

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

**Tuesday, February 19, 2019**

**APPROVED:** These minutes were approved on May 6, 2019.

**ADJOURNED REGULAR MEETING 5:30 P.M.:**

**CALL TO ORDER:** Mayor Gomez called the Adjourned Regular Meeting of the La Habra City Council to order at 5:30 p.m. in the Council Chamber, Closed Session Room 112c, located at 100 East La Habra Boulevard in La Habra, California.

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

**COUNCILMEMBERS ABSENT:** None

**OTHER OFFICIALS PRESENT:** City Manager Sadro  
Deputy City Attorney Adams  
Interim City Clerk Swindell

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

**II. CLOSED SESSION:**

- a. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Section 54956.9(d)(2): (One Case).

Community and Economic Development Director Ho, Assistant to the City Manager Ferrier, Acting City Attorney Craig Steele and Ginetta Giovinco with Richards Watson and Gershon were present for this item.

**III. ADJOURNMENT:** The City Council reconvened at 6:03 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting at 6:03 p.m.

**REGULAR MEETING 6:30 P.M.:**

**CALL TO ORDER:** Mayor Gomez called the Regular Meeting of the La Habra City Council to order at 6:30 p.m. in the Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

**INVOCATION:** Deputy City Attorney Adams

**PLEDGE OF ALLEGIANCE:** Councilmember Espinoza

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

**COUNCILMEMBERS ABSENT:** None

**OTHER OFFICIALS PRESENT:** City Manager Sadro  
Deputy City Attorney Adams  
Interim City Clerk Swindell

**I. PROCLAMATIONS/PRESENTATIONS:** None at this time.

**CLOSED SESSION ANNOUNCEMENT:** None

Acting City Attorney Steele, with Richards Watson and Gershon, announced that City Council met regarding Item VI.1 on the agenda, and that there was no reportable action.

Deputy City Attorney Adams noted a conflict of interest regarding Consideration Item VI.1 because City Attorney Jones lived in the Westridge Community; therefore, on behalf of the Law Firm of Jones & Mayer, would recuse himself when the item was discussed.

**II. PUBLIC COMMENTS:** None

**III. CONSENT CALENDAR:**

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.3.

Said motion CARRIED by the following roll call vote:

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

**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 and authorize City Manager to place the City's excess Workers' Compensation reinsurance with Safety National Casualty with a policy limit of \$25 million and a deductible of \$1 million for all employees including police at an annual premium cost of \$106,080 for the period of March 20, 2019 through March 20, 2020.
3. **WARRANTS:** Approve Nos. 00119942 through 00120182 totaling \$772,258.68; and **WIRE TRANSFER:** Approve Wire Dates 2/21/19 and 2/28/19 for a total of \$388,497.25.

**IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:** None

**V. PUBLIC HEARINGS:** None at this time.

Deputy City Attorney Adams left the dais at 6:35 p.m. Acting City Attorney Steele, with Richards, Watson, Gershon, sat at the dais for Consideration Item VI.1.

**VI. CONSIDERATION ITEMS:**

1. Consider the processing of the "Citizen's Initiative for Preservation of Open Space in La Habra."
  - a. Provide direction to staff regarding the processing of the "Citizens' Initiative for Preservation of Open Space in La Habra" with one of the following options:
    1. APPROVE AND ADOPT RESOLUTION NO. \_\_\_\_\_ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING THE "CITIZEN'S INITIATIVE FOR PRESERVATION OF OPEN SPACE IN LA HABRA," AND THEREBY AMENDING THE GENERAL PLAN AS PROPOSED BY AN INITIATIVE MEASURE; or
    2. APPROVE AND ADOPT RESOLUTION NO. \_\_\_\_\_ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 21, 2019, AND ORDERING THAT AN INITIATIVE MEASURE BE SUBMITTED TO THE VOTERS OF THE CITY AT THE SPECIAL ELECTION FOR THE PURPOSE OF CONSIDERING A PROPOSED AMENDMENT TO THE LA HABRA GENERAL PLAN; or
    3. APPROVE AND ADOPT RESOLUTION NO. \_\_\_\_\_ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ORDERING THAT AN INITIATIVE MEASURE BE SUBMITTED TO THE VOTERS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE PURPOSE OF CONSIDERING PROPOSED AMENDMENT TO THE LA HABRA GENERAL PLAN.

Community and Economic Development Director Ho presented the staff report. He noted that this item had been continued from the February 4, 2019, City Council meeting so that all five Councilmembers could participate. He stated that courtesy notices had been mailed out by staff to all property owners designated as open space in the General Plan 2035. He added that new correspondence received by the City have been included in the staff report and at the dais. He reviewed the three proposed options for this item.

Council discussion included: confirmation that Council does not need to receive and file the report again for this meeting; announced that Councilmember Espinoza viewed the February 4, 2019 Council video since she had been absent; verified the purpose of the initiative; staff confirmed, to the best of their knowledge, that no open space zoned property in La Habra has had their land

use designation changed since the City's incorporation in 1925; purpose of the City's Warrant List; cost to the City for a special election and its effect on the City paying for unfunded pension liability and youth sports costs; potential cost of litigation against the City regarding the initiative; support of open spaces; homelessness and traffic issues to be mitigated; the purpose of the Southern California Association of Governments (SCAG); the City being mandated by the state to have a certain amount of housing and affordable housing; support of all City residents having a voice regarding the initiative; the need for park space; verification that a dog park was part of the design concept for Vista Grande Park; confirmation that Westridge Golf Course was not considered during the General Plan Update 2035; clarification that Council votes for what is best for La Habra; high voter turnout prediction for the November 3, 2020 election; and request staff to seek legal advice to confirm the City has acted prudently regarding the concerns of the community for the initiative.

Mayor Gomez invited the public to testify at 6:36 p.m.

The following spoke in support of the "Citizen's Initiative for Preservation of Open Space in La Habra:"

- Jonathan Shardlow, with the firm of Gresham Savage Nolan & Tilden, PC, representing "Save La Habra" and the author of the initiative. He discussed opposing attorney's action and legal costs. He asked that the initiative be adopted or call a special election.
- Susan Shaffer, 9341 Gordon Avenue, spoke regarding the health and welfare of the residents, and the increased traffic in the City. She requested to keep the open space available.
- C.J. Lees, spoke for his father James Lees. He asked that the initiative be adopted or call a special election.
- Mindy Song, 2120 South Farrell Court, stated that the housing crisis was false. She added that the decreased interest in the game of golf was no reason to build more homes, increase traffic congestion and poor air quality, and decrease the standard of living. She asked that Council adopt the initiative.
- La Habra resident spoke in support of open space.
- Bill Sanders, 1821 South Hagen Street, spoke against high density and expensive housing and traffic issues. He noted that the small amount of open space left in the City should be protected.
- Catherine Reichs spoke regarding the owners of Westridge Golf Course and how it had been zoned as open space when purchased. She stated that Council should keep the current zoning.
- Tom Blaine, 180 South Watson Avenue spoke regarding the positives and negatives of the initiative, and traffic issues in the City.

Mayor Gomez reminded the audience that the item before them was regarding the initiative and not targeted at one specific property.

- Randi Hetrick, 2011 Toledo Place, spoke in opposition to high-density residential buildings. She stated that she knows the item is about the initiative, but that it is also about Westridge Golf Course. She inquired about a potential dog park in a City park.
- La Habra resident spoke regarding traffic issues and the over development in La Habra.
- Mr. Chan spoke regarding the definition of open space and traffic issues in La Habra.

- Carol Hansen, 1200 Birch Tree Court, spoke about zone change and the peoples' vote regarding the Westridge Golf Course property. She inquired why there was a rush to build more homes, and about the price of homes in the proposed Rancho La Habra development.
- Sawrav Mukherjee, 1981 South Mangrin Court, spoke regarding the closure of golf courses, high-density housing, need for park spaces, the rights of the Westridge Golf Course property owner, and the proposed developer and property owner's intention to make a profit from the construction of new homes.
- Maria Zavala, 1530 Stoneham Way, spoke in support of open space. She expressed concern regarding the open space at Westridge Golf Course being converted into homes, resulting in an increase of traffic and smog.
- La Habra resident spoke in support of open space. She expressed appreciation for Council and stated that she understood the difficult position in which they had been placed. She requested that Council adopt the initiative.
- Sue Han asked Council to adopt the initiative. She clarified the number of residents registered to vote in La Habra, and the signatures gathered for the initiative.
- Darna Magpayo, 1761 South Palmer Court, spoke regarding the popularity of the game of golf, the perception of the initiative action, and the support for the Westridge Golf Course property to be sold for another open space purpose. She stated that the initiative's purpose was to give the public a voice for the future use of open spaces. She asked that Council adopt the initiative.
- C.J. Lees stated that this item is about giving the people a voice and the City's potential liability to be sued no matter the action taken. He asked that Council either adopt the initiative or place it on a special election.

Mayor Gomez left the dais at 7:24 p.m.

Mayor Pro Tem Beamish called for a recess at 7:24 p.m.

Mayor Pro Tem Beamish left the dais at 7:24 p.m.

Mayor Gomez and Mayor Pro Tem Beamish returned to the dais at 7:26 p.m.

Mayor Gomez reconvened the meeting at 7:26 p.m.

The following spoke in support of placing the initiative on the November 3, 2020 election:

- Mr. Pierce, representing Julie Shin, stated that Westridge Golf Course was a privately owned property and that City funds should be protected from the cost of a special election and potential litigation.
- Chuck Krolkowski, Attorney for the Kwon family, owners of the Westridge Golf Course, stated that the initiative was specifically targeting the golf course and not all open space. He noted that he was against City funds being spent on a special election. He discussed the addition of public spaces if the property was developed.
- La Habra Police Officers Association President and Motor Officer Sumner Bohee spoke in support of economic growth and vitality. He spoke in opposition to calling a special election for the initiative.
- La Habra Chamber of Commerce President and resident Marie Laveaga spoke regarding the underuse of City parks; the Westridge Golf Course being private property and not available

for public park use; challenges for the owner to sell the Westridge Golf Course property; potential future public uses on the property; and traffic being common in most areas.

- Adam Wood, with the Building Industry Association of Orange County, spoke regarding the role and fiscal responsibility of City Council, ballot box zoning, and the spread of misinformation.
- Ken Jackson, 2111 Cheyenne Way, spoke in support of private property rights, the CC&R's given to each Westridge property owner regarding views, and the Chevron agreement with the City ending nine years ago in relation to Westridge Golf Course. He noted that cities are building homes to assist in paying the Public Employee Retirement System's (PERS) unfunded liability costs.

Mayor Gomez closed the public hearing at 7:46 p.m.

Acting City Attorney Steele confirmed that the safest action is to place the initiative on the November 3, 2020 election, and the riskiest option is to adopt the initiative. He stated that he was aware of only one case in California where a proponent offered to pay the cost of a special election.

Moved by Councilmember Medrano, and died for lack of a second to APPROVE AND ADOPT **RESOLUTION NO. XXXX** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING THE "CITIZEN'S INITIATIVE FOR PRESERVATION OF OPEN SPACE IN LA HABRA," AND THEREBY AMENDING THE GENERAL PLAN AS PROPOSED BY AN INITIATIVE MEASURE.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED (3-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5884** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ORDERING THAT AN INITIATIVE MEASURE BE SUBMITTED TO THE VOTERS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE PURPOSE OF CONSIDERING PROPOSED AMENDMENT TO THE LA HABRA GENERAL PLAN.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: Mayor Gomez, Councilmember Medrano

ABSENT: NONE

## **VII. MAYOR'S COMMUNITY CALENDAR:**

Mayor Gomez made the following announcements:

- Consider applying for appointment to the La Habra Planning Commission and La Habra Community Services Commission. Applications accepted through this Thursday, February 21, by 4:30 p.m. Interviews tentatively scheduled for March 4, March 18, and April 1.
- La Habra Chamber of Commerce 2019 La Habra "State of the Community" event - Friday, February 22, from 11:00 a.m. to 1:00 p.m., at City Hall in the Atrium.
- La Habra Races - Saturday, March 9, beginning at 7:00 a.m. The event would feature a 5K, 1K Kiddy Run, and 50-Yard "Diaper Dash."

**VIII. COMMENTS FROM STAFF:** None

**IX. COMMENTS FROM COUNCILMEMBERS:**

Councilmember Medrano thanked those in the audience for attending the Council meeting. He requested that the meeting be adjourned in memory of Whittier Police Officer Keith Boyer who bravely lost his life on February 20, 2017. He stated that his thoughts and prayers go to Officer Boyer's family, the City of Whittier, and the Whittier Police Department. He announced that a car show was being held at a Whittier church with some of the proceeds going to the Keith Boyer Scholarship Fund. He thanked the La Habra police officers, the Los Angeles County firefighters, and first responders for what they do daily to protect the citizens of La Habra.

Councilmember Shaw reported that he would be in Washington D.C. from March 4-6 to attend an Orange County Transportation Authority (OCTA) business meeting so he would miss the March 4, 2019 Council meeting.

Moved by Councilmember Shaw, and Mayor Gomez concurred, to approve to direct staff to draft an ordinance regarding any change to the zoning designation of open space property owned by the City be brought to the vote of the people, and to bring the proposed ordinance back to council for consideration at a future date uncertain.

Mayor Pro Tem Beamish asked that the meeting be adjourned in memory of John Link, who passed away this morning from cancer. Mayor Pro Tem Beamish added that John Link was a long-time coach and Principal at Sonora High School for over 25-years; a good friend of former Councilmember Steve Anderson's; a Principal at Continued Education School who was well liked by faculty and students; was connected with everyone around him; after retiring and moving to Bullhead City, Utah became a Juvenile Corrections Officer and mentor to troubled youth; and was respected for his leadership and knowledge. Mayor Pro Tem Beamish extended prayers to the family of John Link.

Councilmember Espinoza stated that tonight's meeting was difficult, the decision was tough, but in the end, one must do what is in the best interest of the City of La Habra. She told Mayor Gomez that she is looking forward to hearing his State of the Community address and invited the public to attend.

**X. ADJOURNMENT:** Mayor Gomez adjourned the Regular Meeting of the City Council of the City of La Habra in memory of Whittier Police Department Officer Keith Boyer and John Link at 8:14 p.m. to Monday, March 4, 2019, at 4:00 p.m. in the Administrative Conference Room 210, 2nd Floor, 110 East La Habra Boulevard, La Habra, California for Commission Interviews, followed by the Regular Meeting at 6:30 p.m. in the City Council Chamber.

Respectfully submitted,

Laurie Swindell, CMC  
Interim City Clerk