



**CITY OF LAGUNA HILLS  
CITY COUNCIL/PLANNING AGENCY  
REGULAR MEETING AGENDA**

**MARCH 11, 2014**

**Closed Session at 6:00 PM (*when scheduled*)**

**General Business Session at 7:00 PM**

**Andrew Blount, Mayor**

**Dore J. Gilbert, M.D., Mayor Pro Tempore**

**Randal Bressette, Council Member**

**Melody Carruth, Council Member**

**Barbara Kogerman, 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.

**GENERAL BUSINESS - CONVENING AT 7:00 PM**

**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 CARRUTH**

**ROLL CALL OF CITY COUNCIL MEMBERS**

**CLOSED SESSION REPORT**

**1. PRESENTATIONS AND PROCLAMATIONS**

**1.1 RECOGNITION OF INVESTIGATOR PAUL MEGINNIS ON THE OCCASION OF HIS RETIREMENT**

RECOMMENDATION: THAT THE CITY COUNCIL PRESENT RETIRING INVESTIGATOR PAUL MEGINNIS WITH A CERTIFICATE OF RECOGNITION FOR HIS MANY YEARS OF SERVICE TO THE CITY OF LAGUNA HILLS.

**1.2 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON**

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

**1.3 SPOTLIGHT ON LOCAL BUSINESS**

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL PRESENTATION FROM DAVE SANFORD, DIRECTOR OF BUSINESS DEVELOPMENT, DOCTOR'S AMBULANCE SERVICE, LOCATED AT 23091 TERRA DRIVE, LAGUNA HILLS.

**1.4 LAGUNA HILLS 3/5 MARINE SUPPORT COMMITTEE**

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN UPDATE FROM CHAIR KAREN ROBBINS ON THE 3/5 DARK HORSE COMMITTEE.

**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.

**3. 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.

**3.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA**

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARE THAT SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

3.2 APPROVAL OF MINUTES FOR FEBRUARY 25, 2014

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE FEBRUARY 25, 2014, REGULAR MEETING.

3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MARCH 11, 2014

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$206,550.75.

3.4 REQUEST TO REGIONAL WATER QUALITY CONTROL BOARDS FOR SINGLE JURISDICTIONAL COVERAGE OF NPDES PERMITS

RECOMMENDATION: THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO CORRESPOND WITH THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD AND THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD TO REQUEST SINGLE JURISDICTIONAL COVERAGE FOR NPDES PERMITS BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**4. PLANNING AGENCY**

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

4.2 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.

4.3 APPROVAL OF MINUTES FOR FEBRUARY 25, 2014

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE FEBRUARY 25, 2014, REGULAR MEETING.

4.4 ADMINISTRATIVE REPORTS

4.5 PLANNING AGENCY PUBLIC HEARINGS

**PLANNING AGENCY ADJOURNMENT**

**5. CITY COUNCIL PUBLIC HEARINGS**

**6. ADMINISTRATIVE REPORTS**

6.1 City Manager

6.2 Community Development Director

- 6.2.1 ADOPTION OF A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA "HERO" PROGRAM AND APPROVING AN AMENDMENT TO A JOINT POWERS AGREEMENT AUTHORIZING THE CITY OF LAGUNA HILLS TO JOIN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AS AN ASSOCIATE MEMBER

RECOMMENDATION: THAT THE CITY COUNCIL: (1) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO"; AND (2) AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT TO THE JOINT POWERS AGREEMENT.

**7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR**

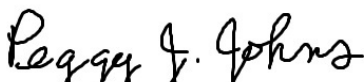
**8. CITY COUNCIL MEMBER COMMENTS**

**ADJOURNMENT**

The next Regular Meeting of the City Council will be March 25, 2014, 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 the Courtyard at La Paz Center by March 7, 2014, at 5:00 PM.



---

PEGGY J. JOHNS, CITY CLERK

---

March 7, 2014**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 Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.***





# **City of Laguna Hills**

## **City Council Meeting Agenda**

### **Staff Report**

---

**DATE: MARCH 11, 2014**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: LIEUTENANT ROLAND CHACON  
CHIEF OF POLIC SERVICES**

**ISSUE: RECOGNITION OF INVESTIGATOR PAUL MEGINNIS ON THE OCCASION  
OF HIS RETIREMENT**

---

**RECOMMENDATION: THAT THE CITY COUNCIL PRESENT RETIRING  
INVESTIGATOR PAUL MEGINNIS WITH A CERTIFICATE OF RECOGNITION FOR HIS  
MANY YEARS OF SERVICE TO THE CITY OF LAGUNA HILLS.**

---

#### **SUMMARY:**

Investigator Paul Meginnis, with the Orange County Sheriff Department, has served the City of Laguna Hills from April 28, 2000 through March 7, 2014.

Paul has decided to retire, effective March 7, 2014. Therefore it is in order to present him with a Certificate of Recognition recognizing and commending him for his outstanding service to the City of Laguna Hills.

#### **ATTACHMENT:**

- Certificate of Recognition



# CERTIFICATE OF RECOGNITION

**PAUL MEGINNIS**

**Investigator**

**City of Laguna Hills**

**Orange County Sheriff's Department**

*WHEREAS, Investigator Paul Meginnis has served the City of Laguna Hills from April 28, 2000, through March 7, 2014; and*

*WHEREAS, Paul has proven himself to be a person of character, loyalty, and integrity; and*

*WHEREAS, the performance of his duties and responsibilities and his working relationships have been characterized by dedication to getting the job done well; and*

*WHEREAS, Paul will be retiring after 29 years with the Orange County Sheriff's Department; and*

*WHEREAS, Paul will be truly missed as he leaves his friends and colleagues at the City of Laguna Hills.*

*NOW, THEREFORE, I, Andrew Blount, Mayor, on behalf of the City Council of the City of Laguna Hills, and all the staff, do hereby recognize, commend, and express a heartfelt thanks to Investigator Paul Meginnis for his outstanding service to the City, and wish him many years of enjoyment in his retirement with his family.*

**Dated this 11<sup>th</sup> day of March 2014.**

---

**ANDREW BLOUNT, MAYOR**



---

**CITY OF LAGUNA HILLS, CALIFORNIA  
CITY COUNCIL/PLANNING AGENCY  
REGULAR MEETING  
MINUTES  
FEBRUARY 25, 2014**

---

**GENERAL BUSINESS - CONVENING AT 7:00 PM**

**CALL TO ORDER**

Mayor Blount 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, California.

**PLEDGE OF ALLEGIANCE:** Mayor Blount

**ROLL CALL OF CITY COUNCIL MEMBERS**

Present: Mayor Blount, Mayor Pro Tempore Gilbert, Council Member Bressette, Council Member Carruth, and Council Member Kogerman.

**CLOSED SESSION REPORT**

There was no Closed Session scheduled.

**1. PRESENTATIONS AND PROCLAMATIONS**

**1.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON**

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON GRANT JAFFE.

**1.2 SPOTLIGHT ON LOCAL BUSINESS**

THE CITY COUNCIL RECEIVED A PRESENTATION FROM BILL CRAWFORD, GENERAL MANAGER, LAGUNA HILLS LODGE.

**2. PUBLIC COMMENTS**

**ADOPTED 3/5 MARINE BATTALION**

Karen Robbins, Chair, 3/5 Dark Horse Committee, gave a short report on the presentation of autographed copies of two books written by Author Johnnie Clark, Vietnam Veteran Gunner, donated by Barbara and Bill Kogerman. 80 copies of "Guns Up" and 20 copies of "Gunnery Glory" were presented to Lt. Colonel Rice today. Ms. Robbins indicated the donated and signed books were well received by the Marines.

PASEO DE VALENCIA STREET WIDENING PROJECT

Chris Versteegh, Laguna Hills resident, spoke on the Paseo de Valencia Widening project in regards to anticipated noise-related concerns. He believes a noise/traffic study needs to be redone during peak traffic periods.

Pat English, President of United Laguna Woods Mutual Homeowner Association, indicated the HOA had received many complaints about the widening of Paseo de Valencia regarding potential noise levels, pollution of the environment, additional traffic, safety and security issues, and the preservation of Aliso Creek. She urged the City to take these issues into consideration to come up with an agreeable solution for Laguna Woods residents.

**3. CONSENT CALENDAR**

**MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER KOGERMAN, S/COUNCIL MEMBER BRESSETTE.  
APPROVED BY A VOTE OF 5-0.**

**3.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS  
ON THE AGENDA**

THE CITY COUNCIL WAIVED READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARED THAT SAID TITLES WHICH APPEARED ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

**3.2 APPROVAL OF MINUTES FOR FEBRUARY 11, 2014**

THE CITY COUNCIL APPROVED THE MINUTES OF THE FEBRUARY 11, 2014, REGULAR MEETING.

**3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED  
FEBRUARY 25, 2014**

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$1,226,297.57.

**3.4 RESOLUTION AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR  
THE 2014 LAGUNA HILLS HIGH SCHOOL PTSA "EVERY FIFTEEN  
MINUTES" PROGRAM**

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2014-02-25-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 2014 LAGUNA HILLS HIGH SCHOOL PTSA 'EVERY FIFTEEN MINUTES' PROGRAM."

3.5 PROGRESS PAYMENT NO. 2 FOR LA PAZ OPEN SPACE PROJECT, CIP NO. 615A

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF \$386,984.19 TO ENVIRONMENTAL CONSTRUCTION, INC., FOR LA PAZ OPEN SPACE IMPROVEMENTS, CIP NO. 615A.

**4. PLANNING AGENCY**

Mayor Blount 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 7:38 PM

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Blount, Vice Chair Gilbert, Agency Member Bressette, Agency Member Carruth, and Agency Member Kogerman.

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR FEBRUARY 11, 2014

**THE PLANNING AGENCY APPROVED THE MINUTES OF THE FEBRUARY 11, 2014, REGULAR MEETING, BY M/AGENCY MEMBER BRESSETTE, S/AGENCY MEMBER CARRUTH. APPROVED BY A VOTE OF 5-0.**

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

**PLANNING AGENCY ADJOURNMENT**

Mayor Blount reconvened the City Council meeting at 7:40 PM. All Council Members were present.

**5. CITY COUNCIL PUBLIC HEARINGS**

There were no City Council Public Hearings.

**6. ADMINISTRATIVE REPORTS****6.1 City Manager**

The City Manager made no reports.

**7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR**

Mayor Blount called Public Services Director Rosenfield up to the podium to report that on February 19, 2014, Mr. Rosenfield had been presented with the President's Award from the American Society of Civil Engineers (ASCE) Orange County Branch for the La Paz Road at I-5 Interchange Widening Project. Mayor Blount indicated this award was in recognition of Mr. Rosenfield's outstanding contributions to the field of civil engineering.

**8. CITY COUNCIL MEMBER COMMENTS****COUNCIL MEMBER KOGERMAN**

Council Member Kogerman gave a report on her recent attendance at the Orange County Vector Control Board Meeting. Council Member Kogerman reported on recent outbreaks of West Nile Virus and Typhus, and the reasons for minimal outbreaks in South County.

**MAYOR BLOUNT**

Mayor Blount reported on his attendance at the Orange County Business Council, in conjunction with the ACC-OC meeting in Sacramento, entitled Spotlight on Legislature on February 24-25, 2014. Mayor Blount indicated he learned a great deal about legislation that would assist the City of Laguna Hills in many areas.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Blount declared the meeting adjourned at 7:52 p.m.

---

PEGGY J. JOHNS, CITY CLERK

ATTEST:

---

ANDREW BLOUNT, MAYOR

APPROVED AT MEETING OF \_\_\_\_\_





## City of Laguna Hills City Council Meeting Agenda Staff Report

---

**DATE:** MARCH 11, 2014  
**TO:** MAYOR AND COUNCIL MEMBERS  
**FROM:** DONALD J. WHITE, ASSISTANT CITY MANAGER  
**ISSUE:** APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED  
MARCH 11, 2014.

---

**RECOMMENDATION:** THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$206,550.75.

---

### **SUMMARY:**

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds 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

3-5-14  
DATE

### **FISCAL IMPACT:**

The warrant register total is \$206,550.75.

### **ATTACHMENTS:**

1. Warrant Register

CITY OF LAGUNA HILLS  
WARRANT REGISTER  
March 11, 2014

| VENDOR                          |  | DESCRIPTION                                                                  | CHECK<br>NO. | AMOUNT    |
|---------------------------------|--|------------------------------------------------------------------------------|--------------|-----------|
| <b>PREPAID WARRANTS:</b>        |  |                                                                              |              |           |
| ALLIANT INSURANCE SERVICES      |  | Auto Insurance, 12/22/13 - 12/22/14                                          | 8806864      | \$ 422.00 |
| AT&T                            |  | Communication Expense, Administrative Services Fax Line, Feb '14             | 8806866      | 74.56     |
| COX COMMUNICATION               |  | Communication Expense, Traffic Control, Feb '14                              | 8806853      | 179.00    |
| COX COMMUNICATION               |  | Wi-Fi Service, City Hall, Mar '14                                            | 8806873      | 130.00    |
| EVERBANK COMMERCIAL FINANCE     |  | Lease - Copier, City Hall, Feb '14                                           | 8806879      | 221.55    |
| HOME DEPOT                      |  | Program Supplies, Community Services, Jan '14                                | 8806883      | 38.98     |
| IRVINE RANCH WATER DISTRICT     |  | Water Usage, Parks, Jan '14                                                  | 8806885      | 205.88    |
| MR. CARLOS POOLS                |  | Refund, Pool Bond, CR# 46870                                                 | 8806891      | 500.00    |
| OFFICE TEAM                     |  | Staffing Services, Community Development, Feb '14                            | 8806854      | 914.51    |
| OFFICE TEAM                     |  | Staffing Services, Community Development, Feb '14                            | 8806893      | 908.34    |
| REFUND, COMMUNITY SVCS PROGRAM  |  | L. Woodall, V# 2003049.002                                                   | 8806855      | 126.00    |
| REFUND, COMMUNITY SVCS PROGRAM  |  | H. Nguyen, V# 2003059.002                                                    | 8806895      | 65.00     |
| REFUND, COMMUNITY SVCS PROGRAM  |  | B. Palmer, V# 2003055.002                                                    | 8806896      | 5.00      |
| REFUND, FACILITY RENTAL DEPOSIT |  | M. Procyk, V# 2003046.002                                                    | 8806856      | 250.00    |
| REFUND, FACILITY RENTAL DEPOSIT |  | M. Padilla, V# 2003051.002                                                   | 8806857      | 500.00    |
| REFUND, FACILITY RENTAL DEPOSIT |  | Orange County Shabesher, Inc., V# 2003061.002                                | 8806897      | 397.50    |
| REYES, JANICE MATEO             |  | Petty Cash Replenishment, Departmental Operating Expenditures, Feb '14       | 8806898      | 600.47    |
| RK ENGINEERING GROUP, INC.      |  | Reimbursable Expense, Traffic Impact Study, Laguna Hills Mall                | 8806858      | 1,253.00  |
| SAN DIEGO GAS & ELECTRIC        |  | Electric Usage, Street Lights and Traffic Control, Jan '14                   | 8806859      | 247.37    |
| SAN DIEGO GAS & ELECTRIC        |  | Electric Usage, Community Center, Traffic Control and Street Lights, Jan '14 | 8806901      | 21,011.10 |
| SOUTHERN CALIFORNIA EDISON      |  | Electric Usage, Street Lights and Traffic Control, Jan '14                   | 8806860      | 8,235.10  |
| SOUTHERN CALIFORNIA EDISON      |  | Electric Usage, Traffic Control, Jan '14                                     | 8806903      | 629.82    |
| SPARKLETTS                      |  | Operating Supplies, Community Services, Feb '14                              | 8806904      | 62.03     |

**CITY OF LAGUNA HILLS  
WARRANT REGISTER  
March 11, 2014**

| VENDOR                             | DESCRIPTION                                                                                                                                       | CHECK<br>NO. | AMOUNT              |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------|
| TARGET STORES                      | Office Supplies, Community Services, Feb '14                                                                                                      | 8806906      | 82.64               |
| TOTALFUNDS BY HASLER               | Postage, Meter Replenishment, Jan '14                                                                                                             | 8806861      | 1,000.00            |
| <b>Total Prepaid Warrants:</b>     |                                                                                                                                                   |              | <b>\$ 38,059.85</b> |
| <b>REGULAR WARRANTS:</b>           |                                                                                                                                                   |              |                     |
| A. C. LANDSCAPE, INC.              | Water Management Services, Irrigation Repairs, Feb '14                                                                                            | 8806862      | \$ 695.00           |
| ALL CITY MANAGEMENT, INC.          | Crossing Guard Services, 02/02/14 - 02/15/14                                                                                                      | 8806863      | 3,153.60            |
| APWA                               | Membership, Public Works                                                                                                                          | 8806865      | 217.50              |
| BEE MAN, THE                       | Bee Removal, Parks, Feb '14                                                                                                                       | 8806867      | 185.00              |
| BUREAU VERITAS NORTH AMERICA       | Professional Services, On-Call Inspections and La Paz Open Space Riparian Habitat CIP # 615<br>and El Toro Road Pavement Rehabilitation CIP # 179 | 8806868      | 16,530.00           |
| C&D ELECTRIC, INC.                 | Lighting Repairs, Parks and Community Center, Feb '14                                                                                             | 8806869      | 1,180.37            |
| C2 REPROGRAPHICS                   | Printing Services, Engineering, Feb '14                                                                                                           | 8806870      | 47.02               |
| CHARLES ABBOTT ASSOCIATES, INC.    | Professional Services, Plan Checking and Building & Safety Services, Jan '14                                                                      | 8806871      | 45,615.35           |
| COMPETITOR SC                      | Event Promotional Services, 1/2 Marathon and 5K Event, Community Services, Feb '14                                                                | 8806872      | 880.00              |
| COUNTY OF ORANGE-DISTRICT ATTORNEY | Prosecution Services, Municipal Code Violation, Oct - Dec '13                                                                                     | 8806875      | 492.00              |
| DATA TICKET, INC.                  | Parking Citation Processing Fee, Jan '14                                                                                                          | 8806874      | 622.83              |
| ECLIPSE MESSENGER SERVICE, INC.    | Delivery Service, Feb '14                                                                                                                         | 8806876      | 25.25               |
| EISENBERG, DALE                    | Contract Instructor Fee, Aikido Winter Session, Community Services                                                                                | 8806877      | 556.50              |
| ELKINS, CHRISTINA                  | Contract Instructor Fee, Dancing Winter Session, Community Services                                                                               | 8806878      | 274.40              |
| FEDERAL EXPRESS CORPORATION        | Delivery Service, Jan '14                                                                                                                         | 8806880      | 51.50               |
| GREENSPAN, FRANCES                 | Contract Instructor Fee, How to Sell on eBay Winter Session, Community Services                                                                   | 8806881      | 165.20              |
| HARTZOG & CRABILL, INC.            | Professional Services, Traffic Engineering, Jan '14                                                                                               | 8806882      | 292.50              |
| IRV SEAVER MOTORCYCLES             | Motorcycle Maintenance, Police Services, Feb '14                                                                                                  | 8806884      | 2,393.38            |

CITY OF LAGUNA HILLS  
WARRANT REGISTER  
March 11, 2014

| VENDOR                          | DESCRIPTION                                                                                                   | CHECK   |               |
|---------------------------------|---------------------------------------------------------------------------------------------------------------|---------|---------------|
|                                 |                                                                                                               | NO.     | AMOUNT        |
| JAMEY CLARK, INC.               | Graffiti Removal Parks, Feb '14                                                                               | 8806886 | 146.26        |
| JOE A. GONSALVES & SON          | Professional Services, Legislative Services, Mar '14                                                          | 8806887 | 2,900.00      |
| MARTIN-RUSK, DINA               | Contract Instructor Fee, Zumba Winter Session, Community Services                                             | 8806888 | 327.60        |
| MERCURY DISPOSAL SYSTEM, INC.   | Recycling Program Services, Batteries and Bulbs, Feb '14                                                      | 8806889 | 319.69        |
| MMASC                           | Membership, Administrative Services                                                                           | 8806890 | 75.00         |
| OFFICE SOLUTIONS                | Office and Operating Supplies, Feb '14                                                                        | 8806892 | 193.96        |
| ORANGE COUNTY TREASURER         | Parking Fee Surcharge, Jan '14                                                                                | 8806894 | 2,239.75      |
| ORANGE COUNTY TREASURER         | Road Maintenance, Jan '14                                                                                     | 8806900 | 31,729.37     |
| RICHARD FISHER ASSOCIATES       | Professional Services, General Park Renovations CIP # 241 and La Paz Open Space<br>Riparian Habitat CIP # 615 | 8806899 | 18,984.07     |
| SOCAL OFFICE TECHNOLOGIES       | Usage - Printer Maintenance and Supplies, Mar '14                                                             | 8806902 | 629.90        |
| STRAIGHT 78                     | Program Expense Deposit, 4th of July Event, Community Services                                                | 8806905 | 500.00        |
| THE LIFE TRENDS GROUP, INC.     | AED Equipment Supplies, Feb '14                                                                               | 8806907 | 157.88        |
| TOMARK SPORTS, INC.             | Program Supplies, Community Services, Feb '14                                                                 | 8806908 | 433.71        |
| TRUELINE CONSTRUCTION & SURFACE | Park Maintenance, Resurface Courts, Feb '14                                                                   | 8806909 | 10,300.00     |
| TURF STAR, INC.                 | Maintenance, Utility Cart, Community Center, Feb '14                                                          | 8806910 | 259.99        |
| WOODRUFF, SPRADLIN & SMART      | Professional Services, Legal, Jan '14                                                                         | 8806911 | 25,429.69     |
| XEROX CORPORATION               | Usage - Copier, City Hall, Feb '14                                                                            | 8806912 | 486.63        |
| Total Regular Warrants:         |                                                                                                               |         | \$ 168,490.90 |
| **WARRANT REGISTER TOTAL **     |                                                                                                               |         | \$ 206,550.75 |



# **City of Laguna Hills**

## **City Council Meeting Agenda**

### **Staff Report**

---

**DATE: MARCH 11, 2014**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: KENNETH H. ROSENFELD**  
**DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER**

**ISSUE: REQUEST TO REGIONAL WATER QUALITY CONTROL BOARDS FOR  
SINGLE JURISDICTIONAL COVERAGE OF NPDES PERMITS**

---

**RECOMMENDATION: THAT THE CITY COUNCIL AUTHORIZE THE CITY  
MANAGER TO CORRESPOND WITH THE SANTA ANA REGIONAL WATER QUALITY  
CONTROL BOARD AND THE SAN DIEGO REGIONAL WATER QUALITY CONTROL  
BOARD TO REQUEST SINGLE JURISDICTIONAL COVERAGE FOR NPDES PERMITS  
BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD.**

---

#### **SUMMARY:**

The City of Laguna Hills is a Co-Permittee in two National Pollution Discharge Elimination System (NPDES) Permits as delineated by watershed boundaries in the Santa Ana Regional Water Quality Control Board (SARWQCB) area and the San Diego Regional Water Quality Control Board (SDRWQCB) area. Approximately 18% of the City (northerly of El Toro Road) is administered by the SARWQCB associated with the San Diego Creek Watershed and 72% of the City (southerly of El Toro Road) is administered by the SDRWQCB associated with both the Aliso Creek and San Juan Creek Watersheds. The NPDES permits are similar but not exactly the same and this causes an administrative burden for staff and the public for implementation of the requirements of each respective Permit. Hence, as is authorized under the State Water Code, staff recommends that the City seek single jurisdictional coverage by the SDRWQCB for all NPDES Permit requirements. Authorization for the City Manager to correspond with each Water Quality Control Board to make the single jurisdictional request is recommended.

#### **BACKGROUND:**

Upon the City's incorporation, the City became regulated by the NPDES Permit as issued by the SDRWQCB for storm water quality control. The County of Orange is the lead Permittee for this Permit and the City is a Co-Permittee with the responsibility to implement the NPDES regulations and provide reports of the associated accomplishments

toward the goal of reduced pollutant loads in storm water runoff. When the City annexed the area in North Laguna Hills, the City's NPDES requirements expanded to cover that area and that area is administered by the SARWQCB.

The jurisdiction of Water Quality Control Boards is established by watershed boundaries. The City's area northerly of El Toro Road, administered by the SARWQCB, is within the San Diego Creek Watershed which drains to the Newport Back Bay covering approximately 18% of the City. The City's area southerly of El Toro Road, administered by the SDRWQCB, is within both the Aliso Creek and San Juan Creek Watersheds covering approximately 72% of the City. The attached map depicts the jurisdictional boundaries described above.

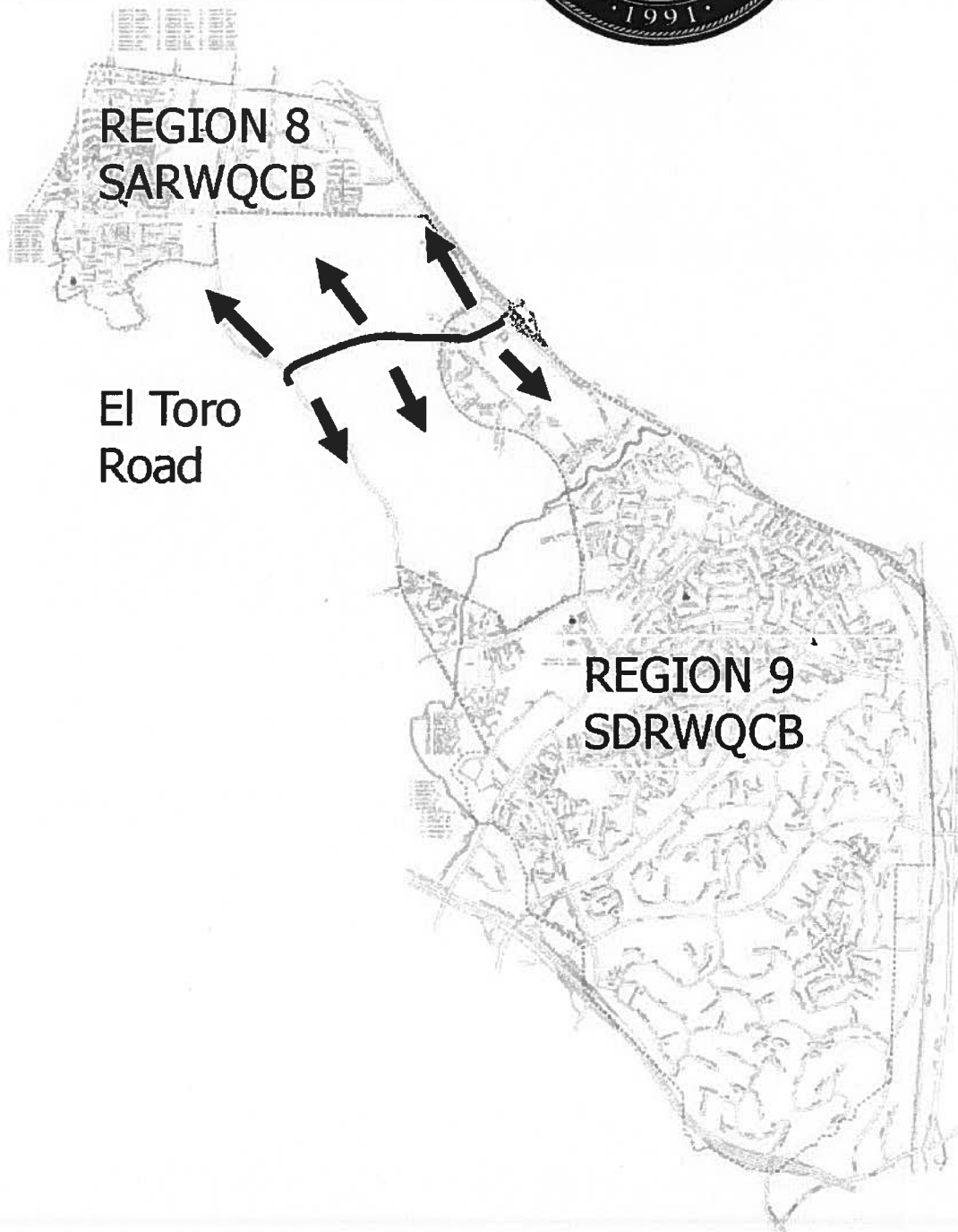
The NPDES Permits in the SARWQCB and the SDRWQCB are on different approval cycles and have differing requirements. As a result, staff is burdened with additional administrative duties; two sets of rules and two sets of inspection frequencies, and two annual reports. In addition, the public is faced with differing requirements which can be confusing and which may inadvertently reduce water quality compliance. Due to the coming implementation of a new round of NPDES Permits, staff has determined that the timing is right to request the City be covered by one Water Quality Control Board jurisdiction. As shown on the proposed letter addressed to the Executive Officers of both the SARWQCB and the SDRWQCB, the State Water Code allows single jurisdictional coverage with the consent of each Water Quality Control Board. Authorization for the City Manager to issue the letter seeking single jurisdictional coverage is recommended.

#### **FISCAL IMPACT:**

Coverage by a single jurisdiction for NPDES Permit implementation is estimated to allow staff to reallocate approximately 15% of the staff time currently dedicated to administering two NPDES Permits. This will increase staff efficiency and make the NPDES requirements consistent for the public.

#### **ATTACHMENTS:**

- Jurisdictional Map
- Draft Letter



**CITY OF LAGUNA HILLS  
CITY MAP**





February 26, 2014

Mr. Kurt Berchtold  
Executive Officer  
California Regional Water Quality  
Control Board - Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

Mr. David W. Gibson  
Executive Officer  
California Regional Water Quality  
Control Board – San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

**SUBJECT: REQUEST TO DESIGNATE THE SAN DIEGO REGIONAL WATER  
QUALITY CONTROL BOARD AS THE REGULATORY AUTHORITY FOR  
ALL STORMWATER DISCHARGES IN THE CITY OF LAGUNA HILLS**

Dear Messrs. Berchtold and Gibson:

The City of Laguna Hills is located within south Orange County and covers an area of approximately 6.6 square miles. About 82% of the City's land area is located within the Aliso Creek and San Juan Creek Watersheds under the jurisdiction of the San Diego Regional Water Quality Control Board (SDRWQCB) with the remaining 18% (1.2 square miles) of the City in the Newport Bay/San Diego Creek Watershed under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB). Attached for your reference is a map of the City, overlaid with the jurisdictional boundary between the two Regional Boards.

The City is a Co-permittee in two Municipal Separate Storm Sewer System (MS4) Permits, Order R9-2009-0002 and Order R8-2009-0030 issued by the SDRWQCB and the SARWQCB, respectively. Both jurisdictions issue comprehensive Large MS4 Permits that require the City to implement extensive compliance programs. Differences in the requirements of both Regions' Large MS4 Permits have significant impacts on City operations. Major program level differences force the City to implement what amounts to two different compliance programs within City limits. This results in a

March 4, 2014  
Mr. Kurt Berchtold  
Santa Ana Regional Water Quality Control Board  
Mr. David W. Gibson  
San Diego Regional Water Quality Control Board  
Page 2

significant resource and administrative burden which, in turn, reduces available resources for program implementation. Therefore, in accordance with California Water Code Section 13228, the City of Laguna Hills requests that the SARWQCB and the SDRWQCB both agree to designate SDRWQCB for regulation of all portions of the City, regardless of Regional Board jurisdictional boundaries, for matters pertaining to MS4 permitting.

The City is currently a named Co-permittee on Order R8-2009-0030 issued by the SARWQCB (Santa Ana Permit), and Order R9-2009-0002 with the SDRWQCB (San Diego Permit). While having the same goal of reducing the discharge of pollutants from the MS4 system, these two Permits include different requirements. As a result, programs designed to be in compliance with the Santa Ana Permit are similar, but necessarily different than programs designed for compliance with the San Diego Permit. When this situation is applied within a single City, such as the City of Laguna Hills, having two different Permits and related implementation programs, creates significant confusion among both City staff and the public, which can lead to inconsistent and inefficient protection of water quality. Additionally, and no less significant, there is a duplicative administrative and financial burden that is inherent in complying with two MS4 Permits; two sets of programs have to be developed; staff has to be trained on two sets of requirements with differing frequencies; business inspections must inspect for and track different information at differing frequencies; and two sets of annual reports have to be created with each report being required to include different information, among other differing requirements.

The City of Laguna Hills' request is not unique in that similar requests regulating MS4 discharges to a single Regional Board jurisdiction, despite being split across a watershed boundary, have been granted in 2010 in Riverside County to the Cities of Murrieta, Wildomar, and Menefé; the SARWQCB is working with the Los Angeles Regional Water Quality Control Board to regulate discharges of bacteria from the cities of Claremont and Pomona across boundaries; and the City of Lake Forest has requested single jurisdictional coverage into the SARWQCB.

This request by the City of Laguna Hills is made with the understanding that:

- For the purposes of MS4 permitting only, the SDRWQCB would regulate the entirety of the City of Laguna Hills. As a result, the City of Laguna Hills would be subject to a single MS4 permit, which would be issued by the SDRWQCB.
- Enforcement of any provisions of the MS4 permit issued to the City of Laguna Hills would be performed by the SDRWQCB.

March 4, 2014  
Mr. Kurt Berchtold  
Santa Ana Regional Water Quality Control Board  
Mr. David W. Gibson  
San Diego Regional Water Quality Control Board  
Page 3

- Any TMDLs and associated MS4 permit requirements issued by the SARWQCB, which include the City of Laguna Hills as a responsible party, will be incorporated into the MS4 permit issued by the SDRWQCB by reference, including any associated provisions, findings or elements of the fact sheet.
- Enforcement of any TMDL will remain with the Regional Board that has jurisdiction over the targeted impaired water body.
- Other Waste Discharge Requirements, or other Orders issued or enforced by the SARWQCB would remain wholly under the jurisdiction of the SARWQCB.

Some facts about the City of Laguna Hills and the portion within the jurisdiction of the SARWQCB are described below. Also enclosed with this letter is a map of the City with the subject area highlighted.

- Total Area of the City = 6.6 square miles
- Area within the Santa Ana Region Watershed = 1.2 square miles
- Percent of City in the Santa Ana Region Watershed = 18%

The requested designation of regulatory authority to the SDRWQCB will not only reduce the complexity and administrative burden upon the City of Laguna Hills, but will allow the City to better focus and effectively utilize its available resources to the best benefit of stormwater quality in both Regions.

If you have any questions regarding this request, please contact Director of Public Services Kenneth Rosenfield at (949) 707-2655 or [Krosenfield@ci.laguna-hills.ca.us](mailto:Krosenfield@ci.laguna-hills.ca.us).

Sincerely,

BRUCE E. CHANNING  
City Manager

Attachments: Map of the City of Laguna Hills

c: Kenneth Rosenfield, Director of Public Services  
Humza Javed, Associate Civil Engineer  
Greg Simonian, City Attorney  
Chris Crompton, OC Public Works



THE CITY COUNCIL ADOPTED RESOLUTION NO. 2014-02-25-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 2014 LAGUNA HILLS HIGH SCHOOL PTSA 'EVERY FIFTEEN MINUTES' PROGRAM."

3.5 PROGRESS PAYMENT NO. 2 FOR LA PAZ OPEN SPACE PROJECT, CIP NO. 615A

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF \$386,984.19 TO ENVIRONMENTAL CONSTRUCTION, INC., FOR LA PAZ OPEN SPACE IMPROVEMENTS, CIP NO. 615A.

**4. PLANNING AGENCY**

Mayor Blount 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 7:38 PM

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Blount, Vice Chair Gilbert, Agency Member Bressette, Agency Member Carruth, and Agency Member Kogerman.

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR FEBRUARY 11, 2014

**THE PLANNING AGENCY APPROVED THE MINUTES OF THE FEBRUARY 11, 2014, REGULAR MEETING, BY M/AGENCY MEMBER BRESSETTE, S/AGENCY MEMBER CARRUTH. APPROVED BY A VOTE OF 5-0.**

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

**PLANNING AGENCY ADJOURNMENT**

Mayor Blount reconvened the City Council meeting at 7:40 PM. All Council Members were present.





# **City of Laguna Hills**

## **City Council Meeting Agenda**

### **Staff Report**

---

**DATE: MARCH 11, 2014**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: DAVID CHANTARANGSU, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT**

**ISSUE: ADOPTION OF A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA "HERO" PROGRAM AND APPROVING AN AMENDMENT TO A JOINT POWERS AGREEMENT AUTHORIZING THE CITY OF LAGUNA HILLS TO JOIN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AS AN ASSOCIATE MEMBER**

---

**RECOMMENDATION: THAT THE CITY COUNCIL: (1) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO"; AND (2) AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT TO THE JOINT POWERS AGREEMENT.**

---

#### **SUMMARY:**

State law authorizes the financing of energy efficiency improvements to private commercial and residential properties through the creation of special assessment districts. These assessment districts enable the cost of eligible improvements to be financed as a voluntary assessment against a program participant's property. In 2011, the Western Riverside Council of Governments (WRCOG) established the HERO Program<sup>1</sup> which created an assessment district to finance such improvements. Since the state enabling legislation does not limit the extent of a district, any city in the state may choose to benefit from the HERO Program by joining the WRCOG as an Associate Member. The City

---

<sup>1</sup> When first initiated, HERO was an acronym for "Home Energy Renovation Opportunity", but the program has since expanded to include energy renovation opportunities for both residential and commercial property owners.

Council's approval of the attached Resolution, and authorization for the Mayor to execute an amendment to a Joint Powers Agreement authorizing the City to join the WRCOG as an Associate Member, would enable property owners within Laguna Hills to undertake a wide variety of energy efficiency improvements on their property using the financing mechanism the HERO Program employs.<sup>2</sup> There are no costs to the City to join the WRCOG, or to participate in the HERO Program.

## **BACKGROUND:**

In July 2008, the California Legislature approved Assembly Bill 811 authorizing cities and counties to establish voluntary property assessment programs to fund conservation and renewable energy projects proposed by property owners. Assembly Bill 474 was subsequently passed in October 2009 to add water efficiency improvements to the list of eligible improvements. Together the statutes created what is commonly referred to as a Property Assessed Clean Energy program, or PACE<sup>3</sup>. The Legislature's adoption of the PACE enabling statutes allow local entities like WRCOG to create local programs that provide low-cost financing for renewable energy improvements and energy efficiency upgrades for private property.

Consistent with the provisions of AB 811 and AB 474, the WRCOG established the California HERO Program and has made the program available to every city and county in California. The program allows property owners in participating cities and counties to finance renewable energy, energy and water efficiency improvements, and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the installed improvements would be financed by bonds issued by the joint powers authority established by the WRCOG. The bonds are secured by a voluntary contractual assessment levied on the participating owner's property. The assessment is then collected together with the participating owner's property taxes. Improvements can be made on both residential and non-residential properties.

The WRCOG estimates that the HERO Program has created more than 1,600 jobs, generated more than \$220 million in economic development activity, and assisted more than 7,000 homeowners in making energy upgrades to their property since the program's inception. By implementing this program, the City is able to provide the opportunity to create jobs and stimulate property investment while encouraging energy conservation. Other Orange County cities that have joined the WRCOG in bringing the HERO Program to their communities include Anaheim, Brea, Newport Beach, and Tustin. To date a total of 42 cities across four counties participate in the HERO Program.

---

<sup>2</sup> A copy of the WRCOG Joint Powers Agreement is available from staff.

<sup>3</sup> Additional information concerning PACE can be found at <http://pacenow.org/>

**FISCAL IMPACT:**

None

**CEQA FINDINGS:**

Environmental review is not required under the Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

**ATTACHMENTS:**

- Attachment 1 - Draft Resolution (Including Exhibit A)



# **Attachment # 1**

**- Resolution with Exhibit A -**



RESOLUTION NO. 2014 \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

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

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority intends to establish the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Laguna Hills (the "City") is committed to the development of renewable energy sources, energy efficiency improvements, protection of the environment; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners in the City in financing such Improvements; and

WHEREAS, Authority has authority to establish the California HERO Program, which will be such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Laguna Hills as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the incorporated area of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

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

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of Improvements.
2. This City Council consents to inclusion in the California HERO Program of all of the properties in the incorporated area within the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent and be secured by such contractual assessments.
4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.
5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program as needed.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

PASSED, APPROVED, AND ADOPTED this 11th day of March, 2014.

\_\_\_\_\_  
ANDREW BLOUNT, 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 is a true and correct copy of Resolution No.  
\_\_\_\_\_ adopted by the City Council of the City of Laguna Hills, California,  
at a Regular Meeting thereof held on the 11th day of March 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
PEGGY J. JOHNS, CITY CLERK

## **EXHIBIT A**

### **AMENDMENT TO THE JOINT POWERS AGREEMENT ADDING CITY OF LAGUNA HILLS AS AN ASSOCIATE MEMBER OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM SERVICES WITH SUCH CITY**

This Amendment to the Joint Powers Agreement ("JPA Amendment") is made and entered into on the 11<sup>th</sup> day of March, 2014, by City of Laguna Hills ("City") and the Western Riverside Council of Governments ("Authority") (collectively the "Parties").

#### **RECITALS**

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Joint Exercise of Powers Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the "Regular Members").

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy ("PACE") program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the "Improvements") that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority intends to establish a PACE program to be known as the "California HERO Program" pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

### **MUTUAL UNDERSTANDINGS**

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

#### **A. JPA Amendment.**

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

**B. Implementation of California HERO Program within City Jurisdiction.**

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

**C. Miscellaneous Provisions.**

1. Withdrawal. Authority may withdraw from this JPA Amendment upon six (6) months written notice to City; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the Hero Program within the jurisdictional limits of City upon thirty (30) days written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of the City's notice of withdrawal.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorney's fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments  
4080 Lemon Street, 3rd Floor. MS1032  
Riverside, CA 92501-3609  
Att: Executive Director

City:

City of Laguna Hills  
24035 El Toro Road  
Laguna Hills, CA 92653  
Att: City Clerk

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the

remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: \_\_\_\_\_ Date: \_\_\_\_\_

Executive Committee Chair  
Western Riverside Council of Governments

CITY OF LAGUNA HILLS, A CALIFORNIA MUNICIPAL CORPORATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Andrew Blount, Mayor

By: \_\_\_\_\_ Date: \_\_\_\_\_

Peggy Johns, City Clerk

Approved As To Form

By: \_\_\_\_\_ Date: \_\_\_\_\_

Greg Simonian, City Attorney