

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

May 15, 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 of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Council Member Kim

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

City Manager Murray acknowledged Pastor Jerry Bennett for his 8 years of dedicated service to the La Palma Community; and the City Council presented a plaque in recognition of his service and wished him well on his retirement.

Outgoing Pastor Jerry Bennett introduced Pastor Abel Galvin who will be replacing him at La Palma's Faith Fellowship Church and on the invocation rotation for City Council meetings.

ROLL CALL: Council Members

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

Councilmembers absent: None

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

## PRESENTATIONS

1. Alta Duke, La Palma Community Activities and Beautification Committee, Home Spotlight Committee Chairperson, recognized the home of Kris Moskowitz, 5162 Shirley Drive, La Palma.
2. Mayor Goedhart and the City Council presented a proclamation to Lauren Madison Camp in recognition of receiving the gold medal in the National USAW Wrestling Championships.

City Manager Murray introduced Ajit Thind, who will serve as acting City Attorney.

## ORAL COMMUNICATIONS

Specialist Jose Ramos, representing Sunburst Youth Academy located at Los Alamitos Joint Forces Air Base, introduced their military youth academy for at-risk youth; offered VIP tours; detailed their academic program; and the successful outcome of those that have attended.

Graduate Cadet Porales, a graduate from Sunburst Academy, addressed the City Council by giving his testimony and the positive impact Sunburst Academy had on his life and future. He announced his support and encouragement for the program.

City Manager Murray added that this program is partially funded through the North Orange County Public Safety Task Force. Council Member Steggell reported that she had a tour of Sunburst Academy, announced her support for Cadet Porales accomplishments, and that she looks forward to becoming a mentor in that program.

David Herzberg, a resident of Trabuco Canyon, addressed the City Council regarding his support for the West Santa Ana Branch light rail system and the utilizing of the Pacific Gas and Electric (PG & E) Right-of-Way (ROW) to complete the system; details of the route; support for less cars on the road; and that the rail line will increase property values and revitalize commercial and residential districts.

Discussion ensued regarding the status of the PG & E ROW; that OCTA has not contacted La Palma regarding the ROW; appreciation for the public support; and that the City has previously approved a resolution opposing a railway through La Palma.

Teddy Vale, a resident of La Palma, addressed the City Council regarding opposition to the Sanctuary State law in an effort to support our Police Department's ability to do their job.

Mayor Goedhart reported that the City Council reviewed the legislation last year; that La Palma is not a Sanctuary City; that Senate Bill 54 (SB 54 Sanctuary State bill) does not

impact local Police operations; that Police Chief Kim noted that SB 54 doesn't change police operations and La Palma is not affected; that the Los Alamitos Police Chief noted that SB 54 did not impact their policing operations either; and that the City Council supports not getting involved as there is a federal lawsuit against SB 54 and prefers to allow the process to work itself out through the court system.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:27 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 1, 2018, Regular Meeting of the Successor Agency.

Council Member Steggell 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 7:28 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 1, 2018, Regular Meeting and the May 1, 2018, Special Meeting of the City Council.
3. Approval of Register of Demands  
  
Resolution No. 2018-26 approving the Register of Demands for May 15, 2018.  
  
Councilmember Kim announced that he had a financial conflict of interest on Item 3. Councilmember Kim did not participate in the vote on this item.
4. Third Quarter Operating Report, Fiscal Year 2017-18  
  
Receive and file the Fiscal Year 2017-18 Third Quarter Operating Report.
5. Agreement for Prosecution Services by the District Attorney of Orange County  
  
Approve and authorize the Mayor to execute the Agreement for Prosecution Services between the City of La Palma and the County of Orange.
6. Lease Amendment with American Tower for Cell Tower Facility Located at 6800 Walker Street  
  
Approve and authorize the City Manager to execute a lease amendment with American Tower for the cell tower facility located at 6800 Walker Street.
7. Placement of Memorial Plaque in Memory of Brian Fraser  
  
Approve the placement of a Memorial Plaque in memory of Brian Fraser, who was killed October 1, 2017, in the mass shooting attack at the Route 91 Harvest Country Music Festival.

Discussion ensued regarding whether Staff was able to contact Mrs. Fraser in regards to this matter; that Staff has attempted contact and left messages; and

that when earlier approached about this matter at the candlelight vigil, the family was interested in moving forward with the memorial.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 7.

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

8. Second Reading and Adoption of an Ordinance Amending the City's Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10 and 139 Pertaining to the Definitions and Regulation of Allowable Land Uses in the NC, PND and OS/R Zoning Districts

Planning Manager Hutter gave the Staff Report.

Council Comments and Questions:

None.

Public Input:

No members of the public wished to speak.

Order the Second Reading and Adopt Ordinance 2018-02 amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10 and 139 Pertaining to the Definitions and Regulation of Allowable Land Uses in the NC, PND and OS/R Zoning Districts.

Council Member Flachmeier made a motion to approve the second reading and Adopt Ordinance No. 2018-02 amending the City's Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10 and 139 Pertaining to the Definitions and Regulation of Allowable Land Uses in the NC, PND and OS/R Zoning Districts

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

9. Second Reading and Adoption of an Ordinance Amending the City's Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10, 78, 111, and 363 to 364 Pertaining to the Regulation of Accessory Dwelling Units (ADUs) in Residential Zones in Conformance With State Law

Planning Manager Hutter gave the Staff Report.

Council Comments and Questions:

None.

Public Input:

Jerry Lomeli, a La Palma resident, addressed the City Council regarding his concern for parking impacts as a result of using the garage for an ADU; whether the City has reviewed those impacts prior to allowing ADU's; and whether a variance will be allowed for parking on lawns as a result of the impacts.

Planning Manager Hutter responded that the City has created a requirement for replacement parking if the garage is used for an ADU; that a variance is allowed to extend the width of driveways to accommodate a vehicle; and that lawn parking is not allowed.

Order the Second Reading and Adopt Ordinance 2018-03 amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-10, 78, 111 and 363 to 364 pertaining to the regulation of accessory dwelling units (ADUs) in residential zones in conformance with State law.

Mayor Pro Tem Goodman made a motion to approve the second reading and Adoption Palma Municipal Code) Section's 44-10, 78, 111, and 363 to 364 Pertaining to the Regulation of Accessory Dwelling Units (ADUs) in Residential Zones in Conformance With State Law.

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

10. Homeless Update

- a) Receive and file the report and provide direction to staff as appropriate;

City Manager Murray gave the Staff Report.

Council Questions and Comments:

Discussion ensued regarding the severe problem of the homeless crisis; a review of the status of emergency and transitional housing located in the North Service Plan Area (SPA); that Staff has identified areas for emergency & transitional housing areas in La Palma; that City Managers in our SPA have an upcoming meeting to review this information and submit to Judge Carter overseeing this case; that there is a Countywide meeting on Friday regarding funding sources available for this temporary housing project; that each SPA is going through their own process; that the idea is to find one location in the north SPA, central SPA, and south SPA; that Judge Carter wants to ensure that the housing location has or is near available services; that Staff will keep the City Council informed on the status regarding location or other homeless updates; that the County has offered 'wrap around' services and potential funds available for the project; and that after the recommendations from the SPA's get approval, and that the City Council would like to have updates from Staff as this progresses.

Public Comment:

Jan Jensen, a La Palma resident, addressed the City Council regarding the demographics of some of the homeless victims that include families; support for a fully capable and safe housing solution; and commended Churches getting involved to provide assistance for the needy.

Discussion ensued regarding the court hearing revealing that there are children, abuse victims, and families in the homeless demographic; that family units are being addressed with this action; that emergency shelters will be addressed first, with a needs assessment being conducted in order to move them to transitional housing; that this is going to be a long process before everything gets built; that funding sources for permanent housing is being researched; and that Acting City Attorney Thind concurred that addressing emergency shelters is the priority right now, and that further down the timeline, permanent housing will be addressed.

Mr. Lomeli addressed the City Council regarding his opposition to the homeless situation; that the ordinance allowing government authorized camping in City Parks needs to be eliminated; and that residents do not want an influx of homeless individuals.

City Manager Murray responded that emergency shelters in our parks is not allowed; that Judge Carter can remove the anti-camping Ordinance; and that our Municipal Code only allows for emergency shelters in the Industrial Area. Mayor Goedhart concurred.

- b) Authorize the City Manager to continue representing the City at North Service Planning Area (SPA) meetings to participate in discussions about Emergency Shelter solutions in the North SPA;
- c) Adopt a Resolution of the City Council of the City of La Palma, California, authorizing staff participation in planning efforts to address county-wide permanent supportive housing.

Mayor Pro Tem Goodman made a motion to approve and authorize the City Manager to continue representing the City at North Service Planning Area (SPA) meetings to participate in discussions about Emergency Shelter solutions in the North SPA; and adopt Resolution No. 2018-27 authorizing staff participation in planning efforts to address county-wide permanent supportive 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

- 11. Legislation Briefing: AB 1912 (Rodriguez) Public Employees' Retirement: Joint Powers Agreements: Liability

City Manager Murray gave the Staff Report.

Discussion ensued regarding that the bill passed the judiciary committee, but will be heard in appropriations; the process after appropriations; and that there are steps still ahead before the bill goes ultimately to the Senate floor for approval.

Direct Staff and authorize the Mayor to send communications indicating the City's opposition to AB 1912 (Rodriguez) Public Employees' Retirement: Joint Powers Agreement: Liability.

Council Member Kim made a motion to direct staff and authorize the Mayor to send communications indicating the City's opposition to AB 1912 (Rodriguez) Public Employees' Retirement: Joint Powers Agreement: Liability.

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

12. Study Session – Arterial Street Median Island Landscape Evaluation, Design Proposals, and Construction Options

Community Services Director Belknap gave the Staff Report.

- a) Discuss and provide direction on the arterial street median landscape evaluation, design proposals, and construction options; and

Council Comments and Questions:

Discussion ensued that the design plans are going to be prepared in such a way so that each median design can be done at a separate phase; that engineering services were removed from the original bids; that topographical surveys were needed to provide CAD Drawings of all City owned medians; the differences between Prime and Standard projects proposed; that the high cost of the Prime proposal could be related to infrastructure replacement, extensive design plans, or expensive foliage; that after the median design is approved by the City Council, Staff would request construction cost estimates; that Staff determined that some trees will need to be removed; that the intent is to keep as much of the hardscape and augment existing medians; that Staff would like to maintain the monument and brick work; that SB1 funds (gas tax) differ from what the City could acquire from grants; that grants would only apply if we were eligible; explaining that SB1 is likely to be on the November General Election ballot for repeal; that the total SB1 Funds the City could receive would be approximately \$1.4 million over the next five years; that Staff allocated SB1 funds to the Orangethorpe median project but was not ready to start the project yet; opposition to spending funds during this time as the medians have looked the same for years; support for waiting until mid-year; that approval of the project would make the City's median project shelf ready with plans in place; that the City will own these plans when future funding available; that funding for the median design is already

in the budget; that Measure M has been identified as 'the funding source' for the design; that Staff tries to utilize Measure M or SB1 funds before using any COR funds for projects; that the median design should be completed by mid-year and would allow for the results of the SB1 repeal ballot measure to play out so Staff and City Council will have more information on how or if to address the construction costs; that Staff will look for additional funding sources after the design phase is completed; support for the design proposal as it is already been approved in the proposed budget with carry-overs from last year; that Staff had identified \$100,000 in the budget; and that the median project was identified and discussed during the Goal Setting Session.

Public Input:

Jan Jensen, a La Palma resident, addressed the City Council regarding the preservation of the trees in the median; and suggested to relocate the existing trees to our parks or a nursery.

Mayor Goedhart responded that the removal of trees in the medians is due to the root system. Community Services Director noted that most of trees would not survive relocation as it would impact the root system and to save a tree would be at the expense of having to remove and replace a portion of the street, but that the arborists will make that call. Mayor Goedhart added that if it makes economic sense, then staff will recommend it after the arborist's review.

Wally Zimmerman, a La Palma resident, addressed the City Council regarding the environmental impact of mulching during the rainy season and asked if Staff has taken that into consideration.

Discussion further ensued regarding that the plan is to not place mulch close to curb, but that it could impact the water flow during a rainy season; that there was no support for grading the medians and inserting mulch; support for approving the median design so Staff has the plans in house; that funding is from Measure M funds and support for using the Measure M funds for this project; that the City Council is not interested in the Premium design, but supports the Standard design; that the medians are not up to standard and won't be due to the drought; support for moving forward with the plans that include drought tolerant plants; opposition to starting on Walker Street, but on La Palma Avenue; and that in order to start construction next year, the City Council needs to start the design now.

- b) Approve the Award of a Professional Services Agreement to NUVIS for the Median Landscape Evaluation, Design Concepts, and Construction documents.

Council Member Kim made a motion to approve the Award of a Professional Services Agreement to NUVIS for the Median Landscape Evaluation, Design Concepts, and Construction documents for the Arterial Street Medians.

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, and Council Member Kim

NOES: Council Member Steggell

Discussion ensued regarding the first meeting to review the designs being in two to three months; and that Council Member Flachmeier volunteered to be involved in this project as a result of her career background in Construction Management.

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

**Council Member Kim** attended the annual Volunteer Recognition Dinner; the Orange County Sanitation District (OCSD) Administration Committee meeting; and the OCSD Public Affairs Committee meeting.

**Council Member Steggell** attended the annual Volunteer Recognition Dinner and clarified that her no vote on the median design was because she preferred to wait until mid-year to make a decision.

**Council Member Flachmeier** attended the Southern California Association of Governments (SCAG) Regional Conference; and the 8th Annual Cypress Police Appreciation luncheon.

**Mayor Pro Tem Goodman** had nothing to report, but recognized all the volunteers for their dedicated service.

**Mayor Goedhart** attended the annual Volunteer Recognition Dinner.

#### CITY MANAGER REMARKS

**City Manager Murray announced** that George Miller Elementary School won the National Red Ribbon Week photo competition and reminded all present of the upcoming Memorial Day ceremony on May 28, 2018, at 9:00 a.m. in front of the eternal flame.

CITY ATTORNEY REMARKS

**Acting City Attorney Thind** had nothing to report.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the La Palma City Council at 8:42 p.m.

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Gerard Goedhart  
Mayor

Attest:

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Kimberly Kenney  
City Clerk