

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

August 7, 2018

CALL TO ORDER: Mayor Pro Tem Goodman called the Regular Meeting of the La Palma City Council to order at 6:15 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California with Mayor Goedhart and Council Member Steggell being absent.

CLOSED SESSION

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Case No.: SA CV 18-0155-DOC (JDE) Cross Complaint by City
of Santa Ana for Civil Rights Violation (42 U.S.C. Section
1983)

Original Case: Orange County Catholic Workers et al. VS Orange County et al.

The City Council recessed to Closed Session at 6:16 p.m.

Council Member Steggell joined the Closed Session at 6:17 p.m.

Mayor Pro Tem Goodman adjourned the Closed Session at 6:51 p.m.

Mayor Pro Tem Goodman reconvened the City Council in Open Session at 7:00 p.m. with Mayor Goedhart being absent 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 Steve Bland, La Palma Christian Center

ROLL CALL: Council Members

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

Council Members absent: Mayor Goedhart

City Officials present: Laurie Murray, City Manager
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

1. Community Services Director Belknap announced that the Volunteens stipends will be distributed at a later date and introduced Recreation Specialist Ivan San Pedro who, along with Mayor Pro Tem Goodman, presented certificates of Recognition to the 2018 Volunteens.

ORAL COMMUNICATIONS

Dr. Regina Zurbano, Principal of John F. Kennedy High School, addressed the City Council regarding the upcoming construction; that it will impact traffic in the community that is in close proximity of the High School and that school will start tomorrow; the redirected traffic flow and temporary drop off zone; that this has been communicated with the School Community; that the construction will occur in three phases; and that the La Palma Police Department will be assisting during the busy times of the day.

Council Member Kim inquired about the displaced student parking impact and if they will use the Faculty parking lot, how do they plan to address the Faculty parking situation for the teachers and workers.

Dr. Zurbano responded that the faculty will continue to use their north lot; however, the displaced student parking spots have been relocated to a newly created space of 100 spaces behind the baseball field on a permit basis; that staff has been provided specific permits; and that the School has been in contact all summer with the City and apologized that this is first personal encounter with the City Council on the subject.

Larry Herman, a La Palma resident, thanked the City council regarding staff addressing the street condition problem on Valley View Street and Orangethorpe Avenue; concerns about the dead trees along Houston Avenue; and support for removal of the dead trees.

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 of the July 17, 2018, Regular Meeting of the Successor Agency.

B. Successor Agency 4th Quarter Cash and Investment Report, Fiscal Year 2017-18, as of June 30, 2018

Receive and file the Cash and Investment Report for the fourth quarter of Fiscal Year 2017-18.

Council Member Kim made a motion to approve Consent Calendar Items A and B.

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

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

NOES: None

ABSENT: Mayor Goedhart

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 July 17, 2018, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2018-36 approving the Register of Demands for August 7, 2018.

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. Destruction of Obsolete Records

Resolution No. 2018-37 authorizing the destruction of obsolete records pursuant to the California Government Code Section 34090.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 4.

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

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

NOES: None

ABSENT: Mayor Goedhart

PUBLIC HEARINGS

5. Consideration of Variance 2018-01 to Allow a Proposed Single-Story Addition at the Rear of 5292 Sorrento Circle (APN 263-121-20) to Exceed the Minimum Rear Yard Setback of Fifteen (15) Feet, Found Under Section 44-79 - Development Standards for Residential Zoning Districts, in the City of La Palma Zoning Code; the Proposed Single-Story Addition has a Rear Setback of Ten (10) Feet and Would be Approximately 283.83 Square Feet (13 Feet by 21 Feet 10 Inches) in Size

CEQA: Categorically Exempt Pursuant to Class 3 in Section 15303, New Construction or Conversion of Small Structures.

Council Member Kim announced that he lived within 500 feet of the property and recused himself to avoid a conflict of interest.

- a) Mayor Pro Tem Goodman opened the Public Hearing at 7:22 p.m.
- b) Planning Manager Hutter gave the Staff Report

City Manager Murray noted that adjacent neighbors have additions with similar set back issues.

Planning Manager Hutter continued with his staff report.

- c) Council Member Comments and Questions

Discussion ensued regarding that as long as the City has not received any negative feedback, the City Council supports the proposal; and hopes for a positive outcome on behalf of the resident when the addition is completed.

- d) Public Input:

No members of the public wished to speak.

- e) Mayor Pro Tem Goodman closed the Public Hearing at 7:31 p.m.

- f) Adopt a Resolution of the City Council of the City of La Palma, California, approving Variance 2018-01 to allow a proposed single-story addition at the rear of 5292 Sorrento Circle (APN 263-121-20) to exceed the minimum rear yard setback of fifteen (15) feet, found under Section 44-79 - Development standards for residential zoning districts, in the City of La Palma Zoning Code. The proposed

single-story addition has a rear setback of ten (10) feet and would be approximately 283.83 square feet (13 feet by 21 feet 10 inches) in size.

Council Member Steggell made a motion to adopt Resolution No. 2018-38 approving Variance 2018-01 to allow a proposed single-story addition at the rear of 5292 Sorrento Circle (APN 263-121-20) to exceed the minimum rear yard setback of fifteen (15) feet, found under Section 44-79 - Development standards for residential zoning districts, in the City of La Palma Zoning Code. The proposed single-story addition has a rear setback of ten (10) feet and would be approximately 283.83 square feet (13 feet by 21 feet 10 inches) in size.

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

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

Council Member Kim returned to the dais at 7:32 p.m.

6. Consideration of Conditional Use Permit 377 that Would Allow a New Electronic Monument Sign at Kennedy High School Located at 8281 Walker St., La Palma, CA 90623 (APN 262-201-05); and Variance 2018-02 that Would Allow the Proposed Electronic Monument Sign at Kennedy High School to Exceed the Height Limit of Eight (8) Feet, and Maximum Sign Area Per Sign Face of One-Hundred (100) Square Feet, for Electronic Moment Signs Found Under Section 44-398. - Sign standards, in the City of La Palma Zoning Code; the Electronic Monument Sign is Proposed at Ten (10) Feet Ten (10) Inches Tall With a Sign Face Area of One-Hundred and Twenty-Eight (128) Square Feet.
 - a) Mayor Pro Tem Goodman opened the Public Hearing at 7:33 p.m.
 - b) Planning Manager Hutter gave the Staff Report
 - c) Council Member Comments and Questions:

Discussion ensued regarding support for the electronic sign; and support for resolution on the parking issue.
 - d) Public Input:

No members of the public wished to speak.

- e) Mayor Pro Tem Goodman closed the Public Hearing at 7:43 p.m.

Discussion ensued regarding opposition to having no representatives from John F. Kennedy High School or the School District present; that the City Council would have preferred to discuss the upcoming construction; that the project includes making the facility a “closed campus”; that if the Council is not comfortable with approving the item, Council Member Kim suggested to table or delay the item to the next available meeting; that the construction inquiries aren't regarding the Electronic Sign Variance decision before the City Council at tonight's meeting; that construction at the High School is under the purview of the State and the City has no authority over the design or construction plans; that the suggestion to table the matter will incentivize the applicants to appear before the City Council; support for continuing the matter to a date certain so the City does not have to re-notice the public hearing; support to continue to the next meeting on August 21st; that the City Manager had just received construction drawings right before the meeting; and that the City Council does not want to approve any project if the applicants are not present to discuss it.

Council Member Kim made a motion to continue the item to the August 21st City Council Meeting in order to hear from the Applicant. The motion was seconded by Council Member Steggell.

Discussion further ensued regarding the matter before the City Council being the variance for the Electronic Sign; that the City Council has questions regarding school construction and not the sign; that there's merit for continuing the item if inquiries are regarding the sign; that the seconder of the motion to continue wants to know if the sign is going to be in front of the fencing or behind the fencing; support for having the applicant be present for questions; that Staff did not see a chain link fence in the drawing; that the item before the City Council is for the Variance for the Sign; that if there were issues regarding the sign's findings of fact, there is reason to continue it; that if there is an issue outside of the sign, Staff is unsure as to how the motion would affect the Sign Variance before the City Council tonight; and that Staff would defer to the City Attorney for direction.

Assistant City Attorney Webb responded that the City Council can vote to continue the matter for the Sign Variance and the CUP applications; and clarification that the City Council's purview will be only regarding those two items.

Discussion further ensued regarding the applicants not being present for this project nor any other project related to this; opposition to the applicants

not being present; and that the matter before the City Council is regarding the Sign Variance and CUP.

The motion failed on the following vote:

AYES: Council Member Kim and Council Member Steggell.

NOES: Council Member Flachmeier and Mayor Pro Tem Goodman.

ABSENT: Mayor Goedhart.

- f) Adopt a Resolution of the City Council of the City of La Palma, California, approving Conditional Use Permit 377 that would allow a new electronic monument sign at Kennedy High School located at 8281 Walker St, La Palma, CA 90623 (APN 262-201-05) that will feature a double-sided electronic marquee and fixed signage and logo identifying the school and school address; and approving Variance 2018-02 that would allow the proposed electronic monument sign at Kennedy High School to exceed the height limit of eight (8) feet, and maximum sign area per sign face of one-hundred (100) square feet, for electronic monument signs found under Section 44-398. - Sign standards, in the City of La Palma Zoning Code; the electronic monument sign is proposed at ten (10) feet ten (10) inches tall with a sign face area of one-hundred and twenty-eight (128) square feet.

Council Member Flachmeier made a motion to adopt Resolution No. 2018-39 approving Conditional Use Permit 377 that would allow a new electronic monument sign at Kennedy High School located at 8281 Walker St, La Palma, CA 90623 (APN 262-201-05) that will feature a double-sided electronic marquee and fixed signage and logo identifying the school and school address; and approving Variance 2018-02 that would allow the proposed electronic monument sign at Kennedy High School to exceed the height limit of eight (8) feet, and maximum sign area per sign face of one-hundred (100) square feet, for electronic monument signs found under Section 44-398. - Sign standards, in the City of La Palma Zoning Code; the electronic monument sign is proposed at ten (10) feet ten (10) inches tall with a sign face area of one-hundred and twenty-eight (128) square feet. The motion was seconded by Mayor Pro Tem Goodman.

City Manager Murray noted that if this motion failed, it would have to fail with findings as to why the City Council is not approving the Sign Variance and CUP.

Assistant City Attorney Webb responded that if the motion failed, there would need to be written findings as to why the project failed approval; that

the vote would need to comply with State law; and that the project cannot be denied tonight as Staff does not have writing findings of denial.

Discussion further ensued regarding no issue with just continuing the matter to the 21st; that delaying the project should not be problematic; that the construction questions have nothing to do with the Electronic Sign Variance; that the other construction issues should be brought up at another time; opposition to holding the project hostage until the applicant appears; that Assistant City Attorney Webb added that if this gets continued, the City would not be permitted to have substantial discussion on anything other than the sign; that Staff can make the applicant aware of how imperative their presence is at the next meeting; that Staff can also request that the applicant have documents regarding their construction project made available to the City Council although that is not the matter before the City Council; that according to the documents received by the School just before the meeting, the Sign is in front of the Performing Arts Center where there is no fencing at all; and support for having at least one of the applicants present for questions

City Manager Murray requested a short recess to allow Staff to put together the information received from the School just before the meeting in order to present the slides to the City Council, enabling the City Council to get a better perspective of the project.

Mayor Pro Tem Goodman took a short recess at 8:00 p.m.

Mayor Pro Tem Goodman reconvened the City Council at 8:08 p.m. with Mayor Goedhart being absent.

City Manager Murray presented the slides received from the School giving the City Council a better perspective of where the sign would be in relation to the construction upgrades, architectural elements, and fencing. She recommended to make a substitute motion on the floor to reconsider the first motion and vote on that substitute motion; and then, there would need to be another substitute motion to continue the item unless the maker of the motion to approve, rescinds their motion and makes a motion to reconsider.

Discussion ensued regarding the City Council not being aware of any stakeholder meeting regarding the High School's sign development or construction; that Staff was not involved in that process, but was involved in the parking lot design as it impacts traffic which is under the City's

purview; and that City Staff was not involved in any development discussion with the School or District.

Council Member Flachmeier rescinded her motion to approve the project.

Council Member Flachmeier made a motion to reconsider the original motion to continue the Item to the August 21st City Council meeting. The motion was seconded by Council Member Kim.

Discussion ensued regarding support for voting on the matter before the City Council - the Variance for the Electronic Sign and the CUP; that School and District representatives should be present; support for open and transparent communication between Staff, City Council, and the High School; that if this sign was within the allowed specs, this Variance would not be before the City Council; and that the School would still have to go through the Sign Permit process.

The motion carried on the following vote:

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

NOES: None

ABSENT: Mayor Goedhart

Council Member Kim made a motion to continue the Item to the August 21, 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

ABSENT: Mayor Goedhart

City Manager Murray noted that Staff will make it very clear to the both the Principal and the Superintendent that they need to come forward with a briefing on their project and be present for their Sign project.

Council Member Steggell added that moving forward, applicants need to be present at City Council meetings in order for the City Council to consider approval for their projects.

REGULAR ITEMS

7. City of La Palma 4th Quarter Cash and Investment Report, Fiscal Year 2017-18, as of June 30, 2018 and PFM Investment Update

Administrative Services Director Shelton introduced Sarah Meacham, PFM's Performance Manager, who gave the presentation.

Receive and file the Cash and Investment Report for the fourth quarter of Fiscal Year 2017-18.

Council Member Kim made a motion to receive and file the City of La Palma's 4th Quarter Cash and Investment Report, Fiscal Year 2017-18, as of June 30, 2018 and PFM Investment Update

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

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

NOES: None

ABSENT: Mayor Goedhart

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

Council Member Kim attended the Orange County Sanitation District (OCSD) Board meeting; and the Civic Expo and National Night Out event during the last Concert in the Park.

Council Member Steggell attended the Orange County Fire Authority (OCFA) Board meeting; the Orange County Fair's La Palma Day event; and the Civic Expo and National Night Out event during the last Concert in the Park.

Council Member Flachmeier attended the Coffee with the Cop event at McDonalds; a meeting with NUVIS regarding the median design plans; the Orange County Fair's La Palma Day event; and the Civic Expo and National Night Out event during the last Concert in the Park.

Mayor Pro Tem Goodman attended the California Joint Powers Insurance Authority (CJPIA) Annual Board of directors meetings; the Placentia state of the City address; the NUVIS median landscape design meeting; and the Civic Expo and National Night Out event during the last Concert in the Park.

CITY MANAGER REMARKS

City Manager Murray had nothing to report.

CITY ATTORNEY REMARKS

Assistant City Attorney Webb had nothing to report.

ADJOURNMENT

Mayor Pro Tem Goodman adjourned the Regular Meeting of the City Council meeting at 8:38 p.m.

Gerard Goedhart
Mayor

Attest:

Kimberly Kenney
Deputy City Clerk