CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JANUARY 26, 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

Council Member Lautenschleger led the Pledge of Allegiance.

ROLL CALL

Present: Randal Bressette, Mayor
R. Craig Scott, Mayor Pro Tem
Melody Carruth, Council Member
Joel Lautenschleger, Council Member

Absent: L. Allan Songstad, 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; Ron Blaul, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 CERTIFICATE OF RECOGNITION, LISA MCCORKELL LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON FOR THE FALL 2009 SEMESTER (0410-65)

Mayor Bressette presented a Certificate to Lisa McCorkell recognizing her service as the Laguna Hills High School Student Liaison.

1.2 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JASON BROWER AND STUDENT LIAISON ALTERNATE MIKE SPAIN FOR THE SPRING 2010 SEMESTER (0930-40)

City Clerk Johns issued the Oaths of Office to Laguna Hills High School Student Liaison Jason Brower and Student Liaison Alternate Mike Spain and Mayor Bressette presented Certificates of Appointment.

2. PUBLIC COMMENTS

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

Received an oral report from Laguna Hills High School Student Liaison Jason Brower.

2.2 TERM LIMITS INITIATIVE UPDATE (0430-65)

Barbara Kogerman, Laguna Hills resident, stated that approximately two weeks ago, her committee started the process for a term limits initiative in the City of Laguna Hills. Today they received the title and summary from the City Attorney, which allowed them to proceed to the next step which was the publication and posting of the title, summary and the entire initiative which would happen on Friday, January 29, 2010. While the initiative was currently at the press, the committee could not actually start to gather signatures until after the posting and publication. Ms. Kogerman was hopeful that the petition would be fool-proof to minimize signature errors and personally invited the City Council to sign the petition.

2.3 BELLA TIERRA COMMUNITY PARKING (0860-50)

Adam Wayne, Laguna Hills resident, gave an update on the parking issues at the Bella Tierra Community. His homeowners' association recently conducted a town hall meeting to address parking problems or concerns in the community as they related to parking issues. At that meeting, the Board reconfirmed how dire the parking situation was to the people who were new to the community. As a business owner, Mr. Wayne appreciated how forward thinking the City Council had been in helping this community with a problem that was going to continue for years. Mr. Wayne stated that due to the many short sales and foreclosures in his association, the community was not yet at maximum capacity. As real estate was slowly coming back on line, however, the extra parking was going to become a true necessity. The volunteers continued to pick up trash in the community on a monthly basis.

3. MINUTES

3.1 REGULAR MEETING, JANUARY 12, 2010 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO APPROVE THE MINUTES OF THE JANUARY 12, 2010, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE SCOTT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NOS. 4.3, 4.4, AND 4.5.

The motion carried by the following vote:

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

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 JANUARY 26, 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 $1,070,670.40.

4.6 SECOND QUARTER FINANCIAL AND TREASURER'S REPORT (FY2009-2010) (0300-40)

Written report from the Administrative Services Department indicated staff submitted to the City Council the quarterly financial highlights for the second quarter of Fiscal Year 2009/10. The financial statements showed the planned use of reserves for the second quarter. This was largely due to the number of revenues and expenditures that were unevenly received or expended over the course of the year. The City's total managed portfolio of $7,273,047 as of December 31, 2009, was invested in authorized securities.

RECEIVED AND FILED THE SECOND QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY2009-2010.

4.7 PROGRESS PAYMENT NO. 1 FOR LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, CIP NO. 169 (0400-10)

Written report from the Public Services Department indicated work on the Laguna Hills Drive Pavement Rehabilitation Project, CIP No. 169, began on December 14, 2009, and was being performed by R.J. Noble Company. Work performed in December included traffic control, water quality management, clearing and grubbing, excavation, unclassified fill, median curb replacement, and top soil installation. The contractor had submitted the first progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Laguna Hills Drive Pavement Rehabilitation Project, CIP No. 169.

APPROVED PROGRESS PAYMENT NO. 1, IN THE NET AMOUNT OF $121,789.30, TO R.J. NOBLE COMPANY, FOR LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, CIP NO. 169.

4.8 AMENDMENT NO. 1 TO AGREEMENT WITH COUNTY OF ORANGE FOR THE WIDENING OF THE NORTHWEST CORNER OF EL TORO ROAD AND AVENIDA DE LA CARLOTA WITHIN THE CITY OF LAGUNA HILLS (COUNTY AGREEMENT NO. D01-013) (0400-10)

Written report from the Public Services Department indicated in accordance with a 2003 Agreement with the County of Orange, the County undertook a project to widen Avenida de la Carlota between Paseo de Valencia and El Toro Road as part of the Foothill Corridor Phasing Plan (FCPP) Funding Program. The County had been unable to complete this project and had requested the City accept the FCPP funding for the project for the City to implement the project or a similar alternative project. Amendment No. 1 to the subject Agreement was proposed to implement this change. The proposed Amendment No. 1 to the subject Agreement would transfer to the City of Laguna Hills $1,275,000 of FCPP funds for the widening of Avenida de la Carlota at El Toro Road. This project had been identified in the City's Capital Improvement Program Budget as CIP No. 164, in the total amount of $2,171,000. That budget item anticipated the receipt of the FCPP funds from the County, Measure M Funds, and Proposition 1B Funds.

APPROVED AMENDMENT NO. 1 TO AGREEMENT WITH THE COUNTY OF ORANGE FOR THE WIDENING OF THE NORTHWEST CORNER OF EL TORO ROAD AND AVENIDA DE LA CARLOTA WITHIN THE CITY OF LAGUNA HILLS (COUNTY AGREEMENT NO. D01-013) AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.3 REVISED SCOPE OF WORK FOR SPORTS COMPLEX RENOVATIONS, CIP NO. 514 (0720-20)

Mayor Bressette removed this item from the Consent Calendar to discuss the renovations to the Sports Park, and questioned the removal of sand from the various play surfaces. Public Services Director Rosenfield described in detail the areas where sand was recommended for removal and his justification for removal.

Written report from the Public Services Department indicated the Fiscal Year 2009-2010 Capital Improvement Program Budget included the subject project for facility refurbishment through the Capital Reserve Program. The proposed work included exterior painting of facilities in the park area of the Community Center and Sports Complex, maintenance of the parking lots, and repairs and maintenance of the walkway and parking lot lighting. Staff had reviewed the proposed work and proposed modifying the scope of work. The proposed work would continue to include exterior painting and lighting improvements but would delete the parking lot improvements (as they were included in a previous program) and would add the refurbishment of the surfacing of the playground. The playground surfacing was scheduled for refurbishment in approximately two years, but staff had identified significant wear of the rubberized surface course and recommended a reprioritization of this work. The budget for the project will remain within the $305,000 value included in the Capital Improvement Program Budget. The Fiscal Year 2009-2010 Capital Improvement Program Budget included funding of $305,000 for the Sports Complex Renovations, CIP No. 514. The inclusion of the exterior painting, lighting facility refurbishment, and playground resurfacing was anticipated to be accomplished within that budget value.

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RECEIVE AND FILE THE REPORT, AND DIRECT STAFF TO REFER THIS ITEM TO THE PARKS AND RECREATION COMMISSION FOR REVIEW AND INPUT TO THE CITY COUNCIL.

The motion carried by the following vote:

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

4.4 RESOLUTION RATIFYING THE CITY COUNCIL'S ACTION RELATED TO THE CITY MANAGER'S COMPENSATION (0400-10)

Mayor Bressette asked for a separate motion on this item.

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2010-01-26-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, RATIFYING THE AWARD OF A PERFORMANCE BONUS TO THE CITY MANAGER

The motion carried by the following vote:

AYES:	Council Members Carruth, Lautenschleger, and Mayor Pro Tempore Scott
NOES:	Mayor Bressette
ABSENT:	Council Member Songstad

4.5 CONTRACT WITH COUNTY OF ORANGE REGARDING FY2009-2010 NEIGHBORHOOD STABILIZATION PROGRAM FUNDS (0400-10)

Mayor Bressette indicated he had pulled this item from the Consent Calendar to comment to staff that hopefully when the item comes back to the City Council in the future, that a better pro forma of cash flow would be demonstrated, which was lacking in his decision today to support this item.

Written report from the Community Development Department indicated staff recently made application with the County of Orange for Neighborhood Stabilization Program ("NSP") funding from the United States Government for Fiscal Year (FY) 2009-2010. The objective of the program was to "stabilize" neighborhoods that had been negatively impacted by the numerous foreclosures that had inundated the country (due to the collapse of the nation's housing market) by purchasing foreclosed units and, in turn, renting them out to households that qualified as very low and low income. City staff had identified the Aliso Meadows Condominium development as an ideal candidate for these funds due to the high foreclosure rate within this neighborhood, and the potential that this program had to implement the City's General Plan objectives for the Via Lomas neighborhood.

The City of Laguna Hills had been tentatively awarded NSP funds totaling $729,486, which could be used to purchase up to five (5) dwelling units. City staff would provide the majority of the time commitment necessary to satisfy the Federal and County paperwork requirements associated with implementing the NSP. However, the City would also be committed to spend up to $72,948 as its "leveraged" 10% contribution and staff projected a $5,000 expense per unit associated with an interior rehabilitation of each unit, which totaled $25,000 if all five (5) units required rehabilitation. In addition, some technical assistance was needed to appraise the units and work with the lending institutions that held the foreclosure documents, which staff estimated at $7,000. The total fiscal impact to the City was approximately $105,000 and could be funded by a combination of "housing set-aside" monies and the City's General Fund. Staff would return to the City Council for approval and authorization prior to purchasing any units and (at that time) would have a more definitive budget to share.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY MAYOR PRO TEMPORE SCOTT, TO APPROVE A CONTRACT WITH THE COUNTY OF ORANGE FOR FISCAL YEAR 2009-2010 NEIGHBORHOOD STABILIZATION PROGRAM FUNDS AND TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT ACCEPTABLE TO THE CITY ATTORNEY.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:27 p.m. and reconvened the City Council at 7:28 p.m. All Council Members were present, with the exception of Council Member Songstad.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. RESULTS OF THE 2010 REFINANCING PROJECT (0340-40)

City Manager Channing indicated that as a follow-up on this issue, on Monday, January 25, and Tuesday, January 26, 2010, staff was involved in the pre-closing and final closing of the bond sale. The process was successful and staff was very pleased with the results of the transaction.

6.2 Deputy City Manager/Community Services

A. SENIOR TRANSPORTATION PROGRAM (0840-40)

Deputy City Manager Reynolds stated that transportation for seniors and disabled residents was rated as a high priority in a past citizen survey. As a result, the City contracted with Solis Group to conduct a needs assessment to determine the more specific transportation needs within the community. The City Council approved the study at its June 10, 2008, meeting. Based on the Solis Group study and also on staff's research of existing transportation services in Laguna Hills, staff concluded that there was a gap that existed for seniors in the community that did not qualify for Orange County Transportation Authority's (OCTA's) ACCESS Program and required transportation to social events or shopping errands, etc. In addition, staff also researched the transportation services in other cities, and favored the taxi program examples in the cities of Rancho Santa Margarita and Mission Viejo. Staff perceived these programs as effective and affordable alternatives to meeting that gap in senior transportation needs. Staff had been in discussion with the City of Mission Viejo and noted their current agreement with California Yellow Cab expired in June of 2010. Staff believed this was an opportunity to possibly join partnerships to create a larger service region, and join in the negotiation process with Mission Viejo for possible implementation of a program July 1, 2010. Staff's recommendation was to pursue OCTA's Senior Mobility Program (SMP) funds to help fund the taxi program. SMP funded 80% of the program, with a match of 20% by the City of in-kind contributions. With the help of SMP funds, staff anticipated there would be no General Fund impact with the implementation of a taxi program.

Barbara Kogerman, Laguna Hills, stated that she would like to draw the City Council's attention to the fact that the citizen survey made it plain the need for transportation services for seniors nearly three years ago in April of 2007. Ms. Kogerman indicated that the study authorized by the City Council confirmed the need for such services was completed and submitted to the City Council on June 19, 2008. Ms. Kogerman stated she found it no coincidence that after nine years of availability of the senior mobility program, the City Council chose now to act, after her public shaming for its failure to address the needs of the seniors in any manner approaching that of neighboring cities, after all of the attention paid to her campaign, calling for the City Council to apply for almost free grants to assist seniors, now a full three years after the need first came to the City Council's attention, just when the City Council race was likely to move into full swing. Ms. Kogerman indicated she was totally supportive of this long overdue measure and urged the City Council's unanimous approval.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO DIRECT STAFF TO DEVELOP A TAXI TRANSPORTATION PROGRAM FOR SENIORS.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Lautenschleger

A. TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS POLICY COMMITTEE (0140-15)

Council Member Lautenschleger indicated that, on behalf of the City and Orange County Division League of California Cities, he attended the first Transportation, Communication, and Public Works Policy Committee setting strategic plans and goals for the year. The Committee performed a summary of what had been accomplished and what the League had supported throughout the year in the areas of transportation. The Committee also focused on work that would be accomplished in the State Legislature this year in regards to transportation and water works. Fortunately the State League went along with most of the recommendations of the Orange County Division. However, it was all up in the air because of the budget; the Committee was keeping a watchful eye on what the Governor was doing in the way of transportation. There would be no unfunded mandates placed on cities of any kind without proper reimbursement. Council Member Lautenschleger indicated a Water Task force had been formed and was continuing towards its final goals for the year. Council Member Lautenschleger would keep the City Council apprised of actions of the Legislature in Sacramento as well as the Orange County Division League position versus the State League.

B. ANNUAL STATE LEAGUE CONVENTION (0140-10)

Council Member Lautenschleger was also appointed to a one-time committee for the Annual State League Convention this September 2010 in San Diego. Apparently there were 140 people that wanted to have sessions for Council Members and staff to attend, but had to be broken down to 30. It was difficult weeding out sales people versus pertinent information. There were good decisions made in all areas: environmental, economic development, fiscal policy, saving money in all areas which was an important issue and this was accomplished all in one day, with the agenda being set for the September 2010 meeting.

8.2 Council Member Carruth

A. FLOOD DAMAGE (0850-15)

Council Member Carruth thanked Public Services Director Rosenfield and his staff for taking care of the streets, slopes, drains, and downed trees the week of January 18-22 during the heavy rainfall that occurred. Council Member Carruth asked about Cañada Creek. Public Services Director Rosenfield indicated Cañada Creek was an Orange County Flood Control District Channel from Avenida de la Carlotta to just past Mill Creek, and described what had occurred during the intense rain on Tuesday, January 19th. Mr. Rosenfield contacted the Orange County Flood Control District Chief Engineer with a request that he investigate that location, provided photographs, and copied the City of Lake Forest in that correspondence. Both the County and the City of Lake Forest responded affirmatively. The County's Chief Engineer indicated he would investigate the intensity of that storm and the capacity of that flood control channel to determine what could be done to mitigate the problems. The City of Lake Forest also offered some helpful comments.

B. SANTA VITTORIA PARK (0730-30)

Council Member Carruth indicated at Santa Vittoria Park next to San Joaquin Elementary School, there was a sand volleyball court that did not drain. Ms. Carruth recommended that the Parks and Recreation Commission consider reviewing Santa Vittoria Park which, in addition to the sand volleyball court, had missing swings as well as some of the rubberized surfaces that appeared to be in need of repair. Public Services Director Rosenfield indicated that when that park was renovated, the focus was the playground itself and minor improvements. There was likely no drainage at that location as was originally designed, however, he would look into the issue.

8.3 Mayor Pro Tempore Scott

A. SENIOR TRANSPORTATION PROGRAM PUBLIC COMMENTS (0840-40)

Mayor Pro Tempore Scott indicated he did not intend to sit quietly when a member of the public made outrageous claims and charges. Mayor Pro Tempore Scott stated that as to Ms. Kogerman's comments on the Senior Transportation Program, he believed those comments were one of the most ridiculous, laughable, and baseless recitations he had ever heard, each point of which could be demonstrated factually inaccurate.

8.4 Mayor Bressette

A. CITY OF LAGUNA HILLS POLICE OFFICER AWARDS (0500-25)

Mayor Bressette indicated Deputy Ray Botta was honored by the Saddleback Valley Elks Club as Laguna Hills Deputy of the Year during their Public Safety Appreciation Dinner and stated that the City Council and staff appreciated Deputy Botta and his work. The American Legion last night presented the American Legion Medal of Merit to the City's Crime Prevention Specialist, Casey Few. Mayor Bressette read the reasons for her award and the services she provided for the City. Mayor Bressette offered his congratulations to Deputy Botta and Crime Specialist Few.

B. SENIOR TRANSPORTATION PROGRAM PUBLIC COMMENTS (0840-40)

Mayor Bressette indicated people needed to understand that government was a methodical process that required study and careful deliberation before any decision was made. Mayor Bressette stated that anyone in the room would remember the agony the City Council went through to determine whether or not the City could have its own animal control facility. It did not turn out the way many wanted it to, but the process was long and drawn out, and that was true with almost everything. Mayor Bressette indicated that when the senior transportation program was considered, one had to refer back to 2007 Citizen Survey that was conducted. That was when the issue of senior transportation was first relayed to the City Council of being an issue of interest by the residents and was a new trend in that particular survey.

City Council moved forward by asking staff to bring back a study based on that survey. City Council reviewed that study on June 10, 2008. The issue of senior mobility came before the City Council during the budget process in 2009, and City Council directed staff to come back with a more specific plan which was presented tonight. Mayor Bressette indicated that no one shamed this City Council into doing anything, and no one has shamed the City Council into doing anything tonight.

9. CLOSED SESSION

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO CONTINUE THE CLOSED SESSION TO THE FEBRUARY 9, 2010, CITY COUNCIL MEETING.

The motion carried by the following vote:

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

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 8:02 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF FEBRUARY 9, 2010.