CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JANUARY 11, 2011

CALL TO ORDER

Mayor Songstad called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Carruth led the Pledge of Allegiance.

ROLL CALL

Present: L. Allan Songstad, Jr., Mayor
Melody Carruth, Mayor Pro Tempore
Randal Bressette, Council Member
Barbara Kogerman, Council Member
Joel Lautenschleger, Council Member

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

1. PRESENTATIONS AND PROCLAMATIONS.

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 BATTALION SUPPORT COMMITTEE (0120-40)

Mike Bland, Chair of the 3/5 Battalion Support Committee, gave a PowerPoint showing highlights on what the Committee had accomplished since its establishment. He showed a photo of the Darkhorse banner that had recently been hung at the Community Center. Mr. Bland also showed photos of Commandant of the Marine Corps, General Amos, who had visited the 3/5 during the Christmas holidays. There was also a group photo that showed one of the 3/5 Battalion's dogs and his handler. Mr. Bland indicated that dogs were used in the military to sniff out explosives. Once the Battalion returned in April, more information would be provided to the Committee and hopefully one of the dogs, along with his handler, would be able to attend a City event. Mr. Bland indicated this year's Toy Drive for the 3/5 had been very successful. Mr. Bland showed a photo of a wall at the 3/5 Headquarters that included the 20 Marines that had been killed in action. Mr. Bland gave an update on the Sock project and reported that 1,413 pairs of socks were ordered and sent to the 3/5, and more would be forthcoming. Mr. Bland thanked staff and everyone who contributed to this project. Mr. Bland indicated that the Support Committee sent out 25 boxes of school supplies for the children of Afghanistan. Mayor Pro Tempore Carruth thanked Mike Bland for all of his efforts in leading the 3/5 Support Committee.

2.2 RIDGE ROUTE DRIVE POT HOLES (0820-15)

David Russell Ohrn, Laguna Woods, indicated he drove Ridge Route Drive on a daily basis and noticed the pot holes were very bad. He stated that he was aware that the County of Orange had a project at Ridge Route Drive and Moulton Parkway, and requested that the City put Ridge Route Drive on its resurfacing schedule as soon as possible.

Public Services Director Rosenfield indicated the pavement rehabilitation at Ridge Route Drive was included in the longer term Capital Improvement Program for FY 2014. In the meantime, the City was conducting short term maintenance, should pot holes develop. Mr. Rosenfield stated that Ridge Route Drive was fairly rough, was in need of rehabilitation, and staff would bring more attention to it during the spring discussions at the next budget cycle.

2.3 LAGUNA HILLS HIGH SCHOOL GRAD NITE FUNDRAISER (0930-40)

Meg Gorham, Laguna Hills, stated that she was present to represent Laguna Hills High School Grad Nite and wanted to make the City Council and residents aware of a fundraising project that was born six month ago entitled, "Win-Win Wednesdays." This involved the standard restaurant fundraiser night to bring patrons into the restaurant and the restaurant kicked back 15 or 20 percent toward Grad Nite. The difference was that the Fundraising Committee had sent letters to all 70 restaurants in Laguna Hills, and that this program was only for Laguna Hills. Mrs. Gorham indicated that every Wednesday night between now and Grad Nite (June 15) patrons would have the opportunity to dine at local Laguna Hills restaurants. Ms. Gorham indicated the high school was very proud that Laguna Hills was one of the few remaining high schools that did an on campus event and they would like to see the bulk of the funds come from Laguna Hills. They would be advertising in the Orange County Register, Nellie Gail community paper, and the Moulton Ranch e-Blast, and would like to make it a real community event.

2.4 TREE REMOVAL IN PARKWAY AT 25082 SUNSET PLACE WEST (0730-10)

Kurt Bardos, Laguna Hills, requested approval to have a tree removed from the parkway located in front of his residence. He had requested that the tree be removed a few times in the past and the first time there was no follow up, even though it had been agreed that the tree was overstepping the utilities and water main. Mr. Bardos indicated that he had hired a plumber a few times to unplug his drains and the roots from this tree had literally grown through the complete front of his yard within a few inches of the surface all the way to the back. Mr. Bardos loved the trees, but this particular tree was starting to encroach into his sewer system and had cut off his water main twice in the past, which he repaired. He was officially requesting approval that the tree be removed from the front of the house. He had spoken to Public Services Director Rosenfield in the past and part of the conflict was that when anything affected the tree, his Homeowners Association would call the City.

Mayor Songstad recommended that Mr. Bardos contact Public Services Director Rosenfield again to resolve the issue, since the item was not agendized and the City Council could not take any action on this issue at this time.

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

The City Council received an oral report from Laguna Hills High School Student Liaison Mike Spain.

3. MINUTES

3.1 REGULAR MEETING, DECEMBER 14, 2010 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER BRESSETTE, TO APPROVE THE MINUTES OF THE DECEMBER 14, 2010, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 4.2, NO. 4.3, NO. 4.7 AND NO. 4.8.

The motion carried by the following vote:

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

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

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.4 AWARD OF CONTRACT FOR LA PAZ ROAD WIDENING AT INTERSTATE 5 PROJECT, CIP NO. 159 (0400-10)

Written report from the Public Services Department indicated that in accordance with City Council authorization, seven bids for the subject project were received on December 16, 2010. The apparent low bidder, SEMA Construction, Inc., met the contract requirements, was currently licensed, and provided satisfactory references. The construction bid and related construction management costs for the project were within the Fiscal Year 2009-2011 Capital Improvement Program Budget.

AWARDED THE CONTRACT FOR LA PAZ ROAD WIDENING AT INTERSTATE 5 PROJECT, CIP NO. 159, TO THE APPARENT LOW BIDDER, SEMA CONSTRUCTION, INC., IN THE LOW BID AMOUNT OF $4,228,879.00, AND AUTHORIZED THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST TO THE CONTRACT DOCUMENTS.

4.5 MEMORANDUM OF UNDERSTANDING NO. C-9-0625 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE EDINGER AVENUE, IRVINE CENTER DRIVE, MOULTON PARKWAY, AND STREET OF THE GOLDEN LANTERN TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT (0400-10)

Written report from the Public Services Department indicated that the Orange County Transportation Authority (OCTA) offered to perform a region-wide traffic signal synchronization project over the length of Moulton Parkway with funding being provided by Measure M and Proposition 1B funds. To participate in this project, approval of a Memorandum of Understanding (MOU) was required and recommended. The TLSP projects did require City staff time and use of technical consultants to oversee the City's best interests. Funding for this work could be absorbed in the existing Traffic Engineering operating budget. Overall, the project was of a great financial and operational benefit to the City.

APPROVED THE MEMORANDUM OF UNDERSTANDING NO. C-9-0625 BY AND BETWEEN ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITIES OF ALISO VIEJO, DANA POINT, IRVINE, LAGUNA HILLS, LAGUNA NIGUEL, LAGUNA WOODS, TUSTIN, AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE EDINGER AVENUE, IRVINE CENTER DRIVE, MOULTON PARKWAY, AND STREET OF THE GOLDEN LANTERN TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT AND AUTHORIZED THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING AND THE CITY CLERK TO ATTEST THERETO.

4.6 MEMORANDUM OF UNDERSTANDING NO. C-0-1692 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE EL TORO ROAD TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT (0400-10)

Written report from the Public Services Department indicted that the Orange County Transportation Authority (OCTA) was offering to perform a region-wide traffic signal synchronization project over the length of El Toro Road with funding being provided by Measure M and Proposition 1B funds. To participate in this project, approval of a Memorandum of Understanding (MOU) was required and recommended. The TLSP projects did require City staff time and use of technical consultants to oversee the City's best interests. Funding for this work could be absorbed in the existing Traffic Engineering operating budget. Overall, the project is of a great financial and operational benefit to the City.

APPROVED THE MEMORANDUM OF UNDERSTANDING NO. C-0-1692 BY AND BETWEEN ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITIES OF ALISO VIEJO, LAGUNA BEACH, LAGUNA HILLS, LAGUNA WOODS, LAKE FOREST, MISSION VIEJO, THE COUNTY OF ORANGE, AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE EL TORO ROAD TRAFFIC

LIGHT SYNCHRONIZATION PROGRAM PROJECT AND AUTHORIZED THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING AND THE CITY CLERK TO ATTEST THERETO.

4.9 LOCAL IMPLEMENTATION PLAN FOR WATER QUALITY REQUIREMENTS (0850 -50)

Written report from the Public Services Department indicated that the Santa Ana and San Diego Regional Water Quality Control Boards issued the Fourth Term National Pollution Discharge Elimination System (NPDES) Permits in 2009. These permits required the permittees to effectively prohibit all types of non-stormwater discharges in its Municipal Separate Storm Sewer Systems (MS4s) unless such discharges were authorized by a separate NPDES permit or fall within the list of exceptions set forth in the permits. The permits required the City to implement a Local Implementation Plan (LIP) or Jurisdictional Runoff Management Plan (JRMP) that outlined the specific plan the City would implement to comply with the permits and prohibit non-stormwater discharges into the MS4s. Staff had prepared a LIP document consistent with the permits. The LIP described the activities the City would undertake to meet the requirements of the Fourth Term Permit and to make meaningful improvements in urban water quality runoff. Although the LIP was intended to serve as the basis for City compliance during the five-year period of the Fourth Term Permit, the LIP was subject to modifications and updates as conditions change or as directed by the Regional Boards. The additional requirements in the Fourth Term NPDES-MS4 Permits required additional inspections, monitoring, record keeping, and reporting. The total cost of the NPDES program was estimated to be $629,662.31. Cost of the additional tasks would be in the upcoming proposed operating budget requests.

APPROVED THE LOCAL IMPLEMENTATION PLAN AND DIRECTED STAFF TO UPDATE THE DOCUMENT AS NEEDED DURING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT TERM.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JANUARY 11, 2011 (0300-30)

Council Member Kogerman stated this issue had to do with Gonsalves and Sons, the City's lobbyist, wondered why the City of Laguna Hills needed a lobbyist, and noted that Laguna Hills was the only city in Orange County that engaged their services. Council Member Kogerman was aware of the fact that ten to twelve years ago they had been very helpful to the City and that their monthly charge of $2,900 was a bargain compared to other firms doing this type of work. She didn't believe there was a need to put a Sacramento lobbyist on retainer to the tune of approximately $35,000 per year, funds which might be better spent on other services for the citizens, but was willing to be educated on this. Council Member Kogerman stated the City Council might want to consider terminating the contract when it came up for renewal.

Paul Stanislaw, Laguna Hills, asked for examples of specific recommendations that Gonsalves had given the City, what actions the City had taken, and how those recommendations helped the community since the City began its contractual relationship with Gonsalves and Sons.

City Manager Channing gave several examples of how Gonsalves and Sons had expedited or written legislation for the direct benefit of the City of Laguna Hills.

> IT WAS THE CONSENSUS OF THE CITY COUNCIL THAT GENERALLY THEY WERE VERY SATISFIED WITH THE SERVICES OF GONSALVES AND SONS, AND AGREED TO DISCUSS THE CONTRACT AT THE UPCOMING SPRING BUDGET SESSIONS.

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 COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $1,216,199.37.

The motion carried by the following vote:

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

4.3 ONE YEAR EXTENSION OF THE JOINT RECREATION MAINTENANCE AND OPERATION AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT FOR USE OF THE UPPER HIGH SCHOOL FIELD (0400-10)

Mayor Pro Tempore Carruth asked about the April renewal date for the Agreement and if there would be any interest by staff in changing it. Deputy City Manager Reynolds indicated that this date had been in the Agreement for quite some time and it worked well.

Mayor Pro Tempore Carruth noted that on Page 4 Section 6.2 of the Agreement dealt with the maintenance standards. She had heard from those involved with youth sports that some of the enhancements that the City had been involved with had not been maintained. Mayor Pro Tempore Carruth inquired if there was anything that the City could do to amend the current Agreement to ensure the improvements would be protected. Deputy City Manager Reynolds indicated that the maintenance fee paid for the brick dust, for the softball fields and other general maintenance and also for payment of the use of electricity. Staff believed the Agreement was working as it should for the City's share of allocation rights Monday through Thursday in the spring and fall for the City's sports activities. Deputy City Manager Reynolds indicated that from staff's perspective they did not believe there was a need for modification; however, if the City Council would like to bring this item back, staff could look at this issue and bring a report back at another time.

Written report from the Community Services Department indicated that in 1994, the City and the Saddleback Valley Unified School District (SVUSD) entered into a fifteen-year Agreement for the shared used of fields at Laguna Hills High School. The City funded the installation of lights on a softball field and partial soccer field and, in return, the SVUSD provided field use times in the fall and spring for City scheduled recreation programs. The City Council, on May 12, 2009, approved Amendment No. 1 to the Joint Recreation Maintenance and Operation Agreement (Amendment No. 1) which extended the Agreement term to April 26, 2011. City staff and SVUSD staff desired to extend the Agreement for another year, until April 26, 2012. Amendment No. 1 allowed for the Agreement to be extended with a 90-day written notification from both parties prior to the expiration date of the Agreement. The City's share of the electricity costs for night lighting of the athletic fields and a proportionate share of the field maintenance costs were approximately $15,000 per year.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER BRESSETTE, TO AUTHORIZE THE CITY MANAGER TO EXTEND THE JOINT RECREATION MAINTENANCE AND OPERATION AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT FOR ONE YEAR.

The motion carried by the following vote:

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

4.7 2011 CITIZEN SURVEY (0330-30)

Council Member Bressette asked if there were concerns about the sampling being smaller than the City would have liked it to be then why was the City Council learning about it tonight. Council Member Bressette wondered why the University of North Texas did not notify the City after the last survey and indicate that they were concerned that the population that they were able to reach was smaller and older than they thought was appropriate.

Mr. White indicated that this was something that had been happening over a long period of time and something that the Survey Research Center had been looking at along with everyone else that did that type of work. Mr. White stated that the City was a little concerned two years ago when the City saw the number of listed telephone numbers and was concerned about the migration to cell phones and what that might do to the survey. Mr. White indicated that one of the reasons the City decided to go forward with the survey was because the City was doing the Recreation Facility Needs Assessment Survey, which included a telephone survey and the cost was a little bit less than what the City was paying for the overall survey. The City combined the surveys to get the information for the Recreation Facility Needs Assessment Survey. Mr. White indicated when he contacted the University of North Texas they had made a professional assessment that they could no longer take that survey data and extrapolate it to the whole population.

Council Member Bressette inquired where they obtained the phone numbers and if they accessed other phone records such as from the Registrar of Voters.

Mr. White indicated there were different sources but essentially it was from the white pages of the telephone book. Mr. White stated that the Registrar of Voters was not a phone record, but they would take that list and go to the white pages. Mr. White indicated there was a neighboring city that did it that way and he had inquired about that method. Mr. White stated that using voter registration narrowed the population even more and it would tend to be an older demographic.

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO DIRECT THE PREPARATION OF THE 2011 CITIZEN SURVEY, HAVE IT PREPARED USING THE VOTER REGISTRATION INDEX FOR TELEPHONE NUMBERS AS A SUPPLEMENT TO USING THE WHITE PAGES, AND TO FIND AN ALTERNATIVE VENDOR IF APPROPRIATE

The motion carried by the following vote:

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

4.8 FINAL GRANT APPLICATION FOR THE URBAN FORESTRY GRANT PROGRAM KNOWN AS "GREEN TREES FOR THE GOLDEN STATE" (0700-60)

Council Member Kogerman indicated her residence was located within one of the areas as indicated in the staff report, recused herself from the dais, and left the meeting.

Written report from the Public Services Department indicated that on September 28, 2010, the City Council directed staff to prepare and submit the State of California Department of Forestry and Fire Protection (CAL FIRE) 2010/2011 Urban Tree Planting Grant Program Conceptual Proposal. On November 29, 2010, CAL FIRE sent out a letter informing the City that its Conceptual Proposal Application had been ranked high enough to be eligible for the next step in the "Green Trees for the Golden State" Grant Program. Through this grant, the City was seeking $75,000 in grant funds with $25,000 in matching funds for a total project value not to exceed $100,000. Staff proposed to continue with the total $100,000 project approval in the Final Project Proposal to be submitted to CAL FIRE by January 22, 2011. The purpose of the City's application was to seek funding to plant approximately 600 trees in two locations as described in the September 28, 2010, Agenda Report. The application for funding under the "Green Trees for the Golden State" Grant Program seeks $75,000 in grant funds with the City's contribution of $25,000 in matching funds. Up to $10,000 of the matching funds could be provided as public education expenses in-lieu costs and the remaining $15,000 would have to be allocated. Staff recommended the determination of the source of allocated matching funds be a part of the next Fiscal Year Budget review process, as the timing of the grant implementation would allow this procedure.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2011-01-11-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, IN SUPPORT OF FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM, "GREEN TREES FOR THE GOLDEN STATE," AS PROVIDED THROUGH PROPOSITIONS 40 AND 84.

The motion carried by the following vote:

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

Council Member Kogerman returned to the meeting.

Mayor Songstad recessed the City Council meeting to the Planning Agency meeting at 8:05 p.m. and reconvened the City Council meeting at 9:12 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager made no reports.

6.2 Assistant City Manager

A. COMPREHENSIVE COMPENSATION STUDY (0520-10)

Assistant City Manager White indicated he had nothing to add to the report. Staff recommended that the City commission a Comprehensive Compensation Study in order to ensure that the City was providing reasonable, fair, and competitive compensation to its employees.

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO DIRECT STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR COMPREHENSIVE COMPENSATION STUDY SERVICES.

The motion carried by the following vote:

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

6.3 Public Services Director/City Engineer

A. ESTABLISHMENT OF THREE NO STOPPING ANYTIME ZONES ON VIA LOMAS STREET (0860-50)

Public Services Director Rosenfield indicated that this matter was continued from December 14, 2010, to allow for direct notification to the area residents of the proposed implementation of three additional no stopping anytime zones on Via Lomas Street. Approximately 238 letters were mailed to the property owners of the Aliso Meadows development advising residents of the planned parking control and inviting them to the City Council meeting.

IT WAS MOVED BY COUNCIL MEMBER BRESSETTE, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO ADOPT RESOLUTION NO. 2011-01-11-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING THREE NO STOPPING ANYTIME ZONES ALONG VIA LOMAS STREET.

The motion carried by the following vote:

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

6.4 Deputy City Manager/Community Services

A. AGENDA MANAGEMENT SOFTWARE AND WEB-ACCESS TO CITY COUNCIL MEETINGS (0410-14)(0400-10)

Deputy City Manager Reynolds indicated that staff was recommending the purchase and project implementation of SIRE's agenda management software modules for the reasons that were stated in the staff report, which included; enhance public access to City Council meeting information; improve the agenda packet preparation process for City staff; and to enable the City to replace all of the City's current obsolete City Clerk's software systems with one vendor. Mr. Reynolds indicated that by migrating all of the City Clerk's software systems to one vendor there was a savings in annual support costs. COX grant funds existed for the implementation of the project and there would not be any General Fund impact for the implementation of the project.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO AUTHORIZE THE MAYOR TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH SIRE TECHNOLOGIES FOR AGENDA MANAGEMENT SOFTWARE AND WEB-BASED ACCESS TO AUDIO RECORDINGS OF CITY COUNCIL MEETINGS FOR THE NOT-TO-EXCEED COST OF $58,145; AND AUTHORIZED THE MAYOR TO EXECUTE THE SIRE TECHNOLOGIES' ANNUAL SOFTWARE LICENSE AND MAINTENANCE AGREEMENTS FOR AGENDA MANAGEMENT SOFTWARE AND WEB-BASED ACCESS TO AUDIO RECORDINGS OF CITY COUNCIL MEETINGS IN THE ANNUAL AMOUNT OF $7,799; AND APPROPRIATED $69,371 OF THE COX CAPITAL GRANT FROM DESIGNATED RESERVES TO THE GENERAL FUND FOR IMPLEMENTING THIS PROJECT.

The motion carried by the following vote:

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

7. OTHER BUSINESS

7.1 MEMORIAL DAY HALF MARATHON COMMUNITY EVENT AND 3/5 BATTALION FUND RAISING OPPORTUNITY (0950-20)

Mayor Pro Tempore Carruth indicated that the desire of the Adoption Committee was to make a direct connection to community events, specifically with the Memorial Day Half Marathon. Ms. Carruth stated it would be a perfect partnership for the Marine Battalion and the Memorial Day Half Marathon. Ms. Carruth stated that the Marine Ball would be held for members of the 3/5 and their spouses and they had asked for a $3,000 dollar donation. Ms. Carruth indicated that the Support Committee was trying to come up with a way for the City and the community to identify a funding source and it seemed as the Memorial Day Half Marathon would be a good funding source for the donation that they had requested.

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED BY COUNCIL MEMBER BRESSETTE, TO DIRECT STAFF TO COORDINATE A 3/5 MARINE BATTALION DONATION OPTION WITH THE MEMORIAL DAY HALF MARATHON EVENT PROMOTER AND THE 3/5 ADOPTION COMMITTEE.

The motion carried by the following vote:

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

7.2 AMENDMENT TO LAGUNA HILLS MUNICIPAL CODE TITLE 2, CHAPTER 2-44, ANNUAL UPDATE AND POSTING OF THE PUBLIC OFFICIALS' COMPENSATION REPORT ON THE CITY'S WEBSITE (0480-20)

THIS ITEM WAS CONSIDERED IN CONJUNCTION WITH ITEM NO. 7.3.

7.3 AMENDMENT TO LAGUNA HILLS MUNICIPAL CODE TITLE 2, CHAPTER 2-44, ANNUAL UPDATE AND POSTING OF THE PUBLIC OFFICIALS' COMPENSATION REPORT (0480-20)

Council Member Kogerman indicated that Item 7.2 and 7.3 were of the same objective and that objective was to revisit the current form of the posting of the Public Officials' Compensation Report ("Report") on the City's website. Ms. Kogerman indicated that she had included in the attachments the Report from the State Auditor that was entitled: _Transparency and Accountability Pursuing the Public's Right to Know._ Ms. Kogerman reviewed the Report and highlighted a few of the key points. Ms. Kogerman summarized what she wanted to be included in the Public Officials' Compensation Report and that she wanted the website to be user friendly.

Council Member Bressette indicated that he appreciated Council Member Kogerman's input but what Council Member Bressette had tried to do was make the Report that was currently available to the point, understandable, easy for an individual to search, and have each City Council Member and Management staff have their compensation clearly delineated in a tabulated format. Council Member Bressette wanted the Report to include all the total compensation items that were in the existing Report and add unused vacation buyout, unused sick leave buyout, taxable personal use of a City-owned vehicle, taxable personal toll-road fees and employee's Medicare contributions paid by the employer. Council Member Bressette stated his objective was for the Report to be clean, concise, accurate, and complete

IT WAS MOVED BY MAYOR PRO TEMPORE CARRUTH, SECONDED MAYOR SONGSTAD, TO DIRECT CITY STAFF TO MODIFY THE COMPENSATION REPORT REFLECTING CITY COUNCIL INPUT AND SUGGESTIONS INCLUDING ADDING "AT-A-GLANCE" TABLES DETAILING SALARY AND BENEFIT INFORMATION FOR THE CITY COUNCIL AND MANAGEMENT STAFF, TO INCLUDE ALL THE TOTAL COMPENSATION ITEMS THAT WERE IN THE EXISTING REPORT AND ADDING UNUSED VACATION BUYOUT, UNUSED SICK LEAVE BUYOUT, TAXABLE PERSONAL USE OF A CITY-OWNED VEHICLE, TAXABLE PERSONAL TOLL-ROAD FEES, AND EMPLOYEE'S MEDICARE CONTRIBUTIONS PAID BY THE EMPLOYER, VALUE OF PHYSICAL EXAMINATION, AND ADDITIONAL VACATION DAYS GRANTED BY RESOLUTION, AND BRING A REPORT BACK TO THE FEBRUARY 8, 2011, MEETING.

The motion carried by the following vote:

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

7.4 AMENDMENT TO LAGUNA HILLS MUNICIPAL CODE TITLE 2, CHAPTER 2-08 – CITY MANAGER – ACQUISITION AND BUDGETING OF THE CITY MANAGER'S CONTRACTUALLY AUTHORIZED CITY VEHICLE (0480-20)

Council Member Bressette indicated that because the City Attorney had indicated that he had drafted a Purchasing Ordinance amendment which would be presented to the City Council very shortly, he would withdraw this issue from consideration.

7.5 CITY MANAGER EMPLOYMENT CONTRACT (0400-10)

Council Member Kogerman stated that she had been informed by the City Attorney that a written report did need to be kept confidential for technical reasons but that did not change the intent of her recommendation. Ms. Kogerman felt the contract was difficult to understand and the City Council had never asked the City Attorney to explain the contract. Ms. Kogerman stated that she wanted the City Attorney to prepare a confidential report explaining the provisions of the employment contract.

City Attorney Simonian stated that the City Manager's Employment Contract was a matter of public record and was available for review, inspection, and copying by any interested member of the public at anytime in the City Clerk's office. The City Manager's contract was required by law to be made public and State laws prohibited governmental agencies from declaring employment contracts confidential and the terms and conditions could not be kept from the public. Mr. Simonian indicated that there was no confidentially with respect to any public agency contract and to the best of his knowledge the City Manager's Employment Contract had readily been made available for public review and inspection. Mr. Simonian stated that if the City Council had questions or concerns or would like legal advice from the City Attorney concerning the City Manager's Employment Contract and the City Manager's current employment status, his office would provide that legal opinion to the City Council in the form of legal analysis, and as with any legal opinion that was provided to the City Council, that would be considered an attorney-client privileged communication, unless and until the City Council voted to waive the attorney-client privilege. Mr. Simonian stated that he had suggested to Council Member Kogerman in discussions was that any notion of directing that the attorney-client privilege be waived tonight from the dais by this City Council before he had an opportunity to review the contract, do the research, prepare the legal opinion, and before this City Council even had an opportunity to review the legal opinion, would not be prudent. Mr. Simonian indicated that once the attorney-client privilege was waived for one purpose, it would be waived for all purposes. Mr. Simonian indicated that if the City Council so directed the City Attorney to prepare a legal opinion, and review the legal opinion, convene in Closed Session as State law authorized the City Council to do, and make a determination of any one or number of proposed courses of actions, if any, but do so in an informed decision-making capacity and vote to waive the attorney-client privilege at that time.

IT WAS MOVED BY COUNCIL MEMBER KOGERMAN, SECONDED BY MAYOR PRO TEMPORE CARRUTH, TO DIRECT THE CITY ATTORNEY TO PREPARE A CONFIDENTIAL WRITTEN LEGAL OPINION EXPLAINING THE PROVISIONS OF THE CURRENT CITY MANAGER EMPLOYMENT CONTRACT AND CONVENE IN CLOSED SESSION FOR DISCUSSION AT THE FEBRUARY 22, 2011, CITY COUNCIL MEETING.

The motion carried by the following vote:

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

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Lautenschleger

A. REGIONAL SCAG MEETING IN LOS ANGELES (0150-55)

Council Member Lautenschleger attended the SCAG meeting in Los Angeles on Thursday, January 6, 2011, and attended the Community, Economic and Human Development Committee, and a joint meeting of that committee, and the Transportation Policy Committee, and the SCAG Regional Council. The Community, Economic and Human Development Committee's main topic of discussion was the formation of a subcommittee for Regional Housing Needs Assessment (RHNA) Policy considerations. Council Member Lautenschleger reported that after much discussion, one member and one alternative was chosen from each county to be on this subcommittee, which was an important subcommittee in that this was a body that could suggest adjustments to regional allocations of housing. Council Member Lautenschleger reported that its focus would be on the development for determining and distributing housing need by income category for each jurisdiction in the SCAG region, based upon the integrated growth forecast, and would also act as the RHNA Appeals Board and conduct any hearings on proposed revision and appeal requests from local jurisdictions concerning their housing need determination before it made its recommendations to the CEHD committee and the Regional Council for final action. Suhkee Kang of Irvine was chosen as the representative from Orange County with Ron Garcia from Brea as alternate. The joint meeting enjoyed a presentation and discussion by Mr. Calthorpe who provided an overview of Vision California and the discussion of two new modeling tools which could be used to compare scenarios on how California could accommodate future growth. Council Member Lautenschleger indicated that Committee appointments would be made at the January 27, 2011, meeting of OCCOG.

8.2 Council Member Kogerman

A. DUI CHECK POINT (0260-05)

Council Member Kogerman indicated she had the pleasure to observe a 2-hour operation of a sobriety check point on December 30, 2010, where approximately 20 deputies/personnel were present. Council Member Kogerman indicated the reason for the check point was a deterrent, and it was interesting to note that the California Office of Traffic Safety provided two operations per year. One was a check point like this one that was held the night before New Year's Eve as a deterrent; and secondly saturation patrols where additional units were put on patrol for the single purpose of identifying and arresting impaired drivers. This night there were two DUI arrests, one street arrest for an unlicensed driver, and three vehicles were towed. Council Member Kogerman wanted everyone to know that Latte Da Bagels, which was a new coffee shop that replaced OC Bagels, provided the refreshments. Council Member Kogerman indicated it had been an enjoyable evening, recommended it for anyone on this City Council who had an interest in observing a similar operation, and looked forward to riding along on the next saturation patrol.

B. SENIOR POPULATION (0280-05)

Council Member Kogerman attended a meeting today of South Orange County Seniors and wanted to report that Orange County had the highest growth rate of seniors in the State of California. Population of age 60+ in Orange County would have a 64 percent increase between 2005 and 2020; population of age 85+ would have a 26 percent increase in that same timeframe. In Laguna Hills, a 15 percent increase in age 60+ and over was expected between 2000 and 2010.

C. MANAGEMENT STAFF MEETINGS (0410-37)

Council Member Kogerman thanked all of the management staff in initially meeting with her and Mr. Channing during the month of December. She felt very welcomed and well oriented and thanked staff for their time.

8.3 Mayor Pro Tempore Carruth

A. 3/5 DARKHORSE BANNER AT THE COMMUNITY CENTER (0120-40)

Mayor Pro Tempore Carruth thanked Dave Reynolds, Dan Meehan, Todd Smyzer, and Todd Holmes for welcoming the 3/5 Support Committee to the Community Center and installing the Banner on a Holiday week, and asked him to thank Todd Smyzer and Todd Holmes on how much the City Council appreciated the work they do.

8.4 Council Member Bressette

A. MOULTON PARKWAY IMPROVEMENTS (0820-15)

Council Member Bressette inquired about the delay of street improvement on Moulton Parkway and how the contractor would deal with lane closures, which he felt were presently very inadequate.

Public Services Director Rosenfield indicated he completed a drive through both in Laguna Hills and Laguna Woods and made some requests through the County of Orange who was administering both projects to improve lane closure notification and striping that had faded. County staff had been responsive to those requests and the improvements would be taken care of. The paving on the City's project was now scheduled for Friday, January 20, through Monday, January 24, during the day. Nighttime paving was not feasible at this time of the year due to very cold temperatures at night, so that paving work would be done during the day. Mr. Rosenfield reported that there would be substantial congestion during that time but the paving would be completed and three lanes would be open. There would be many signs posted in advance of that project to afford drivers alternate routes during that work.

8.5 Mayor Songstad

A. LA PAZ ROAD INTERCHANGE IMPROVEMENTS (0820-15)

Mayor Songstad asked about the upcoming project and construction signs. Public Services Director Rosenfield indicated as part of the approval of this project, there were two stationary signs ordered that would give notice to residents of the project, but in addition, City specifications had two changeable message signs at its disposal to place at best locations for additional public notification. The contract documents provided for a four-phase implementation program of the project over the next 12-14 months with multiple detail plans all conforming to CalTrans standards and involved coordination with California Highway Patrol. All the work was scheduled at nighttime to reduce the impact to most of the residents. There was a public information campaign document going out to all residents and businesses in the area.

9. CLOSED SESSION

Mayor Songstad recessed the meeting into Closed Session at 10:42 p.m.

9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code § 54956.8

Property:	24031 El Toro Road, Suite No. 201, Laguna Hills
Agency Negotiator:	Donald J. White, Assistant City Manager
Negotiating Parties:	City of Laguna Hills and Kevin Richards, War Era Veterans Alliance.
Item Under Negotiation:	Terms and Conditions of Lease

9.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Mayor Songstad reconvened the meeting at 11:15 p.m. All Council Members were present.

City Attorney indicated that no reportable action was taken.

ADJOURNMENT

To Wednesday, January 12, 2011, at 6:30 p.m., in the Community Development Conference Room, located at 24035 El Toro Road, Laguna Hills, California, for the purpose of conducting interviews and making appointments to the Parks and Recreation Commission and Traffic Commission. The next Regular Meeting of the City Council will be January 25, 2011, at 7:00 p.m., in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

L. Allan Songstad

L. ALLAN SONGSTAD, JR., MAYOR

APPROVED AT MEETING OF JANUARY 25, 2011.