

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

Monday, September 17, 2018

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

SPECIAL MEETING 5:30 P.M.:

CALL TO ORDER: Mayor/Director Shaw called to order the Special Meeting of the City Council concurrent with the Special Meeting of the La Habra Housing Authority at 5:30 p.m. in Council Chamber, Closed Session Room 112c, located at 100 East La Habra Boulevard in La Habra, California.

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

I. ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:
None.

II. CLOSED SESSION:

- a. Conference with Legal Counsel potential litigation pursuant to Government Code Section 54956.9(d)(2) (one potential case).

Deputy City Attorney Keith Collins, Deputy City Attorney Gary Kranker, Assistant to the City Manager Ferrier, Finance Director Shannon, Community and Economic Development Director Ho, Finance Manager Ponvanit, and Housing and Economic Development Manager Cole-Corona were present for this item.

III. ADJOURNMENT: The City Council reconvened at 6:17 p.m. There were no Closed Session announcements. Mayor Shaw adjourned the Special Meeting at 6:17 p.m.

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 the Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Gomez

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 City Council to join him in front of the dais for the proclamation and presentations.

- b. Beautification Award to the Rodriguez Family, 521 W. Parkwood Avenue.

Mayor Shaw invited the Beautification Committee to join him in front of the dais to assist in presenting the beautification award. Mr. Rodriguez accepted the beautification award.

- c. Introduction of 2018-2019 Youth Committee Members.

Mayor Shaw invited Community Services Commission Member Carrie Surich to join him in front of the dais to introduce the Fiscal Year 2018-2019 Youth Committee members.

- d. Presentation by the Orange County Special Olympics.

Mayor Shaw invited the representatives from the Orange County Special Olympics to join him in front of the dais for the presentation. La Habra Police Department's Community Service Officer Christina Nunez accepted the Athlete Engagement Award for her work in coordinating efforts with the Special Olympic Torch Run. Orange County Special Olympic Gold Messenger athletes and Volunteer Joy Koleski expressed their appreciation to the La Habra Police Department, Christina Nunez, and the City of La Habra for their support.

- d. Proclamation September 2018, as National Preparedness Month in the City of La Habra and swear in CERT Disaster Service Workers.

Mayor Shaw invited Police Chief Price to join him in front of the dais for the presentation. Chief Price invited the City's Volunteer Community Emergency Response Team (CERT) Disaster Service Workers to come forward to be sworn in and Emergency Services Coordinator David Gonzalez to assist him. Chief Price congratulated the Volunteer CERT members and swore the following the following La Habra CERT Volunteer Members into office: Thomas Broadston,

Martha Castaneda, Scott Crockett, Lori-Ann Hentcy, Oscar Llamas, Susana Pimentel, Nicholas Tellinghuisen, Steve Wede, Victoria Fears, Jodi Jackson, Gregory Philippon, and Michael Walsten. Each volunteer CERT member was presented a certificate. Chief Price announced to the community that there would be a Community Preparedness meeting on Wednesday, September 19, 2018, at 6:30 p.m. in City Hall. David Gonzales announced the meeting topics and participants.

- e. Presentation by Southern California Edison on "Wildfire Mitigation, Safety & Grid Resiliency."

Southern California Edison Government Relations Manager for North Orange County Kelly Lee introduced herself and announced a community meeting to be held regarding this subject matter on Tuesday, September 25, 2018, at 6:30 p.m. at the City of Brea Community Center. Southern California Edison Public Affairs Manager Bob Steins gave the presentation.

- f. Presentation by Jose Alfaro for the Heavenly Culture, World Peace, Restoration of Light.

Councilmember Espinoza stated that Jose Alfaro had a scheduling conflict, that he will not be able to attend this evening, and that he will contact City Clerk Mason to reschedule the presentation.

II. PUBLIC COMMENTS:

Dwight Finney, 300 North Valencia Street, expressed concern regarding the increase in population density, construction of high rise buildings, and apartment overflow parking issues in La Habra. Councilmember Beamish confirmed that there have been no projects for apartment buildings at the former Burch Ford site presented to the Planning Commission or the City Council. Mayor Shaw confirmed that the site was zoned for commercial professional use. City Manager Sadro stated that the site had multiple owners and that no projects had been presented to the City or processed to date.

Sonia Kneip, 1731 Brookfield Avenue, expressed safety concerns due to the La Habra school district reconfiguration. She noted the dangers of some schools having open/unfenced campuses and of the children crossing streets to get to and from school. She requested that the City work with the school district to find solutions to the safety issues at and around the schools. Councilmember Beamish confirmed with staff that the City meets with the School Superintendent once per month.

Mark Crumly, 531 Ryan Avenue, spoke regarding rezoning in the area he lives. He expressed concerns regarding driving speeds over speed bumps, apartment overflow parking, and the impacts of increased trash and noise.

III. CONSENT CALENDAR:

City Attorney Jones noted a conflict of interest regarding Consent Calendar Item III.9 because Jones and Mayer also represents the City of Fullerton.

Moved by Mayor Pro Tem Blazey, seconded by Councilmember Gomez, 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 City Council Minutes of:
 - a. August 20, 2018
 - b. September 4, 2018
3. Approve and authorize the Chief of Police to accept and execute an agreement with the State of California's Officer of Traffic Safety (OTS) to accept the "Selective Traffic Enforcement Program" (STEP) grant funding, in the amount of \$100,000, for additional traffic enforcement efforts, equipment, and training.
4. Receive and file the Treasurer's Investment Report for the quarter ending June 30, 2018.
5. Approve Plans and Specifications and award construction contract to E. C. Construction Co. of South El Monte for Alley No. 85 and Alley No. 3 Improvements FY 2017-2018, City Project No. 2-R-18, in the amount of \$270,481.25, and reject all other bids; and authorize City Manager to execute an agreement with E. C. Construction Co. in the amount of \$270,481.25; and authorize staff to issue a purchase order in the amount of \$297,529.37, which includes a 10 percent contingency.
6. Approve Plans and Specifications and award construction contract to Fisher Contractor, Inc. of La Habra Heights for the Depot Theater Roof Replacement located at 311 South Euclid Street, FY 2018-2019, City Project No. 1-B-18, in the amount of \$114,963.00, and reject all other bids; authorize City Manager to execute an agreement with Fisher Contractor, Inc. in the amount of \$114,963.00; and authorize staff to issue a Purchase Order in the amount of \$132,207.45 which includes a fifteen percent (15%) contingency; and approve an appropriation of \$41,812.45 from General Funds fund balance to the General Capital Projects fund for this project.
7. Approve Plans and Specifications and award construction contract to Southwest Pipeline & Trenchless Corp. of Torrance for the Annual Sewer Rehabilitation Program, Main Sewer Lining FY 2016-2017 and FY 2017-2018, Project No. 1-S-16, in the amount of \$592,823.75, and reject all other bids; authorize the City Manager to execute an agreement with Southwest Pipeline & Trenchless Corp. in the amount of \$592,823.75;

and authorize staff to issue a Purchase Order in the amount of \$652,106.12, which includes a 10% contingency.

8. Approve a resolution renewing the pipeline franchise granted under La Habra Ordinance 1698 with Crimson California Pipeline, LLC for an additional five years ending September 18, 2023; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5867** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, RENEWING A PIPELINE FRANCHISE AGREEMENT GRANTED UNDER ORDINANCE NO. 1698 WITH CRIMSON PIPELINE, LLC FOR AN ADDITIONAL FIVE YEARS.
9. Approve Cooperative Agreement No. 174-46022 with the City of Fullerton for the Gilbert Street/Idaho Street Corridor Project Regional Traffic Signal Synchronization (RTSSP) Program.
10. WARRANTS: Approve Nos. 00117733 through 00118193 totaling \$3,099,961.17; and WIRE TRANSFER: Approve Wire Dates 8/20/18, 8/24/18, and 8/30/18 for a total of \$1,373,675.45.

Mayor Pro Tem Blazey stated that the approval of Consent Calendar Item III.9 are examples of the same type of traffic signal synchronization projects completed in the recent past which are designed to mitigate traffic issues. He emphasized that it is not solely La Habra residents causing the increase in traffic. He noted that Harbor Boulevard, Beach Boulevard, and Hacienda Road are used by drivers from outside La Habra to come through the city to get to their destinations.

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

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an Ordinance approving Zone Change 18-04 modifying La Habra Municipal Code Title 18 (Zoning), Chapter 18.22 (Commercial Cannabis Activity) to allow for commercial cannabis testing laboratories. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) staff has determined that the Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations.

Community and Economic Development Deputy Director presented the staff report. He noted that La Habra Police Lieutenant Dan Henderson had contacted the law enforcement agencies in each of the communities visited and it was confirmed that none of the facilities had presented a challenge to their operations. He stated that the proposed ordinance had been reviewed by the City Attorney's office.

Council questions included: some cities may have initiatives approved by the voters to set a specific tax on the operations, or that additional contributions are made through a development agreement; verification that the proposed ordinance requires a development agreement which would impose operational fees prior to obtaining a conditional use permit; clarification that odor

free facilities would be a condition to be met both inside and outside the testing facilities; confirmation that there would be no signage on the outside of the proposed testing facility building(s); the need for clean cannabis products and confirming they would be verified clean through the proposed testing facilities; medicinal use versus recreational use; Federal Drug Administration (FDA) approval of two medications with CBD oil for children two years and older suffering from seizures; potential revenue benefits from cannabis commerce; and concern regarding the City of Monrovia possibly hiring an armed security guard for their cannabis testing facility.

Mayor Shaw opened the public hearing at 7:28 p.m. There being no testimony the public hearing was closed.

Moved by Mayor Shaw, seconded by Councilmember Beamish, and CARRIED (3-2) TO APPROVE THE FIRST READING 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.

Said motion CARRIED by the following roll call vote:

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

NOES: Councilmember Gomez, Councilmember Espinoza

ABSTAIN: NONE

ABSENT: NONE

2. Duly noticed public hearing to consider an ordinance approving Zone Change 18-06 establishing three new zoning designations (R-5, R-6, and R-7), and rezoning various property throughout the city. Repealing and replacing Chapter 18.26 "R-2, R-2a, R-3 and R-4 Multiple-Family Dwelling Zones" in its entirety and replacing it with the new Chapter 18.26 "R-2, R-3, R-4, R-5, R-6 and R-7 Multiple-Family Dwelling Zones" and Amending Chapters 18.06, 18.12, 18.14 and 18.56. The proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA guidelines.

City Manager Sadro requested that Item V.2 be removed from the agenda and be brought back to City Council for consideration at a future date uncertain. Mayor Shaw confirmed that Item V.2 be continued to a future date uncertain.

3. Duly noticed public hearing to consider the 2017-2018 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and authorize staff to submit the report to the U.S. Department of Housing and Urban Development.

Housing Specialist Susan Louie presented the staff report. She explained the purpose of the Consolidated Annual Performance and Evaluation Report (CAPER). She reported that Council had approved 13 projects be funded through the 2017-2018 Community Development Block Grant (CDGB). She noted that the total amount funded was \$1,213,654, the total amount expended was \$403,004, leaving an unexpended fund balance of \$810,649. She summarized

the major accomplishments as follows: provided funds to public services that benefited low and moderate-income residents, inspection services, and graffiti removal services. She reported a typo in the report submitted and gave the corrected number of those served by graffiti removal of 66,220. She noted the following projects were continuing due to City staff turnover: the Brio Park Playground Canopies project, Guadalupe Park Playground, and Residential Rehabilitation.

Council discussion included: confirmation that people served were those people impacted who lived in the census tract in proximity to the graffiti incidents over the course of a year; verification that the City had three years to spend CDBG funds; clarification CDBG funds were Federal Funds with specific stipulations on expenditures; confirmation that two of the projects were for non-profit groups; clarification that the Boys and Girls Club of La Habra had not applied for funding due to the tremendous amount of paperwork required for funding; noted that smaller non-profits may not be equipped to handle the auditing and reporting requirements; and confirmed that a maximum of 15 percent of the CDBG funding could be allotted to social service organizations which included graffiti removal.

Mayor Shaw opened the public hearing at 7:46 p.m. There being no testimony the public hearing was closed.

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE THE 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND AUTHORIZE STAFF TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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: None at this time.

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Shaw made the following announcements:

- La Habra Emergency Preparedness Committee meeting - Wednesday, September 19, at 6:30 p.m. in the City Hall Atrium.
- Volunteer for the next "Love La Habra" event – Saturday, September 29, from 8:00 a.m. – 12:00 p.m. at Portola Park.
- "Gourmet Guys" - Sunday, October 21, from 12:00 p.m. – 3:00 p.m. at the La Habra Community Center. All proceeds raised from the event support the wonderful programs and exhibits at the La Habra Children's Museum.
- La Habra Children's Museum "Sensory Sensitive Sunday" - Sunday, November 4, from 11:00 a.m. – 1:00 p.m. at the La Habra Children's Museum. This event is exclusively for families with children on the autism spectrum.

- League of Women Voters Candidate Forum Night - Wednesday, September 26, from 6:00 p.m. - 7:30 p.m. in the Council Chamber at 100 East La Habra Boulevard.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez requested that the meeting be adjourned in memory of Manon Crow who passed away recently and was active with the La Habra Area Chamber of Commerce, many other local organizations, the Republican Party, and that Manon Crow would be missed. Councilmember Gomez reported that he attended the 9/11 Memorial Car Show at La Habra High School and thanked Victor Laveaga and everyone who attended the event. He added that he hosted a Community Coffee event with Assemblyman Phillip Chen where an update was provided on what was happening in the State of California and in the City of La Habra. He added that he would be participating in the “Gourmet Guys” event on the La Habra Area Chamber of Commerce team.

Councilmember Espinoza stated that she attended a C3 Expo that included a “Our Young Kids” seminar, which was a scenario based coding camp for children. She reported that she attended the League of California Cities (LOCC) Annual Conference where she attended the Changing Faces of Economic Development: Land Use, Sustainability, Housing workshop.

Mayor Pro Tem Blazey reported that he attended the League of California Cities (LOCC) Annual Conference where he attended the following workshops: Before, During and After California Wildland Fires: The New Normal; Getting the Most Value From Your City’s Technology Investment; Three Important Emerging Planning Technologies; Proposition 6: Eliminating \$52 Billion for Thousands of City, County, and State Transportation Projects; and the Beacon Spotlight Awards Reception where he accepted two Beacon awards on behalf of the City. He added that he attended the first of three annexation meetings, that he would not be able to attend the second meeting, but would be attending the third meeting.

Councilmember Beamish commented regarding his coaching two American Youth Soccer Association (AYSO) soccer teams, which his granddaughters were members. He announced that Jane and Steve Williams were producing the La Habra Journal again. He noted that papers were available at City Hall, Community Services building, CVS Pharmacy, and other places in town. He stated that an annual subscription costs \$35 and that an online version is available at www.lahabrajournal90631.com. He asked that a web page be added to the City’s website that would address current issues and important topics expressed in the social media that is relevant to the City residents. He asked staff to have the City Hall Atrium open and set up for overflow to accommodate the Orange County League of Women Voters Candidate Forum on Wednesday, September 26, 2018. He noted the importance of local control for the City in response to the parking issue discussed by City Manager Sadro.

Mayor Shaw stated for the record that the City had a strict parking policy. He thanked the Youth Committee members, the Special Olympics participants, and the volunteer Certified Emergency Response Team (CERT) members. He stated that he attended a 9/11 memorial in Fullerton put together by retired Firefighter Scott Townley. He expressed that Manan Crow was a friend of his and he was sorry to hear of her passing.

City Manager Sadro stated that staff was aware of parking issues. He described a recent residential project approved by the City where the developer utilized a State code to exempt themselves from one of the City's development standards, this one being parking requirements. He noted that sometimes decisions are taken out of the City's control.

- X. ADJOURNMENT:** Mayor Shaw adjourned the Regular Meeting of the City Council in memory of Manon Crow at 8:05 p.m. to Monday, October 1, 2018, at 5:30 p.m. in the Council Closed Session Room 112c, 100 E. La Habra Boulevard, followed by the Regular Meeting at 6:30 p.m. in the City Council Chamber.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk