



AGENDA

A REGULAR MEETING OF THE LA HABRA HEIGHTS CITY COUNCIL

1225 North Hacienda Road
La Habra Heights, California 90631

5:30 p.m. Closed Session
7:00 p.m. Regular Business

December 12, 2022

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.

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 1225 N. Hacienda Road, La Habra Heights, CA 90631 during normal business hours.

PUBLIC COMMENT PROCESS

Each member of the public may speak for a total of five minutes on any action item listed on the agenda or other matters within the Council's purview except with regard to items listed as public hearings. To speak in the Public Comment segment please complete and deliver a speaker's card to the Clerk prior to the call for public comments. You will be called to the podium by name when it is your turn to speak.

During a Public Hearing: Each member of the public may also speak on each public hearing item. Please provide a speaker's card listing the public hearing by number and submit it to the Clerk before the hearing is opened by the Mayor. Your speaking time will be limited to the subject of the hearing. In general, speakers are given three minutes. However, the Mayor may limit speaking time during public hearings if several people wish to speak.

Should you need to provide written documentation, please give the Clerk a minimum of **NINE (9)** copies prior to the start of the meeting so the information can be distributed to the Council.

NOTICE

If you challenge any action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. (Gov. Code 65009(b)(2).)

VIEW THE CITY COUNCIL MEETING LIVE AT: WWW.LHHCITY.ORG

CLOSED SESSION

OPENING CEREMONIES

1. CALL MEETING TO ORDER
2. ROLL CALL
 - A. Norm Zezula, Mayor Pro Tempore
 - B. Brian Bergman, Council Member
 - C. Carol Engelhardt, Council Member
 - D. Dennis Laherty, Council Member
 - E. John Pespisa, Council Member
3. PUBLIC COMMENTS
4. ADJOURN TO CLOSED SESSION TO DISCUSS THE FOLLOWING:
 - A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Gov. Code § 54956.9(d)(1) Case: Word Aflame
Tabernacle, Inc. et al. v. La Habra Heights et al., United States District
Court, Central District of California, Case No. 2:20-cv-09899
 - B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Gov. Code § 54956.9(d)(1) Case: Californians for
Homeownership, Inc. v. City of La Habra Heights, Superior Court of
the State of California, County of Los Angeles, Case No.
22STCP01394

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Gov. Code § 54956.9(d)(1) Case: Pavewest, Inc. v. City
of La Habra Heights, Superior Court of the State of California, County
of Los Angeles, Case No. 22NWCV00270

5. RECONVENE AND STATEMENT FROM CLOSED SESSION
----- END OF CLOSED SESSION

REGULAR BUSINESS AT 6:30 P.M.

1. CALL MEETING TO ORDER
2. ROLL CALL
 - A. Norm Zezula, Mayor Pro Tempore
 - B. Brian Bergman, Council Member
 - C. Carol Engelhardt, Council Member
 - D. Dennis Laherty, Council Member
 - E. John Pespisa, Council Member
3. FLAG SALUTE
4. PRESENTATIONS, COMMENDATIONS AND PROCLAMATIONS
5. PUBLIC COMMENTS
6. HONOR OUTGOING MAYOR ROY FRANCIS
 - A. Comments by Council colleagues and public;
 - B. Comments by outgoing Mayor.
7. SELECT MAYOR AND MAYOR PRO TEMPORE

RECOMMENDATION:

It is recommended that the City
Council:

A. Appoint Council Member _____ to serve as Mayor;
AND

B. Appoint Council Member _____ to serve as Mayor Pro
Tempore.

2022 12 12 ITEM NO 7

8. CITY COUNCIL MEMBER COMMITTEE ASSIGNMENTS

RECOMMENDATION:

It is recommended that the City Council appoint Council Members to the various committees and organizations.

2022 12 12 ITEM NO 8

9. ANNOUNCE PLANNING COMMISSIONER APPOINTMENTS, APPOINT CHAIR AND VICE CHAIR

RECOMMENDATION:

It is recommended that the City Council announce Planning Commission appointments and appoint a Chair and Vice Chair.

2022 12 12 ITEM NO 9

10. COMMITTEE COMMENTS

11. CITY COUNCIL COMMENTS

12. ADMINISTRATIVE REPORTS

A. CITY MANAGER'S REPORT

2022 12 12 ITEM NO 12A

B. CITY ATTORNEY'S REPORT

C. COMMUNITY DEVELOPMENT REPORT

2022 12 12 ITEM NO 12C

D. FIRE CHIEF'S REPORT

2022 12 12 ITEM NO 12D

E. SHERIFF'S DEPARTMENT REPORT

CONSENT CALENDAR

It is recommended that items 13 through 19 be acted on by one motion of the City Council unless a Council Member requests a separate discussion and/or action on an item.

13. WAIVE READING IN FULL OF ALL ORDINANCES, RESOLUTIONS AND MEETING MINUTES ON THE AGENDA

RECOMMENDATION:

It is recommended that the City Council waive the reading in full of all ordinances, resolutions and meeting minutes on the agenda, and direct the City Manager to read by title only.

2022 12 12 ITEM NO 13

14. WARRANT REPORT FOR NOVEMBER 2022

RECOMMENDATION:

Approve.

2022 12 12 ITEM NO 14

15. TREASURER'S REPORT FOR OCTOBER 2022

RECOMMENDATION:

Approve.

2022 12 12 ITEM NO 15

16. MINUTES: NOVEMBER 14, 2022 – REGULAR CITY COUNCIL MEETING

RECOMMENDATION:

Approve.

2022 12 12 ITEM NO 16

17. AB 361 OPEN MEETINGS: STATE AND LOCAL AGENCIES: TELECONFERENCES RESOLUTION NO. 2021-25: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR CONTINUED VIRTUAL MEETINGS

RECOMMENDATION:

It is recommended that the City Council find that state and local officials continue to recommend measures to promote social distancing and extend Resolution No. 2021-25 to continue fully or partially virtual public meetings.

2022 12 12 ITEM NO 17**18. CITY UPDATES AND DISCUSSION REGARDING COVID-19****RECOMMENDATION:**

It is recommended that the City Council receive and file.

2022 12 12 ITEM NO 18**19. 2023 CITY MEETING SCHEDULE****RECOMMENDATION:**

It is recommended that the City Council approve the meeting schedule for 2023.

2022 12 12 ITEM NO 19

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

PUBLIC HEARING

20. UNPAID BRUSH CLEARANCE COSTS RESOLUTION NO. 2022-31: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, CONFIRMING A REPORT OF COSTS INCURRED IN CONNECTION WITH THE CITY'S BRUSH CLEARANCE PROGRAM; CONFIRMING THE ASSESSMENTS AND LIENS SET FORTH IN SUCH REPORT; AND DIRECTING THAT SUCH ASSESSMENTS BE COLLECTED ON THE PROPERTY TAX ROLL

RECOMMENDATION:

It is recommended that the City Council:

- A. Overrule protests, if any, offered during protest hearing and adopt Resolution No. 2022-31 confirming the report of costs incurred by the City and authorizing the assessments as liens to be placed on the tax rolls effective December 12, 2022; OR

- B. Amend the changes to be assessed and placed as liens as follows:
_____, and adopt Resolution No. 2022-31.

2022 12 12 ITEM NO 20

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

ADMINISTRATIVE ITEMS

21. GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)
DISTINGUISHED BUDGET PRESENTATION AWARD FOR FY2022-23

RECOMMENDATION: It is recommended that the City
Council receive and file.

2022 12 12 ITEM NO 21

22. GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)
CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL
REPORTING PROGRAM AWARD FOR FISCAL YEAR 2021-22

RECOMMENDATION: It is recommended that the City
Council receive and file.

2022 12 12 ITEM NO 22

23. FISCAL YEAR 2021-22 ANNUAL COMPREHENSIVE FINANCIAL
REPORT

RECOMMENDATION: It is recommended that the City
Council receive and file the audited
ACFR, Gann Limit, communications
letter, and GAS letter for the City of
La Habra Heights for the fiscal year
ending June 30, 2022.

2022 12 12 ITEM NO 23 ATTACHMENT 1 OF 2

2022 12 12 ITEM NO 23 ATTACHMENT 2 OF 2

24. CITY HALL EMERGENCY MAIN WATERLINE FAILURE AND PRESSURE
REGULATOR REPAIR AND REPLACEMENTS

RECOMMENDATION: It is recommended that the City
Council:

- A. Receive and file this report as public record showing the nature of the emergency and the City Manager's authorization to proceed pursuant to the provisions of the City's purchasing policy section 2.10.100 (C) and Public Contract Code section 22050; AND
- B. Authorize the Finance Manager to amend the budget for \$10,155.14 in account 101-450PWD-6610 for the mainline repair by J.A. Salazar Construction & Supply Corp; AND
- C. Authorize the Finance Manager to amend the budget for \$7,497.36 in account 101-450PWD-6610 for the new pressure regulators, previous repairs/rebuilds of the pressure regulators, and backflow testing at City Hall and The Park.

2022 12 12 ITEM NO 24

25. CONSIDERATION OF HOLIDAY CLOSURE SCHEDULE

RECOMMENDATION:

It is recommended that the City Council approve the requested holiday closure schedule as indicated in the staff report.

2022 12 12 ITEM NO 25

----- **END OF ADMINISTRATIVE ITEMS** -----
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26. INDIVIDUAL COUNCIL MEMBER INFORMATION ITEMS AND/OR REQUIRED MEETING ATTENDANCE REPORTS

RECOMMENDATION:

It is recommended that the City Council approve meeting reports and receive general comments, announcements, and/or suggestions from Members of the City Council.

2022 12 12 ITEM NO 26

27. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (ONE MINUTE)

ADJOURN MEETING

UPON ADJOURNMENT OF THE MEETING, PLEASE LEAVE THE ROOM PROMPTLY AND TAKE YOUR PERSONAL BELONGINGS WITH YOU TO ALLOW STAFF TO CLEAN UP AND CLOSE THE BUILDING. IF YOU ARE RECORDING, PLEASE NOTE THAT THE CONVERSATIONS THAT TAKE PLACE FROM THIS POINT FORWARD MAY BE PRIVATE,

ARE NOT PART OF THE PUBLIC MEETING, AND CONSENT OF ALL PARTIES TO THE CONVERSATION MAY BE REQUIRED PRIOR TO RECORDING. VIEW THE CITY COUNCIL MEETING LIVE AT: WWW.LHHCITY.ORG