CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JANUARY 13, 2009

CALL TO ORDER

Mayor Lautenschleger called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:01 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE

Councilman Scott led the Pledge of Allegiance.

ROLL CALL

Present: Joel Lautenschleger, Mayor
Randal Bressette, Mayor Pro Tempore
Melody Carruth, Council Member
Craig Scott, 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; Ron Jones, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 CERTIFICATES OF RECOGNITION, LAGUNA HILLS AYSO REGION 1422 U16 BOYS SOCCER TEAM (0410-65)

Mayor Lautenschleger presented Certificates of Recognition to the Laguna Hills AYSO Region 1422 U16 Boys Soccer Team and Coaches.

2. PUBLIC COMMENTS

2.1 ON-STREET PARKING ISSUES (0860-50)

Paul Knopick, Laguna Hills, indicated he had lived on Salford Street since 1993, and had noticed a recent story in the OC Register wherein some local City Councils were considering banning on-street parking or at least enforcing alternate side of street parking, and he hoped that was an idea that would germinate in Laguna Hills. He had one neighbor who collected old cars as a hobby who had at least seven cars scattered in the neighborhood. Another neighbor ran a construction company from his home and with his trucks, and cars for his three children, and wife, he filled in the available spaces the other neighbor left open; this was just two houses on his street. He wondered what would happen if there was an emergency on his street, and indicated parking on Sunday nights with all of the garbage cans placed on the street was a challenge. This was in addition to one of the neighborhood homes on the cul-de-sac on Southport Street that had many renters and the owners instructed these renters to park at the intersection of Salford Street and Southport Street. He had spoken to his neighbors who were equally disgusted about these problems. He had wanted to speak to the candidates who were walking his neighborhood prior to the election to discuss this problem with them but didn't get that opportunity. He hoped this City Council would consider banning on-street parking.

Public Services Director Rosenfield indicated he would look into this issue, and had been contacted by a resident who complained about multiple cars parking on one of the streets that Mr. Knopick had mentioned. However, the vehicles were legally parked, it was a public street, and other than the 72-hour parking restriction enforced by Police Services, there was nothing of a traffic engineering nature to review. A Traffic Commission Meeting was scheduled for January 21, 2009, and Mr. Rosenfield stated he would be happy to put a draft report on that agenda that expressed Mr. Knopick's comments for review by the Traffic Commission.

2.2 LAKE FOREST STUDY ON THE ORANGE COUNTY ANIMAL SHELTER (0200-10)

Jean Bland, Laguna Hills, indicated that in 2006-2007, the City of Lake Forest had conducted a nine-month study on the Orange County Animal Shelter and found six deficits. Ms. Bland submitted a letter to Mayor Lautenschleger outlining these deficits, and believed that the most significant deficit of that study was that the County Shelter was not using a universal scanner that could read different forms of microchip identifications for pets. She stated that tonight the City Council would be speaking on this subject recommending microchips, and if those microchips were not being scanned, that was important to know. Lake Forest completed their study, but never followed up on the deficits they found, Laguna Hills had not followed up, and the County had not followed up; no one seemed to know what was happening in regard to the deficits and if they were ever corrected. She asked for a report from the City of Laguna Hills on these deficits.

Mayor Lautenschleger indicated that he had received Jean Bland's letter and would forward it to staff and the County of Orange for answers to the deficits found in the Lake Forest study.

2.3 DOG MAULING (0260-05)

Laura Dickson, Laguna Hills, stated that on December 18, 2008, a woman was mauled by three large dogs on Terra Bella Street in Laguna Hills. The outcome would have been much worse if two men had not stepped forward to help. During the attack Jim Warren and Ed Benard came to her assistance. These two individuals deserved recognition for their brave acts. They only thought about her safety, not theirs. Ms. Dickson was proud to have them as friends and fellow Laguna Hills residents. The victim's sister had told Ms. Dickson to thank those who had offered help. Ms. Dickson stated she contacted Melody Carruth for guidance. Ms. Carruth had spoken with Lieutenant Doan who requested that those people involved come forward and speak with him on the phone. The victim's sister asked her to convey this request to the City Council which was that the City should educate people on what to do in the event of a dog attack. Ms. Dickson stated it was comforting to know there were heroes among the residents of the City.

Mayor Lautenschleger took this item out of order on the Agenda.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Lautenschleger

Mayor Lautenschleger indicated that on December 18, 2008, there were three bull mastiffs that got loose on Terra Bella Street. Two of the dogs attacked a woman, which resulted in very serious injuries, and she was fortunately now out of the hospital. Mayor Lautenschleger continued by describing the attack and the two men that had assisted the victim and other neighbors who had also been involved. Mayor Lautenschleger showed some photos that he took while at the scene, and he had been very impressed with the responders at the scene, the Orange County Sheriff Deputies and Orange County Animal Shelter Representatives. He was very impressed with the professional manner of everyone involved in the incident. Mayor Lautenschleger indicated that after a complete and accurate verification of what had occurred at this incident, he would like to invite those people who assisted the victim to a City Council meeting and give them proper recognition for their efforts.

Lieutenant Doan indicated Animal Control Services and the Sheriff's Department were working on completing their investigations. He had received a number of calls from residents in the area heralding the acts of the two individuals, and in the course of this investigation, discovered that there were three or even four people who acted courageously in helping this woman. Lieutenant Doan would soon bring a report to the City Manager for the City Council to consider recognizing these people in the proper manner.

Council Member Carruth thanked Ms. Dickson for bringing this item to the attention of the City Council, although the City Council had been made aware of the incident immediately after it had occurred. She reminded the City Council of the importance of taking the opportunity to recognize these acts of heroism and bravery. For citizens to step forward and put their own lives in great peril to save the life of this woman was an act of great courage. She looked forward to the report from Lieutenant Doan and to recognize these citizens, and that it was a blessing to live in a community filled with people who were wiling to look out for their neighbors. Council Member Carruth believed educating the public about what to do in the event of a dog attack would be a good topic for the City Views Publication.

Mayor Pro Tempore Bressette appreciated Mayor Lautenschleger responding to the scene, and believed that Laguna Hills was full of heroes, a fact that had been known for years. Laguna Hills residents were ready and willing to step up and do what was necessary to help their neighbors. This was an opportunity to look not only at this particular action, but at the actions of all the other Laguna Hills residents that would follow. A few months ago a man on Sausalito Street assisted at a home that had exploded and was fully engulfed in fire to rescue his neighbors who were in the backyard until the Fire Department arrived. There were countless Laguna Hills residents who did valid things on a regular basis that deserved recognition by the City Council. In addition to Lieutenant Doan's report, he urged staff to bring to the City Council a proposed policy for recognizing acts of heroism by residents.

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

The City Council received an oral report from Laguna Hills High School Student Liaison Nathaniel Proffitt.

3. MINUTES

3.1 ADJOURNED REGULAR MEETING, DECEMBER 2, 2008 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCILWOMAN CARRUTH, TO APPROVE THE MINUTES OF THE DECEMBER 2, 2008, ADJOURNED REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

3.2 REGULAR MEETING, DECEMBER 9, 2008 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCILWOMAN CARRUTH, TO APPROVE THE MINUTES OF THE DECEMBER 9, 2008, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCILWOMAN CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NO. 4.2.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
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.

4.3 AGREEMENT WITH THE COUNTY OF ORANGE DISTRICT ATTORNEY'S OFFICE FOR PROSECUTION SERVICES (0400-10)

Written report from the Police Services Department indicated that the City of Laguna Hills had contracted with the County of Orange, District Attorney's Office for prosecuting municipal code violators. Most of the violations were prosecuted by the City Attorney's Office; however, the District Attorney was a viable alternative for some specific cases. Expenditures for prosecution efforts would either be charged to legal services or code enforcement. Sufficient funds had been budgeted in both of these accounts.

APPROVED THE AGREEMENT WITH THE COUNTY OF ORANGE FOR PROSECUTION SERVICES AND AUTHORIZED THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

4.4 HEALTH FUNDERS GRANT ACTION PLAN (0400-10)

Written report from the Community Services Department indicated that the City of Laguna Hills received a grant from the Health Funders Partnership of Orange County (HFPOC) in the amount of $30,000. Staff used this grant money to develop the Fresh Ideas on Food and Fitness for Orange County's Kids Action Plan (Action Plan). The Action Plan was to be presented to the City Council at the January 22, 2008, meeting, but prior to finalizing the City Council Agenda Packet it was brought to the City Manager's attention that the Action Plan was not complete. The City Manager directed staff to re-work the action plan prior to bringing it back to the City Council. A letter was sent to the HFPOC on October 28, 2008, to request direction from them on updating the Action Plan and how to handle the unspent grant money in the amount of $5,652.60. The HFPOC advised staff that a decision to update the Action Plan was soley left up to the City, and that the HFPOC would like a refund of the unexpended grant funds. It was staff's opinion that updating the Action Plan and the development of an implementation plan for the Action Plan's "issues" were not necessary. The City refunded to the HFPOC the unspent grant funds, including interest that accrued on the unused funds, on November 28, 2008. The total refund amount was $6,097.46

RECEIVED AND FILED THE REPORT.

4.5 AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH EDAW, INC., FOR GENERAL PLAN UPDATE AND PROGRAM EIR SERVICES TO COVER MOULTON-LA PAZ SHOPPING CENTER EXPANSION STUDIES AND AN ADDITIONAL HOUSING ELEMENT MEETING (0400-10)

Written report from the Community Development Department indicated that as the City Council was aware, the City's General Plan Study ("Study") had been in process for the past 18 months and was anticipated to be complete by next summer. EDAW, Inc., was the consultant for the Study and had signed a Professional Services Agreement (PSA) with the City to perform the work for $845,260. Recently, the Moulton-La Paz Shopping Center owner stated their interest in pursuing the expansion opportunity previously identified in the General Plan Study and demonstrated their commitment by making a $22,000 deposit to the City to cover any costs associated with revising the draft General Plan document to accommodate the studies, text modifications, and meetings necessary to accomplish their expansion objective.

In addition, at the December 2, 2008, City Council General Plan Workshop, the City Council requested that a status report on the Housing Element be provided at a future meeting, explaining certain facts and details regarding the certification of a Housing Element. This action necessitated the attendance of EDAW at the January 13, 2009, City Council meeting, at a cost of $2,500, which was unbudgeted in the existing contract.

AUTHORIZED THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH EDAW, INC.

4.6 PROGRESS PAYMENT NO. 2 FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604 (0400-10)

Written report from the Public Services Department indicated that work on the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604, was being performed by Marina Landscape, Inc., and began on October 13, 2008. Work performed in November included fence and tree removal, and irrigation and fence installation. The contractor had submitted the second progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604.

APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $80,134.20, TO MARINA LANDSCAPE, INC., FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604.

4.7 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE MOULTON PARKWAY PAVEMENT REHABILITATION PROJECTS, CIP NO. 166 AND CIP NO. 167/BUDGET AMENDMENT (0400-10)

Written report from the Public Services Department indicated that the plans and specifications for the subject project had been completed by the civil engineering firm of Wolfe Design, Inc., and the project was ready to be advertised for bids. The project involved the pavement rehabilitation of all lanes of Moulton Parkway between Via Lomas Street and the City boundary north of Glenwood Drive. The southern portion of the project between Via Lomas Street and Laguna Hills Drive was included in the current fiscal year budget but the northern portion of the project between Laguna Hills Drive and Glenwood Drive was in the following Capital Improvement Program Budget year. At the mid-year budget review, City Council agreed with the concept of combining the two projects into the current fiscal year. These projects must be advertised at this time in order to preserve the City's ability to access the Federal monies which partially fund these projects. A Resolution to enact a budget amendment for these projects was also necessary. The City Council was requested to approve the plans and specifications, authorize the advertisement for bids, and adopt a Resolution enacting a change to the Capital Improvement Program Budget for Fiscal Year 2008-2009 to recognize the currently available funding sources for the subject project. The Capital Improvement Program allocates $965,000 each for the Moulton Parkway Pavement Rehabilitation Projects, CIP No. 166 and CIP No. 167.

ADOPTED RESOLUTION NO. 2009-01-13-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-2009 CAPITAL IMPROVEMENT PLAN BUDGET; 2) APPROVE THE PLANS AND SPECIFICATIONS FOR THE MOULTON PARKWAY PAVEMENT REHABILITATION PROJECTS, CIP NO. 166 AND CIP NO. 167; AND 3) AUTHORIZED THE ADVERTISEMENT FOR BIDS FOR THE PROJECTS.

ITEMS REMOVED FOR THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JANUARY 13, 2009 (0300-30)

Councilman Scott pulled this item from the Consent Calendar to state that he had a conflict of interest as one of his clients was a vendor on the warrant register and it was not appropriate for him to vote on this item.

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.

IT WAS MOVED BY COUNCILMAN SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, THAT THE BALANCE OF THE WARRANT REGISTER IN THE AMOUNT OF $1,465.833.38 WITHOUT A-THRONE COMPANY, INC. ITEM ON PAGE 5 BE APPROVED.

The motion carried by the following vote:

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

Councilman Scott recused himself from voting on the A-Throne Company Inc., item of the warrant register and left the dais.

IT WAS MOVED BY COUNCILMAN SONGSTAD, SECONDED BY COUNCILWOMAN CARRUTH, TO APPROVE THE INDIVIDUAL ITEM, A-THRONE COMPANY, INC., IN THE AMOUNT OF $114.80 ON THE WARRANT REGISTER.

The motion carried by the following vote:

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

Councilman Scott returned to the dais.

5. PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:39 p.m. and reconvened the City Council at 7:39 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. STATE BUDGET (0150-30)

City Manager Channing indicated that the State continued to limp along unsuccessfully addressing their budget problems. It was expected that those budget problems would ultimately become the City's problems, not the least of which was the discussion of the State's financial condition leading them to run out of money any time within the next month or by March at the latest. They might even resort to issue IOU's for items they were obligated to pay. It could end up that State tax refunds could also be IOU's which would be a first for California. In any case, the City was doing all it could to prepare for that event and was in good financial condition overall, but continued to keep the State's financial condition at the forefront of the City's planning efforts. The State League was investigating the possibility of having a Constitutional Convention for the purpose of restructuring the State of California budgeting process at a minimum. Their current condition was of such magnitude that it might warrant such action. There were local efforts occurring to visit the issues of fiscal planning and preparation Statewide and the City had been asked to participate in that effort.

6.2 Assistant City Manager

A. ANIMAL SERVICES - SPAY AND NEUTERING PROGRAM (0200-10)

Assistant City Manager indicated staff started the project with the premise that a spay and neuter program would result in fewer dogs and cats going to the Orange County Animal Shelter and, consequently, fewer dogs and cats being euthanized. Staff began by reviewing various spay and neuter programs, and what type of program would work best for the City of Laguna Hills. Mr. White indicated that for the most part the City looked at incentive-based voluntary programs. As the City was evaluating the various programs the City saw a need to determine on how many dogs and cats were involved. The City also wanted to establish performance measures in order to gage the success of the program; the obvious measures being live intakes at the shelter and also the euthanasia rate. It became apparent the City's shelter intake numbers and euthanasia rates were very low, so low that it suggested that there wasn't a dog and cat overpopulation problem in the City of Laguna Hills. If there wasn't an overpopulation problem in City of Laguna Hills, then a sterilization program would not have a measurable impact on the number of dogs and cats that ended up at the Orange County Animal Shelter and the number that were consequently euthanized, and that would be especially true if the program was voluntary. As a result the City decided to not recommend an incentive-based spay and neuter program. In the course of the City's research, the City also determined that differential pricing for dog licenses motivated owners to alter their dogs. Of the licensed dog population 11% remained unaltered. Mr. White indicated that less than half of the dogs in Laguna Hills were licensed which was required by law. If the City could increase the number of licensed dogs in the City then it seemed that the City would also be able to increase the number of altered dogs. Mr. White indicated if people were willing or motivated to get their dogs altered, they would pay a $24 dog license fee instead of a $100 dog license fee. Staff recommended that the City Council considered the implementation of a 12-month license canvassing campaign beginning in January 2010. This campaign would be preceded by a 6-month public awareness campaign from July through December of this year which would also include license amnesty. If people voluntarily participated, and if their dogs were altered they would not have to pay any late fees or penalties associated with licensing their dog. This recommended program would pay for itself and generate additional license fee revenue. Mr. White indicated that the program should be considered as a Proposed Major Plan in the upcoming budget process.

IT WAS MOVED BY COUNCILMAN SONGSTAD, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO RECEIVE AND FILE THE REPORT.

The motion carried by the following vote:

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

B. REQUEST TO ESTABLISH AN OC ANIMAL CARE ADVISORY COMMITTEE (0200-10)

Assistant City Manager White indicated that City Council had directed staff to prepare a draft letter requesting that the Orange County Board of Supervisors establish an OC Animal Care Advisory Committee. Staff had prepared a draft letter, but determined that this was not a good time to send such a letter especially with the number of cut backs that the County was experiencing at the present time. Staff's recommendation was to receive and file the report and not to send the letter.

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCILMAN SONGSTAD, TO RECEIVE AND FILE THE REPORT.

The motion carried by the following vote:

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

6.3 Community Development Director

A. STATUS REPORT ON DRAFT HOUSING ELEMENT (0630-10)

Community Development Director Jones indicated that the item was a follow-up to the December 2, 2008, General Plan Workshop at which time the City Council reviewed the Preliminary General Plan Document, reviewed the State Housing and Community Development Department's (HCD) comments on the Draft Housing Element, and was also provided an update on the opportunity areas. Mr. Jones indicated that at that workshop the City Council had identified a number of specific questions and additional information that the City Council wanted answers to. Mr. Jones indicated that the PowerPoint presentation tonight would answer those questions, as well as some additional information relative to the new Senate Bill 375 and Senate Bill 2 which were relevant to the housing element issue. Mr. Jones indicated that there was a specific recommendation regarding a modification to the Draft Housing Element that was previously shared with the City Council.

John Bridges, Consultant with EDAW, Inc., gave a PowerPoint presentation which covered a review of the Housing Element law that applied in this case, and responded to the four questions that the City

Council raised regarding the number of cities in Orange County with certified housing elements, the presumption of validity that State-certification provided along with other benefits of State-certification, the consequences associated with self-certification, and the findings needed to self-certify. Mr. Bridges included a discussion of significant changes in Housing Element law and potential impacts for the City of Laguna Hills. Recently adopted legislation, SB 2, required cities to have at least one zone in which they allowed emergency shelters by right. One of the changes suggested to the Housing Element as it currently was drafted and made in response to HCD's comments was to include specific language as to this requirement under SB 2 and to limit the allowance for emergency shelters by right to a single zone.

John Bridges also indicated there were further changes to law as it related to climate change. AB 32 and SB 375 dealt with the connection between land use and transportation and connected with the Housing Element as well. Some of the items the City might be looking at in relationship to SB 375 had been considered in the Housing Element, the objective being to link land use transportation planning with the goal of reducing green house gas emissions. Mr. Bridges also discussed the next regional planning efforts that would be implemented as part of SB 375, Sustainable Community Strategy (SCS), which attempted to align the Housing Element's Regional Housing Needs Assessment with the Regional Transportation Plan. Mr. Bridges indicated there was a need to provide capacity for up to eight units of housing, and the exhibit in the PowerPoint showed areas where the City had provided affordable housing in the past and the capacity for affordable housing may be available in the future.

John Bridges stated that in summary most of the HCD comments that came in their letter in response to a review of the Draft Housing Element were comments related to process not so much to product, and it was important to recognize that the Element was an indication of the capacity to provide situations, circumstances, sites available for housing to meet the RHNA number and to continue to provide affordable housing within the community. Mr. Bridges indicated that much of what was being done with the Housing Element related to changes in law associated with SB 2, and discussed this legislation as it related to emergency shelters. Mr. Bridges indicated this would be the one change to the changes already made in response to HCD's first review of the Draft Housing Element. Mr. Bridges was recommending that the City Council maintain the Draft Housing Element with the changes that were made in response to HCD's comments, including this addition of limiting emergency shelters to the one mixed use zone allowing them by right. It did not require a Council action, simply consensus to continue to move ahead with the process, the next step being to complete the draft General Plan, make that available along with the Draft Environmental Impact Report in early February for a 45-day public review period. At the end of that 45-day public review period, the City would need to respond to comments received on both the Plan and the EIR and complete the final EIR before beginning public hearings on the Plan and EIR. The next step in the Housing Element process, if the City Council agrees to move forward under those circumstances, would be to adopt a Housing Element as part of the General Plan Update, and send that adopted Housing Element back to HCD for review. They have 90-days to review that Element. The changes included were favorable in terms of the comments that HCD had made and Mr. Bridges encouraged the City Council to recognize the benefits of having a State-Certified Housing Element and continue ahead with the process.

IT WAS THE CONSENSUS OF FOUR OF THE COUNCIL MEMBERS TO MOVE FORWARD WITH STATE-CERTIFICATION OF THE CITY'S HOUSING ELEMENT.

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS CONTINUED

8.2 Councilman Songstad

A. STATE BUDGET (0150-30)

Councilman Songstad stated a Task Force had been set up by the State League with school districts and counties and others to examine the fiscal problems of the State which could lead to a Constitutional Convention. Councilman Songstad had been appointed by the State League to serve on that Task Force and the first meeting was scheduled for February 11, 2009. As far as the Orange County League's vision was concerned, the State League, as had been demonstrated over the last couple of years, had great influence over the Legislature. In fact it was the League supporting the California Building Industrial Association (BIA), that allowed for the passage of SB 375. It was decided by the Division to exert as much influence as possible over the State League and their policies to avoid these types of discussion because SB 375 actually put another State agency in control of land use, the California Air Resources Board (CARB). Now in addition to securing the approval of the State Department of Housing and Community Development (HCD), the City would also have to secure CARB approval as well. At the suggestion of the Executor Director of the League, the goal was to populate the policy committees with as many people as possible from Orange County with similar views, which was what had been accomplished. There would be more implementation bills for SB 375 and the League was hopeful they could influence those. There was much planning that needed to be accomplished with regard to SB 375 in sustainable communities, but there was no funding at the State level.

8.3 Councilman Bressette

A. CITY MEMBERSHIP IN SCAG (0150-55)

Councilman Bressette urged the City Council to make the commitment to join SCAG as soon as possible, and would request that this matter come back before the City Council for discussion. Lack of membership in SCAG was a dangerous position to be in. Councilman Songstad stated that in addition to joining as a member, that the City must also take an active role in SCAG.

THERE WAS CONSENSUS OF THE CITY COUNCIL TO REQUEST THAT CITY MANAGER CHANNING ADD TO THE BUDGET FOR FUTURE CONSIDERATION CITY MEMBERSHIP IN SCAG.

9. CLOSED SESSION

There was no Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschleger declared the meeting adjourned at 8:35 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF JANUARY 27, 2009.