

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

May 2, 2023

CALL TO ORDER: Mayor Baker called the Regular Meeting of the City Council to order at 5:30 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 – 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-2. CS-1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9 paragraph (2) of subdivision (d) Significant exposure to litigation: One potential case related to Crown Castle license agreement.

CS-3. 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-4. 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
La Palma Police Association

Unrepresented Employees: Executive Management

CS-5. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6.

Agency Designated Representatives: Ajit Thind, City Attorney
Ryan Hallett, Administrative Services Director

Unrepresented Employee: City Manager

CS-6. THE CITY COUNCIL WILL MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(B)(1):

PUBLIC EMPLOYMENT

Position Title: City Manager

OPEN SESSION:

Mayor Baker reconvened the City Council 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 Keo Conklin

INVOCATION: Pastor Steve Bland, La Palma Christian Church

ROLL CALL: Council Members

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

Councilmembers absent: None

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

PRESENTATIONS

1. Mayor Baker presented a proclamation to Orange County Fire Authority Battalion Chief Erik Miranda in Recognition of May through August as drowning prevention awareness.
2. Mayor Baker presented a Proclamation to Public Works/Community Services Director Ramirez and the City's Public Works Staff in Recognition of May 21-27, 2023, as Public Works Recognition Week

Nick Gerard, District Director, and Benjamin Montelongo, District Representative from Senator Janet Nguyen's office, presented Mayor Baker an Award for being the 2023 Woman of Distinction honoree for La Palma.

3. Uresha Bhakta, Manager, Marketing Operations, for City of Hope, Orange County, regarding the services offered, research and scientific capabilities, and advanced cancer care through their comprehensive cancer center and announced the opening of a new cancer specialty hospital planned for 2025.

ORAL COMMUNICATIONS

No members of the public wished to speak.

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 April 4, 2023, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2023-14 approving the Registers of Demands for April 18, 2023, and May 2, 2023.

4. Third Quarter Operating Report, Fiscal Year 2022-23

Receive and file the Third Quarter Operating Report, Fiscal Year 2022-23.

5. City of La Palma Third Quarter Cash and Investment Report, Fiscal Year 2022-23, as of March 31, 2023

Receive and file the Cash and Investment Report for the third quarter of Fiscal Year 2022-23.

6. Resolution Amending the City Council's Regular Meeting Schedule

Resolution No. 2023-15 amending the City's Council's Regular Meeting Schedule.

7. Agreement for Prosecution Services by the District Attorney of Orange County

Approve and authorize the Mayor to execute the Agreement for Prosecution Services between the City of La Palma and the County of Orange

8. Resolution Identifying The Road Repair and Accountability Act List (SB 1) of Projects for Fiscal Year 2023-24

Resolution No. 2023-16 identifying a list of projects to be funded by Senate Bill 1 (SB 1), The Road Repair and Accountability Act, for Fiscal Year 2023-24.

9. Notification of Rate Adjustment for Sanitation Services

Receive and file the report regarding the rate adjustment for residential and commercial sanitation services effective July 1, 2023.

10. Award of Contract to Golden Meter Service, Inc. for Water Meter MIU (Meter Interface Unit) Conversion Program

Award a Contract to Golden Meter Service Inc, in an amount not to exceed \$37,500 for Water Meter Interface Unit (MIU) conversions.

11. Approve the Purchase of OpenGov Procurement Software Services for online bidding and contract management
 1. Approve the purchase of OpenGov Procurement software services for online bidding and contract management for a total first-year cost of \$24,999;
 2. Authorize the City Manager to add this service for subsequent years to the annual software subscriptions budget, for a cost of \$13,529 with a not to exceed 5% increase per Fiscal Year;
 3. Authorize the City Manager or designee to execute all necessary documents and implementation of the software platform.
12. Award of Contract to Precision Concrete Cutting for Sidewalk Condition Repairs
 1. Award a Five-Year Maintenance Contract to Precision Concrete Cutting for sidewalk condition repairs for Fiscal Years 2023-28 for as-needed work not to exceed the Capital Improvement Plan Curb, Gutter, and Sidewalk Fund;
 2. Authorize \$28,900 in needed repairs for Fiscal Year 22/23; and
 3. Authorize the City Manager or their designee to execute the agreement and necessary documents.

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

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

13. Review And Consideration Of Precise Plan 289 (PP289), A Request By The Applicant, Anaheim Union High School District, To Construct A New Monument Sign That Features A Double-Sided Electronic Marquee Located In Front Of

Walker Junior High School Located At 8132 Walker Street, La Palma, CA 90623 (APN 262-121-02).

- a) Mayor Baker opened the Public Hearing at 6:54 p.m
- b) City Manager McNamara introduced the Item and Planning Manager Hutter gave the Staff Report.
- c) Council Member Comments and Questions:

None.
- d) Public Input:

No members of the public wished to speak.
- e) Mayor Baker closed the Public Hearing at 7:01 p.m.
- f) Adopt a Resolution of the City Council approving and authorizing the Applicant's request for Precise Plan 289 (PP 289), a request by the Applicant, Anaheim Union High School District, to construct a new monument sign that features a double-sided electronic marquee located in front of Walker Junior High School located at 8132 Walker Street, La Palma, CA 90623.

Council Member Patel made a motion to adopt Resolution No. 2023-17 of the City Council approving and authorizing the Applicant's request for Precise Plan 289 (PP 289), a request by the Applicant, Anaheim Union High School District, to construct a new monument sign that features a double-sided electronic marquee located in front of Walker Junior High School located at 8132 Walker Street, La Palma, CA 90623.

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

REGULAR ITEMS

14. Long-Term Fiscal Status and Draft Fiscal Year 2023-24 Budget

Administrative Services Director Hallett gave the Staff Report

1. Receive the staff presentation on the Long-Term Fiscal Status Update;
2. Receive an overview of the Draft Fiscal Year 2023-24 Budget and provide direction for additional materials or information needed for the final budget to be presented on June 6, 2023; and

Council Member Comments and Questions:

Discussion ensued regarding support for the fiscal policies that have brought such great results; support for the great leadership on Staff; support for on-going strategic planning and community survey which both determine the direction that the City Council will make; support for expanding the training budget for elected officials that is crucial to their success as a Council Member; support for the budget stabilization fund that will keep the City in good financial shape; that the \$5 million that the City invested into CalPERS had a higher return rate than if the City would have put those funds into the Local Agency Investment Fund (LAIF) and was a great benefit overall; and a possible discussion in the future to address investing in the 115 Trust as another option.

Public Input:

No members of the public wished to speak.

3. Transfer \$3 million from General Fund Unreserved Fund Balance to Emergency Reserve (\$1.5 million) and General Fund Budget Reserve (\$1.5 million) funds.

Mayor Pro Tem Goodman made a motion to approve Staff Recommended Items 1, 2, and 3.

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

City Manager McNamara announced his appreciation to Administrative Services Director Hallett and Financial Consultant Matsumoto for their detailed work on this year's budget and noted that Staff will return to the City Council in June to recommend adoption.

15. Approval to rescind the Citywide Stage 2 Water Alert and Water Shortage Contingency Plan restrictions and Adopt Stage 1 Conservation

City Manager McNamara introduced the item and Public Works/Community Services Director Ramirez gave the Staff Report.

Public Input:

No members of the Public wished to speak.

Council Comments and Questions:

None.

1. Rescind the Citywide Stage 2 Water Alert and Water Shortage Contingency Plan Level 2 restrictions; and
2. Adopt the Stage 1 Water Watch Conservation Stage in accordance with Chapter 42 Article VII of the City of La Palma Municipal Code.

Council Member Patel made a motion to rescind the Citywide Stage 2 Water Alert and Water Shortage Contingency Plan Level 2 restrictions; and adopt the Stage 1 Water Watch Conservation Stage in accordance with Chapter 42 Article VII of the City of La Palma Municipal Code.

The motion was seconded by Council Member Waldman 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

16. Presentation of Pickleball Courts Design

City Manager McNamara introduced the item and Public Works/Community Services Director Ramirez gave the Staff Report.

1. Provide direction on the proposed Central Park Pickleball Courts design options by NUVIS Landscape Architecture; and
2. Direct staff to finalize construction documents, conduct public bidding, and return to City Council to award a contract.

Public Input:

John Forbes, a long time La Palma resident, addressed the City Council regarding the demand for pickleball; his support for the installation of pickleball courts at Central Park; and that he and other enthusiasts from La Palma are currently having to go Arnold Park in Cypress in order to play.

Monty Baker, a La Palma resident, addressed the City Council with his support for the installation of pickleball courts as presented in option 2 as presented by Staff.

Teddy Lloyd, a Cerritos resident, addressed the City Council regarding the demand for pickleball; his support for the installation of pickleball courts at Central Park; support to restripe the City's tennis courts to incorporate pickleball; and encouraged the City Council to go take a look at the pickleball courts inside the many parks in Long Beach.

Council Member Comments and Questions:

Discussion ensued regarding the trees in Option 2 and whether those trees provide a sound barrier; that the trees or additional landscaping would not provide a substantial sound barrier to the residents west of Central Park; support for Option 2; that these courts are for La Palma residents to access so two should be a good start; that to avoid any conflict with basketball or tennis players, it is best to keep pickleball separate; that there is an option to phase in Option 1 to Option 2, but cost will determine the City Council's decision; that enhancements to the courts can happen at any time the City Council chooses; that the proposed upgrades to the fencing with specific cloth will help with some sound reduction; that a pickleball court use will be similar in the time frames the basketball and tennis courts; that Staff will return to the City Council to get direction on the manner in which the pickleball court reservations will be taken; concerns for the residents living near the park because of the noise; whether a survey of the community should be conducted before the City installs the courts; whether Indian Laurel trees could provide a sound barrier if placed along the fencing; that those living next to the park are already subject to the noise raised in Central Park by the softball field and the existing courts; that City parks produce noise in general and that mitigating noise should be considered during the planning stages; the City has the authority to approve funding after the bids come in; that this project is being planning with the maximum flexibility for the City Council to weigh in on; that there is a way to recover costs and that could be discussed in the future; that the City has sufficient funding to cover the cost of installing pickleball courts; that a combination of grant monies and COR fund monies will be used for this project; and that bids on both

Option 1 and Option 2 will commence shortly hereafter and Staff will return with the results.

17. Councilmember Request – Discussion on Changing Council Policy Regarding Use of the City Seal

City Manager McNamara introduced the Item and gave a brief overview of the City Council request.

Mayor Baker added that the intent is to have the City Seal on all business cards and letterhead to make it more official.

Public Input:

No members of the public wished to speak.

Council Member Comments and Questions:

None.

Council Member Patel made a motion to change Council Policy Regarding Use of the City Seal with the additional language recommended by the City Attorney in regards to public use of the City Seal.

The motion was seconded by Mayor Baker 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

18. Councilmember Request – Discussion on Outdoor Dining Standards

City Manager McNamara introduced the Item and gave a brief overview of the City Council request.

Public Input:

No members of the public wished to speak.

Mayor Baker noted that although the City Council supports outdoor dining, the concern is for safety and aesthetics, and that this measure was in hopes of getting a process in place for that.

Council Comments and Questions:

Discussion ensued regarding the City being liable for issues in a parking area if regulations and permitting is put in place for dining in that parking area; that City Attorney Thind noted that discretionary approval typically does not lead to additional liability, but that immunities in the government code would apply to these types of circumstances; that the City could ask for additional liability insurance from the permittees using parking spaces for outdoor dining; that currently the outdoor dining that is on the books right now is not permitted in the parking areas; that the use of parking areas for dining space is something that happened organically as a result of the pandemic, between the landlord and the tenant, and was not addressed through any entitlement by the City; that there is a need to have a formal regulation or permitting process to include additional insurance, the renewal process, and consent from landlord for outdoor dining; whether the City has any jurisdiction over private property of these business owners; that City Attorney Thind responded that although this would be private property, it is subject to the police power of the City as is the current format for all businesses; that this would likely involve an amendment to the City's Zoning Code that will include engaging the business community; the concern that this could affect citywide commercial parking lot issues if all dining restaurants decided to pursue this option; that Planning Manager Hutter noted that parking deficiencies are a current problem and that to address it required several entitlement hearings, and that the Ordinance adopted for outdoor dining standards in 2015 did not allow it in parking spaces and could only be on a sidewalk with enough room for pedestrian clearance; that each application should be taken into consideration; that there are concerns for sites with multiple properties sharing one parking area like La Capilla; that this will require City Attorney review as there are traffic and circulation impacts; support for having a full study session on this idea; that since the pandemic restrictions have been lifted and the outdoor dining in parking lots were only to be temporary, what remedies the City has to resolve these dining areas in parking lots and clear them out; that the City has authority to regulate that area; that City Attorney Thind noted that the City has the ability to and a reasonable basis now that it is out of COVID to retract that space as dining area, but that the City will ultimately need to get something on the books that is clear and understandable for all businesses; that there are currently no ordinances that would allow use of parking spaces; that Mayor Baker added that it is easier to have all the dining spaces in parking lots cleared out and then give them direction on what to do if they are interested in pursuing that option; that there are only a couple of places in the City that are currently using parking space as dining area; that the City has the ability to enforce public safety laws because of the danger to diners in regards to vehicle impact; that some current outdoor dining spaces on sidewalks may not be consistent with code standards; that the City Council supports local businesses and does not want to restrict business ability, but wants to maintain safety standards; and City Council support for a study session addressing all the concerns laid out regarding outdoor dining standards, and then send out letters to local businesses impacted.

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

Council Member Waldman attended the Festival of Nations.

Council Member Patel attended the Orange County Fire Authority (OCFA) Budget and Finance Committee meeting; the OCFA Board meeting; the OCFA Human Resource Subcommittee meeting; and the Festival of Nations and thanked Staff for their efforts.

Council Member Keo Conklin congratulated Mayor Baker on her Woman of Distinction award; attended the Asian American and Pacific Islander Heritage Month event; the Mental Health Awareness month event; the Jewish American Heritage month event; the Festival of Nations and thanked Staff for their efforts; the Police Interacting with Youth (PIY) graduation ceremonies; the League of California Cities City Leadership Summit; and the Metropolitan Water District of Orange County (MWDOC) Elected Officials forum.

Mayor Pro Tem Goodman attended the Orange County Sanitation District (OCSD) Operations Committee meeting; the Southern California Association of Governments (SCAG) Regional Council meeting; the SCAG Community Economic and Human Development Policy Committee meeting; that he was elected to serve on the Orange County Council of Governments (OCCOG) Board for District 18 and as such, has a seat on the Regional Council for SCAG; the LOCC Board meeting; the California Joint Powers Insurance Authority (CJPIA) Executive Committee workshop; the OCSD Steering Committee meeting; the OCSD Board of Directors meeting; the OCCOG Board meeting; the Festival of Nations and thanked Staff for their efforts; and a request to address the Code of Conduct at a future City Council meeting as it was part of the Sign Code Amendments that did not get discussed.

Mayor Baker congratulated Mayor Pro Tem Goodman on his appointment to the OCCOG Board; attended the LOCC Summit Preview on Advocacy Priorities; the Senator Nguyen "Meet and Greet" event; the LOCC City Leadership Summit; the LOCC Mayors and Council Members roundtable; the Arbor Day celebration; the City of Cerritos Reorganization; the Orange County Mosquito and Vector Control District (OCMVCD) Board of Trustees meeting; the Los Coyotes Elementary School "Distinguished School" Award assembly; the one-on-one FY 2023-24 Budget meetings with Staff; the PIY Graduation ceremonies at local elementary schools; the Festival of Nations and thanked Staff for their efforts.

CITY MANAGER REMARKS

City Manager McNamara announced his appreciation for all efforts by Staff in putting on Festival of Nations; thanked the City Council for their support on recent Staffing related

decisions; and looks forward to returning with the FY 2023-24 Budget for the City Council's adoption in June.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Baker adjourned the Regular Meeting of the La Palma City Council at 8:40 p.m.

Debbie S. Baker
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk