

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

Monday, August 18, 2014

APPROVED: These Minutes were approved on October 6, 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 PRESENT:

Mayor Beamish
Mayor Pro Tem Blazey
Councilmember Gomez
Councilmember Shaw
Councilmember Espinoza

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:

- a. Conference with Legal Counsel - Existing Litigation, Government Code Section 54956.9(d)(1): Ryder Aguilar vs. City of La Habra, Superior Court Case No. 30-2013-00692050-CU-PO-CJC.

Human Resources Director Juengel, Human Resources Manager Coelho-LaFreniere, Assistant to the City Manager Ferrier, and Attorney Gary Kranker were present for this item.

III. ADJOURNMENT: City Council reconvened from Closed Session at 5:33 p.m. There were no announcements. Mayor Beamish adjourned the Adjourned Regular Meeting at 5:33 p.m.

REGULAR MEETING:

CALL TO ORDER: Mayor Beamish called the Regular Meeting of the La Habra City Council 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 Jones

PLEDGE OF ALLEGIANCE: Mayor Beamish

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

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: City Attorney Jones reported that on August 4, Council approved the warrant list that included a settlement payment for the Manuel Galvan vs. City of La Habra U.S. District Court Case No. SACV12-2103 JGB (JPRx). Council directed legal counsel to approve a settlement of \$700,000. He explained that the settlement amount of \$700,000 would be paid through insurance reimbursement.

I. PROCLAMATIONS/PRESENTATIONS:

- a. Proclaim September 2014 as World Alzheimer's Awareness Month in La Habra.

Mayor Beamish invited Victoria Nguyen and Mike Sanchez to the podium to accept the proclamation.

II. PUBLIC COMMENTS:

Marla Lett, Mysterium Theater Producing Artistic Director, stated the La Habra Depot Playhouse will be reopening September 5, 2014 with the play "The Importance of Being Earnest." Cast members Amanda and Justine performed a brief scene from the play.

III. CONSENT CALENDAR:

Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.10.

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

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. June 9, 2014
 - b. June 23, 2014
3. Approve and authorize the City Manager to enter into an agreement with PMC in the amount of \$169,575 to provide professional planning services for the update to Title 18 "Zoning" including the Sign Code of the La Habra Municipal Code and issuance of a purchase order totaling \$203,490 that includes a twenty percent contingency.
4. Approve and authorize City Manager to execute an agreement with CivicPlus to provide the City with professional consulting, website redesign, staff training and related services in the amount of \$55,688 and maintenance agreement at an annual cost of \$7,995.
5. Authorize the City Manager to execute the Workforce Investment Act (WIA) Youth Cost Reimbursement Agreement, between the City of La Habra and the County of Orange for \$372,075 for the operation of the year-round Youth Employment Program in the North Orange County region commencing August 1, 2014 and terminating on June 30, 2015.
6. Approve and authorize City Manager to execute agreement with the Fullerton Joint Union High School District to participate in the School Resource Officer program at both La Habra High School and Sonora High School for Fiscal Year 2014-2015.
7. Approve the countywide National Pollutant Discharge Elimination System Stormwater Program shared costs budget of \$69,448.89 for Fiscal Year 2014-2015.
8. Accept and authorize the recordation of a Grant Deed for street and other purposes across the northerly portion of Cajon Drive between a portion of Briercliff Drive and just east of the intersection and the northerly and easterly portions of Briercliff Drive between a portion of Cajon Drive and Cedarwood Drive.
9. Receive and file this Year 2014 Biennial Notice to Amend Conflict of Interest Code; direct staff to notice and report any public comments to the Council for consideration; and, direct staff to prepare a revised code within 90 days for submittal to the City Council for final approval and adoption.
10. WARRANTS: Approve Nos. 00097601 through 00097868 totaling \$911,089.32.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider request for Negative Declaration of Environmental Impacts 14-01, Zone Change 13-01 from C-2 (Commercial) to SP-6 (Cervetto Specific Plan), and Specific Plan 13-01 for 32 detached single family residential dwelling units at 1001 East Whittier Boulevard.

Planning Manager Roy Ramsland presented the staff report. He reported that the applicant would be paying a number of fees associated with this development project, which includes park fees, school fees, and Planning and Building permit fees that are estimated to be approximately \$1,000,000.

Council questions included: clarification that a second letter was received stating the City should be developing at a higher density on this site; concerns relating to the lowering of a block wall to be an 8 foot block and iron wall; landscaping, concerns relating to access to the water channel; requested Public Works staff to secure the gate at the drainage tunnel in the water channel; need to notify residents that truck access is limited to trucks less than 40 feet long; potential to add a fence treatment for security purposes; and confirmation that the CC& R states Homeowners Association would dispose of green waste, however Council requested to add green waste receptacles for each home into the Covenants, Conveyances, and Restrictions.

Mayor Beamish opened the public hearing at 6:56 p.m.

Linda Steves, spoke in support of the project and asked for Council to approve the project.

Kevin Doherty, Vice President of Development for Summerhill Homes LLC spoke in support of the project. He thanked City staff, Planning Manager Roy Ramsland, the General Plan Advisory Committee, the Planning Commission, City Council, with special thanks to Mayor Pro Tem Blazey for his unmatched knowledge, the Steves family, and others involved in the project. He addressed Council's concerns regarding the lowering of the block wall, landscaping, and the concerns relating to the water channel and drainage tunnel.

Buster Litton, 930 Meadowlark Street, spoke in opposition to the lowering of the block wall. He expressed concern for the safety of children playing in the channel and drainage tunnel.

Joe Harb, 1090 Bonnie Ann Court, spoke in opposition to the lowering of the block wall. He expressed concern for the safety of children playing in the channel and drainage tunnel.

Mayor Beamish closed the public hearing at 7:15 p.m.

City Manager Sadro inquired regarding the HOA's property liability with children having access to the water channel and whether there is a desire to close the area off. He confirmed that Council is requesting the following conditions: restriction of trucks measuring more than 40 feet in length to enter the development; disclosure of same in escrow documents and CC&R; and provide green waste containers at each home.

Councilmember Shaw thanked the Steves family for attending the meeting and for all their years of involvement in the community.

- a. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE Mitigated Negative Declaration: APPROVE AND ADOPT **RESOLUTION NO. 5645** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 14-01 FOR "SP-6 CERVETTO SPECIFIC PLAN" FOR THE CONSTRUCTION OF 32 SINGLE FAMILY RESIDENCES AT 1001 EAST WHITTIER 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 Beamish, Mayor Pro Tem Blazey, Councilmember Gomez,
Councilmember Shaw, Councilmember Espinoza
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

- b. Moved by Councilmember Gomez, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY 5-0 TO APPROVE Zone Change: APPROVE FIRST READING OF **ORDINANCE NO. 1754** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 13-01 TO CHANGE THE ZONING DESIGNATION FROM C-2 "COMMERCIAL" TO SP-6 (CERVETTO SPECIFIC PLAN) AS PER EXHIBIT "A" AND SPECIFIC PLAN 13-01 ADOPTING THE DEVELOPMENT STANDARDS AND ARCHITECTURAL DESIGN FOR THE SP 6 ZONE AND THE DEVELOPMENT PLANS INCLUDED THERE IN AS PER EXHIBIT "B" SUBJECT TO CONDITIONS FOR THE SITE LOCATED AT 1001 EAST WHITTIER BOULEVARD; AND WITH THE ADDITIONAL CONDITIONS: RESTRICT TRUCKS MEASURING MORE THAN 40 FEET IN LENGTH TO ENTER THE DEVELOPMENT, DISCLOSURE OF THE SAME IN ESCROW DOCUMENTS, AND TO PROVIDE GREEN WASTE CONTAINERS AT EACH HOME, BOTH TO BE ADDED TO THE COVENANTS, CONVEYANCES, AND RESTRICTIONS.

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:

1. Consider the Neighborhood Traffic Management Plans O, G and H and provide staff direction.
 - a. Approve Neighborhood "H" Traffic Management Plan.
 - b. Receive and file Neighborhoods "O" and "G" Traffic Management Plans.
 - c. Direct staff to proceed with the design and construction of traffic calming devices as indicated on the Neighborhood "H" Traffic Management Plan.

Steve Brown with Fehr & Peers presented the staff report. He explained the outreach process to notify the neighbors regarding traffic management. He confirmed that the return envelopes were self-addressed and stamped. He stated that each neighborhood committee consisted of 10-12 people. He noted it is possible to send supplemental mailers to residents who did not previously respond. He clarified that committee members and staff could focus on those residents by personal contact.

Council questions included: requested to do additional outreach in neighborhoods that did not meet the 50% response rate; confirmation there are 12 additional neighborhoods to consider for traffic management; confirmation mailers to residents were bilingual; confirmation of the number of people in each neighborhood to reach the 50 percent response rate; review area of Neighborhood "O" that were provided mailers; and clarified that the neighborhood committee members could contact residents who have not responded to the mailer.

Mayor Beamish invited the public to testify at 7:53 p.m.

Debra West, 200 Chinchilla Street, stated she asked if the committee could talk to neighbors who did not respond and were told they could not do so. She spoke in favor of the project.

Mayor Beamish closed public testimony at 7:56 p.m.

Moved by Mayor Beamish, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY 5-0 TO APPROVE NEIGHBORHOOD "H" TRAFFIC MANAGEMENT PLAN; AND DIRECT STAFF TO PROVIDE ADDITIONAL NOTIFICATIONS TO NEIGHBORHOODS "O" AND "G" AND WORK WITH THE TRAFFIC MANAGEMENT COMMITTEE AS NEEDED, MAKE THE SAME EFFORT REGARDING COMMUNICATIONS WITH FUTURE NEIGHBORHOODS; AND DIRECT STAFF TO PROCEED WITH THE DESIGN AND CONSTRUCTION OF TRAFFIC CALMING DEVICES AS INDICATED ON THE NEIGHBORHOOD "H" TRAFFIC MANAGEMENT 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

2. [Consider resolutions to be considered by voting members during the 2014 League of California Cities Annual Conference to occur at the Los Angeles Convention Center from September 3 to September 5.](#)

Assistant to the City Manager Ferrier presented the staff report.

Mayor Beamish invited the public to testify at 7:58 p.m. There was no public testimony.

Council discussion included: confirmation of support for the resolution; and inquiry regarding the voting process if new information is received at the conference.

City Attorney Jones clarified that if new information is received at the conference, the voting delegate and alternate may change their vote based on the information received.

Moved by Mayor Beamish, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY 5-0 TO APPROVE SUPPORT OF THE LEAGUE OF CALIFORNIA'S RESOLUTION THAT WILL BE CONSIDERED BY VOTING MEMBERS DURING THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.

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. [Consider establishing the Bikeway Advisory Committee to assist in the update of the La Habra Bikeway Master Plan and appointing community residents to the committee:](#)

City Engineer Johansen presented staff report.

Council discussion included: confirmation there will be four to six meetings within one year.

Mayor Beamish invited the public to testify at 8:02 p.m. There was no public testimony.

Mayor Beamish expressed his support of the establishment of the committee and nominated Juan Garcia as a community resident committee member.

Councilmember Gomez appointed Councilmember Espinoza and Councilmember Shaw as City Council committee members.

Mayor Pro Tem Blazey appointed Maria Arreola as a community resident committee member.

Councilmember Espinoza appointed Nick Anas as a community resident committee member.

Councilmember Shaw appointed Don Hannah as a community resident committee member.

Councilmember Gomez appointed Jim Brewer as a community resident committee member.

Moved by Councilmember Gomez, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE ESTABLISHMENT OF THE BIKEWAY ADVISORY COMMITTEE (BAC) TO ASSIST IN THE UPDATE OF THE LA HABRA BIKEWAY MASTER PLAN AND APPOINT COMMUNITY MEMBERS NICK ANAS, JUAN GARCIA, MARIA ARREOLA, DON HANNAH, JIM BREWER, AND COUNCILMEMBERS TIM SHAW AND ROSE ESPINOZA TO THE BIKEWAY ADVISORY COMMITTEE.

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

City Attorney Jones confirmed that the delegates for the Planning Commission, Community Services Commission, and Youth Services Committee are appointed by each of those bodies.

4. Consider and act on the City Clerk's certification that there are not more candidates than offices to be elected.

City Clerk Mason presented staff report.

Council discussion included: confirmation appointments would be made now and the Councilmembers would be sworn into their office at a City Council meeting in December 2014; and by canceling the election the City saves \$40,000.

City Attorney Jones stated that Councilmember Gomez and Mayor Pro Tem Blazey must leave the dais during the public discussion portion of this item because they have an economic interest in the matter. He instructed Councilmember Gomez to leave the dais for the first motion and Mayor Pro Tem Blazey to leave the dais for the second motion.

Councilmember Gomez and Mayor Pro Tem Blazey left the dais at 8:08 p.m.

Mayor Beamish invited the public to testify at 8:08 p.m. There was no public testimony.

- a. Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED 3-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5646** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF JAMES GOMEZ TO THE OFFICE OF CITY COUNCIL OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014.

Said motion CARRIED by the following roll call vote:

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

- b. Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED 3-0 TO APPROVE AND ADOPT **RESOLUTION NO. 5647** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF MICHAEL BLAZEY TO THE OFFICE OF CITY COUNCIL OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014.

Said motion CARRIED by the following roll call vote:

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

- C. Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED 3-0 TO APPROVE TO DIRECT THE CITY CLERK TO PROCESS THE NECESSARY DOCUMENT TO CANCEL THE 2014 GENERAL MUNICIPAL ELECTION.

Said motion CARRIED by the following roll call vote:

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

Councilmember Gomez and Mayor Pro Tem Blazey returned to the dais at 8:10 p.m.

City Attorney Jones inquired if Councilmember Gomez and Mayor Pro Tem Blazey would like to register a vote regarding the resolution that did not affect them. Both Councilmember Gomez and Mayor Pro Tem Blazey declined to register a vote.

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Beamish made the following announcements:

- Mayor's office hours are available by appointment.
- The City of La Habra, with its partners KaBOOM!, Disney, the Institute for Healthcare Advancement, and the La Habra Family Resource Center are constructing a new playground at San Miguel de Allende Park on Monday, September 29.
- The La Habra Police Department, the La Habra Public Works Department and the Los Angeles County Fire Department will host a community emergency preparedness meeting at the La Habra Community Center on Tuesday, August 26 from 7:00 p.m. – 9:00 p.m.
- City of La Habra's Veteran's Day program - La Habra Community Center on Tuesday, November 11.
- Habitat for Humanity home building project is now under construction at the southwest corner of La Habra Boulevard and McPherson Avenue, across the street from Washington Middle School
- La Habra Express circulator bus - Each trip is \$1 and monthly OCTA pass holders ride for free.
- Upcoming City Council meeting - Monday, September 15 at 6:30 p.m. in the City Council Chambers.
- Visit the City's website at www.lahabracalifornia.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 congratulated Councilmember Gomez and Mayor Pro Tem Blazey on their reappointment to City Council.

Councilmember Shaw congratulated Councilmember Gomez and Mayor Pro Tem Blazey on their reappointment to City Council.

Councilmember Gomez thanked his colleagues for his reappointment to City Council. He thanked the community for their support. He stated that he attended the play “We Will Rock You” at the Ombudsman Theater. He congratulated City Attorney Jones’ stepson Ryan Knowles, who is a La Habra High School graduate, for his performance as the character Buddy in the play. He thanked Freedom House for giving away over 1,000 backpacks, free hot dogs and free haircuts. He thanked Chief Price for starting the ALS Ice Bucket Challenge (Amyotrophic Lateral Sclerosis, often referred to as “Lou Gehrig’s Disease.”), stating it was picked up by ABC News and received nationwide exposure.

Mayor Pro Tem Blazey thanked his colleagues for being reappointed to City Council. He thanked the community for their support.

Mayor Beamish congratulated Mayor Pro Tem Blazey and Councilmember Gomez on their reappointment to City Council. He expressed how well the Council works together in the best interest of the City of La Habra.

X. ADJOURNMENT: Mayor Beamish adjourned the meeting at 8:19 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk