

# MINUTES

## CITY COUNCIL OF THE CITY OF LA HABRA

### ADJOURNED REGULAR MEETING 5:30 P.M.

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Monday, November 15, 2021

**PRELIMINARY:** These Minutes to be considered for approval on December 6, 2021.

**ADJOURNED REGULAR MEETING 5:30 P.M.:** Canceled

**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 Simonian

**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 OF CERTIFICATES OF RECOGNITION TO TEACHERS OF THE YEAR AT THE LA HABRA CITY SCHOOL DISTRICT AND THE LOWELL JOINT UNIFIED SCHOOL DISTRICT

Mayor Espinoza invited the following La Habra City School District and Lowell Joint School District representatives to the podium to present City of La Habra Certificates of Recognition to Teachers of the Year: Dr. Joanne Culverhouse, Superintendent of La Habra City School District who presented to Alison Bento for 2021-2022; and Jim Coombs, Superintendent of Lowell Joint School District who presented to Becky Champion for 2022 and La Reina Ayers for 2021. Mr. Coombs stated that Classified Employees of the Year Tena Serrano for 2020 and Beverly Schambeck for 2021 were not able to attend tonight's meeting. Also present were: Sheri McDonald, Assistant Superintendent of Education Services; Rhonda Overby, Director of Education Services; Matt Cukro, Principal; Whitney Takacs, Vice Principal; Marikate Elmquist, Principal; and Krista Van Hoogmoed, Principal.

## 2. COMMUNITY SERVICES DEPARTMENT UPDATE PRESENTATION

Mayor Espinoza invited Director of Community Services Fujio to the podium who gave the Community Services Department Update PowerPoint presentation.

**PUBLIC COMMENTS:** None

### **CONSENT CALENDAR:**

Councilmember Shaw requested that Item No. 4 be pulled from the Consent Calendar for separate discussion, and stated that he would be voting no on Item No. 7.

Moved by Councilmember Gomez seconded by Mayor Pro Tem Medrano and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 12; WITH THE EXCEPTION OF COUNCILMEMBER SHAW PULLING ITEM NO. 4 FOR SEPARATE DISCUSSION AND PLACING A NO VOTE FOR ITEM NO. 7.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Espinoza, Mayor Pro Tem Medrano,  
Councilmember Gomez, Councilmember Shaw, Councilmember Simonian  
NOES: Councilmember Shaw (Item No. 7 only)  
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 Meeting Minutes of November 1, 2021.

### 3. RECEIVE AND FILE PLANNING COMMISSION MEETING MINUTES

That the City Council receive and file the Planning Commission Meeting minutes of:

- September 13, 2021
- September 27, 2021
- October 11, 2021

4. APPROVE THE ADOPTION OF FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS – Removed for Separate Discussion. See below.

5. APPROVE A REQUEST FOR “NO STOPPING” RESTRICTIONS ON THE SOUTH SIDE OF SUPERIOR AVENUE AT 500 SOUTH HARBOR BOULEVARD

That the City Council APPROVE AND ADOPT **RESOLUTION NO. 6030** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA PROHIBITING STOPPING, STANDING AND PARKING AT ALL TIMES ON THE SOUTH SIDE OF SUPERIOR AVENUE AT 500 SOUTH HARBOR BOULEVARD

6. APPROVE NOTICE OF COMPLETION FOR THE ANNUAL RESIDENTIAL STREET REHABILITATION AND SLURRY SEAL PROJECT, FISCAL YEAR 2020-2021, PROJECT NO. 4-R-20

That the City Council approve the Notice of Completion for the Annual Residential Street Rehabilitation and Slurry Seal Project, Fiscal Year 2020-2021, Project No. 4-R-20, and authorize staff to send for recordation.

7. APPROVE THE REAFFIRMATION OF THE LOCAL EMERGENCY DECLARATION RELATED TO THE COVID-19 PANDEMIC

That the City Council:

A. Receive this report; and

B. APPROVE AND ADOPT **RESOLUTION NO. 6031** 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 THE EXISTENCE OF A LOCAL EMERGENCY.

8. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO HORIZONS CONSTRUCTION CO. INT'L, INC., FOR CONSTRUCTION OF THE ANNUAL SIDEWALK AND CURB ACCESS RAMP IMPROVEMENTS FISCAL YEAR 2020-2021, CITY PROJECT NO. 3-R-20

That the City Council:

A. Approve Plans and Specifications for the Annual Sidewalk and Curb Access Ramp Improvements Fiscal Year 2020-2021, City Project No. 3-R-20;

B. Award construction contract for the Annual Sidewalk and Curb Access Ramp Improvements Fiscal Year 2020-2021, City Project No. 3-R-20 to Horizons Construction Co. Int'l, Inc., of Orange, California, in the amount of \$271,990.00 and reject all other bids; and

C. Approve and authorize the City Manager to execute an agreement with Horizons Construction Co. Int'l, Inc., of Orange, California, in the amount of \$271,990.00; and authorize staff to issue a purchase order to Horizons Construction Co. Int'l, Inc., of Orange, California, in the amount of \$299,189.00, which includes a 10 percent contingency.

9. APPROVE COOPERATIVE AGREEMENT NO. C-1-3741 WITH ORANGE COUNTY TRANSPORTATION AUTHORITY FOR PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATION SPECIAL EVENT SHUTTLE SERVICE

That the City Council approve Cooperative Agreement No. C-1-3741 with Orange County Transportation Authority (OCTA) for Project V Community-Based Transit/Circulation Special Event Shuttle Service.

10. APPROVE THE LEAD TEACHER POSITION TO THE CITY'S CLASSIFICATION SCHEDULE AND COMPENSATION PLAN FOR THE PROFESSIONAL EMPLOYEES GROUP AT AN ADJUSTED SALARY RANGE AND ENHANCED JOB DESCRIPTION

That the City Council approve the Lead Teacher position to the City's Classification Schedule and Compensation Plan for the Professional Employees Group at an adjusted salary range of A-15 (\$45,034-\$63,367) and enhanced job description.

11. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO SCANSYS, INC., FOR THE SKATEBOARD PARK SECURITY CAMERAS AND LIGHTS, FISCAL YEAR 2020-2021, PROJECT 1-P-21

That the City Council:

- A. Approve Plans and Specifications for the Skateboard Park Security Cameras and Lights, Fiscal Year 2020-2021, City Project No. 1-P-21; and
- B. Reject the apparent low bidder's proposal by Smart City Electric Group, as deemed non-responsive for the Project; and
- C. Award a construction contract to the second-lowest bidder, Scansys, Inc., of Buena Park, California, in the amount of \$82,331.00 for the Project; and
- D. Approve and authorize the City Manager to execute an agreement with Scansys, Inc., of Buena Park, California, in the amount of \$82,331.00 and authorize staff issue a purchase order in the amount of \$94,684 which includes up to a 15% Project contingency; and
- E. Authorize the amendment of the Project budget and appropriate \$63,681 of additional CDBG funds for materials and construction services, which includes up to a 15% project contingency, and
- F. Reallocate \$49,000 back to the Park Acquisition Fund for future appropriation.

12. WARRANTS: APPROVE NOS. 00132110 THROUGH 00132215 TOTALING \$831,819.95; AND APPROVE WIRE TRANSFER DATED NOVEMBER 4, 2021, TOTALING \$35,000.00

Approve Nos. 00132110 through 00132215 totaling \$831,819.95; and approve Wire Transfer dated November 4, 2021, totaling \$35,000.00.

**CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:**

4. APPROVE THE ADOPTION OF FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS

Traffic Engineer Plotnik presented the staff report.

City Council discussion included: verification that Orange County Transportation Authority's (OCTA) top priority was to complete the 66-mile Union Pacific Railroad Line (UPRR) Bikeway project; confirmation that an additional \$30-\$40 million in funding was needed for the purchase of the remaining right-of-way located in La Habra; verification of a "pinch point" located at Lambert Road and Palm Street due to right-of-ways in that location already being sold by UPRR; progress timeline of the UPRR Bikeway project and the slower pace of negotiating the purchase of right-of-ways with UPRR; and confirmation of the UPRR active line route to a company in Brea, California.

City Manager Sadro explained UPRR's caution in selling off easements next to an active rail line system. He noted that staff was working closely with OCTA lobbyists and with the UPRR to allow a trail in close proximity to their active rail line system. He clarified that until the easements were acquired by the City, however the state was not willing to fund the majority portion of the UPRR Bikeway project.

Mayor Espinoza invited the public to testify at 7:09 p.m. There was no public testimony.

Moved by Councilmember Shaw seconded by Mayor Pro Tem Medrano and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AND ADOPT **RESOLUTION NO. 6029** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF LA HABRA HAS THE RESOURCES TO FUND THE PROJECTS IN THE FEDERAL FISCAL YEAR 2022-2023 THROUGH 2027-2028 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT ALL PROJECTS IN THE PROGRAM.

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

**PUBLIC HEARINGS:** None at this time.

**CONSIDERATION ITEMS:**

1. APPROVE TO ADOPT A RESOLUTION APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE, ALL IN CONNECTION WITH THE OFFERING AND SALE OF PENSION OBLIGATION BONDS, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO; AND APPROVE TO ADOPT A RESOLUTION APPROVING A PENSION FUNDING POLICY

City Manager Sadro stated that Director of Finance Shannon would present the staff report, along with Jim Fabian from Fieldman, Rolapp & Associates, Inc. who would give a PowerPoint presentation. City Manager Sadro added that additional Finance Department staff, Bond Counsel Quint & Thimmig, and a representative with BofA Securities, Inc. were in attendance to assist with questions. City Manager Sadro explained City Council's history of their approach to the City of La Habra's CalPERS unfunded liability issue. He noted that in his opinion Pension Obligation Bonds were effective when tied to a Pension Funding strategy and policy; which would help with the City's financial stability if approved by City Council. He noted that risk would not be eliminated by approving POB's. He explained: risk factors; potential new unfunded liabilities in the future; that this potential action would not be paying off the City's obligation to CalPERS; and that this potential action would trade one type of debt for another, but with an approximate 3 percent fixed interest rate obligation to pay less for the debt compared to the 7 percent interest paid to CalPERS.

Director of Finance Shannon presented the staff report. He introduced Jim Fabian with Fieldman, Rolapp & Associates, Inc.

Jim Fabian, with Fieldman, Rolapp & Associates, Inc., the City's municipal advisor, gave the POB PowerPoint presentation. He noted a date correction to Slide Number 12 of November 5, 2021 for receipt of the Signed Judgement from Orange County Superior Court, and that Standard and Poor's issued the City of La Habra a AA+ rating; which was higher than the previous AA rating.

City Council discussion included: confirmation of the good faith estimate given regarding fees for the POB consultants; verification that Finance Director's organizations do not advise issuing POB's for a variety of reasons due to risks associated; and an explanation that risks of POB's have been mitigated by the way the proposed debt issuance had been structured.

Deputy City Attorney Hall-Barlow explained that a vote of the electorate was not legally required to issue POB's because it did not count against the borrowing limit and was utilized to fund an obligation imposed by law; which the court had held through the validation process.

Mayor Espinoza invited the public to testify at 7:40 p.m. There was no public testimony.

Moved by Councilmember Simonian, Seconded by Mayor Pro Tem Medrano, AND CARRIED (4-1) THAT THE CITY COUNCIL:

A. APPROVE AND ADOPT **RESOLUTION NO. 6032** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE, ALL IN CONNECTION WITH THE OFFERING AND SALE OF PENSION OBLIGATION BONDS, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO" to authorize the Mayor, the City Manager and the Finance Director, or any designee thereof to execute the following documents, and any other related documents, necessary to issue the Taxable Pension Obligation Bonds, Series 2021, provided the principal amount does not exceed \$94 million:

- Preliminary Official Statement
- Bond Purchase Agreement
- Continuing Disclosure Certificate; and

B. APPROVE AND ADOPT **RESOLUTION NO. 6033** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING A PENSION FUNDING POLICY.

Said motion CARRIED by the following roll call vote:

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

#### **MAYOR'S COMMUNITY CALENDAR:**

Mayor Espinoza made the following announcements:

- La Habra Vaccination Clinic on an intermittent basis at various locations.
- La Habra Tamale Festival to be held on Saturday, December 4, 2021, from 10:00 a.m. to 10:00 p.m. on Euclid Street between La Habra Boulevard and Bridenbecker Avenue.
- La Habra Holiday Giving Campaign donations accepted at the La Habra Community Center through December 15, 2021.
- La Habra City Hall Winter Holiday Closure from Wednesday, December 22, 2021, through Sunday, January 2, 2022 with City Hall reopening to the public at 7:30 a.m. on Monday, January 3, 2022.

#### **COMMENTS FROM STAFF:**

City Manager Sadro introduced newly appointed Director of Community & Economic Development Susan Kim.

**COMMENTS FROM COUNCILMEMBERS:**

Councilmember Gomez wished Mayor Espinoza a Happy Birthday. He reported that he attended the State of Community and the Fourth District Third Annual Kindness Awards events.

Councilmember Shaw reported that he attended the State of the Community event.

Mayor Pro Tem Medrano reported that he attended the State of the Community and the Veterans Day Program. He thanked the La Habra Chamber of Commerce and the La Habra Host Lions Club for organizing the events. He stated that he attended the La Habra High School Letter of Intent Signing day event.

Councilmember Simonian thanked Director of Community Services Fujio, her staff, and the La Habra Host Lions Club for organizing the Veteran's Day Program. He noted that he was not able to attend the State of the Community event. He spoke in support of Consideration Item No. 1 regarding Pension Obligation Bonds.

Mayor Espinoza reported that she attended the State of the Community and the District Third Annual Kindness Awards events. She thanked the La Habra Chamber of Commerce for hosting the State of the Community event and Assistant to the City Manager Ferrier for assisting her with her speech. She stated that she also attended the Veterans Day Program and the Orange County Korean War Veterans Memorial Celebration.

**ADJOURNMENT:** Mayor Espinoza adjourned the meeting at 7:54 p.m. to Monday, December 6, 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