

**A Community Supported Publication**

**Neighbors Suffer Under Planning Process  
Rallying to Protect Their Property Rights**



At the September 26th Planning Commission meeting, neighbors objected to a proposed Picaacho Drive 10,000 square foot, 2 story house (side view above), to be built in the setback, on a ridgeline, with concerns of fire safety, drainage, privacy & view loss, and access. This was only the 4th new house plan brought to the Commission by Staff in 9 years. All other houses have been approved over the counter.

The Commission continued the item to a future meeting after making suggestions for changes to the plans. The Planning Commission has the authority to call other projects up for review, but has not done so. In May 2013, the City lost the Morgan lawsuit for failing to follow its own laws. Superior Court Judge Lavin scolded the Council and Commission for failing to oversee the Planning Department.

The Commission and Council then undertook a series of code changes to grant Staff more discretion, weakening requirements and protections, reducing the ability of residents to participate in meetings and speeding the process for builders.

At one of the hearings on the changes, resident Bill Phelps said, "The Superior Court said Staff abused discretion. Instead of fixing our review process, which is broken, someone decides it's a good idea to give more discretion to Staff. That's good comedy but bad government."

Speaking at the September 2017 City Council meeting, resident Joyce Vanderweide called a nearby large home site prep "sickening", said "we're supposed to be against mansionization in La Habra Heights", "the hair should stand up on the back of our necks when proposals like Picaacho come across the desk.", and "It appears the City is behind people who want to build these large structures instead of protecting its long term residents."

**Home Invasion / Robbery - Kanola Road  
Sunday Night October 22nd**

"Four masked intruders tied up two La Habra Heights residents during a home-invasion robbery on Sunday night, authorities said. The robbers were armed with at least one knife when they stormed into the home and bound the two adult victims, according to the sergeant." From WDN

**Automated Defibrillator Now at City Hall**



An Automated External Defibrillator is now in the lobby of City Hall. Fire Chief Doug Graft and Deputy Chief Ron Myers have pursued grants and negotiations to fund new equipment and personnel for the Fire Department, including volunteer recruitment.

In the improving economy, volunteer firefighters and paramedics are finding paid jobs at other departments reducing the time they spend in La Habra Heights. The City of Sierra Madre recently eliminated its volunteer fire department saying in a Staff Report, "the city has only 5 volunteer Firefighters, meaning there are frequently no Firefighters on shift to respond to calls for service." At the October Council meeting, Chief Graft said he doesn't see that happening anytime soon in La Habra Heights.

**Did you know?**

The City Council voted for YOU to subsidize 43% of Building Permit Costs, over \$100,000 for FY2017.

- Yes - I approve of paying more taxes so builders & developers can get a discount on building fees
- No - I'd rather my tax dollars be spent on Roads, Public Safety, or just returned to me.

**Let your Councilmembers know what you want!**

**More Information on All Stories can be found  
at [www.LaHabraHeights.net](http://www.LaHabraHeights.net)**

**City Council Election November 7th**

After the 2015 election, the Council voted to move election day from March to November and have the County conduct the election starting in 2017. The 2015 Election included a recount and two lawsuits. City Attorney John Brown summarized at the April 2015 Council meeting, "When you're confronting an election contest that contends your city conducted a fraudulent election, that there were tampering with ballot boxes and so on you have to throw a lot of staff time but also legal resources at that, which we did."



Los Angeles Superior Court found that the City Council tried to mislead voters on the Ballot Measure "A" description regarding whether to limit high-intensity oil extraction.

The Court ruling found the City Council's description to voters was, "a misleading exercise in drafting prohibited by the Election Code" and, "The breadth of the proposed language is demonstrably "false"..."

The Ballot description language was changed. The City Attorney prefaced remarks on the Court ruling at a Council meeting stating, "No one is going to jail." City Manager Shauna Clark reported that Measure A cost the City \$124,000.

The Council cited Staff time savings and avoidance of having to deal with election related issues in voting to extend their terms by eight months to November 2017 and have Los Angeles County conduct the Election.

**Correction and Retraction Policy**

To report errors or omissions requiring correction or clarification, e-mail the editor at [LHHnet@aol.com](mailto:LHHnet@aol.com) or mail to the address on the back of this newsletter.

**Lowell Joint School District Votes on Criteria  
for Creating Voting Districts**



At their October 2, 2017 meeting, the Lowell Joint School District Board voted on criteria to create voting districts. Criteria included, "Trustee area borders shall attempt to avoid head-to-head contests between incumbent members" while complying with federal and state law. The Board voted to redraw the District Map after receiving a July lawsuit threat from Attorney Kevin Sherkman seeking to boost under-represented minorities, stating, "voting within LJSD is racially polarized, resulting in minority vote dilution." La Habra Heights currently has two residents on the Board, Darin Barber and Bill Hinz. Lowell Joint is one of the top rated school districts in the State. The Board also received reports on Student test scores. In almost all categories Lowell Joint students performed better than the averages of Los Angeles County, Orange County and the State of California.

**Water Board Doubles Pay**



The Water Board voted (Baroldi abstained) to double their per meeting pay from \$100 to \$200 and increase the number of eligible meetings up to 72 per year at their October 10th meeting. They cited lack of an increase since 1982 and bringing compensation in line with other water districts. The City Council and City Commissions and Committees receive no pay. Water Board members opined that they felt that the City Council members should be paid.

## The Incumbents' Record

Brian Bergman, Michael Higgins and Kyle Miller are running for re-election.

Following are from the Public Record.

### Strip Mall Hacienda Rd & West Rd



In July 2015, the Council approved an Exclusive Negotiating Agreement with Prism Realty for the 3 acre City owned parcel at Hacienda and West Roads. The Staff Report indicated a Commercial development would be pursued. Above is a Site Plan by Prism Realty showing two drive through locations and other stores. Residents speaking at the meeting were outraged. The City General Plan forbids Commercial development. Voting for the Agreement were Bergman, Higgins, Miller and Williams. Roy Francis opposed. The firm was unable to find a developer interested before the contract period ended so the proposal went dormant.

## Transparency

**Access to City Records:** Residents used to be able to walk up to the counter at City Hall, request a record and, most times, have access immediately.

Now, one must fill out a form and wait up to weeks\* or longer for a response, which still requires you to make an appointment to see the requested documents.

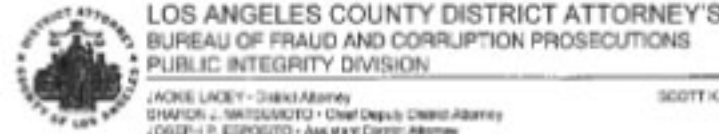
\* Those in the Real Estate industry appear to still receive prompt access.

**City Website:** Contrary to the Council claim, many records have been REMOVED from the City website, including the Council's removal of 25 years worth of Council documents in April 2017. They had already been scanned. They had already been put on the website and indexed. There was no explanation for the removal.

**Election Transparency:** As reported on Page 1, during the 2015 Election, the Los Angeles Superior Court found

that the (current) City Council had tried to mislead voters on the Ballot Measure A description.

**Open Meetings:** State Law, the Brown Act, requires the City Council to make decisions in public, with limited exceptions.



In August 2015, the Los Angeles County District Attorney's Office Bureau of Fraud and Corruption issued a 6 page letter to the City Council after investigating the 2015 Election incident, finding discussion and decision occurring in the back room rather than in public as the law (the Brown Act) requires.

Excerpt- ".our office feels the inappropriate action taken by the City of La Habra Heights warrants attention in an effort to maintain transparency in policy making decisions made by the City Council in the future."

**I hate the Brown Act:** In a 2012 Interview for a position on the City Council, Michael Higgins responded to a question about the Brown Act stating, "I hate the Brown Act."

**Not allowing Public to comment:** Twice in 2013, the District Attorney's Office sent letters to the City regarding not allowing the public to speak or criticize staff, and not making decisions without notice and opportunity for public comment.

In November 2013, the Council eliminated most opportunity for public comment except for a 5 minute period at the beginning of the meeting. Bergman, Higgins, Miller, Williams - Yes. Francis - No.

**Coffee with the Mayor:** Michael Higgins started, and Kyle Miller continued, having informal Saturday morning, after Council meeting, gatherings with residents to discuss what was on their minds. No longer done.

**Censorship of Meetings:** In September 2014, Councilmembers Higgins and Miller put an item on the agenda to censor out Public Comments from the broadcast of Council meetings.



In an editorial entitled "La Habra Heights council should stop censorship threats", the Whittier Daily News stated: "last month Councilmen Michael Higgins and Kyle Miller proposed to stop showing the public-comment period on cable television... The urge to protect innocent staffers has some merit, but the method proposed simply stinks. If you don't want to be in the public eye, don't go into public service... Free speech is not something that needs to get fixed. Government censorship is never the way to reply to a disaffected populace."

**Self-Serving without disclosure:** A number of Agenda items have been to benefit Higgins' and Millers' Foundation, from removing existing Neighborhood Watch signs so they could put up their own Heights Watch Signs, multiple occasions of seeking waiver of thousands of dollars of City rental fees for Foundation events, receiving \$4000 of City funds for their foundation, and City Sponsorship of their events. Most of these items did not state that they were put on the Agenda by Higgins and/or Miller. During discussion they, for the most part, speak about the item in third party terms, not letting on that they are the beneficiaries, and then voting on items that were to their benefit. Their foundation received several Grants of public money from Los Angeles County. County review of their expenditures found portions that were a misuse of funds or unaccounted spending and demanded return of those funds.

## Candidates Forum



On October 11th, the Whittier League of Women Voters held a Council Candidate's Forum, with candidate statements and Q&A.

### Council Pay

All said Council shouldn't be paid, except Michael Higgins who said it is a recognition of work we do. Not opposed to it, but won't address unless others bring up.

### High Paramedic Charges

Most said residents should pay \$45 subscription fee. Norm Zezula said high fees discourage elderly from calling 911. "It is wrong."

### 2015 Measure A on New Oil Production Methods

Incumbents Bergman, Miller and Higgins voted No. Challengers Klingfus and Zezula voted Yes.

### Access to Public Records

Incumbents defended the current system.

Norm Zezula said it is difficult to get records.

Carey Klingfus says process needs streamlining.

### Should Local Builders be on Planning Commission

Councilmember Kyle Miller's appointee on the Commission is a local builder and house flipper.

The incumbents saw no problem with it, citing expertise and balance of opinions.

Norm Zezula said the person is on the record opposing the General Plan. A builder ok, but not one doing business in the City. A conflict of interest.

Carey Klingfus said yes balance, but not a local builder. It is conflict of interest. Said, "Where is transparency with this? There is none."

### Transparency in Government

Incumbents said City is transparent. Proud of it.

Norm Zezula said Council eliminated committees, had secret committee. Council and Planning Commission moved decisions that used to be public to behind closed doors.

Carey Klingfus cited conflicts. Said he wouldn't bring his business in and should be same for other Council members and Planning Commission.

### Priorities

All said Roads, Public Safety, Drainage, Traffic congestion.

Klingfus pointed to his professional expertise in these areas and was an EMT and Firefighter 1 when younger.

Zezula said bring back Emergency Preparedness Committee and Volunteers on Patrol, both of which he was on for many years.

## Our Opinion

All the candidates are qualified to be on the City Council. For what is being proposed for the future, the incumbents have had almost five years to do most. We recommend giving new people a chance to get things done; Carey Klingfus and Norm Zezula, with Brian Bergman to provide continuity.

This year's Election will be held on November 7th from 7:00 A.M. to 8:00 P.M.

Polling locations include La Habra Christian Church, the Park building and mail in ballots.

Check your Sample Ballot for your location or visit [www.lavote.net](http://www.lavote.net).