

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 6, 2023

CALL TO ORDER: Mayor Baker called the Regular Meeting of the La Palma 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. 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: 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
La Palma Police Association

Unrepresented Employees: Executive Management

CS-6. PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(B)(1):

Position Title: City Attorney

CS-7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to paragraph (1) of subdivision (d) of Section 54956.9)

Rodriguez Claim No. 3046907, regarding traffic collision.

CS-8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to paragraph(1)of subdivision (d) ofSection54956.9)

Name of Case: Tartarian vs. City of La Palma
Case No. OCSC 30-2022-01294374-CU-WM-CJC

Mayor Baker recessed to Closed Session at 5:31 p.m.

Mayor Baker adjourned the Closed Session portion of the City Council Meeting at 6:07
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 announced that there was nothing to report on Closed Session Items 1-6 and 8; however, on Closed Session Item 7 - Rodriguez Claim number 3046907 - the City Council voted to reject the claim by unanimous decision.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Goodman

INVOCATION: Deacon Jerry Pyne, St. Irenaeus Catholic Church.

ROLL CALL: Council Members

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

Council Members absent: Council Member Patel

City Officials present: Conal McNamara, City Manager
Ajit Thind, City Attorney
Joe Cisneros, Assistant to the City Manager
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Andy Ramirez, Public Works/Community Services Director
Mike Matsumoto, Financial Consultant
Kimberly Kenney, City Clerk

PRESENTATIONS

1. Mayor Baker presented a Proclamation to Bobby McDonald, President of the Orange County Chamber of Commerce, in Recognition of Juneteenth.

ORAL COMMUNICATIONS

Christine Payette, a former 50-year resident of La Palma who now lives in Buena Park, addressed the City Council requesting City Council support of the American Cancer Society's Relay for Life; that all cities in North Orange County will have a combined event

this year; encouraged early detection through wellness screening; asked for the City Council's participation in this year's event which will be held at Santa Ana College.

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 May 2, 2023, Regular Meeting of the City Council.
3. Approval of Register of Demands

Resolution No. 2023-18 approving the Registers of Demands for May 16, 2023, and June 6, 2023.
4. Consent to Assignment and Assumption Agreement with Marathon Petroleum Company

Authorize the Mayor to sign the Consent to Assignment and Assumption Agreement between the City and Marathon Petroleum Company.
5. Agreement for Property Tax Consulting/Audit Services

Approve the Agreement for Property Tax Consulting/Audit Services with HdL Coren & Cone and authorize the Mayor to execute the agreement.
6. Agreement with All City Management Services, Inc. for Providing School Crossing Guard Services

Approve and authorize the City Manager, or designee, to execute an Agreement with All City Management Services (ACMS), Inc. to provide school crossing guard services for one year, commencing July 1, 2023, through June 30, 2024.
7. Cooperation Agreement with the County of Orange for the Community Development Block Grant Program

Authorize the City Manager or designee to execute an amendment to the Cooperation Agreement with the County of Orange related to the Community Development Block Grant program.
8. 2023 Annual Water Quality Report

Receive and file the 2023 Annual Water Quality Report and direct staff to distribute the report to the residents of the City of La Palma.

9. Purchase of City Yard Furnishings

1. Authorize the purchase of new interior furnishings for the City Yard for an amount not to exceed \$50,000 with Tangram Interiors (Tangram), per the terms outlined in the University of California/Steelcase, Inc. Office Furniture Purchasing Agreement through OMNIA Partners; and
2. Appropriate \$15,000 from the Sewer Fund to cover 30% of the total cost.

10. Award of Contract to Roy Allan Slurry Seal Inc. for the Valley View St., Fresca Dr. & Marlin Cir., and Zone 6 Slurry Seal Improvements.

Approve the Award of Contract in the amount of \$418,237.07, of the base bid items and all bid alternate items to the low bidder, Roy Allan Slurry Seal, Inc. for the Valley View City Project No. ST-368; Fresca Dr & Marlin Cir, City Project No. ST-369; and Zone 6, ST-370 Slurry Seal Improvements.

11. Award of Contract to Water Main Interconnect Project (Houston Ave. & Moody St.)

1. Award a Contract in the amount of \$453,942.00, of the base bid items to the low bidder, Valverde Construction, Inc. for the Water Main Interconnect Project (Houston Ave and Moody St), City Project No. 22-WTR-02; and
2. Appropriate additional project funding from the Water Capital Reserve Funds in the amount of \$236,639 that includes a five percent contingency to complete the project.

12. Annual Measure M2 Eligibility Submittal Package, Fiscal Year 2023-24

1. Adopt the Measure M (M2) Seven-year Capital Improvement Program (Fiscal Year 2023-24 through Fiscal Year 2029-30);
2. Approve the City's Resolution for the Circulation Element, and Mitigation Fee Program for the Measure M (M2) Program;
3. Adopt a Resolution Updating the Local Signal Synchronization Plan for the Measure M2 Program; and

4. Authorize the Public Works & Community Services Director to submit the City's Measure M2 Eligibility Package to the Orange County Transportation Authority.

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

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

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

NOES: None

ABSENT: Council Member Patel

PUBLIC HEARINGS

13. Consideration of Amending Service Fees Schedules

1. Mayor Baker opened the Public Hearing at 6:51 p.m.
2. City Manager McNamara introduced the Item and Assistant to the City Manager Cisneros gave the Staff Report
3. City Council Comments and Questions:

Discussion ensued regarding the number of businesses that have repeatedly violated the Fats, Oils, and Grease (FOG) Ordinance requirements; that there is a handful of repeat offenders; the education plan to inform those businesses of the new penalties; that the fee charged for FOG violation is the basic recovery of staff time to clean up the discharge from a fats, oils, and grease violation; that the penalties will be implemented during the annual FOG permitting process once a year; that all previous violators are being given notice of the upcoming changes; that the City is help accountable for any discharge into the sewer system; and that although this fee could be viewed as a penalty, it is being enacted to help the City manage and recover costs for a violation by a private business that the State holds us accountable for.

4. Public Input:

No members of the public wished to speak.

5. Mayor Baker closed the Public Hearing at 6:55 p.m.

6. Adopt a Resolution Amending Fee Schedules 1, 2, 3, 4, and 5

Council Member Waldman made a motion to adopt Resolution No. 2023-21 Amending Fee Schedules 1, 2, 3, 4, and 5.

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

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

NOES: None

ABSENT: Council Member Patel

Mayor Baker paused the regular order of the Agenda to take Public Comment.

Public Comment:

Abe Waheed, a La Palma resident and Kiwani's Club President, addressed the City Council regarding his plea to encourage membership in the non-profit group.

14. Adoption of the Fiscal Year 2023-24 Operating and Capital Improvement Program Budgets, Appropriations Limit, and Related Personnel Items

1. Mayor Baker opened the Public Hearing at 7:03 p.m.
2. City Manager McNamara introduced the Item and Financial Consultant Matsumoto gave the Staff Report.
3. City Council Comments and Questions:

Discussion ensued regarding the \$11 million budgeted for Capitol Improvement Projects (CIP) out of an overall budget of \$18 million; explanation of the Civic Center Fund; that projects in the CIP include the Civic Center's decrepit railing; that CIP funding is drawn from a variety of funds including the water fund, sewer fund, the Capitol Outlay Reserve (COR) fund, and grant funding; that the City Manager is looking forward to having a CIP presentation in August to lay out the projects that the City has planned and get Council feedback; that the CIP budget has earmarked projects, but that doesn't mean the project will be completed during that year; and that approved upgrades to the audio equipment in the City Council

Chambers are planned for installment before the August meeting, but contractor is experiencing supply chain issues.

4. Public Input:

Gerard Goedhart, a La Palma resident and former Council Member, addressed the City Council regarding adjourning the meeting tonight in memory of Becky Ishii; that the City Council typically presents a ten year projection and wanted to know what the City's current revenue analysis is; that there is economic uncertainty in the horizon and whether this was considered in this year's budget; the status of the City's medians that the City received funding for years ago; and his hope that the City Council could answer his questions expeditiously.

5. Mayor Baker closed the Public Hearing at 7:11 p.m.

Mayor Pro Tem Goodman announced his appreciation for the work put into the Budget by Staff; that fiscal practices put into place by former City Council members is why the City is in such good financial condition; and thanked former Council Member Goedhart's work on the budget for allowing the City to now be in a position of having a surplus.

6. Adopt a Resolution approving the Fiscal Year 2023-24 Budget;

7. Adopt a Resolution approving the Annual Appropriations Limit for Fiscal Year 2023-24;

8. Adopt a Resolution amending the Memorandum of Understanding between the City of La Palma and La Palma General Employees Association;

9. Adopt a Resolution amending the Memorandum of Understanding between the City of La Palma and La Palma Professional Employees Association;

10. Adopt a Resolution amending the Memorandum of Understanding between the City of La Palma and La Palma Police Association;

11. Adopt a Resolution approving the Salary Schedule and Comprehensive Listing of Personnel Practices and Benefits for Executive Management Employees; and

12. Authorize staff the ability to pre-order vehicles that are within two years of replacement based on the City's internal vehicle replacement tracking system.

Council Member Waldman made a motion to adopt Resolution No. 2023-22 approving the Fiscal Year 2023-24 Budget; adopt Resolution No. 2023-23 approving the Annual Appropriations Limit for Fiscal Year 2023-24; adopt Resolution No. 2023-24 amending the Memorandum of Understanding between the City of La Palma and La Palma General Employees Association; adopt Resolution No. 2023-25 amending the Memorandum of Understanding between the City of La Palma and La Palma Professional Employees Association; adopt Resolution No. 2023-26 amending the Memorandum of Understanding between the City of La Palma and La Palma Police Association; adopt Resolution No. 2023-27 approving the Salary Schedule and Comprehensive Listing of Personnel Practices and Benefits for Executive Management Employees; and authorize staff the ability to pre-order vehicles that are within two years of replacement based on the City's internal vehicle replacement tracking system.

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

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

NOES: None

ABSENT: Council Member Patel

REGULAR ITEMS

15. Amended and Restated City Manager Employment Agreement

City Attorney Thind gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

None.

Approve the Amended and Restated City Manager Employment Agreement.

Mayor Pro Tem Goodman made a motion to approve the Amended and Restated City Manager Employment Agreement

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

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

NOES: None

ABSTAIN: Council Member Conklin

ABSENT: Council Member Patel

16. Request to Over-Hire for One Position

City Manager McNamara gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

None.

Authorize the City Manager to proceed with the over-hire of a Water/Maintenance Supervisor, as necessary, for a period not to exceed two months.

Mayor Pro Tem Goodman made a motion to approve and authorize the City Manager to proceed with the over-hire of a Water/Maintenance Supervisor, as necessary, for a period not to exceed two months.

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

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

NOES: None

ABSENT: Council Member Patel

17. Annual Military Equipment Report, Pursuant to Assembly Bill (AB) 481

Police Chief Kim introduced Captain Amend who gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding listing a brief description of what the La Palma Police Department (LPPD) has that the Assembly Bill considers 'military equipment'; that Captain Amended responded that the LPPD has the mobile command center - a converted police RV - for disasters out in the field, UAS Devices known as drones, AR-15 rifles, flashbang devices which are only used by the SWAT Team, and the less lethal shotgun known as a bean bag gun.

Receive and file the staff report and adopt a Resolution approving the continuance of the La Palma Police Department Policy 709 as required pursuant to AB 481.

Council Member Conklin made a motion to receive and file the Annual Military Equipment Report, Pursuant to Assembly Bill (AB) 481

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

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

NOES: None

ABSENT: Council Member Patel

18. Award of Contract to Central Park Basketball & Tennis Court Resurfacing, Project No. 23-PRK-01

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

Discussion ensued regarding Mayor Pro Tem Goodman's recommendation to install the pickleball courts first to gauge the demand for more pickleball courts; support for protecting the highly used basketball courts for those wanting to play basketball; City Council support for Mayor Pro Tem Goodman's recommendation; clarification that the City has only approved the design specification portion of the pickleball courts and not the construction; and that the consensus is just to restripe the basketball courts for now so that after the new pickleball courts have been constructed, the use can be evaluated at a later time in order to decide if the basketball courts needs to be restriped in order to incorporate more pickleball players.

- a) Award a Contract in the amount of \$84,323.80 to Trueline Construction and Surfacing for the Central Park Basketball & Tennis Court Resurfacing, Project No. 23-PRK-01;
- b) Provide direction to staff regarding the bid alternative to stripe the basketball courts for pickleball including, if so desired, the appropriation of additional funds for the bid alternative; and
- c) Appropriate an additional \$43,450 from the Capital Outlay Reserve Fund (COR), which includes a five percent contingency, to complete the project.

Mayor Pro Tem Goodman made a motion to award a Contract to Central Park Basketball & Tennis Court Resurfacing, Project No. 23-PRK-01; approve the project as restriping of the basketball courts only without incorporating pickleball striping; and appropriate an additional \$43,450 from the Capital Outlay Reserve Fund (COR), which includes a five percent contingency, to complete the project.

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

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

NOES: None

ABSENT: Council Member Patel

19. New Design of Business Cards and Stationery Using the City Seal

Confirm the new design of business cards and stationery using the City Seal and provide any direction to staff as needed.

City Manager McNamara gave the Staff Report.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Discussion ensued regarding the City Seal not being embossed; a suggestion to shrink the size of the seal just a bit; whether we could get thank you cards with the City Seal; that the City currently has blank City Seal cards that can be used as

thank you cards; support to shrink the size of the seal and changing the font to Arial for the names, and change the design on the back of the card to make the department numbers clearer; that Staff needs direction on the QR Codes for the back; suggestion to have tap cards in order to alleviate paper cards to save paper; and that Staff will take all the direction given tonight and email the final version to the City Council for their approval.

20. Council Member Request - Discuss Water Quality from City Wells and Water Treatment from City Wells

City Manager McNamara introduced the Item and Mayor Pro Tem Goodman gave an overview of his request.

Public Works/Community Services Director Ramirez detailed the results of the Water Quality Report that the Council just approved; gave a breakdown of the water output for on the City's two water sites; and reported on the status of contaminants and discoloration in regards to Mayor Pro Tem Goodman's request.

Public Input:

No members of the public wished to speak.

Council Comments and Questions:

Mayor Pro Tem Goodman thanked Public Works/Community Services Director Ramirez for the detailed analysis; thanked him for efforts in funding for water purification systems; and thanked Senator Nguyen's office and other legislative members for future funding of treatment plants.

Public Works/Community Services Director Ramirez thanked both Water Supervisors Chavira and Chambers for all the work they put in for this report.

Discussion ensued regarding City Council's appreciation for the detailed analysis from Staff; that Staff will give the City Council an update on water quality in the upcoming Capitol Improvement Plan (CIP) Presentation; that the CIP presentation scheduled for August would not only detail the City's infrastructure projects including water, sewer, utility, and street projects, but will be educative and full of input from Staff; and that if the City Council has any questions they'd like addressed for this presentation, to please make staff aware so it can be incorporated.

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

Council Member Keo Conklin attended the Buena Park State of the City; the La Palma Police Department Awards Ceremony; the Mayor's Recycling Town Hall in collaboration with EDCO; the Memorial Day Ceremony; the La Palma Intercommunity Hospital ribbon cutting for their remodeled emergency room; a Southern California Association of Government's (SCAG) Convention; and the California Joint Powers Insurance Authority (CJPIA) newly elected officials academy.

Council Member Waldman attended the La Palma Police Department Awards Ceremony.

Mayor Pro Tem Goodman attended the Orange County Sanitation District (OCSD) Operations Committee meeting; the League of California Cities Orange County (LOCC-OC) Division Board meeting; the Association of California Cities, Orange County (ACCOC) organization meeting; the CJPIA Elected Officials summit; Orange County Council of Governments (OCCOG) new board member orientation; the La Palma Police Department Awards Ceremony; the Mayor's Recycling Town Hall in collaboration with EDCO; the CJPIA Executive Committee meeting; the OCCOG Board meeting; the Memorial Day Ceremony; the Sequoia Pacific Captive Board meeting which is part of CJPIA; the SCAG Executive and Administrative Committee meeting; the SCAG Community Economic and Human Development Policy Committee meeting; the SCAG Regional Conference and General Assembly; the SCAG Nominating Committee meeting; the LOCC-OC Board meeting; and thanked Bobby McDonald for his attendance tonight in accepting the Juneteenth Proclamation.

Mayor Baker attended the Buena Park State of the City; the SCAG Regional Conference and General Assembly; the Boy Scout Troop 650 Eagle Scout Court of Honor ceremony; the Orange County Mosquito and Vector Control District (OCMVCD) Budget Workshop; the CJPIA Elected Officials Summit; the La Palma Police Department Awards Ceremony; the OCMVCD Board of Trustees meeting; the City Selection Committee meeting; the Recycling Town Hall in collaboration with EDCO; the OCSD Board of Director's meeting; the Memorial Day Ceremony; and the LOCC Helen Putnam Award Ceremonies.

CITY MANAGER REMARKS

City Manager McNamara reminded those present that there will be no City Council meeting in July; wished everyone a happy Independence Day holiday; announced the upcoming Business Roundtable on June 27; and applauded Staff and City Council for adopting another Fiscal Year budget.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Baker adjourned the Regular City Council Meeting at 8:20 p.m. in memory of three long time residents and civic volunteers Gary Gutjahr, Becky Ishii, and Bert Poan.

Debbie S. Baker
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk