



AGENDA

A REGULAR MEETING OF THE LA HABRA HEIGHTS CITY COUNCIL

1245 North Hacienda Road
La Habra Heights, California

6:00 p.m. Closed Session
8:00 p.m. Regular Business

September 10, 2009

The City of La Habra Heights complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the City Clerk's office at (562) 694-6302 at least 48 hours prior to the meeting.

Materials related to any items on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection at the City Clerk's Office at 1245 N. Hacienda Road, La Habra Heights, CA 90631 during normal business hours.

PUBLIC COMMENT PROCESS

The City Council will listen to the public on any item on the agenda or item of interest that is not on the agenda. The City Council cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. If you wish to speak to the Council, please complete a Speaker's Card and present it before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Council. Should you need to provide written documentation to the City, please give the City Manager a minimum of seven (7) copies prior to the start of the meeting so the information can be distributed appropriately.

Public Comment For Items On The Agenda: Speakers will be called on in the order cards were received.

Public Comment For Items Not On The Agenda: Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation. EXISTING LITIGATION: Govt. Code § 54956.9(a) Sabrina Somma v City of La Habra Heights, et al. Case No. LASC #BC402306
- B. ANTICIPATED LITIGATION (G.C. § 54956.9(b)(3)(C)) A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City. Receipt of Claim pursuant to Tort Claims Act or other written communication from Mason & Mason threatening litigation (copy available for public inspection in City Clerk's office).
- C. ANTICIPATED LITIGATION (G.C. § 54956.9(b)(3)(C)) A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City. Receipt of Claim pursuant to Tort Claims Act or other written communication from the owners of 1310 Mayapan threatening litigation (copy available for public inspection in City Clerk's office).
- D. EXISTING LITIGATION
- G.C. § 54956.9(a) Case Name: City of La Habra Heights vs. Smith
Case #: VC 047381
- E. INITIATION OF LITIGATION
- G.C. §54956.9(c) 1870 Nabal Road

OPENING CEREMONIES

1. CALL MEETING TO ORDER
2. ROLL CALL

- 3. FLAG SALUTE

- 4. PRESENTATIONS
 - A. Mayor's Award for Community Service

- 5. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

- 6. ADMINISTRATIVE REPORTS
 - A. CITY MANAGER'S REPORT

 - B. CITY ATTORNEY'S REPORT

 - C. COMMUNITY DEVELOPMENT REPORT

Item 6 - CDD

 - D. FIRE CHIEF'S REPORT

Item 6 - Fire Dept Report

 - E. SHERIFF'S DEPARTMENT REPORT

Item 6 - Sheriff's Dept Report

OPENING CEREMONIES

CONSENT CALENDAR

It is recommended that Items 7 through 18 be acted on by one motion of the City Council unless separate discussion and/or action on an item is requested by a Council Member.

- 7. WARRANT REGISTER FOR AUGUST 2009

RECOMMENDATION: Approve.

Item 7 - Warrant Register for August 2009

8. TREASURER'S REPORT FOR AUGUST 2009

RECOMMENDATION: Approve.

Item 8 - Treasurers Report August 2009

9. CITY COUNCIL MINUTES Regular meeting of August 13, 2009

RECOMMENDATION: Approve.

Item 9 - August 13, 2009 Minutes

10. ORDINANCE 2009-__ : AN ORDINANCE OF THE CITY OF LA HABRA HEIGHTS AMENDING ARTICLE 4 OF THE MUNICIPAL CODE TO PROHIBIT THE RIDING OF SKATEBOARDS, ROLLER SKATES, ROLLER BLADES, SCOOTERS, AND BICYCLES ON ANY PUBLIC WALKWAY, PARKING LOT, AND WITHIN THE PARK GYMNASIUM, AND TO PROHIBIT MOTORCYCLES, ALL-TERRAIN VEHICLES, AND OTHER RECREATIONAL VEHICLES ON PARK TRAILS

RECOMMENDATION: Waive final reading and adopt Ordinance 2009-__.

Item 10 - Ordinance

11. AWARD OF LAS PALOMAS DRIVE STREET IMPROVEMENTS

- A. Award a contract to International Pavement Solutions, Inc. in the amount of \$317,696.06.
- B. Authorize City Manager to execute a contract agreement with International Pavement Solutions, Inc. in a form approved by the City Attorney and direct staff to proceed with the project.
- C. Authorize the City Manager, in the event the lowest bidder International Pavement Solutions, Inc. does not honor its bid, to award a contract to the second lowest bidder, Elite Bobcat Services, Inc in the amount of \$375,375.

Item 11 - Las Palomas Steet Improvement

12. STATUS REPORT ON BREAIT

RECOMMENDATION: Receive and File.

Item 12 - BreatI

13. MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT RENEWAL

- A. Approve the Municipal Law Enforcement Services Agreement with the County of Los Angeles, commencing on September 2, 2009 and expiring on June 30, 2014; and
- B. Authorize the City Manager to approve the annual Sheriff Department Deployment Survey and associated rate on behalf of the City through June 30, 2014.

Item 13 - Municipal Law Enforcement Service

14. HABITAT AUTHORITY TO PURCHASE TAX-DEFAULTED PROPERTY

RECOMMENDATION: Approve the Agreement to Purchase Los Angeles County Tax-Defaulted Property.

Item 14 - Habitat Authority to Purchas Tax Defaulted Property

15. ANNUAL REVIEW OF SUPPLEMENTAL LAW ENFORCEMENT FUNDS OR THE CITIZENS' OPTION PUBLIC SAFETY PROGRAM "COPS"

- A. Approve the acceptance and use of the COPS Funds from the State of California in the amount of \$100,000; and
- B. Approve this consolidated allocation report.

Item 15 - Annual Review of Supplemental Law Enforcement

16. PLANNING COST REPORT - JANUARY 1, 2009 TO AUGUST 2009

RECOMMENDATION: Direct the City Manager to include a review of the city's hourly rate for Planning (\$122 per hour) within the

Development Impact Fee Study to determine if the hourly rate should be increased to enable full recovery of all direct (Planning staff) and indirect (overhead, supplies, etc.) costs related to billable items.

Item 16 - Planning Cost Report

- 17. AUTHORIZE CONTRACT WITH AMAD QATTAN AS PUBLIC WORKS DIRECTOR/CITY ENGINEER (PART-TIME)

RECOMMENDATION: Authorize the City Manager to enter into a standard form professional services agreement with Amad Qattan for his services as City Engineer.

Item 17 - Agreement with Amad Qattan

- 18. PROTEST HEARING ON REPORT AND ASSESSMENT FOR WEED ABATEMENT FEES PAST DUE. NO PROTESTS RECEIVED AS OF SEPTEMBER 2, 2009 RESOLUTION 2009-__: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS CONFIRMING A REPORT OF COSTS INCURRED IN CONNECTION WITH THE CITY'S WEED ABATEMENT PROGRAM; CONFIRMING THE ASSESSMENTS AND LIENS SET FORTH IN SUCH REPORT; AND DIRECTING THAT SUCH ASSESSMENTS BE COLLECTED ON THE PROPERTY TAX ROLL

RECOMMENDATION: Adopt resolution 2009-__.

Item 18 - Weed Abatement Fee Past Due

----- **END OF CONSENT CALENDAR** -----

PUBLIC HEARING

- 19. ORDINANCE 2009-__ TO AMEND SECTIONS OF ARTICLE 7 (DEVELOPMENT CODE AND ZONING ORDINANCE), ARTICLE 8 (ADMINISTRATIVE DECISION), AND ARTICLE 12 (DEFINITIONS) OF THE MUNICIPAL CODE. (CONTINUED FROM MAY 14, 2009, JUNE 11, 2009, JUNE 22, 2009 AND AUGUST 13, 2009)

RECOMMENDATION:

Approve and waive first reading of the ordinance and continue the ordinance for final passage.

Item 19 - MC Article 7, 8, 12

Item 19 - PP Presentation

----- **END OF PUBLIC HEARING** -----

ADMINISTRATIVE ITEMS

20. REQUEST FROM COUNCIL MEMBERS WESTERHOFF AND CARROLL ON DISCONTINUING PLANNING COMMISSION ALTERNATE

Item 20 - No Agenda Report

21. REQUEST FROM COUNCILMAN WESTERHOFF AND MAYOR VIPPERMAN TO DISCUSS 1870 NABAL ROAD. SEE ATTACHMENT

RECOMMENDATION:

Direct staff to make a report to Council at the October Council meeting on 1870 Nabal Road and include the following:

- a. History of the project, especially regarding drainage.
- b. City record availability, or lack thereof, concerning this project.
- c. Any recent assessments by staff regarding the drainage issues of concerns to residents.
- d. Recourse to address any issues with this property that are available to the City.
- e. Recourse to address any issues with this property that are available to affected residents.

Item 21 - 1870 Nabal

----- **END OF PUBLIC HEARING** -----

22. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

23. CITY COUNCIL COMMENTS

24. ADJOURNMENT