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

## CALL TO ORDER

Mayor Lautenschleger called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 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; Roger James, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

## 1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

## 2. PUBLIC COMMENTS

### 2.1 ASSISTANCE LEAGUE OF CAPISTRANO VALLEY (0130-60)

Debbie Carver, Assistance League of Capistrano Valley, indicated they were a national, non-profit organization that benefited communities. Her Chapter supported the elementary and middle school children of the Capistrano Unified School District. Ms. Carver indicated that during the last school year her organization supported over 25,000 students within the District. "Operation School Bell" was the main program in which they provided new clothing to 1,200 students last year, 168 were from Laguna Hills. Ms. Carver indicated representatives from the League also went to elementary schools to speak to the students about important social and health issues. This Chapter also provided outfits to children in military families, and last year clothed 912 children of military families. Their ability to give back to the community of Laguna Hills and to military families was due to their fund raising programs. One of their most important fund raisers was the Annual Christmas Home Tour, and this year the Tour was scheduled for Sunday, December 6, 2009, from 11 a.m. to 4 p.m., where four homes in the Nellie Gail community would be showcased. Ms. Carver distributed flyers advertising the Home Tour to the City Council and to anyone interested in attending the event, to help support the fund raiser and benefit the children.

2.2 CODE VIOLATIONS AT 23501-23512 COMMERCE CENTER DRIVE (0450-30)

Danita and Bob Truitt, owners of Leisure World Auto Repair, addressed the City Council and stated that they had been business owners for almost 20 years. They had an excellent reputation, loyal clientele, had won awards from the Auto Club, and had been rated as one of the top Auto Club repair facilities in Southern California. On July 1, 2009, they opened another business known as Laguna Woods Auto Body; however, the City of Laguna Hills had denied them an Occupancy Permit until they replaced the chain link fencing at both businesses. Mrs. Truitt understood that the City's Municipal Code stipulated that chain link fences were not permitted within any front yard area or along any property line visible from or adjacent to a public right-of-way. Mrs. Truitt indicated that both businesses were located at the end of a cul-de-sac known as Auto Row behind Furniture Row, and that traffic in this area was solely clientele for auto repair and/or body shop business. She believed that the chain link fencing at Leisure World Auto Repair was not visible from or adjacent to a public right-of-way, and that the fence could only be clearly viewed upon entering the private driveway. In 2002, Leisure World Auto Repair took over the entire building's lease, and they understood the chain link fencing had been on the property for the past 19 years. Mr. and Mrs. Truitt could not afford to remove and replace the fencing, but because the buildings were leased, the fencing would be a permanent upgrade for P.S. Business Parks, the owner of the building. Mr. and Mrs. Truitt believed that because the fencing was not visible from the public right-of-way, Code Enforcement should not require them to remove and replace the fencing at either business. They invited the City Council to come by their business to make their own determination.

Mayor Lautenschleger directed staff to report back on this item.

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

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

## 3. MINUTES

3.1 REGULAR MEETING, SEPTEMBER 22, 2009 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE SEPTEMBER 22, 2009, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

## 4. CONSENT CALENDAR

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

The motion carried by the following vote:

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

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

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED OCTOBER 13, 2009 (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 $352,617.75.

4.3 PROGRESS PAYMENT NO. 7 FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604 (0400-10)

Written report from the Public Services Department indicated that work on the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604, was being performed by Marina Landscape, Inc., and began on October 13, 2008. The project was substantially completed and entered into the one-year maintenance period in May 2009. The contractor had submitted the seventh progress payment request for approval covering on-going maintenance services. The progress payment was within the Capital Improvement Program Budget for the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604.

APPROVED PROGRESS PAYMENT NO. 7, IN THE NET AMOUNT OF $7,875.00, TO MARINA LANDSCAPE, INC., FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603/SOUTH SIDE CIP NO. 604.

4.4 PROGRAM SUPPLEMENT AGREEMENT NO. 008-N WITH THE STATE OF CALIFORNIA AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, CIP NO. 169 (0400-10)

Written report from the Public Services Department indicated that in accordance with the Capital Improvement Program, the plans and specifications had been completed for the Laguna Hills Drive Pavement Rehabilitation Project, from Paseo de Valencia to Moulton Parkway, CIP No. 169. The project was ready to be advertised for bids. Funding for this project was partially provided by the Federal American Recovery and Reinvestment Act as administered by the State of California. In order to access the funds, Program Supplement Agreement No. 008-N to the Administering Agency-State Agreement No. 12-5468R required approval. It was recommended that the City Council: (1) approve Program Supplement Agreement No. 008-N and authorized the City Manager to execute the Agreement; and (2) approve the plans and specifications and authorized the advertisement for bids for the Laguna Hills Drive Pavement Rehabilitation Project, from Paseo de Valencia to Moulton Parkway, CIP No. 169. The Laguna Hills Drive Pavement Rehabilitation Project, from Paseo de Valencia to Moulton Parkway, CIP No. 169, was budgeted in Fiscal Year 2009-2010 in the amount of $950,000. Of those funds, $500,000 was provided through the Federal American Recovery and Reinvestment Act.

APPROVED THE PROGRAM SUPPLEMENT AGREEMENT NO. 008-N TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 12-5468R AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT; APPROVED THE PLANS AND SPECIFICATIONS, AND AUTHORIZED THE ADVERTISEMENT FOR BIDS FOR THE LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, FROM PASEO DE VALENCIA TO MOULTON PARKWAY, CIP NO. 169.

4.5 AMENDMENT NO. 5 WITH PB AMERICAS, INC., FOR ADDITIONAL DESIGN SERVICES AND AGREEMENT WITH OVERLAND, PACIFIC & CUTLER, INC., FOR RIGHT-OF-WAY SERVICES FOR THE LA PAZ ROAD WIDENING AT INTERSTATE 5 PROJECT, CIP NO. 159 (0400-10)

Written report from the Public Services Department indicated that in order to complete the improvement plans for the La Paz Road Widening at Interstate 5 Project, CIP No. 159, additional design services and new right-of-way acquisition services were required to bring the Project to construction. Currently, the design was at the 95% completion stage and had been submitted to Caltrans for this milestone review. Due to the addition of Federal funding for this project last year, a change in the State direction on the measurement units used for design, a modification to the landscaping design, and new right-of-way services, Amendment No. 5 to the Consulting Services Agreement with PB Americas, Inc., was proposed for approval as well as a new Consulting Services Agreement with Overland, Pacific & Cutler, Inc., specific to right-of-way acquisition services. Amendment No. 5 to the Consulting Services Agreement with PB Americas, Inc., had a value of $121,742. The Consulting Services Agreement with Overland, Pacific & Cutler, Inc., had a value of $23,000. The La Paz Road Widening at Interstate 5 Improvement Project, CIP No. 159, is budgeted in the Fiscal Year 2009-2010 Capital Improvement Program Budget in the amount of $2,495,000 and in the Fiscal Year 2010-2011 in the amount of $2,805,000. Funds were available within these Capital Improvement Program Budgets for the proposed Amendment No. 5 to the Consulting Services Agreement with PB Americas, Inc., and the Consulting Services Agreement with Overland, Pacific & Cutler, Inc.

APPROVED AMENDMENT NO. 5 TO THE CONSULTING SERVICES AGREEMENT WITH PB AMERICAS, INC., AND APPROVED THE CONSULTING SERVICES AGREEMENT WITH OVERLAND, PACIFIC & CUTLER, INC., FOR THE LA PAZ ROAD WIDENING PROJECT AT INTERSTATE 5, CIP NO. 159; AND AUTHORIZED THE CITY MANAGER TO

EXECUTE THE AMENDMENT AND THE CONSULTING SERVICES AGREEMENT.

4.6 STOP SIGN CONTROL ON PINE NUT ROAD AT TREE TOP ROAD (0860-50)

Written report from the Public Services Department indicated that a resident of the area near the intersection of Pine Nut Road and Tree Top Road contacted staff with an expressed concern about near-miss traffic collisions that he stated had occurred near that intersection. In response to this inquiry, staff retained the Consulting Traffic Engineers of Hartzog & Crabill, Inc., to perform a field review and evaluation of this condition. As indicated in the memorandum report from Hartzog & Crabill, Inc., there were sight distance constraints in one direction of travel as one entered the Tree Top Road intersection on Pine Nut Road. A stop sign was recommended for this side street along with the trimming of a private hedgerow at this location. Additionally, staff was conducting a further study of newly raised issues of traffic speed and "cut-thru" traffic concerns. Installation of a "Not a Thru Street" sign on Tree Top Road and a side street stop sign at Pine Nut Road at Tree Top Road would incur an estimated cost of $750 and funds were available for this work in the Fiscal Year 2009-2010 Public Works Maintenance Budget.

ADOPTED RESOLUTION NO. 2009-10-13-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING A SIDE STREET STOP SIGN ON PINE NUT ROAD AT TREE TOP ROAD.

4.7 ARTERIAL HIGHWAY PARKING REGULATIONS (0860-50)

Written report from the Public Services Department indicated that City staff performed inspections of the parking control signage on arterial highways throughout the City and it was determined that there were inconsistencies between signage types and authorizing Resolutions that controlled parking/stopping on these streets. There were some streets without Parking Control Resolutions although the signage exists through City Council approved improvement projects. In order to attain consistency in these regulations and field installed signage for traffic safety, staff proposed a Resolution to remove/install parking control signage at certain locations as described herein. Approximately thirty-seven (37) "No Parking Anytime" signs would be required and thirty (30) "No Stopping Anytime" signs would be required. Forty-one (41) "No Parking Anytime" signs would be removed and these signs could be installed at other locations where needed. Removal and installation of various signs on various streets would cost approximately

$10,000. Funds for this work were available in the Fiscal Year 2009-2010 Public Works Maintenance Budget.

ADOPTED RESOLUTION NO. 2009-10-13-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING PARKING REGULATIONS ALONG VARIOUS ARTERIAL HIGHWAYS.

## 5. CITY COUNCIL PUBLIC HEARINGS

5.1 APPROPRIATION OF CITIZENS' OPTION FOR PUBLIC SAFETY FUNDS (0260-60)

Chief of Police Services Doan indicated that it was that time of year again for the City Council to consider State of California appropriated money for the continued funding of the Citizens' Option for Public Safety Program. Chief of Police Services Doan indicated that due to the State's budget constraints he was not sure if funding would be available. Pursuant to the requirements of the program City Council must conduct the Public Hearing in order to receive the money. Chief of Police Services Doan indicated the funds would partially offset the cost of funding for one Lieutenant position.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROPRIATE MONIES FROM THE CITIZENS' OPTION FOR PUBLIC SAFETY FUNDS TOWARDS THE RECOMMENDATIONS OUTLINED IN THE REPORT.

The motion carried by the following vote:

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

## PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:11 p.m. and reconvened the City Council 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. A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S (CITY'S) PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (0400-10)

Assistant City Manager White indicated that as part of the 2009-2010 State budget, the Legislature and the Governor had agreed to suspend the provisions of Proposition 1A and borrow 8% of property tax receipts from local agencies. For Laguna Hills, the County of Orange Auditor-Controller had furnished a preliminary figure of $800,675. Under the terms of the legislation that enabled the suspension, the City had two options, the City could receive payment in June of 2013, with interest from the State, or the City could sell its Proposition 1A Receivable to a third party, California Communities. Staff recommended the sale of Proposition 1A Receivable.

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER SONGSTAD, TO ADOPT RESOLUTION NO. 2009-10-13-3, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

The motion carried by the following vote:

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

## 7. OTHER BUSINESS

There was no Other Business.

## 8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

### 8.1 Mayor Lautenschleger

A. SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (0850-50)

Bruce Channing and Mayor Lautenschleger reported they had attended a meeting of the South Orange County Mayors last week and it had been reported that the San Diego Regional Water Quality Control Board was in the process of circulating a new NPDES Draft Permit for South Orange County storm water run-off area that Laguna Hills was a part of. City Manager Channing reported it was an extremely draconian Permit in its present form, one that was viewed by all of the agencies as virtually unattainable and beyond what would even be considered reasonable best management practices or something that was actually attainable. The water quality they were looking for the City to attain in some of the creeks was at a level of cleanliness that was well above the typical condition that existed in any of the natural streambeds in any undeveloped area presently in Orange County. The matter would be set for Hearing soon, and requests were being made for elected officials in the region to attend and speak on the issue. It was expected that the County of Orange would appeal after the Hearing, as it was not thought that the Regional Board would listen to anything that the players in this region had to say.

B. PASSING OF NATALIE KLEIN (0410-65)

Mayor Lautenschleger was sad to report the passing of Natalie Klein. Ms. Klein was appointed by City Council in 1999 to serve as the City's Orange County Vector Control Representative. She was re-appointed to serve four more terms until January 8, 2008. Ms. Klein served almost ten years as the City's representative. She was an excellent community volunteer that represented the City with honor and commitment by serving on the Orange County Vector Control Board.

## 9. CLOSED SESSION

Mayor Lautenschleger recessed the meeting into Closed Session at 8:04 p.m.

9.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Government Code Section 54956.9
Name of Case: Elaine Christian v. County of Orange, Orange County Animal Care Services, City of Laguna Hills, and Does 1 through 20;
Orange County Superior Court; Case No. 30-2009-00297758

9.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Government Code Section 54956.9
Name of Case: Infinity Insurance Company v. City of Laguna Hills;
Orange County Superior Court; Case No. 30-2009-00266550

9.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Subdivision (b) of Government Code; Section 54956.9: 1 Case

Mayor Lautenschleger reconvened the meeting at 8:30 p.m. All Council Members were present.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Lautenschleger adjourned the meeting in the memory of Natalie Klein, at 8:31 p.m.

Jandi Mogan for

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF OCTOBER 27, 2009.