CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
APRIL 28, 2009

CALL TO ORDER

Mayor Lautenschleger called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE

Councilman Songstad led the Pledge of Allegiance.

ROLL CALL

Present: Joel Lautenschleger, Mayor
Randal Bressette, Mayor Pro Tempore
Melody Carruth, Council Member
R. Craig Scott, Council Member
L. Allan Songstad, Jr., Council Member

STAFF PRESENT: Bruce Channing, City Manager; Donald White, Assistant City Manager; Peggy Johns, City Clerk; Greg Simonian, City Attorney; Ken Rosenfield, Public Services Director/City Engineer; Vern Jones, Community Development Director; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Jon Jones, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

Mayor Lautenschleger took this item out of order on the Agenda.

1.2 PROCLAMATION SUPPORTING CENSUS 2010 (0410-65)

Mayor Lautenschleger presented a Proclamation supporting Census 2010 to Robert Borboa, representative from the Bureau of the Census.

1.1 PROCLAMATION, ARSON AWARENESS WEEK, MAY 3, 2009, THROUGH MAY 9, 2009 (0410-65)

Mayor Lautenschleger presented a Proclamation to Battalion Chief Jon Jones from the Orange County Fire Authority, proclaiming May 3, 2009, through May 9, 2009, as Arson Awareness Week.

1.3 PRESENTATION TO CITY IN RECOGNITION OF DONATION FOR SADDLEBACK COLLEGE VETERANS MEMORIAL (0160-15)

The City Council received a presentation from Marty Samuels with the Saddleback College Foundation's Board of Governors recognizing the City of Laguna Hills' donation for the Saddleback College Veterans Memorial.

2. PUBLIC COMMENTS

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON (0930-40)

The City Council received an oral report from Laguna Hills High School Student Liaison Lauren Buys.

3. MINUTES

3.1 REGULAR MEETING, APRIL 14, 2009 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCILWOMAN CARRUTH, TO APPROVE THE MINUTES OF THE APRIL 14, 2009, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

4. CONSENT CALENDAR

Councilman Songstad removed Item 4.3 and City Attorney Simonian removed Item 4.5 from the Consent Calendar.

IT WAS MOVED BY COUNCILWOMAN CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NO. 4.3 AND NO. 4.5.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED APRIL 28, 2009 (0300-30)

Written report from the Administrative Services Department indicated that, in accordance with Government Code Section 37202, the Assistant City Manager certified to the accuracy of the Warrant Register and to the availability of funds for payment thereof.

APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $987,432.31.

4.4 PROGRESS PAYMENT NO. 3 FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313 (0400-10)

Written report from the Public Services Department indicated that work on the El Toro Road Streetscape and Median Island Improvements, CIP No. 313, began on January 12, 2009, and was being performed by ValleyCrest Landscape Development, Inc. Work performed in March included clearing and grubbing, water quality management, soil preparation, tree installation, irrigation, lighting system installation, median pilasters and walls, and the beginning work on the bus shelters. The contractor had submitted the third progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the El Toro Road Streetscape and Median Island Improvements, CIP No. 313.

APPROVED PROGRESS PAYMENT NO. 3, IN THE NET AMOUNT OF $197,158.50, TO VALLEYCREST LANDSCAPE DEVELOPMENT, INC., FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.3 2009 WEED ABATEMENT PROGRAM (0240-50)

Councilman Songstad indicated that this item came up every year and was extremely important to control wildfires within the City. The problem he had with the program for a number of years was the fact that every year the same addresses appeared on the list, and the letter sent to property owners stated that it was being sent based upon a recent inspection of the property. Councilman Songstad found that hard to believe, as he was familiar with some of the properties on the list and there were no weeds on these properties.

Public Services Director Rosenfield indicated the annual weed abatement program was a process of steps, the first being the notification to property owners of the potential fire hazard. The property owners were also notified of the public hearing where they could address the City Council on the issue, and the steps they would need to follow from that point. Mr. Rosenfield continued by explaining the weed abatement process and the types of responses received from the public regarding the weed abatement process.

Councilman Songstad stated that the letter was written in such a way that it sounded as if it was based on a recent inspection of the property, which according to Mr. Rosenfield's explanation wasn't always the case. Councilman Songstad believed property owners might take offense to the letter in its present form. Councilman Songstad indicated it would please him if the letter was re-written to say that the property was located near an open space area and that there may be vegetation that needed to be abated.

IT WAS MOVED BY COUNCILMAN SONGSTAD, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO ADOPT RESOLUTION NO. 2009-04-28-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DECLARING WEEDS AND RUBBISH ON SPECIFIED PRIVATE PROPERTY TO BE A PUBLIC NUISANCE, COMMENCING PUBLIC PROCEEDINGS, AND SETTING A PUBLIC HEARING FOR MAY 26, 2009.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO INCLUDE A SOFTER EXPLANATION OF THE WEED ABATEMENT PROGRAM IN THE LETTER SENT TO THE PROPERTY OWNERS.

4.5 GRANT OF EASEMENT TO THE STATE OF CALIFORNIA (ON BEHALF OF MOULTON NIGUEL WATER DISTRICT) FOR WATER LINE PURPOSES, CROSSING OSO PARKWAY EAST OF CABOT ROAD RELATED TO THE I -5 AT OSO PARKWAY IMPROVEMENT PROJECT (0490-31)

City Attorney Simonian indicated that the staff recommendation for Item 4.5 recommended that the City Council approve a Right of Way Contract and Easement Deed granting a perpetual non-exclusive easement crossing Oso Parkway for water line purposes to the State of California. This was in connection with the on-going I-5 Freeway Interchange Improvement Project. This request had been made by the State of California to the City and had been necessitated by an apparent need to relocate an existing Moulton Niguel Water District water line transmission. The City Attorney had reviewed the Right of Way Contract and Easement Deed, but it had come to the City Attorney's attention that an important indemnification provision set forth in Clause Four of the Right of Way Contract was not included as a provision in the companion Easement Deed. The City Attorney's Office contacted the State of California who indicated they were looking into including it in the Easement Deed. In the meantime City Attorney Simonian suggested that the City Council move staff recommendation, subject to carrying the Clause Four from the Right of Way Contract into and as a separate provision of the Easement Deed, changing all references to "State" to "Grantee" and all references to "Agreement" to "Easement Deed."

IT WAS MOVED BY COUNCILMAN SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE RIGHT OF WAY CONTRACT AND EASEMENT DEED FOR PARCEL 201082-1, GRANTING A 3,272 SQUARE FOOT PERPETUAL NON-EXCLUSIVE EASEMENT CROSSING OSO PARKWAY FOR WATER LINE PURPOSES TO THE STATE OF CALIFORNIA AND AUTHORIZED THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST THERETO, WITH RECOMMENDED CHANGES BY CITY ATTORNEY SIMONIAN.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:28 p.m. and reconvened the City Council at 7:28 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager made no reports.

6.2 Public Services Director/City Engineer

A. SOUTHERN CALIFORNIA EDISON COMPANY FILING WITH THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO INSTALL ABOVEGROUND EQUIPMENT WHENEVER FEASIBLE (1050-30)

Public Services Director Rosenfield indicated that Southern California Edison Company had applied to the California Public Utilities Commission (CPUC) with a proposal to change the rules under which Southern California Edison Company operated with specific regards to underground facilities. Southern California Edison Company notified the City by letter on April 14, 2009, that they had submitted a proposed rule modification to accommodate Southern California Edison's initiative to install aboveground equipment in Southern California Edison's underground distribution system whenever feasible. The filing with the CPUC was mainly for safety concerns for Southern California Edison Company's workers and electrical reliability. Mr. Rosenfield indicated that the proposed rule changes might have significant adverse aesthetic impact to the community and would eliminate a customer option to have certain facilities installed underground. Staff recommended that the City Manager send a letter to the California Public Utilities Commission opposing the initiative to install aboveground equipment.

Frank Wasko, Southern California Edison representative, indicated that their intentions were to continue to work with the City and comply with all of the permits required for any changes. Mr. Wasko assured the City Council that the proposals were intended mainly for the safety of their workers.

IT WAS MOVED BY COUNCILWOMAN CARRUTH, SECONDED BY MAYOR LAUTENSCHLEGER, TO AUTHORIZE THE CITY MANAGER TO SEND A LETTER TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION OPPOSING THE SOUTHERN CALIFORNIA EDISON COMPANY INITIATIVE TO INSTALL ABOVEGROUND EQUIPMENT PER "ADVICE 2334-E."

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Councilwoman Carruth

A. VOLUNTEER CONNECTION DAY (0950-25)

Councilwoman Carruth thanked members of the Community Services staff, specifically Dave Reynolds, Todd Holmes, and his team, for putting together a great Volunteer Connection Day. The event was well run, the food donated by local restaurants was flowing, and the volunteers were very happy, especially the group that planted trees. The gates to the riparian habitat along Alicia Parkway were unlocked to allow for checking of the trees that were planted two years ago. The other interesting thing Councilwoman Carruth noted was that this was the first year there were so few shopping carts found. There was also much less noticeable trash than in past years; hopefully the residents were getting the message on how important it was to keep Laguna Hills clean. She also noticed very little graffiti in the tunnels. Councilwoman Carruth reported that it had been a wonderful day and again thanked the staff for their efforts.

9. CLOSED SESSION

There was no Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschleger declared the meeting adjourned at 8:02 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF MAY 12, 2009.