

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

Monday, July 06, 2015

APPROVED: These Minutes were approved on July 20, 2015.

ADJOURNED REGULAR MEETING:

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

COUNCILMEMBERS PRESENT: Mayor Blazey
Councilmember Shaw
Councilmember Espinoza
Councilmember Beamish

COUNCILMEMBERS ABSENT: Mayor Pro Tem Gomez (excused absence)

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:

City Manager Sadro requested the Council add an Urgency Closed Session item to the agenda due to issues arising after posting the agenda.

Moved by Councilmember Beamish, seconded by Mayor Blazey, and CARRIED (4-0) TO ADD AN URGENT CLOSED SESSION ITEM TO THE AGENDA AS ALLOWED BY GOVERNMENT CODE SECTION 54954.2(b)(2) DUE TO CIRCUMSTANCES ARISING AFTER THE POSTING OF THE AGENDA AS NOTED UNDER LETTER "C" BELOW.

Said motion CARRIED by the following roll call vote:

AYES: Councilmember Beamish, Mayor Blazey, Councilmember Espinoza,
Councilmember Shaw

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Gomez

Mayor Blazey announced the Closed Session and Council convened as follows:

- a. Conference with Legal Counsel Initiation of Litigation per Government Code Section 54956.9(d)(4) (1 case).

Councilmember Shaw noted that he was an employee of the State and left the room. Finance Director Shannon and Community Development Director Ho were present for this item.

URGENCY ITEM: This item was heard out of sequence immediately following item II.a.

- c. Conference with Legal Counsel – Existing Litigation per Government Code Section 54966.9(d)(1) Chanel Chivas v. City of La Habra Case No. 30-2014-00753505-CU-OE-CJC.

Human Resources Director Juengel was present for this item.

- b. Public employee evaluation per Government Code Section 54957 - Title: City Manager.

City Manager Sadro and City Clerk Mason left the room at 6:15 p.m.

III. ADJOURNMENT: Council reconvened from Closed Session at 6:23 p.m. There were no announcements. Mayor Blazey adjourned the Adjourned Regular Meeting at 6:23 p.m.

REGULAR MEETING:

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

COUNCILMEMBERS PRESENT: Mayor Blazey
Councilmember Shaw
Councilmember Espinoza
Councilmember Beamish

COUNCILMEMBERS ABSENT: Mayor Pro Tem Gomez (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:

Mayor Blazey invited La Habra Chamber of Commerce President/CEO Mark Sturdevant to the podium to present an award for his work on the City of La Habra General Plan 2035.

II. PUBLIC COMMENTS:

Carrie Surich, representing La Habra Business Connection, invited the community to attend the honoring of a World War II veteran on July 15, 2015, at the monthly flag raising ceremony held every third Wednesday at 7:30 a.m., located at the Chik-fil-A restaurant on Imperial Highway.

Nevaeh Talavera, with the assistance of her grandmother Mrs. Zuniga, spoke regarding the opening of a Little Free Library at Rosie's Garage, at Las Lomas Park, and at La Habra Boys and Girls Club. She stated that she is looking for sponsors to meet her goal of providing Little Free Libraries around the city and in all City of La Habra parks. Councilmember Espinoza thanked Nevaeh for making a difference in the community.

III. CONSENT CALENDAR:

Councilmember Shaw requested that Items III.2 and III.3 be removed for separate discussion.

Moved by Councilmember Beamish, seconded by Councilmember Espinoza, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.17; WITH THE EXCEPTION OF ITEMS III.2 AND III.3; WHICH WERE REMOVED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Blazey, Councilmember Shaw, Councilmember Espinoza,
Councilmember Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Gomez

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. REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.
3. REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.
4. Receive and file Planning Commission Minutes of May 11, 2015.
5. Approve Community Services Commission Minutes:
 - a. April 8, 2015
 - b. May 13, 2015
6. Approve a Memorandum of Understanding between the City of La Habra and the La Habra Police Association/Sworn Employees for the period of July 1, 2015, to June 30, 2016; approve a resolution amending Resolution 5630 pertaining to a compensation plan for the Police Association/Sworn Employees Group; and approve the appropriation of funds from the FY2014-2015 adopted budget for the cost of one-time lump sum pay adjustments for employees.

- a. APPROVE AND ADOPT **RESOLUTION NO. 5690** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION NO. 5630 PERTAINING TO A COMPENSATION PLAN FOR POLICE SWORN PERSONNEL.
7. Approve a Memorandum of Understanding between the City of La Habra and the La Habra Police Association/Civilian Employees Group for the period of July 1, 2015, to June 30, 2016; approve a resolution amending Resolution 5631 pertaining to a compensation plan for the Police Civilian Employees Group; and approve the appropriation of funds from the FY2014-15 adopted budget for the cost of one-time lump sum pay adjustments for employees.
 - a. APPROVE AND ADOPT **RESOLUTION NO.5691** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION NO. 5631 PERTAINING TO A COMPENSATION PLAN FOR POLICE - CIVILIAN PERSONNEL.
 8. Approve a resolution amending Resolution 5632 regarding salary, benefits, and other terms of employment offered by the City of La Habra to Management and Executive Employees for the period of July 1, 2015, to June 30, 2016.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5692** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING RESOLUTION NO. 5632 PERTAINING TO A COMPENSATION PLAN FOR MANAGEMENT AND EXECUTIVE MANAGEMENT EMPLOYEES.
 9. Approve Site Lease Agreement between the City of La Habra and Los Angeles SMSA Limited Partnership, dba Verizon Wireless, and authorize the City Manager to execute said agreement for Terraza Park located at 390 South Dexford Street.
 10. Approve and authorize City Manager to enter into a five year agreement with John L. Hunter & Associates, Inc. of Buena Park, California in the annual amount of \$67,006 to provide professional consulting support for Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) program compliance services for the City of La Habra for Fiscal Year 2015-2016 through Fiscal Year 2019-2020; authorize staff to issue a purchase order to John L. Hunter & Associates, Inc. for Fiscal 2015-2016 in the amount of \$67,006; and appropriate an additional \$2,006 from Overtime Salaries in NPDES to fund the cost of the purchase order for Fiscal 2015-2016.
 11. Approve Amendment No. 1 to Orange County Transportation Authority Agreement No. C-3-1844 to clarify roles and responsibilities regarding the Community Bus/Neighborhood Circulator as a result of amenities being placed on the buses.
 12. Authorize City Manager to execute the Clinical Affiliation Agreement with California State University, Fullerton that allows their students to complete their practicum in City of La Habra Child Development programs for an initial term of three years beginning June 10, 2015 through June 9, 2018.

13. Authorize City Manager to execute the Orange County Department of Education, Quality Rating and Improvement (QRIS) Block Grant agreement for \$14,399.60 to provide continuous quality improvement for the state preschool program from July 1, 2014 to December 31, 2015.
14. Approve and adopt the appropriate resolutions, and authorize City Manager to sign the CSPP-4311, Amendment 02 and CCTR-4158, Amendment 02 Contracts with the California Department of Education, Child Development Services for Fiscal Year 2014-2015.
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5693** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENT NO CSPP-4311, AMENDMENT 02 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
 - b. APPROVE AND ADOPT **RESOLUTION NO. 5694** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING APPROVAL AND AUTHORIZING THE EXECUTION OF LOCAL AGREEMENT NO CCTR-4158, AMENDMENT 02 WITH THE CALIFORNIA STATE DEPARTMENT OF EDUCATION.
15. Approve and authorize City Manager to execute the contract with Utopia Entertainment, Inc. for \$34,996 for the Clubhouse H2O/Conservation Garden Project Phase II.
16. Approve and authorize City Manager to execute the Workforce Investment Act (WIA)/Workforce Innovation and Opportunity Act (WIOA) Youth Cost Reimbursement Agreement between the City of La Habra and the County of Orange for \$380,318 for the operation of the year-round Youth Employment Program in the North Orange County region.
17. WARRANTS: Approve Nos. 00101815 through 00102267 totaling \$1,288,422.17.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

- III.2. APPROVE SECOND READING AND ADOPTION OF ORDINANCE NO. 1760 ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 14-01 TO CHANGE THE ZONING DESIGNATION FROM C-3 "GENERAL COMMERCIAL" TO SP-7 (FAIRFIELD SPECIFIC PLAN) AS PER EXHIBIT "A" AND SPECIFIC PLAN 14-01 ADOPTING THE DEVELOPMENT STANDARDS AND ARCHITECTURAL DESIGN FOR THE SP 7 ZONE AND THE DEVELOPMENT PLANS INCLUDED THERE IN AS PER EXHIBIT "B" SUBJECT TO CONDITIONS FOR THE SITE LOCATED AT 951-1055 SOUTH BEACH BOULEVARD, SUBJECT TO CONDITIONS.**

Council discussion included: confirmation the staff had not received any communication from the community regarding this item; demolition date of the Sunset Inn; and noted that Councilmember Shaw had received positive comments from the neighboring community regarding this development.

Mayor Blazey invited the public to testify at 6:42 p.m.

Ed McCoy, representative of Fairfield Residential, confirmed he would be working with City staff to demolish the Sunset Inn after the effective date of Ordinance No. 1760.

Mayor Blazey closed the public testimony at 6:43 p.m.

Moved by Councilmember Shaw, seconded by Councilmember Espinoza, and CARRIED (4-0) TO APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1760** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 14-01 TO CHANGE THE ZONING DESIGNATION FROM C-3 "GENERAL COMMERCIAL" TO SP-7 (FAIRFIELD SPECIFIC PLAN) AS PER EXHIBIT "A" AND SPECIFIC PLAN 14-01 ADOPTING THE DEVELOPMENT STANDARDS AND ARCHITECTURAL DESIGN FOR THE SP 7 ZONE AND THE DEVELOPMENT PLANS INCLUDED THERE IN AS PER EXHIBIT "B" SUBJECT TO CONDITIONS FOR THE SITE LOCATED AT 951-1055 SOUTH BEACH BOULEVARD, SUBJECT TO CONDITIONS.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Blazey, Councilmember Shaw, Councilmember Espinoza,
Councilmember Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Gomez

III.3. APPROVE SECOND READING AND ADOPTION OF ORDINANCE NO. 1761 ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING DEVELOPMENT AGREEMENT 14-01 BETWEEN THE CITY OF LA HABRA AND FAIRFIELD LA HABRA LLC FOR 951-1055 SOUTH BEACH BOULEVARD ATTACHED HERETO AS ATTACHMENT "A".

Mayor Blazey invited the public to testify at 6:44 p.m. There was no public testimony.

Moved by Councilmember Shaw, seconded by Councilmember Espinoza, and CARRIED (4-0) TO APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1761** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING DEVELOPMENT AGREEMENT 14-01 BETWEEN THE CITY OF LA HABRA AND FAIRFIELD LA HABRA LLC FOR 951-1055 SOUTH BEACH BOULEVARD ATTACHED HERETO AS ATTACHMENT "A".

Said motion CARRIED by the following roll call vote:

AYES: Mayor Blazey, Councilmember Shaw, Councilmember Espinoza,
Councilmember Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Gomez

V. PUBLIC HEARINGS: None at this time.

VI. CONSIDERATION ITEMS:

1. Consider designating a voting delegate and up to two alternate voting delegates to attend the League of California Cities Annual Conference meeting to be held on October 2, 2015 in San Jose, California.

City Manager Sadro presented the staff report.

Council discussion included: confirmation that an agenda for the League of California Cities Annual Conference business meeting had not yet been received; confirmation that Councilmembers Espinoza and Shaw would not be available to attend, Mayor Blazey and Councilmember Beamish would be available to attend, and Mayor Pro Tem Gomez had not yet indicated if he would be available to attend; clarified that the City must designate a voting delegate and may appoint up to two alternate voting delegates, one of who may vote in the event that the designated voting delegate is unable to serve in that capacity; and noted that traditionally the Mayor and Mayor Pro Tem attends.

Mayor Blazey invited the public to testify at 6:48 p.m. There was no public testimony.

Moved by Councilmember Beamish, seconded by Councilmember Espinoza, and CARRIED (4-0) TO APPROVE DESIGNATING MAYOR BLAZEY AS THE VOTING DELEGATE, MAYOR PRO TEM GOMEZ AS THE ALTERNATE 1 VOTING DELEGATE, AND COUNCILMEMBER BEAMISH AS ALTERNATE 2 VOTING DELEGATE TO ATTEND THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, TO OCCUR AT THE SAN JOSE CONVENTION CENTER FROM SEPTEMBER 30, 2015 TO OCTOBER 2, 2015.

Said motion CARRIED by the following roll call vote:

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

2. Consider and approve the design/build construction contract with DLS Builders for the Civic Center Project; and authorize the execution of "non-simultaneous" closing clause of Development Agreement No. 14-02 with City Ventures to purchase 100, 110 & 120 East La Habra Boulevard.

Community Development Director Ho presented the staff report. He reported that the project was to begin sometime in August and would take approximately twelve months to complete.

Council discussion included:

- Clarification that with a "simultaneous" closing clause, both the City and City Ventures would exchange properties at the same time and the City would pay City Ventures approximately \$40,811 per month rent during the construction of the new City Hall to continue to operate at the existing location;

- Clarification that with a “non-simultaneous” closing clause, the City would purchase the City Ventures parcels with a short-term loan at a cost of approximately \$100,000 over twelve months and retain the Civic Center parcels and eliminate rent payments;
- Comparison of non-simultaneous closing versus a simultaneous closing that included review of the costs, risks, and benefits;
- Details of the potential short-term working capital loan, loan repayment, and interest rates;
- City Ventures’ commitment to the project, that they do not oppose either closing option, and their \$500,000 good faith deposit;
- Costs for simultaneous closing are included in the project as previously approved;
- Potential alternate plans for 100, 110, and 120 East La Habra Boulevard should City Ventures decline to purchase the current City Hall site;
- Confirmation the City retains ownership of plans and intellectual property rights for the residential development project that could be sold as entitlements;
- Concerns regarding potential repairs or mitigation costs of the current City Hall building during the twelve month construction period;
- Verification that local contractors would have the opportunity to participate in the bidding process with DSL for subcontract work on the project;
- Comparison of design/build methods versus design/bid/build methods;
- Review of project construction timeline that included the Police Station, Veteran’s Hall, and the Community Center;
- Confirmation that the non-simultaneous closing costs would not affect the Fiscal Year 2016-2017 City General Fund Operating Budget;
- Incentive clauses for DLS Builder to complete the project early;
- Suggested safety training for Council to have walk through tours during the renovation process; and
- Identified that the project would move forward with a simultaneous closing should the project not be approved this evening.

At the request of Council, Ed McCoy, with Fairfield Residential, addressed Council’s concerns. He commended City Manager Sadro regarding the explanation of the financial terms of the project, and expressed that he believed the current City Hall site would be worth more in a year than it is today.

Mayor Blazey invited the public to testify at 7:18 p.m. There was no public testimony.

Moved by Councilmember Beamish, seconded by Councilmember Espinoza, and CARRIED (4-0) TO APPROVE AND AUTHORIZE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH DLS BUILDERS FOR THE CIVIC CENTER PROJECT.

Said motion CARRIED by the following roll call vote:

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

Moved by Councilmember Beamish, seconded by Mayor Blazey, and CARRIED (4-0) TO APPROVE AND AUTHORIZE CITY MANAGER TO EXECUTE THE 'NON-SIMULTANEOUS' CLOSING CLAUSE OF DEVELOPMENT AGREEMENT NO. 14-2 WITH CITY VENTURES TO PURCHASE 100, 110 & 120 EAST LA HABRA BOULEVARD.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Blazey, Councilmember Shaw, Councilmember Espinoza,
Councilmember Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Gomez

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Blazey made the following announcements:

- "Summer Concert Series" - El Centro Lions Park every Thursday from July 9 through July 30 at 7:00 p.m.
- "Movie in the Park" series - Brio Park showing "Annie," on Friday, July 17, and "Big Hero 6," on Friday, August 21, at 6:00 p.m. and the movie beginning at dusk.
- The City Council will meet again on Monday, July 20 at 6:30 p.m. in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Espinoza commented regarding her attendance at and sensation of the 4th of July event. She thanked City staff and the Recreation Department for the 4th of July celebration.

Councilmember Shaw commented regarding his attendance at the 4th of July event. He stated that he attended the retirement celebration for Executive Director of the Friends of the Children's Museum Donna "D" Brooks.

Councilmember Beamish commented regarding his family's and his attendance at the 4th of July event.

Mayor Blazey thanked the Community Services department, the Police Department, Los Angeles County Fire Department, the Public Works Department, Assistant to the City Manager Ferrier, and anyone else who assisted with the July 4th celebration. He congratulated and thanked La Habra Chamber of Commerce President/CEO Mark Sturdevant on his participation in the General Plan Advisory Committee (GPAC). He noted the City's efforts to stimulate community input on the GPAC and other occurrences in the City. He wished his wife Jennifer a Happy 24th wedding anniversary.

- X. ADJOURNMENT:** Mayor Blazey adjourned the meeting at 7:30 p.m. to Monday, July 20, 2015, 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