

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING
&
REGULAR MEETING

Monday, September 20, 2021

PRELIMINARY: These Minutes to be considered for approval on October 4, 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
Councilmember Gomez
Councilmember Shaw
Councilmember Simonian

COUNCILMEMBERS ABSENT: Mayor Pro Tem Medrano (excused absence)

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. Conference Call with Real Property Negotiator Per Government Code Section 54956.8 – Property: 107 East 2nd Avenue (APN 022-174-09); City Negotiator: Jim Sadro, City Manager; Negotiating Parties: Luis Carlos Ramos and Valarie Duran, Owner; Under Negotiation: Price and Terms of Payment.

Interim Director of Community & Economic Development Crabtree and Housing & Economic Development Manager Cole-Corona were present for this item.

2. Public Employment per Government Code Section 54957 – Title: City Attorney.

ADJOURNMENT: The City Council reconvened at 5:30 p.m. There were no Closed Session announcements. Mayor Espinoza adjourned the Adjourned Regular Meeting at 5:50 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 Espinoza

COUNCILMEMBERS PRESENT: Mayor Espinoza
Councilmember Gomez
Councilmember Shaw
Councilmember Simonian

COUNCILMEMBERS ABSENT: Mayor Pro Tem Medrano (excused absence)

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

CLOSED SESSION ANNOUNCEMENT: None

PROCLAMATIONS/PRESENTATIONS:

Mayor Espinoza announced the presentation by the Lions Club was inadvertently left off of the meeting agenda.

1. PRESENTATION OF DONATION BY THE LA HABRA HOST LIONS CLUB TO BENEFIT COMMUNITY SERVICES PROGRAM FOR LA HABRA SENIOR CITIZENS

Mayor Espinoza invited representatives from the La Habra Host Lions Club to the front of the dais for presentation of a donation check in the amount of \$21,000 for use towards Community Services Department program for La Habra Senior citizens.

Councilmember Gomez expressed his appreciation to the La Habra Host Lion's Club members for their continued dedicated community service.

2. BEAUTIFICATION COMMITTEE RECOGNITION OF THE SARKISSIAN FAMILY, 1460 MARLEI ROAD, AS THE 2021 DISTRICT 1 AWARD RECIPIENT

Mayor Espinoza invited Beautification Committee Members Manuel Munoz, Carol Nigsarian, and Lavenia Wilson to the podium for presentation of a Certificate of Recognition and yard sign to the Sarkissian Family as the 2021 District 1 Beautification Committee Award Recipient.

3. PROCLAIM SEPTEMBER 2021 AS "NATIONAL PREPAREDNESS MONTH" IN THE CITY OF LA HABRA

Mayor Espinoza invited Chief of Police Foster and Emergency Services Coordinator Gonzalez to the podium for acceptance of the proclamation. Emergency Services Coordinator Gonzalez spoke regarding the importance of emergency preparedness.

4. PRESENTATION BY SOUTHERN CALIFORNIA EDISON REGARDING WILDFIRE MITIGATION

Mayor Espinoza invited Southern California Edison Government Relations Manager Cynthia Quimby to the podium. Cynthia Quimby provided a PowerPoint presentation regarding the Southern California Edison Wildfire Mitigation Plan. Councilmember Shaw commended Southern California Edison (SCE) for the readily available information regarding outages on their website.

PUBLIC COMMENTS:

Jenny Valencia, La Habra resident, spoke regarding Neighborhood E in La Habra in which she lived. Mayor Espinoza instructed her to speak on this item when it was discussed during the Consideration portion of the meeting.

Jessica Guerro, representative for Office of 4th District Supervisor Doug Chaffee, spoke regarding the Kindness Awards to be held on Saturday, November 13, 2021, World Kindness Day.

CONSENT CALENDAR:

City Attorney Jones declared a conflict of interest regarding Consent Calendar Item 6.

Councilmember Simonian stated that he would be abstaining on Consent Calendar Item 6.

Moved by Councilmember Gomez, seconded by Councilmember Shaw, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 12.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Gomez,
Councilmember Shaw, Councilmember Simonian
NOES: NONE
ABSTAIN: Councilmember Simonian (Item No. 6 only)
ABSENT: Mayor Pro Tem Medrano

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:

- August 16, 2021
- September 7, 2021

3. APPROVE DENIAL OF LIABILITY CLAIM OF JERRY APODACA FOR PROPERTY DAMAGE

That the City Council deny the claim of Mr. Jerry Apodaca in order to set a definite six-month Statute of Limitations date.

4. APPROVE DENIAL OF LIABILITY CLAIM OF BRANDON RABBITT FOR PROPERTY DAMAGE

That the City Council deny the claim of Mr. Brandon Rabbitt in order to set a definite six-month Statute of Limitations date.

5. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE LA HABRA CITY SCHOOL DISTRICT AND THE CITY OF LA HABRA FOR SCHOOL RESOURCE OFFICER (SRO) SERVICES FOR SCHOOL YEAR 2021-2022

That the City Council approve and authorize the City Manager to execute an agreement between the City of La Habra (City) and the La Habra City School District (District) to participate in the School Resource Officer (SRO) program at Washington Middle School and Imperial Middle School for School Year 2021-2022.

6. APPROVEMENT AMENDMENT NO. 3 TO THE AGREEMENT FOR CITY ATTORNEY SERVICES WITH THE LAW FIRM OF JONES & MAYER FOR GENERAL LEGAL AND LITIGATION SERVICES

That the City Council approve Amendment No. 3 to the agreement for City Attorney services with the law firm of Jones & Mayer for general legal and litigation services.

7. APPROVE SUBMITTAL OF AN IMPROVEMENT PROJECT (EUCLID STREET CORRIDOR IMPROVEMENT PROJECT) TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE COMPETITIVE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM (RTSSP)

That the City Council: APPROVE AND ADOPT **RESOLUTION NO. 6024** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING THE SUBMITTAL OF THE EUCLID STREET CORRIDOR IMPROVEMENT PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE COMPETITIVE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM (RTSSP).

8. APPROVE CONTRACT CHANGE ORDER NO. 1 FOR ONYX CONSTRUCTION TO REHABILITATE THE CITY PARKING LOT LOCATED AT 325 EAST LA HABRA BOULEVARD

That the City Council:

A. Approve Change Order No. 1 in the amount of \$26,500 for Onyx Paving Company, Inc., for the Alley No. 6, 44, 48 and 79 Improvement Fiscal Year 2019-2020, City Project No. 4-R-19 to rehabilitate the City parking lot located at 325 East La Habra Boulevard; and

B. Approve an appropriation of \$150,000 from the Community Development Block Grant (CDBG) Fund for change orders related to similar construction of the Alley No. 6, 44, 48 and 79 Improvement Fiscal Year 2019-2020, City Project No. 4-R-19; and

C. Authorize the City Manager to increase the City's Purchase order with Onyx Paving Company, Inc., by \$26,500 from the amount of \$310,200 to the amount of \$336,700.

9. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO SULLY-MILLER CONTRACTING COMPANY FOR CONSTRUCTION OF PARK LA HABRA MOBILE HOMES PARK AND VIEW PARK MOBILE HOME ESTATES PARK STREET IMPROVEMENTS, CITY PROJECT NO. 3-R-17

That the City Council:

- A. Approve Plans and Specifications for Park La Habra Mobile Homes Park and View Park Mobile Home Estates Park Street Improvements, City Project No. 3-R-17; and
 - B. Reject bid proposal for Park La Habra Mobile Homes Park and View Park Mobile Home Estates Park Street Improvements, City Project No. 3-R-17 submitted by MBC Enterprises, Inc., of Huntington Beach, California, as non-responsive; and
 - C. Award construction contract for Park La Habra Mobile Homes Park and View Park Mobile Home Estates Park Street Improvements, City Project No. 3-R-17 to Sully-Miller Contracting Company of Brea, California, in the amount of \$1,521,725.25 and reject all other bids; and
 - D. Authorize the City Manager to execute an agreement with Sully-Miller Contracting Company of Brea, California, in the amount of \$1,521,725.25 and authorize staff to issue a purchase order to Sully-Miller Contracting Company of Brea, California, in the amount of \$1,673,897.78, which includes a 10 percent contingency; and
 - E. Appropriate \$300,011.33 from the View Park Mobile Home Park Fund and \$187,020.05 from the Park La Habra Mobile Home Park Fund to cover the additional costs needed to complete this project.
10. APPROVE THE JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE, AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHz COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM.

That the City Council authorize the City Manager to execute the Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System, which will allow the County to ensure that all Orange County cities, including the City of La Habra, share in the cost and have access to the countywide emergency radio communication system.

11. RECEIVE AND FILE THE TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2021

That the City Council receive and file the Treasurer's Investment Report for the quarter ending June 30, 2021.

12. WARRANTS: APPROVE NOS. 00131174 THROUGH 00131643 TOTALING \$3,723,316.27; AND APPROVE WIRE TRANSFERS DATED SEPTEMBER 30, 2021, TOTALING \$811,826.25

Approve Nos. 00131174 through 00131643 totaling \$3,723,316.27; and Approve Wire Transfers dated September 30, 2021, totaling \$811,826.25.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING REGARDING AN AMENDMENT TO LA HABRA MUNICIPAL CODE, TITLE 13, PUBLIC SERVICES, CHAPTER 13.40, WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM

Public Works Director Saykali presented the staff report. He reviewed the six different levels of water conservation and enforcement procedure in the proposed ordinance.

Councilmember Gomez left the dais at 7:05 p.m. He returned at 7:07 p.m.

City Council discussion included costs and efficiencies of past City Council action to build new water wells in the City.

Mayor Espinoza opened the public hearing at 7:12 p.m.

Lynn Franklin, La Habra resident, spoke regarding "No U-Turn" signs with specific hours at Laguna Drive and Hacienda Road when it should be "No U-Turn" at all times. Mayor Espinoza stated that this matter was not related to the current item being discussed and referred Lynn Franklin to speak with Police Chief Foster regarding this matter.

Mayor Espinoza closed the public hearing at 7:13 p.m.

Moved by Councilmember Gomez, Seconded by Councilmember Simonian, AND CARRIED (4-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1837** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA REPEALING IN ITS ENTIRETY CHAPTER 13.40, "WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM" OF TITLE 13 "PUBLIC SERVICES" AND REPLACING IT WITH CHAPTER 13.40, "WATER SHORTAGE CONTINGENCY RESPONSE".

Said motion CARRIED by the following roll call vote:

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

2. DULY NOTICED PUBLIC HEARING TO CONSIDER THE 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND AUTHORIZE STAFF TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Specialist Louie presented the staff report.

There was no City Council discussion.

Mayor Espinoza opened the public hearing at 7:17 p.m. There was no public testimony so the public hearing was closed.

Councilmember Simonian abstained from 2020-2021 CDBG Activity Item No. 6, Old Reservoir Park #515 due to his close residential proximity to the park.

Moved by Councilmember Gomez, Seconded by Councilmember Shaw, AND CARRIED (4-0) THAT THE CITY COUNCIL APPROVE THE 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND AUTHORIZE STAFF TO SUBMIT THE CAPER TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Gomez, Councilmember Shaw,
Councilmember Simonian

NOES: NONE

ABSTAIN: Councilmember Simonian (Item No. 6, Old Reservoir Park #515 only)

ABSENT: Mayor Pro Tem Medrano

CONSIDERATION ITEMS:

1. CONSIDER RESOLUTIONS TO BE CONSIDERED BY VOTING MEMBERS DURING THE 2021 LEAGUE OF CALIFORNIA CITIES (LOCC) ANNUAL CONFERENCE TO OCCUR IN SACRAMENTO, SEPTEMBER 22-24, 2021

Assistant to the City Manager Ferrier presented the staff report.

There was no City Council discussion.

Mayor Espinoza invited the public to testify at 7:22 p.m. There was no public testimony.

Moved by Councilmember Simonian, Seconded by Councilmember Gomez, AND CARRIED (4-0) TO DIRECT THE VOTING DELEGATE AND ALTERNATE VOTING DELEGATE TO VOTE IN SUPPORT OF RESOLUTION NO. 1 AND RESOLUTION NO. 2 DURING THE 2021 LEAGUE OF CALIFORNIA CITIES (LEAGUE) ANNUAL CONFERENCE IN SACRAMENTO, SEPTEMBER 22-24, 2021.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Councilmember Gomez,
Councilmember Shaw, Councilmember Simonian

NOES: NONE

ABSTAIN: NONE

ABSENT: Mayor Pro Tem Medrano

2. CONSIDER NEIGHBORHOOD TRAFFIC MANAGEMENT PLANS FOR NEIGHBORHOODS "C" AND "A"

Councilmember Shaw stated that he would abstain from discussion regarding Neighborhood "C" of the Neighborhood Traffic Management Plan (NTMP) because his mother in-law resides in that neighborhood.

Traffic Manager Plotnik presented the staff report. He noted that although the NTMP's that were approved by each neighborhood City Council could decide to make changes or reject the plans. He noted that if City Council approves the plans, staff still needs to meet with the neighbors to sign off giving their permission as to where the traffic calming measures would be placed.

City Manager Sadro clarified for the record: that the maps with the location of speed humps were a geographical location, and final placement being agreed upon by the homeowner that it was being placed near; that if the agreed upon location of a speed hump was too far away from the original placement then it could not be installed; confirmation that when the NTMP was discussed with the Neighborhood Traffic Committee, or with the residents voting, that it was communicated regarding the many factors for placement of speed humps; clarified that the NTMP for Neighborhood "E" was still being discussed and revised, the entire neighborhood agreed with the speed hump locations, but there was a contentious item regarding a "No Right Turn" sign, so staff would take all the comments made and send the NTMP back to the committee this week for approval on what they would like to do; confirmation that within the next few weeks to a month an updated plan would be presented to Neighborhood "E" to see if it would be supported or not, and then staff would bring that plan to City Council for approval and/or direction respectively; and expression of staff's preference for a contiguous plan.

City Council discussion included: confirmation of the number of residents in neighborhoods "C" and "A," how they voted, and the number that did not vote; verification of when votes regarding the NTMP's took place; the need for traffic calming around El Portal School in Neighborhood "E," a concern if a two-thirds consensus was not received, and the potential to either keep as one neighborhood or possibly splitting it into a northern and southern section.

Mayor Espinoza invited the public to testify regarding Neighborhood "C" and "A" at 7:41 p.m. There was no public testimony.

Moved by Councilmember Gomez, Seconded by Mayor Espinoza, AND CARRIED (3-0) THAT THE CITY COUNCIL APPROVE NEIGHBORHOOD "C" TRAFFIC MANAGEMENT PLAN AND DIRECT STAFF TO PROCEED WITH THE DESIGN AND CONSTRUCTION OF THE TRAFFIC CALMING DEVICES AS INDICATED ON THE NEIGHBORHOOD "C" TRAFFIC MANAGEMENT PLAN.

Said motion CARRIED by the following roll call vote:

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

Moved by Councilmember Gomez, Seconded by Councilmember Simonian, AND CARRIED (4-0) THAT THE CITY COUNCIL APPROVE NEIGHBORHOOD "A" TRAFFIC MANAGEMENT PLAN AND DIRECT STAFF TO PROCEED WITH THE DESIGN AND CONSTRUCTION OF THE TRAFFIC CALMING DEVICES AS INDICATED ON THE NEIGHBORHOOD "A" TRAFFIC MANAGEMENT PLAN.

Said motion CARRIED by the following roll call vote:

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

Mayor Espinoza invited the public to testify regarding Neighborhood "E" at 7:44 p.m.

Jenny Valencia, La Habra resident, expressed concerns regarding the Neighborhood Traffic Management Plan for Neighborhood "E," in opposition to a "No Right-Turn" sign, and the need for traffic calming on El Portal Drive.

Shannon Berg, La Habra resident and a member of the Traffic Calming Committee, expressed concerns regarding traffic issues and the Neighborhood Traffic Management Plan for Neighborhood "E," in opposition to the placement of a "No Right-Turn" sign, and the need for sidewalks and traffic management at El Portal Drive, where El Portal Elementary School is located.

Mayor Espinoza closed public testimony at 7:53 p.m.

Councilmember Shaw asked about possible sidewalk installation on El Portal Drive as part of safety improvements. He noted that he spoke with the Superintendent of Lowell Joint Unified School District recently and was informed of the approved parking lot extension at El Portal Elementary School to Beach Boulevard that would help alleviate traffic flow.

MAYOR'S COMMUNITY CALENDAR:

Mayor Espinoza made the following announcements:

- La Habra COVID-19 Vaccination Clinic on an intermittent basis at various locations.
- La Habra Movies in the Park will be held on Friday, October 22, 2021, at Our Lady of Guadalupe Church.
- La Habra Police Department Open House to be held on Saturday, October 23, 2021, from 10:00 a.m. – 2:00 p.m.
- La Habra Veteran's Day Program to be held on Thursday, November 11, 2021, from 11:00 a.m. – 12:30 p.m. at Portola Park.
- La Habra Tamale Festival to be held on Saturday, December 4, 2021, from 10:00 a.m. – 10:00 p.m., on Euclid Street between La Habra Boulevard and Bridenbecker Avenue.

COMMENTS FROM STAFF: None

COMMENTS FROM COUNCILMEMBERS:

Councilmember Gomez requested that the meeting be adjourned in memory of Melesio Ruiz and Johnnie Lozano. He reported that he attended the La Habra Chamber of Commerce Awards and Installation Luncheon.

Councilmember Shaw reported that he recently completed three Harvard Kennedy School of Management courses, and his receipt of an Executive Certificate in Public Leadership, that he attended the La Habra Chamber of Commerce Awards and Installation Luncheon and the City of Buena Park State of the City. He noted City Council's approval of Consent Calendar Item No. 7 for funding of the Euclid Street Traffic Signal Synchronization Program. He requested discussion and potential support of the development of a Veterans' cemetery in Orange County and a resolution in support be placed on the agenda of a future City Council meeting. Mayor Espinoza seconded.

Councilmember Simonian reported that he attended the La Habra Chamber of Commerce Awards and Installation Luncheon, and the three-day Independent Cities Association (ICA) Summer Seminar. He discussed Senate Bill 9 regarding zoning and lot splitting in California. He thanked Mayor Espinoza and Mayor Pro Tem Medrano for their attendance at the ICA Summer Seminar.

Mayor Espinoza reported that she attended the three-day Independent Cities Association (ICA) Summer Seminar. She discussed Senate Bill 9 regarding zoning and lot splitting in California, Senate Bill 10 which violated Article 2 Section A of the Constitution of California, and Senate Bill 1410 which eliminates minimum parking standards a half a mile from a bus stop, and the numerous community groups forming to stop Sacramento from controlling cities.

ADJOURNMENT: Mayor Espinoza adjourned the City Council meeting at 8:10 p.m. in memory of Melesio Ruiz and Johnnie Lozano to Monday, October 4, 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