

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

Monday, April 05, 2021

PRELIMINARY: These Minutes to be considered for approval May 17, 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 5:31 p.m. 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
Assistant City Attorney Collins
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 was present for this item, and Acting City Attorneys Ginetta Giovinco and Craig Steele were present via telephone for this item.

ADJOURNMENT: The City Council reconvened at 6:02 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:02 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. in the 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:

1. PROCLAIM APRIL 2021 AS FAIR HOUSING MONTH IN THE CITY OF LA HABRA

Fair Housing Foundation Housing Counselor Lizette Montes accepted the proclamation.

2. PROCLAIM APRIL 2021 AS SEXUAL ASSAULT AWARENESS MONTH IN THE CITY OF LA HABRA

Staff indicated there was no one in attendance to accept the proclamation, and that it would be mailed to the appropriate representative.

3. PROCLAIM APRIL 11-17, 2021 NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK IN THE CITY OF LA HABRA

Police Captain Foster accepted the proclamation.

4. PROCLAIM APRIL 11-17, 2021 AS NATIONAL ANIMAL CONTROL OFFICER APPRECIATION WEEK IN THE CITY OF LA HABRA

Police Captain Foster accepted the proclamation.

5. PROCLAIM APRIL 2021 AS DMV/DONATE LIFE MONTH IN THE CITY OF LA HABRA

One Legacy Ambassador Bobbie Hamfeldt accepted the proclamation.

6. RECOGNITION OF CHIEF OF POLICE JERRY PRICE FOR HIS SERVICE TO THE CITY OF LA HABRA

Mayor Espinoza read a resolution from Senator Josh Newman to Chief of Police Price for his service. Mayor Espinoza and each City Councilmember thanked Chief of Police Price for his service to the City, and presented him with a proclamation and retirement plaque.

Councilmember Gomez requested that a tile be placed in front of the Council Chamber in commemoration of Police Chief Price. Mayor Espinoza concurred. Mayor Espinoza reviewed Chief of Police Price's work experience and accomplishments. Chief of Police Price thanked City Council, City staff, his wife and his family for their support.

PUBLIC COMMENTS:

Steve LaMotte, Executive Officer for the Building Industry Association of Orange County (BIAOC) stated he was to speak regarding Consent Item No. 6 regarding Inclusionary Housing. Mayor Espinoza instructed Mr. LaMotte to speak when that item was being discussed.

CONSENT CALENDAR:

Councilmember Gomez requested that Item No. 6 be pulled from the Consent Calendar.

Moved by Mayor Pro Tem Medrano, seconded by Councilmember Simonian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 12; WITH THE EXCEPTION OF ITEM NO. 6 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

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

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. APPROVE CITY COUNCIL MINUTES

That the City Council approve La Habra City Council Minutes of:

- November 2, 2021
- December 7, 2020
- December 21, 2020
- January 19, 2021
- March 1, 2011

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

That the City Council:

A. Receive this report; and

B. APPROVE AND ADOPT **RESOLUTION NO.5990** 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.

4. APPROVE THE CITY'S EARTHQUAKE INSURANCE POLICY RENEWAL FOR A ONE-YEAR TERM FROM APRIL 19, 2021, THROUGH APRIL 19, 2022

That the City Council authorize the City Manager to place the City's primary earthquake policy with Landmark American Insurance Company at a policy limit of \$5 million and assign excess coverage of \$70.69 million to Everest Indemnity, QBE Specialty Insurance, and General Security Insurance for a one-year term from April 19, 2021, through April 19, 2022.

5. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CLINICAL AFFILIATION AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, FULLERTON FOR A THREE-YEAR TERM

That the City Council approve and authorize the City Manager to execute the agreement with California State University, Fullerton (CSUF), which would allow CSUF students to complete their practicum in support of Community Services Department programs at the City of La Habra for a three-year term.

6. REMOVED FOR SEPARATE DISCUSSION – See below.

7. RECEIVE AND FILE TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2020

That the City Council receive and file the Treasurer's Investment Report for the quarter ending December 31, 2020.

8. APPROVE AND AUTHORIZE EXECUTION OF AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. C-6-1415 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS EXTENDING THE LA HABRA SPECIAL EVENT SHUTTLE SERVICES (PROJECT NO. 16-OCTA-CBT-3835) FOR 33 MONTHS UNTIL DECEMBER 31, 2023

That the City Council approve Amendment No. 1 to Cooperative Agreement No. C-6-1415 with the Orange County Transportation Authority (OCTA) for Project V Community-Based Transit/Circulators extending the La Habra Special Event Shuttle Services (Project No. 16-OCTA-CBT-3835) for 33 months until December 31, 2023.

9. APPROVE AND ADOPT A RESOLUTION APPROVING A REQUEST TO PURSUE A PROJECT DELAY FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) MEASURE M2 CALIFORNIA TRANSPORTATION FUNDING PROGRAM (CTFP) FUNDS FOR THE LA HABRA SPECIAL EVENT SHUTTLE PROJECT AS PART OF THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM

That City Council:

- A. Approve and authorize the Director of Community Services to request a 24-month Project delay of funding and the implementation of the Initial Marketing (MARK) and ongoing maintenance and support (O&M) portions of the project from OCTA for the La Habra Community Special Event Shuttle Project, Project V CommunityBased Transit/Circulators Program; and

B. APPROVE AND ADOPT **RESOLUTION NO. 5991** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA APPROVING A REQUEST TO PURSUE A PROJECT DELAY FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) MEASURE M2 CALIFORNIA TRANSPORTATION FUNDING PROGRAM (CTFP) FUNDS FOR THE LA HABRA SPECIAL EVENT SHUTTLE PROJECT AS PART OF THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM.

10. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROPOSED MASTER JOINT USE AGREEMENT WITH THE LA HABRA CITY SCHOOL DISTRICT

That the City Council approve and authorize the City Manager to execute the proposed Master Joint Use Agreement with the La Habra City School District.

11. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DR. TERESA EGAN FOR CHILD DEVELOPMENT TASK FORCE CONSULTANT SERVICES

That City Council approve and authorize the City Manager to execute an agreement with Dr. Teresa Egan for professional consulting services related to the La Habra Childhood Development Program's methodology and staff development, on-site assessment and curriculum development, and strategic planning at a rate of not to exceed \$5,000 per month to improve program operations.

12. WARRANTS: APPROVE NOS. 00129227 THROUGH 00129458 TOTALING \$3,492,767.95

Approve Nos. 00129227 through 00129458 totaling \$3,492,767.95.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

6. RECEIVE AND FILE SUPPLEMENTAL REPORT AND APPROVE THE SECOND READING AND ADOPTION OF ORDINANCE NO. 1833

City Council did not request a staff report.

City Council discussion included: the need to fulfill state mandates; the lack of funding to build affordable housing; the current fund balance of the La Habra Housing Authority; confirmation that 8 of the 34 Orange County cities have inclusionary housing; laws of economics regarding raising a tax or fee for affordability purposes; confirmation that the proposed fee was not a tax; future opportunity for stakeholders to provide input; inclusionary housing is part of the solution; ability to bring inclusionary housing back to City Council if it was deemed detrimental; alternative revenue funding sources; the potential number of new homes required to be built based upon RHNA requirements; and potential financial constraints associated with the development of the homes.

Mayor Espinoza invited the public to testify at 7:12 p.m.

Victor Vallodares, Orange County Congregation Community Organization, spoke in support of affordable housing for extremely low and low-income earners, especially in the Latin community. He recommended Spanish translation services at public meetings.

Steve LaMotte, Executive Officer for the BIAOC, submitted a public comment via email and spoke in opposition to this item and expressed that the second reading of the ordinance should be paused for additional research.

Deputy City Attorney Scott Porter, Jones and Mayer, clarified that this item was not a tax, and that if it was it would have to be voted on by La Habra residents.

Nohemi Valenzuela, La Habra resident, spoke in support of affordable housing and rents.

Teresa Kempker, La Habra resident, spoke in support of moving in the right direction regarding this item by everyone working together.

Director of Community & Economic Development Ho stated that other Orange County cities utilize a combination of methods to secure additional affordable housing which could be negotiated through development agreements with developers, pursue affordable housing developments through contributions of land, or provisions of subsidies for affordable housing developers.

Barry Ross, Regional Director of Community Health Investment, Southern California, submitted a public comment via email in support of this item.

Mayor Espinoza closed public testimony at 7:18 p.m.

Moved by Councilmember Simonian, seconded by Mayor Pro Tem Medrano, and CARRIED (3-2) THAT THE CITY COUNCIL:

- A. RECEIVE AND FILE THIS REPORT; AND
- B. APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1833** ENTITLED: AN ORDINANCE OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 20-03 AMENDING TITLE 18 ("ZONING") OF THE LA HABRA MUNICIPAL CODE (LHMC) BY ADDING CHAPTER 18.82 ("INCLUSIONARY HOUSING UNITS") AS PER EXHIBIT "A".

Said motion CARRIED by the following roll call vote:

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

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC MEETING TO CONSIDER THE FIRST READING OF AN ORDINANCE ADDING CHAPTER 5.58 ("CANNABIS BUSINESS TAX") TO TITLE 5 OF THE LA HABRA MUNICIPAL CODE

Director of Finance Shannon presented the staff report.

Director of Community & Economic Development Ho stated that Deputy Director of Community & Economic Development Jaramillo and A.J. Cullery with HdL were available for questions regarding this item.

City Council discussion included: clarification of the six percent rate of the cannabis business tax for all other types of authorized and permitted cannabis businesses; how the rate of six percent was established; and whether the six percent tax rate could be increased and/or decreased in the future.

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

Councilmember Shaw motioned that **THAT THE CITY COUNCIL APPROVE THE FIRST READING OF ORDINANCE NO. XXXX ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADDING CHAPTER 5.58 ("CANNABIS BUSINESS TAX") TO TITLE 5 OF THE LA HABRA MUNICIPAL CODE WITH AN AMENDMENT OF A ONE PERCENT TAX ON DISTRIBUTION FACILITIES.** Motion failed due to lack of a second.

Moved by Mayor Espinoza, Seconded by Mayor Pro Tem Medrano, **AND CARRIED (4-1) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF ORDINANCE NO. 1834 ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADDING CHAPTER 5.58 ("CANNABIS BUSINESS TAX") TO TITLE 5 OF THE LA HABRA MUNICIPAL CODE.**

Said motion **CARRIED** by the following roll call vote:

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

CONSIDERATION ITEMS:

1. **CONSIDER REPEALING ORDINANCE NO. 1317 PROHIBITING FIREWORKS AND DEVELOPING REGULATIONS FOR THE SALE AND ENFORCEMENT OF FIREWORKS CITY-WIDE**

Police Captain Foster presented the staff report.

City Council discussion included: confirmation that the 4th of July is historically the busiest day of the year for the La Habra Police Department; difficulty identification of legal and illegal fireworks by the La Habra Police Department; verification that no feedback was received from the City of La Habra Heights regarding fireworks; confirmation that fireworks increase the concern regarding danger to hillsides and the surrounding community; the potential of suppressing revenues for non-profit groups from the sale of fireworks in the City; and support of the City of La Habra 4th of July Fireworks show.

Mayor Espinoza invited the public to testify at 7:50 p.m. There was no public testimony.

Councilmember Shaw motioned THAT THE CITY COUNCIL DIRECT STAFF TO DRAFT AN ORDINANCE AND DEVELOP REGULATIONS TO REPEAL ORDINANCE NO. 1317 PROHIBITING FIREWORKS AND LEGALIZE THE USE OF SAFE AND SANE FIREWORKS CITYWIDE. Motion failed due to lack of a second.

Councilmember Gomez indicated that he would vote in opposition to the repeal of Ordinance No. 1317. Mayor Pro Tem Medrano concurred.

Moved by Councilmember Simonian, Seconded by Councilmember Gomez, AND CARRIED (4-1) THAT THE CITY COUNCIL RECEIVE AND FILE THIS REPORT AND TAKE NO ACTION REGARDING THE CURRENT PROHIBITION OF FIREWORKS IN LA HABRA.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Medrano,
Councilmember Gomez, Councilmember Simonian
NOES: Councilmember Shaw
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.
- Street sweeping enforcement to resume April 12, 2021. Citations will be issued for violations.
- Community Blood Drives will be held on Thursday, April 15, 2021, and Thursday, April 29, 2021, at La Habra Veterans Hall.

COMMENTS FROM STAFF:

City Manager Sadro congratulated Chief of Police Price on his retirement and reviewed his professional achievements. He introduced Los Angeles County Fire Chief Mayfield and Captain Foster as the Interim Chief of Police effective on April 9, 2021.

COMMENTS FROM COUNCILMEMBERS:

Councilmember Simonian thanked the Animal Control Officers and Public Safety Telecommunications Operators for their hard work. He congratulated Police Captain Foster on his position as the Interim Chief of Police.

Mayor Pro Tem Medrano thanked City staff for their hard work on the functioning of the City during the COVID-19 pandemic. He spoke in support of the return of in-person high school graduation ceremonies and of high school sports. Mayor Pro Tem Medrano welcomed Los Angeles County Fire Chief Mayfield. He congratulated Captain Foster on his position as the Acting Interim Chief of Police and wished him good luck.

Councilmember Gomez thanked La Habra Chamber of Commerce President Marie Laveaga for their in-person event held on Thursday, April 1, 2021. He thanked the Community Services Department for the Spring COVID-19 friendly Eggstravaganza held on Saturday, April 3, 2021, and for offering COVID-19 testing on Tuesdays and Thursdays from 9:00 a.m. to 3:00 p.m. in the Community Center parking lot. He thanked Black Bear Diner for their support of the Easter egg hunt he co-hosted with Firefighters for Christ. He congratulated Lita Nava on her upcoming 100th birthday.

Mayor Espinoza welcomed Los Angeles County Fire Chief Mayfield. She thanked City Manager Sadro, Director of Community Services Fujio, and Chief of Police Price for the employee Baseball Opening Day barbecue that was held on Thursday, April 1, 2021 at El Centro Lions Park. She reminded everyone to be respectful of our diverse community.

ADJOURNMENT: Mayor Espinoza adjourned the City Council meeting at 8:12 p.m.

Respectfully submitted,

Laurie Swindell, CMC
City Clerk