

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 2, 2021

CALL TO ORDER: Mayor Patel called the Regular Meeting of the La Palma City Council to order at 6:08 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 REAL PROPERTY NEGOTIATORS
Pursuant to Government Code section 54956.8.

Property: 5410-14 La Palma Avenue, La Palma, California

Agency negotiator: Conal McNamara, City Manager
Ajit Thind, City Attorney

CS-2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION:

Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9(d)(4): (2 cases)

CS-3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6.

Agency Designated Representatives: Conal McNamara, City Manager
Ryan Hallett-Hinton, Assistant to
the City Manager

Employee Organizations: La Palma General Employees
Association
La Palma Police Association
La Palma Professional
Employees Association

Unrepresented Employees: Executive Management

Mayor Patel recessed to Closed Session at 6:10 p.m.

Mayor Patel reconvened in Open Session at 7:05 p.m. with nothing to report out of Closed Session.

PLEDGE OF ALLEGIANCE: Council Member Waldman

INVOCATION: Pastor Jim Riggan, La Palma Christian Center

ROLL CALL: Council and Commission Members

Council Members present: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

Council Members absent: None

City Officials present: Conal McNamara, City Manager
Ajit Thind, City Attorney
Mike Belknap, Community Services Director
Ryan Hallett-Hinton, Assistant to the City Manager
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Mike Matsumoto, Financial Consultant
Kimberly Kenney, City Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

City Clerk Kenney noted that the City Clerk's office has received Oral Comments via email as follows:

Hamid Mansoor, an outreach director of Ahmadiyya Muslim Community Los Angeles, wished to address the City Council regarding this Muslim Community founded in 1889.

The City Clerk closed by stating that a copy of the full email is being provided to the City Council and the City Clerk will keep a copy on file, and note it in the minutes.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:14 P.M.

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 February 2, 2021, Regular Meeting of the Successor Agency.

B. Successor Agency Register of Demands

Resolution No. SA 2021-03 approving the Register of Demands for February 16, 2021, and March 2, 2021.

Council Member Goodman made a motion to approve Consent Calendar items A and B.

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

AYES: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

None.

REGULAR ITEMS

None.

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND RECONVENE THE CITY COUNCIL AT 7:17 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 January 12, 2021, Special Meeting, and February 2, 2021, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2021-06 approving the Register of Demands for February 16, 2021, and March 2, 2021.

4. Spectrum Service Agreement for Internet at City Facilities

Authorize the City Manager to execute the attached three-year agreement with Spectrum for internet at City facilities, including City Hall, Community Center, Police Department, Public Wi-Fi, and the City Yard.

8. General Plan, Housing Element, and Housing Successor Annual Progress Reports

a) Receive and file the 2020 General Plan Annual Progress Report, 2020 Housing Element Annual Progress Report, and the Fiscal Year 2019-20 Housing Successor Annual Report; and,

b) Direct the Community Development Department to:

1) Transmit the 2020 General Plan Annual Progress Report to the Governor's Office of Planning and Research (OPR) and the California State Department of Housing and Community Development (HCD); and,

2) Transmit the 2020 Housing Element Annual Progress Report via emails to the Governor's Office of Planning and Research (OPR) and the California State Department of Housing and Community Development (HCD); and,

3) Transmit the Fiscal Year 2019-20 Housing Successor Annual Report via email to the California State Department of Housing and Community Development (HCD) and make it available on the City's website.

9. First Amendment to City Manager Employment Agreement

Approve the First Amendment to Employment Agreement between the City and City Manager.

10. Resolution Amending the time of the City Council's Regular Meetings

Resolution No. 2021-07 amending the City's Council's Regular Meeting Schedule to begin at 6:30 p.m., with Closed Session to occur prior to the meeting.

11. COVID-19 Update/Implications for Upcoming City Events

Receive and file the report.

Council Member Goodman made a motion to approve Consent Calendar Items 1 through 4, and 8 through 11.

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

AYES: Council Member Baker, Council Member Goodman,
Mayor Patel, Mayor Pro Tem Steggell, and Council
Member Waldman

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

5. Award a Professional Services Agreement to Wildan Financial Services to Prepare a Water and Sewer Rate Study

Award a professional services agreement an amount of not to exceed \$44,000 to Wildan Financial Services to complete the Water and Sewer Rate Study

Mayor Patel requested to have the item pulled from the Consent Calendar so that Community Services Director Belknap can give a brief presentation on the Item. Mayor Patel clarified that the funds for this project are coming from the Water Fund and not the General Fund.

6. Award of Contract to J.A. Salazar Construction & Supply Group for the Water Main Interconnect Project (Thelma Avenue), City Project No. 21-WTR-02

- a) Approve Award of Contract in the Amount of \$434,550 to J.A. Salazar Construction & Supply Group for the Water Main Interconnect Project (Thelma Avenue), City Project No. 21-WTR-02.
- b) Authorize additional project funding in the amount of \$56,225 from the Water Capital Reserve Fund.

Mayor Patel requested to have the item pulled from the Consent Calendar so that Community Services Director Belknap can give a brief presentation on the Item. Mayor Patel clarified that the funds for this project are coming from the Water Fund and not the General Fund.

Discussion ensued regarding tying this project in with the interconnect with Cerritos; that the bid for the Cerritos project came in higher and now have to postpone to next year; inquiring about a status update on the water project for reclaimed water from Cerritos; and that the reclaimed water pipe is a long term goal for the City and ideally will be added to the Del Amo Bridge project.

- 7. Award of Contract to General Pump Company for the Walker Well Rehabilitation Project, City Project No. 21-WTR-03

Award a Contract in the amount of \$136,820 to General Pump Company for the Walker Well Rehabilitation Project, City Project No. 21-WTR-03.

Mayor Patel requested to have the item pulled from the Consent Calendar so that Community Services Director Belknap can give a brief presentation on the Item. Mayor Patel clarified that the funds for this project are coming from the Water Fund and not the General Fund.

Council Member Waldman made a motion to approve Consent Calendar Items 5 through 7.

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

AYES: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

12. Consideration of Supporting Assembly Bill 420 (AB 420)

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

Direct staff to send a letter supporting Assembly Bill 420 (AB 420).

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding support for opening up the economy.

Council Member Waldman made a motion to direct staff to send a letter Supporting Assembly Bill 420 (AB 420).

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

AYES: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: None

13. Lease discussions for City property located at 5410-14 La Palma Avenue, La Palma, California (Elite Taekwondo Center, Inc.)

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

Provide direction to staff regarding leasing options for City property located at 5410-14 La Palma Avenue.

Public Input:

No members of the public wished to speak.

Council Member Comments and Questions:

Discussion ensued regarding support to keep a tenant in location until a new tenant is designated; support for the existing tenant; and clarification that City Council is

directing Staff to continue a month to month lease agreement until a new tenant is designated.

Council Member Baker made a motion to continue the Lease including the CAM Charges with other necessary expenses for the current tenant for City property located at 5410-14 La Palma Avenue, La Palma, California (Elite Taekwondo Center, Inc.), until a new tenant has been designated.

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

AYES: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: None

14. Mid-Year Budget Adjustments Fiscal Year 2020-21

Resolution No. 2021-08 amending the Fiscal Year 2020-21 Budget to adjust certain revenue budgets.

City Manager McNamara introduced the Item. Financial Consultant Matsumoto gave the Staff Report.

Council Member Comments and Questions:

Discussion ensued regarding clarification of the projects using COR Funds; that the median project is the largest of the COR Funded projects; that the additional funding request for tree trimming in the Southern California Edison (SCE) Right-Of-Way (ROW) is the result of a request from SCE as we lease that property; that the City is responsible for the tree trimming as part of the lease agreement as SCE designed it; that the increase in janitorial costs is a result of additional cleaning for COVID-19 and a minimum wage adjustment; that Staff will go back out to bid for janitorial services this Spring; and that CARES Money was used for the HVAC Rehabilitation.

Public Input:

No members of the public wished to speak.

Council Member Goodman made a motion to approve the Mid-Year Budget Adjustments Fiscal Year 2020-21.

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

AYES: Council Member Baker, Council Member Goodman, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: None

15. Study Session: Ordinance related to the treatment of signage in the Public Right-Of-Way and Code of Conduct

City Attorney Thind gave the Staff Report.

Receive the report and provide direction to staff and the City Attorney regarding the establishment of a new code of conduct and changes to the City's Sign Ordinance related to signage in the public right-of-way.

Council Comments and Questions:

Discussion ensued regarding the simplest way to address the concerns is to either prohibit or allow signs in the ROW; opposition to the large amount of political signage in the ROW during the last election; support to limit the amount of signs while not limiting the use of the tree wells in the ROW; that realtors are not familiar with the City's sign code; that prior to the Supreme Court ruling, the City was fine without having signage all in the public ROW; that having signage in the tree wells could damage the tree wells; and support to prohibit signage in the ROW tree wells.

Public Input:

City Clerk Kenney noted that the City Clerk's office has received Oral Comments via email as follows:

Gerard Goedart, a La Palma resident, addressed the City Council regarding his opposition to campaign signs in the public Right-Of-Way and his support for Staff Recommendation #1, which is a ban on the placement of signs in the City's Right-of-Way.

The City Clerk closed by stating that a copy of the full email is being provided to the City Council and the City Clerk will keep a copy on file, and note it in the minutes.

Discussion further ensued regarding support for prohibiting all signs in the Public ROW (PROW); that Cypress and Buena Park do not allow signage in their PROW;

that election signs can still go on private property; support for signs in the PROW, just not in the tree wells; definition of the PROW; support for a-frames in the PROW next to a tree well; that there is a potential for a-frame signage to obstruct the pedestrian pathways or cause damage in the street; that if signs are not prohibited in the PROW, staff would be inundated with resolving issues even with a-frame signs; how to regulate a complete ban on signs over the weekend when Staff is not present; that political signage is the best way to market your candidacy; how to address enforcement; support for a code of conduct; that the City does not allow commercial signage for local businesses in the PROW; opposed to prohibiting commercial activity by prohibiting signage in the PROW; that the City does not allow 'off-site' signage for commercial businesses, but the City cannot regulate the content of signage according to the Supreme Court ruling; and encouragement to get out and communicate with residents during the election cycle instead of just placing signs in the PROW.

Council Member Goodman made a motion to revise the sign ordinance to prohibit all temporary signs in the Public Right-of-Way.

Discussion ensued regarding support for prohibiting signage in the tree wells, but allow them in the PROW; and that a Code of Conduct doesn't resolve the signs in the PROW when the individual is not a La Palma resident.

Council Member Baker made a motion to allow temporary signage in the Public Right-of-Way, but prohibit them in the tree wells.

City Manager McNamara requested to add a provision that the allowed signage does NOT cause an obstacle to the path of travel on the PROW.

Council Member Baker made a motion to amend the original motion to allow temporary signage in the Public Right-of-Way without impeding or obstructing pathways, and prohibit them from the tree wells.

Discussion further ensued regarding no signs in the tree wells, but having as many a-frame signs in the PROW; that a-frame signs having the potential of falling and causing damage to vehicles; that parameters can be put in place to that during inclement weather, anchors can be placed on the signage; the potential that a-frame signs could be up for up to sixty days; whether the City could regulate having no signs during a period of time just before the election; that the City could put a 72 hours regulation on signage; that the City already has an existing problem of individual picking up their signage; that the more that gets added onto the sign regulations, the harder time Staff has to monitor the program; suggestion to either allow signs or prohibit signs in the PROW; support to just prohibit signs in the PROW as allowing it will create a lot of Staff involvement and time to enforce it; and that Council Member Steggell does not support the complete prohibition of temporary signage in the PROW.

The motion was seconded by Council Member Waldman and failed on the following vote:

AYES: Council Member Baker, and Council Member Waldman.

NOES: Council Member Goodman, Mayor Patel, and Mayor Pro Tem Steggell.

Mayor Pro Tem Steggell made a motion to leave the Municipal Code as is, allowing signage in the PROW, and create a Code of Conduct.

Discussion ensued regarding the Code of Conduct only applying to those running in local elections and not those running for other offices; opposition to regulating temporary signage in the PROW; that campaigns outside of the City wait for our candidates to put up their temporary campaign signs and then they follow suit; that the City will be inundated with signs in the PROW if not addressed; that the City Council whether in campaign mode or in private activity, will need to adhere to whatever the sign code says; that the length of time the signs are allowed could be regulated by not allowing signs from September - November, and that would mean no temporary signage in the PROW during that time including garage sale signage; that garage sale signs have been put on the City's retaining walls that are private property so they still are visible; and understanding the Council's position of not restricting or regulating signage while supporting the prohibition of temporary signs in the PROW.

Council Member Waldman made a motion to give a substitute motion of keeping the status quo, but prohibiting signs for ten weeks prior to the election on even numbered years.

Further discussion ensued regarding clarification of the motion being that temporary signage is prohibited only on even number years, for ten weeks prior to the election; that this motion does not address the temporary signage in our PROW during the other times of the year; and support for the substitute motion.

Public Input:

No members of the public wished to speak.

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

AYES: Council Member Baker, Mayor Patel, Mayor Pro Tem Steggell, and Council Member Waldman

NOES: Council Member Goodman

Discussion ensued regarding the possibility of reviewing temporary signs by the City Council in the future if problems occur; and that the City Council has full authority to bring this item before the City Council at any time.

16. Study Session: Ordinance allowing the sale of "Safe and Sane" Fireworks within City limits Recommendation that the City Council receive the report and provide direction, as appropriate, so that staff can bring a draft ordinance back for the April 6, 2021 City Council meeting.

Public Input:

City Clerk Kenney stated that the City Clerk's office has received two Oral Comments via email as follows:

Gerard Goedart and Vicki Hanson, La Palma residents, both wished to address the City Council regarding their opposition to the sale of fireworks in La Palma; that the public will assume that sales includes discharge of fireworks; and the negative impact this will have on our Police and Fire Departments.

The City Clerk closed by stating that a copy of the full email is being provided to the City Council and the City Clerk will keep a copy on file, and note it in the minutes.

City Attorney Thind gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding understanding the support for local non-profits, but there are other ways to do that than to allow fireworks stands; that having sales sends mixed messaging and impact police and fire service; assumption that sales equates use; that of the ten surrounding cities that permit the sale of fireworks, those ten cities permit the use; support to allow the sales of fireworks; that the City Council could revisit this issue if it has become problematic or proves to be hardship on the Police Department; support for a sunset provision if sales are allowed; that residents are lighting fireworks even with a ban in place; putting a limit on the amount of stands allowed; and support to cut off fireworks sales on July 4th.

Public Input:

No members of the public wished to speak.

City Attorney Thind recommended taking a straw vote on the four different issues listed in the Staff Report.

Issue 1: Can the City Council revise the Municipal Code to allow for the sale of safe and sane fireworks within the City, but continue to prohibit the discharge and use of such fireworks with a sunset provision after July 4?

AYES: Baker, Patel, and Steggell

NOES: Goodman and Waldman

Issue 2: If the City Council allows the sale of safe and sane fireworks within the City, which organizations should be allowed to sell them?

Discussion ensued regarding whether the City could allow for profit and non-profit groups; that the City Council makes the decision on how the Ordinance is designed and who could sell fireworks; and a consensus of support for only allowing only non-profit groups like youth sports teams, churches, local schools, and booster clubs based in La Palma.

Issue 3: If the City Council allows the sale of safe and sane fireworks within the City, approximately how many organizations should be allowed to sell them?

Discussion ensued regarding allowing three to five booths throughout the City; that the City Council could determine a format to select the designees by either a lottery or on first come, first serve basis; that some organizations could share a booth; and a consensus to allow a range of three to no more than five booths.

Issue 4: If the City Council allows the sale of safe and sane fireworks within the City, where should sales be allowed?

Discussion ensued regarding the need to provide ample parking and access; that signage or stickers on products need to be made clear that the use of fireworks in La Palma is not allowed; and a consensus to have the booths located in parking lots that do not cause traffic issues.

City Manager McNamara closed by reporting that Staff will return with some draft Ordinance language with the scope of all the issues discussed; that the timeline for adoption will allow for the sales by the holiday period; and that fireworks operators would be happy to work with local non-profits.

17. Study Session regarding the 2021-2029 Housing Element

a) Planning Manager Hutter introduced the Item. John Douglas representing JDH Planning gave the Staff Report.

b) Public Input:

Cesar Covarubias representing the Kennedy Commission, addressed the City Council regarding support for programs and policies with the affordable housing sites.

c) Council Comments and Questions

Discussion ensued regarding the consultants work to address the Low and Very Low income housing accommodations; support for the allowance of Accessory Dwelling Units to be counted in the total number; that Staff can now package the report to start the submittal process to the State; support for the getting the project completed; and a consensus to receive and file the report.

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

Council Member Goodman attended the League of California Cities (LOCC) Economic Development Round Table; Orange County Sanitation District (OCSD) Board meeting; Mayor Garcetti's Black History Month Round Table; the OCSD Legislative and Public Affairs Committee meeting; the OCSD Audit Ad-Hoc Committee Meeting; the OCSD Administration Committee meeting; Assemblywoman Quirk Silva's brown bag lunch meeting regarding the COVID-19 vaccine distribution; a virtual tour of the OCSD Facilities; the LOCC Orange County (LOCC-OC) Division Meeting; and the California Joint Powers Insurance Authority (CJPIA) Executive Committee Meeting.

Council Member Waldman had nothing to report.

Council Member Baker attended the LOCC Economic Development Roundtable; Assemblywoman Sharon Quirk-Silva's Breakfast Club and Brown Bag Lunch meeting; the LOCC Asian-Pacific Islander (API) Caucus Welcome Reception; the LOCC Homelessness Roundtable; the LOCC Mayors and Council Members Roundtable; the Orange County Library Advisory Board Workshop; LOCC OC General Membership Meeting; the LOCC Women's Caucus Membership Meeting; the Harassment Prevention for Supervisors and Officials Training; the LOCC Parks & Recreation Reopening Guidance Discussion; and the LOCC Parks & Recreation Roundtable.

Mayor Pro Tem Steggell attended the Orange County Fire Authority Board of Directors meeting.

Mayor Patel attended the Orange County Vector Control District Trustee meeting; the Boy Scout Troop Pack 273's Virtual Blue and Gold Ceremony; the Cypress College Foundation Americana Awards; and noted that he's working with Staff on upcoming Town Hall meetings.

CITY MANAGER REMARKS

City Manager McNamara reported that as a result of the trajectory right now, Orange County is moving to the Red Tier; noted issues with vaccine supply; that Staff is volunteering to work some of the County's Vaccine Pods; and reminded the City Council of the Ground Breaking Ceremony at Starbucks on March 4; and thanked the Community Development Team for all the work to get Starbuck's project completed.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Patel reminded everyone that moving forward, all City Council meetings will be starting at 6:30 p.m. and adjourned the Regular Meeting of the City Council at 9:55 p.m.

Nitesh P. Patel
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk