

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

June 7, 2022

CALL TO ORDER: Mayor Steggell called the Regular Meeting of the La Palma City Council to order at 5:31 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

CLOSED SESSION

CS-1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6.

Agency Designated Representatives:	Conal McNamara, City Manager Ryan Hallett Hinton, Administrative Services Director
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Employee Organizations:	La Palma General Employees Association La Palma Police Association La Palma Professional Employees Association
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Unrepresented Employees:	Executive Management
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CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS PURSUANT TO
GOVERNMENT CODE SECTION 54956.8

Property:	5062 La Palma Avenue, La Palma, California APN: 262-081-04
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Agency negotiator:	Conal McNamara, City Manager Ajit Thind, City Attorney
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Negotiating parties:	David Andaya
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Under negotiations:	Price and terms of payment
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CS-3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of
Section 54956.9: One potential case. A copy of the letter is available by clicking
here.

Mayor Steggell recessed to Closed Session at 5:33 p.m.

Mayor Steggell recessed from Closed Session at 6:33 p.m.

OPEN SESSION

Mayor Steggell reconvened in Open Session at 6:38 p.m. and asked for a report.

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

PLEDGE OF ALLEGIANCE: Council Member Waldman

INVOCATION: Deacon Jerry Pyne, St. Irenaeus Catholic Church

ROLL CALL: Council and Commission Members

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

Council Members absent: None

City Officials present: Conal McNamara, City Manager
Ajit Thind, City Attorney
Jesse Amend, Police Captain
Mike Belknap, Community Services Director
Joe Cisneros, Assistant to the City Manager
Ryan Hallett Hinton, Administrative Services Director
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Mike Matsumoto, Financial Consultant
Kimberly Kenney, City Clerk

PRESENTATIONS

None Scheduled.

ORAL COMMUNICATIONS

Joseph Volivitch, a La Palma Resident, addressed the City Council regarding his opposition to the amount of homeless individuals in the City; that they leave their garbage everywhere; the drug use and crimes committed by these homeless people; and his request to clean up the City as residents are tired of seeing this.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION AT 6:45 P.M.

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 May 3, 2022, Regular Meeting of the Successor Agency.

Council Member Patel made a motion to approve Consent Calendar Item A.

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

AYES: Mayor Pro Tem Baker, Council Member Goodman,
Council Member Patel, Mayor Steggell, 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 6:47 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 May 3, 2022, Regular Meeting, and the Minutes of the May 17, 2022, Special Meeting of the City Council.
3. Approval of Register of Demands

Resolution No. 2022-24 approving the Registers of Demands for May 17, 2022, and June 7, 2022.
4. Information Technology Services Contract Extension

Approve Amendment No. 1 to the Agreement for Consultant Services related to Information Technology.
5. 2022 Annual Water Quality Report

Receive and file the 2022 Annual Water Quality Report and direct staff to distribute the report to the residents of La Palma.
6. Annual Measure M2 Eligibility Submittal Package, Fiscal Year 2022-23
 - a) Adopt the Measure M (M2) Seven-year Capital Improvement Program (Fiscal Year 2022-23 through Fiscal Year 2028-29); and
 - b) Adopt a Resolution Updating the Pavement Management Plan for the Measure M2 Program; and

- c) Authorize the Community Services Director to submit the City's Measure M2 Eligibility Package to the Orange County Transportation Authority.
- 7. Award of Contract to American Asphalt South for the Houston Avenue, City Project No. ST-364; Crescent Avenue, City Project No. ST-366; and Zone 5 Slurry Seal Improvements, City Project No. ST-365.
 - a) Approve Award of Contract in the amount of \$462,027.91, inclusive of all bid alternatives to, the low bidder, American Asphalt South for the Houston Avenue, City Project No. ST-364; Crescent Avenue, City Project No. ST-366 and Zone 5 Slurry Seal Improvements, City Project No. ST-365;
 - b) Approve the funding agreement with the City of Cypress for completion of the Crescent Avenue Slurry Seal improvements in the City of Cypress; and
 - c) Determine that the Project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines, Section 15301.
- 8. Amendment to Agreement with MJC Construction, Inc.

Approve and authorize the Mayor to execute an amendment to the Agreement with MJC Construction, Inc.

Council Member Patel made a motion to approve Consent Calendar Items 1 - 8.

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

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

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

- 9. Council Member Request: Removal of Committee Member Janet Conklin from the Community Activities and Beautification (CAB) Committee

Mayor Steggell pulled this item from the Consent Calendar to allow for Public Comment.

Public Comment:

Robert Carruth, a La Palma Resident, addressed the City Council regarding his opposition to having this item placed on the Consent Calendar; that the City Council recently discussed the difficulty in getting volunteers to sign up for Citizen Committees; that there was no explanation for the removal; and opposition to the Committee Member not being spoken to about the issue prior to the decision being made.

Sopana Pha, a Long Beach resident, addressed the City Council regarding his opposition to having Mrs. Conklin removed without explanation and requested that the City Council not take action to remove her from the Citizen Committee.

Jeff Conklin, husband of Janet Conklin and La Palma resident, addressed the City Council regarding his opposition to having this item placed on the Consent Calendar; that the City Council could have spoken with her prior to this action; that he perceives this as punitive; and requested that the City Council not take action to remove her from the Citizen Committee.

Suzanne Guevarra, an Anaheim resident, addressed the City Council regarding her opposition to the City Council taking this action; announced her personal support of Mrs. Conklin; and requested that the City Council not take action to remove her from the Citizen Committee.

A gentleman from the audience addressed the City Council in his support of Janet Conklin and requested that the City Council not take action to remove her from the Citizen Committee.

Janet Conklin, a La Palma resident, addressed the City Council regarding her support for being a member of the Citizen Committee; her experience with the Committee recruitment process; opposition to perceived certain conflicts of interest; and opposition to the lack of courtesy in this process.

Ken Palma, a La Palma resident, asked for clarification on an Agenda Item as to whether it was a tax increase to pay for the homeless and noted his opposition to the City Council taking action on removing a Citizen Committee member.

City Attorney Thind clarified that the Transient Occupancy Tax ballot measure on the Agenda is not referring to 'transients' as in unhoused or homeless individuals, it's referring to a tax for those using hotels and motels.

City Manager McNamara added that this tax has nothing to do with the homeless and that it will be explained further when the Agenda Item is addressed by the City Council.

City Council Comments:

Mayor Pro Tem Baker noted that during the Citizen Committee interview with Mrs. Conklin, the City Council members involved had very strong reservations but ultimately, gave the resident an opportunity; that specific direction was given to her during the interview on what she would be allowed and not allowed to do as a Citizen Committee Member; that she was warned by the City Council Subcommittee that if she couldn't abide by the rules for conduct by Citizen Committee Members, she'd be removed; and that ultimately, the direction was disregarded by Mrs. Conklin and this action is the result of that discussion in the interview.

Council Member Patel explained that the Citizen Committee interviews are conducted by the City Council Subcommittee; that the Citizen Committee appointment was put on the Consent Calendar in the same manner this removal was placed on the Consent Calendar, that this is procedural; that the rest of the City Council isn't privy to the internal workings of what happens during the interview; and confirmation that the City Council maintains transparency so that matters like this can be discussed openly and all participants can make their remarks.

Council Member Goodman added that the Mayor and Mayor Pro Tem are the members of the City Council Subcommittee involved in the Citizen Committee Interview process; that the Mayor and Mayor Pro Tem make the recommendation for approval and it's up to the City Council to approve the appointment; that this is a very unique situation; and that he wanted those present to be aware of the City Council process.

Mayor Steggell stated that both she and Mayor Pro Tem Baker conducted the interview with Mrs. Conklin for the Community Activities and Beautification (CAB) Committee in January of this year; that they both expressed their concerns with Mrs. Conklin, one being that this would not be a self-serving position in the City, but rather to serve the residents of the community; that Mrs. Conklin gave the Subcommittee the reassurance that she was here to serve the community and was therefore appointed to the CAB Committee; that on May 30th when the City celebrated Memorial Day - honoring those who fought for our country and gave the ultimate sacrifice - that Mrs. Conklin arrived with her photographer and made this event very self-serving; that Mayor Steggell received several complaints from residents via phone call and text noting how disruptive it was for those in attendance; that Mrs. Conklin's Facebook posts implied that she had put on the ceremony herself and those posts were later taken down; that the Subcommittee had these concerns during the initial interview; and that Mrs. Conklin displayed conduct unbecoming a Citizen Committee member and is why this matter was placed on the Agenda.

Mayor Pro Tem Baker made a motion to approve 9. Council Member Request: Removal of Committee Member Janet Conklin from the Community Activities and Beautification (CAB) Committee

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

AYES:	Mayor Pro Tem Baker, Mayor Steggell, and Council Member Waldman
NOES:	None
ABSTAIN:	Council Member Goodman, and Council Member Patel

PUBLIC HEARINGS

10. Adoption of the Fiscal Year 2022-23 Operating and Capital Improvement Program Budgets and Appropriations Limit for FY 2022-23

- a) Mayor Steggell opened the Public Hearing at 7:12 p.m.
- b) City Manager McNamara introduced the item and Financial Consultant Matsumoto gave the Staff Report.
- c) Council Comments and Questions:

None.
- d) Public Input:

No members of the public wished to speak.
- e) Mayor Steggell closed the Public Hearing at 7:17 p.m.
- f) Adopt Resolution approving the Budget for Fiscal Year 2022-23
- g) Adopt Resolution approving the Annual Appropriations Limit for Fiscal Year 2022-23

Council Member Waldman made a motion to adopt Resolution No. 2022-26 approving the Budget for Fiscal Year 2022-23; and Resolution No. 2022-27 approving the Annual Appropriations Limit for Fiscal Year 2022-23

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

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

NOES: None

11. Transient Occupancy Tax (TOT) Ballot Measure

- a) Mayor Steggell opened the Public Hearing at 7:18 p.m.
- b) City Manager McNamara introduced the Item and Administrative Services Director Hallett Hinton gave the Staff Report.
- c) Public Input:

Karen Zagorski, a La Palma resident, addressed the City Council regarding what surrounding cities charge for their TOT rate.

City Manager McNamara responded that La Palma's current TOT rate is low compared to Buena Park's TOT which is at 12%; Anaheim's TOT is at 15% plus an additional 2% for their tourism zone; that most surrounding cities range from a minimum of 10 - 12%; and that Staff has already compiled that information and would be happy to email it to her tomorrow.

Sue Palma, a La Palma resident addressed the City Council regarding clarification of what a short-term rental is defined as, if includes homes that can rent out for short periods like an Air B & B; and whether the increase would deter transients from staying at local hotels.

City Manager McNamara responded by noting 'transient' is a unique term, but should be better phrased as a 'hotel bed tax'; that this would go from 8-12% for "Air B & B" type home rentals; that this would be paid by those visiting and staying at the one hotel in La Palma or in a few Air B & B's type rental homes inside the City; and that this tax for those visiting our hotels would increase the City's revenues to allow for a continuation or addition to the level of services the City provides.

- d) City Council Comments and Questions:

Discussion ensued regarding the TOT has nothing to do with the homeless, but those visiting our hotel or short term rentals; that the hotel has noted that their occupants are visiting for tourism issues; that this is a City Council

measure to bring to the voters to approve this tax; that the clarification is that this not a tax to help the homeless and does not affect our tax paying residents – they will not be paying this tax; that to the first oral commenter, although it appears that the City is not 'doing anything' to deter crime, there are State Laws that the City has to follow; that the word transient refers to a person who is in “transit”, it applies to people “on the move” while also being used to refer to homeless individuals; that the City's tax revenue has been fluctuating, but that La Palma does get a lot of people who are going to Knotts and Disneyland; that the TOT increase if approved by the voter, is one way we can better support our residents; and City Council's general support for putting this measure forward to the voters so they can decide.

- e) Mayor Steggell closed the Public Hearing at 7:28 p.m.
- f) Adopt a Resolution that:
 - 1) Submits to the voters a ballot measure to increase the transient occupancy tax (TOT) from 8% to 12% in the General Election to be held on November 8, 2022;
 - 2) Directs the City Attorney to prepare an impartial analysis to be filed with the City Clerk on or before June 20, 2022, by 4:30 p.m.;
 - 3) Authorizes the City Manager to prepare a fiscal analysis to be filed with the City Clerk on or before June 20, 2022, by 4:30 p.m.;
 - 4) Authorizes the Mayor and/or City Council member(s) to prepare and file written arguments in favor or against the ballot measure;
 - 5) Establishes deadlines for direct arguments for and against the ballot measure to be filed with the City Clerk on or before June 21, 2022, by 4:30 p.m.; and
 - 6) Establishes deadlines for rebuttal arguments for and against the ballot measure to be filed with the City Clerk on or before July 1, 2022, by 4:30 p.m.
- g) Direct staff to process all other documents required to proceed with the proposed ballot measure.

Council Member Waldman made a motion to adopt Resolution 2022-28 to submit to the voters a ballot measure to increase the transient occupancy tax (TOT) from 8% to 12% in the General Election to be held on November 8, 2022; direct the City Attorney to prepare an impartial analysis to be filed with the City Clerk on or before June 20, 2022, by 4:30 p.m.; authorizes the

City Manager to prepare a fiscal analysis to be filed with the City Clerk on or before June 20, 2022, by 4:30 p.m.; authorizes the Mayor and/or City Council member(s) to prepare and file written arguments in favor or against the ballot measure; establishes deadlines for direct arguments for and against the ballot measure to be filed with the City Clerk on or before June 21, 2022, by 4:30 p.m.; establishes deadlines for rebuttal arguments for and against the ballot measure to be filed with the City Clerk on or before July 1, 2022, by 4:30 p.m.; and direct staff to process all other documents required to proceed with the proposed ballot measure.

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

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

NOES: Council Member Patel

12. Introduction and First Reading of an Ordinance Adopting a Military Equipment Policy per Assembly Bill (AB) 481

- a) Mayor Steggell opened the Public Hearing at 7:38 p.m.
- b) City Manager McNamara introduced the Item and Police Captain Amend gave the Staff Report and presentation.
- c) City Council comments and questions:

Discussion ensued regarding how our Police Department interacts with other departments in the surrounding area; that our equipment is used for incidents in surrounding cities; that La Palma has a SWAT Team trained officer, but he may not always be used in our city as we share the officer with other agencies; that we have officers who are trained operators who serve in the North Orange County surrounding cities; and that the City keeps this equipment in case we do need to respond in a shared resource situation as well as with our use.

- d) Public Input:

No members of the public wished to speak.

- e) Mayor Steggell closed the Public Hearing at 7:49 p.m.

- f) Introduce for first reading an Ordinance of the City Council of the City of La Palma, adopting a military equipment policy governing the use of military equipment per AB 481.

Mayor Pro Tem Baker made a motion to introduce for first reading an Ordinance of the City Council of the City of La Palma, adopting a military equipment policy governing the use of military equipment per AB 481.

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

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

NOES: None

REGULAR ITEMS

13. Letter of Opposition for Assembly Bill (AB) 2011 Affordable Housing and High Road Jobs Act of 2022

City Manager McNamara introduced the Item and Council Member Patel gave the Staff Report.

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

14. An Urgency Interim Ordinance of the City Council of the City of La Palma, enacted pursuant to California Government Code Section 65858, imposing a 45-day requirement for pharmaceutical uses to obtain a conditional use permit in the City's Office Professional (OP), Neighborhood Commercial (NC), Mixed-Use Business (B-1), General Industrial (GI), and Planned Neighborhood Development (PND) zones and prohibiting said uses in all others zones.

City Manager McNamara introduced the item and Planning Manager Hutter gave the Staff Report and presentation.

Council Comments and Questions:

Discussion ensued regarding appreciation for Planning Manager Hutter and Staff to decipher situational gray areas; encouragement to continue keeping the City Council informed of these concerning issues; and that the City Council does need to take action on this matter.

Public Input:

No members of the public wished to speak.

Council Member Patel made a motion to adopt an Urgency Interim Ordinance of the City Council of the City of La Palma, enacted pursuant to California Government Code Section 65858, imposing a 45-day requirement for pharmaceutical uses to obtain a conditional use permit in the City's Office Professional (OP), Neighborhood Commercial (NC), Mixed-Use Business (B-1), General Industrial (GI), and Planned Neighborhood Development (PND) zones and prohibiting said uses in all others zones.

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

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

NOES: None

15. Notification of Rate Adjustment for Sanitation Services

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

Mark Perumean, EDCO's General Manager, noted that the company understands what a difficult year it is for everyone; that although raising rates is unpleasant, the uncontrollable costs due to state requirements and overall cost increases for processing sanitation have caused this result; and that they are pleased to continue the relationship they've had with La Palma for so many years.

Council Comments and Questions:

Discussion ensued thanking EDCO for their services to the City and residents; that there were no complaints during COVID of any delays for service; and City Council appreciation for a continuation of that service.

Public Input:

Sue Palma, a La Palma resident, addressed the City Council with her support for the uninterrupted services provided by EDCO even during the COVID pandemic; and understanding of the cost increases.

Council discussion further ensued regarding the positive experience with EDCO Management; that the organic waste legislation causes some rate increases to accommodate processing; that EDCO provides facility tours through their open house via Chamber of Commerce events and encouraged resident to participate; that service levels were unaffected throughout COVID; that overall, the increase is a nominal amount compared to the services received; and appreciation for EDCO keeping the rate increase at a reasonable level for struggling families.

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

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

Council Member Waldman attended the Memorial Day Ceremony and thanked staff for their efforts in setting up this event.

Council Member Patel attended the Memorial Day Ceremony; the recognition event for Spiritual Leader Gurudev Sri Sri Ravi Shankar standing for peace and mental health; attended the 36th Annual Neighborhood Watch Appreciation Banquet; reminded the public about the upcoming Community Meeting regarding District Elections on June 21, 2022; and asked Staff if there was updated information and talking points on the City's website about the move to District Elections.

City Manager McNamara responded that the City's website is being updated with new information as things progress with district elections; that the City just sent out the second mailer with a timeline of events as well as talking points; that residents can call the City if they have any questions and visit the City's webpage.

Council Member Goodman attended the Orange County Sanitation District (OCSD) Legislative and Public Affairs Committee meeting; the OCSD Administration Committee meeting; the City Council Special meeting regarding District Elections; the City Selection Committee; the California Joint Powers Insurance Authority (CJPIA) Executive Committee meeting; the OCSD Board meeting; the Memorial Day Ceremony and thanked staff for their efforts in setting up this event; the League of California Cities (LOCC) Housing Community and Economic Development policy committee meeting; and the 36th Annual Neighborhood Watch Appreciation banquet.

Mayor Pro Tem Baker attended the Grand Opening of Crepehouse Café; the Orange County Mosquito and Vector Control District (OCMVCD) Open House and Tour of the facilities; the LOCC City Leaders Summit; Assemblywoman Laurie Davies, District 73 meeting; the OCMVCD Board of Trustees Regular and Special Meetings; the Assembly Session at the Capitol; the City Council Special Meeting regarding District Elections; recognition event for Spiritual Leader Gurudev Sri Sri Ravi Shankar standing for peace and mental health; the Orange County Public Library Advisory Board (OC LAB) Meeting;

the Memorial Day Ceremony; and a meeting with Staff regarding the Budget Review for FY 2022-23.

Mayor Steggell attended the Grand Opening of Crepehouse Café; the OCFA Graduation; the Special meeting regarding District Elections; the Executive and Regular Board meeting for the OCFA; the Memorial Day ceremony he Memorial Day Ceremony and thanked staff for their efforts in setting up this event; the recognition event for Spiritual Leader Gurudev Sri Sri Ravi Shankar standing for peace and mental health; and the 36th Annual Neighborhood Watch Appreciation Banquet.

CITY MANAGER REMARKS

City Manager McNamara announced the upcoming Community Workshop regarding District Elections; the upcoming July 4th Run 4 Fun event; that Concerts in the Park will start on July 9 leading to movies in the park for the month of August; that there is an upcoming Citizens Academy coming up in July that is a wonderful opportunity to get to know the city better and garner ideas on how to serve on a committee or become a member of City Council; and that the City received good feedback from the public the last time they conducted this.

Police Chief Kim reported that he's received residential complaints regarding the increase of homeless in the Coyote Creek Channel; that LA County Agencies are in control of that area and they contacted the Police Department announcing that they will be conducting a cleanup effort; that the actual clean-up will happen on the week of June 21st and that officers will assist in that clean-up effort; that the Police Department partnered with the OCFA for an introduction of the Incident Command System (ICS 100) under FEMA Guideline; teaching Walker Junior and John F. Kennedy High School staff on how to manage incidents like man-made disasters and unified efforts and incident command protocols; and that on June 14, the Police Department will be hosting Coffee with a Cop event from 7-9:00 AM at Coffee Bean and Tea Leaf.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Steggell adjourned the Regular Meeting of the La Palma City Council at 8:26 p.m.

Michele Steggell
Mayor

Attest:

Kimberly Kenney, CMC
City Clerk