

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

November 20, 2012

CALL TO ORDER: Mayor Charoen called the Regular Meeting of the La Palma City Council to order at 6:45 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

Mayor Charoen recessed to Closed Session at 6:46 p.m.

CLOSED SESSION

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One Case Section 54956.95: LIABILITY CLAIMS
Claimant: Joseph Bandak Agency Claimed Against: City of La Palma

CS-2. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Ellen Volmert, City Manager
Laurie Murray, Administrative Services Manager

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

Unrepresented Employees: Executive Management

Mayor Charoen recessed the closed session at 7:06 p.m.

OPEN SESSION

Mayor Charoen reconvened the City Council in Open Session at 7:07 p.m. with all members present.

City Attorney Kuperberg reported that the City Council voted unanimously to deny the Bandak claim and had nothing to report on Closed Session Item CS-2 regarding Labor Negotiations.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hwangbo

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Council and Commission Members

ROLL CALL:

Council/Commission Members present: Mayor/Chairperson Charoen, Mayor Pro Tem/Vice Chairperson Hwangbo, Council/Commission Member Rodriguez, Council/Commission Member Shanahan, and Council/Commission Member Waldman

Council/Commission Members absent: None

City Officials present: Ellen Volmert, City Manager/Executive Director
Joel Kuperberg, City Attorney
Michael Belknap, Recreation and Community Services Director
Douglas Dumhart, Community Development Director
Jeff Moneda, Public Works Director
Eric Nuñez, Police Chief
Michael Solorza, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

PRESENTATIONS

1. Police Chief Nunez gave a brief presentation on the Red Ribbon Week Challenge and introduced Corporal Parsons who gave awards to the Red Ribbon Week Challenge winners.
2. Police Chief Nunez introduced James Roche, Jr. as the new La Palma Police Officer.

ORAL COMMUNICATIONS:

Council Member Elect Gerard Goedhart addressed the City Council to request that staff provide a detailed report for the cost of La Palma Days and the Halloween Carnival.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for the improvements done to Walker Street to make it more rideable.

RECESS THE CITY COUNCIL AND CONVENE AS THE SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF LA PALMA AT 7:29 P.M.

Administrative Services Manager/City Clerk Murray stated "The City Council will now recess and convene as the Successor Agency to the Dissolved Community Development Commission of the City La Palma, and then recess and convene as the Planning Commission. 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 Planning Commission meetings, or otherwise as serving as members of the Successor Agency or Planning Commission."

CONSENT CALENDAR

A. Approval of Register of Demands

Resolution No. SA 2012-27 approving the Successor Agency Registers of Demands for November 6, 2012, and November 20, 2012.

B. Successor Agency Cash and Investment Report, First Quarter FY 2012-13, as of September 30, 2012

Receive and file the Successor Agency Cash and Investment Report (as of September 30, 2012).

Council Member Waldman made a motion to approve Consent Calendar Items A and B.

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

AYES: Chairperson Charoen, Vice Chairperson Hwangbo, Council Member Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE SUCCESSOR AGENCY AND CONVENE AS THE PLANNING COMMISSION AT 7:31 P.M.

CONSENT CALENDAR

None Scheduled.

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:32 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 Register of Demands

Resolution No. 2012-56 approving the City Council Registers of Demands for November 6, 2012, and November 20, 2012.

3. Cash and Investment Report, First Quarter FY 2012-13, as of September 30, 2012

Receive and file the City Council Cash and Investment Report for the first quarter of the 2012-13 Fiscal Year (as of September 30, 2012).

6. Cooperative Agreement with the Orange County Transportation Authority for the State-Local Partnership Program Project

Approve and authorize the Mayor to execute the Cooperative Agreement C-2-1834 with the Orange County Transportation Authority (OCTA), giving permission to define the roles and responsibilities related to funding between OCTA and the City of La Palma for the Proposition 1B State-Local Partnership Program (SLPP).

7. Consideration of Site License Agreement with Crown Castle to Install a Digital Antenna System (DAS) within City Right-Of-Way

Approve and authorize the Mayor to execute a Site License Agreement with Crown Castle to Install a Digital Antenna System (DAS) within the City Right-Of-Way.

Council Member Rodriguez made a motion to approve Consent Calendar Items 1, 2, 3, 6, and 7.

Council Member Rodriguez amended the motion to exclude Item 6.

Council Member Shanahan made a substitute motion to approve Consent Calendar Items 1, 2, 3, and 7.

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

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo,
Council Member Rodriguez, Council Member
Shanahan, and Council Member Waldman

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

4. First Quarter Financial Report - Fiscal Year 2012-13

Receive and file the First Quarter Financial Report for Fiscal Year 2012-13.

Mayor Pro Tem Hwangbo requested to have the item pulled to clarify the loss of revenue in the previous two quarters in the report.

Finance Director Solorza responded that the reduction in revenue was a combination of additional property taxes collected, lower sales tax revenue, and the result of the triple flip outcome after two full quarters of revenues collected.

Mayor Pro Tem Hwangbo made a motion to receive and file the First Quarter Financial Report - Fiscal Year 2012-13.

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

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo,
Council Member Rodriguez, Council Member
Shanahan, and Council Member Waldman

NOES: None

5. Notice of Completion and Acceptance of Work for Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-317

Council Member Rodriguez requested to have the item pulled to clarify the boundaries of the project area and how the project will be funded.

Public Works Director Moneda clarified the project area and that funds will be carried over from the unused portion of funding from the previous year and the timeline established to relieve any impact on the public.

Accept the work and authorize the Public Works Director to file the Notice of Completion and Acceptance of Work with the Orange County Recorder for Construction Services for the Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-317; and approve the carryover of funds from FY 2011-12 and amended the FY 2012-13 Gas Tax, Measure M and Capital Outlay Reserve (COR) funds budgets by increasing appropriations a total of \$576,742.

Council Member Rodriguez made a motion to approve the Notice of Completion and Acceptance of Work for Pavement Rehabilitation of Residential Streets with Asphalt Rubber Overlay (ARHM), City Project No. ST-317.

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

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo,
Council Member Rodriguez, Council Member
Shanahan, and Council Member Waldman

NOES: None

6. Cooperative Agreement with the Orange County Transportation Authority for the State-Local Partnership Program Project

Council Member Rodriguez requested to have the item pulled so a member of the public could address the City Council regarding the item.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for the project being completed well below what was budgeted.

Public Works Director Moneda clarified that Capital Outlay Reserve funds will be offset by the Measure M grant that was approved for the project.

Approve and authorize the Mayor to execute the Cooperative Agreement C-2-1834 with the Orange County Transportation Authority (OCTA), giving permission to define the roles and responsibilities related to funding between OCTA and the City of La Palma for the Proposition 1B State-Local Partnership Program (SLPP).

Council Member Rodriguez made a motion to approve the Cooperative Agreement with the Orange County Transportation Authority for the State-Local Partnership Program Project

The motion was seconded by Mayor Pro Tem Hwangbo and carried on the following vote:

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo, Council Member Rodriguez, Council Member Shanahan, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

8. Adoption of Updated User Fee Schedule for Public Works, Community Development (Planning) and Police

a) Mayor Charoen opened the Public Hearing at 7:45 p.m.

b) Finance Director Solorza gave the Staff Report

c) Public Input:

Gerard Goedhart, 4922 Berton Circle, addressed the City Council regarding the date when recreation fees would be brought back and asked the City Council to continue the item until the next City Council was seated.

City Manager Volmert stated that the recreation fees would be brought back when the City Council gave direction regarding setting fees.

- d) Mayor Charoen closed the Public Hearing at 7:58 p.m.
- e) Council Comments and Questions:
- f) Adopt a Resolution approving and adopting the User Fee Schedule (Exhibit A, Schedules 1, 2, and 3)

Council Member Rodriguez made a motion to table the item until the new City Council can be seated.

The motion was seconded by Council Member Shanahan.

City Attorney Kuperberg advised that the item could be continued so it did not have to be renoticed.

Council Member Rodriguez made a substitute motion to continue the item to December 18, 2012.

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

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo,
Council Member Rodriguez, Council Member
Shanahan, and Council Member Waldman

NOES: None

REGULAR ITEMS

- 9. Fiscal Status Response and Planning: FY 2012-13 Budget Adjustments, Follow-Up

City Manager Volmert and Finance Director Solorza gave the Staff Report.

The following individuals addressed the City Council regarding the Fiscal Status Response and Budget Adjustments:

Gerard Goedhart, 4922 Berton Circle.

Peter Kim, 5202 Decatur Drive.

- a) Review the recommended options for adjusting the FY 2012-13 Budget;
- b) Select a specific option for adjusting the FY 2012-13 Budget;
- c) Adopt the Resolution amending the FY 2012-13 Budget;

Council Member Rodriguez made a motion to approve Option 3, making no additional budget adjustment, reduce the COR Transfer, and continue looking for cuts as possible.

Council Member Shanahan seconded the motion.

Council Member Waldman made a substitute motion to approve Option 1 as presented by staff to adopt Resolution No. 2012-57 amending the FY 2012-13 Budget, which would make additional operating budget adjustments, not reduce the COR transfer, and require minimal use of reserves.

The motion was seconded by Mayor Charoen and carried on the following vote:

AYES: Mayor Charoen, Mayor Pro Tem Hwangbo,
and Council Member Waldman

NOES: Council Member Rodriguez and Council
Member Shanahan

10. Council Member Request: Council Member Stipends

Council Member Rodriguez gave a brief report.

Public Input:

The following individuals addressed the City Council regarding the reduction of Council Member stipends:

Pat Craig, 7862 Tracy Lane.

Gerard Goedhart, 4922 Berton Circle.

Peter Kim, 5202 Decatur Drive.

No action was taken.

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

Mayor Pro Tem Hwangbo attended the Anaheim Union High School District (AUHSD) gala; the Red Ribbon Week (RRW) Challenge Pancake Breakfast; the Korean American Coalition Conference; the Southern California Edison (SCE) Briefing; the Orange County Forum Luncheon featuring Diane Feinstein; the La Palma Halloween Carnival; the Oxford Academy Foundation dinner; the Orange County Asian American Business Expo; the 2012 La Palma Days Parade; the Cypress College Americana Awards Kick-Off meeting; the Buena Park Mayor's Prayer; the State of the County address; the Orange County Vector Control District (OCVCD) meeting; and the Association of California Cities – Orange County (ACC-OC) newly elected officials meeting. He congratulated outgoing Council Members Rodriguez and Waldman for their service to the Community and wished everyone a wonderful Thanksgiving holiday.

Council Member Rodriguez attended the Random Access Network (RAND) Board meeting; the John F. Kennedy High School Choir Show; the funeral services for Judy Singleton; a special meeting of the Orange County Fire Authority (OCFA); the Cypress College Extended Opportunity Programs and Services (EOPS) Advisory Committee meeting; the AUHSD Advisory Committee Meeting update; the Library Advisory Board meeting; the La Palma Pageant; the Cypress College Americana Awards Kickoff; the Southern California Gas Company Smart Meter Discussion; the Orange County Transportation Authority (OCTA) City Selection meeting; his final OCFA meeting; and the La Palma Days Parade. He offered congratulations to the Council Member Elects that were in the audience and congratulated Steve Shanahan on his reelection. He noted that it had been a pleasure serving the community.

Council Member Shanahan attended the La Palma Pageant; the La Palma Days Parade; and the Cypress College Foundation Board Meeting. He noted that Lakewood Council Member Larry Van Nostrom, who served on the California Joint Powers Insurance Authority Executive Board, passed away earlier in the month.

Council Member Waldman attended the Orange County Sanitation District (OCSD) Strategic Planning meeting; the OCSD General meeting; the RRW celebration; the La Palma Halloween Carnival; the La Palma Pageant; the 2012 La Palma Days Parade; the OCSD Administration Committee; the OCTA City Selection Committee meeting; and the ACC-OC newly elected officials meeting. He congratulated Steve Shanahan on his reelection and Council Member Elects Goedhart and Kim on their election to the City Council.

Mayor Charoen attended the Wings, Wheels, and Rotors event, and the 2012 La Palma Days Parade. He congratulated Steve Shanahan on his reelection and Council Member Elects Goedhart and Kim on their election to the City Council.

CITY MANAGER REMARKS

City Manager Volmert attended the La Palma Halloween Carnival, the La Palma Pageant; and the La Palma Days Parade. She thanked the staff and volunteers for putting three great events together and noted that she would be out of town during the Thanksgiving holiday.

CITY ATTORNEY REMARKS

City Attorney Kuperberg thanked Council Members Rodriguez and Waldman for their service and offered congratulations to Steve Shanahan on his reelection and Council Member Elects Goedhart and Kim on their election to the City Council.

ADJOURNMENT

Mayor Charoen wished everyone a Happy Thanksgiving and adjourned the Regular Meeting of the La Palma City Council at 9:05 p.m. in memory of long time resident Judy Singleton.

Steve Hwangbo
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk