

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

Tuesday, February 16, 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 5:32 p.m. in the Closed Session Room 112c, located at 100 East La Habra Boulevard, La Habra, California (telephonically).

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
Assistant City Attorney Collins
City Clerk Swindell (excused absence)

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS: None

CLOSED SESSION:

1. Conference Call with Real Property Negotiator per Government Code Section 54956.8 - Property: 209 North Euclid Street (APN 022-062-27); City Negotiator: Jim Sadro, City Manager/Executive Director; Negotiating Parties: City of La Habra Housing Authority, Owner; Under Negotiation: Price and Terms of Payment.

Community and Economic Development Director Ho was present for this item.

2. Conference Call with Real Property Negotiator per Government Code Section 54956.8 - Property: 200 West Greenwood Avenue (APN 022-020-02); City Negotiator: Jim Sadro, City Manager/Executive Director; Negotiating Parties: City of La Habra Housing Authority, Owner; Under Negotiation: Price and Terms of Payment.

Community and Economic Development Director Ho was present for this item.

ADJOURNMENT: The City Council reconvened at 5:52 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 5:52 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 to order at 6:30 p.m. (telephonically) in the City Council Chamber, located at 100 East La Habra Boulevard, La Habra, California.

INVOCATION: Assistant City Attorney Collins

PLEDGE OF ALLEGIANCE: Councilmember Gomez

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
Assistant City Attorney Collins
City Clerk Swindell (excused absence)
Assistant City Clerk Barone (excused absence)

CLOSED SESSION ANNOUNCEMENT: None

PROCLAMATIONS/PRESENTATIONS: None at this time.

PUBLIC COMMENTS: None

CONSENT CALENDAR:

Councilmember Gomez stated that he would be abstaining on Consent Calendar Item 3.

Moved by Councilmember Gomez, seconded by Councilmember Simonian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 11; WITH THE EXCEPTION OF COUNCILMEMBER GOMEZ WHO ABSTAINED ON ITEM 3.

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: Councilmember Gomez (Item 3 only)

1. **PROCEDURAL WAIVER:** Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.

2. PLANNING COMMISSION MEETING MINUTES

That the City Council approve Planning Commission Minutes of:

- August 10, 2020
- September 14, 2020
- September 15, 2020
- September 16, 2020
- September 17, 2020
- September 28, 2020
- October 26, 2020
- November 9, 2020
- November 23, 2020
- December 13, 2020

3. APPROVE THE SECOND READING AND ADOPTION 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 CANNABIS DISTRIBUTION FACILITY AT 536 WEST MOUNTAIN VIEW AVENUE, AS PER ATTACHMENT "A"

4. APPROVE THE 2020 ORANGE COUNTY OPERATIONAL AREA AGREEMENT

That the City Council approve the 2020 Orange County Operational Area Agreement and authorize the City Manager to execute the agreement.

5. APPROVE THE CITY'S PROPERTY INSURANCE POLICY RENEWAL FOR A ONE-YEAR TERM

That the City Council authorize the City Manager to renew the City's property insurance policy for all City owned properties with Travelers Property Casualty Company of America for the period of March 1, 2021, through March 1, 2022, with a \$5,000 deductible at an annual premium cost of \$96,170.

6. REAFFIRMATION OF LOCAL EMERGENCY DECLARATION DUE TO COVID-19

That the City Council:

A. Receive this report; and

B. APPROVE AND ADOPT **RESOLUTION NO. 5985** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, REAFFIRMING RESOLUTION NO. 5934 WHICH RATIFIED THE DIRECTOR OF EMERGENCY SERVICES' DECLARATION OF A LOCAL EMERGENCY DUE TO COVID-19.

7. REJECT ALL BIDS RECEIVED FOR THE COMMUNITY CENTER PARKING LOT DEMOLITION AT 115 AND 121 NORTH EUCLID STREET, CITY PROJECT NO. 1-D-20

That the City Council reject bids received from UBD INC., Gentry General Engineering Inc., CHI Construction, Cinbad Industry Inc., and Grandville Contracting and Management Inc. for the Community Center Parking Lot Demolition project at 115 and 121 North Euclid Street, City Project No. 1-D-20.

8. APPROVE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AGA ENGINEERS, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE LAMBERT ROAD CORRIDOR REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

That the City Council:

- A. Approve and authorize the City Manager to enter into an agreement with AGA Engineers, Inc., of Fullerton, California, in the amount of \$658,425 to provide professional engineering services for the Lambert Road Corridor Regional Traffic Signal Synchronization Project; and
 - B. Authorize staff to issue a purchase order to AGA Engineers, Inc., of Fullerton, California, in the amount of \$691,346 that includes a five percent contingency.
9. AWARD A CONTRACT TO BAKER ELECTRIC, INC., FOR THE CONSTRUCTION OF HARBOR BOULEVARD AND ARBOLITA DRIVE TRAFFIC SIGNAL MODIFICATION, CITY PROJECT NO. 1-TC-20

That the City Council:

- A. Approve Plans and Specifications for the construction of Harbor Boulevard and Arbolita Drive Traffic Signal Modifications, City Project No. 1-TC-20; and
 - B. Award a contract for the construction of Harbor Boulevard and Arbolita Drive Traffic Signal Modifications to Baker Electric, Inc., of Escondido, California, in the amount of \$253,562 and reject all other bids; and
 - C. Approve and authorize the City Manager to execute an agreement with Baker Electric, Inc., of Escondido, California, in the amount of \$253,562 and authorize staff to issue a purchase order to Baker Electric, Inc., of Escondido, California, in the amount of \$278,918, which includes a 10 percent contingency; and
 - D. Appropriate an additional \$8,190 from the Gas Tax funds to provide sufficient funding to complete this project.
10. AUTHORIZATION FOR THE ISSUANCE OF A PURCHASE ORDER TO WONDRIES FLEET GROUP, ALHAMBRA, CALIFORNIA, IN THE AMOUNT OF \$234,263 FOR SIX NEW 2021 FORD POLICE INTERCEPTOR UTILITY VEHICLES TO REPLACE EXISTING VEHICLES

That the City Council:

- A. Waive formal bid procedures per La Habra Municipal Code Section 4.20.050 (C) and utilize the cooperative purchase provision of the contract awarded by Sourcewell, also known as National Joint Powers Alliance (NJPA) Master Vehicle Contract #120716-NAF, for the purchase of six new 2021 Ford Police Interceptor utility vehicles to replace existing vehicles; and
- B. Authorize City Manager to issue a purchase order in the amount of \$234,263 from the Fleet Replacement Fund to Wondries Fleet Group, Alhambra, California, for the purchase of six new 2021 Ford Police Interceptor utility vehicles.

11. WARRANTS: APPROVE NOS. 00128684 THROUGH 00128880 TOTALING \$1,683,721.92; AND WIRE TRANSFERS: APPROVE WIRE TRANSFERS DATED 02/17/21 AND 02/26/21 TOTALING \$1,022,671.26

Approve Nos. 00128684 through 00128880 totaling \$1,683,721.92; and Wire Transfers Dated 02/17/21 and 02/26/21 totaling \$1,022,671.26.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

- 1. CONSIDER AN ORDINANCE AMENDING CHAPTER 1.16 TO TITLE 1 OF THE LA HABRA MUNICIPAL CODE RELATING TO THE CITY'S OFFICIAL SEAL AND CITY LOGO

City Manager Sadro presented the staff report.

City Council discussion included: guidelines for potential unauthorized alteration and use of the City's Official Seal and City Logo; allowance for an enforceable civil fine or a criminal penalty; and City Council notification by City Manager or his designee when requests are made for use of the City's Official Seal and City Logo.

Mayor Espinoza invited the public to testify at 6:40 p.m. There was no public testimony.

Moved by Councilmember Simonian, Seconded by Councilmember Gomez, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO.1830** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, AMENDING CHAPTER 1.16 ("CITY SEAL") TO TITLE 1 ("GENERAL PROVISIONS") OF THE LA HABRA MUNICIPAL CODE RELATING TO THE CITY SEAL AND CITY LOGOS; AND AUTHORIZE THE CITY MANAGER, OR HIS/HER DESIGNEE, TO APPROVE OR DENY REQUESTS FROM THIRD PARTIES WHO REQUEST OFFICIAL USE OF THE CITY SEAL AND/OR LOGO, AND THAT THE CITY MANAGER OR HIS/HER DESIGNEE INFORM THE CITY COUNCIL WHEN REQUESTS FOR USE OF THE CITY'S OFFICIAL SEAL AND CITY LOGO ARE RECEIVED.

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

2. CONSIDER AN UPDATE TO ADMINISTRATIVE POLICY NO. 3.10, SECTION XVI ("PUBLIC HEARINGS") TO ADD LANGUAGE SETTING A PUBLIC HEARING TIME LIMIT

City Manager Sadro presented the staff report.

City Council discussion included: confirmation that there is no legal limit for overall public hearing testimony keeping in mind the due process of the public hearing, and the need for a limit to the total amount of time for public testimony.

Assistant City Attorney Collins confirmed that other local cities have a total public hearing time limit ranging from half an hour to two hours always with discretion to exceed that time limit for due process.

City Manager Sadro recommended adding language to the policy to add more time to the public hearing total time frame at the Mayor's/Chair's discretion for more complex subject matter.

Mayor Espinoza invited the public to testify at 6:47 p.m.

Christine Cook, La Habra resident, spoke in support of this item with the allowance of additional time, if necessary.

Mayor Espinoza closed public testimony at 6:49 p.m.

Moved by Councilmember Simonian, Seconded by Councilmember Gomez, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE A PROPOSED UPDATE TO ADMINISTRATIVE POLICY NO. 3.10, SECTION XVI. PUBLIC HEARINGS, ADDING LANGUAGE SETTING A PUBLIC HEARING TIME LIMIT OF FIVE MINUTES PER SPEAKER, WITH A ONE (1) HOUR TOTAL TIME LIMIT FOR PUBLIC COMMENTS ON PUBLIC HEARING ITEMS, WITH AN EXTENSION OF THE TOTAL TIME LIMIT AT THE DISCRETION OF THE MAYOR OR CHAIR BASED ON THE NUMBER OF PUBLIC SPEAKERS AND THE COMPLEXITY OF THE SUBJECT BEING HEARD

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

3. CONSIDER AN ORDINANCE AMENDING CHAPTER 2.12 ("MAYOR AND MAYOR PRO TEM") OF TITLE 2 ("ADMINISTRATION AND ORGANIZATION") OF THE LA HABRA MUNICIPAL CODE

City Manager Sadro presented the staff report.

City Council discussion included clarification of why the action should not be changed from election to appointment of Mayor and Mayor Pro Tem

Mayor Espinoza invited the public to testify at 6:54 p.m. There was no public testimony.

Moved by Councilmember Gomez, Seconded by Mayor Pro Tem Medrano, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1831** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING SECTION 2.12.010 ("ELECTION") OF CHAPTER 2.12 ("MAYOR AND MAYOR PRO TEM") TO TITLE 2 ("ADMINISTRATION AND ORGANIZATION") OF THE LA HABRA MUNICIPAL CODE PERTAINING TO THE ELECTION OF THE MAYOR AND MAYOR PRO TEM.

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

Councilmember Shaw left the meeting at 6:55 p.m.

4. APPROVE A PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF LA HABRA AND VISHNU A. PATEL AND RITA V. PATEL, TRUSTEES, UNDER THE PATEL FAMILY TRUST DATED MAY 31, 2007, FOR THE PROPERTY LOCATED AT 222 SOUTH EUCLID STREET (ASSESSOR'S PARCEL NUMBER 022-174-08) FOR \$205,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS

Community & Economic Development Director Ho introduced Housing & Economic Development Manager Cole-Corona who presented the staff report.

City Council discussion included a recommendation that signage be posted on the property stating no overnight parking and no unauthorized dumping on the property.

Mayor Espinoza invited the public to testify at 6:58 p.m. There was no public testimony.

Moved by Mayor Pro Tem Medrano, seconded by Councilmember Simonian including amendment D below, AND CARRIED (4-0) THAT THE CITY COUNCIL:

A. Approve a Purchase and Sales Agreement between the City of La Habra and Vishnu A. Patel and Rita V. Patel, Trustees of the Patel Family Trust dated May 31, 2007, for the purchase of property located at 222 South Euclid Street (Assessor's Parcel Number 022-174-08) in the amount of \$205,000; and

B. Approve the appropriation of \$210,000 from General Fund Land Acquisition Reserves to fund the Purchase and Sales Agreement between the City of La Habra and Vishnu A. Patel and Rita V. Patel, Trustees of the Patel Family Trust dated May 31, 2007 for the purchase of the subject property and related escrow fees; and

C. Authorize the City Manager to sign all related documents for the purchase; and

D. Authorize the posting of No Overnight Parking and No Unauthorized Dumping on the property; and

E. APPROVE AND ADOPT **RESOLUTION NO. 5986** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE PURCHASE OF 222 SOUTH EUCLID STREET FROM VISHNU A. PATEL AND RITA V. PATEL, TRUSTEES, UNDER THE PATEL FAMILY TRUST DATED MAY 31, 2007.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSENT: Councilmember Shaw (left meeting at 6:55 p.m.)

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.
- Emergency Rental Assistant Program applications accepted by the County of Orange.
- 4th District Small Business Grant Relief Program assistance to small businesses and nonprofits impacted by COVID-19.
- Community Blood Drives will be held on Tuesday, February 23, 2021, at Veterans Memorial Hall.

COMMENTS FROM STAFF: None

COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez thanked Director of Community Services Fujio, Recreation Manager DeLeon, and St. Jude Hospital Regional Director Barry Ross for the COVID-19 vaccine outreach. Councilmember Gomez requested that the meeting be adjourned in memory of Ron Drake, former employee of Don Steves Chevrolet and husband to Melody Drake who was a former Commissioner on the Community Services Commission; Sylvia Arroyo, former Commissioner on the Community Services Commission; Al Stafford, Co-founder of The Gary Center, Tony Manzella, and in recognition of the anniversary of the passing of Marketing Consultant Bruce Martin's wife Sally Martin.

Mayor Pro Tem Medrano thanked staff for their hard work. He offered his condolences to the families of those who have lost loved ones to COVID-19. He requested that Inclusionary Housing be discussed at a future City Council meeting. Mayor Espinoza concurred.

Councilmember Simonian spoke regarding the lives lost due to COVID-19, the importance of wearing a face mask, and following COVID-19 guidelines. He encouraged everyone to get the COVID-19 vaccine.

Mayor Espinoza offered her condolences on the passing of Al Stafford. She requested the meeting be adjourned in memory of Virginia Guzman.

ADJOURNMENT: Mayor Espinoza adjourned the City Council meeting in memory of Ron Drake, Sylvia Arroyo, Al Stafford, Tony Manzella, Sally Martin, and Virginia Guzman at 7:14 p.m., to Monday, March 1, 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