

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

Monday, June 03, 2013

APPROVED: These Minutes were approved on August 19, 2013.

ADJOURNED REGULAR MEETING:

The Adjourned Regular Meeting of the City Council was cancelled due to there being no business to consider.

REGULAR MEETING & REGULAR JOINT MEETING

CALL TO ORDER: Mayor/Chair Espinoza 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 6:30 p.m. in the City Council Chambers, located at 201 E. La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Mayor/Chair Espinoza

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor Espinoza,
Councilmember/Director Gomez,
Councilmember/Director Blazey,
Councilmember/Director Shaw

COUNCILMEMBERS/DIRECTORS ABSENT: Mayor Pro Tem/Vice-Chair Beamish

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Presentation of Southern California Edison's Summer Readiness.

Southern California Edison Regional Manager Pat Buttress presented Southern California Edison's Summer Readiness. Councilmember Shaw clarified the sources of clean energy that apply regarding AB32.

b. Recognition of 2012-2013 Youth Committee.

Mayor Espinoza invited Deborah Musser and Shavan Brown to present the certificates of appreciation to the following: Arlene Aguilar, Stephanie Alvarez, Donielle Bunyard, Alyse Chavez, Karen Chestnut, Samira Chigri, Andrew Cooley, Ruben Diaz, Jake Drake, Lukas Drake, Mary Falvo, Emma Gimpl, Karly Gonzalez, Gigi Gradillas, Krystal Gutierrez, Karlee Marshall, Eric Martinez, Timothy McAllister, Alex Molino, Alec Moreira, Jessica Polak, Thomas Ramirez, Ivanna Tostado, Emily Venegas, and Angelina Whitacre.

II. PUBLIC COMMENTS:

Ron Slutsky, 541 W. Patwood Drive spoke regarding the refuse, water, and sewer fee increase notice he received. Mayor Espinoza explained that there is an item on the agenda and asked that he express his concerns during the Public Hearing portion of the meeting.

Al Principe, 1500 N. Valley Home Avenue, inquired when North Avenue would be paved and expressed the need for more left-hand turn signals at all traffic lights with left-hand turn lanes. Mayor Espinoza referred Mr. Principe to Community Development Director Haack and to Traffic Manager Nelson.

Erik Chan, La Habra Cares, 401 W. Imperial Highway, spoke on behalf of the Patient's Association for the Chronically Ill regarding the La Habra Cares medical marijuana dispensary.

The following people spoke in support of re-opening the La Habra Cares Medical Marijuana Dispensary:

- Amy Switzer, 1430 S. Patwood Drive
- Deanna Maes, 450 Rye Circle
- Maureen Masuda, 802 E. Greenwood Avenue
- Carol Hansen, 1200 Birch Tree Court
- Victor Galaz, 561 La Presa Drive

III. CONSENT CALENDAR:

Moved by Councilmember Shaw, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.7.

Said motion CARRIED by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: Mayor Pro Tem Beamish

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. March 25, 2013
 - b. April 8, 2013
3. Approve City Council Minutes of January 22, 2013.
4. Approve and adopt the La Habra Community Preservation Enforcement Program Guidelines that designate areas that will meet the definition of "deteriorating" or "deteriorated area" within the Community Development Block Grant (CDBG) area considered to aid in the prevention or elimination of slums or blight, as defined by 24 CFR 570.208 (b).
5. Approve staff's recommendations for request for "No Stopping" restrictions on Beach Boulevard at San Jose Avenue; and adopt a resolution prohibiting stopping, standing, and parking at all times on the east side of Beach Boulevard at San Jose Avenue; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5569** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON BEACH BOULEVARD.
6. Approve staff's recommendations for request to rescind "No Parking" restrictions on Aldrich Street South of Second Avenue; and rescind Resolution No. 4203 prohibiting parking at all times on the east side of Aldrich Street south of Second Avenue; and
 - a. APPROVE AND ADOPT **RESOLUTION NO. 5575** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA RESCINDING RESOLUTION NO. 4203 PROHIBITING PARKING AT ALL TIMES ON ALDRICH STREET.
7. WARRANTS: Approve Nos. 00091354 through 00091541 totaling \$1,287,207.04.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

V. PUBLIC HEARINGS:

1. Duly noticed joint public hearing to consider the adoption of the Fiscal Year 2013-2014 Municipal Budget.

Moved by Mayor Espinoza, seconded by Councilmember Gomez, and CARRIED (4-0) TO APPROVE TO CONTINUE THE JOINT PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2013-2014 MUNICIPAL BUDGET TO JUNE 17, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBERS.

Said motion CARRIED by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: Mayor Pro Tem Beamish

2. Duly noticed public hearing to consider a request for Mitigated Negative Declaration of Environmental Impacts 13-01 and Planned Unit Development 12-01 for the construction of a retail commercial building at 1151 South Harbor Boulevard.

Planning Manager Ramsland reported the applicant is proposing to construct a retail pharmacy on a 1.14-acre site to be utilized by CVS Pharmacy. He stated the building will have a drive-through window, will employ 35 people, and will initially operate from 7:00 a.m. to 10:00 p.m. He noted, however, that it was anticipated that in the future the business may operate 24-hours a day. He stated an initial study and Mitigated Negative Declaration (MND) of Environmental Impacts was prepared, pursuant to California Environmental Quality Act (CEQA) guidelines. He reported that the MND was reviewed and approved by the Planning Commission, and recommended City Council adopt the proposed actions.

Mayor Espinoza opened the public hearing at 7:14 p.m.

Mick Meldrum, with ICI Development Company and on behalf of Townsend Bay Holdings, stated he was pleased to be doing another development project in La Habra. He noted he had consultants present to answer any questions.

There being no further public testimony, Mayor Espinoza closed the public hearing at 7:16 p.m.

Council discussion included thanking Mick Meldrum and Scott Bell for the quality projects brought to the City; confirmation a "Welcome to La Habra" sign would be brought to Council at a later date; and confirmation the pharmacy will open March of 2014.

- a. Moved by Councilmember Gomez, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5576** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 13-01 FOR THE CONSTRUCTION OF A RETAIL COMMERCIAL BUILDING AT 1151 SOUTH HARBOR BOULEVARD SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B."

Said motion CARRIED by the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: Mayor Pro Tem Beamish

- b. Moved by Councilmember Gomez, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE FIRST READING OF **ORDINANCE NO. 1745**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING PLANNED UNIT DEVELOPMENT PRECISE PLAN 12-01 FOR THE CONSTRUCTION OF A RETAIL COMMERCIAL BUILDING AT 1151 SOUTH HARBOR BOULEVARD, MAKING THE

APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

Said motion CARRIED by the following roll call vote:

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

CITY COUNCIL AND UTILITY AUTHORITY

3. Duly noticed public hearing to consider a resolution amending the Master Schedule of Fees pertaining to water, sewer, connections and fees effective July 1, 2013 and July 1, 2014, and refuse usage fees effective July 1, 2013.

Water

Public Works Director Saykali reviewed the Water Fund revenues, expenditures, Capital Improvement Project (CIP) expenses for Fiscal Years 2013-2014 and 2014-2015. He stated the proposed increase is due to the need for increased fire protection in the northern portion of the city and the absorption of over 300 former California Domestic Water Company customers. He added that the projects planned for Fiscal Year 2013-2014 may be divided over the next two fiscal years depending on the capital revenue received. He stated the water cost increases totaled approximately \$424,743, which include the following: \$97,991 of purchased water costs (from California Domestic Water Company and Municipal Water District), \$59,535 for salaries and benefits, \$75,739 for operations and maintenance, \$34,497 for lease payments, and \$156,981 for bond service costs. He stated that city residents will realize an average monthly increase in their water bill of approximately \$1.36 in Fiscal Year 2013-14. He indicated that the City of La Habra is positioned in the middle of Orange County cities regarding water cost increases.

Public Works Director Saykali reviewed the projected water project costs for the next seven years and identified several improvement projects such as the annual water main replacement project; rezoning of the City to control water mains, control the SCADA system, and distribute water efficiently; and the rehabilitation of existing aged and under-capacity pump stations. He noted that future CIP project costs will be paid for when the project is in progress rather than issuing additional bonds.

Public Works Director Saykali reviewed the Water Fund and stated that the \$300 million worth of assets and funds would be reserved for repairs, maintenance, and potential disaster relief. He reported that the construction of Portola Water Well and the purchase of water shares in the last two years had depleted capital reserves. He stated the proposed increase would help replenish and continue to improve the water system.

Sewer

Public Works Director Saykali reviewed the Sewer Fund revenues, expenditures, Capital Improvement Project (CIP) expenses for Fiscal Years 2013-2014 and 2014-2015. He stated the proposed sewer cost increases totaled \$48,759, which would equate to City residents realizing an average monthly increase in their sewer bill of approximately \$0.34. He indicated that the

City of La Habra is positioned in the middle of Orange County cities regarding sewer cost increases.

Public Works Director Saykali described the proposed Sewer Lateral program that will benefit residents. He explained that currently the property owner is responsible for repairs from the sewer lateral in the street to the property line. He stated the program holds the City responsible for the repair of all sewer laterals from the City-owned sewer lateral, through the public right-of-way, to the private property line. He added that this policy change affects approximately 15 sewer laterals per year, for which \$100,000 has been budgeted. He stated the program will save each resident \$2,000 to \$10,000; depending on the severity of the repair. He explained the claim procedure for the Sewer Lateral Program.

Refuse

Public Works Director Saykali reviewed the Refuse Fund revenues, expenditures, Capital Improvement Project (CIP) expenses for Fiscal Years 2013-2014. He reviewed the refuse cost increases that totaled \$45,446. He stated that city residents will realize an average monthly increase in their refuse bill of approximately \$0.16. He showed that the City of La Habra is positioned in the bottom third of Orange County cities regarding refuse cost increases.

Council/Authority discussion included: confirmation water cost increase is necessary to replenish the Capital Water Fund; the City of La Habra will be positioned in the bottom tier in water rates compared to other Orange Counties within the next two to three years due to the construction of additional water wells; clarification that the 23 percent increase in salaries and benefits to the sewer operations was due to the shifting of personnel between water and sewer divisions, the elimination of furloughs, and the transition between the retiring Public Works Director working as part-time to the hiring of Public Works Director Saykali working full-time; and clarification that if repairs are required on both the public and private side of the sewer lateral, both the City and resident will be responsible for their portions. Council directed Public Works Saykali to speak with Ron Slutsky regarding his refuse rate concerns.

Mayor/Chair Espinoza opened the public hearing at 7:37 p.m.

Ron Slutsky, 541 W. Patwood Drive, spoke regarding his utility billing allocation. He stated that he estimated his utilities will increase approximately 50 percent.

Ann Richards, 1110 Urell Drive, spoke regarding increases in her utility costs. She suggested that the City consider low-income discount programs.

Mayor/Chair Espinoza closed the public hearing at 7:41 p.m.

Council/Authority discussion included: possible programs available to City residents to assist with their utility bills; the possible use of CDBG funds to establish a program to assist with utility payments for emergency situations; confirmation residents are referred to the Community Care Center for utility bill issues; directed staff to explore programs for residents as part of the City's goals for next fiscal year; confirmation rates were not increased from 1992 to 2003, but from 2003 to 2004 rates increased by 30 percent; benefit of one to two percent increases per year; and the City has been aggressive to slow rate increases for water and rely more on City water.

City Manager/Executive Director Hannah confirmed that a short-term payment plan can be arranged to assist residents. He stated the use of CDBG funds would have to be researched

regarding allocation and if they could be used for emergency situations. He confirmed that residents would have to live in a CDBG area.

Moved by Councilmember/Director Shaw, seconded by Councilmember/Director Blazey, and CARRIED (4-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5577** ENTITLED: A RESOLUTION OF THE UTILITY AUTHORITY AND THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING THE MASTER SCHEDULE OF FEES PERTAINING TO WATER, SEWER AND REFUSE USAGE, CONNECTIONS AND FEES.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Espinoza, Councilmember/Director Gomez,
Councilmember/Director Blazey, Councilmember/Director Shaw
NOES: None
ABSTAIN: None
ABSENT: Mayor Pro Tem/Vice-Chair Beamish

VI. CONSIDERATION ITEMS:

1. Consider Fiscal Year 2013-2014 Legislative Platform.

Assistant to the City Manager Ferrier presented a brief staff report.

Council discussion included: confirmation that the proposed 2013-2014 Legislative Platform identified that the City opposes federal or state efforts that seek to limit or control local fiscal relationships.

Mayor Espinoza invited the public to testify at 7:47 p.m. There was no public testimony.

Moved by Councilmember Blazey, seconded by Councilmember Shaw, and CARRIED (4-0) TO APPROVE AND ADOPT THE CITY'S PROPOSED FISCAL YEAR 2013-2014 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 Espinoza, Councilmember Gomez, Councilmember Blazey,
Councilmember Shaw
NOES: None
ABSTAIN: None
ABSENT: Mayor Pro Tem Beamish

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- The "Mayor's Community Hours" will be hosted on Friday, June 7th at Stater Brothers located at 851 North Harbor Boulevard from 10:00 a.m. to noon and Saturday, June 8th at Vons located at 2101 West Imperial Highway from noon to 2:00 p.m. The Mayor is also available by appointment.

- The North Orange County Gem and Mineral Society will be hosting their Annual Gem and Jewelry Show on Saturday, June 8th and Sunday, June 9th at the La Habra Community Center located at 101 West La Habra Boulevard from 10:00 a.m. to 5:00 p.m.
- The City of La Habra Concerts in the Park will host its first series on Thursday, June 20th at El Centro-Lions Park from 7:00 p.m. to 9:00 p.m. and will feature Mariachi Cuicatlan and the Grandeza Mexican Folk Ballet Company and on Thursday, June 27th the featured band will be "Hip Street".
- Children's Museum Target Free Sundays. The theme is "Americana Fest," - Sunday, July 7th from 1:00 p.m. to 5:00 p.m.
- Smartphone users can now report problems or concerns, make information requests, attach photos, and receive status updates through the City's new Contact La Habra app which is available for both Android users and iPhone users.
- The City Council will meet again on Monday, June 17th and Monday, July 15th at 6:30 p.m. here in the City Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

City Council all attended the "Gathering of the Crosses" memorial display, at the home of Chuck Morse, in honor of the fallen veterans from Orange County.

Councilmember Shaw thanked Mr. Morse for serving the veterans and Home Depot for providing the landscape for the event.

Councilmember Blazey thanked Chuck Morse for the young man who played "Taps" for the Moment of Remembrance at the "Gathering of the Crosses" memorial. He encouraged the public to attend the graduation ceremonies on June 13, 2013 at La Habra High School at 3:30 p.m. and Sonora High School at 6:30 p.m. He congratulated all of the graduates. He stated per La Habra Municipal Code Sections 18.66.08(a), Conditional Use Permit Appeal and 18.68.060, Design Review Appeal, he hereby appeals the May 28, 2013 decision by the Planning Commission regarding the project titled, "Request for Design Review 13-02 for Façade and Site Improvements to Commercial Retail Center at 100 - 156 West La Habra Boulevard, Modification 13-01 to Conditional Use Permit 18-10 for the sale of alcoholic beverages at 100 West La Habra Boulevard to the City Council." He requested that the City Clerk determine the appropriate date for the hearing of the item before the City Council; subject to meeting all the notification requirements established by the municipal code.

Councilmember Gomez stated that he attended the "Pop and Rock" concert at Sonora High School. He stated he attended the Jimmy Campanis Golf Tournament event held by the Gary Center. He thanked City Attorney Jones for his donation to the Gary Center and for all he does for the La Habra community.

Mayor Espinoza congratulated firemen Eddie Diaz and Eduardo Rodriguez for receiving the 2013 Valor Award at the Los Angeles County Fire Department for the services they provide in the City of La Habra. She congratulated Orion Construction and Civil Source Engineering for receiving the Award of Distinction from the Western Pacific Region Design Build Institute of America for their innovative use of the design build concept for the construction of the La Bonita Water Facility. She congratulated all of the award recipients of the La Habra Police

Department's Award and Commendation Ceremony held at the Community Center. She stated she attended the Orange County Housing Summit held at University of California Irvine. She stated she attended the "There's No Place Like Home" event at the Grand Californian Hotel with Deputy Director of Community Development Jaramillo. She congratulated Acting Chief Price on completing the Law Enforcement Torch Run Relay for the Special Olympics, thanked those who worked to make the event happen, and congratulated those who won raffle prizes; including Community Services Director Failla.

- X. ADJOURNMENT:** Mayor Espinoza adjourned the Regular City Council Meeting at 7:58 p.m. to Monday, June 17, 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. Chair Espinoza adjourned the Regular Utility Authority Meeting at 7:58 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk/Secretary