

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

November 1, 2022

CALL TO ORDER: Mayor Steggell called the Regular Meeting of the La Palma City Council to order at 6:00 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
(Pursuant to paragraph (1) of subdivision (d) of Section 54956.9)

Carlson Claim No. 3034503, regarding termination of employment.

CS-2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: Ballard vs. City of La Palma, Case No. OCSC Case No. 30-2022-01278320

Mayor Steggell recessed to Closed Session at 6:01 p.m.

Mayor Steggell adjourned Closed Session at 6:19 p.m.

OPEN SESSION:

Mayor Steggell 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 Item CS-2 and that the City Council voted unanimously to reject the Carlson claim in Item CS-1.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Baker

INVOCATION: Pastor Matthew Agosto, City 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
Mike Belknap, Community Services Director
Joe Cisneros, Assistant to the City Manager
Scott Hutter, Planning Manager
Terry Kim, Police Chief
Kimberly Kenney, City Clerk
Robert Zubiate, Management Analyst

PRESENTATIONS

1. Community Services Director Mike Belknap introduced Demi Perez as Community Services new Recreation Coordinator.

ORAL COMMUNICATIONS

City Clerk Kenney reported that she received Oral Comments via email from Craig Durfey representing "Parents for the Rights of the Developmentally Disabled Children or PRDDC" wishing to addressing the City Council regarding his non-profit "Song for Charlie" which is dedicated to raising awareness of 'Fenta' pills - a counterfeit prescription pill being sold online targeting young people.

RECESS THE CITY COUNCIL AND CONVENE AS THE CITY OF LA PALMA AS SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF LA PALMA AT 6:38 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 October 4, 2022, Regular Meeting of the Successor Agency.

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

The motion was seconded by Mayor Pro Tem Baker 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 6:39 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 October 4, 2022, Regular Meeting of the City Council.

3. Approval of Register of Demands

Resolution No. 2022-46 approving the Registers of Demands for October 18, 2022, and November 1, 2022.

4. First Quarter Cash and Investment Report for Fiscal Year 2022-23

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

5. Resolution Adopting the Measure M2 Expenditure Report for Fiscal Year ending June 30, 2022

Resolution No. 2022-47 approving the annual Measure M2 expenditure report for Fiscal Year ending June 30, 2022.

6. Destruction of Obsolete Departmental Records

Resolution No. 2022-48 authorizing the destruction of obsolete records pursuant to the California Government Code Section 34090.

7. Lease of Three Copiers from Konica Minolta

Authorize the Mayor to execute an agreement with Konica Minolta Business Solutions USA, INC. for a 60-month lease of three (3) copiers in an amount estimated to not exceed \$13,000 annually.

8. Award of Contract to Provide California Environmental Quality Act (CEQA) Services On A Digital Billboard Project At 6591 Walker Street, La Palma, CA

Award a Contract in the amount of \$35,310.00, to MIG Planning and Environmental Services, to provide California Environmental Quality Act (CEQA) services on a digital billboard project at 6591 Walker Street, La Palma, CA (Project No: Precise Plan 288, Conditional Use Permit 390, and Development Agreement).

9. Award of Contract to Infrastructure Engineers for On-Call City Engineering Services

Award and authorize the Mayor to execute a contract to Infrastructure Engineers of Brea, California, for On-call City Engineering Services.

10. Award of Contract to A2Z Construct, Incorporated, for the City Yard Office Remodel Project, City Project No. 22-BLDG-01

- a) Approve Award of Contract in the amount of \$457,000, to the low bidder, A2Z Construct, Incorporated for the City Yard Office Remodel Project, City Project No. 22-BLDG-01; and
 - b) Authorize the City Manager to enter into an agreement with Williams Scotsman, Inc. to rent temporary office and restroom trailers in an amount not to exceed \$34,000, during construction; and
 - c) Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines, Section 15301.
11. Approve Additional Funding for the Construction of a Raised Median Island on Moody Street at Orangethorpe Avenue

Approve additional funding for the construction of a Raised Median Island on Moody Street at Orangethorpe Avenue.

Mayor Pro Tem Baker made a motion to approve Consent Calendar Items 1 through 11.

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

12. Consideration of Adopting New Fee Schedules

- a) Mayor Steggell open the Public Hearing at 6:37 p.m.
- b) City Manager McNamara introduced the item and Assistant to the City Manager Cisneros gave the Staff Report. Chu Thai, Vice President of RCS, gave a detailed presentation on the results of their Revenue and Cost Analysis study.
- c) City Council Comments and Questions:

Discussion ensued regarding Council Member Waldman not being supportive of this fee increase as a result of the City getting voter approved

Measure JJ in 2016 - a 1% sales tax increase; that this measure would burden residents using services and businesses wishing to expand or renovate their business; that Mayor Steggell noted that other cities fees were astronomical in comparison to La Palma's fee and will support this endeavor; that Council Member Goodman added that the City Council should be charging fees that are accurate for services rendered and not for profit; that City Manager McNamara noted that the City is charging for services rendered no matter what - but if the City chooses not to charge to fully compensate for services rendered, then the rest is being subsidized by the tax payers; clarification that recreation services will see no fee increase as the residents benefit from these programs offered and the City should continue subsidizing these; that overall, the fee increases regard structurally related fees like electrical or water upgrades and other building upgrades; and that RCS reviewed the actual cost of providing service and that cost should be borne by the people receiving the particular benefit; that common services are not affected but this effort is more to make the City whole financially; that Council Member Patel inquired about Measure P being on the ballot and whether this proposal was factored in to alleviate some of the costs if Measure P passes; that City Manager McNamara responded that these fee studies are for the sole purpose of analyzing fees, it is to determine the cost to provide services and what those costs 'should be' as a result versus what the fees are currently; that this analysis was not approached as an exercise to get more money, but rather the true cost for an honest day's work for services rendered; that building fee increases could be used to pay for building services contractors; and that Mayor Pro Tem Baker agrees that the City needs to recover costs for actual services staff provides, even if it doesn't cover everything.

d) Public Input:

No members of the public wished to speak.

e) Mayor Steggell closed the Public Hearing at 6:48 p.m.

f) Adopt a Resolution Approving and Adopting the User Fee Schedule (Exhibit A).

Council Member Goodman made a motion to adopt Resolution No. 2022-49 approving and adopting the User Fee Schedule (Exhibit A).

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

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

NOES: Council Member Patel and Council Member Waldman

13. Adopt An Ordinance of the City Council of the City of La Palma, California repealing Article III of Chapter 10 of the La Palma Municipal Code, and adding thereto a new Article III of Chapter 10 adopting by reference the 2022 Editions of the California Codes and related Model Codes which include the California Building, Residential, Energy, Green Building Standards, Plumbing, Mechanical, Electrical, Existing Building Codes, the International Property Maintenance Code, and the Uniform Code for Abatement of Dangerous Building, with appendices and amendments thereto.

- a) Mayor Steggell opened the Public Hearing at 6:58 p.m.
- b) City Manager McNamara introduced the Item and Planning Manager Hutter gave the Staff Report
- c) Council Member Comments and Questions:

Discussion ensued regarding City Council approval of these new building codes still allows the City to maintain control over building standards.
- d) Public Input:

No members of the public wished to speak.
- e) Mayor Steggell closed the Public Hearing at 7:00 p.m.
- f) Adopt an Ordinance repealing Article III of Chapter 10 of the La Palma Municipal Code, and adding thereto a new Article III of Chapter 10 adopting by reference the 2022 Editions of the California Codes and related Model Codes which include the California Building, Residential, Energy, Green Building Standards, Plumbing, Mechanical, Electrical, Existing Building Codes, the International Property.

Council Member Waldman made a motion to adopt Ordinance No. 2022-10 repealing Article III of Chapter 10 of the La Palma Municipal Code, and adding thereto a new Article III of Chapter 10 adopting by reference the 2022 Editions of the California Codes and related Model Codes which include the California Building, Residential, Energy, Green Building Standards, Plumbing, Mechanical, Electrical, Existing Building Codes, the International Property.

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

14. Adopt An Ordinance of the City Council of the City of La Palma, California repealing Article II of Chapter 16 of the City of La Palma Municipal Code, and adding thereto a new Article II of Chapter 16 adopting by reference the 2022 Edition of the California Fire Code with appendices and amendments thereto.

- a) Mayor Steggell opened Public Hearing at 7:01 p.m.
- b) City Manager McNamara introduced the Item and Planning Manager Hutter 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 7:03 p.m.
- f) Adopt an Ordinance repealing Article II of Chapter 16 of the City of La Palma Municipal Code, and adding thereto a new Article II of Chapter 16 adopting by reference the 2022 Edition of the California Fire Code with appendices and amendments thereto.

Council Member Patel made a motion to adopt Ordinance No. 2022-11 repealing Article II of Chapter 16 of the City of La Palma Municipal Code, and adding thereto a new Article II of Chapter 16 adopting by reference the 2022 Edition of the California Fire Code with appendices and amendments thereto.

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. Introduction and First Reading of an Ordinance Amending City Municipal Code Chapter 34 (Sewers and Storm Drains) Article II Pertaining to the Regulation of the Fats, Oils, and Grease (FOG) Control Program

- a) Mayor Steggell re-opened the Public Hearing at 7:04 p.m.
- b) City Manager McNamara introduced the Item and Management Analyst Zubiarte gave the Staff Report
- c) City Council Comments and Questions:

Discussion ensued regarding the number of facilities that this would affect; whether the City would be 'on the hook' if they do not support this; that there are nine facilities that would be immediately impacted, and four out of those nine have been violators in the past; that sewer system overflow would trigger this ordinance in order to recover the costs to clean up the damage; that the City is responsible for the pipe going from La Palma to the Orange County Sanitation District; that if the overflow reaches the waterways, that is when the City could get fined; that businesses are concerned about the cost of these interceptors, but the cost to clean up their mess far surpasses the cost of installing the proper device; that the City has worked diligently with businesses to achieve compliance; that a clog affects sewer flow; appreciation to Staff for getting this on the agenda; that this Ordinance allows the City to have control mechanism in place to help achieve compliance; and that the FOG Permit pays for some of the monitoring and oversight.

- d) Public Input:

No members of the public wished to speak.

- e) Mayor Steggell closed the Public Hearing at 7:12 p.m.
- f) Introduce an Ordinance amending City Municipal Code Chapter 34 (Sewers and Storm Drains) Article II pertaining to the regulation of the Fats, Oils, and Grease (FOG) Control Program

Council Member Waldman made a motion to introduce an Ordinance amending City Municipal Code Chapter 34 (Sewers and Storm Drains) Article II pertaining to the regulation of the Fats, Oils, and Grease (FOG) Control Program.

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

16. Introduction and First Reading of an Ordinance to Amend the Sequence of District Elections in the La Palma Municipal Code

- a) Mayor Steggell opened the Public Hearing at 7:13 p.m.
- b) City Manager McNamara gave the Staff Report at the behest of Mayor Pro Tem Baker.
- 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 7:15 p.m.
- f) Introduce and Conduct the First Reading of an Ordinance Amending and Superseding District Election Sequencing in Ordinance No. 2022-08

Mayor Pro Tem Baker made a motion to introduce and Conduct the First Reading of an Ordinance Amending and Superseding District Election Sequencing in Ordinance No. 2022-08.

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

17. Agreement for Consultant Services with Bureau Veritas for Part-Time Building and Safety Services

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

Council Comments and Questions:

Discussion ensued regarding support for Staff's endeavors to methodically select a provider who can truly affect our residents; appreciation to the City Manager who has been a key factor allowing Staff to flourish and provide for these types of service changes; and that the new fee schedule should compensate for the services BVNA provides.

Public Input:

Monty Baker, a La Palma resident, addressed the City Council regarding the prolonged period of time it takes other cities to get plans approved due to the lengthy building permit process; support for this new over the counter approval process.

Based on an assessment of what the City needs for on-going building and safety services, and an evaluation of each respondent's delivery approach, city staff interview of key personnel assigned to service the contract, and reference checks, it is recommended that the City Council approve and authorize the Mayor to execute an Agreement for Consultant Services with Bureau Veritas North America (hereinafter "BVNA") for part-time Building Inspection, Building Official, and Plan Examination Services for the period of November 1, 2022, through June 30, 2026. There are two (2) contract extension opportunities of two (2) years each that could theoretically extend the contract to June, 30, 2030, should the City exercise both of them.

Council Member Patel made a motion to approve and authorize the Mayor to execute an Agreement for Consultant Services with Bureau Veritas North America (hereinafter "BVNA") for part-time Building Inspection, Building Official, and Plan Examination Services for the period of November 1, 2022, through June 30, 2026. There are two (2) contract extension opportunities of two (2) years each that could theoretically extend the contract to June, 30, 2030, should the City exercise both of them.

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

18. Consideration to Establish a Public Works/Community Services Director Position

City Manager McNamara gave the Staff Report.

Council Comments and Questions:

None.

Public Input:

No members of the public wished to speak.

- a) Amend Resolution 2022-26 to add a Public Works/Community Services Director position; and
- b) Amend Resolution 2022-34 to add a Public Works/Community Services Director position at the same class and compensation as the Community Services Director; and
- c) Approve the job specification for Public Works/Community Services Director.

Council Member Goodman made a motion to adopt Resolution No. 2022-50 amending Resolution 2022-26 to add a Public Works/Community Services Director position and amend Resolution 2022-34 to add a Public Works/Community Services Director position at the same class and compensation as the Community Services Director; and approve the job specification for Public Works/Community Services Director.

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

19. Request to Over-Hire for Two Positions

City Manager McNamara gave the Staff Report.

Council Comments and Questions:

Discussion ensued regarding support for the City Manager's efforts in succession planning, as his decisions to prioritize Staff needs meets the service levels for residents.

Public Input:

No members of the public wished to speak.

Recommendation that the City Council authorize the City Manager to proceed with the over-hire of Police Officer and Public Works/Community Services Director positions, as necessary, for a period not to exceed four months.

Council Member Patel made a motion to approve and authorize the City Manager to proceed with the over-hire of Police Officer and Public Works/Community Services Director positions, as necessary, for a period not to exceed four months.

The motion was seconded by Mayor Pro Tem Baker 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

20. Adoption of Labor Agreement with the La Palma Police Association

City Manager McNamara gave the Staff Report.

Council Comments and Questions:

None.

Public Input:

No members of the public wished to speak.

Recommendation that the City Council adopt a Resolution approving the Memorandum of Understanding between the City of La Palma and the La Palma Police Association.

Council Member Waldman made a motion to adopt Resolution No. 2022-51 approving the Memorandum of Understanding between the City of La Palma and the La Palma Police Association.

The motion was seconded by Mayor Pro Tem Baker 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

21. Council Member Request: Slurry Seal Improvements Project Update

City Manager McNamara introduced the Item and Community Services Director Belknap gave the Staff Report at the behest of Council Member Patel.

Council Member Comments and Questions:

Discussion ensued regarding Council Member Patel's appreciation for a full explanation of the Slurry Seal process as residents perceive it as a full road rehabilitation and panic at the results, not realizing the curing process involved with a 'seal'; that if there is ever a situation where the City needs to address any issues after the seal cures, Staff will address it; and thanks to Staff for the detailed and thorough presentation so that the residents have a report to review should these concerns arise in the future.

Public Input:

No members of the public wished to speak.

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 La Palma's State of the City Address and the annual Halloween Carnival.

Council Member Patel attended La Palma's State of the City Address; the La Palma's candidate's forum as a candidate; the Orange County Sanitation District (OCSD) meeting; hosted a carnival for the Boys and Girls Club in Cypress; and the annual Halloween Carnival.

Council Member Goodman attended the California Joint Powers Insurance Authority (CJPIA) annual Risk Management Education Forum; the La Palma State of the City Address; the Cypress State of the City Address; the League of California Cities (LOCC) Executive Committee meeting; the CJPIA Executive and Claims Committee meeting; and welcomed new Recreation Coordinator Demi Perez.

Mayor Pro Tem Baker attended the CJPIA annual Risk Management Education Forum; the La Palma State of the City Address; the La Palma's candidate's forum; Yorba Linda's State of the City Address; the Orange County Mosquitos and Vector Control District (OCMVCD) Board of Trustees meeting; the HOPE Center's grand opening and ribbon cutting event; the Orange County Library Advisory Board (OCLAB) meeting; and the annual Halloween Carnival.

Mayor Steggell attended the La Palma State of the City Address; the Orange County Fire Authority (OCFA) Executive Committee meeting; the OCFA Board of Directors meeting; the annual Halloween Carnival; announced the Mayor's Popcorn Party tomorrow at Central Park; and announced a Mayor's event prior to the Holiday Tree Lighting event. She closed her report by thanking residents, the City Council, and Staff for all their support over the past eight years.

CITY MANAGER REMARKS

City Manager McNamara wished everyone a Happy Thanksgiving; announced the upcoming Holiday Tree Lighting ceremony on December 7th; recognized the birthday of Planning Manager Hutter's eldest daughter; and closed by thanking Mayor Steggell for all the efforts made over the past year and reported on her accomplishments.

CITY ATTORNEY REMARKS

City Attorney Thind had nothing to report.

ADJOURNMENT

Mayor Steggell adjourned the Regular Meeting of the City Council at 8:32 p.m.

Mayor

Attest:

Kimberly Kenney, CMC
City Clerk