

MINUTES

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

Tuesday, January 17, 2017

APPROVED: These Minutes were approved on February 6, 2017.

SPECIAL MEETING:

CALL TO ORDER: Mayor Espinoza called the Special Meeting of the City Council to order at 5:30 p.m. in the Administrative Conference Room 106, located at 201 East La Habra Boulevard in La Habra, California.

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
Deputy City Attorney Keith Collins
City Clerk Mason

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

II. CLOSED SESSION:

- a. Conference with Legal Counsel - Existing Litigation, Government Code Section 54956.9(d)(1): Jeong Ko vs. City of La Habra, District Court Case No. 2:10-cv-05305-PJW.

Human Resources Director Juengel and Legal Counsel Mark Meyerhoff with Liebert Cassidy Witmore were present for this item.

III. ADJOURNMENT: Council reconvened from Closed Session at 6:45 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Special Meeting at 6:45 p.m.

REGULAR MEETING:

CALL TO ORDER: Mayor Espinoza called the Regular Meeting of the City Council of the City of La Habra to order at 6:31 p.m. in the City Council Chambers, located at 201 East La Habra Boulevard in La Habra, California.

INVOCATION: Deputy City Attorney Keith Collins

PLEDGE OF ALLEGIANCE: Mayor Espinoza

COUNCILMEMBERS PRESENT: Mayor Espinoza
Councilmember Beamish
Councilmember Blazey
Councilmember Gomez

COUNCILMEMBERS ABSENT: Mayor Pro Tem Shaw (excused absence)

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Recognition of La Habra Police Captain Jeff Swaim for his years of service and retirement.

Mayor Espinoza invited Police Chief Price to assist with the presentation. Police Chief Price spoke regarding Captain Jeff Swaim's 28-year police career with the City of La Habra, thanked him for his service to the City and the community, and presented him with a commemorative plaque. Councilmember Gomez thanked him for his service, and thanked his family for sharing him with the City. Captain Swaim's wife and father joined Council at up front for photos. Mayor Espinoza thanked Captain Swaim for his dedication to the City.

- b. Recognition of police officers who apprehended motorcycle and off-road vehicle burglary suspects on January 16, 2017.

Police Chief Price invited up Sergeant Barnes, Corporal Nick Baclit, and Officer Travis Nelson who were present in the audience to acknowledge them for apprehending three suspects of a burglary at Moto United in La Habra and thanked them for their efforts to keep La Habra safe. Mayor Espinoza congratulated the officers.

II. PUBLIC COMMENTS:

Indigo Brude, 151 West Parkwood Avenue, thanked Council for their service and congratulated them on being re-elected. Indigo Brude inquired if the City of La Habra has an official position regarding being a sanctuary city. Mayor Espinoza stated the item has not been discussed by City staff or City Council, and that a staff member will contact her.

III. CONSENT CALENDAR:

Councilmember Beamish removed Item III.5 for further discussion.

Moved by Councilmember Gomez, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.13; WITH THE EXCEPTION OF ITEM III.5 WHICH WAS REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Beamish, Councilmember Blazey,
Councilmember Gomez

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Shaw

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. December 5, 2016
 - b. December 12, 2016
 - c. December 19, 2016
 - d. January 2, 2017
3. Approve denial of claim for Ms. Frances Watkins for property damage.
4. Approve a resolution that would approve the Live Entertainment Permit for 370 East Whittier Boulevard for a one year period, subject to conditions.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5786** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE LIVE ENTERTAINMENT PERMIT FOR 370 EAST WHITTIER BOULEVARD FOR A ONE YEAR PERIOD, SUBJECT TO CONDITIONS.
5. REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.
6. Accept the offer of dedication of the additional right-of-way required for the meandering sidewalk at 951 South Beach Boulevard; and authorize the City Clerk to send the Grant Deed for recordation.
7. Approve and authorize City Manager to enter into an agreement with Bucknam Infrastructure Group, Inc. in the amount of \$31,990 to provide professional engineering services for the 2017 Update of the Pavement Management Program; and authorize staff to issue a purchase order to Bucknam Infrastructure Group, Inc. in the amount of \$35,189 that includes a 10% contingency.
8. Approve and adopt a resolution approving the execution of the Administering Agency-State Master Agreement No. 12-5266F15 for Federal-Aid projects - STPL-5266(024) and STPL 5266(025); authorize the Mayor to execute Agreement No. 12-5266F15; and authorize the Director of Public Works to execute the Program Supplement No. 015-F, 016-F and all future Program Supplements.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5787** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING

THE EXECUTION OF THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 12-5266F15 FOR FEDERAL-AID PROJECTS.

9. Approve and authorize City Manager to enter into an agreement with Onward Engineering in the amount of \$68,770 to provide professional engineering services for the Mobile Home Parks Pavement Rehabilitation Project; authorize staff to issue a purchase order to Onward Engineering in the amount of \$75,647 that includes a 10% contingency.
10. Approve the Notice of Completion for the Annual Sewer Rehabilitation Program, Dig-Out Point Repair on Sewer Main at Various Locations, Fiscal Year 2015-2016, Project No. 2-S-15.
11. Approve to include the Special Event Project V Circulator into the Fiscal Year 2016-2017 Capital Improvement Program.
12. Approve and authorize Mayor to execute the Caltrans Landscape Maintenance Agreement - Permit Number 1215-6MC-0392 that defines the roles and responsibilities related to the construction of improvements within the State of California Right-of-Way along State Route 39 (Beach Boulevard) located at 951 South Beach Boulevard.
13. WARRANTS: Approve Nos. 00109540 through 00109855 totaling \$3,366,139.62.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

- III. 5. Direct staff to initiate the process to name the water facility at La Bonita Park in honor of former City Councilmember Steve Anderson.

Council discussion included: clarification the process is a policy and City Council can change, modify, or act on it this evening with a majority vote of City Council; explanation of normal policy process of first being approved by the Planning Commission; review of former Councilmember Anderson's political career; inquiry as to the urgency of the matter; confirmation of when Planning Commission meetings are held; and confirmation that by taking action the Planning Commission is being bypassed in the policy process.

Mayor Espinoza invited the public to testify at 6:43 p.m. There was no testimony.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED (4-0) TO DIRECT STAFF TO DEVIATE FROM THE POLICY OF APPROVAL BY THE PLANNING COMMISSION FIRST AND TO NAME THE WATER FACILITY AT LA BONITA PARK IN HONOR OF FORMER CITY COUNCILMEMBER STEVE ANDERSON, AND IF TIME PERMITS, TO HOLD THE DEDICATION CEREMONY ON STEVE ANDERSON'S BIRTHDAY IN FEBRUARY, OR SHORTLY THEREAFTER.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Beamish, Councilmember Blazey,
Councilmember Gomez

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Shaw

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an urgency interim ordinance of the City of La Habra extending amended provisions of Title 18 (The Zoning Code) prohibiting the development of marijuana related uses for a period of ten (10) months and fifteen (15) days.

Deputy Director of Community and Economic Development Jaramillo presented the staff report. He reviewed the November 8, 2016, passage of regarding Proposition 64, the Adult Use of Marijuana Act. He emphasized the proposed ordinance will give City staff and legal counsel time to thoroughly research the issue and develop a recommendation for City Council. He reviewed the survey regarding the voting results of Orange County and the surrounding cities regarding Proposition 64. He discussed studies being conducted by government and private companies. He explained the responsibilities of government agencies with the passage of Proposition 64.

Council discussion included: keeping informed of the federal government's actions regarding the passage of Proposition 64; confirmation that the Attorney General nominee being against this issue; the different views of President Obama's administration versus President-elect Trump's administration; and how the State of California could be affected by the Federal Government's stand on the matter.

Mayor Espinoza opened the public hearing at 6:55 p.m. There being no testimony, the public hearing was closed.

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED (4-0) TO APPROVE AND ADOPT URGENCY INTERIM **ORDINANCE NO. 1776** ENTITLED: AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, EXTENDING AMENDED PROVISIONS OF TITLE 18 (THE ZONING CODE) PROHIBITING THE DEVELOPMENT OF MARIJUANA RELATED USES FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Beamish, Councilmember Blazey,
Councilmember Gomez

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Shaw

VI. CONSIDERATION ITEMS:

1. Consider expiring terms of the Planning Commission, Community Services Commission, and the Beautification Committee, and provide staff direction.

Council discussion included: tradition and confirmation that City Council interviews all community members interested in applying for a position; and verification that all eligible incumbents are interested in reappointment.

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

Moved by Councilmember Beamish, seconded by Councilmember Gomez, and CARRIED (4-0) TO APPROVE DIRECTING STAFF TO ADVERTISE ALL OF THE EXPIRING TERM POSITIONS ON THE PLANNING COMMISSION, THE COMMUNITY SERVICES COMMISSION, AND THE BEAUTIFICATION COMMITTEE; AND SCHEDULE INTERVIEWS.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Beamish, Councilmember Blazey,
Councilmember Gomez

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Shaw

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- "Coffee with a Cop" – Casa Adelita's Restaurant, from 8:00 a.m. – 10:00 a.m. on Saturday, January 21. .
- La Habra Children's Museum will host PBS Southern California's Daniel Tiger, from 10:00 a.m. to 4:00 p.m. on Saturday, January 21. Daniel Tiger will only be available from 10:00 a.m. – 2:00 p.m.
- La Habra 5K Run/Walk - Saturday, March 11 at 8:00 a.m., with events beforehand for children.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez congratulated Mayor Espinoza on her first meeting of the year. He stated that he met with legendary National Football League player and Pennsylvania State graduate Rosie Greer to discuss him considering running for the office of Governor of the State of California. He added that Mr. Greer has asked him to join his exploratory team regarding the Governor's seat.

Mayor Espinoza stated she has already attended a number of La Habra events. She announced she would be adjourning the meeting in memory of former La Habra City Councilmember Beth Graham, who passed away on Saturday, January 14, 2017. She explained that Beth Graham was a three-time Mayor, who served on the City Council from 1972 – 1980, and again from 1988 – 1991. She stated that City Council's thoughts are with Beth's family, she was a friend to all, and will be dearly missed. She extended condolences to La Habra Children's Museum Manager Lovely Qureshi and family on the passing of Lovely's grandmother Mary Alice.

- X. ADJOURNMENT:** Mayor Espinoza adjourned the City Council meeting at 7:02 p.m., in memory of Beth Graham and Mary Alice, to Monday, February 6, 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