



City of
LA HABRA

AGENDA

**CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING 5:30 P.M.
&
REGULAR MEETING 6:30 P.M.
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY
MONDAY, SEPTEMBER 19, 2022**

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

The Regular Meeting of the City Council and Regular Joint Meeting with the La Habra Utility Authority for September 19, 2022, will be conducted in person 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 for public seating and speakers when the Mayor opens public comment periods. Effective March 1, 2022, the wearing of masks is no longer required for those entering this facility.

The public is also encouraged to participate in the Regular Meeting of the City Council and Regular Joint Meeting with the La Habra Utility Authority by submitting written comments via email to cc@lahabraca.gov no later than 5:00 p.m. on Monday, September 19, 2022, or by viewing the meeting live through the City of La Habra website and clicking on "[Watch Live](#)" at 6:30 p.m.

ADJOURNED REGULAR MEETING 5:30 P.M.

CALL TO ORDER: Council Chamber, Closed Session Room 112c

ORAL COMMUNICATIONS FROM THE PUBLIC FOR CLOSED SESSION MATTERS:

CLOSED SESSION:

1. Conference with Legal Counsel -- Existing Litigation, Government Code Section 54956.9(d)(1): Joseph Echeverria vs. City of La Habra, Superior Court Case No. 30-2021-01199025-CU-PO-CJC.

ADJOURNMENT:

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

CALL TO ORDER: Council Chamber

INVOCATION: City Attorney/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem/Director Gomez

ROLL CALL: Mayor/Director Medrano
Mayor Pro Tem/Director Gomez
Councilmember/Director Espinoza
Councilmember/Director Nigsarian
Councilmember/Director Simonian

CLOSED SESSION ANNOUNCEMENT:

PROCLAMATIONS/PRESENTATIONS:

1. RECOGNITION OF LA HABRA POLICE CORPORAL TRAVIS NELSON AND CANINE RITA FOR THEIR SERVICE
2. INTRODUCTION OF CITY OF LA HABRA POLICE DEPARTMENT CANINE JAZZ

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

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:

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.

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 Meeting Minutes of:

- August 1, 2022
- August 15, 2022
- September 6, 2022

3. **RECEIVE AND FILE PLANNING COMMISSION OF THE CITY OF LA HABRA MEETING MINUTES**

That the City Council receive and file the Planning Commission of the City of La Habra meeting minutes of:

- May 23, 2022
- June 13, 2022
- June 27, 2022
- July 25, 2022
- August 8, 2022

4. **APPROVE COMMUNITY SERVICES COMMISSION MEETING MINUTES**

That the City Council approve the Community Services Commissions meeting minutes of:

- February 9, 2022
- March 16, 2022
- April 13, 2022
- May 11, 2022
- June 8, 2022

5. **APPROVE DENIAL OF LIABILITY CLAIM OF MS. MARIE ALVAREZ**

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

6. **APPROVE DENIAL OF LIABILITY CLAIM OF MS. HALEY SIMS**

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

7. **APPROVE A RESOLUTION REAFFIRMING THE REQUIRED FINDINGS TO CONTINUE TO ALLOW REMOTE CITY COUNCIL MEETINGS AS REQUIRED BY AB 361**

That the City Council:

A. Receive this report; and,

B. APPROVE AND ADOPT RESOLUTION NO. _____ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY.

8. APPROVE AN AGREEMENT WITH THE CITY OF SANTA ANA FOR REIMBURSEMENT OF COSTS RELATED TO HOMELAND SECURITY TRAINING FOR THE FISCAL YEAR 2021 URBAN AREAS SECURITY INITIATIVE (UASI) GRANT

That the City Council authorize the City Manager to execute an agreement with the City of Santa Ana for reimbursement of costs related to Homeland Security training as outlined in the Fiscal Year 2021 Urban Areas Security Initiative (UASI) grant. The grant period covers from September 1, 2021, to May 31, 2024.

9. APPROVE TRACT MAP NO. 19143 AT 251-351 WEST IMPERIAL HIGHWAY, AS SUBMITTED, AND ACCEPT THE DEDICATION FOR PUBLIC HIGHWAY AND PUBLIC UTILITY PURPOSES, DEDICATION FOR INGRESS/EGRESS FOR EMERGENCY AND PUBLIC SECURITY VEHICLES AND TRASH COLLECTION PURPOSES AS SHOWN ON SAID MAP

That the City Council approve Tract Map No. 19143 at 251-351 West Imperial Highway, as submitted, and accept the dedication for public highway and public utility purposes, dedication for ingress and egress for emergency and public security vehicles, and for trash collection purposes as shown on said map.

10. APPROVE A WORKFORCE INNOVATION OPPORTUNITY ACT PAYMENT IN THE AMOUNT OF \$45,810 TO THE NURSES DEVELOPMENT CENTER, INC., AS A COMPONENT OF THE READY S.E.T. OC GRANT PROGRAM

That the City Council approve a Workforce Innovation Opportunity Act payment of \$45,810 to the Nurses Development Center, Inc., as part of the READY S.E.T. OC Grant Program.

11. 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. ____ 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.

12. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WILLDAN ENGINEERING FOR ON-CALL PRIVATE DEVELOPMENT REVIEW AND PLAN CHECK SERVICES

That the City Council:

A. Approve and authorize the City Manager to execute an agreement with Willdan Engineering for On-Call Private Development Review and Plan Check Services; and,

B. Authorize staff to issue a purchase order to Willdan Engineering in an amount not-to-exceed \$150,000.

13. APPROVE COOPERATIVE AGREEMENT WITH CITY OF FULLERTON FOR THE HARBOR BOULEVARD CORRIDOR PROJECT, REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT NO. 74-46029

That the City Council approve a Cooperative Agreement with the City of Fullerton for the Harbor Boulevard Corridor Project, Regional Traffic Signal Synchronization Program, Project No. 74-46029.

14. AWARD CONTRACT TO SUPERIOR PAVING COMPANY INC., DBA UNITED PAVING COMPANY, FOR CONSTRUCTION OF ALLEY NO. 27, 45, AND 86 IMPROVEMENT, FISCAL YEAR 2020-2021, CITY PROJECT NO. 2-R-20

That the City Council:

A. Approve Plans and Specifications for Alley No. 27, 45, and 86 Improvement Fiscal Year 2020-2021, City Project No. 2-R-20; and

B. Award a construction contract for Alley No. 27, 45, and 86 Improvement, Fiscal Year 2020-2021, City Project No. 2-R-20 (Project) to Superior Paving Company Inc., dba United Paving Company, of Corona, California, in the amount of \$275,555 and reject all other bids; and

C. Approve an appropriation of \$60,000 of available Community Development Block Grant (CDBG) Funds to fully fund the Project; and,

D. Authorize the City Manager to execute an Agreement with Superior Paving Company Inc., dba United Paving Company of Corona, California, in the amount of \$275,555, and authorize staff to issue a purchase order to Superior Paving Company Inc., dba United Paving Company, of Corona, California in the amount of \$330,666, which includes a 20 percent contingency.

15. RECEIVE AND FILE THE TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2022

That the City Council receive and file the Treasurer's Investment Report for the quarter ending June 30, 2022.

16. WARRANTS: APPROVE NOS. 00135409 THROUGH 00135865 TOTALING \$3,428,735.33; AND APPROVE WIRE TRANSFERS DATED 9/30/2022, TOTALING \$831,905.39

That the City Council approve Nos. 00135409 through 00135865 totaling \$3,428,735.33; and approve Wire Transfer dated 9/30/2022, totaling \$831,905.39.

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:

- June 20, 2022
- July 5, 2022
- July 18, 2022
- August 1, 2022
- August 15, 2022
- September 6, 2022

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

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.

CITY COUNCIL:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER GENERAL PLAN AMENDMENT 22-01 ADOPTING THE 2021-2029 (6th CYCLE) HOUSING ELEMENT OF THE LA HABRA GENERAL PLAN 2035

That the City Council:

A. APPROVE AND ADOPT **RESOLUTION NO. _____** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING GENERAL PLAN AMENDMENT 22-01 ADOPTING THE 2021-2029 (6th CYCLE) HOUSING ELEMENT OF THE LA HABRA GENERAL PLAN 2035, AS PER ATTACHMENT A; and

B. Authorize staff to forward the City's Revised Draft 2021-2029 Housing Element to the California Department of Housing and Community Development (HCD) for review and certification.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Adoption of the updated Housing Element is exempt under State CEQA Guidelines §15061(b)(3) common sense exemption, because the Housing Element includes updated policies, programs, and actions that advocate for housing at all economic levels and meet the state legal requirements for a Housing Element. A key component of the updated Housing Element is the identification of existing sites in the Land Use Element that are designated for housing. These sites show that the City can meet their Regional Housing Needs Allocation (RHNA) without a general plan amendment or rezoning of property. All future construction must comply with policies in the General Plan, many of which are intended to address potential environmental impacts.

Furthermore, all projects are subject to the adopted City ordinances, regulations, and policies that regulate and direct development of individual projects. The updated Housing Element does not change any of the development requirements in the City that are designed to mitigate or avoid environmental impacts. Based on these factors, it can be seen with certainty that there is no possibility that the proposed 6th Cycle Housing Element Update would have a significant effect on the environment; therefore, the 6th Cycle Housing Element is exempt from CEQA under the common sense exemption.

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR ZONE CHANGE 22-02 TO AMEND TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE (LHMC), CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, SECTION 18.12.140 OUTDOOR SEATING AREA, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS

That the City Council consider and approve the first reading of **ORDINANCE NO. _____** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF LA HABRA, CALIFORNIA, APPROVING ZONE CHANGE 22-02 TO AMEND TITLE 18 ZONING OF THE LA HABRA MUNICIPAL CODE (LHMC), CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, SECTION 18.12.140 OUTDOOR SEATING AREA, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS AS PER EXHIBIT "A."

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to Section 15061(b)(3) of the CEQA guidelines which covers activities with no possibility of having a significant effect on the environment because there is no development project being proposed under Zone Change 22-02. An environmental analysis and determination will be completed as part of future Conditional Use Permit and/or Administrative Adjustment applications in accordance with CEQA.

3. DULY NOTICED PUBLIC HEARING TO CONSIDER THE 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND AUTHORIZE STAFF TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

That the City Council conduct a public hearing to review and approve the 2021-2022 Community Development Block Grant Annual Performance and Evaluation Report (CAPER) and authorize staff to submit the CAPER to the U.S. Department of Housing and Urban Development.

CITY COUNCIL & UTILITY AUTHORITY:

1. PUBLIC HEALTH GOALS REPORT - CALENDAR YEAR 2022

That the City Council/Agency Directors:

- A. Conduct a duly noticed public hearing for the purpose of receiving public comment on the City's 2022 Public Health Goals Report; and,
- B. Receive and file the City's 2022 Public Health Goals Report in accordance with provisions of the California Health and Safety Code.

CONSIDERATION ITEMS:

Any member of the audience may request to address the La Habra City Council on any Consideration Item, prior to the La Habra City Council taking a final vote on the item. Public comment shall be limited to three (3) minutes per individual, with a total time limit of 30 minutes per Consideration Item, 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.

1. CONSIDER RESOLUTION SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY, WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES NECESSARY TO THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, AND ELECTRICAL CODES, AND APPENDICES; AND SETTING OCTOBER 17, 2022, FOR A PUBLIC HEARING ON THE PROPOSED ORDINANCE AND RESOLUTION; AND READ THE TITLE OF THE ORDINANCE TO ADOPT THE 2022 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, EXISTING BUILDING, GREEN BUILDING STANDARDS AND ENERGY CODES; AND, THE COUNTY OF LOS ANGELES FIRE CODE AND 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE

That the City Council:

- A. Consider RESOLUTION NO. ____ ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES NECESSARY TO THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, AND ELECTRICAL CODES, AND APPENDICES; and

- B. Motion to approve setting the public hearing date of October 17, 2022, at 6:30 p.m. in the Council Chamber located at 100 East La Habra Boulevard, California, for consideration of first reading of **ORDINANCE NO. ____ ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE LA HABRA MUNICIPAL CODE CHAPTERS 15.04, 15.05, 15.06, 15.07, 15.08, 15.12, 15.16, 15.32, 15.46 AND 15.68, BY ADOPTING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, EXISTING BUILDING, GREEN BUILDING STANDARDS AND ENERGY CODES; AND, THE COUNTY OF LOS ANGELES FIRE CODE AND 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

2. APPROVE CONTRACT CHANGE ORDER NO. 1 FOR EBS GENERAL ENGINEERING, INC. TO REHABILITATE EUCLID STREET FROM LA HABRA BOULEVARD TO WHITTIER BOULEVARD AND BEACH BOULEVARD NEAR THE COYOTE CREEK CHANNEL

That the City Council:

A. Approve and authorize staff to execute Change Order No. 1 in the amount of \$558,471 with EBS General Engineering, Inc., to include additional pavement improvements along Euclid Street, between La Habra Boulevard and Whittier Boulevard, and along Beach Boulevard near the Coyote Creek Channel, as part of the Annual Arterial Street Rehabilitation Fiscal Year 2019-2020, City Project No. 5-R-19; and

B. Approve the transfer of \$550,000 from Measure M2 Funds and \$150,000 from Gas Tax Funds, for a total of \$700,000, from the approved Fiscal Year 2022-2023 CIP Budget, Annual Arterial Rehabilitation Project (Euclid Street between La Habra Boulevard and Whittier Boulevard) CIP No.16 to Annual Arterial Street Rehabilitation Fiscal Year 2019-2020, City Project No. 5-R-19 for expenses related to Change Order No.1, which includes funding for a 15 percent construction contingency, inspection services, and material testing; and,

C. Authorize the City Manager to increase the City's Purchase Order with EBS General Engineering, Inc., by \$642,250 which includes a 15 percent contingency, from the current amount of \$2,573,701 to the amount of \$3,215,951.

MAYOR'S COMMUNITY CALENDAR:

COMMENTS FROM STAFF:

COMMENTS FROM COUNCILMEMBERS:

ADJOURNMENT: Adjourned to Monday, October 3, 2022, 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.lahabraca.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.

Rhonda J. Barone, CMC
Assistant City Clerk/Secretary