CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JULY 13, 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 Tempore
Joel Lautenschleger, Council Member
L. Allan Songstad, Jr., Council Member

Absent: Melody Carruth, 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; Art Nevarez, 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

1.1 FIFTEEN YEAR ANNIVERSARY AWARD (0500-25)

Mayor Bressette recognized Ken Rosenfield, Public Services Director/City Engineer, for fifteen years of service to the City of Laguna Hills and presented a certificate of recognition and a gift certificate.

2. PUBLIC COMMENTS

2.1 RATE INCREASE BY CITY'S SOLID WASTE CONTRACTOR (1060-35)

Barbara Kogerman, Laguna Hills, indicated that at the June 22, 2010, City Council Meeting she had submitted a request to speak about the rate change by the City's disposal contractor, CR&R. She noted that rates were due to increase up to 11 percent for residential and commercial rate payers as of

July 1, 2010, and that those rates would be substantially higher than those offered by CR&R to other cities. Mrs. Kogerman stated that unlike other cities, there had been no notice of any increase to the City's rate payers, she had intended to ask the City Council why that information not been agendized for public discussion, and desired to suggest that the City explore other options to prevent the price increase. Mrs. Kogerman stated that the Mayor did not call on her to speak as he had determined that the item was not important. Mrs. Kogerman was aware that the CR&R contract spelled out a specific formula for annual rate adjustments and that formula determined rate changes, which were passed onto the City in April or May. Mrs. Kogerman stated she believed the City decided that despite potential hardships on businesses, the rate increase was non-negotiable, and because the Mayor would not allow her to speak, she was not able to suggest any compromise. Mrs. Kogerman felt there could be other options available, and urged the City Council to direct staff that when this contract goes out to bid again in 2016, the City could approach potential bidders with less costly conditions and achieve a less costly contract for the City's rate payers. Mrs. Kogerman stated at the very least, she should have been shown the courtesy to be recognized at that meeting. Mrs. Kogerman stated that in the future she was hopeful that all citizens would be given the opportunity to speak on any issue.

2.2 PARKING OF CITY VEHICLES AT ALISO HILLS AND ALICIA PARKWAY (0860-50)

Laura Dickson, Laguna Hills, asked the City Council to look into the area on Aliso Hills and Alicia Parkway, as it was an area where construction trucks parked and it had been a growing problem. Ms. Dickson indicated there was now the addition of fencing, building materials, and the number of trucks parking there had grown significantly. She had a problem with the unattractive condition at this intersection. Ms. Dickson suggested parking the trucks at City Hall overnight, as the lot was empty, the Sheriff's Department could oversee the security of the trucks. She did not think Aliso Hills and Alicia Parkway was the right site for the growing storage needs of the City due to the number of trucks and equipment growth at this site.

2.3 TEMPORARY SIGNAGE DURING CONSTRUCTION (0680-20)

Shivtej Atwal, owner of two 7/11 stores in Laguna Hills, distributed a letter to the City Council to discuss his store located on the corner of Moulton Parkway and Ridge Route Drive. Mr. Atwal stated that earlier this year, street construction began on Moulton Parkway in front of his store, and the store signs were removed by the County to facilitate construction. Mr. Atwal indicated that during this construction period, his sales had decreased dramatically and he had lost a total of $56,000 in revenue. Mr. Atwal indicated that he had approached the Planning Department requesting temporary signage, only to be told it was not allowed in his circumstance. He was told that he could request an exemption to this requirement through the City Council. Due to this store's location, Mr. Atwal indicated he relied heavily on signage for business, as the store was not visible from the street. Mr. Atwal was asking from the City Council for temporary signage during the construction period.

2.4 RECREATION NON-RESIDENT FEE (0900-30)

Vivian Stapleton, Laguna Hills, indicated she currently taught music classes for toddlers for the cities of Laguna Hills and Laguna Niguel and also for Saddleback Recreation in Mission Viejo. She questioned the newly implemented $10 non-resident fee for contract instructor-led classes at the Community Center. She had discussed her concerns with Dave Reynolds who recommended that she submit a letter with her concerns and suggestions to the City Council, which was distributed to the City Council. Ms. Stapleton stated that she acknowledged the City's need to generate more revenue, but asked staff to consider a less drastic jump than the proposed $2 to $10. Ms. Stapleton suggested $5 for classes under $100; and $10 for classes over $100; or as an alternate, $5 for early childhood classes, and $10 for adult classes. She stated that it was decided that the contract-instructor classes would have a $10 fee and the staff-run programs would incur a $5 fee. Ms. Stapleton stated that it had impacted her enrollment as currently she was teaching two, half-filled classes. The $10 non-resident fee also prohibited her from being able to raise the cost of her fee. Ms. Stapleton indicated the increase was not in line with what surrounding communities were currently charging. Mrs. Stapleton continued by comparing Laguna Hills rates with other city rates and urged the City Council to consider the impact the current policy had, not only on independent contract instructors, but on the participants from neighboring communities as well. She felt that raising the non-resident fees had a small impact on the City's budget but a large impact on the neighborhood.

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO DIRECT STAFF TO BRING BACK A REPORT IN EARLY FALL COMPARING NON-RESIDENT FEES.

3. MINUTES

3.1 REGULAR MEETING, JUNE 22, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE SCOTT, TO APPROVE THE MINUTES OF THE JUNE 22, 2010, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, 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 NUMBERS 4.4, 4.7, AND 4.10.

The motion carried by the following vote:

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

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 JULY 13, 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 $618,916.12.

4.3 AWARD OF CONTRACT FOR CITYWIDE TREE MAINTENANCE SERVICES (0400-10)

Written report from the Public Services Department indicated that the contract for Citywide Tree Maintenance Services with West Coast Arborists, Inc., expired as of June 30, 2010. Staff evaluated several approaches to reacquiring these necessary contract services and concluded that the "piggy-backing" of another public agency's recently bid contract for tree maintenance services was the most time and cost effective. West Coast Arborists, Inc., was the lowest bid contractor for a recent bid with the City of Redlands, California, a City with specifications and tree maintenance service needs similar to the City of Laguna Hills. West Coast Arborists, Inc., had been satisfactorily providing tree maintenance services to the City for over ten years and it was recommended that the City Council authorize the City Manager to execute a Contract Services Agreement with West Coast Arborists, Inc., for Citywide Tree Maintenance Services based upon the unit prices of the City of Redlands bid results as presented in a Proposal from West Coast Arborists to the City of Laguna Hills. Citywide Tree Maintenance Services, including tree trimming, tree removal, and tree planting, was included in the Fiscal Year 2010-2011 Public Services Budget in the amount of $154,000. Historically, tree trimming in years in which the budget would allow had reached a level of $220,000 and staff would expect, over time, the budget to increase to the historic levels which were necessary to properly maintain the City's tree stock of approximately 10,000 trees. The proposed Contract Services Agreement provided an annual contract maximum of $250,000 to account for future growth in this budget.

AUTHORIZED THE CITY MANAGER TO EXECUTE THE CITYWIDE TREE MAINTENANCE CONTRACT SERVICES AGREEMENT WITH WEST COAST ARBORISTS, INC.

4.5 DELEGATION OF AUTHORITY IN MATTERS RELATED TO THE CITY'S MEMBERSHIP IN THE CSAC WORKERS' COMPENSATION EXCESS INSURANCE AUTHORITY (0400-10)

Written report from the Administrative Services Department indicated that in November of 2005, the City Council authorized the establishment of a self-funded Workers' Compensation Program for the City. Under this program, the City was self-insured for the first $125,000 in losses and became a member of the CSAC Excess Insurance Authority (a joint powers authority) to cover losses in excess of the City's self-insured retention. The Excess Insurance Authority was asking all public entity members to designate a position that was authorized to officially act on behalf of the member with the Authority. While there was no fiscal impact associated with this action, the

City's self-funded approach to Workers' Compensation had saved the City over $100,000 annually since January of 2006.

ADOPTED RESOLUTION NO. 2010-07-13-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DELEGATING AUTHORITY TO THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF LAGUNA HILLS IN MATTERS PERTAINING TO THE CSAC WORKERS' COMPENSATION EXCESS INSURANCE AUTHORITY.

4.6 PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL TRAFFIC ENGINEERING SERVICES (0400-10)

Written report from the Public Services Department indicated that due to the expiration of the current Professional Services Agreement for On-Call Traffic Engineering Services, staff issued a Request for Proposal to five firms requesting a proposal for On-Call Traffic Engineering Services to include traffic signal operations support, traffic engineering operational evaluations, and traffic impact study reviews associated with private development. Two firms submitted proposals in response to the Request for Proposal, Hartzog & Crabill, Inc., and RK Engineering Group, Inc. Both firms were qualified to provide these services and each offered unique capabilities that were of benefit to the City. Traffic Engineering Services were incorporated within the office of the City Engineer with an annual budget of approximately $60,000. The proposed Professional Services Agreements established a maximum contract value of $75,000 to allow for contingencies as needed.

AUTHORIZED THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH HARTZOG & CRABILL, INC., AND RK ENGINEERING, INC., FOR ON-CALL TRAFFIC ENGINEERING SERVICES.

4.8 COOPERATIVE AGREEMENT FOR THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA (0400-10)

Written report from the Public Services Department indicated that the Cooperative Agreement for the South Orange County Watershed Management Area (SOCWMA) formalized a partnership between the County, Cities, Water, and Wastewater Agencies to collectively and regionally plan for water related projects. City staff had actively participated in the development of the comprehensive South Orange County Integrated Regional Water Management Plan (Plan), a precursor to this Agreement. The City Council adopted a Resolution accepting the Plan on June 14, 2005. The Agreement and funding arrangement was the next step in solidifying a mechanism to update the plan and pursue future grant funding opportunities on a regional level. The annual budget would include the costs for the administration and activities of the SOCWMA, its committees, projects, or actions, including any administrative support for the SOCWMA. The Annual Cost-Share Budget required approval by 80 percent of the members of the Executive Committee. The responsibility for payment of the Annual Cost Share Budget would be distributed equally among the participating parties. The Agreement called for each party to include their respective share of the Annual Cost-Shared Budget in their agency's annual budget. The City, as well as any other participating agency, might withdraw from this agreement upon ninety (90) days prior written notice to all other participating agencies. The City's share of the initial Fiscal Year 2010-2011 Annual Cost-Share Budget was estimated to be less than $5,000, assuming all identified agencies participated. Funds for this work were available in the existing National Pollutant Discharge Elimination System (NPDES) Budget, CIP No. 410.

APPROVED THE COOPERATIVE AGREEMENT FOR THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA, AUTHORIZED THE CITY MANAGER TO SIGN AND THE CITY CLERK TO ATTEST THERETO.

4.9 2010-11 CIVIC CENTER BUDGET (0710-15)

Written report from the Administrative Services Department indicated prior to the City Council meeting, the Civic Center Management Committee reviewed the proposed 2010-11 Civic Center budget. If any amendments were made to the proposed budget by the Committee, the item would be pulled from the Consent Calendar for discussion. The budget projected net income of $124,711 and an overall positive net impact on the General Fund of $389,755. The budgeted Net Income was $124,711. It should be noted that the proposed 2010-11 budget did not require any contribution from the City's General Fund. In fact, the net operating impact to the City's General Fund from Civic Center operations was projected to be a positive $389,755 in 2010-11.

APPROVED THE 2010-11 CIVIC CENTER BUDGET.

4.11 CONTRACT SERVICES AGREEMENT FOR GRAFFITI REMOVAL AND GENERAL CLEANING SERVICES (0400-10)

Written report from the Public Services Department indicated due to the expiration of the current subject Agreement, staff issued a Request for Proposal to four firms requesting a proposal to provide on-call graffiti removal and general cleaning services for the City. One vendor, Jamey Clark, Inc., responded to the Request for Proposal and submitted an acceptable proposal. Jamey Clark, Inc., was our current service provider for graffiti removal and general cleaning services and their proposal reduced the City's hourly unit cost for that service. Graffiti removal and general cleaning services were included in the current Fiscal Year 2010-2011 Budget in the amount of $28,000. The proposed Contract Services Agreement for this work had a maximum contract value of $30,000 per fiscal year to account for any contingencies as might be needed.

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT SERVICES AGREEMENT FOR GRAFFITI REMOVAL AND GENERAL CLEANING SERVICES WITH JAMEY CLARK, INC.

4.12 CONTRACT WITH COUNTY OF ORANGE FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2010-2011 (0400-10)

Written report from the Community Development Department indicated that over the past six years (Fiscal Years 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, and 2009-2010), the City of Laguna Hills received Community Development Block Grant (CDBG) funding (totaling $1,716,766) from the County of Orange on behalf of the 248-unit Aliso Meadows Condominium development project located on Via Lomas. This year, the County had awarded the City of Laguna Hills additional CDBG funding to continue the rehabilitation work needed at the Aliso Meadows development, which was viewed by staff as a multi-year phased project since the rehabilitation need was great and funding was limited. For Fiscal Year 2010-2011, the City of Laguna Hills had tentatively been awarded $200,000 to rehabilitate 10-20 units in the development. The next step in the process to access the funds and initiate the rehabilitation process was to sign a Contract with the County of Orange documenting the use and limitations associated with the funds. Staff and the City Attorney were still reviewing the Contract provided by the County of Orange. City staff would provide the majority of the time commitment necessary to satisfy the Federal and County paperwork requirements. However, consultant assistance was also needed to work with the Aliso Meadow's Homeowners Association, coordinate the contractor bidding process, and provide "field oversight" for the rehabilitation of the proposed 10-20 units, which would be paid via the "housing funds", received relative to the El Toro Road Redevelopment Project Area. It was anticipated that approximately $35,000 would be spent on consultant assistance to implement the CDBG funding received for FY 2010-2011. There would be no impact to the City's General Fund.

APPROVED A CONTRACT WITH THE COUNTY OF ORANGE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2010-2011 FISCAL YEAR AND AUTHORIZED THE MAYOR AND CITY MANAGER TO

EXECUTE A CONTRACT ACCEPTABLE AS TO FORM TO THE CITY ATTORNEY.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.4 FY 2010-2011 SCHOOL CROSSING GUARD AGREEMENT (0400-10)

Mayor Bressette removed this item to ask Lieutenant Doan whether this new contract included a provision for a raise in pay for the crossing guards.

Lieutenant Doan indicated that the contract was identical to the contract from last fiscal year, so there was no provision for raises; however, All City Management had indicated that crossing guards that were receiving their certification were getting a $.50 pay raise per hour which was being absorbed by the contractor.

Written report from the Police Services Department indicated since 1994, the City of Laguna Hills had contracted with All City Management Services to provide six crossing guards at five locations throughout the City. All City Management Services had continued to be a reliable and cost effective method of providing this needed service. The projected number of hours for crossing guard services this year, including summer school, was 4,548 hours. The contract cost for FY 2010-2011 should not exceed $64,809. The proposal included no cost increase over the FY 2009-2010 Agreement.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER SONGSTAD, TO AUTHORIZE THE MAYOR TO EXECUTE THE CROSSING GUARD SERVICES AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES AND THE CITY OF LAGUNA HILLS FOR SCHOOL CROSSING GUARD SERVICES FOR FY 2010-2011.

The motion carried by the following vote:

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

4.10 2010 MEMORIAL DAY HALF MARATHON AND 5K POST EVENT REPORT (0400-10)

Mayor Bressette removed this item from the Consent Calendar to ask for a brief report from staff on the reasons why the City realized a net profit this year on this event.

Community Services Superintendent Meehan indicated that this year there was an increase in sponsorship revenue as well as a reduction in event expenditures.

Written report from the Community Services Department indicated that the 12th annual City of Laguna Hills Memorial Day Half Marathon and 5K took place on Monday, May 31, 2010. Approximately 2,600 runners participated in the event. The City of Laguna Hills partnered with South County Outreach to conduct a food drive which resulted in the donation of 160 pounds of canned goods. In addition, $750 of Beer Garden ticket sale proceeds was given to South County Outreach to assist those in need. All Half Marathon finishers received a medal this year, a change from the finishers glass used the previous two years. Staff received positive feedback from participants in regards to the finisher's medals. Total 2010 event expenditures were $127,405 and event revenues were $130,701 for a General Fund benefit of $3,296. The original budget for this event anticipated a $10,000 net loss.

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

The motion carried by the following vote:

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

4.7 AVENIDA DE LA CARLOTA WIDENING IMPROVEMENT PROJECT, CIP NO. 164 (0400-10)

Mayor Bressette removed this item from the Consent Calendar. Mayor Bressette reported that he had a potential conflict of interest as one of the principals affiliated with the project team was a client of his and he would not be participating in the discussion.

Mayor Bressette recused himself from the dais and left the meeting.

Written report from the Public Services Department indicated staff was proposing to proceed with the design of the Avenida de la Carlota Widening

Improvement Project, CIP No. 164, on the westerly side of the street between Paseo de Valencia and El Toro Road in accordance with the Capital Improvement Program. The project would add one additional southbound lane on Avenida de la Carlota to facilitate triple left turn movements from the southbound I-5 at the El Toro Road off-ramp onto Avenida de la Carlota and triple left turn movements from Avenida de la Carlota to easterly bound El Toro Road. It was necessary to initiate professional services for the design, environmental clearance, and right-of-way acquisition efforts in order to prepare the project for advertisement for bids in early 2011. That time frame was necessary in order to preserve some of the project funding which was associated with Measure M. The City had two multi-disciplinary civil engineering firms on contract for a variety of services and staff contacted both firms requesting proposals for the project. The firm of Bureau Veritas was determined to have the best proposal meeting the needs of the City. It was proposed that the City Council authorize the City Manager to execute an Amendment to the Professional Services Agreement and to issue a Task Order to Bureau Veritas to proceed with the design, environmental clearance, and right-of-way acquisition of the project. The Avenida de la Carlota Widening Improvement Project, CIP No. 164, was included in the Fiscal Year 2010-2011 Capital Improvement Program Budget in the amount of $2,071,000. The design services of Bureau Veritas were well within the budget provided. In addition to the designated funding in the Capital Improvement Program Budget, staff was working to increase the amount of funding available for the project as may be necessary to complete the project. A portion of the funding, $400,000 GMA10 Measure M Funding, must be obligated by the award of a construction contract by March 31, 2011, in order to preserve that funding.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT, SUBJECT TO THE APPROVAL AS TO FORM BY THE CITY ATTORNEY, AND TO ISSUE A TASK ORDER TO BUREAU VERITAS FOR THE DESIGN, ENVIRONMENTAL CLEARANCE, AND RIGHT-OF-WAY ACQUISITION SERVICES NECESSARY FOR THE AVENIDA DE LA CARLOTA WIDENING IMPROVEMENT PROJECT, CIP NO. 164.

The motion carried by the following vote:

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

Mayor Bressette returned to the meeting.

5. CITY COUNCIL PUBLIC HEARINGS

5.1 CONFIRMATION OF 2010 WEED ABATEMENT COST REPORT (0240-50)

Public Services Director Rosenfield indicated this was the time and place for the noticed Public Hearing to consider confirmation of the 2010 Weed Abatement Cost Report. Beginning in March the property owners in the City were given notice of the need for abatement of weeds, rubbish, and debris from their property, which could be considered a fire hazard. Mr. Rosenfield indicated that there were three properties that required abatement.

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

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER SONGSTAD, TO ADOPT RESOLUTION NO. 2010-07-13-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CONFIRMING THE 2010 WEED ABATEMENT COST REPORT AND PROVIDING FOR THE COLLECITON OF WEED ABATEMENT ASSESSMENTS ON THE NEXT REGULAR TAX BILL LEVIED AGAINST THE SUBJECT PARCELS FOR MUNICIPAL PURPOSES.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:45 p.m. and reconvened the City Council at 8:11 p.m. All Council Members were present with the exception of Council Member Carruth.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

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

City Manager Channing indicated that the City Council received a copy of a letter from the Government Finance Officers Association regarding the City's receipt of their Certificate of Achievement Award for excellence in financial reporting. Mayor Bressette thanked the Assistant City Manager Don White, Finance Manager Janice Reyes and her staff for the award.

6.2 City Clerk

A. CERTIFICATION OF RESULTS OF INITIATIVE PETITION SIGNATURE EXAMINATION, ADOPTION OF A RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A RESIDENT-INITIATED BALLOT MEASURE ON THE QUESTION OF WHETHER A PROPOSED TERM LIMIT ORDINANCE SHOULD BE ADOPTED, AND CONSIDERATION OF OTHER ACTIONS PERTAINING TO THE ELECTION ON THE TERM LIMIT INITIATIVE MEASURE (0430-60)

City Attorney Simonian indicated that this was the time and place for the City Clerk to certify the results of the initiative petition signature examination concerning the pending ballot initiative regarding term limits. The City Clerk had determined that the initiative petition contained the minimum number of ballot signatures necessary to qualify the measure for the ballot. Mr. Simonian indicated that the staff report outlined the process and procedure that was required in order to call the election. Mr. Simonian also indicated that the proposed Resolution called the election and set priorities for ballot arguments and other actions pertaining to the election.

Barbara Kogerman, Laguna Hills resident, indicated that this was a great night for the City, as it marked a milestone in the City's governance, and in November the citizens would have the right to vote yes or no on City Council term limits. Ms. Kogerman indicated that it had been her pleasure to share in the grassroots movement that had brought the City to this evening, and she was proud to report that the signature gatherers achieved an amazing validity rate of 92%. Ms. Kogerman indicated that if all 2,961 signatures that had been submitted had been examined, the number of valid signatures would have topped 2,700. This extraordinary success rate was achieved because it had been a neighbor-to-neighbor, door-to-door grassroots effort. Ms. Kogerman indicated that the people did not want the same faces of Laguna Hills using the benefits of office to stay in power indefinitely and the people of Laguna Hills wanted what sixty percent of Orange County cities already had, fresh ideas, new practices, and someone new to be elected to the City Council at least every eight years. Ms. Kogerman indicated that it was a privilege to share this evening with many of the proponents and volunteers who brought the residents to this important part of the City's history.

Mike Bland, Laguna Hills resident, indicated that a Council Member had previously stated that he had heard that the signature gatherers were giving out false or misleading information when collecting signatures for the term limit initiative. Mr. Bland wanted to make sure that the City Council knew what he had told citizens, and some of the comments that the citizens made while he was gathering signatures. Mr. Bland indicated that he, his wife, along with citizen volunteers collected signatures by going house-to-house for 18 weeks. Mr. Bland indicated that they visited more than 1,000 homes in Laguna Hills starting in north Laguna Hills and moving south through the neighborhoods. Mr. Bland indicated that they used walking sheets which showed where the registered voters were and was the reason why they were so successful. Mr. Bland indicated that he identified himself to the citizens and explained that he was a volunteer to collect signatures for term limits for Laguna Hills City Council for the November ballot. Mr. Bland indicated that he met some nice people during this process, and stated that it was fun, entertaining, and that he thoroughly enjoyed it.

William Enholm, Laguna Hills resident, indicated he was one of the proponents of the term limit initiative. Mr. Enholm indicated it occurred to him that maybe the City Council was doing a better job than he gave them credit for. Mr. Enholm stated that term limits for incumbents were about as popular as Thanksgiving was for turkeys, so he appreciated the City Council's patience. Mr. Enholm indicated it was a grassroots effort which demonstrated Barbara Kogerman's leadership abilities, and looked forward to seeing term limits on the ballot in November.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2010-07-13-3, A RESOLUTION OF THE CITY COUNCIL OF LAGUNA HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE PURPOSE OF

SUBMITTING TO THE VOTERS A RESIDENT-INITIATED BALLOT MEASURE ON THE ADOPTION OF A PROPOSED ORDINANCE LIMITING THE NUMBER OF CONSECUTIVE TERMS A MEMBER OF THE CITY COUNCIL MAY SERVE; SETTING PRIORITIES FOR THE FILING OF BALLOT ARGUMENTS; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; REQUESTING THE ELECTION DEPARTMENT OF THE COUNTY OF ORANGE TO CANVASS ELECTION RETURNS; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION ON THE INITIATIVE MEASURE WITH THE NOVEMBER 2, 2010, STATEWIDE GENERAL ELECTION PURSUANT TO ELECTIONS CODE SECTION 10403.

The motion carried by the following vote:

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

B. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (0140-10)

The Annual Conference for the League of California Cities was scheduled for September 15, 2010, and each City was required to appoint a Voting Delegate and Voting Alternate for the Business Meeting. Mayor Bressette reported that he and Council Member Songstad had both planned to attend the conference.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE SCOTT, TO APPOINT MAYOR BRESSETTE AS THE VOTING DELEGATE AND APPOINT COUNCIL MEMBER SONGSTAD AS THE VOTING ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.

The motion carried by the following vote:

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

6.3 Public Services Director/City Engineer

A. PARK PLAYGROUND RENOVATIONS - (1) COSTEAU PARK AND (2) COMMUNITY CENTER AND SPORTS COMPLEX (0400-10)

Public Services Director Rosenfield indicated that this item was a request for City Council to approve the concept plan for the Costeau Park Playground renovation and the playground surfacing renovation of the Community Center and Sports Complex. Mr. Rosenfield indicated that the park playground renovations for Costeau Park and the Community Center Sports Complex were combined because the City used the same landscape architect for both projects, and also the City intended to recommend bidding the projects together. Mr. Rosenfield indicated that Costeau Park was the only remaining neighborhood park that had no rubberized surfacing and was still using wood chips or proprietary fibar. The project entailed the complete replacement of the playground equipment and the complete replacement of the surfacing at Costeau Park. Mr. Rosenfield indicated that even though the playground equipment was still functional the specifications for the national safety standards for playground equipment were outdated. Mr. Rosenfield indicated that there were two options that were presented to the Parks and Recreation Commission at the June 2, 2010, meeting. Following comments by citizens and the recommendation of the Parks and Recreation Commission a preferred concept plan evolved. All residents within 300 feet of the park were notified of the Commission meeting and those same residents were notified of tonight's City Council meeting. The intention was to remove the existing playground equipment, remove the surfacing, and enhance the playground use with new equipment and surfacing.

Richard Fisher, with Richard Fisher Associates, made a PowerPoint presentation and reviewed the playground renovation plans and project features on the two concept plans. Mr. Fisher indicated that the project features included: adequate safety zone space between existing playground and the ball diamond outfield; new play equipment; rubber safety surfacing; shade shelter; replace benches, and add a picnic table to the existing concrete slab.

Nicole Wyckoff, Laguna Hills resident, thanked the City Council for taking the residents' ideas into consideration. Ms. Wyckoff indicated that she felt the play structure had few options for the children except for climbing. Ms. Wyckoff thought there were better structures available with more options.

Mr. Rosenfield indicated that the Community Center and Sports Complex was dedicated in 2000, and the play equipment was in good condition. Mr. Rosenfield stated the City was not proposing any replacement for the play equipment. Mr. Rosenfield indicated that the City was proposing to remove the sand features in the upper playground and replacement of the rubberized surfacing in the lower playground. The City recommended a small amount of sand removal from the lower playground, upgrading the water valves to the turtle feature, and removing the wave feature next to the whale sculpture. The Parks and Recreation Commission did review this item at the June 2, 2010, meeting and they concurred with staff's recommendation of the concept plans.

Richard Fisher, Richard Fisher Associates, indicated that this item was a combination of maintenance and safety issues. Mr. Fisher indicated that in order to reduce maintenance costs associated with daily sweeping and replacement of sand and to achieve greater safety, it was proposed that all three existing sand areas be replaced with rubberized surfacing in the upper playground. Mr. Fisher indicated that the lower playground area had approximately 62 percent of play surfacing as sand, it was proposed to reduce the square footage of the sand area by 15 percent, specifically around the play turtles. The sand reduction was proposed because sand in the water valves had created a continual problem in deteriorating the operational function of the valves around the play turtles. All rubberized surfacing would be removed and replaced with new material.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER SONGSTAD, TO APPROVE THE PREFERRED CONCEPT PLAN FOR COSTEAU PARK WITH THE REQUEST THAT STAFF RETURN AT THE TIME OF THE FINAL DESIGN WITH PLAY PANEL OPTIONS AND ANY FINAL ADJUSTMENTS TO THE PLAYGROUND EQUIPMENT TO BE PRESENTED TO THE CITY COUNCIL FOR APPROVAL; AND APPROVE THE PREFERRED CONCEPT PLAN FOR THE COMMUNITY CENTER AND SPORTS COMPLEX PLAYGROUND WITH THE EXCEPTION OF ADJUSTING THE ONE SAND BOUNDARY LINE TO THE SOUTH, BUT RETAIIN THE SAFETY ZONE AROUND THE JEEP. MAYOR BRESSETTE INCLUDED IN THE MOTION THE CHANGE IN MATERIALS FOR ONE ADDITIONAL PICNIC TABLE.

IT WAS THE CONSENSUS OF THE CITY COUNCIL THAT THE ALTERNATIVES FOR PLAY PANELS AND ACCESS TO THOSE PANELS AT COSTEAU PARK BE BROUGHT

FORWARD TO THE PARKS AND RECREATION COMMISSION FOR ITS INPUT AND ALSO FOR CITIZEN INPUT.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Bressette

A. FOURTH OF JULY EVENT (0910-50)

Mayor Bressette thanked the City's Recreation Department staff for the hard work and attention to detail they gave to this year's Fourth of July event. Mayor Bressette reported that it was well attended, the Fireworks show was great, the Rockit Scientists were a hit and he was hopeful that the charities serving food and beverages had made a profit. Mayor Bressette asked for a brief report. Mr. Meehan indicated that at this point the City had only preliminary numbers regarding the resident non-profit groups selling food and drinks; however, it appeared that they did significantly better than last year. More detailed information would be provided in a subsequent staff report. Mayor Bressette asked staff to pass on the entire City Council's thanks for the hard work and dedication of staff.

B. BUILD-A-FORT RECREATION PROGRAM (0950-20)

Mayor Bressette indicated he had the opportunity to recently visit Junior Build-a-Fort while the younger children were finishing their forts. Mayor Bressette just missed the water balloon fight, but the kids had a great time. Mayor Bressette thanked the staff for their efforts.

C. EAGLE SCOUT CERTIFICATES (0410-65)

Mayor Bressette indicated that he and Mayor Pro Tempore Scott presented Certificates of Recognition to three Eagle Scouts recently. Mayor Bressette reported that the youth in the City of Laguna Hills continued to strive for excellence and these three fine young men would go far in their lifetimes, and the City Council offered their sincere congratulations on their achievement.

8.2 Council Member Songstad

A. PUBLIC COMMENTS REGARDING RATE INCREASE BY CITY'S SOLID WASTE CONTRACTOR (1060-35)

Council Member Songstad wanted to correct the record regarding a comment that was made during Public Comments by Mrs. Kogerman. She stated that the rates charged by the City's disposal contractor, CR&R, as being one of the highest city rates. They were actually one of the lowest for South Orange County. The City of Laguna Niguel, San Juan Capistrano, Laguna Beach, San Clemente, Laguna Woods, and Dana Point were all higher. Four of those were served by CR&R, one was served by Ware, one by Rainbow, and one by Waste Management. For the cities where the Laguna Hills rates were higher, the rate was within a dollar. The rates today were cheaper than the trash rates were when the City incorporated in 1991.

9. CLOSED SESSION

There was no Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 9:11 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF AUGUST 24, 2010.