CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
JUNE 8, 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

Council Member Songstad 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

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; and Sandi Mogan, Deputy City Clerk.

2. PUBLIC COMMENTS

Mayor Bressette took this item out of order on the Agenda.

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

The City Council received an oral report from Laguna Hills High School Student Liaison Jason Brower.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 CERTIFICATE OF RECOGNITION, JASON BROWER, LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON FOR THE SPRING 2010 SEMESTER (0930-40)

Mayor Bressette presented a Certificate of Recognition to Jason Brower recognizing his service as the Laguna Hills High School Student Liaison.

1.2 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON MIKE SPAIN AND STUDENT LIAISON ALTERNATE LYNDSEY KAAN FOR THE FALL 2010 SEMESTER (0930-40)

The City Clerk issued the Oaths of Office to Laguna Hills High School Student Liaison Mike Spain and Student Liaison Alternate Lyndsey Kaan and Mayor Bressette presented Certificates of Appointment.

2. PUBLIC COMMENTS, CONTINUED

2.2 TERM LIMITS PETITION (0430-65)

Barbara Kogerman, Chair of the Laguna Hills City Council Term Limits Initiative Committee, reported that she submitted her Term Limits Petition to the City Clerk on Tuesday, June 1, 2010, at 8 a.m. After 18 weeks of sometimes grueling weekends, and a community-wide effort with many volunteers, she was able to turn in 1,000 signatures more than were required. The required number of signatures was 1,935, which was 10% of the registered voters in the City, as of January 30, 2010. Her Petition had more than 1,000 signatures in excess of that number. She reported her own experience was typical of the volunteers canvassing the neighborhoods. In using the registered voter walk sheets, there was the very high probability that few signatures would be disqualified. Ms. Kogerman reported that as an example, out of 100 people asked to sign the petition, two would say, "no way," another three would say, "let me think about it," and 95 would say, "give me the pen." Ms. Kogerman stated she was very confident that the Initiative would make it to the ballot in November. The Registrar of Voters would need 30 business days to certify the signatures and qualify it for the November Ballot. Her committee was looking forward to that event and looking forward to a vigorous conversation at that time.

3. MINUTES

3.1 REGULAR MEETING, MAY 25, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO APPROVE THE MINUTES OF THE MAY 25, 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

Mayor Pro Tempore Scott removed Item No. 4.2 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER SONGSTAD, 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, 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.

4.3 FY 2010-2011 TRAUMA INTERVENTION PROGRAM AGREEMENT (0400 -10)

Written report from the Police Services Department indicated that the City of Laguna Hills had given financial support to the Trauma Intervention Programs, Inc. (TIP) since June 24, 1997. The services provided by TIP were invaluable to victims of traumatic events and their families that lived in, or were visitors to the City. TIP counselors also offered valuable assistance to our Public Safety Officers when needed. The arrangement remained both effective and cost efficient. The Agreement would provide the City with TIP services 24-hours a day for the year. The total cost of the service was $4,007, which equated to $.12 per capita based on the 2008 City population estimate by the California Department of Finance. The cost per capita did not increase over last year and was within the amount budgeted for FY 2010-2011.

AUTHORIZED THE MAYOR TO EXECUTE THE FY 2010-2011 AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND TRAUMA INTERVENTION PROGRAMS, INC.

4.4 PROGRESS PAYMENT NO. 4, FINAL, FOR LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, CIP NO. 169 (0400-10)

Written report from the Public Services Department indicated that in accordance with City Council authorization, R.J. Noble Company began work on the Laguna Hills Drive Pavement Rehabilitation Project, CIP No. 169, on December 14, 2009. The project was complete and the contractor, R.J. Noble Company, had submitted the fourth progress payment including Contract Change Order No. 3 for extra work. Approval was recommended along with the filing of the Notice of Completion. The progress payment was within the Capital Improvement Program Budget for the Laguna Hills Drive Pavement Rehabilitation Project, CIP No. 169.

APPROVED PROGRESS PAYMENT NO. 4, IN THE NET AMOUNT OF $9,796.29, AND CONTRACT CHANGE ORDER NO. 3, TO R.J. NOBLE COMPANY, FOR LAGUNA HILLS DRIVE PAVEMENT REHABILITATION PROJECT, CIP NO. 169, AND AUTHORIZED THE FILING OF THE NOTICE OF COMPLETION AND RELEASE OF RETENTION 35 DAYS POST RECORDATION, IF NO LIENS HAD BEEN FILED.

4.5 ESTABLISHMENT OF SCHOOL ZONE ON MILL CREEK DRIVE (0860-50)

Written report from the Public Services Department indicated that the City was contacted by the Executive Director of New Vista School with a request to install a "school" sign with flashing lights on Mill Creek Drive to inform drivers about the school zone and to encourage safe driving. Staff reviewed the California Manual on Uniform Traffic Control Devices (CMUTCD) and supported the installation of signage only. The Traffic Commission, at the meeting of May 19, 2010, recommended the installation of two "School Speed Limit Sign Assemblies." The establishment of a school zone on Mill Creek Drive required the installation of two sign assemblies on posts advising motorists to reduce speed on northbound and southbound Mill Creek Drive before approaching the school. This work had an estimated cost of $1,000 and funds were available for this work in the Fiscal Year 2009-2010 Public Works Maintenance Budget.

APPROVED THE INSTALLATION OF TWO SCHOOL SPEED LIMIT SIGN ASSEMBLIES ALONG MILL CREEK DRIVE NEAR NEW VISTA SCHOOL.

4.6 ESTABLISHMENT OF A "NO RIGHT TURN ON RED" PROHIBITION ON AVENIDA SEVILLA AT THE INTERSECTION OF PASEO DE VALENCIA AT BECKENHAM STREET/AVENIDA SEVILLA (0860-50)

Written report from the Public Services Department indicated that the City of Laguna Woods ("Laguna Woods") asked the City of Laguna Hills to install a "No Right Turn on Red" sign on Avenida Sevilla (Gate 4 of Laguna Woods Village) at Paseo de Valencia, because of limited sight distance. Laguna Hills staff performed a traffic study and determined that a "No Right Turn on Red" sign was justified. The Laguna Hills Traffic Commission, at its May 19, 2010, meeting, recommended that Laguna Woods' request be approved. The installation of one "No Right Turn on Red" sign on the traffic signal pole at Avenida Sevilla and Paseo de Valencia had an estimated cost of $150 and funds were available for this work in the Fiscal Year 2009-2010 Public Works Maintenance Budget.

ADOPTED RESOLUTION NO. 2010-06-08-1, A RESOLUITON OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING A "NO RIGHT TURN ON RED" PROHIBITION ON AVENIDA SEVILLA AT PASEO DE VALENCIA.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED JUNE 8, 2010 (0300-30)

Council Member Scott removed this item from the Consent Calendar to state that he represented one of the vendors 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 CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO APPROVE THE BALANCE OF THE WARRANT REGISTER IN THE AMOUNT OF $255,298.64 WITHOUT THE A-THRONE CO., INC., ITEM ON PAGE 2.

The motion carried by the following vote:

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

Mayor Pro Tempore Scott recused himself and left the meeting.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE INDIVIDUAL ITEM, A-THRONE CO., INC. IN THE AMOUNT OF $114.80 ON THE WARRANT REGISTER.

The motion carried by the following vote:

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

Mayor Pro Tempore Scott returned to the meeting.

PLANNING AGENCY

Mayor Bressette recessed the City Council meeting to the Planning Agency meeting at 7:11 p.m. and reconvened the City Council at 7:19 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. REPORT ON PROCESS AND PROCEDURE FOR POSSIBLE CITY COUNCIL INITIATED BALLOT MEASURE ON THE ADOPTION OF A PROPOSED ORDINANCE LIMITING THE NUMBER OF TERMS A MEMBER OF THE CITY COUNCIL MAY SERVE (0430-65)

City Attorney Simonian indicated that staff was returning to the City Council with a comprehensive report concerning the legal process and procedures that would be required for City Council to follow in order to initiate a term limit proposal. Mr. Simonian indicated term limits were legal and were permitted by State law, and 18 percent of cities in the

State of California had some form of term limits. However, term limits were not preempted in the State of California, which meant a resident could initiate a term limit proposal by the Initiative process. Mr. Simonian stated the City Council could also initiate a term limit proposal by the Initiative process and that Term limits had to be presented to the voters by way of a regularly scheduled election for the public to approve with a majority of votes cast in favor. Mr. Simonian stated that for a City Council initiated term limits proposal, the process would start with the City Council directing staff, the City Attorney's office, and the City Clerk's Department with specific direction on whether or not to prepare a term limits Ordinance for consideration at an election in the future. The elements of a term limit Ordinance would need to be provided to City staff with clear direction as to what type of term limit Ordinance the City Council would be interested in preparing.

City Attorney Simonian explained the various elements of a term limits proposal and how the process of a City Council initiated proposal would occur. Mr. Simonian indicated if the City Council was interested in a term limit Ordinance, they would need to indicate the essential elements that they would like included in a term limits Ordinance.

Mayor Bressette indicated that in the past, the issue of term limits had been brought before the City Council; however, the majority of the City Council had not expressed an interest in moving forward with a term limit Initiative. Mayor Bressette indicated his philosophy was every two years the voters in the City had an opportunity to elect new representation or keep the existing representation. Mayor Bressette stated that the Initiative petition that had been submitted by a resident was, in his opinion, "term limit light", meaning that it did not accomplish what a real term limit initiative should. Mayor Bressette indicated that he read many of the term limit Ordinances that existed in cities in Orange County, and even though many cities had term limits, many of the same members of City Councils still existed. Mayor Bressette indicated that a real term limit initiative should have a greater sitting out period than just two years. Mayor Bressette indicated that if the City Council wanted to propose a term limit Ordinance to the residents, it should contain a provision for a four year sitting out period, as opposed to a two year period. Mayor Bressette distributed a copy of his proposed term limit Ordinance for consideration with a four-year sitting out period.

Council Member Carruth congratulated Mrs. Kogerman and members of the committee for working so hard in getting signatures on the petition and the effort that it takes to educate the voters. Council Member Carruth stated that it should come as no surprise that she has been a proponent of term limits since 2002 and has brought up the topic every few years hoping that the City Council might be interested in a term limits Ordinance. Council Member Carruth stated that the Ordinance as proposed by Mrs. Kogerman was very well crafted. It was clear and consistent with the Election Code, and was simple yet strong. If the City Council wanted to consider an option for the voters, they could use the same text as Mrs. Kogerman's Ordinance, and with three small word changes and a different title, they could propose a choice of term limits Ordinances for the voters.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RECEIVE AND FILE THE REPORT.

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

6.3 Community Development Director

A. STATUS REPORT REGARDING MINOR SITE DEVELOPMENT PERMIT NO. 06-09-1346; A WIRELESS COMMUNICATION FACILITY APPROVED FOR THE MEDICAL ARTS CENTER, LOCATED AT 24953 PASEO DE VALENCIA, BUILDING A (0600-30)

Community Development Director Jones indicated that at the May 23, 2010, City Council meeting, it was requested that staff provide a status report on a wireless communication facility that was under construction at the Medical Arts Center located near the intersection of Paseo De Valencia and Beckenham Street. Mr. Jones indicated the only information to add was that the facility had made a significant amount of progress in the last couple of weeks. Mr. Jones indicated that staff had provided some policy changes that City Council might consider if the City Council was concerned that the established review process was not working as the City Council had originally intended.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO RECEIVE AND FILE THE REPORT.

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Council Member Carruth

A. UPDATE OF LAGUNA HILLS MUNICIPAL CODE REGARDING TELECOMMUNICATION FACILITIES (0480-10)

Council Member Carruth stated she believed it was important to bring the City's Municipal Code in line with recent changes to telecommunication facility regulations that gave the City Council greater discretionary power. City Attorney Simonian indicated the City Council was referring to a recent Ninth Circuit Court case where litigation over wireless telecommunications facilities over the last five years had been inconclusive. Currently cities were ahead with respect to their ability to deny a wireless carrier's request to locate a cell site based on aesthetics. When this case came out, City Attorney Simonian reviewed the City's Code to ensure that one of the finding criteria set forth in the Code actually covered aesthetics, which was the case. The City of Laguna Hills currently had the authority to deny facilities based on aesthetics. The Sprint case gave the City Attorney's office a road map to advise the City Council when and if it was interested in denial based on aesthetics. The findings and criteria required in order to deny the cell site application, based on substantial evidence in writing into the record to support the fact that aesthetically, the project was not pleasing to the City Council.

B. AMENDMENT OF CITY'S SOLICITATION ORDINANCE (0480-20)

Council Member Carruth indicated that City Council and staff had been contacted by a resident who lived on Luna Bonita Street who requested that the City's current solicitation Ordinance be amended. The resident was concerned about aggressive and unscrupulous sales people going door-to-door. Ms. Carruth stated that she felt this would be a good time to review the solicitation Ordinance, and specifically focus on comparing the City of Laguna Hills' to that of Laguna Niguel, which according to Sheriff's Deputies, she understood was very effective. Ms. Carruth indicated the City Council could look into changing the hours for allowing solicitation, or changing the permit process to discourage companies from employing known felons through the screening process.

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO BRING BACK A STAFF REPORT ON AMENDING THE CITY'S SOLICITATION ORDINANCE.

C. ORANGE COUNTY PARKS PRESENTATION (0150-20)

Council Member Carruth indicated she attended the Orange County Parks presentation last week and learned the details of the Irvine Company's transfer of 20,000 acres of open space to the County of Orange. The Orange County Board of Supervisors would have an opportunity to vote on accepting the gift on June 29, 2010. Council Member Carruth reported that the gift itself included Black Star Canyon at Loma Ridge. One section included 172 acres which was located adjacent to North Laguna Hills, and from what the County representatives had indicated they wanted to create greater public access. Ms. Carruth stated the 172 acres would be added to the Laguna Coast Wilderness Park and might provide the City of Laguna Hills a future connection for the City's residents to the Coastal Wilderness Park. The deed restrictions for the open space would be permanent and would create some interesting management challenges for OC Parks. Ms. Carruth stated with this addition, there would be over 60,000 acres to manage. They intended to contract with the Irvine Conservancy for three years, at $1.6 million per year, and with property taxes in place, they had the funds to accomplish this.

8.2 Council Member Lautenschleger

A. STATUS REPORT REGARDING MINOR SITE DEVELOPMENT PERMIT NO. 06-09-1346 (0600-30)

Council Member Lautenschleger indicated he understood the residents were concerned regarding microwave transmissions, not with aesthetics of the equipment. The City had no authority over the transmissions, as that was completely regulated by the FCC Rules and Regulations. Once the residents understood it was going to be a 12-foot structure, Council Member Lautenschleger no longer heard any concerns on the issue; if anything had ever been questionable over the years, staff always brought it before the City Council. This issue was strictly an administrative decision; it was part of the City's code. Council Member Lautenschleger indicated it was not so much an aesthetic problem, but rather concerns raised over the microwave transmissions.

8.3 Council Member Songstad

A. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) (0150-55)

Council Member Songstad reported he attended a SCAG Committee meeting last week which dealt primarily with SB 375 and the progress that SCAG was making on the implementation procedures. Council Member Songstad reported that an item of interest was a pilot GIS Program they were developing. There were currently 58 cities in the 6-county region that were participating. Ultimately, if that worked out, all member cities of SCAG would be asked to submit member information. The City of Laguna Hills had a GIS project, and it would be worthwhile to investigate to ensure that the City's software was compatible with SCAG; if not, then inquire if the City of Laguna Hills could become part of the pilot program, because there was no cost to those cities. Council Member Songstad asked staff to follow up on this issue.

8.4 Mayor Bressette

A. PEACE OFFICERS' MEMORIAL CEREMONY (0160-60)

Mayor Bressette indicated he attended the Peace Officers' Memorial Ceremony on May 26, 2010, which was always a very moving event. Mayor Bressette made mention that June 24, 2010, would be the ten year anniversary of Deputy Steve Parsons giving his life for the community of Laguna Hills. Mayor Bressette indicated that at the next City Council meeting, staff had been asked to prepare a brief memorial recollection of Deputy Parsons and it was Mayor Bressette's intention to open and close the meeting in Deputy Parson's memory.

9. CLOSED SESSION

There was no Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bressette declared the meeting adjourned at 8:25 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF JUNE 22, 2010.