
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JANUARY 12, 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 Carruth led the Pledge of Allegiance.

ROLL CALL

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

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

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

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

The City Council received an oral report from Laguna Hills High School Liaison Lisa McCorkell.

2.2 TERM LIMITS INITIATIVE (0430-65)

Barbara Kogerman, Laguna Hills resident, indicated she had officially submitted to the City Clerk her Notice of Intention to circulate a petition in the City of Laguna Hills to establish term limits on the number of consecutive terms that may be served by members of the City Council. She introduced additional proponents of the initiative, Jean Bland, publisher of the Laguna

Hills Watchdog, and Bill Enholm, Immediate Past President of the Nellie Gail Ranch Owners Association. Ms. Kogerman stated that her steering committee also included Pierre Gilbert, who would be heading up the signature gathering, and Laguna Hills businessman James Vaughn, who were all present this evening. She had provided copies of the Statement of Reasons and the language of the proposed Ordinance to the City Clerk for the City Council's review under Agenda Item 8.1A. Ms. Kogerman continued by describing the terms of the proposed initiative, and indicated that term limits had been popular in Orange County with about 70% of citizens enjoying the benefits they provided, and where term limits had appeared on the ballot, they had passed in Orange County by an overwhelming 3-1 vote. Ms. Kogerman stated her committee was fully prepared to gather the signatures to qualify this proposal for the ballot and get out the votes to pass this initiative. Ms. Kogerman stated that she believed they would succeed and term limits would pass by an overwhelming vote in Laguna Hills as they had throughout Orange County. She invited the Laguna Hills City Council to face the inevitable, save Laguna Hills citizens the time, effort, and expense that it would take to qualify this initiative, to agendize this proposal, and vote to place this term limits initiative on the 2010 November Ballot.

3. MINUTES

3.1 REGULAR MEETING, DECEMBER 8, 2009 (0410-50)

Mayor Bressette indicated that he had a comment to make on the minutes before being approved. Mayor Bressette stated that his yes vote on Item No. 10 at the December 8, 2009, meeting was made in the hopes that he could formulate an idea that would be beneficial to the City. Mayor Bressette indicated he knew now that the idea would not work out as he had envisioned it might, but he would spend this year pressing for needed reforms in a variety of fiscal issues.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY
COUNCIL MEMBER SONGSTAD, TO APPROVE THE
MINUTES OF THE DECEMBER 8, 2009, REGULAR
MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

- 4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JANUARY 12, 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 \$1,078,513.16.

- 4.3 GOVERNMENT CODE SECTION 66006 – DEVELOPMENT IMPACT FEES ANNUAL REPORT (0640-15)

Written report from the Administrative Services Department indicated that the City of Laguna Hills had three types of development impact fees that might be assessed on new developments: Public Art Fees, Traffic Mitigation Fees, and Quimby Act Fees. State Law specified that upon receipt of development impact fees, certain reports were required to be made by the public agency.

APPROVED THE DEVELOPMENT IMPACT FEES ANNUAL REPORT PURSUANT TO GOVERNMENT CODE SECTION 66006.

4.4 PROGRESS PAYMENT NO. 7, FINAL, FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313 (0400-10)

Written report from the Public Works Department indicated that in accordance with City Council authorization, ValleyCrest Landscape Development, Inc., began work on the El Toro Road Streetscape and Median Island Improvements Project, CIP No. 313, on January 12, 2009. The work was substantially completed in May 2009, and the contractor, ValleyCrest Landscape Development, Inc., had submitted the seventh and final payment request including Contract Change Order No. 2 for extra work. The progress payment was within the Capital Improvement Program Budget for the El Toro Road Streetscape and Median Island Improvements, CIP No. 313.

APPROVED PROGRESS PAYMENT NO. 7, FINAL, IN THE NET AMOUNT OF \$11,694.55, AND CONTRACT CHANGE ORDER NO. 2, TO VALLEYCREST LANDSCAPE DEVELOPMENT, INC., FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313, AND AUTHORIZED THE FILING OF THE NOTICE OF COMPLETION AND RELEASE OF RETENTION 35 DAYS POST RECORDATION, IF NO LIENS HAD BEEN FILED.

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:07 p.m. and reconvened the City Council at 7:22 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

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

City Manager Channing indicated that at the December 8, 2009, meeting, the City Council authorized staff to proceed with an investigation of whether it was prudent to refinance the City's 2001 and 2003 Certificates of Participations (COPs). Mr. Channing stated that there would be a savings benefit on the overall financing cost associated with the debt. Mr. Channing indicated staff put together the same financing team used previously; the City's underwriters and financial consultants had done a good job of accomplishing the objectives that the City Council set forth. By the end of the month after the City started the efforts in December the City had received a

rating for the proposed refinancing from Standard and Poors, who gave the City a favorable AA+ rating which translated to an AAA rating of the City's overall financial condition, which was as strong as you can obtain. Last Wednesday began with an initial offering to determine what type of deal was favorable in terms of the reaction from interested buyers. The real question was would the market improve in the week and the worry of whether or not the Governor's budget presentation and his State of the State address would have a negative influence on the marketplace. Mr. Channing stated that the City decided to go forward with the issue on Thursday and was hopeful that the City would achieve at least a present value savings of 5.75 percent but even if the City lowered it, as the City Council directed, to a lower threshold of 5 percent, that was thought to be a sufficient benefit to proceed. The conditions slightly improved in the market on Wednesday and Thursday. By the end of the day on Thursday essentially all of the bonds were sold or committed and the underwriter was ready to proceed, and the City agreed to make the deal. The true interest costs for the 2010 refinancing, as structured, was approximately 3.34 percent. The City's present value savings would be a little over 6 percent. To put the refinancing interest rate into perspective the City had a successful sale of the City's bonds back in 2001-2003; those bonds sold at 4.83 percent and 4.46 percent respectively. Mr. Channing indicated the final refinancing yielded an interest cost savings estimated at about \$1.2 million and also saved the City debt service expense for 2010 approximately \$319,000. Mr. Channing indicated the City would be saving approximately \$90,000 a year for the remaining term of the bonds over the next 12 years. If all went as planned the City would be closing the deal at the end of the month.

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

The motion carried by the following vote:

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

6.2 Assistant City Manager

A. LEAGUE OF CALIFORNIA CITIES BALLOT INITIATIVE FOR NOVEMBER 2010 ELECTION (0480-60)

Management Analyst Au-Yeung indicated that the League of California Cities proposed a ballot initiative for the November 2010 Election entitled the "Local Taxpayer, Public Safety and Transportation Protection Act of 2010." Ms. Au-Yeung indicated the measure sought to protect local revenues from State takeaways. Ms. Au-Yeung stated the official title and summary had been assigned and the League had officially launched its signature gathering campaign with a goal of obtaining 1.2 million signatures to qualify the measure for the November 2010 Election. Staff recommended City Council adopt the Resolution in support of the measure.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2010-01-12-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, IN SUPPORT OF THE "LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION ACT OF 2010."

The motion carried by the following vote:

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

B. ORANGE COUNTY FAIRGROUNDS (0150-10)

Management Analyst Au-Yeung indicated that as a means of addressing the State's current budget deficit, Governor Schwarzenegger proposed the sale of state-owned properties including the Orange County Fairgrounds. The California Department of General Services subsequently released a Request for Proposal (RFP), but because the RFP did not include language requiring that the buyer be a local government agency or a local not-for-profit, nor did it require that the buyer perpetuate the utilization of the property as a fairgrounds, event center, or equestrian facility, the City of Costa Mesa and the County of Orange passed Resolutions requesting the Governor cancel the sale. Ms. Au-Yeung indicated the County and the City of Costa Mesa had called on other cities to pass Resolutions in support of cancelling the sale. Ms. Au-Yeung stated the State had a dire budget crisis, and cities throughout the State had repeatedly

urged the State to address the current deficit without the use of local funds and the sale of the property was one means to achieve this. Ms. Au-Yeung indicated that the City of Costa Mesa retained full discretionary land-use approval should the property be sold to a private developer. Currently, the City of Costa Mesa's General Plan designated the property as "fairgrounds," and as such the property was zoned recreational/institutional. Any development plans outside the current zoning designations would require a number of discretionary land use approvals from the City Council of the City of Costa Mesa. The County and the City of Costa Mesa had entered into a Memorandum of Understanding to jointly submit an offer to purchase the property pursuant to the RFP. Staff recommended City Council receive and file the report, however, if the City Council wanted to support cancelling the proposed sale, staff had included the appropriate Resolution.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2010-01-12-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, REQUESTING THAT GOVERNOR SCHWARZENEGGER IMMEDIATELY CANCEL THE SALE OF THE ORANGE COUNTY FAIRGROUNDS.

The motion carried by the following vote:

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

6.3 Public Services Director/City Engineer

A. PROPOSAL TO CLOSE LAGUNA HILLS DRIVE TO CONDUCT THE "EVERY 15 MINUTES" PROGRAM ADJACENT TO LAGUNA HILLS HIGH SCHOOL (0270-25)

Public Services Director Rosenfield indicated that at the December 8, 2009, City Council meeting members of the Parents Teachers Students Association (PTSA) and Laguna Hills High School staff requested financial support for the anti-drunk driving program known as "Every 15 Minutes" program, which the City Council approved. They also requested an opportunity to expand their program by closing Laguna Hills Drive on February 18, 2010. The City Council directed staff to prepare a report on the cost and logistics of this request. Mr. Rosenfield indicated that there were several

challenges to a road closure of this type, as there were costs associated with traffic control at a cost of approximately \$4,000 and the cost for seven deputies at approximately \$2,000. Mr. Rosenfield indicated that during the time of the road closure about 9,000 persons would be displaced and had to find alternate routes other than using Laguna Hills Drive. There were residents on Indian Hill Lane, both along the public street south of Laguna Hills Drive, and on the private street north of Laguna Hills Drive, that would have their daily access to their homes adjusted during the time of event. Mr. Rosenfield indicated that there was a professional, medical, and dental office at the northwest corner of Paseo De Valencia at Laguna Hills Drive in the City of Laguna Woods. Parking on the southside of Laguna Hills Drive was typically for students of the high school and it was presumed their displacement would not be too significant. The impacts to the residents, motorists, and businesses were viewed by staff as significant along with the cost of the event and staff recommended the City Council not approve the request for the street closure and encourage the high school to return to an onsite operation of the event.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE SCOTT, TO DIRECT THE CHIEF OF POLICE SERVICES TO WORK WITH THE PROPONENTS OF THE "EVERY FIFTEEN MINUTES" ANTI-DRUNK DRIVING PROGRAM PRESENTATION TO IDENTIFY A SUITABLE LOCATION ON SCHOOL PROPERTY TO CONDUCT THE PROGRAM, AND TO REQUEST THAT THE LAGUNA HILLS HIGH SCHOOL PROVIDE AN ASSESSMENT FOR CITY COUNCIL ON THIS YEAR'S EVENT AND HOW IT COMPARED WITH PRIOR YEARS' EVENTS.

The motion carried by the following vote:

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

6.4 Deputy City Manager/Community Services

A. POSTING OF AGENDA REPORTS ON CITY WEBSITE (0410-14)

Deputy City Manager Reynolds indicated that at the November 24, 2009, meeting the City Council directed staff to bring back a report discussing the options and process of posting City Council staff reports on the City's website. The subject of web streaming and agenda creation software was a subject for a later date and staff would be bringing a report to the City Council on that subject. Mr. Reynolds indicated that staff cost was nominal and an average size agenda packet would require approximately 1-1/2 to 2 hours of staff time to post all staff reports. There would be no additional cost beyond that because the City would be using the City's current content management tools built into the City's website technology. Mr. Reynolds indicated that the process wasn't the most user friendly option and staff's intent was eventually to provide a hyperlink that would provide the public with direct access to the items listed on the agenda. The process was similar to the process used by the City of Rancho Santa Margarita. Mr. Reynolds indicated that most cities had moved to this technology, however it would require some nominal programming time to get the solution incorporated within the City's website.

Barbara Kogerman, Laguna Hills, indicated that this was one step closer to transparency and openness that she had been advocating on her website, in speeches, in speaking with other cities and with other City Managers who had been doing this for quite awhile. Ms. Kogerman was delighted with the results, although she thought it was not as user friendly as it could be. She indicated that it was a terrific step forward and she thought it was a great benefit for the citizens to be able to access the reports before the City Council meetings were held. Ms. Kogerman looked forward to the improvements and taking the next step to video stream or broadcast the City Council meetings.

James Vaughn, Laguna Hills, indicated that he had contacted the City four years ago when he first moved to Laguna Hills to let the City know that his field was in electronic government and offered his consulting services free of charge. He indicated to the City at that time that he had consulted with the White House, Congress, various government agencies, and had been asked to lead an Inter-agency Task Force with the federal government and the Bush Administration to set standards for citizen communications. Mr. Vaughn indicated that this was exactly what he had hoped the City would do. Mr. Vaughn encouraged the City to use plain English language because citizens

looking for information did not always use the same language as the City would in their hyperlinks.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE SCOTT, TO AUTHORIZE STAFF TO POST STAFF REPORTS, ALONG WITH ASSOCIATED ATTACHMENTS, TO THE CITY'S WEBSITE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Carruth

A. LAGUNA HILLS CITY COUNCIL TERM LIMITS (0480-20)

Council Member Carruth indicated that the City Council had listened to her appeal for a term limit ordinance on several occasions and she usually presented the item before a General Election. Council Member Carruth had circulated copies of additional materials that had examples of different term limit ordinances that were used in the cities of Mission Viejo, Laguna Niguel, and other cities in south Orange County. Council Member Carruth requested that the City Council direct staff to return with a report that would examine some of the formal limitations followed by elected officials in Orange County cities. Council Member Carruth indicated that it was interesting to note following the Agenda that was posted for the public last week that citizens came forward and were interested in a term limit ordinance and expressed interest in circulating a petition to place a term limit ordinance on the ballot in 2010. Council Member Carruth indicated that term limits might be an issue in the election in November and thought that this presented the City Council with a great opportunity to discuss term limits as a community.

Barbara Kogerman, Laguna Hills, indicated term limits had been studied by this City Council before. Ms. Kogerman explained the

terms of her proposed term limit ordinance. Ms. Kogerman directed the City Council's attention to the Statement of Reasons that she distributed to the City Council and summarized the reasons, why she believed term limits would be a positive step for the community.

Bill Enholm, Laguna Hills, indicated that he supported a term limit ordinance as he believed that 19 years was too long for the same Council Members to be in office. He urged the City Council to put term limits on the ballot without further study. He believed that stability was a good thing, but not this much stability. Mr. Enholm stated that he was in support of the first term limits advocate, George Washington, who started a two-term tradition, and if it was good for him, it was also good for Laguna Hills.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR BRESSETTE, THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE A REPORT WHICH WOULD INCLUDE AN OVERVIEW AND ANALYSIS OF THE DIFFERENT APPROACHES CURRENTLY UTILIZED BY ORANGE COUNTY CITIES WITH RESPECT TO THE ESTABLISHMENT OF FORMAL LIMITATIONS ON CITY COUNCIL MEMBER TERMS OF OFFICE, AND THE PROCEDURAL STEPS REQUIRED FOR INCLUDING A TERM LIMIT ORDINANCE, DRAFTED BY THE CITY ATTORNEY AND APPROVED BY THE CITY COUNCIL, AS A BALLOT MEASURE FOR THE NOVEMBER 2010 GENERAL ELECTION.

The motion carried by the following vote:

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

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO DIRECT STAFF TO PREPARE A REPORT WHICH INCLUDED AN OVERVIEW AND ANALYSIS OF CAMPAIGN SPENDING LIMITS, DISTRICT ELECTIONS, AND DIFFERENT APPROACHES CURRENTLY UTILIZED BY ORANGE COUNTY CITIES WITH RESPECT THERETO.

The motion failed to carry by the following vote:

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

B. MARINE CORPS TOY DRIVE (0120-40)

Council Member Carruth indicated that Laguna Hills residents responded in generous spirit over the holidays as over 200 gifts, gift cards, and toys were collected for the children of the City's 3/5 Battalion Marines and Sailors at Camp Pendleton. Council Member Carruth thanked Mr. and Mrs. Bland and Mr. Epperson, and other volunteers, who delivered gifts to Camp Pendleton. Council Member Carruth reported that later that same day, some of the families came to the playgrounds and picked up gifts. In addition, five families from Camp Pendleton were adopted by Laguna Hills residents. Ms. Carruth reported that it had been a wonderful experience and she was grateful for the City and the collection points that had served well for this purpose as it had been a successful effort.

Mayor Bressette recessed the meeting into Closed Session at 9:01 p.m.

9. CLOSED SESSION

9.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 – (1 potential case).

9.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- A. Property: 25732 Via Lomas, #110, Laguna Hills
Negotiating Parties: Bruce Channing, City Manager, and Donald White, Assistant City Manager, City of Laguna Hills and Real ROI, LLC
Item Under Negotiation: Price and terms of payment
- B. Property: 25745 Via Lomas, #137, Laguna Hills
Negotiating Parties: Bruce Channing, City Manager, and Donald White, Assistant City Manager, City of Laguna Hills and Guneeta Dang
Item Under Negotiation: Price and terms of payment

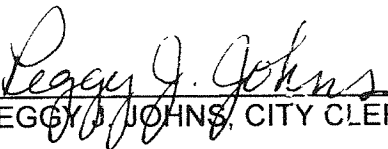
- 13

- I. Property: 25892 Via Lomas, #16, Laguna Hills
 Negotiating Parties: Bruce Channing, City Manager, and Donald
 White, Assistant City Manager, City of
 Laguna Hills and JP Morgan Chase Bank
 Item Under Negotiation: Price and terms of payment
- J. Property: 25902 Via Lomas, #1, Laguna Hills
 Negotiating Parties: Bruce Channing, City Manager, and Donald
 White, Assistant City Manager, City of
 Laguna Hills and Duetshe Bank National
 Trust Company
 Item Under Negotiation: Price and terms of payment

Mayor Bressette reconvened the meeting at 9:51 p.m. All Council Members were present.

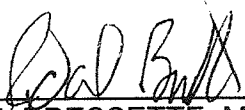
ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 9:51 p.m.



PEGGY J. JOHNS, CITY CLERK

ATTEST:



RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF JANUARY 26, 2010.