CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
DECEMBER 8, 2009

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Council Member Scott led the Pledge of Allegiance.

ROLL CALL

Present: Joel Lautenschleger, Mayor
Randal Bressette, Mayor Pro Tempore
Melody Carruth, Council Member
R. 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; Jon Jones, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; Janice Reyes, Finance Manager; and Humza Javed, Assistant Engineer.

CITY COUNCIL REORGANIZATION

- REMARKS OF OUTGOING MAYOR

  Outgoing Mayor Lautenschleger reported that the City of Laguna Hills was one of the few cities in the State that ended the fiscal year with an operating surplus and was moving forward with several major Capital Improvement Projects. Mayor Lautenschleger indicated one of the biggest tasks accomplished this year was the implementation of the City's two-year budget. Mayor Lautenschleger stated that after two years of numerous workshops, public hearings, committee work, and input from staff and Council Members, the General Plan for the City of Laguna Hills was adopted. Mayor Lautenschleger indicated that the residents were happy with the small town atmosphere, low crime, good balance of commercial and residential communities, Capital Improvement Projects, parks, safe streets, community services provided, and the City's economical stability. Mayor Lautenschleger stated he was proud to be on the City Council and it had been an honor to serve as Mayor of Laguna Hills.

- ELECTION OF MAYOR

  IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, TO NOMINATE AND ELECT RANDAL BRESSETTE AS MAYOR.

  The motion carried by the following vote:

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

- RECOGNITION OF OUTGOING MAYOR (0410-65)

  RESOLUTION OF COMMENDATION, JOEL LAUTENSCHLEGER, MAYOR (0410-65)

  IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER SCOTT, TO ADOPT RESOLUTION NO. 2009-12-08-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, COMMENDING JOEL LAUTENSCHLEGER.

  The motion carried by the following vote:

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

  Mayor Bressette presented the Resolution and plaque to Joel Lautenschleger recognizing his service to the City as Mayor of the City of Laguna Hills.

- REMARKS OF NEWLY ELECTED MAYOR

  Mayor Bressette thanked everyone for allowing him to serve as the next Mayor of Laguna Hills. Mayor Bressette discussed the City's on-going objectives and new goals that deserved the City Council's and staff's attention. Mayor Bressette indicated that the primary goal was to build a sense of community in the City of Laguna Hills.

- REMARKS OF COUNCIL MEMBERS REGARDING MAYOR LAUTENSCHLEGER'S SERVICE TO THE CITY

  Each of the Council Members acknowledged Mayor Lautenschleger's services to the City.

- ELECTION OF MAYOR PRO TEMPORE

  IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO NOMINATE AND ELECT R. CRAIG SCOTT AS MAYOR PRO TEMPORE.

  The motion carried by the following vote:

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

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

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

8.1 Mayor Bressette

A. COMMUNITY TOY DRIVES (0120-40)

Mayor Bressette presented toys to Battalion Chief Jon Jones for the "Spark of Love" Orange County Fire Authority Toy Drive and for the Marine Corps "Toys for Tots" Toy Drive. Mayor Bressette urged everyone to make a donation this year to these worthy causes.

RECESS AND RECONVENE

Mayor Bressette recessed the meeting at 7:32 p.m. and reconvened the meeting at 7:38 p.m. All Council Members were present.

1. PRESENTATIONS AND PROCLAMATIONS

1.2 PRESENTATION AND REQUEST FOR FINANCIAL SUPPORT FOR LAGUNA HILLS HIGH SCHOOL PTSA "EVERY 15 MINUTES" PROGRAM (0160-15)

The City Council received a presentation from PTSA President Dolores Winchell, Principal Sean Boulton, and Assistant Principal Jake Haley on the "Every 15 Minutes" Program.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2009-12-08-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 2010 LAGUNA HILLS HIGH SCHOOL PTSA 'EVERY 15 MINUTES' PROGRAM.

The motion carried by the following vote:

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

It was the consensus of the City Council to direct staff to bring back a report to the January 12, 2010, meeting with detailed Public Services and Sheriff Department costs to close Laguna Hills Drive in order to conduct this event.

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 Student Liaison Lisa McCorkell.

2.2 DESTRUCTION OF RECORDS (0170-50)

Barbara Kogerman, Laguna Hills, inquired about this item on the Consent Agenda and indicated there were issues that transcended whether important documents were going to be destroyed after two years; one was the issue of transparency. She indicated that she pulled this issue because there was no way of knowing exactly what documents the City was proposing to destroy. Ms. Kogerman asked if this destruction was something that was done every year, and whether there was still access to Council Members' voting records involving spending decisions, whether they involved salary, wages, benefits, compensation plans, vendor payments, or other such matters, and whether those records would be available if this motion passed. Ms. Kogerman indicated that if there was no answer forthcoming, and because there was no availability to the Consent item, this also could be an issue of timing, that the City could be destroying documents that she would be researching over the next year. She believed that since Council Members had not faced a serious re-election challenge in nearly two decades until now, that now was not the time to prevent her or any other candidate from performing an effective forensic examination on how this Council had spent taxpayers' dollars over the past decade, certainly over the past five years. Ms. Kogerman felt that two years of such documentation was absolutely insufficient for judging any Council Member's historic voting record in the name of transparency. She asked that the City Council not hide the voting record, but be open and accountable. Ms. Kogerman strongly urged the City Council to reconsider the two year plan and consider a five year period during which those documents can be made available for public inquiry.

City Clerk Johns indicated that a detailed list of the files scheduled for destruction was included as an attachment to the Resolution, and was available in the binder in front of the Council Chamber as was always provided to the public. City Clerk Johns indicated these files were from three to five years old, and complied with the City's adopted Records Retention and Destruction Schedule.

3. MINUTES

3.1 REGULAR MEETING, NOVEMBER 24, 2009 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE NOVEMBER 24, 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

Mayor Prot Tempore Scott removed Item No. 4.9 and Council Member Carruth removed Item No. 4.2 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER SONGSTAD, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NOS. 4.2 AND 4.9.

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.

4.3 DESTRUCTION OF RECORDS (0170-50)

Written report from the City Clerk's Department indicated in accordance with the City's Records Retention/Disposition Schedule, adopted on December 12, 1995, and amended on September 28, 1999, October 14, 2003, and November 14, 2006, City records are ready for destruction. The City Attorney has reviewed Exhibit "A" to the Resolution listing the files to be destroyed and approved the destruction of these records. Department Heads have also reviewed the records listed and have consented to their destruction.

ADOPTED RESOLUTION NO. 2009-12-08-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN CITY RECORDS AND DOCUMENTS WITH A DESTRUCTION DATE OF DECEMBER 9, 2009, PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

4.4 PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2008/09 (0310-20)

Written report from the City Manager's office indicated that for the past fifteen years, the City had operated with an Audit Committee to oversee the audit process and review the findings with the Auditor. For the audit of fiscal year 2008/09, the City's Auditors reported that there were no material weaknesses in the City's internal control structure. The certified public accounting firm of Moss, Levy & Hartzheim, L.L.P., who was engaged by the City to perform the audit of the City's financial statements and internal control policies and procedures, rendered an unqualified opinion on the City's FY 2008/09 financial statements.

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2008/09, TOGETHER WITH THE AUDIT LETTERS.

4.5 ANNUAL REVIEW OF INVESTMENT POLICIES AND DELEGATION OF INVESTMENT AUTHORITY TO THE CITY TREASURER (0350-05)

Written report from the Administrative Services Department indicated State law required that the City Council annually review the City's written investment policies at a public meeting. It also allowed the City Council to delegate its investment authority to the City Treasurer for up to one year at a time. Staff was still in the process of completing a comprehensive update to the investment policies and would present its recommended revisions to the City Council early next year. However, since the current annual delegation of investment authority expired on December 31, 2009, staff recommended that the City adopt Resolution No. 2009-12-08-4, which would extend the delegation through the end of 2010. At this time, the current policies remained unchanged, except for the proposed increase in the percentage of funds that may be invested with the State Treasurer. Staff proposed that this be increased from 75% to 85% in order to provide staff more flexibility in ensuring the preservation of capital. The investment division of the State Treasurer's office had a proven track record and ample and competent staff to provide continuous evaluation of credit and institutional risks.

ADOPTED RESOLUTION NO. 2009-12-08-4, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DELEGATING INVESTMENT AUTHORITY TO THE CITY TREASURER AND APPROVING A POLICY FOR THE INVESTMENT OF SURPLUS CITY FUNDS AND RESCINDING RESOLUTION NO. 2008-12-09-6.

4.6 CITY COUNCIL APPOINTED REPRESENTATIVES (0410-30)

Written report from the City Clerk's Department indicated as a regular practice following the reorganization of the City Council, there was an opportunity to make decisions regarding the City's appointed representatives.

CONFIRMED THE LIST OF APPOINTMENTS.

4.7 AFFIRMATION OF LOCAL APPOINTMENTS LIST FOR COMMISSIONS AND COMMITTEES (0120-05)

Written report from the City Clerk's Department indicated in accordance with State Law, Government Code Section 54972, the City Council must prepare and post a Local Appointments List prior to December 31, 2009.

AFFIRMED THE LOCAL APPOINTMENTS LIST AND DIRECTED THAT IT BE POSTED IN THE LAGUNA HILLS BRANCH TECHNOLOGY LIBRARY.

4.8 AMENDMENT AND RESTATEMENT OF CHAPTER 9-66 OF TITLE 9 OF THE MUNICIPAL CODE RELATING TO FLOOD MANAGEMENT REGULATIONS (0480-20)

Written report from the City Clerk's Department indicated the City had an existing Floodplain Management Ordinance required by the Federal Emergency Management Agency (FEMA) as a condition of the City's continued participation in the National Flood Insurance Program (NFIP). The NFIP was the only way property owners could insure themselves against flood risk. Private insurance companies did not insure against flood risks, although they might act as brokers of NFIP policies. FEMA had informed the City that it must revise its Floodplain Management Ordinance to meet changing FEMA standards. The Ordinance required the City Engineer to review and approve development permits within flood-prone areas for all types of structures. Persons constructing or making "substantial improvements" to such structures (by spending fifty percent or more of the value of the structure) must comply with a progressively increasing series of mitigation requirements (often including flood proofing and anchoring) depending on the type of structure and how flood-prone its location was, to minimize the potential for flood damage. The Flood Management Regulations applied to very few properties in the City and most of the regulations did not have a direct fiscal impact upon City operations.

ADOPTED ORDINANCE NO. 2009-6, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 9-66 OF TITLE 9 OF THE

MUNICIPAL CODE RELATING TO FLOOD MANAGEMENT REGULATIONS.

4.10 AMENDMENT AND RESTATEMENT OF CHAPTER 9-46 OF TITLE 9 OF THE MUNICIPAL CODE RELATING TO LANDSCAPING STANDARDS AND GUIDELINES (0480-20)

Written report from the City Clerk's Department indicated this Ordinance made technical changes to Chapter 9-46 to align the requirements of this Chapter with concurrently adopted Chapter 9-47. Chapter 9-46 currently contained standards for both landscape and irrigation plans. The City's proposed Water Efficient Landscape Ordinance, Chapter 9-47, also contained irrigation plan standards in conformity with AB 1881, which would result in two different sections of the Code containing standards for irrigation plans. To avoid duplication and confusion, City staff recommended that existing references to irrigation plans in Chapter 9-46 be deleted. Portions of existing Chapter 9-46 required a landscape plan would remain unchanged.

ADOPTED ORDINANCE NO. 2009-8, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 9-46 OF TITLE 9 OF THE MUNICIPAL CODE RELATING TO LANDSCAPING STANDARDS AND GUIDELINES.

4.11 ORDINANCE ADDING SECTION 12-12.225 TO CHAPTER 12-12 OF TITLE 12 OF THE MUNICIPAL CODE REGARDING THE REMOVAL OF ENCROACHMENTS FROM THE PUBLIC RIGHT-OF-WAY (0480-20)

Written report from the City Clerk's Department indicated the City Council previously directed the City Attorney to prepare amendments to the Municipal Code to allow for the immediate and summary abatement of encroachments in the public right-of-way. The City Attorney subsequently prepared an Ordinance that declared that any encroachments in the public right-of-way in violation of the Code were a public nuisance. This Ordinance would allow the Director of Public Services/City Engineer to immediately remove any encroachment from the public right-of-way which: (1) obstructed or prevented the use of the public right-of-way; (2) consisted of refuse, rubbish, or debris; (3) was a traffic hazard; or (4) was not removed from the public right-of-way following notice to a responsible party and an opportunity for the responsible party to remove the encroachment. The City might experience increased costs relating to the removal of an encroachment from the public right-of-way; however, it was anticipated that such costs would be recovered from the responsible party as provided for in the Ordinance.

ADOPTED ORDINANCE NO. 2009-9, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADDING SECTION 12-12.225 TO CHAPTER 12-12 OF TITLE 12 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING THE REMOVAL OF ENCROACHMENTS FROM WITHIN THE PUBLIC RIGHT-OF-WAY.

4.12 STATE OF CALIFORNIA ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (0670-30)

Written report from the Public Services Department indicated the American Recovery and Reinvestment Act provided energy efficiency funding for states to reduce energy consumption by replacing high energy use fixtures and equipment. The City of Laguna Hills was eligible for these funds, in the amount of $174,071, under a "small cities grant" program which was part of the Energy Efficiency and Conservation Block Grant Program (EECBG) administered by the California Energy Commission. City staff recommended submitting a grant application to fund energy efficient fixture and equipment replacements at the Community Center and Sports Complex, Civic Center, various traffic signals, and various local parks. The application was due on or before January 12, 2010, and required an authorizing Resolution. The EECBG did not require any matching funds, but the City would attempt to leverage the grant funds with energy conservation applications to both Southern California Edison Company and San Diego Gas and Electric Company. Nonetheless, staff time and potentially a small direct cost would be incurred to implement the grants. The funding was not included in the current budget and, if awarded, would require a future budget amendment.

ADOPTED RESOLUTION NO. 2009-12-08-5, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING THE FILING OF AN APPLICATION FOR THE CALIFORNIA ENERGY COMMISSION'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.

4.13 COOPERATIVE AGREEMENT C-9-0805 BETWEEN ORANGE COUNTY TRANSPORTATION AUTHORITY, THE CITY OF LAGUNA HILLS, AND THE CITY OF ALISO VIEJO FOR INSTALLATION OF TRAFFIC SIGNAL INTERCONNECT CONDUIT AND COMMUNICATIONS MEDIA IN SUPPORT OF THE ALICIA PARKWAY TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT (0400-10)

Written report from the Public Services Department indicated the City of Laguna Hills and other agencies executed a Memorandum of Understanding last year to allow the Orange County Transportation Authority (OCTA) to implement the Alicia Parkway Traffic Light Synchronization Project to coordinate traffic signals along the entire length of Alicia Parkway. As a part of that Project, it was necessary to tie traffic signals together with interconnect conduit and cable. The City of Aliso Viejo and OCTA had requested that the City of Laguna Hills include the traffic signal at Alicia Parkway at Holly Oak Drive as an interconnected signal to the Alicia Parkway at Ramona Drive traffic signal. This was due to physical constraints of the San Joaquin Hills Transportation Corridor (I-73) that did not allow the City of Aliso Viejo to connect to that traffic signal. The proposed Cooperative Agreement between the three parties would authorize the City of Laguna Hills to construct this conduit and cable and to be compensated by the OCTA for the costs thereof. The City of Laguna Hills would include this project as a part of our separate, but related, Alicia Parkway Traffic Light Synchronization Project, CIP No. 173. The Cooperative Agreement C-9-0805 required the City of Laguna Hills to construct a conduit and cable system from the traffic signal at Alicia Parkway and Ramona Road to the traffic signal at Alicia Parkway and Holly Oak Drive in the City of Aliso Viejo. The OCTA would reimburse the City of Laguna Hills for the full cost of that work in the estimated maximum cost of $53,900. The work was anticipated to be included in the City of Laguna Hills Alicia Parkway Traffic Light Synchronization Project, CIP No. 173, and would have no adverse fiscal impact to the City.

APPROVED COOPERATIVE AGREEMENT C-9-0805 BETWEEN ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF LAGUNA HILLS AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

4.14 AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING NO. C-8 1403 BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITIES OF ALISO VIEJO, LAGUNA HILLS, LAGUNA NIGUEL, MISSION VIEJO, RANCHO SANTA MARGARITA, AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ALICIA PARKWAY TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT (0400-10)

Written report from the Public Services Department indicated that at the City Council meeting of April 14, 2009, the City Council approved a Memorandum of Understanding (MOU) with the Orange County Transportation Authority (OCTA) to implement the Alicia Parkway Traffic Light Synchronization Program Project, also known as the Alicia TLSP Project, and authorized the Mayor to sign the MOU. This project was intended to synchronize the traffic signals along the entire eleven mile length of Alicia Parkway, including 41 signalized intersections, throughout multiple jurisdictions. Due to a delay in the provision of State funding for the project, the term of the MOU needed to be extended by one year. The proposed Amendment No. 1 would accomplish this term extension and keep the project moving.

APPROVED AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING NO. C-8-1403 BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITIES OF ALISO VIEJO, LAGUNA HILLS, LAGUNA NIGUEL, MISSION VIEJO, RANCHO SANTA MARGARITA, AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ALICIA PARKWAY TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT AND AUTHORIZED TO MAYOR TO SIGN THE AMENDMENT.

4.15 PROFESSIONAL SERVICES AGREEMENT WITH HOGLE-IRELAND, INC., FOR PLANNING SERVICES (0400-10)

Written report from the Community Development Department indicated the City of Laguna Hills had contracted with Hogle-Ireland, Inc., to assist the Community Development staff to meet the planning service needs of the City, since 1992. This firm was originally chosen in a competitive selection process based on experience, references, and professional fees. The term of the current Professional Services Agreement ("Agreement") for Planning Services expired on December 11, 2009. Staff recommended that the City continue its contractual relationship with Hogle-Ireland, Inc. The Agreement would augment in-house staff that provided the day-to-day planning services. The General Planning Services expenses allowed by this Agreement were $20,000 over the next two years in the City's Proposed FY 2009-2011 Budget. However, should a significant development project be proposed, additional contract staff would be available to assist in-house staff to address the increased work-load. Application fees associated with Fee-based Processing Services would offset any costs associated with a project and would not impact the City's general fund.

AUTHORIZED THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HOGLE-IRELAND, INC., FOR PLANNING SERVICES.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.9 ADDITION OF CHAPTER 9-47 OF TITLE 9 OF THE MUNICIPAL CODE RELATING TO LANDSCAPE WATER EFFICIENCY (0230-35)

Mayor Pro Tempore Scott indicated that his purpose in pulling this item from the Consent Calendar was to allow a separate vote on the item. He stated that he had opposed this Ordinance when it was introduced and now intended to vote against the adoption of the Ordinance.

Written report from the City Clerk's Department indicated as of January 1, 2010, State law would require the City to adopt either a State Model Water Efficient Landscape Ordinance or a local alternative which was "at least as effective" as the State Model Ordinance. The Orange County Division of the League of California Cities had developed an alternative local Model Water Efficient Landscape Ordinance supported by the Orange County Chapter of the Building Industry Association intended to promote local control. The Countywide Model Ordinance accomplished focused landscape water efficiency objectives for those landscape projects to which it applied and met the requirements of the State law. The Countywide Model Ordinance had several advantages over the State Model Ordinance. First, certification by a landscape professional of landscape water efficiency documentation packages for landscape projects reduced the need for City resources and fees to perform this function. Second, the extensive technical details contained in the State Model Ordinance were split by the Countywide Model Ordinance into a separate Guidelines document to be adopted by minute order and amended by City Council Resolution, allowing the City's landscape water efficiency standards to be amended or updated more easily than what the State Model Ordinance provided. The proposed Guidelines were recommended for adoption concurrent with the adoption of the Countywide Model Ordinance. Third, the Countywide Model Ordinance was tailored to local conditions, such as incorporating direct references to Orange County Fire Authority Regulations and clarifying that the Orange County Fire Authority Regulations took precedence in the event of a conflict between the Orange County Fire Authority Regulations and the Countywide Model Ordinance.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT ORDINANCE NO. 2009-7, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADDING CHAPTER 9-47 TO TITLE 9 OF THE MUNICIPAL CODE RELATING TO LANDSCAPE WATER EFFICIENCY; AND ADOPT THE GUILDELINES FOR IMPLEMENTATION OF THE CITY OF LAGUNA HILLS WATER EFFICIENT LANDSCAPE ORDINANCE.

The motion carried by the following vote:

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

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED DECEMBER 8, 2009 (0300-30)

Council Member Carruth pulled this item from the Consent Calendar to ask about the high number of refunded vehicle citations.

Lieutenant Doan indicated that historically these were from people who had disputed their parking citations with the Traffic Sergeant for whatever reason and the results were found in their favor. In order to dispute those, they had to post the fine first; these checks were the refunds from these fines. Lieutenant Doan did not have further information on these citations, and his Department was not issuing any more citations than it had in the past.

Council Member Carruth asked about the specifics regarding the hazardous waste containers recycling program and how it related to the Citywide effort.

Deputy City Manager Reynolds indicated that the Sharps Compliance item was misleading in its description and was part of the hazardous waste program. He indicated that the sharps program implemented at local pharmacies was a cost for the company to provide the City with containers that residents could use for disposal of sharps waste. Sharps Compliance was providing containers to pharmacies so that residents could obtain containers at the pharmacies and bring the sharps back to the pharmacies for disposal.

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 CARRUTH, SECONDED BY COUNCIL MEMBER SONGSTAD, TO APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $271,778.03.

The motion carried by the following vote:

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

5. CITY COUNCIL PUBLIC HEARINGS

5.1 A RESOLUTION APPROVING TWO MINOR TECHNICAL REVISIONS TO THE HOUSING ELEMENT (0630-05)

Community Development Director Jones indicated that following the City Council's adoption of the 2009 Comprehensive Update of the Laguna Hills General Plan, the Housing Element was forwarded to the State Department of Housing and Community Development for a second review. The Housing and Community Development Department completed the review and identified two technical revisions to the document. The revisions included the insertion of Table H-41a, entitled "Commercial Underutilized Sites," and one minor amendment to Item H-9 of Appendix A (Residential Units) for clarification. The revision was consistent with State law. Mr. Jones indicated that with the two revisions the Housing and Community Development would certify the City's Housing Element.

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

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2009-12-08-6, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING TWO TECHNICAL REVISIONS TO THE HOUSING ELEMENT, INCLUDING INSERTING A COMMERICAL UNDERUTILIZED SITES TABLE TO THE HOUSING ELEMENT AND AMENDING ITEM H-9 OF APPENDIX A (RESIDENTIAL UNITS) OF THE 2009 COMPREHENSIVE UPDATE OF THE LAGUNA HILLS GENERAL PLAN.

The motion carried by the following vote:

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

5.2 APPROVAL OF FINAL PARCEL MAP NO. 2009-134 (CITY APPLICATION: TENTATIVE PARCEL MAP NO. 10-09-1476) (0600-20)

Council Member Lautenschleger indicated he had a conflict with this item, recused himself from the dais, and left the meeting.

Community Development Director Jones indicated that during the City's General Plan Update the open space area adjacent to the intersection of Moulton Parkway and La Paz Road was identified as one of the opportunity areas in the General Plan Update. Mr. Jones indicated that the opportunity involved enhancing the economic development, the potential for commercial expansion, and enhancing the trail landscape improvements in the open space area. The parcel map was the first step in implementing the City's goal and vision for the area. On November 20, 2009, the City's Subdivision Committee reviewed and approved the tentative map creating two parcels out of the existing 11-acre site. The map created a 3-acre parcel with a minimum 50-foot wide trail landscape easement at the corner of Moulton Parkway and La Paz Road with the residual 8-acres remaining as open space. Staff recommended conducting a Public Hearing and approving the final Parcel Map 2009-134.

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

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER SONGSTAD, TO APPROVE FINAL PARCEL MAP NO. 2009-134, SUBJECT TO MINOR TECHNICAL CORRECTIONS, AUTHORIZED THE MAYOR TO SIGN THE FINAL MAP AS THE OWNER REPRESENTATIVE AND THE CITY CLERK TO ATTEST THERETO.

The motion carried by the following vote:

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

Council Member Lautenschleger returned to the meeting.

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 8:34 p.m. and reconvened the City Council at 8:35 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. 2009 CITY MANAGER'S YEAR END REPORT (0100-80)

City Manager Channing congratulated Mayor Bressette on his appointment as Mayor. Mr. Channing indicated that this report was his traditional year-end report reviewing the activities and accomplishments of the City as well as an outlook for 2010.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RECEIVE AND FILE THE 2009 CITY MANAGER'S YEAR END 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. REFUNDING CERTIFICATES OF PARTICIPATION (2010 REFINANCING PROJECT) (0340-40)

Assistant City Manager White indicated over the past two years the City had taken a number of important measures to deal with the recession and its impact on the budget. Mr. White indicated that in addition to the personnel reorganization, the City undertook budget cuts this past spring that collectively exceeded two million dollars in annual savings. The City also raised various fees to bring them in line with cost recovery objectives and the competitive market place. Mr. White indicated after the adoption of the budget in June, the City continued to look for ways to trim costs as mentioned in the City Manager's Year End report. The City already achieved $320,000 in budget savings this year. In consultation with the financial advisor and the City's underwriter, the City evaluated whether or not a refinancing of the City's outstanding Certificates of Participation (COP) could save money. The City believed that interest rates were at historical lows and that a window of opportunity existed to refinance the outstanding Certificates of Participation and achieve interest cost savings before the State re-entered the bond market in February and drove rates up. This window of time was the best opportunity for the City to maximize interest cost savings and might be the last opportunity for both the

2001 and the 2003 Certificates of Participation. Interest rates and the tax exempt municipal bond market had already dropped below what they were last week. The City had already achieved that threshold of 5.75 percent present value savings if the bonds were priced today. Mr. White indicated that the City was optimistic and hopeful that rates would continue to remain low through January and recommended the City take advantage of this opportunity.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2009-12-08-7, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO AS AMENDED TO READ IN PARAGRAPH B, LAST SENTENCE "... SAVINGS TO THE CITY OF AT LEAST 5% OF REFUNDED PRINCIPAL."

The motion carried by the following vote:

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

LAGUNA HILLS PUBLIC IMPROVEMENT CORPORATION SPECIAL MEETING

Mayor Bressette recessed the City Council meeting to the Public Improvement Corporation meeting at 8:50 p.m. and reconvened the City Council at 8:51 p.m. All Council Members were present.

6.3 City Clerk

A. 2010 CITY COUNCIL MEETING SCHEDULE (0410-37)

City Clerk Johns indicated each year the City Council took the opportunity to review the upcoming year's meeting schedule and provided a copy of the proposed calendar for City Council's review.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO ADOPT THE PROPOSED CALENDAR FOR 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

6.4 Public Services Director/City Engineer

A. ADOPTION OF THE 2009 ORANGE COUNTY TRANSPORTATION AUTHORITY COMMUTER BIKEWAYS STRATEGIC PLAN AS THE CITY'S BICYCLE TRANSPORTATION PLAN (0860-40)

Assistant City Engineer Javed gave a PowerPoint presentation and indicated in March of 2008, Orange County Transportation Authority contacted all cities in Orange County to obtain an inventory of existing and proposed bikeways. The Orange County Transportation Authority compiled a database and reviewed all the existing and proposed bikeways and how they were all connected. Mr. Javed indicated the plan was developed in coordination with Orange County's local jurisdictions and public participants. Mr. Javed indicated that the Commuter Bikeways Strategic Plan encouraged the development of a safe and convenient bikeway system focusing on the needs of commuters, and on strategies that would make bicycling a more attractive alternative to driving. Through the cooperation of the cities and the County, an inventory was taken of existing bikeways and priorities for new bikeways were indentified. Mr. Javed indicated that by adopting the plan as the City's Bicycle Transportation Plan the City would be eligible for State of California Bicycle Transportation Account funds. The Traffic Commission recommended the plan for adoption at the November 18, 2009, meeting.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT THE ORANGE COUNTY TRANSPORTATION AUTHORITY COMMUTER BIKEWAYS STRATEGIC PLAN AS THE CITY BICYCLE TRANSPORTATION PLAN IN ORDER FOR THE CITY TO MEET ELIGIBILITY REQUIREMENTS FOR STATE BICYCLE TRANSPORTATION FUNDING.

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 CONTINUED

8.1 Mayor Bressette

B. BREAKFAST WITH SANTA (0950-05)

Mayor Bressette indicated he attended the "Breakfast with Santa" event at the Laguna Hills Community Center, and thanked the Community Services staff for a well-attended event. Santa Claus was in attendance, breakfast was prepared by the Recreation staff, and the food was delicious. The Parks and Recreation Commissioners served the breakfast with dignity and pride and did a great job. Mayor Bressette appreciated the efforts of the entire Community Services Department for this event.

9. CLOSED SESSION

Mayor Bressette recessed the meeting into Closed Session at 8:58 p.m.

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

9.2 CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency Negotiator: Joel Lautenschleger, City Council Designee
Unrepresented Employee: City Manager

Mayor Bressette reconvened the meeting at 11:01 p.m. All Council Members were present.

10. CONSIDERATION OF COMPENSATION FOR CITY MANAGER

Mayor Bressette called on Council Member Lautenschleger to report on the outcome of negotiations in Closed Session. Council Member Lautenschleger stated that the City Manager and the City Council had reached an accord with regard to his performance.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER SONGSTAD, THAT THE CITY MANAGER IS AWARDED THE MAXIMUM PERFORMANCE BONUS FOR CALENDAR YEAR 2009 AS AUTHORIZED PURSUANT TO SECTION 5(B) OF THE CITY MANAGER'S EMPLOYMENT CONTRACT.

The motion carried by the following vote:

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

Council Member Carruth stated that given the troubled economy and issues raised in Closed Session, she indicated she was opposed to the motion. Council Member Carruth indicated that she had raised concerns for three years regarding the City Manager's contract relative to his bonus, car, compensation, vacation, and travel.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 11:08 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF JANUARY 12, 2010.