

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

**&  
REGULAR MEETING**

**Monday, October 02, 2017**

**APPROVED:** These Minutes were approved on November 6, 2017.

**ADJOURNED REGULAR MEETING:** CANCELLED

**REGULAR MEETING:**

**CALL TO ORDER:** Mayor Espinoza 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 Chamber, located at 100 East La Habra Boulevard in La Habra, California.

Mayor Espinoza asked for a moment of silence for those who lost their lives at the Country Music Festival in Las Vegas, Nevada.

**INVOCATION:** City Attorney Jones

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Shaw

**COUNCILMEMBERS PRESENT:** Mayor Espinoza  
Mayor Pro Tem Shaw  
Councilmember Blazey  
Councilmember Gomez (arrived at 8:04 p.m.)  
Councilmember Beamish

**COUNCILMEMBERS:** None

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

**CLOSED SESSION ANNOUNCEMENT:** None

**I. PROCLAMATIONS/PRESENTATIONS:** None at this time.

**II. PUBLIC COMMENTS:**

Mark Sturdevant, 1460 Marlei Road, spoke regarding his trip to Bali and Indonesia and expressed his appreciation for the condition of the streets and sidewalks in La Habra.

Robert Dale, Sierra Vista Drive, spoke regarding electronic voting during the City Council Meetings and requested a voice roll call for those with vision issues. He requested a budget status regarding the former Redevelopment Agency and a final report regarding blighted areas

in the City. City Attorney Jones responded that the City Clerk announces the final vote following each electronic vote.

Betty Price, 2531 Shady Valley Lane, spoke regarding seniors on the CARE Program with limited incomes, the cost of garbage collection, and the possibility of charging seniors less for one-time pickup of garbage per month.

### III. **CONSENT CALENDAR:**

Councilmember Beamish stated that he would be abstaining on Item III.3 due to previously working for Southern California Edison.

Robert Dale asked for Item III.5 to be removed for separate discussion.

Moved by Councilmember Blazey, seconded by Mayor Pro Tem Shaw, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.6; WITH THE EXCEPTION OF ITEM III.5 BEING REMOVED FOR SEPARATE DISCUSSION AND COUNCILMEMBER BEAMISH ABSTAINING ON ITEM III.3.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: Councilmember Beamish (Item III.3 only)

ABSENT: Councilmember 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. APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1785** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING AMENDMENTS TO TITLE 5 "BUSINESS TAXES, LICENSES AND REGULATIONS", SECTION 5.04.610 "SEASONAL COMMERCIAL SALES LOTS", DEFINING THE TYPE OF ACTIVITIES REGULATED AND APPROVAL PROCESS PER EXHIBIT "A."
3. Approve the issuance of an Easement Deed to Southern California Edison across a portion of the Police Department parking lot; and authorize staff to send the Easement Deed to the County of Orange for recordation.
4. Approve an amendment of the Police Department Fiscal Year 2017- 2018 Budget to consolidate two Bureau Manager positions into one Administrative Bureau Manager position and increasing the salary of the new position to be competitive with local cities.
5. ITEM REMOVED FOR SEPARATE DISCUSSION. SEE BELOW.

6. WARRANTS: Approve Nos. 00113239 through 00113548 totaling \$1,798,723.44.

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

- III.5 Approve Amendment No. 1 to JMDiaz Inc. for the Professional Engineering Services Contract for the La Habra Union Pacific Rail Line Bikeway Project; and approve a budget appropriation from Measure M2 Fair Share of \$274,706 to fully fund the Project.

Traffic Manager Plotnik presented the staff report.

City Manager Sadro stated that a portion of the requested amendment includes a partnership between the City of Brea, Orange County Transportation Authority (OCTA), and Supervisor Shawn Nelson's Office to approach Union Pacific Railroad (UPRR) with a joint project proposal regarding a segment of the Union Pacific Rail Line that is still active and is located in the City of Brea, but is an extension of what comes into the City of La Habra.

Council discussion included: confirmation the JMDiaz agreement amendment is being presented for approval at the City of Brea's City Council meeting on October 3, 2017.

Robert Dale spoke in support of the amendment to JMDiaz, Inc. agreement. He thanked City Council for adopting the La Habra Bikeway Master Plan. He thanked Supervisor Shawn Nelson and OCTA for their assistance on the bike loop. He expressed his support for the La Habra Police Department's bike patrol unit.

Moved by Councilmember Blazey, seconded by Mayor Pro Tem Shaw, and CARRIED (4-0) TO APPROVE AMENDMENT NO. 1 TO JMDIAZ INC. FOR THE PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE LA HABRA UNION PACIFIC RAIL LINE BIKEWAY PROJECT; AND APPROVE A BUDGET APPROPRIATION FROM MEASURE M2 FAIR SHARE OF \$274,706 TO FULLY FUND THE PROJECT.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Gomez

**V. PUBLIC HEARINGS:**

1. Duly noticed public hearing to consider an urgency interim ordinance of the City Council of the City of La Habra extending amended provisions of Title 18 (The Zoning Code) prohibiting the development of marijuana related uses for a final one (1) year period.

Deputy Director of Community and Economic Development Jaramillo reported that in 1996 the voters of California approved Proposition 215 the Medical Use of Marijuana Act with the La Habra voters opposing the Act 52 percent to 48 percent. He stated that the City Council placed measures into effect to prohibit medical marijuana facilities from establishing in La Habra. He reported that in, 2016, California voters approved Proposition 64 Adult Use of Marijuana Act

(AUMA) to legalize marijuana for recreational purposes and in La Habra the measure passed by 43 votes. He explained that on December 16, 2016, the City Council approved a moratorium prohibiting the development of marijuana related uses. He stated that Council extended the moratorium on January 17, 2017, which is to expire on November 10, 2017. He explained the purpose and need for the moratorium. He described the State regulations, the key components of SB 94, other Orange County Cities activities, and the 20 types of licenses for commercial adult-use and commercial medical cannabis activities. He stated that January 1, 2018, the State will issue temporary licenses; however, local approval is necessary before that State will issue any licenses. He stated that the 20 types of marijuana licenses are classified into six categories as follows: cultivation licenses (14 types); manufacturing licenses (2 types); testing license (1 type); retailer license (1 type); distributor license (1 type); and microbusiness license (1 type).

Council questions included: reviewed the six types marijuana licenses for medical and recreational use and the potential impacts; review of consultant cost; potential for recovery of some consultant costs with establishment of regulations; and clarification of time frame options for approval of the ordinance and potential modifications for local control.

City Attorney Jones recommended that Council establish the one-year moratorium extension to protect the City regarding state issues, licensing, and local control; and direct staff to come back to Council with a focused modification to the ordinance during that year. He added that an outside consultant assisting staff in drafting modifications is important so the modifications are legally enforceable and meet the expectations of the Council.

Mayor Espinoza opened the public hearing at 7:05 p.m.

There were no audience members who spoke in favor of the moratorium.

The following spoke in opposition to the moratorium:

Nick DeSimone, 9385 Randall Avenue, stated that medical marijuana dispensaries are a good revenue source and a positive and safe access is desired by residents.

Vanessa Luna, 10773 Avonbury Avenue, Whittier, spoke regarding the importance of access to medical cannabis, reviewed her history with and in support of medical cannabis.

Tony DeSimone, 9385 Randall Avenue, spoke in opposition to the moratorium. He stated that he has worked in the cannabis industry for over seven years as an entrepreneur specializing in cultivation, retail, and delivery. He stated that the residents of La Habra deserve safe legal access to their medication. He offered his full support and assistance to City officials if they chose the route of regulation. He submitted at the dais a data list of 1302 active physician recommendations currently held by citizens of La Habra.

Jonatan Cvetko, 501 Esplanade in Redondo Beach, California, part of the Los Angeles County Board of Supervisors Cannabis Advisory Committee and Co-Founder of Angeles Emeralds, spoke on behalf of Nick and Tony DeSimone. He spoke regarding a map that displays those La Habra residents who are currently receiving delivery of medical marijuana and stated that under Proposition 64 the City must allow reasonable access to medical marijuana which includes

delivery services to La Habra residents from outside the City. He spoke regarding tax revenue at the State level. He offered his assistance in writing the ordinance.

Amy Leslie, 8311 Calmada Avenue, Whittier, spoke in opposition to the moratorium and the consultant cost. She spoke in favor of medicinal licensing and encouraged Council to allow medicinal licensing as soon as possible.

Alice Arreola, 14816 Bora Drive, La Mirada, spoke in opposition to the moratorium. She described her medical history and expressed her support for medical marijuana.

Greg Leslie, 8113 Calmada Avenue, Whittier, spoke in opposition to the moratorium. He spoke regarding the tax for the City and health benefits of medical marijuana. He submitted at the dais information regarding the tax benefits.

Shelly DeSimone, 9385 Randall Avenue, spoke in opposition to the moratorium. She expressed her concern regarding the loss of potential revenue from medical marijuana.

The following spoke neither in support of nor in opposition to the moratorium:

Lauren Fraser, 3145 Evergreen Avenue, West Sacramento, stated that she was neither for nor against the moratorium, but was representing the Cannabis Distribution Association and River Distributing. She shared input regarding previous statements made. She commented that the State does require local authorization in order to approve a State license. She spoke regarding the distribution process of cannabis.

Mayor Espinoza closed the public hearing at 7:23 p.m.

Councilmember Beamish commented regarding the benefits of medical marijuana; expressed support of licenses for medicinal use relating to testing, warehouse and distribution, and delivery in home; potential revenue from licenses for medical marijuana uses; opposed licensing marijuana for recreational use; potential time frame to extend the moratorium and supported a 60 day moratorium.

Councilmember Blazey concurred with supporting the investigation of the licensing for medical marijuana for testing, warehouse and distribution, and delivery in home; noted the importance of preparing the ordinance correctly and the time needed for staff to thoroughly investigate; noted La Habra has approximately 60,000 residents and expressed the importance of citizen input during future Council meetings regarding this issue.

Mayor Pro Tem Shaw concurred with Councilmembers Beamish and Blazey; spoke in favor of investigating the potential licensing for medical uses with low impact to the community; potential revenue benefits of certain aspects of medical marijuana; expressed concerns relating to the need for strict security, order control or monitoring, selling to licensed dispensaries, testing operations, and the quantity in possession while delivering to home.

Jason Bryant, with Bryant Government Affairs, spoke from the rear of the Chamber and not from the podium. He comments were inaudible.

City Manager Sadro clarified that Council was opposed to cultivation, recreation or medical dispensaries, microbusiness or manufacturing; but supported investigating for potential medical marijuana licensing for testing, distribution, warehousing, home delivery, and perhaps medical dispensaries.

Mayor Espinoza indicated that she supported the potential licensing for medical uses.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE THE FOLLOWING:

- a. ADOPT UGENCY INTERIM **ORDINANCE NO. 1786** ENTITLED: EXTENSION OF AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING PROVISIONS OF TITLE 18 (THE ZONING CODE) PROHIBITING THE DEVELOPMENT OF MARIJUANA RELATED USES FOR ONE FINAL YEAR; PURSUANT TO CALIFORNIA GOVERNMENT CODE 65858 PENDING A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.
- b. AUTHORIZE THE CITY MANAGER TO RETAIN A CONSULTANT, IN AN AMOUNT NOT TO EXCEED \$100,000, TO ASSIST IN THE RESEARCH AND DEVELOPMENT OF STANDARDS FOR THE POSSIBLE ESTABLISHMENT OF MARIJUANA RELATED USES WITHIN THE CITY FOR CITY COUNCIL CONSIDERATION; AND
- c. APPROVE THE APPROPRIATION OF \$100,000 FROM THE CITY'S AVAILABLE GENERAL FUND BALANCE TO FUND THE COST OF A CONSULTANT TO ASSIST STAFF.

Said motion CARRIED by the following roll call vote:

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

Mayor Espinoza invited public testimony at 7:41 p.m.

Vanessa Luna, 10773 Avonbury Avenue, Whittier, suggested that the City reach out to other states for assistance.

Councilmember Beamish suggested that those in the audience who are "experts" to leave their information with the City Clerk, to allow staff to contact them as needed.

Jonatan Cvetko, Co-founder of Angeles Emeralds, stated that in order for the City to participate in the State of California tax revenue share, the City is required to approve both medical and recreational use of marijuana.

Nicholas DeSimone, 9385 Randall Avenue, inquired regarding the number of marijuana licenses for testing, distribution, and delivery that the City Council may issue. Councilmember Beamish indicated that information was not available at this time.

Councilmember Beamish reiterated his support of the medical marijuana testing, warehouse and distribution, and delivery to homes. He expressed that he did not support licensing for or revenue from recreational uses.

Councilmember Blazey reiterated the need for investigation of potential licensing of the medical marijuana testing, warehouse and distribution, and delivery to homes. He suggested placing the warehouse and distribution on the list to investigate prior to the testing and delivery.

Mayor Pro Tem Shaw confirmed that City staff has attended professional seminars regarding marijuana and will be attending the Association of California Cities Orange County (ACCOC) cannabis forum. He received clarification regarding marijuana cultivation.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED (4-0) TO DIRECT STAFF TO INVESTIGATE THE PROS AND CONS REGARDING FUTURE OPPORTUNITIES RELATING TO PERMITTING THE WAREHOUSE AND DISTRIBUTION OF CANNIBUS FOR MEDICAL PURPOSES, TESTING OF CANNABIS FOR MEDICAL PURPOSES, DELIVERY OF CANNIBUS TO PATIENTS' HOMES FOR MEDICAL PURPOSES, AND MEDICAL CANNABIS DISPENSARIES; AND RETURN BACK TO COUNCIL NO LATER THAN 90 DAYS WITH A GOAL OF 60 DAYS.

Said motion CARRIED by the following roll call vote:

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

## **VI. CONSIDERATION ITEMS:**

1. Consider an ordinance for adoption and read the title of the ordinance to amend Title 15 "Building and Construction" of the La Habra Municipal Code Chapter 15.46 adopting the 2017 County of Los Angeles Fire Code, and setting November 6, 2017, for a public hearing on the proposed ordinance.

Deputy Director of Community and Economic Development Jaramillo presented the staff report.

Mayor Espinoza invited the public to testify at 7:54 p.m. There was no public testimony.

There was no Council discussion.

Moved by Councilmember Beamish, seconded by Mayor Pro Tem Shaw, and CARRIED (4-0) TO APPROVE SETTING THE PUBLIC HEARING DATE OF NOVEMBER 6, 2017, IN THE COUNCIL CHAMBERS LOCATED AT 100 E. LA HABRA BOULEVARD, LA HABRA, CALIFORNIA FOR CONSIDERATION OF AN ORDINANCE ENTITLED: AN ORDINANCE OF

THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING TITLE 15 "BUILDING AND CONSTRUCTION" OF THE LA HABRA MUNICIPAL CODE, CHAPTER 15.46, ADOPTING THE 2017 COUNTY OF LOS ANGELES FIRE CODE.

Said motion CARRIED by the following roll call vote:

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

#### **VII. MAYOR'S COMMUNITY CALENDAR:**

Mayor Espinoza made the following announcements:

- "Coffee with a Cop" - Wednesday, October 4 from 8:00 a.m. – 10:00 a.m. at Corner Bakery.
- "Movie in the Park" – Friday, October 13 beginning at dusk at Our Lady of Guadalupe Church to see "The Book of Life."
- La Habra Children's Museum 25<sup>th</sup> Annual "Gourmet Guys" - Sunday, October 5 from 12:00 p.m. – 3:00 p.m. at the Community Center; a fund-raising event in support of the La Habra Children's Museum, its exhibits, and its operations.
- 4<sup>th</sup> Annual La Habra Tamale Festival - Sunday, November 26, along Euclid Street between Portola and Brio Parks.

**VIII. COMMENTS FROM STAFF:** None

#### **IX. COMMENTS FROM COUNCILMEMBERS:**

Councilmember Blazey reported that he attended the American Red Cross Disaster Preparedness Academy at the Anaheim Convention Center in which he attended sessions on: Pre-incident Indicators of Terrorism; Readyng America for Public Disasters and Acts of Terror; and a keynote speech given by David Ohno, a Channel 7 News broadcaster, regarding his travels to various disaster locations and his professional responsibility. He noted that he will continue to work on the City's Disaster Preparedness Committee.

Mayor Pro Tem Shaw stated that the occurrence of multiple disasters lately has impressed upon him how precious life is to him. He reported that he flew with members of the Association of California Cities Orange County (ACCOC) to Washington D.C., as the Chairman of the Legislation Committee, where they met with the staff of Senator Feinstein's office, Chief of Staff to Nancy Pelosi, individuals from the Federal Aviation Administration, Housing and Urban Development, and the Department of Justice. He noted that the following issues were discussed: a bill to allow cities to regulate the use of drones, homelessness issue and how it is increasing in Orange County, sober living homes, and cannabis. He noted that Assembly Bill 346 allows cities to take their Low-Mod funds, left over from Redevelopment Agencies, and pool those funds with other neighboring cities' funds to provide housing projects or a homeless service center. He instructed City Manager Sadro to contact the cities of La Mirada and/or Whittier to check if they have Low-Mod funds, and if combined with the City of La Habra's Low-Mod funds, those funds could be used in a regional way to serve the homeless in our community.

Councilmember Beamish expressed heartfelt condolences and prayers for those involved in the Las Vegas Country Music Festival shooting.

Councilmember Gomez arrived at 8:04 p.m.

Mayor Espinoza stated that she attended the “Love La Habra” event. She thanked everyone who came out to lend a caring hand painting, planting, writing caring words to senior citizens, and feeding the volunteers. She added that she attended the Advance! La Habra Goes to College event workshop. She thanked Fred Les, Co-founder of Advance!, the volunteers, and Community Services Director Failla who shared his career journey. She reported that she attended the Emergency Preparedness Forum and attended sessions on Cybersecurity and West Nile Virus. She added that she attended the Spanish Citizens Academy six-week workshop, offered by the La Habra Police Department, and was at the graduation ceremony. She thanked Police Chief Price for his continued support of the academy. She asked staff to research the possibility of offering Spanish subtitles and/or a translator services during the Council meetings in the future. She stated that she attended the La Habra Action Council and the Our Lady of Guadalupe “La Fiesta” event. She noted that 22,000 people attended the Las Vegas Country Music Festival yesterday expecting a memorable evening of fun and music, but it became a horrific and tragic evening with lives lost, people injured, and those left traumatized. She stated that she will keep them in her prayers and asked the community to do the same. Mayor Espinoza stated, on behalf of the City Council and the citizens of La Habra, that our thoughts and prayers are sent to those in Texas, Florida, and Puerto Rico as they attempt to recover from three severe hurricanes in the region. She stated she would be adjourning the meeting in memory of those who lost their lives at the Las Vegas Country Music Festival; those who lost their lives in the hurricanes in Texas, Florida, and Puerto Rico; Marilyn Anderson, mother to former Councilmember Steve Anderson and mother-in-law to Josie Anderson; and Josefina E. Reynoso, maiden name of Enriquez, born February 26, 1944, and who passed away on September 14, 2017. Mayor Espinoza added that Josefina E. Reynoso’s family lived in the migrant camp of La Habra known as the Red Camp and that she is survived by her son John Reynoso. She asked that everyone be safe and take care of themselves.

Councilmember Gomez apologized to the Mayor, Councilmembers, and audience for being late, and explained that he was attending a Pop-Warner event which ran late. He stated that Channel 5 participated in the event and George Lopez gave a significant donation to Pop-Warner. He asked that everyone keep the Hoffrichter family in their prayers because two of their children were shot during the Las Vegas County Music Festival tragedy. He noted that the Hoffrichter children have been released from the hospital and are on their way home.

**X. ADJOURNMENT:** Mayor Espinoza adjourned the Regular Meeting of the La Habra City Council at 8:10 p.m. in memory of Marilyn Anderson, Josefina E. Reynoso, those who lost their lives in the Las Vegas shooting, and those who lost their lives in the hurricanes in Texas, Florida, and Puerto Rico to Monday, October 16, 2017, 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.

Respectfully submitted,

Tamara D. Mason, MMC, City Clerk