

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING
&
REGULAR JOINT MEETING WITH THE
LA HABRA UTILITY AUTHORITY

Monday, August 05, 2019

APPROVED: These Minutes were approved on September 16, 2019.

ADJOURNED REGULAR MEETING 5:30 P.M.: Cancelled

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 and the Regular Joint Meeting with the La Habra Utility Authority 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/Legal Counsel Jones

PLEDGE OF ALLEGIANCE: Councilmember/Director Espinoza

COUNCILMEMBERS/DIRECTORS PRESENT: Mayor/Chair Gomez
Mayor Pro Tem/Vice Chair Beamish
Councilmember/Director Espinoza
Councilmember/Director Shaw
Councilmember/Director Medrano

COUNCILMEMBERS/DIRECTORS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager/Executive Director Sadro
City Attorney/Legal Counsel Jones
City Clerk/Secretary Swindell

CLOSED SESSION ANNOUNCEMENT: None

I. PROCLAMATIONS/PRESENTATIONS:

- a. Presentation by City Net regarding homeless services in La Habra.

President of City Net Brad Fieldhouse and David Aguirre, City Net staff member working in La Habra gave a presentation and shared a homeless engagement story. He noted that since City Net has been working with the City, 155 homeless individuals have exited La Habra's streets and entered into permanent or temporary housing.

Council/Authority discussion included: recognition of David Aguirre, a La Habra resident, for his work with City Net and La Habra's homeless; cooling centers locations in La Habra; City Net's process for homeless individuals who did not want their services; the City's financial contribution to the construction of the Bridges at Kraemer homeless shelter in Anaheim, and the construction and operations of two emergency shelters in the cities of Buena Park and Placentia assisted City Net in placing homeless individuals into shelters; and City Net's involvement with other cities in Orange County.

- b. Certificate of Recognition to the Boys & Girls Clubs of America's La Habra Keystone Club.

Item I.b was heard prior to Item I.a.

Mayor/Chair Gomez invited La Habra Boys & Girls Club Executive Director Mark Chavez, Representative from Senator Ling Ling Chang's Office Carolina Garcia, and the La Habra Keystone Club members to the front of the dais. Mayor/Chair Gomez and Carolina Garcia presented Certificates of Appreciation to the La Habra Keystone Club. Mark Chavez thanked City Council for their partnership with the La Habra Boys & Girls Club. La Habra Keystone Club Advisor Amber Villaseñor thanked the club members for their service to the La Habra Boys & Girls Club and to the community. Mayor/Chair Gomez congratulated the La Habra Keystone Club.

II. PUBLIC COMMENTS:

Craig Sheets, Brea, spoke regarding nuclear missiles, gas stations, the changing price of gasoline, and blood type and color.

III. CONSENT CALENDAR:

Councilmember/Director Medrano stated that he would be approving the Consent Calendar, but would be voting "No" on Item III.A.10.

Moved by Mayor Pro Tem/Vice Chair Beamish, seconded by Councilmember/Director Shaw, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS III.A.1 THROUGH III.B.2. WITH THE EXCEPTION OF COUNCILMEMBER/DIRECTOR MEDRANO VOTING NO ON ITEM III.A.10.

Said motion CARRIED by the following roll call vote:

AYES: Mayor/Chair Gomez, Mayor Pro Tem/Vice Chair Beamish,
Councilmember/Director Espinoza, Councilmember/Director Shaw,
Councilmember/Director Medrano

NOES: Councilmember/Director Medrano (Item III.A.10 only)

ABSTAIN: NONE

ABSENT: NONE

A. CONSENT CALENDAR - 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 Minutes of:
 - a. June 3, 2019
 - b. June 17, 2019
 3. Approve Community Services Commission Minutes of:
 - a. November 14, 2018
 - b. December 12, 2018
 - c. January 9, 2019
 - d. February 13, 2019
 - e. March 13, 2019
 - f. April 10, 2019
 - g. May 8, 2019
 - h. June 12, 2019
 4. Approve denial of Claim for Tammy Solorio for Property Damage.
 5. Approve denial of Claim for Paola Toliver for Property Damage.
 6. Approve denial of Claim for Marissa Uribe for Property Damage.
 7. Approve denial of Claim for Mercury Insurance for Property Damage.
 8. Approve denial of Claim for Pacific Bell/AT&T for Property Damage.
 9. Approve denial of Claim for Anthony Soza for Property Damage.
 10. APPROVE SECOND READING AND ADOPTION OF **ORDINANCE NO. 1809** ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING DEVELOPMENT AGREEMENT 18-02 BETWEEN THE CITY OF LA HABRA AND CANNA AMERICA, LLC FOR A CANNABIS DISTRIBUTION FACILITY AT 1000 SOUTH LESLIE STREET, AS PER EXHIBIT "A."
 11. Approve and authorize City Manager to execute an updated month-to-month lease agreement with ITennis, LLC to continue operations of the La Habra Tennis Center, located at 351 South Euclid Street.
 12. WARRANTS: Approve Nos. 00122090 through 00122385 totaling \$5,435,615.40.
- B. CONSENT CALENDAR - UTILITY AUTHORITY:
1. Approve Utility Authority Minutes of:
 - a. July 1, 2019
 - b. July 15, 2019

2. Waive formal bid requirements per La Habra Municipal Code Section 4.20.080 (B) when a service firm has established such a successful past history of work with the City that it is clearly in the public interest not to negotiate with any other source; and approve and authorize Executive Director to execute an agreement with Bucknam and Associates, Inc. in the amount of \$83,725 for specialty water/sewer system design, engineering, and construction support services for Fiscal Year 2019-2020.

IV. CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION: None

V. PUBLIC HEARINGS:

A. CITY COUNCIL:

1. Duly noticed public hearing to consider General Plan Amendment 19-02 changing the Land Use Designation from Medium Density (9-14 units/acre) to Low Density (0-8 units/acre) for the properties located at 900, 901, 940, 941, 960, and 961 North Chestnut Street, per the attached Resolution. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA guidelines. This action to bring the General Plan into compliance with Zoning and the existing land uses will have no effect on the environment.

Mayor Gomez thanked Planning Manager Roy Ramsland, who was also a member of the La Habra Host Lions Club, for his hard work and dedication on organizing the Corn Festival.

Planning Manager Ramsland presented the staff report.

There was no Council discussion.

Mayor Gomez opened the public hearing at 7:01 p.m.

The following spoke in favor of the item:

- Arthur Wood, 940 Chestnut Street.
- Robert Vezzuso, 941 Chestnut Street.
- Jesus Vidro, 901 Chestnut Street.

Mayor Gomez closed the public hearing at 7:05 p.m.

Moved by Mayor Gomez, seconded by Councilmember Medrano, and CARRIED UNANIMOUSLY (5-0) TO APPROVE AND ADOPT **RESOLUTION NO. 5914** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING GENERAL PLAN AMENDMENT 19-02 CHANGING THE LAND USE DESIGNATION FROM MEDIUM DENSITY (9-14 UNITS/AC) TO LOW DENSITY (0-8 UNITS/AC) FOR THE PROPERTIES LOCATED AT 900, 901, 940, 941, 960, AND 961 NORTH CHESTNUT STREET.

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

B. CITY COUNCIL & LA HABRA UTILITY AUTHORITY:

1. Duly noticed public hearing to consider receiving and filing the City's Public Health Goals Report for 2019 in accordance with provisions of the California Health and Safety Code.

Public Works Director Saykali presented the staff report.

Council/Authority discussion included: verification that the City of La Habra's water was safe for consumption; confirmation that potential State of California or Environmental Protection Agency (EPA) mandated threshold changes would not impact City water since it was already treated at the highest technology levels; confirmation that bottled water was controlled by the Food and Drug Administration (FDA) and had lower testing standards; explained that La Habra's treated sewer water replenished the City of Anaheim's ground water which was separate from the City of La Habra's ground water source; and a reminder to the community to store water for emergency preparedness purposes.

Mayor/Chair Gomez opened the public hearing at 7:12 p.m.

Attorney Armand Ayuzi stated he was representing his clients. Mayor/Chair Gomez clarified that the current subject matter was water related and that Mr. Ayuzi would need to speak during the applicable agenda item.

Mayor/Chair Gomez closed the public hearing at 7:14 p.m.

Moved by Mayor Pro Tem/Vice Chair Beamish, seconded by Councilmember/Director Medrano, and CARRIED UNANIMOUSLY (5-0) TO APPROVE RECEIVE AND FILE THE CITY'S PUBLIC HEALTH GOALS REPORT FOR 2019 IN ACCORDANCE WITH PROVISIONS OF THE CALIFORNIA HEALTH AND SAFETY CODE.

Said motion CARRIED by the following roll call vote:

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

VI. CONSIDERATION ITEMS:

A. CITY COUNCIL:

1. Consider the Cannabis Dispensaries Medical Delivery Only Facilities Status Update Report, and provide staff with direction on whether to develop an Ordinance for Planning Commission consideration to allow for such operations within the City of La Habra.

Mayor Pro Tem Beamish confirmed that all Councilmembers received the email for this item that was submitted at the dais.

Community and Economic Development Deputy Director Jaramillo presented the staff report. He noted that the State of California allowed delivery of cannabis products to a physical address. He added that delivery of cannabis products was not allowed to the following places: publicly owned land, land leased by a public agency, a school providing instruction from kindergarten through 12th grade, daycare centers, or youth centers.

Council discussion included: confirmation that retail cannabis deliveries were already occurring in La Habra and that staff did not know their locations; clarification that an ordinance would allow for the operation of cannabis dispensary warehouse(s) in La Habra; modification of the ordinance to allow for non-store front retail licenses; explanation of the Weedmaps application and its function; confirmation that the proposed cannabis dispensary medical only delivery facility (facility) would strictly function in a delivery capacity; verification that the closest cannabis facility was located in the City of Hesperia, which had six operations in place; clarification that the City of Cudahy had approved ordinances for such businesses, but were tied to other types of operations, and to date none had cleared the Los Angeles County Fire Department for operation; potential for legal cannabis operations to decrease the number of illegal operations; the possibility for legal cannabis operations to be taken over by the criminal element; revenue to be realized by the City of La Habra from cannabis distribution centers; limit sales for adult use and decrease the number of non-storefront licenses from four to two; clarification that the State of California allowed individuals to grow cannabis plants in their homes; and the availability for individuals to use the synthetic drug Merinol through a prescription as an alternative to cannabis.

Mayor Gomez invited the public to testify at 7:22 p.m.

Attorney Dana Cisneros, from the Cannabis Corporate Law Firm, representing Canna America Distribution, LLC, encouraged Council to consider recreational deliveries of cannabis products for veterans and for extremely ill people. She spoke regarding a potential lawsuit against Weedmaps due to unregulated, unlicensed, and illegal cannabis dispensaries that pay a large monthly fee to be on their application. She clarified that there is a threat to public health with the illegal dispensaries delivering unregulated and untested cannabis products. She spoke in support of Council directing staff to proceed with an ordinance.

Mayor Gomez closed public testimony at 7:26 p.m.

Acting Police Chief Capelletti confirmed the following regarding illegal cannabis dispensaries: the statement made by Attorney Cisneros regarding the number of them on Weedmaps was somewhat accurate; La Habra Police Department had shut them down in La Habra using a tactical plan; that they were a threat to public safety; they were usually located in industrial/business areas; and that federal law still considered cannabis an illegal substance.

Moved by Mayor Pro Tem Beamish, seconded by Councilmember Shaw, and CARRIED (3-2) TO APPROVE TO RECEIVE AND FILE THE CANNABIS DISPENSARIES MEDICAL DELIVERY ONLY FACILITIES STATUS UPDATE REPORT AND DIRECT STAFF TO DEVELOP AN ORDINANCE, FOR ADULT USAGE AND WITH A LIMIT OF TWO LICENSES, FOR PLANNING COMMISSION CONSIDERATION TO ALLOW FOR SUCH OPERATION WITHIN THE CITY OF LA HABRA.

Said motion CARRIED by the following roll call vote:

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

VII. MAYOR'S COMMUNITY CALENDAR:

Mayor/Chair Gomez made the following announcements:

- La Habra Police Department's "National Night Out" - Tuesday, August 6, starting at 5:30 p.m. at Portola Park.
- "Summer Concert Series" – Thursday, August 15, at 6:30 p.m. in Portola Park featuring "Jumping Jack Flash," a Rolling Stones Tribute Band.
- La Habra Children's Museum's "Night at the Museum" - Saturday, October 19, at 6:00 p.m. fundraiser to benefit the La Habra Children's Museum.

VIII. COMMENTS FROM STAFF:

City Manager Sadro congratulated the La Habra Host Lions Club on another successful Corn Festival. He thanked City staff who worked with the Lions Club on the logistics for the Corn Festival parade and three-day festival.

IX. COMMENTS FROM COUNCILMEMBERS/DIRECTORS:

Mayor/Chair Gomez requested to adjourn the meeting in memory of Ronnie Martinez, and the victims of the El Paso, Texas, Dayton, Ohio, and Gilroy, California shootings. He stated that he attended the Corn Festival and thanked Police Captain Capelletti, the La Habra Police Department, and the Los Angeles County Fire Department for keeping the community safe. He thanked Planning Manager Ramsland, who was also Chairman of the La Habra Host Lions Club (LHHLC) for organizing the event and helping the community. He thanked City staff, the Public Works staff, and the Community Services staff for their contribution to the Corn Festival. He reported that he attended the 2019 La Habra Chamber of Commerce Annual Community Awards Installation and Luncheon held at the Westridge Golf Club on July 25, 2019.

Councilmember/Director Medrano stated that he attended the Corn Festival. He thanked Planning Manager Ramsland, who was also Chairman of the La Habra Host Lions Club (LHHLC) and City staff for organizing the event. He thanked Robin Demaro who drove his family in the parade. He thanked the Orange County Sheriff's Department Explorers, the Westminster Police

Department Explorers, the La Habra Police Department Explorers, the La Habra Police Department, and the Los Angeles County Fire Department for keeping the community safe

Councilmember/Director Shaw stated that he attended the Corn Festival. He reported that he attended the 2019 La Habra Chamber of Commerce Annual Community Awards Installation and Luncheon held at the Westridge Golf Club. He recognized outgoing Chairman of the La Habra Chamber of Commerce Doug Guimond, incoming Chairman Mark Sanders, and the recipient of the George Rochester Award, La Habra City Manager Jim Sadro. Councilmember/Director Shaw noted that to the best of his knowledge the only city allowing storefront cannabis dispensaries was the City of Santa Ana.

Councilmember/Director Shaw motioned TO HAVE STAFF PREPARE AN ORDINANCE, FOR A FUTURE AGENDA, TO ALLOW STOREFRONT CANNABIS SALES IN LA HABRA. There was no second so the motion failed.

Mayor Pro Tem/Vice Chair Beamish stated that he attended the Corn Festival and thanked everyone who organized the event and who kept the community safe. He noted that since the City received unbudgeted revenue from the first quarter of operations for Canna America Distribution, LLC that he would like to restore some of the \$31,100 in cuts previously made by Council to the Fiscal Year 2019-2020 Municipal Budget. He motioned to place on a future agenda to restore the Planning Commission and Community Services Commission stipends of \$5,100; the La Habra Chamber of Commerce of \$5,000; the water costs of \$5,000, and the special events of \$2,000 for a total of \$17,100, and Councilmember/Director Medrano agreed.

Councilmember/Director Espinoza reported that she attended the 2019 La Habra Chamber of Commerce Annual Community Awards Installation and Luncheon held at the Westridge Golf Club. She congratulated those who are on the La Habra Chamber of Commerce Board and to City Manager Sadro on receiving the George Rochester award. She stated that she attended the Corn Festival. She thanked the following for their hard work organizing and working at the Corn Festival: the La Habra Host Lions Club, La Habra Police Department, Los Angeles County Fire Department, the Community Services Department, and the Public Works Department.

X. ADJOURNMENT: Mayor/Chair Gomez adjourned the City Council meeting in memory of Ronnie Martinez, and the victims of the El Paso, Texas; Dayton, Ohio; and Gilroy, California shootings at 7:54 p.m. to Monday, August 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. The La Habra Utility Authority meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Laurie Swindell, CMC
City Clerk/Secretary