

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

November 20, 2018

CALL TO ORDER: Mayor Pro Tem Goodman called the Regular Meeting of the La Palma City Council to order at 7:03 p.m. in the Council Chamber of La Palma City Hall, 7822 Walker Street, La Palma, with Mayor Goedhart being absent.

PLEDGE OF ALLEGIANCE: Roopali Khehra, Civics Core Program, Walker Junior High School, and the Walker Jr. High Associated Student Body

INVOCATION: Pastor Abel Galvan, Faith Fellowship Church

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 (joined meeting at 7:22 p.m.)

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  
Ryan Hallett-Hinton, Assistant to the City Manager  
Kimberly Kenney, Deputy City Clerk

PRESENTATIONS

1. Noella Lew, Chairperson of the La Palma Community Activities and Beautification Committee, Home Spotlight Committee, recognized the home of Mic and Dee Vincente, 7931 Ash Lane, La Palma.

2. Police Chief Kim introduced Felicia Perez as the City's new Police Dispatcher.

City Manager Murray announced that the new Orange County Fire Authority (OCFA) Division Chief is present and Council Member Steggell introduced Division Chief Shane Sherwood to the Council and members of the public.

## ORAL COMMUNICATIONS

Gail Taylor, Project Manager of the Cypress College Foundation American Awards, addressed the City Council regarding the upcoming Americana Awards scheduled for February 23, 2019; announced this year's La Palma Honoree, Greg Goodyear; encouraged City Council's attendance at this event and donation to the Auction that benefits students; and looks forward to working with La Palma.

Mayor Pro Tem Goodman announced his support for the Honoree Greg Goodyear and for the Americana Awards event.

Paulette Holm, City Net Census Manager, addressed the City Council regarding the upcoming 2019 Homeless Census; and that she is looking forward to returning to the City Council with their agency's results.

Mayor Pro Tem Goodman noted that City Net has been integral in the homeless crisis that the City Manager, Police Chief, and Orange County has been involved in.

Mayor Goedhart joined the City Council meeting at 7:22 p.m. and took over proceedings.

James Snyder, a La Palma resident, addressed the City Council regarding concerns about Walmart delivery truck exhaust and noise violations; the he spoke with the City Manager and Mayor about resolution; that trucks have made deliveries through the front of the store; his opposition to refrigerated trucks violating the City's municipal code, but adhering to State law; and a request to over-ride City Management's decision to allow the refrigerated trucks.

City Manager Murray responded that she has had several conversations with Mr. Snyder and with Walmart; that refrigerated trucks cannot be shut off due to the food contained inside; that the City is very close to a solution; and that the City will share the resolution with the neighborhood upon completion.

Mayor Goedhart asked about timing of when this matter coming before the City Council; and that City Manager Murray reported that the matter will come before them at the January 15th City Council meeting.

Emma Diones, a La Palma resident, addressed the City Council regarding her history in La Palma; and concerns about the overtly large cypress trees in her neighbor's backyard adjacent to her fence that is causing problems in her yard.

Mayor Goedhart and City Manager Murray agreed to send out Code Enforcement out to the property to investigate and address the nuisance.

Larry Herman, a La Palma resident, addressed the City Council regarding his support for the tree trimming on Houston; support for the Street Striping Project; and read into the record an article about recycling filthy or soiled recyclables and how that's an impediment to recycling centers.

Mayor Goedhart asked City Manager Murray to have EDCO issue a reminder to the residents on what can be put in the recycling bins; and that the City Manager would have staff post this information on the City's website and in the next Mosaic.

RECESS THE CITY COUNCIL AND CONVENE THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:44 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 October 16, 2018, Regular Meeting of the Successor Agency.

Council Member Flachmeier abstained from voting on this item due to her absence from that meeting.

B. Successor Agency Register of Demands

Resolution No. SA 2018-07 approving the Register of Demands for November 6, 2018.

C. Successor Agency 1st Quarter Cash and Investment Report, Fiscal Year 2018-19, as of September 30, 2018

Receive and file the Cash and Investment Report for the first quarter of fiscal year 2018-19.

Council Member Steggell made a motion to approve Consent Calendar Items A, B, and C.

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 AT 7:45 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 October 16, 2018, Regular Meeting, and Minutes of the November 13, 2018, Special Meeting of the City Council.

Council Member Flachmeier abstained from voting on this item due to her absence from that meeting.

3. Approval of Register of Demands

Resolution No. 2018-51 approving the Register of Demands for November 6, and November 20, 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. City of La Palma 1st Quarter Cash and Investment Report, Fiscal Year 2018-19, as of September 30, 2018

Receive and file the Cash and Investment Report for the first quarter of fiscal year 2018-19.

5. First Quarter Operating Report, Fiscal Year 2018-19

Receive and file the First Quarter Operating Report.

6. Resolution Adopting the June 30, 2018, Measure M2 Expenditure Report

Resolution No. 2018-54 approving the annual Measure M2 expenditure report for Fiscal Year ending June 30, 2018.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 6.

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

#### ITEMS PULLED FROM CONSENT CALENDAR

7. Award of Contract to Truesdail Laboratories, Inc. for the Citywide Water Testing and Laboratory Services

Mayor Goedhart responded to the request by a resident and had Item 7 pulled from the Consent Calendar to allow a member of the public to inquire about the item.

Jerry Lomeli asked for clarification as to whether this was the same company that did the water testing last year and if there was a cost increase.

Community Services Director Belknap responded that this is a new company than the one used last year and that cost has increased about 5% from the last service provider.

Approve and authorize the Mayor to execute an Agreement with Truesdail Laboratories Incorporated in an amount not to exceed \$37,100 annually for a period of three years for a total contact cost of \$111,300.

Council Member Kim made a motion to approve the Award of Contract to Truesdail Laboratories, Inc. for the Citywide Water Testing and Laboratory Services.

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. Award of Contract to Kalban, Incorporated for the CDBG ADA Ramp Construction Project, Phase III, City Project No. ST-352

Mayor Goedhart responded to the request by a resident and had Item 8 pulled from the Consent Calendar to allow a member of the public to inquire about the item.

Jerry Lomeli asked about Kalban doing the previous phase of ADA Ramps that now need to be replaced.

Community Services Director Belknap responded that Kalban did not construct the last phase, but an earlier phase of ADA ramps.

Mr. Lomeli continued by asking why Kalban is allowed to construct additional ADA Ramps if the ones they installed previously need to be replaced; that some were not wide enough or don't have studs; that one ADA Ramp on Dirk is under water and another on Houston is under mud; and why the City is hiring the same contractor if the ramps are substandard.

Community Services Director Belknap responded that ramps that are being replaced do not meet the updated federal standards that have changed; that the ones viewed as substandard meet the federal requirements; that new ones are being installed that did not previously exist; that some ramps hold water and are being worked on to hopefully fix the issue; that this is the third phase and the ADA Ramp project is being funded by a federal grant; and that the photos submitted by Mr. Lomeli will be shared with the project engineer.

Approve and award a contract, in the amount of \$317,470, to the low bidder, Kalban, Incorporated for the CDBG ADA Ramp Construction Project, Phase III, City Project No. ST-352.

Discussion ensued regarding ramps being engineered in the field that may need to have modifications; whether every street is required to have an ADA ramp; that depending on the location, streets probably should have ADA Ramps; and that many ramps are being installed that currently do not exist today.

Council Member Kim made a motion to Award a Contract to Kalban, Incorporated for the CDBG ADA Ramp Construction Project, Phase III, City Project No. ST-352

Council Member Kim inquired as to whether the motion will include a remedy to the ADA Ramps that currently hold water and that Community Services Director responded that Staff will follow up on and mediate standing water issues.

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

9. Dissolution of Sister City Relationship with Hanam, Korea

Mayor Goedhart responded to the request by a resident and had Item 8 pulled from the Consent Calendar to allow a member of the public to inquire about the item.

Martha Lomeli, a La Palma resident, asked why the City is dissolving the relationship; whether the relationship costs money; and whether Staff is looking to advance another relationship as a result of the high Korean-American population within the City.

City Manager Murray responded that the City of Hanam requested the dissolution as a result of the lack of interaction with Hanam for many years; that the Sister City activity was funded by an outside foundation; and that there are no plans to further another relationship at this time.

Council Member Kim noted that the original relationship was ratified several years ago in 2009 by a Mayor and Council Members that are no longer in office.

Resolution No. 2018-52 formally dissolving the Sister City relationship with Hanam, Korea.

Council Member Kim made a motion to approve Resolution No. 2018-52 formally dissolving Sister City Relationship with Hanam, Korea.

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. Amendment to City Manager Contract

Council Member Steggell requested to have the Item pulled in order to allow the City Manager Murray to explain the amendment to the public.

City Manager Murray responded that when the benefit package for executive management was adopted by resolution earlier in the year; that the cut in the benefit was to be exchanged with deferred compensation; that the City Manager received the cut but not the offset of deferred compensation; and that the City Attorney recommended this remedy to correct this clerical error.

Mrs. Lomeli inquired as to whether this amount would be retroactive to July 1, 2018, which was affirmed.

Council Member Kim made a motion to approve the amendment to the City Manager Contract and correct the administrative oversight by approving an amendment increasing the City's deferred compensation contribution from \$100 to \$215 per pay period.

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 HEARING

11. Consideration of Variance 2018-04, a request by the Applicant, TeyShen Mai the President of Unicorn Tile for a parking variance at 6911 Marlin Circle, La Palma, CA (APN 276-081-22)

a) Mayor Goedhart opened the Public Hearing at 8:00 p.m.

b) Planning Manager Hutter gave the Staff Report

c) Council Member Comments and Questions

Discussion ensued regarding the citizen committee's approval not being put in the Staff report; and a request to have committee recommendations in future Staff reports.

d) Public Input:

No members of the public wished to speak.

e) Mayor Goedhart closed the Public Hearing at 8:07 p.m.

f) Adopt a Resolution of the City Council of the City of La Palma, California, approving Variance 2018-04, a request by the Applicant, TeyShen Mai the President of Unicorn Tile for a parking variance at 6911 Marlin Circle, La Palma, CA (APN 276-081-22)

Council Member Steggell made a motion to adopt Resolution No. 2018-53 of the City Council of the City of La Palma, California, approving Variance 2018-04, a request by the Applicant, TeyShen Mai the President of Unicorn Tile for a parking variance at 6911 Marlin Circle, La Palma, CA (APN 276-081-22)

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

### 12. Arterial Street Median Landscape Design Concept Approval

Community Services Director Belknap gave the Staff Report.

Tom Munoz, Nuvis Landscape Architect Principal, presented their design philosophy and gave a detailed analysis of the landscape design that was selected.

Community Services Director Belknap continued with his staff report including the financial details of the median landscape project.

#### Council Comments and Questions:

Discussion ensued regarding appreciation for the process with Nuvis being so involved in the Community; that La Palma owns only half of Valley View, with Buena Park owning the other half; that Staff has previously partnered with Buena Park to get work done on medians that belong to them along Valley View Street; that La Palma currently maintains the medians there; whether there were any comments given to us in the public input phase that were incorporated into these plans; that most of the issues were very specific positive comments; that the only concern was for the river rock maneuverability; that the Community Activities and Beautification and Development and Circulation Committee was given an overview; explanation of the 20% contingency; that the tree removal does not damage the existing street; that planting of new trees will include a root control barrier; that Cerritos owns the medians along Orangethorpe Avenue by Moody Street; opposition to the planting of crape myrtle trees; that landscape maintenance will be contracted out; that tree removal will part of the median construction project that goes out to bid; that no eucalyptus trees will be planted; that construction drawings will need to be done prior to landscape plans; that the process will take about 60-90 days to complete; that this is a big investment for the City; that there has been no cost comparison of current median maintenance versus what is proposed; and that median maintenance will also come back to the City Council for review and approval.

#### Public Input:

James Snyder asked to receive a copy of the presentation.

City Manager Murray responded that the Power Point Presentation will be available on the City's website tomorrow morning.

Discussion further ensued regarding support for this large citywide project as a big investment; that the medians have degraded as a result of the drought; that the City can do this in three segmented phases; that there is funding set aside for this; that Staff should begin a dialogue with Buena Park regarding Valley View medians since this is going to be done in the future; that the City could be starting construction by next year; and excitement for the project.

Council Member Kim made a motion to approve the Arterial Street Median Landscape Design Concept.

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

13. Affordable Housing Agreement Termination and First Right of Refusal for 4550 Montecito Drive

City Manager Murray gave the Staff Report.

Council Comments and Questions:

None.

- a) Approve the Termination of Affordable Housing Agreement and Memorandum of First Right of Refusal for 4550 Montecito Drive; and
- b) Authorize the City Manager to execute the necessary documents to complete the Termination.

Council Member Kim made a motion to approve the Termination of Affordable Housing Agreement and Memorandum of First Right of Refusal for 4550 Montecito Drive; and Authorize the City Manager to execute the necessary documents to complete the Termination.

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

14. Council Member Request: Request to Remove a Tree Located on the 8100 Block of Denni Street

Council Member Flachmeier recused herself at 8:52 p.m. due to a conflict of being within the 500 foot Conflict of Interest area.

Assistant to the City Manager Hallett-Hinton gave the Staff Report.

Council Member Steggell addressed the City Council as this was her request; that the resident who brought the matter to her attention was 90 years old and unable

to clean up the leaves that fall in her backyard; and support to take care of City residents.

Discussion ensued regarding the photo in the presentation being after the tree trimming; that prior to this trimming, it had been trimmed the prior year, but had not been trimmed before that since 2001; that trimming the top part of a tree is detrimental to the health of the tree; that flower blooms will not be impacted by tree trimming because of the wind; that some of the trees we see now are not good 'street trees' but the crape myrtle is still a considered a good street tree; whether there is a way to preserve the tree and mitigate the resident's concerns; that many of the City's street trees are hand watered; that other neighbors in the area complain about the crape myrtle; discussion on what level of nuisance constitutes tree removal; concerns about the precedent being set; that the resident has come to the City multiple times with her complaints about this tree; support for the beauty of crape myrtle trees; that the City is planning to conduct a comprehensive street tree program and review; that this situation is unique; that criteria for street trees next to residential homes should be changed to not allow flowering trees; support for crape myrtle trees in arterial street medians; request to include in the street tree program an assessment on what specific trees to use for replacement so the City does not get bombarded with other requests for removal; that crape myrtles do not have a lot of rooting or sidewalk uplifting and its beauty is why they were selected for a good street tree candidate; that crape myrtles are slow growing; that the time has come for Staff to comprehensively look at this next year; that this request will receive Council support as it is a unique exception; and full support for a formal tree policy.

Council Member Steggell made a motion to approve and authorize the request to remove a Tree Located on the 8100 Block of Denni Street with the exception that no replacement be made until a comprehensive Street Tree Program and review is completed.

City Manager Murray asked for clarification on whether to remove both trees on that street or just the one causing the issue. Mayor Goedhart responded by stating Staff can leave the smaller tree, but remove the larger one causing the complaints and that the smaller one may be removed in the future after the results of the comprehensive Street Tree Program review.

The motion was seconded by Mayor Goedhart and carried on the following vote:

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

NOES: None

Council Member Flachmeier returned to the dais at 9:12 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; the City's Annual Halloween Carnival; the OCSD Legislative and Public Affairs Committee meeting; the Cypress College Foundation's Americana Awards kick-off; the November 13 Special City Council meeting; and the OCSD Administrative Committee meeting; and wished everyone a happy Thanksgiving.

**Council Member Steggell** attended the Orange County Fire Authority (OCFA) Board meeting; the City's Annual Halloween Carnival; thanked the residents for their support of her bid for re-election; congratulated Nitesh Patel on his election; announced that this is Council Member Flachmeier's last formal City Council Meeting; the Buena Park Mayor's Prayer Breakfast; welcomed new OCFA Division Chief Shane Sherwood to La Palma; and wished Council Member Kim and Flachmeier a belated happy birthday; and wished everyone a happy Thanksgiving. She announced support for the Walmart delivery trucks to turn off their refrigeration during deliveries.

**Council Member Flachmeier** attended the November 13 Special City Council meeting and wished everyone a happy Thanksgiving.

**Mayor Pro Tem Goodman** attended the OCSD State of the District event; the Tustin State of the City Address; the Orange County Water District (OCWD) Ground Water Tour; the ground breaking ceremony for the Placentia Veterans Village for homeless veterans; the La Palma City Survey Ad-hoc committee meeting; the Buena Park Mayor's Prayer Breakfast; the Orange County Vector Control District (OCVCD) meeting; and wished everyone a happy Thanksgiving.

**Mayor Goedhart** encouraged residents to eliminate standing water on their property; attended the Orange County City Selection Committee meeting; invited everyone to the December 4 City Council meeting for the Swearing in Ceremony; and wished everyone a happy Thanksgiving.

CITY MANAGER REMARKS

**City Manager Murray** congratulated Council Member Steggell on her re-election and Council Member elect Nitesh Patel on his election; wished everyone a happy Thanksgiving; announced the upcoming Holiday Tree Lighting ceremony; that Mayor Goedhart will be honoring the great grand-daughter of Franklin Delano Roosevelt, Julianna Roosevelt, with a proclamation in recognition of the 70th anniversary of the United Nations Human Rights at the upcoming December 4th City Council meeting; that there will be no administrative report this week due to the short week; that the Curb and Gutter Replacement Project will result in the removal of two large trees at the park; and

congratulated Deputy City Clerk Kenney on her Certified Municipal Clerk designation by the International Institute of Municipal Clerks (IIMC).

#### CITY ATTORNEY REMARKS

**Assistant City Attorney Webb** congratulated Council Member Steggell and Nitesh Patel on their election; and reported that they have been meeting and communicating with Walmart on the nuisance issues and plan to meet with them soon regarding a resolution.

Mayor Goedhart announced his support for the City's efforts to mitigate the Walmart nuisance issues; however, he encouraged a return to zero tolerance after the next Walmart meeting if the situation is not resolved.

#### CLOSED SESSION

##### CS-1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

Mayor Goedhart recessed to Closed Session at 9:25 p.m.

Mayor Goedhart reconvened in Open Session at 9:50 p.m. and announced there were no reportable actions.

#### ADJOURNMENT

Mayor Goedhart adjourned the Regular Meeting of the City Council at 9:50 p.m.

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Marshall Goodman  
Mayor

Attest:

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Kimberly Kenney, CMC  
Deputy City Clerk