

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING 5:30 P.M.

&

REGULAR MEETING 6:30 P.M.

&

REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, November 21, 2022

PRELIMINARY: These Minutes to be considered for approval on February 21, 2023.

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
Mayor Pro Tem Gomez
Councilmember Espinoza
Councilmember Nigsarian
Councilmember Simonian

COUNCILMEMBERS ABSENT: None.

OTHER OFFICIALS PRESENT: City Manager Sadro
Assistant City Clerk Barone

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS: None.

CLOSED SESSION:

1. Worker's Compensation Claim per Government Code Section 54956.95; Claimant: Jeff Swaim EAMS No. ADJ10752327 and EAMS No. ADJ10754833.

Acting Attorney Richard Powell with the Law Offices of Richard S. Powell & Associates participated telephonically.

2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (One Case).

Acting Attorney J. Scott Tiedemann with Liebert Cassidy Whitmore was also present for this item.

ADJOURNMENT: The City Council reconvened at 5:50 p.m. There were no Closed Session announcements. Mayor Medrano adjourned the Adjourned Regular Meeting at 5:50 p.m.

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

CALL TO ORDER: Mayor Medrano 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: Mayor/Chair Medrano

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

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: None.

PROCLAMATIONS/PRESENTATIONS:

1. PROCLAIM NOVEMBER AS "FAMILY COURT AWARENESS MONTH" IN THE CITY OF LA HABRA

Mayor Medrano and City Council recognized and presented Family Court Awareness Month Committee representative Megan Fox with the Family Court Awareness Month proclamation.

Family Court Awareness Month Committee representative Megan Fox spoke regarding Family Court Awareness Month.

2. PRESENTATION BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) REGARDING M2 STREETS AND ROADS PROGRAM MILESTONE

Mayor Medrano invited Orange County Transportation Authority (OCTA) Executive Director of Planning Kia Mortazavi to the podium.

Orange County Transportation Authority (OCTA) Executive Director of Planning Kia Mortazavi presented a PowerPoint on the M2 Streets and Roads Program Milestone.

City Manager Sadro spoke regarding the Union Pacific Rail Line Bikeway Project, and progress with project negotiations.

Councilmember Nigsarian spoke regarding community support for the Union Pacific Rail Line Bikeway Project.

3. PRESENTATION BY THE CITY OF LA HABRA POLICE DEPARTMENT

Chief of Police Foster presented a PowerPoint on the services provided by the La Habra Police Department.

Mayor Medrano spoke in support of the partnerships and services provided by the Internet Crimes Against Children (ICAC) Task Force, Waymakers, and the Orange County Probation Department.

PUBLIC COMMENTS:

Dr. Sue Pritchard, La Habra resident, spoke regarding the Dine and Shop Local Incentive Program, unofficial results of the November 8, 2022, General Municipal Election, and the unauthorized removal of her temporary political signs.

Craig Walsh, La Habra resident, spoke regarding concerns with overnight vehicle parking and parking citations in his neighborhood.

Guadalupe Lara, La Habra resident, spoke regarding vandalism to her home during the November 8, 2022, General Municipal Election campaigning process.

Kathy Felix and members of the La Habra Host Lions Club spoke regarding their recent community events and fundraisers, and announced the Club would be donating \$17,000 to the City of La Habra.

CONSENT CALENDAR:

CITY COUNCIL:

Dr. Sue Pritchard, La Habra resident, requested that Item No. 5 be pulled from the Consent Calendar.

Moved by Mayor Pro Tem/Vice Chair Gomez, seconded by Councilmember/Director Nigsarian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 10 AND CITY COUNCIL AND UTILITY AUTHORITY CONSENT CALENDAR ITEM 1; WITH THE EXCEPTION OF ITEM NO. 5 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following 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 November 7, 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:

A. Receive this report; and,

B. APPROVE AND ADOPT **RESOLUTION NO. 6090** 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. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO AMERICAN ASPHALT SOUTH, INC., FOR CONSTRUCTION OF ANNUAL RESIDENTIAL STREET REHABILITATION FISCAL YEAR 2019-2020 AND FISCAL YEAR 2021-2022

That the City Council:

A. Approve Plans and Specifications for Annual Residential Street Rehabilitation Fiscal Year 2019-2020 and Fiscal Year 2021-2022, City Project No. 1-R-20; and

B. Award a construction contract for Annual Residential Street Rehabilitation Fiscal Year 2019-2020 and Fiscal Year 2021-2022, City Project No. 1-R-20 to American Asphalt South Inc., of Riverside, California in the amount of \$598,427.50 and reject all other bids; and

C. Authorize the City Manager to execute an agreement with American Asphalt South, Inc., California in the amount of \$598,427.50 and authorize staff to issue a purchase order to American Asphalt South, Inc., of Riverside, California in the amount of \$718,113.00, which includes a 20 percent contingency.

5. REMOVED FOR SEPARATE DISCUSSION – See below.

6. APPROVE NOTICE OF COMPLETION FOR ANNUAL SIDEWALK AND ACCESS RAMP IMPROVEMENTS FY2020-2021, CITY PROJECT NO. 3-R-20

That the City Council approve the Notice of Completion for the Annual Sidewalk and Access Ramp Improvements, Fiscal Year 2020-2021, Project No. 3-R-20, and authorize staff to send the Notice of Completion for recordation.

7. ISSUE A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP, WATSONVILLE, CALIFORNIA, IN THE AMOUNT OF \$331,450.84 FOR SIX NEW POLICE PURSUIT VEHICLES AND ONE ADMINISTRATIVE POLICE VEHICLE

That the City Council:

- A. Per La Habra Municipal Code Section 4.20.070 (C), utilize the cooperative purchase provision of a competitively bid contract awarded by Sourcewell, formally known as National Joint Powers Alliance (NJPA), master vehicle contract #091521-NAF for the purchase of seven new City Police vehicles to replace existing stock; and
 - B. Authorize the City Manager to issue a purchase order in the amount of \$331,450.84 from Fleet Replacement Fund to National Auto Fleet Group, Watsonville, California, for the purchase of six new Police Pursuit vehicles and one new police administration vehicle to replace existing stock.
8. APPROVE PLANS AND SPECIFICATIONS AND AWARD CONTRACT TO PALP, INC., DBA EXCEL PAVING COMPANY, FOR THE CONSTRUCTION OF THREE NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (NTMP) PROJECTS

That the City Council:

- A. Approve the Plans and Specifications for the Construction of NTMP Neighborhoods K, L, & M Traffic Management Plans, City Project No. 3-TC-19; Neighborhoods J, F, & N Traffic Management Plans, City Project No. 3-TC-20; and Neighborhoods E, A, & C Traffic Management Plans, City Project No. 4-TC-20;
 - B. Approve award of contract to PALP, Inc., dba Excel Paving Company of Long Beach, California, in the amount of \$497,820 for the Construction of NTMP Neighborhoods K, L, & M Traffic Management Plans, City Project 3-TC-19; Neighborhoods J, F, & N Traffic Management Plans, City Project 3-TC-20; and Neighborhoods E, A, & C Traffic Management Plans, City Project 4-TC-20;
 - C. Amend the adopted budget to exchange previously budgeted General Capital Projects funds with available unencumbered Traffic Impact Fee funds in the amount of \$336,740;
 - D. Appropriate \$210,862 in additional funding from available unencumbered Traffic Impact Fees for the Project to fully fund construction, construction management, and inspection services; and,
 - E. Authorize the City Manager to execute an Agreement with PALP, Inc., dba Excel Paving Company of Long Beach, California, in the amount of \$497,820, and authorize staff to issue a purchase order to PALP, Inc., dba Excel Paving Company of Long Beach, California, in the amount of \$547,602; which includes a ten percent (10%) contingency.
9. APPROVE AWARD OF CONTRACT TO AID BUILDERS, INC., FOR EAST BISHOP STORM DRAIN IMPROVEMENTS PROJECT, CITY PROJECT NO. 1-D-16

That the City Council:

- A. Approve the Plans and Specifications for the East Bishop Storm Drain Improvements Project, City Project No. 1-D-16;

- B. Award construction contract for the East Bishop Storm Drain Improvements Project, City Project No. 1-D-16 to AID Builders, Inc., of Los Alamitos, California, in the amount of \$1,778,657 and reject all other bids;
 - C. Authorize the City Manager to execute an agreement with AID Builders, Inc., of Los Alamitos, California, in the amount of \$2,134,388; which includes a 20 percent contingency; and,
 - D. Appropriate \$1,519,791 from the American Rescue Plan Act Fund (ARPA) to provide funding for the cost of construction, inspection, and materials testing for the East Bishop Storm Drain Improvements Project, City Project No. 1-D-16.
10. WARRANTS: APPROVE NOS. 00136490 THROUGH 00136680 TOTALING \$1,713,205.83
That the City Council approve Nos. 00136490 through 00136680 totaling \$1,713,205.83.

CITY COUNCIL & UTILITY AUTHORITY:

1. APPROVE AWARD OF CONTRACT TO GLENN CHAVEZ CONSTRUCTION, OF BREA, CALIFORNIA, FOR THE INSTALLATION OF THE HELI-HYDRANT PROJECT, CITY PROJECT NO. 1-W-23
- That the City Council and Utility Authority:
- A. Approve a construction contract with Glenn Chavez Construction, of Brea, California, for the installation of the Heli-Hydrant Project, City Project No. 1-W-23;
 - B. Approve and authorize the City Manager/Executive Director to execute an agreement with Glenn Chavez Construction, of Brea, California; and,
 - C. Authorize staff to issue a purchase order in the amount of \$250,000, to Glenn Chavez Construction, of Brea, California, which includes a 10 percent contingency.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

CITY COUNCIL:

5. CONSIDER APPROVAL OF AN AFFORDABLE HOUSING AGREEMENT WITH OLSON URBAN V - LA HABRA 3, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR RESTRICTION OF 12 UNITS TO BE MADE AVAILABLE TO MODERATE-INCOME HOUSEHOLDS THROUGH DENSITY BONUS FOR THE PROPERTY LOCATED AT 251-351 WEST IMPERIAL HIGHWAY

City Council did not request a staff report.

City Council discussion included: clarification of state-mandated affordable housing laws that allow a reduction in vehicle parking spaces; and City Council letters of opposition to the Governor of California.

Mayor Medrano invited the public to testify at 7:14 p.m.

Susan Pritchard, La Habra resident, spoke regarding City of La Habra Ordinance No. 1833 adopted on April 5, 2021, and the addition of Inclusionary Housing Units to the La Habra Municipal Code.

Mayor Medrano closed public testimony at 7:16 p.m.

City Manager Sadro stated the project application was submitted prior to the Inclusionary Housing Ordinance taking effect. He stated the project falls within the density bonus law which has slightly different regulations than inclusionary housing.

Housing and Economic Development Manager Cole-Corona stated the project application was submitted in March 2021, and the Inclusionary Housing Ordinance was approved later that year. She stated regulations for this project fall strictly under density bonus guidelines and not inclusionary housing guidelines, which effects ratios such as median household income.

Councilmember Simonian spoke regarding impacts of state-mandated vehicle parking requirements that allow significantly fewer parking spaces; and stated he reluctantly makes a motion to approve and vote in favor of this item.

Mayor Pro Tem Gomez stated he reluctantly moves to second the motion to approve and vote in favor of this item.

Moved by Councilmember Simonian, seconded by Mayor Pro Tem Gomez, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AN AFFORDABLE HOUSING AGREEMENT WITH OLSON URBAN V-LA HABRA 3, LLC, A DELAWARE LIMITED LIABILITY COMPANY (DEVELOPER).

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

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

1. CONSIDER SETTING A DATE TO CONDUCT A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF CHAPTER 9.22 ("FIREWORKS") OF SECTION 9.22.030 ("ENFORCEMENT") OF THE LA HABRA MUNICIPAL CODE (LHMC) RELATING TO FIREWORKS USE, DISCHARGE, POSSESSION, STORAGE AND SALE ON PRIVATE PROPERTY ALLOWING FOR ENFORCEMENT ACTION AGAINST SOCIAL HOSTS OF FIREWORKS BY INCREASING THE MAXIMUM FINE AMOUNT TO \$2,000

City Manager Sadro stated that this is a follow-up item to direction by Councilmember Simonian a few months ago for consideration of a potential increase to the City's current citation amount for the use of illegal fireworks. He stated Chief of Police Foster would present the staff report.

Chief of Police Foster presented the staff report.

City Council discussion included: consideration of tiered-fines or doubling the current progressive fines from \$100 to \$200 or \$250; Police Department fireworks enforcement on a year-round basis; fines to be increased in alignment with surrounding cities; and potential use of drones for enforcement of illegal fireworks activity.

Mayor Medrano invited the public to testify at 7:35 p.m. There was no public testimony.

Moved by Mayor Pro Tem Gomez, Seconded by Councilmember Nigsarian, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AT A DATE TO BE DETERMINED TO CONSIDER AN AMENDMENT TO CHAPTER 9.22 ("FIREWORKS") OF SECTION 9.22.03 ("ENFORCEMENT") OF THE LA HABRA MUNICIPAL CODE (LHMC) THAT WOULD INCREASE THE MAXIMUM FINE FOR THE POSSESSION AND/OR USE OF FIREWORKS FROM THE CURRENT MAXIMUM OF \$1,000 TO A MAXIMUM TO BE DETERMINED.

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.
- La Habra Tamale Festival on Saturday, December 3, 2022, from 10:00 a.m. to 10:00 p.m. at Portola Park and Euclid Street.
- 2022 Holiday Wishes Program toy and financial donations accepted through December 13, 2022, for families experiencing challenging circumstances.
- Breakfast With Santa on Saturday, December 10, and Sunday, December 11, 2022, at the La Habra Children's Museum.
- City Hall Winter Closure from December 22, 2022, through Monday, January 2, 2023; City Hall reopens on Tuesday, January 3, 2023.
- La Habra Children's Museum "New Years Noon" on Saturday, December 31, 2022, from 10:00 a.m. to 1:00 p.m.
- Birthdays at the La Habra Children's Museum with a variety of packages and price points available for private parties.
- Water conservation efforts are still 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.

COMMENTS FROM STAFF: None.

COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

Mayor Pro Tem/Vice Chair Gomez requested the meeting be adjourned in memory of Aurora Macias and Gilbert Sandoval.

Councilmember/Director Nigsarian spoke regarding the conclusion of the November 8, 2022, General Municipal Elections. He recognized audience member Nohemi Valenzuela on her Kindness Award recognition from Orange County Supervisor Doug Chaffee.

Councilmember/Director Espinoza congratulated Nohemi Valenzuela on her Kindness Award recognition from Orange County Supervisor Doug Chaffee. She thanked the La Habra Host Lions Club on the success of this year's Corn Festival.

Councilmember/Director Simonian congratulated Nohemi Valenzuela on her Kindness Award recognition from Orange County Supervisor Doug Chaffee. He thanked La Habra resident Doug Walsh for his public comments at tonight's meeting. He thanked the La Habra Host Lions Club for its community service. He spoke regarding the conclusion of the November 8, 2022, General Municipal Elections, and congratulated City Council incumbents Jose Medrano, James Gomez, and Daren Nigsarian on their re-election.

Mayor/Chair Medrano thanked La Habra resident Doug Walsh for his public comments at tonight's meeting. He thanked the La Habra Host Lions Club on the success of this year's Corn Festival. He spoke regarding his attendance to a Sonora High School Football game. He congratulated Nohemi Valenzuela on her Kindness Award recognition from Orange County Supervisor Doug Chaffee. He wished everyone a Happy Thanksgiving, and thanked City staff for their hard work.

ADJOURNMENT: Mayor/Chair Medrano adjourned the meeting in memory of Aurora Macias and Gilbert Sandoval at 7:51 p.m. to Monday, December 5, 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