

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

Monday, May 19, 2014

APPROVED: These Minutes were approved on June 2, 2014.

ADJOURNED REGULAR MEETING:

CALL TO ORDER: Mayor Beamish called the Adjourned Regular Meeting 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
Deputy City Attorney Ryan Jones
City Clerk Mason

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

None

II. CLOSED SESSION:

- 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. SACV12-2103 JGB (JPRx).

Acting Director of Finance Shannon, Acting Director of Human Resources Juengel, Assistant to the City Manager Ferrier, and Attorney Jon Hamilton from the law offices of Ferguson, Praet, & Sherman were present during this item.

- b. Conference with Labor Negotiator per Government Code Section 54957.6 - Agency Representative: Jim Sadro, Interim City Manager; Employee Organizations: Police Sworn Employees, Police Civilian Employees, La Habra Municipal Employees Association, General Services Employees, Professional Employees, and Management and Executive Management Groups.

Acting Director of Finance Shannon, Acting Director of Human Resources Juengel, and Assistant to the City Manager Ferrier were present during this item.

III. ADJOURNMENT: City Council reconvened from Closed Session at 6:18 p.m. There were no announcements. Mayor Beamish adjourned the Adjourned Regular Meeting at 6:18 p.m.

REGULAR MEETING:

CALL TO ORDER: Mayor Beamish called the Regular Meeting of the La Habra City Council 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 Ryan Jones

PLEDGE OF ALLEGIANCE: Councilmember Gomez

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

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. Presentation of proclamation and City tile to Father MacCarthy in honor of his retirement from Our Lady of Guadalupe Church.

Mayor Beamish invited Father MacCarthy to the podium and Mayor Pro Tem Blazey to the podium to assist with the presentation. Mayor Beamish presented the proclamation and tile to Father MacCarthy, expressing Council's gratefulness. Mayor Pro Tem Blazey expressed his and his family's appreciation to Father MacCarthy for the life of service to the community. The Council joined them, along with former Councilmembers Steve Simonian and Juan Garcia, for photos.

II. PUBLIC COMMENTS:

Chuck Morse, 761 Candlewood, extended an invitation to the Gathering of the Crosses at his home on Saturday, May 26, from sunrise to sunset, in memory of the 72 soldiers from Orange County who lost their lives in Iraq and Afghanistan.

Julia Emerson introduced herself as the new representative of Southern California Gas Company.

Pat Buttress, Southern California Edison Representative, spoke regarding the Edison International Community Investment Report and submitted a copy at the dais to the Council.

III. CONSENT CALENDAR:

Interim City Manager Sadro reported corrections to Consent Items Nos. III.2.a and III.3. He stated corrections should be made to Item III.2.a the City Council Minutes of March 3, 2014, Consideration item 1, bullet 1h should read "Use existing **and** emerging technologies..." and bullet 4d should read "Recognize employees **who** perform well." He stated corrections should be made to Item III.3 the Planning Commission Minutes of March 24, 2014, Public Hearing Item a., paragraph 6, 3rd line "opining" should be corrected to "opening."

Councilmember Shaw requested that Item No. III.5 be removed for separate discussion.

A member of the audience requested that Item No. III.4 be removed for separate discussion.

Moved by Mayor Pro Tem Blazey, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.10; WITH THE EXCEPTION OF ITEMS III.5 AND III.4 WHICH WERE REMOVED FOR SEPARATE DISCUSSION.

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

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 City Council Minutes of:
 - a. March 3, 2014
 - b. May 5, 2014
3. Receive and file Planning Commission Minutes of March 24, 2014.
4. THIS ITEM REMOVED FOR DISCUSSION – SEE SECTION IV BELOW.
5. THIS ITEM REMOVED FOR DISCUSSION – SEE SECTION IV BELOW.

6. Approve Plans and Specifications for the Annual Sidewalk and Wheelchair Ramp Improvement program (Project No. 3-R-13) and award construction contract to PTM General Engineering Services, Inc. of Riverside, in the amount of \$166,916 and reject all other bids; authorize Interim City Manager to execute agreement with PTM General Engineering Services, Inc. in the amount of \$166,916; authorize staff to issue a purchase order in the amount of \$183,608 that includes a 10 percent contingency; and appropriate \$34,000.00 from the Gas Tax Fund Balance to cover the cost of construction.
7. Approve a resolution approving the submittal of an improvement project to the Orange County Transportation Authority (OCTA) for funding under the Environmental Cleanup, Tier 1 Grant Program.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5623** 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.
8. Approve and authorize the Interim City Manager to execute a one year lease with David Nowick and four (4) one year extensions at the City's option to operate the La Habra Tennis Center.
9. Award the City contract for EMS Emergency Transportation Services to CARE Ambulance Service for the period of July 1, 2014 through June 30, 2016 in the amount of \$1,200,862.00, with an additional contract provision allowing for up to (3) one (1) year extensions, at the discretion of the City, giving the contract a potential operational period of 5 years, and authorize the Interim City Manager to negotiate final terms and sign all necessary documents authorizing said contract.
10. WARRANTS: Approve Nos. 00096267 through 00096484 totaling \$1,063,997.02.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

- III.5 Approve Plans and Specifications for the Alley Improvement and Beautification Project No. 2-R-13 and award contract to Creative Home (dba CHI Construction) of Anaheim, in the amount of \$178,423 and reject all other bids; authorize Interim City Manager to execute agreement with Creative Home (dba CHI Construction); and authorize staff to issue a purchase order in the amount of \$196,265 that includes a 10 percent contingency.

Director of Public Works Saykali presented the staff report. Interim City Manager Sadro clarified the process for prioritizing resource allocations to meet the demands on the budget.

Council discussion included: clarified resources of funding for alley improvements; verified funds expended on alley improvements annually; clarified that approximately \$500,000 would be needed annually to pave the alleys in order to complete them within the next 15 years; and the need for prioritizing resource allocations for street and alley improvements.

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

Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE PLANS AND SPECIFICATIONS FOR THE ALLEY IMPROVEMENT AND BEAUTIFICATION PROJECT NO. 2-R-13 AND AWARD CONTRACT TO CREATIVE HOME (DBA CHI CONSTRUCTION) OF ANAHEIM, IN THE AMOUNT OF \$178,423 AND REJECT ALL OTHER BIDS; AUTHORIZE INTERIM CITY MANAGER TO EXECUTE AGREEMENT WITH CREATIVE HOME (DBA CHI CONSTRUCTION); AND AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$196,265 THAT INCLUDES A 10 PERCENT CONTINGENCY.

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

III.4 APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1751** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA REPEALING SECTION 10.20.100 (VENDING VEHICLES) OF CHAPTER 10.20 (STOPPING, STANDING AND PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) AND ADDING CHAPTER 10.58 (FOOD VENDING VEHICLES) RELATING TO FOOD VENDING VEHICLES.

Community Development Director Haack presented the staff report

Council questions included: clarification on section 10.58.030.B.4 regarding food vending vehicles operating within 300 feet of the schools; section 10.58.030.B.12 regarding amplification systems, other sound making devices, or music systems; section 10.58.030.B.19 regarding food vending vehicles on streets where the speed limit is 35 miles per hour or greater; section 10.58.030.B.20 regarding the jacking, lifting, or static platforms use in order to level the vehicle for operation within the public right-of-way; and clarification as to the restrictions regarding ice-cream vending trucks.

Mayor Beamish invited the public to testify.

Mr. Fabio Andres Uglade, owner of the food truck named Tacos Pura Vida, spoke in opposition to the proposed ordinance. He expressed his concerns relating to the ordinance and its effects on his livelihood, and the lack of notification. Mayor Beamish acknowledged that a letter was received from Mr. Fabio Andres Uglade expressing opposition to the proposed ordinance.

Mr. Jerry Alquisira, owner of a food truck operated in La Habra, spoke in opposition to the proposed ordinance and its effects on his business. He stated that he has been operating in La Habra for 25 years and asked that the City partner with the food vending businesses to find a solution. He explained the purpose of the music from the ice-cream trucks, and operating near

parks and schools. Mr. Alquisira clarified that he became aware of the ordinance by seeing it posted at City Hall.

Loretta Luna, resident near Monte Vista and Highlander, spoke in support of the food vending vehicle businesses in La Habra on behalf of the children who enjoy the convenience of them. She suggested that a survey be taken among the residents.

Council discussion included: the ability of food vending vehicles to operate legally near the schools; the purpose of the proposed ordinance; safety concerns relating to students and food vending vehicles; clarification that the public hearing and first reading was noticed in the Orange County Register; confirmed the ordinance would be effective 30 days from adoption; and identified that staff referenced relating ordinances from other cities and acquired City Attorney input in preparing the proposed ordinance, however, staff did not actively seek input from the vendors.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and CARRIED 3-2 TO APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1751** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA REPEALING SECTION 10.20.100 (VENDING VEHICLES) OF CHAPTER 10.20 (STOPPING, STANDING AND PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) AND ADDING CHAPTER 10.58 (FOOD VENDING VEHICLES) RELATING TO FOOD AND VENDING VEHICLES.

Said motion CARRIED by the following roll call vote:

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

V. PUBLIC HEARINGS: None at this time.

VI. CONSIDERATION ITEMS:

1. Consider and provide guidance on the preferred name for the new compressed natural gas (CNG) circulator bus system that the Orange County Transportation Authority (OCTA) will operate in La Habra beginning August 2014.

Assistant to the City Manager Ferrier presented the staff report.

Council questions included: clarification that a list of potential names to include the use of the name La Habra was shared with the La Habra Economic Development Ad Hoc Committee and the La Habra Boys and Girls club; confirmation that 57 total votes were received for La Habra Express, 41 votes for La Habra Trek, 35 votes for La Habra City Trek, 11 votes for La Habra Dash, and 21 votes for La Habra Hop.

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

Councilmember Gomez favored La Habra Express; Mayor Beamish favored La Habra Trek; and Councilmember Espinoza favored La Habra City Trek as the name for the bus system. Council

confirmed that the children of the La Habra Boys and Girls Club favored La Habra Express as the name for the bus system.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and CARRIED 3-2 TO APPROVE NAMING THE NEW COMPRESSED NATURAL GAS (CNG) CIRCULATOR BUS SYSTEM OPERATED BY ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) WITHIN LA HABRA BEGINNING AUGUST 2014 "LA HABRA EXPRESS."

Said motion CARRIED by the following roll call vote:

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

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Beamish made the following announcements:

- Mayor's office hours are available by appointment.
- La Habra Children's Museum "Healthy You, Health Me" exhibit is now on display through August 25.
- The most recent edition of Life in La Habra Magazine is now available to learn about community events, classes, and fun activities.
- La Habra Children's Museum "Target Free Sunday" - Sunday, June 1. The theme is "Rail Road Round Up."
- La Habra Summer Day Camp - Monday, June 2, through Friday, August 15. The theme this year is "Walk Across America."
- Visit the City's website at www.lahabraca.gov for more information about what is happening in La Habra, the Children's Museum, and the La Habra Chamber of Commerce.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Espinoza expressed Happy Birthday to Mabel Covarrubias who celebrated her 91st birthday in April.

Councilmember Gomez expressed his appreciation for Father MacCarthy and his labor of love for the community. He congratulated Chelsie Gonzales, once a student from La Habra High School and who now plays softball for Arizona State Girls Softball, for playing in the World Series elimination games this past weekend. He announced that Senor Campos Night would be held on May 20, invited the community to attend, and thanked those who contributed to his team. He thanked the Public Works Department and Community Services Director Failla for the installation of the Little Free Library that was installed in front of the La Habra Library. He noted that another Little Free Library would be installed in front of The Gary Center.

Mayor Pro Tem Blazey thanked Father MacCarthy and wished him well in his retirement. He congratulated the police officers and non-sworn members who were honored at their Police Department Annual Awards Banquet. He congratulated Captain Kepley who will be leaving the La Habra Police Department to become the Police Chief for the City of Palos Verdes Estates. He mentioned that Sonora softball varsity team was eliminated from the playoffs. He congratulated the graduates of La Habra High School and Sonora High School who will be graduating next week. He thanked Mr. Chuck Morse for his ongoing recognition of the Orange County service members who gave their lives in service to our Country. He encouraged the community to pay their respect this Memorial Day. Mayor Pro Tem Blazey recited the history and purpose of Memorial Day as originating May 30, 1868 by General John Logan, National Commander of the Grand Army of the Republic, who placed flowers at Arlington National Cemetery in memory of Union and Confederate soldiers.

Mayor Beamish congratulated Father MacCarthy on his retirement. He stated that he attended the Police Department Annual Awards Banquet and congratulated those who were awarded.

Mayor Beamish expressed to Mrs. Gloria Williams, who arrived to the meeting late, that he would meet with her after the meeting.

X. ADJOURNMENT: Mayor Beamish adjourned the meeting at 7:51 p.m. to Monday, June 2, 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