CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
MAY 26, 2009

CALL TO ORDER

Mayor Lautenschleger 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 Carruth led the Pledge of Allegiance.

ROLL CALL

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

Absent: 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; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Ron Blaul, 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 PERMIT PARKING PROGRAM ON INDIAN HILL LANE (0860-50)

Adam Wayne and Jim Bresnen, Laguna Hills, wanted to thank the City Council for the permit parking program that was approved for Indian Hill Lane. Mr. Bresnen reported that the signs were up and the residents were slowly applying for permits. They wanted to let the City Council know how much they appreciated their efforts, and how it had changed the temperament in the community as it gave the residents options. Mr. Wayne reported that the residents would be patrolling the streets picking up trash on a monthly basis, in order to keep the community clean and be good neighbors.

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

There was no oral report from Laguna Hills High School Student Liaison Lauren Buys.

3. MINUTES

3.1 REGULAR MEETING, MAY 12, 2009 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE MINUTES OF THE MAY 12, 2009, REGULAR MEETING, AS PRESENTED

The motion carried by the following vote:

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

4. CONSENT CALENDAR

Mayor Pro Tempore Bressette removed Item No. 4.6 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 4.6

The motion carried by the following vote:

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

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 MAY 26, 2009 (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 $1,155,277.13.

4.3 DESTRUCTION OF RECORDS (0170-50)

Written report from the City Clerk's Department indicated that in accordance with the City's Records Retention/Disposition Schedule, City records were ready for destruction. The City Attorney and Department Heads had reviewed Exhibit "A" to the Resolution listing the files to be destroyed and had approved the destruction of the records.

ADOPTED RESOLUTION NO. 2009-05-26-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN CITY RECORDS AND DOCUMENTS WITH A DESTRUCTION DATE OF MAY 27, 2009, PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

4.4 MODIFICATIONS TO THE CITY'S ADOPTED 2007 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODES (0480-10)

Written report from the Community Development Department indicated the California Building Standards Commission adopted amendments to the California Building Standards Code that became effective on January 1, 2008. The City Council previously adopted the 2007 Editions of the California Building, Electrical, Mechanical, and Plumbing Codes on November 27, 2007. However, when the City adopted the 2007 Edition of the California Building Code, Appendix Chapter 1 was inadvertently excluded from being part of the City's Municipal Code. Additionally, the City inadvertently deleted Chapter 1 from the 2007 Editions of the California Electrical, Mechanical, and Plumbing Codes. The proposed Ordinance would adopt by reference Appendix Chapter 1 of the 2007 Edition of the California Building Code that related to the administration of the California Building Code. Additionally, the proposed Ordinance would repeal the City's deletion of Chapter 1 of the 2007 Editions of the California Electrical, Mechanical, and Plumbing Codes which related to the administration of those codes.

INTRODUCED AN ORDINANCE AMENDING SECTION 10-28.010 AND REPEALING SECTIONS 10-32-020, 10-36.020 AND 10-40.020 OF TITLE 10 OF THE LAGUNA HILLS MUNICIPAL CODE.

4.5 PROGRESS PAYMENT NO. 1 FOR MOULTON PARKWAY PAVEMENT REHABILITATION PROJECTS, CIP NO. 166 AND CIP NO. 167 (0400-10)

Written report from the Public Services Department indicated that work on the Moulton Parkway Pavement Rehabilitation Projects, CIP No. 166 and CIP No. 167, began on April 6, 2009, and was being performed by All American Asphalt. Work performed in April included traffic control, water quality management, clearing and grubbing, excavation, asphalt concrete replacement, access ramp construction, curb and gutter replacement, and sidewalk and driveway replacement. The contractor had submitted the first progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Moulton Parkway Pavement Rehabilitation Projects, CIP No. 166 and CIP No. 167.

APPROVED PROGRESS PAYMENT NO. 1, IN THE NET AMOUNT OF $187,349.71, TO ALL AMERICAN ASPHALT, FOR MOULTON PARKWAY PAVEMENT REHABILITATION PROJECTS, CIP NO. 166 AND CIP NO. 167.

4.7 ADOPTION OF A REVISED DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND GOAL FOR FEDERAL FISCAL YEAR 2009-2010 (0840-70)

Written report from the Public Services Department indicated that in order for the City to remain eligible for Federal funding, the City was required to annually adopt a goal for the Disadvantaged Business Enterprise (DBE) Program. The 2009 DBE goal and methodology was modified by the State to provide for a Race-Conscious plus a Race-Neutral Program from a previously Race-Neutral-Only Program requiring a new Implementation Agreement. All agencies who received Federal funds must adopt the new Implementation Agreement goal based on the updated methodology by June 2, 2009, in order to remain eligible for Federal funds. By complying with the provisions of the established DBE Program, the City remained eligible to receive Federal funding on transportation related projects.

APPROVED THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM IMPLEMENTATION AGREEMENT FOR LOCAL AGENCIES; AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND APPROVED THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR THE FEDERAL 2009-2010 FISCAL YEAR.

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

Written report from the City Clerk's Department indicated that in late April, the City received an Application for Leave to file a Late Claim ("Application"), dated April 22, 2009, from counsel for Esther Kim, a resident of Fountain Valley. A copy of Ms. Kim's Claim was attached to the Application. The Claim, dated July 10, 2008, stated that Ms. Kim hit a tree in the road while traveling southbound on Paseo de Valencia at 4:00 a.m. on May 17, 2008. The Claim further alleged that the City should have removed the tree sooner or put up a warning sign. Ms. Kim claimed $12,000 as compensation for soft tissue injuries and total loss of her automobile. Her claim was late under the California Tort Claims Act (Government Code § 900 et seq.). However, her Application claims that her attorney mailed the notice of claim timely but that the notice was misdirected by the postal service. There was minimal fiscal impact associated with the recommended action. The only fiscal impact to the City would occur if the claimant were to appeal the City's denials in Superior Court.

> DENIED THE APPLICATION FOR LEAVE TO FILE A LATE CLAIM SUBMITTED BY CLAIMANT ESTHER KIM ON THE GROUNDS THAT THE CRITERIA ESTABLISHED IN GOVERNMENT CODE SECTION 911.6 FOR EXCUSING THE CLAIM WERE NOT MET; AND DIRECTED THE CITY CLERK TO PROVIDE WRITTEN NOTICE BY JUNE 5, 2009, TO CLAIMANT ESTHER KIM THAT HER APPLICATION WAS DENIED AND THAT HER UNDERLYING CLAIM WAS BEING RETURNED AGAIN.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.6 LA PAZ ROAD WIDENING AT INTERSTATE 5 STATUS REPORT (0400-10)

Mayor Pro Tempore Bressette removed this item from the Consent Calendar to thank staff for their continued great work on this project. The La Paz Road widening project had been an impetus and a major objective of the City Council for some time. Mayor Pro Tempore Bressette was pleased to see this project moving forward with such speed and congratulated staff on their great work.

Written report from the Public Services Department indicated that the La Paz Road Widening at Interstate 5 Project, CIP No. 159, had recently completed two significant milestones which would lead to the completion of the plans and specifications and the construction of the project. The City Council was being apprised of the progress of the project and was also being asked to support a request to the Orange County Transportation Authority (OCTA) to provide a time extension for the Measure M Funds that had been allocated to this project. Construction funding for the La Paz Road Widening at Interstate 5 Project, CIP No. 159, was split over the next two Fiscal Years, Fiscal Years 2009-2010 and 2010-2011, in the grand total amount of $5,300,000.

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO RECEIVE AND FILE THE STATUS REPORT ON THE LA PAZ ROAD WIDENING AT INTERSTATE 5 PROJECT, CIP NO. 159, AND TO AUTHORIZE STAFF TO REQUEST A TIME EXTENSION FOR THE MEASURE M FUNDS ALLOCATED TO THE PROJECT.

The motion carried by the following vote:

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

5. CITY COUNCIL PUBLIC HEARINGS

5.1 COMMUNITY CENTER FACILITY RENTAL RATE STUDY (0410-80)

Deputy City Manger Reynolds gave a PowerPoint presentation regarding the proposed rental rate increases at the Community Center facility. Mr. Reynolds indicated that the room rental charges were first set during the opening of the Center in July 2002. The room rental charges were revisited during 2003 and were increased effective January 1, 2004, and the rental fees had not been adjusted since that time. Staff believed it was appropriate to review and analyze the Community Center's utilization statistics and associated rental rates for use of the various rooms. Mr. Reynolds stated that there would be an assessment of rental charges for outdoor facilities such as the picnic shelter, athletic fields, roller hockey facility, etc., and recreational programming at a later date. The rental rate study methodology employed by staff was composed of two parts; the first part was to determine the costs per hour to operate each Community Center room by factoring the square footage costs of utilities, maintenance and repair, janitorial services, and depreciation. Staff also examined the labor costs to provide supervision per hour for room rentals and also what the costs were for each particular room for set-up and clean-up of tables and chairs. The second part of the study was benchmarking the rental rates charged at the Laguna Hills facility to other municipality facility rental rates. Staff focused primarily on Community Center facilities in South Orange County. Staff compared other facilities outside of South Orange County where equitable comparisons could not be derived. Other facilities such as hotel and country club banquet rooms, school facilities, and YMCA facilities were also examined. Mr. Reynolds indicated that the most comparable facilities were the Rancho Santa Margarita Bell Tower, Mission Viejo Norman P. Murray Community Center, and the San Juan Capistrano Community Center. Staff also compared what other commercial centers were charging for banquet facilities such as Arroyo Trabuco, Irvine Hyatt, and Holiday Inn. Mr. Reynolds indicated that for the gymnasium comparison use, only two other cities within South Orange County owned gymnasiums; the City of San Juan Capistrano and Dana Point. Of the two, the City of San Juan Capistrano's gymnasium was most similar to the City of Laguna Hills gymnasium. Staff also included municipal gyms outside of South Orange County, to obtain a more comprehensive comparison of gymnasium rates along with rates charged for gym rentals at the YMCA and the Saddleback Valley Unified School District. Staff's findings revealed that the City was not recovering costs in regards to certain room rentals with certain user categories. Mr. Reynolds indicated that the current rates were below the average rates charged by surrounding municipalities. Staff felt that the Community Center Rental Rate schedule should be revised with an increase in certain charges to recover the hourly costs to operate room rentals, and to bring other rates up to the municipal benchmark average. In addition, staff proposed to establish an automatic adjustment to rental rates every two years based on inflation. The Community Center Rental Rate Study information was presented to the Community Services, Historical, and Arts Commission on March 18, 2009. Mr. Reynolds discussed the proposed rental rates for each of the individual rooms at the Community Center.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2009-05-26-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADJUSTING THE COMMUNITY CENTER FACILITY AND GYMNASIUM RENTAL RATES AND ESTABLISHING AN AUTOMATIC ADJUSTMENT TO THESE RENTAL RATES BASED ON INFLATION EVERY TWO YEARS; AND APPROVE STAFF'S PROPOSED AMENDMENTS TO THE CITY COUNCIL RESERVATION POLICIES NO. 309, NO. 313, AND NO. 316.

The motion failed to carry by the following vote:

AYES: Council Member Scott, and Mayor Lautenschleger
NOES: Council Member Carruth and Mayor Pro Tempore Bressette
ABSENT: Council Member Songstad

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR LAUTENSCHLEGER, TO ADOPT RESOLUTION NO. 2009-05-26-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADJUSTING THE COMMUNITY CENTER FACILITY AND GYMNASIUM RENTAL RATES, AND ESTABLISHING AN AUTOMATIC ADJUSTMENT TO THESE RENTAL RATES BASED ON INFLATION EVERY TWO YEARS; AND APPROVE STAFF'S PROPOSED AMENDMENTS TO THE CITY COUNCIL RESERVATION POLICIES NO. 309, NO. 313, AND NO. 316, AS AMENDED TO INCLUDE MODIFICATIONS TO SECTION 1, PARAGRAPH C AS FOLLOWS: (C) THE ADJUSTED RENTAL RATES AS PRESENTED IN SECTION 1, A AND B, WILL GO INTO EFFECT THE DAY FOLLOWING THE DATE OF THE CITY COUNCIL ADOPTION OF THIS RESOLUTION ("EFFECTIVE DATE") (1) ANY FACILITY AND GYMNASIUM RESERVATION APPLICATIONS APPROVED PRIOR TO THE EFFECTIVE DATE, FOR RESERVATIONS OCCURRING ON AND AFTER JANUARY 1, 2010, ARE SUBJECT TO THE NEW RENTAL RATES.

The motion carried by the following vote:

AYES:	Council Member Scott, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	Council Member Carruth
ABSENT:	Council Member Songstad

5.2 2009 WEED ABATEMENT PROGRAM PUBLIC HEARING (0240-50)

Public Services Director Rosenfield indicated this was the time and place published and posted for the Public Hearing for the annual Weed Abatement program. Staff mailed out notices to the residents of the City that had potential weed issues last month following the Adoption of Resolution No. 2009-04-28-1. Mr. Rosenfield indicated that the residents and property owners responded well to the notices. Mr. Rosenfield indicated that this was the time for the Public Hearing in which property owners could become liable for charges should they not complete the weed abatement in a timely manner.

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

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO ADOPT RESOLUTION NO. 2009-05-26-3, 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.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 8:29 p.m. and reconvened the City Council at 8:30 p.m. All Council Members were present, with the exception of Council Member Songstad.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. STATE FINANCIAL CRISIS (0150-30)

City Manager Channing indicated that since all the ballot measures on the recent Statewide Special Election failed to pass, as a consequence the State's financial condition would not be improved. More challenges lay ahead for the State in determining how to deal with their financial shortfalls. Mr. Channing informed the City Council that the State League, in conjunction with the County equivalent organization, as well as the school district association, were in the process of holding a summit in Sacramento, tentatively scheduled for July 17-18, 2009. The idea was to bring together the three major public entities to address issues that could be successfully resolved in terms of the State's finances and its interactions with each of these respective government agencies. Mr. Channing encouraged all Council Members to attend this important event.

6.2 Public Services Director/City Engineer

A. AUTHORIZATION TO UTILIZE NIGHT WORK FOR THE MOULTON PARKWAY IMPROVEMENT PROJECT FROM SANTA MARIA AVENUE TO EL PACIFICO DRIVE, CIP NO. 137 (0400-10)

Public Services Director Rosenfield indicated that the report was a recommendation from staff to utilize night work for the Moulton Parkway Improvement Project from Santa Maria Avenue to El Pacifico Drive, CIP No. 137. Mr. Rosenfield indicated that this was a project in which the County of Orange was the lead agency and they were preparing for construction at the segment in the City of Laguna Hills. Mr. Rosenfield indicated that there was a segment in the City of Laguna Woods that would follow. Due to the complexity of the project with multiple lane closures for widening of the roadway, as well as constructing median islands along the entire length and resurfacing of the roadway, staff recommended to the County that the project be constructed at night. This project was fronted by commercial property exclusively within Laguna Hills and was one of the reasons the City made this recommendation. The County initially cleared the project with an environmental impact report and then a supplemental environmental impact report, and in order to keep in compliance with the environmental regulations, initiated a noise analysis of the night work. There might be the possibility of disturbing some residential properties in Laguna Hills along the southerly side of Ridge Route Drive and westerly of Moulton Parkway behind Moulton Plaza Shopping Center. Mr. Rosenfield indicated that the acoustical consultants had determined that the interior noise level in residences would meet current standards but outside of residences would exceed the standards for night time noise levels. There were mitigation measures proposed to bring the noise levels down. Specifically that the construction activity in that immediate vicinity would be limited to before 10:00 p.m. The County of Orange had requested that the City Council authorize night work for the project, and the County would complete an addendum to the environmental impact report for the project. The project should be under construction in the September through October time frame.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE USE OF NIGHT WORK HOURS FOR THE MOULTON PARKWAY SMART STREET IMPROVEMENTS BETWEEN SANTA MARIA AVENUE AND EL PACIFICO DRIVE.

The motion carried by the following vote:

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

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Lautenschleger

A. CAMP PENDLETON ADOPTION COMMITTEE RECOGNITION AND APPRECIATION LUNCHEON (0120-40)

Mayor Lautenschleger reported that he attended the Adoption Committee Appreciation Luncheon at Camp Pendleton and showed photographs of the Ranch House where the Ceremony took place. The Awards Ceremony honored the Committees and individual cities that sponsored and adopted regiments at Camp Pendleton and General Waldhauser was very appreciative to those cities. Each city received a Commemorative Canteen for their support. Organizers of the event explained what the Committees were doing to raise funds for their adoptive Marines. Those in attendance were also invited to observe their Urban Warfare Training Ground.

B. MEMORIAL DAY HALF MARATHON EVENT (0400-10)

Mayor Lautenschleger reported that he was honored to officially start the Half Marathon race on Monday, May 25, 2009. He wanted to thank the entire Community Services staff, with special thanks to Dan Meehan, who worked the entire weekend on this event, plus also worked on Tuesday morning in putting together the Senior Summit event. The Half Marathon started at 7 a.m. sharp, and ran smoothly the entire day. Mayor Lautenschleger believed the number that participated in the event was about the same as it was last year. Everyone was very impressed with how efficiently the event had been organized, with how smoothly it ran, and how everyone was pleased with the new route. After the race, the crowd that gathered for the exhibits was quite large and lingered until well past 11 a.m. Mayor Lautenschleger indicated the weather was perfect for running, and the winner had finished the race in 1 hour and 9 minutes, possibly a new record.

9. CLOSED SESSION

Mayor Lautenschleger recessed the meeting into Closed Session at 8:45 p.m.

9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code § 54956.8
Property: 24031 El Toro Road, Suite No. 250, Laguna Hills
Agency Negotiator: Donald J. White, Assistant City Manager
Negotiating Parties: City of Laguna Hills and Windstone Behavioral Health
Item Under Negotiation: Price and Terms of Lease

Mayor Lautenschleger reconvened the meeting at 8:58 p.m. All Council Members were present, with the exception of Council Member Songstad.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschleger declared the meeting adjourned at 9:05 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF JUNE 9, 2009.