

MINUTES

**CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY
Monday, August 15, 2016**

APPROVED: These Minutes were approved on September 19, 2016

ADJOURNED REGULAR MEETING:

CALL TO ORDER: Mayor/Director Gomez called to order the Adjourned Regular Meeting of the City Council concurrent with the Special Meeting of the La Habra Housing Authority at 5:30 p.m. in the Administrative Conference Room 106, located at 201 East La Habra Boulevard, La Habra, California.

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
Deputy City Attorney Potter
City Clerk Mason

I. ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:
None

II. CLOSED SESSION:

- a. Public employee evaluation per Government Code Section 54957-Title: City Manager.
- b. Conference with Legal Counsel - Existing Litigation (Gov. Code section 54956.9(d)(1)) City of La Habra v. Michael Cohen, Sacramento County Superior Court Case No. 34-2015-80002208.

Finance Director Shannon and Community and Economic Development Director Ho were present for this item. Legal Counsel Iris Yang, with Best Best & Krieger, was present for this item via telephone.

III. ADJOURNMENT: Council reconvened at 6:10 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting at 6:10 p.m.

REGULAR MEETING & REGULAR JOINT MEETING:

CALL TO ORDER: Mayor/Chair Gomez called the Regular Meeting of the City Council of the City of La Habra and the Regular Joint Meeting with the La Habra Utility Authority to order at 6:30 p.m. in the City Council Chambers located at 201 East La Habra Boulevard in La Habra, California.

INVOCATION: Deputy City Attorney/Legal Counsel Potter

PLEDGE OF ALLEGIANCE: Mayor Pro Tem/Vice Chair Shaw

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Gomez
Mayor Pro Tem/Vice Chair Shaw
Councilmember/Director Espinoza
Councilmember/Director Blazey
Councilmember/Director Beamish

COUNCILMEMBERS/DIRECTORS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
Deputy City Attorney/Legal Counsel Potter
City Clerk/Secretary Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Recognition of John Rees for providing over 10 years of emergency services to the City of La Habra.

Mayor Gomez invited Chief Price to assist with the presentation. John Rees accepted the proclamation.

II. PUBLIC COMMENTS:

Gina Whinery; President of La Habra Women's Club invited City Council and the community to attend the 2nd Annual Wine Tasting fundraiser to benefit their scholarship fund to be held Saturday, October 1, 2016 at 4:30 p.m.

III. CONSENT CALENDAR:

Moved by Mayor/Chair Gomez, seconded by Councilmember/Director Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.A.14 AND III.B.1 THROUGH III.B.2; WITH THE EXCEPTION OF COUNCILMEMBER BEAMISH ABSTAINING ON ITEM III.A.12.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Gomez, Mayor Pro Tem/Vice Chair Shaw,
Councilmember/Director Espinoza, Councilmember/Director Blazey,
Councilmember/Director Beamish

NOES: NONE
ABSTAIN: Councilmember Beamish (Item III.A.12 only)
ABSENT: NONE

A. PROPOSED ITEMS - CITY COUNCIL:

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1771** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING SPECIFIC PLAN AMENDMENT 16-01 MODIFYING THE LAND USE DIAGRAM OF THE LA HABRA BOULEVARD SPECIFIC PLAN TO BE CONSISTENT WITH THE LA HABRA GENERAL PLAN 2035 INCLUDING MODIFICATION OF PARK BOUNDARIES FOR EL CENTRO - LIONS PARK, MAHONY PARK AND THE TOWN CENTER PARK AS PER, EXHIBIT A.
3. Receive and file Planning Commission Minutes of:
 - a. June 13, 2016
 - b. June 27, 2016
4. Approve and authorize the City Manager to execute a grant agreement with Kaiser Foundation Hospitals for \$15,000 for the "Mini Sports Class" program.
5. Approve denial of claim of Mr. Gabriel Enriquez for property damage.
6. Approve City Council Minutes of August 1, 2016.
7. Waive formal bid requirements per La Habra Municipal Code Section 4.20.050(C), "When the city council has a contract with another governmental unit to purchase a particular item on a cooperative basis" and authorize the City Manager to execute an agreement between the City of La Habra and McMurray Stern to purchase Spacesaver Mechanical Assist Mobile Filing System; and authorize City Manager to issue two purchase orders to McMurray Stern in the amount of \$76,465.31 for the property/evidence area and \$46,947.70 for the City Clerk's vault system.
8. Accept the "Selective Traffic Enforcement Program" (STEP) grant funding in the amount of \$140,000 from the State of California's Office of Traffic Safety (OTS) for additional traffic enforcement, equipment, travel, and training.
9. Approve staff's recommendations regarding a request for "No Stopping" Restrictions at 501 South Idaho Street; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5763** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON IDAHO STREET SOUTH OF HILLANDALE AVENUE
10. Approve submittal of an improvement project to the Orange County Transportation Authority for funding under the Environmental Cleanup, Tier 1 Grant Program; and

- a. APPROVE AND ADOPT **RESOLUTION NO. 5764** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ENVIRONMENTAL CLEANUP PROGRAM PROJECT.
11. Approve the City of La Habra 2016 Engineering and Traffic Survey prepared by RK Engineering Group, Inc. dated July 19, 2016; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5765** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ESTABLISHING CERTAIN SPEED LIMITS ON LA HABRA BOULEVARD.
12. Approve staff's recommendation regarding a request for "No Stopping" Restrictions on Whittier Avenue at Vecino Street; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5766** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON WHITTIER AVENUE AT VECINO STREET.

(COUNCILMEMBER BEAMISH ABSTAINED)

13. WARRANTS: Approve Nos. 00107579 through 00107959 totaling \$2,126,300.37; and WIRE TRANSFER: Approve Wire Date 7/28/16 for a total of \$1,996,956.00.
14. Approve Plans and Specifications and award construction contract for the Alley Beautification Project Fiscal Year 2015-2016, City Project No. 2-R-16 to Black Rock Construction Company of Brea, California, in the amount of \$488,000.50 and reject all other bids; authorize City Manager to execute an agreement with Black Rock Construction Company in the amount of \$488,000.50; and authorize staff to issue a purchase order to in the amount of \$536,800.55 which includes a 10 percent contingency.

B. PROPOSED ITEMS - UTILITY AUTHORITY:

1. Approve Utility Authority Minutes of:
 - a. June 20, 2016
 - b. July 5, 2016
 - c. August 1, 2016
2. Authorize staff to issue a Purchase Order in the amount of \$47,227.88 to Valverde Construction, Inc. for water and sewer service work related to the La Habra Community Center Project.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider adopting an ordinance adding Chapter 8.12 "Unmanned Aviation Systems" to Title 8 "Health and Safety" of the La Habra Municipal Code. (Continued from July 18, 2016.)

Community and Economic Development Director Ho presented the staff report. Deputy City Attorney Baron Bettenhausen assisted in responding to Council's questions.

Council discussion included: confirmation the intent of the proposed ordinance is to promote public safety, protect the public attending special events, and avoid interference for public safety personnel; potential software available for regulating and tracking drones within the City; concerns regarding notification and possible notification to the residents of "no fly" zones and community awareness/education; confirmation the City is not required to notify neighboring cities of the proposed ordinance; communication with and signage for the community at special events; concern regarding City's authority to require notification beyond Federal Aviation Administration (FAA) regulations; clarification the proposed ordinance can be updated in the future if needed; confirmation there were no reported drone incidents by residents and a few incidents within the past few years at City events; clarification proposed ordinance gives City authority to regulate drones as it relates to zoning and land use power and to operate within the FAA rules and regulations; noted that the FAA has authority over all navigable airspace over 400 feet above ground; review of City's authority without proposed ordinance; review of the three main prohibitions which are 1) no flying of drones within 400 feet of an emergency response, 2) no flying over any school, police station, or public facility without consent, 3) no flying within 400 feet of a special event without the expressed permission acquired from the person responsible for the special event; concerns regarding section 8.12.030.6 and potential conflict regarding companies with power and transmission lines, concern regarding exemptions for City Section 8.12.040 and proposed ordinance amendment; identified that the Community Development Department, working with the Police Department, would be responsibility for fielding drone activity concerns from citizens; and expressed concerns regarding the inability to regulate or have authority over drones flying into the City from a location outside the City;

Mayor Gomez opened the public hearing at 6:58 p.m. There was no public testimony; the public hearing was declared closed.

Councilmember Beamish expressed his opposition to the proposed ordinance and considered it a regulatory burden.

Mayor Gomez motioned and Councilmember Blazey requested that the motion be amended to replace the language in Section 8.12.040 "in a lawful manner" with "in a manner consistent with FAA regulations, lawful public safety uses, and this ordinance."

Moved by Mayor Gomez, seconded by Councilmember Blazey, and CARRIED (3-2) TO APPROVE FIRST READING OF **ORDINANCE NO. 1772** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADDING CHAPTER 8.12 "UNMANNED AVIATION SYSTEMS" TO TITLE 8 "HEALTH AND SAFETY" OF THE LA HABRA MUNICIPAL CODE AS PER EXHIBIT "A" AND TO INCLUDE AMENDING SECTION 8.12.040 TO REPLACE THE LANGUAGE "IN A LAWFUL MANNER" WITH "IN A MANNER CONSISTENT WITH FAA REGULATIONS, LAWFUL PUBLIC SAFETY USES, AND THIS ORDINANCE."

Said motion CARRIED by the following roll call vote:

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

VI. CONSIDERATION ITEMS:

A. CITY COUNCIL AND UTILITY AUTHORITY:

1. Consider resolutions to rescind resolutions of the La Habra City Council and the La Habra Utility Authority which declared a Stage 2 water shortage supply condition in the City of La Habra; and consider resolutions of the La Habra City Council and the La Habra Utility Authority declaring a Stage 1 water shortage supply condition in the City of La Habra.

Public Works Director Saykali presented the staff report.

Council/Authority discussion included: confirmation the drought is not over and water rates remain the same; expressed concerns regarding message to the residents as a result of this proposed action and a potential increase in the consumption of water by residents, directed to continue community water conservation efforts and education; clarification that the City declared Stage 2 on August 4, 2014 as opposed to the surrounding cities declaring Stage 2 when mandated by the State on April 1, 2015; identified that implementing a Stage 1 water supply shortage condition will continue conservation efforts while permitting users an additional day of irrigating per week which is three days per week as opposed to two days per week; identified that beginning November 1, winter season, users are allowed to water only one day per week; and expressed the importance for staff to continue monitoring water conservation.

Mayor/Chair Gomez invited the public to testify at 7:11 p.m. There was no public testimony.

Moved by Mayor/Chair Gomez, seconded by Mayor Pro Tem/Vice Chair Shaw, and CARRIED UNANIMOUSLY (5-0) TO APPROVE THE FOLLOWING RESOLUTIONS:

- a. APPROVE AND ADOPT **RESOLUTION NO. 5767** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA RESCINDING RESOLUTION NO. 5644 DECLARING AND IMPLEMENTING A STAGE 2 WATER SUPPLY SHORTAGE.
- b. APPROVE AND ADOPT **RESOLUTION NO. 2016-02** ENTITLED: A RESOLUTION OF THE LA HABRA UTILITY AUTHORITY RESCINDING RESOLUTION NO. 2014-2 DECLARING AND IMPLEMENTING A STAGE 2 WATER SUPPLY SHORTAGE.
- c. APPROVE AND ADOPT **RESOLUTION NO. 5768** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DECLARING AND IMPLEMENTING A STAGE 1 WATER SUPPLY SHORTAGE.
- d. APPROVE AND ADOPT **RESOLUTION NO. 2016-03** ENTITLED: A RESOLUTION OF THE LA HABRA UTILITY AUTHORITY DECLARING AND IMPLEMENTING A STAGE 1 WATER SUPPLY SHORTAGE.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Gomez, Mayor Pro Tem/Vice Chair Shaw, Councilmember/Director Espinoza, Councilmember/Director Blazey, Councilmember/Director Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- City of La Habra "Movies in the Park" - Friday, August 19, will show "The Incredibles" at Brio Park beginning at dusk.
- City of La Habra "Dive-In Movie" – Friday, August 26, will show "The Incredibles" at the La Habra High School Pool at dusk.
- "Rosie's Garage" 25th Anniversary of "Learning, Growth, and Mentoring" dinner, dance, and fundraiser – Saturday, August 20 at 6:00 p.m. at our Lady of Guadalupe Church.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Beamish stated that he attended the La Habra Art Walk. He noted that the event moved from Idaho Street and Imperial Boulevard to the La Habra Children's Museum. He stated that he appreciated the La Habra Police Department presence at the Corn Festival.

Councilmember Blazey apologized for not being able to attend the Corn Festival. He stated that the La Habra Girls 18U Softball Team finished the National tournament tied in fourth place.

Councilmember Espinoza thanked the La Habra Host Lions Club for the success of the Corn Festival.

Mayor Pro Tem Shaw congratulated the La Habra Host Lions Club on the success of the Corn Festival.

Mayor Gomez thanked La Habra Host Lions Club Chairman and City Planning Manager Roy Ramsland on the success of the Corn Festival.

X. ADJOURNMENT: Mayor/Chair Gomez adjourned the Meetings at 7:18 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk/Secretary