CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
NOVEMBER 9, 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, and asked for a moment of silence in memory of the fallen Marines of the 3/5.

PLEDGE OF ALLEGIANCE

Council Member Songstad 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; Michael Boyle, Battalion Chief, Orange County Fire Authority; David Reynolds, Deputy City Manager; Melissa Au-Yeung, Senior Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 ORANGE COUNTY HUMAN RELATIONS COUNCIL ANNUAL REPORT (0130-60)

The City Council received an oral presentation from Ken Inouye, Commissioner, on the Orange County Human Relations Council.

2. PUBLIC COMMENTS

2.1 FENCE ON CITY EASEMENT (0810-05)

Jay Ajaltouni, Laguna Hills, indicated he had attended the City Council meeting previously regarding the fence he constructed on his property along the easement and was presenting tonight to the City Council a few days before the filing of a criminal lawsuit by the City. He distributed photos of the fence in question and a description of this issue. Mr. Ajaltouni indicated that the fence he constructed was done following a property survey, but the surveyor failed to inform him in writing that there was an easement and to be careful where he constructed the fence. He was present tonight to explain the fact that he was a 12-year resident of Laguna Hills and didn't require a fence for the first ten years he lived at this residence. He had reported that two years ago there was a series of coyote attacks, including an attack on his dogs and his daughter. This event caused him to act quickly to construct the fence to protect his family. Mr. Ajaltouni indicated there were several police reports confirming this event from OC Animal Control. Mr. Ajaltouni reported that when he first erected the chain link fence, which was not approved by the City, he had planted more than 120 shrubs. Mr. Ajaltouni stated that as depicted from the handouts, the fence was invisible from the street. He also included several photos of other properties a few hundred feet from his property that had chain link fences. He had until Friday to remove his fence; otherwise he would be prosecuted criminally for an action that he took to protect his family, after he paid $2,000 for a property survey. Mr. Ajaltouni included a copy of his appraisal where it showed his property at 20,000 square feet, and if he moved the fence, the property would be reduced down to 10,000 square feet. He had asked the City, since he submitted a survey that was not approved, to tell him where his property line actually was so he could move the fence back to that line, but the City did not respond. He expected satisfaction from the City and only wanted to protect his family. Mr. Ajaltouni said it was impossible to move 160 feet of fencing in two days. He did not understand why he could not move the fence up to his property line, and had spent in excess of $15,000 for shrubs on his slope to make sure the City looked beautiful. He had spent another $6,000 in attorney fees.

2.2 DOG LICENSING CAMPAIGN UPDATE (0200-10)

Barbara Kogerman, City Council Member-elect, questioned the cost-effectiveness of canvassing and attendant "Big Brother" perception that it brought versus why citizens were reluctant to participate in licensing and instead try to take their stray animals to neighboring shelters or stay entirely out of the Orange County Animal Shelter system. Mrs. Kogerman reiterated several of the bullet points contained in the staff report that she had found exception with, particularly the euthanasia rates at the Orange County Shelter, and the City's proposed License Canvassing Program.

2.3 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, OCTOBER 26, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER SONGSTAD, TO APPROVE THE MINUTES OF THE OCTOBER 26, 2010, 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 LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NO. 4.3.

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 NOVEMBER 9, 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 $214,421.93.

4.4 CLAIM AGAINST THE CITY, AZAR SAFAVI (0180-15)

Written report from the City Clerk's Department indicated that on October 12, 2010, the City received a claim, in the estimated amount of $127,923.55, filed by Azar Safavi, as a result of an accident that occurred on Moulton Parkway at its intersection with Via Lomas on May 8, 2010, at 2:06 p.m. On October 26, 2010, the City received notification from its Claims Administrator to reject the claim. The City Manager had the authority to reject claims in amounts less than $50,000. Because of the amount involved with this claim, the City Council must reject the claim.

REJECTED THE CLAIM AND DIRECTED THE CITY CLERK TO SEND THE STANDARD REJECTION LETTER.

4.5 RECORDS RETENTION MANAGEMENT (0170-50)

Written report from the City Clerk's Department indicated that 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 were ready for disposal. The City Attorney had reviewed Exhibit "A" to the Resolution listing the files to be disposed of and approved the list of records. Department Heads had also reviewed the records listed and had consented to their disposal.

The records listed on Exhibit "A" to the proposed Resolution met the requirements for disposal. They were more than two years old, did not affect the title to real property or liens thereon, were not court records, were not required to be kept further by a statute, and were no longer required by the City. Authority to dispose of these records was requested as provided for by Government Code Section 34090 of the State of California.

ADOPTED RESOLUTION NO. 2010-11-09-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY CLERK TO NO LONGER RETAIN CERTAIN CITY RECORDS AND DOCUMENTS, WITH A DISPOSAL DATE OF NOVEMBER 10, 2010, PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

4.6 FIRST QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY2010/11 (0300-40)

Written report from the Administrative Services Department indicated that staff submitted to the City Council the Quarterly Financial Highlights for the First Quarter of Fiscal Year 2010/11. The financial statements showed the planned use of reserves for the first quarter. This was largely due to the number of revenues and expenditures that were unevenly received or expended over the course of the year. The City's total managed portfolio of $8,963,930 as of September 30, 2010, was invested in authorized securities.

RECEIVED AND FILED THE FIRST QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY 2010/11.

4.7 AMENDMENT NO. 2 TO PROPOSITION 1B CITY AGREEMENT WITH THE COUNTY OF ORANGE (0400-10)

Written report from the Public Services Department indicated that the County of Orange previously provided the City with a share of their Proposition 1B funds for use on street improvement projects. As a result of cost savings on the most recent project involving these funds, the Moulton Parkway Pavement Rehabilitation Project, CIP No. 166/167, staff requested that the County authorize the reallocation of approximately $115,000 from that project to the City's Citywide Pavement Rehabilitation Project, CIP No. 101-G. County staff was supportive of this reallocation of funds. The County of Orange had encouraged the City to utilize the full expenditure of the County provided Proposition 1B funds in the amount of $500,000. Due to project savings on the Moulton Parkway Pavement Rehabilitation Project, CIP No. 166/167, the County had proposed that the balance of approximately $115,000 be shifted to the City's Pavement Rehabilitation Project, CIP No. 101-G. The additional funding was necessary to complete the project.

APPROVED AMENDMENT NO. 2 TO PROPOSITION 1B CITY AGREEMENT WITH THE COUNTY OF ORANGE AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

4.8 AWARD OF CONTRACT FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-G (0400-10)

Written report from the Public Services Department indicated that in accordance with City Council authorization, five bids for the subject project were received on September 23, 2010. The apparent low bidder, PALP, Inc. dba Excel Paving Company, met the contract requirements, was currently licensed, and provided satisfactory references. The projected total cost of the Citywide Pavement Rehabilitation Project, CIP No. 101-G, was $1,737,156. The project was funded in the Fiscal Year 2010-2011 Capital

Improvement Program budget in the amount of $1,490,000. Additional funding for this project was being provided by approximately $115,000 of County Proposition 1B funds and approximately $165,000 of Proposition 42 funds, both accrued from other project savings (CIP No. 166/167). Total funds available are $1,770,000.

AWARDED THE CONTRACT FOR THE CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-G, TO THE APPARENT LOW BIDDER, PALP, INC., DBA EXCEL PAVING COMPANY, IN THE LOW BASE BID AMOUNT OF $1,598,750, AND AUTHORIZED THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST TO THE CONTRACT DOCUMENTS AND AUTHORIZED THE CITY MANAGER TO APPROVE TASK ORDERS FOR PROFESSIONAL SERVICES AS DESCRIBED.

4.9 REJECTION OF ALL BIDS FOR THE LA PAZ ROAD WIDENING AT INTERSTATE 5 IMPROVEMENT PROJECT, CIP NO. 159, AND AUTHORIZATION TO RE-ADVERTISE THE PROJECT FOR BIDS (0400-10)(0370-38)

Written report from the Public Services Department indicated that in accordance with City Council authorization, bids were opened for the subject project on October 19, 2010. Eight bids were received on the project. Upon analysis of the bids, staff identified an error in the City's bid documents which cannot be reasonably resolved following an award of contract. Therefore, it was recommended that all bids be rejected. The plans and specifications and contract documents for the subject project had subsequently been revised to correct the error and the project was, once again, ready to be advertised for bids. The funding for the La Paz Road Widening at Interstate 5 Improvement Project, CIP No. 159, was included in the current Fiscal Year Budget. Due to the rejection of the bids, staff proposed to provide the revised bid documents to the previous plan holders at no cost. The $100 cost per set of bid documents would be covered in the budget.

REJECTED ALL BIDS RECEIVED ON OCTOBER 19, 2010, FOR THE LA PAZ ROAD WIDENING AT INTERSTATE 5 IMPROVEMENT PROJECT, CIP NO. 159, APPROVED THE PLANS AND SPECIFICATIONS AND CONTRACT DOCUMENTS ON FILE WITH THE OFFICE OF THE CITY CLERK, AND AUTHORIZED THE RE-ADVERTISEMENT OF BIDS FOR THE PROJECT.

4.10 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE COSTEAU PARK PLAYGROUND RENOVATION, CIP NO. 239, AND THE COMMUNITY CENTER AND SPORTS COMPLEX PLAYGROUND RENOVATION AND LIGHTING REFURBISHMENT, CIP NO. 514 (0400-10)(0370-38)

Written report from the Public Services Department indicated that the plans and specifications for the subject projects had been completed by the landscape architecture firm of Richard Fisher and Associates and were ready to be advertised for bids. The Costeau Park Playground Renovation was a complete replacement of all of the playground equipment and surfacing and the addition of multiple additional play features and play panels based upon public input. The Community Center and Sports Complex improvements included the resurfacing of the rubberized surfacing of the Community Center playground, modification of the sand features, and improvements to the turtle water feature. The project also included the refurbishment of approximately 38 walkway light poles throughout the Community Center and Sports Complex. It was recommended that the City Council approve the plans and specifications and authorize the projects to be advertised for bids. The Renovation of Playgrounds Project, CIP No. 239, which included Costeau Park, had a Capital Improvement Program budget in the amount of $220,000. That budget also provides an allocation of funding for minor playground improvements at Stockport Park which would be addressed as a future project. The Sports Complex Renovations, CIP No. 514, which included the playground and walkway lighting improvements, had a Capital Improvement Program Budget in the amount of $305,000. The budget also provided an allocation of funding for a future building painting project.

APPROVED THE PLANS AND SPECIFICATIONS FOR THE COSTEAU PARK PLAYGROUND RENOVATION, CIP NO. 239, AND APPROVED THE PLANS AND SPECIFICATIONS FOR THE COMMUNITY CENTER AND SPORTS COMPLEX PLAYGROUND RENOVATION AND LIGHTING REFURBISHMENT, CIP NO. 514, AND AUTHORIZED THE ADVERTISEMENT FOR BIDS OF THE PROJECTS.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.3 DOG LICENSE CAMPAIGN UPDATE (0200-20)

Mayor Bressette removed this item from the Consent Calendar to inquire about the gross and net cost of canvassing. Mayor Bressette indicated there was a reference to a $40,000 cost for the canvasser and if the net revenue after the dog license campaign would exceed that amount. Mayor Bressette also asked if 60% of licensed dogs was the goal and what benefit the City received by increasing the number of licensed dogs.

Assistant City Manager White reported that the canvassing program had not yet started. Page three of the staff report indicated that the next step in the dog license campaign, following the public education and amnesty period, would be the License Canvassing Program, which was scheduled to begin November 15, 2010. The License Canvassing Program came out of considering spay and neutering programs, as it was determined that the most effective way for the City on a local level to reduce euthanasia rates was to increase the number of altered dogs, and the best way to increase the number of altered dogs was to let the licensing differential work. Mr. White indicated it cost $100 per year for a license for an unaltered dog and $24 per year for an altered dog. Staff had found that for unlicensed dogs, about 25% of dogs were unaltered; in the licensed population that number dropped to 10%. Mr. White indicated that the second goal was to increase the rate of infield returns to owners, if a dog was licensed or had a microchip, they could be returned to the owners in the field. Mr. White indicated that the third goal was to decrease shelter intake numbers; the fourth was to increase the number of dogs up to date on their rabies vaccinations; and the fifth and final goal was to increase license revenue. Mr. White indicated that it cost the City $40,000 for a license canvasser for one year. During that time it was expected they could write approximately 1,152 licenses, and taking only the license revenue, there would be a gain of $36,000, assuming a 90% altered, 10% unaltered ratio. The addition of late fees and penalties would bring that number up to $53,000 in the first year. There was a very systematic approach to following up on license renewals so there would be renewal money coming in every year. From last August to this August, there was an increase in the number of licensed dogs by 7%, some were from the amnesty period, but most came from the City's public education efforts.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, 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

5. CITY COUNCIL PUBLIC HEARINGS

5.1 ORDINANCES ADOPTING BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODES CONSISTING OF THE CALIFORNIA BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE, RESIDENTIAL CODE, AND THE GREEN BUILDING STANDARDS CODE AND ADOPTING BY REFERENCE AND

AMENDING THE 2010 EDITION OF THE CALIFORNIA FIRE CODE (0480-10)

Community Development Director Jones indicated that approximately every three years the State Building Codes were updated or amended. The 2007 Codes had now been updated as the 2010 Model Building and Fire Codes and would become effective on January 1, 2011. In addition to adopting these Codes, State law allowed the City to adopt the Codes with modifications that were more restrictive based upon findings by the City Council that the changes were reasonable and necessary because of local climatic, geological, or topographical conditions. Orange Country Fire Authority requested that the City adopt more restrictive fire sprinkler codes applicable to larger room additions projects that would be triggered by room additions of at least 1,000 square feet. Two options were provided to the City for consideration; Option 1 which was triggered by 1,000 square feet additions which also exceed 1/3 of the existing residence. Option 2 was triggered when the building area exceed 3,600 square feet and the addition was 1/3 or more of the total existing building area. Staff did some research to determine what impact the Options might have on future room addition projects and basically review the projects over the past five years. Staff determined that Option 1 would impact three projects annually, and Option 2 would impact about two projects annually. Most of the City residential improvement projects were below that threshold and would not be impacted by the new requirement. Mr. Jones indicated that staff had recommended Option 1, which was the fire sprinkler requirement triggered by the 1,000 square foot additions exceeding 1/3 of the existing building. Mr. Jones reported that the National Fire Protection Association had published national cost information to install sprinklers and the Orange County Fire Authority had also updated the information with local research in this area. Mr. Jones introduced Dennis Grub, Assistant Fire Marshall, with the Orange County Fire Authority.

Mayor Bressette opened the Public Hearing.

Dennis Grub, Assistant Fire Marshall with the Orange County Fire Authority, showed the City Council an 8-minute video of a fire test that demonstrated the merits of fire sprinklers.

Mayor Bressette closed the Public Hearing.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, INTRODUCED AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING CHAPTERS 10.28, 10.32, 10.36, AND 10.40 AND ADDING CHAPTERS 10.48 AND 10.52 TO TITLE 10 OF THE LAGUNA HILLS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE

2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2010 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2009 INTERNATIONAL BUILDING CODE), THE 2010 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2009 UNIFORM MECHANICAL CODE), THE 2010 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2008 NATIONAL ELECTRICAL CODE), THE 2010 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2009 UNIFORM PLUMBING CODE), THE 2010 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2009 INTERNATIONAL RESIDENTIAL CODE), AND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND

INTRODUCED AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING TITLE 5 OF THE LAGUNA HILLS MUNICIPAL CODE, BY REPEALING CHAPTER 5-16 AND ADDING A NEW CHAPTER 5-16, ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA FIRE CODE (INCORPORATING AND AMENDING THE 2009 INTERNATIONAL FIRE CODE), PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INCLUDED APPENDIX CHAPTER 4, APPENDIX B, AND APPENDIX C, AS AMENDING HEREIN, FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO THE LIFE AND PROPERTY FROM FIRE OR EXPLOSION, WHICH INCLUDES OPTION 1 WITH REGARD TO FIRE SPRINKLERS; AND

DIRECTED THAT THE ORDINANCES BE PLACED ON THE NOVEMBER 23, 2010, MEETING AGENDA FOR ADOPTION.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:56 p.m. and reconvened the City Council meeting at 7:56 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. CIVIC CENTER PUBLIC ART PROGRAM STATUS REPORT (0910-40)

Mr. White indicated that the purpose of the report was to provide the City Council with a status report on the continuing activities associated with the Civic Center Public Art Program and introduced new public art related projects for the City Council's consideration.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO DIRECT STAFF TO PREPARE A REPORT REGARDING THE POTENTIAL SALE OF MURAL REPRODUCTIONS.

The motion carried by the following vote:

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

6.3 City Clerk

A LAGUNA HILLS 3/5 MILITARY SUPPORT COMMITTEE (0120-40)

City Clerk Johns indicated that at the October 26 meeting, City Council directed staff to bring a report back containing the available information regarding the re-establishment of the 3/5 military support committee. Staff had been in contact with Staff Judge Advocate Captain Acosta, who was currently working to obtain approval to appoint Kim Reese to the Committee. To date, staff had not been informed of the answer to the City Council's original question which was whether military personnel can be appointed to serve on the committee.

Staff compared the support committees of Dana Point, Irvine, Laguna Niguel, Mission Viejo and Rancho Santa Margarita. From the analysis and in speaking with the staff liaisons, Ms. Johns found that there were several key elements in common with each of these successful committees. Ms. Johns indicated that the elements were; a staff liaison to help facilitate events, and to ensure that an inviting atmosphere for new volunteers was created and maintained, committee members who were positive and passionate about serving the battalion and shared the goals of the committee, and a community that was motivated and committed to serving the needs of their adopted battalion.

Ms. Johns indicated that the failure of battalion adoption committees was directly attributed to the lack of dedicated community volunteers willing to actively serve and participate on committees.

City Clerk Johns indicated that there were two different types of Committees that could be formed to support the battalion; a non-Brown Act Committee (Option A) and a Brown Act Committee (Option B). Ms. Johns indicated that the difference in cost between Option A and Option B was calculated at approximately $20,000 - $30,000 per year in City Clerk staff time. If so directed, a report could be brought back to the City Council at a future meeting with a detailed staffing plan, including associated costs. There would be significant staffing changes required in the City Clerk's Department in order to create additional time for the City Clerk to comply with all Brown Act requirements and serve as City Liaison to the Committee. Ms. Johns indicated the City Clerk's work load was extremely heavy and to add more responsibilities would require significant redistribution of the work load and staffing changes. Both options had proven workable, however, since there was no answer to the original question of whether Military representatives could serve on a City Council appointed committee subject to the Brown Act, Ms. Johns suggested that the City Council would be better off choosing the informal committee Option A approach.

Michael Bland, Laguna Hills indicated that he was glad that the City was moving forward with the re-establishment of the military adoption Committee. Mr. Bland indicated that his personal opinion would be Option A. Mr. Bland stated he would like to volunteer his time to support the Committee. Mr. Bland indicated that he had never served in the military but his wife's father was a Lieutenant Colonel in the Marine Corps.

Major Dawn Deshefy, Laguna Hills, indicated that she was thrilled to hear about Option A and the discussion of the Brown Act. Major Deshefy indicated that she was speaking tonight because she was angry and embarrassed by the City's lack of support of the Battalion 3/5 stationed at Camp Pendleton. Major Deshefy indicated that since October 8, 2010, 14 members of the 3/5 had lost their lives in Afghanistan. Major Deshefy indicated that she was angry because the City had supposedly adopted the 3/5 but she had not seen anything done to support the battalion. Major Deshefy indicated that the City had done nothing to support the 14 families that had lost a loved one and were facing extreme difficulties, and thought at the very least the City should send condolence letters to the commander and families. Major Deshefy reported that she was at the ceremony in September when the City adopted the 3/5 battalion and felt that the City adopted the battalion and was obligated to support it. Major Deshefy indicated that it eased the burden on the soldier when they knew that the community would be taking care of their families. The members of the 3/5 had given the ultimate sacrifice of their lives for our freedom the least the City could do was offer them the red carpet of support filled with kindness, appreciation, and commitment.

Richard Nagle, Laguna Hills reported that two elementary schools in the City, Lomarena and San Joaquin and Laguna Hills High School had put together a drive over the last couple of weeks for personal items and food to be shipped to the 3/5 Marines in Afghanistan. Mr. Nagle indicated that the Activities Director at the High School had spearheaded the drive through the student body and shipped 175 flat rate postal service boxes to the battalion and they would receive the packages before Christmas. Mr. Nagle mentioned that a private school, Pathway School, also collected items that he would ship this week. Mr. Nagle stated that he did not want to be the Chair of the Committee.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR BRESSETTE, TO TAKE THE FOLLOWING ACTIONS WITH REGARD TO THE RE-ESTABLISHMENT OF THE LAGUNA HILLS 3/5 MILITARY SUPPORT COMMITTEE: (1) SELECTED OPTION "A" A NON-BROWN ACT COMMITTEE; (2) THAT THE CITY MANAGER ASSIGN CITY CLERK JOHNS TO BE THE CITY STAFF LIAISON TO THE BATTALION SUPPORT COMMITTEE, AND DIRECT THE CITY MANAGER TO PROVIDE STAFF ASSISTANCE, INCLUDING THE IDENTIFICATION OF A LOCATION AT THE COMMUNITY CENTER FOR MEETINGS; (3) THAT THE CITY COUNCIL AUTHORIZE A BUDGET AMENDMENT IN THE FORM OF A COMMUNITY FUNDING ASSISTANCE RESOLUTION TO ALLOCATE $10,000 TO THE COMMITTEE TO FACILITATE THE 3/5 BATTALION SUPPORT COMMITTEE'S EFFORT TO INCORPORATE AS A

CALIFORNIA NON-PROFIT AND TO FILE FOR THEIR 501(C)(3); AND (4) MAKE IT A REGULAR PRACTICE TO SEND LETTERS OF CONDOLENCE FROM THE MAYOR TO THE FAMILIES OF THOSE MARINES KILLED IN SERVICE.

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. PROPOSED EAGLE SCOUT PROJECT TO ADD A VETERANS MONUMENT AT MANDEVILLE PARK (0730-20)

Public Service Director Rosenfield indicated that from time to time the City was approached by Eagle Scout candidates requesting permission to perform a public service project in pursuit of the coveted Eagle Scout designation. The City welcomed Eagle Scout proposals and had a good track record of accommodating many project requests by Eagle Scout candidates that improved the community. Mr. Rosenfield indicated that recently an Eagle Scout candidate and resident, James Purington, came forward with a proposed project to install a Veterans Memorial plaque within Mandeville Park. Mr. Rosenfield indicated that usually the Eagle Scout projects had been improvements within the public right-of-way. Mr. Rosenfield indicated that this was the first time that the City had an Eagle Scout candidate want to do a modification of adding a private improvement into a public park and the City had no adopted written policy to allow such an improvement. Mr. Purington presented his proposal at the Parks and Recreation Commission to receive their comments on his proposed project, which was approved by the Parks and Recreation Commission with a recommendation to the City Council on October 6, 2010. Mr. Rosenfield indicated that Mr. Purington would present his proposal to the City Council. Mr. Rosenfield indicated that staff did recommend the approval of the project. Mr. Rosenfield showed the City Council an aerial photograph, site photograph, monument rendering, and the proposed plaque.

James Purington, Laguna Hills and Eagle Scout candidate, indicated that he was in Troop #12, which was located in the El Camino Real District. Mr. Purington had been in the Scouts for a very long time and recently came back to complete his Eagle Scout. Mr. Purington explained in detail where his project would be located within Mandeville Park and the details of the project. Mr. Purington indicated the project would include placing a large white granite boulder in front of a bench, overlooking the City of Aliso Viejo, with a plaque honoring the men and women who had served in the Armed Forces. Mr. Purington indicated that he wanted to honor the men and women who made our freedom possible.

Chuck Bolt, Scout Master, and retired US Marine, indicated that he had known James since he was a young boy and had been involved in Scouts for a long time. Mr. Bolt reported that he was a licensed general contractor and with his knowledge he felt that the Eagle Scout projects were done better than most hired projects, because there was a passion, and a scout legacy to the community. Mr. Bolt felt that the project would be a thing of remembrance and beauty, something that would blend in with the landscape and would be a badge of honor for the community.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE PROPOSED EAGLE SCOUT PROJECT OF A VETERANS MONUMENT WITHIN MANDEVILLE PARK AND ACCEPT THE DONATION THEREOF.

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. ORDINANCE AMENDING CHAPTER 5-36 OF TITLE 5 OF THE LAGUNA HILLS MUNICIPAL CODE RELATED TO WATER QUALITY CONTROL (0480-10)

Public Services Director Rosenfield indicated that last year in December 2009, the San Diego Regional Water Quality Control Board adopted the Fourth Term NPDES permit, related to water quality for South Orange County. Mr. Rosenfield indicated that the new Fourth Term Permit was commented on through City Council and delivered by staff and the Mayor with issues of concerns, but the permit had been adopted and the City was now faced with implementation. The South Orange County cities and the County of Orange, as the principal permittee, had been working to meet all of the implementation requirements of the new permit, one of which was to update the City's existing water quality Ordinance to match the current requirement in the water quality permit. Mr. Rosenfield indicated that if the Ordinance was adopted that it would allow the City Attorney to advise the

Regional Water Quality Control Board that the City was in compliance with the permit, which was one of the obligations of the permit. The most significant change in the permit amongst a variety of details was that the San Diego Regional Water Quality Control Board eliminated one of the exemptions that had existed in the prior permits with regards to runoff water that could reach the City's storm drain system. Mr. Rosenfield indicated that one of the exemptions that currently was in the permit and remained in the permit was personal residential car washing. The permit exempts that from water quality control, you can wash your own car provided that you were using a self turn off hose. But the Regional Board staff determined that sprinkler water runoff which had been exempted from the permit requirements would no longer be exempted and was now considered a prohibited discharge. Mr. Rosenfield indicated that individual residential and commercial properties should not be running sprinkler systems in such a way that there was runoff into the City's gutters and storm drain systems. Mr. Rosenfield indicated that the water being used was potable water and some commercial areas it was recycled water but all residential water was potable.

Mr. Rosenfield reported that the City of Laguna Hills was in both the Santa Ana Regional Water Quality Control District and the San Diego Regional Water Quality Control District with El Toro Road being the line between those two districts; those lines were based upon watersheds not City boundaries. In the Santa Ana Region, irrigation water runoff was still allowed, so there were inconsistencies in the community but in order to comply with the San Diego Regional Water Quality Board and be efficient with staffing, it was best to adopt the most stringent requirement for the entire City, such that the City can have uniform implementation of the rules. The City would be sending notices to homeowners associations and commercial users that they need to adjust their irrigation controls and overtime, City staff would be contacting individual residents through observation or complaints that they had runoff issues that they needed to control. Residents and commercial properties should not be wasting water and there were extensive water conservation efforts that were implemented through the two water districts that served the City.

Mr. Rosenfield indicated that the Ordinance was self inclusive of a CEQA determination which was on page 4 of the Ordinance which stated this chapter was subject to CEQA categorical exemption classes 1 through 4, 6 through 9, 21 and 22, pursuant to the CEQA guidelines, respectively, Title 14, California Code of Regulations and a variety of sections that were described. Staff requested that the City Council introduce the Ordinance.

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, TO INTRODUCE AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING CHAPTER 5-36 TO TITLE 5 OF THE MUNICIPAL CODE RELATING TO WATER QUALITY TO ENSURE COMPLIANCE WITH THE FOURTH TERM NPDES PERMIT AS ISSUED BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD.

The motion carried by the following vote:

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

C. NOTICE OF INTENT TO VACATE AND ABANDON THE PUBLIC SERVICE EASEMENT FOR OPEN SPACE PURPOSES WITHIN THE MOULTON AND LA PAZ OPPORTUNITY AREA OF THE LAGUNA HILLS GENERAL PLAN DESCRIBED AS PARCEL 1 (3.365 ACRES) OF FINAL PARCEL MAP 2009-134 (0490-70)

Council Member Lautenschleger stated that he could not participate in the discussion of this item as he lived within 500 feet of this site, recused himself from the dais and left the meeting.

Public Services Director Rosenfield indicated that this report was a collaborated effort with the Community Development Department and the City Attorney's office. Mr. Rosenfield indicated that the Moulton La Paz opportunity area was located at the northeast corner of Moulton Parkway and La Paz Road and it was identified in the General Plan and approved by the City Council as an area which was appropriately identified to be changed as terms as its zoning and potential future use for the betterment of the community. Mr. Rosenfield indicated that the zoning was changed from open space to a landscape corridor and general commercial for the area immediately adjacent to the commercial center which hosted, Kragen Auto, Chuck E. Cheese, and Big 5 Sporting Goods. Mr. Rosenfield stated that the City parcelized that area, formally known as Lot A, of Tract 11237 into two parcels, and parcel one, which had the existing open space easement across it. Mr. Rosenfield indicated that it was staff's determination that the open space easement was not necessary for current or possible public use for a variety of reasons. Staff recommended that City Council adopt the Resolution declaring its intention to vacate and establish a public hearing to allow the public to comment on the proposal to eliminate the open space easement. Mr.

Rosenfield stated that the public hearing would occur at the City Council meeting of December 14, 2010.

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2010-11-09-2; AND DIRECTED THE CITY CLERK TO PROVIDE FOR THE PROPER NOTICE AND PUBLIC HEARING TO VACATE FOR THE DECEMBER 14, 2010, CITY COUNCIL MEETING.

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.

6.5 Deputy City Manager/Community Services

A. COMPARISON OF NON-RESIDENT FEE FOR CONTRACT INSTRUCTOR RECREATION CLASSES (0900-30)

Deputy Manager Reynolds indicated that the City Council directed staff to conduct a comparison of what other cities were charging for a non-resident fee for recreation classes and activities. Mr. Reynolds indicated that the staff report provided an attachment that showed a comparison of what other cities were charging for a non-resident fee, as well as miscellaneous fees such as an administration fee to recover costs of on-line transactions. The administration fee applied to both non-residents and residents. Mr. Reynolds indicated that the City of Laguna Hills did not charge any administration fee. Mr. Reynolds also indicated that the revenue compensation split was also different with some of the cities. Mr. Reynolds indicated that the cities in South Orange County did not have a non-resident fee, some of the cities did have an administration fee and some of the cities in South Orange County had modified their revenue compensation. Mr. Reynolds indicated that staff had the flexibility to adjust the recreation program fees if the increased rate resulted in a significant decrease enrollment. To date, staff had not experienced a significant decrease in enrollment for contract instructor classes due to the non-resident rate increase. Mr. Reynolds indicated that staff's recommendation was to continue the increased fee for non-resident recreation classes.

Vivian Stapleton, Laguna Hills, and contract recreation instructor indicated that her one class was only half full and she believed that the

$10 non-resident fee was affecting her enrollment. Ms. Stapleton indicated that all of the surrounding South Orange County cities did not even charge a non-resident fee, other than the City of Newport Beach. Ms. Stapleton stated that she felt the fee was still too high and was hoping the City Council would consider lowering the fee to $5.00 for non-resident fee for contract instructor taught classes.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, 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

7. OTHER BUSINESS

7.1 APPOINTMENT OF LABOR NEGOTIATOR (0520-10)

City Attorney Simonian indicated that it would be appropriate for the City Council to select and appoint a designated representative for the purposes of facilitating the annual performance evaluation of the City Manager.

Barbara Kogerman, Laguna Hills and City Council elect indicated that she urged the City Council to listen to the citizens. Ms. Kogerman indicated that the City Council had a very clear mandate to reform the senior management compensation process and results. Ms. Kogerman urged the City Council to heed the mandate that the voters had put forth by taking the following actions; table Item Nos. 7.1, 9.1, 9.2, and 10 until the first meeting in January after the new City Council would be seated. Ms. Kogerman indicated that the City Council was certainly allowed to reconsider the schedule that they had set at the City Council meeting of October 12, 2010, during the discussion of Item No. 8.1A, regarding the City Manager's performance evaluation. Ms. Kogerman stated the City Council could save time and needless costs by not hiring a facilitator and by not taking the time to struggle over actions that would be very possibly overturned in the near future. Ms. Kogerman stated there was nothing in the State code that prohibited a new Council Member from participating in a prior years' evaluation. Ms. Kogerman stated that should the City Council fail to table the items to a more appropriate time, given the outcome of the election, and should the current City Council chose to acknowledge the City Manager's performance by granting him a bonus or salary increase or additional benefits, Ms. Kogerman indicated that she would ask Mr. Channing to exercise the diplomacy and good grace to decline to accept any such benefits or compensation.

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO SELECT AND APPOINT JOHN GOSS AS DESIGNATED LABOR NEGOTIATOR FOR PURPOSES OF FACILITATING THE ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER.

The motion carried by the following vote:

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

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Lautenschleger

A. MOBILITY 21 SOUTHERN CALIFORNIA TRANSPORTATION SUMMIT (0840-40)

Council Member Lautenschleger indicated that on Friday, November 5, 2010, he had attended the Mobility 21 Southern California Transportation Summit. This was an all day seminar on transportation where business leaders and elected officials convene and collaboratively to discuss transportation solutions, both state and federal legislative matters, and funding reforms and capital investments required for transportation infrastructure. There was the opportunity to meet wonderful individuals, not only in the business community but other elected officials that would help formulate strong action plans to advocate for Southern California transportation needs.

8.2 Council Member Songstad

A. LEAGUE OF CITIES MEETING DIVISION MEETING (0140-10)

Council Member Songstad reminded the City Council that there would be a business meeting to discuss the reorganization of the Division for a number of reasons. He encouraged the City Council to attend this business meeting. Council Member Songstad would be adding this item to the City Council Agenda for November 23, 2010, for discussion, and Council Member Songstad would be preparing a report on this item. Mayor Bressette indicated there were a number of elected individuals in other cities who chose not to re-run, lost their elections, or were termed out. Mayor Bressette believed it had left a vacuum of regional leadership that would need to be filled.

8.3 Mayor Bressette

A. ORANGE COUNTY TRANSPORTATION AUTHORITY SEAT (0150-20)

Mayor Bressette reported that Richard Dixson of Lake Forest, who had been a regional leader since the City of Lake Forest incorporated, did not prevail in the last election, and his OCTA 5th District seat was currently up for re-election. Mayor Bressette indicated that there were three people who had put their names up for election to that seat: Lisa Bartlett of Dana Point, Peter Hertzog of Lake Forest, and Frank Ury of Mission Viejo. Mayor Bressette asked for input from the City Council as to their preference for which candidate was best qualified for this OCTA seat.

B. 2010 WRAP AWARD (1060-05)

Mayor Bressette indicated that the Simon Properties, owners of the Laguna Hills Mall, was the winner of the 2010 Cal-Recycle Waste Reduction Award Program. Mayor Bressette reported that they won this award by incorporating waste reduction, reuse, recycling and buying recycled materials into their daily business activities. This year's raft WRAP winners reported diverting over 200 million tons from the landfills, saving California over $190 million in cost- savings. Mayor Bressette was happy that Simon Properties took this pro-active approach to waste management and additionally, a number of the restaurants in the mall that recycled all of their food waste, which also diverted materials from the landfill.

City Manager Channing reported that there was no need for Closed Session tonight or for Item No. 10 Consideration of Compensation for City Manager.

9. CLOSED SESSION

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

9.2 CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency Negotiator: Designated Facilitator
Unrepresented Employee: City Manager

10. CONSIDERATION OF COMPENSATION FOR CITY MANAGER

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 9:44 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF NOVEMBER 23, 2010.