
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
OCTOBER 12, 2010**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Council Member Carruth led the Pledge of Allegiance.

ROLL CALL

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

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

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 SHERIFF DEPUTY CUTS (0330-05)

Laura Dickson, Laguna Hills, stated that during the June 2009 budget deliberations, it was recommended by staff that Laguna Hills reduce Sheriff Deputies from 31.2 to 29.1, with the motion passing on a 3-2 vote, with Council Members Scott, Songstad, and Lautenschleger, voting to eliminate the positions and Council Members Bressette and Carruth voting against the reduction. Mrs. Dickson indicated two weeks ago, Council Member Scott was at her home campaigning, and when Mrs. Dickson asked him about the reported cuts, he told her that both of the deputies were out on disability leave and the decision had been made not to replace them. Mrs. Dickson

continued by indicating that in Mayor Bressette and Council Member Carruth's campaign literature, they both spoke about restoring the positions to a previous level. Mrs. Dickson inquired how the votes taken by this City Council had affected the number of law enforcement officers serving the community, and would appreciate an answer in plain terms so all of the residents could understand the situation. Mrs. Dickson believed that if the citizens were able to make a decision to either cut Sheriff Deputies or give a bonus to staff, they would vote for police protection. She indicated this information was particularly important because of the upcoming election.

Mayor Bressette referred Mrs. Dickson to the website under the Biennial Budget under expenditures for FY 2009-10 and FY 2011-12.

2.2 COMPENSATION REPORT (0520-10)

Bob Dickson, Laguna Hills, stated that there had been much talk about the City's Compensation Report and he was of the opinion that it was a tough read. Mr. Dickson indicated when Council Member Scott came to his home campaigning, Mr. Dickson had asked him how many pension plans Bruce Channing was in. Council Member Scott had responded with one pension plan. Mr. Dickson had re-read the Compensation Report and he did not agree with that information, but he was not sure because it was a difficult report to read and understand. Mr. Dickson stated he believed the easiest way to write the report was to get the year-end pay stub so everyone could see the amount of compensation. Mr. Dickson stated the residents just wanted to see the compensation amount and that the first four pages of the report were just fluff. Mr. Dickson stated that Council Member Lautenschleger spoke of the 2% at 60; he wasn't sure what that meant. Mr. Dickson indicated that if you were going to talk about pension, to please talk in dollar amounts.

2.3 HIGH SPEED OF NEIGHBORHOOD TRAFFIC (0860-50)

Jimmy Hanes, Laguna Hills, brought forward a diagram of his neighborhood and thanked Lieutenant Doan and Public Services Director Rosenfield for their help. Mr. Hanes indicated he brought some of his neighbors to the meeting to speak about the speeding problem. Mr. Hanes briefly explained the cut-through problem and asked for stop signs at specific intersections. Mr. Hanes indicated the neighborhood across La Paz Road had a cut-through problem as well, and they had several stop signs posted at key intersections. He was hopeful they could mimic the speed mitigation measures in that same neighborhood. Mr. Hanes stated he had brought this issue forward to the Traffic Commission and as a result, they had temporarily increased enforcement in the area.

Public Services Director Rosenfield reported that the City initiated its traffic data collection process for this area. Staff was currently collecting traffic speed and volume data and a pass-through traffic analysis to evaluate the cut-through problem. Mr. Rosenfield indicated the data collected would be compared against State and national standards for the installation of various traffic controls and those findings would be presented at the Traffic Commission Meeting of November 17, 2010.

Fifteen residents of the neighborhood spoke in support of traffic mitigation measures for the area. One of the residents who spoke, Joseph Selikov, distributed copies of photos of his car that had been parked on the street in front of his home, which had been damaged by an out-of-control speeding vehicle.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

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

8.2 Mayor Pro Tempore Scott

A. SHERIFF DEPUTY CUTS (0330-05)

Mayor Pro Tempore Scott reported that during the June 2009 Budget discussions, Chief Doan brought to the City Council's attention that two deputy positions had been unfunded because individuals from the Sheriff's Department were out on disability and had been out for 18 months. The City Council had asked Chief Doan, on a temporary basis, if these positions were not funded, if he believed it would have an adverse affect on crime statistics in the City. His very firm response was no, there would not be any affect; he did not anticipate any problem. Mayor Pro Tempore Scott stated that in reality, since there had been no affect, there was the suggestion of saying there were "cut" positions, which was not true, only temporarily unfunded positions, which were vacant. Mayor Pro Tempore Scott believed there was the suggestion that somehow the citizens of Laguna Hills believed they were unsafe. Mayor Pro Tempore Scott indicated Laguna Hills compared to seven other south County cities, Lake Forest, Mission Viejo, Rancho Santa Margarita, Aliso Viejo, etc., Laguna Hills had spent more per capita on putting deputies on the streets than any of those other cities.

8.3 Council Member Lautenschleger

A. LAGUNA HILLS PENSION PLAN (0520-10)

Council Member Lautenschleger reported that there were problems with State and County government that had to do with unfunded

pension liability. Much of the State and the County had what was called 3% at 50, compared to Laguna Hills which had 2% at 60. 3% at 50 meant that for every year you worked, 3% of your final salary would be added to your pension program. Council Member Lautenschleger indicated that what has worried the County of Orange was that they did not have the money to pay for that pension. Council Member Lautenschleger reported that for Laguna Hills, an employee who worked 20 years at 2% would earn 40% of his salary. Computing a salary of around \$235,000, that would be about \$94,000 a year for a pension at retirement. Council Member Lautenschleger indicated the City of Laguna Hills did not have unfunded liability because the City was financially secure. Council Member Lautenschleger stated the other point to remember was an employee could not receive retirement until the age of 60; at the County of Orange an employee could retire at 50.

2. PUBLIC COMMENTS CONTINUED

2.4. 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, SEPTEMBER 28, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER LAUTENSCHLEGER, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE SEPTEMBER 28, 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

Mayor Bressette removed Item No. 4.4 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH,
SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER,
THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE
FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR,
WITH THE EXCEPTION OF ITEM NO. 4.4.

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
OCTOBER 12, 2010 (0300-30)

Written report from the Administrative Services Department indicated that, in
accordance with Government Code Section 37202, the Assistant City
Manager certified to the accuracy of the Warrant Register and to the
availability of funds for payment thereof.

APPROVED THE WARRANT REGISTER IN THE AMOUNT
OF \$218,773.65.

- 4.3 AMENDMENT OF LAGUNA HILLS MUNICIPAL CODE SECTIONS 4-20.040
AND 4-20.050 OF CHAPTER 4-20 OF TITLE 4 OF THE LAGUNA HILLS
MUNICIPAL CODE REGARDING CHARITABLE AND COMMERCIAL
SOLICITATIONS (0480-20)

Written report from the City Clerk's Department indicated that on June 22,
2010, the City Council voted to expand the prohibited time period restriction
on door-to-door charitable and commercial solicitation to the hours between
6 p.m. to 9 a.m. During deliberations, the City Council made findings that
certain content-neutral modifications to the City's existing solicitation
regulations were needed in order to further protect and promote public peace,
health, and safety. The City Council's directive was to incorporate

amendments into the existing solicitation regulations in an effort to curb intimidating and abusive solicitors, as well as intrusions upon hours of rest at nighttime and during early morning hours. The City Council directed the City Attorney to draft an Ordinance amending Section 4-20.40(A), which currently prohibited solicitation between the hours of 9 p.m. to 8 a.m. The City Council also directed the City Attorney to include certain amendments clarifying the existing language in Sections 4-20.040(E) and 4-20.040(F) and revising Section 4-20.050 governing written receipts for contributions to solicitors to reflect Internal Revenue Code provisions.

ADOPTED ORDINANCE NO. 2010-1, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING SECTIONS 4-20.040 AND 4-20.050 OF CHAPTER 4-20 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING CHARITABLE AND COMMERCIAL SOLICITATIONS.

4.5 BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE (0440-40)

Written report from the City Clerk's Department indicated that the biennial review and update of the City's locally adopted Conflict of Interest Code was mandated by State law which required a review of the Code in even-numbered years. State law also required that the City's Conflict of Interest Code be amended periodically as changes occurred in State law or as changes occurred in the City's designated positions. Upon review of its Conflict of Interest Code, if no change was required, the City Manager should submit a written statement to that effect to the City Council. For 2010 a review of the City of Laguna Hills' Conflict of Interest Code and Appendix was made by the City Manager. It had been determined that no changes were required at this time and it was in order to receive and file the report.

RECEIVED AND FILED THE REPORT.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.4 ADOPTION OF AN ORDINANCE ADDING CHAPTER 2-44 TO TITLE 2 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING ANNUAL UPDATE AND POSTING OF THE PUBLIC OFFICIALS' COMPENSATION REPORT ON THE CITY'S OFFICIAL WEBSITE (0480-20)(0520-10)

Mayor Bressette removed this item from the Consent Calendar to thank the City Council for adding the Compensation Report to the Municipal Code and to require its annual update. Mayor Bressette looked forward to the day when the State required the City to report the information in an easy to read, at a glance table format.

Written report from the City Clerk's Department indicated at the meeting of September 14, 2010, the City Council voted unanimously in favor of the annual posting of the August 2010 "City of Laguna Hills Public Officials' Compensation Report" on the City's official website. In addition, the City Council directed that the City Attorney prepare an Ordinance requiring the annual update and posting of this Report on the City's website. The City Attorney prepared a draft Ordinance amending the Laguna Hills Municipal Code to add a new section, Chapter 2-44 to Title 2, requiring the annual updating and posting of the Public Officials' Compensation Report. This Ordinance would codify as a local law a requirement that the Public Officials' Compensation Report be updated and reposted on the City's website on or before February 28th of each year.

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER TO ADOPT ORDINANCE NO. 2010-2, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADDING CHAPTER 2-44 TO TITLE 2 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING ANNUAL UPDATE AND POSTING OF THE "CITY OF LAGUNA HILLS PUBLIC OFFICIALS' COMPENSATION 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

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 8:00 p.m. and reconvened the City Council meeting at 8:01 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. STATE BUDGET (0150-30)

City Manager Channing reported that the State of California finally adopted a budget; however, some would say it was a budget that they could not live within and may well be requiring further amendment and change with the coming new year, new Legislature, and new Governor. Staff's preliminary review had determined most of the City's

revenue had been protected in this budget. Council Member Songstad indicated that there had been a last minute move to take the City's Transient Occupancy Tax (TOT) but the State was unsuccessful.

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS CONTINUED

8.1 Council Member Carruth

A. CITY MANAGER EVALUATION PROCESS (0400-10)

Council Member Carruth indicated according to the City Manager's Agreement under Paragraph #5, Salary Section B, the City Council should evaluate Mr. Channing's performance during the month of October or November of each calendar year. Council Member Carruth indicated that the evaluation was an important process because it allowed the City Council and the City Manager to meet together in Closed Session and assist the City Council in developing greater insights in terms of performance objectives and goals. It would allow the City Council to determine what progress had been made in the predetermined goals and the completion of performance objectives. Council Member Carruth indicated that the evaluation held in Closed Session had always been conducted after a regularly scheduled City Council meeting and the result had been that the discussion and review took place late at night, and the City Council reporting back to an empty Council Chamber. Council Member Carruth indicated that the public could not participate in a Closed Session process but thought it would be important to ensure that the public was aware of decisions that were made and understood the process.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR BRESSETTE, TO ADOPT THE PROPOSED SCHEDULE FOR THE CITY MANAGER'S EVALUATION AND PERFORMANCE REVIEW AS FOLLOWS: (1) TO BE SCHEDULED ACCORDING TO THE CITY MANAGER AGREEMENT. THIS YEAR THE INITIAL REVIEW TO BE SCHEDULED FOR OCTOBER 26, 2010, CLOSED SESSION FOLLOWING THE CITY COUNCIL MEETING; (2) THE FINAL CITY MANAGER EVALUATION AND REVIEW SCHEDULED FOR CLOSED SESSION TO BE HELD PRIOR TO A REGULARLY SCHEDULED CITY COUNCIL MEETING ON NOVEMBER 9, 2010, COMMENCING AT 5 P.M.; (3) FOLLOWING THE FINAL CLOSED SESSION

EVALUATION ON NOVEMBER 9, 2010, THE CITY COUNCIL
TO DISCUSS AND VOTE ON THE SALARY AND BONUS IN
THE COUNCIL CHAMBER.

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. SHERIFF DEPUTY CUTS (0330-05)

Council Member Carruth stated she wanted to respond to Laura Dickson's comments, in that no one on the City Council had suggested that a \$23,000 City Manager bonus could cover the cost of a deputy, or a \$60,000 car, or a vacation buy out. Council Member Carruth believed that what was clear was that following those budget deliberations those units were eliminated. The City went from 31 to 29 deputies; the fact was the City now had fewer deputies serving the City of Laguna Hills today than it had a few years ago, and there had been an attempt by two members of the City Council to identify funds to cover the cost of at least of one Sheriff Deputy position.

C. LAGUNA HILLS HIGH SCHOOL BASH BEFORE THE CLASH (0930-40)

Council Member Carruth indicated that prior to the Laguna Hills High School Football Homecoming football game on Friday, October 8, 2010, the High School conducted their "Bash before the Clash" which was a very successful event for the alumni, former Hawk parents, and for all who had attended. Council Member Carruth thanked Mayor Bressette for his services and wanted him to know how much she appreciated his presence at this event.

8.4 Mayor Bressette

A. RETIREMENT OF SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION MEMBER (0410-65)

Mayor Bressette reported that he had the privilege of attending and representing the City Council at the Saddleback Valley Unified School District Board of Education Meeting at the retirement of Dr. Dore Gilbert. Mayor Bressette presented a Certificate of Recognition to Dr. Gilbert for his 29 years of service to the School Board. Dr. Gilbert is

retiring to pursue his desire to serve our County as a Lieutenant Colonel in the United States Army Reserve.

2 PUBLIC COMMENTS CONTINUED

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR BRESSETTE, TO RE-OPEN PUBLIC COMMENTS.

The motion carried by the following vote:

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

2.5 SHERIFF DEPUTY CUTS (0330-05)

Laura Dickson indicated she wanted to set the record straight in that she never said that the City Manager's bonus would fund a Sheriff Deputy position; it had been Council Member Scott that said that it was an absurd thought, it wasn't her thought. Mrs. Dickson also reported that she never used the word unsafe. Mrs. Dickson indicated she was only stating what was important to the citizens.

9. CLOSED SESSION

Mayor Bressette recessed the meeting into Closed Session at 8:30 p.m.

9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code § 54956.8

Property:	24031 El Toro Road, Suite No. 304, Laguna Hills
Agency Negotiator:	Donald J. White, Assistant City Manager
Negotiating Parties:	City of Laguna Hills and Carol Behrens
Item Under Negotiation:	Price and Terms of Lease

9.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

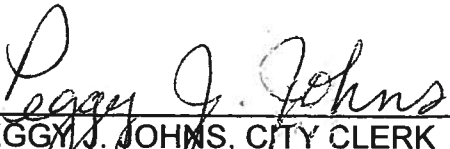
Pursuant to Government Code § 54956.8

Property:	24031 El Toro Road, Suite No. 150 and 310, Laguna Hills
Agency Negotiator:	Donald J. White, Assistant City Manager
Negotiating Parties:	City of Laguna Hills and Orange County Clerk Record
Item Under Negotiation:	Terms and Conditions of Lease Amendment

Mayor Bressette reconvened the meeting at 9:15 p.m. All Council Members were present.

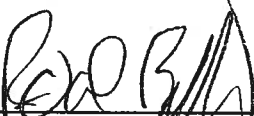
ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 9:15 p.m.



PEGGY J. JOHNS, CITY CLERK

ATTEST:



RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF OCTOBER 26, 2010.