

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
Monday, October 07, 2013

APPROVED: These Minutes were approved on March 3, 2014.

ADJOURNED REGULAR MEETING:

CALL TO ORDER:

Mayor Espinoza called to order the Adjourned Regular Meeting of the City Council 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 Shaw,
COUNCILMEMBERS ABSENT: Councilmember Blazey (Excused absence)
OTHER OFFICIALS PRESENT: City Manager Hannah
Deputy City Attorney Duarte
Deputy City Attorney Ryan 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 - Existing Litigation, Government Code Section 54956.9(a): Manuel Galvan vs. City of La Habra, U.S. District Court Case No. SACV12-2013 AG (MLGx).
- b. Conference with Legal Counsel - Existing Litigation per Government Code Section 54956.9(a): Patients Association for the Chronically III, Maureen Masuda and Deanna Mayes v. City of La Habra, Case No. 30-2013-00669371-CU-CR-CJC.

III. ADJOURNMENT: Council reconvened from Closed Session at 5:56 p.m. There were no announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 5:56 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: Deputy City Attorney Duarte

PLEDGE OF ALLEGIANCE: Cub Scout Troop 834

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

COUNCILMEMBERS ABSENT: Councilmember Blazey (Excused absence)

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Recognition by American Cancer Society of the volunteers for Relay for Life in La Habra.

Mayor Espinoza invited Taryn McDonald and Nina Cruz Walker, "Relay for Life" Event Chair, with the American Cancer Society who presented a plaque to the City of La Habra and presented certificates to the following volunteers: Recreation Specialist Bernard Nolen; Community Services Recreation Division's: Brett Christensen, Taylor Sais, Kyler Asato, and Brian Ault; Recreation Manager David De Leon; Program Coordinator Katie Elmore; and Community Services Director Sal Failla. Taryn McDonald thanked Mayor Espinoza and the City Council for their support and involvement in the event. She announced that next year's American Cancer Society "Relay for Life" fundraiser will be held on June 7 and 8, 2014 at Imperial Middle School. Mayor Espinoza thanked the Community Services staff.

- b. Presentation by OC LAFCO of the CALAFCO Government Leadership Award to La Habra.

Mayor Espinoza invited Orange County Local Area Formation Commission (LAFCO) CEO Carolyn Emery to the podium. She explained the Community Islands Task Force and shared the California LAFCO Government Leadership award with, and thanked, the City of La Habra. Mayor Espinoza expressed her appreciation.

II. PUBLIC COMMENTS:

Craig Allen Sheets, Brea, spoke regarding the transportation and use of concentrated ammonia; embalming fluid; radioactive police crime scene tape; and cans at the top of telephone poles located at yellow and green residences.

Jason D. Andrews, Fullerton, formerly 1421 Lorella Avenue, La Habra, spoke in support of medical marijuana. Councilmember Gomez stated this issue is on the agenda and asked Jason Andrews to speak regarding this matter at that time.

III. CONSENT CALENDAR:

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED 4-0 TO APPROVE CONSENT ITEMS III.A.1 THROUGH III.A.12.

Said motion CARRIED by the following roll call vote:

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

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:
 - a. July 10, 2013
 - b. August 14, 2013
3. Approve City Council Minutes of September 16, 2013.
4. Receive and file the Treasurer's Investment Report for the quarter ending June 30, 2013.
5. Authorize City Manager to execute Workforce Investment Act (WIA) Youth Cost Reimbursement Agreement #13-28-629338-WIA-Y, between the City of La Habra and the County of Orange for \$372,075 for the operation of the year-round Youth Employment Program in the North Orange County region.
6. Accept and authorize the recordation of the Sign Easement Agreement at 1151 E. Imperial Highway which is located at the northwest corner of Imperial Highway and Harbor Boulevard.
7. Authorize City Manager to issue purchase orders to Fairview Ford San Bernardino, CA in the amount of \$ 99,823.57 for one New 2014 Ford F-550 truck with Pacific Model No. 10540940 utility body with mini crane hoist and on board compressor/generator and reject all other bid proposals; and waive formal bid procedures per La Habra Municipal Code Section 4.20.050 (C) and use cooperative provision of the contract awarded by the City of Los Angeles to Wondries Fleet Group, Alhambra, in the amount of \$ 53,334.90

for the One New 2013 Ford Police Administration Interceptor Sedan; and One New 2013 Ford Police Administration Interceptor Utility Vehicle.

8. Authorize Mayor and City Clerk to execute proxy for election of Directors to the California Domestic Water Company Board for election to be held at its Annual Shareholder Meeting of November 15, 2013.
9. Approve and authorize City Manager to enter into an agreement to provide vehicle maintenance and repair services to the City of La Habra Heights for a three-year term with the option to renew for another two-year term.
10. Approve the Police Department's participation in the annual "Avoid the 38" DUI Campaign in Orange County and authorize the Police Chief to sign the Memorandum of Understanding (MOU).
11. Approve and authorize City Manager to execute agreement between the City of La Habra and the Fullerton Joint Union High School District to participate in the School Resource Officer (SRO) program at La Habra High School and Sonora High School for Fiscal Year 2013-2014.
12. WARRANTS: Approve Nos. 00093039 through 00093349 totaling \$1,675,167.78.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider ordinance approving Zone Change 13-03 repealing and replacing Sections 18.08.110 and 18.08.040 of Chapter 18.08 (General Regulations) of Article I (General), and adding Chapter 18.54 (Medical Marijuana Dispensaries) of Article III (Special Zones) of Title 18 (Zoning) of the La Habra Municipal Code, relating to medical marijuana dispensaries.

Community Development Director Haack explained the history of the City of La Habra medical marijuana moratorium and reviewed the decision made in May 2013 by the California Supreme Court on the City of Riverside vs. Inland Empire Health and Wellness, Center, Inc. case. He clarified that marijuana continues to be a federally banned substance and the California Supreme Court has ruled that the decision to permit medical marijuana dispensaries, and subsequent distribution, is specifically within the zoning powers of local jurisdictions. He stated the staff's recommendation to prohibit medical marijuana dispensaries and distribution from such locations is within the California Supreme Court's decision. He noted that the proposed ordinance would allow for small groups of no more than five individuals to cultivate, possess, and consume marijuana for medical purposes. He stated staff believes this would not constitute feasible commercial operation within the city, so therefore a storefront could not be established.

Police Chief Price and Police Captain Johnstone presented the various criminal issues relating to medical marijuana dispensaries. Captain Johnstone reported that the two dispensaries that had opened in La Habra were very problematic and were not compliant with either federal or state law. He stated, to the best of his knowledge, there were no dispensaries in any Orange

County cities and no ordinances allowing dispensaries at any of the cities directly adjoining La Habra.

Mayor Espinoza opened the public hearing at 6:58 p.m.

The following individuals spoke in favor of medical marijuana dispensaries in La Habra and expressed their opposition to the proposed ordinance:

- Jason D. Andrews, Fullerton, formerly 1421 Lorella Avenue, La Habra
- Marla James, President of Orange County Americans for Safe Access
- Carol Hanson, 1200 Birch Tree Court, La Habra
- Erik Chan spoke on behalf of Patients Association for the Chronically III
- Eric Trinidad, representing La Habra Cares
- David James, President of the Huntington Beach Chapter and Secretary of the Orange County National Organization for the Reform of Marijuana Laws
- Joanne Sosa, 2074 South 9th Street, Anaheim, representing Los Amigos
- Robin Bolais, Mission Viejo resident and Secretary for Americans for Safe Access

Mayor Espinoza asked for a show of hands vote of the audience of those who oppose the proposed ordinance and then those who supported the ordinance. No count was taken.

Mayor Espinoza closed the public hearing at 7:41 p.m.

Council discussion included: clarification of the purpose for allowing for small groups of no more than five individuals to cultivate, possess, and consume marijuana for medical purposes; clarification that the statement that the proposed ordinance is unconstitutional and a violation of the First Amendment is invalid.

Council expressed their support of staff's recommendations to oppose medical marijuana dispensaries in La Habra; however they expressed their support of those who require the use of medical marijuana.

Mayor Pro Tem Beamish reported that he met with Erik Chan, toured the La Habra Cares facility, and researched information on medical marijuana. He stated the City of La Habra voted against Proposition 215, the Compassionate Use Act (CUA) in 1996 and that the State of California and the County of Orange voted in support of the CUA. He expressed his support of local control in this area and reiterated that the California State Supreme Court gave cities the right to zone appropriately. He explained further the results of his research. He expressed support of collectives of five people and the proposed ordinance.

Moved by Councilmember Gomez, seconded by Mayor Espinoza, and CARRIED 4-0 TO APPROVE FIRST READING OF **ORDINANCE NO. 1746** ENTITLED: AN ORDINANCE OF THE CITY OF LA HABRA, CALIFORNIA REPEALING AND REPLACING SECTIONS 18.08.110 AND 18.08.040 OF CHAPTER 18.08 (GENERAL REGULATIONS) OF ARTICLE I (GENERAL), AND ADDING CHAPTER 18.54 (MEDICAL MARIJUANA DISPENSARIES) OF ARTICLE III (SPECIAL ZONES), OF TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE, RELATING TO MEDICAL MARIJUANA DISPENSARIES.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Blazey

VI. CONSIDERATION ITEMS:

1. Consider one unscheduled vacancy on the Planning Commission; and provide staff direction regarding the appointment of an individual to serve as Planning Commissioner to fill a vacancy with a term expiring on March 31, 2017.

Councilmember Gomez expressed that a staff report was not needed.

Mayor Espinoza invited the public to testify at 7:54 p.m. There was no public testimony.

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED 4-0 TO APPROVE TO DIRECT STAFF TO ADVERTISE THE UNSCHEDULED VACANCY ON THE PLANNING COMMISSION WITH A TERM EXPIRING ON MARCH 31, 2017, AND SCHEDULE INTERVIEWS.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Blazey

2. Consider reading title of and setting a public hearing date to consider adoption of 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.

Community Development Director Haack stated that staff was requesting Council to set a public hearing date of November 4, 2013, to consider adoption of the ordinance.

Council discussion included: confirmation that cities are held liable if they choose not to follow state regulations, and directed staff to review codes from a local perspective to remove those that are not beneficial to create less regulation for La Habra residents.

Mayor Espinoza invited the public to testify at 8:00 p.m. There was no public testimony.

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED 4-0 TO APPROVE THAT THE COUNCIL READ THE TITLE OF THE ORDINANCE: 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; AND SET THE PUBLIC HEARING DATE OF NOVEMBER 4, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBERS LOCATED AT 201 E. LA HABRA BOULEVARD, LA HABRA, CALIFORNIA TO CONSIDER ADOPTION OF THE ORDINANCE.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Blazey

3. Consider the Imperial Highway at Briercliff Drive Traffic Control Improvements Four Month Evaluation Report.

City Engineer Johansen presented a Powerpoint staff report. He stated in January 2013, Council approved the partial closure of the intersection to explore adjustment of the Cajon Drive and Imperial Highway traffic signal and to increase traffic enforcement in the area. He reported that installation of the temporary traffic access restriction at Imperial Highway and Briercliff Drive was completed in March 2013; and the traffic signal modifications at Imperial Highway and Brass Lantern Drive/Cajon Drive were completed in June 2013. He reviewed the before-after effect of the closure of Briercliff Drive to exiting traffic at Imperial Highway and the effect the closure had on the intersection of Imperial Highway and Brass Lantern Drive/Cajon Drive. He stated the La Habra Police Department continues to monitor this neighborhood and approximately 10 citations have been issued over the past several months related to speeding, stop sign infractions, pedestrian infractions, and other violations.

Council discussion included: confirmation there have been no complaints and only one concern received regarding speeding has been received from the residents regarding the improvements.

Mayor Espinoza invited the public to testify.

Mark and Arsega, 2500 Greenbrier Lane, spoke in support of a full closure of the intersection at Greenbrier Lane and Imperial Highway. They expressed their concerns regarding safety due to the location of their driveway with respect to the intersection. He noted that they have observed at least five vehicles per day are making illegal turns.

Council discussion included: confirmation that further improvements have not been budgeted in the current fiscal year budget, the potential for additional funding at mid-year budget review for further traffic measures; review concerns regarding pedestrians on the north side of Imperial Highway year round; review possible placement of posts in place of the Raised Pavement

Markers; potential benefits to construct permanent raised medians at Imperial Highway and Briercliff Drive to restrict the traffic access at this location; and the potential effects of a permanent closure of the intersection of Imperial Highway and Briercliff Drive.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and CARRIED 4-0 TO APPROVE RECEIVE AND FILE THE IMPERIAL HIGHWAY AT BRIERCLIFF DRIVE TRAFFIC CONTROL IMPROVEMENTS FOUR MONTH EVALUATION REPORT; BRING THE ITEM BACK TO COUNCIL AS PART OF THE MID-YEAR BUDGET REVIEW; AND INSTRUCT THE LA HABRA POLICE DEPARTMENT TO INCREASE PATROLS IN THE AREA.

Said motion CARRIED by the following roll call vote:

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

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- Mayor's Community Hours will be held this Friday, October 11, at Lascari's Restaurant, located at 1360 South Beach Boulevard from 11:00 a.m. to 1:00 p.m. and on Saturday, October 12, at Northgate Market, located at 580 West La Habra Boulevard, from 11:00 a.m. to 1:00 p.m. The Mayor is available by appointment.
- The Advance! On to College meeting will be held at the La Habra Community Center on Sunday, October 13 from 10:00 a.m to 3:00 p.m.
- La Habra Police Department Open House on Saturday, October 19, from 10:00 a.m. to 2:00 p.m., located at 150 North Euclid Street.
- The 18th annual "Gourmet Guys Raise Bread for Kids" fundraiser for the La Habra Museum will be held on Sunday, October 20, at the La Habra Community Center, from 12:00 p.m. to 3:00 p.m.
- Community Services Kid's Night Out - Friday, October 25, from 6:00 p.m. to 10:30 p.m. in the Community Center.
- Red Ribbon week is from October 21 to October 25. The 26th annual "Red Ribbon" breakfast will be held at the Community Center on Thursday, October 24, from 6:30 a.m. to 8:00 a.m.
- Target free Sunday at the Children's Museum will be on November 3, from 1:00 p.m. to 5:00 p.m.
- Veterans Day is Monday, November 11! Join us for breakfast at the Community Center at 9:30 a.m, and then stay for the ceremony honoring our vets 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. The Health Fair features free health screenings and flu shots, as well as information about different health services.
- The City Council will meet again on Monday, October 21 and Monday, November 4. Meetings begin at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez announced that Wink Martindale will be the keynote speaker at the Veteran's Day program.

Councilmember Shaw thanked staff and the volunteers who organized the Inner Coastal and Watershed Cleanup Day event at Coyote Creek. He congratulated Chief Price on being sworn in as Police Chief. He stated he attended the ribbon cutting ceremony for the Buster the Bus renovation at the Children's Museum at La Habra. He thanked MV Transportation for funding the Buster the Bus improvements and for working with the Orange County Transportation Authority (OCTA) staff to achieve the renovation.

Mayor Pro Tem Beamish stated he was part of the collaborative at the La Habra Chamber of Commerce 1st Annual La Habra Oktoberfest and International Food Fair. He added that a larger venue is necessary for next year due to the success of the event.

Mayor Espinoza stated that she attended the La Habra Chamber of Commerce 1st Annual La Habra Oktoberfest and International Food Fair. She commented the event was very successful, but a larger venue is needed for next year.

X. ADJOURNMENT: Mayor Espinoza adjourned the City Council Regular Meeting at 8:25 p.m. to Monday, October 21, 2013, 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