

CITY OF LA HABRA HEIGHTS

MINUTES OF A REGULAR MEETING OF THE LA HABRA HEIGHTS CITY COUNCIL

FEBRUARY 13, 2003

CLOSED SESSION

Since the Council finds (based on advice from legal counsel) that discussion in open session will prejudice the position of the local agency in litigation, the meeting was adjourned to a closed session at 6:00 p.m. and reconvened at 7:33 p.m.

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation

City Attorney Colantuono reported that on the Anticipated Litigation item, no action was taken that needed reporting.

- Initiation of Litigation
One case

City Attorney Colantuono reported that, at his request, the Council added to the Agenda by unanimous vote a status report on six petitions that have been filed by cities around Los Angeles County seeking to overturn the terms of a Storm Water permit issued by the Los Angeles Regional Water Quality Control Board. This permit covers our city and included an unfunded mandate to clean up the water that eventually flows to the ocean. He noted that he felt that the terms are more expensive and less practical than they should be. Mr. Colantuono stated that La Habra Heights is named as a real party in suits filed. He provided the Council with a status report and he will provide the Council with another status report next month as more is known.

The City Attorney reported that the Litigation case asked for a cure of asserted Brown Act violations by the Planning Commission in their consideration of the General Plan.

City Attorney Colantuono explained that the General Plan Advisory Committee Draft General Plan had several hundred policies in it. The City Staff asked the Planning Commission to indicate in writing on each policy whether they supported the policy, supported the substance of the policy or felt it needed more discussion. The purpose of Staff for this questionnaire was in making their staff reports and to assist the Commission in focusing their discussion on the topics that bear discussion. The City Attorney noted that a member of the public

became aware of the summary of the questionnaire and asked for a copy of it. Since it is a public record the person was allowed to have a copy. The City Attorney felt that it was not fair if the Commission members did not have a copy as the Commission receives Public Comment on the policies. City Attorney Colantuono explained that in his judgement this was not a violation of the Brown Act as:

- a. They were tentative views.
- b. All of the items were subject to discussion.
- c. The hearing process has been lengthy, detailed and there has been ample opportunity for the public to comment.

He stated that there would still be more Public Hearings. The City Attorney met with the Attorney retained by the resident asserting violations of the Brown Act. Mr. Colantuono explained that he wrote a detailed letter to the resident's Attorney agreeing to cure the asserted violations without admitting to the violations in an effort to avoid litigation, to respect the spirit of the Brown Act and keep the Community focused on the real issues and not on procedural disputes. He stated that his letter was not acceptable to the claimant. After telling the City Council what had happened, the Council has authorized the City Attorney to tell the claimant that no further effort will be made by the City to cure these alleged Brown Act violations and if the claimant wishes to start litigation to go ahead.

OPENING CEREMONIES

1. CALL MEETING TO ORDER

A regular meeting of the La Habra Heights City Council was called to order by Mayor Millsap at 7:33 p.m. on Thursday February 13, 2003, at the Community Center, 1245 Hacienda Road, La Habra Heights.

2. ROLL CALL

Members present were: Mayor Millsap, Mayor Pro-Tem Borrowe, Councilmembers Carroll, Engelhardt and Klein. Also present were City Manager Hendrickson, City Attorney Colantuono, Senior Management Analyst Orchanian, Planning Director Brady, Deputy City Engineer Lang, Fire Chief Nielsen and Administrative Accountant Vernon.

3. FLAG SALUTE

Kathy Sauble led the flag salute.

4. PRESENTATION

Kathy Sauble, Emergency Preparedness Committee Chairperson, reported that on February 26 and March 5, 2003 at 6:00 p.m. in the Fire Training Room, the Emergency Preparedness Committee will conduct two 4-hour classes on CPR and First Aid. She asked those that are interested to sign up for the classes. She also reported that the Emergency Preparedness Committee would have an information booth at the coming Avocado Festival in May. Kathy Sauble stated that the cost for the two classes would be \$7.50.

Fire Chief Nielsen explained that anyone interested can call him or Kathy Sauble.

PUBLIC COMMENTS ON MATTERS ON THE AGENDA AND NOT ON THE AGENDA

David Wilkin spoke on behalf of the Volunteers on Patrol. He spoke to recruit VOPs. The academy will start on March 4, 2003. The training period will be 12 weeks.

Katie Martin spoke of her disappointment and concern over Brown Act violations. She urged that the City Council remove Bruce Douglas from the Planning Commission.

The Mayor Pro Tem declared that her accusations were very costly to the City and that her charges are political and she has discouraged people from volunteering. He felt that her charges were unfounded.

Councilmember Engelhardt stated that Ms. Martin had said that Interim City Manager Diaz and City Manager Hendrickson either were misinformed or lied to her.

Katie Martin agreed that this was her belief and her attorney agreed that there had been violations of the Brown Act.

Norm Zezula, noted that Linda Smith had mentioned the arguing in the City. He stated that the ones accusing others and casting slurs on them were the ones that were backing Linda Smith and Ginger Skinner. They have not denounced their supporters for their accusations and slurs.

Bob Karman spoke of those that say one thing, but do something different and causing division, as hypocrites.

FINANCIAL MATTERS

5. APPROVAL OF WARRANTS

Councilmember Engelhardt explained that the Attorneys bill for January was \$18,000. She felt that the Brown Act accusations caused a lot of this. Therefore, the people generating this are spending their neighbors tax money.

The January warrants in the amount of \$289,474.09 were approved unanimously.

6. TREASURER'S REPORT – December 31, 2002

The Treasurer's report consisted of:

- Schedule of Cash & Investments
- Schedule of LAIF Investments
- Cash with Fiscal Agent – Bank of New York
- Payments to RKA Civil Engineers
- Payments to City Attorney
- Major Planning Projects
- Balance Sheet
- Monthly & Year-to-Date Revenues Compared to Annual Budget
- Monthly & Year-to-Date Expenses Compared to Annual Budget

There being no objection, the Treasurer's Report was deemed received and filed.

7. FISCAL YEAR 2001-02 ANNUAL AUDIT

A presentation by Audit Partner Rich Kikuchi; Lance, Soll, & Lunghard, regarding the FY 2001-02 independent audit.

Mr. Kikuchi noted that it was a good audit. The General Fund increased by around \$360,000 for the 12 months ending June 30, 2002. The balance was around \$1,953,000. The expenditures went down approximately \$100,000.

Commissioner Engelhardt asked what the balance was for the District 2 and 3 of the road funds.

Mr. Kikuchi answered that the balance on District 2 is \$692,331 and the balance on District 3 is \$251,814 as of June 30, 2002.

Commissioner Engelhardt asked how the City was doing on the Fire Fund.

Mr. Kikuchi answered that the Fire Fund balance was about \$794,975 and the money put away for the fire station has a balance of \$85,000. He explained that the general condition of the City finances is healthy.

A motion was offered to accept the Audit report by Councilmember Engelhardt, seconded by Councilmember Carroll.

8. FISCAL YEAR 2002-03 MID-YEAR BUDGET REVIEW

A presentation by the Administrative Accountant, comparing budget and actual revenues and expenditures for July 2002 through December 2002.

Freddie Vernon, Administrative Accountant reported on the 2002-03 mid year budget. Mr. Vernon explained that the State of California faces a large deficit. We are in danger of losing the Vehicle License Fee. In order to offset this potential loss, we may have to cut some of our expenditures as the GENERAL FUND will decrease in revenues about \$100,000. Increases in revenues in Unsecured Property Taxes, in Resource Extraction Tax, in Building Permits, in Other Building Permits such as Electrical and Plumbing, and an increase in YEP Park Grant along with the cut of a few planned expenditures will offset the \$100,000 VLF. This will cause the GENERAL FUND to increase slightly this fiscal year.

Mr. Vernon also noted that he expected the GENERAL FUND revenues to decrease in Grading Permits, Traffic Fines, as well as Vehicle License Fees.

The Mayor asked the Administrative Accountant if he had looked into the Traffic Citations.

The Administrative Accountant stated that he was still looking into the matter.

City Manager Hendrickson explained that there was a difference in the number of Traffic Citations and what is reported as filings in court.

Mr. Vernon noted that SPECIAL REVENUE FUNDS are projected to be \$71,606 less than budgeted. This includes a decrease in fire fund revenues, a decrease in Supplemental Law Revenues and Cleep revenues.

Total CAPITAL PROJECTS/AGENCY FUNDS revenues are expected to be \$16,780 more than budgeted.

ACTUAL EXPENSES vs. PROPOSED (BUDGETED) EXPENSES

The Administrative Accountant noted that General Fund expenses are anticipated to be \$118,304 less than the proposed expenses. This consists of a decrease in Employee Wages (City Clerk Department), Canyon Fly Research (General Services Department), Building Improvements (General Services Department), Engineering Fees (Public Works Department), and Weed Abatement Services (Weed Abatement Department).

SPECIAL REVENUE FUNDS

Special Revenue expenses are \$134,766 less than the proposed expenses. There will be a decrease in Air Quality Expenses, Dial-a-Ride Expenses (PROP

C Funds), and Decrease in Equipment Replacement Expenses (Fire Department) (The City does not think they will receive FEMA funds.)

SUPPLEMENTAL LAW FUND

There is a decrease in Supplemental Law Enforcement expenses.

BICYCLE & PEDESTRIAN – TDA ARTICLE III

An increase in Professional Services. (Funds are in danger of lapsing if not used)

CALIFORNIA LAW ENFORCEMENT EQUIPMENT (CLEEP)

A decrease in CLEEP expenses.

CAPITAL PROJECTS/AGENCY FUNDS

No major variances over \$10,000 to report for these funds.

Mr. Vernon concluded that The City should not suffer an adverse financial impact from the State's budget cutbacks this fiscal year.

Mayor Pro Tem Borrowe thanked the Administrative Accountant for his hard work and conservative approach. He stated that next year will be more difficult and the City should have a contingency plan ready.

A motion was offered by Councilmember Carroll to receive and file the Fiscal Year 2002-03 Mid-Year Budget Review, seconded by Mayor Pro Tem Borrowe and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap
NOES: None
ABSENT: None

STANDARD MOTIONS

9. APPROVAL OF MINUTES: Minutes of a Regular Meeting of the City Council Meeting of March 8, 2001.

Mayor Millsap explained that the only Councilmembers present at the March 8, 2001 meeting were Engelhardt and Klein.

Councilmember Klein moved to approve the minutes as presented, seconded by Councilmember Engelhardt and approved as follows:

AYES: Engelhardt and Klein
NOES: None
ABSENT: None

CONSENT CALENDAR

10. It is recommended that Items 10a. through 10e. be acted upon simultaneously by one motion of the City Council unless separate discussion and/or action is requested by a Councilmember or a member of the audience.

Councilmember Carroll asked to have 10b pulled for consideration.

Councilmember Engelhardt asked if, on 10d, Mr. McDermott had been asked if he wanted to continue in that position.

City Manager Hendrickson answered that Mr. McDermott had been asked and he answered in the affirmative.

Councilmember Klein offered a motion to approve all of the Consent Calendar except 10b, seconded by Mayor Pro Tem Borrowe and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap
NOES: None
ABSENT: None

CONSENT CALENDAR

- 10a. TWO (2) WEED ABATEMENT RESOLUTIONS FOR THE CITY'S IMPROVED AND UNIMPROVED PARCELS.

RESOLUTION NO. 03-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF IMPROVED, DEVELOPED AND OTHER PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING IT'S INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

Consideration of a Resolution starting the 2003 weed abatement cycle for improved lands. The program is conducted by the City.

and

RESOLUTION NO. 03-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING IT'S INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

Consideration of a Resolution starting the 2003 weed abatement cycle for unimproved lands in the City. The program is conducted by the City.

RECOMMENDATION: Adopt resolutions.

10c. DEPARTMENT OF CONSERVATION RECYCLING FUND

Consideration of participating in the State Department of Conservation Fiscal Year 2003-2004 recycling funding program in the amount of \$5,000.00 and adopt resolution.

RECOMMENDATION: Authorize participation and adopt resolution by title only, and waive further reading.

RESOLUTION NO. 03-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS TO SUBMIT A FUNDING REQUEST FOR A RECYCLING GRANT.

10d. APPOINTMENT TO THE PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY – ADVISORY COMMITTEE

Mr. William McDermott has served on the Authority's Citizens Technical Advisory Committee since February 1999 and his current term will expire at the end of February 2003.

RECOMMENDATION: Approve appointment.

10e. HEIGHTS CHRISTIAN SCHOOL PROJECT

Status report for Heights Christian School

CONSENT CALENDAR – Continued (Separate discussion item)

10b. LA HABRA HIGH SCHOOL CLASS OF 2003 GRAD NITE

Consideration of donating \$300.00 to La Habra High School Grad Nite to assist with scholarships for students unable to pay the full ticket cost and also to help with transportation costs.

Linda Donnis, Grad Nite Committee Chairperson, will give a brief presentation.

RECOMMENDATION: Approve donation of \$300.00.

Sue Epperly gave a presentation on the La Habra High School Class of 2003 Grad Night. Ms. Epperly reported that this is the 14th year for Grad Nite. This year 455 students are graduating. She thanked the City of La Habra Heights for considering helping financially. La Habra High can also use volunteer help for the project.

Councilmember Engelhardt offered a motion to donate \$300 for La Habra High School Grad Nite, seconded by Councilmember Carroll.

Councilmember Klein offered an amendment to raise the donation to \$400, seconded by Councilmember Carroll and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap

NOES: None

ABSENT: None

PUBLIC HEARINGS

None

OLD BUSINESS

11. WORKER'S COMPENSATION COVERAGE

Consideration to change Worker's Compensation coverage from State Compensation Insurance Fund to California Joint Powers Insurance Fund.

(Continued from the January 9, 2003 Council Meeting)

RECOMMENDATION: Approve change.

City Manager Hendrickson reported on the Worker's Compensation Coverage. He said that there were no private insurance agencies that offered good coverage. Some agencies did not answer his request. He did not find any other City that had private coverage. Mr. Hendrickson provided information to the City Council on both the California Joint Powers Insurance Authority and the State fund as to how they figured our cost. He stated that by changing to the CJPIA the City would realize savings of \$10,021 in 2002-03, and \$31,497 savings in 2003-04. This will save the City approximately \$100,000 in premiums to 2006.

The City Manager explained how premiums are determined by the CJPIA. He noted that the City is rated on it's claims experience.

Councilmember Carroll noted that the memo from June 26, 2002 speaks of the existing policy, which requires a six (6) month notice if the City intends to withdraw from CJPIA. On the back of the memo it mentions the possibility of revision to a withdrawal notice of three (3) months. Mr. Carroll asked if the City Manager knew if this proposal had been adopted.

City Manager Hendrickson answered that he did not know.

City Manager Hendrickson explained that the CJPIA had looked at the City's seven (7) year history of claims.

Councilmember Klein stated that it looked good to him, but it would be very important to have a good safety program and a good rehabilitation program.

Councilmember Engelhardt asked if the figures covered all of the employees, not just the Fire Department.

The City Manager answered in the affirmative.

Councilmember Engelhardt also asked what we would be paying this year.

The City Manager stated that the expected raise for the State Fund would cost about \$70,000. If they switch to CJPIA it should come closer to \$60,000.

A motion was offered by Councilmember Carroll to authorize the City's Workers Compensation transfer to CJPIA and to authorize the Mayor or City Manager to sign the appropriate documents, seconded by Councilmember Klein and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap
NOES: None
ABSENT: None

OLD BUSINESS - Continued

12. THE PARK TOT-LOT GROUND COVER/SURFACING

Review of item from December 12, 2002 Council meeting. Consideration to authorize Staff to solicit bids for installation of ground cover.

RECOMMENDATION: Authorize Staff to proceed with the bid process.

Senior Management Analyst Orchanian presented an update on the Tot-Lot ground cover. She stated that Staff conducted research by contacting several Cities who have used the Pour-in-place/rubberized material. They are Brea, Huntington Beach, La Mirada, Long Beach and Cerritos. Brea and Huntington Beach have had their same surface for 10 years, Cerritos for 13. Maintenance is minimal. JPIA would not recommend a specific material, but stated that it was essential to install an ADA accessible ground cover meeting today's standards. The Parks and Recreation Commission unanimously approved the pour-in-place/rubberized ground cover. The cost is estimated at \$15,000-\$25,000. The City will pay for the project with the Per Capita and the Roberti-Z-Berg grant. Since the estimated costs are higher than what was budgeted, the City may postpone such projects as connecting the waterlines to the stage restrooms and placing a new water trough for the horses. The ground cover should have priority as it involves a safety issue for children. She stated that she hopes to have this project done in time for the Avocado Festival, (May 17, 2003) or, if not by then, by June 30, 2003.

Ms. Orchanian supplied the City Council with cost and maintenance comparisons of wood-chips and pour-in-place material. The pour-in-place decided on is usually warranted for 2-3 years, but lasts about 10 years. The wood chips are more costly to maintain.

The cost will be divided between the two above-mentioned grants.

City Manager Hendrickson stated that the amount budgeted for ground cover was \$15,000 and he estimates with rising prices, it will cost between \$18,000 and \$20,000. There have been some items come in less than actually budgeted, so they should be able to cover the difference in the price increase on this.

The Senior Management Analyst explained that there was not room for negotiation but they still would go out for bids on the ground cover.

Councilmember Carroll stated that he had talked to one ground cover provider who told him that the safest ground cover was wood chips and also stated that the pour-in-place caused more injuries. The provider did say that it was tested from a six-foot high fall.

The Senior Management Analyst said that she would have to do some research on this as it was contradictory to the information she had obtained.

Councilmember Klein offered a motion to allow Staff to proceed with the bid process for the pour-in-place with the caveat that Staff investigate the provider's assertion that the pour-in-place was more dangerous and find if this was just an opinion or if this was a study and should be looked into, seconded by Councilmember Carroll.

Lieutenant Ault explained that there was also a danger of someone placing something in the ground cover that could injure a child and suggested need for a light color so a foreign object could be seen more easily.

Fire Chief Nielsen said he was only concerned with the children's safety and also noted that the Amusement Parks used the pour-in-place.

The motion was approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap

NOES: None

ABSENT: None

Mayor Millsap directed the Senior Management Analyst to report what she finds on the subject at the next meeting.

13. ORDINANCE NO. 253 - AN ORDINANCE OF THE CITY OF LA HABRA HEIGHTS AMENDING CHAPTER 4 OF ARTICLE V OF THE LA HABRA HEIGHTS MUNICIPAL CODE RELATING TO SOLID WASTE MANAGEMENT.

Second reading of Ordinance No. 253 amending the Integrated Waste Management Ordinance of the City Codes, in order to comply with State requirements to meet mandates of AB939.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 253 with amendments.

City Manager Hendrickson reported that both representatives from the two major haulers in the Community are at the meeting tonight. There are a few amendments that will help us to meet the State goals and the agreement we have with the two collection companies. We are working on a non-exclusive permit agreement. It also addresses the number and type of containers. He stated that he feels that the amendments that have been made will help the City put the ordinance in the place we need to have it. He stated that some have suggested approaching the Waste Management Board to ask for their help to develop a program that handles "Composting on Site". Mr. Hendrickson explained that the City will proceed with implementing the structured timeline which is comprised of four phases starting in January 2003 and stretching to January 2005.

Mayor Millsap asked if the 64-gallon containers mentioned in Phase II was going to happen regardless of if the City made its goal.

The City Manager answered that this would happen. It is part of our agreement. The type of container is up to the hauler. This is speaking of containers for green waste.

Mayor Pro Tem Borrowe explained that it is very important to have an inventory of how much does not leave the site, such as chipping, mulching and composting. The state needs to know this.

Councilmember Klein noted that at weed abatement time, weeds are cut down and left on the ground. Also, some tree trimming is used in fireplaces if the pieces are large enough. Mr. Klein suggested that fees and permits be low so it is not a burden. He asked if horse manure could be credited.

City Attorney Colantuono said that there was a program in Los Angeles that covers horse manure.

Ray Anderson, Vice President of Waste Management in Los Angeles gave a short history of Waste Management. He noted that two years ago Waste Management instituted a green waste diversion program and this has resulted in an additional 50 tons a month of diversion. They also completed a third party diversion study at Hacienda Country Club that identified the kind of programs that they have in place. That identified another 150 tons per month of diversion that can be counted as part of our report to the State.

Mr. Anderson passed out folders to the City Council and Staff explaining programs that increase diversion coming out of residential communities. Waste Management supports the adoption of the proposed Ordinance.

Councilmember Carroll asked, if a resident places his green waste into black plastic bags, does that pose a problem.

Mr. Anderson stated that green waste is easily contaminated and it is actually better to place the green waste into the containers without placing it into a plastic bag first.

Councilmember Engelhardt asked if it was possible to make people pay more if they have over a certain number of cans.

Mr. Anderson stated that in some communities they do have varying rates for services.

The City Council discussed the problems involved in getting credit for green waste that stays on the property instead of becoming part of the waste stream.

John Beliakoff, Haul-Away- Rubbish Services, stated that he lives on El Travia so he is very familiar with our City. He stated that his company is going to add another day for green waste collection in the city. He explained that the cities that have a higher diversion rate have more commercial businesses that contribute to it. They anticipate that the added day will bring another 15% of

green waste. Mr. Beliakoff stated that he approved the adoption of the ordinance with amendments. Mr. Beliakoff explained that if the green waste is contaminated the City will not get credit for that green waste. A red can is provided for recyclables.

The City Attorney encouraged the City Council to adopt the Ordinance tonight as it is amended, but not to go into too much detail. The detail can be in the haulers' contract.

Councilmember Carroll asked to have 5413a explained. He stated that it sounds to him like he would have to have a permit to take recyclables to the Ecology center.

City Attorney Colantuono explained that taking aluminum cans to a recycling place does not require a permit. This is only when taking them to the dump. City Attorney Colantuono suggested adding "as waste" to 5413-1a, after the word "disposes" in the first line. Mr. Colantuono explained that this minor change would not cause a renewed first reading, but would allow the City Council to adopt the Ordinance tonight.

Mr. Colantuono confirmed Mayor Pro Tem Borrowe's question that adopting the Ordinance does not mean we are going right to Phase IV. It will just be a step at a time.

Councilmember Klein explained that he was not in favor of long contacts.

Councilmember Engelhardt offered a motion to adopt Ordinance No. 253 and the friendly amendment noted by City Attorney Colantuono, seconded by Councilmember Klein and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap
NOES: None
ABSENT: None

The City Manager thanked the two waste haulers and stated that with their help and the City Attorney's the City will meet the State's requirements.

NEW BUSINESS

14. CITY HALL, AMERICAN DISABILITIES ACT (ADA) DOOR CDBG PROJECT

Consider authorizing Staff to proceed in obtaining bids for project.

RECOMMENDATION: Proceed with bid process.

Senior Management Analyst reported that Staff wants to replace the side door of City Hall with double doors in the front where the windows are. These doors will be ADA approved. The doors into the multipurpose room will have a push button to open the doors for ADA requirements. The Planning Department and Fire Department's doors will be made ADA approved. The counter will be modified to make it ADA accessible for handicapped persons. The full amount of the CDBG grant funds of \$37,364 will be used for this project. Staff looks forward to completing the project before June 30, 2003. All doors will be secured.

City Attorney Colantuono stated that if the bids exceed the grant funds total, the City Council would have the option to identify additional funding or to request Staff to process a negative change order to scale down the project.

Councilmember Carroll offered a motion to proceed with the bid process, seconded by Councilmember Klein and approved as follows:

AYES: Borrowe, Carroll, Engelhardt, Klein and Millsap
NOES: None
ABSENT: None

ADMINISTRATIVE REPORTS

15. CITY MANAGER'S REPORT

City Manager Hendrickson explained that it bothered him that Interim Manager Diaz and he were referred to as liars. He stated that he did not respond to any complaints or questions without consulting the City Attorneys office. He wanted people to know that they will get a straight answer if they come to him with a question. He noted that as he remembers, the question was not about the whole General Plan Advisory Committee, but about the sub-committees.

16. CITY ATTORNEY'S REPORT

No report

17. PLANNING DIRECTOR'S REPORT

Planning Director Brady reported that the Planning Commission has completed the initial review of the General Plan. The Planning Commission is now ready to review the final version of the Draft General Plan. The Public Testimony will begin on Tuesday, February 18 and Wednesday, February 19. The Planning Commission will begin deliberation on Monday, February 24 and conclude on Thursday, March 6. On Monday, March 10 the Planning Commission will be taking Public Testimony on the General Plan Environmental Impact Report. Then the Planning Commission will deliberate on the Environmental Impact Report on Tuesday, March 11 and also consider a Draft Planning Commission

Resolution with recommendations to the City Council. Basically, the General Plan process before the Planning Commission will conclude on Tuesday, March 18 with the Planning Commission adopting the Resolution to be forwarded to the City Council. Staff anticipates that the Draft General Plan and Environmental Impact Report will be before the City Council in late April or early May.

18. CITY ENGINEER'S REPORT

The City Engineer reported on the problems the City had during the last rain. There were power outages, trees down, mudslides, and plugged drains. There are a few more drains that need cleaning out. There were traffic signals that were out. There was a power pole almost down and some that did not look good. He reminded everyone that when a traffic signal is out, it should be considered as a four way stop.

Councilmember Carroll asked what the status was of the property at Cypress and Dorothea Road.

The City Engineer explained that a stop order had been issued because their grading exceeded their plan by a considerable amount. The Engineering Department is also checking to see if all the proper permits have been issued for the amount of grading that took place.

City Manager Hendrickson stated that there are back up batteries you can get for around \$2,000 per traffic signal. He stated that he would look into it and report at the next City Council meeting. He explained that he was looking into funding other than the General Fund.

19. FIRE CHIEF'S REPORT

Fire Chief Nielsen he had nothing to add to his written report unless there were questions.

Mayor Millsap asked the Fire Chief to explain why the traffic accidents were high. She noted nine (9).

Fire Chief Nielsen explained that he put the accidents in his report to get attention. There was rain that caused conditions to be more difficult. Six of the nine were by commuters. He cautioned everyone to drive carefully on La Habra City's grad night as in the last three years there were serious accidents on that night.

Fire Chief Nielsen noted that there was an academy in progress that would graduate on the 23rd of March.

Mayor Millsap asked what the ages were of the Explorers.

Fire Chief Nielsen answered that the ages were from 16-21, both males and females. Anyone interested should contact him. The Explorers meet every Wednesday from 6:00 p.m. - 8:05 p.m.

Councilmember Klein suggested that the City of La Habra Heights ask for additional Sheriff patrols on Senior Grad Night.

20. SHERIFF'S DEPARTMENT REPORT

Lieutenant Ault reported that the traffic citations have reached an all time high. She cautioned all residents to be aware of their speed. She noted that there is a seminar this Saturday at the Industry Hill Equestrian Center on Terrorism. The Sheriff's Department receives daily updates on alerts of any kind for La Habra Heights and anything of importance is supplied to the Mayor.

21. COMMISSION/COMMITTEE REPORTS

No comments.

CITY COUNCIL COMMENTS

No comments.

CONTINUED PUBLIC COMMENTS ON ITEMS ON THE AGENDA AND NOT ON THE AGENDA

Linda Smith, Candidate for City Council, read a letter from John Beau to John van Barneveld. Linda Smith, after reading the recent View Point called John Beau to express her unhappiness with particularly the "Door Bell" article, which she felt went against her theme of unity in the community. Mr. Beau stated in his letter to Mr. van Barneveld that he had received letters from other residents stating that they thought the article was silly and the space could have been used for something more important. Mr. Beau stated that he had offered to resign from Linda's campaign. He explained that Linda Smith asked him to stay on. Mr. Beau asked in his letter to Mr. van Barneveld to remove his name from the masthead of View Point prior to any further publication. Linda further explained that John Beau was helping her with her campaign because she has known him since she was young girl.

The City Manager reminded everyone that the election is on March 4, 2003. and to please vote.

ADJOURNMENT

Mayor Millsap adjourned the City Council meeting at 11:02 p.m. to the next City Council meeting on March 13, 2003

ATTEST:

CITY CLERK, JOHN HENDRICKSON