CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
FEBRUARY 23, 2010

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Scott led the Pledge of Allegiance.

ROLL CALL

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

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

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 PERMIT PARKING ON INDIAN HILL LANE (0860-50)

Maleck Elahi, resident of the Indian Creek Homeowners' Association, indicated that some time back there had been a request by the Bella Tierra Homeowners' Association for permit parking on the west side of Indian Hill Lane. He owned two cars and had a problem finding parking for his second car. There were only eight spots on the east side of the street, and if he arrived after 4 p.m., those spots were already taken. He requested permit parking for the west side of Indian Hill Lane, the same consideration that was given for the Bella Tierra HOA.

Public Services Director Rosenfield indicated the issue of the permit parking on Indian Hill Lane was discussed at length before the Traffic Commission and City Council, where extenuating circumstances in the Bella Tierra Development led to the issuance of the permit parking procedures for this development only. At the direction of City Council, staff could refresh that record and bring this information back and take further direction.

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO REFER THIS ITEM BACK TO THE TRAFFIC COMMISSION FOR FURTHER ACTION.

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

The City Council received an oral report from Laguna Hills High School Student Liaison Jason Brower.

Mayor Bressette indicated that he and Council Member Carruth attended the "Every 15 Minutes Program" at Laguna Hills High School. Mayor Bressette presented photos and gave a narrative of the event. Mayor Bressette stated that the event had been much more effective held on campus at the intersection of Hawk Highway and Community Center Drive. The students were much closer to the event than in the past when it had been held on the High School track or if it had been held on Laguna Hills Drive.

Council Member Carruth stated that although she had been a supporter for staging the event on Laguna Hills Drive, it had been more effective within the High School parking lot. It allowed for much more time and control in setting up the crash site and for coaching the kids who participated in the simulation. Council Member Carruth stated that the presentation on the second day hit home the powerful message of making safe driving decisions.

3. MINUTES

3.1 REGULAR MEETING, FEBRUARY 9, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE FEBRUARY 9, 2010, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

Mayor Bressette removed Item No. 4.5 from the Consent Calendar.

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

The motion carried by the following vote:

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

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

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED FEBRUARY 23, 2010 (0300-30)

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

APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $802,126.33.

4.3 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ANNUAL WEED ABATEMENT PROGRAM (0400-10)

Written report from the Public Services Department indicated annually, the City conducted a Weed Abatement Program to reduce fire hazards throughout the City. The expiration of the City's previous weed abatement contract on June 30, 2009, created the need to advertise for a qualified contractor to continue providing weed abatement services for the City during the next five years. The Fiscal Year 2009-2010 Budget for the Annual Weed Abatement Program was $55,000.

APPROVED THE WEED ABATEMENT SPECIFICATIONS AND CONTRACT DOCUMENTS AND AUTHORIZED STAFF TO ADVERTISE FOR BIDS FOR THE ANNUAL WEED ABATEMENT PROGRAM.

4.4 2009 COMMUNITY SERVICES DEPARTMENT YEAR END REPORT (0110-40)

Written report from the Community Services Department indicated they had prepared a Year End Report for calendar year 2009 and presented it to the Parks and Recreation Commission on February 3, 2010. The purpose of the report was to highlight the major accomplishments of the past year, along with providing information on facility reservations, program registration, and costs associated with the maintenance of the Community Center building. In addition, staff provided a 2010 outlook for the Community Services Department.

RECEIVED AND FILED THE REPORT.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.5 VOLUNTEER CONNECTION DAY (0950-25)

Mayor Bressette removed this item from the Consent Calendar to discuss the planting of trees at La Paz Road and Alameda Avenue. He believed that there were other areas in the City that could use 10-20 trees and asked staff to recommend alternate areas.

Written report from the Community Services Department indicated each year the City of Laguna Hills conducted a Volunteer Connection Day in April. This year, Volunteer Connection Day would fall on April 17, 2010. The day's events had traditionally focused on bringing residents together to clean and beautify the City. The Parks and Recreation Commission discussed potential projects for this year at its February 3, 2010, meeting and determined that trail clean-up and tree planting projects continued to be productive projects for volunteers. An E-Waste collection was not being recommended for 2010, as the project had poor participation in previous years. In addition, per the City's Franchise Agreement with CR&R, Laguna Hills' residents had unlimited curbside pickup of E-Waste items, such as computer monitors. Staff recommended that trail/wetland area clean-up projects and a tree planting project in recognition of Arbor Day be selected for the 2010 event. The estimated expense for this year's event was $1,000 and was within budget.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER SONGSTAD, TO APPROVE THE PROPOSED PROJECTS FOR VOLUNTEER CONNECTION DAY.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:34 p.m. and reconvened the City Council at 8:04 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. COX COMMUNICATIONS RATE ADJUSTMENTS (0400-20)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADD THIS ITEM TO THE AGENDA AS THERE WAS: (1) A NEED TO TAKE ACTION IMMEDIATELY; AND (2) THE NEED FOR ACTION CAME TO THE ATTENTION OF THE CITY COUNCIL AFTER THE AGENDA WAS POSTED.

The motion carried by the following vote:

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

City Manager Channing indicated that this agenda item was somewhat unique in recent times due to the history of rate regulations with respect to cable television. Cable television franchise requirements had evolved considerably over the years to a point where rate setting was a relatively prescriptive process, involving an operator completing the appropriate forms, and having them reviewed by staff with the assistance of a consultant. Mr. Channing indicated that there were two conditions to consider tonight: the establishment of a maximum permissible rate that can be charged to customers for the basic service, and the consideration of Form 1205, the maximum permitted rate for the equipment charges. Mr. Channing indicated that cable operators could petition the FCC to get relief from regulations by the local agency if they could demonstrate successfully that effective competition existed within the boundaries of the areas that they were serving. Cox Communication's petition had been submitted but it had not been acted upon by the FCC. Mr. Channing indicated that this created a dilemma for staff and Cox Communications because they were anticipating going forward with new rates effective March 1, 2010. As staff evaluated the filing of the Form 1240 to establish the basic service rate and the maximum permissible rate, staff disagreed over the calculation of that rate. As a consequence, staff felt it was necessary to adopt the maximum permissible rate as established in the Resolution. The rate was $26.50 for basic service. Mr. Channing indicated that Cox Communications was currently charging $22.00 a month. Mr. Channing indicated that by virtue of this action, the City Council was not ensuring that the rate would be $26.50 but was setting a cap on the maximum amount that the monthly fee could be raised by an action of Cox Communications, until such time as the FCC gave Cox Communications the approval that they were seeking. Mr. Channing indicated that this could also affect the charges for equipment installation and rental.

Joanne Redden, Cox Cable, answered questions from the City Council regarding rate increases and the mailing that was sent to Laguna Hills' customers.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2010-02-23-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING AN FCC FORM 1240 MAXIMUM PERMITTED RATE OF $26.50 AND ADOPTING THE FCC FORM 1205 MAXIMUM PERMITTED RATE AS FILED.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Songstad

A. GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) AWARD (0410-65)

Council Member Songstad commended the Finance Department staff for receiving an award from the GFOA as presented to Don White, Janice Mateo-Reyes, and Melissa Au-Yeung. Council Member Songstad congratulated these staff members and thanked them for doing a great job for the City of Laguna Hills.

9. CLOSED SESSION

Mayor Bressette recessed the meeting into Closed Session at 8:28 p.m.

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957 (b)(1)
Public Employee Title: City Manager

Mayor Bressette reconvened the meeting at 9:10 p.m. All Council Members were present.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette adjourned the meeting in the memory of Mike Eggers, at 9:10 p.m.

Peggy J. Johns
PEGGY J. JOHNS, CITY CLERK

ATTEST:

Randal Bressette
RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF MARCH 9, 2010.