
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
SEPTEMBER 8, 2009**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Bressette led the Pledge of Allegiance.

ROLL CALL

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

STAFF PRESENT: Bruce Channing, City Manager; Donald White, Assistant City Manager; Peggy Johns, City Clerk; Greg Simonian, City Attorney; Ken Rosenfield, Public Services Director/City Engineer; Vern Jones, Community Development Director; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 PERMIT PARKING ON INDIAN HILL LANE (0860-50)

Jim Bresnen and Adam Wayne gave the City Council an update on the permit parking program for Bella Tierra Homeowners' Association. Mr. Bresnen indicated there had not been much usage of the permit parking program, as there were many empty units in the development and the parking problem had lessened for the time being. Mr. Bresnen stated that Mr. Rosenfield had sent him an e-mail indicating that 26 permits had been issued by the City. Mr. Bresnen indicated that the neighbors were still collecting trash on a monthly basis, and last month there were 17 volunteers on a Saturday morning collecting trash. Mayor Lautenschleger reported that the

City's Watershed Cleanup Day was scheduled for Saturday, September 19, 2009. City staff and volunteers would be meeting at the Laguna Hills Community Center, should any residents in the Bella Tierra Homeowners' Association be interested in participating in this event.

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

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

3. MINUTES

3.1 REGULAR MEETING, AUGUST 25, 2009 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE AUGUST 25, 2009, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

Council Member Scott removed Item 4.2 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NO. 4.2.

The motion carried by the following vote:

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

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

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

- 4.3 2009 RECOVERY ACT EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AGREEMENT (0400-10)

Written report from the Police Services Department indicated that the 2009 Recovery Act Edward Byrne Justice Assistance Grant (JAG) was a part of the American Recovery and Reinvestment Act of 2009 signed into law by President Obama on February 17, 2009. It included almost \$2 billion in critical resources for state and local law enforcement and other criminal justice activities. Under the provisions of the grant, the City of Laguna Hills had been awarded \$24,565 to use in support of Sheriff services. The Justice Assistance Grant Program had allocated \$24,565 to the City of Laguna Hills. There were no requirements for matching funds.

APPROVED THE AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND THE COUNTY OF ORANGE AND AUTHORIZED THE MAYOR TO EXECUTE THE AGREEMENT.

- 4.4 13TH ANNUAL INNER-COASTAL WATERSHED CLEANUP DAY (0950-25)

Written report from the Public Services Department indicated that the City of Laguna Hills desired to partner with the County of Orange, other local jurisdictions, non-profit organizations, and corporate sponsors in a statewide cleanup effort of the beaches and inland waterways during the "Inner-Coastal Watershed Cleanup Day," held in conjunction with the Annual Coastal Cleanup Day scheduled for September 19, 2009. The event would bring together residents and volunteers to increase water quality awareness, and pick up trash and debris to improve water quality within the watershed. This year, there would be over 25 cities in Orange County participating in this event. The City of Laguna Hills staff would organize volunteers and direct efforts to clean up the Aliso Hills Channel (City Wetlands) from Via Lomas to Laguna Court, Aliso Creek near Sheep Hills Park, and the Cañada Channel next to Veeh Ranch Park. The City Council supported and declared September 19, 2009, as Inner-Coastal Watershed Cleanup Day and encouraged volunteer participation in the event. The City of Laguna Hills supported the event with a donation of \$750 to the non-profit group Trails4All for supplies. A few hours of staff time would also be necessary to coordinate

the event. Funds for the work were included in the Fiscal Year 2009-2010 Public Works Maintenance Budget.

DECLARED SEPTEMBER 19, 2009, AS INNER-COASTAL
WATERSHED CLEANUP DAY AND ENCOURAGED
VOLUNTEER PARTICIPATION IN THIS EVENT.

4.5 ADOPTION OF ORDINANCE AMENDING SECTION 11-20.010 OF THE
LAGUNA HILLS MUNICIPAL CODE REGARDING SPEED LIMITS (0860-20)

Written report from the Public Services Department indicated that staff requested the City's Consulting Traffic Engineers of Hartzog & Crabill, Inc. review the existing established speed limits on two arterial highway segments based upon concerns that these speed limits were not representative of the prevailing speed of traffic for the conditions of the roadway. Hartzog & Crabill, Inc. completed this review and, based upon the data results and field conditions, recommended changes to the speed limits on Avenida de la Carlota between Paseo de Valencia and Ridge Route Drive and on Paseo de Valencia between Avenida de la Carlota and El Toro Road. The Traffic Commission at the meeting of May 20, 2009, reviewed these Traffic and Engineering Speed Surveys and unanimously recommended to the City Council that they be adopted.

On August 25, 2009, the City Council introduced an Ordinance amending Section 11-20.010 of the Laguna Hills Municipal Code for the proposed speed limits.

ADOPTED ORDINANCE NO. 2009-4, AN ORDINANCE OF
THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING
SECTION 11-20.010 OF THE LAGUNA HILLS MUNICIPAL
CODE REGARDING SPEED LIMITS ON SEGMENTS OF
AVENIDA DE LA CARLOTA AND ON PASEO DE VALENCIA.

4.6 RESPONSE TO THE 2008-2009 ORANGE COUNTY GRAND JURY
REPORT, "PAPER WATER – DOES ORANGE COUNTY HAVE A
RELIABLE FUTURE?" (0150-20)

Written report from the Public Services Department indicated that the Orange County Grand Jury issued the subject report on June 15, 2009, and the City was required to respond to the Findings and Recommendations applicable to the City by the due date of September 17, 2009. The Orange County Grand Jury evaluated drinking water supply resources, the planning for adequate drinking water supply for the remainder of the build-out of the County, and the public's awareness, or lack thereof, of the "precarious" nature of our drinking water supply. The City was specifically required to respond to Finding One, Finding Two, and Recommendation One of the Report. With City Council

approval, it was staff's intention to respond to the Orange County Grand Jury indicating disagreement with the Findings and Recommendations of the report as pertaining to the City.

APPROVED THE RESPONSE TO THE 2008-2009 ORANGE
COUNTY GRAND JURY REPORT, "PAPER WATER – DOES
ORANGE COUNTY HAVE A RELIABLE FUTURE?"

4.7 CONTRACT AMENDMENT NO. 1 WITH ALISO MEADOWS
CONDOMINIUM ASSOCIATION REGARDING COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2008-2009
(0400-10)

Written report from the Community Development Department indicated that over the past four years (Fiscal Years 2004-2005, 2005-2006, 2006-2007, and 2007-2008), the City of Laguna Hills received Community Development Block Grant (CDBG) funding (\$1,214,582) from the County of Orange on behalf of the 248-unit Aliso Meadows Condominium Association development project located on Via Lomas (street).

For Fiscal Year 2008-2009, the City was awarded \$302,184 to rehabilitate between 15-20 units in the development. However, these monies had not yet been spent due to the U.S. Department of Housing and Urban Development (HUD) audit of the County's expenditure of the HUD funds, which delayed project implementation. Staff had only recently been notified that the project could proceed, but subject to a contract amendment that extended the term of the contract (for an additional six months) through December 31, 2009, and incorporated the new rental unit provision required by HUD. The next step in the process to access the funds was for the City to sign Contract Amendment No. 1 (to the existing City/HOA contract) extending the contract term through December 31, 2009, and incorporating the new rental unit provision required by HUD.

City staff would provide much of the time commitment necessary to satisfy the Federal and County paperwork requirements. However, some consultant assistance was also needed to work with the Aliso Meadow's Condominium Association and contractors to provide coordination and field oversight for the rehabilitation of the proposed 10-20 units, which would be paid out of the housing set-aside funds received from those portions of the El Toro Road Redevelopment Project Area that lie within the City of Laguna Hills. It was anticipated that approximately \$35,000 would be spent on consultant assistance for FY2008-2009. There would be no impact to the City's General Fund.

APPROVED CONTRACT AMENDMENT NO. 1 WITH THE ALISO MEADOWS CONDOMINIUM ASSOCIATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2008-2009 FISCAL YEAR, AND AUTHORIZED THE MAYOR AND CITY MANAGER TO EXECUTE THE CONTRACT.

4.8 CONSULTING SERVICES AGREEMENT FOR PLANNING AND HOUSING SERVICES WITH GRC ASSOCIATES (0400-10)

Written report from the Community Development Department indicated that over the past five years, the City of Laguna Hills had obtained more than \$1,500,000 in Community Development Block Grant (CDBG) funds from the County of Orange to rehabilitate approximately 100 dwelling units within the Aliso Meadows Condominium Association development, and for Fiscal Year 2009-10 had been awarded an additional \$200,000 to rehabilitate another ten units. The City was awarded \$302,184 for FY2008-09 but was unable to spend these monies until the County was able to release these funds following an extended audit by the U.S. Department of Housing and Urban Development. The combined CDBG monies for FY2008-09 and FY2009-10 totaled \$502,184. The County had now released the funds and staff was ready to move forward with this project as soon as the Consulting Services Agreement was approved.

GRC Associates was a Planning and Housing firm that had been on contract to the City since 2004 (at an annual cost of between \$25,000 and \$35,000) to assist with the implementation of the CDBG funds for the Aliso Meadows Condominium development. GRC Associates had provided excellent service to the City in regards to staff support and administrative/construction management to date. To assist with the implementation of the CDBG funds awarded for Fiscal Years 2008-09 and 2009-10, GRC had submitted a proposal detailing the project implementation tasks, program phasing, schedule of performance, and fee schedule (totaling \$52,000). The scope of the proposal was consistent with previous years, and the proposed fee reflected the fact that the pre-bidding work had already been completed and that by combining the FY2008-09 and FY2009-10 projects into a single year, there was some savings. City staff would provide much of the time commitment necessary to satisfy the Federal and County paperwork requirements. However, consultant assistance was also needed to work with the Aliso Meadow's Condominium Association, coordinate the contractor bidding process, and provide "field oversight" for the rehabilitation of the units, which would be paid via the "housing funds" received relative to the El Toro Road Redevelopment Project Area. It was anticipated that approximately \$52,000 would be spent on consultant assistance to implement

the CDBG funding received for FY2008-09 and FY2009-10. There would be no impact to the City's General Fund.

APPROVED THE CONSULTING SERVICES AGREEMENT WITH GRC ASSOCIATES AND AUTHORIZED THE CITY MANAGER TO SIGN THE AGREEMENT, SUBJECT TO APPROVAL OF THE AGREEMENT AS TO FORM BY THE CITY ATTORNEY AND THE CITY CLERK TO ATTEST THERETO.

4.9 CITY COUNCIL APPOINTED REPRESENTATIVES (0410-30)

Written report from the City Clerk's Department indicated that at its meeting of August 25, 2009, the City Council approved the City of Laguna Hills' membership in Southern California Association of Governments (SCAG). As part of that action the City Council also designated Council Member Songstad as the Delegate and Mayor Pro Tempore Bressette as the Alternate to the SCAG General Assembly.

At that same meeting, Resolution No. 2009-08-25-2 was adopted by the City Council that amended and restated the Joint Powers Agreement between the City of Laguna Hills and the Orange County Council of Governments (OCCOG). At that time Mayor Pro Tempore Bressette recommended that the SCAG Delegate also be the representative to OCCOG, since these two organizations worked closely together, and having the same representative to both SCAG and OCCOG would be a means for the City of Laguna Hills to be a more effective voice in the regional planning process on issues that affected the City.

The List of Representatives had been modified to now include Council Member Songstad as the Delegate to OCCOG and Mayor Pro Tempore Bressette as the Alternate.

APPROVED THE PROPOSED CHANGE TO THE COUNCIL-APPOINTED DELEGATES TO THE ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) AS SHOWN ON THE CITY REPRESENTATIVES LIST.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 8, 2009 (0300-30)

Council Member Scott removed this item from the Consent Calendar to state one of his clients was a vendor on the Warrant Register and it was not appropriate for him to vote on this item.

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.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE BALANCE OF THE WARRANT REGISTER IN THE AMOUNT OF \$146,669.23 WITHOUT THE A-THRONE CO. INC., ITEM ON PAGE 2.

The motion carried by the following vote:

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

Council Member Scott recused himself and left the meeting.

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE INDIVIDUAL ITEM, A-THRONE CO. INC., IN THE AMOUNT OF \$95.04 ON THE WARRANT REGISTER.

The motion carried by the following vote:

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

Council Member Scott returned to the meeting.

PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:09 p.m. and reconvened the City Council at 7:25 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager made no reports.

6.2 City Attorney

A. PROPOSED AMENDMENT TO THE CITY'S TRANSIENT OCCUPANCY TAX ORDINANCE REQUIRING PAYMENT OF A TAX ASSESSMENT PRIOR TO SEEKING JUDICIAL REVIEW OF THE ASSESSMENT (0390-70)

City Attorney Simonian indicated that the proposed Ordinance would amend the City's Transient Occupancy Tax (TOT) Ordinance. Mr. Simonian indicated that like most other cities in the State of California, Laguna Hills imposed a hotel visitor's tax. Per the Ordinance, hotel operators were currently required to collect 10% of the room rent charged and remit that amount to the City. If hotel operators fail to remit the appropriate tax amount the City could issue a tax assessment. The City Attorney's office was recommending that the City Council consider a minor amendment to the existing TOT Ordinance to clarify that the full tax assessment must be paid by hotel operators prior to seeking judicial review of the assessment. This was commonly referred to as the "pay first, litigate later" rule, and as the name indicated a "pay first, litigate later" provision required that an entity that disagreed with the tax assessment pay the deficiency in full prior to challenging the assessment in court. The adoption of the proposed Ordinance amendment was designed to clarify that the "pay first, litigate later" provision applied to all hotel visitor tax assessments in the City of Laguna Hills and the "pay first, litigate later" provision was consistent with similar provisions in the California constitution for taxes that were due to the State of California. The proposed amendment was consistent with same or similar TOT Ordinance provisions contained in other cities' TOT Ordinances in the State of California and other similar municipal administrative penalty procedures. Mr. Simonian indicated that an administrative citation for parking violations and most other administrative sites in the code currently required a "pay first, litigate later" requirement. Mr. Simonian indicated that it was the recommendation of the City Attorney's Office that the City Council introduce and conduct a first reading of the proposed Ordinance amending the TOT section of the Laguna Hills Municipal Code to include a "pay first, litigate later" provision.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER SONGSTAD, TO INTRODUCE AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADDING SECTION 3-24.150 TO CHAPTER 3-24 OF TITLE 3 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING TRANSIENT OCCUPANCY TAX (TOT) TO REQUIRE PAYMENT OF TAX ASSESSMENTS PRIOR TO

SEEKING JUDICIAL REVIEW OF AN ASSESSMENT OF
SUCH TAXES.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Lautenschleger

A. TOLL ROAD CLOSURES (0150-95)

Mayor Lautenschleger reported that Caltrans had received money from the Federal Government from the American Recovery and Reinvestment Act for the re-paving the 73 Toll Road. This work would be performed during night time hours only, and off ramps would be closed for designated lanes on designated days and times. Signs had been posted around the City that notified residents that this work would be performed.

8.2 Council Member Carruth

A. ASSEMBLY BILL 241 – PUPPY MILL BILL (0480-60)

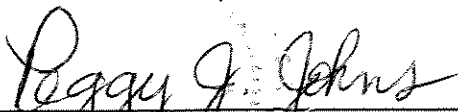
Council Member Carruth indicated that AB 241 had passed through the State Senate and Assembly and was ready for the Governor's signature. This Bill limited to 50 the number of dogs or cats that a breeder could house. There were a few more days until a full vote of the Assembly would be conducted for Senate Bill 250.

9. CLOSED SESSION

There was no Closed Session.

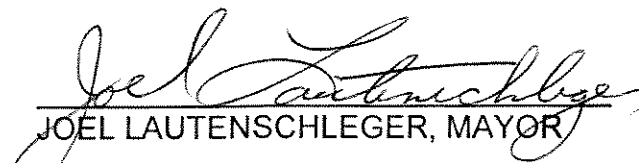
ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschleger declared the meeting adjourned at 7:29 p.m.



PEGGY J. JOHNS, CITY CLERK

ATTEST:



JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF SEPTEMBER 22, 2009.