

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

October 2, 2018

CALL TO ORDER: Mayor Goedhart 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 all members present.

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.

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

Mayor Goedhart recessed to Closed Session at 6:16 p.m.

Mayor Goedhart adjourned the Closed Session at 6:45 p.m.

OPEN SESSION

Mayor Goedhart reconvened the City Council in Open Session at 7:00 p.m. with all members present and asked for a report. City Manager Murray announced that there were no reportable actions out of Closed Session.

PLEDGE OF ALLEGIANCE: John F. Kennedy High School Associated Student Body Executive Board

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

## PRESENTATIONS

1. Council Member Steggell presented a Proclamation to Orange County Fire Authority Battalion Chief Marc Stone in recognition of Fire Prevention Week.

## ORAL COMMUNICATIONS

Dr. Regina Zurbano, John F. Kennedy High School Principal, addressed the City Council by introducing the Associated Student Body present; thanked the City Council for their support in sending 23 female students to the Cypress Women's Conference; and thanked the community for their patience and flexibility during the high school's construction.

Alice Burnett, the 2019 Relay for Life Event Chairperson, introduced herself and addressed the City Council regarding the Relay for Life schedule for 2019; that the effort has raised \$1.1 million since 2015; that they've partnered with all the northwest Orange County communities; invited all to attend the kick-off event on Thursday, January 19 at 6:30 p.m. at Heritage Hall in Buena Park; and announced the 2019 Relay for Life event to be on June 1 and 2.

James Snyder, a La Palma resident, addressed the City Council regarding his opposition to truck deliveries at the Walmart Neighborhood Market; support for having the noise violations addressed; his dissatisfaction with the Police Department response; and inquiry as to who is going to enforce the noise Ordinance.

City Manager Murray responded that the City is very aware of the issues; that the City has been working with the property and business owners; that the matter has been referred to the City Attorney; that Staff sent progress letters to all residents adjacent to the Walmart Center; that citations have been issued for noncompliance; and that Staff is working on it routinely and regularly.

Police Chief Kim noted that the Police Department does respond to complaints; that new truck drivers are documented and given a warning; and that repeat offenders are given a citation.

Discussion ensued regarding the property owner being responsible for putting up signage for allowed delivery time; and that Staff will follow up to ensure the signs have been placed.

Mr. Snyder stated that he recognizes all the drivers as repeat offenders; support for noise abatement; and his opposition to the delivery truck exhaust.

City Manager Murray noted that she will communicate the situation with Mr. Snyder; that the signage is in place; and that Staff is working with the City Attorney's on this matter.

Jerry Lomeli, a La Palma resident, addressed the City Council regarding how the public can get an item placed on the agenda for consideration.

City Manager Murray responded that the City Council and City Manager have the authority to put items on the Agenda; that a member of the public can ask a City Council member to place an item on the agenda; and Mayor Goedhart asking about the item Mr. Lomeli wishes to be placed on the agenda.

Mr. Lomeli requested that this matter regarding Walmart be placed on the agenda to include a detailed Staff Report and resolution; and his support for issuing tickets to noncompliant drivers.

RECESS THE CITY COUNCIL AND CONVENE AS 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 September 18, 2018, Regular Meeting of the Successor Agency.

Council Member Steggell 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.

RECESS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF LA PALMA 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 September 18, 2018, Regular Meeting of the City Council.

### 3. Approval of 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.

Resolution No. 2018-45 approving the Register of Demands for October 2, 2018.

4. Award a Professional Services Agreement to Charles Abbott Associates, Inc. for Environmental Services – NPDES Storm Water and FOG Program Support

Award a professional service agreement to Charles Abbott Associates, Inc. for Environmental Services - NPDES Storm Water and FOG Program Support.

5. Resolution for Participation in Local Hazard Mitigation Grant Program

California Office of Emergency Services Resolution authorizing the City of La Palma's participation in the California Office of Emergency Services Hazard Mitigation Grant Program.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 5.

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

6. Biennial Community Opinion Survey

City Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the information on the citywide postcard; that the postcard would have an invitation to participate in the survey with an online link for them to participate; that the data would not come directly to the City, but to the contractor, True North Research; the processing of the data is included in the fees; that this postcard will go to every resident; support for the community survey; that the survey allows the City to engage residents for a true assessment; opposition to the cost for the survey; disappointment with only having one bid; that for those residents who are not internet savvy will be provided a call in phone number for the survey so their voice is heard; that the statistical survey can be done by

residents online or over the phone; that Staff will work with True North Research to find an in depth list of 30-35 questions for a twenty minute interview; that the subjects will be asked about City services, use of facilities, recreation activities, upcoming City Council projects like the dog park, the median project, and type of acceptable commercial businesses to diversify City revenues; that those topics and questions will be designed with the Consultant; that the Council can create a subcommittee if they desired; the 2016 survey had a core set of customer satisfaction questions that were asked that could be repeated to gauge the City's response; that part of the survey cost is Korean translation fees; that True North has methods of determining a statistical scientific survey that represents the demographics within the City; support for attaining more detail on how True North conducts a statistically valid survey; and that survey and research companies know how many people need to be surveyed and that all three spoke of a mixed use methodology.

Public Input:

Mr. Snyder addressed the City Council regarding support for the survey; the importance of having three competitive bids; and his opposition to this until the City Council has completed formal RFP.

Mr. Lomeli asked for the survey methodology to be posted on the City's website; suggested that the survey be done based on each residential unit versus each individual, as certain households have several individuals and could result in an untrue representation of responses.

Discussion ensued regarding support for the survey; support for information on the effectiveness of the survey; that the City Council would like to see samples of the methodology and report from all of the vendors; that the methodology used by survey companies are sometimes proprietary; that the three companies use consistent outreach to respondents by mail, email, and telephone; support for more information before a decision is made; that if approved, Staff would be able to get the survey completed after the election and before the holiday season in order to come before the City Council during the second meeting in January to prepare for the Council's strategic goal setting session; that there is support to continue this item in order to get more information on the survey methodology and details; and the support for meeting the deadlines in order for the City Council to strategically plan for the next year.

- a) Approve and authorize the City Manager to execute an Agreement with True North Research to conduct a community opinion survey in an amount not to exceed \$31,330; and

- b) Adopt a Resolution of the City Council of the City of La Palma amending the Fiscal Year 2018-19 Adopted Budget to provide funding for a community opinion survey

By consensus, the City Council agreed to continue the item to the October 16, 2018, City Council meeting to allow Staff to come back with the detailed information requested.

7. City Council Goal – Dog Park Conceptual Plan

Community Services Director Belknap gave the Staff Report.

Discuss the Dog Park Conceptual Plan and provide further direction to staff.

Council Comments and Questions:

Discussion ensued regarding liability with dog parks; that City Attorney Kuperberg responded that there is a potential for exposure for most activities at the park; that fencing reduces liability exposure; that many cities that have dog parks have been successful; that annual maintenance costs are approximately \$20,000 per year and would include dog waste bags, clean up, surfacing maintenance and replacement; that the City's current insurance would not be affected; that Staff will contact CJPIA regarding claim history for other cities with dog parks; that the risk of liability is placed on the user; support for location B, by the tennis courts, as the City's dog park; that the softball field is used extensively; support for two different sizes of dog parks for small and large dogs; that 'Bark in the Park' is a test run to gauge demand for a dog park; that Staff is presenting potential locations for the park; that the 'Bark in the Park' event will be for four hours on a given day; that the event will be posted at the park, on flyers, and advertised; that participants of the event will be asked for a preferred location; that tennis courts are used regularly with current tennis classes being given; parking concerns for location B; opposition to location A because of its proximity to the gazebo that will impact the revenue; that the 'Bark at the Park' should be scheduled consistently; support for a postcard to be mailed citywide to see if there's interest; that there is opportunity with the community survey to inquire about dog park interest; that the idea is that the dog park would be open every day; that usually dog parks are not staffed, just the park itself; that during the 'Bark at the Park' event, Staff will be present for questions and collect opinions; and that public participation is important.

Public Input:

Mr. Snyder addressed the City Council regarding a dog park being the least of the City's concerns; that location B and A are used as warm up spots when the softball field is in use; and asked how this item made it to the City Council Agenda.

Mayor Goedhart responded that the dog park has been in discussion and was on the City Council's goals for the past two years. City Manager Murray concurred.

Mr. Lomeli addressed the City Council regarding conflicts of having a dog park when there's a City event in the park; inquired about pedestrian access from the street adjacent to location C; potential parking concerns with location C; and what the dog park hours of operation would be.

Community Services Director Belknap responded that the iron fence adjacent to location C has a pedestrian entrance; and that hours of operation would be determined, but would most likely close at dusk as the cost does not include lighting.

City Manager Murray clarified that the sidewalk adjacent to location C connects to the Edison Right-of-Way (ROW).

Dr. Garrett Wada, a La Palma resident, addressed the City Council regarding support for the 'Bark in the Park' to gauge the interest level; that most dog parks are away from facilities and residences; that the Edison ROW would be an ideal area although not an option; confusion in how the ROW has El Rancho Verde park, but no dog park is allowed; and opposition to locations A and D because of the proximity to City Hall and the Gazebo.

Discussion ensued regarding the use of the Edison ROW; and that City Manager Murray clarified that Southern California Edison does not allow dog parks in any of their ROWs; that the El Rancho Verde Park playground was there before Edison changed the rules; and that Edison has informed the City - in no uncertain terms - that use of the ROW is not permitted.

Further discussion ensued regarding opposition to location B and C; that location A is viable if it was moved further south away from the Gazebo; support for getting feedback at the 'Bark in the Park' event; support for giving attendees the location of all the potential dog park sites at the event and collect their preferences; opposition to moving the potential dog park site at each 'Bark in the Park' event; that Staff will need time to examine the results of the event; that Staff was not looking for an exact location at this meeting; needing consensus by the City Council to conduct further research on a dog park including liability; consensus by the City Council to get public feedback on a preferred site between locations A and B; that using location A for the event depends on the permit use for the Gazebo; that Staff can put striping with delineators at one site and use existing temporary fencing for the other; that flyers will be handed out, placed in the next Source Newsletter, and in the Mosaic; that a response will be presented during the City Council's Strategic Planning session; support for the event to be over two weekends; that the expense for a dog park justifies a citywide

notification; that if there is not enough response or interest in a dog park, that would weigh heavily in the decision the City Council makes; that this process is only to give the City Council a preliminary feel for the idea; and that Staff proposed the 'Bark in the Park' during November and December, however the event would be more beneficial after the holidays in January over two weekends.

Council Member Kim made a motion to conduct the Staff recommended 'Bark in the Park' event on two weekends in January 2019; that Staff will utilize its current outreach mechanisms to publish the event; and that locations A and B are to be the designated locations for the event.

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

RECONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION FOR A JOINT MEETING WITH THE CITY COUNCIL AT 9:01 P.M.

8. Cancellation of November 6, 2018, City Council and Successor Agency Meetings

Cancel the November 6, 2018, City Council and Successor Agency regular meetings.

Council Member Kim made a motion to approve the Cancellation of November 6, 2018, City Council and Successor Agency Meetings.

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

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 9:02 P.M.

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 Street Median Design Concepts Workshop.

**Council Member Steggell** attended the La Palma Community Foundation fundraiser; the Candidate Forum Debate; the Cypress Women's Conference; the Orange County Fire Authority (OCFA) Board Meeting; and requested that the Walmart delivery truck issue be agendized.

**Council Member Flachmeier** attended the La Palma Community Foundation fundraiser; the Candidate Forum Debate; the Cypress Women's Conference; and the Street Median Design Concepts Workshop.

**Mayor Pro Tem Goodman** attended the California Joint Powers Insurance Authority (CJPIA) Risk Management Educational Forum and the Candidates Forum Debate.

**Mayor Goedhart** attended the Candidates Forum Debate and the Street Median Design Concepts Workshop.

CITY MANAGER REMARKS

**City Manager Murray** announced the upcoming Coffee with the Cop tomorrow morning and added that the Police Department Association is fundraising in the fight against breast cancer with the Pink Patch project.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** reported on the closing of the legislative period at the State level; that there are a number of bills that affect the City; that he will be working with City Staff over the next few weeks; and that some bills will require municipal code amendments.

Discussion ensued regarding the City being able to adopt certain rules for the sidewalk vending bill; that City Attorney Kuperberg noted this bill would require some municipal code amendments to protect the City's interests and giving us more oversight protection; opposition to the sidewalk vending bill and that the City needs to protect itself; and that City Attorney Kuperberg will be working with Staff based on priority.

ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the City Council at 9:11 p.m.

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Gerard Goedhart  
Mayor

Attest:

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Kimberly Kenney  
Deputy City Clerk