

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, May 21, 2018

APPROVED: These Minutes were approved on August 6, 2018.

ADJOURNED REGULAR MEETING 5:30 P.M.:

CALL TO ORDER: Mayor Shaw called the Adjourned Regular Meeting of the La Habra City Council to order at 5:30 p.m. in the Council Chamber, Closed Session Room 112c, located at 100 East La Habra Boulevard in La Habra, California.

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
City Clerk/Secretary Mason

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

II. CLOSED SESSION:

- 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 Manager Coelho-LaFreniere, and Assistant to the City Manager Ferrier were present for this item.

III. ADJOURNMENT: City Council reconvened from Closed Session at 6:25 p.m. There were no Closed Session announcements. Mayor Shaw adjourned the Adjourned Regular Meeting of the City Council at 6:25 p.m.

REGULAR MEETING & REGULAR JOINT MEETING 6:30 P.M.:

CALL TO ORDER: Mayor/Chair Shaw called the Regular Meeting of the City Council of the City of La Habra and the Regular Joint Meeting with the La Habra Utility Authority to order at 6:32 p.m. in the City Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

INVOCATION: City Attorney/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Councilmember/Director Espinoza

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

COUNCILMEMBERS/DIRECTORS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
City Attorney/Legal Counsel Jones
City Clerk/Secretary Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Proclaim May 20, 2018, through May 26, 2018, as Public Works Week in the City of La Habra.

Mayor/Chair Shaw invited Public Works Director Saykali to the podium to accept the proclamation. Mayor/Chair Shaw expressed appreciation for the work of the Public Works Department.

II. PUBLIC COMMENTS:

James "Jim" Lees, 2140 South Farrell Court, asked for Council to place the "Citizens Initiative for the Preservation of La Habra Open Spaces" on the November 6, 2018 ballot. He encouraged the community to write the Council to support this action.

Maribelle Lopez, 1821 S. Ford Court, asked Council to take into account that the community was opposed to the proposed Rancho La Habra development. She encouraged Council to vote against the proposed development.

Mark Sturdevant, 1460 Marlei Road, spoke asking Council to give consideration to the Westridge residents regarding the proposed Rancho La Habra project. He spoke in opposition to the recall of Mayor Shaw, and to the expense of a special election for the proposed initiative and recall.

Raymond Hong, 1411 West Player Avenue, spoke regarding immigrants and the American dream. He expressed opposition to the proposed Rancho La Habra development.

Kumja Lee, 1801 South Palmer Court, expressed concerns regarding the Environmental Impact Report (EIR), the proposed Rancho La Habra development, and its impact on the residents and wildlife.

La Habra Police Officer Craig Hentcy, President of the La Habra Police Officers Association, spoke in opposition to and the expense of the recall of Mayor Shaw. He expressed his support of the City Council.

Eric Sokol, 1360 West Lambert Road, spoke regarding the proposed red zone on Idaho Street. Mayor Shaw stated that the item was on the agenda and that Mr. Sokol could speak at that time. Mayor Shaw stated the item would be pulled from the Consent Calendar for discussion.

Ron Miller, 1661 Dorwood Avenue, spoke on behalf of his roommate Francois Faucret regarding the City's receivership action on her home. He stated that City staff was trying to force Ms. Faucret out of her home based on manufactured violations. He expressed his dissatisfaction with City staff, the City Attorney, and the City Council. He commented that Councilmember Espinoza visited the home twice. He noted that he addressed Council on March 20, 2017, and expressed his dissatisfaction with the set of City Council minutes reflecting his comments in which he spoke during Public Comments regarding the same subject matter.

Elizabeth Hansburg, representing People for Housing Orange County, spoke regarding the housing shortage, the need for additional housing, and overcrowding conditions in existing homes. She spoke regarding the ineffectiveness of "ballot box zoning" and in support of new housing.

La Habra resident identified herself as a resident on Idaho Street and a Sonora High School counselor, and spoke in support of additional housing being built in La Habra and the proposed Rancho La Habra development. She noted the current housing shortage and encouraged the community to educate themselves on this subject.

Bill Sanders, Westridge resident, spoke regarding the estimated cost of the housing units in the proposed Rancho La Habra project and surrounding cities, and those who would be able to afford them. He spoke regarding the high taxes in the State of California.

Darna Magpayo, 1761 South Palmer Court, spoke in opposition to rezoning the Westridge Golf Course for the proposed Rancho La Habra development. She noted the amount of yearly property tax the City would receive if the development were approved.

Peter Oh, 1450 West Harrison Avenue, spoke regarding Westridge residents receipt of a letter from Lennar Homes that the proposed Rancho La Habra development had been approved versus Council stating that the proposed development had not been approved.

Councilmember/Director Beamish assured the community that the owner of the Westridge Golf Course property hired the developer, and that the City had no control over what occurred between them. He clarified that the proposed Rancho La Habra project was under evaluation by City staff, that the dollar amounts had to be checked, and that there had been no staff

recommendations for or against the proposed project. He noted that the proposed project would not come before the Planning Commission or the City Council for months. He expressed that community input was valued, but that City Council could not comment at this time.

III. CONSENT CALENDAR:

City Attorney/Legal Counsel Jones declared a conflict of interest regarding Item III.C.1 regarding California Domestic Water Company. He noted that outside Counsel Kidman was present. City Attorney/Legal Counsel Jones left the dais at 7:14 p.m.

Mayor/Chair Shaw asked that Item III.A.5 be pulled for separate discussion.

Councilmember/Director Beamish asked that Item III.A.3 be pulled for separate discussion.

Moved by Councilmember/Director Gomez, seconded by Councilmember/Director Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.C.1.; WITH THE EXECEPTION OF ITEM III.A.3 AND III.A.5 WHICH WERE REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Shaw, Mayor Pro Tem/Vice Chair Blazey,
Councilmember/Director Gomez, Councilmember/Director Espinoza,
Councilmember/Director Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

A. CONSENT CALENDAR - CITY COUNCIL:

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 claims filed by:
 - a. David Reeser for Property Damage.
 - b. John Trejo for Bodily Injury.
3. REMOVED FOR SEPARATE DISCUSSION. PLEASE SEE SECTION IV BELOW.
4. Approve to waive formal bid procedures per La Habra Municipal Code Section 4.20.050 (C) and utilize the cooperative purchase provision of the contract awarded by National Joint Powers Alliance (NJPA) Contract #120716 for the purchase of eight new City vehicles to replace existing stock; and authorize City Manager to issue a purchase order in the amount of \$244,374.02 from the Fleet Replacement Fund to Wondries Fleet Group, Alhambra for the purchase of eight new City vehicles to replace existing stock.
5. REMOVED FOR SEPARATE DISCUSSION. PLEASE SEE SECTION IV BELOW.
6. Receive and file the Treasurer's Investment Report for the Quarter Ending March 31, 2018.

7. WARRANTS: Approve Nos. GN00116294 through GN00116522 totaling \$552,278.59.
- B. CONSENT CALENDAR - UTILITY AUTHORITY:
 1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
 2. Approve Utility Authority Minutes of:
 - a. March 5, 2018
 - b. March 19, 2018
 - c. April 2, 2018
 - d. April 16, 2018
 - e. May 7, 2018
 3. Approve a resolution of the La Habra Utility Authority approving the Application for Grant Funds for the WaterSMART: Water and Energy Efficiency Grant Program for Fiscal Year 2018 (October 2017 - September 2018) for the La Habra Advanced Metering Infrastructure Project as follows:
 - a. APPROVE AND ADOPT **RESOLUTION NO. 2018-02** ENTITLED: A RESOLUTION OF THE LA HABRA UTILITY AUTHORITY, APPROVING THE APPLICATION FOR GRANT FUNDS THROUGH THE BUREAU OF RECLAMATION FOR THE WATERSMART: WATER AND ENERGY EFFICIENCY GRANT PROGRAM FOR FISCAL YEAR 2018 (OCTOBER 2017 - SEPTEMBER 2018).
- C. CONSENT CALENDAR - CITY COUNCIL & UTILITY AUTHORITY:
 1. Receive and file an overview of the City of La Habra's ownership interest in the California Domestic Water Company; and authorize City Manager to execute a purchase agreement memorializing the City of La Habra's purchases and ownership of Class A Preferred Stock in the California Domestic Water Company.

City Attorney Jones returned to the dais at 7:16 p.m.

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

CITY COUNCIL:

- III.A.3 Approve and authorize the City Manager to execute an Engagement Agreement with Richards, Watson, & Gershon for legal services in connection with the proposed "Citizens' Initiative for Preservation of Open Space in La Habra;" designate Attorney Craig Steele to perform the functions of the City Attorney with regard to the proposed ballot measure due to City Attorney Jones' recusal; and approve a budget appropriation from the General Fund reserves in the amount of \$50,000.

City Clerk Mason presented the staff report.

Council discussion included: number of signature to place measure on the ballot; review of a potential timeline for the initiative; confirmation proponents of the initiative are a public record; validation of signatures gathered would be performed by the Orange County Registrar of Voters office; verification that the initiative steps would have to be completed by August 10, 2018 to be placed on the November 6, 2018 General Municipal Election ballot; identified an estimate of \$161,000 to \$175,000 was received from the Orange County Registrar's Office of Voters for the City to hold a special election for an initiative; and confirmation of the proponents of the measure to be Edward Han, Celia Common, and Bella Tan.

Mayor Shaw opened public testimony at 7:20 p.m. There was no testimony.

Moved by Councilmember Beamish, seconded by Mayor Pro Tem Blazey, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT WITH RICHARDS, WATSON, & GERSHON FOR LEGAL SERVICES IN CONNECTION WITH THE PROPOSED "CITIZENS' INITIATIVE FOR PRESERVATION OF OPEN SPACE IN LA HABRA;" DESIGNATE ATTORNEY CRAIG STEELE TO PERFORM THE FUNCTIONS OF THE CITY ATTORNEY WITH REGARD TO THE PROPOSED BALLOT MEASURE DUE TO CITY ATTORNEY JONES' RECUSAL; AND APPROVE A BUDGET APPROPRIATION FROM THE GENERAL FUND RESERVES IN THE AMOUNT OF \$50,000.

Said motion CARRIED by the following roll call vote:

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

III.A.5 Approve staff's recommendations regarding a request for "No Stopping" restrictions on the West Side of Idaho Street at 901 South Idaho Street; and

- a. APPROVE AND ADOPT RESOLUTION NO. _____ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING, AND PARKING AT ALL TIMES ON THE WEST SIDE OF IDAHO STREET AT 901 S. IDAHO STREET.

Traffic Engineer Plotnik presented the staff report and a PowerPoint presentation. He noted that if the resolution is approved, there would be a loss of seven parking spaces on Idaho Street. He added that the site distance of the driveway would improve for the majority of residents and guests who utilize that exit onto Idaho Street. He stated there was always a struggle for balance between safety versus parking availability; especially in higher density housing areas.

Mayor Shaw invited the public to testify at 7:25 p.m.

Eric Sokol spoke in opposition to the proposed red curb. He agreed with the current site distance problem due to cars being parked in the seven parking spots currently on Idaho Street.

He stated that there was a need for additional parking in the complex and that he had suggested a potential area for parking to the complex management.

Mayor Shaw closed public testimony at 7:29 p.m.

Council discussion included: potential overnight parking at the Scout Hut or at the Vista Grande Park dirt parking lot; verification the parking lot at Vista Grande Park was not locked at night; potential hazards and lack of handicap access at Vista Grande Park; consideration of potential overnight permitted parking at other City parks due to parking shortages at apartment/condominium complexes; instruct La Habra Police Department (LHPD) to check if those parking overnight have the decals on their cars; when issuing decals LHPD to verify those residents were utilizing their carports and garage spaces for parking; if the item was approved future review of the area and possible adjustments; and instruct staff to look into utilizing overnight parking at Vista Grande Park for the residents; possible overnight parking restrictions at parks; potential liability regarding parking and the lack of handicap access at the Vista Grande dirt lot; and caution that approving overnight parking in parks could invite people to live in those parking areas.

Moved by Mayor Pro Tem Blazey, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5841** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING, AND PARKING AT ALL TIMES ON THE WEST SIDE OF IDAHO STREET AT 901 S. IDAHO STREET.

Said motion CARRIED by the following roll call vote:

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

V. PUBLIC HEARINGS:

A. CITY COUNCIL:

1. Duly noticed public hearing to consider the first reading of an Ordinance regarding the Purchasing Code Update to modify sections of Chapter 4.20 (Purchasing System) of the Municipal Code with major revisions to include clarifying the roles and duties of Purchasing Agents and Director of Finance, and defining competitive proposal procurement method.

Finance Manager Ponvanit presented the staff report. He noted that the proposed revision would not have an impact on the direct purchasing authority of the City Manager, Department Heads, or the purchasing designee or agent.

There was no Council discussion.

Mayor Shaw opened the public hearing at 7:36 p.m. There being no testimony, the public hearing was closed.

Moved by Councilmember Gomez, seconded by Councilmember Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE THE FIRST READING OF **ORDINANCE NO. 1793** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA AMENDING VARIOUS SECTIONS OF CHAPTER 4.20 PURCHASING SYSTEM OF TITLE 4 REVENUE AND FINANCE AND ADDING SECTION 4.20.061 COMPETITIVE PROPOSAL REQUIREMENTS FOR PURCHASE OF SERVICES OF THE LA HABRA MUNICIPAL CODE PURSUANT TO THE REQUIREMENTS OF CODE OF FEDERAL REGULATIONS SECTION 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VI. CONSIDERATION ITEMS:

A. CITY COUNCIL:

1. Consider the City's proposed Fiscal Year 2018-2019 Legislative Platform.

Assistant to the City Manager Ferrier presented the staff report.

There was no Council discussion.

Mayor Shaw invited the public to testify at 7:39 p.m. There was no testimony.

Moved by Mayor Shaw, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE TO ADOPT THE CITY'S PROPOSED FISCAL YEAR 2018-2019 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 ADOPTED LEGISLATIVE PLATFORM.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor/Chair Shaw made the following announcements:

- La Habra Community Services Department La Habra Youth Summer Day Camp for kids ages 4-12 - Monday, June 4 through Friday, August 17.
- "Movies in the Park" series showing "Avengers: Age of Ultron," - Friday, June 8 at 6:00 p.m. at Washington Middle School.
- La Habra's 4th of July Celebration - Wednesday, July 4, at 4:00 p.m. with a fireworks display at 9:00 p.m. at La Bonita Park.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

Councilmember/Director Gomez reported that he attended the Household Hazardous Waste event. He thanked Public Works Director Saykali and the Public Works employees for the efficiency of the event. He stated that he had received calls from business owners regarding trash being left behind by food trucks in the city. He noted that Ordinance No. 1751, approved on May 19, 2014, regarding food trucks needed to be enforced. He asked that the meeting be adjourned in memory of Olivia Clark, a longtime resident of La Habra, and a volunteer secretary for Calvary Chapel La Habra, who passed away last week. Councilmember/Director Gomez stated that Oliva Clark would be missed and he expressed condolences to her children.

Councilmember/Director Beamish stated that he would not be able to attend the June 4, 2018, City Council meeting because he would be attending his 50-year high school reunion.

Councilmember/Vice Chair Blazey reported that he attended two Orange County Public Library Advisory Board meetings and the Orange County City Selection Committee meeting. He thanked Public Works Director Saykali and CC&R for the Household Hazardous Waste event which included shredding, electronic waste, and batteries waste services. He recognized Bruce Martin who was in the audience.

Mayor/Chair Shaw thanked Mayor Pro Tem/Vice Chair Blazey for attending the Orange County City Selection Meeting for him. He stated that he attended funeral services for his friend Tim Domis at Rose Hills Cemetery. He expressed condolences to the Domis family.

X. ADJOURNMENT: Mayor/Chair Shaw adjourned the City Council Meeting in memory of Olivia Clark at 7:47 p.m. to Monday, June 4, 2018, at 5:30 p.m. in the Council Closed Session Room 112c, 100 E. La Habra Boulevard, followed by the Regular Meeting at 6:30 p.m. in the City Council Chambers. The La Habra Utility Authority Meeting was adjourned.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk/Secretary