

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

October 5, 2021

CALL TO ORDER: Mayor Patel called the Regular Meeting of the La Palma City Council to order at 5:37 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 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

CS-3. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (pursuant to
Government Code section 54956.9(d)(2)):

One item – (1) Claim No. 3019964 MZG

Claimant: Rabi Fararji

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

Mayor Patel recessed into Closed Session at 5:39 p.m.

Mayor Patel reconvened in Open Session at 6:30 p.m. and asked for a report.

City Attorney Thind responded that there were no reportable actions on Closed Session Items CS-1, CS-2, and CS-4; however, on Item CS-3, the City Council voted 5-0 to reject the Claim.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Steggell

INVOCATION: Pastor Matthew Agosto, City Church

ROLL CALL: Council and Commission Members

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

Council Members absent: None

City Officials present: City Manager McNamara
City Attorney Thind
Police Chief Kim
Scott Hutter, Planning Manager
Water Supervisor Chavira
Management Analyst Cisneros
City Clerk Kenney

PRESENTATIONS

1. Mayor Patel presented a Proclamation to two Hindu Community Groups in Recognition of October as Hindu Heritage Month.
2. Mayor Patel presented a Proclamation to Orange County Fire Authority Chief Petro in Recognition of October 3-9 as "Fire Prevention Week"

ORAL COMMUNICATIONS

A representative from a Hindu-American group thanked Mayor Patel for the recognition and addressed the City Council on the foundational belief system of the Hindu religion.

Keshavel Patel, a La Palma resident and Hindu leader, addressed the City Council regarding the values of the Hindu-American community and appreciates the City's recognition of their heritage.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 6:46 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 September 7, 2021, Regular Meeting of the Successor Agency.

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

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

None Scheduled.

ADJOURN THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AND RECONVENE THE CITY COUNCIL AT 6:47 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 September 7, 2021, Regular Meeting of the City Council.
3. Approval of Register of Demands

Adopt Resolution No. 2021-28 approving the Registers of Demands for September 21, 2021, and October 5, 2021.
4. Second Reading and Adoption of An Ordinance Amending Chapter 18 of the La Palma Municipal Code pertaining to Garbage and Refuse to Incorporate the State's Organic Waste Methane Emissions Reductions Mandate (Senate Bill 1383)

Approve the second reading and adopt Ordinance No. 2021-02 Amending Chapter 18 of the La Palma Municipal Code pertaining to Garbage And Refuse Code to Incorporate the State's Organic Waste Methane Emissions Reductions Mandate (Senate Bill 1383).
5. Resolution Request in Support of the Veteran Cemetery Coalition

Adopt Resolution No. 2021-29 approving their support of the Veteran's Cemetery Coalition in pursuit of a veteran's cemetery at the Gypsum Canyon site.

6. Approval to Exercise Extensions to Consultant Services Agreement with Charles Abbott Associates for Environmental Services – NPDES Storm Water and FOG Program

Authorize the Mayor to exercise the remaining two (2) one (1) year extensions of the Agreement for Consultant Services with Charles Abbott Associates, Inc. for Environmental Services – NPDES Storm Water and FOG Program.

7. Resolution Declaring Surplus Property for 5010-14 La Palma Avenue

Adopt Resolution No. 2021-30 declaring the property at 5010-14 La Palma Avenue, La Palma, as surplus property pursuant to the Surplus Land Act.

8. Notice of Completion and Acceptance of Work for the Thelma Avenue Interconnect Project, City Project No. 21-WTR-02

- a) 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 Thelma Avenue Interconnect Project, City Project No. 21-WTR-02; and

- b) Approve the carryover of funding from the FY 2020/21 Budget in the amount of \$195,000 (055-900-9344-00000) to be included in the FY 2021/22 mid-year budget resolution.

9. Notice of Completion and Acceptance of Work for the City Hall HVAC Improvements, City Project No. 20-BLDG-03

- a) 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 City Hall HVAC Improvements, City Project No. 20-BLDG-03; and

- b) Authorize additional funding in the amount of \$71,909 (035-900-8040-00000), of which \$8,423 will be added to the FY 2021-22 Budget and included in the mid-year budget resolution.

10. Award of Contract to Universal Coating, Inc. for the Civic Center Roof Project, City Project No. 21-BLDG-04

Award a Contract in the amount of \$181,989.00 to the low bidder, Universal Coating, Inc. for the Civic Center Roof Project, City Project No. 21-BLDG-04.

11. Award of Contract to JDL Design, LLC for Walker Well Motor PLC Upgrade.

- a) Award a contract in the amount of \$49,200 to JDL Design, LLC for Walker Well Motor PLC Upgrade; and
 - b) Approve the carryover of funds from FY 2020-21 Budget to FY 2021-22, to be included in the mid-year budget resolution.
12. Approve Mutual Aid Agreement between the City of La Palma and the County of Orange
- a) Approve and authorize the City Manager or designee to execute a Mutual Aid Agreement for the COVID-19 Vaccination Effort with the County of Orange, pertaining to mutual aid assistance provided under the Orange County Operational Area Agreement; and
 - b) Authorize the City Manager or designee to execute any actions necessary for the purposes of obtaining federal financial assistance related to this Agreement, if those actions do not materially change the terms or amount of the City of La Palma's commitment as it is reflected in the above-referenced agreement.

Mayor Pro Tem Steggell made a motion to approve Consent Calendar Items 1 through 12.

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

PUBLIC HEARINGS

13. Adoption of the 2021-2029 Housing Element

- a) Mayor Patel opened the Public Hearing at 6:48 p.m.
- b) City Manager McNamara introduced Housing Consultant John Douglas, who gave the Staff Report.
- c) City Council Comments and Questions:

Discussion ensued regarding the density being directed into the Centerpointe area; opposition to the Regional Housing Needs Assessment (RHNA) numbers mandated by the state at over 800; appreciation for the Consultant's work on the presentation and Staff Report; that approving the resolution means we can now submit the Housing Element to the State; if the State does not approve the City's Housing Element, the City will continue to work on it with the state; and that in the Consultant's experience, it's never been more difficult to work with the State on this issue than now.

d) Public Input:

No members of the public wished to speak.

e) Mayor Patel closed the Public Hearing at 6:57 p.m.

f) Adopt Resolution No. 2021-31 approving the 2021-2029 Housing Element update

Council Member Waldman made a motion to adopt Resolution No. 2021-31 approving the 2021-2029 Housing Element update

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. Study Session regarding Short-Term Residential Rentals

City Manager McNamara gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding that the City only has one homeowner that has a Transient Occupancy Tax (TOT) agreement with the City; that if a jurisdiction adds a TOT, the booking agency like Air B&B will join into collecting the TOT up front; that although City Council supports having these in the City, the City would like to be able to administer the regulations with the homeowner on who they can rent to while being able to enforce the rules and restrictions, along with what the penalties

if they violate the rules; that the use of security cameras outside help to monitor pool activity after hours; that overall, there's not much a City can do to regulate private property owner's rights; whether La Palma is prepared to address this type of rental; that this puts the La Palma bedroom community into a new position; the regulations could include the ability to set a time for the noise to stop; not having adjacent residents dealing with noise concerns; support to keep the neighborhoods the way they are; that the Air B & B sites do not define noise disruptions nor do they post the hours to which the noise should be stopped; that it's up to the owner to keep the regulations adhered to by their tenants; that the homeowners advertising their rentals should put La Palma's regulations on their rental including our noise Ordinance; that the Police Department (PD) doesn't enforce the Municipal Code, but the Penal Code; that the PD can use Penal Code 415 "disturbing the peace" to currently address the noise late at night, but the victim would have to file a complaint against the offender; that very seldom has it ever risen to the level that complaints are being filed; opposition to having a neighbor that rents out their units as party houses; support to handle this by regulating it and putting in our requirements; that the City can enforce our Ordinances with fines if they don't comply; support for homeowners being able to do what they want with their property including renting them out; that Anaheim banned Air B& B on behalf of their hotel businesses; that licensing these tenant rentals is a great way to increase revenues, and the City has an ability to enforce the terms and conditions; that through the licensing process, should the City encounter a problem rental, the City has the ability to revoke that license; that the City does not regulate the number of residents in a home and that City Attorney Thind encouraged caution on that matter; that Mayor Patel would like to review the Ordinance that Big Bear passed regarding this; and that creating a licensing process, collecting additional revenue, and having the ability to regulate short term rentals is a win for the residents.

Public Comments:

Sharon Forbes, a La Palma resident, addressed the City Council regarding the neighbor's short-term rental being advertised as "Sleeps Sixteen"; that this home has been set up as a party house at \$950 a night; support for regulating these types of rental homes so they can be respectful to the community; and that fines for violating any of the terms should be substantial. She closed by noting that Canyon Lake stopped allowing rentals under 30 days and as a result, it eliminated the properties that were being used as party homes.

City Attorney Thind noted that usually the City's fine structures are \$100 for the first violation, \$200 for the second, and up to \$500 for the third violation; however, the State Legislature recently passed a law - SB 60 - that allows the first violation for short term rentals to be \$1,500, the second \$3,000, and final at \$5,000 per day, per violation.

City Manager McNamara closed the discussion by noting that Staff will conduct some more research to allow time to review other City's ordinances, allow time to craft some language, and present a draft Ordinance for the City Council's review in January; and supportive of the State's SB 60 that would allow for enforcement by fines with penalties.

Further discussion ensued regarding support for enforcing the TOT; work with agencies to ensure requirements are in place; support for some form of licensing agreement like a contractual agreement; review how other cities are restricting the number of people; look at other cities and how they're doing it; that the City Council is desiring to find a resolution that is fair to the neighbors and homeowners alike; support for the new legislation allowing larger fines; and encouragement to create an Ordinance so the City has tools to address this issue.

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

Council Member Waldman attended the Memorial Service and Celebration of Life for former Mayor and Council Member Larry Herman and the St. Nick's Christmas Lighting & Decor Grand Opening/Ribbon Cutting Event.

Council Member Goodman attended the Orange County Sanitation District (OCSD) Administrative Committee meeting; the OCSD Legislative and Public Affairs Committee meeting; the Cal Cities Housing Community Economic Development Policy Committee meeting; the Celebration of Life for former Mayor and Council Member Larry Herman; the Cal Cities Annual Conference; the Federal Legislative Briefing for the Orange County Water District; the California Joint Powers Insurance Authority (CJPIA) Claims and Executive Committee meeting; and closed by inquiring about the status of the City's Sign Policy.

City Manager McNamara responded that the Introduction of the Sign Ordinance is scheduled for the November meeting.

Council Member Baker attended the Buena Park State of the City; the Celebration of Life for former Mayor and Council Member Larry Herman; the Symphony Under the Stars at Central Park; the Cal Cities Annual Conference; the City Staff vs. Police Department softball game; the Los Coyotes Elementary School National Blue Ribbon Award Ceremony; and the St. Nick's Christmas Lighting & Decor Grand Opening/Ribbon Cutting Ceremony.

Mayor Pro Tem Steggell attended the the Buena Park State of the City; the Celebration of Life for former Mayor and Council Member Larry Herman; the Cal Cities Annual Conference; the 9/11 20th Anniversary ceremony at the Orange County Fire Authority; and the Los Coyotes Elementary School National Blue Ribbon Award Ceremony.

Mayor Patel attended the Orange County Vector Control District (OCVCD) Board of Trustees meeting; the Celebration of Life for former Mayor and Council Member Larry Herman; the Symphony Under the Stars at Central Park; the Cal Cities Annual Conference; a third party audit conference call with City Staff; the City Staff vs. Police Department softball game; the Los Coyotes Elementary School National Blue Ribbon Award Ceremony; and the St. Nick's Christmas Lighting & Decor Grand Opening/Ribbon Cutting Ceremony; and asked Staff to review options on how to get the community actively engaged by possibly investing in technology.

CITY MANAGER REMARKS

City Manager McNamara announced the upcoming Trunk or Treat and Movie Night event on October 22; the Halloween Carnival on October 31 at Central Park; and invited Chief Petro to speak on Fire Prevention Week.

OCFA Chief Petro thanked the City Council for recognition of Fire Prevention Week and gave a brief presentation on how to prepare one's home to prevent a fire.

CITY ATTORNEY REMARKS

City Attorney Thind announced that he is monitoring certain State Bills that are being reviewed by the Legislature and will report back to the City Council.

ADJOURNMENT

Mayor Patel adjourned the Regular Meeting of the La Palma City Council at 7:42 p.m.

Nitesh P. Patel
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk