

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

Monday, August 02, 2021

PRELIMINARY: These Minutes to be considered for approval on August 16, 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 5:30 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
City Attorney Jones
City Clerk Swindell

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS: None

CLOSED SESSION:

1. Public employee evaluation per Government Code Section 54957 – Title: City Manager.

Director of Human Resources Balderrama was present for this item.

ADJOURNMENT: The City Council reconvened at 6:21 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 6:21 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: Councilmember Shaw

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. PRESENTATION BY THE AMERICAN RED CROSS TO THE CITY OF LA HABRA

Mayor Espinoza invited Becky Cogley, Area Booking Manager for the Los Angeles, California Region of the American Red Cross Blood Services to the podium. Becky Cogley thanked the City of La Habra for the partnership with the American Red Cross in hosting blood drives during the COVID-19 pandemic. She presented Certificates of Appreciation to City Council and Director of Community Services Fujio.

2. PRESENTATION OF A DONATION BY THE LA HABRA HOST LIONS CLUB TO BENEFIT COMMUNITY SERVICES PROGRAMS FOR LA HABRA SENIOR CITIZENS

The La Habra Host Lions Club representatives/members were not in attendance for the presentation and will be rescheduled to a later date.

PUBLIC COMMENTS: None

CONSENT CALENDAR:

Moved by Mayor Pro Tem Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 7.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: 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 OF THE CITY OF LA HABRA MEETING MINUTES

That the City Council approve the City Council of the City of La Habra Minutes of July 19, 2021.

3. RECEIVE AND FILE PLANNING COMMISSION OF THE CITY OF LA HABRA MEETING MINUTES

That the City Council receive and file the Planning Commission of the City of La Habra Meeting Minutes of:

- May 24, 2021
- June 28, 2021

4. APPROVE TO ACCEPT RIGHT-OF-WAY GRANT DEED FOR 618 EAST STEARNS AVENUE

That the City Council:

- A. Approve to accept the offer of a dedication of an additional right-of-way at 618 East Stearns Avenue; and
- B. Approve and authorize the recordation of the Grant Deed with the County of Orange.

5. APPROVE NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE OLD RESERVOIR PARK BLOCK WALL, PROJECT NO. 2-P-20

That the City Council approve the Notice of Completion for the Old Reservoir Park Block Wall, Project No. 2-P-20, and authorize staff to send for recordation.

6. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH LRM ASSOCIATES INC., OF GLENDALE, CALIFORNIA, FOR THE DESIGN PORTION OF THE PROPOSED OLD RESERVOIR PARK LIGHT AND LANDSCAPING DESIGN, PROJECT NO. 2-P-20

That the City Council approve and authorize the City Manager to execute a professional service agreement with LRM Associates Inc., of Glendale, California, in the amount of \$71,135, for the design of Old Reservoir Park Lighting and Landscaping, Project No. 2-P-20; and authorize staff to issue a purchase order to LRM Associates Inc. in the amount of \$74,691.75 which includes a five percent contingency.

7. WARRANTS: APPROVE NOS. 00130760 THROUGH 00131030 TOTALING \$5,271,754.68

Approve Nos. 00130760 through 00131030 totaling \$5,271,754.68.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING AMENDMENTS TO THE LA HABRA MUNICIPAL CODE REGARDING SHORT-TERM RESIDENTIAL RENTALS CONSISTING OF THE ESTABLISHMENT OF REGULATIONS BY ADOPTING AN ORDINANCE ADDING CHAPTER 5.26 "SHORT-TERM RESIDENTIAL RENTALS", TO TITLE 5 "BUSINESS LICENSES AND REGULATIONS"; THE ADDITION OF SECTION 1.08.020(A) OF "SECTION 5.26.010 VIOLATION - NUISANCE" TO TITLE 1 "GENERAL PROVISIONS"; AND ZONE CHANGE 21-04 AMENDING TITLE 18 "ZONING" BY ADDING CHAPTER 18.08.140 "SHORT-TERM RESIDENTIAL RENTALS" AS PER EXHIBIT A; OR

AN ORDINANCE AMENDING TITLE 18 "ZONING" BY MODIFYING SECTION 18.04.030 "TERMS DEFINED", ADDING THE DEFINITION FOR "SHORT-TERM RESIDENTIAL RENTALS" AND SECTION 18.06.040, TABLE 18.06.040.A—LAND USE MATRIX, ADDING "SHORT-TERM RESIDENTIAL RENTALS" AS A PROHIBITED USE IN THE CITY OF LA HABRA

This project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines which covers activities with no possibility of having a significant effect on the environment, and pursuant to California Public Resources Code § 21080.17.

Deputy Director of Community & Economic Development Ramsland presented the staff report. He indicated that should the City Council approve short-term residential rentals he would read into the record typographical errors to be corrected in the proposed ordinance.

Mayor Espinoza confirmed that City Council received an email today from Expedia Group expressing their concerns with the proposed action for denial of short-term residential rentals and their suggestion for City Council to adopt an ordinance designed to reduce potential negative impacts.

City Council discussion included: provisions for enforcement and compliance by La Habra Police Department and/or Code Enforcement; confirmation that staff notified the five identified property owners of short-term residential rentals; clarification that a short-term residential rental was defined as property rented for a continuous period of 30 days or less; acknowledgement of an email received today from Expedia Group and its offer to partner with the City regarding a Community Integrity Program; confirmation of 14 incident calls in less than a year to the La Habra Police Department regarding short-term rental properties; concern with passing a City-wide policy based upon complaints raised by a single neighborhood; complaint issues raised were already prohibited in the City; understanding of property rights with respect to concerns raised; General Plan Land Use (LU) 6.1 Equitable Distribution of Uses and Amenities and Land Use (LU) 10.1 Home Occupation; concern with resident's exposure to second-hand aroma of cannabis from those renting short-term rentals; accommodations for vacationers that would be provided by the future planned development of La Quinta Inn and Suites; request to and viewed a video recorded by La Habra resident Randy Vargas of a short-term residential renter urinating on his property; residents' hesitancy to sign a citizen's arrest, the potential for high legal costs associated with violations by short-term rental customers; and attendance at the Planning Commission Meeting of June 28, 2021, where this item was previously discussed.

Mayor Espinoza opened the public hearing at 6:48 p.m.

The following residents spoke in opposition to short-term residential rentals:

- Mecki Grothues
- Neil Shah
- Elizabeth Cuevas
- Jalpa Shah
- Randy Vargas

Mayor Espinoza closed the public hearing at 7:04 p.m.

Moved by Councilmember Gomez, Seconded by Mayor Pro Tem Medrano, AND CARRIED (4-1) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1836** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING TITLE 18 “ZONING” BY MODIFYING SECTION 18.04.030 “TERMS DEFINED” ADDING THE DEFINITION FOR “SHORT-TERM RESIDENTIAL RENTALS” AND SECTION 18.06.040, TABLE 18.06.040.A—LAND USE MATRIX, ADDING “SHORT-TERM RESIDENTIAL RENTALS” AS A PROHIBITED USE IN THE CITY OF LA HABRA.

This project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines which covers activities with no possibility of having a significant effect on the environment, and pursuant to California Public Resources Code § 21080.17.

Councilmember Shaw made a substitute motion THAT THE CITY COUNCIL TABLE THIS ITEM UNTIL THE AUGUST 16, 2021 CITY COUNCIL MEETING AT 6:30 P.M. AND DIRECT STAFF TO CONTACT EXPEDIA GROUP TO EXPLORE OPTIONS MADE AVAILABLE IN THEIR STAY NEIGHBORLY, NOISEAWARE, AND COMMUNITY INTEGRITY PROGRAMS. Motion failed due to lack of a second.

Original said motion CARRIED (4-1) by the following roll call vote:

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

CONSIDERATION ITEMS: None at this time.

MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- Safely Reopening California with Common Do's and Don'ts for Daily Life.
- La Habra COVID-19 Vaccination Clinic on an intermittent basis at various locations.
- La Habra Splash Pads at Brio and Oeste Parks are open by reservation only.
- 2021 National Night Out will be held on Tuesday, August 3, 2021, at Portola Park.
- La Habra Concerts in the Park last show of the season will be held on Thursday, August 5, 2021, at Portola Park.
- La Habra Movies in the Park will be held on Sunday, August 15, 2021, at Oeste Park and Friday, August 27, 2021, at Portola Park.

COMMENTS FROM STAFF: None

COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez thanked Community Services Director Fujio and Community Services Manager Albarian for their hard work with the Concerts in the Park. He thanked the community for their support with the recent family emergency involving his brother. He requested the meeting be adjourned in memory of Sherian Mejia who passed away last week. He expressed condolences to her husband Daniel Mejia, her three daughters, and her grandchildren.

Mayor Pro Tem Medrano thanked Community Services Director Fujio, Community Services Manager Albarian, Community Services Commissioners Marie Laveaga and Denise Schmidt, and Beautification Committee Member Nikki Aiello for the success of the Concerts in the Park series. He announced the La Habra Police Department's National Night Out and the Sonora High School Football Team fundraiser at Smoke and Fire Social Eatery events.

Mayor Espinoza stated on behalf of City Council that they had Councilmember Gomez's brother and family in their prayers. She expressed her compliments for the Concerts in the Park series. She reported that she would attend National Night Out event.

ADJOURNMENT: Mayor Espinoza adjourned the City Council meeting in memory of Sherian Mejia at 7:29 p.m., to Monday, August 16, 2021, at 5:30 p.m. in the City 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