CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JUNE 22, 2010

CALL TO ORDER

Mayor Bressette 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 Scott led the Pledge of Allegiance.

ROLL CALL

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

DEDICATION OF MEETING

Mayor Bressette indicated that the meeting was dedicated to the memory of Deputy Steven Edward Parsons, Orange County Sheriff's Department, who was tragically killed in the line of duty while serving the City of Laguna Hills, ten years ago this week.

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

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 MEDICAL MARIJUANA DISPENSARIES (0610-15)

Rob Wrenecke-Friedman, Laguna Hills, stated his dissatisfaction with removing medical marijuana dispensaries from the City of Laguna Hills. Mr. Wrenecke-Friedman stated he was unable to sit or stand for long periods of time, was in constant pain from an injury he suffered in 2001, and smoking marijuana gave him relief. He objected to traveling distances to obtain medical marijuana.

Jim Salzer, Laguna Hills, founder of BCC Medical Marijuana Dispensary, stated a year ago he opened a medical marijuana dispensary in Laguna Hills. He followed the advice of his attorneys, and in compliance with Proposition 215 voted by the citizens of the State of California and the citizens of Laguna Hills, obtained all of the required permits, acquired a resale permit, paid sales taxes which benefitted the City by employing people, and provided health insurance and paid payroll taxes. Mr. Salzer felt it unfair to shut down his business; the people of the State of California had passed Proposition 215 and he found it inconsistent that elected officials were working to circumvent the will of the people by implementing zoning ordinances that forced out businesses that were operating aboveboard. Mr. Salzer urged the City Council to visit his site to observe how his business operated. He believed there was a misconception about medical marijuana dispensaries and that he was being singled out as a use problem in the City.

Alan Swawson, Fullerton, indicated he had brain cancer and was on seizure medication. His doctors would not prescribe any pain medication, but he used medical marijuana to control his pain. Mr. Swawson went to another facility in Orange County to purchase his marijuana which charged sales tax, had a business license, and was a legitimate business. He needed a legal place to purchase his medical marijuana and did not want to resort to getting it on the street.

Sondra Tannehill, Mission Viejo, stated she was a proud medical marijuana patient. She suffered from post traumatic stress and depression, and because of the closure of nine clinics in Lake Forest, she had to drive further to Laguna Hills. She was hopeful that the City Council and citizens of Laguna Hills would demand the privileges afforded to them by their Constitutional rights under the 10th Amendment, and to truly support democracy by defending Proposition 215 which passed in 1996. She urged the City Council and citizens to keep marijuana out of the streets and out of the hands of young people by supporting medical marijuana dispensaries.

John Findlay, Mission Viejo, had been a member of O.C. Wilbur, a medical marijuana dispensary. Mr. Findlay indicated he had serious back problems and the doctors wanted to put him on drugs, but he indicated he was against all drugs and alcohol. Medical marijuana was the only thing that gave him relief and if that was taken away, he would have to resort to getting it on the streets and have to pay more money. Mr. Findlay urged the City Council to consider the people who are getting help through these dispensaries.

3. MINUTES

3.1 REGULAR MEETING, JUNE 8, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO APPROVE THE MINUTES OF THE JUNE 8, 2010, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES:	Council Members Carruth, Lautenschleger, Songstad, Mayor Pro Tempore Scott, and Mayor Bressette
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.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JUNE 22, 2010 (0300-30)

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.

APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $948,453.67.

4.3 ADOPTION OF ANNUAL APPROPRIATIONS LIMIT FOR FY 2010-2011 (0330-60)

Written report from the Administrative Services Department indicated that in accordance with Article XIIIB of the California Constitution, which placed limits on the amounts of revenue that could be spent by public entities from proceeds of taxes, staff had determined that the City would be under the limit by $15,778,965 for the budget year 2010/11.

ADOPTED RESOLUTION NO. 2010-06-22-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DETERMINING AND ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/11 IN ACCORDANCE WITH ARTICLE XIIIB OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND SECTION 7910 OF THE GOVERNMENT CODE.

4.4 RESOLUTIONS CALLING FOR THE NOVEMBER 2, 2010, GENERAL MUNICIPAL ELECTION, REQUEST FOR CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION WITH THE STATE WIDE GENERAL ELECTION, AND ADOPTING REGULATIONS FOR CANDIDATES' STATEMENTS (0430-20)

Written report from the City Clerk's Department indicated that the City Council must adopt a Resolution calling and giving notice of the November 2, 2010, General Municipal Election. Ordinance No. 92-13 of the City of Laguna Hills consolidated the General Municipal Elections for the City of Laguna Hills with the Statewide General Elections held in November of even numbered years. However, a Resolution requesting consolidation was still required to be filed with the Orange County Board of Supervisors and the Orange County Registrar of Voters for each election. The City Council must also adopt a Resolution adopting regulations pertaining to candidates' statements. The City Council had taken no action at this point in time to place a measure on the ballot.

ADOPTED RESOLUTION NO. 2010-06-22-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

ADOPTED RESOLUTION NO. 2010-06-22-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

ADOPTED RESOLUTION NO. 2010-06-22-4, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010.

4.5 PROGRESS PAYMENT NO. 12, FINAL, FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604 (0400-10)

Written report from the Public Services Department indicated that in accordance with City Council authorization, Marina Landscape, Inc., began work on the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604, on October 13, 2008. The project was substantially completed in May 2009, and entered the one-year maintenance period. The contractor, Marina Landscape, Inc., had submitted the twelfth and final payment request. The final project costs, including this Progress Payment, required a minor administrative adjustment to the project in the Capital Improvement Program (CIP) Budget. The total CIP Budget, however, was not exceeded with this adjustment.

APPROVED PROGRESS PAYMENT NO. 12, FINAL, IN THE NET AMOUNT OF $2,637.90, TO MARINA LANDSCAPE, INC., FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604, AND AUTHORIZED THE FILING OF THE NOTICE OF

COMPLETION AND RELEASE OF RETENTION 35 DAYS POST RECORDATION, IF NO LIENS HAD BEEN FILED.

4.6 PROGRESS PAYMENT NO. 1, ALICIA PARKWAY TRAFFIC SIGNAL SYNCHRONIZATION PROJECT, CIP NO. 173, AND LA PAZ ROAD TRAFFIC SIGNAL SYNCHRONIZATION PROJECT, CIP NO. 174 (0400-10)

Written report from the Public Services Department indicated that work on the Alicia Parkway Traffic Signal Synchronization Project, CIP No. 173, and the La Paz Road Traffic Signal Synchronization Project, CIP No. 174, began on May 3, 2010, and was being performed by Steiny and Company, Inc. Work performed in May included traffic control, water quality management, clearing and grubbing, video detection installation, and conduit and cable installation. The contractor had submitted the first progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Alicia Parkway Traffic Signal Synchronization Project, CIP No. 173, and La Paz Road Traffic Signal Synchronization Project, CIP No. 174.

APPROVED PROGRESS PAYMENT NO. 1, IN THE NET AMOUNT OF $40,305.69, TO STEINY AND COMPANY, INC., FOR ALICIA PARKWAY TRAFFIC SIGNAL SYNCHRONIZATION PROJECT, CIP NO. 173, AND LA PAZ ROAD TRAFFIC SIGNAL SYNCHRONIZATION PROJECT, CIP NO. 174.

4.7 ANNUAL MEASURE M COMPLIANCE REPORTING TO OCTA (0820-25)

Written report from the Public Services Department indicated that prior to June 30th of each calendar year the City was required to demonstrate to the Orange County Transportation Authority (OCTA) that the City remained in compliance with the Measure M Program. Compliance with the program elements were required in order to continue to receive "turnback" maintenance funds and to remain eligible for the competitive funding program. The City had been very successful in acquiring both turnback and competitive program funds and continued to be in compliance with Measure M. Measure M provided approximately $500,000 of annual revenues to the City for street maintenance purposes. Failure to remain eligible for Measure M funds would put these funds in jeopardy.

ADOPTED RESOLUTION NO. 2010-06-22-5, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CONCERNING THE CONSISTENCY OF THE CIRCULATION ELEMENT FOR THE CITY OF LAGUNA HILLS WITH THE MASTER PLAN OF ARTERIAL HIGHWAYS.

4.8 COMMUNITY CENTER AND SPORTS COMPLEX ATHLETIC FIELD LANDSCAPE MAINTENANCE, CIP NO. 238 (0400-10)

Written report from the Public Services Department indicated that the summer of 2010 was the scheduled time for the removal and replacement of the athletic field turf on the two soccer fields at the Community Center and Sports Complex. It was proposed that the City directly purchase the turf and sand materials from the respective vendors and contract directly with the athletic field landscape maintenance specialist in order to reduce the City's total cost for the project. The field turf renovation would occur between July 5, 2010, and the first weekend in September 2010, and entailed fencing of the site, removal of the existing sod, replenishment of the existing sand as needed, installation of new hybrid Bermuda turf sod, and maintenance until the turf had properly rooted and was ready for play. The Capital Improvement Program Budget allocated $150,000 for the Community Center and Sports Complex Athletic Field Turf Landscape Maintenance, CIP No. 238. The direct purchase of replacement sand for the project through P.W. Gillibrand Company, Inc., had a total cost of $29,889. The direct purchase of the hybrid Bermuda turf sod from West Coast Turf, Inc., had a total cost of $55,020. The landscape maintenance work by Sports Field Installation had a total cost of $49,100. In addition, minor additional work of installing the fencing and assisting the Contractor with the irrigation system was estimated to cost $4,000. The total cost of the project was estimated to be under $140,000 and was within the allocated budget.

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT SERVICES AGREEMENT WITH CSA HOLDINGS, INC., DBA SPORTS FIELD INSTALLATION SPORTS FIELD SERVICES, FOR THE LANDSCAPE MAINTENANCE OF THE ATHLETIC FIELD TURF AT THE COMMUNITY CENTER AND SPORTS COMPLEX; AND ALSO AUTHORIZED THE DIRECT PURCHASE OF SAND FROM P.W. GILLIBRAND COMPANY, INC., AND THE DIRECT PURCHASE OF SOD FROM WEST COAST TURF, INC.

4.9 COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR ROAD FEE PROGRAM TRANSFER OF CARITS FUNDS, AGREEMENT NO. D10-019 (0400-10)

Written report from the Public Services Department indicated that the Coastal Area Road Improvement and Traffic Signal (CARITS) Fee Program, administered by the County of Orange (County), collected funds from new development to support the construction of generally required road improvements and traffic signal improvements throughout southern Orange County. The City of Laguna Hills was a beneficiary of this Road Fee Improvement Program. A budget item in the CARITS Program included "undesignated traffic signal improvements" and this funding must be allocated to the participating cities. The City of Laguna Hills took a lead role in working cooperatively with the County and the other participating cities to determine an equitable distribution of these funds. As a result, the County had proposed a Cooperative Agreement to allow distribution of these CARITS funds for the City's use in accordance with the general requirements of the program. The distribution of the undesignated traffic signal funding under the CARITS Program to the City of Laguna Hills had a value of $545,476.32. These funds were previously unanticipated revenues for infrastructure improvements associated with roadways and traffic signals. Staff recommended allocating these funds, as they may be necessary, towards the La Paz Road at I-5 Improvements, CIP No. 159, the Avenida de la Carlota Widening Improvements, CIP No. 164, or other similar projects.

APPROVED COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR ROAD FEE PROGRAM TRANSFER OF CARITS FUNDS, AGREEMENT NO. D10-019, AND AUTHORIZED THE MAYOR TO SIGN, AND THE CITY CLERK TO ATTEST THERETO.

4.10 LETTER OF SUPPORT FOR SOUTH ORANGE COUNTY WASTEWATER AUTHORITY AND SOUTH COAST WATER DISTRICTS' PETITION BEFORE THE STATE WATER RESOURCES CONTROL BOARD REGARDING CHANGES TO THEIR NPDES PERMIT ASSOCIATED WITH THE GROUNDWATER RECOVERY FACILITY (0850-50)

Written report from the Public Services Department indicated that the South Orange County Wastewater Authority (SOCWA) and the South Coast Water District (SCWD) had requested all agencies in south Orange County to support their appeal to the State Water Resources Control Board (SWRCB) of a ruling by the San Diego Regional Water Quality Control Board (SDRWQCB) that had negatively impacted SOCWA and SCWD's treatment of desalinated groundwater. The appeal was associated with the SCWD's Groundwater Recovery Facility (GRF) in Dana Point. A change in the National Pollution Discharge Elimination System (NPDES) permit to operate that facility significantly impacted the ability to operate the system in a fiscally responsible manner and threatened an end to the reuse of the recycled water. The City of Laguna Hills was indirectly associated with the project as the sewer system operated in the City by Moulton Niguel Water District was treated at the SOCWA facility.

AUTHORIZED THE MAYOR TO SIGN A LETTER OF SUPPORT FOR SOCWA AND SCWD'S PETITION BEFORE THE STATE WATER RESOURCES CONTROL BOARD FOR THE ADVANCEMENT OF SUSTAINABLE, LOCAL WATER SUPPLIES.

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:14 p.m. and reconvened the City Council meeting at 7:14 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

City Manager Channing stated that the League of California Cities had reported today that the Ballot Measure to Protect Local Revenue Sources had qualified for the November 2, 2010, Ballot.

6.2 Deputy City Manager/Community Services

A. DIAL-A-TAXI TRANSPORTATION PROGRAM FOR SENIORS (0400-10)

Deputy City Manager Reynolds indicated that earlier this year the City Council directed staff to implement or develop a Senior Taxi Transportation Program and to seek funding for the program using Orange County Transportation Authority Senior Mobility Program monies. Since that time staff had worked with the City of Mission Viejo and California Yellow Cab to negotiate a new two-year contract term that would begin for the City of Laguna Hills on August 1, 2010, for a Laguna Hills Dial-A-Taxi Program modeled after the City of Mission Viejo's current program. Mr. Reynolds indicated that the negotiation was successful and the City was able to stabilize California Yellow Cab's current rate of $15 per trip. Mr. Reynolds indicated that the contract term did have two, one-year option contract extensions. Mr. Reynolds indicated that the highlights of the contract included service areas that were comprised of the city limits of Laguna Hills, as well as Mission Viejo. Another highlight of the program was there were several other satellite destinations outside of the service areas. The City Council of Mission Viejo was presented with the item on June 7, 2010, and approved staff's recommendation to move forward with the Dial-A-Taxi Program with the newly defined service areas. The objective of the project was to seek funding with Orange County

Transportation Authority Cooperative Agreement using the Senior Mobility Program funds. Mr. Reynolds indicated that staff worked with the Orange County Transportation Authority and received the final Agreement on June 11, 2010. Mr. Reynolds indicated that the funding formula for next fiscal year under the Senior Mobility Program was that the City qualified for $42,700, and of that, 80 percent would be funded by Orange County Transportation Authority, 20 percent would be funded by the City. Mr. Reynolds indicated that the 20 percent was in-kind contributions which included staff time.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO EXECUTE THE COOPERATIVE AGREEMENT WITH OCTA FOR SENIOR MOBILITY PROGRAM FUNDS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CALIFORNIA YELLOW CAB FOR SENIOR TAXI SERVICE.

The motion carried by the following vote:

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

B. ATHLETIC FIELD AND OUTDOOR AMENITY RATE STUDY AND UPDATE OF THE CITY COUNCIL RESERVATION AND USE POLICIES (0410-80)

Community Services Superintendent Meehan gave a PowerPoint presentation and indicated that staff had previously completed a Community Center Facility Rental Rate Study and a Recreation Activity Rate Study. Mr. Meehan indicated that the City Council approved adjustments to the facility rental rate schedule and class/activity fee increase in 2009. Mr. Meehan indicated that the athletic field and outdoor amenity rate study focused on the costs to maintain the City's sports fields at the Community Center and Sports Complex along with a benchmark comparison of field rental rates with other municipalities. The rental rates for the picnic shelters, gazebo, and plaza areas were also reviewed as part of the study. Staff found that for the majority of the fields and outdoor amenities, the rates charged by the City fell below the municipal benchmark average as well as the costs to operate them. The information was presented to the Parks and Recreation Commission at the April 7, 2010, meeting, at which time the Commission concurred with staff's recommendation. Mr. Meehan indicated that staff used the same methodology as the first two studies to determine the cost to maintain the fields and outdoor amenities. The second part of the analysis involved a benchmark comparison of the field and amenity rates charged by Laguna Hills to those of other municipalities, including Saddleback Valley Unified School District and the Aliso Viejo Community Association. Staff found the majority of hours booked on the Community Center Sports Complex athletic fields were allotted to resident youth sports groups. Mr. Meehan indicated that approximately 91 percent of the gym use was allotted to Laguna Hills National Junior Basketball and other non-profit basketball sport groups. Mr. Meehan stated that the City was not recovering the total operating costs for athletic field use, and this was the case both with the use of field lights and without field lights. Mr. Meehan stated that it was determined that the cost of $15 per hour with the use of lights for the youth sports organizations was a reasonable charge based on staff's study. The outdoor amenities were recovering costs and generating revenue above the cost as was the case with the neighborhood parks, with the exception of the resident non-profit category because there were no fees for that particular category. Mr. Meehan indicated that the benchmark average comparison showed that the City's rates were below the municipal benchmark average. Mr. Meehan gave a brief overview of staff's recommendations for the athletic field rates. Mr. Meehan indicated that staff was proposing to begin a two-year cycle adjustment on July 1, 2011, establishing an automatic adjustment to the rental rates. Staff was also proposing to change the City Council Reservation and Use Policies to reflect the proposed modifications in rental rates. Mr. Meehan indicated that it was estimated, based on 2009 reservation activity, that the proposed athletic field and outdoor amenity rate changes would increase reservation revenue by approximately $3,305 annually.

IT WAS MOVED BY MAYOR PRO TEMPORE SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, TO ADOPT RESOLUTION NO. 2010-06-22-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADJUSTING THE ATHLETIC FIELD AND OUTDOOR AMENITY RENTAL RATES AND ESTABLISHING AN AUTOMATIC ADJUSTMENT TO THESE RENTAL RATES; AND APPROVE THE AMENDED AND RESTATED CITY COUNCIL RESERVATION AND USE POLICIES NOS. 309, 310, 311, 312, 313, 314, AND 316 AS REFLECTED IN THE ATTACHMENTS TO THE STAFF REPORT.

The motion carried by the following vote:

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

6.3 Chief of Police Services

A. DISCUSSION OF POTENTIAL AMENDMENTS TO CHAPTER 20 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING CHARITABLE AND COMMERCIAL SOLICITATIONS (0480-20)

Chief of Police Services Doan indicated that at the June 8, 2010, City Council meeting, the City Council directed staff to return with information on the Laguna Hills Municipal Code Title 4, Chapter 20, regarding charitable and commercial solicitations, to consider whether or not it would be appropriate to amend the Code to require solicitor permits. The City's current Ordinance did not require a permit for commercial or charitable solicitation. However, there were restrictions in the Ordinance as to time, place, and manner of that solicitation. Additionally the Ordinance did provide an avenue to avoid solicitors by placing a "No Soliciting" sign on or near the front door. Staff researched the calls for service for soliciting and the City's deputies responded to 28 calls for service for illegal soliciting in the calendar year 2009. Lieutenant Doan indicated that staff used the City of Laguna Niguel as a comparison because the City of Laguna Niguel had an Ordinance that required solicitors obtain a permit prior to any solicitation. Lieutenant Doan indicated that by comparison the City of Laguna Niguel had 80 calls for service in 2009. A per capita comparison between the two cities showed that the presence of a permit requirement may not necessarily correlate to a reduction in calls for service. Lieutenant Doan indicated that the permit process would most likely place some burdens on the charitable organizations that were generally acceptable to the community such as; Girl Scouts, Little League, and the Laguna Hills High School booster clubs. Lieutenant Doan indicated that City Council could consider reducing the hours of solicitation by amending the current Ordinance. Staff discovered that 85 percent of the calls for service on solicitors occurred after dark.

Valerie Gellar, Laguna Hills resident, indicated that she perceived the matter to be a dramatic problem, at least on Luna Bonita Drive. Ms. Gellar indicated that recently the neighborhood had experienced a few burglaries and Orange County Deputies who responded to the call, indicated that it was possible it could have been the work of solicitors that had been in the area. Ms. Gellar indicated that she was in support of changing the Ordinance to include a permit process.

Greyson Spann, Laguna Hills resident, indicated that he was in support of changing the Ordinance to include a permit process. Mr. Spann indicated there were unfamiliar people on his street and that the parents were making the children stay in their backyards.

Mayor Bressette indicated that Teri Azar had sent an e-mail to the City Council urging them to re-examine the current Ordinance.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR BRESSETTE, TO DIRECT STAFF TO RETURN WITH A REPORT TO INCLUDE AMENDING THE LANGUAGE IN THE CITY'S CURRENT CODE: "NO SOLICITING ACTIVITY BETWEEN THE HOURS OF 6 PM AND 9 AM"; RETURN WITH INFORMATION TO INCLUDE A PERMITTING PROCESS FOR CHARITABLE AND COMMUNITY GROUPS; AND AMEND THE LANGUAGE IN SECTION 4-20.040 (E); AND AMEND 4-20.050 TO CLEAN UP THE LANGUAGE TO BE MORE IN ACCORDANCE WITH IRS GUIDELINES

The motion failed to carry by the following vote:

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

IT WAS MOVED BY MAYOR BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO DIRECT STAFF TO RETURN WITH AN AMENDMENT TO THE CITY'S CHARITABLE AND COMMERCIAL SOLICTIATION ORDINACE TO READ: "NO SOLICITING ACTIVITY BETWEEN THE HOURS OF 6 PM AND 9 AM"; AND REMOVE AMBIGUITY BY AMENDING THE LANGUAGE IN SECTION 4-20.040 (E); AND AMEND SECTION 4-20.050 TO CLEAN UP THE LANGUAGE TO BE MORE IN ACCORDANCE WITH IRS GUIDELINES; AND TO ADD A SECTION OF THE ORDINANCE THAT WOULD REQUIRE ANY SOLICITOR TO OBTAIN A PERMIT FROM THE CITY OF LAGUNA HILLS.

The motion failed to carry by the following vote:

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

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RETURN WITH AN AMENDED ORDINANCE TO CHANGE THE HOURS RESTRICTING SOLICITATION FROM 6 PM AND 9 AM; REMOVE AMBIGUITY BY AMENDING THE LANGUAGE IN SECTION 4-20.040 (E) AND (F); AND IN SECTION 4-20.050 CLEAN UP THE LANGUAGE TO BE MORE IN ACCORDANCE WITH IRS GUIDELINES.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

There were no Matters presented by Mayor and Council Members.

9. CLOSED SESSION

Mayor Bressette recessed the meeting into Closed Session at 8:56 p.m.

9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code § 54956.8
Property: 24031 El Toro Road, Suite No. 201, Laguna Hills
Agency Negotiator: Bruce E. Channing, City Manager
Donald J. White, Assistant City Manager
Negotiating Parties: Talbott, Eckhardt and Cohen
Item Under Negotiation: Price and Terms of Lease

Mayor Bressette reconvened the meeting at 9:46 p.m. All Council Members were present.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 9:46 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF JULY 13, 2010.