

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING & ADJOURNED REGULAR JOINT MEETING WITH THE LA HABRA UTILITY AUTHORITY 5:30 P.M. & REGULAR MEETING 6:30 P.M.

Monday, February 6, 2023

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

ADJOURNED REGULAR MEETING & ADJOURNED REGULAR JOINT MEETING WITH THE LA HABRA UTILITY AUTHORITY 5:30 P.M.:

CALL TO ORDER: Mayor/Chair Gomez called the Adjourned Regular Meeting of the City Council of the City of La Habra & Adjourned Regular Joint Meeting with the La Habra Utility Authority to order at 5:30 p.m. in the Closed Session Room 112c, located at 100 East La Habra Boulevard, La Habra, California.

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

COUNCILMEMBERS/DIRECTORS ABSENT: NONE

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
Acting City Clerk/Secretary Barone

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

CLOSED SESSION:

City Council:

1. Conference with Legal Counsel Pending Litigation Pursuant to Government Code Section 54956(d)(1); Lennar Homes of California, Inc., et al. v. City of La Habra; Orange County Superior Court, Case No. 30-2021-01179515- CU-WM-WJC.
2. Lennar Homes of California, Inc., et al. v. City of La Habra; Orange County Superior Court, Case No. 30-2021- 01221710-CU-BC-WJC.
3. Conference with Legal Counsel Significant Exposure to Litigation Pursuant to Government Code Section 54956(d)(2) and (e)(1); One (1) Potential Case.

Director of Community & Economic Development Kim and Planning Manager Lui were present for these items. Acting City Attorneys Ginetta Giovinco and Craig Steele with Richards Watson Gershon were also present for these items. Acting City Attorney Diana Varat with Richards Watson Gershon was present via telephone for this item.

City Council & Utility Authority:

1. Conference with Real Property Negotiator Per Government Code Section 54956.8; California Domestic Water Company Acquisition of Common Stock; Agency Negotiator - City Manager.

Director of Public Works Saykali was present for this item.

ADJOURNMENT: The City Council reconvened at 6:28 p.m. There were no Closed Session announcements. Mayor/Chair Gomez adjourned the Adjourned Regular Meeting at 6:28 p.m.

REGULAR MEETING 6:30 P.M.:

CALL TO ORDER: Mayor Gomez 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: Assistant City Attorney Collins

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Nigsarian

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

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
Assistant City Attorney Collins
Acting City Clerk Barone
Management Analyst II Hurt

CLOSED SESSION ANNOUNCEMENT: None.

PROCLAMATIONS/PRESENTATIONS: None.

PUBLIC COMMENTS:

Acting City Clerk Barone stated email public comments were received from Dr. Susan Pritchard, La Habra resident, with copies provided at the dais for each City Councilmember.

Dr. Susan Pritchard, La Habra resident, spoke regarding the Orange County Register article reporting on the Lennar Homes application for development at the Westridge Golf Course property; asked about lawsuit costs incurred by the City, and stated she is opposed to the 530 units on the Westridge Golf Course property.

Doug Guimond, La Habra Area Chamber of Commerce Board of Directors, spoke regarding Consent Calendar Item No. 7; and in opposition to Consideration Item No. 1.

Doug Chaffee, Fourth District Orange County Supervisor, thanked and presented a Certificate of Recognition to the La Habra Police Department for its participation in the Gun Buyback Program. He commended the La Habra City Council for working well together.

Alfred Tovar, Field Representative for Assemblywoman Blanca Pacheco, introduced himself.

CONSENT CALENDAR:

Moved by Councilmember Medrano, seconded by Councilmember Simonian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 8; WITH THE EXCEPTION OF ITEM 6 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following vote:

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

B. APPROVE AND ADOPT **RESOLUTION NO. 6097** 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 THE PURCHASE OF THE FARO 3D LASER TRAFFIC ACCIDENT RECONSTRUCTION SYSTEM

That the City Council:

A. Approve and authorize the City Manager to purchase the FARO 3D laser traffic accident reconstruction system, pursuant to the sole source provision of La Habra Municipal Code section 4.20.070(B); and,

B. Approve an appropriation of \$52,404.28 from the City's Traffic Safety Fund for this purchase.

4. APPROVE AMENDMENT NO. 2 WITH WEST COAST ARBORISTS FOR A THREE AND ONE-HALF PERCENT (3.5%) INCREASE FOR TREE MAINTENANCE SERVICES

That the City Council authorize the City Manager to execute Amendment No. 2 with West Coast Arborists, Anaheim, California, to provide a three and one-half percent (3.5%) increase in annual contract costs for citywide tree maintenance services.

5. APPROVE ISSUANCE OF A PURCHASE ORDER TO EMERGENCY VEHICLE GROUP INC, ANAHEIM, CALIFORNIA, IN THE AMOUNT OF \$197,870.41 FOR ONE (1) 2023 FORD E-350 ROAD RESCUE TYPE III AMBULANCE

That the City Council:

- A. Waive formal bid procedures per La Habra Municipal Code Section 4.20.070 (C) and utilize the cooperative purchase provision of the contract awarded by Sourcewell, formerly known as National Joint Powers Alliance (NJPA), master vehicle contract # RFP 110921, for the purchase of one (1) 2023 Ford E-350 Road Rescue Type III Ambulance; and,
- B. Authorize the City Manager to issue a purchase order in the amount of \$197,870.41 from the City's Fleet Replacement Fund to Emergency Vehicle Group Inc., Anaheim, California, for the purchase of one (1) 2023 Ford E-350 Road Rescue Type III Ambulance.

6. REMOVED FOR SEPARATE DISCUSSION – See below.

7. APPROVE THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FROM THE CITY'S DINE AND SHOP LOCAL INCENTIVE AND BILL ASSISTANCE PROGRAMS TO THE SMALL BUSINESS ASSISTANCE PROGRAM

That the City Council consider and approve:

- A. Revising the ARPA appropriation for the Dine and Shop Local Incentive Program to \$11,500;
- B. Reallocating \$190,000 of ARPA funds from the Dine and Shop Local Incentive Program to the Small Business Assistance Program;
- C. Reallocating \$80,000 of ARPA funds from the Bill Assistance Program to the Small Business Assistance Program; and,
- D. Reallocating \$18,500 from the Dine and Shop Local Incentive Program's administrative fees to the Small Business and Bill Assistance Programs for additional administrative fees.

8. WARRANTS: APPROVE NOS. 00137489 THROUGH 00137796 TOTALING \$2,831,179.93; AND APPROVE WIRE TRANSFERS DATED 1/27/23, TOTALING \$951,740.94

That the City Council approve Nos. 00137489 through 00137796 totaling \$2,831,179.93; and approve Wire Transfers dated 1/27/23, totaling \$951,740.94.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

6. APPROVE REQUEST TO INITIATE ZONE CHANGE 23-01 TO AMEND TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE (LHMC OR "CODE") BY ADDING A "GENERAL RETAIL" DEFINITION AND ESTABLISHING LIMITATIONS ON THE HOURS OF OPERATION FOR GENERAL RETAIL USES

City Council did not request a staff report.

There was no City Council discussion.

Mayor Gomez invited the public to testify at 6:48 p.m.

Dr. Susan Pritchard, La Habra resident, spoke regarding this item.

Director of Community & Economic Development Kim responded to Dr. Susan Pritchard's inquiries.

Mayor Gomez closed public testimony at 6:53 p.m.

Moved by Councilmember Medrano, seconded by Mayor Pro Tem Nigsarian, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL DIRECT STAFF TO INITIATE ZONE CHANGE 23-01 RELATED TO AMENDMENTS TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE (LHMC OR "CODE") RELATED TO GENERAL RETAIL USES AND THEIR HOURS OF OPERATION.

Said motion CARRIED by the following vote:

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

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

1. STATE OF THE CITY EVENT COST ESTIMATE

Management Analyst II Hurt presented the staff report.

City Council discussion included: ongoing City Council support of local businesses; format concerns associated with the 2022 State of the Community hosted by the La Habra Area Chamber of Commerce; and efforts to include businessowners, minority and low-income community members in City special events.

Mayor Gomez invited the public to testify at 6:56 p.m.

Dr. Susan Pritchard, La Habra resident, spoke in opposition of this item.

Mayor Gomez closed public testimony at 6:59 p.m.

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

- A. RECEIVE AND FILE THIS REPORT; AND
- B. APPROVE AN INITIAL BUDGET OF \$7,500 AND DIRECT STAFF TO SEEK SPONSORSHIP FOR THE PLANNING AND PRESENTATION OF THE 2023 STATE OF THE CITY ADDRESS.

Said motion CARRIED by the following vote:

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

MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- Current job openings with the City of La Habra.
- 2023 Commission Recruitment for vacancies on the Planning Commission and Community Services Commission. The application deadline is Thursday, February 16, 2023.
- Kids Night Out – Sweet Hearts to be held on Friday, February 10, 2023, at the La Habra Community Center.
- 2023 La Habra Races to be held on Saturday, March 11, 2023, at the La Habra Marketplace.
- Water conservation efforts are still in effect with lawn irrigation prohibited between the hours of 10:00 a.m. to 4:00 p.m., as is the washing of hard surfaces such as sidewalks and driveways.

COMMENTS FROM STAFF:

None.

COMMENTS FROM COUNCILMEMBERS:

Councilmember Medrano reported that he, Councilmember Simonian, and Mayor Pro Tem Nigsarian attended the Independent Cities Association (ICA) Winter Seminar in Santa Barbara on February 3-5, 2023.

Councilmember Espinoza stated she attended the Black History Month parade on February 4, 2023, in Anaheim, California. She stated she attended the League of California Cities Orange County Division board meeting, where Regional Director Tony Cardenas announced his resignation. She stated the upcoming CalCities General Membership meeting will be rescheduled due to a conflict with the Orange County Council of Governments (OCCOG) General Assembly.

Mayor Pro Tem Nigsarian reported on his attendance to the League of California Cities New Mayors and Council Members Academy on February 1-3, 2023, in Sacramento, California. He spoke regarding the status of the City's Housing Element. He spoke regarding his coordinated efforts with City staff to offer a Community Emergency Response Team (CERT) Training in Spanish for La Habra residents.

Councilmember Espinoza commented on the popularity of the Spanish CERT classes in the La Habra community.

Councilmember Medrano thanked Assemblywoman Blanca Pacheco's Field Representative Alfred Tovar for attending tonight's City Council meeting. He spoke regarding his attendance to the Sonora High School Challenger Baseball program on January 28, 2023. He spoke regarding the upcoming La Habra High School Girls' Soccer CIF division championships.

Councilmember Simonian thanked staff for their hard work and positivity. He thanked Assemblywoman Blanca Pacheco's Field Representative Alfred Tovar for attending tonight's City Council meeting.

Mayor Gomez thanked all City Councilmembers for their attendance to recent ribbon cuttings held at Celia's Studio and Vasquez-Valera Tax Service. He spoke regarding the Sonora High School Challenger Baseball program held on January 28, 2023. He stated the La Habra City School District and Executive Director of La Habra Collaborative Scott Miller hosted a farmer's market at Las Lomas Elementary School today. He spoke regarding his attendance to the 17th Annual Literacy Fair held at Las Lomas Elementary School on Saturday, February 4, 2023. He thanked Assemblywoman Blanca Pacheco for her support; and spoke regarding his participation in her swearing-in ceremony held on December 5, 2022. He announced the City of La Habra's 98th birthday on January 20, 2023.

ADJOURNMENT: Mayor Gomez adjourned the meeting at 7:22 p.m. to Tuesday, February 21, 2023, 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
Acting City Clerk