

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 7, 2023

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 Closed Session Room 112c, located at 100 East La Habra Boulevard, La Habra, California.

COUNCILMEMBERS PRESENT: Mayor Gomez
Mayor Pro Tem Nigsarian
Councilmember Espinoza
Councilmember Medrano
Councilmember Simonian

COUNCILMEMBERS ABSENT: NONE

OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
Assistant City Attorney Collins
City Clerk Barone

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

CLOSED SESSION:

1. Conference with Labor Negotiator per Government Code Section 54957.6 - Agency Representative: Jim Sadro, City Manager; Employee Organizations: Police Sworn Employees and Police Civilian Employees.

Director of Human Resources Balderrama was present for this item.

2. Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (one case).

Director of Community and Economic Development Kim and Code Enforcement Supervisor Basterri were present for this item.

City Attorney Jones and Mayor Gomez recused themselves from Closed Session Items 3, 4, 5 and left the Closed Session Room.

Closed Session Items 3, 4, and 5 were discussed together. Acting City Attorney Craig Steele and Director of Community and Economic Development Kim were present for these items.

3. Conference with Legal Counsel Pending Litigation Pursuant to Government Code Section 54956(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.
4. Lennar Homes of California, Inc., et al. v. City of La Habra; Orange County Superior Court, Case No. 30-2021- 01221710-CU-BC-WJC.
5. Conference with Legal Counsel Significant Exposure to Litigation Pursuant to Government Code Section 54956(d)(2) and (e)(1); One (1) Potential Case.

ADJOURNMENT: The City Council reconvened at 6:21 p.m. There were no Closed Session announcements. Mayor Pro Tem Nigsarian adjourned the Adjourned Regular Meeting at 6:21 p.m.

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

CALL TO ORDER: Mayor/Chair Gomez called the Regular Meeting of the City Council of the City of La Habra & Regular Joint Meeting with 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 Espinoza

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Gomez
Mayor Pro Tem/Vice Chair Nigsarian
Councilmember/Director Espinoza
Councilmember/Director Medrano
Councilmember/Director Simonian

COUNCILMEMBERS/DIRECTORS ABSENT: NONE

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

CLOSED SESSION ANNOUNCEMENT: None.

Mayor Gomez announced that he and City Attorney Jones recused themselves from Closed Session Items 3, 4, 5, and left the Closed Session Room.

PROCLAMATIONS/PRESENTATIONS:

1. RECOGNITION OF THE CANDELARIA FAMILY AS THE 2023 RESIDENTIAL BEAUTIFICATION AWARD RECIPIENT

This recognition was postponed until the next Regular City Council Meeting of August 21, 2023.

2. RECOGNITION OF LA HABRA KEYSTONE ACHIEVERS, BOYS & GIRLS CLUB OF LA HABRA

Mayor Gomez and City Council recognized and presented the La Habra Keystone Achievers, Boys & Girls Club of La Habra with Certificates of Recognition.

PUBLIC COMMENTS:

City Clerk Barone stated written public comments from Craig Sheets and Melissa Merrill were received via email prior to the meeting.

Craig Sheets spoke.

Michelle Lackey, La Habra resident, spoke.

Christine Christensen, La Habra resident, spoke.

Cindy Trump, La Habra resident, spoke.

Jack Miranda, Director of Jesse Miranda Center, spoke.

CONSENT CALENDAR:

Councilmember/Director Medrano requested City Council & Utility Authority Item 2 be pulled for separate discussion.

Moved by Councilmember/Director Medrano, seconded by Mayor Pro Tem/Vice Chair Nigsarian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 12; CITY COUNCIL & UTILITY AUTHORITY ITEM 1; AND UTILITY AUTHORITY ITEM 1; WITH THE EXCEPTION OF CITY COUNCIL & UTILITY AUTHORITY ITEM 2 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

Said motion CARRIED by the following vote:

AYES: Mayor/Chair Gomez, Mayor Pro Tem/Vice Chair Nigsarian,
Councilmember/Director Espinoza, Councilmember/Director Medrano,
Councilmember/Director Simonian

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 Meeting Minutes of July 17, 2023.

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

That the City Council received ad file the Planning Commission minutes of the City of La Habra meeting minutes of:

- January 23, 2023
- February 13, 2023
- March 13, 2023
- April 10, 2023
- April 24, 2023
- May 8, 2023
- June 12, 2023

4. APPROVE DENIAL OF LIABILITY CLAIM OF MR. GEORGE MALDONADO

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

5. APPROVE DENIAL OF LIABILITY CLAIM OF MR. ALEXANDRO GONZALEZ

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

6. APPROVE DENIAL OF LIABILITY CLAIM OF INFINITY METALS INC.

That the City Council deny the claim of Infinity Metals Inc. in order to set a definite six-month Statute of Limitations date.

7. APPROVE DENIAL OF LIABILITY CLAIM OF MS. CARMELA STUART

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

8. APPROVE THE U.S. DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT UNDER THE FISCAL YEAR 2022 SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT PROGRAM, AUTHORIZE THE ALLOCATION OF CITY MATCHING FUNDS, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

That the City Council:

- A. Approve the U.S. Department of Transportation Grant Agreement Under the Fiscal Year 2022 Safe Streets and Roads For All (SS4A) Grant Program; and
 - B. Authorize the allocation of City matching funds; and
 - C. Approve and authorize the City Manager to execute the agreement.
9. APPROVE NOTICE OF COMPLETION TO ELECNOR BELCO ELECTRIC, INC. FOR THE HARBOR BOULEVARD AND ARBOLITA DRIVE TRAFFIC SIGNAL MODIFICATION, FY 2020-2021, CITY PROJECT NO. 1-TC-20

That the City Council: approve the Notice of Completion to Elecnor Belco Electric, Inc. for the Harbor Boulevard and Arbolita Drive Traffic Signal Modification, FY 2020-2021, City Project No. 1-TC-20, and authorize staff to submit the notice for recordation.

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. 6121** 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. APPROVE RESOLUTIONS ADOPTING MEMORANDUMS OF UNDERSTANDING WITH LA HABRA POLICE ASSOCIATION SWORN AND CIVILIAN, AND APPROVE A RESOLUTION AMENDING RESOLUTION 6115 PERTAINING TO COMPENSATION FOR EXEMPT POLICE MANAGEMENT

That the City Council:

- A. APPROVE AND ADOPT **RESOLUTION NO. 6122** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADOPTING MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF LA HABRA AND THE LA HABRA POLICE ASSOCIATION SWORN AND CIVILIAN PERSONNEL; and
- B. APPROVE AND ADOPT **RESOLUTION NO. 6123** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING RESOLUTION NO. 6115 PERTAINING TO A COMPENSATION PLAN FOR POLICE MANAGEMENT EMPLOYEES; and

- C. Approve an appropriation of funds from the Fiscal Year 2022-2023 adopted budget for the first year cost of one-time lump sum pay adjustments for the stated employee groups.
12. APPROVE WARRANTS: APPROVE NOS. 00139882 THROUGH 00140230 TOTALING \$5,059,919.02; AND APPROVE WIRE TRANSFERS DATED 7/31/23, TOTALING \$1,396,200.00

That the City Council approve Nos.00139882 through 00140230 totaling \$5,059,919.02; and approve Wire Transfer dated 7/31/23, totaling \$1,396,200.00.

CITY COUNCIL & UTILITY AUTHORITY:

1. APPROVE REJECTION OF BIDS FOR OC-4 REHABILITATION, CITY PROJECT NO. 2-W-23

That the City Council and Utility Authority reject all bids for OC-4 Rehabilitation, City Project No. 2-W-23.

2. APPROVE AWARD OF CONTRACT TO LUCAS BUILDERS, INC., FOR EUCLID WATER MAIN REPLACEMENT CITY PROJECT 1-W-21 - REMOVED FOR SEPARATE DISCUSSION – See below.

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:

- February 21, 2023
- March 6, 2023
- March 20, 2023
- April 3, 2023
- April 17, 2023
- May 1, 2023
- May 15, 2023
- June 5, 2023
- June 19, 2023
- July 3, 2023
- July 17, 2023

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

CITY COUNCIL & UTILITY AUTHORITY:

2. APPROVE AWARD OF CONTRACT TO LUCAS BUILDERS, INC., FOR EUCLID WATER MAIN REPLACEMENT CITY PROJECT 1-W-21

Deputy Director of Public Works/City Engineer Mendoza presented the staff report.

City Council and Utility Authority discussion included: broken water main repairs; timeline for Euclid Street road repairs; and history of change orders for Lucas Builders, Inc.

Mayor/Chair Gomez invited the public to testify at 6:59 p.m. There was no public testimony.

Moved by Councilmember/Director Medrano, seconded by Councilmember/Director Simonian, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL AND UTILITY AUTHORITY:

- A. Approve the Plans and Specifications for Euclid Water Main Replacement, City Project No. 1-W-21; and
- B. Award a construction contract for the Euclid Water Main Replacement, City Project No. 1-W-21, to Lucas Builders, Inc., of La Habra, California, in the amount of \$1,372,662 and reject all other bids; and
- C. Authorize the City Manager/Executive Director to execute an agreement with Lucas Builders, Inc., of La Habra, California, in the amount of \$1,372,662, and authorize staff to issue a purchase order to Lucas Builders, Inc of La Habra, California, in the amount of \$1,650,795; which includes a twenty percent (20%) contingency.

Said motion CARRIED by the following vote:

AYES: Mayor/Chair Gomez, Mayor Pro Tem/Vice Chair Nigsarian,
Councilmember/Director Espinoza, Councilmember/Director Medrano,
Councilmember/Director Simonian

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

PUBLIC HEARINGS:

CITY COUNCIL:

1. CONDUCT A DULY NOTICED PUBLIC HEARING ON ADOPTION OF A RESOLUTION AMENDING THE MASTER SCHEDULE OF FEES PERTAINING TO REFUSE COLLECTION FEES

Senior Management Analyst Henderson presented the staff report.

City Council discussion included: contributing factors for the refuse collections fees increase; La Habra refuse fees compared to other Orange County cities; addressing and tracking CR&R customer service calls; senior assistance programs for cost reduction; recycling contamination fees mandated by California SB1383; and refuse bin size allocated to those receiving a low-income senior discount.

City Manager Sadro spoke regarding the contractual relationship with CR&R and addressing customer service calls.

CR&R Regional Vice President Chrystal Denning spoke regarding SB1383 requirements and the City of La Habra's goal to educate residents and businessowners on waste, recycling, and composting; and refuse bin size for those enrolled in the low-income senior program.

Mayor Gomez opened the public hearing at 7:19 p.m.

Kathy Sissoyer, La Habra resident, spoke.

Ron Woodward, La Habra resident, spoke.

Mayor Gomez closed the public hearing at 7:24 p.m.

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

- A. ADOPT AND APPROVE **RESOLUTION NO. 6124** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING THE MASTER SCHEDULE OF FEES PERTAINING TO REGULATED REFUSE COLLECTION FEES CHARGED BY CR&R TO ITS CUSTOMERS; AND
- B. DIRECT STAFF TO INCLUDE TRACKING OF A TRASH CONTAMINATES REPORT FOR SUBMITTAL TO AND REVIEW BY THE CITY COUNCIL; AND
- C. ALLOW NO RESTRICTION ON CART SIZE FOR THOSE RECEIVING A LOW-INCOME SENIOR DISCOUNT.

Said motion CARRIED by the following vote:

AYES: Mayor Gomez, Mayor Pro Tem Nigsarian,
Councilmember Espinoza, Councilmember Medrano, Councilmember Simonian
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

CONSIDERATION ITEMS:

CITY COUNCIL:

1. CONSIDER AMENDMENT TO THE REWARD FUND PROGRAM BY ELIMINATING THE ESTABLISHED BOARD OF DIRECTORS TO A NEW STREAMLINED PROCESS TO FACILITATE A QUICKER RESPONSE TO SERIOUS CRIMES AGAINST PERSONS OR PROPERTY

Chief of Police Foster presented the staff report.

City Council discussion included: amendments to include that the City Manager shall immediately notify the City Council that a reward be paid; and agendaize the appropriate budget approval for City Council consideration.

City Manager Sadro spoke regarding the current reward fund program.

Mayor Gomez invited the public to testify at 7:30 p.m. There was no public testimony.

Councilmember Medrano thanked La Habra resident Ron Woodward for serving on the Reward Fund Committee.

Moved by Mayor Pro Tem Nigsarian, Seconded by Councilmember Medrano, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE AND ADOPT **RESOLUTION NO. 6125** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, DISBANDING THE LA HABRA REWARD FUND COMMITTEE AND ESTABLISHING A PROCEDURE FOR THE CITY OF LA HABRA TO PROVIDE REWARDS FOR INFORMATION LEADING TO FELONY ARRESTS.

Said motion CARRIED by the following vote:

AYES: Mayor Gomez, Mayor Pro Tem Nigsarian,
Councilmember Espinoza, Councilmember Medrano, Councilmember Simonian

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

2. CONSIDER THE DESIGNATION OF VOTING DELEGATE AND ALTERNATES TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Management Analyst II Hurt presented the staff report.

There was no City Council discussion.

Mayor Gomez invited the public to testify at 7:34 p.m. There was no public testimony.

Moved by Mayor Gomez, Seconded Mayor Pro Tem Nigsarian, AND CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL DESIGNATE COUNCILMEMBER ESPINOZA AS A VOTING DELEGATE TO ATTEND THE LEAGUE OF CALIFORNIA CITIES (CAL CITIES) ANNUAL CONFERENCE IN SACRAMENTO, SEPTEMBER 20-22, 2023.

AYES: Mayor Gomez, Mayor Pro Tem Nigsarian,
Councilmember Espinoza, Councilmember Medrano, Councilmember Simonian
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

No alternate voting delegates were designated as the remaining City Councilmembers had a scheduling conflict with this year's annual conference.

MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez made the following announcements:

- La Habra Host Lions Annual Pasta Fest fundraiser on August 12, 2023.
- Movies in the Park on August 18, 2023, at El Centro Park.
- Kids Night Out on August 25, 2023, at the La Habra Community Center.
- Planning Commission and Community Services Commission meetings held.
- Current job openings with the City of La Habra.
- Reminder of water conservation efforts.

COMMENTS FROM STAFF: None.

COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

Mayor Pro Tem/Vice Chair Nigsarian congratulated the Boys and Girls Club of La Habra on their Keystone Achievers. He thanked Director of Community Services Fujio and Deputy Director of Community Services Albarian for the successful Concerts in the Park.

Councilmember/Director Espinoza recognized City Attorney Jones for his service as a Boys and Girls Club of La Habra Board Member.

Councilmember/Director Medrano reported on his attendance to the Independent Cities Association (ICA) Winter Seminar held February 3-5, 2023, in Santa Barbara, California. He spoke regarding his recent recommendation to reduce funding for the La Habra Chamber of Commerce in the Fiscal Year 2023-2024 General Fund Budget from \$20,000 to zero.

Mayor/Chair Gomez spoke regarding nepotism laws adopted by the City of La Habra. He spoke regarding repairs needed to the Splash Pads at Brio Park. He thanked the La Habra Police Department, Community Services Department, and Public Works Department for the success of National Night Out held on August 1, 2023. He thanked the Community Services Department for the successful Concerts in the Park and Movies in the Park. He congratulated Kim Albarian on her recent promotion to Deputy Director of Community Services.

ADJOURNMENT: Mayor/Chair Gomez adjourned the meeting at 7:50 p.m. to Monday, August 21, 2023, 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 August 21, 2023.