

**MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING**

**&
REGULAR MEETING**

Monday, February 04, 2019

APPROVED: These Minutes were approved on March 4, 2019.

ADJOURNED REGULAR MEETING 5:30 P.M.:

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

COUNCILMEMBERS PRESENT: Mayor Gomez
Mayor Pro Tem Beamish
Councilmember Shaw
Councilmember Medrano
COUNCILMEMBERS ABSENT: Councilmember Espinoza (excused absence)
OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
Interim City Clerk Swindell

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

II. CLOSED SESSION:

- a. Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Section 54956.9(d)(2): (One Case).

Community and Economic Development Department Director Ho, Acting City Attorney Craig Steele and Attorney Ginetta Giovinco with Richards Watson Gershon, were present for this item.

III. ADJOURNMENT: The City Council reconvened at 6:00 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting at 6:00 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 Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Beamish

COUNCILMEMBERS PRESENT: Mayor Gomez
Mayor Pro Tem Beamish
Councilmember Shaw
Councilmember Medrano

COUNCILMEMBERS ABSENT: Councilmember Espinoza (excused absence)

OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
Interim City Clerk Swindell

CLOSED SESSION ANNOUNCEMENT: City Attorney Jones declared a conflict of interest regarding II.a, and recused himself from that portion of the meeting. Acting City Attorney Craig Steele, with Richards Watson Gershon, reported that Councilmember Espinoza was not present and that Council took no reportable action.

I. PROCLAMATIONS/PRESENTATIONS:

- a. Presentation of the Real Estate Redevelopment and Reuse Award by the Orange County Business Council for the "Homes and a New City Hall" City project.

Mayor Gomez invited Orange County Business Council (OCBC) Government Affairs Specialist Connor Medina to the front of the dais. On behalf of Lucy Dunn, President and CEO of OCBC, and the OCBC Board of Directors Mr. Medina presented the City of La Habra with the Orange County Business Council Real Estate Redevelopment and Reuse Award for its partnership efforts with City Ventures developers to relocate City Hall and in its place created 71 new homes, renovated and expanded the La Habra Community Center, the La Habra Police Station, and Veterans Memorial Hall. Mayor Gomez accepted the award.

- b. Presentation to Carrie Lynn Buck in honor of life-saving measures performed on her younger sister Lillian.

Mayor Gomez invited Carolyn Garcia, District Representative for Senator Ling Ling Chang to the front of the dais. They presented Carrie Lynn Buck with Certificates of Appreciation honoring her life-saving efforts for her younger sister, Lillian.

- c. Presentation by Jose Alfaro for the Heavenly Culture, World Peace, Restoration of Light.

Mayor Gomez invited Jose Alfaro with the Heavenly Culture, World Peace, Restoration of Light (HWPL) Organization to the front of the dais. Mr. Alfaro gave a brief presentation on their efforts to promote world peace. Nathan Sakai, Director of International Affairs, briefly discussed their mission to create world peace, resolve conflict through peaceful dialogue, and encouraged the development of peace parks.

II. PUBLIC COMMENTS:

David Pillman, 301 East Whittier Boulevard, Unit 116, spoke regarding American Disability Act (ADA) accommodations at City Hall and his idea for a City Master Plan. Mayor Gomez referred him to Community and Economic Development Director Ho.

Erica Farias, International Youth Peace Group of the Heavenly Culture, World Peace, Restoration of Light (HWPL) Organization Volunteer spoke in support of HWPL's peace education efforts.

Heavenly Culture, World Peace, Restoration of Light (HWPL) Organization Volunteer, spoke in support of the HWPL's peace education efforts.

III. CONSENT CALENDAR:

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED (4-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.5.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Gomez, Mayor Pro Tem Beamish, Councilmember Shaw,
Councilmember Medrano

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Espinoza

A. PROPOSED ITEMS:

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 Minutes of December 17, 2018.
3. Approve denial of claim for Robert Fifer for Property Damage.
4. Approve and authorize City Manager to place the City's Property Insurance policy for all City properties with Travelers Property Casualty Company of America for the period of from March 1, 2019, through March 1, 2020, with a \$5,000 deductible at an annual premium cost of \$84,013.
5. WARRANTS: Approve Nos. 00119729 through 00119941 totaling \$1,681,785.96.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS: None at this time.

VI. CONSIDERATION ITEMS:

1. Consider the report on the effects and impacts of the "Citizen's Initiative for Preservation of Open Space in La Habra," pursuant to Election Code 9212.
 - a. Receive and file the report and provide direction to staff regarding one of the following options:
 - b. Direct staff to prepare an ordinance to adopt the proposed Initiative, as written, within the deadlines established in the State Election Code; or,

- c. Direct staff to prepare and submit the proposed Initiative to the voters at a special election pursuant to the deadlines established in the State Election Code; or,
- d. Direct staff to prepare and submit the proposed Initiative to the voters at the next regularly held municipal election, scheduled in November 2020.

City Attorney Jones declared a conflict of interest due to him residing in the Westridge community, and left the dais at 6:56 p.m. Attorney Craig Steele, with Richards Watson Gershon, took over as Acting City Attorney.

Community and Economic Development Director Ho presented the staff report.

There was no discussion by Council.

Mayor Gomez invited the public to testify at 7:01 p.m.

The following spoke in support of the Citizen's Initiative for Preservation of Open Space in La Habra:

- David Pillman, 301 East Whittier Boulevard, Unit 116.
- James "Jim" Lees, 2140 South Farrell Court.
- Maribel Lopez, 1821 South Ford Court.
- Sue Ham, 1520 South Runyan Street.
- Bill Sanders, 40-year La Habra resident.
- Christine Cook, 2001 South Mangrum Court.
- Darna Magpayo, 1761 S. Palmer Court.
- Chris Juderos, La Habra resident.
- Ann Christie, 601 West St. Andrews Avenue.
- Nina Kim, 19-year La Habra resident.

The following spoke in opposition to the "Citizen's Initiative for Preservation of Open Space in La Habra":

- Charles Krolikowski, from Newmeyer & Dillon, LLP, Legal Counsel for the Kwon Family, owners of the Golf Course property, spoke regarding the housing crisis in the State of California and the City's responsibility to meet those requirements. He explained that the initiative was discriminatory and inaccurate because the property has been developed/improved. He encouraged Council to consider a general election so that all members of the La Habra community have an opportunity to participate in the decision.

RECESS: Mayor Gomez called a recess at 7:26 p.m.

RECONVENE: Mayor Gomez reconvened City Council at 7:30 p.m. All members were present, with the exception of Councilmember Espinoza, who had an excused absence.

The following spoke in support of the "Citizen's Initiative for Preservation of Open Space in La Habra":

- Sawrav Muckhersee, 1981 South Mangrum Court.
- Carol Hansen, 1200 Birch Tree Street.
- Jonathan Shardlow, Legal Counsel.

- CJ Lees, 2140 South Farrell Court.
- Sonia Muños, Open Space supporter.
- Alfonso Lee, Open Space/HWPL supporter.

The following spoke in opposition of the Citizen's Initiative for Preservation of Open Space in La Habra:

- Adam Wood, Orange County Building Industry Association (BIAOC), recommended that the City protect La Habra, seek judicial review, and determine the validity of the initiative.

Mayor Gomez closed the public comments at 7:48 p.m.

Council discussion included: value of the initiative process; the proponents' efforts to obtain the necessary signatures for the initiative; confirmation that 11% of La Habra residents signed the petition; opportunity should be given to the entire La Habra community to vote on this matter; four legal counsel opinions questioning the legality of the initiative; potential adverse legal action and litigation costs for the City; Council's fiduciary responsibility to protect the City's finances; confirmation legal fees have not been budgeted for potential litigation matters; verification that a variety of municipal services would be affected, including police and fire services; possible special election and its potential cost to the City's General Fund; the need to adjourn to Tuesday, February 19, 2019, using the same staff report, so all members of Council are present to vote on this matter; and confirmation that bringing this item back after the 10-day timeframe limit was a practical alternative and it would not adversely affect the City.

Moved by Councilmember Medrano and DIED DUE TO THE LACK OF A SECOND TO DIRECT STAFF TO PREPARE AN ORDINANCE TO ADOPT THE PROPOSED INITIATIVE, AS WRITTEN, WITHIN THE DEADLINES ESTABLISHED IN THE STATE ELECTION CODE.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and FAILED (2-2) TO APPROVE DIRECT STAFF TO RECEIVE AND FILE THE REPORT; AND TO PREPARE AND SUBMIT THE PROPOSED INITIATIVE TO THE VOTERS AT THE NEXT REGULARLY HELD MUNICIPAL ELECTION, SCHEDULED IN NOVEMBER 2020.

Said motion FAILED by the following roll call vote:

AYES: Mayor Pro Tem Beamish, Councilmember Shaw
NOES: Mayor Gomez, Councilmember Medrano
ABSTAIN: NONE
ABSENT: Councilmember Espinoza

Moved by Mayor Gomez, seconded by Councilmember Medrano, and FAILED (2-2) TO APPROVE DIRECT STAFF TO PREPARE AND SUBMIT THE PROPOSED INITIATIVE TO THE VOTERS AT A SPECIAL ELECTION PURSUANT TO THE DEADLINES ESTABLISHED IN THE STATE ELECTION CODE.

Said motion FAILED by the following roll call vote:

AYES: Mayor Gomez, Councilmember Medrano
NOES: Mayor Pro Tem Beamish, Councilmember Shaw
ABSTAIN: NONE

ABSENT: Councilmember Espinoza

Moved by Mayor Gomez, seconded by Councilmember Medrano, and CARRIED (3-1) TO APPROVE DIRECT STAFF TO BRING THE REPORT ON THE EFFECTS AND IMPACTS OF THE "CITIZENS' INITIATIVE FOR PRESERVATION OF OPEN SPACE IN LA HABRA" PURSUANT TO ELECTION CODE 9212 BACK TO COUNCIL ON TUESDAY, FEBRUARY 19, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBER.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Gomez, Councilmember Shaw, Councilmember Medrano

NOES: Mayor Pro Tem Beamish

ABSTAIN: NONE

ABSENT: Councilmember Espinoza

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- Children's Museum "Paint and Sip" Valentine Tea Party - Saturday, February 9, at 11:00 a.m.
- Consider applying for appointment to the La Habra Planning Commission and La Habra Community Services Commission. Applications accepted now through February 21 at 4:30 p.m. Interviews tentatively scheduled for March 4, March 18, and April 1, as needed.
- La Habra Chamber of Commerce "2019 La Habra State of the Community" - Friday, February 22, at 11:00 a.m. at City Hall in the Atrium.
- 2019 La Habra Races - Saturday, March 9 at 7:30 a.m. The event will feature a 5K, 1K Kiddy Run, and 50-Yard "Diaper Dash."

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS: None

X. ADJOURNMENT: Mayor Gomez adjourned the Regular Meeting of the City Council at 8:04 p.m. to *Tuesday, February 19, 2019, at 5:30 p.m. in the 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,

Laurie Swindell, CMC
Interim City Clerk