CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
FEBRUARY 22, 2011

CALL TO ORDER

Mayor Songstad 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

Council Member Kogerman led the Pledge of Allegiance.

ROLL CALL

Present: L. Allan Songstad, Jr., Mayor
Melody Carruth, Mayor Pro Tempore
Randal Bressette, Council Member
Barbara Kogerman, Council Member
Joel Lautenschleger, 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; Roger James, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Senior 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 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON (0930-40)

The City Council received an oral report from Laguna Hills High School Student Liaison Lyndsey Kaan.

3. MINUTES

3.1 REGULAR MEETING, FEBRUARY 8, 2011 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO APPROVE THE MINUTES OF THE FEBRUARY 8, 2011, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

Mayor Songstad removed Item No. 4.7 and Council Member Kogerman removed Item No. 4.5.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 4.5 AND ITEM NO. 4.7.

The motion carried by the following vote:

AYES:	Council Members Bressette, Kogerman, Lautenschleger, Mayor Pro Tempore Carruth, and Mayor Songstad
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 22, 2011 (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 $2,078.905.69.

4.3 AMENDED AND RESTATED PURCHASING ORDINANCE (0480-20)

Written report from the City Clerk's Department indicated in the 2009-2011 Biennial Budget was a work program to revise and update the City's purchasing policies and procedures. At the November 23, 2010, City Council meeting, the City Council directed staff to take the Purchasing Ordinance update to the Audit Committee for review and comment. On January 18, 2011, the Audit Committee reviewed the draft Ordinance. This draft Ordinance was then brought forward to the City Council meeting of February 8, 2011, for introduction and first reading. At that meeting, the City Council modified the language to add the words "installation charges" to Sections 3-08.070, 3-08.080, and 3-08.090 and to the "Estimated Value" definition in Section 3-08.030; and amended Section 3-08.130 to read: "Any vehicle(s) with an estimated value greater than twenty thousand dollars ($20,000) to be purchased by the City should be approved in advance by the City Council prior to commencement of the procurement process."

ADOPTED ORDINANCE NO. 2011-1, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 3-08 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING THE PURCHASING OF GOODS AND SUPPLIES, EQUIPMENT, MATERIALS, AND SERVICES.

4.4 SECOND QUARTER FINANCIAL AND TREASURER'S REPORT (FY2010-2011) (0300-40)

Written report from the Administrative Services Department indicated that staff submitted to the City Council the Quarterly Financial Highlights for the Second Quarter of Fiscal Year 2010/11. The financial statements showed a surplus of funding sources over funding uses of $773,827. The City's total fund balance as of December 31, 2010, was $12,424,328.

RECEIVED AND FILED THE SECOND QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY2010-2011.

4.6 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ENERGY EFFICIENCY PROJECTS (0370-38)(0400-10)

Written report from the Public Services Department indicated that the City was a recipient of a California Energy Commission Grant under the "Direct Purchase Program" for the installation of energy saving devices at various locations. The plans and specifications for this project had been prepared by staff and the project was now ready to be advertised for bids. The total amount of the grant funds provided by the California Energy Commission under the American Recovery and Reinvestment Act was $174,071 for this project. The California Energy Commission had granted the City $174,071 for energy efficiency projects. It was anticipated that the total project cost would be less than the grant funds. However, a contribution from the Civic Center budget towards the project might be necessary as there was a cap on the grant dollars that could be spent on the replacement of air conditioning units. At the time of the award of contract, staff would review the total budget of the project and recommend the addition of the project to the current Capital Improvement Program.

APPROVED THE PLANS AND SPECIFICATIONS AND AUTHORIZED THE ADVERTISEMENT FOR BIDS FOR THE ENERGY EFFICIENCY PROJECTS.

4.8 PROGRESS PAYMENT NO. 2 FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-G (0400-10)

Written report from the Public Services Department indicated that work on the Citywide Pavement Rehabilitation Project, CIP No. 101-G, began on December 6, 2010, and was being performed by Excel Paving Company. Work performed in January included clearing and grubbing, asphalt concrete overlay, cold planing, utility adjustments, sidewalk replacement, driveway replacement, cross-gutter replacement, curb and gutter replacement, and access ramps. The project was now substantially complete. The contractor had submitted the second progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Citywide Pavement Rehabilitation Project, CIP No. 101-G.

APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $1,116,430.82, TO EXCEL PAVING COMPANY, FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-G.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.7 APPOINTMENT OF A MEMBER TO THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA EXECUTIVE COMMITTEE (0400-10)

Mayor Songstad indicated this item was removed from the Consent Calendar as it required a separate action. Public Services Director Rosenfield indicated this item required the City Council to identify a Council Member to join the Executive Committee of the South Orange County Watershed Management Area. The Executive Committee of elected officials would meet approximately twice per year, the first meeting taking place on April 7, 2011. There had been a time change from the staff report; it was now set for 2:30 p.m. for approximately 2 hours. The purpose of this Executive Committee was to guide the decision-making process on prioritizing watershed related projects when funding became available. There would be funds available through statewide propositions that had previously been passed known as Propositions 50 and 84; and the South Orange County Watershed Management Agency which was guided by the County of Orange, as staff for the group, had been successful in seeking those grant funds. The purpose of the group was to collectively benefit South Orange County with watershed improvements, and staff was requesting a City Council Member be assigned to the group.

Written report from the Public Services Department indicated that the Cooperative Agreement of the South Orange County Watershed Management Area (SOCWMA) was approved by the County, South Orange County Cities, and Water and Wastewater Agencies to foster regional planning for water related projects. The City Council approved the Agreement on July 13, 2010. The Agreement established an Executive Committee which was comprised of an elected or executive level official from each participating organization whose agency approved the Agreement.

IT WAS MOVED BY MAYOR SONGSTAD, SECONDED BY COUNCIL MEMBER BRESSETTE, TO APPOINT MAYOR PRO TEMPORE CARRUTH TO SERVE ON THE EXECUTIVE COMMITTEE OF THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA.

The motion carried by the following vote:

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

4.5 2010 COMMUNITY SERVICES YEAR END REPORT (0110-40)

Council Member Kogerman indicated she removed this item from the Consent Calendar to ask staff questions regarding three specific recreation programs which appeared to have experienced a fairly drastic decrease in participation. Council Member Kogerman wondered if there was any reason for the drop off in attendance, and if there were any measures that needed to be taken. Council Member Kogerman reported the three events were: Mr. Bunny and Friends, Mother's Day Tea, and the Children's Spring Concert.

Community Services Superintendent Meehan indicated that staff was looking to revamp, add to, or change the date of some of these events. Mr. Meehan indicated the Mother's Day Tea would be changed to a Mother's Day Picnic for 2011 offered on a Saturday, rather than a Friday, as working parents could have a challenge attending a Friday event. Mr. Meehan reported that for Mr. Bunny and Friends, staff had noted a significant drop and would be reviewing the schedule of events and activities planned and adding entertainment to bring attendance up. Mr. Meehan reported that the Children's Spring Concert was a free event held at Stockport Park which was advertised and included in City Views. Mr. Meehan reported that there was a significant spike in attendance in 2008, but the 150-175 participant range was more typical for this event.

Mayor Pro Tempore Carruth reported that she appreciated the report as it gave her the opportunity to see the balanced programs offered to the public, and in particular programs promoting health, wellness, fitness, family connectivity, and in general the pursuit of knowledge. Mayor Pro Tempore Carruth was also impressed with the high level of programs for seniors in the community.

Written report from the Community Services Department indicated that staff had completed a Year End Report for calendar year 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. The report was presented to the Parks and Recreation Commission at its February 2, 2011, meeting.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RECEIVE AND FILE THE REPORT.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Songstad recessed the City Council meeting to the Planning Agency meeting at 7:12 p.m. and reconvened the City Council meeting at 7:27 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. CITY COUNCIL WORKSHOP FACILITATOR (0410-47)

City Manager Channing indicated at the City Council meeting of February 8, 2011, the City Council set the date of March 12, 2011, to hold a City Council workshop to revisit the City's mission, vision and values, policies, practices, and procedures. At the time it had been recommended that a facilitator be hired for that workshop. Mr. Channing had sent out a request to firms who performed this type of work and he received two proposals. City Manager Channing gave a brief synopsis of the proposals from the firms and individuals who were recommended to facilitate the workshop. Mr. Channing asked for feedback from the City Council on which individual they preferred to facilitate the workshop.

6.2 Assistant City Manager

A. El TORO REDEVELOPMENT PROJECT AREA – OPPORTUNITIES (0400-10)

Assistant City Manager White indicated it was staff's desire to bring a report to the City Council that was responsive to a major plan that City Council had approved in the current biennial budget, which was to conduct a study regarding the reactivation of the Redevelopment Agency, and if activated, develop and implement the necessary organizational structures, policies, procedures, and processes. Mr. White indicated that staff undertook an evaluation of the redevelopment area within the City to determine if there were any advantages to activating and administering the City's Redevelopment Agency, plus any opportunities to expand the existing project area.

Mr. White indicated that over the years questions had surfaced regarding activating the Redevelopment Agency, such as would redevelopment help the mall, or would redevelopment help the Via Lomas Opportunity area. Mr. White indicated that the report answered those questions and provided a baseline for the future, and provided the history and the status of the project area within the City of Laguna Hills' limits.

Mr. White gave a PowerPoint presentation highlighting the Project Area Map, the history of the El Toro Redevelopment Project Area, tax increment receipts and uses, redevelopment area activation, project area amendment, and additional opportunities.

Mr. White indicated that the amount of tax increment revenues generated from the Project Area did not justify the additional administrative and legal burden of complying with the Redevelopment Law, and since the Laguna Hills' portion of the Project Area was built out, it was unlikely that the tax increment from the area would justify the additional administrative and legal burdens triggered by activation.

Mr. White discussed the legal hurdles and blight findings in the Project Area and indicated that although the existence of the Project Area afforded the City an opportunity to pursue establishing a Redevelopment Agency, staff did not consider it advisable to activate the Agency or add any areas through a plan amendment or adoption process at this time. The existence of the Project Area and its relationship to the larger redevelopment area in Lake Forest did present a unique opportunity for the City of Laguna Hills to potentially access additional tax increment revenues in a magnitude significant enough to help implement the General Plan strategy for the Via Lomas Opportunity Area over the long-term. Staff recommended that the City of Laguna Hills pursue a course of action that would give the Lake Forest Redevelopment Agency the discretion to transfer excess surplus in its Housing fund to Laguna Hills over the remaining life of the Project Area.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO DIRECT STAFF TO WORK WITH THE LAKE FOREST REDEVELOPMENT AGENCY TO RECOMMEND AMENDMENTS TO THE COOPERATION AGREEMENT AND DEVELOP A LEGISLATIVE STRATEGY TO AMEND STATE LAW TO GIVE THE LAKE FOREST REDEVELOPMENT AGENCY THE DISCRETION TO TRANSFER EXCESS HOUSING FUNDS TO LAGUNA HILLS.

The motion carried by the following vote:

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

B. AWARD OF CONTRACT FOR COMPREHENSIVE COMPENSATION STUDY (0400-10)

Senior Management Analyst Au-Yeung indicated at the January 11, 2011, City Council meeting, the City Council directed staff to issue a Request for Proposal (RFP) for a comprehensive compensation study. A Request for Proposal (RFP) was issued and the City received proposals from eight firms, of which two firms, Koff & Associates and Ralph Andersen & Associates, were invited to interview with a panel comprised of the City Manager, the Assistant City Manager, the Community Development Director, and the Senior Management Analyst. Ms. Au-Yeung indicated that based on an evaluation of the proposals, the results of the interviews, and reference checks, staff recommended the City Council authorize the City Manager to execute a Consulting Services Agreement with Ralph Andersen & Associates for the comprehensive compensation study. Ms. Au-Yeung indicated that the Consultant would be making a presentation to the City Council sometime in March with a list of recommended comparator agencies for City Council approval.

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR SONGSTAD, TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH RALPH ANDERSEN & ASSOCIATES TO CONDUCT THE COMPREHENSIVE COMPENSATION STUDY, AND TO AMEND PARAGRAPH 7.4 OF THE AGREEMENT TO READ AS FOLLOWS: "ALL DRAWINGS, SPECIFICATIONS, REPORTS, RECORDS, DOCUMENTS AND OTHER MATERIALS PREPARED BY CONSULTANT IN THE PERFORMANCES OF THE SERVICES UNDER THIS AGREEMENT SHALL NOT BE RELEASED BY THE CONSULTANT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CONTRACT OFFICER."

The motion carried by the following vote:

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

6.3 Community Development Director

A. REPORT CONCERNING REQUEST TO ALLOW STRAWBERRY STANDS AND/OR SEASONAL AGRICULTURAL PRODUCE SALES, SUBJECT TO A TEMPORARY USE PERMIT (0610-60)

Community Development Director Jones indicted that at the City Council meeting of February 8, 2011, during Public Comments, Will Derentz stated that he would like to open a strawberry stand within the City of Laguna Hills but was precluded from doing so because the City's Development Code did not allow that type of temporary use for any timeframe exceeding ten days. Mr. Jones indicated that the report did not include an Ordinance, but staff was asking for direction from the City Council as to whether or not City Council would like staff to proceed with an Ordinance that would allow strawberry stands and/or seasonal agriculture produce stands or sales subject to a temporary use permit. Mr. Jones indicated that most cities use generic seasonal agriculture produce sales to describe the use. Mr. Jones indicated that with City Council direction staff would return with an Ordinance that would include criteria that would apply to temporary strawberry stands including timeframes, and other relevant limitations such as the type of products that could be sold, signage, etc. Mr. Jones indicated that the cities that staff researched typically provided 90 to 120 days and some cities allowed extensions.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO DIRECT STAFF TO RETURN WITH AN ORDINANCE AMENDING THE DEVELOPMENT CODE TO ALLOW A SEASONAL AGRICULTURAL PRODUCE STAND AS A TEMPORARY USE FOR AN EXTENDED PERIOD OF TIME.

The motion carried by the following vote:

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

6.4 Public Services Director

A. ADOPTION OF MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM AND APPROVAL OF THE AGREEMENT FOR ACQUISTION OF INTERESTS IN REAL PROPERTY FOR RIGHT-OF-WAY ACQUISITON FOR THE AVENIDA DE LA CARLOTA WIDENING IMPROVEMENT PROJECT, CIP NO. 164 (0820-15)

Public Services Director Rosenfield indicated that the item before City Council was consideration of the Mitigated Negative Declaration for the Avenida de la Carlota Widening Improvement Project and the action to approve the Agreement for Acquisition of Interest in Real Property for the right-of-way acquisition, from what would be referred to as the Chevron Gas Station, to accommodate the ultimate widening of the project. Mr. Rosenfield stated the project was currently out to bid and the bid opening was scheduled for March 10, 2011, with an ultimate widening, which required the right-of-way acquisition, and an option of an interim widening, if the right-of-way acquisition was not successful. Mr. Rosenfield stated that the right-of-way acquisition would be completely cooperative amongst the parties, which were the owners and the tenants of the site. Mr. Rosenfield indicated that subject to minor technical corrections, the City was recommending the Mayor be authorized to sign the Agreement and if there were substantial changes to the Agreement, staff would return to the City Council with explanation of the changes. Mr. Rosenfield indicated that between the time of writing the report and tonight the tenant and owner had commented on the Agreement and had raised some issues. Staff was working through the issues but consequently was not prepared to ask the City Council to approve the Agreement as written, or the environmental document, because the document needed to be tied to another action. The environmental document had been circulated for 30 days as a public review and that public review period ended at 5:00 pm, February 22, 2011. Mr. Rosenfield stated there had been no written or oral comments received by any party on the environmental document. Mr. Rosenfield indicated it was recommended that the City Council offer the public the opportunity to address the City Council at tonight's meeting, and continue the item to the March 8, 2011, City Council meeting.

Mayor Songstad opened the Public Hearing, and upon seeing no one rise, closed the Public Hearing.

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO CONTINUE THIS ITEM TO THE MARCH 8, 2011, CITY COUNCIL MEETING.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Lautenschleger

A. REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) PRIMER (0150-55)

Council Member Lautenschleger reported that he had distributed to the City Council a primer on RHNA calculations, the SCAG subcommittee Task Force, and what the City would be facing regarding low cost housing, where it would be located, and how many units the City was required to have. He believed this was important information for the City Council.

9. CLOSED SESSION

Mayor Songstad recessed the meeting into Closed Session at 8:38 p.m.

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Mayor Songstad reconvened the meeting at 10:28 p.m. All Council Members were present.

City Attorney Simonian indicated that no reportable action was taken.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Songstad declared the meeting adjourned at 10:30 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

J. Allan Songstad

L. ALLAN SONGSTAD, JR., MAYOR

APPROVED AT MEETING OF MARCH 8, 2011.