

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
Tuesday, January 21, 2014

APPROVED: These Minutes were approved on March 17, 2014.

ADJOURNED REGULAR MEETING:

CALL TO ORDER:

Mayor Beamish 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 Beamish
Mayor Pro Tem Blazey
Councilmember Gomez
Councilmember Shaw
Councilmember Espinoza

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: Interim City Manager Sadro
City Attorney Jones (left at 5:47 p.m.)
Deputy City Attorney Ryan Jones
City Clerk Mason
Assistant to the City Manager Ferrier

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

None

II. CLOSED SESSION:

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

- a. Public employee evaluation per Government Code Section 54957 - Title: Interim City Manager.
- b. Conference with Real Property Negotiator per Government Code Section 54956.8 - Property: 100 - 120 E. La Habra Boulevard, and 107 E. First Street; City Negotiator: Jim Sadro, Interim City Manager; Negotiating Parties; City Venture; Under Negotiation: price and terms.
- c. 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 "c."

III. ADJOURNMENT: Council reconvened from Closed Session at 6:33 p.m. There were no announcements. Mayor Beamish adjourned the Adjourned Regular Meeting at 6:33 p.m.

REGULAR MEETING:

CALL TO ORDER:

Mayor Beamish called the Regular Meeting of the City Council of the City of La Habra to order at 6:35 p.m. in the City Council Chambers, located at 201 E. La Habra Boulevard, La Habra, California.

INVOCATION: Deputy City Attorney Ryan Jones

PLEDGE OF ALLEGIANCE: Councilmember Espinoza

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: Interim City Manager Sadro
Deputy City Attorney Ryan Jones
City Clerk Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Recognition of Annual Holiday Decorating Contest Winners 2013:
- Grand Prize Winner - Richard Miller, 920 Linda Avenue
 - Grand Prize Winner - Phillip Pellkofer, 1100 Circle Drive
 - Best Use of Lights - James Einwalter, 2241 Sidon Avenue
 - Best Use of Lights - Kathleen Jardine, 1301 Sierra Vista
 - Best Use of Theme - Roger and Susan Chavez, 1320 Lakeview Avenue
 - Best Use of Theme - Mark and Victoria Havens, 911 Tropicana Way
 - Best Use of Music - Michael Berchtold, 350 La Plaza Drive

Mayor Beamish invited Community Development Director Failla and Children's Museum Manager Qureshi to assist with the presentations. Beautification Committee Vice-Chair Praster and Committee Member Sharp joined them at the podium for the Annual Holiday Decorating Contest awards presentation. Phillip Pellkofer, Kathleen Jardine, and Roger and Susan Chavez were not in attendance to receive their certificates.

II. PUBLIC COMMENTS:

Juana Avila, 1030 Encinitas Street, expressed her concerns regarding the traffic volume on Imperial Highway and Euclid Street. She expressed her concerns regarding paint spray booths near the school and referred to Imperial Auto Shop. Mayor Beamish referred her to Community Development Director Haack.

Vanna Sharp, 1141 Roddy Drive, representing the La Habra Host Lions Club, invited the community to the La Habra Pasta Fest to be held February 8, 2014, at the Community Center. She explained it was to support the City's Senior Nutrition Program that provides hot meals to the senior community in La Habra.

Norman Zubish, Third Avenue, inquired regarding a proposal for building apartments located on the north side of the railroad tracks and Third Avenue. Community Director Haacked confirmed that Mr. Zubish was referring to a parcel identified in the General Plan Update to be heard later during the meeting. Mayor Beamish instructed Mr. Zubish to wait and speak during that item.

Juana Stutter, Sunset and Erna, expressed her concerns relating to the continuous gathering of loud individuals at a nearby apartment. She stated that the disruption happens all hours of the night. Mayor Beamish directed her to Community Development Director Haack.

III. CONSENT CALENDAR:

Resident Robert Dale requested that item III.A.7 be removed for separate discussion.

Moved by Councilmember Gomez, seconded by Councilmember Espinoza, and CARRIED UNANIMOUSLY 5-0 TO APPROVE THE CONSENT CALENDAR, ITEMS A.1 THROUGH A.9; WITH ITEM III.A.7 REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Beamish, Mayor Pro Tem Blazey, Councilmember Espinoza,
Councilmember Gomez, Councilmember Shaw
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 Community Services Commission Minutes of November 13, 2013.

3. Approve Planning Commission Minutes of:
 - a. October 28, 2013
 - b. November 12, 2013
 - c. November 25, 2013
 - d. December 9, 2013
4. Approve City Council Minutes of:
 - a. December 16, 2013
 - b. January 6, 2014
5. Approve the Head Start and Early Head Start 2013-14 Basic Budget Adjustments, re-allocate funds accordingly, and authorize the Interim City Manager to execute the appropriate documents.
6. Approve Notice of Completion for Construction of the Lambert Road Regional Traffic Signal Synchronization Project No. 1-TC-11.
7. REMOVED FOR SEPARATE DISCUSSION.
8. Approve Plans and Specifications and award construction contract for the Schoolwood Drive Landscape Project No. 1-P-13 to S. C. Yamamoto, Inc. in the amount of \$98,995 and reject all other bids; authorize City Manager to execute agreement; and authorize staff to issue a purchase order to S. C. Yamamoto, Inc. in the amount of \$108,895 which includes a 10 percent contingency.
9. WARRANTS: Approve Nos. 00094344 through 00094703 totaling \$2,257,794.79.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

III.A.7. Approve Cooperative Agreement No. C-2-1898 with the Orange County Transportation Authority (OCTA) for the Union Pacific Rail Line Bikeway Project.

City Engineer Johansen presented the staff report. There were no questions.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE COOPERATIVE AGREEMENT NO. C-2-1898 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE UNION PACIFIC RAIL LINE BIKEWAY PROJECT.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an Environmental Impact Report, General Plan 2035, 2014-2021 Housing Element, and Climate Action Plan for the City of La Habra.

Councilmember Gomez noted that he would be abstaining from any discussion regarding zoning changes relating to 951 S. Beach Boulevard, noting a conflict of interest. He stated too that he would be abstaining from discussion relating to any property within 300 feet of his residence at 234 Pacific Avenue. Mayor Beamish asked for clarification regarding abstaining with regards to residence. Clarification was made by Deputy City Attorney Ryan Jones and Interim City Manager Sadro as to the requirements regarding abstaining when involving residence.

Community Development Director Haack described the various forms of public noticing regarding the General Plan update process. He clarified on the process for adoption of the General Plan and future zone changes, the options available for businesses that become non-conforming after the adoption of the General Plan, and that the General Plan was a viable document to be reviewed annually once adopted. He introduced The Planning Center Project Manager Mr. Woodie Tescher.

Mayor Pro Tem Blazey noted that he was the Chairman of the General Plan Committee over the past several years; and reported that the General Plan was last updated 24 years ago.

Mr. Woodie Tescher, The Planning Center Project Manager, introduced Tracey Ferguson, Michael Hendrix, Sal from KOA Associates, Alonzo Pedrin, Nicole, Morse, and Ryan Potter who assisted in the presented of the staff report. The following four documents were reviewed and presented for the City Council's consideration:

- a. The City of La Habra Final Environmental Impact Report (EIR) for draft General Plan 2035, November 2013, SCH # 2013051092 (attachment 1)
- b. The City of La Habra Draft General Plan 2035, September 2013 (attachment 2)
- c. The 2014-2021 Housing Element Update, draft August 23, 2013 (attachment 3)
- d. The draft City of La Habra Climate Action Plan, August 7, 2013 (attachment 4)

RECESS: Mayor Beamish called a recess at 9:06 p.m.

RECONVENE: The City Council reconvened at 9:15 p.m. All members were present.

Council discussion included: options available for those individuals whose parcels will be classified as non-conforming; clarification that the General Plan is a living document that can be amended four times a year and must be reviewed on a continuing basis; and confirmation that the Planning Commission reviewed the same documents and heard the same presentation and recommended to certify the Final Environmental Impact Report, adoption of the General Plan 2035, adoption of the 2014-2021 Housing Element, and adoption of the Climate Action Plan.

Mayor Beamish opened the public hearing at 9:03 p.m.

Pat Buttress, Southern California Edison representative, apologized for Southern California Edison (SCE) not responding to the EIR sooner. She stated that SCE intended to send a letter expressing their concern relating to the relocation of their transmission facilities due to possible intersection widening.

Ron Lebs, Assistant Superintendent of the Fullerton Joint Union High School District, expressed his appreciation to Community Development Director Haack, staff, and Council for the significant amount of work accomplished and the School District's opportunity to participate in the process.

Sandi Baltez, President of the La Habra City School District Board, expressed her appreciation to participate in the process.

The following individuals spoke regarding concerns relating to potential changes to various properties:

- Larry Lazar spoke regarding 110 E. Walnut, north side of railroad tracks near La Habra Boulevard and Cypress Avenue.
- Laura Stasy spoke regarding 141 El Rancho Drive.
- Lee Deierling spoke regarding 441 – 521 W. Imperial Highway.
- Jessie Rorabaugh spoke regarding walkable mixed use.
- Marshall Young spoke regarding 1700 W. La Habra Boulevard.
- Young Kim spoke regarding 700 W. La Habra Boulevard.
- Dean Koutzoukis spoke regarding 501 W. Imperial Highway.
- John Crabb spoke regarding 511 W. Imperial Highway
- Business owner of 521 W. Imperial Highway spoke regarding this property.
- Sergio Escalante spoke regarding 441 W. Imperial Highway.
- Sergio Salazar spoke regarding 517 W. Imperial Highway.
- Walter Freeman spoke regarding 120 S. Harbor Boulevard and 1250 E. La Habra Boulevard.
- Jerry Allard spoke regarding a potential apartment building near the area of Randall.

There being no further testimony, Mayor Beamish closed the public hearing at 10:01 p.m.

RECESS: Mayor Beamish called a recess at 10:01 p.m.

RECONVENE: The City Council reconvened at 10:09 p.m. All members were present.

Council discussion included addressing and clarifying the concerns identified by the individuals that spoke during the public testimony, and clarification that the county islands were considered in the overall analysis.

Council expressed appreciation to those who worked on the project and thanked those who attended and expressed their concerns.

Moved by Mayor Beamish, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY 5-0 TO CHANGE THE PROPOSED LAND USE TO MIX-USE CENTER 2 FOR THE ADDRESSES OF 1250 E. LA HABRA BOULEVARD TO 110 – 120 S. HARBOR BOULEVARD WITHIN AREA I.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Moved by Mayor Beamish, seconded by Mayor Pro Blazey, and CARRIED UNANIMOUSLY 5-0 TO CHANGE THE PROPOSED LAND USE TO MIX-USE CENTER 1 FOR THE ADDRESSES OF 1700 TO 1850 W. LA HABRA BOULEVARD WITHIN AREA 4H.

Said motion CARRIED by the following roll call vote:

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

RECESS: Mayor Beamish called a recess at 10:28 p.m.

RECONVENE: The City Council reconvened at 10:33 p.m. All members were present.

Following Council discussion to clarify the subject area it was Moved by Councilmember Shaw, seconded by Councilmember Espinoza, and CARRIED 3-2 TO EXCLUDE FROM THE PROPOSED LAND USE CHANGE AND TO REMAIN AS LIGHT INDUSTRIAL FOR THE ADDRESSES OF 441 [401] TO 521 W. IMPERIAL HIGHWAY WITHIN SUB-AREA 7.

Said motion CARRIED by the following roll call vote:

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

- a. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5611** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE **ENVIRONMENTAL IMPACT REPORT** (EIR #13-01), SCH #2013051092 WHICH INCLUDES FINDINGS AND FACTS, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LA HABRA GENERAL PLAN 2035, 2014-2021 HOUSING ELEMENT, AND CLIMATE ACTION PLAN; AS MODIFIED.

Said motion CARRIED by the following roll call vote:

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

- b. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5612** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING THE CITY OF LA HABRA **GENERAL PLAN 2035**, AS SET FORTH IN EXHIBITS "A" AND "B"; AS MODIFIED.

Said motion CARRIED by the following roll call vote:

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

- c. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5613** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING **THE 2014-2021 DRAFT HOUSING ELEMENT**, SET FORTH IN EXHIBIT "A", AND DIRECT SUBMITTAL OF THE DOCUMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION AS REQUIRED BY STATE LAW.

Said motion CARRIED by the following roll call vote:

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

- d. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5614** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING THE CITY OF **LA HABRA CLIMATE ACTION PLAN**, AS SET FORTH IN EXHIBIT "A".

Said motion CARRIED by the following roll call vote:

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

- e. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO TAKE INTO CONSIDERATION ALL ACTIONS TAKEN REGARDING AMENDMENTS AND THE MOTIONS MADE RELATING TO THIS ITEM.

Said motion CARRIED by the following roll call vote:

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

Councilmember Gomez, Councilmember Espinoza
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider one expiring term and one unscheduled vacancy of the Community Services Commission; and give staff direction.

Mayor Beamish stated a report was not needed and suggested that staff advertise all upcoming vacancies to solicit community interest.

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

No staff report was given. Moved by Councilmember Gomez, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE TO AUTHORIZE STAFF TO ADVERTISE ONE EXPIRING TERM AND ONE UNSCHEDULED VACANCY ON THE COMMUNITY SERVICES COMMISSION, AND SCHEDULE INTERVIEWS.

Said motion CARRIED by the following roll call vote:

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

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Beamish made the following announcements:

- The Mayor is available to meet with residents by appointment.
- La Habra Children's Museum "Target Free Sunday" theme African-American History Month - Sunday, February 2.
- La Habra Children's Museum "Free Art Fridays," every Friday between 11:00 a.m. and 3:00 p.m.
- La Habra Community Services "Kids' Night Out" at Veteran's Hall on Friday, February 28 between 6:00 p.m. and 10:30 p.m.
- City of La Habra 5K/10K Run Walk is scheduled on Saturday, March 22 at 7:30 a.m.
- The 13th Annual Spring Family "Eggstravaganza" will be at La Bonita Park on Saturday, April 19 between 8:00 a.m. and 12:00 p.m.
- Upcoming City Council Meetings - on Monday, February 3 and Tuesday, February 18 at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Espinoza wished the community a happy New Year. She requested that the meeting be adjourned in memory of Ralph Edward Garcia, Lionel Luna, John Benjamin Torres, and Miguel A. Veliz. She stated that Ralph Garcia was born January 10, 1969 and passed away November 26, 2013. He was the son of Yolanda Garcia a former resident of La Habra who volunteered in many organizations in La Habra. She stated that Lionel Luna was a long-time resident who was born June 24, 1927 and passed away December 28, 2013. He had five children and a wife, Mercedes, who passed before him. She stated that John Torres was born April 12, 1964 and passed away December 29, 2013; the son of Eva and John Torres who were long-time residents of La Habra. She stated that Miguel Veliz was a long-time resident of La Habra who was born April 14, 1961 and passed away December 27, 2013. He was a father of two children.

Councilmember Shaw thanked those who served on the General Plan Advisory Committee.

Councilmember Gomez asked that the meeting be adjourned in memory of Joe Lastician, a long-time resident and advocate for youth sports who recently passed away. He asked that the meeting be adjourned in memory of Larry Rush who passed away this morning. He noted that Larry Rush was the husband of former Councilmember Dorothy Rush.

Mayor Pro Tem Blazey congratulated all the holiday decorating awardees and thanked the Beautification Committee for their services. He invited the community to the La Habra Pasta Fest on Saturday, February 8. He encouraged interest in applying for Miss La Habra 2014. He expressed that Father Justin McCarthy will be retiring this summer and expressed his appreciation.

Councilmember Gomez congratulated Father McCarthy on his anticipated retirement and suggested that staff arrange for his recognition at a future Council meeting.

X. ADJOURNMENT: Mayor Beamish adjourned the meeting at 10:50 p.m. in memory of Ralph Edward Garcia, Lionel Luna, John Benjamin Torres, Miguel A. Veliz, Larry Rush, and Joe Lastician to Monday, February 3, 2014, at 5:30 p.m. 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