

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

Monday, April 20, 2015

APPROVED: These Minutes were approved on May 4, 2015.

ADJOURNED REGULAR MEETING:

CALL TO ORDER: Mayor Blazey called the Adjourned Regular Meeting of the City Council of the City of La Habra to order at 5:30 p.m. in the Administrative Conference Room 106, located at 201 East La Habra Boulevard, La Habra, California.

COUNCILMEMBERS PRESENT: Mayor Blazey
Mayor Pro Tem Gomez
Councilmember Shaw
Councilmember Espinoza
Councilmember Beamish

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
City Clerk Mason

- I. **ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:**
- II. **CLOSED SESSION:** Mayor Blazey announced the Closed Session and Council convened as follows:
 - a. Conference with Labor Negotiator per Government Code Section 54957.6 - Agency Representative: Jim Sadro, City Manager; Employee Organizations: Police Sworn Employees, Police Civilian Employees, La Habra Municipal Employees Association, General Services Employees, Professional Employees, and Management and Executive Management Groups.

Community Service Director Failla, Human Resources Director Juengel, Finance Director Shannon, Assistant to the City Manager Ferrier, and Human Resources Manager Coelho-LaFreniere were present for this item.

- III. **ADJOURNMENT:** City Council reconvened from Closed Session at 6:00 p.m. There were no announcements. The Adjourned Regular Meeting was adjourned at 6:00 p.m.

REGULAR MEETING:

CALL TO ORDER: Mayor Blazey 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 Chambers, located at 201 East La Habra Boulevard, La Habra, California.

INVOCATION: Deputy City Attorney Ryan Jones

PLEDGE OF ALLEGIANCE: Mayor Blazey

COUNCILMEMBERS PRESENT: Mayor Blazey
Mayor Pro Tem Gomez
Councilmember Shaw
Councilmember Espinoza
Councilmember Beamish

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Recognition of Sonora High School Varsity Basketball CIF Championship.

Mayor Blazey invited Sonora High School Principal Dr. Adam Bailey and Varsity Basketball Coach Mike Murphy to the podium to be recognized and to assist in presenting certificates to the team members.

II. PUBLIC COMMENTS:

Kathryn Young, resident, spoke regarding her participation in Earth Day/Arbor Day event. She expressed her disappointment in the operation of the event.

III. CONSENT CALENDAR:

Moved by Councilmember Beamish, seconded by Councilmember Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.8.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

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. Authorize the City Manager to execute Amendment Number 1 of the Workforce Investment Act (WIA) Youth Cost Reimbursement Agreement, between the City of La Habra and the County of Orange for \$73,815 in additional funding for the operation of the In and Out of School Youth Program in the Northern region by the Employment and Training division, through June 30, 2015; and approve a budget amendment.
3. Approve and authorize the City Manager to execute agreement with the City of Anaheim for equipment and training costs reimbursement for Homeland Security training as outlined in the FY2014 Urban Areas Security Initiative (UASI).
4. Approve the temporary signage for the Citrus Fair at the NE corner of La Habra Blvd. and Euclid St. and at the NW corner of La Habra Blvd. and Harbor Blvd. subject to the satisfaction of the Director of Community and Economic Development.
5. Approve City Council Minutes of April 6, 2015.
6. Approve and authorize City Manager to enter into a five-year agreement with Pacific Striping, Inc. of Whittier in the annual amount of \$30,910 for the Annual Citywide Traffic Striping Program Fiscal Year 2014-2015 through Fiscal Year 2018-2019; and authorize staff to issue a Purchase Order in the amount of \$34,001, which includes a 10% Contingency.
7. WARRANTS: Approve Nos. 00100959 through 00101124 totaling \$834,574.05.
8. Approve and authorize City Manager to execute the amended Waste Disposal Agreement with Orange County, thereby creating a new term which will extend the existing agreement an additional five years, from 2020 to 2025.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider an ordinance that would amend Chapter 5.32 Entertainment, Amusement and Dance Permits of Title 5 Business Taxes, Licenses and regulations relating to entertainment permit procedures.

City Clerk Mason presented the staff report. She reported that currently Entertainment Permits are submitted to the City Clerk's Office for processing and to be consistent with similar types of permit processing procedure, the proposed ordinance revised the code to require Entertainment permits to be submitted to the Director of Community and Economic Development. She noted that the proposed ordinance make no changes to the licensing authority for such permits and makes no changes to the appeal procedures for denials or revocation.

Mayor Blazey opened the public hearing at 6:47 p.m. There being no testimony, the public hearing was closed.

Moved by Mayor Pro Tem Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE THE FIRST READING OF **ORDINANCE NO. 1757** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING CHAPTER 5.32 (ENTERTAINMENT, AMUSEMENT AND DANCE PERMITS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) RELATING TO ENTERTAINMENT PERMIT PROCEDURES.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

2. Duly noticed public hearing to consider an ordinance that which modifies and amends Section 10.58.030 (Operational Requirements) of Chapter 10.58 (Food Vending Vehicles) of Title 10 (Vehicles and Traffic) of the La Habra Municipal Code relating to food vending vehicles.

Community Preservation Manager Keating presented the staff report.

Council discussion included: confirmation there are no additional regulations to enforce; food vending vehicle operators and students have been informed by the Neighborhood Preservation Department and the school district regarding private property restrictions; restroom facilities have to be provided within so many feet only if the food vending vehicle is in a location for more than one hour; trash cans are required to be provided; students are allowed to leave campus during lunch break; school district did not oppose eliminating the 300-foot buffer around the schools and did not support closing the campuses; verification that the food vending vehicles are not allowed on school property, but will be legally parked directly adjacent to the schools on Highlander Avenue at La Habra High School and on Palm Street at Sonora High School; identified that the east side of Palm Street is in the City of Brea and the City of La Habra has no jurisdiction; clarification of food vending vehicles permitting and licensing requirements; confirmation that food vending vehicles remit sales tax through the State Board of Equalization and that staff will research if sales tax has been received by the City.

Deputy City Attorney Ryan Jones stated the City can, and has, regulated the time, place, and manner and can make further restrictions regarding specific areas, locations, and hours. He confirmed that vending vehicles cannot be removed entirely from the City. He stated that he is not aware of any additional regulations that can be imposed, but could research the item further.

Mayor Blazey opened the public hearing at 7:04 p.m.

Vickie Talley, representing the owners of the Lambert/Palm Business Center, thanked City Manager Sadro and City staff for addressing this issue

There being no further testimony, Mayor Blazey closed the public hearing at 7:06 p.m.

Moved by Mayor Pro Tem Gomez, seconded by Councilmember Beamish, and CARRIED UNANIMOUSLY 5-0 TO APPROVE FIRST READING OF **ORDINANCE NO. 1758** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING Section 10.58.030.b.4 (OPERATIONAL REQUIREMENTS) OF CHAPTER 10.58 (FOOD VENDING VEHICLES) OF TITLE 10 (VEHICLES AND TRAFFIC) RELATING TO FOOD VENDING VEHICLES.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider repealing Ordinance No. 1317 prohibiting fireworks and developing regulations for the sale and enforcement of fireworks City-wide.
 - a. Direct staff to either proceed with repealing fireworks prohibition and drafting new regulations for the sale and enforcement of safe and sane fireworks to be brought forward for Council consideration at a future date; or
 - b. Receive and file this report and take no action at this time.

Community Development Director Ho presented the staff report.

Council discussion included: challenges regarding the enforcement of regulations for illegal fireworks; potential impact on city streets from the white residue left from fireworks; relating costs of fireworks debris clean-up on city streets; potential safety and fire issues from the use of legalized fireworks; confirmation of state law must be 16 years of age to purchase fireworks and 18 years of age to sell fireworks; fireworks supply companies are not allowed to become a franchise; potential for the City to choose the safe and sane fireworks supply company; direct staff to confirm if legalizing safe and sane fireworks has had a negative impact on the fireworks shows of other cities; direct staff to gather additional information regarding the numbers of injuries from legalized fireworks; direct staff to review the two Grand Jury reports regarding negative impacts of legalizing fireworks that staff were just made aware; reviewed the timeline necessary to gather requested information, draft guidelines, and potentially approve legalization of fireworks prior to July 4, 2015; and confirmed additional time was needed to provide requested additional information.

Mayor Blazey invited the public to testify at 7:22 p.m.

The following individuals spoke in support of lifting the ban on fireworks: Kent Roberts, representing La Habra Boys and Girls Club, and John Kelley, Vice President of TNT Fireworks.

William Janis, La Habra resident, spoke in opposition to lifting the ban on fireworks.

There being no further testimony, Mayor Blazey closed public testimony at 7:37 p.m.

MOTIONED by Mayor Pro Tem Gomez to receive and file report; and direct staff to gather additional information for an in-depth analysis and return to Council for further consideration at a future meeting date uncertain.

Councilmember Shaw made a subsidiary motion TO DIRECT STAFF TO PROCEED WITH REPEALING FIREWORKS PROHIBITION AND DRAFTING NEW REGULATIONS FOR THE SALE AND ENFORCEMENT OF SAFE AND SANE FIREWORKS TO BE BROUGHT FORWARD FOR COUNCIL CONSIDERATION AT THE MAY 4, 2015, CITY COUNCIL MEETING.

The subsidiary motion failed due to lack of a second.

Moved by Mayor Pro Tem Gomez, seconded by Councilmember Beamish, and CARRIED (4-1) TO RECEIVE AND FILE REPORT; AND DIRECT STAFF TO GATHER ADDITIONAL INFORMATION FOR AN IN-DEPTH ANALYSIS AND RETURN TO COUNCIL FOR FURTHER CONSIDERATION AT A FUTURE MEETING DATE UNCERTAIN.

Said motion CARRIED by the following roll call vote:

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

NOES: Councilmember Shaw

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Blazey made the following announcements:

- Mayor's office hours are available by appointment.
- The La Habra Emergency Preparedness Council will hold a community meeting to discuss the impact of the drought on La Habra, and share helpful tips to help conserve water - Thursday, April 30, at 7:00 p.m., located at the La Habra Community Center.
- The La Habra Citrus Fair - Friday, May 1 from 5:00 p.m. – 11:00 p.m., Saturday, May 2 from 12:00 p.m. – 11:00 p.m., and Sunday, May 3 from 12:00 p.m. – 9:00 p.m.
- La Habra Youth Committee applications are due by Friday, May 8.
- Household Hazardous Waste Collection event – Friday, May 15 for La Habra businesses and Saturday, May 16 for La Habra residents, at the City's Maintenance Yard located at 621 West Lambert Road.
- Upcoming City Council meeting - Monday, May 4, at 6:30 p.m. in the Council Chambers.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Beamish stated he attended the La Habra Children's Museum Golf Tournament at Hacienda Golf Club. He congratulated the Sonora High School Varsity basketball team and Coach Mike Murphy for winning the CIF Championship.

Councilmember Espinoza stated she attended the retirement of two Los Angeles County Fire Department firefighters. She instructed staff to recognize them at the May 4, 2015 City Council meeting for their years of service. She stated that she attended the La Habra Art Gallery's closing reception with Mayor Blazey. She stated the La Habra Art Gallery will have a display at the upcoming Citrus Fair.

Councilmember Shaw congratulated the Sonora High School Varsity basketball team on their CIF Championship. He welcomed his students in attendance from Rio Hondo College.

Mayor Pro Tem Gomez commented regarding his attendance at the Earth/Arbor Day event held at El Centro Park. He stated that he attended the Kick-Off Rally for the Special Olympics World Games. He congratulated Community Services Director Failla, the staff who organized the event, and the participants who attended the rally.

Mayor Blazey stated he attended the La Habra Children's Museum Golf Tournament at Hacienda Golf Club. He stated that he attended the La Habra Art Gallery's closing reception. He requested that City Manager look into a way to provide the La Habra Art Gallery with more wall space at the potential new City Hall location such as movable partitions and space in the atrium area. He thanked City Council and City staff for their concern and good wishes regarding the transition of his 89-year old father into nursing care. He stated he will be adjourning the meeting in memory of Sandy Vinatieri, wife of City of Whittier Councilmember Joe Vinatieri, who passed away on Saturday, April 11, from ALS/Lou Gehrig's Disease. He stated that Sandy was the mother of Sarah Barcroft, Joe Vinatieri, Jr., and Susanna Hammond. He stated Sandy and Joe were married in 1980 and that Sandy graduated from California State University Fresno with a Bachelor of Arts degree in Home Economics. He stated that Sandy was a member of the Plymouth Congregational Church, Assistance League of Whittier, and involved in the Christian ministry in Outer Mongolia through the Campus Crusade for Christ. He added that in 2013 the Assistance League of Whittier honored Sandy with the Ada Edwards Laughlin award, which is the highest honor a chapter can award one of its members. He stated that Sandy's life demonstrated her love for God, family, kids, Mongolia, and the Assistance League of Whittier. He stated Sandy will be deeply missed by her family and friends.

- X. **ADJOURNMENT:** Mayor Blazey adjourned the meeting in memory of Sandra Vinatieri at 7:56 p.m. to Monday, May 4, 2015, 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.

Respectfully submitted,



Tamara D. Mason, MMC
City Clerk