CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
JULY 12, 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 Bressette

ROLL CALL OF CITY COUNCIL MEMBERS

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

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; Ron Roberts, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Senior Management Analyst; Dan Meehan, Community Services Superintendent; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 FIFTEEN YEAR ANNIVERSARY AWARDS (0500-25)

Mayor Songstad recognized Jan Thomas Frainie, Parks Supervisor, and Janice Reyes, Finance Manager, for fifteen years of service to the City of Laguna Hills, and presented Certificates of Recognition and gifts to Jan Thomas Frainie and Janice Reyes.

2. PUBLIC COMMENTS

<u>SPEED SURVEYS (0860-20)</u>

Allan Cusolito, Laguna Hills, indicated he would like to request a speed survey study at Laguna Hills Drive and Indian Hill Lane.

3. MINUTES

3.1 REGULAR MEETING, JUNE 28, 2011 (0410-50)

Motion to approve the minutes of the June 28, 2011, regular meeting, by m/Council Member Kogerman, s/Council Member Lautenschleger. Approved by a vote of 5-0.

4. CONSENT CALENDAR

Motion to approve the Consent Calendar with Council Member Bressette removing Item No. 4.5, by m/Council Member Bressette, s/Mayor Pro Tempore Carruth.
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

Waived reading of Ordinances and Resolutions.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JULY 12, 2011 (0300-30)

Approved the Warrant Register in the amount of $551,559.79.

4.3 EXTENSION OF TENTATIVE PARCEL MAP NO. 2009-104 (0600-20)

Approved an extension of Tentative Parcel Map No. 2009-104 for two (2) years.

4.4 SOLID WASTE AND RECYCLING CONSULTING SERVICES AGREEMENT WITH ECONOMICS, INC. (0400-10)

Authorized the City Manager to execute the Consulting Services Agreement with EcoNomics, Inc., approved as to form by the City Attorney.

4.6 2011-12 CIVIC CENTER BUDGET (0710-15)

Approved the 2011-12 Civic Center Budget.

4.7 CLAIM OF RALPH COLOMBO FOR DAMAGES TO REAL PROPERTY (0180-15)

Rejected the claim and directed the City Clerk to send the standard rejection letter.

4.8 CLAIM OF RALPH COLOMBO AND APPLICATION FOR LEAVE TO FILE A LATE CLAIM (0180-15)

Denied the Application for Leave to File a Late Claim submitted by Claimant Ralph Colombo on the grounds that the criteria established in Government Code Section 911.6 for excusing the Late Claim were not met; and directed the City Clerk to provide written notice prior to August 14, 2011, to Claimant Ralph Colombo that his Application was denied and that his underlying claim, to the extent that the Claim was for personal injury, damage to personal property, and/or other non-real property related damage, was again returned as untimely.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.5 AMENDMENT NO. 1 TO CITYWIDE LANDSCAPE MAINTENANCE CONTRACT SERVICES AGREEMENT WITH NIEVES LANDSCAPE, INC. (0400-10)

Council Member Bressette removed this item from the Consent Calendar as there was confusion regarding an increase in the Nieves Landscape contract, and asked Public Services Director Rosenfield to explain why the cost increase was negligible. Public Services Director Rosenfield reported that staff identified a potential inconsistency between the original contact and the project specifications and that this was basically an administrative cleanup to clarify the contract and permit Nieves to receive a contract adjustment equal to the annual growth in the April report of the Consumer Price Index.

Motion to approve Amendment No. 1 to Citywide Landscape Maintenance Contract Services Agreement with Nieves Landscape, Inc., and authorized the Mayor to sign the Amendment and the City Clerk to attest thereto, by m/Council Member Bressette, s/Mayor Pro Tempore Carruth.

Approved by a vote of 5-0.

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 7:11 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

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

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 PLANNING AGENCY MINUTES

Motion to approve the Planning Agency minutes of the June 28, 2011, regular meeting as referenced in Item 3.1 beginning on Page 5, by m/Vice Chair Carruth, s/Agency Member Bressette.
Approved by a vote of 5-0.

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1. CONDITIONAL USE PERMIT APPLICATION NO. 3-11-1915, A REQUEST TO ESTABLISH A K - 2ND GRADE CHARTER SCHOOL WITHIN THE ALICIA OFFICE PARK AT 25201 PASEO DE ALICIA IN THE (NMU) NEIGHBORHOOD MIXED USE ZONING DISTRICT (0610-55)

Motion to approve the applicant's request for withdrawal of Conditional Use Permit No. 3-11-1915, by m/Agency Member Kogerman, s/Vice Chair Carruth.
Approved by a vote of 5-0.

5.4.2. SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM/CONDITIONAL USE PERMIT NO. 3-11-1917, A REQUEST BY THE HODGDON GROUP, ON BEHALF OF ASHLEY FURNITURE, TO REDEVELOP THE EXISTING COMMERCIAL PROPERTY, LOCATED AT 24001 EL TORO ROAD IN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT (0600-30)

Agency Member Bressette stated that one of his clients was associated with the project and it was not appropriate for him to vote on this item. Agency Member Bressette recused himself from the dais and left the meeting.

Chair Songstad opened the Public Hearing.

Aaron Hodgdon, representative of Hodgdon Group, on behalf of Ashley Furniture answered questions from the Planning Agency and agreed with the Conditions of Approval.

Carol Moore, Laguna Woods, spoke on Site Development Permit/Master Sign Program/Conditional Use Permit No. 3-11-1917.

Coralee Newman, Laguna Hills United Mutual and Golden Rain Foundation, spoke on Site Development Permit/Master Sign Program/Conditional Use Permit No. 3-11-1917.

Chair Songstad closed the Public Hearing.

Motion to adopt Resolution No. PA2011-07-12-1, a Resolution of the Planning Agency of the City of Laguna Hills, California, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Site Development Permit/Master Sign Program/Conditional Use Permit No. 3-11-1917, a request by Hodgdon Group, on behalf of Ashley Furniture, to redevelop the existing commercial property, located at 24001 El Toro Road in the Village Commercial (VC) Zoning District, to include modified Condition Nos. 23, 31, 38, and 40, eliminating Condition No. 28, and modifying Condition No. 27, directing the applicant to submit plans and a Master Sign Program removing the tower element and signage in favor of a façade and signage more consistent with the design and signage of the major tenant space, by m/Vice Chair Carruth, s/Agency Member Kogerman.
Approved by a vote of 4-0-1 (Agency Member Bressette absent).

Agency Member Bressette returned to the meeting.

PLANNING AGENCY ADJOURNMENT

Mayor Songstad reconvened the City Council meeting at 8:59 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

6.1 CONFIRMATION OF 2011 WEED ABATEMENT COST REPORT (0240-50)

Mayor Songstad opened the Public Hearing upon seeing no one rise, closed the Public Hearing.

Motion to adopt Resolution No. 2011-07-12-1, a Resolution of the City Council of the City of Laguna Hills, California, confirming the 2011 Weed Abatement Cost report and providing for the collection of weed abatement assessments on the next regular tax bill levied against the subject parcel for municipal purposes, by m/Council Member Bressette, s/Mayor Pro Tempore Carruth.

Approved by a vote of 5-0.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

The City Manager made no reports.

7.2 Assistant City Manager

7.2.1. 2011-13 SALARY AND BENEFITS RESOLUTION (0520-10)

Motion to adopt Resolution No. 2011-07-12-2, A Resolution of the City Council of the City of Laguna Hills, California, regarding employment and establishing salary ranges and benefits for classes of employment with the City and rescinding Resolution No. 2009-06-23-2, by Council Member Lautenschleger, s/Mayor Pro Tempore Carruth.
Approved by a vote of 3-2 (Council Member Bressette and Council Member Kogerman voting no).

7.3 City Clerk

7.3.1. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (0140-10)

Motion to appoint Mayor Songstad as the voting delegate and appoint Council Member Lautenschleger as the voting alternate for the League of California Cities Annual Conference, by m/Mayor Pro Tempore Carruth, s/Council Member Bressette.
Approved by a vote of 5-0.

8. OTHER BUSINESS

8.1 APPOINTMENT OF LABOR NEGOTIATOR (0400-10)

Motion to retain Dan Cassidy as the City Council designated representative for purposes of conducting a Closed Session regarding the compensation of the City Manager, an unrepresented employee, and directed the City Attorney to execute a Retainer Agreement with the understanding that the City Council would meet with Dan Cassidy at the first meeting in September, by m/Mayor Pro Tempore Carruth, s/Council Member Kogerman.
Approved by a vote of 3-2 (Council Member Lautenschleger and Mayor Songstad voting no.).

9. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

There were no matters presented by Mayor and/or City Council Members.

10. CLOSED SESSION

Mayor Songstad recessed the meeting into Closed Session at 10:00 PM.

10.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: (1 potential case).

Mayor Songstad reconvened the meeting at 10:10 PM. All Council Members were present.

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 of the Government Code: (1 potential case).

Motion to approve the following: (1) Authority given to Special Counsel to file unlawful detainer action re: Llorente, Suite 301; (2) Authority given to City Manager to enter into settlement Agreement per terms of Llorente's June 29, 2011, letter (settlement offer); and (3) Authority given to City Manager to execute Retainer Agreement with Special Counsel Rick Seide, esq., by m/Mayor Songstad, s/Council Member Kogerman.
Approved by a 5-0 vote.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Songstad declared the meeting adjourned at 10:11 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

L. ALLAN SONGSTAD, JR., MAYOR

APPROVED AT MEETING OF AUGUST 23, 2011.