

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING

Monday, November 04, 2013

APPROVED: These minutes were approved on December 2, 2013.

ADJOURNED REGULAR MEETING:

CALL TO ORDER:

Mayor Espinoza called the Adjourned Regular Meeting of the City Council of the City of La Habra to order at 5:30 p.m. in the Administrative Conference Room 106, located at 201 E. La Habra Boulevard, La Habra, California.

COUNCILMEMBERS PRESENT: Mayor Espinoza
Mayor Pro Tem Beamish
Councilmember Gomez
Councilmember Blazey
Councilmember Shaw

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Hannah
City Attorney Jones
City Clerk Mason
Assistant City Manager/Director of Finance and
Administrative Services Sadro
Assistant to the City Manager Ferrier

I. ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:

None

II. CLOSED SESSION:

Mayor Espinoza announced the Closed Session as listed below. Council convened as follows:

- a. Conference with Legal Counsel potential litigation per Government Code Section 54956.9(d)(2) (3 cases) Facts and Circumstances: Dispute of ownership and obligation to maintain streets adjacent to several schools with and within the following school districts: Fullerton Joint Union High School District, La Habra City School District and Lowell Joint School District. Locations: La Habra High School - Idaho Street between Highlander Avenue and Whittier Boulevard, Highlander Avenue between Idaho Street and Monte Vista Street, Monte Vista Street between Highlander Ave and Whittier Boulevard; Sonora High School - Palm Street; Washington Middle School - McPherson

Street and Third Avenue; El Cerrito School - Hillside Street; Sierra Vista School - Whittier Avenue; Ladera Palma School - Brookdale Avenue; and Olita School - Briercliff Drive and Cajon Drive.

Councilmember Gomez noted that his wife works at Imperial Middle School and left the room during the discussion of item "a."

- b. Conference with Legal Counsel potential litigation per Government Code Section 54956.9(d)(4) (1 case).
- c. Conference with Real Property Negotiator per Government Code Section 54956.8-Property: 341 South Hillcrest Street, 350 South Hillcrest Street, 215 E. La Habra Blvd; City Negotiator: Don Hannah, City Manager; Negotiating Parties; The Gary Center, Community Resources Care Center (CRCC), and Historical Society Museum; Under Negotiation: Price and Terms.

Councilmember Gomez noted that he served on the Board of the Historical Society Museum and abstained from the discussion regarding the same.

III. ADJOURNMENT: Council reconvened from Closed Session at 6:27 p.m. There were no announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:27 p.m.

REGULAR MEETING:

CALL TO ORDER:

Mayor Espinoza called the Regular Meeting of the City Council of the City of La Habra to order at 6:30 p.m. in the City Council Chambers, located at 201 E. La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Shaw

COUNCILMEMBERS PRESENT: Mayor Espinoza
Mayor Pro Tem Beamish
Councilmember Gomez
Councilmember Blazey
Councilmember Shaw

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Hannah
City Attorney Jones
City Clerk Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Proclamation to recognize November as Pancreatic Cancer Awareness month in the City of La Habra.

Mayor Espinoza invited La Habra residents Brett Catrine and Monica Navarro to accept the proclamation in honor of their loved one Joie Catrine, who passed away at age 43 from pancreatic cancer.

- b. Proclamation to recognize the week of November 4th through 8th, 2013 as Law Enforcement Records and Support Personnel Week in the City of La Habra.

Mayor Espinoza invited Police Chief Price to assist with the presentation. Police Chief Price invited up Captain Kepley, Record Specialists Viviana Alfaro, Bridget Valdez, and Rosanna Munoz; and Records Bureau Manager Rita Ramirez to accept the proclamation.

- c. Presentation by Fire Chief Mahan - "Los Angeles County Fire Department - Air Operations."

Los Angeles County Fire Chief Mahan presented a PowerPoint on the variety of air resources used by the Los Angeles County Fire Department.

II. PUBLIC COMMENTS:

Southern California Edison Regional Manager Pat Buttress spoke regarding high winds and downed power lines.

La Habra Chamber of Commerce President/CEO Mark Sturdevant, 321 E. La Habra Boulevard, invited the community to participate in the Shop La Habra Program.

III. CONSENT CALENDAR:

Councilmember Shaw requested that item III.A.3 be removed for separate discussion.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.A.9, WITH THE EXCEPTION OF ITEM III.A.3 WHICH WAS REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Pro Tem Beamish, Councilmember Shaw, Councilmember Gomez,
Mayor Espinoza, Councilmember Blazey

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

A. PROPOSED ITEMS:

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.

2. Approve denial of claim filed by Joyce Welsh.
3. (THIS ITEM WAS REMOVED FOR SEPARATE DISCUSSION.)
4. Approve the establishment of the position of Senior Building Inspector at Range A-70 in the General Services Employee Group, and authorize this position to be added to the existing salary schedule.
5. Approve Change Order No. 1 in the amount of \$24,050 to Overland Pacific & Cutler Inc. (OPC) agreement and final purchase cost of easements relating to Beach and Whittier Boulevards intersection improvements (Project 6-TC-09) for additional appraisal and acquisition services, and authorize staff to increase the purchase order to OPC in the amount of \$24,050; and approve the final purchase amount of partial right-of-way easements from properties on Beach and Whittier Boulevards.
6. Approve resolution authorizing the submittal of three improvement projects to the Orange County Transportation Authority for funding under the Comprehensive Transportation Funding Programs (CTFP); and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5602** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AUTHORIZING APPLICATIONS TO ORANGE COUNTY TRANSPORTATION AUTHORITY FOR WHITTIER BOULEVARD AND BEACH BOULEVARD INTERSECTION IMPROVEMENTS, HARBOR BOULEVARD AND LAMBERT ROAD INTERSECTION IMPROVEMENTS, AND WHITTIER BOULEVARD AND HACIENDA ROAD INTERSECTION IMPROVEMENTS PROJECTS FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM.
7. Approve and adopt a resolution designating the eastbound approach for the intersection of Florence Avenue at McPherson Street as a one-way "Stop" intersection;
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5603** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DESIGNATING THE EASTBOUND APPROACH FOR THE INTERSECTION OF FLORENCE AVENUE AND MCPHERSON STREET AS A ONE-WAY STOP INTERSECTION.
8. Approve and adopt a resolution designating the southbound approach for the intersection of Mariposa Street at Sheffield Drive as a one-way "Stop" intersection; and
 - b. APPROVE AND ADOPT **RESOLUTION NO. 5604** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DESIGNATING THE SOUTHBOUND APPROACH FOR THE INTERSECTION OF MARIPOSA STREET AND SHEFFIELD DRIVE AS A ONE-WAY STOP INTERSECTION.
9. WARRANTS: Approve Nos. 00093582 through 00093834 totaling \$771,691.19.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

- III. 3. Approve and adopt a resolution authorizing benefit changes for Head Start employees effective January 1, 2014.

Assistant City Manager/Director of Finance and Administrative Services Sadro presented the staff report. He reported that 28 part-time employees are considered full-time employees under the new Affordable Care Act (ACA). He reported that in compliance with the ACA, the City must offer these employees affordable medical insurance coverage and therefore must increase the monthly insurance contribution from \$200 per month to \$400 per month. He reported the new contribution amounts will take effect on January 1, 2014, and will be fully covered by the Head Start grant funds.

Council discussion included: clarification that the Head Start employees are fully funded by the federal government Head Start grant; Head Start County Officials have been contacted to confirm that there are sufficient funds this year to fund this benefit change; clarification that all 28 Head Start employees may not choose to receive this benefit and those who choose not to receive this benefit will not receive the difference in pay; other potential impacts the City may be facing under the ACA; and clarification that the City has approximately 275 part-time City employees whose hours are being closely monitored and should not be impacted by the ACA since it is anticipated that their average hours over 12 months should fall below 30 hours per week.

Mayor Espinoza invited the public to testify. There was no public testimony.

Moved by Councilmember Gomez, seconded by Councilmember Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT A RESOLUTION AUTHORIZING BENEFIT CHANGES FOR HEAD START EMPLOYEES EFFECTIVE JANUARY 1, 2014; AND APPROVE AND ADOPT **RESOLUTION NO. 5601** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION NO. 5552 PERTAINING TO THE CITY COMPENSATION PLAN.

Said motion CARRIED by the following roll call vote:

AYES: Councilmember Gomez, Councilmember Blazey, Councilmember Shaw,
Mayor Pro Tem Beamish, Mayor Espinoza

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an ordinance amending Title 15 "Buildings and Construction" of the La Habra Municipal Code, Chapter 15.04 - 15.18, 15.24, 15.32, 15.40, Sections 15.40.030, 15.44.010 - C, 15.60.010 - A, 15.68.020 - 15.68.030, adopting the 2013 Editions of the California Building, Residential, Green Building, Electrical, Plumbing, Mechanical, and Energy Codes and the 2012 International Swimming Pool and Spa Code, the 2012 International Property Maintenance Code, and the Related Model Codes with appendices and amendments.

Councilmember Gomez acknowledged that this would most likely be Chief Building Official Roy Fewell's last presentation before his retirement scheduled by the end of the year. He commended him for his service to the City.

Chief Building Official Fewell thanked Councilmember Gomez for his kind words and presented the staff report. He reported that local governments are required to adopt and regulate to the most recent editions of the California State Building regulations. He stated that local governments may amend the code to make it more restrictive, with specific findings, but not less restrictive. He noted that the City of La Habra always attempts to make the fewest possible local amendments. He described the two proposed modifications as mandating Minimum Class B roof coverings and a prohibition of No. six (6) or smaller aluminum wiring and aluminum conductors, unless provided with continuous inspection.

Mayor Espinoza opened the public hearing at 7:06 p.m. There was no public testimony and the public hearing was closed.

There was no Council discussion or questions.

- a. Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND **ADOPT RESOLUTION NO. 5605** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA GREEN BUILDING CODE, AND THE CALIFORNIA ELECTRICAL CODE AND THE CALIFORNIA EXISTING BUILDING CODE AS AMENDED BY THE STATE OF CALIFORNIA REASONABLY NECESSARY FOR HOUSING OCCUPANCIES.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Pro Tem Beamish, Councilmember Shaw, Councilmember Gomez, Councilmember Blazey, Mayor Espinoza
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

- b. Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE FIRST READING OF **ORDINANCE NO. 1747** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE LA HABRA MUNICIPAL CODE, CHAPTER 15.04 - 15.18, 15.24, 15.32, 15.40, Sections 15.40.030, 15.44.010 - C, 15.60.010 - A, 15.68.020 - 15.68.030, ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, GREEN BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, AND ENERGY CODES AND THE 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Pro Tem Beamish, Councilmember Shaw, Councilmember Gomez, Councilmember Blazey, Mayor Espinoza
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

VI. CONSIDERATION ITEMS: None at this time.

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- The Mayor's Community Hours will be on Friday, November 8 from 11:00 a.m. to 1:00 p.m. at Starbucks, located at 1331 West Imperial Highway, and Saturday, October 26 from 11:00 a.m. to 1:00 p.m. at Albertsons, located at 1800 West Whittier Boulevard. The Mayor is also available by appointment.
- The La Habra Chamber of Commerce "Shop Local and Win" program from Friday, November 1 through December 20.
- Annual Veterans Day Program on Monday, November 11 at the Community Center, breakfast at 9:30 a.m., program at 11:00 a.m.
- Community Health Fair on Thursday, November 14 from 9:00 a.m. to 12:00 p.m. at the La Habra Community Center.
- Operation Santa begins on Monday, November 15 at 1241 East La Habra Boulevard. Donations can be dropped off Monday through Friday from 1:00 p.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 1:00 p.m.
- Children's Museum Target free Sunday theme "Festival of Lights" on December 1 from 1:00 p.m. to 5:00 p.m.
- Annual Tree Lighting Ceremony on Monday, December 2 on the steps of City Hall at 6:00 p.m.
- City Planning Commission will hold the General Plan public hearing on Monday, December 9 at 6:30 p.m. in the Council Chambers.
- The City Council will meet again on Monday, November 18 and Monday, December 2 at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Shaw stated that he attended the Red Ribbon Breakfast, and thanked the students who attended and all those involved. He commented regarding the benefit of local tax dollars and encouraged the residents to shop in La Habra.

Councilmember Blazey spoke regarding the recent shooting of TSA agent, Gerardo Hernandez, inside a terminal at Los Angeles International Airport. He spoke regarding the United States Constitution and asked that the meeting be adjourned in memory of Gerardo Hernandez.

Councilmember Gomez wished Mayor Espinoza happy birthday. He asked that the meeting be adjourned in honor of La Habra Police Officer Michael Osornio who was killed in the line of duty

by a drunk driver on October 31, 1994. Councilmember Gomez invited the community to attend the Veterans Day Program and hear guest speaker Wink Martindale.

Mayor Pro Tem Beamish expressed his appreciation to Roy Fewell for his institutional experience, indispensable knowledge, and years of service to La Habra.

Mayor Espinoza concurred with Mayor Pro Tem Beamish. She noted that she attended the CVS tour, the grand opening of Daniel's European Automotive, Red Ribbon Breakfast, and the Lowell Joint School 5K Turkey Trot. She acknowledged Joshua from Boy Scout Troop 985 who was in the audience. She spoke regarding Frances "Pancha" Garcia who passed away September 25, 2013, at the age of 92 years.

- X. ADJOURNMENT:** Mayor Espinoza adjourned the meeting at 7:19 p.m. in memory of Frances "Pancha" Garcia, TSA Officer Gerardo Hernandez, and La Habra Police Officer Michael Osornio to Monday, November 18, 2013, at 4:30 p.m. for Planning Commission interviews in the Administrative Conference Room 106, followed by the Regular Meeting at 6:30 p.m. in the City Council Chambers.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk