CITY COUNCIL
REGULAR
MEETING

MARCH 13, 2012
7:00 PM

AGENDA

Melody Carruth, Mayor
Joel Lautenschleger, Mayor Pro Tempore **Barbara Kogerman, Council Member**
Randal Bressette, Council Member **L. Allan Songstad, Jr., Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER KOGERMAN

ROLL CALL OF CITY COUNCIL MEMBERS

1. PRESENTATIONS AND PROCLAMATIONS

1.1 GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)

DISTINGUISHED BUDGET PRESENTATION AWARD AND CERTIFICATES OF RECOGNITION FOR BUDGET PRESENTATION

RECOMMENDATION: THAT MAYOR CARRUTH ACCEPT THE GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD AND PRESENT CERTIFICATES OF RECOGNITION TO ASSISTANT CITY MANAGER DONALD J. WHITE, FINANCE MANAGER JANICE REYES, AND SENIOR MANAGEMENT ANALYST MELISSA AU-YEUNG.

1.2 PRESENTATION BY THE SOUTH ORANGE COUNTY REGIONAL CHAMBER OF COMMERCE

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE A PRESENTATION FROM JIM LEACH, CHIEF EXECUTIVE OFFICER OF THE SOUTH ORANGE COUNTY ECONOMIC COALITION, A DIVISION OF THE SOUTH ORANGE COUNTY CHAMBER OF COMMERCE, ENTITLED “SPEAKING UP FOR THE REGIONAL BUSINESS COMMUNITY."

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JEENA BONUTTO.

3. MINUTES

3.1 REGULAR MEETING, FEBRUARY 28, 2012

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE FEBRUARY 28, 2012, REGULAR MEETING.

4. CONSENT CALENDAR

All matters listed under “CONSENT CALENDAR” are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

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

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MARCH 13, 2012

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $354,588.60.

4.3 2011 COMMUNITY SERVICES YEAR END REPORT

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

4.4 ADOPTION OF AN ORDINANCE IMPLEMENTING THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, REPLACING THE CABLE TELEVISION FRANCHISE REGULATIONS

RECOMMENDATION: THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED: AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-16 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS.

4.5 COST SHARING AND COOPERATIVE AGREEMENT FOR PACIFIC PARK DRIVE / OSO PARKWAY STREET IMPROVEMENT PROJECT WITH THE CITY OF ALISO VIEJO

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE COST SHARING AND COOPERATIVE AGREEMENT FOR PACIFIC PARK DRIVE / OSO PARKWAY STREET IMPROVEMENT PROJECT WITH THE CITY OF ALISO VIEJO AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. PLANNING AGENCY

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

5.2 PUBLIC COMMENTS

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

5.3 MINUTES

5.3.1. REGULAR MEETING, FEBRUARY 28, 2012

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE FEBRUARY 28, 2012, REGULAR MEETING.

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1. SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM NO. 2-12-2188, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE ASHLEY FURNITURE CENTER AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM NO. 2-12-2188, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE ASHLEY FURNITURE CENTER AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT."

5.4.2. CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY CONTINUE THE ITEM TO THE APRIL 10, 2012, PLANNING AGENCY MEETING.

PLANNING AGENCY ADJOURNMENT

6. CITY COUNCIL PUBLIC HEARINGS

7. ADMINISTRATIVE REPORTS

7.1 City Manager

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

9. CITY COUNCIL MEMBER COMMENTS

10. CLOSED SESSION

The City Council shall convene in Closed Session, in the City Hall Conference Room, to consider the following matters:

Reconvene in regular session in the City Council Chamber

Report on whether any reportable action was taken on matters considered during Closed Session

10.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

RECOMMENDATION: Pursuant to subdivision (a) of Government Code Section 54956.9
Name of Case: City of Laguna Hills v. Moreland Development Company, et al.; Case No. 30-2011 00517430

10.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

RECOMMENDATION: Pursuant to Government Code Section 54956.8

Property: A portion of the open space parcel located at the corner of Moulton Parkway and La Paz Road in the City of Laguna Hills, identified more particularly as Parcel 1 of Parcel Map No. 2009-134 consisting of a subdivided portion (3.365 acres) of Lot "A" of Tract No. 11237; a portion of Assessor's Parcel No. 625-221-03.

Agency Negotiators: Bruce E. Channing, City Manager, and Donald J. White, Assistant City Manager

Negotiating Parties: City of Laguna Hills and Vintage Capital Real Estate Investment Partners, LLC, and its agents Fred C. Sands and Ken Hocker

Under Negotiation: Price and terms of payment for sale.

ADJOURNMENT

The next Regular Meeting of the City Council will be March 27, 2012, at 7:00 PM, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by March 9, 2012, at 5:00PM.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

March 9, 2012

DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

CITY OF LAGUNA HILLS

AGENDA REPORT
ADMINISTRATIVE SERVICES DEPARTMENT

ISSUE: **GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) DISTINGUISHED BUDGET PRESENTATION AWARD AND CERTIFICATES OF RECOGNITION FOR BUDGET PRESENTATION**

SUMMARY:

The City's FY 2011/12-2012/13 Operating Budget and Capital Improvement Plan was submitted to the Government Finance Officers Association (GFOA) for their Distinguished Budget Presentation Award program recognizing outstanding budget documents. In February 2012, the City was notified by GFOA that it had received the award for its budget.

BACKGROUND:

The GFOA established the Distinguished Budget Presentation Award Program to encourage and assist State and local governments to prepare budget documents of the very highest quality that reflect the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's recommended practices. Documents submitted to the program are reviewed by selected members of the GFOA professional staff and by outside reviewers with experience in public sector budgeting.

The GFOA award is the highest form of recognition in governmental budgeting and represents a significant achievement by the City. Since biennial period FY 1995/96-1996/97, the City has submitted its budget to this award program and has received an award with each submission, making this the ninth consecutive award.

RECOMMENDATION: THAT MAYOR CARRUTH ACCEPT THE GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD AND PRESENT CERTIFICATES OF RECOGNITION TO ASSISTANT CITY MANAGER DONALD J. WHITE, FINANCE MANAGER JANICE REYES, AND SENIOR MANAGEMENT ANALYST MELISSA AU-YEUNG.

ATTACHMENTS:

- GFOA Press Release
- Award and Certificates of Recognition

Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 *fax:* 312.977.4806

January 24, 2012

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

****

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Laguna Hills, California** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Donald J. White, Assistant City Manager; Janice Mateo Reyes, Finance Manager; and Melissa Au-Yeung, Management Analyst.**

For budgets including fiscal period 2010, over 1,250 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving nearly 17,400 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

Washington, DC Office
1301 Pennsylvania Avenue, N.W., Suite 309 • Washington, DC 20004 • 202.393.8020 • *fax:* 202.393.0780
www.gfoa.org

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Distinguished Budget Presentation Award

PRESENTED TO

City of Laguna Hills

California

For the Biennium Beginning

July 1, 2011

Linda C. Davidson Jeffrey P. Ezell

President Executive Director

The Government Finance Officers Association of the United States and Canada

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

Donald J. White, Assistant City Manager
City of Laguna Hills, California

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director Jeffrey R. Erner

Date **January 24, 2012**

3/13/2012 ITEM NO. 1.1

The Government Finance Officers Association of the United States and Canada

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

Janice Mateo Reyes, Finance Manager
City of Laguna Hills, California

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director

Date **January 24, 2012**

The Government Finance Officers Association of the United States and Canada

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

Melissa Au-Yeung, Management Analyst
City of Laguna Hills, California

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director Jeffrey R. Esser

Date **January 24, 2012**

3/13/2012 ITEM NO. 1.1

CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
FEBRUARY 28, 2012

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE: Council Member Songstad

ROLL CALL OF CITY COUNCIL MEMBERS
Present: Mayor Carruth, Mayor Pro Tempore Lautenschleger, Council Member Bressette, Council Member Kogerman, and Council Member Songstad

1. PRESENTATIONS AND PROCLAMATIONS

1.1 MOTHERS AGAINST DRUNK DRIVING (MADD) 2011 "DEUCE AWARD"

MAYOR CARRUTH INVITED RENEE OAKS WITH ORANGE COUNTY MOTHERS AGAINST DRUNK DRIVING, TO PRESENT THE DEUCE AWARD TO DEPUTY SCOTT WATSON.

2. PUBLIC COMMENTS

OLEANDER BUSHES AND AIR QUALITY

William and Rebecca Frey, Laguna Niguel, wanted to thank Council Member Kogerman and Public Services Director Rosenfield for addressing their concerns regarding the oleander bushes on the corner of Paseo de Valencia and La Paz Road which were accessible to the Valencia Elementary school children. Ms. Frey inquired on the status of their air quality concerns in the City.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL ALTERNATE STUDENT LIAISON ADAM WONG.

3. MINUTES

3.1 REGULAR MEETING, FEBRUARY 14, 2012

MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 14, 2012, REGULAR MEETING, BY M/MAYOR PRO TEMPORE LAUTENSCHLEGER, S/COUNCIL MEMBER BRESSETTE.
APPROVED BY A VOTE OF 5-0.

4. CONSENT CALENDAR

MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER BRESSETTE, S/MAYOR PRO TEMPORE LAUTENSCHLEGER.
APPROVED BY A VOTE OF 5-0.

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

THE CITY COUNCIL WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED FEBRUARY 28, 2012

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $1,139,688.19.

4.3 RESOLUTION AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 2012 LAGUNA HILLS HIGH SCHOOL PTSA "EVERY FIFTEEN MINUTES" PROGRAM

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2012-02-28-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 2012 LAGUNA HILLS HIGH SCHOOL PTSA "EVERY FIFTEEN MINUTES" PROGRAM.

4.4 PROGRESS PAYMENT NO. 4 FOR AVENIDA DE LA CARLOTA WIDENING PROJECT, CIP NO. 164

THE CITY COUNCIL APPROVED CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 4, IN THE NET AMOUNT OF $112,111.38, TO HILLCREST CONTRACTING, INC., FOR THE AVENIDA

DE LA CARLOTA WIDENING PROJECT, CIP NO. 164.

4.5 PROGRESS PAYMENT NO. 11 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 11, IN THE NET AMOUNT OF $225,028.65, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.6 CLAIM AGAINST THE CITY, AFNI INSURANCE SERVICES

THE CITY COUNCIL REJECTED THE CLAIM AND DIRECTED THE CITY CLERK TO SEND A CLAIM REJECTION LETTER.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:14 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, Agency Member Kogerman, and Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, FEBRUARY 14, 2012

MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 14, 2012, REGULAR MEETING AS REFERENCED IN CITY COUNCIL MINUTES BEGINNING ON PAGE 4, BY M/AGENCY MEMBER BRESSETTE, S/AGENCY MEMBER SONGSTAD.
APPROVED BY A VOTE OF 5-0.

5.4 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council meeting at 7:15 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

The City Manager made no reports.

7.2 Assistant City Manager

7.2.1 INTRODUCTION OF ORDINANCE IMPLEMENTING THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, REPLACING THE CABLE TELEVISION FRANCHISE REGULATIONS

MOTION TO INTRODUCE AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-16 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS, BY M/COUNCIL MEMBER SONGSTAD, S/COUNCIL MEMBER BRESSETTE.
APPROVED BY A VOTE OF 5-0.

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

There were no matters agendized and presented by Council Members**.**

9. CITY COUNCIL MEMBER COMMENTS

COUNCIL MEMBER BRESSETTE

Council Member Bressette introduced Orange County Fire Authority Battalion Chief Chris Concepcion and updated the City Council Members on the proposed merger of the City of Santa Ana Fire Department and the Orange County Fire Authority.

COUNCIL MEMBER KOGERMAN

Council Member Kogerman indicated that she had questions and concerns regarding the proposed new Orange County Animal Shelter.

MAYOR PRO TEMPORE LAUTENSCHLEGER

Mayor Pro Tempore Lautenschleger reported on his attendance at a meeting of Southern California Association of Governments (SCAG) meeting held in Los Angeles.

MAYOR CARRUTH

Mayor Carruth indicated she wanted to thank Council Member Kogerman for her attendance at the Western Association of Schools and Colleges meeting at Laguna Hills High School.

10. CLOSED SESSION

City Attorney Simonian indicated there was no need for Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Carruth declared the meeting adjourned at 7:53 PM.

_____
PEGGY J. JOHNS, CITY CLERK

ATTEST:

_____
MELODY CARRUTH, MAYOR

APPROVED AT MEETING OF _____

CITY OF LAGUNA HILLS

AGENDA REPORT
ADMINISTRATIVE SERVICES DEPARTMENT

ISSUE: **APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MARCH 13, 2012.**

SUMMARY:

In accordance with Government Code Section 37202, the Finance Manager prepares the attached warrant register, which reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies that funds are available for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:

DONALD J. WHITE
Assistant City Manager

3-8-12
DATE

FISCAL IMPACT:

The warrant register total is $ 354,588.60

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $ 354,588.60.

ATTACHMENTS:

1. **Warrant Register**

WarrantCoverModified-DW JMRFinance MGR-prepared

CITY OF LAGUNA HILLS
WARRANT REGISTER
March 13, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
PREPAID WARRANTS:			
AT&T	*Communication Expense, Administrative Services Fax Line, Feb '12*	8802873	$ 84.24
AU-YEUNG, MELISSA	*Travel Reimbursement, Administrative Services, Feb '12*	8802857	557.20
BUILDRITE, INC.	*Refund, C&D Deposit, CR# 43346*	8802875	1,505.70
CHEVRON	*Vehicle Fuel, Feb '12*	8802881-85	1,870.18
COLLINS DEVELOPMENT CO	*Refund, C&D Deposit, CR# 42685 and CR# 43485*	8802887	5,908.95
DEVRIES, GENNY	*Reimbursement, Publications, Building and Zoning Code Books*	8802892	210.20
EL TORO WATER DISTRICT	*Water Usage, Parks, Jan '12*	8802894	7,788.86
EVERBANK COMMERCIAL FINANCE	*Lease - Copier, City Hall, Feb '12*	8802858	221.04
HERNANDEZ, LISA	*Mileage Reimbursement, Administrative Services, Feb '12*	8802901	37.31
KIM, PAUL	*Refund, SDPA Fees, CR# 43643*	8802906	181.25
REFUND, COMMUNITY SVCS PROGRAM	*C. Patel, V# 2002299.002*	8802859	25.00
REFUND, FACILITY RENTAL DEPOSIT	*J. Ricciardi, V# 2002307.002*	8802860	250.00
REFUND, FACILITY RENTAL DEPOSIT	*First Church of Christ, V# 2002308.002*	8802861	500.00
REFUND, FACILITY RENTAL DEPOSIT	*M. Sakach, V# 2002302.002*	8802862	168.25
REFUND, FACILITY RENTAL DEPOSIT	*D. Spigner, V# 2002303.002*	8802863	250.00
REFUND, FACILITY RENTAL DEPOSIT	*L. Rodriguez, V# 2002305.002*	8802864	174.38
REFUND, FACILITY RENTAL FEE	*E. Fontaine, V# 2002309.002*	8802917	260.00
REFUND, VEHICLE CITATION	*J. McGowan, Citation # P0621816*	8802918	15.00
SAN DIEGO GAS & ELECTRIC	*Electric Usage, Community Center, Traffic Control and Street Lights, Jan '12*	8802865	20,679.98
SOUTHERN CALIFORNIA EDISON	*Electric Usage, Traffic Control, Jan '12*	8802866	544.10
SOUTHERN CALIFORNIA EDISON	*Electric Usage, Street Lights and Traffic Control, Feb '12*	8802923	1,477.22
SWAN POOLS	*Refund, Pool Bond, CR# 42386*	8802867	500.00
U.S. POSTAL SERVICE	*Postage, Combined Issue City Views/Community Services Spring 2012 Activity Guide*	8802868	2,500.00
	Total Prepaid Warrants:		**$ 45,708.86**

CITY OF LAGUNA HILLS
WARRANT REGISTER
March 13, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
REGULAR WARRANTS:			
A. C. LANDSCAPE, INC.	*Water Management Services, Irrigation Repairs, Feb '12*	8802869	$ 420.00
ALL CITY MANAGEMENT, INC.	*Crossing Guard Services, 01/15/12 - 02/11/12*	8802870	6,498.00
ANDERSON AUDIO VISUAL - L. P.	*Maintenance, Audio Visual System, Feb '12*	8802871	906.36
ATHALYE CONSULTING ENGINEERING	*Professional Fees, La Paz Widening @ I-5 CIP # 159*	8802874	34,361.00
C & A ATHLETICS	*Program Supplies, Community Services, Feb '12*	8802876	244.05
C&D ELECTRIC, INC.	*Lighting Repairs and Inspections, Parks, Feb '12*	8802877	925.80
CALIFORNIA OFFICE SYSTEMS	*Usage - Copier, Community Center, Feb '12*	8802878	220.12
CALIFORNIA YELLOW CAB	*Dial-a-Taxi, Senior Transportation Program, Jan '12*	8802879	120.00
CHRISTOPHER'S, INC.	*Artwork Framing and Installation, Civic Center*	8802886	831.81
COMPETITOR SC	*Event Promotional Services, 1/2 Marathon and 5K Event, Community Services, Feb '12*	8802888	880.00
COMPLETE OFFICE OF CALIFORNIA	*Office Supplies, Community Center, Feb '12*	8802889	303.68
DATA TICKET, INC.	*Parking Citation Processing Fee and Equipment Lease, Jan '12*	8802890	1,348.41
DELL COMPUTER CORPORATION	*Computer Hardware, Community Development, Feb '12*	8802891	226.66
DUNBAR ARMORED, INC.	*Courier Fee, Armored Transport, Feb '12*	8802893	349.06
ELKINS, CHRISTINA	*Contract Instructor Fee, Dancing Winter Session, Community Services*	8802895	2,477.30
FAUBEL PUBLIC AFFAIRS	*Professional Fees, Combined Issue, City Views/Community Services Spring 2012 Activity Guide*	8802896	7,990.93
GORMAN, RON	*Contract Instructor Fee, Guitar Winter Session, Community Services*	8802897	630.00
GOVPARTNER	*Hosting Fees, Request Partner, Feb '12*	8802898	500.00
HARRINGTON GEOTECH ENGINEERING	*Professional Fees, Engineering Services, Dec '11*	8802899	279.00
HARTZOG & CRABILL, INC.	*Professional Fees, Traffic Engineering and Signal Operations, Jan '12*	8802900	6,746.12
IRV SEAVER MOTORCYCLES	*Motorcycle Maintenance, Police Services, Jan - Feb '12*	8802902	3,013.90
JAMEY CLARK, INC.	*Miscellaneous Park Repairs and Graffiti Removal, Jan - Feb '12*	8802903	8,883.94
JOE A. GONSALVES & SON	*Professional Fees, Legislative Services, Mar '12*	8802904	2,900.00
K F STUDIOS	*Event Promotional Services, 1/2 Marathon and 5K Event, Community Services, Feb '12*	8802905	390.00
LIEBERT CASSIDY WHITMORE	*Professional Fees, Legal Services, Jan '12*	8802908	2,700.15

CITY OF LAGUNA HILLS
WARRANT REGISTER
March 13, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
MCDONOUGH, ROBERT	*Contract Instructor Fee, Karate Winter Session, Community Services*	8802909	45.50
MEDLOCK, GEORGE	*Contract Instructor Fee, Drumming Winter Session, Community Services*	8802910	622.30
NIEVES LANDSCAPE, INC.	*Monthly Landscape Services, Mar '12*	8802911	73,105.47
NIMMO, DAVID	*Contract Instructor Fee, Clog Dancing Winter Session, Community Services*	8802912	780.50
OFFICE SOLUTIONS	*Office and Operating Supplies, Feb '12*	8802914	151.06
ORANGE COUNTY TREASURER	*Animal Care Services, Oct - Dec '11*	8802872	5,618.00
ORANGE COUNTY TREASURER	*Communication Equipment Repairs, Police Services, Jan '12*	8802907	204.65
ORANGE COUNTY TREASURER	*NPDES, Aliso Creek Watershed, City's Cost Share*	8802913	23,721.12
ORANGE COUNTY TREASURER	*Parking Fee Surcharge, Jan '12*	8802915	1,447.92
QUIKSILVER COURIER	*Delivery Service, Feb '12*	8802916	29.64
RICHARD FISHER ASSOCIATES	*Professional Fees, Renovation Costeau & Stockport Park CIP # 239, La Paz Open Space Riparian Habitat CIP # 615, Urban Reforestation CIP # 320 and La Paz Widening @ I-5 CIP # 159*	8802919	17,746.65
ROBERT D. GOSNEY CONSTRUCTION	*Retention Payment, Community Center & Sports Complex Energy Efficient Lights, CIP # 515*	8802920	15,453.78
SECURE TECHNOLOGY INC.	*Miscellaneous Park Repairs, Community Center, Feb '12*	8802921	3,100.00
SOCAL OFFICE TECHNOLOGIES	*Printer Maintenance and Supplies, Jan - Mar '12*	8802922	146.69
STAGE PLUS	*Program Expense Deposit, 4th of July Event, Community Services, Jul '12*	8802924	1,400.00
STAPLETON, VIVIAN	*Contract Instructor Fee, Early Childhood Music Winter Session, Community Services*	8802925	710.50
STUDIO TWO BLACK DIAMOND	*Printing Expense, Feb '12*	8802926	1,335.88
USA TRACK AND FIELD SO CAL	*Program Expense, 1/2 Marathon and 5K Event, Association Fee Community Services, May '12*	8802927	1,300.00
WEST COAST ARBORISTS, INC.	*Tree Planting, Urban Reforestation, CIP # 320 and Tree Trimming, Jan - Feb '12*	8802928	42,534.40
WOODRUFF, SPRADLIN & SMART	*Professional Fees, Legal Services, Jan '12*	8802929	34,793.88
XEROX CORPORATION	*Lease - Copier, City Hall, Feb '12*	8802930	485.51
	Total Regular Warrants:		**$ 308,879.74**

*****WARRANT REGISTER TOTAL*****	**$ 354,588.60**

CITY OF LAGUNA HILLS

CITY COUNCIL
AGENDA REPORT
COMMUNITY SERVICES DEPARTMENT

ISSUE: 2011 COMMUNITY SERVICES YEAR END REPORT

SUMMARY:

Staff has completed a Year End Report for calendar year 2011. The purpose of the report is to highlight the major accomplishments of the past year, along with providing information on facility reservations, program registration, and costs associated with the maintenance of the Community Center building.

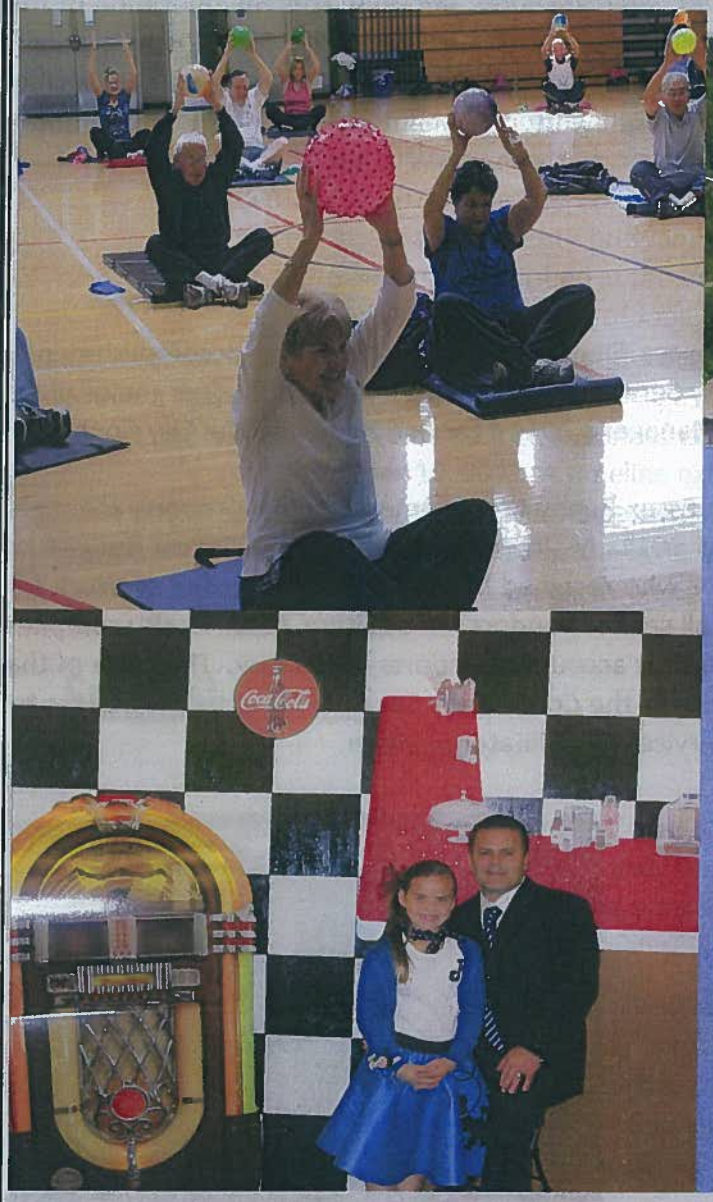
RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

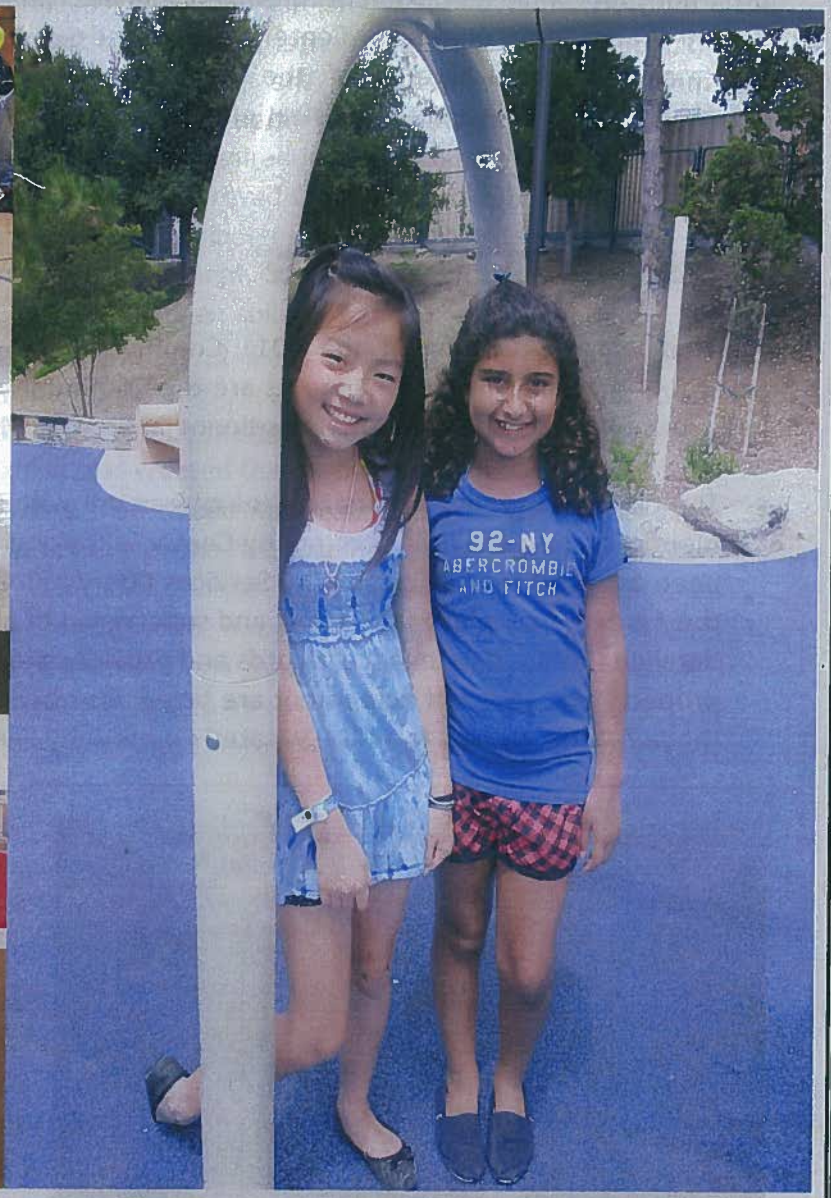
ATTACHMENTS:

- 2011 Community Services Year End Report

3/13/2012 ITEM NO. 4.3

The City of Laguna Hills





Community Services Department
Year End Report
2011

The Community Services Department is comprised of five full-time staff, two regular part-time staff, and thirty part-time and seasonal employees. The mission statement of the department is to "Provide quality recreation programming that promotes a healthy lifestyle, self-esteem, family life, and community spirit." To fulfill the objectives of this mission statement, the Community Services Department offers recreation programs, City wide special events, disability services, adult sports leagues, and manages the operation of the 43,000 square foot Community Center building and Sports Complex. The purpose of this report is to highlight the major accomplishments of the past year, as well as to highlight information such as facility reservation totals, program registration, and costs associated with the maintenance of the Community Center building.

Department Highlights

The following is a listing of the 2011 Community Services Department highlights and accomplishments. Several of the following achievements are the Community Services Department's Bienniel Budget major plans and work programs and were also mentioned in the City Manager's 2011 Year End Report to the City Council.

- The City entered into a management agreement with Essex Realty Management for the property management of the Laguna Hills Community Center in October 2011. Maintenance and repair oversight duties had been assigned to the Community Services Coordinator who resigned in July 2011. The Scope of Work for the Agreement includes the hiring and supervision of all service vendors. In addition, Essex Realty compiles detailed facility maintenance records and provides monthly accounting reports to the City. The costs of the property management agreement are being absorbed into the Community Services Department budget by the personnel savings from the vacated Community Services Coordinator position.

- Utilizing funds provided by OCTA's Senior Mobility Program, the City continues to provide transportation for seniors through the Dial-A-Taxi program. This represents a joint venture with the City of Mission Viejo and California Yellow Cab, and includes a service area of both Mission Viejo and Laguna Hills with several satellite locations including Laguna Niguel and Irvine Metrolink stations. A total of 41 individuals have signed up for the program to date.

- In 2010, the City participated in a regional pilot food waste program funded by an Orange County Waste and Recycling grant. The grant expired in November 2011. On November 22, 2011, the City Council accepted and approved CR&R's proposal to continue the commercial food waste program by charging businesses that elect to use the service at a rate already established in the franchise agreement. Within the City of Laguna Hills, it is estimated that 220 tons of food waste have been collected and diverted from local landfills since the inception of the program.

- The City celebrated its 20 years of incorporation by hosting a cake reception ceremony on December 13, 2011. A timeline exhibit was created that highlights the major accomplishments of the City in the past 20 years. The exhibit was presented at the December 13, 2011 event and also at the 2011 4th of July event. The City incorporated on December 20, 1991.

Special Events

The Community Services Department offered a variety of family oriented, seasonal special events in 2011. A total of 14,586 participants attended the special events offered during 2011. Listed below are the special events offered during 2011 as well as participation numbers for each event for the past three years.

Daddy Daughter Dinner Dance

On February 11, 2011, the annual "Daddy Daughter Dinner Dance" took place at the Community Center. Nearly two hundred fathers and daughters enjoyed a special dinner of pasta salad, followed by dessert and an evening filled with music and dancing.

2009	2010	2011
217	200	197

Late Night Flashlight Egg Hunt

One hundred fifty-eight (158) children ages 7-14 participated in the City's Late Night Flashlight Egg Hunt on Friday, April 22, 2011. The annual event began with an egg hunt on the soccer fields in the dark and concluded with a raffle in the gazebo area.

2009	2010	2011
126	130	158

Special Events

Mr. Bunny & Friends

On Saturday, April 23, seventy-three (73) children ages 6 and younger attended Mr. Bunny and Friends at the Community Center. The children and their families were served light refreshments, made springtime crafts, took photos with Mr. Bunny and participated in an egg hunt on the lawn in front of the Community Center.

2009	2010	2011
82	65	73

Volunteer Connection Day

The City's annual Volunteer Connection Day took place on Saturday, April 16, 2011. Forty -nine (49) volunteers were welcomed by Council Members, Commissioners and staff before breaking off into coordinated groups to assist in the cleanup of the Aliso Creek Trail, the Edison Easement Trail, Veeh Ranch Trail, and the Juan Avila Trail. Volunteers also planted 15 trees in recognition of Arbor Day along Alicia Parkway. The volunteers concluded their work just before noon and were provided a thank you luncheon at the Community Center which was donated by local restaurants.

2009	2010	2011
97	99	49

Mother's Day Picnic

Mother's Day Picnic was scheduled for Saturday, April 30, 2011. Unfortunately, the event was cancelled due to low enrollment. Staff will be reconsidering the scheduling of this event for 2012.

2009	2010	2011
46	35	0

Children's Spring Concert

The annual Children's Spring Concert was held on Friday, May 13, at Stockport Park in Laguna Hills with an estimated 75 guests in attendance. Children and their families enjoyed the award winning music of "The Happy Crowd," while dancing and singing along to favorite songs.

2009	2010	2011
150	155	75

Fourth of July

Approximately 11,000 people attended the City's annual Fourth of July Celebration on Monday, July 4, 2011 . The event began at 4:00pm with carnival rides, games, informational and food booths and live entertainment provided by the Rockit Scientists. The event concluded with a festive, musically choreographed fireworks show. Total expenditures for this event were $48,672 which was under the budgeted expense of $52,500. Taking into account ticket sales totaling $3,381, the net cost of the event was $44,965.

2009	2010	2011
9,500	11,000	11,000

A Ghostly Affair

A Ghostly Affair was held on Saturday, October 29, 2011, at the Community Center. Thirty-six (36) children ages 6 and younger dressed in costume and attended the annual event with their families. Participants enjoyed Halloween crafts, exciting games, refreshments, and several photo opportunities.

2009	2010	2011
35	33	36

Breakfast with Santa

On Saturday, December 10, 2011, 74 children and parents attended the City's Breakfast with Santa event. Staff and Commissioners served a pancake breakfast while participants took photographs with Santa and made their way through the "Winter Wonderland" for crafts and a chance to write to Santa.

2009	2010	2011
161	125	74

Memorial Day Half Marathon & 5K

The 13th annual City of Laguna Hills Memorial Day Half Marathon and 5K took place on Monday, May 30, 2011, with 2,924 runners participating. The total revenues collected exceeded the City's direct expenses (not including staff time) for conducting the race by $8,651, resulting in no impact to the City's General Fund. A new feature was added to the race registration which provided runners with the opportunity to donate $5 to the 3/5 Marine Battalion Support Committee. The result was a total donation of $1,405 to the Committee. A highlight of the event was the presence of Marines from the 3/5 Battalion.

2009	2010	2011
2,700	2,600	2,924

Facility Reservations

The Laguna Hills Community Center and Sports Complex continues to serve the community for numerous facility reservation needs. A total of 4,235 hours were reserved in 2011, which included wedding receptions, memorials, business seminars, quinceaneras, and HOA meetings. The facility continues to book twelve months in advance for both the Heritage Room and the Gymnasium. The tables below present additional information regarding facility reservations.

Table 1: Facility Reservation Revenue Comparison

Facility	2010	2011
Heritage Room	$111,026	$122,331
Meeting Room A/B/C	$40,080	$34,086
Art Room	$14,733	$4,735
Physical Activity Room	$85	$560
Large Classroom	$7,468	$8,275
Individual Classroom	$0.00	$0.00
Gymnasium 1 Court	$11,480	$8,600
Full Gymnasium	$12,120	$6,968
Tower Room	$220	$260
Picnic Shelters/Town Green/Gazebo	$17,941	$7,196
Half Soccer Field	$5,486	$14,968
Full Soccer Field	$11,986	$8,745
Baseball Field	$2,235	$400
Softball Field	$4,958	$9,920
Total Rental Revenue	$239,818	$227,036

Table 2: Reservation Comparison by Category:

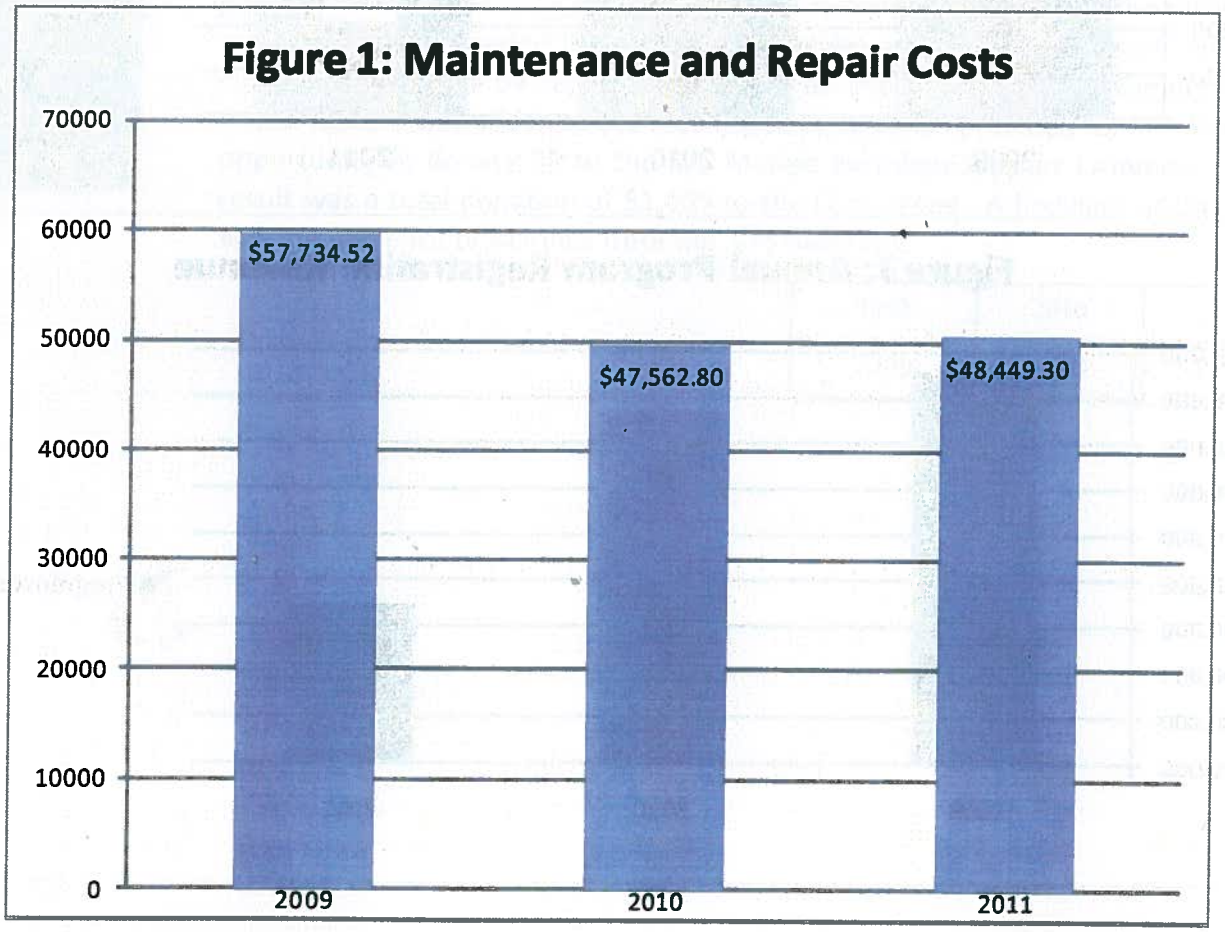
	2010			2011		
	# of Res.	Hours	Percentage of Reservations	# of Res.	Hours	Percentage of Reservations
Resident Non-Profit	272	2,822	63.2%	216	2,172	51.3%
Resident Private	200	958	21.5%	231	1,383	32.7%
Non-Resident Non-Profit	37	245	5.5%	27	165	3.9%
Non-Resident Private	80	289	6.5%	91	403	9.5%
Commercial	44	150	3.3%	33	112	2.6%
Total	**633**	**4,464**		**598**	**4,235**	

Facility Maintenance & Repair

The Community Services Department manages the 18 acre Community Center and Sports Complex. The Community Center facility is maintained through a janitorial contract with the Ritz Company. The annual costs for the Ritz Company is $70,000. In addition, the City entered into a management agreement with Essex Realty Management for the property management of the Laguna Hills Community Center in October 2011. Routine services associated with the facility, in the amount of $19,325 for 2011, included the following services:

- Indoor plant service
- Elevator service
- Pest control service
- Air conditioning service
- Plumbing and electrical service
- Fire alarm testing
- Security system

The Community Center facility maintenance costs for 2011 totaled $48,449.30. The chart below provides a comparison of the Maintenance and Repairs expenditures for the previous three years. As a means of comparison, the original budget for FY 2009/10 was $68,000, and for FY 2010/11, the budget is $58,000. It should be noted that the Ritz Company janitorial service contract is not included in the costs provided in Figure 1. In addition, the Public Services department administers the landscape maintenance and outdoor janitorial services contracts for the Sports Complex facility and the costs for those service contracts are also not reflected in the totals presented in Figure 1.



Program Registration

The City offered approximately 360 recreation classes during 2011. The breakdown of classes by age category is listed in Table 3 below. Senior fitness programming is managed by the Emeritus program at Saddleback College, and had 1,899 participants during 2011. The Emeritus program data is not included in the data provided on this page. For 2011, a total of 6,154 people participated in programs offered by the Community Services Department. Program revenue for 2011 totaled $304,855. For a means of comparison, enrollment and revenue totals for 2009 and 2010 are provided in the graphs below.

Table 3: Class Age Category Comparison

		2010		2011	
Category	Age	# of Classes	% of Program Offerings	# of Classes	% of Program Offerings
Early Childhood	1.5-6 years	145	39%	123	34%
Children	6-12 years	71	19%	81	22%
Teen	13-17 years	51	14%	63	17%
Adult	18 and older	103	28%	95	27%

Figure 2: Number of Annual Program Registrants

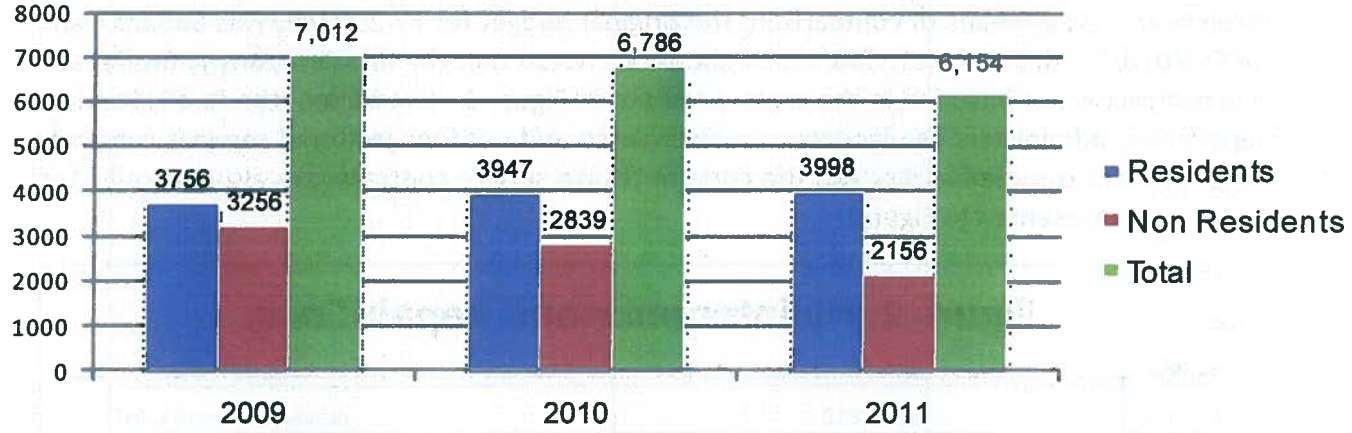
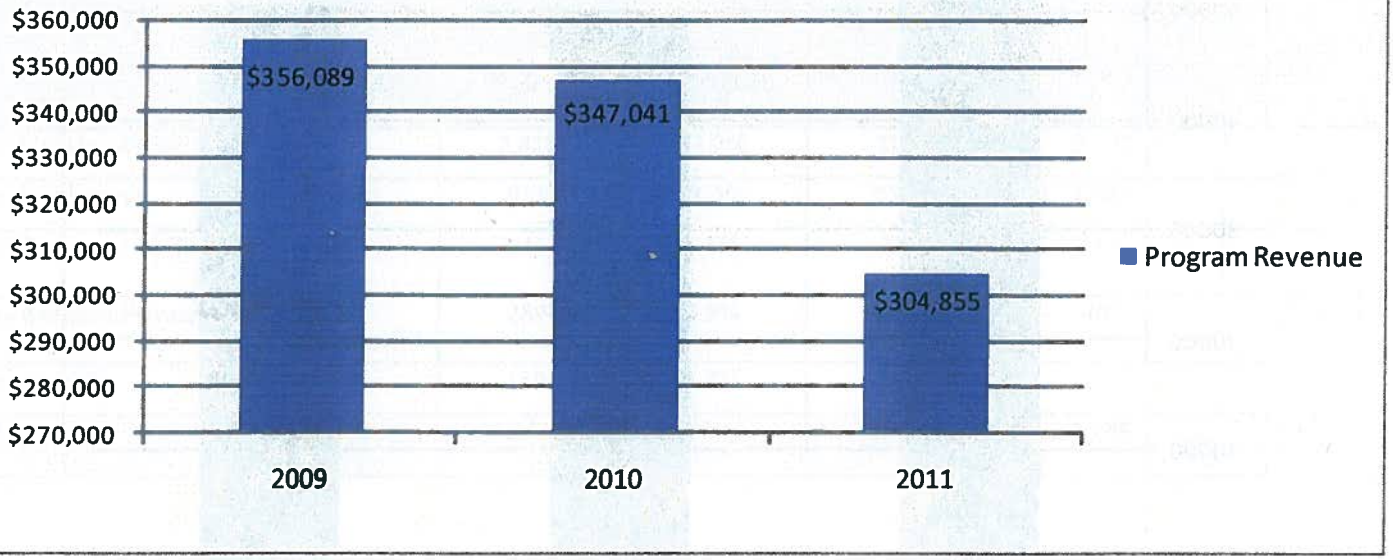


Figure 3: Annual Program Registration Revenue



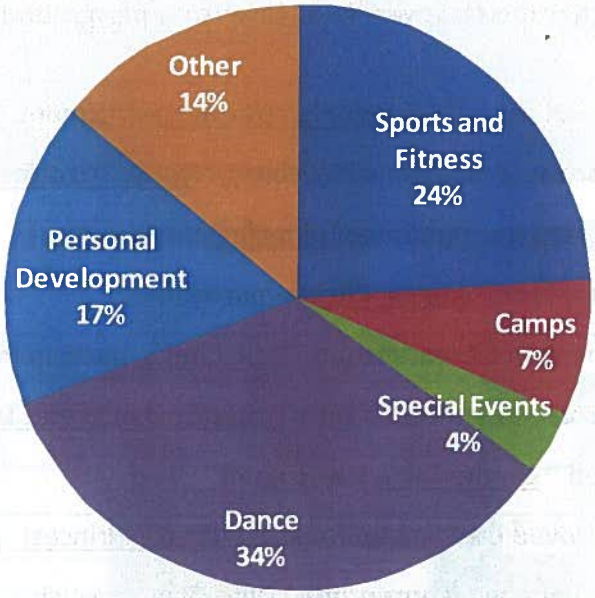
Program Evaluations

Community Services staff monitors the quarterly class offerings to determine if they are well received by the community. To this end, staff conducts program evaluations at the last session of each staff led class. Staff utilize the evaluations to revise or eliminate classes that are not well received, and use the feedback as useful information for part-time staff evaluations. Listed below is a sample of comments from parent evaluations taken from Early Childhood classes and Contract Instructor led classes in 2011:

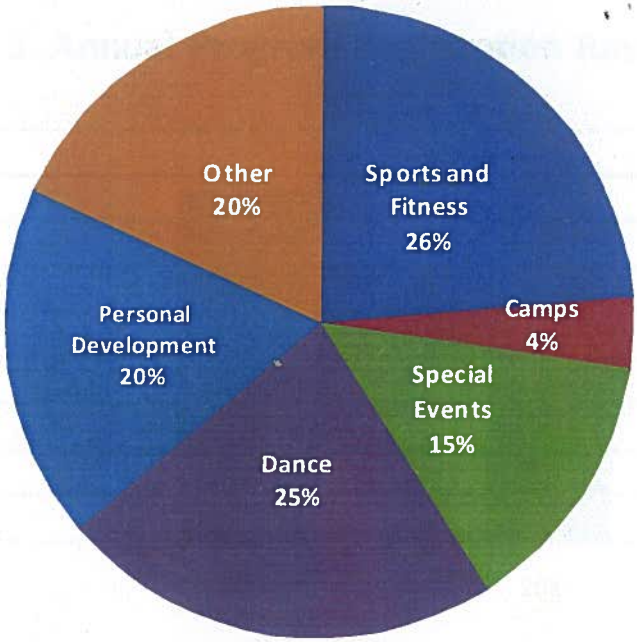
- "The coaches had tons of patience with the kids!" Socce Starters participant.
- "I didn't like that the class was held close to a playground." All Sorts of Sports participant.
- "Hands on class, loved it!" Grow Me a Garden participant.
- "The instructor was great (Elena Salisbury)." Music Together participant.
- "Hard to find parking sometimes." Clogging participant.
- "Quick and easy food." Veggie Kitchen participant.
- "The instructors had a great attitude." Lil' Chef's participant.
- "The class was very organized." Messy Muddy Hands and Toes participant.
- "Too fast paced." On the Farm participant.
- "My daughter loved dressing up for class." Pretty Princess participant.
- "The activities were age appropriate." Dino Days participant.
- "We loved all of the crafts." Bug Buddies participant.

The graph below provides a percentage breakdown of program enrollment by recreation category. The "Other" portion of the graph includes excursions, activities that are a part of the "Circle of Friends" program, and cultural arts activities.

2010



2011



The City of Laguna Hills

Community Services Department
25555 Alicia Parkway
Laguna Hills, California 92653

3/13/2012 ITEM NO. 4.3

3/13/2012 ITEM NO. 4.3

CITY OF LAGUNA HILLS

AGENDA REPORT
CITY CLERK

ISSUE: **ADOPTION OF AN ORDINANCE IMPLEMENTING THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, REPLACING THE CABLE TELEVISION FRANCHISE REGULATIONS**

SUMMARY:

The enactment of the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") replaced locally issued franchise agreements with statewide franchises issued by the California Public Utilities Commission. Cox Cable, which is the City's local cable television and video provider, has informed the City that it has opted into the statewide franchise. Under DIVCA, the City is granted a 5% franchise fee in exchange for use of the public right of way and has the option of enacting a 1% Public, Educational, and Governmental ("PEG") fee. The City is also charged with monitoring and enforcing minimum State and federal customer service standards, and to impose penalties for material breaches to the defined standards.

In order to benefit from these fees and authority, the City must adopt an Ordinance which amends Chapter 4-16 of Title 4 of the Laguna Hills Municipal Code to implement the Digital Infrastructure and Video Competition Act of 2006 pertaining to State Video Franchise Holders. It replaces the Cable Television Franchise regulations, which have become obsolete, by operation of State law preemption.

On February 28, 2012, the City Council introduced the Ordinance. It is in order for the City Council to adopt the Ordinance.

RECOMMENDATION: THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-16 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS."

ATTACHMENTS:

- Ordinance

ORDINANCE NO. 2012-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-16 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4-16 of Title 4 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 4-16 STATE VIDEO FRANCHISE HOLDERS

4-16.010 Purpose.
4-16.020 Applicable Definitions.
4-16.030 State Franchise Required.
4-16.040 Administration and Regulations.
4-16.050 Franchise Fee.
4-16.060 PEG Fee.
4-16.070 Payment of Fees; Examination of Business Records.
4-16.080 Customer Service Penalties Under State Video Franchises.
4-16.090 City Response to State Video Franchise Applications.
4-16.100 PEG Channel Capacity.
4-16.110 Emergency Alert System and Emergency Overrides.

4-16.010 Purpose.

A. This Chapter is designed to regulate video service providers holding state video franchises and operating within the City. As of January 1, 2007, the State of California has the sole authority to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). Pursuant to DIVCA, the City of Laguna Hills may receive a franchise fee and may receive a fee for public, educational and governmental access facilities and equipment (defined in this Chapter as "PEG" or "PEG access channels") from all state video franchise holders operating within the City. Additionally, although DIVCA grants all authority to adopt customer service standards to the state, the City has the responsibility to establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the City for violations of such customer service standards.

B. It is the purpose of this Chapter to implement within the City the provisions of DIVCA and the rules the California Public Utilities Commission promulgated thereunder that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA. Consistent with that purpose, the provisions of this Chapter are to be construed in a manner that is consistent with DIVCA and the applicable rules of the Commission promulgated thereunder.

4-16.020 Applicable Definitions.

Terms used in this Chapter shall have the same meaning as established in (1) DIVCA, and, if not defined therein, (2) Commission rules implementing DIVCA, and, if not defined therein, (3) Subchapter V-A of Chapter 5 of Title 47 of the United States Code, and, if not defined therein, (4) their common and ordinary meaning. References to governmental entities (whether persons or entities) shall refer to those entities or their successors in authority. If a specific provision of law referred to in this Chapter should be renumbered, then the reference shall be read to refer to the renumbered provision. References to any law shall be interpreted broadly to cover government actions, however nominated, including any law now in force or subsequently enacted or amended.

4-16.030 State Franchise Required.

A. Except as the City Council may authorize by resolution, no person may construct, operate, maintain or repair a cable system or video service provider's network in the City without first obtaining a state franchise therefor.

B. A state franchise shall not convey rights other than as specified in this Chapter or in DIVCA or other applicable law; no rights shall pass by implication.

C. Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:

1. Compliance with generally applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed, or for providing non-video services;

2. Any permit or authorization, other than a state franchise, required in connection with operations on or in public rights-of-way or public property; and

3. Any permit, agreement or authorization for occupying any other property of the City or private persons to which access is not specifically granted by the state franchise.

D. Except as otherwise provided in DIVCA, a state franchise shall not relieve a franchisee of its duty to comply with all laws, including laws of the City, and every state franchisee shall comply with the same. The City reserves its rights to the lawful exercise of police and other powers the City now has or may later obtain.

E. The City reserves the right to construct, operate, maintain or repair its own cable system or video service provider network.

4-16.040 Administration and Regulations.

A. The City may from time to time adopt rules and regulations to implement the provisions of this Chapter consistent with DIVCA.

B. The City Manager, or his/her designee, is hereby authorized to administer this Chapter and to provide or cause to be provided any notices (including noncompliance notices) and to take any action on behalf of the City that may be required under this Chapter, DIVCA, or under applicable law.

C. The failure of the City, upon one or more occasions, to exercise a right or to require compliance or performance under this Chapter or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing or its exercise by the City is not permitted by DIVCA.

D. The City may designate one or more entities, including itself, to control and manage the use of PEG access channels, and any PEG facilities and equipment owned, controlled or used by the City or the designated entity or entities.

4-16.050 Franchise Fee.

A state video franchise holder operating in the City shall pay to the City a franchise fee that is equal to five percent (5%) of the gross revenues of that state video franchise holder. The term "gross revenues" shall be defined as set forth in Public Utilities Code Section 5860.

4-16.060 PEG Fee.

In addition to the franchise fee required pursuant to section 4-16.050, a state video franchise holder operating in the City shall pay to the City a fee that is

equal to one percent (1%) of the gross revenues of that state video franchise holder which fee shall be used to support PEG channel facilities and equipment, provided that the City Council shall have first adopted a resolution requiring the payment thereof. The term "gross revenues" shall be defined as set forth in Public Utilities Code Section 5860.

4-16.070 Payment of Fees; Examination of Business Records.

A. The Franchise Fee and PEG Fee shall be remitted to the City on a quarterly basis within 45 days after the end of each quarter for that calendar year. Each payment shall be accompanied by a detailed summary explaining the basis for the calculation of the franchise fee and PEG fee.

B. If a state video franchise holder fails to pay the fees when due, or underpays the proper amounts due, the state video franchise holder shall pay a late payment charge at the annual interest rate equal to the highest prime lending rate during the period of delinquency, plus one percent (1%). If the state video franchise holder has overpaid the fees, it may deduct the overpayment from its next quarterly payment.

C. Not more than once annually, the City may examine the business records of a state video franchise holder to ensure compliance with all applicable statutes and regulations related to the computation and payment of franchise fees.

4-16.080 Customer Service Penalties Under State Video Franchises.

A. The holder of a state video franchise shall comply with California Government Code §§ 53055, 53055.1, 53055.2 and 53088.2; the FCC customer service and notice standards set forth in 47 C.F.R. §§ 76.309, 76.1602, 76.1603 and 76.1619; California Penal Code § 637.5; the privacy standards of 47 U.S.C. § 551; and all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, including any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this section shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

B. The City shall monitor state video franchise holder's compliance with state and federal customer service and protection standards. The City will provide to the state video franchise holder written notice of any material breaches of applicable customer service and protection standards, and will allow the state video franchise holder 30 days from receipt of the notice to remedy the specified material breach. Material breaches not

remedied within the 30-day time period are subject to the following monetary penalties to be imposed by the City in accordance with state law:

1. For the first occurrence of a violation, a monetary penalty of $500 shall be imposed for each day the violation remains in effect, not to exceed $1500 for each violation.

2. For a second violation of the same nature within a 12-month period, a monetary penalty of $1000 shall be imposed for each day the violation remains in effect, not to exceed $3000 for each such violation.

3. For a third or further violation of the same nature within a 12-month period, a monetary penalty of $2500 shall be imposed for each day the violation remains in effect, not to exceed $7,500 for each such violation.

4. A state video franchise holder may appeal to the City Council, or a hearing officer as the City Council may appoint, a monetary penalty assessed by the City within 60 days after notice of the assessment. After relevant evidence and testimony as may be received, and staff reports as may be submitted, the City Council may uphold, vacate, or modify the monetary penalty consistent with the evidence presented. The decision of the City Council, or hearing officer, on the imposition of a monetary penalty shall be final.

4-16.090 City Response to State Video Franchise Applications.

A. Applicants for state video franchises within the boundaries of the City must concurrently provide to the City complete copies of any application or amendments to applications filed with the California Public Utilities Commission. One complete copy must be provided to the City Clerk.

B. The City may provide any appropriate comments to the California Public Utilities Commission regarding an application or an amendment to an application for a state video franchise.

4-16.100 PEG Channel Capacity.

A. A state video franchise holder shall designate sufficient capacity on its network to enable the carriage of at least three PEG access channels. PEG access channels shall be for the exclusive use of the City or its designees to provide public, educational, or governmental programming.

B. A state video franchise holder shall provide additional PEG channels when the standards set forth in Public Utilities Code Section 5870 are satisfied by the City or any entity designated by the City to be responsible for PEG access.

4-16.110 Emergency Alert System and Emergency Overrides.

A state video franchise holder must comply with the Emergency Alert System requirements of the Federal Communications Commission so that emergency messages may be distributed over its network.

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED and ADOPTED this 13th day of March 2012.

_____
MELODY CARRUTH, MAYOR

ATTEST:

_____
PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2012-x was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 28th day of February 2012, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the 13th day of March 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

_____
PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

PEGGY J. JOHNS, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. 2012- , being:

> AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-16 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS.

on the 2nd day of March 2012 was published in summary in the Register Newspaper and on the 23rd day of March 2012, was published in summary in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the 29th day of February 2012, and the 14th day of March 2012, caused to be posted in summary in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

_____
PEGGY J. JOHNS, CITY CLERK
Laguna Hills, California

CITY OF LAGUNA HILLS

AGENDA REPORT
PUBLIC SERVICES DEPARTMENT

ISSUE: **COST SHARING AND COOPERATIVE AGREEMENT FOR PACIFIC PARK DRIVE / OSO PARKWAY STREET IMPROVEMENT PROJECT WITH THE CITY OF ALISO VIEJO**

SUMMARY:

The City of Aliso Viejo is embarking on a pavement rehabilitation project of Pacific Park Drive (Oso Parkway in the City of Laguna Hills) and has offered the City the opportunity to participate in the project to allow the end of the work to join on the westerly side of the intersection of Oso Parkway at Moulton Parkway. Staff recommends the City Council approve the attached subject Agreement to allow a short section of the City's portion of this arterial highway to be resurfaced as a part of the larger project. The City of Laguna Hills' proportional share of the construction cost is estimated to be $53,000 and would be paid next fiscal year.

BACKGROUND:

Oso Parkway is a six-lane arterial highway traversing the City of Laguna Hills from the I-5 to west of Moulton Parkway. Within the City of Aliso Viejo, this arterial highway is known as Pacific Park Drive. The mutual Laguna Hills/Aliso Viejo boundary line is approximately 205 feet westerly of Moulton Parkway.

The City of Aliso Viejo has developed a pavement rehabilitation project for all of Pacific Park Drive within their jurisdiction and contacted City of Laguna Hills' staff to determine the City's interest in participating in the project given that the boundary between the two cities along this street is at a mid-block location. Staff reviewed the condition of Oso Parkway from Moulton Parkway to the westerly City boundary and determined the street was in need of pavement resurfacing. Having this section of Oso Parkway resurfaced as a part of a larger project is cost-effective. The total project cost is estimated to be $470,000 with the Laguna Hills' portion being approximately $53,000.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE COST SHARING AND COOPERATIVE AGREEMENT FOR PACIFIC PARK DRIVE / OSO PARKWAY STREET IMPROVEMENT PROJECT WITH THE CITY OF ALISO VIEJO AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

The City of Aliso Viejo developed the attached Cooperative Agreement to allow cost sharing of the work. Aliso Viejo is designated as the lead agency for environmental clearance and project implementation. The City of Laguna Hills does not have pavement resurfacing funds available until next fiscal year but the City of Aliso Viejo desired to move forward with their project in the current fiscal year. Therefore, Aliso Viejo agreed to defer a payment by Laguna Hills for the pavement work in our City until next fiscal year.

The attached Agreement has been reviewed by the office of the City Attorney and is recommended for approval.

FISCAL IMPACT:

The pavement resurfacing of Oso Parkway from Moulton Parkway to the westerly City boundary has an estimated cost of $53,000 and funds are available in the 2012-2013 Fiscal Year, in the Capital Improvement Project Budget for project number "101-G," to fund this cost.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE COST SHARING AND COOPERATIVE AGREEMENT FOR PACIFIC PARK DRIVE / OSO PARKWAY STREET IMPROVEMENT PROJECT WITH THE CITY OF ALISO VIEJO AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

ATTACHMENTS:

- Agreement

COST SHARING AND COOPERATIVE AGREEMENT FOR

PACIFIC PARK DRIVE / OSO PARKWAY

STREET IMPROVEMENT PROJECT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____ _____, 2012, by and between the CITY OF ALISO VIEJO, a municipal corporation of the State of California, hereinafter referred to as "ALISO VIEJO," and the CITY OF LAGUNA HILLS, a municipal corporation of the State of California, hereinafter referred to as "LAGUNA HILLS."

WHEREAS, ALISO VIEJO and LAGUNA HILLS desire to rehabilitate Pacific Park Drive / Oso Parkway, which street is partially located in ALISO VIEJO and partially in LAGUNA HILLS, hereinafter referred to as the "Pacific Park Drive / Oso Parkway Street Improvement Project" or "PROJECT;" and

WHEREAS, ALISO VIEJO and LAGUNA HILLS desire to acknowledge that costs for the design and construction of the PROJECT will be shared by ALISO VIEJO and LAGUNA HILLS and funded through Gas Tax funds; and

WHEREAS, LAGUNA HILLS agrees that ALISO VIEJO should act as lead agency for environmental clearance, design, engineering and administration of the construction contract for project efficiency; and

WHEREAS, LAGUNA HILLS and ALISO VIEJO wish to define areas of responsibility for design, engineering and construction of the PROJECT;

NOW THEREFORE, IT IS AGREED by the parties as follows:

A. ALISO VIEJO shall be designated as Lead Agency for environmental clearance, design, engineering, procurement and PROJECT construction.

B. ALISO VIEJO will design the PROJECT and prepare construction documents, including, but not limited to, plans, specifications and procurement documents and shall obtain the LAGUNA HILLS City Engineer's approval of the Plans and Specifications for all facilities to be constructed in LAGUNA HILLS (hereinafter, the "LAGUNA HILLS portion"). LAGUNA HILLS shall provide, at no cost to ALISO VIEJO, any LAGUNA HILLS permits required for PROJECT.

C. ALISO VIEJO is designated at Project Engineer, Contracting and Construction Agent, hereinafter referred to as "ENGINEER," for the parties to do and perform all things necessary in order to construct PROJECT in accordance with the approved plans and specifications and to execute and deliver all documents required in connection with the construction and completion of PROJECT, including its Notice of Completion and final accounting report.

D. ALISO VIEJO and LAGUNA HILLS shall share in the cost of the PROJECT by providing local funds as necessary to complete the PROJECT. The estimated cost for PROJECT is $538,000. ALISO VIEJO and LAGUNA HILLS shall pay a pro rata share of total contracted construction costs based upon the percentage of the cost of improvements incurred for work done within each city's respective city limits. The estimated cost for the LAGUNA HILLS portion of the PROJECT is $53,000.

E. ALISO VIEJO shall require its contractor to name LAGUNA HILLS, its elected officials, officers and employees as an additional insureds and to indemnify LAGUNA HILLS, its elected officials, officers and employees to the same exent that the contractor is required to indemnify ALISO VIEJO, its elected officials, officers and employees.

F. ALISO VIEJO shall obtain the written concurrence of the LAGUNA HILLS' City Engineer or his designee, hereinafter referred to as LAGUNA HILLS ENGINEER, for any contract change order (CCO) of PROJECT which would affect the PROJECT design or increase the estimated cost for the LAGUNA HILLS portion of the PROJECT.

G. Prior to accepting improvements under the contract for PROJECT, ALISO VIEJO shall obtain LAGUNA HILLS ENGINEER's written approval of the construction as it affects the operation and maintenance of PROJECT within the LAGUNA HILLS portion. Approval shall be withheld only for work not completed per the approved plans and specifications for PROJECT.

H. ALISO VIEJO shall furnish LAGUNA HILLS ENGINEER with one set of reproducible mylar or acetate "Record" construction drawings for PROJECT and a copy of the Notice of Completion.

I. LAGUNA HILLS shall at all times during the progress of construction of PROJECT within the LAGUNA HILLS portion, have access to the work thereon for the purpose of inspection and, should LAGUNA HILLS ENGINEER deem any remedial measures to be necessary, LAGUNA HILLS ENGINEER shall notify ALISO VIEJO thereof for communication to the contractor.

J. LAGUNA HILLS shall fund any special features or changes or additions to the PROJECT outside the scope of the approved plans and specifications, including but not limited to special features or changes or additions to the design, right-of-way, construction and contract administration for the LAGUNA HILLS portion.

K. LAGUNA HILLS shall deposit with ALISO VIEJO the estimated costs of any special features or changes or additions as described in Section J prior to the start of the appropriate phase (design or construction).

L. After award of a construction contract by ALISO VIEJO, LAGUNA HILLS shall, within thirty (30) days of being invoiced by ALISO VIEJO, deposit with ALISO VIEJO their share of PROJECT costs. ALISO VIEJO shall not invoice LAGUNA HILLS prior to June 30, 2012.

M. Within 120 days after filing of the Notice of Completion by ALISO VIEJO, ALISO VIEJO shall prepare for review and approval by LAGUNA HILLS, a final cost accounting for any additional work performed outside the scope of the approved plans and specifications, that is the responsibility of LAGUNA HILLS. Within 60 days after receipt of this final accounting, it shall be reviewed for approval by the LAGUNA HILLS ENGINEER. Upon approval, LAGUNA HILLS shall transfer to ALISO VIEJO any necessary funds, if any, or ALISO VIEJO shall transfer to LAGUNA HILLS any necessary funds, if any, to balance PROJECT's expenditures.

N. Upon approval and acceptance of the improvements by LAGUNA HILLS ENGINEER, LAGUNA HILLS shall resume maintenance responsibility for PROJECT within the LAGUNA HILLS portion.

O. Neither party to this Agreement nor any officer, agent or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection to any work, authority or jurisdiction delegated to such other party under this Agreement. It is also understood and agreed that pursuant to Government Code Section 895.4, with regard to any work authority or jurisdiction delegated to a party under this Agreement, such party shall fully indemnify, defend and hold the other party harmless from any liability imposed for injury (as defined by Government Code Section 810.8), occurring by reason of anything done or omitted to be done under or in connection with such delegated work, authority or jurisdiction. Notwithstanding and in addition to the foregoing, ALISO VIEJO shall defend, indemnify and hold LAGUNA HILLS harmless for liability imposed by reason of a release of Hazardous Materials (as defined in the construction contract) caused by ALISO VIEJO's sole negligence or willful misconduct in administering the construction contract. This indemnity is intended to operate as an agreement pursuant to Section 107(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9607(e) and California Health and Safety Code Section 25364.

P. The terms of this Agreement may be amended at any time by either party by supplemental agreement based upon mutual written consent of both parties.

Q. ALISO VIEJO and LAGUNA HILLS shall comply with all applicable federal, state, and local laws, statutes, ordinances and regulations of any governmental authority having jurisdiction over the PROJECT.

R. If any term, provisions, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each remaining term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

S. All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person

or by depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

To: ALISO VIEJO

City of Aliso Viejo
Attn: Mark A. Pulone
City Manager
12 Journey, Suite 100
Aliso Viejo, CA 92656

To: LAGUNA HILLS

City of Laguna Hills
Attn: Bruce E, Channing
City Manager
24035 El Toro Road
Laguna Hills, CA 92653

T. This Agreement may be executed and delivered in any number of counter parts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile or electronic signatures will be permitted.

U. Neither this Agreement, nor any of the parties rights, obligations, duties, or authority hereunder may be assigned in whole or in part by either party without the prior written consent of the other party in its sole and absolute discretion. Any such attempt of assignment shall be deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

V. The laws of the State of California and applicable local and federal laws, regulations, and guidelines shall govern this Agreement.

W. Should litigation arise out of this Agreement or the performance thereof, each party shall be responsible for its own costs and expenses, including attorneys' fees.

IN WITNESS WHEREOF, the parties hereto have caused this Cost Sharing and Cooperative Agreement to be executed by their respective City Managers and attested by their respective City Clerks, all thereunto duly authorized by their respective City Councils.

CITY OF ALISO VIEJO

By: _____

Mark A. Pulone

City Manager

ATTEST:

By: _____

Susan A. Ramos

City Clerk

APPROVED AS TO FORM:

By: _____

Scott C. Smith

City Attorney

CITY OF LAGUNA HILLS

By: _____

Bruce E. Channing

City Manager

ATTEST:

By: _____

Peggy J. Johns

City Clerk

APPROVED AS TO FORM:

By: _____

Gregory E. Simonian

City Attorney

3/13/2012 ITEM NO. 4.5

DE LA CARLOTA WIDENING PROJECT, CIP NO. 164.

4.5 PROGRESS PAYMENT NO. 11 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 11, IN THE NET AMOUNT OF $225,028.65, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.6 CLAIM AGAINST THE CITY, AFNI INSURANCE SERVICES

THE CITY COUNCIL REJECTED THE CLAIM AND DIRECTED THE CITY CLERK TO SEND A CLAIM REJECTION LETTER.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:14 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, Agency Member Kogerman, and Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, FEBRUARY 14, 2012

MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 14, 2012, REGULAR MEETING AS REFERENCED IN CITY COUNCIL MINUTES BEGINNING ON PAGE 4, BY M/AGENCY MEMBER BRESSETTE, S/AGENCY MEMBER SONGSTAD.
APPROVED BY A VOTE OF 5-0.

5.4 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council meeting at 7:15 PM. All Council Members were present.

CITY OF LAGUNA HILLS

AGENDA REPORT
COMMUNITY DEVELOPMENT

ISSUE: **SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM NO. 2-12-2188, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE ASHLEY FURNITURE CENTER AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT**

SUMMARY:

Hodgdon Group, on behalf of Ashley Furniture, ("Applicant") is requesting approval of a sign program amendment to modify the existing Master Sign Program (MSP) for the Ashley Furniture development site ("Center"). The requested changes are to: (1) increase the monument sign height on the project's El Toro Road monument sign from 4 feet to 5 feet 2 inches to accommodate a panel for the Laguna Hills Lodge, and (2) to allow exposed LED lighting details around portions of the Chick-fil-A drive-thru restaurant building. The subject site is located at 24001 El Toro Road in the Village Commercial (VC) zoning district.

Staff has reviewed the Development Code requirements as well as General Plan issues, goals, and strategies, and has evaluated the potential for environmental impacts in accordance with the California Environmental Quality Act (CEQA), and has determined that the proposed project, subject to conditions of approval, will not result in any significant adverse or detrimental impacts to the public health, safety, or general welfare, and is categorically exempt from CEQA review.

AUTHORITY:

Laguna Hills Municipal Code (LHMC) §9-92.080 grants the Planning Agency authority to approve Site Development Permits and Master Sign Programs, including major sign program amendments, such as requests to deviate from development code standards for signage. Deviations to required sign standards may be granted by the Planning Agency through a site development permit/master sign program application (LHMC § 9-42.170 and 9-42.180).

Applicable sign standards related to this request include the following:

<u>Applicable Monument Sign Standards</u>

Monument Sign Height:	4 Feet
Monument Sign Area:	40 Square Feet Per Sign Face
Sign Location:	Signs must be located on the same property as the business they advertise.

In this instance the MSP process would permit the project's approved El Toro Road monument sign to exceed the 4 foot height standard for monument signs identified by Table 9-42.090 along with the off-site location. Monument signs do not have limitations on the number of tenants listed.

LED Lighting Applicable Standards

- LED lighting is only permitted in commercial districts;
- LED lighting is prohibited if located and visible within one hundred fifty (150) feet of any residentially zoned property;
- LED lighting is permitted subject to approval of a master sign program;
- LED lighting is permitted only to outline individual windows, roof lines or buildings; and
- Preferred colors are white and clear

PROJECT DESCRIPTION AND ANALYSIS:

The Applicant has requested revisions to the existing MSP as follows:

- Modify the project's El Toro Road monument sign to increase the permitted height from 4 feet to 5 feet 2 inches and add an additional tenant panel for the Laguna Hills Lodge, an off-site business.
- Allow exposed LED lighting to line portions of the roofline of the Chick-fil-A drive-thru restaurant building.

Monument Sign Discussion

A MSP was previously approved for the Ashley Center, which allowed three monument signs, each with three tenant panels. Each monument sign was limited to a height of 4 feet and 40 square feet of sign area as prescribed by the City's Development Code. The applicant requests a modification to the El Toro Road monument sign, adding 14 inches to the sign's height and an additional tenant panel. The resulting sign would have 4 tenant panels and would be 5 feet 2 inches high. The additional tenant panel would advertise the Laguna Hills Lodge, which is located adjacent to the Ashley commercial development and is set-back from El Toro Road, and therefore does not currently have signage on El Toro Road. The other two monument signs would remain as previously permitted (see Attachment 2, pp 8 and 28). Staff notes the sign area of the approved monument signs is 20 feet per face. If approved, the sign area for the El Toro Road monument sign would be 31 square feet which is below the allowable maximum area of 40 square foot.

In considering the request, staff evaluated the property configuration of The Laguna Hills Lodge, Civic Center, and the Ashley Center and determined that the properties share access at several points and is like one property despite the fact that the three uses function independently and are on separate parcels. Placing an additional sign for the Lodge on the monument for the Ashley Center enhances the viability of the Lodge by ensuring that the business has visibility from El Toro Road which is a major gateway

entry to the City from Interstate 5. Access to the Lodge is available through the Civic Center driveway from El Toro Road. Driveway access into the Ashley site will also be available from the Civic Center driveway once work is completed on the site.

Currently the Laguna Hills Lodge has five freestanding signs (see Attachment 3 for locations and sign types). One of the five freestanding signs is a legal non-conforming pole sign. Allowing an additional panel on the Ashley Center sign for the Laguna Hills Lodge allows the Lodge to have more visibility from El Toro Road through the use of the monument sign, significantly reducing the business' reliance on an existing non-conforming pole sign for visibility from El Toro Road. Currently, the Lodge is well represented on its frontage along Paseo de Valencia, but has limited visibility from El Toro Road, which is a more heavily travelled thoroughfare. Since it is a goal of the City's Development Code to reduce existing non-conforming signage, staff evaluated the opportunity to have the pole sign be removed which eliminates the most severe non-conforming sign condition on the site. Unfortunately the timing related to the request does not enable the City to pursue the removal of the Laguna Hills Lodge pole sign without delaying the construction of monument signs for the Ashley Furniture Center which is being timed to coincide with the opening of Ashley Furniture in April.

Essentially the City must pursue an agreement with the Laguna Hills Lodge to remove the pole sign prior to a decision on this entitlement. Since the timing of the Ashley Furniture Center project does not allow this process to occur, the Planning Agency must determine if the additional panel is warranted pursuant to the City's Master Sign Program process. Staff supports the additional panel since it enhances the economic potential of a business located in the Freeway Commercial District which is intended to "provide an environment that takes advantage of superior access and visibility provided by I-5" (Laguna Hills General Plan). With the construction of the new building elements in the Ashley Furniture center the effectiveness of the Lodge's sign is reduced. Approval of the panel would not prevent staff from pursuing a reduction in non-conforming signs with the Laguna Hills Lodge at some future date.

LHMC Sections 9-42.220 and 9-42.090 contain the regulations for monument signs. Monument signs are typically limited to four feet in height and forty square feet. There is no restriction on the number of tenants that can be listed on monument signs. The applicant is requesting a slightly taller (and therefore larger) sign in order to accommodate their commercial neighbor, the Laguna Hills Lodge. The Planning Agency may grant deviations from the sign standards published in the LHMC through granting approval of a MSP.

LED Lighting Discussion

The Applicant is requesting approval of exposed LED lighting lining portions of the drive-thru restaurant roofline (see Attachment 2, pages 20, 21&26). Exposed LED lighting used to outline rooflines can be permitted through the approval of a Master Sign Program, pursuant to LHMC 9-42.240. The LHMC encourages colors that are complimentary to the building design, citing white and clear as preferred colors for LED

or neon signage. Furthermore, the Urban Village Specific Plan (UVSP) states that, "Neon lighting shall be encouraged" when integrated into the architectural design of the business and deemed to be an appropriate type and location. The LED lighting requested is red, which coordinates with Chick-fil-A's other signage and awnings consistent with their established commercial store branding and marketing plan. The LED lighting will compliment and look similar to that of the In-N-Out Burger store opposite the Chick-fil-A store.

CONCLUSION:

LED lighting used to outline buildings and deviations from the sign standards, such as additional height for monument signs, is permitted through the approval of a MSP. The additional size and height of the monument sign is in response to a neighboring business requesting signage on El Toro Road, where it currently has none. The resulting sign would still be relatively low profile (5'2"). The requested LED lighting on the drive-thru restaurant meets requirements of the LHMC and design guidelines of the UVSP and fits with the character of surrounding businesses.

Therefore, staff recommends approval of SDPA/MSP No. 2-12-2188, subject to the Conditions of Approval.

PUBLIC COMMENT:

A total of 18 public hearing notices were mailed to surrounding property owners within a 300-foot radius of the subject site; notices were also mailed to individuals who had previously requested notice for projects within the Urban Village. To date, staff has not received any comments.

CEQA:

Staff has reviewed the proposed project for compliance with CEQA and upon completion of this review, staff recommends that the Planning Agency find that the proposed project is categorically exempt from CEQA, pursuant to CEQA Guideline Section 15301 (Class 1, Existing Facilities) and Guideline Section No. 15311 (Class 11, Accessory Structures). Categorical Exemptions are projects which have been determined not to have a significant effect on the environment and which have been exempted from the requirements of CEQA. Class 1 consists of minor alteration of existing structures involving negligible expansion beyond what is existing. Here, exposed LED lighting will be added to an approved building. Class 11 consists of construction or replacement of minor structures accessory to existing commercial buildings, including on-premise signs, such as the monument sign modifications proposed as part of this project. Based on the foregoing, it is hereby recommended that the Planning Agency find that the project is categorically exempt from CEQA review.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM NO. 2-12-2188, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE ASHLEY FURNITURE CENTER AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT."

ATTACHMENTS

Attachment 1: Resolution
Attachment 2: Sign Program
Attachment 3: Laguna Hills Lodge Signs Exhibit

ATTACHMENT 1

RESOLUTION NO. PA2012-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM NO. 2-12-2188, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE ASHLEY FURNITURE CENTER AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, an application for Site Development Permit/Master Sign Program (SDPA/MSP) No. 2-12-2188 has been received to modify the existing sign program for the Ashley Furniture center, located at 24001 El Toro Road in the Village Commercial (VC) Zoning District; and

WHEREAS, SDPA/MSP No. 2-12-2188 is hereby found to be Categorically Exempt from the California Environmental Quality Act (CEQA) based upon the following: Class 1 (CEQA Guidelines §15301, Existing Facilities) and Class 11 (CEQA Guidelines Sections 15311, Accessory Structures) exemptions; and

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the applicant, and other interested parties with respect to the subject application at a public hearing held on March 13, 2012.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That the required findings by the City for approval of SDPA/MSP No. 2-12-2188 have been met and made as follows:

Site Development Permit

1. The site design complies with standards of the development code in that:

Signage has already been approved for this site through a previously approved Master Sign Program (MSP); only minor modifications to the MSP are requested. No changes are proposed in terms of building size or footprint and the existing number of parking spaces are being preserved. Some deviations from the development code standards are requested for on-site signage; however, this is permitted by the development code with Planning Agency approval. Therefore, with the Conditions of Approval, the site design complies with the standards of the development code.

2. The site is suitable for the proposed development in that:

The site has been and will continue to be a commercial shopping center and no changes to the layout of the site or use are proposed. The proposed development involves building signage (exposed LED) and a minor increase in the size of one previously approved monument sign. Signage such as the modifications proposed is a typical part of commercial centers; therefore, the site is suitable for the proposed development.

3. The project is consistent with the General Plan and applicable design guidelines in that:

The General Plan encourages policies to promote economic development within the City, including attracting new businesses and helping to facilitate the success of new and existing businesses. Allowing slightly increased or unique signage is a simple way to facilitate the success of the affected businesses. The Urban Village Specific Plan encourages unique signs and the use of exposed Neon or LED lighting, where appropriate, in the Village Commercial Zone. The LED lighting on the drive-thru restaurant building complies with the regulations in the Development Code and the design regulations in the UVSP.

4. The site design and structural components are appropriate for the site and function of the proposed uses in that:

As a previously approved shopping center, the site design and structural components are appropriate. The minor changes in the sign program do not affect the site design or structural components.

Master Sign Program

1. The design and application of the sign criteria required by the development code are satisfied by the proposed sign program in that:

The additional panel on the monument sign will increase the height above the criteria in the development code. Exposed LED used to outline portions of buildings is permitted by the development code when approved as part of a MSP. The use of exposed LED (and Neon) is encouraged in this zone by the UVSP. The development code signage criteria limits overall size, placement, and types of signage and allows for some deviations to the requirements of the code with Planning Agency approval. Therefore, with adoption of the Resolution of Approval, the development code sign criteria are satisfied by this proposal.

2. The sign program provides a compatible and harmonious design between advertising, landscaping, and building design in that:

The changes to the approved MSP requested will not significantly change the design of signage or how it blends with the building design or landscaping. The monument sign, while slightly taller, will maintain the design previously approved incorporating quality materials including ledgestone. The LED lighting will enhance the brand of the drive-thru restaurant by highlighting sections of the building and using the same red color used in the other approved signage and awnings.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve SDPA/MSP No. 2-12-2188 subject to the following conditions:

General

1. This approval constitutes approval of the proposed project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.

2. Failure to abide by and faithfully comply with any and all conditions of approval shall constitute grounds for revocation of said Site Development Permit by the Laguna Hills Planning Agency.

3. As a condition of issuance of this approval, the applicant/owner, hereby agrees, at its sole cost and expense and to the fullest extent permitted by law, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, employees, agents, and consultants, which seeks to attack, challenge, set aside, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, but is not obligated to, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

4. The applicant/owner shall agree in writing to these conditions of approval within 30 days of the Planning Agency's approval.

5. The applicant/owner shall reimburse the City for any outstanding staff time spent on the processing of SDPA/MSP No. 2-12-2188 within 60 days of the Planning Agency's approval.

6. The Site Development Permit and associated entitlements shall expire and be of no further force or effect if the permit is not implemented within two years from March 13, 2012.

7. Within 48 hours from project approval, the applicant/owner shall submit to the City a check in the amount of $50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Exemption.

8. The additional tenant panel to the monument sign authorized by this permit shall be used by the applicant to advertize the adjacent offsite Laguna Hills Lodge business only. Prior to the issuance of any building permits for the monument sign, the applicant shall provide evidence to the satisfaction of the Community Development Director that the applicant has legally authorized the additional tenant panel to be used by the adjacent Laguna Hills Lodge and that the applicant will maintain such additional tenant panel for use by and for the benefit of the Laguna Hills Lodge. Any future proposed use of the additional tenant panel authorized by this permit to advertise a tenant other than the adjacent Laguna Hills Lodge will require the applicant to apply for and process an amendment to its approved Master Sign Program.

Building

9. The applicant/owner shall secure applicable building permits, as required by Section 105 of the 2010 California Building Code (see work exempt from permits), prior to the commencement of any work for which a permit is required.

10. Any required plans submitted for the purpose of building permit issuance shall be accurately labeled and reflect all work, as required by Section 107 of the 2010 California Building Code (construction documents).

11. The applicant/owner shall comply with all California Energy requirements, as required by the California Energy Commission.

12. All construction shall comply with the 2010 California Building and Electrical Codes in regard to applicable occupancy types.

13. The applicant/owner shall submit Construction and Demolition Waste Recycling Program paperwork, if applicable, as required by the City of Laguna Hills Ordinance No. 2003-9 and to comply with mandates of the California Integrated Waste Management Board (CIWMB).

14. As applicable, the applicant/owner shall comply with all general construction Water Quality Ordinances, as required by the City of Laguna Hills, and Ordinance No. 2003-12.

Planning

15. Lighted signs shall be designed and maintained so as not to illuminate beyond the project boundary. Exterior lights shall be focused inward and away from surrounding uses.

16. All signage, including any required approvals and permits, shall comply with L.H.M.C. Chapter 9-42. Signs shall be maintained to prevent deterioration, disrepair and shall be legible and in good condition.

17. The ledgestone installed as a part of this project shall be dry stacked with tight-fitted joints (no visible mortar joints).

Public Services

18. Monument B shall not be located within the City's landscape easement and shall be setback a minimum of five feet from the property line.

(Remainder of this page intentionally left blank)

PASSED, APPROVED, AND ADOPTED this 13th day of March, 2012.

_____
MELODY CARRUTH, CHAIR

ATTEST:

_____
PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. PA2012- adopted by the Planning Agency of the City of Laguna Hills, California, at a Regular Meeting thereof held on the 13th day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
PEGGY J. JOHNS, CITY CLERK

RECEIVED
FEB 23 2012
CITY OF LAGUNA HI

3/13/2012 ITEM NO. 5.4.1

3/13/2012 ITEM NO. 5.4.1

PROJECT DIRECTORY

LANDLORD:
ASHLEY FURNITURE HOMESTORE
ONE ASHLEY WAY
ARCADIA, WI 54612
TEL (608) 323-3377
FAX (608) 323-6167

PROJECT REPRESENTATIVE:
HODGON GROUP
1461 E. COOLEY DRIVE, SUITE 230
COLTON, CA 92324
TEL (909) 229-9872
FAX (909) 783-3026

ARCHITECT:
NADEL ARCHITECTS
3080 BRISTOL STREET, SUITE 500
COSTA MESA, CA 92626
TEL (714) 540-5000
FAX (714) 755-3013

CONSULTANT:
ULTRASIGNS ELECTRICAL ADVERTISING
9025 BALBOA AVENUE, STE 150
SAN DIEGO, CA 92123-1520
TEL (858) 569-1400 x4104
FAX (858) 569-1453
ATTN: JOHN HADAYA

TABLE OF CONTENTS

TITLE	1
PROJECT DIRECTORY	2
SUBMITTALS & APPROVALS	3
CONSTRUCTION REQUIREMENTS	4
SIGNAGE SPECIFICATIONS	5
PROHIBITED SIGNS	6
CROSS SECTIONS	7
SITE PLAN	8

WALL SIGNS

ANCHOR TENANT	9-15
MAJOR TENANT	16-18
PAD TENANT	19-23

GROUND SIGNS

PAD GROUND SIGN DISPLAYS	24-26
MONUMENT DISPLAYS	27-28
NO PARKING DISPLAYS	29
CART RETURN DISPLAYS	30

A INTRODUCTION

The intent of this sign criteria is to provide the guidelines necessary to achieve a visually coordinated, balanced and appealing sign environment, harmonious with the architecture of the project, while maintaining provisions for individual graphic expression.

Performance of this sign criteria shall be rigorously enforced and any nonconforming sign shall be removed by the tenant or his sign contractor at their expense, upon demand by the Landlord.

Exceptions to these standards shall not be permitted without approval from the Landlord and will require approval of a modification to the sign program application by the City.

Accordingly, the Landlord will retain full rights of approval for any sign used in the center.

No sign shall be installed without the written Landlord approval and the required City permits.

B LANDLORD/TENANT REQUIREMENTS

1. Each Tenant shall submit to Landlord for written approval, three (3) copies of the detailed shop drawings of this proposed sign, indicating conformance with the sign criteria herein outlined.

2. The Landlord shall determine and approve the availability and position of a Tenant name on any ground sign(s).

3. The Tenant shall pay for all signs, related materials and installation fees (including final inspection costs).

4. The Tenant shall obtain all necessary permits.

5. The Tenant shall be responsible for fulfillment of all requirements of this sign criteria.

6. It is the responsibility of the Tenant's sign company to verify all conduit and transformer locations and service access prior to fabrication.

7. Should a sign be removed, it is the Tenant's responsibility to patch all holes, paint surface to match the existing color, and restore surface to original condition.

C GENERAL SIGN CONSTRUCTION REQUIREMENTS:

1. All signs and their installation shall comply with all local building and electrical codes.

2. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications and bear U.L. Label.

3. Sign company to be fully licensed with the City and State and shall have full Workman's Compensation and general liability insurance.

4. All penetrations of building exterior surfaces are to be sealed waterproof in color and finish to match existing exterior.

5. Internal illumination to be LEDs, installed and labeled in accordance with the "National Board of Fire Underwriters Specifications".

6. Painted surfaces to have a satin finish. Only paint containing acrylic polyurethane products may be used.

7. Logo and letter heights shall be as specified and shall be determined by measuring the normal capital letter of a type font exclusive of swashes, ascenders, and descenders.

8. All sign fabrication work shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles will not be acceptable. The Landlord reserves the right to reject any fabrication work deemed to be below standard.

9. All lighting must match the exact specification of the approved working drawings. No exposed conduits will be allowed.

10. Signs must be made of durable rust –inhibiting materials that are appropriate and complimentary to the building.

11. Color coatings shall exactly match the colors specified on the approved plans.

12. Joining of materials (e.g., seams) shall be finished in way as to be unnoticeable. Visible welds shall be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled, and finished so as to be unnoticeable.

13. Finished surfaces of metal shall be free from oil canning and warping. All sign finishes shall be free from dust, orange peel, drips, and runs and shall have a uniform surface conforming to the highest standards of the industry.

14. In no case shall any manufacturer's label be visible from the street from normal viewing angles.

15. Exposed raceways are not permitted unless they are incorporated into the overall sign design.

16. Exposed junction boxes, lamps, tubing or neon crossovers of any type are not permitted.

17. All raceways to be painted a specific color to be obtained from the architect.

D SHOP TENANT SIGNAGE SPECIFICATIONS:

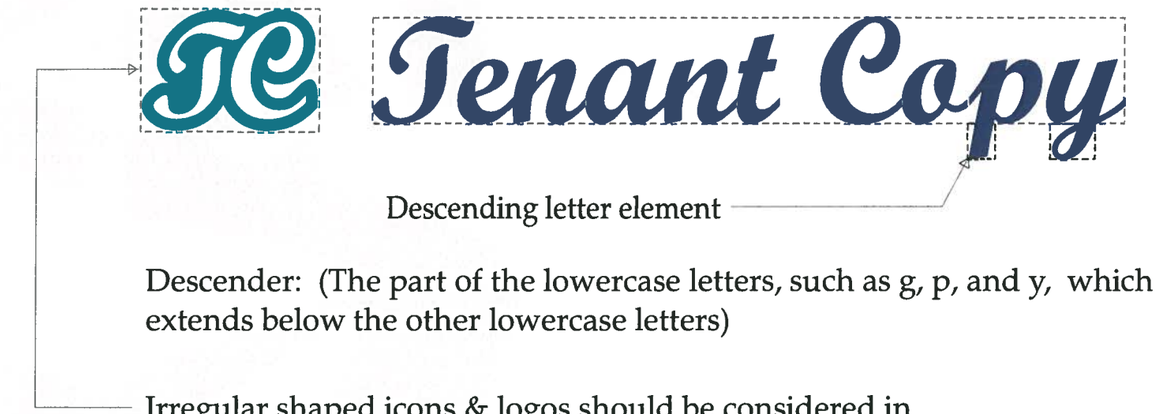
The intent of this criteria is to insure a standardized uniform style throughout the center while encouraging the creativity of typographical and iconic elements to develop interest and style. Signs must be architecturally compatible with the entire center.

STOREFRONT SIGNAGE

The following types of construction will be allowed:

- Acrylic face channels
- Acrylic face icons and logos

In order to allow creativity and artistic designs, ascending and descending shapes will be allowed to extend beyond the envelope limits provided that the overall allocated square footage is not exceeded. In other words, these areas shall be calculated individually and added to the "boxed" area for the main sign body. (See diagram below)



Descender: (The part of the lowercase letters, such as g, p, and y, which extends below the other lowercase letters)

Irregular shaped icons & logos should be considered in sign design for increased visual impact.

E PROHIBITED SIGNS:

1. Signs constituting a Traffic Hazard:
No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "LOOK", "DANGER" or any words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic.

2. Signs in Proximity to Utility Lines:
Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines that are prescribed by the laws of the State of California are prohibited.

3. Signs painted directly on a building surface will not be permitted.

4. Wall signs may not project above the top of a parapet, the roof line at the wall, or roof line.

5. There shall be no signs that are flashing, moving or audible.

6. No sign shall project above or below the sign-able area. The sign-able area is defined in the attached exhibit for tenants.

7. Vehicle Signs:
Signs on or affixed to trucks, automobiles, trailers, or other vehicles which are use for advertising, identity, or provide direction to a specific use or activity not related to its lawful activity are prohibited.(I.e. Delivery trucks with tenant signage is OK!)

8. Light Bulb Strings:
External displays, other than temporary decorative holiday lighting which consists of unshielded light bulbs are prohibited. An exception may be granted by the Landlord when the display is an integral part of the design character of the activity to which it relates.

9. Banners, Pennants & Balloons Used for Advertising Purposes:
Temporary flags, banners, or pennants, or a combination of same constituting an architectural feature which is an integral part of the design character of a project may be permitted subject to Municipal Code requirements, Landlord's, and City approval.

10. Billboard Signs are not permitted.

11. The use of permanent "sale" signs are prohibited. The temporary use of these signs are limited to a thirty-day period and is restricted to signs affixed to the interior of windows which do not occupy more than 20 square feet max and a max of 20% of window coverage whichever is less. Each business is permitted a total of not more than ninety (90) days of temporary window sale signs per calendar year.

12. No standard plex faced cabinet construction allowed.

F ABANDONMENT OF SIGNS:

Any tenant sign left after thirty (30) days from vacating premises shall become the property of Landlord.

G INSPECTION:

Landlord reserves the right to hire an independent electrical engineer at the Tenant's sole expense to inspect the installation of all Tenant's signs and to require the Tenant to have any discrepancies and/or code violations corrected at the Tenant's expense.

H MAINTENANCE:

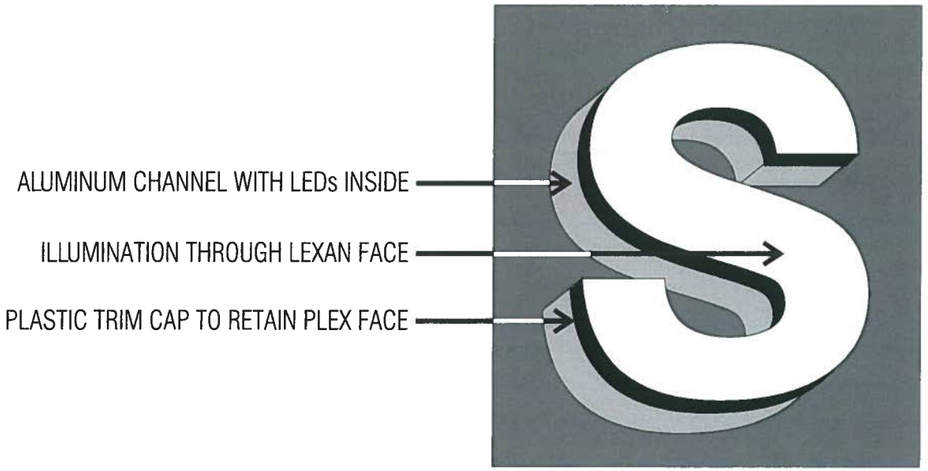
It is the Tenant's responsibility to maintain their signs in proper working and clean conditions at all times . Otherwise, landlord reserves the right to hire his own contractor, make the necessary corrections, and bill tenant should it be deemed necessary.

ultrasigns
ELECTRICAL ADVERTISING

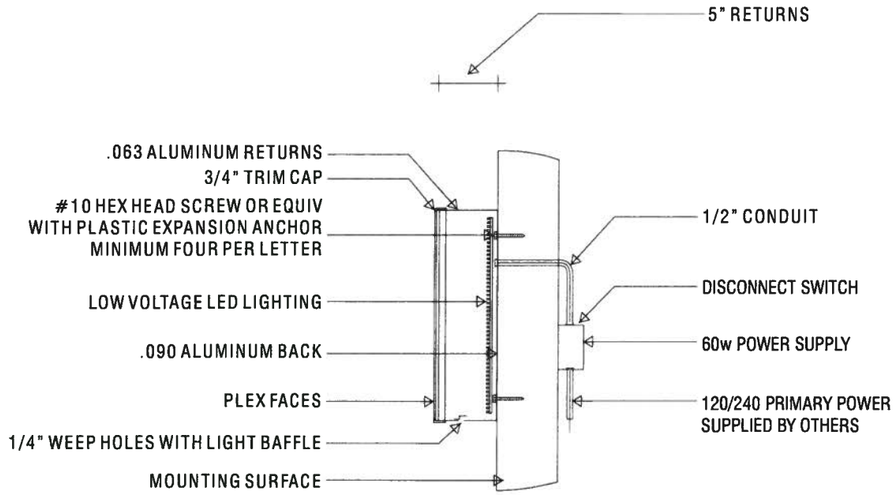
SIGN CONSTRUCTION

Illuminated PLEX FACED CHANNELS with THROUGH FACE ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Faces use any color of translucent Lexan with any color of trim cap.
Illuminate with any color of LEDs.
Paint aluminum channel any color.

NOTE: **All signs may utilize digital vinyl printing on faces of illuminated or non illuminated surfaces.**



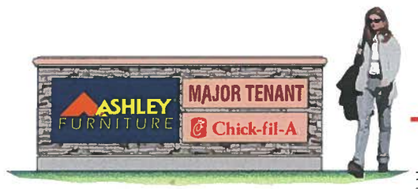
EXAMPLE OF LEXAN FACED CHANNEL WITH THROUGH FACE ILLUMINATION



SECTION

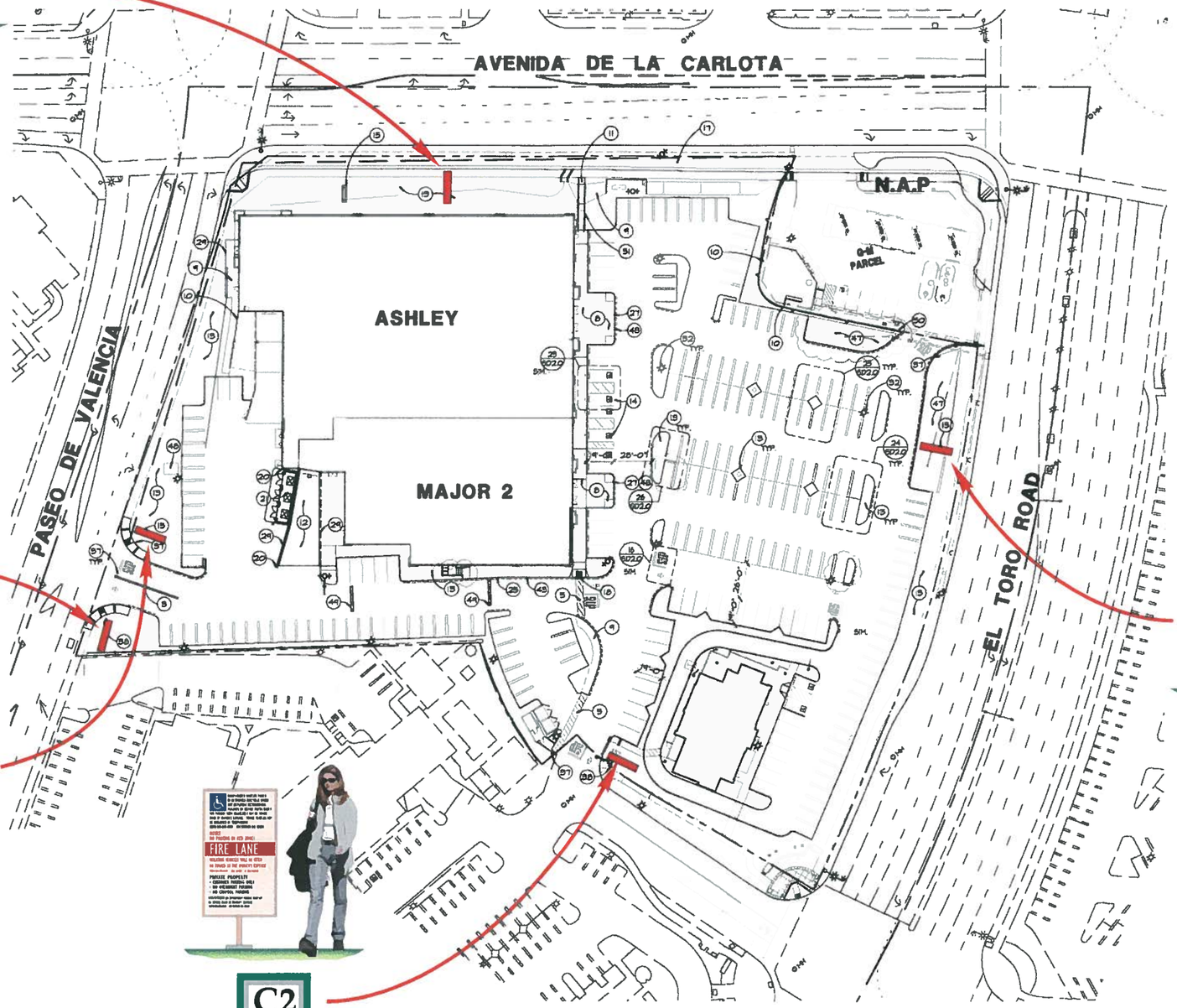
SIGN TO BE UL APPROVED AND BEAR UL LABEL

PLEX FACED CHANNEL LETTERS WITH LED ILLUMINATION



A2 *NEW STEEL PIPE SUPPORT & CONCRETE FOOTING*

C1



A1 *USE EXISTING STEEL PIPE SUPPORT & CONCRETE FOOTING*

C2

B *NEW STEEL PIPE SUPPORT & CONCRETE FOOTING*

N

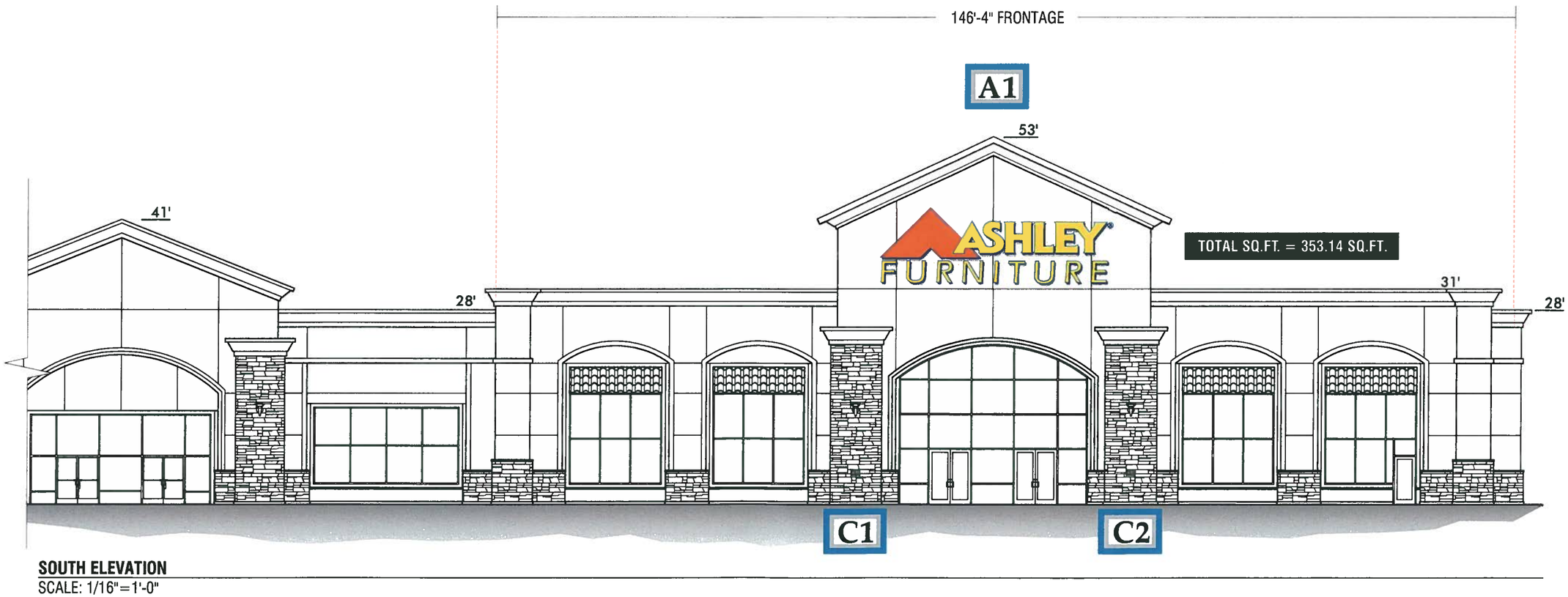
SITE PLAN

ultrasigns
ELECTRICAL ADVERTISING

SIZE: SEE PAGES 13 & 14 FOR SIZES.
CONSTRUCTION: PLEX FACED CHANNELS ALLOWED.
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: SEE PAGES 13 & 14 FOR SIZES.
LENGTH: SEE PAGES 13 & 14 FOR SIZES.
TYPEFACE: CUSTOM LOGO AND TYPE OK
COLORS: CUSTOM COLORS OK

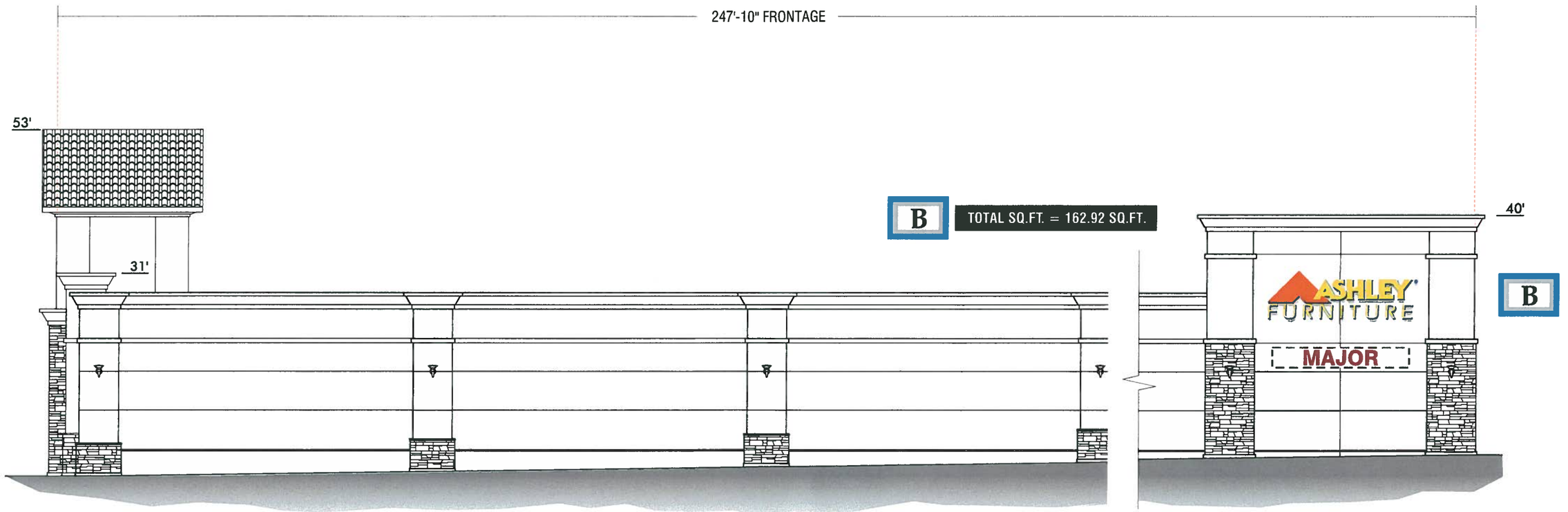
ANCHOR TENANT

SECONDARY



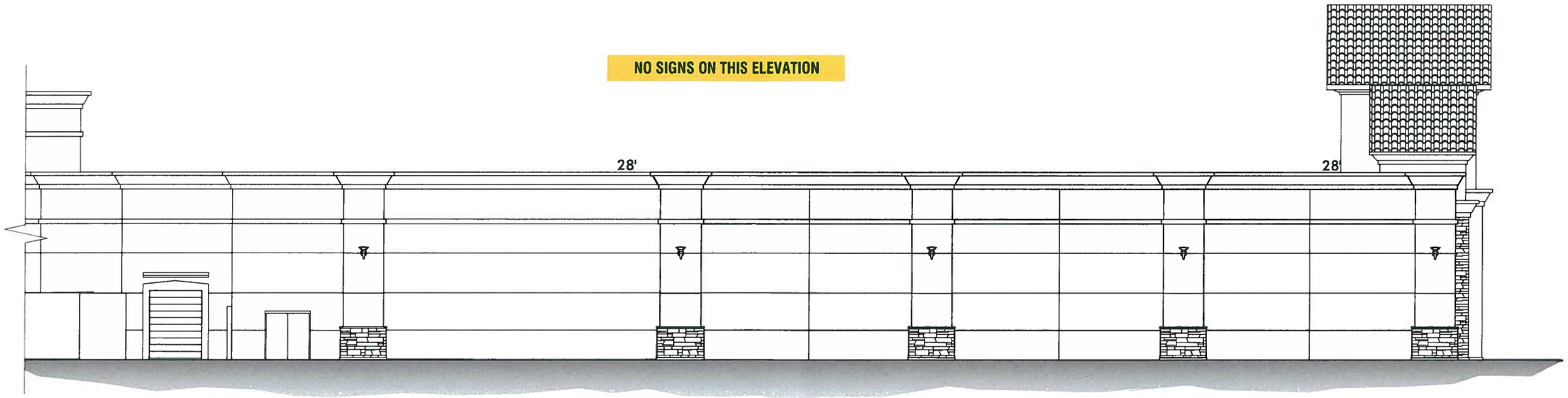
SOUTH ELEVATION
SCALE: 1/16"=1'-0"

3/13/2012 ITEM NO. 5.4.1



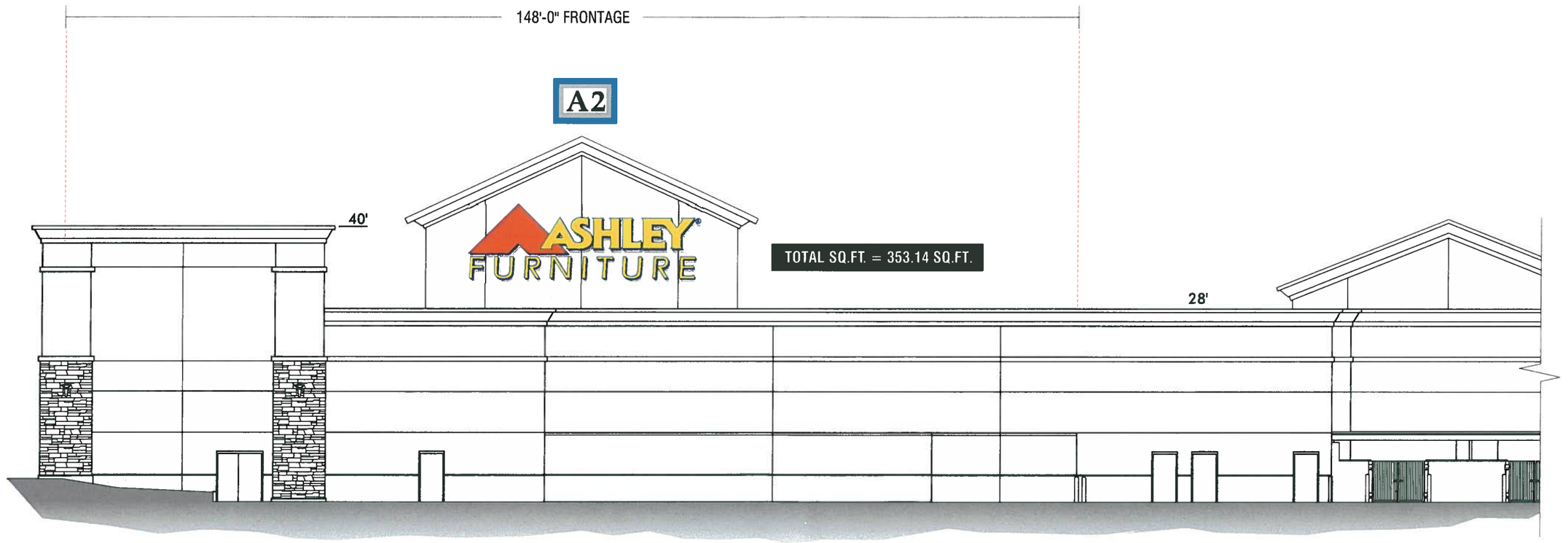
EAST ELEVATION
SCALE: 1/16"=1'-0"

ANCHOR TENANT ELEVATION

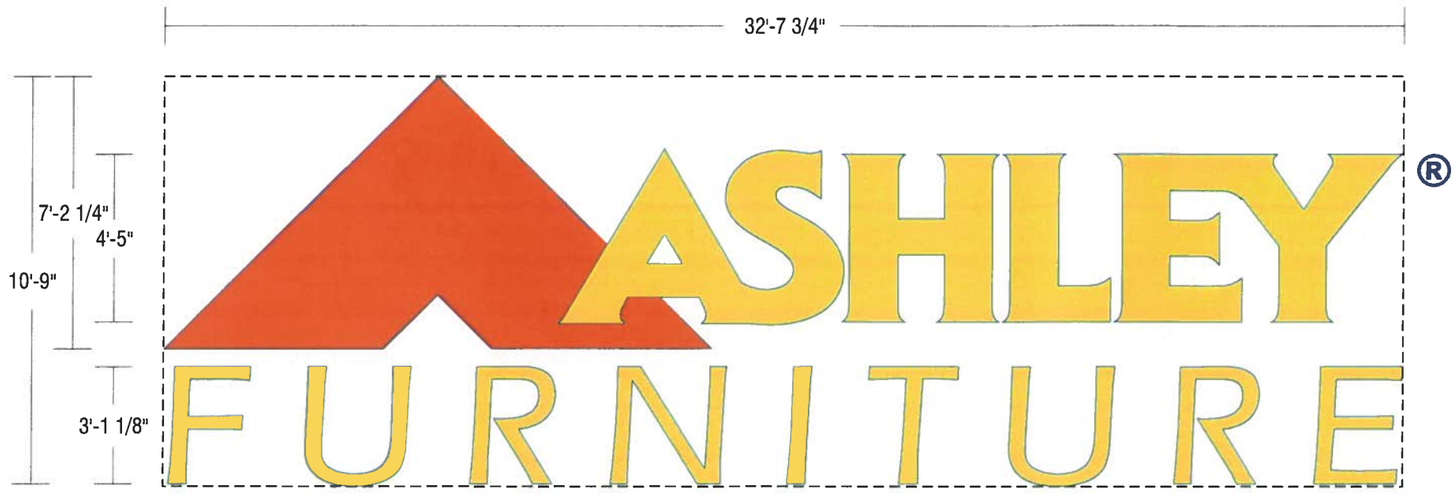


WEST ELEVATION
SCALE: 1/16"=1'-0"

ANCHOR TENANT ELEVATION



NORTH ELEVATION
SCALE: 1/16"=1'-0"

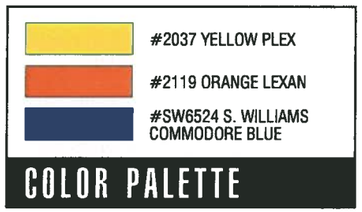


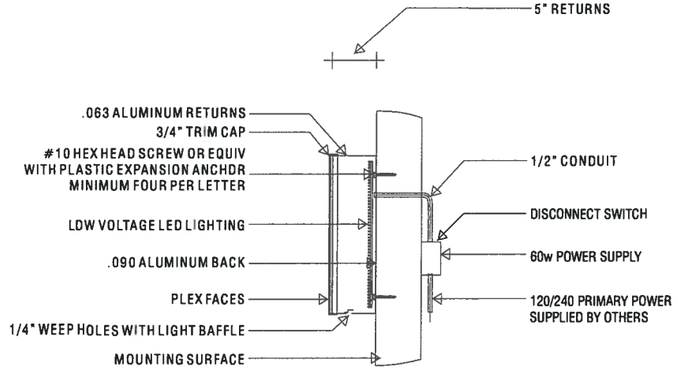
END VIEW

A1 **A2** **NEW INTERNALLY-ILLUMINATED PLEX-FACED CHANNEL LETTER DISPLAY**
SCALE: 1/4"=1'-0"

TOTAL SQ.FT. = 353.14 SQ.FT.

USE STANDARD ALUMINUM CONSTRUCTION w/ MATTHEWS SATIN ACRYLIC POLYURETHANE FINISH.
TRIANGLE FACES USE .150" #2119 ORANGE LEXAN.
ASHLEY FACES USE .188" #2037 YELLOW PLEX.
.040 ROUTED ALUMINUM LETTER BACKS PRE-FINISHED HERON BLUE.
LOGO & "FURNITURE" TO HAVE 5" DEEP .040 ALUMINUM RETURNS PRE-FINISHED HERON BLUE.
"ASHLEY" TO HAVE 8" DEEP .040 ALUMINUM RETURNS PRE-FINISHED HERON BLUE.
USE 1" DARK BLUE JEWELITE TRIMCAPS ON ALL LETTERS & LOGO.
ILLUMINATE w/ WHITE LEDS *(GE, SLOAN, OR APPROVED EQUAL)*.
REGISTRATION MARK USE FLAT CUT-OUT 1/2" SINTRA PAINTED #SW6524 SHERWIN WILLIAMS COMMODORE BLUE.

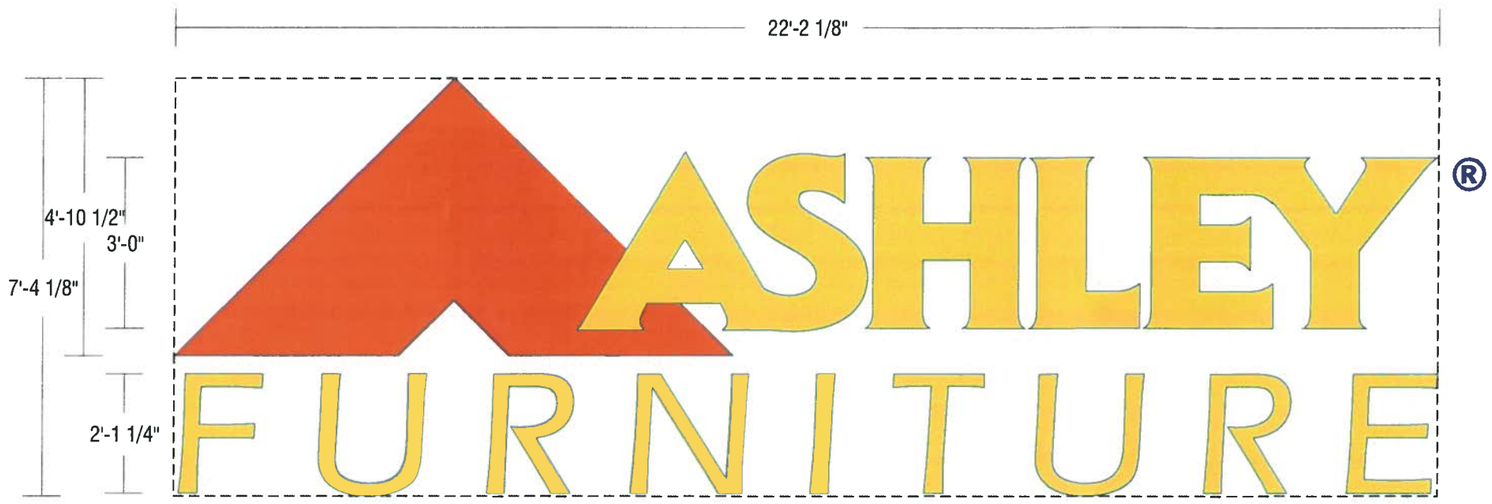




SECTION

SIGN TO BE UL APPROVED AND BEAR UL LABEL

PLEX FACED CHANNEL LETTERS WITH LED ILLUMINATION

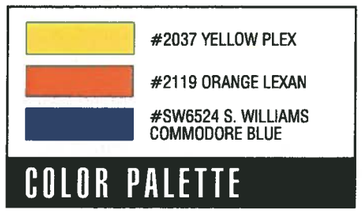


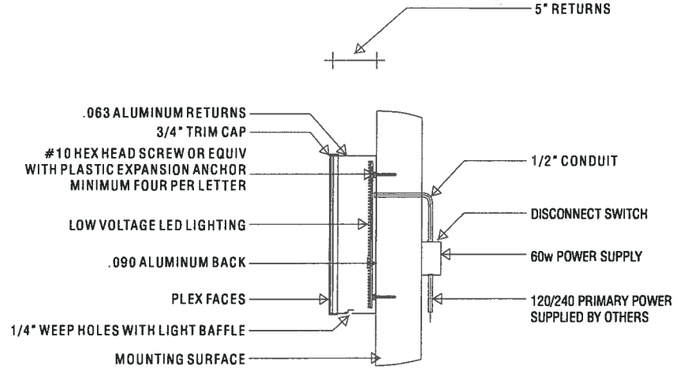
END VIEW

B **NEW INTERNALLY-ILLUMINATED PLEX-FACED CHANNEL LETTER DISPLAY**
SCALE: 3/8"=1'-0"

TOTAL SQ.FT. = 162.92 SQ.FT.

USE STANDARD ALUMINUM CONSTRUCTION w/ MATTHEWS SATIN ACRYLIC POLYURETHANE FINISH.
TRIANGLE FACES USE .150" #2119 ORANGE LEXAN.
ASHLEY FACES USE .188" #2037 YELLOW PLEX.
.040 ROUTED ALUMINUM LETTER BACKS PRE-FINISHED HERON BLUE.
LOGO & "FURNITURE" TO HAVE 5" DEEP .040 ALUMINUM RETURNS PRE-FINISHED HERON BLUE.
"ASHLEY" TO HAVE 8" DEEP .040 ALUMINUM RETURNS PRE-FINISHED HERON BLUE.
USE 1" DARK BLUE JEWELITE TRIMCAPS ON ALL LETTERS & LOGO.
ILLUMINATE w/ WHITE LEDS *(GE, SLOAN, OR APPROVED EQUAL)*.
REGISTRATION MARK USE FLAT CUT-OUT 1/2" SINTRA PAINTED #SW6524 SHERWIN WILLIAMS COMMODORE BLUE.





SECTION

SIGN TO BE UL APPROVED AND BEAR UL LABEL

PLEX FACED CHANNEL LETTERS WITH LED ILLUMINATION

C **NEW NON-ILLUMINATED BRONZE ENTRY PLAQUES *(MAKE 2)***
SCALE: 3"=1'-0"

FABRICATE CAST BRONZE PLAQUE PER CORPORATE STANDARDS.
VERIFY EXACT LOCATION OF SIGN PRIOR TO INSTALLATION.

SIGN TYPE **A**

MAXIMUM 70% OF ADJACENT SURFACE

4'-0" MAX LETTER HEIGHT

MAJOR TENANT

2'-0" MAX LETTER HEIGHT

SECONDARY

5'-0" MAX STACKED SIGN HEIGHT

MAJOR TENANT

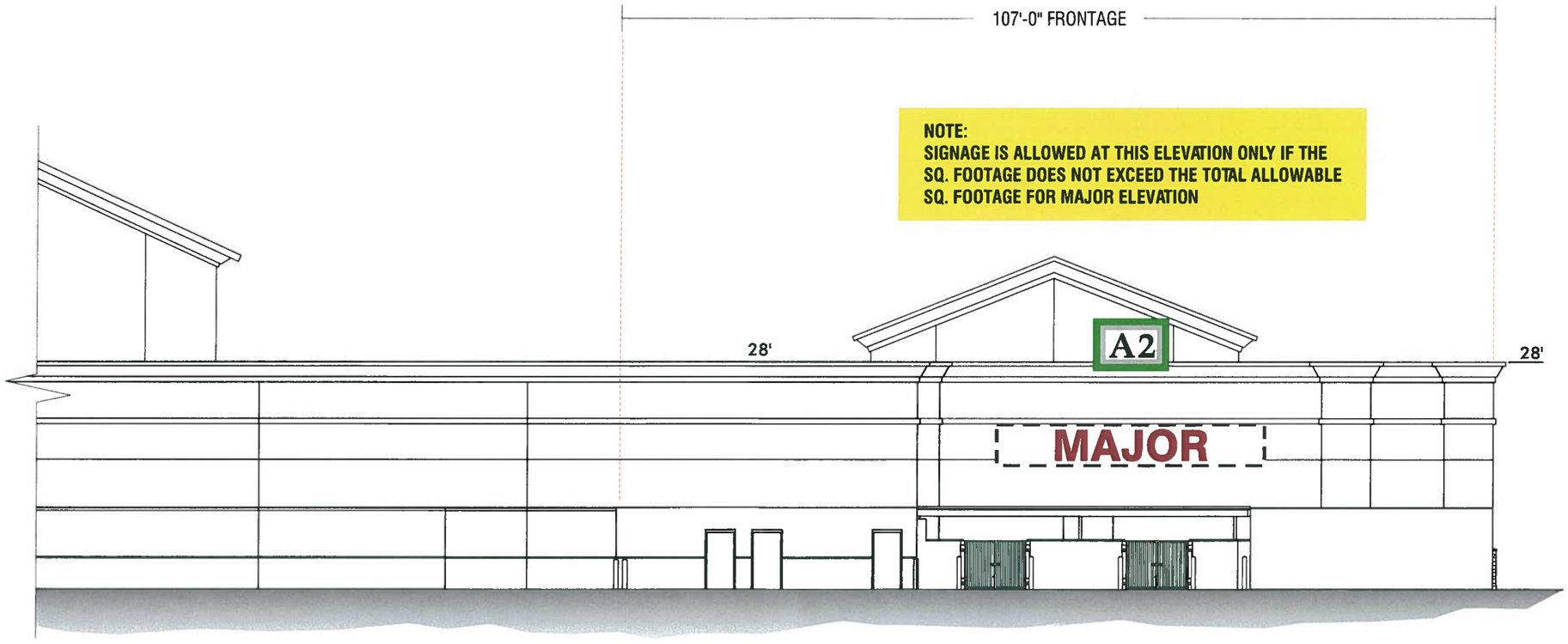
EXAMPLE OF STACKED COPY

NOTE:
STACKED SIGNAGE NOT TO EXCEED 5'-0" IN OVERALL HEIGHT

SOUTH ELEVATION
SCALE: 1/16"=1'-0"

SIZE: 2.0 SQUARE FOOT OF AGGREGATE SIGN AREA PER LINEAL FOOT OF FRONTAGE. FRONTAGE SHALL BE CONSIDERED BOTH THE BUILDING LENGTH & WIDTH. MAXIMUM OF 350 SQUARE FEET TOTAL PER ELEVATION.
CONSTRUCTION: PLEX FACED CHANNELS ALLOWED.
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: 4'-0" MAXIMUM LETTER HEIGHT
LENGTH: SEVENTY PERCENT OF ADJACENT SURFACE
TYPEFACE: CUSTOM LOGO AND TYPE OK
STACKED COPY: ONLY WHERE SUITABLE FASCIA EXISTS
COLORS: CUSTOM COLORS OK
SECONDARY SIGNS: YES (NOT TO EXCEED 25% OF TOTAL ALLOWABLE SIGN AREA). ONLY MAJOR SERVICES/DEPARTMENTS ALLOWED. NO ADVERTISING OR SLOGANS.

ultrasigns ELECTRICAL ADVERTISING



NORTH ELEVATION
SCALE: 1/16"=1'-0"

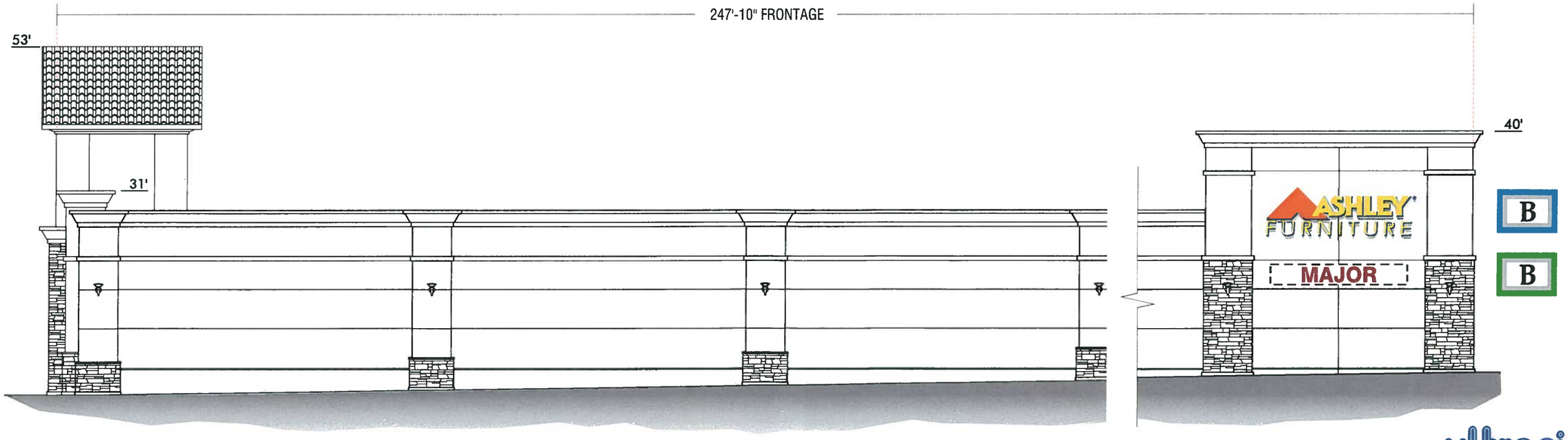
SIGN TYPE **B**

MAXIMUM 70% OF ADJACENT SURFACE

3'-0" MAX LETTER HEIGHT

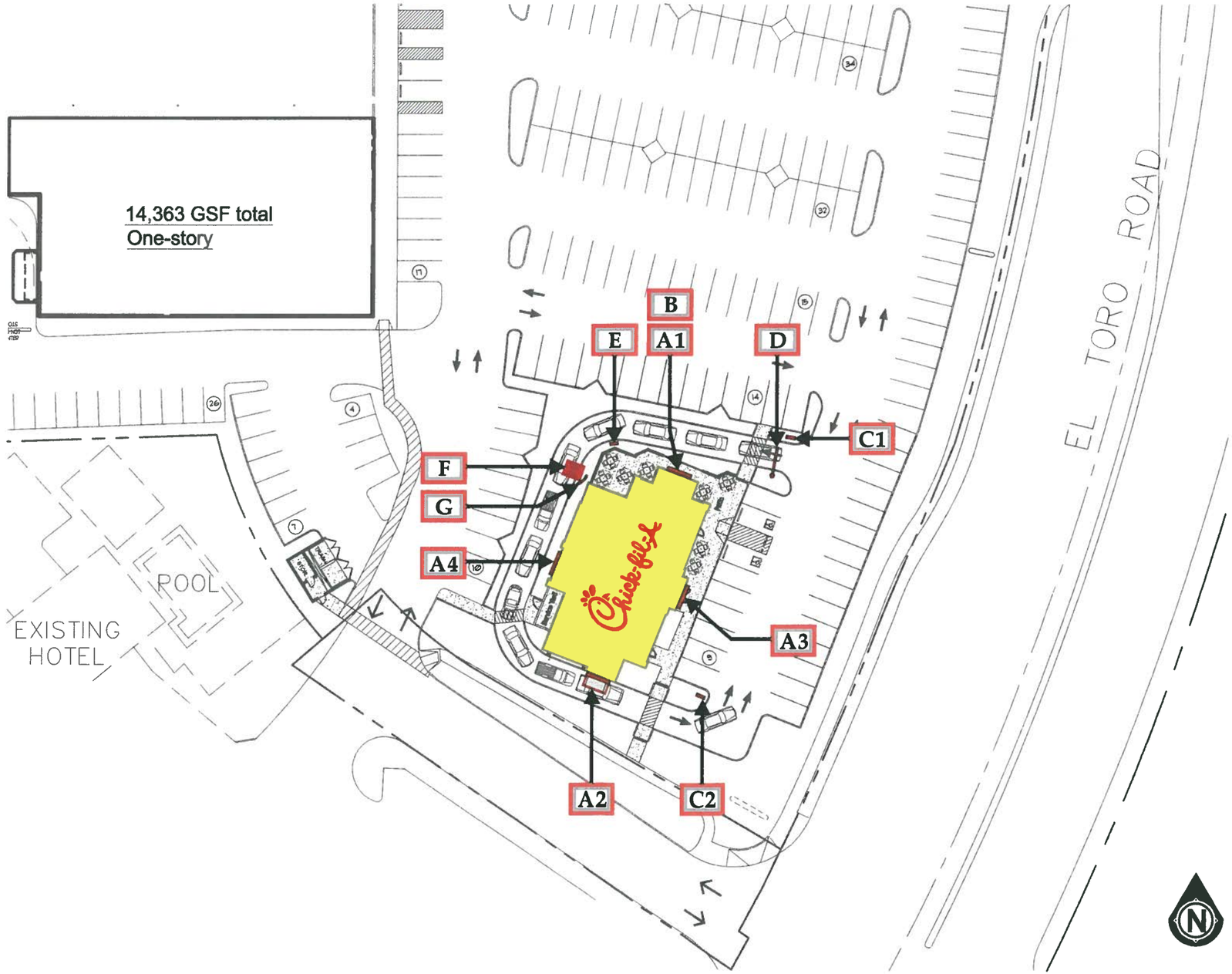
MAJOR TENANT

SIZE: 2.0 SQUARE FOOT OF AGGREGATE SIGN AREA PER LINEAL FOOT OF FRONTAGE. FRONTAGE SHALL BE CONSIDERED BOTH THE BUILDING LENGTH & WIDTH. MAXIMUM OF 350 SQUARE FEET TOTAL PER ELEVATION.
CONSTRUCTION: PLEX FACED CHANNELS ALLOWED.
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: 3'-0" MAXIMUM LETTER HEIGHT
LENGTH: SEVENTY PERCENT OF ADJACENT SURFACE
TYPEFACE: CUSTOM LOGO AND TYPE OK
STACKED COPY: NO (NOT ON THIS ELEVATION)
COLORS: CUSTOM COLORS OK
SECONDARY SIGNS: NO (NOT ON THIS ELEVATION)



EAST ELEVATION
SCALE: 1/16"=1'-0"

ultrasigns ELECTRICAL ADVERTISING

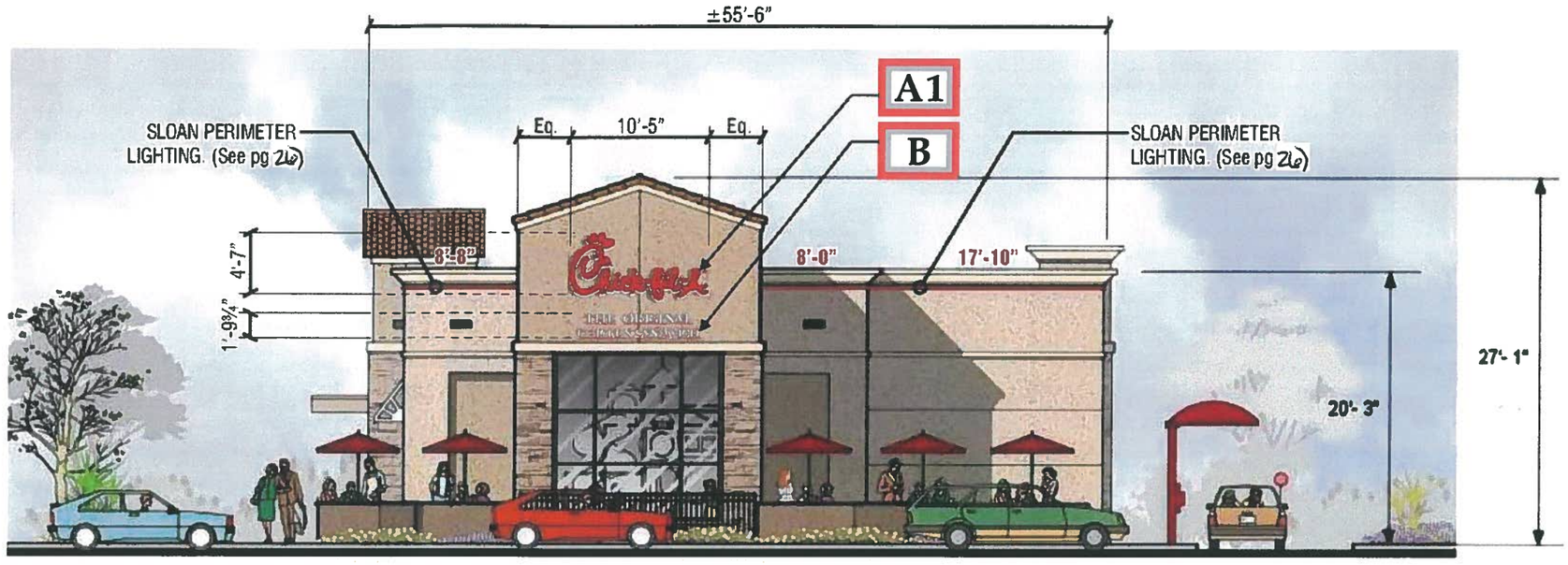


SITE PLAN - SIGN LOCATIONS

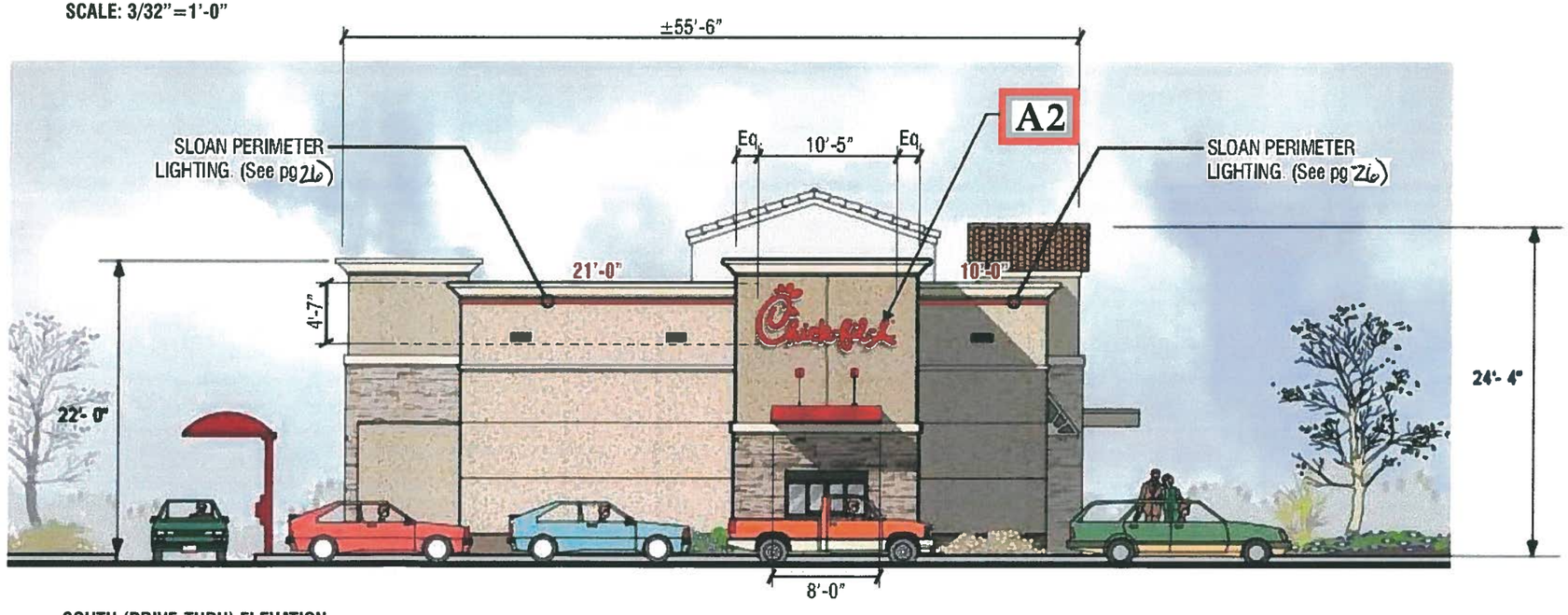
Scale: 1/32" = 1'-0"

3/13/2012 ITEM NO. 5.4.1

SIZE: 1.0 SQUARE FOOT OF AGGREGATE SIGN AREA PER LINEAL FOOT OF FRONTAGE. FRONTAGE SHALL BE CONSIDERED BOTH THE BUILDING LENGTH & WIDTH.
CONSTRUCTION: PLEX FACED CHANNELS ALLOWED.
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: 4'-7" MAXIMUM LETTER HEIGHT
LENGTH: SEVENTY PERCENT OF ADJACENT SURFACE
TYPEFACE: CUSTOM LOGO AND TYPE OK
COLORS: CUSTOM COLORS OK
SECONDARY SIGNS: YES (NOT TO EXCEED 25% OF TOTAL ALLOWABLE SIGN AREA). ONLY MAJOR SERVICES/DEPARTMENTS ALLOWED. NO ADVERTISING OR SLOGANS.

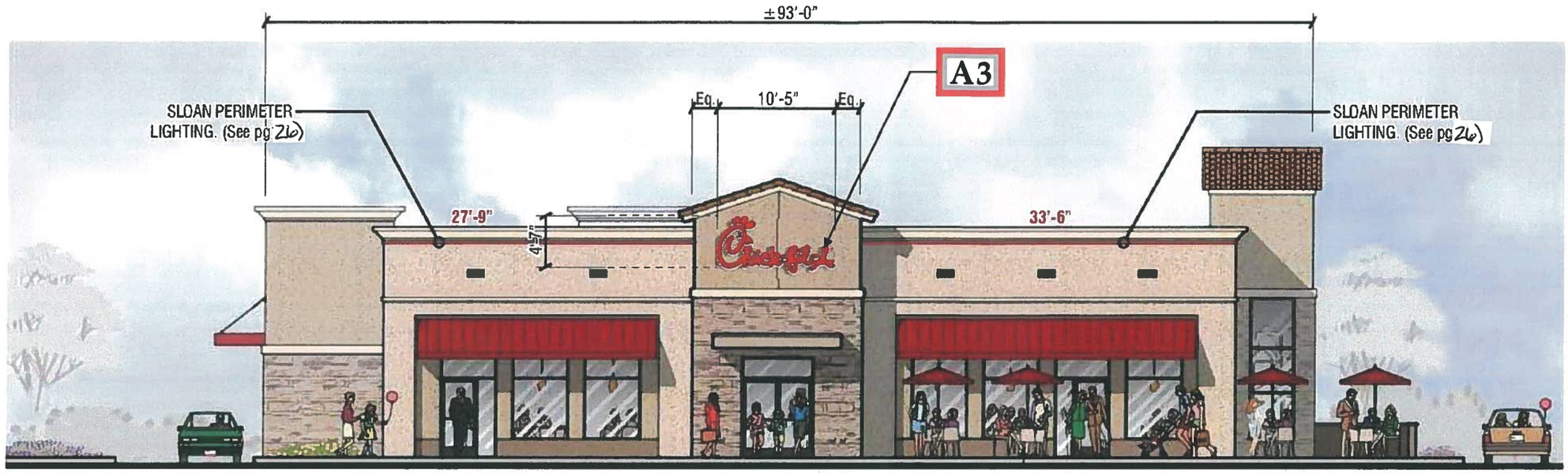


NORTH (FRONT) ELEVATION
SCALE: 3/32"=1'-0"



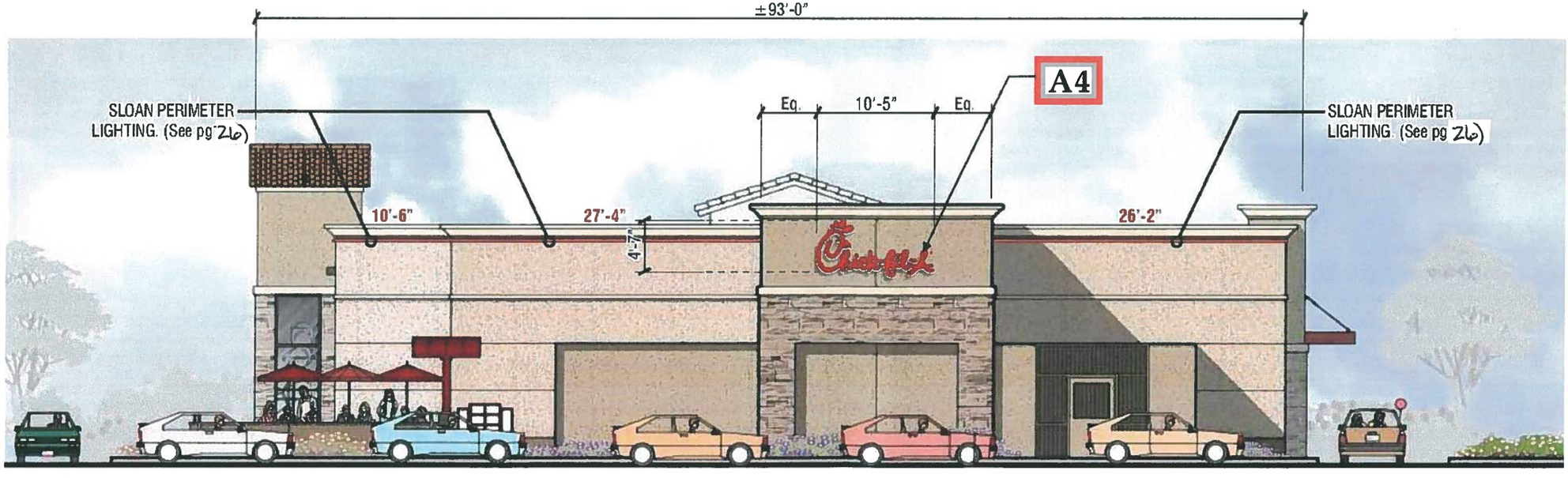
SOUTH (DRIVE-THRU) ELEVATION
SCALE: 3/32"=1'-0"

ultrasigns
ELECTRICAL ADVERTISING



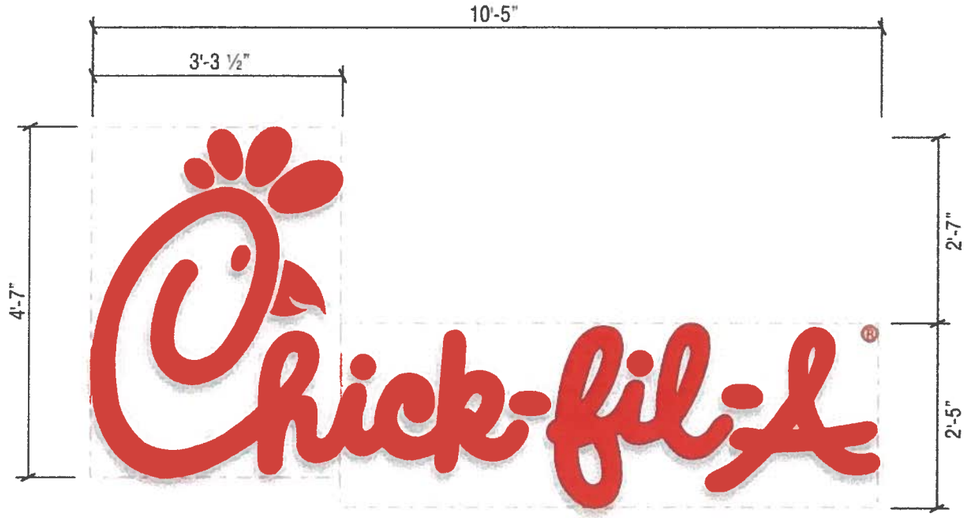
EAST (MAIN ENTRY) ELEVATION

SCALE: 3/32"=1'-0"



WEST (SERVICE SIDE) ELEVATION

SCALE: 3/32"=1'-0"



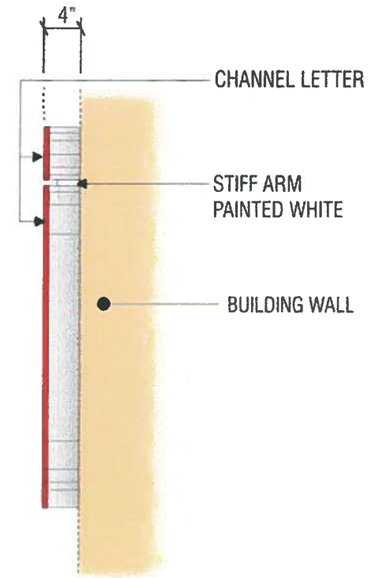
AREA: 33.68 SQ. FT.

A1 A2 A3 A4

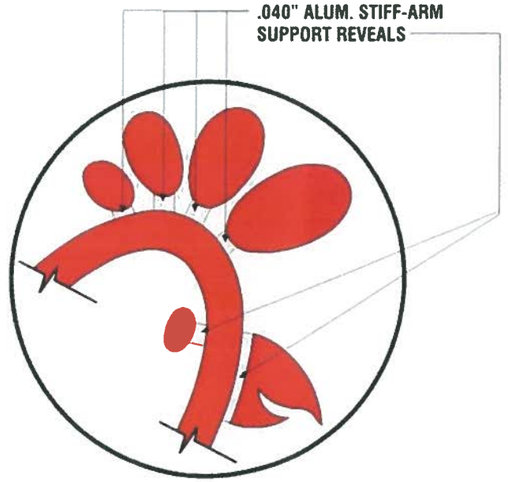
CUSTOM FABRICATED ALUMINUM CHANNEL LETTERS WITH LED ILLUMINATION
QTY: FOUR (4) SIGNS — SCALE: 1/2" = 1'-0"

SPECIFICATIONS:

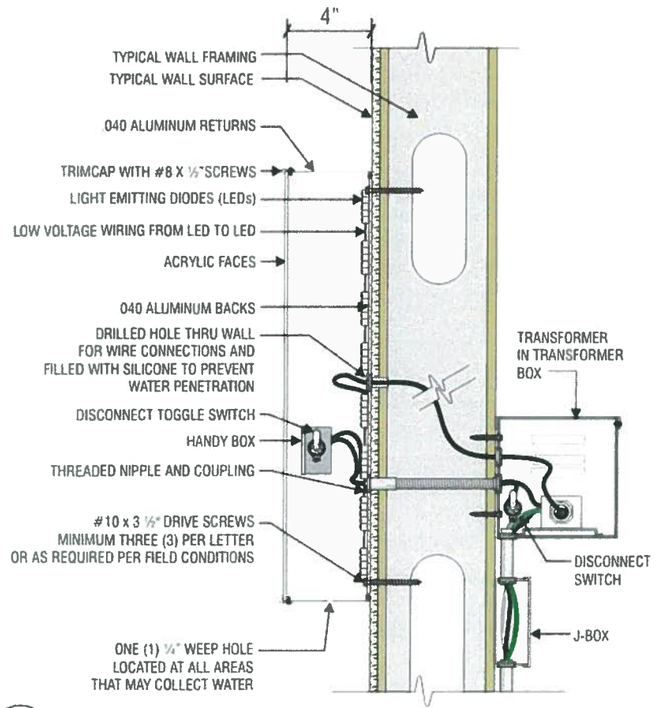
LETTERS:	INTERNALLY ILLUMINATED CHANNEL LETTERS
FACES:	#278-0 SG ACRYLITE
TRIMCAP:	1" RED JEWELITE TRIMCAP EDGE
RETURNS:	4" DEEP WHITE RETURNS / AKZO NOBLE GRIP GARD
ILLUMINATION:	U.L. LISTED RED LED LIGHTING WITH REMOTE TRANSFORMERS



1 **SIDE VIEW**
SCALE: 1/2" = 1'-0"

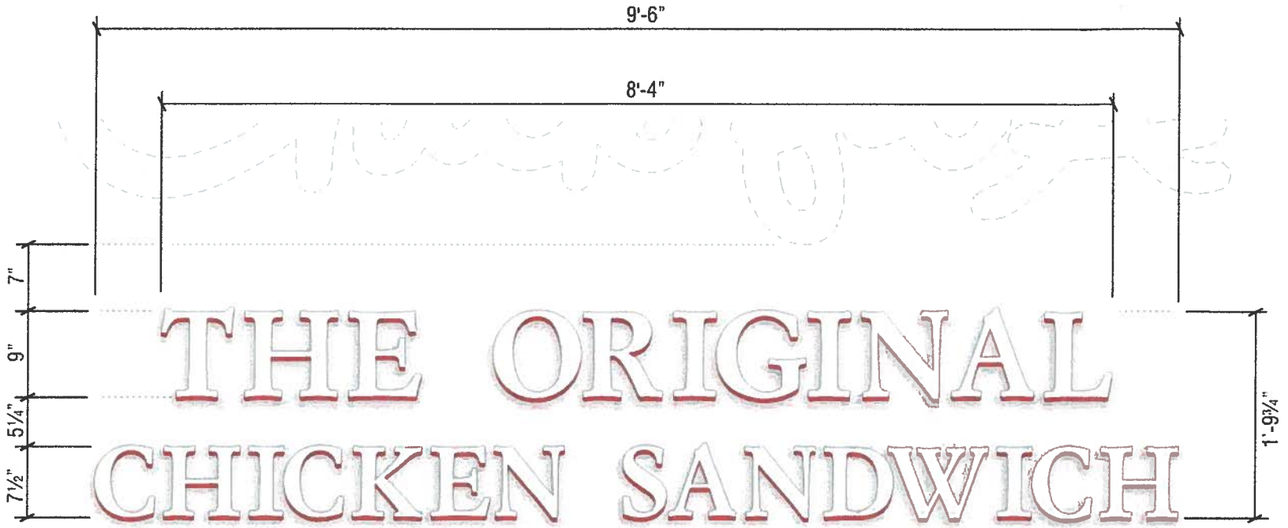


2 SUPPORT REVEAL DETAIL
SCALE: NTS



3 L.E.D. FACE LIT CHANNEL LETTER DETAIL
SCALE: NTS

ultrasigns ELECTRICAL ADVERTISING

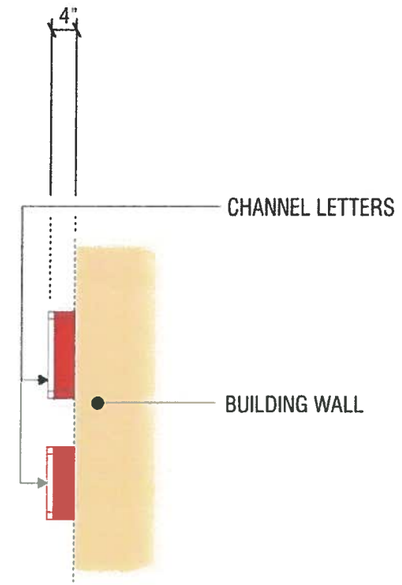


AREA: 11.80 SQ. FT.

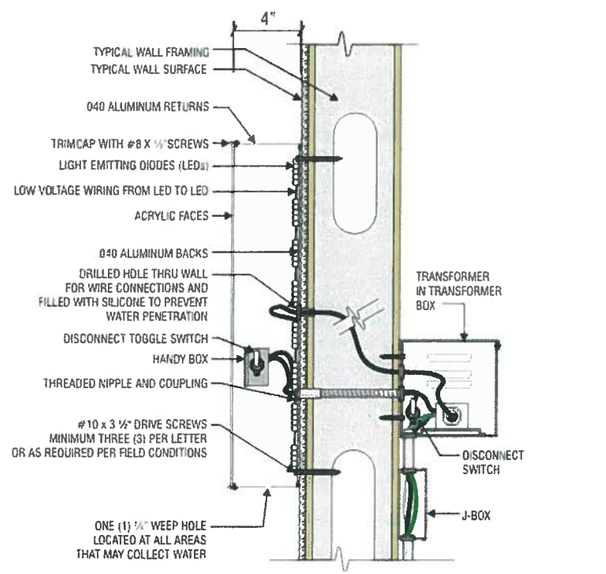
B **CUSTOM FABRICATED ALUMINUM CHANNEL LETTERS WITH LED ILLUMINATION**
QTY: ONE (1) SIGN **SCALE: 3/4" = 1'-0"**

SPECIFICATIONS:

LETTERS:	INTERNALLY ILLUMINATED CHANNEL LETTERS
FACES:	WHITE ACRYLITE SG PLEX
TRIMCAP:	3/4" WHITE TRIMCAP EDGE
RETURNS:	4" DEEP RED RETURNS (ANZO-NOBEL "GRIP GUARD" #53 CARDINAL RED)
ILLUMINATION:	U.L. LISTED WHITE LED LIGHTING WITH REMOTE TRANSFORMERS



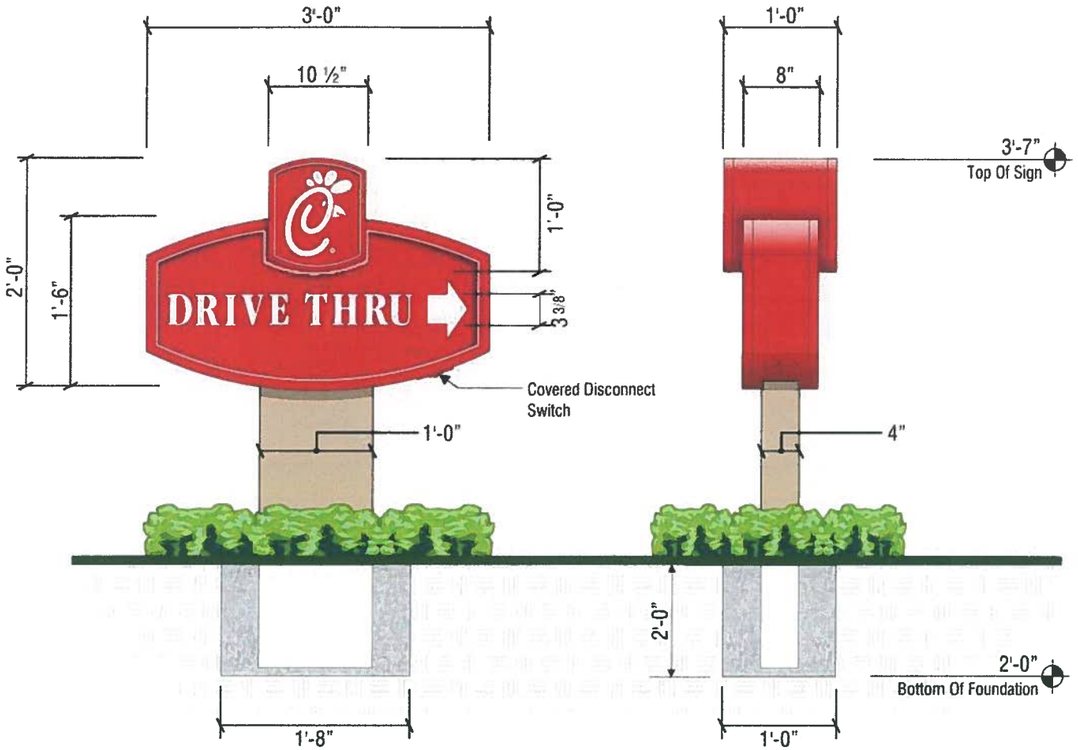
1 SIDE VIEW
SCALE: 1/2" = 1'-0"



2 L.E.D. FACE LIT CHANNEL LETTER DETAIL
SCALE: NTS

ultrasigns
ELECTRICAL ADVERTISING

3/13/2012 ITEM NO. 5.4.1



SIDE-BLA YOUT

SIDE-ALA YOUT

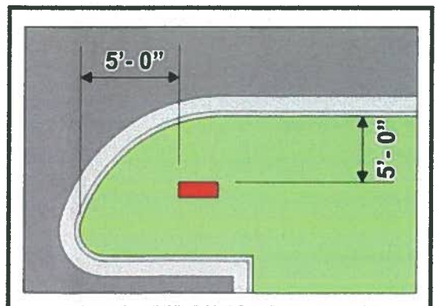
C.1 INTERNALLY-ILLUMINATED DOUBLE FACE DIRECTIONAL SIGNS
QTY: ONE (1) SIGN REQUIRED — SCALE:3/4"=1'-0"

SIDE -B LAYOUT

C.2 INTERNALLY-ILLUMINATED D/F DIRECTIONAL SIGN
QTY: ONE (1) SIGN — SCALE:3/4"=1'-0"

SPECIFICATIONS:

CABINET:	FABRICATED ALUMINUM SIGN CABINET WITH .080 ALUMINUM AND RETAINERS PAINTED TO MATCH AKZO NOBLE GRIP GARD #53 CARDINAL RED
FACES:	WHITE #7328 ACRYLIC WITH APPLIED FIRST SURFACE RED TRANSLUCENT VINYL TO MATCH #3630-53 AND WHITE SHOW-THRU COPY
BASE:	4" x 12" RECTANGULAR STEEL TUBE SUPPORT PAINT TO MATCH SW#6142 MACADAMIA
ILLUMINATION:	800ma HO FLOURESCENT LAMPS PLACED ON CENTER FOR EVEN LIGHTING

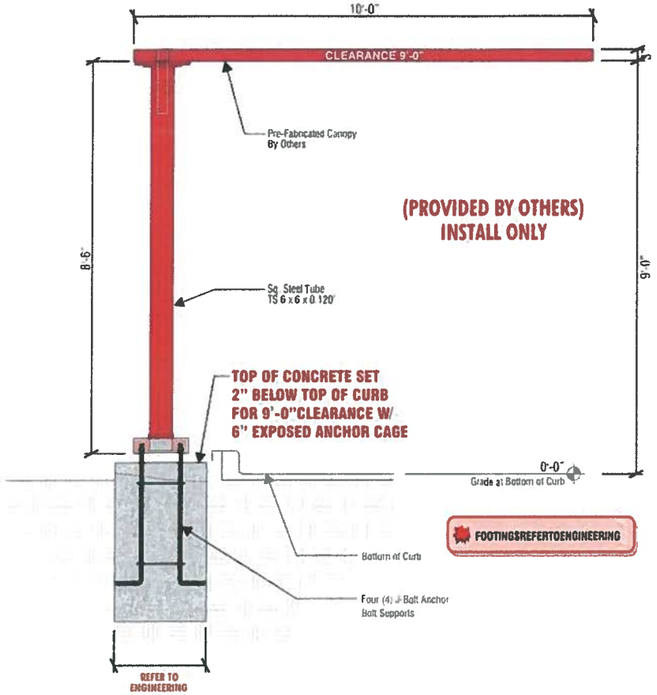


TRY TO KEEP DIRECTIONALS 5'-0" FROM CURBS WHEREVER POSSIBLE TO INSURE VEHICLES DON'T HIT THEM

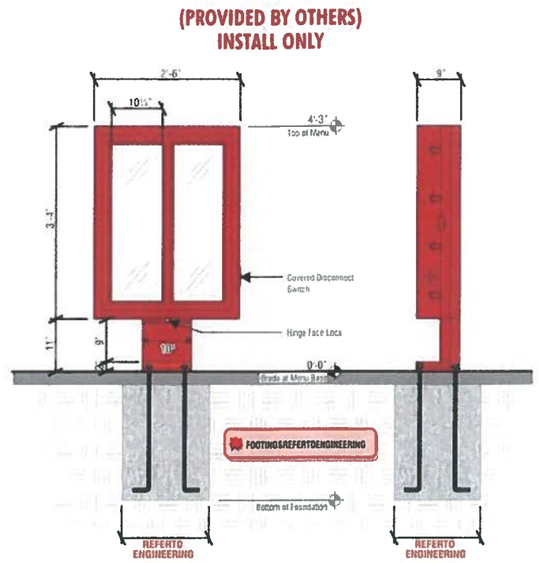
1 SIGN LOCATION IN PLANTER DETAIL
SCALE: NTS

SherwinWilliamsPaint
(SW#6142Macadamia)

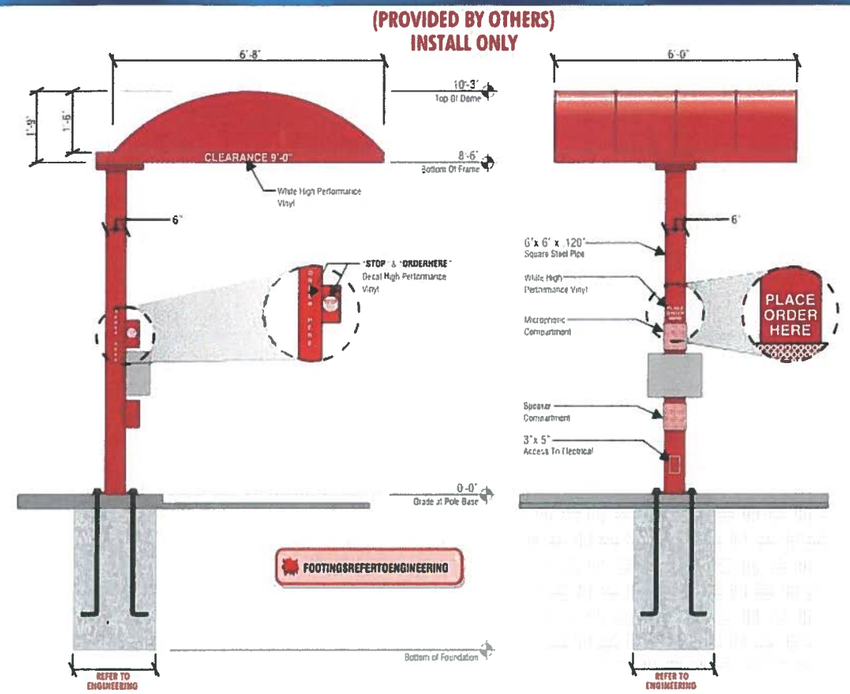
ultrasigns ELECTRICAL ADVERTISING



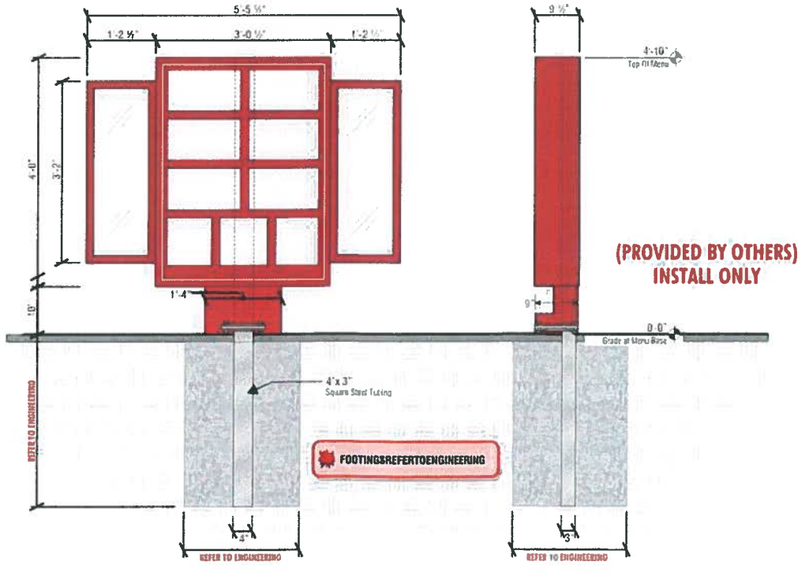
D PIVOTING CLEARANCE ARM (BY OTHERS)
QTY: ONE (1) SIGN REQUIRED
SCALE:NTS



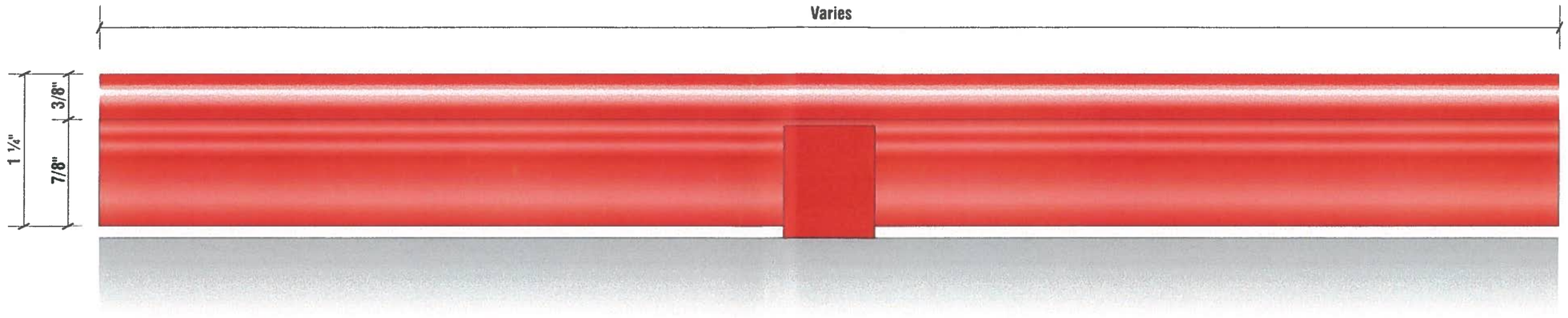
E ILLUMINATED S/F PREMENU BOARD SIGN (BY OTHERS)
QTY: ONE (1) SIGN REQUIRED
SCALE:NTS



F IINTERNALLY-ILLUMINATED MENU CANOPY
QTY: ONE (1) SIGN REQUIRED
SCALE:NTS



G IINTERNALLY-ILLUMINATED DRIVE-THRU MENU BOARD
QTY: ONE (1) SIGN REQUIRED
SCALE:NTS



H **SLOAN "LEDStripe"PERIMETER LIGHTING TYPICAL LAYOUT**
Scale: 1 : 1

APPROXIMATELY: ±190'-9" REQUIRED

PROVIDE AND INSTALL SLOAN PERIMETER LIGHTING ON BUILDING TOWER ELEVATIONS WHERE SPECIFIED IN SIGN PACKAGE
COLORS: RED

.08 AMPS REQUIRED TO POWER 46 FEET
.08 AMPS REQUIRED TO POWER 32 FEET

2', 4', 6', & 8' PERIMETER LIGHTING SIZES AVAILABLE. ONLY 2' SECTIONS ARE CUTABLE
8' SECTIONS CAN BE ROLLED TO A 4'-0" RADIUS

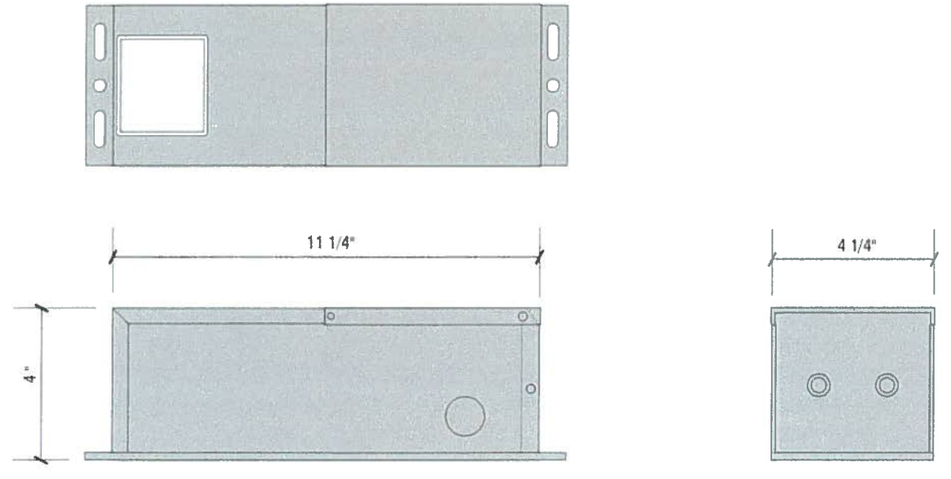
Note to All Contractors

120V Sign Voltage

In the utilization of GFI transformers, and in accordance with NEC and UL guidelines, it is required that primary circuits to each sign must have:

1. Dedicated circuits with proper ground from main panel - and must be bonded.
   a. ANY equipment or lighting that is added/shared to the primary sign circuit will cause GFI transformers to trip "OFF".
   b. Neutral to ground should not exceed 3 volts to prevent GFI from tripping.

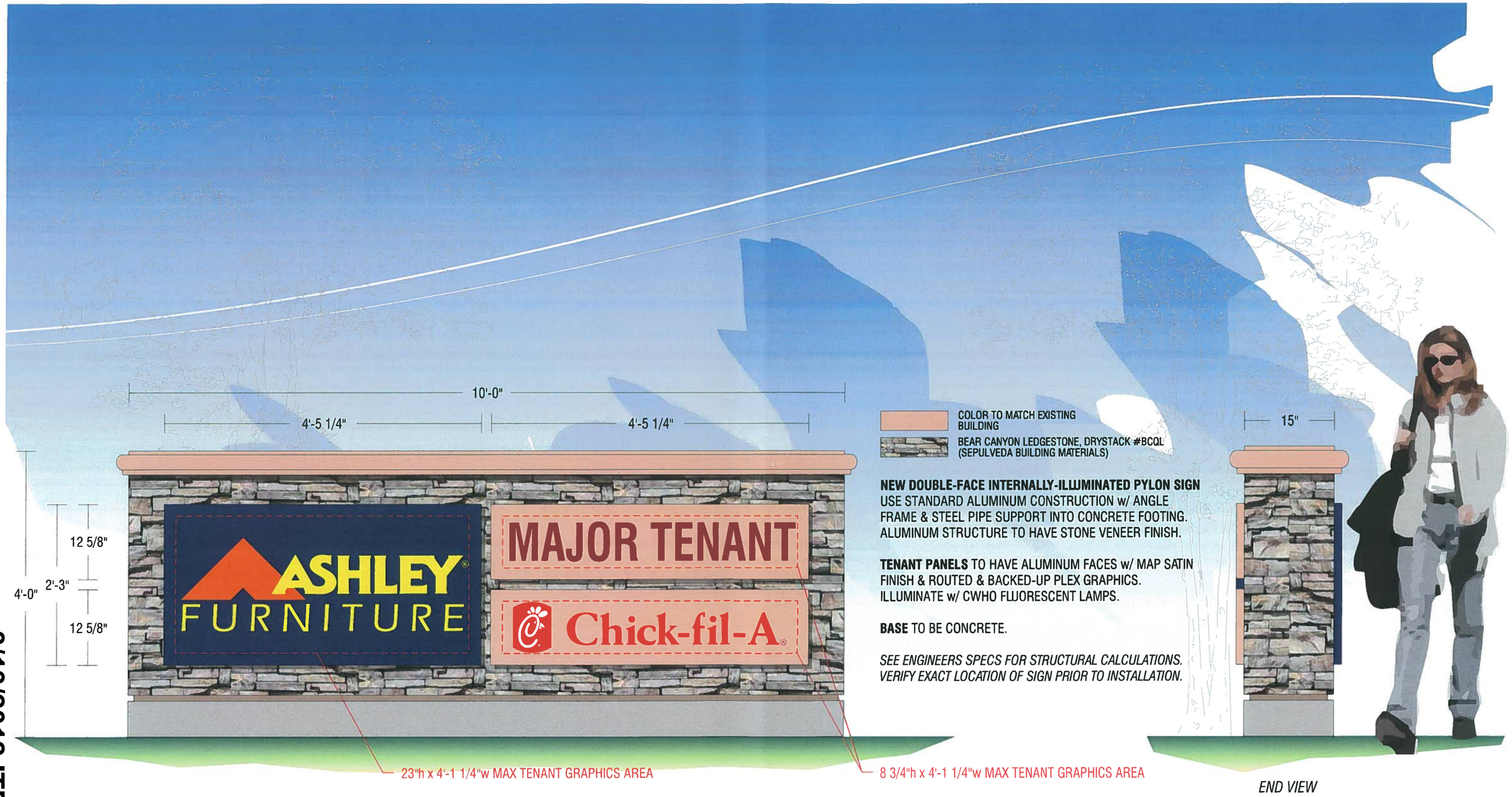
Not adhering to these specifications will cause electrical outages resulting in costly service calls.



1 SLOAN OUTDOOR TRANSFORMER
Scale: 3"=1'-0"

SPECIFICATIONS:
INPUT : 120 VAC 60 HZ 1.08 A
OUTPUT: 24 4A MAX REGULATED INHERENTLY LIMITED CLASS 2 POWER UNIT
UL LISTED FOR U.S. AND CANADA
NEMA 3R ENCLOSURE

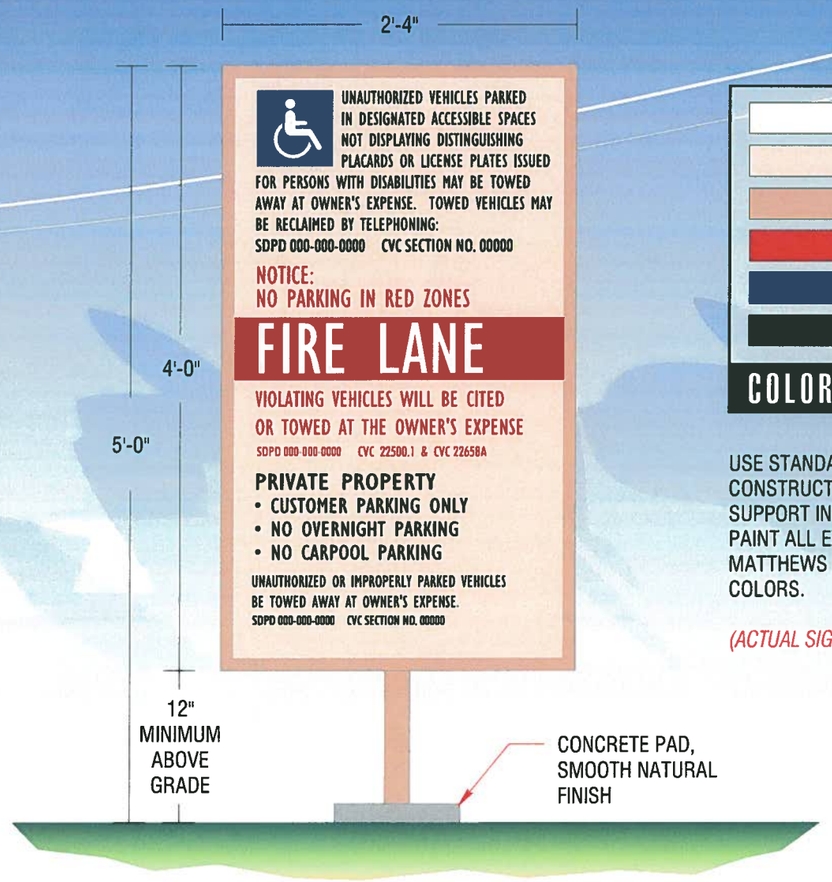
ultrasigns
ELECTRICAL ADVERTISING



A1 **A2** **NEW DOUBLE-FACE INTERNALLY-ILLUMINATED MONUMENT SIGN**
SCALE: 3/4"=1'-0"

END VIEW

B **NEW DOUBLE-FACE INTERNALLY-ILLUMINATED MONUMENT SIGN**
SCALE: 3/4"=1'-0"



USE STANDARD .125" ALUMINUM CONSTRUCTION w/ 2" x 2" ALUMINUM POST SUPPORT INTO CONCRETE FOOTING.
PAINT ALL EXPOSED METAL SURFACES MATTHEWS SATIN ACRYLIC POLYURETHANE COLORS.

(ACTUAL SIGN COPY TO BE VERIFIED)

C1 **C2** **NEW SINGLE-FACE NON-ILLUMINATED GROUND DISPLAY** *(MAKE 2)*
SCALE: 1"=1'-0"

C **TYPICAL SINGLE-FACE NON-ILLUMINATED DIRECTIONAL SIGN DISPLAY**
SCALE: 1"=1'-0"

END VIEW

ultrasigns
ELECTRICAL ADVERTISING

(Proposed)

3/13/2012 ITEM NO. 5.4.1

Attachment 3

Laguna Hills Lodge Freestanding Signs

CITY OF LAGUNA HILLS

AGENDA REPORT
COMMUNITY DEVELOPMENT

ISSUE: **CHANGED PLAN NO. 11-11-2113, A REQUEST BY AT&T MOBILITY TO MODIFY AN EXISTING COMMUNICATIONS FACILITY, LOCATED AT 25655 NELLIE GAIL ROAD IN THE COMMUNITY/PRIVATE INSTITUTION (C/PI) ZONING DISTRICT**

SUMMARY:

Westower Communications Inc., on behalf of AT&T Mobility ("applicant") filed an application to add two new microwave dish antennas ("MW antennas") to an existing communications facility at 25655 Nellie Gail Road in the C/PI zoning district. The purpose of this installation is to upgrade the facility's current capacity and address shortcomings of the existing infrastructure.

The application was heard at the January 10, 2012, Planning Agency meeting. At that time, the Planning Agency requested further information, including a pre-installation electromagnetic energy report, alternatives analysis, and more specific information on the technology and alternatives, and the item was continued to the March 13, 2012, Planning Agency meeting.

The applicant has been in contact with staff and has provided several of the items requested; however, further information and analysis is still required. Therefore the applicant has requested that the item be continued to the April 10, 2012, Planning Agency meeting.

RECOMMENDATION: THAT THE PLANNING AGENCY CONTINUE THE ITEM TO THE APRIL 10, 2012, PLANNING AGENCY MEETING.

ATTACHMENT:

- Continuation Request

Katie Crockett

From: Alex Tsaturov [atsaturov@westower.com]
Sent: Tuesday, March 06, 2012 11:50 AM
To: Katie Crockett
Subject: RE: CPMA-11-11-2113 - Second Assessment

Katie,

With regard to CPMA-11-11-2113, continued to the March 13th public hearing, AT&T was unable to provide all of the requested information in time for the March 13th hearing and applicable noticing deadlines. Therefore, AT&T requests that the item be continued to the April 10, 2012 Planning Agency meeting.

Alex Tsaturov
Site Acquisition / Planning
Westower Communications Inc.
6850 Lincoln Ave, Suite 201
Buena Park, CA 90620
858-472-4048 (phone)
619-393-0606 (fax)