

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

December 18, 2012

CALL TO ORDER: Mayor Hwangbo called the Regular Meeting of the La Palma City Council to order at 6:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Council Member Charoen being absent.

Mayor Hwangbo recessed to Closed Session at 6:02 p.m.

CLOSED SESSION

CS1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Karla Ramirez and Mario Ramirez vs. City of Cypress, City of La Palma, Southern California Edison Company, a California Corporation and Does 1 through 30, inclusive

Case Number: Los Angeles Superior Court BC470526

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Michelle V. Kern vs. Jason Stone, Roy Stone, City of La Palma, City of Cypress, and Does 1 through 25, inclusive

Case Number: Orange County Superior Court 30-2012-00563519-CU-PACJC

CS-3. 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: Jason Stone, Roy Stone, and Jan Stone

Agency Claimed Against: City of La Palma

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Terry Williams vs. City of La Palma, La Palma Police Department, Eric R. Nunez (Chief of Police of La Palma Police Department), and Does 1 to 10, Inclusive

Case Number: Orange County Superior Court 30-2011 00525759

CS-5. 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

Mayor Hwangbo adjourned the Closed Session at 6:28 p.m.

#### OPEN SESSION

Mayor Hwangbo reconvened the City Council in Open Session at 7:02 p.m. with all members present.

City Attorney Kuperberg noted that there were no reportable actions on the five Closed Session items.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Shanahan

INVOCATION: Pastor Dave Lutz, La Palma Christian Center

ROLL CALL: Council and Commission Members

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

Council and 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. Mayor Hwangbo presented a Proclamation and cash award to Sharon Baek, in recognition of being named the 2012 Employee of the Year.
2. Mayor Hwangbo presented a Proclamation and cash award to Carlo Nafarrete, in recognition of being named the 2012 Supervisor/Professional Employee of the Year.
3. Community Development Director Dumhart presented Tammy Lilly and the Sang Sim family as the new owners of the Tapestry Walk Affordable Homes.

### ORAL COMMUNICATIONS

No members of the public wished to speak.

### RECESS THE CITY COUNCIL AND CONVENE AS THE SUCCESSOR AGENCY TO THE LA PALMA COMMUNITY DEVELOPMENT COMMISSION AT 7:16 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 Successor Agency Minutes

Minutes of the December 4, 2012, Regular Meeting of the Successor Agency to the La Palma Community Development Commission.

B. Approval of Register of Demands

Resolution No. 2012-28 approving the Successor Agency to the La Palma Community Development Commission Register of Demands for December 18, 2012.

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

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

AYES: Council Member Charoen, Council Member Goedhart, Chairperson Hwangbo, Council Member Kim, and Vice Chairperson Shanahan

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE SUCCESSOR AGENCY TO THE LA PALMA COMMUNITY DEVELOPMENT COMMISSION AND CONVENE AS THE PLANNING COMMISSION AT 7:17 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the December 4, 2012, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Shanahan made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Commission Member Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Chairperson Hwangbo, Commission Member Kim, and Vice Chairperson Shanahan

NOES: None

#### PUBLIC HEARINGS

None Scheduled.

#### REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL AT 7:18 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.

4. Acceptance of the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2012

Receive and File the Comprehensive Annual Financial Report (CAFR) of the City of La Palma for the Fiscal Year ending June 30, 2012.

5. Resolution Adopting the June 30, 2012, Measure M2 Expenditure Report

Resolution No. 2012-61 approving the Fiscal Year 2011-12 Measure M2 Expenditure Report.

Council Member Charoen made a motion to approve Consent Calendar Items 1, 4, and 5.

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

#### ITEMS PULLED FROM CONSENT CALENDAR

#### 2. Approval of Council Minutes

Council Member Goedhart requested to have the item pulled to allow separate motions for each set of Minutes.

Minutes of the December 4, 2012, Regular Meeting of the La Palma City Council.

Council Member Charoen made a motion to approve the Minutes of the December 4, 2012, Regular Meeting of the City Council.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

Minutes of the October 16, 2012, Regular Meeting the La Palma City Council.

Council Member Charoen made a motion to approve the Minutes of the October 16, 2012, Regular Meeting of the La Palma City Council.

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

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

NOES: None

ABSTAINED: Council Member Goedhart and Council Member Kim

3. Approval of Register of Demands

Council Member Goedhart requested to have the item pulled to clarify charges from Hogle-Ireland.

Community Development Director Dumhart gave a detailed description of the services provided and charges from Hogle-Ireland for the additional Outreach Program.

Resolution No. 2012-60 approving the Register of Demands for December 18, 2012.

Council Member Goedhart made a motion to approve Resolution No. 2012-60 approving the Register of Demands for December 18, 2012.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

PUBLIC HEARINGS

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

a) Mayor Hwangbo reopened the Public Hearing at 7:24 p.m.

b) Finance Director Solorza gave the Staff Report

c) Public Input

No members of the public wished to speak.

d) Mayor Hwangbo closed the Public Hearing at 7:34 p.m.

e) Council Comments and Questions:

Discussion ensued regarding the updated User Fee Schedule and conducting a workshop to further study and discuss the matter. A question was posed regarding the City's ability to charge full cost recovery fees.

City Attorney Kuperberg responded that the City is allowed to charge fees for reasonable costs of the service provided.

Further discussion ensued regarding the City's former permit holiday and whether the City is exposed to liability when a fee is raised substantially.

City Attorney Kuperberg commented that the law states that the fees adopted represent the reasonable cost for the product or service provided and that the fee increase should be justified by the cost of the service.

Further discussion ensued regarding support for accurate and appropriate fee increases.

Mayor Hwangbo made a motion to approve a Study Session reviewing the fee increases, including the Recreation Department fee schedule.

City Attorney Kuperberg responded that if Planning fees are included in the Study Session, an amended motion to post a Public Hearing notice is required and that the meeting would need to be treated as a Public Hearing.

Mayor Hwangbo amended his motion to approve a Public Hearing and Study Session to review the fee increases, including the Recreation Department fee schedule.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

## REGULAR ITEMS

### 7. Appointments to External Committees and Internal Subcommittees



Mayor Hwangbo introduced the item and noted that there will be no votes taken on the CAL-ID Remote Access Network Board as it is a City Selection Committee appointed term and that there is no longer a Student Recognition Subcommittee due to the agreed upon budget cuts by the City Council.

- a) Appoint Representatives and Alternates, where appropriate, to the various External and Internal Committees.

By consensus, the City Council appointed Council Member Charoen as the California Joint Powers Insurance Authority (CJPIA) Representative and Mayor Pro Tem Shanahan as the Alternate.

- b) Adopt a Resolution designating and appointing a Representative and an Alternate to the Orange County Fire Authority's Board of Directors;

Council Member Goedhart and Mayor Pro Tem Shanahan both nominated themselves as the Orange County Fire Authority's (OCFA) Representative.

The following individual addressed the City Council regarding Mayor Pro Tem Shanahan having received funds from the Orange County Fire Authority (\*Actual contribution was received from the Orange County Professional Firefighters Association) during the prior election.

Larry Herman, 5122 Andrew Drive.

Mayor Hwangbo called for a vote to appoint Gerard Goedhart as the City's Orange County Fire Authority (OCFA) Representative.

The motion carried on the following vote:

AYES: Council Member Charoen, Council Member Goedhart, and Mayor Hwangbo

NOES: Mayor Pro Tem Shanahan

ABSTAIN: Council Member Kim

Mayor Hwangbo made a motion to adopt Resolution No. 2012-62 designating and appointing Council Member Goedhart as the City's Orange County Fire Authority (OCFA) Representative and Council Member Kim as the Alternate.

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

AYES: Council Member Charoen, Council Member Goedhart, Mayor Hwangbo, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: None

Mayor Hwangbo and Council Member Kim nominated themselves as the City's Orange County Sanitation District (OCSD) Representative.

Mayor Hwangbo called for a vote to appoint himself as the City's representative to the Orange County Sanitation District.

The motion failed on the following vote:

AYES: Council Member Goedhart and Mayor Hwangbo.

NOES: Council Member Charoen and Mayor Pro Tem Shanahan.

ABSTAINED: Council Member Kim.

Mayor Hwangbo called for a vote to appoint Council Member Kim as the City's representative to the OCSD.

The motion carried on the following vote:

AYES: Council Member Charoen, Council Member Kim, and Mayor Pro Tem Shanahan

NOES: Council Member Goedhart, and Mayor Hwangbo

By consensus the City Council agreed to appoint Council Member Goedhart as the City's alternate to the OCSD.

Mayor Hwangbo announced that the City Council would not need to vote on the Orange County Vector Control District (OCVCD) as he is still serving the last year of his two year term as the City's representative.

By consensus, the City Council agreed to appoint Council Member Goedhart as the City's representative to the Metropolitan Water District of Orange County (MWDOC) and Council Member Peter Kim as the alternate.

By consensus, the City Council agreed to appoint Mayor Pro Tem Shanahan as the City's representative to the Orange County Library Advisory Board and Council Member Goedhart as the alternate.

Discussion ensued regarding eliminating the Business Subcommittee; the duties of the Subcommittee; and support for creating a Business Task Force.

City Attorney Kuperberg reported that if a Business Task Force were to be created to address business concerns, it would not be subject to requirements of the Brown Act.

By consensus, the City Council agreed to appoint Mayor Hwangbo and Mayor Pro Tem Shanahan to serve as new members of the Business Task Force.

By consensus, the City Council agreed to appoint Council Member Kim and Mayor Pro Tem Shanahan as the City's Public School Liaisons.

8. Pension Reform Update

Administrative Services Manager Murray gave the Staff Report.

Discussion ensued regarding the pension reform; the City's unfunded CalPERS liability; and the potential of cost sharing employee and employer pension contributions in the future.

9. Council Member Request: Financial Review of Halloween Carnival and La Palma Days

Council Member Goedhart gave a brief overview of the request and clarified that the intent was to show transparency of the total expenditures and revenues for the events.

The Council received and filed the report.

10. Council Member Request: Neighborhood Watch Annual Awards Funding

Council Member Goedhart gave an overview of his request; that not funding the awards could jeopardize the program; the amount of volunteers; and support for volunteers to be recognized.

Council Member Goedhart made a motion to approve the adoption of a Resolution to restore of the \$1,200 for the Neighborhood Watch Annual Awards for this fiscal year. The motion was seconded by Council Member Kim.

Mayor Hwangbo made a substitute motion to approve the adoption of a Resolution to fund the Neighborhood Watch Annual Awards event in the amount of \$600.

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

AYES: Council Member Charoen, Mayor Hwangbo,  
and Council Member Kim

NOES: Council Member Goedhart and Mayor Pro Tem  
Shanahan

Mayor Pro Tem Shanahan and Council Member Goedhart both commented that they did not support the substitute motion because they would have supported restoring the full \$1,200 expenditure.

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

**Council Member Charoen** had nothing to report.

**Council Member Goedhart** attended the Holiday Tree Lighting; an Anaheim City Council meeting; the annual Employee Recognition Awards luncheon; and the Association of California Cities-Orange County (ACC-OC) holiday event; He closed by wishing everyone a happy holiday season and requested to adjourn the meeting in memory of those who lost their lives in Newtown, Connecticut.

**Council Member Kim** attended the annual Employee Recognition Awards luncheon; the Holiday Tree Lighting; and the last two City Council Orientations. He closed by wishing everyone a happy holiday season.

**Mayor Pro Tem Shanahan** attended the Holiday Tree Lighting; and the annual Employee Recognition Awards luncheon. He thanked Mayor Hwangbo for his donation to the event.

**Mayor Hwangbo** attended the Holiday Tree Lighting; the Orange County Gift of History event; the Annual Employee Recognition Luncheon; the American Moo-Do Kwan end of the year celebration; the Anaheim Union High School District (AUHSD) board meeting; the Cypress, Irvine, and Los Alamitos City Council Reorganization meetings; the OCSA Administrative Committee meeting; the AUHSD Oath of Office ceremony for Brian O'Neal; a meeting with the Young Leaders of Orange County; and the pancake and sausage breakfast by the Kiwanis for the HOPE Foundation. He closed by asking that City use the Newtown tragedy as an opportunity to enact an updated emergency

plan with the City's schools. He noted that he would be adjourning the meeting in honor of the families affected by the disaster.

#### CITY MANAGER REMARKS

**City Manager Volmert** attended the Holiday Tree Lighting; the Employee Recognition Awards luncheon; and the holiday luncheons for the La Palma General Employees Association (LPGEA) and La Palma Police Association (LPPA). She reported that she will be out of town from December 21 - 31, 2012, and that City Administrative offices would be closed December 25 through January 1.

#### CITY ATTORNEY REMARKS

**City Attorney Kuperberg** attended the Employee Recognition Awards luncheon; reported on changes in legislation that would affect Public Works beginning January 1, 2013; and wished everyone a happy holiday season.

#### CLOSED SESSION

CS-6. The City Council will meet in Closed Session pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Mayor Hwangbo recessed to Closed Session at 9:25 p.m. with all members present.

Mayor Hwangbo reconvened in Open Session at 11:55 p.m. with all members present.

Administrative Services Manager Murray stated that there was nothing to report out of Closed Session.

#### ADJOURNMENT

Mayor Hwangbo wished everyone a happy holiday season and adjourned the Regular Meeting of the La Palma City Council at 11:56 p.m. in memory of those affected by the Newtown, Connecticut tragedy.

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Steve Hwangbo  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk