

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 1, 2021

CALL TO ORDER: Mayor Patel called the Regular Meeting of the La Palma City Council to Order at 5:03 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

CLOSED SESSION

CS-1. 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

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 REAL PROPERTY NEGOTIATIONS 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

Negotiating parties: Victor Chung, Elite Taekwondo Center, LLC

Under negotiations: Price and/or terms of the Amended Lease

Mayor Patel recessed to Closed Session at 5:05 p.m.

Mayor Patel reconvened in Open Session at 6:27 p.m. and requested to take a short recess.

Mayor Patel reconvened at 6:35 p.m. and had nothing to report out of Closed Session.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Steggell

INVOCATION: Council Member Goodman

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
Jake Chavira, Water/Maintenance Supervisor
Joe Cisneros, Management Analyst
Ryan Hallett Hinton, Assistant to the City Manager
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Kimberly Kenney, City Clerk
Mike Matsumoto, Financial Consultant

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Anthony Kim, owner of Wholly Smokes BBQ, addressed the City Council regarding his opposition to his interaction with City Staff, the Fats Oils and Grease program, and his interactions with Building Department Staff.

Kalvin Alvarez, Constituent Services Manager for Orange County 2nd District Supervisor Katrina Foley, congratulated the City Council and City Staff for a successful Memorial Day event; joined the Arterial Street Medians funding request by Congresswoman Sanchez for the City of La Palma; announced the Veterans Workforce Development Program; updated the public on the County's COVID-19 efforts; plans to host a virtual 2nd District small business round table event on June 16 and 23; and the upcoming virtual 2nd District job fair on June 23.

Mona Castillo, a La Palma resident, addressed the City Council regarding details of the upcoming Noise Ordinance public hearing; how it relates to the Walmart situation; and that she received notification in the mail regarding this.

Mayor Patel responded that this item is a Citywide Noise Ordinance change; the City Council will be voting on the passage of the Noise Ordinance; asked City Staff for further detail; and that if she has comments or questions regarding the Noise Ordinance, she can address them during that public hearing.

City Manager McNamara clarified that the City Council is not voting on the sound wall or particular issues with Walmart, but on the Citywide Noise Ordinance. He closed by noting that City Staff is working separately on the issues with Walmart and is not connected to the Noise Ordinance.

City Clerk Kenney received oral comments from Anthony Kim, owner of Wholly Smokes BBQ, noted that he had read into the record the comments the City Council has received. She closed by noting 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 6:54 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 May 4, 2021, Regular Meeting of the Successor Agency.

Council Member Goodman made a motion to Consent Calendar Item A.

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

RECONVENE THE CITY COUNCIL FOR A JOINT MEETING WITH THE SUCCESSOR AGENCY AT 6:55 P.M.

PUBLIC HEARINGS

B. Adoption of Fiscal Year 2021-22 Operating and Capital Improvement Program Budget and Appropriations Limit for FY 2021-22

- a) Mayor Patel opened the Public Hearing at 6:57 p.m.
- b) City Manager McNamara introduced the item and Financial Consultant Matsumoto gave the Staff Report
- c) Successor Agency/City Council Comments and Questions

Discussion ensued regarding the projected deficit in FY 2024-25; that the deficits are technically caused by the monetary transfers to the City's reserve funds; that if the City did not transfer the monies, we would have a surplus; and that the City Council has the authority to pull the funds from reserves.

- d) Public Input:

No members of the public wished to speak.

- e) Mayor Patel closed the Public Hearing at 7:02 p.m.
- f) Adopt a Resolution approving and adopting a Budget for Fiscal Year 2021-22
- g) Adopt a Resolution approving the Annual Appropriations Limit for Fiscal Year 2021-22

Council Member Goodman made a motion to adopt Resolution No 2021-14 approving and adopting a Budget for Fiscal Year 2021-22, and Resolution No. 2021-15 approving the Annual Appropriations Limit for Fiscal Year 2021-22

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

REGULAR ITEMS

None Scheduled.

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF LA PALMA AT 7:03 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 May 4, 2021, Regular Meeting, and May 24, 2021, Special Meeting of the City Council.
- 3. Approval of Register of Demands

Resolution No. 2021-16 approving the Register of Demands for May 18, 2021, and June 1, 2021.

4. Cancellation of July 6, 2021, City Council and Successor Agency Meetings

Cancel the July 6, 2021, City Council and Successor Agency regular meetings.

5. 2021 Annual Water Quality Report

Receive and file the 2021 Annual Water Quality Report and direct staff to distribute the report to the residents of La Palma.

6. Notice of Completion and Acceptance of Work for the Demolition and Replacement of Playground Equipment and Surfacing at El Rancho Verde Park, City Project No. 20-PRK-01.

Accept the work and authorize the Community Services Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for the demolition and replacement of playground equipment and surfacing at El Rancho Verde Park, City Project No. 20-PRK-01.

8. Purchase of Emergency Operation Center Backup Generator

Authorize the purchase of an Emergency Generator from Quinn Power Systems in the amount of \$153,794.61.

9. Annual Measure M2 Eligibility Submittal Package, Fiscal Year 2021-22

a) Adopt the Measure M2 Seven-year Capital Improvement Program (Fiscal Year 2021-22 through Fiscal Year 2027-28); and

b) Adopt Resolution No. 2021-17 Concerning the Status and Update of the Circulation Element and Mitigation Fee Program; and

c) Authorize the Community Services Director to submit the City's Measure M2 Eligibility Package to the Orange County Transportation Authority.

10. Budget Adjustments Fiscal Year 2020-21

Resolution No. 2021-18 amending the Fiscal Year 2020-21 Budget.

11. Award of Contract to MDJ Management for City Hall Interior Improvements

Award a Contract in the amount of \$251,679.78 to MDJ Management for City Hall interior improvements.

Council Member Goodman made a motion to approve Consent Calendar Items 1 through 6, and 8 through 11.

The motion was seconded by Mayor Pro Tem Steggell 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

7. Award of Contract to Precision Concrete Cutting for Sidewalk Condition Repairs

Council Member Waldman requested to have this item pulled from the Consent Calendar in order to clarify the type of work being done and areas where the City has already used this procedure.

Community Services Director Belknap concurred that the City has used this procedure previously at the park in place of asphalt patches that don't last; and that this procedure also allows the City to not be put into the position of replacing the whole sidewalk tile.

Council Member Waldman made a motion to approve the Award of Contract to Precision Concrete Cutting for Sidewalk Condition Repairs.

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

12. Adoption of the 2020 Urban Water Management Plan (UWMP), Water Shortage Contingency Plan, and Addendum to the 2015 UWMP

a) Mayor Patel opened the Public Hearing at 7:06 p.m.

b) Water/Maintenance Supervisor Chavira gave the Staff Report

c) Council Comments and Questions:

Discussion ensued regarding whether there are requirements for citizens in this water management plan; that this is the State requirements for cities during a very serious drought; that this required plan for the City will also require public outreach for participation from its citizens for each stage of a drought.

d) Public Input:

No members of the public wished to speak.

e) Mayor Patel closed the Public Hearing at 7:10 p.m.

f) Adopt the 2020 Urban Water Management Plan; and

g) Adopt the Water Shortage Contingency Plan; and

h) Adopt an Addendum to 2015 Urban Water Management Plan.

Council Member Goodman made a motion to adopt the 2020 Urban Water Management Plan; the Water Shortage Contingency Plan; and adopt an Addendum to 2015 Urban Water Management Plan.

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

13. Introduction and First Reading of An Ordinance Amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-267 and 44-366 Pertaining to the Regulation of Noise and Loading

a) Mayor Patel opened the Public Hearing at 7:11 p.m.

b) Planning Manager Hutter gave the Staff Report

c) Council Comments and Questions:

Discussion ensued regarding the City's existing Sound Ordinance being very vague and unclear making enforcement difficult; that Staff worked closely with the City Attorney to put in place clearly defined protocols for measuring sound in order to take enforcement action; that this is a necessary update; that Walmart can now be fined for violations after this Ordinance is passed; and that all commercial businesses will be notified of this Ordinance change.

d) Public Input:

Mona Castillo, a La Palma resident, addressed the City Council regarding details on the changes being made; and how citizens can address the enforcement when Code Enforcement is not available on the weekend.

City Manager McNamara responded that there is no budget for increased code enforcement on the weekend; that the Police Department has been responsive should they be called to address the noise concerns over the weekend; and that on page 5 of the Ordinance, it details the various changes to the Ordinance that are actually enforceable.

James Snyder, a La Palma resident, addressed the City Council regarding the exact changes to the decibel level measurements in this Ordinance; whether previous violations by Walmart will be addressed; opposition to not having a complaint process; and how to get his concerns addressed in a timely fashion and in writing.

Planning Manager Hutter responded by clarifying that this Ordinance gives specific procedures for taking sound measurements, not changing decibel levels. City Manager McNamara added further detail of the changes to the noise standards during a cumulative period of time.

e) Mayor Patel closed the Public Hearing at 7:31 p.m.

f) Introduce An Ordinance amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-267 and 366 pertaining to the regulation of noise and loading.

Council Member Waldman made a motion to introduce an Ordinance amending City Zoning Code (Chapter 44 of the La Palma Municipal Code) Section's 44-267 and 366 pertaining to the regulation of noise and loading.

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

REGULAR ITEMS

14. Senate Bill 1383 Update - Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions

Management Analyst Cisneros gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding the fee structure for the new Senate Bill requirements will be conducted in the same manner as current format; that the new organic waste mandates will have to be tracked, monitored, and categorized which will result in an increase; that the City's trash provider will conduct extensive outreach to the community regarding these changes; that enforcement will not be problematic because of the community education component; that the City's trash provider will offer receptacles for the organic waste; definition of organic being 'if it grows, it goes' and excludes plastics; that the current green cart/cannister will be the one used for 'organics' waste and will be explained to the residents in detail through the outreach efforts; and the City Council's condolences for the passing of the trash provider's founder.

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

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

City Manager McNamara gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding appreciation for all of Staff's efforts during the past year dealing with COVID-19; appreciation for Staff's work on getting local businesses to interact in a safe manner with their patrons; and City Council consensus to authorize the City to use the \$50 thousand from the County towards further efforts.

16. Memorandum of Understanding Extensions

City Manager McNamara gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding appreciation for Staff members that worked tirelessly to get the City Council at this juncture; that the City Council is grateful to all three bargaining groups and appreciate their understanding for the impact the pandemic has had on the City; and look forward to negotiating next year when the Council has the ability to make some decisions.

- a) Adopt a Resolution approving a one-year extension to the Memorandum of Understanding between the City of La Palma and the La Palma General Employees Association;
- b) Adopt a Resolution approving a one-year extension to the Memorandum of Understanding between the City of La Palma and the La Palma Professional Employees Association;
- c) Adopt a Resolution approving a one-year extension to the Memorandum of Understanding between the City of La Palma and La Palma Police Association;
- d) Adopt a Resolution approving a one-time lump sum payment for all Management Employees and Updated Salary Schedule; and
- e) Adopt a Resolution authorizing FY 2020-21 budget adjustment.

Council Member Waldman made a motion to adopt Resolution No. 2021-19 approving a one-year extension to the Memorandum of Understanding between the City of La Palma and the La Palma General Employees Association; Resolution No. 2021-20 approving a one-year extension to the Memorandum of Understanding between the City of La Palma and the La Palma Professional Employees Association; Resolution No. 2021-21 approving a one-year extension to the Memorandum of Understanding between the City of La Palma and La Palma Police; Resolution No. 2021-22 approving a one-time lump sum payment for all Management Employees and Updated Salary Schedule; and Resolution No. 2021-23 authorizing FY 2020-21 budget adjustment.

The motion was seconded by Mayor Pro Tem Steggell 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

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

Council Member Waldman had nothing to report.

Council Member Baker attended the League of California Cities (LOCC) Parks and Rec Roundtable; the LOCC Legislative Action Days; the State and Local Fiscal Recovery Program Briefing; the LOCC Orange County (LOCC-OC) Division General Meeting; the LOCC Roundtable Discussion-Reopening City Hall; the LOCC Mayors and Council Members Roundtable; the Coronavirus State and Local Fiscal Recovery Funds - U.S. Department of the Treasury Guidance; the Orange County Public Libraries - Library Advisory Board meeting; and the LOCC Solid Waste and Recycling Roundtable.

Council Member Goodman attended the Orange County Sanitation District (OCSD) Legislative and Public Affairs Committee meeting; the OCSD Administrative Committee meeting; the City Council Special meeting; the California Joint Powers Insurance Authority (CJPIA) Executive Committee meeting; the CJPIA Claims Committee meeting; the OCSD Board of Directors meeting; and the LOCC Housing Community and Economic Development Policy Executive Committee meeting.

Mayor Pro Tem Steggell had nothing to report.

Mayor Patel attended a meeting with the Orange County Second District Supervisor Foley; the Memorial Day video-taping event; the Orange County Vector Control District (OCVCD) Board meeting; and the Asian American Pacific Islander (AAPI) Leadership Panel for the Air Force Space and Production Corp.

CITY MANAGER REMARKS

City Manager McNamara announced the reopening of the basketball courts; noted that he's looking forward to hopefully going back to live City Council meetings starting in August; thanked all the Staff for their work in preparation for the annual Fiscal Year budget; and wished everyone a wonderful Independence Day holiday.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report, but wished everyone a happy Independence Day.

ADJOURNMENT

Mayor Patel wished everyone a happy Independence Day holiday and adjourned at 8:10 p.m. in memory of Edward Burr, the Co-Founder of EDCO Disposal, who recently passed away.

Nitesh P. Patel
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk