

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
SPECIAL MEETING
&
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, July 15, 2013

APPROVED: These Minutes approved on September 16, 2013.

SPECIAL MEETING:

CALL TO ORDER: Mayor Espinoza called to order the Special 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 Shaw

COUNCILMEMBERS ABSENT: Councilmember Gomez, Councilmember Blazey

OTHERS OFFICIALS PRESENT: City Manager Hannah
City Attorney Jones
City Clerk Mason
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 and Council convened as follows:

- a. Conference with Legal Counsel - Existing Litigation per Government Code Section 54956.9(a) Manuel Galvan v. City of La Habra, U.S. District Court Case No. sacv12-2013 ag (mlgX).

Director of Finance and Administrative Services Sadro and Police Captain Kepley were present for this item.

III. ADJOURNMENT: Council reconvened from Closed Session at 6:19 p.m. There were no announcements. Mayor Espinoza adjourned the Special Meeting at 6:19 p.m.

REGULAR MEETING & REGULAR JOINT MEETING WITH THE LA HABRA UTILITY AUTHORITY:

CALL TO ORDER: Mayor/Chair Espinoza 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 E. La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Mayor Espinoza

COUNCILMEMBERS PRESENT: Mayor/Chair Espinoza, Mayor Pro Tem/Vice-Chair Beamish, Councilmember/Director Shaw

COUNCILMEMBERS ABSENT: Councilmember/Director Gomez, Councilmember/Director Blazey

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS: None at this time.

II. PUBLIC COMMENTS:

Roy Francis, City of La Habra Heights Mayor, thanked City Council for the cooperative relationship between the City of La Habra Heights and the City of La Habra. He thanked City Council and staff for bringing the Vietnam Memorial "Wall That Heals" to the City of La Habra. He commended City staff for the job they did for the event. He expressed appreciation for being a part of the ceremony.

The following people spoke in support of La Habra Cares Medical Marijuana Dispensary and described the unsafe conditions of other providers:

- Deanna Maes, 450 Rye Circle
- Omar Corona, 350 Parson Street
- Susan Fahrmeier, 1040 North Meadowlark Street

Eric Chan, on behalf of the Patients Association for the Chronically Ill, for La Habra Cares, 401 West Imperial Highway, thanked City Council for allowing members to express their concerns. He spoke regarding La Habra Cares Medical Marijuana Dispensary and stated that the City Council has the power to legalize and regulate medical marijuana dispensaries. He thanked the members for speaking about this issue. He asked City Council for help in making a difference.

III. CONSENT CALENDAR:

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 3-0 TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.10.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Beamish, Councilmember Shaw
NOES: None
ABSTAIN: None
ABSENT: Councilmember Gomez, 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 City Council Minutes of May 2, 2013.
3. Approve and authorize the City Manager to execute the new lease agreement with Help for Brain Injured Children, Inc.
4. Authorize the City Manager to execute the 2013-2014 Head Start & Early Head Start Program Contract authorizing services for 214 pre-school age children and 30 infant/toddler children in the City of La Habra.
5. Approve and adopt the appropriate resolutions, and authorize the City Manager to execute Contracts CCTR-3159 and CSPP-3315 with the California Department of Education, Child Development Division for the 2013-14 Fiscal School year.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5590** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENTS NO. CCTR-3159 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
 - b. APPROVE AND ADOPT **RESOLUTION NO. 5591** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENTS NO. CSPP-3315 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
6. Approve Memorandum of Understanding (MOU) between the City of La Habra and County of Orange for the AlertOC mass notification system, and authorization for the City Manager to sign the MOU on behalf of the City of La Habra as well as a Nondisclosure Agreement pertaining to the telephone subscriber information entrusted to the City as a result of the MOU.
7. Approve Tract Map No. 17410 as submitted, accept the right-of-way dedication, and authorize the recordation of the map.

8. Approve Amendment No.1 to Anderson Penna Partners, Inc. for professional engineering services contract for Whittier Boulevard and Hacienda Road Intersection Improvements Project.
9. ITEM REMOVED FROM THE AGENDA.
10. WARRANTS: Approve Nos. 00091769 through 00092115 totaling \$2,303,131.06.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

CITY COUNCIL:

1. Duly noticed public hearing to consider a resolution to amend the Master Schedule of Fees pertaining to fees for general services, administrative services, community development services, building services, community services, fire services, police services, ambulance services, public works services, utility services, and penalties for municipal code and vehicle parking violations.

Assistant to the City Manager Ferrier reported that the City Council considered and approved Resolution No. 5589 amending the Master Schedule of Fees on June 17th, 2013, for Fiscal Year 2013-2014. He explained that the resolution inadvertently contained the Master Schedule of Fees from Fiscal Year 2012-2013. He noted that the correct fee schedule for Fiscal Year 2013-2014 is presented for approval and City Council is asked to repeal Resolution No. 5589 and adopt the resolution containing the correct fee schedule.

Mayor Espinoza opened the public hearing. There being no public testimony, the public hearing was closed at 6:46 p.m.

There was no City Council discussion.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 3-0 TO REPEAL RESOLUTION NO. 5589 AND APPROVE AND ADOPT **RESOLUTION NO. 5592** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, ORANGE COUNTY, CALIFORNIA AMENDING THE MASTER SCHEDULE OF FEES PERTAINING TO FEES FOR GENERAL SERVICES, ADMINISTRATIVE SERVICES, COMMUNITY DEVELOPMENT SERVICES, BUILDING SERVICES, FIRE SERVICES, POLICE SERVICES, AMBULANCE SERVICES, PUBLIC WORKS SERVICES, UTILITY SERVICES AND PENALTIES FOR MUNICIPAL CODE AND VEHICLE CODE PARKING VIOLATIONS.

Said motion CARRIED by the following roll call vote:

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

2. Duly noticed public hearing to consider a substantial amendment to the Community Development Block Grant Program Year (CDBG) 2013-2014 funding allocations and annual Action Plan Report.

Community Development Director Haack introduced Housing Specialist Maria Gallegos who presented a brief report. Housing Specialist Maria Gallegos stated that on May 29, 2013, the City received a notice that the Fiscal Year 2013-2014 CDBG annual allocation from HUD would be \$736,457; an increase of \$109,261 from the budgeted allocation of \$627,196. She explained that since the increase is more than 10% of the prior year allocation amount, HUD requires a Substantial Amendment to the budget and Action Plan to include a reallocation of funds to support current programs and services utilizing the new amount. She stated that the Community Services Commission met and voted unanimously to recommend that the City Council approve the revised funding allocations. She reported that legal notice was given and no comments had been received.

City Council discussion included: clarification that the Boys and Girls Club originally requested \$20,000 with staff recommending zero funding and that the revised proposed allocation of \$10,000 to the Boys and Girls Club would be used for repairs; clarification that Fiscal Year 2012-2013 Operation Santa Program received approximately \$1,300 and the proposed allocation for Fiscal Year 2013-2014 was \$2,500.

Mayor Espinoza invited the public to testify at 6:52 p.m. There was no public testimony.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY 3-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5593** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING ALLOCATION AND ANNUAL SUBSTANTIAL AMENDMENT TO THE ACTION PLAN FOR FISCAL YEAR 2013-2014.

Said motion CARRIED by the following roll call vote:

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

CITY COUNCIL AND UTILITY AUTHORITY:

3. Duly noticed public hearing to consider the Public Health Report Required by California Health and Safety Code Section 116470 (b), which compares La Habra City's Drinking Water Quality with Public Health Goals adopted by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment and with Maximum Contaminant Level Goals adopted by the Federal Environmental Protection Agency.

Public Works Director Saykali gave a brief report.

City Council/Authority discussion included: clarification that the testing of the wells was before and that testing is on an ongoing basis; and validation of the quality of the water from La Habra water wells.

Mayor/Chair Espinoza invited the public to testify at 6:57 p.m. There was no public testimony.

Moved by Councilmember/Director Shaw, seconded by Mayor Pro Tem/Vice-Chair Beamish, and CARRIED UNANIMOUSLY 3-0 TO RECEIVE AND FILE THE HEALTH GOAL REPORTS FOR 2013 IN ACCORDANCE WITH PROVISIONS OF THE CALIFORNIA HEALTH AND SAFETY CODE.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Espinoza, Mayor Pro Tem/Vice-Chair Beamish,
Councilmember/Director Shaw
NOES: None
ABSTAIN: None
ABSENT: Councilmember/Director Gomez, Councilmember/Director Blazey

VI. CONSIDERATION ITEMS:

CITY COUNCIL AND UTILITY AUTHORITY:

1. Consider purchase of 225 acre-feet of Main San Gabriel Basin water rights at a price of \$15,500 per acre-foot in an amount not to exceed \$3,487,500 from California Domestic Water Company.

City Attorney/Legal Counsel Jones noted that due to his position with California Domestic Water Company, he has a potential conflict of interest, and left the dais 6:58 p.m.

Public Works Director Saykali gave a brief report.

City Council/Authority discussion included: confirmation that purchase of water rights will reduce water purchases from Metropolitan Water District from 20 percent to 8-10 percent; confirmation the City would not be in a position to sell excess water in the future due to electrical cost to pump water; support of water conservation; and potential to utilize reclaimed water.

Mayor/Chair Espinoza invited the public to testify at 7:05 p.m. There was no public testimony.

Moved by Mayor Pro Tem/Vice-Chair Beamish, seconded by Councilmember/Director Shaw, and CARRIED UNANIMOUSLY 3-0 TO AUTHORIZE EXECUTIVE DIRECTOR TO PURCHASE 225 ACRE-FEET OF MAIN SAN GABRIEL BASIN WATER RIGHTS AT A PRICE OF \$15,500 PER ACRE-FOOT IN AN AMOUNT NOT TO EXCEED \$3,487,500 FROM CALIFORNIA DOMESTIC WATER COMPANY.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Espinoza, Mayor Pro Tem/Vice-Chair Beamish,
Councilmember/Director Shaw
NOES: None

ABSTAIN: None

ABSENT: Councilmember/Director Gomez, Councilmember/Director Blazey

City Attorney/Legal Counsel Jones returned to the dais at 7:06 p.m.

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- La Habra General Plan Update community workshops will be on Wednesday, July 17th, at 6:30 p.m. at the La Habra Community Center.
- The "Mayor's Community Hours" will be hosted on Friday, July 19th, at Walgreens located at 2000 West Whittier Boulevard from 11:00 a.m. to 1:00 p.m. and Saturday, July 20th, at the Corner Bakery located at 1040 West Imperial Highway from 11:00 a.m. to 1:00 p.m. The Mayor is also available by appointment.
- City of La Habra Concerts in the Park will be hosted on Thursday, July 18th, at El Centro-Lions Park from 7:00 p.m. to 9:00 p.m. and will feature *DW3* and Thursday, July 25th, the featured band will be *Thee Midnites*.
- The 65th Annual Corn Festival hosted by the La Habra Lions Club on Friday, August 2nd, through Sunday, August 4th. The community parade is scheduled on Saturday, August 3rd, at 9:30 a.m.
- Children's Museum Target Free Sundays. The theme is "Critter Quest" on Sunday, August 4th, from 1:00 p.m. to 5:00 p.m.
- Smartphone users can now report problems or concerns, make information requests, attach photos, and receive status updates through the City's new Contact La Habra app which is available for both Android users and iPhone users.
- The City Council will meet again on Monday, August 5th, and Monday, August 19th, at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Shaw stated he attended the City of La Habra 4th of July Fireworks event with the entire City Council. He complimented everyone who organized the 4th of July event. He expressed pride in La Habra regarding the Vietnam Memorial "Wall That Heals" event and appreciation in being a part of the ceremony. He complimented and thanked those who organized the event over the last 2 years.

Mayor Pro Tem Beamish stated he attended the City of La Habra 4th of July Fireworks event. He complimented the Community Services Department for their work on the event. He stated he attended the Vietnam Memorial "Wall That Heals" event and was part of the opening and candlelight vigil ceremonies. He commended Raul Luna, the Executive Committee, and all the volunteers for organizing the event. He stated it was an honor to speak and thank the veterans. He stated that he and 300 volunteers attended the KaBoom! Portola Park build project.

Mayor Espinoza thanked the volunteers and staff for their work on the 4th of July Fireworks event, the Vietnam Memorial "Wall That Heals" event, and the KaBoom! Portola Park build project. She thanked Assistant to the City Manager Ferrier, Andy, an employee at Walmart,

Forrester, City staff, and volunteers for their help. She thanked Scott Ward for a safe 4th of July Fireworks show. She thanked Mayor Pro Tem Beamish for his part in the Vietnam Memorial "Wall That Heals" ceremony. She noted that she was on vacation, but was able to attend the closing ceremony. She thanked all the sponsors who gave their time at the event.

- X. ADJOURNMENT:** Mayor/Chair Espinoza adjourned the Regular City Council Meeting at 7:17 p.m. to Monday, August 5, 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. The Regular Joint Meeting of the Utility Authority was adjourned at 7:17 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk/Secretary