

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

June 4, 2019

CALL TO ORDER: Mayor Pro Tem Kim 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, with Mayor Goodman being absent.

PLEDGE OF ALLEGIANCE: Council Member Patel

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

ROLL CALL: Council and Commission Members

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

Council Members absent: Mayor Goodman

City Officials present: Laurie Murray, City Manager  
Emily Webb, 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. Mayor Pro Tem Kim and the City Council recognized Students from Elite Taekwondo for achieving Black Belt Status.
2. Mayor Pro Tem Kim presented a Proclamation to Orange County Fire Authority (OCFA) Battalion Chief Brian Roberts in recognition of Drowning Prevention Awareness.

Mayor Pro Tem Kim announced that he plans to postpone the Successor Agency until later in the Agenda.

## ORAL COMMUNICATIONS

Christopher Aguilera, Senior Field Representative for Assemblywoman Sharon Quirk-Silva, addressed the City Council regarding the relocation of their offices to Fullerton and gave new contact numbers; announced the upcoming Community Coffee and Conversation regarding Homelessness on June 22, 2019, at 10:00 a.m.; and the announced the upcoming Grand Opening and Open House on June 27, 2019, at 5:00 p.m.

Melanie Schlotterbeck, Brea Planning Commission Chair, addressed the City Council regarding the new collaborative for Planning Commissioners to become knowledgeable and competent through sound planning.

## 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 May 21, 2019, Regular Meeting.

3. Approval of Register of Demands

Resolution No. 2019-27 approving the Register of Demands for June 4, 2019.

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

4. 2019 Annual Water Quality Report

Receive and file the 2019 Annual Water Quality Report and direct staff to distribute the report to the residents of La Palma.

5. Annual Measure M2 Eligibility Submittal Package, Fiscal Year 2019-20

a) Adopt Resolution No. 2019-28 Updating the Pavement Management Plan for the Measure M2 Program;

b) Adopt the Measure M2 Seven-year Capital Improvement Program (Fiscal Year 2019-20 through Fiscal Year 2025-26); and

- c) Authorize the Community Services Director to submit the City's Measure M2 eligibility package to the Orange County Transportation Authority.
6. Fiscal Year 2019-20 Amendment to Agreement with Southeast Area Animal Control Authority for Animal Care Services
- Authorize the Mayor to execute an Agreement with the Southeast Area Animal Control Authority (SEAACA) for the delivery of animal care services.
7. Consent and Waiver of Conflict of Interest with Rutan and Tucker
- Authorize the City Manager to execute a Consent and Waiver of Conflict of Interest with Rutan & Tucker, LLP regarding the City of La Palma and Eight 88 Hospitality Inc.
8. Cancellation of June 18, 2019, City Council and Successor Agency Meetings
- Cancel the June 18, 2019, City Council and Successor Agency regular meetings.

Council Member Steggell made a motion to approve Consent Calendar Items 1 through 8.

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

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

PUBLIC HEARINGS

9. Appeal of City Council Resolution Number 2019-16 Denying Conditional Use Permit 382, a Request to Operate a Massage Establishment by the Applicant, Henry Hoang Owner of the Venus Spa Salon Located at 10 Centerpointe Drive, Suite Number 9, La Palma, CA (APN 276-081-64)
- a) Mayor Pro Tem Kim opened the Public Hearing at 7:23 p.m.
  - b) Planning Manager Hutter gave the Staff Report.
  - c) Council Member Comments and Questions:  
None.

d) Public Input:

Terry Shannon, Legal Counsel for Owner Henry Hoang, addressed the City Council regarding operating his business for 18 years; that those working for him have not been arrested nor has Mr. Hoang had a negative interaction with the Police Department; noted two minor incidents of which a citation was given; opposition to the '*Rubmaps*' website; and a request to continue the matter or grant the appeal.

Jason Curren, a client of Venus Spa Salon, addressed the City Council regarding his support for Venus Spa services and approving the appeal.

Henry Hoang, owner of Venus Spa, addressed the City Council regarding appreciation for the help he received from City Staff; asked for approval of his appeal; opposition to the '*Rubmaps*' website; and how he plans to resolve the City's concerns.

Teddy Faile, a La Palma resident, addressed the City Council regarding a rat problem and Mayor Pro Tem Kim responded that he'd hear his concerns after the conclusion of the public hearing.

e) Mayor Pro Tem Kim closed the Public Hearing for Appeal of Conditional Use Permit 382 at 7:48 p.m.

Discussion ensued regarding the difficult decision to stop a business; the concerns by the appellant of not being able to clean up a site that is not in his control; that Staff's denial recommendation is not based off of that website, but that his appeal did not address the multiple online advertisements for erotic massage; that although the appellant did remove the camera, he was not able to address the findings for denial; that Staff is not confident that they'd be able to self-correct this; and Staff's recommendation to reaffirm the denial.

f) Adopt a Resolution of the City Council of the City of La Palma, California, denying the Appeal and affirming the denial of Conditional Use Permit 382 for the operation of a massage establishment on property located at 10 Centerpointe Drive, Suite Number 9, La Palma, CA (APN 276-081-64) in the Mixed Use Business (B-1) Zone.

Council Member Steggell made a motion to adopt Resolution No. 2019-29 of the City Council of the City of La Palma, California, denying the Appeal and affirming the denial of Conditional Use Permit 382 for the operation of a massage establishment on property located at 10 Centerpointe Drive,

Suite Number 9, La Palma, CA (APN 276-081-64) in the Mixed Use Business (B-1) Zone.

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

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

NOES: None

ABSENT: Mayor Goodman

10. Consideration of Amendment Number 2 to Precise Plan 135 and Amendment Number 1 to Conditional Use Permit 256, a Request by the Applicant, S & J Ko Ko, Inc. to Extend the Restaurant's Hours of Operation and Install a New Clear Tempered Glass Storefront at the Ko Ko Chicken BBQ Restaurant Located at 5511 Orangethorpe Avenue, La Palma, CA (APN 276-073-03)

- a) Mayor Pro Tem Kim opened the Public Hearing at 7:53 p.m.
- b) Planning Manager Hutter gave the Staff Report.
- c) Council Member Comments and Questions:

Discussion ensued regarding operating hours that required a CUP due to the proximity of Brentwood Apartments to the restaurant; whether there are increased DUI incidents at that intersection; that there are no policing concerns at this time; that type of State Liquor License determines the controls last call and conditions for serving liquor; and that the business has a history of operating at other locations.

Kevin Cho, Co-Owner of Ko Ko Chicken BBQ Restaurant, addressed the City Council regarding this establishment being the third restaurant with one in Buena Park and the other being in Garden Grove; that they have not had any alcohol enforcement issues; and that the requested operating hours are standard for the business.

Further discussion ensued regarding the 2:00 a.m. closure time being the standard business model for Ko Ko Chicken and BBQ Restaurants; and that 1:00 a.m. is the last call for alcohol.

- d) Public Input:

No members of the public wished to speak.

- e) Close the Public Hearing for Amendment No. 2 to Precise Plan 135 and Amendment No. 1 to Conditional Use Permit 256 at 8:05 p.m.
- f) Adopt a Resolution of the City Council approving Amendment Number 2 to Precise Plan 135 and Amendment Number 1 to Conditional Use Permit 256, a Request by the Applicant, S & J Ko Ko, Inc. to extend the restaurant's hours of operation and install a new clear tempered glass storefront at the Ko Ko Chicken BBQ restaurant located at 5511 Orangethorpe Avenue, La Palma, CA (APN 276-073-03).

Council Member Goedhart made a motion to adopt Resolution No. 2019-30 of the City Council approving Amendment Number 2 to Precise Plan 135 and Amendment Number 1 to Conditional Use Permit 256, a Request by the Applicant, S & J Ko Ko, Inc. to extend the restaurant's hours of operation and install a new clear tempered glass storefront at the Ko Ko Chicken BBQ restaurant located at 5511 Orangethorpe Avenue, La Palma, CA (APN 276-073-03).

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

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

NOES: None

ABSENT: Mayor Goodman

#### 11. Notification of Rate Adjustment for Sanitation Services

Community Services Director Belknap gave the Staff Report.

Council Comments and Questions:

None.

Public Input:

Jerry Lomeli, a La Palma resident, addressed the City Council regarding concerns with contaminated product by customers mixing refuse with recyclables.

Community Services Director Belknap responded that the City works closely with the State on recycling, and also works closely with EDCO Disposal to deal with these concerns, but will have the representative from EDCO address the issue.

Mark Perumean, EDCO Disposal General Manager, addressed the City Council regarding no issues with La Palma's waste contaminating recyclables; that customer education has been a key to La Palma's recycling success; that EDCO is meeting or exceeding the State required 50% diversion rates; and that the State will be conducting a site visit next month.

Discussion ensued regarding the City Council's satisfaction with EDCO's services; that Staff will get the exact diversion rate and report back to the City Council; and encouraged public notifications as a reminder of EDCO's recycling services and requirements.

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

#### ORAL COMMUNICATIONS:

Terry Faile, a resident of La Palma, complained to the City Council about the rat problem at his residence; that rats have eaten all the poison he's left out; that droppings will make a human sick; the negative response he received from Orange County Vector Control (OCVC); that there's a problem with ground squirrels as well; and the need to remedy the situation.

Council Member Steggell asked Staff for a response.

Discussion ensued regarding City Manager Murray commenting that she will contact the Director of OCVC to get out and inspect Mr. Faile's neighborhood; and that OCVC will investigate the property as well as the area, to find a solution on behalf of the City Council.

Mayor Pro Tem Kim requested a short recess at 8:21 p.m.

Mayor Pro Tem Kim reconvened the City Council at 8:25 p.m.

#### 12. Business Engagement Policy

City Manager Murray gave the Staff Report.

Public Input:

No members of the Public wished to speak.

Council Comments and Questions:

Discussion ensued regarding the opportunity to speak about the Chamber of Commerce during the budget discussion; that part of the Policy Committee's budget would cover the amount for the Chamber of Commerce membership; that it would take a City Council vote to adopt this policy; clarification of what an informal mixer would include; that the mixer would also be a networking event; that Staff and the Ad-Hoc committee would be responsible for organizing the event; that the number of mixers were not listed so the committee has the flexibility to hold one or more if warranted; details of the Business Spotlight award being similar to the Home Spotlight award, by going to a council meeting; that the Committee will develop the criteria for the award; details of the luncheon; that City Council members will be welcomed to attend the luncheon; that a lot of the details for this are still being worked out; that timing for the events will be determined; that the idea was for the City to be engaged in local businesses; that the Ad-Hoc committee will host a lunch with large businesses and Executive Staff, to tour their facility, and meet in an effort to hear their concerns and help to grow their businesses; that there are 12 - 24 large scale businesses; that these lunches will be about 6 - 12 a year; discussion of a survey for new business owners in order to improve City services; that this policy and its committee needs to be looked at closer; and that anything in the policy can be amended by the City Council.

By consensus, the City Council agreed to amend the Business Spotlight Award to be presented at a City Council meeting on a quarterly basis at minimum; and amend the business survey to be extended to new and existing businesses.

Council Member Steggell suggested to continue the item to the next City Council meeting so that both she and Council Member Patel can finely tune the policy; then return back to the City Council with a formal policy instead of making amendments; a suggestion to frame certificates from the City Council marking their grand opening; and a suggestion to include local businesses in the mailing of the Mosaic.

Mayor Pro Tem Kim made a motion to continue the Agenda Item to the July 16, 2019, City Council Meeting where it can be formally adopted.

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

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



RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 8:41 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 May 21, 2019, Regular Meeting of the Successor Agency.

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

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

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

RECONVENE THE CITY COUNCIL FOR A JOINT MEETING WITH THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 8:42 P.M.

PUBLIC HEARINGS

B. Adoption of Fiscal Year 2019-20 Operating and Capital Improvement Program Budget and Appropriations Limit for FY 2019-20

- a) Mayor Pro Tem Kim opened the Public Hearing at 8:43 p.m.
- b) Receive Staff Report

Administrative Director Shelton gave a presentation on the Revenue and Expenditure adjustments prior to going into the Fiscal Year 2019-20 Budget.

Discussion ensued regarding the \$50,000 expenditure for the Housing Element in the FY 2019-20; that the funds can be placed in one-time costs; that the decision to fund the projects listed can be decided at the end of the budget discussion.

Administrative Services Director Shelton continued with the presentation on the changes made to the budget after the May 21st City Council Presentation and then continued with presenting the Proposed FY 2019-20 Budget including personnel changes.

City Manager Murray noted that at the City Council's Goal Setting Session, the Council directed Staff to look at Home Rental Fees; that Staff is still conducting research and plans to bring that forward to the City Council in the Fall; and that these fees could bring additional revenues.

Discussion ensued regarding Staff researching rental fees to offset the cost of a Permit/Business License Technician; that the current Code Enforcement officer divides their time between code enforcement and business licensing; that the additional cost for adding a whole new body would be an additional net cost of \$42,000 as the contract building technician would be eliminated; that the new Business License/Building Technician needs to have some specialized administrative skills, but the position would not be entry level; that the cost for the proposed position is comparable with other agencies; that the position would need to be reviewed by the Labor Groups; that the last time we spoke to Marathon Petroleum, they were working with their legal department and are putting a contract together for the next fiscal year; opposition to adding another position with Marathon's uncertain future; that if the recreation coordinator was not replaced, the City's services would be reduced and some programs eliminated; opposition to having the recreation coordinator taking on a part-time role as it would still impact service levels and require more supervision; that Community Services already eliminated a Supervisor and a Senior Office Assistant; the time involved to create, manage, and supervise contract classes; support for keeping both recreation coordinator positions funded; support to keeping the status quo in the Community Development department; Council Member Goedhart's position to not add to the base of the FY 2019-20 Budget; and clarification that the \$10,000 for the Business Engagement program is included in the Proposed Budget.

Administrative Services Director Shelton continued with the presentation regarding the GANN Appropriations, the Capital Improvement Program, Fund Balances, Project and Enterprise Funds, and Internal Service Funds.

c) Successor Agency/City Council Comments and Questions

Discussion ensued regarding clarification that the tree wells are not included as part of the Median Project; that the tree policy will be presented in July; that there are a significant amount of trees to be replaced; that Staff is encouraged to look at replacing the trees while doing the Median Project to keep costs down; that the City has received 95% completed drawings for the Median Project to date; that Staff plans to go out to bid in the Fall; that Staff should add the tree wells to the Median RFP; that there is \$7,500 budgeted for the tree wells, but there are some existing trees that need to be replaced and those funds do not cover all of them; that Staff can look at the tree wells and do a budget adjustment when the Tree Policy comes forward; request to clarify the pattern of the City's electricity costs; that it took Southern California Edison (SCE) several months to get us a bill for the new LED lights; that Staff has just recently received SCE bills and are now able to budget appropriately; that electric costs in FY 2017-18 did not include the entire year's electricity costs, only from May to December 2018; Council Member Goedhart's opposition to increasing the base of expenditures at this time including the addition of International Days; concerns about the CalPERS rate of return and other economic factors; the additional ongoing costs with the median being reduced since there will be no mowing; that Staff plans to go out to bid for landscape maintenance in the next six months and will include this; that the Chamber of Commerce membership is \$500 per year and easily absorbed from the \$10,000 budgeted for the Business Engagement earmarked funds; that the Chamber conducts ribbon cutting events that are free of charge; that the Chamber of Commerce is a combination of ten cities, helps promote businesses, and supports local shopping and restaurants; that Council Member Steggell supports Chamber of Commerce membership and Council Member Goedhart opposes it; and that more details about the Chamber will be addressed during the future Business Engagement Policy review.

d) Public Input:

No members of the public wished to speak.

e) Mayor Pro Tem Kim closed the Public Hearing at 9:28 p.m.

f) Adopt a Resolution approving and adopting a Budget for Fiscal Year 2019-20

g) Adopt a Resolution approving the Annual Appropriations Limit for Fiscal Year 2019-20

Council Member Patel made a motion to adopt Resolution No. 2019-25 approving and adopting a Budget for Fiscal Year 2019-20 and adopt Resolution No. 2019-26 approving the Annual Appropriations Limit for Fiscal Year 2019-20. The motion was seconded by Council Member Steggell.

Council Member Goedhart announced that he will be voting in opposition to the FY 2019-20 Budget as he does not support adding to and increasing the base of expenditures.

The motion carried on the following vote:

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

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF LA PALMA AT 9:29 P.M.

## REGULAR ITEM

### 13. Legislative Briefing

Council Member Goedhart made a motion to approve Staff's Recommendation for taking action on thirteen Legislative Bills. The motion was seconded by Mayor Pro Tem Kim.

City Attorney Webb noted that as a reminder, the public should be allowed to give their input on this agenda item.

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

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding maintaining local control as the City Council's goal; clarification that AB 1080 and SB 54 deviates from local control, but would help cities maintain or improve their diversion rates alleviating a potential future cost; that some of these bills are not being entertained in Sacramento, but have moved from their House of origin; that the goal is to put the City's objection or support on the Record; that Mayor Pro Tem Kim announced that he plans to abstain from all these bills except for his support of SB 670 because most are still working through the legislative process; that Assistant to the City Manager Hallett-Hinton has signed up for notifications from the State Legislature to allow the ability to follow the actions of the bills; and that Staff will bring these matters forward to the City Council when possible, and will direct the letters to appropriate committees as a result.

Mayor Pro Tem Kim withdrew his second on the motion made by Council Member Goedhart. The motion failed for lack of a second.

Discussion further ensued regarding the City Council having the ability to choose to not take a position on any of the bills; that this was a request at the Goal Setting Session to review more legislation; support for a framework that better defines how the City should take action; that the City Council has a broad Legislative Policy that could be reviewed and modified in order to address bills impacting the City; support to place this on the Consent Calendar in the future; support for a more streamlined report and process; that Staff was trying to be thorough; that anything that preempts local control should be opposed; and support for keeping the City Council informed while having more time to digest the bills in a more formal process.

- a) Direct staff and authorize the Mayor to send communications indicating the City's support for:
  - (1) SB 670 (McGuire) – Telecommunications. Outages Affecting Public Safety
  - (2) AB 1080 (Gonzalez) & SB 54 (Allen) – California Circular Economy and Plastic Pollution Reduction Act
  
- b) Direct staff and authorize the Mayor to send communications indicating the City's opposition to:
  - (1) AB 881 (Bloom) – Accessory Dwelling Units
  - (2) SB 13 (Wieckowski) – Accessory Dwelling Units
  - (3) SB 330 (Skinner) – Housing Crisis Act of 2019

- (4) AB 516 (Chiu) – Authority to remove vehicles
- (5) AB 418 (Kalra) – Evidentiary privileges: union agent-represented worker privilege
- (6) AB 932 (Low) – Workers’ compensation: off-duty firefighters
- (7) AB 1400 (Kamlager-Dove) – Workers’ Compensation: firefighting operations: Civilian employees.
- (8) SB 266 (Levy) – Public Employees’ Retirement System. Disallowed Compensation. Benefit Adjustments
- (9) SB 542 (Stern) – Workers’ Compensation
- (10) AB 217 (Garcia, E.) – Safe Drinking Water for All Act
- (11) SB 162 (Galgiani) – California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions

Mayor Pro Tem Kim made a motion to receive and file the Legislative Briefing without providing letters in support of or opposition to the bills presented.

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

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

Council Member Goedhart applauded the efforts of Assistant to the City Manager Hallett-Hinton and noted that Staff puts a lot of work into this process; that in order to reduce the burden on Staff, a request was made to put the State Bills in the Conference Room for the City Council's viewing; and not sure that the City Council needs the level of detail presented.

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

**Council Member Goedhart** attended the City's annual Memorial Day event.

**Council Member Patel** attended the South Coast Air Quality Management District (SCAQMD) meeting; the City Softball Game and Employee Picnic; the City's annual Memorial Day Ceremony; the City Selection Committee meeting; and the Global Peace Foundation Women's Leadership Summit.

**Council Member Steggell** attended the Gram's Kitchen Ribbon Cutting and Grand Opening event.

**Mayor Pro Tem Kim** attended the Orange County Sanitation District (OCSD) Board Meeting; the City Softball Game and Employee Picnic; the City's Annual Memorial Day Ceremony; the Orange County Water Summit; and the Gram's Kitchen Ribbon Cutting and Grand Opening event.

#### CITY MANAGER REMARKS

**City Manager Murray** reminded everyone to register for the July 4th Run for Fun; that the June 18th City Council meeting has been cancelled; announced the upcoming Hometown Heroes concert on June 29; and the Concerts in the Park series from July 6 - August 3 at Central Park.

#### CITY ATTORNEY REMARKS

**City Attorney Webb** had nothing to report.

#### ADJOURNMENT

Mayor Pro Tem Kim adjourned the Regular Meeting of the City Council at 9:52 p.m.

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Marshall Goodman  
Mayor

Attest:

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Kimberly Kenney, CMC  
Deputy City Clerk