CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING
MINUTES
JULY 09, 2013

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

Mayor Kogerman 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, 24305 El Toro Road, Laguna Hills, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tempore Blount

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Kogerman, Mayor Pro Tempore Blount, Council Member Bressette, Council Member Carruth, and Council Member Gilbert

1. PRESENTATIONS AND PROCLAMATIONS

1.1 RECOGNITION OF ANNIE PANKOWSKI, U.S. WOMEN'S HOCKEY NATIONAL TEAM

MAYOR KOGERMAN PRESENTED A CERTIFICATE TO ANNIE PANKOWSKI RECOGNIZING HER ACCOMPLISHMENT OF BEING SELECTED FOR THE U.S. WOMEN'S HOCKEY NATIONAL TEAM.

1.2 ORANGE COUNTY TRANSPORTATION AUTHORITY PRESENTATION ON THE I-5 WIDENING FROM SR-73 TO EL TORO ROAD

THE CITY COUNCIL RECEIVED A PRESENTATION FROM HAMID TORKAMANHA, PROJECT MANAGER, HIGHWAY PROJECT DELIVERY FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY ON THE I-5 WIDENING FROM SR-73 TO EL TORO ROAD.

2. PUBLIC COMMENTS

NEIGHBORHOOD DISTURBANCE

Janice Weitz, Laguna Hills, spoke regarding the loud parties and barking dogs adjacent to her property.

3. MINUTES

3.1 REGULAR MEETING, JUNE 25, 2013

MOTION TO APPROVE THE MINUTES OF THE JUNE 25, 2013, REGULAR MEETING, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 5-0

4. CONSENT CALENDAR

MOTION TO APPROVE THE CONSENT CALENDAR, WITH CITY MANAGER CHANNING/COUNCIL MEMBER BRESSETTE REMOVING ITEM NO. 4.2; COUNCIL MEMBER BRESSETTE REMOVING ITEM NO. 4.4; MAYOR KOGERMAN REMOVING ITEM NO. 4.9; AND COUNCIL MEMBER CARRUTH REMOVING ITEM NOS. 4.10 AND 4.11, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

4.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

THE CITY COUNCIL WAIVED READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARED THAT SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

4.3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SET FORTH IN SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE (IRC) AND RESCINDING RESOLUTION NO. 2008-12-09-5

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2013-07-09-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AS SET FORTH IN SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE (IRC) AND RESCINDING RESOLUTION NO. 2008-12-09-5.

4.5 ADOPTION OF THE 2013-14 CIVIC CENTER BUDGET

THE CITY COUNCIL APPROVED AND ADOPTED THE 2013-14 CIVIC CENTER BUDGET.

4.6 APPROVE PROPOSED LEASE AGREEMENT FOR 24031 EL TORO ROAD, SUITE 260, LAGUNA HILLS, CALIFORNIA, WITH THE LAW OFFICES OF RICK J. FINELLI, LLP

THE CITY COUNCIL APPROVED THE PROPOSED LEASE AGREEMENT, FOR 24031 EL TORO ROAD, SUITE 260, LAGUNA HILLS, CALIFORNIA, WITH THE LAW OFFICES OF RICK J. FINELLI, LLP, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE PROPOSED LEASE AGREEMENT.

4.7 SOLID WASTE AND RECYCLING CONSULTING SERVICES AGREEMENT WITH ECONOMICS, INC., FOR THE TWO YEAR BUDGET CYCLE

THE CITY COUNCIL APPROVED THE RECYCLING CONSULTING SERVICES AGREEMENT BETWEEN ECONOMICS, INC., AND THE CITY OF LAGUNA HILLS AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

4.8 CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2, FINAL, FOR CIVIC CENTER SUITE 100B IMPROVEMENTS

THE CITY COUNCIL APPROVED CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2, FINAL, IN THE NET AMOUNT OF $17,740.56, TO INNOVATIVE BUILDERS & DESIGN, FOR THE CIVIC CENTER SUITE 100B IMPROVEMENTS, AND AUTHORIZED THE FILING OF THE NOTICE OF COMPLETION AND SUBSEQUENT RELEASE OF RETENTION IN 35 DAYS IF NO LIENS HAVE BEEN FILED.

4.12 FY 2013-2014 SCHOOL CROSSING GUARD AGREEMENT

THE CITY COUNCIL APPROVED THE PROPOSED CROSSING GUARD SERVICES AGREEMENT FOR FY 2013-2014 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND ALL CITY MANAGEMENT SERVICES.

4.13 APPROVE ACCOMMODATION LICENSE AGREEMENT FOR THE USE OF 24031 EL TORO ROAD, SUITE 220, LAGUNA HILLS, CALIFORNIA, WITH VILMA M. AARONS AND GENEVIEVE WALLS

THE CITY COUNCIL APPROVED THE PROPOSED ACCOMMODATION LICENSE AGREEMENT, AS REVISED, FOR 24031 EL TORO ROAD, SUITE 220, LAGUNA HILLS, CALIFORNIA, WITH VILMA M. AARONS AND GENEVIEVE WALLS AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE ACCOMMODATION LICENSE AGREEMENT.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JULY 09, 2013

City Manager Channing/Council Member Bressette removed this item from the Consent Calendar to discuss the second payment scheduled to Pyro Engineering, Inc. City Manager Channing recommended not issuing the warrant for this payment and had invited Orange County Fire Authority (OCFA) Fire Marshall, Dave Montgomery, and Mr. Newman, representative with Bay Fireworks (Pyro Engineering), to comment on the outcome of the fireworks display on Thursday, July 4, 2013, at the City of Laguna Hills. It was noted for the record that Mr. Newman was not present at the meeting.

OCFA Fire Marshall Montgomery explained his reasoning for cancelling the remainder of the 4th of July fireworks show due to safety reasons.

MOTION THAT THE CITY COUNCIL NOT AUTHORIZE FINAL PAYMENT TO PYRO ENGINEERING, INC., AND DIRECTED STAFF TO DEMAND A FULL REFUND FROM PYRO ENGINEERING, INC., AS A RESULT OF THEIR FAILURE TO PERFORM THE SERVICES AS CONTRACTED FOR BY THE CITY OF LAGUNA HILLS, BY M/MAYOR KOGERMAN, S/COUNCIL MEMBER BRESSETTE. APPROVED BY A VOTE OF 5-0.

MOTION TO APPROVE THE BALANCE OF THE WARRANT REGISTER, IN THE AMOUNT OF $397,891.64, WITHOUT PAYMENT TO PYRO ENGINEERING, INC., THE AMOUNT OF $12,250.00, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

4.4 AUTHORIZATION TO LEASE CITY VEHICLE

Council Member Bressette inquired whether staff had analyzed the difference between leasing and purchasing a City vehicle.

City Manager Channing stated that staff had not made a thorough comparison of the cost of purchasing versus the cost of leasing. Staff took this approach as they understood it was a preference on the part of the City Council in regards to this particular vehicle. City Manager Channing indicated that it was less expensive to keep a vehicle for a sufficient period of time, particularly when purchased with cash without financing charges. City Manager Channing recommended that staff bring back a report with options on purchasing rather than leasing a City vehicle.

THE CITY COUNCIL DIRECTED STAFF TO AUTHORIZE COMMENCEMENT OF THE PROCUREMENT PROCESS FOR A PURCHASED CITY VEHICLE, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

4.9 APPLICATION FOR THE CYCLE 6 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP), SAFE ROUTES TO SCHOOL

Mayor Kogerman removed this item from the Consent Calendar to state that if the City was successful in this grant, additional funds would be available to assist with the City project of widening the sidewalk adjacent to Valencia Elementary School.

THE CITY COUNCIL APPROVED THE GRANT APPLICATION FOR THE CYCLE 6 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP), BY M/MAYOR KOGERMAN, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

4.10 CONTRACT CHANGE ORDER NO. 1 FOR CIVIC CENTER IMPROVEMENTS - CARPETING & FLOORING

Council Member Carruth indicated she removed this item from the Consent Calendar to inquire about the source of the moisture found in the concrete foundation. Public Services Director Rosenfield stated that a singular source was not identified; however, the building was sitting on silt-clay soil and it was possible the moisture had accumulated over several years. Public Services Director Rosenfield stated that the only solution was to seal the concrete slab, and that staff would be monitoring future moisture concerns within the building.

THE CITY COUNCIL APPROVED CONTRACT CHANGE ORDER NO. 1 FOR CIVIC CENTER IMPROVEMENTS - CARPETING & FLOORING, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER BRESSETTE.
APPROVED BY A VOTE OF 5-0.

4.11 FY 2013-2014 TRAUMA INTERVENTION PROGRAM AGREEMENT

Council Member Carruth removed this item from the Consent Calendar to indicate that she would not be supporting this item. Council Member Carruth stated she had never been persuaded that there was a direct connection or benefit for Laguna Hills residents. Council Member Carruth believed Saddleback Memorial Medical Center should pick up the cost of this Agreement.

THE CITY COUNCIL APPROVED THE PROPOSED VICTIM SUPPORT SERVICES AGREEMENT WITH TRAUMA INTERVENTION PROGRAM FOR FY 2013-2014 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND TRAUMA INTERVENTION PROGRAMS, INC., BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 4-1 (COUNCIL MEMBER CARRUTH VOTING NO).

5. PLANNING AGENCY

Mayor Kogerman 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 8:15 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Blount, Agency Member Bressette, Agency Member Carruth, and Agency Member Gilbert.

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, JUNE 25, 2013

MOTION TO APPROVE THE MINUTES OF THE JUNE 25, 2013, REGULAR MEETING, BY M/AGENCY MEMBER CARRUTH, S/VICE CHAIR BLOUNT. APPROVED BY A VOTE OF 5-0.

5.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

5.5 PLANNING AGENCY PUBLIC HEARINGS

5.5.1 TENTATIVE PARCEL MAP & VARIANCE NO. 11-12-2428, A REQUEST TO SUBDIVIDE THE CABOT TOWN CENTER PROPERTY INTO FOUR PARCELS AT 25214-25272 CABOT ROAD IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT.

Chair Kogerman opened the Public Hearing.

Jared Mathis, Mouldy LLC, representative indicated that he agreed to the additional Condition No. 13.

Chair Kogerman closed the Public Hearing.

THE PLANNING AGENCY ADOPTED RESOLUTION NO. PA2013-07-09-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP/VARIANCE NO. 11-12-2428, A REQUEST TO SUBDIVIDE THE CABOT TOWN CENTER PROPERTY INTO FOUR PARCELS AT 25214-25272 CABOT ROAD IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT AND A REQUEST FOR A VARIANCE FROM THE MINIMUM SIDE SETBACK REQUIREMENT FOR THE EXISTING BUILDING ON PROPOSED PARCEL 2, AS AMENDED TO ADD CONDITION NO. 13 TO READ: "PRIOR TO RECORDATION, THE APPLICANT SHALL SUBMIT THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

("CC&R'S"), IF ANY, PREPARED BY THE APPLICANT FOR THE SUBJECT PROPERTY TO THE CITY FOR REVIEW AND APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR, CITY ENGINEER, AND CITY ATTORNEY," BY M/AGENCY MEMBER BRESSETTE, S/AGENCY MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council Meeting at 8:33 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

6.1 PUBLIC HEARING AND RECEIPT OF 2013 WEED ABATEMENT COST REPORT

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

THE CITY COUNCIL RECEIVED AND FILED THE 2013 WEED ABATEMENT COST REPORT, BY M/COUNCIL MEMBER CARRUTH, S/MAYOR PRO TEMPORE BLOUNT.
APPROVED BY A VOTE OF 5-0.

7. ADMINISTRATIVE REPORTS

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

7.2 Public Services Director/City Engineer

7.2.1 APPROVAL OF THE PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LA PAZ OPEN SPACE IMPROVEMENTS, MOULTON PARKWAY TO ALAMEDA AVENUE, CIP NO. 615A

Jerry Garner, representative of Vintage Real Estate, indicated that his firm opposed the proposed horse corral feature.

THE CITY COUNCIL APPROVED THE PLANS AND SPECIFICATIONS ON FILE WITH THE OFFICE OF THE CITY CLERK AND AUTHORIZED THE ADVERTISEMENT FOR BIDS OF THE LA PAZ OPEN SPACE IMPROVEMENTS, MOULTON PARKWAY TO ALAMEDA AVENUE, CIP NO. 615A, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-1 (COUNCIL MEMBER BRESSETTE VOTING NO).

7.1 City Manager

7.1.1 EMPLOYMENT CLASSIFICATIONS, SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO CONTINUE THIS ITEM TO THE MEETING OF AUGUST 27, 2013, TO BRING BACK A REVISED RESOLUTION WITH THOSE OPTIONS AS PROVIDED BY CITY COUNCIL FOR MANAGEMENT, CONFIDENTIAL, AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY.

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 CARRUTH

Council Member Carruth thanked the Community Services staff for their hard work they gave to this year’s Fourth of July event.

Council Member Carruth commented on the beautiful landscaping on Moulton Parkway in North Laguna Hills.

Council Member Carruth indicated the equestrian crossing at Gallup and Nellie Gail Road was complete.

Council Member Carruth commented on the very positive article that appeared in the Nellie Gail Pony Express regarding the City’s Memorial Day Half Marathon 5K/10K Race.

MAYOR KOGERMAN

Mayor Kogerman reported that the Laguna Hills High School choir would be performing the National Anthem, on July 24, 2013, at 12:30 PM at the Orange County Fair.

Mayor Kogerman indicated that she would like the City of Laguna Hills to spear-head, along with other cities in South Orange County, the coordinating and encouraging everyone to pause on Veteran’s Day, the eleventh day, eleventh hour, and eleventh minute, for a two-minute remembrance to honor all Veterans. Mayor Kogerman also requested that staff bring back a proclamation to the City Council for this event, and ask other South County Cities to follow the City’s lead.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 10:55 PM.

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PEGGY J. JOHNS, CITY CLERK

ATTEST:

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BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF AUGUST 27, 2013.