

**MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY
Monday, July 07, 2014**

APPROVED: These minutes were approved on August 4, 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 East La Habra Boulevard, La Habra, California.

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

COUNCILMEMBERS/DIRECTORS ABSENT: None
OTHER OFFICIALS PRESENT: Interim City Manager Sadro
City Attorney Jones
Deputy City Clerk Swindell

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

None

II. CLOSED SESSION:

- a. Conference with Real Property Negotiator per Government Code Section 54956.8 - Property: 200 West Greenwood; City Negotiator: Jim Sadro, Interim City Manager: Negotiating Parties: Eileen Schafer, Women's Club President; Under Negotiation: price and terms.

Community Development Director Haack was present for this item.

III. ADJOURNMENT: City Council reconvened from Closed Session at 5:49 p.m. An announcement was made during the Regular Meeting. Mayor Beamish adjourned the Adjourned Regular Meeting at 5:49 p.m.

REGULAR MEETING:

CALL TO ORDER: Mayor/Chair Beamish called the Regular Meeting of the La Habra City Council 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 East La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Councilmember/Director Shaw

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Beamish
Mayor Pro Tem/Vice Chair Blazey
Councilmember/Director Gomez
Councilmember/Director Shaw
Councilmember/Director Espinoza

COUNCILMEMBERS/DIRECTORS ABSENT: None
OTHER OFFICIALS PRESENT: Interim City Manager/Interim Executive
Director Sadro
City Attorney/Legal Counsel Jones
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: City Attorney Jones reported that during Closed Session the City Council discussed property located at 200 West Greenwood and gave direction to staff to proceed with real property negotiations.

I. PROCLAMATIONS/PRESENTATIONS: None at this time.

II. PUBLIC COMMENTS:

Dave Reinhart, 1570 Pine Drive, expressed concern regarding the construction of the culverts installed in the Monte Vista Channel by Union Pacific Railroad.

Pauleen Rogers, 680 Juniper Way, expressed concern regarding possible flooding on her property from the culverts in the Monte Vista Channel installed by Union Pacific Railroad.

Mayor Beamish referred both speakers to Public Works Director Saykali.

III. CONSENT CALENDAR:

Interim City Manager/Interim Executive Director Sadro removed Item III.7 to a future date uncertain. Councilmember/Director Shaw removed Item III.8 for separate discussion.

Moved by Mayor Pro Tem/Vice Chair Blazey, seconded by Councilmember/Director Shaw, and CARRIED UNANIMOUSLY 5-0 TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.B.2; WITH THE EXCEPTION OF ITEM III.A.7 REMOVED TO A FUTURE DATE UNCERTAIN AND ITEM III.A.8 REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Beamish, Mayor Pro Tem/Vice Chair Blazey,
Councilmember/Director Gomez, Councilmember/Director Shaw,
Councilmember/Director 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. Receive and file Planning Commission Minutes of:
 - a. April 28, 2014
 - b. May 12, 2014
3. Approve second reading and adoption of Ordinance No. 1752 entitled: An ordinance of the City Council of the City of La Habra approving Modification 13-02 to Planned Unit Development 95-03 for improvement to the golf driving range at 1400 South La Habra Hills Drive, making the appropriate findings, as per the approved plans and subject to conditions.
4. Approve Plans and Specifications for the Residential Street Rehabilitation Fiscal Year 2013-14, Project No. 1-R-13; and the Annual Water Main Replacement Program for Fiscal Year 2013-14, Project No. 1-W-13; award and authorize Interim City Manager/Interim Executive Director to execute construction contract to Sully-Miller Contracting Co. in the amount of \$457,110 and reject all other bids; and authorize staff to issue a purchase order in the amount of \$502,821, which includes a 10 percent contingency. (Same item on the UA Agenda.)
5. Request to establish a 20 minute parking zone at certain times on Walnut Street, south of Highlander Avenue, at 425 North Walnut Street; and
 - a. APPROVE AND ADOPT RESOLUTION NO. 5635 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ESTABLISHING A 20 MINUTE PARKING ZONE AT CERTAIN TIMES ON WALNUT STREET.
6. Request for "No stopping" restrictions on the West side of Walnut Street at Greenwood Avenue; and
 - a. APPROVE AND ADOPT RESOLUTION NO. 5636 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON WALNUT STREET.
7. Request for "No Stopping" Restrictions at all times on the west side of Cypress Street south of Whittier Boulevard and on the north side of Whittier Avenue west of Palm Street for Orange County Transportation Authority (OCTA) Bus Stops; and

- a. APPROVE AND ADOPT RESOLUTION NO. XXXX ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON CYPRESS STREET AND ON WHITTIER AVENUE FOR ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) BUS STOPS.

NOTE: THIS ITEM REMOVED BY STAFF AND DEFERRED TO DATE UNCERTAIN. NO DISCUSSION TOOK PLACE.

8. THIS ITEM REMOVED FOR DISCUSSION – SEE SECTION IV BELOW
9. Approve and adopt the proposed Healthy Eating Active Living (HEAL) City Resolution.
 - a. APPROVE AND ADOPT RESOLUTION NO. 5637 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA THE HEALTHY EATING ACTIVE LIVING (HEAL) RESOLUTION.
10. Approve and authorize the Interim City Manager to execute the American Red Cross Shelter Agreement on behalf of the City.
11. Approve the addition of the California State University Fullerton on behalf of their Police Department, as a new Member of the Integrated Law & Justice Agency for Orange County (ILJAOC); and the recommended amendments to the Governance Document of the ILJAOC Joint Powers Authority.
12. Approve and adopt the appropriate resolutions, and authorize the Interim City Manager to execute Contracts CCTR-4158 and CSPP-4311 with the California Department of Education, Child Development Division for the 2014-15 Fiscal Year; and
 - a. APPROVE AND ADOPT RESOLUTION NO 5638 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENT NO. CCTR-4158 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
 - b. APPROVE AND ADOPT RESOLUTION NO 5639 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENT NO. CSPP-4311 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
13. Approve Community Services Commission Minutes:
 - a. January 8, 2014
 - b. May 14, 2014
14. WARRANTS: Approve Nos. 00096885 through 00097092 totaling \$616,684.45.
15. City Council Minutes of June 16, 2014.

16. Approve and authorize Interim City Manager to execute the KaBOOM! Community Partner Playground Contract for the San Miguel de Allende Park playground installation project.

B. CONSENT CALENDAR - UTILITY AUTHORITY

1. Approve Utility Authority Minutes of June 16, 2014.
2. Approve Plans and Specifications for the Residential Street Rehabilitation Fiscal Year 2013-14, Project No. 1-R-13; and the Annual Water Main Replacement Program for Fiscal Year 2013-14, Project No. 1-W-13; award and authorize Interim City Manager/Interim Executive Director to execute construction contract to Sully-Miller Contracting Co. in the amount of \$457,110 and reject all other bids; and authorize staff to issue a purchase order in the amount of \$502,821, which includes a 10 percent contingency. (Same as Item No. III.4 on the City Council Agenda.)

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

- III.A.8. Approve Cooperative Agreement No. C-3-1844 with the Orange County Transportation Authority (OCTA) for Project V Community-Based Transit/Circulators.

City Engineer Johansen presented the staff report.

Council discussion included: confirmation 10 riders per hour are needed for the bus service to be viable; confirmation that in August of 2015 a determination will be made regarding continuing the bus service based on usage; and identified the need to promote and advertise the bus service.

Adriann Cardoso, Representative from Orange County Transportation Authority (OCTA), explained that the cooperative agreement will allow for the exchange of Project V funds and the delivery of the bus service to the City.

Moved by Councilmember Shaw, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY 5-0 TO APPROVE Cooperative Agreement No. C-3-1844 with the Orange County Transportation Authority (OCTA) for Project V Community-Based Transit/Circulators.

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

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider the adoption of a Resolution Amending the Master Schedule of Fees pertaining to Refuse Fund Services for FY2014-2015. (Continued from June 16, 2014, Council Meeting.)

Public Works Director Saykali presented the staff report. He explained that Waste Management agreed to reduce small business trash service containers from a 96-gallon cart for \$40 per month down to a 64-gallon cart for \$33 per month. He added that small businesses may also opt out of garbage service and keep the blue recycling bin and green yard waste bin service at no charge.

Interim City Manager communicated that if a resident has a concern regarding the level of service from Waste Management that they should call the City so their concern can be logged and communicated to Waste Management.

Council discussion included: customer service concerns; request for a contact name and number at Waste Management should Elmer Heep be unavailable; and confirmation that the City of Brea has lower trash rates due to a different trash company servicing that city.

Elmer Heep, Waste Management Representative, expressed appreciation regarding working with the City. He made a commitment of a higher level of service to the City.

Mayor Beamish opened the public hearing at 6:50 p.m. There being no public testimony, the public hearing was declared closed.

Moved by Mayor Beamish, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5640** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING THE MASTER SCHEDULE OF FEES PERTAINING TO REFUSE COLLECTION FEES.

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

2. [Duly noticed public hearing to consider an ordinance that would repeal Ordinance No. 1726 and Chapter 9 66 to Title 9 of the La Habra Municipal Code that established City Parks as "Child Safety Zones" where registered sex offenders are prohibited from entering without written permission.](#)

Chief Price presented the staff report. He stated the City has a total of 86 with the low level offenders from the police database, of which 47 were on the Megan's Law website. He stated sex offenders are monitored regularly and noted that since Ordinance No. 1726 was enacted in 2011 there have been no citations or arrests for sex offenders in the parks. He stated Jones and Mayer has reviewed the law and are in support of repealing Ordinance No. 1726.

Council discussion included: Confirmation that if Ordinance No.1726 is not repealed the City will most likely be sued; confirmation sex offenders have restricted residency conditions under Jessica's Law; parolees of more serious offenses against children cannot be in the parks as a

condition of their parole under Chelsea's Law; state law does not allow deeming a certain park for sex offenders; and the potential to lobby for stronger legislation.

City Attorney Jones confirmed there is an organized group that has filed a series of lawsuits against cities that have not modified their law and are seeking attorney's fees if they proceed. He explained the purpose of the state's decision and the potential for a lawsuit.

Mayor Beamish opened the public hearing at 7:04 p.m.

Dave Reinhart, 1570 Pine Drive, stated that it was a distasteful but fiscally sound decision to be made by Council.

Mayor Beamish closed the public hearing at 7:05 p.m.

Interim City Manager Sadro noted that the legislative platform is broad enough to support items regarding sexual predators; staff can monitor new laws for local control that would allow law enforcement to enforce restrictions; and staff can send letters of support for those legislative activities.

Mayor Beamish directed staff to support a legislative platform to lobby the State of California for stronger laws for local control regarding sexual predators.

Moved by Mayor Pro Tem Blazey, seconded by Councilmember Shaw, and CARRIED (3-2) TO APPROVE FIRST READING OF **ORDINANCE NO. 1753** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA REPEALING CHAPTER 9.66 TO TITLE 9 OF THE LA HABRA MUNICIPAL CODE THAT ESTABLISHED CITY PARKS AS "CHILD SAFETY ZONES" WHERE REGISTERED SEX OFFENDERS ARE PROHIBITED FROM ENTERING WITHOUT WRITTEN PERMISSION.

Said motion CARRIED by the following roll call vote:

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

Moved by Mayor Beamish, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY 5-0 TO APPROVE ADDING TO THE LEGISLATIVE PLATFORM ADVOCACY FOR STRICTER AND STRONGER LAWS WITH REGARDS TO SEXUAL OFFENDERS IN THE STATE OF CALIFORNIA AND LOBBY FOR STRONGER LOCAL CONTROL WITH REGARDING TO IMPLEMENTING ORDINANCES.

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

3. Duly noticed public hearing to consider the allocation of Community Development Block Grant (CDBG) funds for Fiscal Year 2014-2015, the Action Plan report, and the Amended Citizen's Participation Plan.

Housing Specialist Gallegos presented the staff report. She noted a correction to the total funding on the Action Plan - Attachment 5, Appendix C, Table 3C, page 4 which should read \$444,000, and does not affect the total allocations. She noted that the decrease in CDBG funds for Code Enforcement is due to reduced resources.

Community Services Director Failla responded to Council's inquiries.

Council discussion included: clarification regarding the discrepancy between the April 23, 2014 Citizen Participation Committee (CPC) recommendations and staff's recommendations of \$50,000 for Code Enforcement and \$50,000 for the El Centro Park roof repair; confirmation that Attachment 1 was the incorrect attachment and that the Citizen Participation Committee's final approval that was made on May 14, 2014, was the same as staff's recommendations; regarding options for the reduction in funding allocation for Code Enforcement and El Centro Park roof repair; Community Resources Council leadership and hours of operation; direct staff to perform an engineering study on the El Centro Park roof cover; and the decrease of \$60,000 for city alleyways from the previous year allocation.

Mayor Beamish opened the public hearing at 7:21 p.m. There being no public testimony, the public hearing was declared closed.

Moved by Councilmember Shaw, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE and adopt the 2014-2015 Action Plan and authorizing the Interim City Manager to execute the City of La Habra's annual application to the United States Department of Housing and Urban Development for its CDBG entitlement funding of \$792,906 for Fiscal Year 2014-2015.

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

Moved by Councilmember Shaw, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5641** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA REAPPOINTING THE CITY OF LA HABRA COMMUNITY SERVICES COMMISSION TO SERVE AS THE CITIZEN PARTICIPATION COMMITTEE AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) CITIZEN PARTICIPATION PLAN.

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

VI. CONSIDERATION ITEMS: None at this time.

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 open 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.
- The next La Habra Summer Concert Series will occur on Thursday, July 10 at 7:00 p.m. at El Centro Lions Park and will feature the hip sounds of Retro Soul.
- La Habra Summer Day Camp is now available through Friday, August 15. The theme this year is "Walk Across America."
- Upcoming City Council meeting - Monday, July 21 at 6:30 p.m. in the City Council Chambers.
- 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 stated she attended the Volunteer Reception and congratulated everyone who was recognized and who won raffle prizes. She thanked the volunteers for the many hours of service they provide to the community. She stated she attended the Concerts in the Park and 4th of July celebration. She thanked the Police Department for keeping everyone safe.

Councilmember Shaw recognized the Habitat for Humanity groundbreaking ceremony. He stated that he attended the 4th of July celebration and thanked everyone who organized the event. He welcomed his students in the audience.

Councilmember Gomez stated he attended the 4th of July celebration. He thanked the Public Works, Community Services, and Police departments for making the day special. He recognized the La Habra Police Department for their hard work during the recent power outage that affected over 1,700 homes. He thanked Lieutenant Dean Capelletti and Communications Supervisor Cynthia Gully who assisted residents with their concerns. He requested the meeting be adjourned in memory of Vera Handler, a longtime La Habra resident active in the Senior Program and the Friends of the Library. He expressed condolences to Mark Handler and his sister. He noted that in lieu of flowers, the Handler family has requested donations be made to The Gary Center, Help for Brain Injured Children, or the Senior Program.

Mayor Pro Tem Blazey thanked Councilmember Gomez for recognizing his neighbor Vera Handler. He encouraged the community to attend the Concerts in the Parks. He stated that he missed the 4th of July celebration because he was attending his daughter's softball tournament in Palmdale, California. He recognized and thanked the Community Services Commission for the work they do on the CDBG Citizen Participation Committee.

Mayor Beamish stated he attended the 4th of July celebration. He thanked Community Services Director Failla for his work on the event.

X. ADJOURNMENT: Mayor/Chair Beamish adjourned the meeting at 7:30 p.m. in memory of Vera Handler to Monday, July 21, 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,

Laurie Swindell
Deputy City Clerk