

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA

ADJOURNED REGULAR MEETING 5:30 P.M. & REGULAR MEETING 6:30 P.M.

Monday, November 6, 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
City Clerk Barone

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

CLOSED SESSION:

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

Director of Public Works Saykali was also present for this item.

ADJOURNMENT: The City Council reconvened at 5:43 p.m. There were no Closed Session announcements. Mayor Gomez adjourned the Adjourned Regular Meeting at 5:45 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 City Council Chamber, located at 100 East La Habra Boulevard, La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Espinoza

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
City Clerk Barone
Management Analyst II Hurt
Assistant City Clerk Lopez

CLOSED SESSION ANNOUNCEMENT:

Mayor Gomez spoke regarding the East Bishop Storm Drain Improvement Project, and indicated the matter was discussed in Closed Session tonight. He stated the project is a high-priority for City Council, as is public safety and protecting residents' property, and assured that every measure will be taken to do so.

City Attorney Jones indicated City Council and staff is aware of and concerned about the issues related to the East Bishop Storm Drain Improvement Project, and actively addressing the concerns that now exist regarding the project. He stated City staff has cancelled the contractor contract and ordered them off the job site. He indicated the City has posted with the bonding company a performance bond and demanded a claim for them to complete the project in a timely manner. He stated an engineer visited the site to assess the situation and will meet with staff this week to further establish direction and a timeline on how to address the issues.

City Attorney Jones further stated staff will be meeting with the bonding company as time is of the essence in anticipation of rain and potential safety concerns, and indicated contractor has been ordered off the job.

Mayor Gomez stated La Habra City Council agreed to hold a special meeting should emergency action be needed.

City Attorney Jones instructed City Council to not make direct comments regarding this project due to potential litigation.

PROCLAMATIONS/PRESENTATIONS:

1. PROCLAIM NOVEMBER 2023 AS "FAMILY COURT AWARENESS MONTH" IN THE CITY OF LA HABRA

Mayor Gomez and the City Council presented Family Court Awareness Month Committee Advocate Jana Laborde with the proclamation.

2. PROCLAIM NOVEMBER 6-12, 2023, AS "LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL WEEK" IN THE CITY OF LA HABRA

Mayor Gomez invited La Habra Chief of Police Foster to the podium to make the presentation.

Chief of Police Foster recognized the men and women of the La Habra Police Department Records Division and presented them with the Law Enforcement Records and Support Personnel Week proclamation.

3. PRESENTATION BY THE CITY OF LA HABRA COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Director of Community and Economic Development Kim provided a PowerPoint presentation and answered questions accordingly.

Councilmember Nigsarian asked about anticipated opening dates for Dutch Brother's and American Tire.

PUBLIC COMMENTS:

The following residents spoke regarding the East Bishop Storm Drain Improvement Project:

Roberta Bryant
Michele Lackey
Michael Eaves
Clay Morgan
Vicki Fears
Keith Green
Michael Luna
Sherrie Green

Jesus Vidro, La Habra resident, spoke regarding traffic concerns with future businesses.

Michele Lackey, La Habra resident, spoke regarding speed bumps on Cypress Street.

Max Rios, La Habra resident, spoke regarding traffic/speeding concerns on Imperial Highway.

CONSENT CALENDAR:

Councilmember Medrano requested Consent Calendar Item No. 8 be pulled for separate discussion.

City Attorney Jones declared a conflict of interest in Item Consent Calendar Item No. 7 due to it involving California Domestic Water Company.

Moved by Mayor Gomez, seconded by Mayor Pro Tem Nigsarian, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CITY COUNCIL CONSENT CALENDAR ITEMS 1 THROUGH 7, 9, AND 10; WITH THE EXCEPTION OF ITEM 8 WHICH WAS PULLED FOR SEPARATE DISCUSSION.

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

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 October 16, 2023.

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:

- June 22, 2023
- July 10, 2023
- August 14, 2023
- August 28, 2023
- September 11, 2023
- September 25, 2023

4. APPROVE THE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1849** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, ORANGE COUNTY, CALIFORNIA GRANTING A PIPELINE FRANCHISE TO CRIMSON CALIFORNIA PIPELINE, LP TO OPERATE AND MAINTAIN CERTAIN PIPELINES AND APPURTENANCES FOR THE TRANSPORTATION OF PETROLEUM, OIL, GAS, GASOLINE, WATER, AND OTHER LIKE SUBSTANCES IN THE CITY OF LA HABRA

That the City Council approve the second reading and adoption of Ordinance No. 1849.

5. APPROVE DENIAL OF LIABILITY CLAIM OF MIGUEL A. RAZO RAMIREZ

That the City Council deny the claim of Mr. Miguel A. Razo Ramirez in order to set a definite six-month Statute of Limitations date.

6. APPROVE DENIAL OF LIABILITY CLAIM OF CARI MCCORMICK

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

7. APPROVE THE CALIFORNIA DOMESTIC WATER COMPANY (CDWC) BOARD OF DIRECTORS PROXY NOMINATION

That the City Council approve and authorize the Mayor and City Clerk to execute the proxy for the election of Donald J. Hannah, Jr. to continue as Director to the California Domestic Water Company (CDWC) Board of Directors at its Annual Meeting of Shareholders on November 17, 2023.

8. APPROVE A WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) PAYMENT IN THE AMOUNT OF \$95,967.50 TO THE HEALTHSTAFF TRAINING INSTITUTE, AS A COMPONENT OF THE READY S.E.T. OC (EMPLOYMENT & TRAINING) GRANT FUNDED PROGRAM – REMOVED FOR SEPARATE DISCUSSION – See below.

9. APPROVE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM" (STEP) GRANT IN THE AMOUNT OF \$160,000

That the City Council approve and authorize the Chief of Police to accept and execute an agreement with the State of California's Office of Traffic Safety (OTS) to accept the "Selective Traffic Enforcement Program" (STEP) grant funding in the amount of \$160,000 for overtime costs related to extra enforcement operations, collaborative DUI and Traffic Enforcement, travel, and training.

10. WARRANTS: APPROVE NOS. 00141155 THROUGH 00141445 TOTALING \$2,156,929.54

That the City Council approve Nos. 00141155 through 00141445 totaling \$2,156,929.54.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

8. APPROVE A WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) PAYMENT IN THE AMOUNT OF \$95,967.50 TO THE HEALTHSTAFF TRAINING INSTITUTE, AS A COMPONENT OF THE READY S.E.T. OC (EMPLOYMENT & TRAINING) GRANT FUNDED PROGRAM

Deputy Director of Community Services Albarian presented the staff report.

Councilmember Medrano spoke in support of the Ready S.E.T. OC program, and thanked the Community Services Department for continuing it.

Mayor Gomez invited the public to testify at 7:21 p.m. There was no public testimony.

Moved by Councilmember Medrano, seconded by Councilmember Simonian, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE A WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) PAYMENT IN THE AMOUNT OF \$95,967.50 TO THE HEALTHSTAFF TRAINING INSTITUTE, AS PART OF THE READY S.E.T. OC (EMPLOYMENT & TRAINING) GRANT FUNDED PROGRAM.

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

PUBLIC HEARINGS:

1. DULY NOTICED PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE TERMINATING A DEVELOPMENT AGREEMENT DUE TO THE CLOSURE OF RIVER DISTRIBUTING, CO., LLC, DBA CRESCO LABS, A CANNABIS DISTRIBUTION FACILITY, PREVIOUSLY LOCATED AT 1721 EAST LAMBERT ROAD, UNIT B

Economic Development Project Manager Montenegro presented the staff report.

City Council discussion included: appreciation to River Distributing, Inc. for their professionalism; clarification that the business did not conduct retail services; and indication the business generated approximately \$1.4 million in sales tax revenues to the City.

Mayor Gomez opened the public hearing at 7:24 p.m. There was no public testimony.

Sabrina Noah, Senior Vice Present of Public Affairs for Cresco Labs, spoke regarding coordinated efforts with Southern California Association of Governments (SCAG) and CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) opportunities for City Councils to testify and provide feedback to the State Regulator and Governor's Office.

Moved by Councilmember Simonian, seconded by Councilmember Medrano, and CARRIED UNANIMOUSLY (5-0) THAT THE CITY COUNCIL APPROVE THE FIRST READING OF **ORDINANCE NO. 1851** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA FINDING THAT THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND TERMINATING DEVELOPMENT AGREEMENT 18-03 BETWEEN THE CITY OF LA HABRA AND RIVER DISTRIBUTING CO., LLC, DBA CRESCO LABS, FOR A CANNABIS DISTRIBUTION FACILITY AT 1721 EAST LAMBERT ROAD, UNIT B.

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:

1. CONSIDER CENTENNIAL PLANNING COMMITTEE NOMINATION UPDATE AND CITY COUNCIL NOMINATIONS

Deputy Director of Community Services Albarian presented the staff report.

City Council discussion included individual nominations to the Centennial Planning Committee as follows:

Councilmember Simonian – Randy McMillan
Councilmember Medrano – Gabby Garcia
Mayor Pro Tem Nigsarian – Norma Perez-Ochoa
Councilmember Espinoza – Annette Limon
Mayor Gomez – Councilmember Rose Espinoza

Mayor Gomez invited the public to testify at 7:29 p.m. There was no public testimony.

Moved by Mayor Gomez, seconded by Councilmember Medrano, and CARRIED UNANIMOUSLY (5-0) THAT CITY COUNCIL NOMINATIONS TO THE CENTENNIAL PLANNING COMMITTEE CONSIST OF RANDY MCMILLAN, GABBY GARCIA, PEREZ-OCHOA, ANNETTE LIMON, AND COUNCILMEMBER ESPINOZA.

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

MAYOR'S COMMUNITY CALENDAR:

Mayor Gomez announced upcoming community events and activities.

COMMENTS FROM STAFF:

City Manager Sadro wished Councilmember Espinoza a happy birthday.

COMMENTS FROM COUNCILMEMBERS:

Councilmember Espinoza spoke regarding her recent attendance to an Orange County Sanitation District meeting that included a tour of the treatment center.

Mayor Pro Tem Nigsarian thanked City staff for the success of the Community Open House held on Saturday, October 28, 2023.

Councilmember Medrano thanked City staff for the success of the Community Open House held on Saturday, October 28, 2023. He spoke regarding his attendance to the La Habra High School CIF Football game held on Friday, November 3, 2023, and wished Sonora High School and La Habra High School good luck with their football games.

Councilmember Simonian thanked staff for the success of the Community Open House held on Saturday, October 28, 2023. He spoke regarding the East Bishop Storm Drain Improvement Project. He requested the meeting be adjourned in memory of John Beals.

Mayor Gomez offered his condolences to Councilmember Simonian. He spoke regarding his attendance to the City Hall Halloween event. He thanked the Public Works Department and partnership with CR&R for the Household Hazard Waste event held on Saturday, October 21, 2023. He thanked Bishop Street residents for their public comments tonight.

ADJOURNMENT: Mayor Gomez adjourned the meeting in memory of John Beals at 7:43 p.m. to Monday, November 20, 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

These Minutes were approved on November 20, 2023.