

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

**Monday, February 01, 2021**

**PRELIMINARY:** These Minutes to be considered for approval on March 1, 2021.

**ADJOURNED REGULAR MEETING 5:30 P.M.:**

**CALL TO ORDER:** Mayor Espinoza called the Adjourned Regular Meeting of the City Council of the City of La Habra to order at 5:33 p.m. (telephonically) in the Closed Session Room 112c, located at 100 East La Habra Boulevard, La Habra, California.

**COUNCILMEMBERS PRESENT:** Mayor Espinoza  
Mayor Pro Tem Medrano  
Councilmember Gomez  
Councilmember Shaw  
Councilmember Simonian

**COUNCILMEMBERS ABSENT:** None

**OTHER OFFICIALS PRESENT:** City Manager Sadro  
City Clerk Swindell

**ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:** None

**CLOSED SESSION:**

1. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), Lennar Homes, et al. v. City of La Habra, et al., Orange County Superior Court Case No. 30-2021-01179615-CU-WM-CJC-ROA#4.

Community and Economic Development Director Ho Legal Counsel Ginetta Giovinco and Legal Counsel Craig Steele with Richards Watson Gershon were present for this item (telephonically).

2. Conference with Legal Counsel - Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4), One (1) potential case.

Community and Economic Development Director Ho, Legal Counsel Ginetta Giovino and Legal Counsel Craig Steele with Richards Watson Gershon were present for this item (telephonically).

**ADJOURNMENT:** The City Council reconvened at 6:12 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:12 p.m.

**REGULAR MEETING 6:30 P.M.:**

**CALL TO ORDER:** Mayor Espinoza called the Regular Meeting of the City Council of the City of La Habra and Regular Meeting to order at 6:30 p.m. (telephonically) in City Council Chamber, located at 100 East La Habra Boulevard, La Habra, California.

**INVOCATION:** City Attorney Jones

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

**COUNCILMEMBERS PRESENT:** Mayor Espinoza  
Mayor Pro Tem Medrano  
Councilmember Gomez  
Councilmember Shaw  
Councilmember Simonian

**COUNCILMEMBERS ABSENT:** None

**OTHER OFFICIALS PRESENT:** City Manager Sadro  
City Attorney Jones  
City Clerk Swindell  
Assistant City Clerk Barone

**CLOSED SESSION ANNOUNCEMENT:** None

**PROCLAMATIONS/PRESENTATIONS:** None

**PUBLIC COMMENTS:**

Wilson Teo, La Habra resident and Homeowners Association President for Luna Apartments, submitted a public comment via email and phoned in regarding denial of overnight parking permits by the City of La Habra for the residents of the Luna Apartments.

Carrie Surich, Commissioner on the Community Services Commission asked to speak regarding Consideration Item 1. Mayor Espinoza instructed Carrie Surich to speak when the item is discussed later in the meeting.

Berenice Ballinas, Senior District Representative for Office of Senator Josh Newman, submitted a public comment via email consisting of an introduction and indication that the district office is transitioning into roles and working remotely during the Coronavirus pandemic.

Cristina Lopez, Senior Public Information Specialist for South Coast Air Quality Management District, submitted a public comment via email regarding the Why Healthy Air Matters (WHAM) Middle and High School Air Quality Education Program.

Jonathan Hawes submitted a public comment via email encouraging City Council support against the Team El Monte embezzlement of \$10 million from the El Monte Promise Foundation Scholarship Fund.

**CONSENT CALENDAR:**

Moved by Mayor Pro Tem Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 4.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Medrano,  
Councilmember Gomez, Councilmember Shaw, Councilmember Simonian

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**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 SECOND READING AND ADOPTION OF **ORDINANCE NO. 1828** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 20-05 FOR AMENDMENTS TO TITLE 18 ("ZONING"), CHAPTER 18.62 ("WIRELESS COMMUNICATION FACILITIES") TO THE LA HABRA MUNICIPAL CODE (LHMC), AS PER EXHIBIT "A"
3. APPROVE THE QUALITY RATING AND IMPROVEMENT (QRIS) BLOCKGRANT SERVICE AGREEMENT NO. 51091 FOR THE 2020-2021 SCHOOL YEAR WITH THE ORANGE COUNTY DEPARTMENT OF EDUCATION

That the City Council approve and authorize the City Manager to execute Contracts CSPP-0343, Amendment 01 for the California State Preschool Program (CSPP) and CCTR-0159, Amendment 01 for General Child Care (CCTR), with the California Department of Education, Child Development Services for the 2020-2021 Fiscal School Year.

4. WARRANTS: APPROVE NOS. 00128578 THROUGH 00128683 TOTALING \$1,423,414.13

Approve Nos. 00128578 through 00128683 totaling \$1,423,414.13.

**CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:** None

**PUBLIC HEARINGS:**

1. DULY NOTICED PUBLIC HEARING TO CONSIDER DEVELOPMENT AGREEMENT 20-01 FOR A CANNABIS DISTRIBUTION OPERATION WITHIN AN EXISTING INDUSTRIAL BUILDING AT 536 WEST MOUNTAIN VIEW AVENUE

Community & Economic Development Director Ho introduced Senior Planner Schaefer who presented the staff report.

City Council discussion included: clarification that a cannabis distribution facility is a warehouse operation and does not include retail sales; confirmation regarding the type of security video cameras (with 90-day retention, high definition with infrared and motion detection that are web, cloud, and hard based at the location), including cameras filming the security cameras in case the security cameras are taken, lighting, armed guard, and backup power source to be provided at the proposed cannabis distribution facility; La Habra Police Department involvement in meeting the state and local security plan requirements.

The applicant, Jacob Poozhikala was available to answer questions. He thanked City Council for the opportunity to address this matter.

City of La Habra Police Lieutenant Dan Henderson explained the security measures that would be implemented at the proposed cannabis distribution facility.

Mayor Espinoza opened the public hearing at 6:49 p.m.

Tom Freitag, La Habra resident, submitted a public comment via email regarding this item.

Mayor Espinoza closed the public hearing at 6:49 p.m.

Moved by Councilmember Simonian, Seconded by Mayor Pro Tem Medrano, AND CARRIED (4-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1829** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 20-01 BETWEEN THE CITY OF LA HABRA AND PINNACLE WELLNESS GROUP, LLC, FOR A CANNABIS DISTRIBUTION FACILITY AT 536 WEST MOUNTAIN VIEW AVENUE, AS PER ATTACHMENT "A"

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Medrano,  
Councilmember Shaw, Councilmember Simonian  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: Councilmember Gomez

#### **CONSIDERATION ITEMS:**

1. CONSIDER EXPIRING TERMS AND VACANCIES ON THE PLANNING COMMISSION, COMMUNITY SERVICES COMMISSION, AND BEAUTIFICATION COMMITTEE; AND PROVIDE STAFF DIRECTION

City Clerk Swindell presented the staff report.

City Council discussion included clarification that an alternate list had not yet been established for the Beautification Committee; confirmation of Richard Rojas as first alternate for the Community Services Commission and that Jerry Powell would continue as a Planning Commissioner if City Council postpones recruitment to March 2022.

Mayor Espinoza invited the public to testify at 6:59 p.m.

Community Services Commissioner Carrie Surich thanked the City Council for the opportunity to serve on the Community Services Commission, and expressed interest in continuing to serve on the commission, and if City Council postpones recruitment to March 2022.

Community Services Commission Chair Marie Laveaga submitted a public comment via email and phoned in her support of the reappointment of Community Services Commission Vice Chair Teresa Kempker and Community Services Commissioner Carrie Surich due to their exemplary service and to remain continuity on the commission. She expressed support for first alternate Richard Rojas to serve in the unscheduled vacancy position on the commission.

Community Services Commission Vice Chair Teresa Kempker thanked the City Council for the opportunity to serve on the Community Services Commission, and expressed interest in continuing to serve on the commission.

Mayor Espinoza closed public testimony at 7:04 p.m.

Moved by Councilmember Gomez, seconded by Councilmember Simonian THAT THE CITY COUNCIL POSTPONE THE ANNUAL COMMISSION RECRUITMENT AND APPOINTMENT PROCESS UNTIL MARCH 2022, AND EXTEND ANY EXPIRING TERMS BY ONE YEAR DUE TO THE CURRENT RESTRICTIONS ASSOCIATED WITH THE CORONAVIRUS (COVID-19) PANDEMIC.

Mayor Pro Tem Medrano made the following substitute motion:

Moved by Mayor Pro Tem Medrano, seconded by Councilmember Gomez, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL POSTPONE THE ANNUAL COMMISSION RECRUITMENT AND APPOINTMENT PROCESS UNTIL MARCH 2022, AND EXTEND ANY EXPIRING TERMS BY ONE YEAR DUE TO THE CURRENT RESTRICTIONS ASSOCIATED WITH THE CORONAVIRUS (COVID-19) PANDEMIC, AND APPOINT COMMUNITY SERVICES COMMISSION FIRST ALTERNATE RICHARD ROJAS TO FILL THE UNSCHEDULED VACANCY THAT OCCURRED ON DECEMBER 29, 2020.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Medrano,  
Councilmember Gomez, Councilmember Shaw, Councilmember Simonian

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Mayor Espinoza made the following announcements:

- Blueprint for a Safer Economy.
- COVID-19 Vaccination Distribution.
- Wear a Mask and Slow the Spread of COVID-19.
- La Habra CARES Ambassador Program seeking volunteers who are at least 16 years old.
- Community Blood Drives will be held on Tuesday, February 23, 2021, at Veterans Memorial Hall.

**COMMENTS FROM STAFF:** None

**COMMENTS FROM COUNCILMEMBERS:**

Mayor Pro Tem Medrano thanked City staff, Planning Commissioners, Community Services Commissioners, and Beautification Committee members for their hard work.

Councilmember Gomez thanked Recreation Manager DeLeon and Community Services Commission Surich for COVID-19 vaccine outreach, and the health care providers for administering the COVID-19 vaccine. Councilmember Gomez requested the meeting be adjourned in memory of Linda Morales, wife to Buddy Morales and mother to former Miss La Habra Kirby Morales, Santos Gomez, and Blanca Gomez.

Councilmember Simonian thanked City staff for their efforts in providing the COVID-19 vaccine to the community. He encouraged the public to get the COVID-19 vaccination.

Mayor Espinoza requested the meeting be adjourned in memory of Linda Morales, Santos Gomez, and Blanca Gomez. Mayor Espinoza spoke in support of the COVID-19 vaccination.

**ADJOURNMENT:** Mayor Espinoza adjourned the City Council meeting in memory of Linda Morales, Santos Gomez, and Blanca Gomez at 7:17 p.m., to Tuesday, February 16, 2021, at 5:30 p.m. in the Council Closed Session Room 112c, 100 East La Habra Boulevard, followed by the Regular Meeting at 6:30 p.m. in the City Council Chamber.

Respectfully submitted,

Laurie Swindell, CMC  
City Clerk