

ORDINANCE NO. 1849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, ORANGE COUNTY, CALIFORNIA GRANTING A PIPELINE FRANCHISE TO CRIMSON CALIFORNIA PIPELINE, LP TO OPERATE AND MAINTAIN CERTAIN PIPELINES AND APPURTENANCES FOR THE TRANSPORTATION OF PETROLEUM, OIL, GAS, GASOLINE, WATER, AND OTHER LIKE SUBSTANCES IN THE CITY OF LA HABRA.

A. RECITALS

WHEREAS, Article 1 of Chapter 2 of Division 3 of the Public Utilities Code, beginning with Section 6201, imposes provisions for the granting of petroleum, gas, oil, electric and water franchises by municipalities; and

WHEREAS, Chapter 5.48 of the La Habra Municipal Code adopts the applicable provisions of the Public Utilities Code by reference, and provides an application process for the review and granting of pipeline franchise applications; and

WHEREAS, on March 13, 2023, Crimson California Pipeline, LP (Grantee) filed an application for the granting of a pipeline franchise; and

WHEREAS, Crimson California Pipeline, LP has requested a new franchise agreement for a 20-year period; and

WHEREAS, pursuant to Resolution No. 6127 adopted on September 18, 2023, the City Council declared its intention to grant a franchise to Grantee under and pursuant to the provisions of Article 1 of Chapter 2 of Division 3 of the Public Utilities Code, commencing at Section 6201, for certain purposes; and

WHEREAS, pursuant to Resolution No. 6127, a public hearing was duly noticed and held on Monday, October 16, 2023, at 6:30 p.m. to consider the franchise application and hear objections to said franchise; and

WHEREAS, after hearing all public testimony and considering the franchise application, it is the desire of this Council to grant said franchise in accordance with the terms and conditions specified in a Franchise Agreement between the City of La Habra and the Grantee, which is incorporated by reference and on file in the Office of the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. All legal prerequisites to the enactment of this Ordinance have occurred, and in all respects as set forth in the Recitals, Part A, of this Ordinance.

SECTION 2. The City Council hereby finds and determines that it can be seen with certainty that there is no possible effect on the environment as a result of the granting of the franchise contemplated herein, and accordingly, pursuant to the provisions of §15061 (b) (3) of Article 5, of Chapter 3, of Division 6, of title 14 of the California Code of Regulations, the adoption of this Ordinance is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

SECTION 3. The right, privilege and franchise, subject to each and all of the terms and conditions as contained in this Ordinance and a separate Franchise Agreement adopted herein by reference, and pursuant to the provisions of Article 1 of Chapter 2, of Division 3 of the Public Utilities Code of the State of California, shall be and the same hereby are granted to Grantee to pipelines for the transportation of petroleum, oil, gas, gasoline, water, or other like substances, together with all scraper traps, manholes, flanges, conduits, culverts, valves, appliances, cathodic protection systems, and other appurtenances necessary or convenient for the maintenance and operation of the pipelines for the transportation of petroleum, oil, gas, gasoline, water, or other like substances in, under, along, and across certain public streets, highways, and alleys in the City of La Habra more particularly described in the Franchise Agreement adopted herein by reference, and on file in the Office of the City Clerk.

SECTION 4. The Mayor is hereby authorized to execute said Franchise Agreement, which shall become effective upon the effective date of this Ordinance. The Franchise Agreement may be amended as necessary upon approval of the City Council.

SECTION 5. This Ordinance shall become effective thirty (30) days from and after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this 6th day of November, 2023.

James Gomez, Mayor

ATTEST:

Rhonda J. Barone, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1849 introduced at a joint regular meeting of the City Council of the City of La Habra held on the 16th day of October, 2023 and was finally adopted at a regular meeting held on the 6th day of November, 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSTENT: COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this 6th day of November, 2023.

Rhonda J. Barone, CMC, City Clerk