

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, August 1, 2022

PRELIMINARY: These Minutes to be considered for approval on September 19, 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 5:31 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
Assistant City Clerk Barone

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS: None

CLOSED SESSION:

1. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: (One Case).

Director of Human Resources Balderrama, Director of Community & Economic Development Kim, and Deputy Director of Community & Economic Development Ramsland were present for this item.

2. Conference with Legal Counsel – National Prescription Opiate Litigation; USDC, Northern District of Ohio, MDL No. 2804.

Jones and Mayer Attorney Melissa Ballard and Director of Human Resources Balderrama were present for this item.

3. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9: (One Case).

Jones and Mayer Attorney Melissa Ballard, Director of Public Works Saykali, and Director of Human Resources Balderrama were present for this item.

ADJOURNMENT: The City Council reconvened at 6:06 p.m. There were no Closed Session announcements. Mayor Medrano adjourned the Adjourned Regular Meeting at 6:06 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 Simonian

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
Assistant City Clerk Barone
Executive Assistant Hurt

CLOSED SESSION ANNOUNCEMENT:

City Attorney Jones spoke regarding Closed Session Item No. 2 entitled Conference with Legal Counsel – National Prescription Opiate Litigation; USDC, Northern District of Ohio, MDL No. 2804. He indicated that the City of La Habra would receive a settlement in the amount of \$32,000 per year for the next 18 years; and a motion was made by Mayor Pro Tem Gomez, seconded by Mayor Medrano and carried unanimously by the City Council that for the first year only, the settlement funds be distributed to the County of Orange to assist the City with development and distribution of a program to address opioid related issues such as addiction.

PROCLAMATIONS/PRESENTATIONS: None at this time.

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

Moved by Mayor Pro Tem Gomez, seconded, by Councilmember Simonian, 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 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:

- June 6, 2022
- June 20, 2022
- July 5, 2022
- July 18, 2022

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

That the City Council:

Receive this report; and,

APPROVE AND ADOPT **RESOLUTION NO. 6079** 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.

4. CONSIDER AGREEMENT WITH CLIFTON LARSON ALLEN LLP (CLA) FOR AUDIT AND FINANCIAL REPORTING SERVICES FOR FISCAL YEARS 2021-2022, 2022-2023, AND 2023-2024

That the City Council authorize the City Manager to execute an agreement for Audit and Financial Reporting Services with Clifton Larson Allen LLP (CLA) in an amount not to exceed \$85,439 in the first of an initial three-year term, with two additional years at the City's option.

5. WARRANTS: APPROVE NOS. 00135054 THROUGH 00135292 TOTALING \$5,200,353.10; AND WIRE TRANSFERS: APPROVE WIRE TRANSFER DATED 7/28/22 TOTALING \$1,300,000.00

That the City Council approve Nos. 00135054 through 00135292 totaling \$5,200,353.10; and approve Wire Transfer dated 7/28/22, totaling \$1,300,000.00.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT 22-07 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1000 SOUTH LESLIE STREET, SUITE D, AND THE RELATED DEVELOPMENT AGREEMENT 22-02

Planning Manager Lui presented the staff report.

City Council discussion included: explanation of how products are transferred from Canna America to On Deck Delivery, LLC; the use of armed guards and/or escorts when products are transported; clarification on the Planning Commission's denial of the Development Agreement; and applicant's responsiveness to community concerns.

Canna America and On Deck Delivery, LLC, Attorney Dana Cisneros clarified that Canna America and On Deck Delivery, LLC are separate entities that are owned by the same person. She stated that On Deck Delivery, LLC received a score of 99.6 during the application process, and many of those opposed to the business operation have visited the facility and are in attendance this evening and willing to rescind their objections. She spoke regarding product distribution, and indicated the business is protected by armed security 24 hours per day, seven days per week.

Mayor Medrano opened the public hearing at 7:03 p.m.

The applicant and Owner/Operator of On Deck Delivery LLC, Tony DeSimone spoke in support of this item and indicated operations have been successful for more than one year. He assured City Council that he would continue to give back to the La Habra community, and commented that he believes the Planning Commission denial of Conditional Use 22-07 is based upon lack of information or personal bias because the other three Non-Storefront Retail Cannabis Businesses were approved by the Planning Commission.

The following spoke in support of this item:

- Sam Kotob, La Habra Area Chamber of Commerce
- Carmen Miller, La Habra Meals on Wheels
- Russ Hanson, Fix Auto La Habra

The public hearing was closed at 7:13 p.m.

Mayor Medrano, Mayor Pro Tem Gomez, Councilmember Nigsarian, and Councilmember Espinoza expressed their appreciation to Canna America/On Deck Delivery, LLC for attending tonight's meeting and providing clarity to the initial Planning Commission denial.

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

- A. Approve and Adopt a Conditional Use Permit **RESOLUTION NO. 6080** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA OVERRULING THE PLANNING COMMISSION AND APPROVING CONDITIONAL USE PERMIT 22-07 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1000 SOUTH LESLIE STREET, SUITE D, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS; and
- B. Approve the first reading of **ORDINANCE NO. 1843** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 22-02 BETWEEN THE CITY OF LA HABRA AND ON DECK DELIVERY, LLC, FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS LOCATED AT 1000 SOUTH LESLIE STREET, SUITE D, AS PER ATTACHMENT "A."

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

2. DULY NOTICED PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR DEVELOPMENT AGREEMENT 22-01 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 441 EAST IMPERIAL HIGHWAY, SUITE E

Planning Manager Lui presented the staff report.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 7:25 p.m.

Consultant representing Essential Roots La Habra, LLC, Chad Wanke, Principal at Orbis Public Affairs, spoke in support of this item.

The public hearing was closed at 7:27 p.m.

Moved by Mayor Pro Tem Gomez, seconded by Councilmember Nigsarian, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1844** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 22-01 BETWEEN THE CITY OF LA HABRA AND ESSENTIAL ROOTS LA HABRA, LLC FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 441 EAST IMPERIAL HIGHWAY, SUITE E.

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 AN ORDINANCE FOR DEVELOPMENT AGREEMENT 22-03 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 536 WEST MOUNTAIN VIEW AVENUE, SUITE B

Planning Manager Lui presented the staff report.

City Council discussion included clarification as to why Pinnacle Wellness Group and JP420, LLC operate under separate names.

Mayor Medrano opened the public hearing at 7:33 p.m.

Jayna Ryan, legal counsel, spoke on behalf of Jacob Poozhikala, Principal Owner for JP420, LLC.

The public hearing was closed at 7:34 p.m.

Moved by Councilmember Espinoza, seconded by Mayor Pro Tem Gomez, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1845** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 22-03 BETWEEN THE CITY OF LA HABRA AND JP420, LLC, FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 536 WEST MOUNTAIN VIEW AVENUE, SUITE B.

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

4. DULY NOTICED PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR DEVELOPMENT AGREEMENT 22-04 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1721 EAST LAMBERT ROAD, SUITE A

Planning Manager Lui presented the staff report.

There was no City Council discussion.

Mayor Medrano opened the public hearing at 7:37 p.m.

Business operator Cyrus Pai, Shryne Group, LLC, provided an introduction of the company, and spoke in support of the item.

The public hearing was closed at 7:39 p.m.

Moved by Councilmember Nigsarian, Seconded by Councilmember Espinoza, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1846** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 22-04 BETWEEN THE CITY OF LA HABRA AND SHRYNE LA HABRA, LLC (DBA – BLAZE) FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1721 EAST LAMBERT ROAD, SUITE A.

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:

1. CONSIDER INITIATION OF AMENDMENTS TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE TO FURTHER STREAMLINE THE APPROVAL PROCESS FOR OUTDOOR DINING AREAS

Director of Community and Economic Development Kim presented the staff report.

City Council discussion included: support of this item, and the need to provide assistance to businesses recovering from the financial impacts from the COVID-19 pandemic.

Mayor Medrano invited the public to testify at 7:43 p.m. There was no public testimony.

Moved by Councilmember Simonian, Seconded by Mayor Pro Tem Gomez, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL DIRECT THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO PREPARE A DRAFT ORDINANCE TO AMEND THE LA HABRA MUNICIPAL CODE ZONING TO MODIFY THE APPROVAL PROCESS FOR RESTAURANT OUTDOOR DINING AREAS, INCLUDING OUTDOOR DINING AREAS WITH THE SALE OF ALCOHOL, TO BE SUBJECT TO THE APPROVAL OF AN ADMINISTRATIVE ADJUSTMENT, WITH NO ADDITIONAL PARKING REQUIREMENTS, IF THE OUTDOOR DINING AREA IS 50 PERCENT OR LESS OF THE RESTAURANT'S TOTAL INTERIOR FLOOR AREA, AND SUBJECT TO A CONDITIONAL USE PERMIT (CUP) MODIFICATION AND A PARKING STUDY, IF THE OUTDOOR DINING AREA IS GREATER THAN 50 PERCENT OF THE RESTAURANT'S TOTAL INTERIOR FLOOR AREA.

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:

- COVID Testing, Vaccination and Boosters at the La Habra Community Center. Testing will be held Monday through Thursday, 7:00 a.m. to 6:00 p.m., Friday, 7:00 a.m. to 5:00 p.m.; closed Saturday and Sunday. Vaccinations and Boosters will be held Monday through Thursday, 10:00 a.m. to 5:00 p.m., closed Friday, Saturday, and Sunday.
- National Night Out, Tuesday, August 2, 2022, 5:00 p.m. to 7:30 p.m. at Portola Park.
- La Habra Concerts in the Park final concert will be held on Thursday, August 4, 2022, with a performance by 24K Magic – Bruno Mars Tribute band.
- La Habra Host Lions Club Pasta Fest on Saturday, August 6, 2022, at 5:00 p.m. at the La Habra Community Center.
- La Habra Movies in the Park on Friday, August 19, 2022, at El Centro Lions Park.
- Water conservation efforts are now in effect with lawn irrigation prohibited between the hours of 9:00 a.m. to 6:00 p.m., as is the washing of hard surfaces such as sidewalks and driveways.
- American Rescue Plan Act (ARPA) – City of La Habra Small Business and Bill Assistance Programs grants up to \$10,000 per eligible business and \$25,000 per eligible residential household awarded on a first-come, first-serve basis.
- American Rescue Plan Act (ARPA) – City of La Habra Non-Profit Grant Program grants up to \$25,000 per organization awarded on a first-come, first-serve basis.

COMMENTS FROM STAFF: None.

COMMENTS FROM COUNCILMEMBERS:

Councilmember Simonian spoke regarding the City of La Habra Fiscal Year 2022-2023 \$20,000 funding allocation to the La Habra Area Chamber of Commerce, and requested the Chamber President attend the next regular City Council meeting of August 15, 2022, to provide an update on planned use of funds that would assist with the development and retention of local businesses in the community. Councilmember Espinoza concurred.

Mayor Pro Tem Gomez apologized for not being able to attend last week's Concert in the Park due to a conflict with attendance to The WCCS-Women's & Children's Crisis Shelter fundraiser. He requested the meeting be adjourned in memory of Tony Gonzalez.

Mayor Medrano thanked Chief of Police Foster and the La Habra Police Department for their bilingual communication assistance offered to the Latino community at a recent neighborhood meeting; and spoke regarding the importance of community outreach.

ADJOURNMENT: Mayor Medrano adjourned the meeting in memory of Tony Gonzalez at 7:52 p.m. to Monday, August 15, 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