

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

Monday, October 01, 2018

APPROVED: These Minutes were approved on October 15, 2018.

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

REGULAR MEETING 6:30 P.M.:

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

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blazey

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

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

Mayor Shaw invited the Council to join him at the front of the dais.

- a. Recognition of Ms. Jill Patterson for her years of service as Librarian of the Orange County La Habra Branch Library.

Mayor Shaw invited Jill Patterson to the front of the dais. Ms. Patterson accepted the Certificate of Recognition. She described her favorite experience while working at the Library and requested additional parking for the Orange County La Habra Branch Library.

- b. Proclaim October 8th through 14th as Code Enforcement Officer Appreciation Week in the City of La Habra.

Mayor Shaw invited Community and Economic Development Director Ho to the front of the dais to assist with the presentation. Economic Development Director Ho invited Code Enforcement Manager Janell Dekowski and Code Enforcement Inspector Cynthia Barajas to the front of the dais to be recognized. Code Enforcement Manager Dekowski accepted the proclamation and thanked Code Enforcement Inspector Barajas for her hard work.

II. PUBLIC COMMENTS:

Joanne Culverhouse, Ed. D., Superintendent of the La Habra City School, thanked the school staff, students, community, and City Council for their support regarding the successful reconfiguration of the kindergarten through eighth grade classes at Las Positas Elementary School (Kindergarten-5th grade) and Imperial Middle School (6th grade through 8th grade). She recognized Community Services Director Failla for his participation on the Reconfiguration Task Force. She noted that through the reconfiguration the number of families leaving the school district has decreased by 50 percent. Councilmember Gomez commended Dr. Culverhouse on her success as the Superintendent of the La Habra City School District. She recognized La Habra Police Chief Price, City Manager Sadro, Assistant to the City Manager Ferrier, and Community and Economic Development Director Ho for their support and for meeting with her every month regarding issues at the school district and within the city. Mayor Shaw thanked Dr. Culverhouse and Community Services Director Failla.

III. CONSENT CALENDAR:

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.10.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Shaw, Mayor Pro Tem Blazey, Councilmember Gomez,
Councilmember Espinoza, Councilmember Beamish
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 SECOND READING AND ADOPTION OF **ORDINANCE NO. 1794** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, COUNTY OF ORANGE, CALIFORNIA, APPROVING ZONE CHANGE 18-04 MODIFYING LA HABRA MUNICIPAL CODE TITLE 18 (ZONING), CHAPTER 18.22 ("COMMERCIAL CANNABIS ACTIVITY") TO ALLOW FOR CANNABIS TESTING LABORATORIES.
3. Approve and authorize City Manager to execute Agreement for Delegation of Early Head Start Program Operations Fiscal Year 2017-2018 Amendment 2 with Orange County

Head Start (OCHS, Inc.) authorizing services for 50 infant/toddler children in the City of La Habra; and

- a. APPROVE AND ADOPT **RESOLUTION NO. 5868** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF THE 2017-2018 AGREEMENT FOR DELEGATION OF EARLY HEAD START PROGRAM OPERATIONS, AMENDMENT 2, WITH ORANGE COUNTY HEAD START, INC.
4. Approve and authorize City Manager to execute Agreement for Delegation of Early Head Start Program Operations for fiscal year 2018-2019 with Orange County Head Start (OCHS, Inc.) authorizing services for 50 infant/toddler children in the City of La Habra; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5869** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF THE 2018-2019 AGREEMENT FOR DELEGATION OF EARLY HEAD START PROGRAM OPERATIONS WITH ORANGE COUNTY HEAD START, INC.
 5. Approve and authorize City Manager to sign the Continued Funding Application for the General Child Care (CCTR) and State Pre-School (CSPP) contracts for Fiscal Year 2019-2020 with the California Department of Education, Early Education and Support Division.
 6. Approve a resolution regarding the closure of the La Habra Child Development State Preschool Program at 401 S. Euclid Street for the afternoon session on September 6, 2018; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5870** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE EMERGENCY CLOSURE OF THE LA HABRA CHILD DEVELOPMENT STATE PRE-SCHOOL PROGRAM ON THE AFTERNOON OF SEPTEMBER 6, 2018.
 7. Approve and accept the offer of dedication for additional right-of-way to provide the full east half width of the street; and authorize the City Clerk to submit right-of-way Grant Deed for 1500 Valley Home Avenue to the County of Orange for recordation.
 8. Approve and accept the offer of dedication for additional right-of-way to provide the full east half width of the street; and authorize the City Clerk to submit right-of-way Easement Deed for 1520 Valley Home Avenue to the County of Orange for recordation.
 9. Approve the Notice of Completion for the Lambert Road Rehabilitation from West City Limit to East City Limit FY 2017-2018, City Project No. 1-R-17; and authorize the City Clerk to send for recordation.
 10. WARRANTS: Approve Nos. 00118194 through 00118432 totaling \$2,366,696.82; and WIRE TRANSFER: Approve Wire Date 9/28/18 for a total of \$206,732.62.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an ordinance amending Chapter 12.28 of Title 12 of the La Habra Municipal Code relating to dogs in public parks and playgrounds.

Public Works Director Saykali presented the staff report. He reported that the purpose of the resolution was to designate certain City parks to be posted for access by dogs on leash as follows: Brio, Constitution Plaza, Corona, Descanso, El Centro, Guadalupe, Las Lomas, Leslie, Loma Norte, Loma Verde, Mahoney, Montwood, Oeste, Old Reservoir, Richard's, San Miguel De Allende, Terazza, Vista De Valle-East, Vista De Valle-West, and Vista Grande. He stated that due to active youth sports, staff recommended the following parks be designated as prohibited for access and use by dogs: Estelli, La Bonita, Portola, and Osornio. He reported that the purpose of the ordinance was to correct a citation in section 12.28.070 that incorrectly identified a municipal code section pertaining to dog accessibility at City parks. He stated the proposed ordinance would correct this error and would amend section 12.28.070 (B) of the City's municipal code. Public Works Director Saykali noted that amendments to the ordinance would be brought back to Council in the future to include dogs off leashes regarding a potential dog park. He gave an update regarding Vista Grande Park as a potential dog park. He stated that there would be a Request for Proposals (RFP's) for Vista Grande Park for a group of consultants to include a landscape architect, an environmentalist, a civil engineer, and a CEQA determination company for environmental impact purposes. He anticipated presenting two concepts for Vista Grande Park as a dog park to Council in 2019.

Police Chief Price confirmed that there had been no previous issue with dogs in parks during special events.

Council discussion included: verification there are no additional requirements during a special event; option to amend resolution and/or ordinance in the future; review of appropriate signage designating the park as accessible to dogs on leashes to be brief and positive; confirmed that community outreach meetings would be scheduled to be held in 2019 to examine Vista Grande Park as a potential dog park; review of the timeframe for the start of construction at Vista Grande Park; confirmed dog waste bag stations were installed in 10 parks and would be installed in the additional 10 parks; clarification it was illegal for people not to pick up after their dogs; and the potential enforcement efforts regarding people who did not clean up after their dogs.

Mayor Shaw opened the public hearing at 6:54 p.m. There being no public testimony, Mayor Shaw closed the public hearing at 6:54 p.m.

Moved by Councilmember Beamish, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY (5-0) TO:

- a. APPROVE AND ADOPT **RESOLUTION NO. 5871** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DESIGNATING CERTAIN PARKS AND/OR PLAYGROUNDS WITHIN THE CITY TO PERMIT ACCESS TO DOGS ON LEASH; and

- b. APPROVE FIRST READING OF **ORDINANCE NO. 1795** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING CHAPTER 12.28 OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE LA HABRA MUNICIPAL CODE RELATING TO DOGS IN PUBLIC PARKS AND PLAYGROUNDS.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider the proposed Free Speech Policy for City sponsored special events.

Recreation Manager David DeLeon presented the staff report. He stated that the purpose of the policy was to allow the public attending a City sponsored event to enjoy the program, while also providing space to those wishing to exercise their First Amendment rights. He noted that only once in the past had a person who was handing out flyers been asked to leave an event and that they were cooperative.

Council discussion included: confirmation that the proposed free speech zones would be outside the event venue in a predetermined location; clarification that distribution of flyers at an event could be discouraged, but not prevented; and clarification that the proposed policy would only apply to City sponsored events.

City Manager Sadro stated that the proposed policy was to protect those who attend the event, for public safety issues, and to train staff regarding what was allowed for groups who ask for access to an event to exercise free speech. He clarified that people would have a right to be at a public park that had no controlled access when non-City sponsored events would be held. He explained that the City would share the proposed policy with the La Habra Area Chamber of Commerce and the La Habra Host Lions Club, if approved, and would advise them on how the City would interact with groups asking for public spaces for free speech purposes.

City Attorney Jones stated that only if an activity impacted the public health, safety, and welfare of the community could it be prevented. He noted that in past years free speech organizations who contacted his office were advised that private events were regulated by the organization holding the event. He stated that it was very critical to recognize that the City had a very limited role when it comes to public safety.

Mayor Shaw invited the public to testify at 7:04 p.m. There being no public testimony, Mayor Shaw closed the public testimony.

Mayor Pro Tem Blazey noted that this was a proposed policy, that policies were flexible in nature, and that it could be amended as needed. He asked that the proposed policy be amended as follows to provide better clarity and readability:

1. Page 1, I.A. The City supports the public's right to engage in free-speech activities at City events, subject only to reasonable content-neutral restrictions on the time, place and manner of such activities. Where these content-neutral restrictions are necessary, the City seeks to allow multiple alternate modes of communication. The City ~~means~~ **intends** to regulate free speech practices for the purpose of protecting public safety at City events without impeding individuals' ability to exercise free speech.
2. Individuals are ~~able~~ **allowed** to distribute flyers within event spaces; however, the City encourages individuals to limit their distribution of flyers and other material, both to cut down on waste and to avoid the buildup of trash that could impede the flow of traffic during events.
3. Page 2: Political candidates, political parties, and political activists are not among those groups ~~that are~~ allowed to purchase a vendor space at City events.
4. No signs may be inserted into the ground or otherwise tethered to public property. ~~It is encouraged that any s~~ Signs **may** be attached to a table or chair.
5. Page 3. Any equipment ~~that presents~~ **ing** a danger or hazard to event attendees or staff, or that may cause damage to City property must be removed immediately.

City Attorney Jones confirmed that the proposed changes were not substantive and were acceptable.

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND ADOPT THE PROPOSED FREE SPEECH POLICY FOR CITY SPONSORED SPECIAL EVENTS; AS AMENDED.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Shaw made the following announcements:

- "Movies in the Park" series - Friday, October 12, at 6:00 p.m. at El Cerrito School for a FREE screening of "Despicable Me 3".
- "Gourmet Guys," Sunday, October 21, from 12:00 p.m. – 3:00 p.m. at the La Habra Community Center for the annual event that raises funding to support programs and exhibits at the La Habra Children's Museum.
- 2018 La Habra "Harvest Spooktacular," home decorating contest. Nominations are now open, will be accepted through Friday, October 26, judging by the La Habra Beautification Committee the evening of Monday, October 29, and the winning entrants to be recognized at a November City Council meeting.
- The La Habra Children's Museum's "Sensory Sensitive Sunday" - Sunday, November 4, from 11:00 a.m. – 1:00 p.m. and is exclusively for families with children on the autism spectrum.

- 4th Annual La Habra Tamale Festival - Sunday, November 25, from 10:00 a.m. to 6:00 p.m. at Portola Park and Brio Park in downtown La Habra.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez invited Marie Laveaga to the podium. Councilmember Gomez announced that the current President/CEO of the La Habra Area Chamber of Commerce Mark Sturdevant would be retiring in two weeks, he recognized that Marie Laveaga had done a wonderful job as Executive Secretary, and that she had recently been appointed as the new President/CEO. Marie Laveaga stated that it was an honor to be appointed and that she was looking forward to representing, encouraging, and supporting the business community. Councilmember Gomez thanked the Community Services Department, Community Services Director Failla, Recreation Manager DeLeon, Pastor Fuller and the Warehouse Church, and everyone who participated in the "Love La Habra" event. He asked staff to clarify if there were Community Development Block Grant (CDBG) funds to allocate towards the homelessness issue. Councilmember Gomez asked staff to clear up rumors regarding the Von's Supermarket on Beach Boulevard and Imperial Highway Councilmember Gomez congratulated Council member Espinoza on her fundraising event and explained why he could not attend.

In response to Councilmember Gomez's questions, Community and Economic Director Ho confirmed that there was 15 percent of CDBG funding that could be allocated towards homelessness; added that over the next year the City would have access to State Bill 2 funding that would provide an additional funding source to utilize towards homelessness; stated that the Von's property was zoned commercial, staff had been approached by the property owner/developer of the site to remodel the shopping center, and that negotiations and conversations were ongoing; and confirmed that in a Von's press release it was stated that the store was closing due to poor sales.

Councilmember Beamish clarified that the Von's site was privately owned and that it was Von's decision to close that store. Councilmember Beamish asked staff to look into ways, through social media or through the City's web page, to respond to the public regarding City projects or issues. He recommended starting a Civic Affairs Academy to teach citizens about city government and how it operates.

In response to Councilmember Beamish's questions, City Manager Sadro verified that the Von's site was remaining a commercial site; and encouraged the public to call City Hall and speak with the Community and Economic Development Department or the Administration Department regarding projects to obtain the correct information.

Councilmember Espinoza stated that she was not able to attend the "Love La Habra" event because she was setting up for her fundraiser. She thanked all of the volunteers who participated in the "Love La Habra" event. She commented that Councilmember Gomez attended the Spanish Citizens Police Academy class graduation, that the participants were very appreciative for the class, and she asked Police Chief Price to extend a thank you from the participants to his officers. Councilmember Espinoza recommended the use of the high school electronic/digital signs to communicate correct information to the public.

Mayor Pro Tem Blazey reported that he attended the swearing in of La Habra Police Officer Kyle Angel, the Community Emergency Preparedness meeting, meetings held by local service clubs and a non-profit organization, the North Orange County League of Women Voters Candidate Forum, the third annexation meeting, and the “Love La Habra” event. He noted that those in the community who were unable to attend the Voters Candidate Forum could watch it either on Channel 3 or on the City of La Habra web page. He thanked the residents who attended the annexation meeting, those who shared their concerns, and those who spoke with him personally. He stated that he had been representing the City in a public input committee to bring art instruction to the La Habra City schools. He noted that there was a nationwide initiative by a nationally recognized organization regarding art in schools in which La Habra was participating. He thanked the Warehouse Church for letting him assist them during the “Love La Habra” event.

Mayor Shaw welcomed his students in the audience and thanked them for attending the Council meeting. He thanked Joanne Culverhouse, Ed. D., Superintendent, for her leadership of the La Habra City School District. He thanked Community Services Director Failla and staff who had assisted the La Habra City School District. He noted that on the Consent Calendar portion of the agenda the completion of the Lambert Road Rehabilitation project had been approved. He thanked Public Works Director Saykali and staff for their work on the project. He stated that he attended the memorial service for Danny Singer.

X. ADJOURNMENT: Mayor Shaw adjourned the Regular Meeting of the La Habra City Council at 7:27 p.m. He announced that Chair Gomez would now chair the La Habra Housing Authority Meeting.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk