

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.

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REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, August 5, 2024

ADJOURNED REGULAR MEETING 5:30 P.M.:

CALL TO ORDER: Mayor 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
City Attorney Jones
Assistant City Manager Yap
City Clerk Barone

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

City Attorney Jones and Councilmember Gomez recused themselves from Closed Session Item 1 and left the Close Session Room at 5:31 p.m.

CLOSED SESSION:

1. Conference with Legal Counsel Pending Litigation Pursuant to Government Code Section 54956.9(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.

Lennar Homes of California, Inc., et al. v. City of La Habra; Orange County Superior Court, Case No. 30-2021- 01221710-CU-BC-WJC.

Californians for Homeownership v. City of La Habra; Orange County Superior Court, Case No. 30-2023-01325471- CU-WM-NJC.

Director of Community and Economic Development Susan Kim and Acting City Attorney Ginetta Giovinco with Richards Watson Gershon were also present. Acting City Attorney Craig Steele with Richards Watson Gershon participated via telephone.

ADJOURNMENT: The City Council reconvened at 6:25 p.m. There were no Closed Session announcements. Mayor Nigsarian adjourned the Adjourned Regular Meeting at 6:25 p.m.

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

CALL TO ORDER: Mayor/Director Nigsarian called the Regular Joint Meeting of the City Council of the City of La Habra and 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: Councilmember/Director Gomez

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

COUNCILMEMBERS/DIRECTORS ABSENT: NONE

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
City Attorney/Legal Counsel Jones
Assistant City Manager Yap
Management Analyst II Hurt
City Clerk/Secretary Barone
Assistant City Clerk Lopez

CLOSED SESSION ANNOUNCEMENT: None.

PROCLAMATIONS/PRESENTATIONS: None at this time.

PUBLIC COMMENTS:

Craig Sheets, spoke.

Linda Mortimer, United Sovereign Americans volunteer, spoke.

Michelle Morgan, spoke.

Kathleen H., spoke.

Urson Russell, spoke.

George Aguirre, spoke.

Mayor Pro Tem/Director Espinoza left dais at 6:46 p.m.; she returned to the dais at 6:47 p.m.

City Attorney/Legal Counsel Jones stated, "With regard to City Council Consent Calendar Item 11 Warrants, a motion was made by Councilmember Medrano, seconded by Councilmember Surich, and carried unanimously by the City Council at a Closed Session held on June 3, 2024, to approve a settlement in the amount of \$60,000 regarding Yefry Mendez. This settlement is reflected in the Warrants pending City Council approval tonight."

CONSENT CALENDAR:

Moved by Councilmember/Director Gomez, seconded by Councilmember/Director Medrano, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 11, CITY COUNCIL AND UTILITY AUTHORITY ITEM 1, AND UTILITY AUTHORITY ITEM 1.

Said motion CARRIED by the following vote:

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

CITY COUNCIL:

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 July 15, 2024.

3. APPROVE THE SECOND READING AND ADOPTION 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

That the City Council approve the second reading and adoption of Ordinance No. CC 2024-01.

4. APPROVE THE SECOND READING AND ADOPTION 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

That the City Council approve the second reading and adoption of Ordinance No. CC 2024-02.

5. APPROVE DENIAL OF LIABILITY CLAIM OF MR. SALVADOR BORJA LUNA

That the City Council deny the claim of Mr. Salvador Borja Luna in order to set a definite six-month Statute of Limitations date.

6. APPROVE NOTICE OF COMPLETION FOR ROOF REPLACEMENT AT PARK LA HABRA MOBILE HOME, 1731 WEST LAMBERT ROAD, LA HABRA CA 90631, CITY PROJECT NO. 3-B-23

That the City Council approve the Notice of Completion for the Roof Replacement at Park La Habra Mobile Home, 1731 West Lambert Road, La Habra, CA 90631, City Project No. 3-B-23, and authorize staff to file the Notice of Completion for recordation.

7. APPROVE THE AWARD OF A CONTRACT TO Z&K CONSULTANTS, INC., FOR PROJECT MANAGEMENT CONSULTANT SERVICES FOR THE COYOTE CREEK AND IMPERIAL CHANNEL REPAIR PROJECT

That the City Council:

- A. Approve and authorize the City Manager to execute a contract with Z&K Consultants, Inc., for Project Management Consultant Services for the Coyote Creek and Imperial Channel Repair Project; and,
- B. Authorize staff to issue a purchase order to Z&K Consultants, Inc. for Project Management Consultant Services for the Coyote Creek and Imperial Channel Repair Project, in an amount not to exceed \$144,000.

8. APPROVE FUNDING FOR THE NORTH SERVICE PLANNING AREA (SPA) NAVIGATION CENTERS IN BUENA PARK AND PLACENTIA BASED ON THE NORTH SPA MEMORANDUM OF UNDERSTANDING FORMULA

That the City Council approve continued funding for the North Service Planning Area (SPA) for the Navigation Centers located in the cities of Buena Park and Placentia and authorize the City Manager to execute any documents related to the funding for the North SPA Navigation Centers.

9. APPROVE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, DBA AT&T, TO OPERATE A WIRELESS COMMUNICATION FACILITY WITHIN MONTWOOD PARK LOCATED AT 231 EAST MONTWOOD AVENUE

That the City Council approve and authorize the City Manager to execute a lease agreement with New Cingular Wireless PCS, dba AT&T, for the placement of a wireless communications facility within Montwood Park located at 231 East Montwood Avenue.

10. APPROVE A RESOLUTION AND THE ISSUANCE OF A LIVE ENTERTAINMENT PERMIT FOR THE LA HABRA 300 BOWL AT 370 EAST WHITTIER BOULEVARD FOR A ONE-YEAR PERIOD

That the City Council:

- A. Consider and approve the Live Entertainment Permit for the La Habra 300 Bowl at 370 East Whittier Boulevard for a one-year period, subject to conditions; and,
- B. APPROVE AND ADOPT **RESOLUTION NO. CC 2024-20** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING THE LIVE ENTERTAINMENT PERMIT FOR 370 EAST WHITTIER BOULEVARD FOR A ONE-YEAR PERIOD, SUBJECT TO CONDITIONS.

11. WARRANTS: APPROVE NOS. 00144819 THROUGH 00145030 TOTALING \$4,398,610.81; AND TYLER WARRANTS NOS. 35 THROUGH 164 TOTALING \$1,884,491.96; AND APPROVE WIRE TRANSFERS DATED 7/29/24, TOTALING 3,910,798.82

That the City Council approve Nos. 00144819 through 00145030 totaling \$4,398,610.81; and approve Tyler warrants Nos. 35 through 164 totaling \$1,884,491.96; and approve Wire Transfer dated 7/29/24, totaling \$3,910,798.82.

CITY COUNCIL & UTILITY AUTHORITY:

1. APPROVE NOTICE OF COMPLETION FOR THE HELI-HYDRANT PROJECT, CITY PROJECT NO. 1-W-23

That the City Council and Utility Authority approve the Notice of Completion for the Heli-Hydrant Project, City Project No. 1-W-23, and authorize staff to send the Notice of Completion for recordation.

UTILITY AUTHORITY:

1. APPROVE CITY OF LA HABRA UTILITY AUTHORITY MEETING MINUTES

That the City of La Habra Utility Authority approve the Utility Authority Meeting Minutes of July 15, 2024.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None.

PUBLIC HEARINGS: None at this time.

CONSIDERATION ITEMS:

CITY COUNCIL:

1. CITY COUNCIL CONSIDERATION AND APPROVAL OF ADDITIONAL BUDGET BALANCING MEASURES

City Manager Sadro presented the staff report.

City Council discussion included: local sales tax state mandated limits; City services provided based upon staffing levels; past contract negotiations with the Los Angeles County Fire Department; sales tax revenue allocations, sales tax percentages in neighboring cities; City's neutrality relative to a local ballot measure; clarification regarding text messages received by many La Habra residents; appreciation for public comments made tonight; accountability of elected officials; concerns regarding potential future budget cuts; clarification that voters would decide on the approval or denial of the local ballot measure; and concerns with impacts to public safety should there be budget cuts.

City Attorney Jones clarified that the vote to be made tonight by City Council should consideration be given to the sales tax measure is not to prove or disprove the tax; and is clearly limited to provide the opportunity for citizens to vote yay or nay with respect to that particular tax. He further clarified that the City may not legally in any way expend dollars either in support of or in opposition to the measure.

Mayor Nigsarian invited the public to testify at 7:38 p.m.

Bertha Ayala, La Habra resident, spoke.

Maria Mahecha, La Habra resident, spoke.

Norma Perez, La Habra resident, spoke.

Noah Daniels, La Habra Police Association President, spoke.

Lynn Holmquist, Whitter resident, spoke.

Veronica Douge, La Habra resident, spoke.

Juana Avila, La Habra resident, spoke.

Randy Dickinson, La Habra resident, spoke.

Moises Alonso, La Habra resident, spoke.

Robert Douge, La Habra resident, spoke.

Tevye Manchan, La Habra resident, spoke.

Richard Rojas, La Habra resident, spoke.

Ofelia Hanson, La Habra resident, spoke.

Juan Garcia, La Habra resident, spoke.

Mayor Nigsarian closed public testimony at 8:12 p.m.

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL DIRECT STAFF TO CONTINUE EVALUATING POTENTIAL OPERATIONAL EFFICIENCIES, ALTERNATE SERVICE MODELS, AND INSOURCING OR OUTSOURCING OPPORTUNITIES IN CITY DEPARTMENTS.

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

Moved by Councilmember Medrano, seconded by Councilmember Surich, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL NOT APPROVE A TARGETED HIRING FREEZE FOR CERTAIN FULL-TIME POSITIONS ACROSS ALL CITY DEPARTMENTS, INCLUDING SWORN POLICE OFFICER POSITIONS, NOT TO EXCEED TEN PERCENT OF THE CURRENT AUTHORIZED SWORN STAFFING IN THE POLICE DEPARTMENT.

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

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL DIRECT STAFF TO INITIATE A COMPREHENSIVE FEE STUDY AND DEVELOP AN UPDATED COST ALLOCATION PLAN SO THAT CITY FEES FOR SERVICES RECOVER 100 PERCENT OF THE CITY'S COST TO PROVIDE THOSE SERVICES.

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

Moved by Councilmember Medrano, seconded by Councilmember Gomez, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL:

- A. APPROVE THE PLACEMENT OF A LOCAL BALLOT MEASURE FOR THE NOVEMBER 2024 ELECTION THAT WOULD REAUTHORIZE THE CITY'S CURRENT TRANSACTION AND USE (SALES) TAX AT AN UPDATED RATE OF ONE (1) CENT FOR VOTER CONSIDERATION; AND

- B. APPROVE AND ADOPT **RESOLUTION NO. CC 2024-21** ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, SUBMITTING THE LA HABRA EMERGENCY SERVICES/NEIGHBORHOOD SAFETY/COMMUNITY PROTECTION MEASURE TO THE VOTERS AT THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION, REITERATING THE CITY'S REQUEST THAT THE ELECTION BE CONSOLIDATED WITH OTHER ELECTIONS HELD ON THAT DATE AND TAKING CERTAIN RELATED ACTIONS"; AND
- C. INTRODUCE **ORDINANCE NO. CC 2024-__** ENTITLED: "AN ORDINANCE OF THE CITY OF LA HABRA AMENDING CHAPTER 4.10 OF THE MUNICIPAL CODE TO IMPOSE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION".

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

MAYOR'S COMMUNITY CALENDAR:

Mayor/Director Nigsarian announced upcoming community events and activities.

COMMENTS FROM STAFF: None.

COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

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

ADJOURNMENT: Mayor/Director Nigsarian adjourned the meeting at 8:50 p.m. to Monday, August 19, 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/Secretary

These Minutes were approved on _____.