

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING 5:30 P.M. & REGULAR MEETING 6:30 P.M.

Monday, July 15, 2024

ADJOURNED REGULAR MEETING 5:30 P.M.:

CALL TO ORDER: Chair Nigsarian 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 Nigsarian
Mayor Pro Tem Espinoza
Councilmember Gomez
Councilmember Medrano
Councilmember Surich

COUNCILMEMBERS ABSENT: NONE

OTHER OFFICIALS PRESENT: City Manager Sadro
Assistant City Attorney Collins
Assistant City Manager Yap
City Clerk Barone

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

CLOSED SESSION:

1. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): National Prescription Opiate Litigation; USD, Northern District of Ohio, MDL No. 2804.

Deputy City Attorney Melissa Ballard with Jones and Mayer participated via telephone.

ADJOURNMENT: The City Council reconvened at 5:38 p.m. There were no Closed Session announcements. Mayor Nigsarian adjourned the Adjourned Regular Meeting at 5:38 p.m.

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

CALL TO ORDER: Mayor Nigsarian 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 Espinoza

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

COUNCILMEMBERS ABSENT: NONE

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

CLOSED SESSION ANNOUNCEMENT: None.

PROCLAMATIONS/PRESENTATIONS: None at this time.

PUBLIC COMMENTS:

Pam Purcell, La Habra resident, spoke.

Lisa Whiting, La Habra resident spoke.

Prior to the Consent Calendar, Assistant City Attorney Collins stated, "With regard to City Council Consent Calendar Item 13 Warrants, a motion was made by Councilmember Gomez, seconded by Mayor Pro Tem Espinoza, and carried unanimously by the City Council at a Closed Session held on May 20, 2024, to approve a settlement in the amount of \$67,500 regarding Haley Sims. This settlement is reflected in the Warrants pending City Council approval tonight."

CONSENT CALENDAR:

Councilmember Medrano requested Consent Calendar Item No. 6 be pulled for separate discussion.

Moved by Councilmember Gomez, seconded by Mayor Pro Tem Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 5, AND 7 THROUGH 13; WITH THE EXCEPTION OF ITEM 6 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following vote:

AYES: Mayor Nigsarian, Mayor Pro Tem Espinoza,
Councilmember Gomez, Councilmember Medrano, Councilmember Surich

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 Regular Meeting Minutes of:

- June 3, 2024
- June 17, 2024
- July 1, 2024

3. APPROVE DENIAL OF LIABILITY CLAIM OF SOUTHERN CALIFORNIA EDISON

That the City Council deny the claim of Southern California Edison in order to set a definite six-month Statute of Limitations date.

4. APPROVE DENIAL OF LIABILITY CLAIM OF LA HABRA INN SENIOR APARTMENTS

That the City Council deny the claim of La Habra Inn Senior Apartments in order to set a definite six-month Statute of Limitations date.

5. APPROVE DENIAL OF LIABILITY CLAIM OF MS. BERNICE RODRIGUEZ

That the City Council deny the claim of Ms. Bernice Rodriguez in order to set a definite six-month Statute of Limitations date.

6. APPROVE AN AGREEMENT WITH CORNERSTONE COMMUNICATIONS & PUBLIC RELATIONS, INC., FOR CONTINUED PUBLIC OUTREACH AND COMMUNITY NEWSLETTER – See below.

7. APPROVE A WORKFORCE DEVELOPMENT OPPORTUNITY ACT PAYMENT FOR \$186,190.58 FOR FY 23-24 ANNUAL RENT AT THE READY S.E.T. OC BREA OFFICE AND APPROVE SUBLICENSE AGREEMENT WITH AMERICAN WORKS OF CALIFORNIA FOR ANNUAL RENT PER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) CONTRACT NO. MA-012-24010395

That the City Council approve a one-time payment of \$186,190.58 from grant funds for rent at the READY S.E.T. OC office located in Brea, California for FY 2023-2024 and approve the Sublicense Agreement with America Works of California for the annual rent of \$15,655.49 per month as part of the Workforce Innovation and Opportunity Act (WIOA) Contract No. MA - 012-24010395.

8. APPROVE THE NORTH ORANGE COUNTY PUBLIC SAFETY COLLABORATIVE OPERATIONAL AGREEMENT

That the City Council approve and authorize the City Manager to execute the North Orange County Public Safety Collaborative Operational agreement and all other necessary operational and funding documents to continue the City's participation in the North Orange County Public Safety Collaborative.

9. APPROVE AGREEMENT AND ALLOCATION OF THE FISCAL YEAR 2023 OPERATION STONEGARDEN (OPSG) FUNDS

That the City Council approve and authorize the Chief of Police to execute an agreement and accept funding in the amount of \$208,500 from the Fiscal Year 2023 Operation Stonegarden grant program (OPSG) provided by the U.S Department of Homeland Security (DHS), administered through the California Office of Emergency Services, and distributed by the County of Riverside.

10. APPROVE THE ACCEPTANCE OF \$200,470.55 FROM THE STATE OF CALIFORNIA CANNABIS TAX FUND GRANT PROGRAM (CTFGP) FUNDED THROUGH THE CALIFORNIA HIGHWAY PATROL FOR FISCAL YEAR 2024-2025

That the City Council approve the acceptance of \$200,470.55 from the state Cannabis Tax Fund Grant Program (CTFGP) funded through the California Highway Patrol for Fiscal Year 2024-2025, and authorize the City Manager to serve as the City's "Authorized Agent" to execute CTFGP related Grant Assurances, Certification, Terms and Conditions, and Agreements to transfer funds for Fiscal Year 2024-2025.

11. APPROVE THE AWARD OF A CONTRACT TO PALP, INC. DBA EXCEL PAVING COMPANY, FOR HARBOR BOULEVARD AT ARBOLITA DRIVE INTERSECTION SAFETY IMPROVEMENTS, CITY PROJECT NO. 3-R-23

That the City Council:

- A. Approve the Project Plans and Specifications for the Harbor Boulevard at Arbolita Drive Intersection Safety Improvements, City Project No. 3-R-23;
- B. Award a construction contract for the Harbor Boulevard at Arbolita Drive Intersection Safety Improvements, City Project No. 3-R-23, to Palp, Inc., dba Excel Paving Company, of Long Beach, California, in the amount of \$508,350 and reject all other bids;
- C. Authorize the City Manager to execute an agreement with Palp Inc. dba Excel Paving Company and authorize staff to issue a purchase order in the amount of \$559,185, which includes a 10 percent contingency; and,
- D. Approve an appropriation of \$95,185 from the Measure M2 Fair Share fund balance to fully fund the Harbor Boulevard at Arbolita Drive Intersection Safety Improvements, City Project No. 3-R-23.

12. APPROVE ANNUAL FUEL PURCHASES FOR FISCAL YEAR 2024-2025

That the City Council:

- A. Waive formal bid requirements per La Habra Municipal Code Section 4.20.070 (C) and authorize staff to issue a fuel Purchase Order to Merrimac Energy Group of Long Beach for \$476,500 for Fiscal Year 2024-2025; and,

- B. Waive formal bid requirements per La Habra Municipal Code Section 4.20.070 (D) and authorize staff to obtain quotes, as needed, for the purchase of fuel through various fuel supply vendors. In the event a vendor's fuel purchase price is found to be lower than the Merrimac cooperative bid contract, authorize staff to purchase fuel from other, lower cost, fuel suppliers in an amount not to exceed \$476,500 for Fiscal Year 2024-2025.
13. WARRANTS: APPROVE NOS. 00144492 THROUGH 00144680 TOTALING \$1,788,613.27; 00144681 THROUGH 00144818 TOTALING \$2,166,406.52; AND TYLER WARRANTS TOTALING \$670,575.29

That the City Council approve Nos. 00144492 through 00144680 totaling \$1,788,613.27; 00144681 through 00144818 totaling \$2,166,406.52; and Tyler warrants totaling \$670,575.29.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

6. APPROVE AN AGREEMENT WITH CORNERSTONE COMMUNICATIONS & PUBLIC RELATIONS, INC., FOR CONTINUED PUBLIC OUTREACH AND COMMUNITY NEWSLETTER

Management Analyst II Hurt presented the staff report.

City Manager Sadro spoke regarding City Council direction for staff to provide continued community outreach.

Mayor Pro Tem Espinoza, Councilmember Medrano, and Councilmember Surich spoke support of this item and the La Habra Life publication.

Mayor Nigsarian invited the public to testify at 6:46 p.m. There was no public testimony.

Moved by Councilmember Gomez, seconded by Councilmember Medrano, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CORNERSTONE COMMUNICATIONS & PUBLIC RELATIONS, INC., FOR CONTINUED PUBLIC OUTREACH AND THE PRODUCTION AND DISTRIBUTION OF A COMMUNITY NEWSLETTER.

Said motion CARRIED by the following vote:

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

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER AMENDMENT TO CHAPTER 12.29 ("SKATE PARKS') OF THE LA HABRA MUNICIPAL CODE

Deputy Director of Community Services Albarian presented the staff report.

City Council discussion included consideration of procedure for enforcing a ban from future use of the Skate Park on participants who are caught using illicit drugs and/or vandalizing the site.

City Manager Sadro indicated the Skate

Mayor Nigsarian opened the public hearing at 6:49 p.m. There was no public testimony.

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) TO:

- A. Conduct a Public Hearing; and,
- B. CONSIDER, APPROVE, AND ADOPT THE FIRST READING OF **ORDINANCE NO. CC 2024-01** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING CHAPTER 12.29 SKATE PARKS OF TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES OF THE LA HABRA MUNICIPAL CODE, REVISING PROVISIONS RELATING TO SKATE PARK DEFINITIONS, PERMISSIONS, AND REGULATIONS.

Said motion CARRIED by the following roll call vote:

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

2. NOTICED PUBLIC HEARING TO CONSIDER A RESOLUTION ALLOWING THE CITY OF LA HABRA TO UTILIZE THE UNIFORM CONSTRUCTION COST ACCOUNTING PROCEDURES FOR CERTAIN PUBLIC WORKS AND MAINTENANCE PROJECTS; AND AMENDING SECTION 4.20 ("PURCHASING SYSTEM") OF TITLE 4 ("REVENUE AND FINANCE") OF THE LA HABRA MUNICIPAL CODE; AND ESTABLISHING PROCEDURES FOR CERTAIN PUBLIC WORKS CONTRACTS IN COMPLIANCE WITH THE UNIFORM CONSTRUCTION COST ACCOUNTING ACT

Director of Public Works Saykali presented the staff report.

City Council discussion included: implementation of the procedure potentially providing taxpayer savings and expediting the process and completion of City project.

Mayor Nigsarian opened the public hearing at 6:57 p.m. There was no public testimony.

Moved by Councilmember Medrano, seconded by Councilmember Surich, and CARRIED UNANIMOUSLY (5-0) TO:

- A. Conduct a Public Hearing regarding the Uniform Construction Cost Accounting Act;
- B. CONSIDER, APPROVE, AND ADOPT **RESOLUTION NO. CC 2024-19** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES; and,
- C. CONSIDER, APPROVE, AND ADOPT THE FIRST READING OF **ORDINANCE NO. CC 2024-02** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING CHAPTER 4.20 PURCHASING SYSTEM OF TITLE 4 REVENUE AND FINANCE OF THE LA HABRA MUNICIPAL CODE, REVISING PROCEDURES AND REQUIREMENTS FOR BIDDING OF PUBLIC WORKS PROJECTS AND MAINTENANCE WORK UNDER THE CALIFORNIA PUBLIC CONTRACT CODE (SECTION 22000, ET SEQ.) INCLUDING THE ALTERNATE PROVISIONS OF THE UNIFORM CONSTRUCTION COST ACCOUNTING ACT.

Said motion CARRIED by the following roll call vote:

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

CONSIDERATION ITEMS: None at this time.

MAYOR'S COMMUNITY CALENDAR:

Mayor Nigsarian announced upcoming community events and activities.

COMMENTS FROM STAFF: None.

COMMENTS FROM COUNCILMEMBERS:

Each City Councilmember reported on their attendance to current community events and activities.

Councilmember Medrano requested the meeting be adjourned in memory of Kathleen Ann Sciacca.

Councilmember Gomez requested the meeting be adjourned in memory of Galdino "Dino" Gomez, Margarito Gutierrez, and Vern Jackson.

ADJOURNMENT: Mayor Nigsarian adjourned the meeting in memory of Kathleen Ann Sciacca, Galdino “Dino” Gomez, Margarito Gutierrez, and Vern Jackson at 7:18 p.m. to Monday, August 5, 2024, 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
City Clerk

These Minutes were approved on _____.

DRAFT