

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING 5:30 P.M.

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REGULAR MEETING 6:30 P.M.

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REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, March 21, 2022

PRELIMINARY: These Minutes to be considered for approval on May 2, 2022.

ADJOURNED REGULAR MEETING 5:30 P.M.:

CALL TO ORDER: Mayor Medrano 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 Medrano
Councilmember Espinoza
Councilmember Nigsarian
Councilmember Simonian

COUNCILMEMBERS ABSENT: Mayor Pro Tem Gomez (recused himself)

OTHER OFFICIALS PRESENT: City Manager Sadro
City Clerk Swindell

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS: None

CLOSED SESSION:

1. Conference with Legal Counsel - Pending Litigation Pursuant to Government Code Section 54956.9(d)(1): Lennar Homes of California, Inc., et al. v. City of La Habra, et al., Orange County Superior Court Case Numbers 30-2021-01179515 and 30-2021-01221710.

Acting City Attorneys Ginetta Giovinco and Craig Steele with Richards Watson Gershon were present via telephone for this item.

ADJOURNMENT: The City Council reconvened at 5:58 p.m. There were no Closed Session announcements. Mayor Medrano adjourned the Adjourned Regular Meeting at 5:58 p.m.

REGULAR MEETING 6:30 P.M.:

CALL TO ORDER: Mayor Medrano 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/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem/Vice Chair Gomez

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

City Attorney Jones indicated that he and Mayor Pro Tem Gomez were not present for the Closed Session due to a conflict of interest, and no reportable action was taken.

PROCLAMATIONS/PRESENTATIONS:

1. PROCLAIM APRIL 2022 AS FAIR HOUSING MONTH IN THE CITY OF LA HABRA

Mayor Medrano invited Fair Housing Foundation representative Martha Torres to the podium to accept the proclamation.

2. RECOGNITION OF THE TABELLO FAMILY, 1461 SIERRA VISTA DRIVE, AS THE 2022 DISTRICT 1 BEAUTIFICATION COMMITTEE AWARD RECIPIENT

Mayor Medrano invited the Tabetlo Family to the podium and presented them with a Certificate of Recognition. Beautification Committee Members Carol Nigsarian, Nicole Schmidt-Aiello, and Lavenia Wilson presented the Tabetlo Family with a yard sign as the 2022 District 1 Beautification Committee Award Recipient.

3. RECOGNITION OF OUTGOING COMMUNITY SERVICES COMMISSIONER KATHY FELIX

Mayor Medrano invited Kathy Felix to the podium to accept the Certificate of Appreciation.

4. RECOGNITION OF OUTGOING BEAUTIFICATION COMMITTEE MEMBERS GRACIELA GARCIA AND MANUEL MUNOZ

Mayor Medrano invited Graciela Garcia and Manuel Munoz to the podium to accept their Certificates of Appreciation.

PUBLIC COMMENTS:

Carrie Surich, La Habra resident, thanked outgoing Community Services Commissioner Kathy Felix for her service on the commission.

William Otalova, La Habra resident, spoke regarding public safety concerns and being unfairly profiled by the La Habra Police Department.

CONSENT CALENDAR:

Councilmember/Director Nigsarian stated that he would be abstaining on Item No. 6, City of La Habra Meeting Minutes of January 3, 2022, February 7, 2022, and February 10, 2022, as he had not yet been appointment to the City Council.

Moved by Mayor Pro Tem/Vice Chair Gomez, seconded, by Councilmember/Director Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 11; CITY COUNCIL & UTILITY AUTHORITY ITEM 1; AND UTILITY AUTHORITY ITEM 1; WITH THE EXCEPTION OF COUNCILMEMBER/DIRECTOR NIGSARIAN VOTING NO ON ITEM NO. 6 WITH REGARD TO THE CITY OF LA HABRA MEETING MINUTES OF JANUARY 3, 2022, FEBRUARY 7, 2022, AND FEBRUARY 10, 2022, ONLY.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Medrano, Mayor Pro Tem/Vice Chair Gomez,
Councilmember/Director Espinoza, Councilmember/Director Nigsarian,
Councilmember/Director 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 Meeting Minutes of:

- January 3, 2022
- February 7, 2022
- February 10, 2022
- February 22, 2022
- March 7, 2022

3. APPROVE DENIAL OF LIABILITY CLAIM OF MERCURY INSURANCE FOR PROPERTY DAMAGE

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

4. APPROVE DENIAL OF LIABILITY CLAIM OF FEDERICO VARGAS FOR PROPERTY DAMAGE

That the City Council deny the claim of Federico Vargas in order to set a definite six-month Statute of Limitations dat.

5. RECEIVE AND FILE THE ANNUAL REPORT ON THE IMPLEMENTATION OF THE CITY OF LA HABRA GENERAL PLAN FOR CALENDAR YEAR 2021

That the City Council receive and file the Annual Report on the implementation of the City of La Habra General Plan for calendar year 2021 and authorize the Director of Community and Economic Development to forward the document to the Governor's Office of Planning and Research and the Department of Housing and Community Development per Government Code Section 65400.

6. APPROVE AMENDMENT NO. 3 TO AGREEMENT WITH NATIONWIDE ENVIRONMENTAL SERVICES FOR CITY OF LA HABRA STREET SWEEPING SERVICES

That the City Council approve and authorize the City Manager to execute Amendment No. 3 with Nationwide Environmental Services, Inc., for contract street sweeping services.

7. APPROVE THE PURCHASE OF NETWORK VIRTUALIZATION EQUIPMENT FROM DELL COMPUTERS, INC.

That the City Council approve and authorize the City Manager to execute a purchase order in the amount of \$175,265.42 with Dell Computers, Inc. (Dell), for the purchase of a Dell PowerEdge R650 server (\$38,023.34) and a PowerStore 500T Storage Area Network (SAN) equipment (\$137,242.08).

8. APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE BETWEEN TAPESTRY COMMUNITY HOMEOWNERS ASSOCIATION AND THE CITY OF LA HABRA

That the City Council:

- A. Approve and authorize the Mayor to execute a settlement agreement and release between Tapestry Community Homeowners Association and the City of La Habra in the amount of \$190,416 for water service overcharges; and,
- B. Approve and authorize staff to issue a check in the amount of \$190,416 from the Water Enterprise Fund to the Tapestry Community Homeowners Association.

9. APPROVE A RESOLUTION REAFFIRMING THE REQUIRED FINDINGS TO CONTINUE TO ALLOW REMOTE CITY COUNCIL MEETINGS AS REQUIRED BY AB 361

That the City Council:

- A. Receive this report; and,
- B. APPROVE AND ADOPT **RESOLUTION NO. 6054** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY.

10. RECEIVE AND FILE THE TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2021

That the City Council receive and file the Treasurer's Investment Report for the Quarter Ending December 31, 2021.

11. WARRANTS: APPROVE NOS. 00133549 THROUGH 00133669 TOTALING \$1,808,252.67; AND WIRE TRANSFERS: APPROVE WIRE TRANSFERS DATED 03/31/2022, TOTALING 327,265.59

Approve Nos. 00133549 through 00133669 totaling \$1,808,252.67; and approve Wire Transfer dated 3/31/2022, totaling \$327,265.59.

CITY COUNCIL & UTILITY AUTHORITY:

1. APPROVE AND AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC., FOR DESIGN OF THE HACIENDA PUMP STATION AND RESTROOM PROJECT

That the City Council and Utility Authority:

- A. Approve and authorize the City Manager/Executive Director to execute an agreement with David Evans and Associates, Inc., of Tustin, California; and
- B. Approve and authorize staff to issue a purchase order in the amount of \$565,000, which includes a twenty percent (20%) contingency to provide design of the Hacienda Pump Station and Restroom Project, and issue a purchase order to David Evans and Associates, Inc.

UTILITY AUTHORITY:

1. APPROVE CITY OF LA HABRA UTILITY AUTHORITY MINUTES

That the City of La Habra Utility Authority approve the Utility Authority Meeting Minutes of:

- December 7, 2020
- December 21, 2020
- December 6, 2021
- December 20, 2021
- January 3, 2022
- January 18, 2022
- February 7, 2022
- February 22, 2022
- March 7, 2022

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

1. CONSIDER THE REVISED DRAFT 2021-2029 HOUSING ELEMENT

Deputy Director Ramsland presented the staff report.

City Council discussion included: clarification as to whether or not certification of the City's Revised Draft 2021-2029 Housing Element could still be delayed by the California Department of Housing and Community Development (HCD); and the benefit of the City having already taken action on the Inclusionary Housing Units.

Mayor Medrano invited the public to testify at 7:00 p.m. There was no public testimony.

Moved by Mayor Pro Tem Gomez, Seconded by Councilmember Simonian, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AND AUTHORIZE STAFF TO FORWARD THE CITY'S REVISED DRAFT 2021-2029 HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR REVIEW AND CERTIFICATION.

Said motion CARRIED by the following roll call vote:

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

2. CONSIDER THE FISCAL YEAR 2021-2022 MID-YEAR BUDGET UPDATE

Deputy Director Ponvanit presented the Fiscal Year 2021-2022 Mid-Year Budget PowerPoint.

City Council discussion included: unexpected significant financial challenges facing the City for the remainder of the fiscal year; and status of the development of an application process for the rental, business, and nonprofit assistance as outlined in the American Rescue Plan Act (ARPA).

Mayor Pro Tem Gomez complimented the Finance Department staff and Department Directors on their budgeting efforts.

City Manager Sadro spoke regarding City budget impacts that include inflation, rising fuel costs, increasing costs for construction materials and supplies, and the war in Ukraine. He complimented City staff on managing the City's resources.

Mayor Medrano invited the public to testify at 7:17 p.m. There was no public testimony.

MOVED by Councilmember Nigsarian, seconded by Mayor Medrano, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2021-2022 (FY2021-22) MID-YEAR BUDGET UPDATE.

Said motion CARRIED by the following roll call vote:

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

MAYOR'S COMMUNITY CALENDAR:

Mayor Medrano made the following announcements:

- La Habra COVID Vaccination and Boosters Clinic at the La Habra Community Center, Monday, Wednesday, and Friday, 9:00 a.m. to 4:00 p.m. by appointment only.
- COVID Testing at the La Habra Community Center, Monday through Friday, 7:00 a.m. to 7:00 p.m. by appointment only.
- Free At-Home COVID-19 Test Kits available to every home in the United States.
- Free N95 Masks available at pharmacies across the country.
- Birthdays at the Children's Museum kids' party for up to 40 guests, with each party including Museum admission.
- La Habra Egg Night to be held on Friday, April 15, 2022, 7:00 p.m. to 8:00 p.m., at La Bonita Park.
- Spring Family Eggstravaganza to be held on Saturday, April 16, 2022, 8:00 a.m. to 12:00 p.m., at La Bonita Park.
- The La Habra Children's Museum "Chipping in for Kids" Charity Golf Tournament to be held on Monday, May 2, 2022, at the Hacienda Golf Club.

COMMENTS FROM STAFF: None

COMMENTS FROM COUNCILMEMBERS:

Mayor Pro Tem/Vice Chair Gomez stated that the La Habra Host Lions Club Boys & Girls Club Breakfast will be held on Saturday, April 9, 2022, 7:00 a.m. to 11:00 a.m. He requested the meeting be adjourned in memory of Geri McMillan, Tyler Shaw, and Harold Potter.

Councilmember/Director Nigsarian extended his condolences to Randy McMillan and his family, and Tim Shaw and his family. He stated that he attended the American Crown Circus at the La Habra Marketplace.

Councilmember/Director Espinoza stated that she attended the American Crown Circus at the La Habra Marketplace. She stated that she attended the La Habra Races held on Saturday, March 12, 2022. She extended her condolences to Randy McMillan and his family.

Mayor/Chair Medrano stated that he and Councilmember/Director Nigsarian attended the Sonora High School Football Banquet held on Tuesday, March 8, 2022. He stated that he participated in the La Habra Races held on Saturday, March 12, 2022, and thanked the Community Services Department staff for their work on the event.

ADJOURNMENT: Mayor Medrano adjourned the meeting in memory of Tyler Shaw, Harold Potter, and Geri McMillan at 7:28 p.m. to Monday, April 4, 2022, 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,

Rhonda J. Barone, CMC
Assistant City Clerk/Secretary