

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

Monday, December 05, 2016

APPROVED: These Minutes were approved on January 17, 2017.

ADJOURNED REGULAR MEETING: CANCELLED

REGULAR MEETING:

CALL TO ORDER: Mayor Gomez called the Regular Meeting of the City Council of the City of La Habra to order at 6:30 p.m. in the Council Chambers, located at 201 East La Habra Boulevard in La Habra, California.

Mayor Gomez noted that the meeting is being held in memory of Ethan Hawks, a Whittier Christian High School student, who passed away last week.

INVOCATION: Deputy City Attorney Ryan Jones

PLEDGE OF ALLEGIANCE: City Manager Sadro

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

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. **Beautification Award to Socorro Avila and Isidro Estrada Family, 341 East Rose Avenue.**

Mayor Gomez invited the Beautification Committee members Denise Schmidt, Carol Nigsarian, and Mark Sturdevant to the podium to assist with the presentation of the award. Socorro Avila, Isidro Estrada, and their children accepted the award.

The following awards were added to the agenda by Mayor Gomez:

- b. Mayor Gomez presented Mayor Appreciation awards to the following:
- Assistant Recreation Manager Katie Elmore;
 - Recreation Manager David DeLeon;
 - Executive Secretary Breanna Hurt;
 - Planning Manager Roy Ramsland;
 - Community and Economic Development Deputy Director Carlos Jaramillo;
 - City Clerk Tamara Mason;
 - City Attorney Richard Jones (accepted by his son Deputy City Attorney Ryan Jones); and
 - Marketing Consultant Bruce Martin.
- c. Mayor Gomez presented Lillian Buck with a certificate in celebration of her 30th birthday for 2015.

II. PUBLIC COMMENTS:

Jill Patterson, Branch Manager for the Orange County Library in La Habra, spoke regarding the number of parking spaces needed for the library and regulation of them.

Travis Cooper, California Municipal Finance Authority (CMFA), spoke introducing the CMFA Property Assessed Clean Energy (PACE) Program. He requested that the CMFA PACE Program be placed on a future agenda for consideration.

Jasmine, La Habra resident, spoke regarding Government Code 10.20.240 which states there is no parking at La Bonita Park from 10:00 p.m. to 6:00 a.m. She noted that there is limited parking at her apartment complex. She inquired if she would be able to park with a permit at La Bonita Park. Mayor Gomez referred her to Police Chief Price to put her in contact with Traffic Sergeant Jim Tigner who can survey the area for parking availability.

III. CONSENT CALENDAR:

Mayor Pro Tem Shaw requested that Item III.4 be removed for separate discussion.

Moved by Mayor Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.9; WITH THE EXCEPTION OF ITEM III.4 WHICH WAS REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Gomez, Mayor Pro Tem Shaw, Councilmember Espinoza,
Councilmember Blazey, 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. November 7, 2016
 - b. November 21, 2016
 2. Consider and approve a Memorandum of Understanding (MOU) between the City of La Habra and the Professional Employees Group for the period of January 1, 2017, through June 30, 2017; approve a resolution amending Resolution 5712 pertaining to a compensation plan for the Professional Employees Group; and approve the appropriation of funds from the FY2016-2017 adopted budget for the cost of one-time lump sum pay adjustments for employees.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5779** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION NO. 5712 PERTAINING TO A COMPENSATION PLAN FOR PROFESSIONAL EMPLOYEES' GROUP.
 4. REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.
 5. WARRANTS: Approve Nos. 00109216 through 00109391 totaling \$1,394,510.00.
 6. Approve the Deed Restriction across the north 15 feet of Parcel 2 of Parcel Map 164-46; authorize City Manager to sign the deed; and authorize City Clerk to process the deed for recordation.
 7. Approve the Notice of Completion for Project X Environmental Clean Up, FY 2015-2016, Installation of Catch Basin Screens Phase 2.
 8. Approve a resolution approving the submittal of the Gilbert Street/Idaho Street Corridor project as an improvement project to the Orange County Transportation Authority (OCTA) for funding under the competitive M2 Regional Traffic Signal Synchronization Program (RTSSP).
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5780** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE SUBMITTAL OF AN IMPROVEMENT PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM.
 9. Receive and file the Treasurer's Investment Report for the quarter ending September 30, 2016.
- IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:**
- III.4 Approve and authorize City Manager to execute Cooperative Funding agreement by and between the City of La Habra and the County of Orange contributing to the funding of construction of a year-round emergency shelter and multi-service center to serve the

homeless in North Orange County; and appropriate \$150,000 from the General Capital Projects Fund for the cost of the agreement.

Council discussion included: concern regarding City funds contributed from the General Capital Fund; potential legislation allowing funds from the Low-Mod Fund or from the Redevelopment Agency (RDA) or La Habra Housing Authority Funds to be spent outside the city boundaries; intent to refund the General Capital Projects Fund from the Low-Mod Fund, RDA, or the La Habra Housing Authority Fund; conversations with the ACCOC regarding legislation and being receptive regarding a refunding option being included; confirmation of Low-Mod Fund balance which is enough to cover the \$150,000 contribution cost; and confirmation homeless population of La Habra can utilize the emergency shelter if they meet the qualifications.

Moved by Mayor Pro Tem Shaw, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND AUTHORIZE CITY MANAGER TO EXECUTE COOPERATIVE FUNDING AGREEMENT BY AND BETWEEN THE CITY OF LA HABRA AND THE COUNTY OF ORANGE CONTRIBUTING TO THE FUNDING OF CONSTRUCTION OF A YEAR-ROUND EMERGENCY SHELTER AND MULT-SERVICE CENTER TO SERVE THE HOMELESS IN NORTH ORANGE COUNTY; AND APPROPRIATE \$150,000 FROM THE GENERAL CAPITAL PROJECTS FUND FOR THE COST OF THE AGREEMENT.

Said motion CARRIED by the following roll call vote:

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

V. PUBLIC HEARINGS:

1. [Duly noticed public hearing to consider a request for Mitigated Negative Declaration of Environmental Impacts 16-01 and Planned Unit Development 16-01 for a grocery store at 951-1001 East Imperial Highway.](#)

Planning Assistant Schaefer presented the staff report.

Council discussion included: clarification this project submitted in March 2016; confirmation the City does not have a public art ordinance or policy, but public art is identified the City's adopted General Plan; identified projects that have conformed to a public art condition of approval; installation and maintenance costs of up-lighting; confirmation that the Kaiser Permanente project will have up-lighting, but other buildings in the area do not have up-lighting; confirmation the area is a retail corridor and similarly sized and type of projects are being required to have up-lighting and public art as a condition of their development; identified condition 5.17 "Up-Lighting" and condition 8 regarding "public art" was a concern for the developer; timing of project and awareness by ICI Development of these two conditions of approval; the coin operated shopping cart lock rental system; confirmation a developer has the option to pay the one percent of development cost towards public art, or construct public art as part of the project; and the need for a policy regarding public art.

Mayor Gomez opened the public hearing at 7:05 p.m.

Applicant Mick Meldrum, with ICI Development Company, spoke regarding not being aware of the two conditions of up-lighting and public art until late in the process. He expressed his concerns regarding the maintenance of the up-lighting. He counter-offered \$5,000 towards the public art condition of approval, compared to the one percent of project costs amount of \$32,000.

Matthew Baca, Director of Real Estate for Aldi Markets, spoke regarding the two conditions of up lighting and public art, and respectfully requested a compromise. He also spoke regarding the coin-operated shopping cart lock rental system.

Arlyn Buck, 281 South Monte Vista Street, spoke regarding the cart lock rental system. She expressed concern regarding lighting at the store and safety. Mayor Gomez clarified that the up-lighting issue was specific to landscaping. She received confirmation of the Aldi Market hours of 9:00 a.m. to 9:00 p.m.

There being no further testimony, Mayor Gomez closed the public hearing at 7:15 p.m.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5781** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 16-01 FOR A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B."

Said motion CARRIED by the following roll call vote:

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

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED UNANIMOUSLY (5-0) TO APPROVE FIRST READING OF **ORDINANCE NO. 1774** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING PLANNED UNIT DEVELOPMENT PRECISE PLAN 16-01 FOR A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS AS MODIFIED TO DELETE STANDARD CONDITION 5.17 UP-LIGHTING; AND MODIFYING PROJECT SPECIFIC CONDITION 8 RELATING TO THE COST OR VALUE OF PUBLIC ART SHALL BE FOR A SPECIFIC AMOUNT OF \$5,000 TO BE EXPENDED ON THE PROJECT BY DEVELOPER ON ART OF THEIR CHOOSING AT THE SATISFACTION OF THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider a proposal for the City of La Habra to annex various County Islands.

Assistant to the City Manager Ferrier presented the staff report.

Council discussion included: confirmation of action to be taken; and clarification that any benefits, costs, or negatives to the residents, city, and county will be discussed at the next meeting.

Mayor Gomez invited the public to testify at 7:23 p.m. There was no testimony.

Moved by Mayor Gomez, seconded by Mayor Pro Tem Shaw, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND AUTHORIZE STAFF TO BEGIN THE PROCESS TO ANNEX VARIOUS COUNTY OF ORANGE UNINCORPORATED TERRITORIES, CONTINUE DISCUSSIONS WITH THE COUNTY AND THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION REGARDING ANNEXATION, AND CONDUCT A PUBLIC MEETING WITH THE COMMUNITY TO DISCUSS ANNEXATION.

Said motion CARRIED by the following roll call vote:

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

2. Consider a City Hall Plaza Paver Donation Program.

Community Services Director Failla presented the staff report.

Council discussion included: identified plaza will be divided into three different sections with a specially designated area for the City Council's Paver Recognition Program; confirmation of the number of tiles in each section; and clarification there is no need to limit the number of tiles placed per year due to space restrictions.

Mayor Gomez invited the public to testify at 7:27 p.m. There was no testimony.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND AUTHORIZE THE IMPLEMENTATION OF THE PROPOSED PAVER DONATION PROGRAM FOR THE NEW CITY HALL FACILITY.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- "Shop La Habra" - Shop local and bring your La Habra shopping receipts to the Chamber of Commerce for purchases made between November 25 and December 21, and you could win \$1,000.
- "Lock It, Hide, Keep It" - The La Habra Police Department asks you to remember to lock vehicle doors and close windows, place valuables in the trunk or take them with you, and park in well-lit areas when shopping this holiday season.
- Operation Santa - the City's annual collection of toys and food for families in need, is underway. The City gratefully accepts non-perishable food; new, unwrapped toys for children; and Wal-Mart and Target gift cards.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Beamish stated that he attended the Tamale Festival. He congratulated Community Services Director Failla and his staff for organizing the event. He stated that he attended the La Habra Police Department Banquet.

Councilmember Blazey stated he attended the Tamale Festival. He complimented staff, volunteers, and the La Habra Chamber of Commerce for organizing the event. He encouraged the community to remember the 75th anniversary of Pearl Harbor, December 7, 1941, and those who perished. He remembered his mother, Kathryn Blazey, and noted it would have been her 90th birthday on December 7.

Mayor Pro Tem Shaw stated he attended the Tamale Festival. He noted that the Orange County Transportation Authority (OCTA) funded the use of buses to transport people to and from the event. He stated that he presented a certificate and plaque, on behalf of City Council, to his former boss, Senator Huff, for his service to the City of La Habra for four years as a State Assemblyman and served eight years as a State of California Senator. He requested that an item regarding safe and sane fireworks, for July 4, 2017, be placed on a future agenda for consideration.

X. ADJOURNMENT: Mayor Gomez adjourned the City Council at 7:32 p.m. meeting in memory of Ethan Hawks, Kathryn Blazey, and for the lives lost at Pearl Harbor on December 7, 1941, to Monday, December 19, 2016, 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