

MINUTES
LA HABRA UTILITY AUTHORITY
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
CITY COUNCIL OF THE CITY OF LA HABRA

Monday, August 16, 2021

PRELIMINARY: These Minutes to be considered for approval on September 20, 2021.

REGULAR MEETING & REGULAR JOINT MEETING 6:30 P.M.:

CALL TO ORDER: Mayor/Chair Espinoza called the Regular Meeting of the City Council of the City of La Habra and the Regular Joint Meeting with the La Habra Utility Authority 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/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Councilmember/Director Simonian

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Espinoza
Mayor Pro Tem/Vice Chair Medrano
Councilmember/Director Gomez
Councilmember/Director Shaw
Councilmember/Director Simonian

COUNCILMEMBERS/DIRECTORS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
City Attorney/Legal Counsel Jones
City Clerk/Secretary Swindell
Assistant City Clerk Barone

CLOSED SESSION ANNOUNCEMENT: None

PROCLAMATIONS/PRESENTATIONS:

1. RECOGNITION OF THE FENNER FAMILY AS THE 2021 BEAUTIFICATION COMMITTEE DISTRICT 1 AWARD RECIPIENT

The Fenner Family was not in attendance for the recognition, however Beautification Committee Chair Lavenia Wilson acknowledged them as the 2021 Beautification Committee District 1 Award Recipient.

PUBLIC COMMENTS:

Osama Mentias, La Habra Resident, asked to speak regarding Consent Item No. 4. Mayor/Chair Espinoza instructed Mr. Mentias to wait until the item was called and at that time he could have it removed for separate discussion by City Council.

CONSENT CALENDAR:

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

Moved by Mayor Pro Tem/Vice Chair Medrano, seconded by Councilmember/Director Simonian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 3; ITEMS 5 THROUGH 10; CITY COUNCIL & UTILITY AUTHORITY ITEM 1; AND UTILITY AUTHORITY ITEM 1 WITH THE EXCEPTION OF AN AUDIENCE MEMBER REMOVING ITEM 4 FOR SEPARATE DISCUSSION AND COUNCILMEMBER/DIRECTOR SHAW VOTING NO ON ITEM NO. 7.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Espinoza, Mayor/Vice Chair Pro Tem Medrano,
Councilmember/Director Gomez, Councilmember/Director Shaw,
Councilmember/Director Simonian
NOES: Councilmember/Director Shaw (Item No. 7 only)
ABSTAIN: NONE
ABSENT: NONE

CITY COUNCIL:

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 2, 2021.

3. RECEIVE AND FILE PLANNING COMMISSION MEETING MINUTES

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

- May 24, 2021
- June 28, 2021
- July 12, 2021

4. REMOVED FOR SEPARATE DISCUSSION – See below.
5. APPROVE TO WAIVE FORMAL BIDDING PROCESS, AND APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VIGILANT SOLUTIONS FOR THE PURCHASE OF AUTOMATED LICENSE PLATE READERS AND TWO VEHICLE-MOUNTED CAMERA SYSTEMS

That the City Council waive the formal bidding process per La Habra Municipal Code 4.20.070(e) Technology Exception, and approve and authorize the City Manager to execute an agreement with Vigilant Solutions for the purchase of fixed Automated License Plate Readers for the Euclid Street/Lambert Road intersection, in addition to two vehicle-mounted

camera systems. The initial cost of \$92,441 would cover the program for five years. After the five-year period, the annual system cost would be \$7,050, would cover camera license keys, and would be funded through the Asset Seizure account.

6. APPROVE A LEASE AGREEMENT WITH THE LA HABRA ART ASSOCIATION FOR THEIR CONTINUED USE OF THE CITY FACILITY LOCATED AT 151 WEST LA HABRA BOULEVARD, ROOM 102

That the City Council approve and authorize the City Manager to execute a lease agreement with the La Habra Art Association for their continued use of the City facility located at 151 West La Habra Boulevard, Room 102.

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

That the City Council:

A. Receive this report; and

B. APPROVE AND ADOPT **RESOLUTION NO. 6022** 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 NOTICE OF COMPLETION AND CHANGE ORDERS NO. 1 AND NO. 2 WITH GRANVILLE CONTRACTING & MANAGEMENT, INC. FOR THE COMMUNITY CENTER PARKING LOT DEMOLITION OF STRUCTURES LOCATED AT 115 AND 121 NORTH EUCLID STREET, PROJECT NO. 1-D-20

That the City Council:

A. Approve the Notice of Completion for the Community Center Parking Lot Demolition of Structures located at 115 and 121 North Euclid Street, City Project No. 1-D-20; and authorize staff to submit for recordation;

B. Approve Construction Change Orders No. 1 and No. 2 with Granville Contracting & Management Inc., of Brea, California, for the Community Center Parking Lot Demolition of Structures located at 115 and 121 North Euclid Street, City Project No. 1-D-20; and

C. Allocate an additional \$78,972 of Community Development Block Grant (CDBG) Funds to cover the cost of this construction contract and return \$69,009 of General Capital Project Funds to Phase 2 of this project for the design and construction of the parking lot.

9. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE DELEGATION OF EARLY HEAD START PROGRAM OPERATIONS FOR FISCAL YEAR 2021-2022 WITH ORANGE COUNTY HEAD START, INC. (OCHS)

That the City Council approve and authorize the City Manager to execute an agreement for the Delegation of Early Head Start Program Operations for Fiscal Year 2021-2022 with Orange County Head Start, Inc. (OCHS) authorizing the City to provide Early Head Start developmental services for 50 infant/toddlers aged 0 to 3 years old and/or pregnant mothers-to-be living in La Habra in a Home-Based setting.

10. WARRANTS: APPROVE NOS. 00131031 THROUGH 00131173 TOTALING \$941,597.75; AND APPROVE WIRE TRANSFER DATED AUGUST 31, 2021, TOTALING \$457,671.20

Approve Nos. 00131031 through 00131173 totaling \$941,597.75; and Approve Wire Transfer dated August 31, 2021, totaling \$457,671.20.

CITY COUNCIL & UTILITY AUTHORITY:

1. APPROVE TO WAIVE FORMAL BID REQUIREMENTS, APPROPRIATE \$43,000 FROM THE UTILITY AUTHORITY WATER FUND BALANCE, AUTHORIZE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH STETSON ENGINEERS, INC. AND ISSUE A PURCHASE ORDER TO STETSON ENGINEERS, INC. TO PREPARE THE GROUNDWATER SUSTAINABILITY MANAGEMENT ACT FIVE-YEAR MANDATORY UPDATE

That the City Council and Utility Authority:

- A. Waive formal bid requirements per La Habra Municipal Code, Section 4.20.080 (B) when a service firm has established such a successful past history of work with the City that it is clearly in the public interest not to negotiate with any other source;
- B. Authorize the appropriation of \$43,000 from the Utility Authority Water Fund balance to fund the cost of this agreement; and
- C. Authorize the City Manager/Executive Director to execute a professional services agreement with Stetson Engineers, Inc. and issue a purchase order in the amount of \$43,000 to prepare the Groundwater Sustainability Act five-year mandatory update.

UTILITY AUTHORITY:

1. APPROVE LA HABRA UTILITY AUTHORITY MEETING MINUTES

That the Utility Authority approve the La Habra Utility Authority Meeting Minutes of August 2, 2021.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

CITY COUNCIL:

4. APPROVE SECOND READING AND ADOPTION OF ORDINANCE NO. 1836 REGARDING SHORT-TERM RESIDENTIAL RENTALS

City Council did not request a staff report.

Osama Mentias, La Habra resident and owner of a short-term residential rental property in the City, spoke in opposition to this item. He requested that the second reading of the ordinance be denied and that a new ordinance be adopted with regulations for short-term. He answered City Council inquiries regarding a preference to renting his property on a short-term basis and the number of police calls responded to for his rental property.

Mayor Espinoza invited the public to testify at 6:39 p.m.

Linda Minton, La Habra resident, spoke in support of Mr. Mentias and short-term rentals.

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

- Neil Shah
- Elizabeth Cuevas
- Linda DeMassa

Marie Laveaga, La Habra resident, suggested that City Council only ban the problem short-term residential rentals, and continue to allow short-term residential rentals within the city.

City Council discussion included: the offer from Expedia Group/VRBO to partner with the City regarding a Community Integrity Program for short-term rental properties; regulation of short-term residential rentals; addressing individual difficult short-term rental properties; creation and adoption of a regulatory structure for short-term rentals; addressing of neighborhood concerns and disruptions at short term rentals; residential areas not being zoned for hotel-type activity; percentage of short-term residential rental use; confirmation of the number of La Habra Police Department calls to short-term rental properties in the City and that seven calls for service had been responded to from August 2020 through March 6, 2021 specifically to Mr. Mentias' short-term rental property; clarification that two separate short-term rental addresses were being discussed; video shared at the regular City Council meeting of August 2, 2021 regarding a female urinating in front of a short-term residential rental located on Teakwood Avenue; clarification that short-term rental property owners were likely not notified each time a La Habra Police Department call for service were made; the higher propensity for problems and La Habra Police Department calls for service at short-term rentals; and the unresponsiveness of short-term residential rental property owners.

Chief of Police Foster stated that there was significant concern with the Teakwood Avenue calls for service, and that the same actions would continue with other short-term residential rentals.

Moved by Councilmember Gomez, seconded by Councilmember Simonian, and CARRIED (4-1) THAT THE CITY COUNCIL APPROVE THE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1836** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, 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.

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

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

CITY COUNCIL:

1. CONSIDER AND REVIEW THE 2021-2029 DRAFT HOUSING ELEMENT (6TH CYCLE) AND AUTHORIZE STAFF TO FORWARD THE DRAFT HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR REVIEW AND COMMENT

This project is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) of the CEQA guidelines.

Deputy Director of Community & Economic Development Ramsland indicated that after the staff report was prepared a comment letter from the Kennedy Commission was received and that those items were not addressed in the staff report. He noted that staff had reviewed the comments in the letter and that staff was confident that the issues raised were well-covered in the Draft Housing Element and that no modifications were necessary at this time. He introduced PlaceWorks Consultant Woodie Tescher who would provide a PowerPoint presentation.

PlaceWorks Consultant Woodie Tescher presented the 2021-2029 Draft Housing Element (6th Cycle) PowerPoint presentation.

PlaceWorks Associate Principal Mark Hoffman was available to answer technical questions.

City Council discussion included: disclosure that Mayor Espinoza and Pro Tem Medrano participated in the General Plan Advisory Committee (GPAC) meetings; necessary plans for the City to comply with Regional Housing Needs Assessment (RHNA) number of 803 units for the City to plan for that is mandated by the State of California; La Habra City School District student enrollment decline; clarification and constraints associated with Accessory Dwelling Units (ADU); and the structure and threshold of the City's Inclusionary Housing Ordinance which only affect projects of 10 units or greater.

City Manager Sadro left the dais at 7:20 p.m. and returned at 7:22 p.m.

Councilmember Gomez left the dais at 7:21 p.m. and returned at 7:24 p.m.

Mayor Espinoza invited the public to testify at 7:56 p.m. There was no public testimony.

Moved by Mayor Espinoza, Seconded by Mayor Pro Tem Medrano, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE 2021-2029 DRAFT HOUSING ELEMENT (6TH CYCLE) AND AUTHORIZE STAFF TO FORWARD THE DRAFT HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR REVIEW AND COMMENT.

CEQA:

This project is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) of the CEQA guidelines.

Said motion CARRIED UNANIMOUSLY (5-0) 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

2. CONSIDER TO APPROVE AND AUTHORIZE EXECUTION OF AN EMPLOYMENT AGREEMENT FOR THE OFFICE OF THE CITY MANAGER

City Attorney Jones presented the staff report.

City Council discussion included: compliments to City Manager Sadro on his management, past voluntary pay cuts, selfless conduct, and leadership in the community.

Mayor Espinoza invited the public to testify at 8:00 p.m. There was no public testimony.

Moved by Councilmember Simonian, Seconded by Mayor Pro Tem Medrano, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL:

- A. APPROVE AND AUTHORIZE EXECUTION OF AN EMPLOYMENT AGREEMENT FOR THE OFFICE OF CITY MANAGER WITH MR. JIM SADRO, WHICH WILL REMAIN IN EFFECT UNLESS AMENDED OR TERMINATED BY MUTUAL AGREEMENT OF BOTH PARTIES; AND
- B. APPROVE AND ADOPT **RESOLUTION NO. 6023** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING RESOLUTION NO. 6006 PERTAINING TO A COMPENSATION PLAN FOR EXECUTIVE MANAGEMENT EMPLOYEES

Said motion CARRIED UNANIMOUSLY (5-0) 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

MAYOR'S COMMUNITY CALENDAR:

Mayor/Chair Espinoza requested that Chief of Police Foster provide update on Officer Mark Milward who was injured during an officer involved shooting that occurred in front of the La Habra Police Department on Friday, August 6, 2021.

Chief of Police Foster provided the requested update and indicated that peer support and counselors were available for the La Habra Police Department staff. He thanked the community, City staff, and City Council for the overwhelming support during this tragedy.

Councilmember Gomez commended Chief of Police Foster and the La Habra Police Department on its handling of the officer involved shooting. He requested an audit of the La Habra Police Department security system and potential future audit of City facilities, as well. Mayor Pro Tem Medrano concurred.

Councilmember Shaw extended City Council's best to those involved in the officer involved shooting that occurred in front of the La Habra Police Department and asked how the community could show its support.

Chief of Police Foster expressed his thanks for the food and desserts generously given to the La Habra Police Department, and encouraged community attendance at the upcoming La Habra Police Department Open House.

Mayor Pro Tem Medrano indicated he would announce the La Habra Police Department Open House on his personal social media.

Mayor Espinoza expressed her thanks and gratitude to the La Habra Police Department. She indicated that she had visited the injured Police Officer while he was in the hospital on behalf of City Council, and wished him a restful recovery now that he had been released.

Councilmember Simonian requested Chief of Police Foster pass along City Council's care and respect to the injured Police Officer.

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 Museum "Let's Play Outside" returns August 24, 2021 through August 26, 2021, while the Museum closes for its annual renovation and change of exhibits.
- La Habra Movies in the Park will be held on Friday, August 27, 2021, at Portola Park and Friday, September 17, 2021, at Loma Norte Park.

Mayor Espinoza requested a City paver be placed in front of the City Council Chamber recognizing former Deputy Director of Community & Economic Development Carlos Jaramillo for his 40 years of service to the City. Councilmember Gomez concurred.

COMMENTS FROM STAFF:

City Manager/Executive Director Sadro thanked City Council for their positive comments made about him. He complimented the La Habra Police Department staff on their professionalism and leadership regarding the handling of the shooting incident that occurred on Friday, August 6, 2021, and indicated that injured Police Officer Milward was now home resting.

COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

Mayor Pro Tem/Vice Chair Medrano spoke regarding the Police Officer involved shooting that occurred in front of the La Habra Police Department on Friday, August 6, 2021. He commented on the other Police Officer involved who stopped the threat. He offered his thanks and gratitude to the La Habra Police Department.

Councilmember/Director Gomez spoke regarding the other Police Officer involved in the shooting that occurred in front of the La Habra Police Department on Friday, August 6, 2021. He extended his sympathies to the Zinberg Family on the loss of Dr. Sheldon Zinberg. He stated that he attended Ruby Red's BBQ ribbon cutting. He requested the meeting be adjourned in memory of former City of La Palma Mayor Larry Herman.

Councilmember/Director Simonian requested the meeting be adjourned in memory of Dr. Sheldon Zinberg. He noted their generous contributions and involvement in the community made throughout the years.

Mayor/Chair Espinoza spoke regarding the passing of Dr. Sheldon Zinberg. She stated that she had attended at his wife Nancy Zinberg's funeral two years ago. She noted that Nancy Zinberg and Joan Mallard were responsible for getting her involved in community service.

ADJOURNMENT: Mayor/Chair Espinoza adjourned the City Council meeting in memory of former City of La Palma Mayor Larry Herman and Dr. Sheldon Zinberg at 8:18 p.m.

Respectfully submitted,

Laurie Swindell, CMC
City Clerk/Secretary