

## MINUTES

### CITY COUNCIL OF THE CITY OF LA HABRA ADJOURNED REGULAR MEETING

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### REGULAR MEETING

Monday, May 16, 2016

**APPROVED:** These Minutes were approved on June 6, 2016.

#### **ADJOURNED REGULAR MEETING:**

**CALL TO ORDER:** Mayor Pro Tem Shaw called to order the Adjourned Regular Meeting of the La Habra City Council at 5:32 p.m. in the Administrative Conference Room 106, located at 201 East La Habra Boulevard in La Habra, California.

**COUNCILMEMBERS PRESENT:** Mayor Gomez (arrived at 5:41 p.m.)  
Mayor Pro Tem Shaw  
Councilmember Espinoza  
Councilmember Blazey (Left at 5:47 p.m. with an excused absence)  
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:**

Item II.b was discussed before Item II.a.

- a. Conference with Labor Negotiator per Government Code Section 54957.6 - Agency Representative: Jim Sadro, City Manager; Employee Organizations: Police Sworn Employees, Police Civilian Employees, La Habra Municipal Employees Association, General Services Employees, Professional Employees, and Management and Executive Management Groups.

Finance Director Shannon, Human Resources Director Juengel, Human Resources Manager Coehlo-LaFreniere, and Assistant to the City Manager Ferrier were present for this item.

- b. Conference with Legal Counsel - Existing Litigation, Government Code Section 54956.9(d)(1): Chivas vs. City of La Habra, Superior Court Case No. 30-2014-00753505-CU-OE-CJC.

This item was discussed before Item II.a.

Human Resources Director Juengel, Assistant to the City Manager Ferrier, and Mr Bill Rams were present for this item. Attorney at Law Elizabeth Arce with Liebert Cassidy and Whitmore was present for this item via telephone.

Mayor Gomez arrived during this item at 5:41 p.m. and Councilmember Blazey left the meeting at 5:47 p.m. with an excused absence.

**III. ADJOURNMENT:** Council reconvened from Closed Session at 6:26 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting of the City Council at 6:26 p.m.

**REGULAR MEETING:**

**CALL TO ORDER:** Mayor Gomez called the Regular Meeting of the City Council of the City of La Habra to order at 6:32 p.m. in the Council Chambers, located at 201 East La Habra Boulevard in La Habra, California.

**INVOCATION:** City Attorney Jones

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Shaw

**COUNCILMEMBERS PRESENT:** Mayor Gomez  
Mayor Pro Tem Shaw  
Councilmember Espinoza  
Councilmember Beamish  
**COUNCILMEMBERS ABSENT:** Councilmember Blazey (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. [Proclaim May 15 to 21, 2016 as National Police Week in the City of La Habra.](#)

Police Chief Price and the following La Habra Police Department officers accepted the proclamation: Sergeant Rob Diehl, Sergeant Jose Rocha, Animal Control Officer Kristy Hernandez, Officer Sumner Bohee, Officer Daniel Uberin, Sergeant Clint Angle, and Lieutenant Dan Henderson.

b. [Proclaim May 15 to 21, 2016 as National Public Works Week in the City of La Habra.](#)

Public Works Director Saykali, City Engineer Johansen, and Operations Manager Compton accepted the proclamation.

## **II. PUBLIC COMMENTS:**

Chuck Morse, 761 Candlewood Drive, invited City Council and the community to the 10th Annual Gathering of the Crosses at his home on Memorial Day.

## **III. CONSENT CALENDAR:**

Councilmember Beamish requested that Item III.7 be removed for separate discussion.

Moved by Mayor Gomez, seconded by Councilmember Beamish, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.8; WITH THE EXCEPTION OF ITEM III.7 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 Beamish  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: Councilmember Blazey

### **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 denial of claim filed by Maria Cabrera for property damage.
3. Approve City Council Minutes of:
  - a. April 4, 2016
  - b. April 18, 2016
  - c. May 2, 2016
4. Approve and authorize City Manager to execute grant agreement with Reinvestment Fund, Inc. for the Robert Wood Johnson "Invest Health" grant focused on addressing local health outcome disparities.
5. Receive and file the Treasurer's Investment Report for the Quarter Ending March 31, 2016.
6. Waive formal bid requirements per La Habra Municipal Code, section 4.20.050, and authorize City Manager to execute agreements with Pyro Spectaculars, Inc. for an amount not to exceed \$18,500 and Ross Creations for an amount not to exceed \$28,980 for the 2016 4th of July Program.
7. REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.
8. WARRANTS: Approve Nos. 00106335 through 00106528 totaling \$1,091,994.68.

## **IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:**

- III.7 Approve contract extension with Nationwide Environmental Services and authorize City Manager to execute Amendment No. 2 for contract sweeping services through June 30, 2024, with a mutual option for three additional years thereafter.

Public Works Director Saykali presented the staff report.

Council discussion included: confirmation the City has been under contract with Nationwide Environmental services (NES) since the year 2000 and provides superior service; City has experienced no issues or incidents with NES; clarification the new street sweepers are also Compressed Natural Gas (CNG) and meet Air Quality Management District (AQMD) requirements; confirmation that the current sweepers will begin experiencing mechanical issues which will cause customer service problems; clarification that the previous contract extension was in exchange for reducing charges due to the recession; financial savings experienced by City with NES; breakdown of proposed contract costs; that it is not cost effective for NES to purchase gasoline through the City; and confirmation that NES' insurance holds the City harmless.

Moved by Councilmember Beamish, seconded by Mayor Gomez, and CARRIED (4-0) TO APPROVE CONTRACT EXTENSION WITH NATIONWIDE ENVIRONMENTAL SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 FOR CONTRACT SWEEPING SERVICES THROUGH JUNE 30, 2024, WITH A MUTUAL OPTION FOR THREE ADDITIONAL YEARS THEREAFTER.

Said motion CARRIED by the following roll call vote:

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

**V. PUBLIC HEARINGS:**

1. [Duly noticed public hearing to consider the Draft Update of La Habra's 2015 Urban Water Management Plan \(UWMP\).](#)

Public Works Director Saykali presented a brief staff report. He introduced Sarina Sriboonlue, P.E. and Arcadis Staff Environmental Engineer, to give a Powerpoint presentation of their findings. Ms. Sriboonlue briefly reviewed the significant UWMP changes. She reported that the City had already met the SBx7-7 20 percent reduction required by 2020; identified La Habra's demand projections of acre feet; analysis of City's supply reliability of 100 percent; reviewed local water supplies; identified the City does not have wastewater or recycled water treatment facilities and that all wastewater is sent to Orange County Sanitation District (OCSD) for treatment and disposal; and reviewed shortage and contingency planning. She concluded that the City of La Habra will be 100 percent reliable under the hydrologic scenarios defined in the UWMP.

Council discussion included: confirmation City parks, golf course, and all proposed developments in the City's General Plan 2035 have been included in water usage calculations

for current and future projections; clarification that of the City's total water that is sent to OCSD for treatment and disposal, 60 percent is recycled through the ground water replenishment system at plant 1 and the other 40 percent is sent to plant 2 where it is treated and sent to the ocean; clarification that there are current plans to be able to recycle that 40 percent in the future for groundwater replenishment; noted that Municipal Water District of Orange County (MWDOC) and Water Advisory Committee of Orange County (WACO) published that the City of La Habra has the most reliable water source in Orange County; and confirmation the UWMP has to be adopted and filed by July 1, 2016..

Mayor Gomez opened the public hearing at 7:12 p.m. There was no public testimony.

Moved by Councilmember Beamish, seconded by Mayor Pro Tem Shaw, and CARRIED (4-0) TO APPROVE AS FOLLOWS:

- a. APPROVE AND ADOPT **RESOLUTION NO. 5742** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING, DIRECTING, FILING, AND IMPLEMENTING THE 2015 URBAN WATER MANAGEMENT PLAN UPDATE; and
- b. DIRECT STAFF TO FILE THE URBAN WATER MANAGEMENT PLAN UPDATE WITH THE DEPARTMENT OF WATER RESOURCES (DWR) IN ACCORDANCE WITH THE URBAN WATER MANAGEMENT PLANNING ACT (ACT) OF 1983.

Said motion CARRIED by the following roll call vote:

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

## **VI. CONSIDERATION ITEMS:**

1. [Consider the City's proposed Fiscal Year 2016-2017 Legislative Platform.](#)

Assistant to the City Manager Ferrier presented the staff report.

Council discussion included: confirmation legislation not included in the platform is brought to Council for consideration; and clarification that the Mayor reviews and signs a response letter for legislation received within the platform.

Mayor Gomez invited the public to testify at 7:15 p.m. There was no testimony.

Moved by Mayor Pro Tem Shaw, seconded by Mayor Gomez, and CARRIED (4-0) TO APPROVE AND ADOPT THE CITY'S PROPOSED FISCAL YEAR 2016-2017 LEGISLATIVE PLATFORM; AND AUTHORIZE STAFF TO PREPARE LETTERS OF SUPPORT OR OPPOSITION TO LEGISLATIVE BILLS FOR THE MAYOR'S SIGNATURE AS NEEDED AND IN ACCORDANCE WITH THE LEGISLATIVE PLATFORM.

Said motion CARRIED by the following roll call vote:

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

Councilmember Beamish  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: Councilmember Blazey

## 2. Consider agreement for Audit and Financial Reporting Services.

Finance Director Shannon presented the staff report.

Council discussion included: confirmation City Manager satisfied with selection process; clarification it is good practice to rotate auditing firms every few years to probe into different areas; confirmation contract is open to alternate internal controls/processing; noted there is additional 20 hours in contract for auditing services; confirmation Mayor and Mayor Pro Tem can meet with auditors privately to investigate different financial areas more thoroughly without staff knowledge; and identified the difference between a financial audit services and fraud audit services; clarification that the last three Finance Department accountants had been hired from auditing firms and had been utilized to perform internal audits for the past three years; and confirmed the internal auditing practice will be expanded.

Mayor Gomez invited the public to testify at 7:21 p.m. There was no public testimony.

Moved by Mayor Pro Tem Shaw, seconded by Councilmember Beamish, and CARRIED (4-0) TO APPROVE TO AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT FOR AUDIT AND FINANCIAL REPORTING SERVICES WITH WHITE NELSON DIEHL EVANS, LLP IN AN AMOUNT NOT TO EXCEED \$72,535 (ADJUSTED BY TWO PERCENT ANNUALLY) IN THE FIRST OF AN INITIAL THREE-YEAR TERM, WITH TWO ADDITIONAL YEARS AT THE CITY'S OPTION.

Said motion CARRIED by the following roll call vote:

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

## VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez referred the community to the City's web site to view the following Mayor's Community Calendar:

- "La Habra Mother/Daughter Par-Tea" - Sunday, May 21 at the La Habra Community Center.
- The 32<sup>nd</sup> annual North Orange Gem and Mineral Show "Jubilee of Gems" – Friday, June 3 to Sunday, June 6 at the Community Center
- La Habra Library "Summer Reading Program" Kick-Off event - Saturday, June 4 from 11:00 a.m. – 3:00 p.m. at the La Habra Library.

VIII. COMMENTS FROM STAFF MEMBERS: None

IX. COMMENTS FROM COUNCILMEMBERS:

Mayor Pro Tem Shaw stated he attended the Mayor's Prayer Breakfast. He complimented Mayor Gomez on his speech at the breakfast. He noted that he spent last week in Washington D.C., and encouraged the community to visit and learn more about our government.

Mayor Gomez announced he was going to adjourn the meeting in memory of John Buchholz, a retired La Habra Police Lieutenant who passed away on May 5, 2016 and is survived by his wife Kathy Buchholz. Mayor Gomez noted that John Buchholz was with the La Habra Police Department for 31 years, from 1963 to 1994, was a member of the La Habra Mayor's Prayer Breakfast Committee since 1990, and that he was instrumental in the City starting the Love La Habra program. Mayor Gomez extended condolences to Kathy Buchholz and the entire family. Mayor Gomez thanked Chief Price for paying tribute to John Buchholz at his funeral and that he will be missed. He stated that he attended the Grand Opening and Ribbon Cutting for Black Bear Restaurant. He invited the public to attend the Chamber of Commerce lunch meeting this Wednesday at the Black Bear Restaurant.

- X. ADJOURNMENT:** Mayor Gomez adjourned the meeting in memory of John Buchholz at 7:24 p.m. to Monday, June 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