

MINUTES OF THE REGULAR MEETING  
OF THE LA PALMA CITY COUNCIL

August 5, 2014

CALL TO ORDER: Mayor Shanahan called the Regular Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers at La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Kim

INVOCATION: Dr. Paul Kim, United Methodist Church

ROLL CALL: Council and Commission Members

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

Council/Commission Members absent: None

City Officials present: Ellen Volmert, City Manager  
Joel Kuperberg, City Attorney  
Michael Belknap, Community Services Director  
Scott Hutter, Associate Planner  
Laurie Murray, Administrative Services Director/City Clerk  
Eric Nuñez, Police Chief

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his appreciation for the dead tree removal along Houston Avenue; noted the dead shrubbery at the Denni Street pocket park; the two empty tree wells on Houston Avenue; the need to address the trash and wobbly bench in the Gazebo; and that the City of Brea has a program entitled

"Coffee with a Cop" and noted his support for that to be brought to La Palma in order for the La Palma Police Department to meet with the community and interact with residents.

Mayor Pro Tem Kim responded that Community Services has fixed the benches in the Gazebo.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 7:10 P.M.

Administrative Services Director/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 July 15, 2014, Regular Meeting of the Successor Agency.

B. Adoption of the Seventh Recognized Obligation Payment Schedule - January 1, 2015 to June 30, 2015 (ROPS 14-15B)

Resolution No. SA 2014-08 approving the Seventh Recognized Obligation Payment Schedule (ROPS 14-15B) - January 1, 2015, to June 30, 2015.

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

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

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

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 CONVENE AS THE  
PLANNING COMMISSION AT 7:11 P.M.

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 15, 2014, Regular Meeting of the Planning Commission.

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

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

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

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

None Scheduled.

ADJOURN THE PLANNING COMMISSION AND RECONVENE AS THE CITY COUNCIL  
AT 7:12 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 City Council Minutes

Minutes of the July 15, 2014, Regular Meeting of the La Palma City Council.

3. Approval of Register of Demands

Resolution No. 2014-42 approving the Register of Demands for August 5, 2014.

4. Destruction of Obsolete Finance Department Records

Resolution No. 2014-43 authorizing the destruction of obsolete finance records pursuant to the California Government Code Section 34090.

5. Revision to Salary Schedules for Part-Time Employees and the La Palma General Employees Association (LPGEA)

- a) Adopt Resolution No. 2014-44 of the City Council of the City of La Palma amending the salary schedule for part-time employees; and
- b) Approve the amended salary schedule for the La Palma General Employees Association (LPGEA).

Mayor Pro Tem Kim made a motion to approve Consent Calendar Items 1 through 5.

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

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

NOES: None

PUBLIC HEARINGS

6. Americans with Disabilities Act (ADA) Transition Plan

- a) Mayor Shanahan opened the Public Hearing at 7:12 p.m.
- b) Community Services Director Belknap gave the Staff Report
- c) Public Input:

No members of the public wished to speak.

- d) Mayor Shanahan closed the Public Hearing at 7:20 p.m.
- e) Council Comments and Questions:

Discussion ensued regarding bus stop ADA compliance being part of the City-wide project; that arterial streets have top priority; and that Staff is unsure if there is cost sharing from the Orange County Transportation Authority (OCTA) for ADA upgrades.

- f) Adopt Resolution No. 2014-45 approving and adopting American with Disabilities Act (ADA) Transition Plans for Public Facilities and Intersections and Bus Stops for the City of La Palma.

Mayor Pro Tem Kim made a motion to adopt Resolution No. 2014-45 approving and adopting American with Disabilities Act (ADA) Transition Plans for Public Facilities and Intersections and Bus Stops for the City of La Palma.

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

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

NOES: None

## REGULAR ITEMS

### 7. League of California Cities (LOCC) Resolutions

Provide direction to Mayor Shanahan, Mayor Pro Tem Kim, and Council Member Hwangbo as the City of La Palma's Voting Delegate, Alternate Voting Delegate, and Second Alternate Voting Delegate, respectively, for the League of California Cities' (LOCC) Annual Conference as to the City's position on a Resolution calling upon the Governor and the Legislature to convene a summit to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing problems to public safety related to these activities by working in partnership with the LOCC to develop responsive solutions and to secure adequate funding for cost-effective implementation strategies.

Mayor Pro Tem Kim made a motion to approve Mayor Shanahan, Mayor Pro Tem Kim, and Council Member Hwangbo as the City of La Palma's Voting Delegate, Alternate Voting Delegate, and Second Alternate Voting Delegate, respectively, for the League of California Cities' (LOCC) Annual Conference as to the City's position of supporting a Resolution calling upon the Governor and the Legislature to convene a summit to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing problems to public safety related to these activities by working in partnership with the LOCC to develop responsive solutions and to secure adequate funding for cost-effective implementation strategies.

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

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

NOES: None

8. Council Member Request: Progress Report on the Code Enforcement Case at 5781 Warwick Circle and Discussion of Code Enforcement Procedures.

Associate Planner Hutter gave the Staff Report.

City Manager Volmert reminded the City Council that the upcoming Zoning Code Update workshop would allow City Council to make modifications to specific Code Enforcement sections in order to address matters such as this.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his opposition to the length of time the house has been in disarray; that the City's Municipal Code should have been followed instead of letting seven months go by; his opposition to the weed abatement procedure; concern with the Staff time and City Attorney time spent on the report; and his support for the matter being resolved by the end of this year.

Council Comments and Questions:

Discussion ensued regarding Council Member Goedhart's concerns in the Staff Report; opposition to there being no Staff follow up after the compliance date of September 30, 2013; that no action was taken until Mr. Herman came forward in June 2014 with a formal complaint; Mr. Goedhart's opposition to not having started the abatement process sooner; his opposition to having Code Enforcement activity and Staff hours in a Staff Report; that the current philosophy has been to gain compliance with the least amount of legal involvement; that the upcoming Zoning Code Update is the format to make changes to the City's Code

Enforcement policy; that most homeowners respond to code violation notices; whether Volunteers in Policing (VIP's) could work with Code Enforcement to identify cases; support for knowing Staff time involved; that this particular Code Enforcement case is much more involved as it is a foreclosure; that upcoming Code Enforcement staffing should allow for a better level of service; and that future code enforcement software could provide better tools in the follow up process.

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

9. Council Member Request: Revisit of the Residential Landscape Standards of the La Palma City Code Pertaining to Artificial Turf and Drought-Tolerant Plant Materials

Associate Planner Hutter gave the Staff Report.

Public Input:

Glen Sauls, 5181 Ivywood Drive, addressed the City Council regarding the current drought that exists; that he plans to move forward with artificial turf on his property; support for drought tolerant plants; support for artificial turf; that the State Metropolitan Water District is giving rebates for artificial turf; and support for keeping the Artificial Turf Ordinance, including improvements.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding his support for artificial turf; support for water conservation; and asked for clarification on details of installing a sub-base prior to the artificial turf.

Mr. Hutter explained that installers excavate a lower portion of the lawn area, place a weed buffer of plastic, and then install sand between one to six inches and that the sub-base could vary based on the soil conditions of the property.

Mr. Herman stated the original Ordinance passed during his tenure and commented on the necessity to encourage residents to conserve water usage; support for having material standards; the expense of installing a sub-base; and how the City is managing unpermitted artificial turf.

City Manager Volmert responded that Staff does not support any action at this time because of the upcoming Zoning Code update which may determine the course of action for those home owners. She closed by stating that the City currently responds to formal complaints through Code Enforcement.

Associate Planner Hutter responded that Staff has been notifying the unpermitted homeowners; that most of the unpermitted artificial turf has been high quality, high grade materials that are above the City's standard; and that Staff has seen receipts of \$6,000 to \$16,000 invested in artificial turf for properties in La Palma. He closed

by noting that no residents appear to be installing the turf themselves, but are working through contractors.

Mr. Sauls added that artificial turf will not decay after a pet deposit.

#### Council Comments and Questions:

Discussion ensued regarding that Council Member Goedhart's intent is not to eliminate the use of artificial turf, but to question the City's process; he also stated for the record that he has unpermitted artificial turf that was installed prior to the Ordinance's adoption and that he has not received a notice to date; opposition to a process that is too cumbersome and unnecessary; opposition to including a planting and landscape plan for the permit process; support to removing the permit process and keep the standards; support for revising this chapter in the Zoning Code Update; history of how the Ordinance came to being; that artificial turf was previously substandard materials; that if an artificial lawn did not meet the standard, a code enforcement case would be activated; that currently there is no fee for the artificial turf permit; that the City could choose to remove the landscape plan from the Artificial Turf Permit and simplify the process; that the original draft of the Ordinance was more restrictive; that all known unpermitted artificial turf meets or exceeds the City's minimum standards; that there were some homeowners who initially thought the process was arduous, but got it completed; and whether removing the permit process would cause problems.

City Attorney Kuperberg responded that if the City eliminates the need for a permit, but keeps the standards for artificial turf, any violation of those standards would become a Code Enforcement matter.

Further discussion ensued regarding the Ordinance being simplified; that the City Council Members who adopted the Ordinance were more conservative; support for removing the landscape plan from the process; that every city has a different standard level; support for having a contractor come in to ensure the artificial turf meets the standards; that Staff would bring this item back as directed by the Council during the Zoning code update; making the process easier for the contractor or applicant; support for eliminating the permit process all together; that having a process helps residents know that there are City standards; and that Staff will bring back options including eliminating or revising the Artificial Turf Ordinance during the Zoning Code Update process.

Mr. Herman asked if there are City Standards for dry-scape and what the City's next steps are in this process.

Associate Planner Hutter responded that the City does allow it, but that there are no standards for 'xeriscaping'.



Mayor Shanahan stated that there will be Study Session on September 30, 2014, and that Staff will prepare a report on the options for the Artificial Turf Ordinance during the Zoning Code Update.

Mr. Sauls addressed the City Council regarding the contractor being the responsible party to get the permit, not the homeowner; support for City standards being met; and requested that his brown lawn be exempt from getting a violation notice.

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

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

**Council Member Goedhart** attended an Orange County Fire Authority (OCFA) Board meeting.

**Council Member Hwangbo** attended the Associate of California Cities - Orange County (ACC-OC) Board meeting; the Orange County Vector Control District (OCVCD) Board meeting; and the League of California Cities (LOCC) Orange County division quarterly meeting.

**Mayor Pro Tem Kim** attended the ACC-OC City Leaders reception; the Orange County Sanitation District (OCSD) monthly meeting; and the Grade Power Learning Grand Opening event.

**Mayor Shanahan** attended the Taste of Orange County.

CITY MANAGER REMARKS

**City Manager Volmert** attended the Grade Power Learning Center Grand Opening event; the Taste of Orange County; and announced the upcoming Civic Expo and National Night Out on August 9 in conjunction with Concerts in the Park.

CITY ATTORNEY REMARKS

**City Attorney Kuperberg** had nothing to report.

CLOSED SESSION

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One (1) potential case.

Mayor Shanahan recessed to Closed Session at 8:44 p.m.

Mayor Shanahan reconvened in Open Session at 9:16 p.m. and asked for a report.

Administrative Services Director Murray announced that there were no reportable actions out of the Closed Session.

ADJOURNMENT

Mayor Shanahan adjourned the Regular Meeting of the La Palma City Council at 9:17 p.m.

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Steve Shanahan  
Mayor

Attest:

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Laurie A. Murray, CMC  
City Clerk