
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
SEPTEMBER 13, 2011**

CALL TO ORDER

Mayor Songstad 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 Carruth

ROLL CALL OF CITY COUNCIL MEMBERS

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

Absent: Council Member Bressette

STAFF PRESENT: Bruce Channing, City Manager; Donald White, Assistant City Manager; Peggy Johns, City Clerk; Greg Simonian, City Attorney; Ken Rosenfield, Public Services Director/City Engineer; Vern Jones, Community Development Director; Steve Doan, Chief of Police Services; Art Nevarez, Battalion Chief, Orange County Fire Authority; Dan Meehan, Community Services Superintendent; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

DARK HORSE COMMITTEE (0120-40)

Mike Bland, Laguna Hills, gave an update on the Dark Horse 3/5 Battalion Committee and requested the Committee be allowed to place a collection box at the Laguna Hills Community Center for an upcoming baby shower for the 3/5 Marines.

LAGUNA HILLS HIGH SCHOOL FUNDRAISER (0930-40)

Meg Gorham, Laguna Hills, gave an update on Win-Win Wednesdays and inquired about allowing information regarding Win-Win Wednesdays to be placed at the Laguna Hills Community Center, or the possibility of having a community bulletin board site on the City's website.

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

City Council received an oral report from Laguna Hills High School Student Liaison Kylie West.

3. MINUTES

3.1 REGULAR MEETING, AUGUST 23, 2011 (0410-50)

**Motion to approve the minutes of the August 23, 2011, regular meeting by m/Mayor Pro Tempore Carruth, s/Council Member Kogerman.
Approved by a vote of 4-0-1.**

4. CONSENT CALENDAR

**Motion to approve the Consent Calendar, by m/Council Member Lautenschleger, s/Mayor Pro Tempore Carruth.
Approved by a vote of 4-0-1.**

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 SEPTEMBER 13, 2011 (0300-30)

Approved the Warrant Register in the amount of \$319,870.55.

4.3 RECORDS RETENTION MANAGEMENT (0170-50)

Adopted Resolution No. 2011-09-13-1, a Resolution of the City Council of the City of Laguna Hills, California, authorizing and directing the City Clerk to no longer retain certain City records and documents with a disposal date of September 14, 2011, pursuant to the Government Code of the State of California.

- 4.4 REQUEST TO WAIVE FEES FOR PROCESSING THE VACATION OF A PUBLIC SERVICE EASEMENT (TREE POCKETS) ALONG THE WESTERLY SIDE OF PASEO DE VALENCIA BETWEEN ALICIA PARKWAY AND LA PAZ ROAD WITHIN TRACT MAP NOS. 9035 AND 9403 (0490-70)

Directed staff to initiate a City sponsored public service easement vacation for the tree pocket landscape easements along the westerly side of Paseo de Valencia within Tract Map Nos. 9035 and 9403 without the imposition of a processing fee.

5. PLANNING AGENCY

Mayor Songstad 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 7:12 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

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

Absent: Agency Member Bressette

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES OF THE AUGUST 23, 2011, REGULAR MEETING (0120-10)

Motion to approve the minutes of the August 23, 2011, regular meeting as referenced in Item 3.1, beginning on Page 6, by m/Agency Member Lautenschleger, s/Vice Chair Carruth.

Approved by a vote of 4-0-1.

5.4 ADMINISTRATIVE REPORTS

- 5.4.1. CHANGED PLAN APPLICATION NO. 06-11-1985, A REQUEST BY AT&T TO EXPAND THE EXISTING WIRELESS COMMUNICATIONS FACILITY LOCATED AT 25131 COSTEAU STREET IN THE (NMU) NEIGHBORHOOD MIXED USE ZONING DISTRICT (0610-55)

Motion to continue this agenda item to the regular meeting of September 27, 2011, by m/Vice Chair Carruth, s/Agency Member Lautenschleger.

Approved by a vote of 4-0-1.

5.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Songstad reconvened the City Council meeting at 7:13 PM. All Council Members were present, with the exception of Council Member Bressette.

6. CITY COUNCIL PUBLIC HEARINGS

There were no Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

The City Manager made no reports.

8. OTHER BUSINESS

There was no Other Business.

9. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

COUNCIL MEMBER KOGERMAN

Council Member Kogerman inquired about the Community Development Director's job description in the OC Register. Council Member Kogerman indicated that she would like the City Manager to focus on the economic development specifications of the position. Council Member Kogerman stated that City Council issued a Proclamation for Constitution Week, September 17-23, 2011.

COUNCIL MEMBER LAUTENSCHLEGER

Council Member Lautenschleger indicated that Saturday, September 17, 2011, at 9:00 AM, was the annual Watershed Clean-Up Day and invited residents to attend.

10. CLOSED SESSION

Mayor Songstad recessed the meeting into Closed Session at 7:18 PM.

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

10.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of Litigation pursuant to subdivision (c) of Section 54956.9:
1 potential case.

Mayor Songstad reconvened the meeting at 8:05 PM. All Council Members were present, with the exception of Council Member Bressette.

City Attorney Simonian announced the following action taken by the City Council in Closed Session:

10.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of Litigation pursuant to subdivision (c) of Section 54956.9:
1 potential case.

The City Council convened in Closed Session on September 13, 2011, pursuant to the Closed Session authority set forth in Agenda Item 10.1, for the purpose of discussing one item of potential litigation regarding further implementation of the "Moulton-La Paz Opportunity Area" identified in the 2009 Comprehensive General Plan Update.

This item of litigation involves, generally, Lot "A" of Final Map 11237, a portion of Tract 9198, (approx. 11.268 acres), consisting of unimproved open space located near the corner of Moulton Parkway and La Paz Road in the OS-3 Landscape Corridor District, which is owned in fee by the City.

The substance of the action involves the filing of a Quiet Title Action for the purpose of changing the use of a smaller portion of lot "A" (i.e., Parcel 1 of Final Parcel Map No. 2009-134) (approx. 3 acres) from Open Space to commercial to meet changed conditions, while preserving the open space character of the remaining larger portion of Lot "A" (approx. 8 acres). In a related action, the City previously vacated and abandoned the Open Space Public Service Easement over Parcel 1 of Final Parcel Map No. 2009-134 within the Moulton-La Paz opportunity area by adopting Resolution No. 2010-12-14-8, upon finding that the Public Service Easement over Parcel 1 is no longer necessary for present or prospective public use.

Direction has been given to initiate a Quiet Title action naming the Moulton-La Paz Community Association, et al., and all persons unknown claiming any legal or equitable interest in the following property: Parcel 1 (approx. 3 acres) of Final Parcel Map No. 2009-134. The purpose of the Quiet Title action is to seek a judicial determination that the open space public service easement recorded in the chain of title for Lot "A", inclusive of Parcel 1, by virtue of Final Map No.

11237 and any related instrument, has been rendered null and void and of no further legal effect as to Parcel 1 only by operation of the City's adoption and recordation of the "Resolution vacating and abandoning the Public Service Easement for open space purposes within the Moulton-La Paz Opportunity area for Parcel 1 of Final Parcel Map No. 2009-134."

Once the action is formally commenced, all other particulars will be disclosed by the City to any interested person upon request and a copy of the complaint for Quiet Title and declaratory relief will be made available.

Motion by Mayor Pro Tempore Carruth, s/Council Member Kogerman, and Approved by a vote of 3-0-2 (Council Member Lautenschleger recused (absent)).

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Songstad declared the meeting adjourned at 8:06 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

L. ALLAN SONGSTAD, JR., MAYOR

APPROVED AT MEETING OF SEPTEMBER 27, 2011.