
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
MAY 28, 2013**

CLOSED SESSION - CONVENING AT 6:00 PM

CALL TO ORDER

ROLL CALL

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

Absent: Council Member Bressette

ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of Case: Teresa Martinez Ruiz, Elvira Jimenez Martinez, and Clemente Jimenez vs. MV Transportation, Inc., Kathleen Larkin, Orange County Transportation Authority, City of Laguna Hills, and the County of Orange. Name of Court: Orange County Superior Court; Department C22
Case No.: 00587582

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (1 Potential Case)

PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no Public Comments.

ADJOURN TO CITY COUNCIL CONFERENCE ROOM

CONVENE INTO CLOSED SESSION

RECONVENE TO CITY COUNCIL CHAMBER

RECESS

GENERAL BUSINESS - RECONVENING 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: Council Member Carruth

ROLL CALL OF CITY COUNCIL MEMBERS

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

Absent: Council Member Bressette

CLOSED SESSION REPORT

City Attorney Simonian reported on the Closed Session items.

- A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
RUIZ VS. CITY OF LAGUNA HILLS, ET AL.
NO REPORTABLE ACTION TAKEN.**
- B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
IT WAS MOVED BY M/COUNCIL MEMBER GILBERT, S/COUNCIL
MEMBER CARRUTH, TO AUTHORIZE THE CITY MANAGER AND CITY
ATTORNEY TO:**
- (1) PREPARE AND FILE A PETITION FOR REVIEW WITH THE STATE
WATER RESOURCES CONTROL BOARD OF THE ACTION TAKEN
BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD IN ADOPTING THE REGIONAL NPDES-MS4 PERMIT
(PERMIT) FOR SOUTH ORANGE COUNTY AREA (ORDER NO. R9-
2013-0001, NPDES PERMIT NO. CAS0109266), ALONG WITH A
REQUEST THAT THE PETITION FOR REVIEW BE INITIALLY HELD
IN ABEYANCE; AND**
- (2) NEGOTIATE AND ENTER INTO A JOINT DEFENSE AGREEMENT
OR SIMILAR AGREEMENT ON BEHALF OF THE CITY WITH
OTHER CO-PERMITTEES FOR JOINT PREPARATION AND
PROSECUTION (IF NECESSARY) OF THE PETITIONS FOR
REVIEW, THE SHARING OF CONFIDENTIAL INFORMATION, AND
RELATED MATTERS.**

**ONCE FORMALLY COMMENCED, THE PETITION FOR REVIEW FILED
ON BEHALF OF THE CITY WILL BE MADE AVAILABLE FOR PUBLIC
REVIEW AND EXAMINATION TO ANY PERSON UPON INQUIRY TO
THE CITY CLERK.**

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSENT).

1. PRESENTATIONS AND PROCLAMATIONS

1.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON AMANDA JAFFE.

2. PUBLIC COMMENTS

POSTED TRAFFIC CONTROL SIGNS

Brent Richtsmeier, Laguna Niguel, indicated he had concerns with the posted traffic sign at the intersection of Cabot Road and La Paz Road.

HISTORICAL BARN OPEN HOUSE

Clarence Hauschild, Laguna Hills, spoke on his Historical Barn Open House to be held June 7-9, 2013.

3. MINUTES

3.1 REGULAR MEETING, MAY 14, 2013

MOTION TO APPROVE THE MINUTES OF THE MAY 14, 2013, REGULAR MEETING, BY M/MAYOR PRO TEMPORE BLOUNT, S/COUNCIL MEMBER CARRUTH.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSENT.)

4. CONSENT CALENDAR

MOTION TO APPROVE THE CONSENT CALENDAR, WITH MAYOR KOGERMAN REMOVING ITEM NO. 4.4, BY M/MAYOR PRO TEMPORE BLOUNT, S/COUNCIL MEMBER CARRUTH.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSENT).

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.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MAY 28, 2013

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$861,775.45.

4.3 PROGRESS PAYMENT NO. 25 FOR LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 25, IN THE NET AMOUNT OF \$1,454.50, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.5 PROGRESS PAYMENT NO. 1 FOR CIVIC CENTER SUITE 100B IMPROVEMENTS

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 1, IN THE NET AMOUNT OF \$13,822.50, TO INNOVATIVE BUILDERS & DESIGN, FOR CIVIC CENTER SUITE 100B IMPROVEMENTS.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.4 FACILITY OPERATIONS OF THE ROLLER HOCKEY RINK BY CALIFORNIA STREET HOCKEY

Mayor Kogerman pulled this item from the Consent Calendar to inquire about the revenue generated by this facility.

**THE CITY COUNCIL APPROVED A ONE YEAR EXTENSION TO THE AGREEMENT FOR FACILITY OPERATIONS OF THE ROLLER HOCKEY RINK WITH CALIFORNIA STREET HOCKEY ASSOCIATION AND AUTHORIZED THE CITY MANAGER TO SEND A LETTER TO CALIFORNIA STREET HOCKEY ASSOCIATION TO ACKNOWLEDGE THE EXTENSION, BY M/MAYOR KOGERMAN, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-0-1 (AGENCY MEMBER BRESSETTE ABSENT).**

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 7:23 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

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

Absent: Agency Member Bressette

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, MAY 14, 2013

MOTION TO APPROVE THE MINUTES OF THE MAY 14, 2013, REGULAR MEETING, BY M/AGENCY MEMBER CARRUTH, S/AGENCY MEMBER GILBERT.

APPROVED BY A VOTE OF 4-0-1 (AGENCY MEMBER BRESSETTE ABSENT).

5.4 PLANNING AGENCY PUBLIC HEARINGS

5.4.1 SDPM/MSP NO. 3-13-2531, A REQUEST BY VINTAGE REAL ESTATE, LLC, ON BEHALF OF THE PROPERTY OWNER, MOULTON LA PAZ, LLC, FOR A NEW MASTER SIGN PROGRAM FOR THE SHOPPING CENTER LOCATED AT 26534-26562 MOULTON PARKWAY

Chair Kogerman opened the Public Hearing.

Jerry Garner, Vintage Property Group representative, spoke on the new Master Sign Program for the Village at Nellie Gail Ranch Shopping Center and answered questions from the Planning Agency Members.

Timothy Morris, Laguna Hills, spoke in opposition to the proposed Master Sign Program for the Village at Nellie Gail Ranch Shopping Center.

Shannon and Jordan Freedman, Laguna Hills, spoke in opposition to the proposed Master Sign Program for the Village at Nellie Gail Ranch Shopping Center.

Chair Kogerman closed the Public Hearing.

MOTION TO ADOPT RESOLUTION NO. PA2013-05-28-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SDPM/MSP NO. 3-13-2531, A REQUEST BY VINTAGE REAL ESTATE, LLC, ON BEHALF OF THE PROPERTY OWNER, MOULTON LA PAZ, LLC, FOR A NEW MASTER SIGN PROGRAM FOR THE SHOPPING CENTER LOCATED AT 26534-26562 MOULTON PARKWAY, SUBJECT TO THE FOLLOWING REVISED CONDITIONS OF APPROVAL:

19. "BUILDING A" (GROCERY STORE PAD) SHALL BE PERMITTED UP TO 1.5 SQUARE FEET OF WALL SIGN AREA PER LINEAL FOOT OF BUILDING FRONTAGE. FOR TENANT WALL SIGNS WITHOUT A LOGO, WALL SIGN AREA SHALL BE LIMITED TO 1 SQUARE FOOT PER LINEAL FOOT OF BUILDING FRONTAGE. FOR TENANT SIGNAGE

THAT INCLUDES LOGO(S), AN ADDITIONAL 0.5 SQUARE FEET PER LINEAL FOOT OF BUILDING FRONTAGE MAY BE USED TO PROVIDE TENANT LOGO GRAPHICS;

20. DELETED BY THE PLANNING AGENCY;

21. PRIOR TO ISSUANCE OF ANY SIGN PERMITS FOR THE SUBJECT SITE, THE APPLICANT SHALL PROVIDE A PAYMENT TO THE CITY OF LAGUNA HILLS FOR THE PLANTING OF UP TO TEN (10) NEW TREES ON THE CITY'S LANDSCAPE SLOPE ON THE SOUTHERLY SIDE OF LA PAZ ROAD, WEST OF CHARLTON DRIVE. PAYMENT VALUE TO BE BASED UPON TOTAL COST OF WORK, INCLUDING CITY OVERHEAD, AS DETERMINED BY THE DIRECTOR OF PUBLIC SERVICES. TREE SIZE (UP TO A MAXIMUM 24-INCH BOX SIZE) AND TYPE SHALL BE AT THE DISCRETION OF THE DIRECTOR OF PUBLIC SERVICES AND SHALL BE INSTALLED AND MAINTAINED BY THE CITY OF LAGUNA HILLS. THE CITY SHALL WORK WITH THE AFFECTED PROPERTY OWNERS TO INSTALL THE TREES IN AN EFFECTIVE AND TIMELY MANNER;

22. ONLY ONE TENANT NAME SHALL BE LISTED PER TENANT PANEL. TENANT PANELS OF FREESTANDING SIGNS M1 AND M2 SHALL NOT BE SUBDIVIDED AND SHALL NOT EXCEED FIVE TENANT PANELS PER SIGN FACE;

23. FREESTANDING SIGN M3 SHALL NOT EXCEED 5 FEET IN HEIGHT, EXCLUDING ARCHITECTURAL ELEMENTS, AND SHALL CONTAIN NO MORE THAN 3 TENANT PANELS PER SIGN FACE WITH NO MORE THAN ONE TENANT NAME LISTED PER TENANT PANEL. THE HEIGHT OF THE M3 SIGN'S ARCHITECTURAL ELEMENTS SHALL BE ADJUSTED TO BE COMMENSURATE WITH THE NUMBER OF TENANT PANELS ON THE SIGN, BY M/VICE CHAIR BLOUNT, S/AGENCY MEMBER GILBERT.

APPROVED BY A VOTE OF 3-1-1 (COUNCIL MEMBER CARRUTH VOTING NO, COUNCIL MEMBER BRESSETTE ABSENT).

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council Meeting at 9:23 PM. All Council Members were present with the exception of Council Member Bressette.

6. CITY COUNCIL PUBLIC HEARINGS

6.1 MINOR GENERAL PLAN AMENDMENT NO. 04-13-2547, AN AMENDMENT TO THE LAGUNA HILLS GENERAL PLAN MOBILITY ELEMENT TO REFLECT CHANGES MADE TO THE ORANGE COUNTY MASTER PLAN OF ARTERIAL HIGHWAYS.

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

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2013-05-28-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING MINOR GENERAL PLAN AMENDMENT NO. 04-13-2547, AN AMENDMENT TO THE LAGUNA HILLS GENERAL PLAN MOBILITY ELEMENT TO REFLECT CHANGES MADE TO THE ORANGE COUNTY MASTER PLAN OF ARTERIAL HIGHWAYS, BY M/MAYOR PRO TEMPORE BLOUNT, S/COUNCIL MEMBER CARRUTH. APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BRESSETTE ABSENT).

Mayor Pro Tempore Blount left the dais at 9:29 PM.

6.2 PUBLIC HEARING ON 2013 WEED, RUBBISH AND REFUSE ABATEMENT

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

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2013-05-28-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ISSUING AN ABATEMENT ORDER AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER TO COMMENCE ENFORCING WEED, RUBBISH, AND REFUSE ABATEMENT AGAINST SPECIFIED PARCELS OF LAND, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT. APPROVED BY A VOTE OF 3-0-2 (MAYOR PRO TEMPORE BLOUNT AND COUNCIL MEMBER BRESSETTE ABSENT).

Mayor Pro Tempore Blount returned to the dais at 9:30 PM.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

Assistant City Manager White gave an update on the City's participation at the ICSC Conference that was recently held in Las Vegas.

7.2 City Clerk

7.2.1 DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

THE CITY COUNCIL APPOINTED MAYOR KOGERMAN AS THE VOTING DELEGATE AND APPOINTED MAYOR PRO TEMPORE BLOUNT AS THE ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER

CARRUTH.**APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSENT).****8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR**

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

9. CITY COUNCIL MEMBER COMMENTS**MAYOR PRO TEMPORE BLOUNT**

Mayor Pro Tempore Blount reported on his attendance at the ICSC Conference that was recently held in Las Vegas.

Mayor Pro Tempore Blount thanked the Orange County Sheriff's Department for their participation in the Memorial Day Event.

COUNCIL MEMBER CARRUTH

Council Member Carruth indicated that there needs to be a discussion on electronic cigarettes in the outdoor eating areas in Laguna Hills restaurants.

BY CONSENSUS THE CITY COUNCIL DIRECTED STAFF TO BRING BACK A REPORT ON ELECTRONIC CIGARETTE ISSUES.

Council Member Carruth thanked staff for a great Memorial Day Half Marathon 10K and 5K Run Event.

COUNCIL MEMBER GILBERT

Council Member Gilbert thanked Mike Bland, Dark Horse 3/5 Battalion Committee Chair for his work on the Memorial Day Event, and congratulated Mayor Kogerman for her remarks during the event.

Council Member Gilbert thanked the Orange County Fire Authority for their participation in the Memorial Day Event.

MAYOR KOGERMAN

Mayor Kogerman thanked Council Member Carruth and Council Member Bressette for their determination in rejuvenating the 3/5 Marine Battalion Committee.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 9:50 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF JUNE 11, 2013.