



**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**

**(ACTION TAKEN AGENDA)**

COUNCIL CHAMBER  
100 EAST LA HABRA BOULEVARD  
LA HABRA, CALIFORNIA 90631

The Regular Meeting of the City Council for July 15, 2024, will be at the City of La Habra Council Chamber located at 100 East La Habra Boulevard, La Habra, California. The City Council Chamber will be open to the public at 6:00 p.m. and the meeting will start promptly at 6:30 p.m.

The public is encouraged to participate in the Regular Meeting of the City Council by attending in person or submitting written comments via email to [cc@lahabracalifornia.gov](mailto:cc@lahabracalifornia.gov) no later than 5:00 p.m. on Monday, July 15, 2024. Written comments sent to the City by 5:00 p.m. on the day of the meeting will be printed and provided to the City Council prior to the meeting. The meeting can also be viewed live through the City of La Habra website at [www.lahabracalifornia.gov/356/Archived-Council-Videos](http://www.lahabracalifornia.gov/356/Archived-Council-Videos) by clicking on "Watch Live" at 6:30 p.m.

The City of La Habra live broadcasts and replays City Council Meetings on La Habra Cable Channel 3 and over the website at [www.lahabracalifornia.gov](http://www.lahabracalifornia.gov). Please note that in person attendance at this public meeting may result in the recording and broadcast of your image and/or voice.

The City of La Habra makes every effort to comply with the Americans with Disabilities Act (ADA) in all respects. Should you need special assistance to participate in this meeting, please contact the City Clerk's Office at (562) 383-4030 or [cc@lahabracalifornia.gov](mailto:cc@lahabracalifornia.gov) prior to the meeting. Every effort will be made to provide reasonable accommodations.

**ADJOURNED REGULAR MEETING 5:30 P.M.:**

**CALL TO ORDER:** Mayor Nigsarian called the Adjourned Regular Meeting to order at 5:30 p.m. in the Council Chamber, Closed Session Room 112c. All City Councilmembers were present.

**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:** Mayor Nigsarian adjourned the Adjourned Regular Meeting at 5:38 p.m.

**REGULAR MEETING 6:30 P.M.:**

**CALL TO ORDER:** Council Chamber

**INVOCATION:** Assistant City Attorney Collins

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Espinoza

**ROLL CALL:** Mayor Nigsarian  
Mayor Pro Tem Espinoza  
Councilmember Gomez  
Councilmember Medrano  
Councilmember Surich

**CLOSED SESSION ANNOUNCEMENT:** (None)

**PROCLAMATIONS/PRESENTATIONS:** None at this time.

**PUBLIC COMMENTS:** When addressing the La Habra City Council, please complete a Speaker's Card before leaving the Council Chamber. (See Minutes)

General Public Comments shall be received at the beginning of the governing body meeting and limited to three (3) minutes per individual, with a total time limit of 30 minutes for all public comments, unless otherwise modified by the Mayor or Chair. Speaking time may not be granted and/or loaned to another individual for purposes of extending available speaking time, and comments must be kept brief, non-repetitive, and professional in nature.

The general Public Comment portion of the meeting allows the public to address any item of City business not appearing on the scheduled agenda. Per Government Code Section 54954.3(a), such comments shall not be responded to by the governing body during the meeting.

**CONSENT CALENDAR:**

Senate Bill 1439 ("SB 1439") amended Government Code Section 84308 to expand the regulation of campaign contributions in excess of \$250 from donors involved in certain matters before the legislative body. If the donor has a matter pending before the agency, and the official received a campaign contribution from the donor in excess of \$250 in the prior 12 months, the official must publicly disclose the contribution and cannot in any way participate in the decision of the matter. The donor also has a duty to disclose the contribution on the record.

All matters on Consent Calendar are considered to be routine and will be enacted by one motion unless a Councilmember, City staff member, or member of the audience requests separate action or removal of an item. Removed items will be considered following the Consent Calendar portion of this agenda. Public comment shall be limited to three (3) minutes per individual, with a total time limit of 30 minutes per item that has been removed for separate discussion, unless otherwise modified by the Mayor. Speaking time may not be granted and/or loaned to another individual for purposes of extending available speaking time, and comments must be kept brief, non-repetitive, and professional in nature.

**ACTION: ALL CONSENT CALENDAR ITEMS APPROVED UNANIMOUSLY; ITEM 6 WAS PULLED BY COUNCILMEMBER MEDRANO FOR SEPARATE DISCUSSION**

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

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.

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:** (See Minutes)

**PUBLIC HEARINGS:**

Public comments shall be limited to five (5) minutes per individual, with a total time limit of 60 minutes for all public comments, for each individual Public Hearing item on the agenda, unless otherwise modified by the Mayor or Chair. Comments must be kept brief, non-repetitive, and professional in nature.

**ACTION: APPROVED UNANIMOUSLY**

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

That the City Council:

- 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.

**ACTION: APPROVED UNANIMOUSLY**

2. DULY 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

That the City Council:

- 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.

**CONSIDERATION ITEMS:** None at this time.

**MAYOR'S COMMUNITY CALENDAR:** (See Minutes)

**COMMENTS FROM STAFF:** (None)

**COMMENTS FROM COUNCILMEMBERS:** (See Minutes)

**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.

Except as otherwise provided by law, no action shall be taken on any item not appearing in the foregoing agenda. A copy of the full agenda packet is available for public review at the Office of the City Clerk during regular business hours, and on the City's webpage at <http://www.lahabracalifornia.gov/>.

Materials related to an item on this Agenda submitted to the City Council/Authority/Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 110 East La Habra Boulevard, La Habra, during normal business hours.

In accordance with the Federal Americans with Disabilities Act of 1990, should you require a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting due to a disability, please contact the City Clerk's Office at least ninety-six (96) hours in advance of the meeting at (562) 383-4030.

**DECLARATION:** This agenda was posted on the bulletin boards outside the south entrance of City Hall and the Council Chamber, where completely accessible to the public, at least 72 hours in advance of the City Council Meeting.

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Rhonda J. Barone,  
CMC City Clerk