

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

March 7, 2023

CALL TO ORDER: Mayor Baker called the Regular Meeting of the La Palma City Council to order at 5:01 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

CLOSED SESSION

CS-1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: (Paragraph (1) of subdivision (d) of Section 54956.9). Three cases:

County of Santa Barbara Superior Court Case No.: 20CV02026 (City of Arcadia et al. v. Southern California Edison Co.)

Orange County Superior Court Case No.: 30-2022-01294374-CU-WM-CXC (Tatarian v. City of La Palma)

Orange County Superior Court Case No. 30-2022-01298828-CU-MC-CJC (Goo v. La Palma Police Department, et. al)

CS-2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One potential case, possible hostile work environment claim.

CS-3. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: South of Orangethorpe Avenue, 42 feet east of the centerline of Alexander Avenue

Agency negotiator: Conal McNamara, City Manager
Ajit Thind, City Attorney
Joe Cisneros, Assistant to the City Manager

Negotiating parties: Crown Castle Fiber, LLC

Under negotiations: Price and terms of payment

CS-4. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 5062 La Palma Avenue, La Palma, California
APN: 262-081-04

Agency negotiator: Conal McNamara, City Manager
Ajit Thind, City Attorney

Negotiating parties: Esoteric Homes, Inc

Under negotiations: Price and terms of payment

CS-5. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6.

Agency Designated Representatives: Conal McNamara, City Manager
Ryan Hallett, Administrative Services Director
Steve Filarsky, Labor Attorney

Employee Organizations: La Palma General Employees Association
La Palma Professional Employees Association

Unrepresented Employees: Executive Management

CS-6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO (Paragraph (4) of subdivision (d) of Section 54956.9):

Consideration of whether to initiate litigation in one case.

Mayor Baker recessed to Closed Session at 5:02 p.m.

OPEN SESSION (Scheduled to Begin at 6:30 p.m.):

Mayor Baker reconvened in Open Session at 6:30 p.m. and asked for a report out of Closed Session.

City Attorney Thind responded that there were no reportable actions out of Closed Session.

PLEDGE OF ALLEGIANCE: Council Member Patel

INVOCATION: Father Aaron Galvizo, St. Ireneaus

ROLL CALL: Council Members

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

Council Members absent: None

City Officials present: Conal McNamara, City Manager
Ajit Thind, City Attorney
Mike Belknap, Community Services Director
Joseph Cisneros, Assistant to the City Manager
Ryan Hallett, Administrative Services Director
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Kimberly Kenney, City Clerk

PRESENTATIONS

1. Mayor Baker presented a Proclamation to Aidan Hong in honor of his attaining the rank of Eagle Scout.

Elizabeth Lavezzari, representing Senator Josh Newman's Office; Benjamin Montelongo, representing Senator Janet Nguyen's Office; and Triston Mendez, representing Assemblywoman Sharon Quirk-Silva's Office also presented Aidan Hong certificates of recognition for his achievement of Eagle Scout.

2. City Manager McNamara introduced Andy Ramirez as La Palma's new Public Works/Community Services Director.

ORAL COMMUNICATIONS

Gordon Shank, a La Palma resident, addressed the City Council regarding the City working with CalTrans to install a sound wall along the 91 Freeway.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 6:43 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 January 10, 2023, Regular Meeting of the Successor Agency.

B. Successor Agency Meeting Schedule

Resolution No. SA 2023-01 modifying its meeting schedule to meet annually on the first Tuesday each August.

Mayor Pro Tem Goodman made a motion to approve Consent Calendar Item A and B.

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

AYES: Mayor Baker, Council Member Conklin, Mayor Pro Tem Goodman, Council Member Patel, 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 6:44 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 January 10, 2023, and February 7, 2023, Regular Meetings, and the January 20, 2023, Special Meeting of the City Council.
3. Approval of Register of Demands

Resolution No. 2023-08 approving the Registers of Demands for February 21, 2023, and March 7, 2023.
4. Second Quarter Operating Report, Fiscal Year 2022-23

Receive and file the Second Quarter Operating Report, Fiscal Year 2022-23.
5. Fiscal Year 2021-22 Single Audit Report

Receive and file the Single Audit Report for the Fiscal Year ending June 30, 2022.
6. Property Damage Settlement and Release

Authorize the City Manager to execute the attached release agreement.
7. Destruction of Obsolete Departmental Records

Resolution No. 2023-09 authorizing the destruction of obsolete records pursuant to the California Government Code Section 34090.
8. 2023 Street Closures for City Special Events

Resolution No. 2023-10 approving 2023 Street Closures for three (3) City special events: Festival of Nations Parade, Saturday, April 29; Memorial Day, Monday, May 29; and Fitness Run for Fun, Tuesday, July 4.
9. General Plan, Housing Element, and Housing Successor Annual Progress Reports

- a) Receive and file the 2022 General Plan Annual Progress Report, 2022 Housing Element Annual Progress Report, and the Fiscal Year 2021-22 Housing Successor Annual Report; and,
 - b) Direct the Community Development Department to:
 - 1) Transmit the 2022 General Plan Annual Progress Report to the Governor's Office of Planning and Research (OPR) and the California State Department of Housing and Community Development (HCD); and,
 - 2) Transmit the 2022 Housing Element Annual Progress Report via emails to the Governor's Office of Planning and Research (OPR) and the California State Department of Housing and Community Development (HCD); and,
 - 3) Transmit the Fiscal Year 2021-22 Housing Successor Annual Report via email to the California State Department of Housing and Community Development (HCD) and make it available on the City's website.
10. Second Reading And Adoption Of An Ordinance Of The City Of La Palma Amending City Zoning Code (Chapter 44 Of The La Palma Municipal Code) Sections 44-10, 44-111, and 364 Pertaining To The Regulation Of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) In Residential Zones In Conformance With State Law

Adopt Ordinance 2023-03 of the City of La Palma amending the City Zoning Code Sections § 44-10, § 44-111, and § 364 Pertaining to the regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in Residential Zones in conformance with State Law.

Council Member Waldman made a motion to approve Consent Calendar Items 1 through 10.

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

AYES: Mayor Baker, Council Member Conklin, Mayor Pro Tem Goodman, Council Member Patel, and Council Member Waldman

NOES: None

PUBLIC HEARINGS

None Scheduled.

REGULAR ITEMS

11. Mid-Year Budget Update and Adjustments for Fiscal Year 2022-23

City Manager McNamara introduced the item and Administrative Services Director Hallett gave the Staff Report.

Discussion ensued regarding appreciation for Staff in preparing the budget numbers for this Report; clarification of what is being transferred out from designated funds; that these funds are simply moving funds from one surplus account to another surplus account; that the City is in a good position financially; that the City should create a stabilization fund with the surplus while the economy is fluctuating; explanation of what an M.O.U. is for the public; and that the stabilization fund is not a restricted fund so that if the City Council needs it, they have access to it.

Public Comment:

No members of the public wished to speak.

1. Receive and file the Mid-Year Budget report; and
2. Approve a Resolution amending the Fiscal Year 2022-23 Budget; and
3. Direct staff with regard to any transfers from the General Fund.

Council Member Patel made a motion to receive and file the Mid-Year FY 2022-23 Budget report and adopt Resolution No. 2023-11 amending the Fiscal Year 2022-23 Budget.

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

AYES: Mayor Baker, Council Member Conklin, Mayor Pro Tem Goodman, Council Member Patel, and Council Member Waldman

NOES: None

12. Adoption of 2023 City Council Goals and Objectives

City Manager McNamara gave the Staff Report.

Public Comments:

No members of the public wished to speak.

Discussion ensued regarding appreciation for Staff for working with the consultants on the team building aspect of Goal Setting; that the Consultant did a great job assisting and aligning our goals with the City's vision; support to continue using this format; and support for the personality survey aspect done by the consultant and how that was worked into the Goal Setting session.

Approve and adopt the 2023 Goals and Objectives.

Council Member Patel made a motion to adopt the 2023 City Council Goals and Objectives.

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

AYES: Mayor Baker, Council Member Conklin, Mayor Pro Tem Goodman, Council Member Patel, and Council Member Waldman

NOES: None

13. Installation of Pickleball Courts at Central Park

City Manager McNamara introduced the item and Community Services Director Belknap gave the Staff Report.

Provide feedback to staff on whether to pursue installation of Pickleball courts at Central Park.

Public Comment:

Scott Forbes, a La Palma resident, addressed the City Council regarding a large group of 30 pickleball players at Arnold Park in Cypress; that they have been told those courts will be rehabilitated and they'll need a new location to play; and that pickleball has become a very popular sport.

George Romero, La Palma resident, addressed the City Council regarding clarification of the cost to design the court versus the cost to install it.

Mayor Baker responded that the cost to design the pickleball courts is approximately \$66 thousand and the cost to install the courts is approximately \$200 thousand at this time.

Jodie Koshi, addressed the City Council regarding her support for the family friendly sport of pickleball and encouraged the City Council to move forward with installing the courts.

Karen Zagorski, a La Palma resident, addressed the City Council regarding using grant funds for the installation of pickleball courts at the park; and how often the exercise area is used; and that pickleball court lines can be overlaid on the basketball courts so they can be used for the sport when not in use.

Mayor Baker noted that although there is no discussion allowed during the oral comment period, she added that she believed that staff is not tracking the exercise equipment use.

Roy Otsuke, addressed the City Council regarding whether the City Council members play pickleball; that pickleball is age and family friendly, very engaging; that it's the fastest growing sport; and asked the City Council to support this.

Discussion ensued regarding City Council being cost sensitive; that there is support to go out to bid on the project, but have the cost evaluated; that if the cost is feasible, Council would support it; that Central Park has a place for pickleball courts; wanting to know what maintenance fees would be per year; that there is delayed costs like resurfacing and net replacement; that reservations for the pickleball courts can be determined at a later time; that if La Palma City Council is going to spend over a \$100 thousand for these courts, that it should be used by La Palma residents first; interest in charging fees to offset costs of the court installation; support in favor of starting with the design of the courts first; support for seeing all the bids come in and cost analysis for installation of the courts; would like to see alternative uses for these courts in the future; whether the funds can be used for an infrastructure project versus a recreational sport in order to be fiscally responsible; support for installing an overlay in our basketball courts for additional pickleball courts; that typical grant funds cannot be used for maintenance; that although this project may be viewed as a luxury, it is a way to get the community more physically active and a good community investment.

John Zagorski, La Palma resident addressed the City Council regarding pickleball growing in popularity; support for overlaying pickleball courts in current basketball courts; and support for installing pickleball courts that are sized appropriately.

Mario Portugal, a 28 year La Palma Resident, addressed the City Council regarding his support for pickleball as a former tennis player; that pickleball is not

as strenuous as tennis; that he plays at the indoor pickleball courts at Knabe Park; support to make the basketball courts also pickleball courts; and that just having a couple of courts available first before installing additional courts would be a wiser decision.

Jodie Koshi addressed the City Council by noting that tennis courts can also be used as pickleball courts; that she uses the Cypress College Tennis courts for pickleball; and that she can bring her own net.

Community Services Director Belknap responded that tennis courts are used during the day versus the basketball courts and that could cause a conflict.

Further discussion ensued regarding basketball courts not being used much during the weekdays; that the City could decide to set aside times to use the courts for basketball use and pickleball use; that if the cost estimates reasonably correct, Council Member Waldman announced his support for installing pickleball courts and avoid any conflicts with disrupting tennis or basketball court use; that Mayor Baker also supports avoiding the use of tennis and basketball courts and recommended the installation of stand-alone pickleball courts; that the resurfacing of the tennis and basketball courts are out for bid currently and that adding the pickleball striping was requested to be added to that bid; that Mayor Pro Tem Goodman supports using the overlay pickleball court in an existing basketball court to measure the use first before we go out to bid on the larger installation project; clarification that this project would not be in conflict with any current proposed Capital Improvement Projects (CIP) in the cue; that Council Member Keo Conklin objected to the City Council not funding a live stream of our City Council meetings while supporting the installation of pickleball courts and inquired on the reasoning; that City Manager McNamara clarified that while the City was experiencing audio difficulties, that Staff was not given direction from the City Council for livestreaming capabilities but rather to improve the audio capabilities; and that Council Member Keo Conklin supports the idea to start with the basketball court overlay first and have its use for pickleball evaluated before proceeding further; that Council Member Patel clarified that the City Council did not see a 'need' to televise City Council meetings and that the City Council is cost sensitive to even the pickleball courts and the City has grant funding to use for pickleball courts; that if there is a cost for pickleball courts that makes the City Council uncomfortable, the City Council will address it; that Council Member Patel would support pickleball because it is important to the community; and that he would prefer to keep the basketball court use completely separate as they are a very different demographic group from pickleball.

Scott Forbes, a La Palma resident, addressed the City Council regarding time frames for pickleball use are usually early in the morning versus basketball being used in the afternoon and evenings; and support for putting pickleball courts in the basketball courts in the interim and that players could make it work.

Council Member Patel made a motion to proceed with plans to install pickleball courts at Central Park. The motion was seconded by Council Member Waldman.

Council Member Patel pulled his motion from the floor to clarify that the motion would be to proceed with plans to design the pickleball courts and then proceed with the bidding process to including moving forward with having two additional bids for the installation in addition to the bid received by NUVIS. He asked if Council Member Goodman was amenable to this motion.

Mayor Pro Tem Goodman asked if this procedure would be typical for this type of project.

Community Services Director Belknap responded that the City has had a long term relationship with NUVIS over many years for a variety of projects; that for a professional service contract, you do not need to 'go out to bid'; that the City Council can use the NUVIS design when going out to bid for the installation portion and will not be part of the bidding on the construction of the project; that with approving the design plans, this could be a placeholder to build it in the future until the City Council has put a placeholder in the budget for the installation; and that you would ultimately have the design to install these courts at any time in the future.

Further discussion ensued regarding the amount of time added to this process if the City Council went out to bid on the design plans; that one could add another month or two to this project; that use of the grant funds to pay for the design portion of the courts is time sensitive and going out to bid for the design would have to be fast tracked; that if approved tonight, NUVIS would design the pickleball courts; that these construction drawings would be used as the basis of the Request for Proposals (RFP); that those bids would be presented to the City Council at a future date; that the cost presented tonight for the installation of the courts is just an engineer's estimate; and the actual cost results from the RFP could be very different than the estimate.

Mayor Pro Tem Goodman announced he'd like to propose a substitute motion.

Council Member Patel withdrew his original motion.

Mayor Pro Tem Goodman made a motion to approve NUVIS Inc. to design construction plans for Pickleball Courts at Central Park in the amount of \$66,025.

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

AYES: Mayor Baker, Council Member Conklin, Mayor Pro Tem Goodman, Council Member Patel, and Council Member Waldman

NOES: None

Mayor Pro Tem Goodman requested that Staff keep the City Council updated on the process, but that this action taken is just to move forward with the design; that City Manager McNamara added that Staff will present the cost for restriping the basketball courts to include the pickleball overlay at the next City Council meeting; that Community Services Director Belknap will add a placeholder for the pickleball court installation in the CIP Budget for FY 2023-24; and that the design plans might be ready by the time the budget is reviewed, but cannot guarantee that timeframe.

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

Council Member Keo Conklin attended the North Orange County Chamber of Commerce (NOCCC) elected officials meeting; the Long City Council Member Celebration; joined the Kiwanis Club; attended a fundraiser for Ukraine; and the Read Across America at Los Coyotes Elementary School.

Council Member Waldman had nothing to report.

Council Member Patel attended a meeting with John F. Kennedy High School faculty and teachers; the Boy Scout Blue and Gold ceremony for Scout Pack 673; the Orange County Fire Authority (OCFA) Board meeting where he was appointed to the Budget and Finance committee; that he was the keynote speaker representing La Palma at a Shiva Gimag celebration for the Indian Community in Long Beach; looks forward to working with new Public Works/Community Services Director Ramirez; thanked Community Services Director Belknap for his many years of dedicated service he's worked with the La Palma family and City Council; and congratulated Aidan Hong for achieving his Eagle Scout rank.

Mayor Pro Tem Goodman attended the retirement celebration for outgoing Orange County Sanitation District (OCSD) General Manager Jim Herberg; the OCSD Board orientation meeting; the OCSD Virtual Tour; the Black Chamber of Commerce Future Leaders Luncheon; the OCSD Steering and Board of Directors meetings; the California Joint Powers Insurance Authority (CJPIA) Executive and Claims Committee meetings; the Cal Cities Board meeting; the OCSD Operations Committee meeting; and closed by thanking Community Services Director Belknap for his many years of dedicated service to La Palma.

Mayor Baker attended the Grand Reopening of the Brea Library; the Cal Cities Mayors and Council Members Roundtable; the City Selection Committee Meeting; the Cal Cities Speaker Series; OCSD Board of Directors Orientation; La Mirada's State of the City; the Orange County Mosquito and Vector Control District (OCMVCD) Open House and Board of Trustees Meeting; Award Ceremony for Young Leaders of Orange County (YLOC) Annual Math Competition; the meeting with John F. Kennedy High School faculty and teachers; the Boy Scouts Blue and Gold Ceremony for Scout Pack 673; the Read Across America at Los Coyotes Elementary School; the OCFA Open House; announced that she looks forward to working with our new Public Works/Community Service Director Ramirez; and closed by congratulating outgoing Community Services Director Belknap on his retirement and thanked him for his many years of dedicated service to La Palma.

CITY MANAGER REMARKS

City Manager McNamara thanked outgoing Community Services Director Belknap for his many years of dedicated service to the community, staff, and City Council of La Palma; announced his upcoming recognition at the Cypress College Foundation Americana Awards; and gave a brief overview on the upcoming Festival of Nations and asked Community Services Director Belknap to report out on the status of the event.

Community Services Director Belknap announced that the Festival of Nations is scheduled for April 29th with the parade starting at 10:30 a.m. and the Festival starting at 11:30 a.m.; that mailers will be going out to the residents shortly; that applications for vendors are due March 24th; that Staff is currently working on the entertainment schedule; that Staff has solidified the contractor for the rides and activities because they were so popular last year; that presale activity bands will be available soon; that food trucks will be part of the festival to include a beer and wine garden; that Staff is working very hard on this and taking the lead; that there are cars in the parade this year and that any resident who has a car they'd like to enter for the parade, they can contact Community Services; and that they are working with food trucks that serve at a faster pace than last year with four already confirmed.

City Manager McNamara closed his comments by reporting that he'll be out of town in Japan over the next couple of weeks with Administrative Services Director Hallett being given the role of Acting City Manager in his absence.

Community Services Director Belknap announced his deep appreciation to the City Council for the opportunity to serve the La Palma community for thirty-seven years.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Baker adjourned the Regular Meeting of the La Palma City Council at 8:07 p.m.

Debbie S. Baker
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk