

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

April 2, 2019

CALL TO ORDER: Mayor Goodman called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma.

PLEDGE OF ALLEGIANCE: Maham Memon, RSVP, John F. Kennedy High School

INVOCATION: Father Frederick Atentar, St. Irenaeus

ROLL CALL: Council and Commission Members

Councilmembers present: Council Member Goedhart, Mayor Goodman, Mayor Pro Tem Kim, Council Member Patel, and Council Member Steggell

Councilmembers absent: None

City Officials present: Laurie Murray, City Manager
Emily Webb, City Attorney
Mike Belknap, Community Services Director
Chet Corbin, Support Services Manager
Terry Kim, Police Chief
Sea Shelton, Administrative Services Director
Ryan Hallett-Hinton, Assistant to the City Manager
Kimberly Kenney, Deputy City Clerk

ORAL COMMUNICATIONS

No members of the public wished to speak.

PRESENTATIONS

1. Mayor Goodman presented a proclamation to Donate Life Ambassador John Whalen in recognition of April as Donate Life Month.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:06 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 of La Palma. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in either the Successor Agency or otherwise as serving as members of the Successor Agency."

CONSENT CALENDAR

A. Approval of Successor Agency Minutes

Minutes of the March 19, 2019, Regular Meeting of the Successor Agency.

Mayor Pro Tem Kim made a motion to approve the Minutes of the March 19, 2019, Regular Meeting of the Successor Agency.

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

AYES: Mayor Pro Tem Kim, Council Member Patel, and Council Member Steggell

NOES: None

ABSTAINED: Council Member Goedhart and Mayor Goodman

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 AS THE CITY COUNCIL AT 7:11 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 March 19, 2019, Regular Meeting.

Council Member Goedhart and Mayor Goodman announced they would abstain from voting on this item as a result of being absent from that meeting.

3. Approval of Register of Demands

Resolution No. 2019-17 approving the Register of Demands for April 2, 2019.

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.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 3.

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

4. Consent to Development Agreement Assignment from Foster Interstate Media, Inc. to Outfront Media, LLC for the Outdoor Advertising Billboards Located at 6907 Marlin Circle and 5545 Orangethorpe Avenue

City Manager Murray gave the Staff Report.

Council comments and Questions:

Discussion ensued regarding clarification of the landscape repayment schedule; that this is the second year of that landscape repayment and will be the last payment; that the payment was being taken from the annual amount they pay the City; consensus to remove "City Of" from the Logo and make the letters for La Palma bigger; and a suggestion by City Attorney Webb to open the floor to public comment prior to making a motion.

Public Comment:

James Snyder, a La Palma resident, concurred with the City Council's suggestions on the La Palma logo.

- a) Approve and authorize the Mayor to Execute the Consent to Assignment for the Development Agreement Assignment from Foster Interstate Media, Inc. (FIMI) to Outfront Media LLC (Outfront) of all of FIMI's right, title and interest in and to the Development Agreement except for the Right of First Refusal (ROFR), and which further consents to the separate assignment of the ROFR from FIMI to Outfront Foster Interstate LLC (OFI) for the outdoor advertising billboard located at 5545 Orangethorpe Avenue, La Palma; and
- b) Approve and authorize the Mayor to Execute the Consent to Assignment for the Development Agreement Assignment from Foster Interstate Media, Inc. (FIMI) to Outfront Media LLC (Outfront) of all of FIMI's right, title and interest in and to the Development Agreement except for the Right of First Refusal (ROFR), and which further consents to the separate assignment of the ROFR from FIMI to Outfront Foster Interstate LLC (OFI) for the outdoor advertising billboard located at 6907 Marlin Circle, La Palma; and
- c) Approve the new proposed logo for display on the billboard poles.

Council Member Patel made a motion to approve and authorize the Mayor to Execute the Consent to Assignment for the Development Agreement Assignment from Foster Interstate Media, Inc. (FIMI) to Outfront Media LLC (Outfront) of all of FIMI's right, title and interest in and to the Development Agreement except for the Right of First Refusal (ROFR), and which further consents to the separate assignment of the ROFR from FIMI to Outfront Foster Interstate LLC (OFI) for the outdoor advertising billboard located at 5545 Orangethorpe Avenue and 6907 Marlin Circle, La Palma; and approve the new proposed logo with the discussed changes for display on the billboard poles.

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

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

NOES: None

5. Walmart Update

City Manager Murray gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding the noise mitigating wall height being ten feet high, with a foot between the sound barrier and the resident's wall on Walmart's property; that the sound barrier will be on pedestals, with the top five feet being sound barrier; that the meeting was well received by residents; that the meeting was to allow the residents to voice their concerns to Walmart; overall the majority of the residents were pleased with the design; that 9 residents representing 7 out of 13 homes attended the meeting; that there was a complaint this afternoon about an idling truck; that City Staff will continue to monitor the noise; that City Attorney Webb added that if the noise and nuisance continues, the City can issue citations to the drivers and possibly the store; that Staff is trying to allow enough time for Walmart to alert all of their drivers; that Staff is anticipating Walmart to come forward with an agreement soon and Walmart will be moving forward with the construction design while waiting for the official agreement; and that if the property owner does not come forward soon with an agreement, the City will negotiate an agreement with just Walmart for the sound wall.

Public Input:

Mona Castillo, a La Palma resident, addressed the City Council regarding her opposition to not having the City Council present to hear the residents' concerns at the neighborhood meeting; disappointment that the sound wall was the only solution presented; questioned why the City won't just make the fence 8 feet tall to meet the City's municipal code; and opposition to the loading dock's appearance.

James Snyder, a La Palma resident, addressed the City Council regarding disappointment that the sound wall was the only solution presented; questioned why the City won't just make the wall 8 feet tall to meet the City's municipal code; opposition to comments made at the Walmart meeting; that other commercial walls meet the height requirement by City code; and opposition to having his quality of life disrupted by the Walmart noise.

Mayor Goodman responded that the City Council and Staff are aware of this process and their main concern is the residents; and announced his support for the progress the City has made with Walmart to date.

City Manager Murray responded that the proposed sound barrier was presented by the sound engineer to be a much better resolution than a block wall; explained that in order to erect a new wall, each property owner would have to give consent and have to be coordinated within 13 different residences; and that Staff will come back with the new cost sharing agreement with Walmart for the sound wall.

City Attorney Webb explained that when the property owner originally sought project approvals, the City Council at that time approved a six foot wall and the time to challenge that decision has run out; that the property owner is vested in that decision; and that the City cannot require the property owner to comply with the current municipal code when their waiver was approved by a previous City Council; and that the City's only way to manage the situation is to rely on working together Walmart to resolve the issues and enforce the noise ordinance.

Discussion further ensued regarding this report being an update on the status of the Walmart Center issues; that there were development standard deviations going back as early as 1969; support to get the historical development decisions on this property; that the other Walmart wall that was suggested for the residents to go look at was only an example of a sound wall model and not intended to be duplicated in La Palma; that Staff has asked Walmart to build an 8 foot wall and was informed that it will not mitigate the noise; support to have Walmart present other options to the residents; that City Attorney Webb stated that Staff can work with Walmart to look at the other options that were considered and could be presented when another course of action is required; that City Attorney Webb also noted legal issues when it comes to building on top of existing private property walls; ; suggestion to have another meeting with Walmart and the City Council present; that the neighborhood meeting was meant to be a City facilitated mitigation measure between the residents and Walmart; and that the City Council is voting on the cost sharing agreement and could have had some of their questions answered if the City Council was present.

Mr. Snyder read into the record the decision that was made by a previous Community Development Director in 2013; and that nobody has ever asked for Walmart to build a wall to code.

Council Member Patel asked for clarification of Mr. Snyder's request to which he responded that he wants a properly constructed wall - to code - on the property line.

Jim Vaughn, a La Palma resident, addressed the City Council regarding whether the City Council can revoke the previous waiver issued for the wall; and how

many future violations need to be made before the City starts issuing citations again.

Discussion further ensued regarding this Agenda Item being an update on the Walmart issues; support for being a little more involved in the next process with the public; support for having Staff bring back the report with historical content including zoning; inquiring on whether the owner is still the same as back when the property was developed; that the City needs to discuss matters with Walmart to get some answers, and hopefully by the next meeting; and the possibility of having another meeting engaging the public if that's necessary.

Receive and File the Report.

By consensus, the City Council agreed to receive and file the report.

6. Legislative Briefing

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

Council Comments and questions:

Discussion ensued regarding consulting with the South East Area Animal Care Agency (SEAACA) about the microchipping cost being shifted to the residents and Support Services Manager Corbin responding that SEAACA is already microchipping adopted animals; that most likely, the cost would be added to the impound fee for cost recovery; that pet licensing would still exist including collar tags; request to have the City Council copied on all the legislative responses by Staff; that there are a lot of bills going forward; that the League of California City's (LOCC) position is not always La Palma's position on these bills; the need to be more engaged in the legislative bill process; that our legislators usually let us know about new bills that would affect La Palma; and that there are a lot of bills regarding homelessness that the City Council will need to review.

Public Input:

No members of the public wished to speak.

- a) Direct staff and authorize the Mayor to send communications indicating the City's support for Senate Bill 64 (Chang) – Dogs and cats: microchip implants.
- b) Direct staff and authorize the Mayor to send communications indicating the City's opposition to the Governor's 2019 Budget Trailer Bill Proposing Statewide Tax on Drinking Water.

- c) Direct staff and authorize the Mayor to send communications indicating the City's support for Senate Bill 669 (Caballero) – Water Quality: Safe Drinking Water Fund.

Mayor Pro Tem Kim made a motion to approve and authorize the Mayor to send communications indicating the City's support for Senate Bill 64 (Chang) – Dogs and cats: microchip implants; approve and authorize the Mayor to send communications indicating the City's opposition to the Governor's 2019 Budget Trailer Bill Proposing Statewide Tax on Drinking Water; and approve and authorize the Mayor to send communications indicating the City's support for Senate Bill 669 (Caballero) – Water Quality: Safe Drinking Water Fund.

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

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

NOES: None

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

Council Member Steggell attended the Bridges at Kramer Place Community Advisory Board meeting; the Orange County Fire Authority (OCFA) Executive Board Meeting and announced that they settled on an agreement with Irvine; the American Cancer Society's Relay for Life Survivor and Caregiver Reception; and added that this year's Relay for Life Event is scheduled for June 1 and 2, 2019.

Council Member Patel attended the Oxford Academy Annual Culture Program; the League of California Cities (LOCC) Community Service Policy Committee meeting; support to take a look at the many legislative bills coming forward as they could affect us; and appreciation to City Manager Murray for getting him on the LOCC Community Service Policy Committee.

Council Member Goedhart had nothing to report; and closed by noting that La Palma needs to look at the many legislative bills that seek to prevent local zoning control, which are very disconcerting, and hopes we can review and take action on what is being proposed.

City Manager Murray responded that there is a long list of legislative bills that Staff will be reviewing and bringing forward to the City Council for a response.

Mayor Pro Tem Kim attended the Orange County Sanitation (OCSD) Board Meeting.

Mayor Goodman attended the LOCC Housing and Economic Development Committee Meeting; that he'd like to meet with the City Manager regarding the large number of legislative bills coming forward; attended the Court hearing with Judge Carter regarding the Homeless Crisis; and announced that Orange County's collaborative efforts will result in a model to address the homeless crisis across the Nation.

CITY MANAGER REMARKS

City Manager Murray had nothing to report; however, she noted her appreciation for Maintenance Staff who coordinated with the vendor to complete the refurbishment of the City Seal in the Council Chambers.

CITY ATTORNEY REMARKS

City Attorney Webb had nothing to report and announced that in her capacity as City Attorney, she is also reviewing proposed legislative bills and will be working closely with Staff.

ADJOURNMENT

Mayor Goodman adjourned the Regular Meeting of the City Council at 8:06 p.m.

Marshall Goodman
Mayor

Attest:

Kimberly Kenney, CMC
Deputy City Clerk