

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

**&
REGULAR MEETING**

Monday, April 01, 2019

APPROVED: These Minutes were approved on June 3, 2019.

ADJOURNED REGULAR MEETING 3:45 P.M.:

CALL TO ORDER: Mayor Gomez called to order the Adjourned Regular Meeting of the La Habra City Council at 3:45 p.m. in the Administration Conference Room 210, 2nd Floor, located at 110 East La Habra Boulevard in La Habra, California.

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

COUNCILMEMBERS ABSENT: None

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

- I. Conduct interviews for annual expiring terms on the Planning Commission and the Community Services Commission.

Interviews were conducted with the following applicants: Jason Manley, Gabriela Garcia, Mark Handler, and Manuel Munoz.

RECESS: Mayor Gomez called a recess at 4:52 p.m.

RECONVENE: The City Council reconvened to Closed Session at 5:30 p.m. in Council Chamber, Room 112c, located at 100 East La Habra Boulevard in La Habra, California. All Councilmembers were present. City Manager Sadro, Interim City Clerk Swindell, and City Attorney Jones were also present.

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

- III. **CLOSED SESSION:**

- a. Conference with Legal Counsel potential litigation pursuant to Government Code Section 54956.9(d)(2) (one potential case).

Community and Economic Development Director Ho, Assistant to the City Manager Ferrier, and Deputy City Attorney Kranker were present for this item.

- b. Conference with Real Property Negotiator per Government Code 54956.8 - Property 106 East 1st Avenue (APN 022-174-17) and 222 South Euclid Avenue (APN 022-174-08); City Negotiator: Jim Sadro, City Manager; Negotiating Parties: Vishnu A. Patel Trust and Mark E. and Alicia M. Bryant; Under Negotiation: Price and Terms.

Community and Economic Development Director Ho and Housing and Economic Development Manager Cole-Corona were present for this item.

III. ADJOURNMENT: Council reconvened at 5:56 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting at 5:56 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, La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Medrano

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

COUNCILMEMBERS ABSENT: None

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

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Proclaim the week of April 8-14, 2019, as "National Animal Control Officer Appreciation Week" in the City of La Habra.

Mayor Gomez invited Police Chief Price to the front of the dais. Animal Control Officer Kristy Hernandez accepted the proclamation.

- b. Proclaim April 2019 as "DMV/Donate Life California Month" in the City of La Habra.

Mayor Gomez invited Donate Life Legacy Ambassador David Belinowiz to the front of the dais. David Belinowiz announced the Donate Life fundraising event would be held at California State University, Fullerton on April 27. Mr. Belinowiz accepted the proclamation.

- c. Proclaim Thursday, May 2, 2019, as a day set apart for the Annual Mayor's Prayer Breakfast in recognition of the National Day of Prayer.

Mayor Gomez invited Brian Burgess to the front of the dais. Mr. Burgess announced that Josh McDowell would be the keynote speaker at the event. Mr. Burgess accepted the proclamation.

II. PUBLIC COMMENTS: None

III. CONSENT CALENDAR:

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.1 THROUGH III.14.

Said motion CARRIED by the following roll call vote:

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

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. Receive and file Planning Commission Minutes of:
 - a. December 10, 2018
 - b. January 28, 2019
3. Approve and authorize City Manager to enter into a retainer agreement with the law firms of Robins Kaplan, and Andrews and Thornton; and join a civil suit against the manufacturers of prescription opiates and those in the chain of distribution of prescription opiates that have contributed to the opioid epidemic in the United States.
4. Approve and authorize City Manager to place the City's primary earthquake policy with Landmark American Insurance Company at a policy limit of \$5 million and assign the excess coverage of \$67.23 million to Everest Indemnity, QBE Specialty Insurance, and General Security Insurance for the term of April 19, 2019 through April 19, 2020 at a 10 percent deductible and an annual premium cost of \$249,168.
5. Approve and authorize the Mayor to execute a Memorandum of Understanding (MOU) as a member agency in the North Orange County Service Planning Area (SPA) homelessness outreach effort; and authorize City Manager to approve non-substantive changes to the MOU as needed.

6. Approve a resolution rescinding Resolution No. 5651 Establishing a Twenty-minute Parking Zone at Certain Times on Lambert Road West of Martinez Drive; at 2451 West Lambert Road; and
 - a. APPROVE **RESOLUTION NO. 5890** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA RESCINDING RESOLUTION NO. 5651 ESTABLISHING A TWENTY-MINUTE PARKING ZONE AT CERTAIN TIMES ON LAMBERT ROAD WEST OF MARTINEZ DRIVE.
7. Approve the La Habra Citrus Fair temporary signage promoting the civic event at the southeast corner of La Habra Boulevard and Euclid Street and at the northwest corner of La Habra Boulevard and Harbor Boulevard, subject to the satisfaction of the Director of Community and Economic Development.
8. Approve and authorize City Manager to execute separate professional services agreements with the consulting firms FM3, not to exceed \$29,500, and the Lew Edwards Group, not to exceed \$29,750, to conduct a community satisfaction survey.
9. Approve and authorize City Manager to execute a Memorandum of Understanding (MOU) with Vista Community Clinic (VCC: The Gary Center) to provide educational information regarding dental care and provide dental screenings for the children enrolled in the Child Development Division Programs from April 1, 2019 through March 31, 2020.
10. WARRANTS: Approve Nos. 00120531 through 00120797 totaling \$3,038,001.94.
11. Approve an increase in the Early Head Start Basic Budget & Training and Technical Assistance (T&TA) Budget in the amount of \$11,824 for Fiscal Year 2018-2019 with Orange County Head Start, Inc.; authorize staff to make line item budget adjustments as necessary; and
 - a. APPROVE **RESOLUTION NO. 5891** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING THE APPROVAL AND AUTHORIZING THE EXECUTION OF THE EARLY HEAD START BASIC BUDGET AND TRAINING AND TECHNICAL ASSISTANCE BUDGET ADJUSTMENT APPLICATION FOR FISCAL YEAR 2018-2019 WITH ORANGE COUNTY HEAD START, INC.
12. Approve Early Head Start Program Refunding Application with Orange County Head Start (OCHS) for the 2019-2020 Fiscal School Year and authorize City Manager to sign the application and documentation.
13. Approve and authorize City Manager to execute an agreement between City of La Habra and Fullerton Joint Union High School District (FJUHSD) to continue providing the School Resource Officer (SRO) program at La Habra High School and Sonora High School for Fiscal School Year 2018-2019; with an option for up to three additional term periods of one Fiscal School Year each.
14. Approve and authorize City Manager to execute the proposed Master Joint Use Agreement with the Fullerton Joint Union High School District (FJUHSD) for the use of La

Habra High School, located at 801 West Highlander Avenue, and Sonora High School located at 401 South Palm Street from Fiscal Year 2018-2019 through Fiscal Year 2028-2029.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

1. Duly noticed public hearing to consider certifying Mitigated Negative Declaration of Environmental Impacts 18-01, and approve Planned Unit Development Master Plan 18-01 for the construction of a 30-unit apartment complex at 320-330 South Monte Vista Street, subject to findings and conditions in the attached resolution and ordinance. An Initial Study, resulting in a Mitigated Negative Declaration of Environmental Impacts (MND 18-01), was prepared for this project pursuant to Sections 15070 to 15075 of the California Environmental Quality Act (CEQA) Guidelines. The environmental analysis prepared for the proposed project indicated that the project would not result in any significant environmental impacts that cannot be mitigated. Mitigation Measures have been identified and are included in the Mitigation Monitoring Program. (This item was continued from the 3/4/2019 City Council Meeting.)

City Attorney Jones announced that Councilmember Espinoza had a conflict of interest.

Councilmember Espinoza stated that she lived within 1,000 feet of 320-330 South Monte Vista Street and would be recusing herself from this item. Councilmember Espinoza left the dais at 6:39 p.m.

Associate Planner Lopez presented the staff report.

Council discussion included: confirmation that the proposed project did not meet the California Government code regarding impact to public health and adverse impact to lower the density of the project; State mandate versus La Habra Municipal Code regarding density and parking for residential projects; loss of local control regarding land use decisions; legal risk for the City if Council did not approve the proposed project; review of General Plan 2035 regarding density and traffic impacts in the next five years; lack of regard by the State of California regarding the impact of individual projects; confirmation that Monte Vista Street was on the Pavement Management Program schedule; verification that City Attorney Jones had read the letter received by the City from the California Renters Legal Advocacy and Education Fund; encouraged the community to write letters to their legislators regarding the City's loss of control of local land use; revitalization of La Habra Boulevard with mixed-use development; and requested staff to write a letter to local legislators expressing the City's opposition to current legislation regarding the loss of control of local land use.

Mayor Gomez opened the public hearing at 6:41 p.m.

The following expressed concern regarding parking, increase in traffic, and safety of pedestrians:

- Arlene Buck, 281 South Monte Vista Street, requested an increase in low-income units.

- Edith Rincon, 703 West 5th Avenue, requested that Council reconsider approval of the proposed project.

Arturo Castillo, La Habra resident, requested that Monte Vista Street be repaired. He thanked Council for the removal of the proposed Rancho La Habra development model in City Hall.

Mark Rancon, La Habra resident, urged Council to conduct additional review of the potential impacts of the proposed project.

Michael Barnett, Chief Operations Officer for 9Max Capital, LLC, confirmed that additional 14 parking spaces had been added to the proposed project plans, and that future residents' garages would be inspected to verify that they were being used for parking of vehicles and not storage.

Mayor Gomez closed the public hearing at 6:49 p.m.

City Attorney Jones explained that the State Legislature recognized the impact of parking when passing the laws relating to the proposed project, but that parking was not a mitigated measure for cities, and so the traditional parking standard did not apply with this type of density bonus. He confirmed that Councilmember Shaw had reviewed the video of the March 18, 2019 City Council meeting. He clarified that if this item was continued, a more in-depth analysis could be provided to Council, but the comments would be the same.

Deputy City Attorney Porter explained that State law required that the City must already have articulated, verifiable, and precise standards, and proof that those standards were violated, but that parking was not one of those standards.

Moved by Councilmember Shaw, seconded by Councilmember Medrano, and CARRIED (4-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5892** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 18-01 FOR THE CONSTRUCTION OF A 30-UNIT APARTMENT COMPLEX AT 320-330 SOUTH MONTE VISTA STREET, SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B."

Said motion CARRIED by the following roll call vote:

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

Moved by Councilmember Shaw, seconded by Councilmember Medrano, and CARRIED (4-0) TO APPROVE FIRST READING OF **ORDINANCE NO. 1804** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING PLANNED UNIT DEVELOPMENT MASTER PLAN 18-01 FOR THE PROPERTY AT 320-330 SOUTH MONTE VISTA STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE REVISED SITE PLAN, AND SUBJECT TO CONDITIONS.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: Councilmember Espinoza

ABSENT: NONE

Councilmember Espinoza returned to the dais at 7:04 p.m.

2. Duly notice public hearing to consider Zone Change 18-08 amending Title 18 (Zoning) by creating Chapter 18.54 "MX-Mixed Use Overlay Zone" and re-zoning certain properties throughout the City by adding the MX Overlay Zone to the base zone along with updating Table 18.06.010.1 adding the MX Overlay Zone as per Exhibits "A" and "B." The proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines

Planning Manager Ramsland presented the staff report and PowerPoint presentation. He clarified that the current zoning of the properties would not change and is an administrative action to put the zoning into compliance. He noted that the MX Overlay Zone would allow for additional options including a combination of residential and commercial use. He stated that this action was to put the development standards into place. He clarified that at this time there were no proposed projects for any of the properties. He noted that a minimum of a one-acre parcel was necessary for a development project.

Council discussion included: confirmation that this item had nothing to do with Westridge Golf Course property; clarification that Westridge Golf Course was not considered in General Plan 2035; the State of California required cities to have consistency between zoning and the General Plan; confirmation there were no other major zoning amendments to be brought before Council; clarification there was one smaller area on Chestnut Street to bring back to Council for a zone amendment; and verification that the City was not exercising eminent domain on these properties.

Mayor Gomez opened the public hearing at 7:17 p.m.

- Sheryl Hare, La Habra resident inquired about obtaining the name of the property owner on Stearns Avenue. Mayor Gomez referred Ms. Hare to submit a public records request with the City Clerk to obtain the information.
- La Habra resident, 9082 Sharon Way, expressed concern regarding the overlay zone regarding his property located at 2501 Whitter Boulevard and its effect on the property value of his home.
- La Habra resident who resides on Heather Way expressed concern regarding potential increased density levels, mixed-use, and parking issues from the overlay zone.

Planning Manager Ramsland confirmed the properties in the overlay zone already had zoning designations. He clarified that the MX Overlay zone provided development standards for new development. He noted that commercial properties generate more traffic than residential properties. He explained that the General Plan involved land use designation and zoning as a guideline to build a project.

Mayor Gomez left the dais at 7:21 p.m. He returned to the dais at 7:23 p.m.

- Arlene Buck, 281 South Monte Vista Street, expressed concern regarding the impact of potential mixed-use development and the steps business owners must take to open a business in La Habra.
- Diane Fort Woody, La Habra resident, asked what development options she had for her business property on La Habra Boulevard.

Planning Manager Ramsland explained that to develop her property Ms. Woody would need to have a one-acre minimum of combined parcels to develop the land.

- Jerry Allard, 9281 Randall Avenue, expressed concerns regarding high-density residential development and its effect on the City's population and traffic.

Mayor Gomez closed the public hearing at 7:35 p.m.

Moved by Councilmember Shaw, seconded by Mayor Pro Tem Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE FIRST READING OF **ORDINANCE NO. 1805** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING ZONE CHANGE 18-08 AMENDING TITLE 18 (ZONING) BY CREATING CHAPTER 18.54 "MX-MIXED USE OVERLAY ZONE" AND RE-ZONING CERTAIN PROPERTIES THROUGHOUT THE CITY BY ADDING THE MX OVERLAY ZONE TO THE BASE ZONE ALONG WITH UPDATING TABLE 18.06.010.1 ADDING THE MX OVERLAY ZONE, AS PER EXHIBITS "A" AND "B."

Said motion CARRIED by the following roll call vote:

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

3. Duly noticed public hearing to consider reappointing the City of La Habra Community Services Commission to serve as the Community Development Block Grant (CDBG) Citizen Participation Committee; and approve the Amended Community Development Block Grant (CDBG) Citizen Participation Plan (CPP).

Community and Economic Development Director Ho introduced Housing and Economic Development Manager Cole-Corona who presented the staff report.

There was no Council discussion.

City Manager Sadro clarified that by eliminating the terms for the Citizen Participation Committee in the Citizen Participation Plan would not eliminate term limits set by Council for the Community Services Commissioners.

Mayor Gomez opened the public hearing at 7:42 p.m. There being no testimony Mayor Gomez closed the public hearing.

Moved by Mayor Beamish, seconded by Councilmember Espinoza, and CARRIED UNANIMOUSLY (5-0) TO APPROVE **RESOLUTION NO. 5893** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA REAPPOINTING THE CITY OF LA HABRA COMMUNITY SERVICES COMMISSION TO SERVE AS THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN PARTICIPATION COMMITTEE AND APPROVING THE CDBG CITIZEN PARTICIPATION PLAN.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VI. CONSIDERATION ITEMS:

1. Consider appointments for annual expiring terms and vacancies on the Planning Commission, the Community Services Commission, and appoint an Alternate to the Hillside Open Space Education Coalition (HOSEC).
 - a. Conduct remaining interviews for two 4-year terms expiring on the Planning Commission and three 3-year terms on the Community Services Commission.
 - b. Appoint two individuals to the Planning Commission to fill two 4-year terms expiring on March 31, 2023.
 - c. Appoint three individuals to the Community Services Commission to fill three 3-year terms expiring March 31, 2022.
 - d. Appoint an Alternate to the Hillside Open Space Education Coalition (HOSEC) for an indefinite term.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Medrano, and CARRIED UNANIMOUSLY (5-0) TO APPROVE TO CONTINUE THIS ITEM TO APRIL 15, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBER.

Said motion CARRIED by the following roll call vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- "Movie in the Park." Showing "Peter Rabbit"– Friday, April 12 at dusk at Portola Park.
- "La Habra "Egg Night" - Friday, April 19, at 7:00 p.m. at La Bonita Park.
- 18th Annual "Spring Family Eggstravaganza" - Saturday, April 20, from 9:00 a.m. to 12:00 p.m. at La Bonita Park.

VIII. COMMENTS FROM STAFF: None

IX. COMMENTS FROM COUNCILMEMBERS:

Councilmember Shaw stated that he attended the Miss La Habra Pageant and congratulated everyone who participated. He congratulated Cindy Singer and everyone else who organized the event. He announced that his family had sons in 2009, 2011, 2013, 2015, 2017; and April Fools!

Mayor Pro Tem Beamish requested a status report on the proposed Rancho La Habra project. City Manager Sadro stated that staff would have an update for Council in the near future.

X. ADJOURNMENT: Mayor Gomez adjourned the Regular Meeting of the La Habra City Council at 7:47 p.m. to Monday, April 15, at 5:30 p.m. in the Council Closed Session Room 112c, 100 E. 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