

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

Monday, September 16, 2013

APPROVED: These minutes were approved on October 7, 2013.

ADJOURNED REGULAR MEETING:

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

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

COUNCILMEMBERS/DIRECTORS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager/Executive Director Hannah
Deputy City Attorney/Legal Counsel Potter
City Clerk/Secretary Mason
Assistant City Manager/Director of Finance
and Administrative Services Sadro
Assistant to the City Manager Ferrier

I. ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:

None

II. CLOSED SESSION:

- a. Worker's Compensation Claim per Government Code Section 54956.95;
Claimant: David Smith, Cases EAMS No. ADJ7934819 and ADJ7950848.

Police Chief Price was present for this item.

- b. Conference with Legal Counsel Existing Litigation per Government Code Section 54956.9(a): Jeong Ko v. City of La Habra, Case No. 11-55771.

Legal Counsel Mark Meyerhoff and Police Chief Price were present for this item.

- c. Conference with Legal Counsel potential litigation per Government Code Section 54956.9(b) (1 case).

Legal Counsel Robert Khu was present for this item.

- d. Conference with Legal Counsel Existing Litigation per Government Code Section 54956.9(a): Patients Association for the Chronically Ill, Maureen Masuda and Deanna Mayes v. City of La Habra, Case No. 30-2013-00669371-CU-CR-CJC.

Legal Counsel Jim Touchstone was present for this item.

- e. Conference with Real Property Negotiator per Government Code Section 54956.8- Property: 341 Hillcrest Street, 343 Hillcrest Street, 350 S. Hillcrest Street, 221 E. La Habra Blvd, 215 N. Orange Street; City Negotiator: Don Hannah, City Manager; Negotiating Parties; The Gary Center, Community Resources Care Center (CRCC), Boxing Club, Historical Society Museum, and La Habra Art Association, Under Negotiation: Price and Terms.

Director of Community Services Failla was present for this item.

III. ADJOURNMENT: Council reconvened from Closed Session at 6:32 p.m. There were no announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:32 p.m.

REGULAR MEETING AND REGULAR JOINT MEETING WITH THE LA HABRA CIVIC IMPROVEMENT AUTHORITY AND LA HABRA UTILITY AUTHORITY

CALL TO ORDER: Mayor Espinoza called the Regular Meeting and the Regular Joint Meeting of the City Council of the City of La Habra, the La Habra Civic Improvement Authority, and the La Habra Utility Authority to order at 6:36 p.m. in the City Council Chambers, located at 201 E. La Habra Boulevard, La Habra, California.

INVOCATION: Deputy City Attorney/Legal Counsel Potter

PLEDGE OF ALLEGIANCE: Councilmember/Director Gomez

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Espinoza,
Mayor Pro Tem/Director Beamish,
Councilmember/Director Gomez,
Councilmember/Director Blazey,
Councilmember/Director Shaw,
COUNCILMEMBERS/DIRECTORS ABSENT: None
OTHER OFFICIALS PRESENT: City Manager/Executive Director Hannah,

Deputy City Attorney/Legal Counsel Potter
City Clerk/Secretary Mason
Deputy City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Proclamation - National Preparedness Month, September 2013.

Police Chief Price accepted the proclamation and invited the community to participate in emergency preparedness training.

- b. Introduction of Fire Chief Mahan of Los Angeles County Fire Department.

Mayor/Chair Espinoza introduced Assistant Fire Chief Mahan who serves as the local Fire Chief to twelve cities, including La Habra, and three unincorporated communities in the southeast area of Los Angeles County.

- c. Introduction of the 2013-2014 Youth Committee members.

Mayor/Chair Espinoza invited Community Services Director Failla, and Community Services Commissioners Shavan Brown and Kathy Felix to assist with the Youth Committee introductions. Mr. Don Warthen and Mrs. Ofelia Warthen presented a check for \$1,000 to the Youth Committee on behalf of the Gem and Mineral Society.

II. PUBLIC COMMENTS: None

III. CONSENT CALENDAR:

City Manager/Executive Director Hannah noted a correction to the first resolution for item III.A.10 to read "A resolution of the City Council of the City of La Habra designating the westbound approach for the intersection of Francis Avenue and Lemon Street as a one-way stop intersection."

Councilmember/Director Gomez noted that his wife is employed at Imperial Middle School and abstained on item III.A.8. Councilmember/Director Blazey abstained on items relating to minutes for July 15, 2013, which included III.A.4.c, III.B.1.c, and III.C.1.d.

Moved by Mayor/Chair Espinoza, seconded by Mayor Pro Tem/Director Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE THE CONSENT CALENDAR, ITEMS A.1 THROUGH A.14; B.1, AND C.1 THROUGH C.2; WITH COUNCILMEMBER/DIRECTOR GOMEZ ABSTAINING ON ITEMS III.A.8 AND COUNCILMEMBER/DIRECTOR BLAZEY ABSTAINING ON ITEMS III.A.4.c, III.B.1.c, and III.C.1.d.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Espinoza, Mayor Pro Tem/Director Beamish,

Councilmember/Director Gomez, Councilmember/Director Blazey,
Councilmember/Director Shaw
NOES: NONE
ABSTAIN: Councilmember Director Gomez (Item III.A.8 only)
Councilmember/Director Blazey (Items III.A.4.c, III.B.1.c, and III.C.1.d only)
ABSENT: NONE

A. PROPOSED ITEMS - 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 Agreement to Transfer Property or Funds for 2011 Homeland Security Grant Program and California Emergency Management Agency (CalEMA) Fiscal Year 2011 Grant Assurances, and authorize the City Manager to execute both documents.
3. Accept the "Selective Traffic Enforcement Program (STEP)" grant funding in the amount of \$70,713 from the Office of Traffic Safety for additional traffic enforcement efforts, training, and equipment.
4. Approve City Council Minutes of:
 - a. May 20, 2013, as corrected
 - b. June 17, 2013
 - c. July 15, 2013 (Councilmember Blazey abstained)
 - d. August 19, 2013
 - e. September 3, 2013
5. Approve denial of claim filed by Avelina Hurtado De Luna alleging bodily injury.
6. Receive and file Planning Commission Minutes of:
 - a. June 24, 2013
 - b. July 22, 2013
7. Receive Addendum to Memorandum of Understanding between the City of La Habra and the Professional Employees Group for the period of July 1, 2013, to June 30, 2014, and approve the resultant salary resolution; and approve the appropriation of funds from the FY 2012-2013 adopted budget or program reserves, as necessary, for the cost of the 4% one-time lump sum adjustments for top step employees.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5597** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION 5533 PERTAINING TO A COMPENSATION PLAN FOR THE PROFESSIONAL EMPLOYEES GROUP.
8. Approve agreement between the City of La Habra and the La Habra City School District to participate in the School Resource Officer program at both Washington Middle School and Imperial Middle School for FY 2013-2014; and authorize City Manager to execute agreement on behalf of the City of La Habra.
(Councilmember Gomez abstained)

9. Accept \$70,399 in grant funding for the "Sobriety Grant Check Point Program for 2013-2014" from the Office of Traffic Safety for the operation of 10 sobriety checkpoints and various checkpoint related supplies.
10. Approve staff's recommendation regarding a request for one-way "Stop" sign and "No Stopping" restrictions at Francis Avenue and Lemon Street and adopt resolutions designating Francis Avenue at Lemon Street as a one-way "Stop" intersection and prohibiting stopping, standing, and parking at all times on the east side of Lemon Street at Francis Avenue.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5598** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DESIGNATING THE WESTBOUND APPROACH FOR THE INTERSECTION OF FRANCIS AVENUE AND LEMON STREET AS A ONE-WAY "STOP" INTERSECTION.
 - b. APPROVE AND ADOPT **RESOLUTION NO. 5599** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON LEMON STREET.
11. Approve and authorize the City Manager to execute contracts with Valley Maintenance Corporation to provide custodial services at City Facilities for \$11,446 per month and Parks for \$1,936 per month from September 1, 2013, through August 31, 2014.
12. Approve the countywide National Pollutant Discharge Elimination System Stormwater Program shared costs budget for Fiscal Year 2013-2014.
13. Approve Amendment No. 3 to Master Funding Agreement No. C-1-2767 with the Orange County Transportation Authority.
14. WARRANTS: Approve Nos. 00092645 through 00093038 totaling \$3,093,751.11.

B. PROPOSED ITEMS -CIVIC IMPROVEMENT AUTHORITY

1. Approve Civic Improvement Authority Minutes of:
 - a. June 17, 2013
 - b. July 1, 2013
 - c. July 15, 2013 (Vice-Chair Blazey abstained)
 - d. August 5, 2013
 - e. August 19, 2013
 - f. September 3, 2013

C. PROPOSED ITEMS - UTILITY AUTHORITY

1. Approve Utility Authority Minutes of:
 - a. June 3, 2013
 - b. June 17, 2013
 - c. July 1, 2013
 - d. July 15, 2013 (Director Blazey abstained)

- e. August 5, 2013
 - f. August 19, 2013
 - g. September 3, 2013
2. Approve Notice of Completion for the construction of La Bonita Park Water Facility, and authorize recordation of Notice of Completion.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS: None at this time.

VI. CONSIDERATION ITEMS:

1. Consider the issuance of La Habra Utility Authority water revenue bonds, in an amount not to exceed \$24.5 million, to refund the 2003A La Habra Civic Improvement Authority (CIA) water revenue bonds, refinance the 2011 Utility Authority water credit line, and to provide capital construction funds for water system capital improvements; and authorize the Executive Director to execute all bond documents necessary to finalize the sale of the bonds.

Assistant City Manager/Director of Finance and Administrative Services Sadro presented the staff report. He described the history of measures taken to address infrastructure issues, meeting water demands, and the increasing cost of purchasing and delivering imported water to meet the responsibility of providing drinking water at a reasonable cost. He stated that the issuance of the proposed \$21.5 million water revenue bond would refinance the \$12 million line of credit, refinance the 2003 water bonds to the existing term, and set aside \$3 million for future water system improvements. He stated that the current water rate structure has been designed to accommodate this additional expense.

In response to Councilmember/Director Gomez's inquiry, Assistant City Manager/Director of Finance and Administrative Services Sadro stated that it was a good environment to issue debt since interest rates are at very low levels compared to historical rates.

In response to Councilmember/Director Beamish's inquiry, Assistant City Manager/Director of Finance and Administrative Services Sadro clarified that should the interest rates rise to a level where the refunding no longer makes financial sense, the refunding of the 2003 Bonds would be removed from the proposed bond transaction.

Mayor/Chair Espinoza invited the public to testify at 7:02 p.m. There was no public testimony.

LA HABRA UTILITY AUTHORITY:

Moved by Director Gomez, seconded by Vice-Chair Beamish, and CARRIED UNANIMOUSLY 5-0 TO:

- a. APPROVE AND ADOPT **RESOLUTION NO. 2013-3** ENTITLED: A RESOLUTION OF THE LA HABRA UTILITY AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$24,500,000 PRINCIPAL AMOUNT OF LA HABRA UTILITY AUTHORITY WATER REVENUE BONDS, 2013 SERIES A, TO REFUND THE LA HABRA CIVIC IMPROVEMENT AUTHORITY REVENUE BONDS, 2003 SERIES A,

AND REFINANCE A LOAN ENTERED INTO BY THE AUTHORITY; AUTHORIZING THE FORMS OF AND DIRECTING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL WATER REVENUE BOND INDENTURE, A PRELIMINARY OFFICIAL STATEMENT, A BOND PURCHASE CONTRACT, A CONTINUING DISCLOSURE AGREEMENT AND RELATED FINANCING DOCUMENTS AND AGREEMENTS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH; and

- b. Authorize and approve the form of Preliminary Official statement and Bond Purchase Contract, and forms of and directing the execution and delivery of a: Second Supplemental water revenue Bond Indenture, Bond Purchase Contract, Continuing Disclosure Agreement, Preliminary Official Statement, and related financing documents.

Said motion CARRIED by the following roll call vote:

AYES: Chair Espinoza, Vice-Chair Beamish, Director Gomez, Director Blazey,
Director Shaw
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

LA HABRA CIVIC IMPROVEMENT AUTHORITY

Moved by Director Gomez, seconded by Director Beamish, and CARRIED UNANIMOUSLY 5-0 TO:

- a. APPROVE AND ADOPT **RESOLUTION NO. 2013-2** ENTITLED: A RESOLUTION OF THE LA HABRA CIVIC IMPROVEMENT AUTHORITY AUTHORIZING THE REFUNDING OF ITS REVENUE BONDS, 2003 SERIES A WITH PROCEEDS OF THE LA HABRA UTILITY AUTHORITY WATER REVENUE BONDS, 2013 SERIES A; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.; AND
- b. Authorize the forms of and directing the execution and delivery of an Escrow Agreement.

Said motion CARRIED by the following roll call vote:

AYES: Chair Espinoza, Vice-Chair Blazey, Director Gomez, Director Shaw,
Director Beamish
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

LA HABRA CITY COUNCIL

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY 5-0 TO:

- a. APPROVE AND ADOPT **RESOLUTION NO. 5600** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS BY THE LA HABRA UTILITY AUTHORITY; APPROVING A PRELIMINARY OFFICIAL STATEMENT; APPROVING A BOND PURCHASE

CONTRACT; AND APPROVING THE TAKING OF CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor/Chair Espinoza made the following announcements:

- There will be no Mayor's Community Hours in October; however, the Mayor will be available by appointment.
- Inner Coastal Watershed Clean-Up Day - Saturday, September 21st, from 8:00 a.m. to noon at the Coyote Creek Bike Trail and Channel.
- The La Habra Chamber of Commerce "Oktoberfest" - Saturday, September 28th, from 4:00 p.m. to 11:00 p.m., and Sunday, September 29th, from 4:00 p.m. to 10:00 p.m. at the Imperial Promenade. The event will feature an international food fair.
- Children's Museum Target free Sunday. The theme is "You're a Star"- October 6th, from 1:00 p.m. to 5:00 p.m.
- "La Fiesta" sponsored by Our Lady of Guadalupe - Sunday, October 6th, from 8:00 a.m. to 8:00 p.m. at Our Lady of Guadalupe Church. The event features an assortment of family friendly activities and events.
- "Buster the Bus" exhibit sponsored by the Children's Museum and Orange County Transportation Authority. Ribbon-cutting ceremony to rededicate the exhibit at the Children's Museum will be Monday, October 7th, at 4:00 p.m.
- "La Habra Goes to College" informational event sponsored by Advance! - Sunday, October 13th, from 10 a.m. to 3 p.m. at the Community Center.
- The City Council will meet again on Monday, October 7th, and Monday, October 21st. Meetings begin at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember/Director Shaw expressed that he attended "The Courage To Remember," a world-acclaimed educational exhibit on the Holocaust by the Foundation For California, that was at the La Habra Library on Tuesday, September 3rd. He thanked the Gem and Mineral Society for their generosity.

Councilmember/Director Blazey noted he concurred with Councilmember/Director Shaw and had no further comments.

Councilmember/Director Gomez thanked the La Habra Police Department for allowing him to participate in a ride-along on Friday, September 13th.

Mayor Pro Tem/Director Beamish had no comments.

Mayor/Chair Espinoza welcomed Fire Chief Mahan to La Habra.

X. ADJOURNMENT: Mayor/Chair Espinoza adjourned the City Council Regular Meeting at 7:12 p.m. to Monday, October 7, 2013, 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. Mayor/Chair Espinoza adjourned the La Habra Utility Authority and the La Habra Civic Improvement Authority Meetings at 7:12 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk/Secretary