

**MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
REGULAR MEETING**

Monday, February 05, 2018

APPROVED: These Minutes were approved on March 5, 2018.

CALL TO ORDER: Mayor Shaw called the Regular Meeting of the City Council of the City of La Habra to order at 6:31 p.m. in the Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blazey

COUNCILMEMBERS PRESENT: Mayor Shaw
Mayor Pro Tem Blazey
Councilmember Gomez
Councilmember Beamish
COUNCILMEMBERS ABSENT: Councilmember Espinoza (excused absence)

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Presentation by Washington Middle School Tree Titans on Transforming Washington Middle School Amphitheater with Trees.

This item was heard at 6:41 p.m. out of sequence, following Item I.b.

Dr. Sue Pritchard introduced the Washington Middle School Tree Titans: Cyana Arce, Jessica Emerson, Kendra Wise, Janelle Martinez, Yuko Jackson, Emmanuel Ruiz, and Tannya Gallegos. The Tree Titans presented a PowerPoint outlining their goals for tree planting at Washington Middle School Amphitheater.

- b. Washington Middle School Wind Wolves presentation on Solar Energy for Washington Middle School.

This item was heard at 6:32 p.m. out of sequence, prior to Item 1.a.

Dr. Sue Pritchard introduced the Washington Middle School Wind Wolves: Cyana Arce, Jessica Emerson, Kendra Wise, Janelle Martinez, Yuko Jackson, Emmanuel Ruiz, and Tannya Gallegos. The Wind Wolves presented a PowerPoint outlining their goals for energy conservation.

II. PUBLIC COMMENTS:

Craig Sheets, Brea, spoke regarding the evil eye, vulcan, toxic cats, drugs in schools, gas station attendants, blood types, and formaldehyde.

Jesus Vidro, 901 Chestnut Street, thanked Police Chief Price and the La Habra Police Department with regards to the homeless issue. He announced that the Elks Lodge will be closing and asked for additional police surveillance during the time the building is empty.

III. CONSENT CALENDAR:

City Attorney Jones noted a conflict of interest regarding Consent Item No. III.7 because the storm drain repairs are being constructed in front of his office building.

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.9.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Espinoza

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. Renew the City's Property Insurance policy with Travelers Property Casualty Company of America for all properties for a term from March 1, 2018 through March 1, 2019.
3. Authorize City Manager to execute agreement between the City of La Habra and Grahams Tow Inc. in a non-exclusive agreement to provide a full range of tow services for vehicles and a secure place to store vehicles that have been towed, stored or impounded at the direction of the City.
4. Approve and adopt an amended resolution concerning Measure M2 Expenditure Report from July 1, 2016, to June 30, 2017, pursuant to Ordinance No. 3 of the Orange County Transportation Authority's Renewed Measure M Fair Share and Competitive Program Funds; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5829** ENTITLED: AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CONCERNING THE AMENDED MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF LA HABRA.
5. Approve City Council Minutes of November 6, 2017.

6. Approve and authorize City Manager to execute the Cooperative Agreement between the City of La Habra and the City of Fullerton for the Lambert Road Rehabilitation Project.
7. Approve and authorize City Manager to execute the Cooperative Agreement between the City of La Habra and the City of Fullerton for Emergency Storm Drain Repairs on Harbor Boulevard; and approve a budget appropriation of \$55,000 from the Gas Tax Fund for the project.
8. Approve the Notice of Completion for the Orange County Transportation Authority Environmental Cleanup Project Fiscal Year 2016-2017 Installation of Full Capture Catch Basin Screens Phase 3; and authorize recordation.
9. WARRANTS: Approve Nos. 00114777 through 00114958 totaling \$1,532,616.80.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an Appeal of the Planning Commission's decision approving Mitigated Negative Declaration of Environmental Impacts 16-02, Tentative Tract Map (TTM) 18004 and Design Review (DR) 16-04 for the development of seven single-family residences at 1101 North Harbor Boulevard. The Initial Study was completed in accordance with the City's Guidelines implementing CEQA. This Initial Study was undertaken for the purpose of deciding whether the "project" may have a significant effect on the environment. On the basis of the analysis within the Initial Study, the City Staff has concluded that the project will not have a significant effect on the environment with the incorporation of mitigation measures, and has therefore prepared a Mitigated Negative Declaration. (This item was continued from January 16, 2018 City Council Meeting.)

Mayor Pro Tem Blazey declared a conflict of interest stating that he lives within 300 feet of the location. He recused himself and left the dais at 6:56 p.m.

Mayor Shaw stated that due to Mayor Pro Tem Blazey recusing himself and Councilmember Espinoza having an excused absence that there will only be three City Councilmembers voting on this item. He asked City Attorney Jones to explain the procedure of voting with three Councilmembers.

City Attorney Jones explained that since this item is an appeal of the Planning Commission's approval of the project, there must be a 3-0 vote of the City Council to approve the appeal and overturn the Planning Commission's decision. He noted that a 1-2 or a 2-1 vote would not change the Planning Commission's action on this matter. He explained that the City Council is acting in a quasi-judicial role, with no predetermination with respect to the decision to be made and will listen to the evidence presented. He noted that the decision made has to be relevant to the evidence submitted and the proposed project. He clarified that regarding the decision made, any legal challenge would have to be on a basis or standard that the Council's decision was not supported by fact. He explained that the resolutions presented tonight are in support of the proposed project and if Council votes in support of the appellant, City staff will have to come back to Council with appropriate resolutions to support that finding.

Planning Manager Ramsland presented the staff report.

Mayor Shaw opened the public hearing 7:02 p.m.

Robert Scanlan, with Applicant Pinnacle Residential, thanked City Council, City staff, and acknowledged the appellants and their thoughts on the proposed project. He reviewed the history of the proposed project. He stated that the proposed project was initially for a higher density of 20 units. He explained the challenge of developing a triangle-shaped site that has a slope and placement of an entrance with a good line of site. He reviewed the studies and analysis conducted on the property. He noted that a meeting was held on site last Saturday to meet the neighbors to the east and west, and to receive input from them. He stated that it was agreed to build a fence between the property and the neighbors. He explained that there is a power line on the property line and a 19-foot road with an easement by Southern California Edison (SCE); which will be gated and will only be accessible by SCE. He clarified that the neighbors inquired about potential noise reflecting off of the proposed project. He noted that a noise study of that type was not complete or required.

Council discussion included: since posting of the agenda, one letter from the appellant was received via email reiterating concerns already expressed; confirmation applicant has done everything possible to address issues; difficulties of development of site due to size and shape; the line of sight going South on Harbor; confirmation there are no blind spots exiting the site; identified the potential of one home to be able to see into the second floor of the neighbor's home, but could be mitigated by planting of trees; confirmation that the proposed development originally had 20 units, but was approved for 7 units; fence to be built between the lot and neighbor 30-feet below will be vinyl and 6-feet tall; traffic improvements made and to be made in the area; confirmation testimony has not changed staff's stand regarding proposed development; data on accidents in the last few years; water runoff and hydroplaning issues; and confirmation that staff supports the environmental study completed.

Dennis Copp, 1131 Woodcrest Avenue, expressed his concern regarding current traffic issues and how the proposed project would compound the problems. He stated that a 15-foot setback would guarantee a clear line of sight, and that the neighbor to the south would be most impacted. He expressed concern regarding views being impacted. He stated that one of the proposed new homes will be able to see into almost every window of his home. He discussed water runoff from the site on a 15 percent slope and its effects on Fullerton Road and Harbor Boulevard. He raised concerns regarding plant life and wildlife in the area that will be impacted and may disappear if the trees are removed. He expressed the need for a traffic study, line of site study, setback study, speed study, views, and an environmental impact report should be done for the proposed project.

Mayor Shaw asked the Applicant if they would like to present a rebuttal. There was no rebuttal presented.

There being no further testimony, Mayor Shaw closed the public hearing at 7:31 p.m.

City Manager Sadro stated that he met with the appellants to hear their concerns regarding traffic speed surveys conducted and line of site issues. He stated that staff visited the location, reassessed the studies, compared them to industry standards used to evaluate the issues, and the proposed project met the criteria.

City Engineer Johansen spoke regarding a proposed wall to be constructed on the site. He explained the site line restrictions that caused the entrance to be moved to the southern end of the property based on design speed of the roadway. He reviewed the accident history and its effect on the entrance to the development. He confirmed that a digital speed feedback sign would be placed in the northbound lane to show drivers their speed. He clarified that the roadway is at a 15 percent grade, but transitions to flatten out at the bottom and that there are water basins to catch storm water flow.

Planning Manager Ramsland explained there are mitigation measures that requires the developer to analyze the wildlife prior to construction. He noted that if there are nesting owl or rapture birds, then construction would be delayed until nesting season is over.

Moved by Mayor Shaw, seconded by Councilmember Beamish, and CARRIED (3-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5830** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA UPHOLDING THE PLANNING COMMISSION CERTIFICATION OF MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 16-02 FOR THE DEVELOPMENT OF SEVEN SINGLE FAMILY RESIDENCES AT 1101 NORTH HARBOR BOULEVARD SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B."

Said motion CARRIED by the following roll call vote:

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

Moved by Mayor Shaw, seconded by Councilmember Beamish, and CARRIED (3-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5831** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA UPHOLDING THE PLANNING COMMISSION APPROVAL OF TENTATIVE TRACT MAP 18004 FOR DEVELOPMENT OF SEVEN SINGLE FAMILY RESIDENCES AT 1101 NORTH HARBOR BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Said motion CARRIED by the following roll call vote:

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

Moved by Mayor Shaw, seconded by Councilmember Beamish, and CARRIED (3-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5832** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA UPHOLDING THE PLANNING COMMISSION APPROVAL OF DESIGN REVIEW 16-04 FOR DEVELOPMENT OF SEVEN SINGLE FAMILY RESIDENCES AT 1101 NORTH HARBOR BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Said motion CARRIED by the following roll call vote:

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

Mayor Pro Tem Blazey returned to the dais at 7:37 p.m.

2. Duly noticed public hearing to consider an ordinance amending Section 10.20.220 "No Stopping, Standing or Parking Zones" to the La Habra Municipal Code allowing for addressing red curb requests in a more timely manner. (Continued from January 16, 2018 Meeting.)

Traffic Manager Plotnik presented the staff report.

Council discussion included: confirmation that 90 percent of red curb requests are less than 100-feet in length; clarification that red curb requests in excess of 100-feet will continue to be processed using the existing municipal code provisions and presented to City Council for review and approval; and verification that the City of Fullerton has this same process for red curb requests less than 50-feet in length.

Mayor Shaw opened the public hearing at 7:43 p.m. There being no testimony, Mayor Shaw closed the public hearing.

Moved by Councilmember Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (4-0) TO APPROVE FIRST READING OF **ORDINANCE NO. 1790** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING SECTION 10.20.220 OF CHAPTER 10.20 OF TITLE 10 OF THE CITY OF LA HABRA MUNICIPAL CODE RELATING TO THE STOPPING, STANDING AND PARKING OF VEHICLES ON CITY STREETS.

Said motion CARRIED by the following roll call vote:

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

VI. CONSIDERATION ITEMS: None at this time.

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Shaw made the following announcements:

- Valentine's Tea - Saturday, February 11, from 11:00 a.m. – 2:00 p.m. at the La Habra Children's Museum.
- La Habra Chamber of Commerce 2018 La Habra "State of the Community" - Friday, February 23, at 11:00 a.m. at La Habra City Hall.
- La Habra Races - 5K Run/Walk, a 1K Kids run for younger runners, and a 50-yard diaper dash.
- The La Habra Police Department is now hiring both sworn and civilian positions. To learn more, visit the City's website at www.lahabraca.gov or call 562-383-4079.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Beamish stated he will be participating in the La Habra races.

Mayor Pro Tem Blazey stated that he attended the City of La Habra Annual Awards Banquet. He commented on the high level of service that City staff provides. He congratulated those who won City Manager recognition for their work on the Annual Tamale Festival. He congratulated those who were Philadelphia Eagles fans and expressed condolences to those who were New England Patriots fans.

Councilmember Gomez congratulated City employees who won awards at the City of La Habra Annual Awards Banquet. He thanked all City employees for their hard work. He noted that Craig Sheets made derogatory statements when he spoke during the public comments section of the meeting and asked City Attorney Jones to review the City's authority regarding public comments. City Attorney Jones stated that if comments made are highly offensive they should be discouraged. He noted that his office will reach out to Mr. Sheets to encourage more appropriate conduct.

Mayor Shaw stated that he was called out of town for work and was unable to attend the January 16, 2018, City Council meeting. He apologized for causing a delay in considering the Public Hearing Item V.1 until this evening due to his absence.

X. ADJOURNMENT: Mayor Shaw adjourned the Regular Meeting of the City Council of the City of La Habra at 7:48 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk