

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 19, 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 Flachmeier

INVOCATION: Dr. Paul Kim, La Palma United Methodist Church

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
Emily Webb, Assistant 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

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

James Snyder, a La Palma resident, addressed the City Council regarding his conversations with the City Council and Staff Members regarding the truck traffic and noise issue at Walmart adjacent to his house; his recent meeting with Staff to mitigate this matter; and his opposition to a statement in the letter received from Staff.

Jan Jensen, a La Palma resident, addressed the City Council regarding the need for a body camera on the School Resource Officer; and support for Police Officers to capture the scale of events to protect themselves and the City while protecting the students.

Police Chief Kim responded that body cameras are popular; that they will become mandatory in the future; discussed the high costs associated with body cams; and that this can be explored in the future.

Carlos Alcaino, a La Palma resident, addressed the City Council regarding over watering concerns in the Southern California Edison Right-Of-Way (SCE ROW).

Mayor Goedhart noted that he is aware of the location along the SCE ROW. Community Services Director Belknap responded that the location is being watered three times a week; and that staff will check the sprinkler system in response to over watering concerns.

Keith Nelson, a La Palma resident addressed the City Council regarding his appreciation to Community Services for the road work done on La Luna Drive after the Gas Company completed the gas lines.

Jill Studebaker, a La Palma resident, addressed the City Council regarding concerns for the growing Coyote problem in La Palma; request to have it addressed; concerns for small pets and children; that SEAACA needs to help; and that Staff should work with SEAACA to resolve this problem.

Mayor Goedhart noted that another resident addressed this concern at a previous City Council meeting; that Staff should place notifications in the *Mosaic* on how to address this. Police Chief Kim added that although the City is limited to their response as Coyotes are indigenous to the area, they will try to place on article in *The Source* on how to deal with these animals. City Manager Murray noted there is updated information on the City's website regarding Coyotes; that SEAACA will respond if Coyotes are in a resident's back yard; and Staff will work with SEAACA to have them do a presentation on how to address the Coyote issue in La Palma.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:19 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 from the June 5, 2018, Regular Meeting of the Successor Agency.

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

The motion was seconded by Council Member 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

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 7:20 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 June 5, 2018, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2018-33 approving the Register of Demands.

Council Member Kim announced that he had a financial conflict of interest on Item 3. Council Member Kim did not participate in the vote on this item.

4. Cancellation of July 3, 2018, City Council and Successor Agency Meetings

Cancellation of the July 3, 2018, City Council and Successor Agency regular meetings.

5. Amendment to Agreement with All City Management Services, Inc., for Providing School Crossing Guard Services

Approve and authorize the Mayor to execute an amendment to the Agreement between All City Management Services, Inc., and the City of La Palma for providing school crossing guard services for a one-year period, commencing July 1, 2018, through June 30, 2019.

6. Fiscal Year 2018-19 Amendment to Agreement with the Southeast Area Animal Control Authority for Animal Care Services

Approve and authorize the Mayor to execute an amendment to the Agreement with the Southeast Area Animal Control Authority (SEAACA) for the delivery of animal care services for the 2018-19 Fiscal Year.

7. Annual Measure M2 Eligibility Submittal Package, Fiscal Year 2018-19

a) Adopt Resolution No. 2018-34 Updating the Pavement Management Plan for the Measure M2 Program;

b) Adopt the Measure M2 Seven-year Capital Improvement Program (Fiscal Year 2018-19 through Fiscal Year 2024-25); and

c) Authorize the Community Services Director to submit the City's Measure M2 eligibility package to the Orange County Transportation Authority.

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

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

REGULAR ITEMS

8. Discussion Regarding a Draft Ordinance Amending City Zoning Code Sections 44-10, 44-44, 44-139, 44-403 and 44-731 Pertaining to the Definitions and Regulations of Allowable Cannabis Land Uses in the General Industrial Zoning District and the Industrial Overlay

- a) Planning Manager Hutter gave the Staff Report.

City Manager Murray noted that the presentation for June 26th will be more in depth for the purposes of the Public Hearing.

- b) City Council Comments and Questions:

None.

- c) Public Input:

Carlos Alcaino, a La Palma resident, addressed the City Council regarding his opposition to the proposal.

Sharon Nix, a La Palma resident, addressed the City Council regarding her opposition to the proposal.

Keith Nelson, a La Palma resident, addressed the City Council regarding her opposition to the proposal and inquired as to what the Police Department's position is.

Police Chief Kim responded that he was asked to provide a professional assessment of the impact on cannabis business in the community; that it is a legal business and treated as such; and that the La Palma Police Department would treat it no differently than a manufacturer of high value items.

Gail Poan, a La Palma resident, addressed the City Council regarding her opposition to the proposal.

Sharon Nix, a La Palma resident inquired if the City of La Palma is worried about litigation.

Ernest Matsumoto, a Cerritos Resident, addressed the City Council regarding his opposition to the proposal.

Krista Marvin, a La Palma resident, addressed the City Council regarding the health benefits of cannabis and that she needs to do research before she can comment on the proposal.

Joe Lovetere, a La Palma resident, addressed the City Council regarding his opposition to the proposal.

Russell Lobue, a La Palma resident, addressed the City Council regarding his opposition to the proposal.

Robert Carruth, a La Palma resident, addressed the City Council regarding his opposition to the proposal.

Debra Sumrow, a La Palma resident, addressed the City Council regarding her opposition to the proposal.

Jerry Lomeli, a La Palma resident, addressed the City Council regarding the City's advertising for Public Hearings; and regarding his opposition to the proposal.

Joan Autry, a La Palma resident, asked whether the June 26 VIP meeting will be cancelled in lieu of this special meeting.

City Manager Murray responded that Staff has been coordinating with the liaison to reschedule the VIP Meeting.

- d) Continue the matter to the June 26 Public Hearing to introduce and conduct the first reading of an Ordinance amending City Zoning Code Sections 44-10, 44-44, 44-139, 44-403 and 44-731 pertaining to the definitions and regulations of allowable cannabis land uses in the General Industrial Zoning District and the Industrial Overlay.

Council Member Kim asked for clarification on whether to move forward with a motion if he is not supporting the proposal.

Assistant City Attorney Webb responded that the motion would be a standard Brown Act to continue an item, for a date certain.

Council Member Kim stated that for the record, he will not be supporting this.

Council Member Flachmeier made a motion to continue the matter to the June 26 Public Hearing to introduce and conduct the first reading of an Ordinance amending City Zoning Code Sections 44-10, 44-44, 44-139, 44-403 and 44-731 pertaining to the definitions and regulations of allowable cannabis land uses in the General Industrial Zoning District and the Industrial Overlay.

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

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

NOES: Council Member Kim, and Council Member Steggell

9. Introduction and First Reading of an Ordinance of the City Council of the City of La Palma, California Adding a New Chapter 15.00 to the La Palma Municipal Code Regulating Commercial Cannabis Activity

City Manager Murray introduced the Item.

Mayor Goedhart requested to continue this Item to the June 26, 2018, Special Meeting in conjunction with the Zoning Ordinance Public Hearing.

- a) Receive and file the report; and
- b) Introduce and conduct the first reading of an Ordinance of the City Council of the City of La Palma, California adding a new Chapter 15.00 to the La Palma Municipal Code regulating commercial cannabis activity.

Council Member Flachmeier made a motion to continue the introduction and first reading of an Ordinance of the City Council of the City of La Palma, California adding a new Chapter 15.00 to the La Palma Municipal Code regulating commercial cannabis activity to the June 26 Special Meeting of the City Council.

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

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

NOES: Council Member Kim, and Council Member Steggell

10. City of Irvine Proposal to the Orange County Fire Authority (OCFA) to Terminate Irvine's Membership in 2030

City Manager Murray gave the Staff Report.

Council Member Steggell, La Palma's OCFA Representative, added that the 23 cities needed to give notice by July 2018 if they wanted to leave the joint powers agreement; that now Placentia and Irvine want to leave the joint powers agreement; that negotiations would need to take place regarding the properties and equipment in Irvine if this were approved; and that pending decisions will be forthcoming.

Discuss the City of Irvine's proposal to the Orange County Fire Authority (OCFA) to terminate Irvine's membership in the OCFA in 2030 and provide direction to La Palma's representative on the OCFA Board.

Council Comments and Questions:

Discussion ensued regarding no existing litigation currently with the OCFA; that discussions on this matter have been ongoing for quite some time; that by-laws are in effect, but litigation is always a possibility; that Staff needs direction on the City's position on the points of Irvine's proposal; that the issue with Irvine has been going for some time and they have had ample time to resolve their issues; that previous litigation was thrown out of the court; opposition to allow Irvine an extension; that Irvine's terms are not supported by law; that after they give notice, they get two years to resolve and dissolve with the OCFA: that Irvine's OCFA properties are part of negotiations between the City, the citizens, 2/3 of the Board of Directors of the OCFA, and City Councils of member cities; that if they give notice, they lose their seat on the OCFA Board of Directors immediately and that if they rescind their notice, their reinstatement would need to be approved by the Board of Directors of the OCFA and all of the member agencies; that service enhancements are between Irvine and the OCFA; that any expenditure or investment should be at the discretion of the Fire Authority; that property is subject to negotiations; that AB 302 covers the property tax issues; that Irvine owes for their unfunded liability; and that the legal process should be followed; and that the ratifications of the disposition of fire states is unclear.

Public Input:

No members of the public wished to speak.

Council Member Steggell made a motion to direct staff to write a letter to the OCFA and copy the Orange County Board of Supervisors stating that 1) La Palma is opposed to any extension of the June 30, 2018, Notice to Terminate deadline; that 2) the OCFA should make decisions regarding any pension pay down strategy or

implementation of "Added Value Items for Irvine" based on what is in the interest of the entire organization; 3) should Irvine ultimately decide to leave the Fire Authority, OCFA should follow the process in place regarding the disposition of any real property or equipment, and additionally, ask the OCFA Board of Directors to consider an amendment to the joint powers agreement that would put an approval process in place for such disposition that is similar to the approval process for the transfer of property tax, specifically any disposition of any real property or equipment of any city or agency exiting the OCFA would need to be approved by the Orange County Board of Supervisors, the city councils of a majority of OCFA member cities, and a two-thirds vote of the OCFA Board of Directors; and that 4) should Irvine ultimately decide to leave the Fire Authority, OCFA should follow the legal requirements in place regarding the transfer of property tax. Specifically, SB302 requires the transfer of SFF property tax revenues be approved by the Orange County Board of Supervisors, the city councils of a majority of OCFA member cities, and a two-thirds vote of the OCFA Board of Directors.

Mayor Pro Tem Goodman noted his appreciation to members who served on the OCFA Board of Directors that had the knowledge of the current situation discussion.

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

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

Council Member Kim attended the Orange County Sanitation District (OCSD) Administration Committee meeting; the Swearing in Ceremony of new Police Officer Brad Stene; and wished Council Member Steggell a happy birthday.

Council Member Steggell had nothing to report but asked Staff to prioritize researching body cameras for all La Palma Police Officers to counter any litigation.

Council Member Flachmeier attended the Civic Leaders Round Table; the Young Leaders of Orange County (YLOC) Awards Ceremony; the Swearing in Ceremony of new Police Officer Brad Stene; and wished Council Member Steggell a happy birthday.

Mayor Pro Tem Goodman attended the League of California Cities (LOCC) Housing Policy Committee meeting; the Orange County Vector Control District (OCVCD) Budget Presentation meeting; the Swearing in Ceremony of new Police Officer Brad Stene; and wished Council Member Steggell a happy birthday.

Mayor Goedhart attended the Court Hearing regarding the homelessness crisis; the Swearing in Ceremony of new Police Officer Brad Stene; and wished Council Member Steggell a happy birthday.

CITY ATTORNEY REMARKS

Assistant City Attorney Webb had nothing to report.

CITY MANAGER REMARKS

City Manager Murray reported on the upcoming June 26 Special Meeting of the City Council; that due to tonight's action to cancel the Regular Meeting on July 3; that the next Regular Meeting will be on July 17; reminded everyone to sign up for the La Palma July 4th Run for Fun event; and wished Council Member Steggell a happy birthday.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the City Council at 8:44 p.m. and encouraged everyone to attend the upcoming June 26 Special Meeting.

Gerard Goedhart
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk