

- f. Establishment of an Appropriation Limit (Proceeds of Taxes): APPROVE AND ADOPT **RESOLUTION NO. 5962** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA ESTABLISHING THE APPROPRIATION LIMIT IN ACCORDANCE WITH ARTICLE XIIB OF THE CONSTITUTION OF THE STATE OF CALIFORNIA FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021, AND AMENDING RESOLUTION NO. 5907.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Director Beamish, Mayor Pro Tem/Director Espinoza,  
Councilmember/Director Gomez, Councilmember/Director Medrano,  
Councilmember/Director Shaw

NOES: None

ABSENT: None

ABSTAIN: None

 **B. CITY COUNCIL:**

1. Duly noticed public hearing to consider Zone Change 20-02 for an Ordinance modifying La Habra Municipal Code Title 18 ("Zoning"), Chapter 18.22 ("Commercial Cannabis Activity") to reduce the number of permitted commercial cannabis distribution facilities, prohibit cannabis testing laboratories, and modifications to existing development standards. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") staff has determined that the Ordinance is exempt pursuant to Business and Professions Code Section 26055(h), "Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Public Resources Code Section 21000) does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity the proposed modifications to Chapter 18.22. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. This subdivision shall become inoperative to July 1, 2021." **(Continued from June 1, 2020)**

Mayor Beamish requested that staff forego the verbal report since this item had already been presented to the City Council at its regular meeting of June 1, 2020, so no staff report was presented

Mayor Beamish opened the public hearing at 7:38 p.m. There was no public testimony so the public hearing was closed.

City Council discussion included: delay consideration of this item for five years; health and safety issues of laboratory testing; and distribution outside of City limits.

Moved by Mayor Beamish, seconded by Mayor Pro Tem Espinoza, and **FAILED (2-3) TO REDUCE THE CURRENT LIMITS OF NO MORE THAN FOUR PERMITTED COMMERCIAL CANNABIS DISTRIBUTION FACILITY LICENSES TO THREE AND REDUCE PERMITTED CANNABIS TESTING LABORATORY LICENSES FROM FOUR TO ONE, AND MAKING MODIFICATIONS TO EXISTING DEVELOPMENT STANDARDS.**

Said motion FAILED by the following roll call vote:

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

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and FAILED (2-3) TO APPROVE FIRST READING OF ORDINANCE NO. XXXX ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, ORANGE COUNTY, CALIFORNIA, APPROVING ONE CHANGE 20-02 MODIFYING LA HABRA MUNICIPAL CODE TITLE 18 ("ZONING"), CHAPTER 18.22 ("COMMERCIAL CANNABIS ACTIVITY") TO REDUCE THE NUMBER OF PERMITTED COMMERCIAL CANNABIS DISTRIBUTION FACILITIES FROM FOUR TO THREE, PROHIBIT CANNABIS TESTING LABORATORIES, AND MAKING MODIFICATIONS TO EXISTING DEVELOPMENT STANDARDS.

Substitute motion moved by Councilmember Shaw, seconded by Mayor Beamish, and FAILED (2-3) TO INCREASE THE CURRENT CITY LIMITS FROM NO MORE THAN FOUR TO FIVE PERMITTED COMMERCIAL CANNABIS DISTRIBUTION FACILITY LICENSES AND INCREASE THE CURRENT NUMBER OF NO MORE THAN FOUR TO FIVE PERMITTED CANNABIS TESTING LABORATORY LICENSES.

Said motion FAILED by the following roll call vote:

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

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and FAILED (2-3) TO APPROVE FIRST READING OF ORDINANCE NO. XXXX ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, ORANGE COUNTY, CALIFORNIA, APPROVING ONE CHANGE 20-02 MODIFYING LA HABRA MUNICIPAL CODE TITLE 18 ("ZONING"), CHAPTER 18.22 ("COMMERCIAL CANNABIS ACTIVITY") TO REDUCE THE NUMBER OF PERMITTED COMMERCIAL CANNABIS DISTRIBUTION FACILITIES FROM FOUR TO THREE, PROHIBIT CANNABIS TESTING LABORATORIES, AND MAKING MODIFICATIONS TO EXISTING DEVELOPMENT STANDARDS.

Said motion FAILED by the following roll call vote:

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

Moved by Councilmember Shaw, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY (4-1) TO TABLE THIS ITEM TO A FUTURE CITY COUNCIL MEETING DATE UNCERTAIN.

City Attorney Jones explained that if this motion passes that the item is taken off the agenda and the current law stands.

Said motion CARRIED by the following roll call vote:

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

VI. **CONSIDERATION ITEMS:** None at this time.

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

Mayor/Director Beamish made the following announcements:

- Coronavirus COVID-19 Informational Updates.
- California "4 Stage Roadmap" for Stay-at-Home Order. California has moved to "Late Stage 2/Early Stage 3" as part of his roadmap to ease the "stay-at-home" order.
- City Facilities Closures to the public during the COVID-19 "Shelter in Place" order. City operations would continue and staff was available by phone and email.
- Reminder to complete the 2020 U.S. Census by mail, phone, or online.
- La Habra Community Survey for residents to provide service priorities in preparation for the Fiscal Year 2020-2021 City of La Habra Budget.

VIII. **COMMENTS FROM STAFF:** None

IX. **COMMENTS FROM COUNCILMEMBERS/DIRECTORS:**

Councilmember/Director Gomez thanked City staff, the Public Works, Community Services, and Community Development departments for their work as the City prepared to reopen following the Coronavirus COVID-19 pandemic stay-at-home orders. He wished Tony Gonzalez a happy 100<sup>th</sup> birthday.

Councilmember/Director Shaw thanked City staff for their work with the Fiscal Year 2020-2021 budget. He indicated his previous budget reduction suggestions including: the sale of safe and sane fireworks, a decrease in the amount of fire stations, regionalizing police services, a cannabis warehouse distribution facility, opposition to spending, and annexing of the County of Orange islands.

Mayor Pro Tem/Director Espinoza thanked the La Habra Police Department for their work with the recent peaceful protests. She spoke regarding the "Join the Conversation" Channel 3 telecast. She requested that tonight's meeting be adjourned in memory of Annette Garza Jimenez. She extended condolences to the Jimenez family.