

CITY OF LA HABRA HEIGHTS

MINUTES OF A SPECIAL MEETING OF THE LA HABRA HEIGHTS

CITY COUNCIL

September 18, 2003

OPENING CEREMONIES

1. CALL MEETING TO ORDER

Mayor Stan Carroll called the Special Meeting of the La Habra Heights City Council to order at 7:10 p. m. at the Community Center, 1245 N. Hacienda Road, La Habra Heights, California.

2. ROLL CALL

Those present: Mayor Stan Carroll, Mayor Pro Tem Ed Borrowe, Councilmember Bruce Douglas, Councilmember Fred Klein, and Councilmember Tela Millsap. Also present Interim Community Development Director Sandra Massa-Lavitt, Senior Management Analyst Lara Orchanian, Planning Technician Barbara Doppieri; City Attorney Michael Colantuono and General Plan Consultant Marc Blodgett.

3. FLAG SALUTE

Judy Ennis led the flag salute.

PUBLIC COMMENTS ON MATTERS ON THE AGENDA AND NOT ON AGENDA

Ann Eaton, Hacienda Road – handed a letter to the City Council; spoke regarding what has happened to the City.

Rick Martin, Reposado – spoke regarding the value of homes in La Habra Heights; compared the average home price in La Habra Heights to La Habra; spoke regarding respect and suggested everyone watch GPAC Tape 9; spoke regarding the survey Randy Fritz did and the one Bruce Douglas did; another example of misinformation; take the time to learn the history; there is a problem.

Katie Martin, Reposado – asked the Council to do their research; double check everything that is said; clean up the misinformation.

Cecelia Borrowe, Reposado – asked everyone to set back and relax; spoke regarding the picnic on Saturday and the Dinner Dance on November 7th.

Norm Zezula, Canonita – defended Randy Fritz' survey; Council should represent the people; gave his opinion on what a Council should be; felt this was an attempt to try and destroy volunteerism.

Alan Boege, Cypress – stated he was happy with his home value; suggested the Martins move.

SCHEDULED MATTERS

4. CITY MANAGER ARTICLE – CITY NEWSLETTER

Ms. Orchanian presented the staff report stating before the City Council is the letter prepared by the City Manager responding to the letter regarding the Brown Act; it is before the City Council for review and comment.

Mayor Carroll opened the public comment.

Katie Martin, Reposado – felt this was a political flyer; asked that the DAs response be published as well.

Rick Martin, Reposado – asked the City Council to publish any response they get from the District Attorney.

Norm Zezula, Canonita – **stated** the GPAC Committee and the Planning Commission worked within the City Policies; the City has a legal and moral obligation to defended those who volunteered; he did not feel any rights were violated on October 29, 2002; no rights were denied; the tapes speak for themselves.

Mayor Carroll then closed the public comment.

Councilmember Klein stated he was OK for this to be published in the Top of the Heights.

Mayor Carroll stated there were some typos and he felt it was too wordy and long; wanted to let the matter drop.

Mayor Pro Tem Borrowe disagreed; this is the least that should be done; many volunteers' work so hard to get to this point.

Mayor Carroll felt this would perpetuate the conflict.

Mayor Pro Tem Borrowe felt the Planning Commission has been challenged on what they did; we need to support them; sends a very bad message.

Councilmember Millsap felt this should go forward but it needed to be streamlined.

Councilmember Douglas stated the Martins have made it clear they will not stop; expects them to go on and on; shorten the newsletter down and keep it simple.

Councilmember Millsap stated John Hendrickson was preparing a newsletter anyway; we are long overdue for an update from the City on where we are at and this is just a part of that.

Councilmember Klein stated it was too long and wordy; the intent was to bring the Community up to speed on what happened and the City's position; not as a political retort.

Mayor Pro Tem Borrowe moved correct the technical errors and put it in the next issue of the Top of the Heights.

Mayor Carroll wanted the second to the last paragraph to be corrected.

Councilmember Douglas asked if there is an interest among the Cities to meet with the District Attorney.

Mr. Colantuono stated there is a group of senior statement who have collaborated with the District Attorney and Brown Act Training in various settings; Mr. Colantuono has asked on behalf of the League of Cities to seek a meeting with the District Attorney's Office; hopeful they will grant that request.

Councilmember Douglas seconded the motion.

Mayor Carroll asked if the Council would consider separating this out and making it a private funded flyer; felt this newsletter would cause more trouble.

Councilmember Klein stated he was comfortable with providing the Community with news of what has been going on; it is not a reply to a political flyer.

Mayor Carroll reopened the public comment.

Ann Eaton – Hacienda Road – stated the job the Council is doing is a thankless job; suggested they wait until they get a response from the DA to respond; this only adds fuel to the fire.

Mayor Carroll closed the public comment.

Councilmember Millsap stated criticism is one thing, but untruths and saying there has been criminal activity and criminal charges when no charges have been filed cross the line.

Councilmember Douglas stated the City has to stand up for the volunteers.

Councilmember Klein stated he wanted this to focus on a responding to the DAs letter; the Community needs to know.

Mayor Carroll reopened the public comment.

Lee Gire, Dorothea Road – stated neither side wants to let it die; flyer is not necessary; move on.

Mayor Carroll closed the public comment.

Ayes: 4 No: 1 Carroll

**5. APPROVAL OF MINUTES: Meetings of a special meeting of the City Council
August 28, 2003**

Councilmember Millsap asked to have Susan Chasworth name correctly spelled.

Councilmember Klein moved to approve the minutes as corrected; **seconded by Mayor-Pro Tem Borrowe**. Ayes: 5 Noes: 0.

PUBLIC HEARINGS

Mr. Colantuono suggested the City Council open the public hearing on both the EIR and the General Plan and conduct one public hearing on both items; and that you adhere to that practice until we get to the point we can closed one hearing and prepare the decision documents; he stated staff has some additional data to present and the City Council can chose at which point they will seek that report.

6. GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

7. CONTINUING COUNCIL DISCUSSION REGARDING THE GENERAL PLAN BEGINNING WITH CIRCULATION ELEMENT NUMBER 55.

Mayor Carroll opened the public hearing.

Katie Martin, Reposado - asked when did we eliminate the R/A 20,000 zone; now these lots must be disclosed as non conforming lots; spoke regarding Policy 57 in land use; suggest the Council review that tape and current state law regarding granny pads; bury it deep enough in the General Plan so we don't get caught.

Margarita McCoy, Kashlan – spoke regarding the care with which the GPAC Committee worked; order of presentation; what do we treasure and what do we want; issue statements; specific conditions; titles; requested the Council restore rationality.

John Beau, Casalero - spoke regarding GPAC Policy 42, 43, 44, 45, 46, 47, 48, 50, 51 and 55 be reviewed; Policy 59-67 dealing with water district, some of these may have merit but could all be combined into one statement; intent; the idea is to look smart; GPAC Policy 75 is a good policy; suggested adding “that cannot be remedied”.

Gene Beckman, Avocado Crest – asked the City Council to reconsider transit & Para Transit; separate them out and make them separate; dial a ride for the elderly.

Judy Ennis, Virazon – spoke regarding height of structures on ridgeline; it is not a taking to limit height and size of structures.

Rick Martin, Reposado – stated the ridgeline overlay was taken out and now applies to all ridgelines; supports a lot of the General Plan; asked when the City Council was going to discuss the economic and financial impact these policies will have.

Ann Eaton, Hacienda Road – spoke regard Mayor Pro Tem Borrowe career.

Mayor Carroll then closed the public hearing.

Circulation

Policy 55

Mayor Carroll suggested simplifying this as John Beau suggested and talk about a liaison; recommended removing the wording “water district”.

Councilmember Douglas stated it needed to be addressed.

Mayor Pro Tem Borrowe stated this was a good policy, GPAC created it and the Planning Commission agreed with it.

Mr. Colantuono stated planning alone will not generate liability; generally speaking the failure to provide public services or the decision to provide public services doesn't generate liability; in general he encouraged the City Council to frame the land use policies in light of public safety rather than liability; you cannot avoid talking about coordination of water supply issues in a valid General Plan; our decision to require fire sprinklers is a local policy decision.

Mayor Pro Tem Borrowe stated most cities in Southern California require fire sprinklers in all new construction.

Mr. Blodgett stated many cities are now requiring fire sprinklers.

Councilmember Douglas stated there is a huge cost for fire sprinklers and fire hydrants.

Mayor Carroll asked staff if they have seen any data.

Ms. Massa-Lavitt stated she hasn't looked for the data but could research it for the next meeting..

Councilmember Klein stated the volunteer Fire Department are happy with the fire sprinkler requirement; felt this is necessary.

Mayor Pro Tem Borrowe moved to accept this policy as it was written; **seconded by Councilmember Douglas**. Vote 5-0.

Policy 57

The City Council did not raise any issues with this policy.

Policy 58

The City Council did not raise any issues with this policy.

Policy 59

Mayor Pro Tem Borrowe moved to reinstate GPAC Policy 66 from page 39; motion died for lack of a second.

Councilmember Klein moved to accept this policy as it was written; **seconded by Councilmember Millsap**. Vote 4-1. No Mayor Pro Tem Borrowe.

Policy 65

Councilmember Klein moved to delete this policy; **seconded by Mayor Carroll**. Vote 3-2. Noes Borrowe and Douglas.

Policy 66

Mayor Carroll opened the public hearing.

Katie Martin, Reposado – stated it will cost around \$500 to dig up a tank and inspect it; it is not a percolation test.

John Beau, Casalero – stated last summer it cost him \$2,000-2,100 to have his system checked out.

Mr. Colantuono asked what would we do with the information when we get it.

Mayor Pro Tem Borrowe stated this demonstrates the City's interest; but who can define significant.

Mr. Colantuono stated the County has a definition of significant.

Katie Martin, Reposado – stated in some cases the buyer may take on this issue.

Ann Eaton, Hacienda Road – explained the problems she has had with her septic system.

Mayor Carroll closed the public hearing.

Councilmember Klein moved to amend the policy to read "Require inspection of existing liquid waste disposal system to determine their condition at the time of sale". **Councilmember Millsap seconded** the motion. Vote 5-0.

Policy 67

Mr. Colantuono suggested two changes to this policy; 1) The development of new homes instead of No future residential development; 2) instead of septic tanks and cess pool liquid disposal systems say lawful liquid waste disposal systems. The policy would then read “No new residential development shall be approved until soil and drainage conditions have been analyzed to assure that liquid waste disposal systems function adequately unless the development is connected to a sewer system.”

Councilmember Klein moved to approve this policy as it was amended. **Seconded by Councilmember Douglas.** Vote 5-0.

Policy 68

Mr. Colantuono suggested amending this policy to read: “If there are areas of the City in which septic systems are failing, the City shall consider implementing special assessment districts or alternative land based financing devices to finances small area sewage treatment facilities or connections to regional sewer systems upon the requests of the requisite majority of property owners at the property owners expense.”

Councilmember Klein moved to approve this policy as it was amended. **Seconded by Councilmember Millsap.** Vote 5-0.

Policy 69

Mayor Pro Tem Borrowe moved to approve this policy as it was written. **Seconded by Councilmember Douglas.** Vote 5-0.

Policy 73

Mayor Carroll moved to approve this policy as it was written. **Seconded by Councilmember Klein.** Vote 5-0.

Mayor Carroll asked for the next date that the City Council would be available to discuss the General Plan. It was the consensus of the Council to meet again October 2, 2003.

11. PUBLIC COMMENTS.

Lee Gire, Dorothea Road – stated Policy 66 makes no sense to only do it on sale of the property; spoke regarding Mayor Pro Tem Borrowe’s opinion of AQMD; spoke regarding his opinion of Mayor Pro Tem Borrowe’s inappropriate conduct.

Tom Higgs, El Cajonita – spoke regarding Policy 68.

John Beau, Casalero – stated GPAC tried to do their best; spoke regarding the Brown Act; Mayor Pro Tem Borrowe was inappropriate to personalize it; he was right about the AQMD.

Norm Zezula, Canonita – stated he appreciated Mr. Gire and Beau’s comments; Mayor Pro Tem Borrowe never accused anyone of a criminal act; move on.

Mayor Carroll stated the City Council would continue both the EIR and the General Plan discussion until October 2, 2003.

ADJOURNMENT

Councilmember Klein moved to adjourn the meeting at 10:03 p.m. to the Special City Council Meeting of October 2, 2003. **Seconded by Mayor Pro Tem Borrowe** and approved as follows:

AYES: Borrowe, Carroll, Douglas, Klein and Millsap

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

City Clerk