Hutter continued with the Staff Report; and a review of transitional and supportive housing, vehicle repair and sales, communication towers, farmers markets, and transitional shelters for emergency purposes.

Discussion ensued regarding a consensus eliminating the emergency shelter use from the OS Zone as previously supported; that this is a smaller city with limited space for emergency shelters; and that mandates for larger cities to accommodate homeless may not apply to our City's small space.

Planning Manager continued with the Staff Report; and reviewed adult entertainment, fortune tellers, and tattoo parlor uses.

Discussion ensued that there is an existing palm reader establishment in La Palma that has been grandfathered in; that this change will make it a nonconforming use; that there are court decisions to allow adult entertainment business in cities, but is in no way an endorsement; that the City Council appreciates Staff's time to clean up the Zoning Code allowable uses; that the code allows the Community Development Director authority to review development projects and whether that position was granted too much authority; that Staff has reviewed the Zoning Code where the Community Development Director is given a lot of authority and Staff plans to bring that back at a later date to the City Council for their approval as there are far too many areas to bring forward tonight; that Council supports checks and balances and development approval should not be only given by one individual; that at this time the City Manager Murray has no plans to replace that position; that City Attorney Kuperberg noted there are different provisions that allow for certain types of approvals; that it may be best to review this matter separately in order to address each concern; a consensus to review the Community Development Director's authority levels at a future meeting; and that the authority was possibly given in an effort to be business friendly.

Public Input:

Martha Lomeli, a La Palma resident, addressed the City Council regarding her support for reviewing the Community Development Director's authority levels; that the City has Citizen Committees that are part of the approval process; and whether a multifamily use and accessory dwelling units would conflict with each other from a zoning perspective.

Planning Manager Hutter closed his presentation by commenting on irrelevant language that needs to be struck out; and listed Staff's recommendations.

- b) Provide staff direction to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code Section 44-139 Allowable Uses to incorporate the City Council desired changes.

Council Member Kim made a motion to approve the updated changes to the Zoning Code Section 44-139 as Staff recommended and eliminate the Emergency Shelter Use in the Open Space (OS) zone on items 70 and 129 of the Land Use table. The motion was seconded by Mayor Pro Tem Goodman.

Public Input:

Wally Zimmerman, a La Palma resident, addressed the City Council regarding marijuana related businesses; and that although it is allowable in the State of California, whether the City Council plans to address this type of business use.

Mayor Goedhart noted this is an important issue and City Manager Murray responded that the City is still investigating this use and the opinion currently is to only allow this in the General Industrial zone; that the City does not want to move too quickly; ; and that if the City decides to move forward on the matter, the public will be notified.

The motion carried on the following vote:

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

NOES: None

Mayor Goedhart requested to take a short recess at 8:28 p.m.

Mayor Goedhart reconvened the City Council at 8:36 p.m. with all members present.

6. Review of Accessory Dwelling Units, Zoning Code Section 44-10. Definitions, Section 44-78. Allowed Uses, Section 44-111. Second Unit Residences and Section 44-363-4. Residential Parking Standards and Calculations
  - a) Review and discuss the proposed modifications to the Zoning Code Sections 44-10. Definitions, 44-78. Allowed Uses, 44-111. Second Unit Residences and 44-363-4. Residential Parking Standards & Calculations

Planning Manager Hutter gave the Staff Report on Accessory Dwelling Units (ADUs), the proposed definition changes, and regulatory text changes.

Discussion ensued regarding not assessing water service connection fees; clarification of water connections on an ADU; that City Attorney Kuperberg noted that this reference to water use is in relationship with the occupant in the ADU and the occupant of the primary residence that could possibly be sharing the same water meter; and that the primary residence would be the one to get the water bill that would be for both units, that they could request a separate meter; and that City Attorney Kuperberg clarified that an ADU is similar to adding an addition onto the house which is why a separate water connection is not allowed by law.

Planning Manager Hutter continued with the Staff Report including the prohibition of the ADU's individual sale, deed restrictions, building permit requirements, and details of the requirements for the new Junior Accessory Dwelling Units (JADU).

Discussion ensued regarding clarification of the assessment fee for a JADU being for the building inspector; that Staff reviewed current residents who may have additions that would qualify as an ADU and found seven that meet the criteria; that those seven ADUs would qualify for affordable housing units required by the State; that City Attorney Kuperberg noted that occupancy laws are regulated by State Law and not something that the City could independently regulate; and that the City has the right to enforce those laws.

Public Input:

Jerry Lomeli, a La Palma resident, addressed the City Council regarding his opposition to the State Law for ADU's; the parking impacts when a resident's garage is turned into an ADU; the lot coverage allowed; whether

the ADU requirement would impact current building codes; and whether a day care business in an ADU is allowed.

Planning Manager Hutter responded that if you use the garage for an ADU, the resident is required to make additional parking available and replace the garage; and that if that requirement cannot be met, the ADU in the existing garage would not be allowed. He added that there is a list of allowable uses for residential homes and that day care in an ADU is not allowed, only in the primary residence with specific home based business requirements.

Mayor Goedhart concurred that an adult day care use is not allowed for an ADU; that the ADU is for the occupant only; that if the resident of the primary residence would like to open a child care business out of their home, they can come before the City Council with their application.

Herb Sutherland, a La Palma resident, addressed the City Council regarding clarification of wording for requirements for JADU occupancy when the primary residence is owned by a housing organization or land/family trust and whether that language is required.

Planning Manager Hutter responded that the language was used from the State's model and could possibly be stricken from the City's zoning code.

- b) Provide staff direction to prepare the documents necessary for City Council consideration of an Amendment to Zoning Code Sections 44-10. Definitions, 44-78. Allowed Uses, 44-111. Second Unit Residences and 44-363-364. Residential Parking Standards & Calculations to incorporate the City Council desired changes.

Discussion ensued regarding support for Staff recommendations and to include a review and resolution of the JADU occupancy language when the property is owned by a housing agency or land/family trust.

City Attorney Kuperberg noted that if this is approved, it means Staff will move forward with preparing an Ordinance for adoption, send out the required public hearing notices, and return back to the City Council for formal action.

Council Member Kim made a motion to approve Staff recommendations to prepare the documents necessary for City Council consideration of an Amendment to Zoning Code Sections 44-10. Definitions, 44-78. Allowed Uses, 44-111. Second Unit Residences and 44-363-364. Residential Parking Standards & Calculations to incorporate the City Council desired changes, and to review and remove the language for JADU's occupancy as previously directed.

The motion was seconded by Council Member Flachmeier 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

7. Review Zoning Options and Density Impacts for the Properties at 5052 and 5062 La Palma Avenue

- a) Review and discuss the potential Zoning Designation for the properties at 5052 and 5062 La Palma Avenue.

Community Development Consultant Graham gave the Staff Report.

Discussion ensued regarding the previous village overlay district not having any height standards; that the maximum allowed height for these lots on the multi-family (R3) zoning designation being two stories and a maximum of 30 feet; and that single family (R1) and multi-family (R3) zones both only allow for a two story residence.

- b) Provide staff direction to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code to remove 5052 and 5062 La Palma Avenue from the Village Overlay District Zoning designation and replace the Zoning designation as Multiple Family Residential R-3.

Council Member Kim made a motion to approve and authorize Staff to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code to remove 5052 and 5062 La Palma Avenue from the Village Overlay District Zoning designation and replace the Zoning designation as Multiple Family Residential R-3.

Discussion ensued regarding the 2010 City Council that voted for the Village Overlay; that they may not have known the impact of that decision, but it was not a good idea for the City; that the City had to intervene and buy this property and now will take a loss; opposition to the proposed project on that site and as a result, the residents opposition; and that this City Council is being diligent and resolving the issue for future residents of the community.

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

8. Review Zoning Options and Density Impacts for the Properties at 5432-5454 Orangethorpe Avenue

- a) Review and discuss the potential Zoning Designation for the properties at 5432-5454 Orangethorpe Avenue.

Community Development Consultant Graham gave the Staff Report.

Discussion ensued regarding whether the zoning would allow for multi-use buildings; that the zoning is strictly for residential building; the maximum density bonus would be 10%; and that the many changes to the Zoning Code would be done all together at one time.

Public Input:

Wally Zimmerman, a La Palma resident, addressed the City Council regarding whether meeting the density requirements would result in a three story building; and support for keeping the height at no more than two stories.

Community Development Consultant Graham responded that the City would meet its density requirements with a two story building.

Mayor Goedhart also added that if a developer wanted to build a three story building, the applicant can bring it before the City Council for approval; that the building adjacent to it is currently three stories; that the City does not want that, but it is a possibility.

Discussion ensued regarding the maximum percentage allowed through density bonuses; and that there are categories for each allowance; that Staff will return with specific responses; whether there would be enough room on this site for mixed use buildings; that the zoning still only allows for just two stories; that this site may not allow the room for that type of multi-use build; that the City Council could change it to a three story build in the future; that there are other zoned areas in the City where a multilevel multi-use building would be more appropriate; and that a developer can always request a variance even if this property is zoned R3 to add another story; that this property is only 1.3 acres and would not be prime property for a multi-use zone; that City Council will be reviewing the Brookside

property as part of the City's strategic plans and it has more acreage that could accommodate the multi-use build in the future if that property is ever redeveloped; and that a developer could always apply for a zone change if the circumstances permitted.

- b) Provide staff direction to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code to create a new Multi-Family R-3 Density Range for Affordable Housing at 20 units per acre and to prepare the necessary documents to re-zone the property at 5432-5454 Orangethorpe Avenue from Neighborhood Commercial (NC) to a new Multi-Family R-3 Density Range for Affordable Housing.

Mayor Pro Tem Goodman made a motion to approve and authorize Staff to prepare the documents necessary for City Council consideration of an Amendment to the Zoning Code to create a new Multi-Family R-3 Density Range for Affordable Housing at 20 units per acre and to prepare the necessary documents to re-zone the property at 5432-5454 Orangethorpe Avenue from Neighborhood Commercial (NC) to a new Multi-Family R-3 Density Range for Affordable Housing.

The motion was seconded by Council Member Flachmeier 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

Mayor Goedhart complimented Staff and supported the City Council's efforts to address the zoning issues, and noted that he is pleased with the City's direction.

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

**Council Member Kim** attended the Orange County Sanitation District (OCSD) Board meeting; and passed on best wishes to Ms. Robinson on her new endeavor.

**Council Member Steggell** thanked Staff for all their work on the Zoning Code; attended three Orange County Fire Authority (OCFA) meetings as a result of the operational issues with the Orange County Sheriffs; the League of California Cities (LOCC) meeting; and welcomed the new OCFA Fire Chief Lockhart.

**Council Member Flachmeier** attended the Los Alamitos State of the City; the Orange County Transportation Authority (OCTA) Transportation Commission Reception; and the Orange County Council of Governments (OCCOG) General Assembly.

**Mayor Pro Tem Goodman** attended the Los Alamitos State of the City; the OCCOG General Assembly; and passed on well wishes to Ms. Robinson on her new endeavor.

**Mayor Goedhart** attended a hearing by Judge Carter regarding Homelessness; and invited everyone to the State of the City next Thursday, April 12th, at the Community Center.

CITY MANAGER REMARKS

**City Manager Murray** had nothing to report and noted that there is no need to continue the Closed Session.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** passed on well wishes to Ms. Robinson on her new endeavor.

Council Member Steggell thanked Ms. Robinson for her dedicated service to La Palma.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the City Council at 9:40 p.m.

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Gerard Goedhart  
Mayor

Attest:

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Kimberly Kenney  
Deputy City Clerk