

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.

Monday, April 18, 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 Council Chamber, Closed Session Room 112c, located at 100 East La Habra Boulevard, La Habra, California.

COUNCILMEMBERS PRESENT: Mayor Medrano
Mayor Pro Tem Gomez
Councilmember Espinoza
Councilmember Nigsarian
Councilmember Simonian

COUNCILMEMBERS ABSENT: None

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

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), Aguirre, et al. vs. City of La Habra, Orange County Superior Court Case No. 8:20-CV-01829 CJS ADS.

Chief of Police Foster, Director of Human Resources Balderrama, and Human Resources Manager Coelho-LaFreniere were present for this item. Acting City Attorney Bruce Praet with Liebert Cassidy Whitmore was present via telephone for this item.

2. Conference with Legal Counsel: Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), Gadreau, et al. vs. City of La Habra, Orange County Superior Court Case No. 30-2019-01064083-CU-PO-CJC.

Director of Human Resources Balderrama, and Human Resources Manager Coelho-LaFreniere were present for this item. Acting City Attorney Justin Bordin-Wosk with Bordin Semmer LLP was present via telephone for this item.

ADJOURNMENT: The City Council reconvened at 6:01 p.m. There were no Closed Session announcements. Mayor Medrano adjourned the Adjourned Regular Meeting at 6: 01 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 Jones

PLEDGE OF ALLEGIANCE: Councilmember Nigsarian

COUNCILMEMBERS PRESENT: Mayor Medrano
Mayor Pro Tem Gomez
Councilmember Espinoza
Councilmember Nigsarian
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. PROCLAIM MAY 5, 2022, AS A DAY SET APART FOR THE ANNUAL MAYOR'S PRAYER BREAKFAST IN RECOGNITION OF THE NATIONAL DAY OF PRAYER

Mayor Medrano invited Brian Burgess to the podium to accept the proclamation. Brian Burgess announced the Mayor's Prayer Breakfast to be held on Thursday, May 5, 2022, at the La Habra Community Center.

2. PROCLAIM APRIL 2022 AS AUTISM ACCEPTANCE MONTH IN THE CITY OF LA HABRA

Mayor Medrano invited Fullerton Cares Autism Foundation representative Larry Houser to the podium to accept the proclamation. Larry Houser and his family accepted the proclamation, and his wife spoke regarding Fullerton Cares Autism Foundation which provides awareness and support program for families and those affected by Autism.

3. RECOGNITION OF DAVE AND CARMELLA GAYTAN FOR THEIR SERVICES TO THE LA HABRA COMMUNITY

Mayor Medrano invited Dave and Carmella Gaytan to the podium to accept the proclamation. Each City Councilmember and City Manager Sadro thanked Dave and Carmella Gaytan for their services to the La Habra community.

Mayor Pro Tem Gomez recommended a City tile be purchased in front of the Council Chamber for Dave and Carmella Gaytan. Councilmember Espinoza concurred.

A representative of Congresswoman Young Kim's Office presented Dave and Carmella Gaytan with a Certificate of Recognition.

PUBLIC COMMENTS: None

CONSENT CALENDAR:

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

Said motion CARRIED by the following vote:

AYES: Mayor Medrano, Mayor Pro Tem Gomez,
Councilmember Espinoza, Councilmember Nigsarian, 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 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 and file this report; and,

B. APPROVE AND ADOPT **RESOLUTION NO. 6057** 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.

3. APPROVE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR LED STREETLIGHT UPGRADES VIA THE SCHEDULE LS-1 OPTION E PROGRAM

That the City Council approve and authorize the City Manager to execute Schedule LS-1 Option E Energy Efficient Fixture Replacement Rate Agreement with Southern California Edison (SCE) Company to retrofit all SCE-owned streetlights in La Habra from High-Pressure Sodium Vapor (HPS) lamps to Light Emitting Diode (LED) Technology.

4. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO EBS GENERAL ENGINEERING, INC., FOR ANNUAL ARTERIAL STREET REHABILITATION FISCAL YEAR 2019-2020 (FY 2019-2020), CITY PROJECT NO. 5-R-19

That the City Council:

A. Approve the Plans and Specifications for the Annual Arterial Street Rehabilitation Fiscal Year 2019-2020, City Project No. 5-R-19 ("Project");

- B. Approve to award construction contract for the Annual Arterial Street Rehabilitation Fiscal Year 2019-2020, City Project No. 5-R-19 to EBS General Engineering, Inc., of Corona, California, in the amount of \$2,144,751 and reject all other bids;
 - C. Approve the re-allocation of \$1,481,122 of funding to complete this Project as described in the Fiscal Impact section of this report; and,
 - D. Approve and authorize the City Manager to execute an agreement with EBS General Engineering, Inc., of Corona, California, in the amount of \$2,144,751 and authorize staff to issue a purchase order to EBS General Engineering, Inc. of Corona, California, in the amount of \$2,573,701; which includes a twenty percent (20%) contingency.
5. WARRANTS: APPROVE NOS. 00133876 THROUGH 00134021 TOTALING \$1,750,743.40; AND APPROVE WIRE TRANSFERS DATED 4/29/22 TOTALING \$669,890.55

That the City Council approve Nos. 00133876 through 00134021 totaling \$1,750,743.40; and approve Wire Transfers dated 4/29/22, totaling \$669,890.55.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR ZONE CHANGE 22-01 FOR AMENDMENTS TO THE FOLLOWING CHAPTERS OF TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE:
 - CHAPTER 18.04 DEFINITIONS, MODIFYING THE DEFINITION OF "FOOD TO GO RESTAURANT";
 - CHAPTER 18.06 ZONES ESTABLISHED - ZONING MAP BOUNDARIES AND LAND USES, ADDING "FOOD TO GO" AS A PERMITTED USE OUTRIGHT;
 - CHAPTER 18.08 GENERAL PROVISIONS, EXEMPTING THE CITY FROM THE PROVISIONS OF TITLE 18;
 - CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS;
 - CHAPTER 18.14 OFF-STREET PARKING REQUIREMENTS, MODIFYING THE PARKING STANDARDS FOR "FOOD TO GO" RESTAURANTS TO BE CONSISTENT WITH ITS DEFINITION; AND
 - CHAPTER 18.80 AFFORDABLE HOUSING INCENTIVES, MODIFYING THE STANDARDS AND TEXT FOR CONSISTENCY WITH STATE LAW.

Associate Planner Lopez presented the staff report.

City Attorney Jones stated that because Councilmember Nigsarian served in the capacity of and voted as a Planning Commissioner when this item was initially presented, he should declare a conflict and cast an abstention vote on this item.

City Manager Sadro complimented the Community & Economic Development Department for their work on this item and the business-friendly approaches to doing business in the City.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 6:50 p.m. There was not public testimony, so the public hearing was closed.

Moved by Councilmember Simonian, seconded by Mayor Pro Tem Gomez, AND CARRIED (4-1) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1839** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 22-01 TO AMEND THE FOLLOWING CHAPTERS OF TITLE 18 ZONING: CHAPTER 18.04 DEFINITIONS, MODIFYING THE DEFINITION OF "FOOD TO GO RESTAURANT", CHAPTER 18.06 ZONES ESTABLISHED - ZONING MAP BOUNDARIES AND LAND USES, ADDING "FOOD TO GO" AS A PERMITTED USE OUTRIGHT, CHAPTER 18.08 GENERAL PROVISIONS, EXEMPTING THE CITY FROM THE PROVISIONS OF TITLE 18, CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS, CHAPTER 18.14 OFF-STREET PARKING REQUIREMENTS, MODIFYING THE PARKING STANDARDS FOR "FOOD TO GO" RESTAURANTS TO BE CONSISTENT WITH ITS DEFINITION, AND CHAPTER 18.80 AFFORDABLE HOUSING INCENTIVES MODIFYING THE STANDARDS AND TEXT FOR CONSISTENCY WITH STATE LAW AS PER EXHIBITS "A" THROUGH "F."

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to Section 15061(b)(3) of the CEQA guidelines which covers activities with no possibility of having a significant effect on the environment.

Said motion CARRIED (4-0) by the following vote:

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

2. DULY NOTICED PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 2.28 (COMMUNITY SERVICES COMMISSION) OF THE LA HABRA MUNICIPAL CODE

Assistant City Clerk Barone presented the staff report.

City Manager Sadro stated that City Council must also take action to approve the proposed terms for recently appointed Community Services Commissioners as recommended in the staff report.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 6:55p.m. There was no public testimony so the public hearing was closed.

Moved by Mayor Pro Tem Gomez, seconded by Mayor Medrano, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1840** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING CHAPTER 2.28 (COMMUNITY SERVICES COMMISSION) OF THE LA HABRA MUNICIPAL CODE REGARDING THE COMMUNITY SERVICES COMMISSION; AND APPROVE PROPOSED TERMS FOR RECENTLY APPOINTED COMMISSIONERS.

Said motion CARRIED by the following vote:

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

3. DULY NOTICED PUBLIC HEARING TO CONSIDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPROVAL OF THE FISCAL YEAR 2022-2023 ANNUAL ACTION PLAN

Housing Specialist Louie presented the staff report.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 6:59 p.m. There was no public testimony so the public hearing was closed.

Councilmember Simonian announced that he would be recusing himself from voting on allocation of funds for Public Facilities Old Reservoir Park Improvement due to the close proximity of his personal residence to the park.

Moved by Mayor Pro Tem Gomez, seconded by Councilmember Espinoza, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL:

- A. RECEIVE PUBLIC COMMENTS; AND
- B. CONSIDER AND APPROVE THE FISCAL YEAR 2022-2023 ANNUAL ACTION PLAN FOR THE CITY OF LA HABRA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND

- C. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CITY OF LA HABRA'S ANNUAL APPLICATION AND CERTIFICATIONS AND SUBMIT THE ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR ITS COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING APPROVAL/AGREEMENT IN THE AMOUNT OF \$640,000 AND \$384,000 IN CARRYOVER FUNDS. STAFF WILL PROPORTIONALLY ADJUST THE AMOUNT OF FUNDING FOR EACH PROPOSED PROJECT BASED ON THE FINAL ACTUAL CDBG ALLOCATION; WITH THE EXCEPTION OF COUNCILMEMBER SIMONIAN ABSTAINING FROM THE AREA OF THE ITEM REGARDING OLD RESERVOIR PARK IMPROVEMENT.

Said motion CARRIED unanimously (5-0) by the following vote:

AYES: Mayor Medrano, Mayor Pro Tem Gomez,
Councilmember Espinoza, Councilmember Nigsarian, Councilmember Simonian
NOES: NONE
ABSTAIN: Councilmember Simonian (Old Reservoir Park Improvement area of this item)
ABSENT: NONE

4. DULY NOTICED PUBLIC HEARING TO CONSIDER ADOPTION OF A MILITARY EQUIPMENT USE URGENCY ORDINANCE AND POLICY

Chief of Police Foster presented the staff report.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 7:02 p.m. There was no public testimony so the public hearing was closed.

Moved by Councilmember Simonian Seconded by Councilmember Nigsarian, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AND ADOPT URGENCY **ORDINANCE NO. 1841** ENTITLED: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT POLICY OF THE CITY OF LA HABRA, CALIFORNIA, GOVERNING THE USE OF MILITARY EQUIPMENT AND DECLARING IT AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION.

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

CONSIDERATION ITEMS: None at this time.

MAYOR'S COMMUNITY CALENDAR:

Mayor Medrano made the following announcements:

- La Habra Vaccination and Booster 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.
- La Habra Citrus Fair to be held on Friday, April 29, 2022, through Sunday, May 1, 2022, at El Centro Lions 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.
- La Habra Summer Active Day Camp to be held Monday through Friday, June 6, 2022, through August 12, 2022, at Veterans Hall.
- La Habra Movies in the Park film series begins on Friday, June 17, 2022, with a showing at Oeste Park.

COMMENTS FROM STAFF:

City Manager Sadro stated that City Clerk Laurie Swindell is retiring and today is her last day with the City. He complimented her on modernizing the City Clerk's office, stated that she will be missed, and wished Laurie and her husband safe travels and a happy retirement.

COMMENTS FROM COUNCILMEMBERS:

Mayor Pro Tem Gomez thanked retiring City Clerk Laurie Swindell for her service to the City, and thanked her husband for his support of her during her tenure with the City. He requested a City tile be purchased in honor of City Clerk Laurie Swindell's retirement. Councilmember Nigsarian concurred with the recognition. He complimented Director of Community & Economic Development Kim on Public Hearing Agenda Item No. 1, and spoke in support of that action. He spoke regarding the success of the La Habra Egg Night and Spring Family Eggstravaganza, and thanked Community Services Department staff for their hard work on the events. He requested the meeting be adjourned in memory of Don Warthen.

Councilmember Nigsarian thanked retiring City Clerk Laurie Swindell for her service to the City. He spoke regarding the success of the La Habra Egg Night and Spring Family Eggstravaganza, and thanked the La Habra Host Lions Club for the breakfast and their community support.

Councilmember Espinoza thanked retiring City Clerk Laurie Swindell for her service to the City. She spoke regarding the success of the La Habra Egg Night and Spring Family Eggstravaganza, and thanked the La Habra Host Lions Club for the breakfast. She stated that she attended the funeral services for Sister Kathleen Marie Pughe. She requested the meeting be adjourned in memory of Gilbert Gallegos.

Councilmember Simonian thanked retiring City Clerk Laurie Swindell for her service to the City. He complimented Director of Community & Economic Development Kim on Public Hearing Item No. 1, and spoke in support of that action. He spoke regarding the success of the La Habra Egg Night and Spring Family Eggstravaganza, and thanked Community Services Department staff for their hard work on the events. He stated that costs for the helicopter that provided the egg drops were paid for by a Community Services Department staff, and not the City.

Mayor Medrano thanked retiring City Clerk Laurie Swindell for her service to the City. He spoke regarding the success of the La Habra Egg Night and Spring Family Eggstravaganza; he thanked Community Services Department staff for their hard work on the events; and thanked the La Habra Host Lions Club for the breakfast. He complimented Director of Community & Economic Development Kim on Public Hearing Item No. 1, and spoke in support of that action. He thanked Chief of Police Foster and Traffic Manager Plotnik for their recent community outreach regarding traffic mitigation. He requested the meeting be adjourned in memory of Adam Bullard and Matthew Bullard.

ADJOURNMENT: Mayor Medrano adjourned the meeting in memory of Don Warthen, Gilbert Gallegos, Adam Bullard, and Matthew Bullard at 7:26 p.m. to Monday, May 2, 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