
**CITY COUNCIL
ADJOURNED
REGULAR
MEETING**



**MARCH 12, 2011
9:00 AM**

AGENDA

L. Allan Songstad, Jr., Mayor

**Melody Carruth, Mayor Pro Tempore
Randal Bressette, Council Member**

**Barbara Kogerman, Council Member
Joel Lautenschleger, Council Member**

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

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

PUBLIC COMMENTS

This is the appropriate time for members of the public to make comments regarding items listed on the Consent Calendar and issues not listed on the Agenda. Any person wishing to address the City Council on any matter, whether or not it appears on this Agenda, is asked to complete a "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. No action will be taken on any items not on the Agenda unless the City Council makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda.

There will be a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a time limit of thirty minutes for the Public Comments portion of the Agenda.

WORKSHOP OF THE CITY'S MISSION, VISION, VALUES, POLICIES, PRACTICES, AND PROCEDURES.

1. **Welcome and Agenda Review**
2. **Discussion of Mission, Vision and Values**
3. **Review City Council Procedures and Practices**
4. **Goal Setting for FY 2011-2013**
5. **Wrap Up Goal Setting**

ADJOURNMENT

The next Regular Meeting of the City Council will be March 22, 2011, 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, 2011 at 9:00 AM.



PEGGY J. JOHNS, CITY CLERK

March 8, 2011

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.

Resolution No. 96-04-09-1 was adopted to establish rules of conduct for City officials, Staff, and members of the public at public meetings so as to ensure that the business of the City is attended to thoroughly and efficiently with orderly opportunities for public participation.

The Pledge of Allegiance to the Flag:

- The Pledge of Allegiance to the Flag of the United States of America shall be recited at the beginning of each regular meeting of the City Council.

The Presiding Officer shall:

- Be responsible for maintaining the order and decorum of meetings
- Control communication between City Council Members and between the Council and the public

City Council Members shall:

- Conduct themselves in an orderly and business-like manner
- Maintain a polite, respectful, and courteous manner when addressing one another, City Staff, and members of the public during the meetings
- Request the floor of the presiding officer before speaking
- Remember, when speaking, that the purpose of the meeting is to attend to and resolve City business.
- Avoid repetition and endeavor to limit their comments to the subject matter at hand
- Endeavor to express their views without engaging in lengthy debates
- Not interrupt or otherwise disturb the speaker
- Question the person addressing the Council at the conclusion of the person's comments in a question and answer format conducted through the presiding officer, not participate in a dialogue
- Refrain from extended discussions of matters which are not on the agenda

Staff shall:

- Not engage in a dialogue with members of the public during Council meetings
- Respond in a polite and respectful manner

The Public shall:

- Not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, clapping, whistling, stamping of feet, or other acts which disturb, disrupt, impede, or otherwise render the

orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from that meeting

- Complete a speaker slip, if one wishes to speak, and submit the slip to the City Clerk prior to the calling to order of the meeting or as soon as possible thereafter
- Only address the City Council after first being recognized by the presiding officer. Impromptu personal points of order, comments, or questions, shall not be recognized, and if they persist, after the presiding officer has warned of the offense, a member of the public engaging in said conduct, shall, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from the meeting.
- Confine the subject matter of their remarks to the particular matter before the Council
- Address the City Council in an orderly manner
- Not engage in any conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting
- Address the Council as a whole and not engage in a dialogue with individual Council Members, City staff, or members of the audience.

Enforcement

The presiding officer will first request a person who is disrupting the meeting to cease such conduct. If the person persists, a recess shall be ordered. A representative of law enforcement is authorized to warn the person that their conduct is violating the rules, and they are to cease such conduct. If upon resumption of the meeting the violation persists, another recess shall be called and the law enforcement personnel have the authority to order the person ejected from the meeting and/or cited in violation of Penal Code Section 403. If a group interrupts a meeting and order cannot be restored, the Council may order the room cleared and continue the meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

City Council Procedures for Council Members to Place Items on a City Council Agenda

City of Laguna Hills

Current process for determining city council meeting agenda content:

1. The City Clerk assembles a preliminary agenda based on input she receives from Dept Heads and the City Manager regarding reports they are preparing for the meeting.
2. All reports are due to the City Clerk by 5:00 pm on Tuesday, one week in advance of the scheduled meeting.
3. **Any Council member who wishes to place a report on the agenda must submit their report in writing to the City Clerk by the same deadline as stated above. At a minimum, the report must (1) set forth a subject matter that reasonably describes the issue to be presented for consideration by the City Council; and (2) the report must contain a recommendation, if the Councilmember desires a specific action to be taken by the City Council at the meeting. Councilmembers may provide background information as a part of their report and attachments or exhibits that they believe will be helpful to their presentation and with gaining support for their recommended action. Councilmembers may request limited assistance from staff with obtaining copies of existing materials and/or data related to their agenda report, provided said assistance does not require any new work or independent analysis to be performed and in the aggregate, does not require more than 1 hour of staff time.**
4. The City Clerk reviews all staff reports for grammar, spelling, appearance and format, ensuring that all supporting materials or documents are attached and complete.
5. The City Manager reviews all reports for content, clarity and recommended action(s), making changes as he deems appropriate and/or making requests for additional information that he believes are necessary to present the Council with a complete report. The City Manager may exercise his sole discretion and judgment in deciding the content and timing of all agenda items, with the exception of reports that are specifically requested by a majority of the City Council or actions that are required by law.

City of San Luis Obispo

Placing an Item on the Agenda: Any Council Member may request an item be placed on a future agenda by submitting a request, orally or in writing, to consider the matter and by discussing the request during the Communications section of the regular agenda. Upon consensus of a majority of the Council, staff will prepare a staff report if formal Council action is required. An individual Council Member may place an urgency item on an agenda with a minimum of 72 hours legal notice and a memorandum from the Council Member to the Council and staff setting forth the substantive issues of the item. For the purpose of this paragraph, urgency shall arise in those limited situations where an item requires immediate action, and the need to take immediate action came to the attention of the Council Member subsequent to the distribution of the agenda.

City of Mountain View

Council Request for Agendizing: A Councilmember request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

City of Santa Rosa

A Council member may request an item be considered on a future agenda and, upon consensus of a majority of Council, staff will prepare a staff report if formal Council action is required. Council member may make this request during the "Councilmember Reports" portion of a meeting.

City of Fremont

City Council Referrals:

Any Councilmember may, prior to any regular City Council meeting, bring any matter to the attention of the City Council which is not otherwise scheduled on a City Council agenda. The matter will be placed on the agenda in the Council Referral section. The sponsoring Councilmember shall give the City Manager a brief description of the subject to be printed in the agenda, sufficient to inform the City Council and public of the nature of the referral. The City Council, after considering the referral, may do any of the following:

1. Take no action;
2. Refer the matter to staff to schedule as a future City Council agenda item;
3. Take dispositive action if Council finds that sufficient notice to the Council and the public has been provided by the published agenda, sufficient information has been received by the Council, and no formal published notice of a public hearing is required.
4. The Councilmember who requested the referral has the privilege of speaking first on the item.

City of Laguna Niguel

Laguna Niguel's policy permits the Mayor or any two Council Members to place an item on the City Council agenda for discussion and/or action. The City Manager facilitates the placement of the item on the agenda and may provide such preliminary staff analysis or commentary that he/she deems appropriate. However, the policy prohibits the City Manager from allocating major staff time or resources to such item(s) without further direction from a majority of the City Council.

City of Lake Forest

In August, 1992, the Lake Forest City Council adopted the following: "It is the determination of the City Council that an item be placed on the Agenda by consensus of three or more of its Members." In essence, the above is the foundation upon which the City operates. Individual members of the Council are not allowed to add anything to the agenda. Rather, they are allowed, pursuant to the Brown Act, to request an item be placed on a future agenda when they provide comments at the end of each meeting. If at least three Members (including the one requesting) agree to the item, it is on a future agenda with reference to the request. Unless directed otherwise by a majority of the City Council, only the minimum required to place the item on the Agenda is performed by staff, i.e., they do not do a fully vetted staff report.

■ SIX REASONS WHY IT'S BEST TO WORK THROUGH THE MANAGER

I'm a lucky city manager. I work for an excellent city council. Councilmembers take pride in promoting a tradition of community civility. They do their homework, serve for the right reasons, and have a sense of humor. They are supportive of staff, and they trust me. I can talk to them about almost anything. In such a healthy council-staff environment, councilmembers get to know and trust many staffers, and a smart manager wouldn't want to lose the feeling of a friendly, open organization.

So why is it necessary sometimes to remind our active and sincere councilmembers to work through my office or through department heads when seeking information or expressing interests and concerns? And why do I feel so awkward when I do?

Maybe it's because, no matter how diplomatically I express a desire that is consistent with our formal council policies and procedures, it can come across as a trust-and-control issue. And since the councilmembers trust the staff, why shouldn't staff trust councilmembers?

After all, their motivation is typically to avoid bothering me (or department heads) with the small stuff. What's there to hide? I guess this is where I am supposed to exclaim, "But it's not about trust and control!" In truth, however, it is, and here is why.

TRUST AND CONTROL

The jewel in a healthy local government environment is trust. With trust, we spend our time working together to solve problems and to get good things done for the community. Without trust, problems multiply, and the time spent solving them prevents work on more constructive items.

Preserving trust in any relationship, personal or professional, requires that we exercise a prudent amount of control in how we communicate. The council-staff relationship is no exception. In

fact, given the unique pressures and constraints imposed on this relationship, the two groups probably need even more structured guidance than most.

A LOT OF RULES, BUT WHY DO WE NEED THEM?

Fortunately, nearly all local governments have some formal rules in place, and virtually all such rules advise councilmembers to work through city and county managers and department heads on most organizational matters. Even with all the rules, however, something significant is missing.

Based on my research (admittedly not comprehensive, but I did check with ICMA, the League of California Cities, various trainers, and California city managers via an e-mail inquiry), there seems to be no prepared explanation for why such rules are important and how they preserve trust and benefit everyone involved in the relationship. In the absence of such context, the rules come across as, well, cold rules—a list of dos and don'ts designed to keep everyone in line.

This "context void" seems to be widely perceived by managers, and many of them have asked me to send them anything that I might find on the subject. Because I was unable to find anything already written, however, I have been forced to do a little more work. With the aid of some helpful managers, then, here are a half-dozen reasons why everyone's best interests are served when councilmembers work through the manager and/or department heads to gather information or address concerns.

Reason 1. Because city managers cannot be on top of things if they don't know what the things are.

Councilmembers correctly expect managers to be on top of things. But if councilmembers bypass the manager to make requests of staff or to express concerns to staff, then the manager cannot possibly be sufficiently aware of their interests or concerns. Even the world's greatest local government manager cannot assure a timely response to a councilmember's inquiry if the manager is not aware of

the request in the first place. Sure, staff members can inform the manager of the request, but this roundabout way of communication raises the chances of miscommunication.

Reason 2. Because bypassing the manager can give the impression that there is a problem in the council-manager relationship, and this perception can undermine both the manager's credibility within the organization and the respect that the staff feels for the councilmember. If a councilmember (or members) consistently goes directly to other staff members with issues, these harmful perceptions may evolve: 1) the councilmember does not like to work with the manager; 2) the councilmember does not trust the information provided by the manager; 3) the manager is ducking his or her responsibility and just "passing the buck"; 4) the councilmember does not play by the rules and seeks special treatment; and/or 5) it must be okay for staff to go around the manager because councilmembers do it. Such impressions will weaken a manager's credibility and authority in the organization or reflect poorly on the councilmember, or both.

Reason 3. Because it is not possible for managers to treat all councilmembers equally if the manager is unaware of the treatment that one councilmember is getting. Managers are in the highly unusual position of having many, equal bosses, and the expectation of equal treatment by each of those bosses is not only extremely high but also entirely appropriate.

Equal treatment includes providing councilmembers with the same information, the same levels of support, and the same accessibility to the staff in general. Thus, when an elected councilor goes through the manager in making a request, the manager can judge if the desired information should be shared with all councilmembers.

The manager can also judge whether a request for staff work is consistent with council policy or if the full council should direct such work. If requests are

only inconsistently made through the manager, then the likelihood of inequities cropping up over time is high. This leads us to Reason 4.

Reason 4. Because councilmembers are often perceived as having "awesome power" and, therefore, direct requests can lead to surprising and negative unintended consequences. Councilmembers may contact staff people in a department to make what they perceive to be "simple requests for information," only to find these requests later perceived as orders to do something never intended by the councilmembers.

This is especially possible when direct contacts are made with staff below the department-head level. Councilmembers are typically surprised by such overreactions and by the complications and rumors that can result (because they know they don't have *that much* power). But to the staff member who seldom has contact with the higher-ups, the mayor and councilmembers are as "high up" as they come.

Reason 5. Because direct councilmember contact with staff members below the department-head level boosts the likelihood of getting erroneous or incomplete information. The further a councilmember reaches beyond the manager or department head, the more likely he or she will communicate with someone who has significantly less familiarity with the legislative process, the deeper context of various local government issues, the cross-departmental stakeholders who should be consulted, and the local rules for staff-council communication.

Combine these differences with the "awesome power" phenomenon, and the margin for a mistake in responding to the councilmember climbs substantially. On the other hand, a manager can provide one-stop service, saving time while producing better, more complete information.

Reason 6. Because such direct councilmember contact also can inadvertently cause awkward, embar-

assing situations—or worse—for the staff members involved. After a Reason 5 scenario has occurred, a staff member who later learns that he provided incorrect or incomplete information feels embarrassed. In fact, a staff member who learns that she violated some staff-council communication rule is not only embarrassed but also worried that she might be perceived as acting politically and undermining her bosses.

A staff member who incorrectly completes excessive work at the direction of an individual councilmember may perceive him- or herself to be "in trouble," especially if they have failed to notify their bosses or failed to complete other assigned work as a result.

AN UGLY TRUTH, BUT NOT FOR MOST

There is one unfortunate truth that needs to be recognized: not everyone is sincere or competent in council-manager relationships. There are councilmembers who deliberately try to undermine the system, and there are managers who are not responsive to councilmember inquiries. For such people, this article will not help, and any solution probably needs to be found through a closed-session discussion but not through short-cutting the system.

Fortunately, most elected officials and managers want the system and the relationships to work in the best possible way. To achieve this end, is it necessary for every little thing to go through the manager? No. What is required, however, is an understanding between the council and the manager as to what differentiates a little thing from a bigger thing. This can only be achieved if the elected officials and manager are regularly talking and if there is a true commitment by all to play by the rules.

Such rules are worthy of commitment, and we can help uphold an excellent system while still preserving city hall as an open, friendly, helpful place.

—Ken Hampian
City Manager

San Luis Obispo, California
(khampian@slcity.org)

10 New Rules for Elected Officials in Times of Economic Meltdown

BY FRANK BENEST



Frank Benest, Ph.D., is former city manager of Palo Alto. He currently serves as the senior advisor to the International City/County Management Association for Next Generation Initiatives and can be reached at frank@frankbenest.com. This article was prepared in collaboration with the Institute for Local Government.

This is a challenging new era for local elected officials charged with governing in the midst of economic meltdown.

Typically candidates have run on platforms to make community improvements. Once elected, governing board members have historically enjoyed access to some “slack resources” to respond to ever-increasing community demands. With the economic meltdown, no slack resources exist for new projects. In fact, ongoing budget cutbacks, layoffs and demoralized employees all threaten local government’s ability to deliver services.

A Diminished Capacity to Respond

Local governments are experiencing permanent fiscal stress that undercuts their ability to respond to the big issues of the day. The financial crisis is exacerbated by a talent crisis as a whole generation of Baby-Boomer professionals retire. Elected officials’ policy innovations are futile without staff talent to execute them.

To make matters worse, employees are feeling fearful, pessimistic and even victimized. In a culture of fear, creativity cannot flourish, and consequently local government cannot overcome its problems.

10 New Rules

Based on my work with public agencies, I have crafted 10 new rules for local government leaders

grappling with the current adverse economic conditions.

1. Identify the “core.”

To allocate scarce resources, governing boards must first identify core versus non-core businesses or program areas. For example, in one Northern California county, the county manager contacted city representatives to identify core and non-core businesses, with the intent of identifying possible functions that cities might wish to contract out to the county. The two top core functions that cities wished to keep in-house were land-use planning (determining the physical character of the community and promoting economic vitality) and park programming (affecting the quality of life in a community).

Without first deciding on what is core, governing boards may protect public safety programs at all costs and consequently gut the library and recreation services that are also vital to a community's well-being.

2. Focus on a few priorities.

The governing board as a whole must identify a few priorities (three to five at the most) and then relentlessly pursue those priorities with limited resources. To assist the board in this courageous conversation about hard choices, it is wise to engage a broad range of community groups and thus make the resulting priorities more legitimate and enduring.

When new demands for local government action arise, as they will, the governing board must insist that any new demand replace an existing obligation. When I first arrived in Palo Alto as the new city manager, the department directors identified 39 high-priority projects approved by the council. With the assistance of city management, the council was able to identify and then focus on five priorities. We then hung banners in the council chambers, one banner for each priority. When someone suggested a new priority, the mayor or the city manager could then ask which banner the council would like to remove.

3. Subtract, subtract, subtract.

To aggressively pursue a few priorities with shrinking resources, governing boards must help their organizations relentlessly subtract. When I became city manager in Palo Alto, we created a 90-day “Office of Bureaucracy-Busting.” Employees submitted hundreds of ideas to eliminate ritualistic activities that drained resources and provided no added value. Some ideas were simple and easy to implement, such as eliminating quarterly activity reports that no one read or verbatim minutes of commissions. Other ideas were more complicated, such as re-engineering and simplifying the city's contracting process, which ultimately reduced the time needed to approve major contracts from six months to three.

An organization must “accelerate” so it can effectively pursue a few priorities or respond to new demands in economic hard times. To accelerate, it must subtract.

4. Limit requests for new analysis and reports.

While governing board members may resist a community group's demand to immediately respond to some problem with a new service, the board often directs staff to conduct a new analysis or prepare a report. In good times, these kinds of governing board reactions to new demands may mollify constituents making the service request. In bad times, such referrals of nonpriority items to staff simply divert scarce staff resources and undercut the local government's ability to perform.

5. Have the courage to say “no.”

Once a governing board identifies core program areas and a few priorities, it must remain focused and help the organization stay the course. Elected officials must have the courage to say

“no” when groups make new demands.

6. Avoid a zero-risk environment.

To overcome the resource challenges facing local government, governing boards must encourage innovation. Examples include self-service kiosks for certain kinds of permits, selling computer support or other services to adjacent public agencies, or sharing public safety services with other jurisdictions (for more on this topic, read "What You Need to Know About Regionalizing Public Safety Responsibilities."

The problem is that local governments are risk averse. In fact, in an economic meltdown, the media, community groups and elected officials jump on any mistake and personally criticize committed staff. In such a hypercritical culture, most employees will hunker down and avoid taking any calculated risks.

Innovation does not occur in a zero-risk environment. Learning from mistakes is a key element in the innovation process. Employees must be encouraged to experiment, test ideas and fix problems and mistakes along the way.

If governing boards do not protect creative and risk-taking employees from abuse, no innovation will occur — regardless of exhortations from the dais.

7. Pursue nongovernmental solutions.

Local government can no longer be the center of all problem-solving. Elected leaders must put the issue or challenge in the center and work with private, nonprofit and other community partners to address the problem. Elected leaders need to focus on their roles as conveners and facilitators and avoid proposing new direct services.

8. Free up funds for a few targeted investments.

Even in severe budgetary times, a local government must make a few strategic investments to position itself for the future. Consequently, it must “over-cut” to enable investing in areas such as employee development, information technology, critical capital improvements, energy efficiencies and strategic partnerships that address neighborhood violence or promote economic development.

9. Provide meaning and emotional support to staff.

Again, elected officials cannot achieve their policy agenda without the commitment of creative staff. To maximize employees’ effectiveness, it’s important to understand what motivates them. While salary is one motivator, people work for more than just a salary — particularly in the public sector. For many public employees, work-related rewards include the opportunity to contribute to their community’s quality of life, help others and achieve a sense of accomplishment.

As Daniel Pink says in the book *A Whole New Mind*, “meaning is the new money.” Elected officials should translate their requests to staff in terms of the meaning of the work. For example, board members need to talk about the meaning of a new bike lane in terms of making biking safer and promoting healthy lifestyles. Elected leaders are key translators.

Public agencies face a “productivity paradox.” At precisely the point that local governments need giant leaps in productivity to overcome the cuts, productivity spirals downward. Elected officials can help the organization survive difficult times by showing concern for employees, providing encouragement and recognizing employee efforts. Simply telling employees to “suck it up” does not help overcome the productivity paradox.

10. Help develop talent and rebuild organizational capacity.

Without talent, the governing board cannot solve the problems facing the local government. In times of severe budget cuts, the local government faces a “free exit” problem. The “stars” or “A players” of the organization can freely exit and get a job with better pay elsewhere. If they stay, they may look for new opportunities as the economy improves. Employees, especially the “A players,” will stay as long as they are growing and stretching. In fact, learning is the new social glue that holds organizations together.

To support employee development, board members must resist gutting talent development budgets. The good news is that talent development programs are inexpensive. Cost-effective programs include talent exchanges with other agencies, leadership academies or educational webinars sponsored by a consortium of local governments, and interim or rotational assignments.

Courageous Conversations

Certainly, following these 10 rules will not be easy for elected officials. Adhering to the new rules requires focus, discipline and will. Perhaps more than anything, elected leaders must exhibit courage.

Courage has always been a key attribute for leaders. Given the hard choices facing elected officials, courage will become a hallmark of effective governance. Convening stakeholders, starting courageous conversations and engaging all groups in difficult decisions will become the core competencies of leadership.

Elected officials are stewards of our local governments. To help our organizations adapt to change, governing board members must understand the nature of their environment; communicate a new reality to employees, labor unions, community and other stakeholders; and focus on new roles and behaviors. If elected officials adhere to these new rules of governance, their local governments can survive and even thrive in a permanently disrupted world.

