CITY COUNCIL REGULAR MEETING

SEPTEMBER 25, 2012
7:00 PM

AGENDA

Melody Carruth, Mayor

Joel Lautenschleger, Mayor Pro Tempore | **Barbara Kogerman, Council Member**
Randal Bressette, Council Member | **L. Allan Songstad, Jr., Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER SONGSTAD

ROLL CALL OF CITY COUNCIL MEMBERS

1. PRESENTATIONS AND PROCLAMATIONS

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON ADAM WONG.

3. MINUTES

3.1 REGULAR MEETING, SEPTEMBER 11, 2012

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE SEPTEMBER 11, 2012, REGULAR MEETING.

4. CONSENT CALENDAR

All matters listed under “CONSENT CALENDAR” are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

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

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 25, 2012

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $2,214,770.16.

4.3 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE COMMUNITY CENTER BUILDING REFURBISHMENT, CIP NO. 513A

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE PLANS AND SPECIFICATIONS FOR THE COMMUNITY CENTER BUILDING REFURBISHMENT, CIP NO. 513A, AUTHORIZE THE ADVERTISEMENT FOR BIDS OF THE PROJECT, AND AUTHORIZE THE DIRECT PURCHASE OF WALL CAPS FROM QUICKCRETE CORPORATION.

4.4 PROGRESS PAYMENT NO. 2 FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-H

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $1,177,371.79, TO ALL AMERICAN ASPHALT, FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-H.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. PLANNING AGENCY

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

5.2 PUBLIC COMMENTS

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

5.3 MINUTES

5.3.1 REGULAR MEETING, SEPTEMBER 24, 2012

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE SEPTEMBER 11, 2012, REGULAR MEETING.

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1 CONDITIONAL USE PERMIT NO. 08-12-2346, A REQUEST BY H2O PARTNERS, LLC., TO OPERATE AN INDOOR TRAMPOLINE PARK AT 23251 AVENIDA DE LA CARLOTA IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 08-12-2346; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING

CONDITIONAL USE PERMIT NO. 08-12-2346, A REQUEST BY H20 PARTNERS, LLC., TO OPERATE AN INDOOR TRAMPOLINE PARK AT 23251 AVENIDA DE LA CARLOTA IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT."

PLANNING AGENCY ADJOURNMENT

6. CITY COUNCIL PUBLIC HEARINGS

7. ADMINISTRATIVE REPORTS

7.1 City Manager

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

8.1 MAYOR CARRUTH AND MAYOR PRO TEMPORE LAUTENSCHLEGER

8.1.1 RESPONSE TO GRAND JURY REPORT ENTITLED "THE USE OF GOVERNMENT INFLUENCE ON A PRIVATE EDUCATIONAL INSTITUTION"

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE A REPORT FROM THE COUNCIL-APPOINTED SUBCOMMITTEE, AUTHORIZE THE MAYOR TO SIGN THE LETTER OF RESPONSE TO THE GRAND JURY'S JULY 5, 2012, REPORT REGARDING THE USE OF GOVERNMENT INFLUENCE ON A PRIVATE EDUCATIONAL INSTITUTION, AND SUBMIT THE RESPONSE TO THE PRESIDING JUDGE OF THE ORANGE COUNTY SUPERIOR COURT AS REQUIRED BY STATE LAW.

9. CITY COUNCIL MEMBER COMMENTS

10. CLOSED SESSION

The City Council shall convene in Closed Session, in the City Hall Conference Room, to consider the following matters:

10.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Public Employee Title: City Manager

10.2 CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6(a)
City Designated Representative: Bruce Channing, City Manager, and Don White, Assistant City Manager
Employee Organization: Laguna Hills City Employees Association City Employee Organization

Reconvene in regular session in the City Council Chamber

Report on whether any reportable action was taken on matters considered during Closed Session

ADJOURNMENT

The next Regular Meeting of the City Council will be October 09, 2012, at 7:00 PM, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by September 21, 2012, at 5:00PM.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

September 21, 2012
DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
SEPTEMBER 11, 2012

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE: Council Member Bressette

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Member Bressette, Council Member Kogerman, Council Member Songstad, Mayor Pro Tempore Lautenschleger, and Mayor Carruth

1. PRESENTATIONS AND PROCLAMATIONS

1.1 CERTIFICATE OF RECOGNITION FOR JUDY WATTS

MAYOR CARRUTH PRESENTED A CERTIFICATE OF RECOGNITION TO JUDY WATTS IN HONOR OF HER RECEIVING THE 2012 LITTLE LEAGUE MOM OF THE YEAR AWARD.

2. PUBLIC COMMENTS

<u>MUNICIPAL ELECTION</u>

AJ Djowharzadeh, Laguna Hills, spoke on his intention to run for City Council in the November 6, 2012, municipal election.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON ADAM WONG.

3. MINUTES

3.1 REGULAR MEETING, AUGUST 28, 2012

MOTION TO APPROVE THE MINUTES OF THE AUGUST 28, 2012, REGULAR MEETING, BY M/COUNCIL MEMBER SONGSTAD, S/MAYOR PRO TEMPORE LAUTENSCHLEGER.
APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSTAINED).

4. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER SONGSTAD .
APPROVED BY A VOTE OF 5-0.**

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

THE CITY COUNCIL WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 11, 2012

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $623,894.45.

4.3 PROGRESS PAYMENT NO. 2 FOR TURF RENOVATION LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX, CIP NO. 238

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $14,256.00, TO CSA HOLDINGS INC., DBA SPORTS FIELD INSTALLATION SPORTS FIELD SERVICES, FOR TURF RENOVATION LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX, CIP NO. 238.

4.4 PROGRESS PAYMENT NO. 17 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 17, IN THE NET AMOUNT OF $194,983.44, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.5 LAGUNA HILLS HIGH SCHOOL MUSIC BOOSTERS PARKING REQUEST UPDATE

THE CITY COUNCIL RECEIVED AND FILED THE REPORT.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:15 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, Agency Member Kogerman, and Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, AUGUST 28, 2012

MOTION TO APPROVE THE MINUTES OF THE AUGUST 28, 2012, REGULAR MEETING, BY M/AGENCY MEMBER KOGERMAN, S/VICE CHAIR LAUTENSCHLEGER.
APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BRESSETTE ABSTAINED).

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1 SITE DEVELOPMENT PERMIT/ MASTER SIGN PROGRAM NO. 7-12-2309, A REQUEST BY CNP SIGNS ON BEHALF OF EL POLLO LOCO TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE SHOPPING CENTER AT 25351-25381 ALICIA PARKWAY TO ALLOW A DRIVE-THROUGH MENU BOARD (CONTINUED FROM THE MEETING OF AUGUST 28, 2012).

Chair Carruth opened the Public Hearing.

Brad Podosin, representative of El Pollo Loco, spoke on Site Development Permit/Master Sign Program No. 7-12-2309. Mr. Podosin indicated he had read and agreed to the Conditions of Approval.

Christina Gibson, representative of CNP Signs, spoke on Site Development Permit/Master Sign Program No. 7-12-2309.

Chair Carruth closed the Public Hearing.

MOTION TO ADOPT RESOLUTION NO. PA2012-09-11-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/ MASTER SIGN PROGRAM AMENDMENT NO. 7-12-2309, A REQUEST BY CNP SIGNS, ON BEHALF OF EL POLLO LOCO, TO MODIFY THE EXISTING MASTER SIGN PROGRAM TO PERMIT A DRIVE-THROUGH MENU BOARD, BY M/VICE CHAIR LAUTENSCHLEGER, S/AGENCY MEMBER SONGSTAD.
APPROVED BY A VOTE OF 5-0.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council Meeting at 7:24 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

City Manager Channing reported that a press conference would be held on Wednesday, September 12, 2012, in Sacramento by Governor Brown regarding pension reform.

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

There were no matters agendized and presented by City Council Members.

9. CITY COUNCIL MEMBER COMMENTS

COUNCIL MEMBER KOGERMAN

Council Member Kogerman reported on her attendance at the League of California Cities Conference held in San Diego, September 5-7, 2012, and handed out her Action report.

MAYOR PRO TEMPORE LAUTENSCHLEGER

Mayor Pro Tempore Lautenschleger reported on his attendance at the League of California Cities held in San Diego.

COUNCIL MEMBER SONGSTAD

Council Member Songstad reported on his attendance at the League of California Cities held in San Diego.

MAYOR CARRUTH

Mayor Carruth thanked Mayor Pro Tempore Lautenschleger and Council Member Songstad for their participation in the League of California Cities and gave a report on her attendance at the Conference.

Mayor Carruth reminded City Council and staff about the 16th Annual Inner Coastal & Watershed Clean Up Day to be held on Saturday, September 16, 2012.

10. CLOSED SESSION

There was no Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Carruth declared the meeting adjourned at 7:39 PM.

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PEGGY J. JOHNS, CITY CLERK

ATTEST:

____
MELODY CARRUTH, MAYOR

APPROVED AT MEETING OF ________________________

City of Laguna Hills
City Council Meeting Agenda
Staff Report

DATE:	**SEPTEMBER 25, 2012**
TO:	**MAYOR AND COUNCIL MEMBERS**
FROM:	**DONALD J. WHITE, ASSISTANT CITY MANAGER**
ISSUE:	**APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 25, 2012.**

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $2,214,770.16.

SUMMARY:

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:

DONALD J. WHITE
Assistant City Manager

9-17-12
DATE

FISCAL IMPACT:

The warrant register total is $2,214,770.16.

ATTACHMENTS:

1. **Warrant Register**

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 25, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
PREPAID WARRANTS:			
AT&T- CALNET 2	*Communication Expense, Alarm System, 2-Way Line, Switchboard, Modem, T-1 Line and Traffic Control, Aug '12*	8803981	$ 2,146.92
AU-YEUNG, MELISSA	*Travel Advance, Administrative Services, 09/19/12 - 09/21/12*	8804025	225.00
AU-YEUNG, MELISSA	*Travel Advance, Administrative Services, 09/27/12 - 09/28/12*	8804026	150.00
BANK OF AMERICA	*Departmental Operating Expenditures, Aug '12*	8803982	17,202.86
CARRINO, MARGARET	*Professional Fees, Paleontology, Community Services, Jun - Aug '12*	8804028	887.50
CARRUTH, MELODY	*Reimbursement, Travel and Meeting Expense, LOCC, Sep '12*	8804029	40.17
CYBERSOURCE CORPORATION	*eCommerce Payment Gateway Service, Online Permits, Community Development, Aug '12*	8804032	29.00
DELL COMPUTER CORPORATION	*Computer Hardware, Community Services, Aug '12*	8803988	1,127.76
EL TORO WATER DISTRICT	*Water Usage, Parks, Jul '12*	8803991	15,385.81
FARHADI, DORNA	*Mileage Reimbursement, Administrative Services, Aug '12*	8803992	16.73
HSBC BUSINESS SOLUTIONS	*Program Supplies, Community Services, Aug '12*	8804037	319.80
IRVINE RANCH WATER DISTRICT	*Water Usage, Parks, Aug '12*	8804038	196.04
JAVED, HUMZA	*Mileage Reimbursement, Public Works, Aug '12*	8803995	134.31
JCTEES.COM CORPORATION	*Program Supplies, Community Services, Jul '12*	8804039	1,119.79
JGF, DAVEY & LARSON INSURANCE	*Insurance Premium, Difference In Condition, Sep'12 - Sep'13*	8804054	28,613.00
MA, ANTUAN	*Refund, Permit Fees, CR# 44806*	8804041	200.00
MARTIN, GREG	*Refund, C&D Deposit, CR# 40818*	8803997	1,881.80
MOULTON NIGUEL WATER DISTRICT	*Water Usage Parks and Community Center, Jul - Aug '12*	8804000	34,623.30
REFUND, FACILITY RENTAL DEPOSIT	*D. Arellano, V# 2002519.002*	8804008	500.00
REFUND, FACILITY RENTAL DEPOSIT	*AYSO Region 4122, V# 2002523.002*	8804009	100.00
REFUND, FACILITY RENTAL DEPOSIT	*M. Alvizo, V# 2002520.002*	8804010	425.00
REFUND, FACILITY RENTAL FEE	*D. Arellano, V# 2002518.002*	8804007	1,790.00
REYES, JANICE MATEO	*Petty Cash Replenishment, Departmental Operating Expenditures, Sep '12*	8804011	680.86

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 25, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
SAN DIEGO GAS & ELECTRIC	*Electric Usage, Street Lights, Aug '12*	8804012	12,346.16
SMART & FINAL	*Program Supplies, Community Services, Aug '12*	8804045	1,019.63
SOUTHERN CALIFORNIA EDISON	*Electric Usage, Street Lights and Traffic Control, Aug '12*	8804015	542.77
SOUTHERN CALIFORNIA EDISON	*Electric Usage, Street Lights, Aug '12*	8804046	8,448.72
THE DINEEN CORPORATION	*Refund, Fire Fees, CR# 44694*	8804047	1,674.20
VERIZON WIRELESS	*Communication Expense, Aug '12*	8804049	981.77
WELLS FARGO FINANCIAL LEASING	*Lease - Copier, Community Center, Oct '12*	8804019	571.60
WHITE, DONALD	*Travel Advance, Administrative Services, 09/19/12 - 09/21/12*	8804050	225.00
WHITE, DONALD	*Travel Advance, Administrative Services, 09/27/12 - 09/28/12*	8804051	150.00
	Total Prepaid Warrants:		**$ 133,755.50**
REGULAR WARRANTS:			
A. C. LANDSCAPE, INC.	*Water Management Services, Irrigation Repairs, Aug - Sep '12*	8803979	$ 1,557.75
ALL AMERICAN ASPHALT	*Progress Payment #2, Annual Street Maintenance CIP # 101-H*	8804052	1,177,371.79
BUREAU VERITAS NORTH AMERICA	*Professional Fees, Annual Street Maintenance CIP # 101*	8803983	25,480.00
BUREAU VERITAS NORTH AMERICA	*Professional Fees, On-Call Inspections, Jun '12*	8804024	6,782.00
C&D ELECTRIC, INC.	*Lighting Repairs, Parks, Aug '12*	8803984	65.00
CALIFORNIA MUN STATISTICS, INC.	*Overlapping and Direct Debt Statement 6/30/12, CAFR FY 11/12*	8803985	450.00
CALIFORNIA YELLOW CAB	*Dial-a-Taxi Senior Transportation Program, Aug '12*	8804027	180.00
COMPLETE OFFICE OF CALIFORNIA	*Office Supplies, Community Center, Aug '12*	8804030	161.75
COMMUNITY BANK	*Retention Deposit, All American Asphalt, Progress Payment # 1, Annual Street Maintenance CIP # 101-H*	8804053	130,819.09
COUNTY CLERK-RECORDER	*Document Recording Fee, Encroachment Agreement, Aug '12*	8803986	27.00
COUNTY CLERK-RECORDER	*Document Recording Fee, Encroachment Agreement, Sep '12*	8804031	27.00
DEAN RYAN CONSULTANTS	*Professional Fees, Urban Village Traffic Study, Aug '12*	8803987	276.00

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 25, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
DIAMOND ENVIRONMENTAL SERVICES	*Program Expense, Community Services, Aug '12*	8803989	54.00
DLR GROUP	*Professional Fees, Administrative Services, Jul '12*	8803990	1,800.00
ECONOMICS, INC.	*Professional Fees, Recycling Program, Aug '12*	8804033	2,477.09
FIVE STAR TROPHIES	*Office Supplies, Aug '12*	8803993	11.85
GOVPARTNER	*Hosting Fees, Request Partner, Sep '12*	8804034	500.00
HARRINGTON GEOTECH ENGINEERING	*Professional Fees, Annual Street Maintenance CIP # 101-H and El Toro Rd @ Carlota Street Improvement CIP # 164*	8804035	17,316.00
HARTZOG & CRABILL, INC.	*Professional Fees, Traffic and Traffic Signal Improvement Coordination CIP # 168 and Engineering Services, Aug '12*	8804036	3,045.30
JAMEY CLARK, INC.	*Miscellaneous Park Repairs, Aug '12*	8803994	289.60
LEAGUE OF CALIFORNIA CITIES	*Meeting Expense, Administrative Services and Community Development, Aug '12*	8803996	130.00
MARTIN-RUSK, DINA	*Contract Instructor Fee, Zumba Summer Session, Community Services*	8803998	134.40
MITY-LITE, INC.	*Furniture Replacement, Community Center*	8803999	8,969.36
MOSS, LEVY & HARTZHEIM LLP	*Professional Fees, FY 11/12 Financial Audit Services, Aug '12*	8804042	10,000.00
NIEVES LANDSCAPE, INC.	*Monthly Landscape Services, Sep '12*	8804001	74,238.05
OFFICE SOLUTIONS	*Office and Operating Supplies, Aug - Sep '12*	8804002	260.71
OFFICE SOLUTIONS	*Office Supplies, Sep '12*	8804043	176.55
ORANGE COUNTY FIRE AUTHORITY	*Remittance, Fire Fees Collected, Aug '12*	8804003	4,733.00
ORANGE COUNTY TREASURER	*Law Enforcement Services, Sep '12*	8804040	552,764.00
OUTSIDE PLANT DAMAGE RECOVERY	*Professional Fees, Annual Street Maintenance CIP # 101*	8804004	354.80
QUEST DIAGNOSTICS	*Pre-employment Drug Testing, Aug '12*	8804005	17.98
QUICK CRETE PRODUCTS CORP.	*Waste Receptacles Supplies, Public Works, Jul '12*	8804006	137.92
SCANNING SERVICE CORPORATION	*Document Imaging Services, City Clerk, Aug '12*	8804013	4,417.05
SHARPS COMPLIANCE, INC.	*Hazardous Waste Containers, Recycling Program, Aug '12*	8804044	753.03
SOUTH COAST WATERS	*Facility Maintenance, Water Feature, Community Center, Sep '12*	8804014	475.00

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 25, 2012

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
STAPLETON, VIVIAN	*Contract Instructor Fee, Early Childhood Music Summer Session, Community Services*	8804016	196.00
SUNSET PROPERTY SERVICES	*Street Sweeping, Aug '12*	8804017	11,234.56
THE REGENTS OF THE UNIVERSITY	*Publications, Planning, Aug '12*	8804018	192.12
U-HAUL	*Program Expense, Community Services, Aug '12*	8804048	40.21
WEST COAST ARBORISTS, INC.	*Tree Planting, Urban Reforestation, CIP # 320*	8804020	550.00
WOODRUFF, SPRADLIN & SMART	*Professional Fees, Legal Services, Jul '12*	8804021	42,336.30
XEROX CORPORATION	*Usage - Copier, City Hall, Aug '12*	8804022	212.40
	Total Regular Warrants:		**$ 2,081,014.66**
	*****WARRANT REGISTER TOTAL*****		**$ 2,214,770.16**

City of Laguna Hills
City Council Meeting Agenda
Staff Report

DATE: SEPTEMBER 25, 2012

TO: MAYOR AND COUNCIL MEMBERS

FROM: KENNETH H. ROSENFIELD, P.E.
DIRECTOR OF PUBLIC SERVICES

ISSUE: AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE COMMUNITY CENTER BUILDING REFURBISHMENT, CIP NO. 513A

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE PLANS AND SPECIFICATIONS FOR THE COMMUNITY CENTER BUILDING REFURBISHMENT, CIP NO. 513A, AUTHORIZE THE ADVERTISEMENT FOR BIDS OF THE PROJECT, AND AUTHORIZE THE DIRECT PURCHASE OF WALL CAPS FROM QUICKCRETE CORPORATION.

SUMMARY:

In accordance with the City's planning to maintain its existing infrastructure, the Capital Improvement Program includes funding to refurbish the now 11 year-old Community Center Building. The refurbishment is planned to include miscellaneous wall repairs in various rooms, new paint both inside and outside of the building, the addition of corner protectors on all interior corners, new carpet throughout the building, the replacement of worn wall paper in the Heritage Room and the replacement of worn wall partition fabric in the Heritage Room. In addition, staff has determined that the concrete wall caps adjacent to the Building along Paseo de Valencia, Alicia Parkway and the Building Parking Lot are in need of replacement. It is proposed the wall caps be directly purchased from the manufacturer to reduce delivery time and to standardize the wall caps matching all other City installations. Staff has prepared the plans and specifications for this project and they are on file with the office of the City Clerk. Authorization to advertise the project for bids is requested.

BACKGROUND:

The Community Center Building located at 25555 Alicia Parkway was dedicated on June 26, 2002, and, given its usage and age, is now in need of refurbishment of the worn surfaces. The Building is in its 11th year of service to the community and there is a need to repaint the Building inside and out, replace the carpeting, and replace other worn features of the Building. In anticipation of the continuing need to maintain the City's infrastructure, the City Council previously allocated a Capital Improvement Program Budget setting aside funding for this refurbishment project.

The refurbishment of the Building is planned to include miscellaneous wall repairs in various rooms, new paint both inside and outside of the building, the addition of corner protectors on all interior corners, new carpet throughout the building, the replacement of worn wall paper in the Heritage Room and the replacement of worn wall partition fabric in the Heritage Room.

In addition to the work on the Building, staff has determined that the concrete wall caps adjacent to the Building along Paseo de Valencia, Alicia Parkway and the Building Parking Lot are in need of replacement. It is proposed the wall caps be directly purchased from the manufacturer to reduce delivery time and to standardize the wall caps matching all other City installations. The wall cap materials are anticipated to cost approximately $22,000 and would be provided by Quickcrete Corporation. This purchase would avoid any time delay in receipt of the materials and will insure the caps match other City installations making maintenance and future replacement work more cost effective. The installation of the wall caps will be a part of the Building Refurbishment Construction Contract.

Staff has prepared the plans and specifications for the project and they are on file with the office of the City Clerk along with a sample of the replacement carpet. The contract documents call for the paint, wall paper, partition covers and carpeting to match the original installation colors and textures as close as possible. A separate project to purchase replacement matching chairs, as are used in the Heritage Room, is being coordinated by the Community Services Department.

FISCAL IMPACT:

The Capital Improvement Program Budget for the Community Center Building Refurbishment, CIP No. 513A, is $200,000. The Engineer's Estimate for this work is $200,000 which now includes $35,000 for the wall cap purchase of materials and installation, work not originally anticipated in the project budget.

CEQA FINDINGS:

Exempt in accordance with CEQA exemption Class 1 (CEQA Guidelines Section 15301 – Existing Facilities). The exemption applies to the maintenance, repair, and minor alterations of existing public facilities.

City of Laguna Hills
City Council Meeting Agenda
Staff Report

DATE: SEPTEMBER 25, 2012

TO: MAYOR AND COUNCIL MEMBERS

FROM: KENNETH H. ROSENFIELD, P.E.
DIRECTOR OF PUBLIC SERVICES

ISSUE: PROGRESS PAYMENT NO. 2 FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-H

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $1,177,371.79, TO ALL AMERICAN ASPHALT, FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-H.

SUMMARY:

Work on the Citywide Pavement Rehabilitation Project, CIP No. 101-H, began on July 16, 2012, and is being performed by All American Asphalt. Work performed in August included clearing and grubbing, asphalt removal and replacement, cold mill/edge grind, utility adjustments, sidewalk removal and replacement, driveway removal and replacement, cross-gutter removal and replacement, curb and gutter replacement, access ramps, and sub-drain installation. The contractor has submitted the second progress payment request for approval.

BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A ten-percent (10%) retention is withheld from each payment to assure final performance of the work. The contractor for the project, All American Asphalt, has submitted the second progress payment for the subject project as follows:

ITEM #	DESCRIPTION	QUANTITY	UNIT	$	AMOUNT
1	Clearing & Grubbing	.30	LS	$27,000.00	$ 8,100.00
2	R&R .33' AC	15,833	SF	$ 4.00	$ 63,332.00
3	Cold Plane	793,113	SF	$ 0.11	$ 87,242.43
4	.125" AC Overlay	13,634.30	TN	$ 76.00	$1,036,206.80
5	Adjust Manhole	41	EA	$ 285.00	$ 11,685.00
6	Adjust Water Valve	40	EA	$ 250.00	$ 10,000.00
7	R&R 4" PCC Sidewalk	8,161	SF	$ 5.10	$ 41,621.10
8	R&R 6" PCC Driveway	963	SF	$ 7.85	$ 7,559.55
9	R&R PCC Cross Gutter	138	SF	$ 19.50	$ 2,691.00
10	R&R Curb & Gutter	324	LF	$ 43.00	$ 13,932.00
11	R&R Access Ramps	8	EA	$ 2,000.00	$ 16,000.00
12	Subdrain	161	LF	$ 61.00	$ 9,821.00

Total To Date	$1,449,172.38	
Less Prior Billing	$ 140,981.50	
Total This Period	$1,308,190.88	$1,308,190.88
Less 10% Retention		$(130,819.09)
		$1,177,371.79

FISCAL IMPACT:

The progress payment is within the Capital Improvement Program Budget for the Citywide Pavement Rehabilitation Project, CIP No. 101-H.

4. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER SONGSTAD.
APPROVED BY A VOTE OF 5-0.**

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

THE CITY COUNCIL WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 11, 2012

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $623,894.45.

4.3 PROGRESS PAYMENT NO. 2 FOR TURF RENOVATION LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX, CIP NO. 238

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF $14,256.00, TO CSA HOLDINGS INC., DBA SPORTS FIELD INSTALLATION SPORTS FIELD SERVICES, FOR TURF RENOVATION LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX, CIP NO. 238.

4.4 PROGRESS PAYMENT NO. 17 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 17, IN THE NET AMOUNT OF $194,983.44, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.5 LAGUNA HILLS HIGH SCHOOL MUSIC BOOSTERS PARKING REQUEST UPDATE

THE CITY COUNCIL RECEIVED AND FILED THE REPORT.

5. PLANNING AGENCY

Mayor Carruth recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:15 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Carruth, Vice Chair Lautenschleger, Agency Member Bressette, Agency Member Kogerman, and Agency Member Songstad

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, AUGUST 28, 2012

MOTION TO APPROVE THE MINUTES OF THE AUGUST 28, 2012, REGULAR MEETING, BY M/AGENCY MEMBER KOGERMAN, S/VICE CHAIR LAUTENSCHLEGER.
APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BRESSETTE ABSTAINED).

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1 SITE DEVELOPMENT PERMIT/ MASTER SIGN PROGRAM NO. 7-12-2309, A REQUEST BY CNP SIGNS ON BEHALF OF EL POLLO LOCO TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR THE SHOPPING CENTER AT 25351-25381 ALICIA PARKWAY TO ALLOW A DRIVE-THROUGH MENU BOARD (CONTINUED FROM THE MEETING OF AUGUST 28, 2012).

Chair Carruth opened the Public Hearing.

Brad Podosin, representative of El Pollo Loco, spoke on Site Development Permit/Master Sign Program No. 7-12-2309. Mr. Podosin indicated he had read and agreed to the Conditions of Approval.

Christina Gibson, representative of CNP Signs, spoke on Site Development Permit/Master Sign Program No. 7-12-2309.

Chair Carruth closed the Public Hearing.

MOTION TO ADOPT RESOLUTION NO. PA2012-09-11-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/ MASTER SIGN PROGRAM AMENDMENT NO. 7-12-2309, A REQUEST BY CNP SIGNS, ON BEHALF OF EL POLLO LOCO, TO MODIFY THE EXISTING MASTER SIGN PROGRAM TO PERMIT A DRIVE-THROUGH MENU BOARD, BY M/VICE CHAIR LAUTENSCHLEGER, S/AGENCY MEMBER SONGSTAD.
APPROVED BY A VOTE OF 5-0.

PLANNING AGENCY ADJOURNMENT

Mayor Carruth reconvened the City Council Meeting at 7:24 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

City Manager Channing reported that a press conference would be held on Wednesday, September 12, 2012, in Sacramento by Governor Brown regarding pension reform.

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

There were no matters agendized and presented by City Council Members.

9. CITY COUNCIL MEMBER COMMENTS

COUNCIL MEMBER KOGERMAN

Council Member Kogerman reported on her attendance at the League of California Cities Conference held in San Diego, September 5-7, 2012, and handed out her Action report.

MAYOR PRO TEMPORE LAUTENSCHLEGER

Mayor Pro Tempore Lautenschleger reported on his attendance at the League of California Cities held in San Diego.

COUNCIL MEMBER SONGSTAD

Council Member Songstad reported on his attendance at the League of California Cities held in San Diego.

MAYOR CARRUTH

Mayor Carruth thanked Mayor Pro Tempore Lautenschleger and Council Member Songstad for their participation in the League of California Cities and gave a report on her attendance at the Conference.

Mayor Carruth reminded City Council and staff about the 16th Annual Inner Coastal & Watershed Clean Up Day to be held on Saturday, September 16, 2012.

City of Laguna Hills
City Council Meeting Agenda
Staff Report

DATE: SEPTEMBER 25, 2012

TO: CHAIR AND PLANNING AGENCY MEMBERS

FROM: DAVID CHANTARANGSU
COMMUNITY DEVELOPMENT DIRECTOR

ISSUE: CONDITIONAL USE PERMIT NO. 08-12-2346, A REQUEST BY H2O PARTNERS, LLC., TO OPERATE AN INDOOR TRAMPOLINE PARK AT 23251 AVENIDA DE LA CARLOTA IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 08-12-2346; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 08-12-2346, A REQUEST BY H2O PARTNERS, LLC., TO OPERATE AN INDOOR TRAMPOLINE PARK AT 23251 AVENIDA DE LA CARLOTA IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT."

SUMMARY:

Conditional Use Permit No. 08-12-2346 is a request by Joshua Hunter, representing H2O Partners, LLC, and the property owner, Aopp Acquisition Corp. Three (collectively referred to as the “Applicant/Owner”), to establish BigAir Trampoline Park (“BigAir”) at 23251 Avenida de la Carlota in the City’s Freeway Commercial zoning district. The facility is a commercial-recreation use that will offer a number of trampoline-based recreation activities including open play, dodge ball, fitness/training classes, and more. Staff has reviewed this project for compliance with the Development Code’s requirements, the General Plan’s goals and strategies, and the California Environmental Quality Act (CEQA) and determined that this project, subject to conditions of approval, will not result in any significant adverse impacts to the public health, safety, and general welfare.

BACKGROUND:

The project site is a 25,613 square foot building located at the north end of Furniture Row and is surrounded by a hotel (Courtyard by Marriott) to the north, the I-5 Freeway to the east, and retail and industrial uses to the south and west. Although Furniture Row and surrounding buildings located on Commerce Center Drive (and along a portion of Ridge Route Drive) are located on one property, the business park has been designed to allow businesses to function independently but with the benefit of having common ingress/ egress and parking to adjoining areas of the site. In the instant case, the use proposed for the subject building includes 82 spaces as depicted by the project site plan. Adjoining parking areas also provide 131 spaces for overflow parking if needed.

The most recent tenant at the building was the Executive Design Center, which opened in November of 2011 and closed a few months later. Prior to that tenant, the building was occupied by Furniture Direct, which closed in 2010. Given the recent business turnovers and the weakness in the retailing sector, a business that is more of a destination, such as the proposed trampoline park, is more likely to be successful at the location.

PROJECT DESCRIPTION & ANALYSIS:

Private recreation facilities are an authorized use in the Freeway Commercial District as described by Table 9-26.020 of the Laguna Hills Development Code and are subject to the approval of a conditional use permit (CUP) by the Planning Agency in accordance with Section 9-92.080(C). The purpose of the CUP process is to ensure that the proposed use will not "adversely impact adjacent or abutting uses or the surrounding community due to operating characteristics." The CUP process provides the Planning Agency with the opportunity to review a proposal and approve the request subject to conditions that ensure compatibility with adjoining uses and the community. For commercial recreational facilities, potential impacts are usually noise, traffic, parking, and the hours of operation during which the impacts occur.

BigAir Trampoline Park will occupy the existing 25,613 square foot office building and convert it into an indoor entertainment park with large trampolines for general use, dodge ball games, "aerobatics," fitness classes, parties and events. The business will employ up to 50 people and have approximately 18 employees working during normal business hours. BigAir plans to operate on Sundays through Thursdays from 10:00 a.m. to 9:00 p.m. and on Fridays and Saturdays from 10:00 a.m. to 12:00 a.m. Open jumping sessions will occur throughout the day, and admission is charged on a "per hour" basis, up to two hours per person at a time. For non-jumpers, a café and lounge area will be provided where food and drink (non-alcoholic) items can be purchased. Food items will be brought in from off-site and will include pizza, hot dogs, cookies, candy, and ice cream.

The trampoline area is divided into six areas as shown on the provided floor plan. General adult bouncing will take place on a 1,846 square foot trampoline grid while children will have their own dedicated 540 square foot trampoline grid. Two 2,030 square foot trampoline grids will be provided for dodge ball games, which typically occur in the evening from 9-11:00 p.m. BigAir does not organize teams for dodge ball games, but coordinates use of the facility for outside leagues. Finally, an 840 square foot foam pit is provided for practicing "aerobatic" maneuvers and three basketball lanes are provided for "slam dunking." The facility will provide rooms for birthday parties and other private events, which must be scheduled in advance and typically last 90 minutes each. Based upon the facility's trampoline capacity, BigAir can operate up to six parties or events simultaneously.

<u>Safety:</u>
In order to maintain a safe operating environment, BigAir plans to limit the number of guests in the trampoline area. When a guest is admitted into the facility, they are given a colored wrist band with their entry time written on the band. Bands with different colors are used every 15 minutes so that employees are aware of what color band expires at a given time. Once the capacity limit is reached, new guests will not be admitted until other guests' jumping sessions are completed. To prevent hazards on the trampoline floor, BigAir will provide coin-operated lockers for guests and employees to store their personal belongings. In the event of injury, BigAir will have employees on-staff who are trained in CPR and first aid.

<u>Parking:</u>
As a relatively new type of commercial recreation use, the Development Code did not anticipate a required parking ratio for a trampoline park. To gain a better understanding of the parking required for this type of use, staff researched an indoor trampoline facility recently approved by the City of Anaheim (a proposal for a +/- 32,000 square foot facility) and obtained a copy of a parking study prepared for that project. The parking study analyzed weekend parking data at three indoor trampoline facilities in Rancho Cordova and Rocklin (located in the Sacramento area) and Costa Mesa, and found that the average peak parking demand equated to 2.94 parking spaces per 1,000 feet of gross floor area. Conservatively rounding this ratio up to 3 parking spaces per 1,000 feet of gross floor area and applying it to Big Air's 25,613 square foot building shows that 77 parking spaces are required. Compared to the 82 space parking supply, there is a surplus of 5 parking spaces – approximately 6 percent of the parking "assigned" to the building.

Given that the trampoline area's capacity is controlled at 200 persons, and 18 employees will be working during normal business hours, a requirement of 77 parking spaces indicates that approximately 3 persons will be arriving at the site per vehicle. This is a reasonable estimate since the primary demographic for the business is teens and young children who will arrive with parents and siblings instead of adults arriving in individual vehicles (except for employees). It is also likely that a significant number of teens and children will be dropped off for a jumping session, decreasing the overall parking demand. Additionally, overflow parking will be available during BigAir's peak evening hours since most tenants along Furniture Row close at 5:00 p.m. or 6:00 p.m. Despite the overlap of hours, existing businesses typically utilize only 25-50% of their available parking supply. With these considerations, staff is confident that available parking on-site is adequate to support this use. However, with only a +/- 6 percent parking surplus anticipated, staff has recommended that Condition 22 be added which requires the Applicant/Owner to implement a Parking Management Plan in the event parking for the use materially impacts adjoining uses.

The condition is recommended since the use would result in less than a 15 percent parking space surplus. This level of parking surplus is typically recommended as an optimal condition for parking availability at a commercial site. Despite the potentially high parking space occupancy rate, as described above an additional supply of 131 spaces is available for use as overflow parking. According to the parking study prepared for the City of Anaheim, peak hours for other trampoline parks were Friday afternoons after 3:00 PM and Saturdays after 12:00 PM.

PUBLIC COMMENT:

A total of 269 public hearing notices were mailed to surrounding property owners and business owners within a 300 foot radius of the subject site. To date, staff has received one letter from a resident at 23301 Ridge Route Drive, #205, expressing support for the project and concern for the City's insured water supply after a major earthquake.

CEQA FINDINGS:

Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and determined that this project is categorically exempt from CEQA pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). A Class 1 categorical exemption applies to projects that consist of the licensing, permitting, leasing, or minor alteration to an existing structure.

CONCLUSION:

This proposal will bring a recreational use that is growing in popularity to a building that has struggled to hold a tenant for several years. Staff has reviewed this project for compliance with the requirements of the Development Code and General Plan goals and strategies and determined that this project is in compliance with these regulations. Additionally, conditions of approval have been added to ensure that the project will not have a negative impact on surrounding neighbors or properties. Therefore, approval of CUP-8-12-2346 is warranted.

ATTACHMENTS:

- Attachment 1 – Resolution of Approval
- Attachment 2 – Letter of Justification submitted by the Applicant
- Attachment 3 – Vicinity map
- Attachment 4 – Site and floor plans
- Attachment 5 – Public notice response letter dated 9/18/12

RESOLUTION NO. PA2012-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 08-12-2346, A REQUEST BY H2O PARTNERS, LLC., TO OPERATE AN INDOOR TRAMPOLINE PARK AT 23251 AVENIDA DE LA CARLOTA IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT.

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, an application (Conditional Use Permit No. 08-12-2346) has been received from Joshua Hunter on behalf of H2O Partners, LLC., and the property owner, Aopp Acquisition Corp. Three (collectively referred to as the "Applicant/Owner"), for the establishment of an indoor trampoline park at 23251 Avenida de la Carlota in the (FC) Freeway Commercial zoning district.

WHEREAS, Conditional Use Permit No. 08-12-2346 is hereby found to be categorically exempt from the requirements of the California Environmental Quality Act based upon a Class 1 (CEQA Guidelines Section 15301) exemption.

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the Applicant/Owner, and other interested parties with respect to the subject application at a public hearing held on September 25, 2012.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein.

SECTION 2. That the required findings by the City for approval of Conditional Use Permit No. 08-12-2346 have been met and made as follows:

1. The proposed use is consistent with the General Plan in that:

The General Plan designation for the project site is Freeway Commercial, which seeks to provide an environment "that takes advantage of the superior access and visibility provided by I-5." The proposed commercial recreation use is consistent with the General Plan in that it is an allowed commercial use (with a Conditional Use Permit) that will take advantage of the visibility provided by the I-5 Freeway. The use is identified as a Private Recreation Facility in the City's zoning code (Table 9-29.040) which is a conditionally permitted use in the Freeway Commercial Zone. The Freeway Commercial Zone is implemented by the Freeway Commercial General Plan Land Use Designation. Therefore the use is consistent with the General Plan.

2. The nature, condition, and development of adjacent uses, buildings, and structures have been considered and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that:

The proposed trampoline park is located in an area that is commonly known as Furniture Row. This area consists of a mix of retail and industrial uses that are compatible with the proposed commercial recreation use. Conditions of approval have been added to ensure that the activities taking place at the trampoline park do not adversely affect adjoining businesses located on the same property that rely on parking in the area. Specifically, Condition No. 22 addresses a requirement for a parking management plan to be implemented in the event there is a material impact on parking for other uses located on the same property. A parking study relied on for the project indicates that peak hour parking could result in up to a +/- 95% parking occupancy rate while an 85% parking occupancy rate is ideal. In the event of a higher parking demand, overflow parking is available, but only in parking areas utilized for adjoining businesses. To ensure sufficient parking exists for the proposed use and existing uses, the requirement for a parking management plan can be implemented if deemed necessary by the City to manage the parking supply on the property to ensure parking is available for all existing uses and the proposed use. This condition will ensure that the use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

3. The proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity in that:

The subject property is one site covering +/- 13.4 acres and is improved with a mix of retail and industrial uses. The portion of the site where the proposed project is located is improved with an existing 25,613 square foot building that will easily accommodate the trampoline park as shown on the provided floor plan. Since the building is currently configured for an office use, a tenant improvement is planned to convert the building into an indoor trampoline park. No exterior alterations are planned, so the site will continue to be compatible with existing and planned uses in the vicinity. In addition adequate parking is anticipated to be available for the use as described. A contingency has also been put into place to require the Applicant/Owner to prepare and implement a parking management plan to ensure adequate parking for all uses and the proposed use in the event anticipated parking demand is higher than expected. While 82 spaces are available for the proposed use, an additional 131 spaces are available on the property for the purpose of providing overflow parking if needed.

4. All required development standards prescribed by the Laguna Hills Development Code can be achieved in that:

The primary development standard prescribed by the Development Code for this project is required parking. Since the Development Code does not have an established parking standard for this type of use, pursuant to Section 9-44.050, the Community Development Director has determined that a required parking ratio of three parking spaces per thousand square feet of gross floor area of the trampoline park is appropriate based on the preparation of a parking study prepared for similar uses. With this requirement, 77 parking spaces are required versus 82 parking spaces supplied. Therefore, this project meets this parking standard and all other required development standards prescribed by the Development Code.

5. The conditions and limitations placed upon the use are necessary to insure compatibility with adjacent or abutting uses and the preservation of the public health, safety, and welfare in that:

Conditions of approval relating to property maintenance, parking and lighting have been added to ensure that the proposed trampoline park is compatible with adjacent uses and that the public health, safety, and welfare of the public is preserved.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve Conditional Use Permit No. 08-12-2346 subject to the following conditions:

<u>Standard Conditions</u>

1. This approval constitutes approval of the proposed project only to the extent that it complies with the City Development Code and any

other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.

2. Failure to abide by and faithfully comply with any and all conditions of approval shall constitute grounds for revocation of said Conditional Use Permit by the Laguna Hills Planning Agency.

3. As a condition of issuance of this approval, the Applicant/Owner hereby agrees, at its sole cost and expense and to the fullest extent permitted by law, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, employees, agents, and consultants, which seeks to attack, challenge, set aside, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the Applicant/Owner of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, but is not obligated to, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

4. The Applicant/Owner shall agree in writing to these conditions of approval within 30 days of the Planning Agency's action.

5. The Applicant/Owner shall reimburse the City for any outstanding staff time spent on the processing of Conditional Use Permit No. 08-12-2346 within 60 days of Planning Agency action.

6. The Conditional Use Permit shall expire and be of no further force or effect if the permit is not established within two years from September 25, 2012.

7. Within 48 hours from project approval, the Applicant/Owner shall submit to the City a check in the amount of $50, made out to the Orange County Clerk-Recorder, for filing a CEQA Notice of Exemption.

8. All activities associated with the use shall be conducted entirely within the building.

9. Operation of the use shall comply with the City's noise ordinance as established in Chapter 5-24 in the Laguna Hills Municipal Code.

10. The property shall be maintained in a neat and clean manner and kept free of trash and debris.

11. All lighting fixtures and devices shall comply with Section 9-40.170 of the Laguna Hills Municipal Code. No flashing, party, strobe or other animated lighting effects shall be used outside of the building.

12. All signs for the business, temporary or permanent, shall comply with Chapter 9-42 of the Laguna Hills Municipal Code. Signs shall be maintained to prevent deterioration, disrepair, and shall be legible and kept in good condition.

13. Prior to issuance of a building permit, the Applicant/Owner shall apply for a Certificate of Use and Occupancy.

14. The Applicant/Owner shall secure all applicable building permits, as required by section 105 of the 2010 California Building Code (see also work exempt from permits) prior to commencement of any work for which a permit is required.

15. Any required documents submitted for the purpose of building permit issuance shall be accurately labeled and reflect all work, as required by section 107 of the 2010 California Building Code.

16. Prior to issuance of building permits, the Applicant/Owner shall secure approvals from OCFA and the Planning Division.

17. The Applicant/Owner shall comply with California Disabled Accessibility requirements as required by Chapter 11 of the California Building Code at the time of document submittal for the purpose of permit issuance.

18. The Applicant/Owner shall secure approval from Orange County Health at the time of document submittal for the purpose of permit issuance.

19. All construction shall comply with the 2010 California Building Code, California Plumbing Code, California Mechanical Code, and California Electrical Codes in regards to A-3 occupancies.

20. Prior to the issuance of a building permit, the Applicant/Owner shall submit to the Orange County Fire Authority (OCFA) the following plans for review and approval: architectural (service codes PR200-PR285); and fire sprinkler system (service codes PR400-PR465) if required by code or installed voluntarily, or if existing building is sprinklered and the system is modified.

21. Prior to concealing interior construction, the Applicant/Owner shall submit to OCFA a fire alarm system plan (service code PR500-PR520) for review and approval if modified, provided voluntarily, or required by code. For information or clarification, contact Lynne Pivaroff at (714) 573-6133 or at lynnepivaroff@ocfa.org.

<u>Special Conditions</u>

22. In the event of any material parking conflicts between the proposed use and adjoining uses as determined by the Community

Development Director, within 60 days of being notified by the City, the Applicant/Owner shall prepare and implement a parking management plan which shall be submitted to the Community Development Director for review and approval prior to implementation. Such plan may be amended from time to time as required by the Director.

23. If at any time in the future the Community Development Director determines, in his or her sole discretion, that a parking and circulation study is necessary to address parking and/or circulation issues relative to any change in any use or any portion of any use (i.e., change in tenant mix) in the shopping center, the Applicant/Owner shall, at its sole cost and expense, be responsible for the cost of a parking and circulation study prepared by a licensed consultant selected by the City. The Applicant/Owner shall, at its sole cost and expense, be responsible for implementation costs of any reasonable mitigation measures deemed appropriate by the Director related to such impacts based on the findings of such study.

(Remainder of this page intentionally left blank)

PASSED, APPROVED, AND ADOPTED this 25th day of September 2012.

____
MELODY CARRUTH, CHAIR

ATTEST:

____
PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. PA2012-XXX by the Planning Agency of the City of Laguna Hills, California, at a Regular Meeting thereof held on the 25th day of September 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____
PEGGY J. JOHNS, CITY CLERK

RECEIVED
AUG 1 5 2012
CITY OF LAGUNA

SKY TOWN INDOOR TRAMPOLINE PARK

Letter of Justification

1. The property is located at 23251 Avenida De La Carlota. According to the General Plan the property is within Freeway Commercial Zone 86.42 . Sky Town proposes to utilize the existing building and modify the interior into a indoor trampoline park. The use would be consistent with a General Plan's commercial zoning.

2. The business will not require any major modification to the existing building, parking, landscape, and ingress/egress to the property. Located South of the building is a vacant commercial retail building. Located to the North and at a lower elevation is a hotel. All other surrounding businesses are also within the Freeway Commercial zone. The proposed business falls within the approved uses of the community commercial designation and would have no adverse affects on the adjacent businesses.

3. The proposed site is adequate in size and shape to accommodate the proposed business. All proposed changes to the existing building will be on the interior only. Furthermore, the proposed business integrates well with the other surrounding businesses that are also located within the freeway community commercial zoning.

4. There will be no modifications to the building exterior, parking lot, landscape areas, or drive approaches. All planned changes are to the interior of the building only. Signage will be applied for under a separate permit.

5. The proposed business is an indoor trampoline park. It will be operated by H20 Partners LLC. Greg Briggs, who was the General Manager of Wild Rivers for 25 years is a principal of H2O Partners, will be the General Manager of Sky Town. The business operations and hours are as follows:

Days of the Week	Hours of Operation	Activity
Sunday - Thursday	10:00 AM - 10:00 PM	General Bounce and Dodgeball
Friday - Saturday	10:00 AM - 12:00 AM	General Bounce and Dodgeball
Sunday - Saturday	6:00 AM - 10:00 AM	Fitness Classes

Additionally, the business will occasionally accommodate private groups during Sunday - Thursday from 10:00 PM to 11:00 PM. As part of the trampoline park the business will host birthday parties.

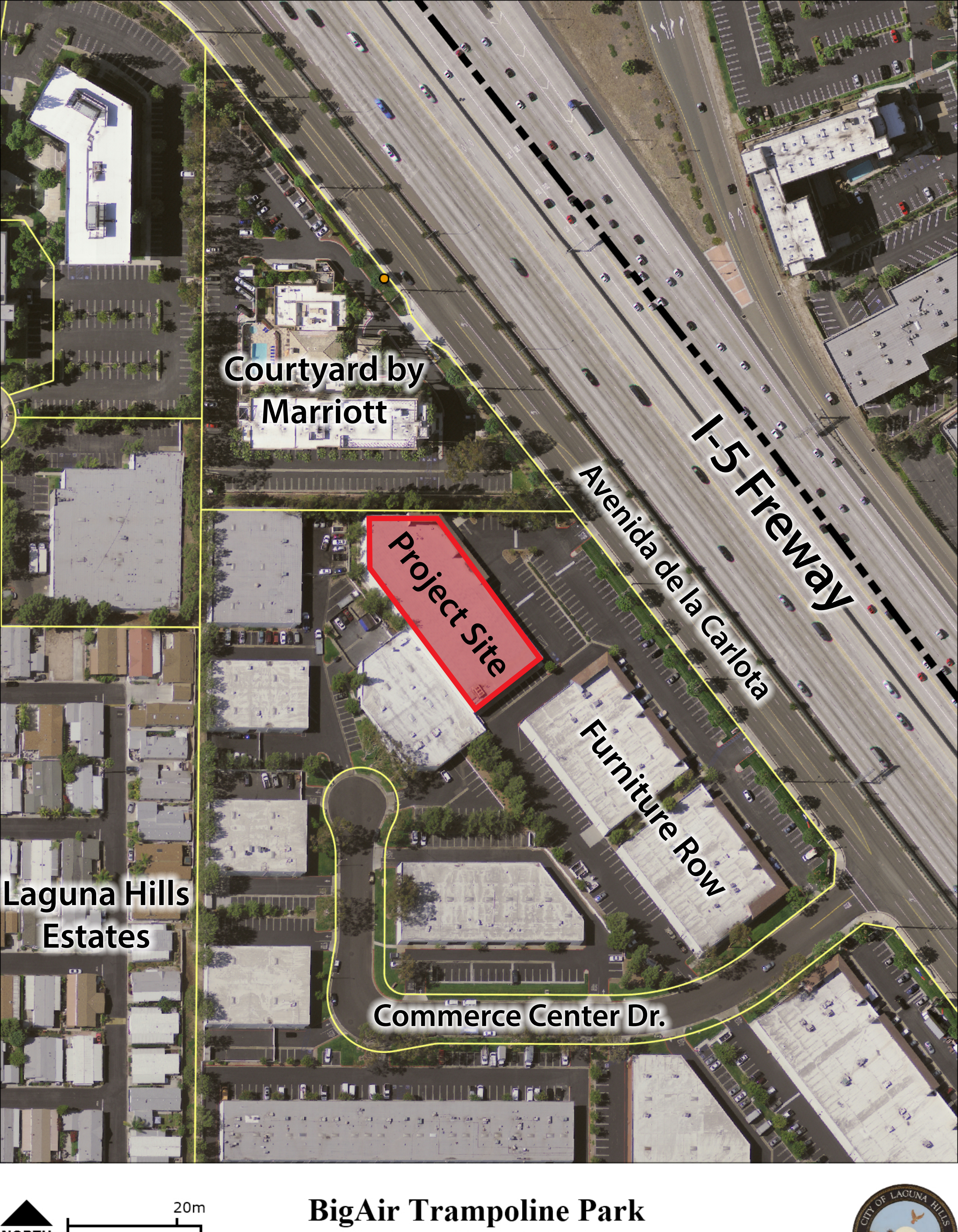
Photographs of Existing Building & Site

Subject property looking West from Avenida De La Carlota

North Side of Building from Avenida De La Carlota. There are trees that screen the hotel located to the north of the subject property at a lower elevation.

South side of the building from Avenida De La Carlota.
There is a shared driveway with the adjacent business
however the building is currently vacant.

The proposed business will not require any modification to the existing site including the exterior of the building. The signage will be applied for under a separate permit after approval of the Conditional Use Permit.

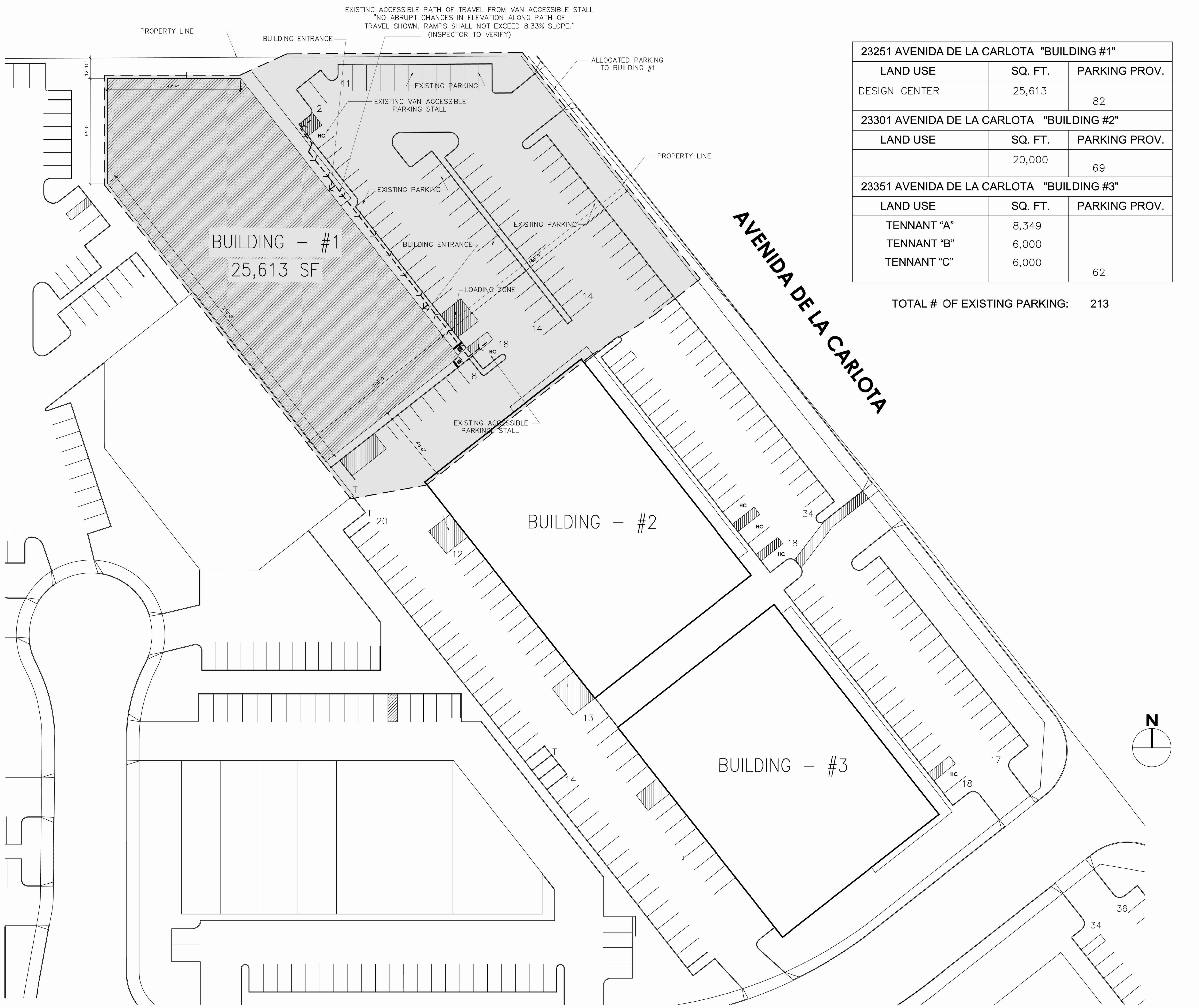


Date: 09/18/12

BigAir Trampoline Park
23251 Avenida de la Carlota
Vicinity Map

9/25/2012 ITEM NO. 5.4.1

9/25/2012 ITEM NO. 5.4.1



23251 AVENIDA DE LA CARLOTA "BUILDING #1"		
LAND USE	SQ. FT.	PARKING PROV.
DESIGN CENTER	25,613	82
23301 AVENIDA DE LA CARLOTA "BUILDING #2"		
LAND USE	SQ. FT.	PARKING PROV.
	20,000	69
23351 AVENIDA DE LA CARLOTA "BUILDING #3"		
LAND USE	SQ. FT.	PARKING PROV.
TENNANT "A"	8,349	
TENNANT "B"	6,000	
TENNANT "C"	6,000	62

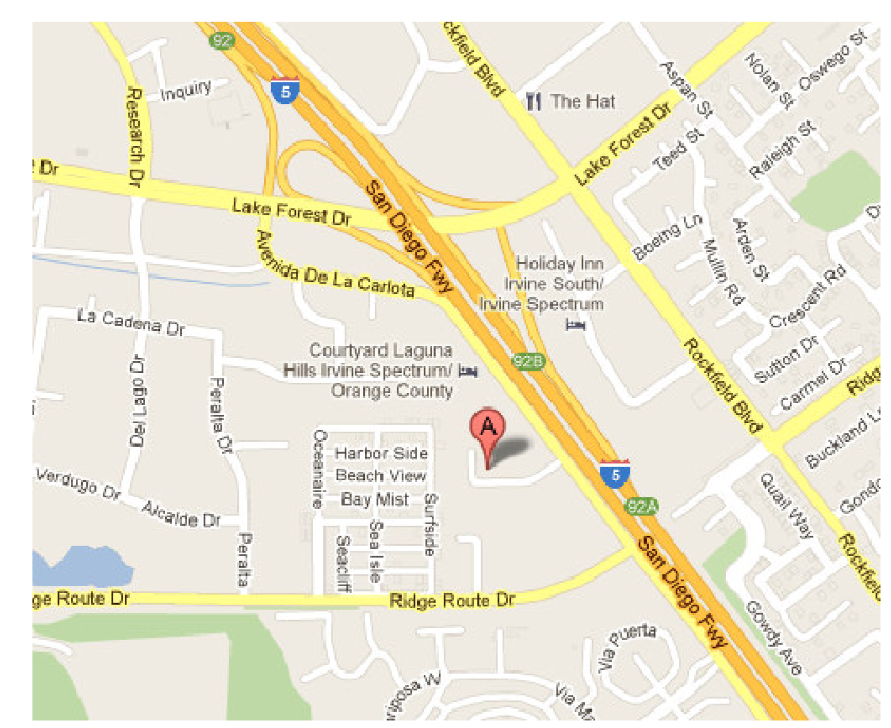
TOTAL # OF EXISTING PARKING: 213

PROJECT INFORMATION

PROJECT ADDRESS: 23251 AVENIDA DE LA CARLOTA, LAGUNA HILLS, CA

OPERATOR: OC TRAMPOLINE PARK
999 CORPORATE DRIVE, SUITE 215
LADERA RANCH, CA 92626
T 949 887 2486
CONTACT: JOSHUA HUNTER

ARCHITECT: GB ARCHITECTURE
2915 REDHILL AVENUE, SUITE G102
COSTA MESA, CA 92626
T 949 294 8385
CONTACT: STUART BECK



Site Plan

SCALE: 1" = 30'

Vicinity Map

SCALE: N.T.S.

Proposed Trampoline Facility

Carlota Trampoline Park

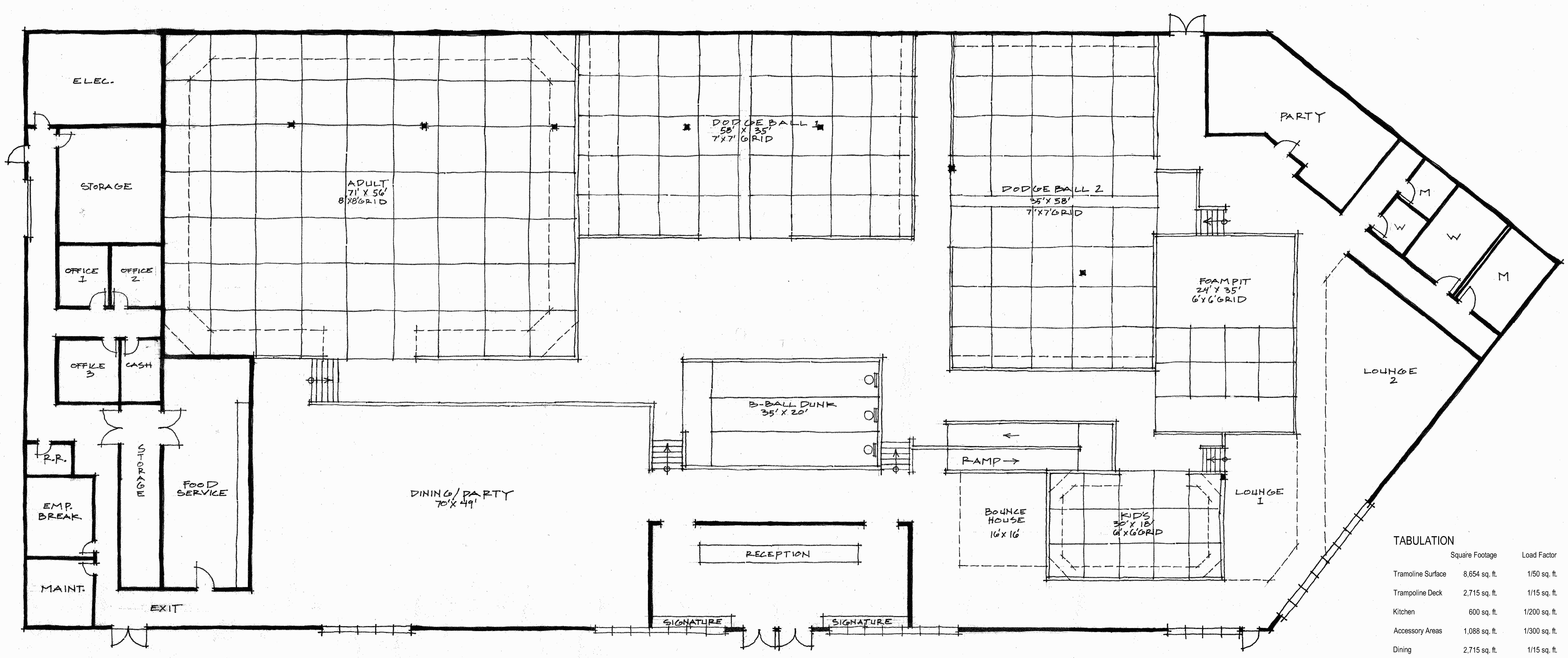
23251 Avenida De La Carlota

August 7, 2012

A-1

PROJECT # 124636

GB ARCHITECTURE
2915 Redhill Avenue . Suite G102
Costa Mesa . California 92626
T 949 294 8385 . F 714 486 3320



BUILDING PLAN

SCALE: 1/8" = 1'-0"

TABULATION

	Square Footage	Load Factor	Occupants
Tramoline Surface	8,654 sq. ft.	1/50 sq. ft.	173.
Trampoline Deck	2,715 sq. ft.	1/15 sq. ft.	180
Kitchen	600 sq. ft.	1/200 sq. ft.	3
Accessory Areas	1,088 sq. ft.	1/300 sq. ft.	4
Dining	2,715 sq. ft.	1/15 sq. ft.	181
Reception	710 sq. ft.	1/15 sq. ft.	47
Lounge / Party	1,558 sq. ft.	1/15 sq. ft.	103
Office	534 sq. ft.	1/100 sq. ft	6
Usable Area	18,574 sq.ft..		697

Proposed Trampoline Facility

Carlota Trampoline Park

23251 Avenida De La Carlota

August 7, 2012

A-2

PROJECT # 124636

GB ARCHITECTURE
2915 Redhill Avenue . Suite G102
Costa Mesa . California 92626
T 949 294 8385 . F 714 486 3320

City of Laguna Hills

Notice of Planning Agency 9/18/12

Subject: CEQA Guidelines Section 15301, Existing Facilities.

CUP # 08-12-2346 ATTN: City Clerk

A trampoline park is fine and good and I'm sure it would be welcome in our community .

But it seems we have our head in the sand about a insured water supply in case of a major earthquake. If the La Puente fault slips or other major faults in So. California the devastation would be beyond description.

What our priority should be is a water purification facility (Sea water to drinking water).

It's my understanding that we are 300 years overdue now.

Respond to: James T. Sissung

23301 Ridge Route Dr. #205

Laguna Hills Ca. 92653

Thank you,

James T. Sissung

City of Laguna Hills
City Council Meeting Agenda
Staff Report

DATE: SEPTEMBER 25, 2012

TO: COUNCIL MEMBERS

FROM: MAYOR CARRUTH AND MAYOR PRO TEMPORE LAUTENSCHLEGER

ISSUE: RESPONSE TO GRAND JURY REPORT ENTITLED "THE USE OF GOVERNMENT INFLUENCE ON A PRIVATE EDUCATIONAL INSTITUTION"

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE A REPORT FROM THE COUNCIL-APPOINTED SUBCOMMITTEE, AUTHORIZE THE MAYOR TO SIGN THE LETTER OF RESPONSE TO THE GRAND JURY'S JULY 5, 2012, REPORT REGARDING THE USE OF GOVERNMENT INFLUENCE ON A PRIVATE EDUCATIONAL INSTITUTION, AND SUBMIT THE RESPONSE TO THE PRESIDING JUDGE OF THE ORANGE COUNTY SUPERIOR COURT AS REQUIRED BY STATE LAW.

SUMMARY:

On or about July 5, 2012, the Orange County Grand Jury released a report entitled: "The Use of Government Influence on a Private Educational Institution," and as is their practice, required responses from each affected governmental agency. At the July 10, 2012, Regular City Council Meeting, the City Council appointed a two-member Subcommittee consisting of Mayor Carruth and Mayor Pro Tempore Lautenschleger and charged them with the responsibility of preparing a draft response to the Grand Jury's report. The proposed response has been prepared for the City Council's consideration and is attached to this report. The Subcommittee recommends that the City Council authorize the Mayor to sign the recommended response and send it to the Presiding Judge of the Orange County Superior Court. A copy of the referenced Grand Jury Report is on file with the City Clerk's Office and is also available online at www.ocgrandjury.org.

After careful review of the law pertaining to civil grand jury investigations and reports, the instructions given to the City by the Grand Jury Foreman and the content of the report itself, the Subcommittee concludes that the report's findings and recommendations are misdirected in as much as the report focuses on matters that are not related to the "*operations*" of the City of Laguna Hills (California Penal Code §925a) and concomitantly are also not under the "*control*" of the City of Laguna Hills. The actions called into question by the Grand Jury were apparently undertaken by elected representatives of the

Orange County Division of the League of California Cities, an independent, not-for-profit entity that is not "under the control" of the City of Laguna Hills. Moreover, there is no factual evidence presented in the report that the alleged actions by the Council Members in question were undertaken at the direction of or with the knowledge and/or consent of the City Council of the City of Laguna Hills. Consequently, the Subcommittee believes that the Grand Jury should have directed their report to the Orange County Division of the League of California Cities for the required response to their findings and recommendations.

In light of the foregoing conclusion and so as not to completely ignore the Grand Jury's request for a response to their report, the Subcommittee has prepared a very simple and straight-forward response from the City Council to the Presiding Judge of the Orange County Superior Court.

BACKGROUND:

State law requires that "*Not later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body…*" The cities of Tustin and Laguna Hills were the only governmental agencies specifically targeted for a response to the Grand Jury report entitled "The Use of Government Influence on a Private Educational Institution." By our calculations, this is the last Council meeting scheduled prior to the end of the 90-day time period. Consequently, it is appropriate to take action now.

The report focuses on activities reportedly conducted by two elected members of the Board of Directors of the League of California Cities, Orange County Division, during a private meeting with the President of a local university that is the parent of an unnamed affiliate university, whose professor in charge of their Public Administration Graduate Program had assigned two graduate students to work on a report designated by a candidate for the Laguna Hills City Council related to City Manager compensation.

It is the conclusion of our Subcommittee that nothing pertaining to that meeting, or the alleged actions of the two City Council Members, had anything to do with the "operations" of the City of Laguna Hills, nor were the alleged actions directed by or sanctioned by the City Council of Laguna Hills. Consequently, we do not believe it is within the purview of this City Council to comment on the appropriateness of actions reportedly taken or not taken by another governmental agency over which the City has no control. Moreover, the Subcommittee finds that significant portions of the report are vauge and ambiguous and lack critical factual information and analysis. The report contains inferences, conjecture, and innuendoes pertaining to a political campaign matter and not to the operations of the City of Laguna Hills. Based on the manner in which the report is written, the City does not have a clear understanding of the facts or the context in which the alleged statements were made. In light of this, the Subcommittee concludes that the City Council cannot provide an informed and meaningful response to the findings and recommendations. Lastly, the Subcommittee believes that the assertions in the report related to the conduct of each individuals' "expressive" activity may, in fact, be protected by the First Amendment.

ATTACHMENTS

- Response Letter

CITY OF LAGUNA HILLS

City Council

MAYOR
Melody Carruth
MAYOR PRO TEMPORE
Joel Lautenschleger

COUNCIL MEMBERS
Randal Bressette
Barbara Kogerman
L. Allan Songstad, Jr.

September 25, 2012

The Honorable Thomas J. Borris
Presiding Judge of the Superior Court
County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Re: CPC Section 933(c) Response to Grand Jury's July 5, 2012 Report Entitled, "The Use of Government Influence on A Private Educational Institution" from the City of Laguna Hills

Dear Judge Borris:

As requested by the Orange County Grand Jury letter dated July 2, 2012, the City of Laguna Hills is responding to the findings and recommendations of the Grand Jury Report entitled, "The Use of Government Influence on A Private Educational Institution."

As a general statement, the City of Laguna Hills finds and believes that the aforesaid report should have been directed to a different governmental agency and not to the City of Laguna Hills in as much as the report focuses on matters that are not related to the *"operations"* of the City of Laguna Hills and concomitantly are also <u>not</u> under the *"control"* of the City of Laguna Hills. The actions called into question by the Grand Jury were purportedly undertaken by elected representatives of the Orange County Division of the League of California Cities, an independent not-for-profit entity that is not "under the control" of the City of Laguna Hills.

In our opinion, the report focuses on representations reportedly made by two elected members of the Board of Directors of the League of California Cities, Orange County Division, during a private meeting with the President of a local university that is the parent of an unnamed affiliate university, whose professor in charge of their Public Administration Graduate Program had assigned two graduate students to work on a report designed by a candidate for the Laguna Hills City Council, related to city manager compensation.

The City Council finds that nothing pertaining to that meeting, nor the alleged actions of the two City council-members, had anything to do with the "operations" of the City of Laguna Hills(California Penal Code §925a), nor were the alleged actions directed by or sanctioned by the City Council of the City of Laguna Hills. Consequently, we do not believe it is within the purview of this City Council to comment on the appropriateness of actions reportedly taken or not taken by another governmental agency over which the City has no control. Moreover, the

24035 El Toro Road • Laguna Hills, California 92653 • (949) 707-2610 • FAX (949) 707-2614
website: www.ci.laguna-hills.ca.us

City Council finds that significant portions of the report are vague and ambiguous and lack critical factual information and analysis. The report contains inferences, conjecture, and innuendoes pertaining to a political campaign matter and not to the operations of the City of Laguna Hills. Furthermore, it is unclear whether the alleged activities described in the Grand Jury's report are within the Grand Jury's authority to investigate (California Penal Code §925a ["…the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions and the method or system of performing the duties of [a city] …and make such recommendations as it may deem proper and fit."]

Based on the manner in which the report is written, the City Council does not have a clear understanding of the facts or the context in which the alleged statements were made. Lastly, the City Council believes that the assertions in the report related to the conduct of these individual's "expressive" activity may, in fact, be protected by the First Amendment. In light of this, the City Council also concludes that it cannot provide an informed and meaningful response to the Grand Jury's findings and recommendations.

Pursuant to California Penal Code §§933 and 933.05, the City Council therefore respectfully offers the following response to the report:

As to Findings F1, F2, F3 & F4:

The City "disagrees wholly" for all the reasons stated above.

As to Recommendations R1, R2 & R3:

The recommendations will not be implemented because they are "not warranted and are not reasonable" for all of the reasons stated above.

Respectfully submitted,

MELODY CARRUTH
Mayor of the City of Laguna Hills

Cc: City Council