CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
MAY 12, 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 Scott 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
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; Ron Blaul, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

There were no Presentations and Proclamations.

2. PUBLIC COMMENTS

2.1 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 ADJOURNED REGULAR MEETING, APRIL 21, 2009 (0410-50)

IT WAS MOVED BY MAYOR PRO TEMPORE BRESSETTE, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE APRIL 21, 2009, ADJOURNED REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

3.2 REGULAR MEETING, APRIL 28, 2009 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE MINUTES OF THE APRIL 28, 2009, REGULAR MEETING, AS PRESENTED.

The motion carried by the following vote:

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

4. CONSENT CALENDAR

Council Member Carruth removed Items No. 4.5 and No. 4.7 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS NO. 4.5 AND NO. 4.7.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
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 MAY 12, 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 $780,502.00.

4.3 PROGRESS PAYMENT NO. 4 FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313 (0400-10)

Written report from the Public Services Department indicated that work on the El Toro Road Streetscape and Median Island Improvements, CIP No. 313, began on January 12, 2009, and was being performed by ValleyCrest Landscape Development, Inc. Work performed in April included clearing and grubbing, water quality management, soil preparation, concrete and monument installation, landscape, irrigation, lighting system installation, median pilasters and walls, and work on the bus shelters. The contractor had submitted the fourth progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the El Toro Road Streetscape and Median Island Improvements, CIP No. 313.

APPROVED PROGRESS PAYMENT NO. 4, IN THE NET AMOUNT OF $219,510.00, TO VALLEYCREST LANDSCAPE DEVELOPMENT, INC., FOR EL TORO ROAD STREETSCAPE AND MEDIAN ISLAND IMPROVEMENTS, CIP NO. 313.

4.4 THIRD QUARTER FINANCIAL AND TREASURER'S REPORT (FISCAL YEAR 2008/2009) (0300-40)

Written report from the Administrative Services Department indicated that staff submitted to the City Council the Quarterly Financial Highlights for the Third Quarter of FY 2008/09. The financial statements showed the planned use of reserves for the first three quarters of the current fiscal year. This was largely due to the temporary effect of the triple flip on the City's cash flow and the typical lag of funding for certain capital improvement projects. The City's total managed portfolio of $9,646,567 as of March 31, 2009, was invested in authorized securities.

RECEIVED AND FILED THE THIRD QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY 2008/2009.

4.6 SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD TENTATIVE ORDER NO. R9-2009-0002, ISSUANCE OF THE FOURTH TERM NPDES PERMIT (0850-50)

Written report from the Public Services Department indicated that the San Diego Regional Water Quality Control Board (SDRWQCB) had issued the fourth draft of the proposed renewal of the South Orange County National Pollution Discharge Elimination System (NPDES) permit for all cities in South Orange County as co-permittees and the County of Orange as lead permittee. Tentative Order No. R9-2009-0002 was the fourth proposed re-issuance of the storm water permit for the "Municipal Separate Storm Sewer Systems" (MS4s) in the Orange County portion of the SDRWQCB. Staff planned to prepare written comments with specific concerns about certain permit provisions directly affecting the City's operations. The City had commented on all drafts of the Tentative Order and while some comments had been addressed, several others hadn't, and other new concerns had arisen with the latest draft. The City Council was requested to review and support the City's comments which would be submitted to the SDRWQCB regarding Tentative Order No. R9-2009-0002 by the due date of May 15, 2009. The full fiscal impact of the San Diego Regional Water Quality Control Board Tentative Order No. R9-2009-0002 would not be known until the final order was issued. However, the City's efforts to comply with this permit would require additional resources and funding. As indicated in the annual Program Effective Assessment for Fiscal Year 2008-2009, the City's water quality related expenditures were $568,000 including approximately $100,000 paid to the County of Orange for permit administration and $13,000 paid to the State as a permit fee.

REVIEWED AND SUPPORTED STAFF'S COMMENTS ON THE FOURTH DRAFT OF THE TENTATIVE ORDER NO. R9-2009-0002 AS CONTAINED HEREIN.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.5 PROGRESS PAYMENT NO. 5 FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604 (0400-10)

Council Member Carruth removed this item to thank Public Services Director Rosenfield for the work done on Oso Parkway, as the landscape looked great, particularly the decomposed granite (DG) pathway meandering underneath the pepper trees. She was concerned about the north side with the new bioswale and the long-term maintenance of the area, which was also a concern to Vector Control. She would like more information about the plan, in particular the Bullrush plants. Ms. Carruth also inquired if Mr. Rosenfield had anticipated ordering a sign to prohibit equestrians from using the DG path.

Public Services Director Rosenfield indicated formal signs had been ordered and should be installed within the next week or two. Staff had also contacted Nellie Gail Ranch Owners Association who had expressed a great willingness to cooperate with the City and put a notice in their newsletter to pass the information along to the equestrian groups. Public Services Director Rosenfield indicated Vector Control had been out to the site on two occasions and reported that they had sprayed larvicide to control potential mosquitoes. They essentially demanded that the City have a plan in place and present it to Vector Control which was appropriate. Staff was currently developing that plan with the biologists to consider both a warm and cold season cycle for mosquitoes and for plant maintenance as described by Council Member Carruth.

Written report from the Public Services Department indicated work on the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604, began on October 13, 2008, and was being performed by Marina Landscape, Inc. Work performed during March and April included grading, drainage and irrigation installation, soil preparation, and landscape installation. The contractor had submitted the fifth progress payment request for approval. The progress payment was within the Capital Improvement Program Budget for the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE PROGRESS PAYMENT NO. 5, IN THE NET AMOUNT OF $184,205.25, TO MARINA LANDSCAPE, INC., FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604.

The motion carried by the following vote:

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

4.7 AMENDMENT NO. 1 TO THE JOINT RECREATION MAINTENANCE AND OPERATION AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT (0400-10)

Council Member Carruth was curious to learn about the reception the City received when it approached Laguna Hills High School and Saddleback Valley Unified School District about extending the Agreement. The reason for her concern was that the conclusions drawn by the Recreation Facility Needs Assessment Report made it clear that the City relied on those fields for a complete, comprehensive recreation package for the City's residents, and that those fields were factored into the demand analysis and conclusions drawn by the consultant.

City Manager Channing indicated staff had not engaged in any detailed conversations with the staff at the District and High School, only preliminary ones. Mr. Channing believed that the Needs Assessment indicated there were groups regularly using the field. Part of the future discussion would include how the City would be assured that those traditional users that had used the fields during time periods under the City's control would be able to continue to use the fields, if that was their wish. Mr. Channing indicated that it was at the option of the District, whether to continue in an Agreement with the School. Mr. Channing was assured that whether it was through the City or through the District, that the user groups would not suffer any change in their utilization of the facility.

Written report from the Public Services Department indicated that in 1994, the City and the Saddleback Valley Unified School District (SVUSD) entered into a fifteen year Agreement for the shared use of fields at Laguna Hills High School. The City funded the installation of lights on a softball field and partial soccer field and, in return, the SVUSD provided field use times in the fall and spring for City scheduled recreation programs. In anticipation of the expiration of this Agreement, in the fall of 2008, City staff asked the SVUSD to consider a one-year term extension of the Agreement, with an automatic second year of extension, as the City was undergoing its recreation needs assessment and additional time was needed to determine City use needs. Amendment No. 1 to the Joint Use Recreation and Maintenance Operation Agreement with the Saddleback Valley Unified School District did not have any new cost impact. The City's share of the electricity costs for night lighting of the athletic fields and a proportionate share of the field maintenance costs were approximately $15,000 per year

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE AMENDMENT NO. 1 TO THE JOINT RECREATION MAINTENANCE AND OPERATION AGREEMENT WITH THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND THE CITY CLERK TO ATTEST THERETO.

The motion carried by the following vote:

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

PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:14 p.m. and reconvened the City Council at 7:15 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager made no reports.

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Lautenschleger

A. VETERANS MEMORIAL (0160-15)

Mayor Lautenschleger indicated that on Wednesday, May 6, 2009, he attended a preview of the Saddleback College Veterans Memorial. It was only three-quarters completed at this point. Upon completion, it would be completely tiled and backlit to include water features. The Foundation had increased its budget from $75,000 up to approximately $300,000. The Mayor presented photographs of the Memorial to show how large it actually was. Marty Samuels spoke at the ceremony indicating that he was very thankful to the City of Laguna Hills by acknowledging the City's donation. The final showing would take place in approximately September 2009 when the Memorial was expected to be completed.

B. SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT PREVENTION COALITION (0270-30)

Mayor Lautenschleger attended a Saddleback Valley Unified School District Prevention Coalition presentation on May 7, 2009, in Mission Viejo. The City of Laguna Hills was honored and presented with a "2009 Prevention Star" for passing its Social Host Ordinance last November. Police Officers were in attendance, in addition to the Coalition members, who worked together to prevent youth drinking and drugs. The Coalition also honored the Trauma Intervention Program and a few other programs, but the City of Laguna Hills was only one of two cities honored for passing an Ordinance to try to limit student drinking and drugs in the community. Dan Sullivan, of the Saddleback Valley Unified School District, also thanked the City for its efforts.

C. JOINT MEETING WITH THE TRANSPORTATION CORRIDOR AGENCY (TCA) AND ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) (0150-95)

Mayor Lautenschleger attended a meeting with TCA and OCTA to compare their projects. Most of the meeting involved Foothill Eastern Corridor projects with the continuation of the Foothill South. Staff had met with over 60 groups, contemplating different routes, and taking all concerns into consideration. They saw this as a future project that must be solved, and were working very hard on finding a different route. Funds provided by the federal government involved adding an additional lane on the 241 eastbound to the 91 Freeway. There was also discussion about a direct connector from the 241 Corridor to the Fast Track lanes on the 91 Freeway.

8.2 Council Member Carruth

A. LAGUNA HILLS' RESIDENT AND SCOUT LEADER JIM GOODFELLOW (0100-65)

Council Member Carruth acknowledged long-time resident and Scout Leader Jim Goodfellow present in the audience with members of his Troop. She thanked Mr. Goodfellow and his Scout Troop in digging the holes for the trees that were planted during Volunteer Connection Day. The project went much more smoothly because the Troop dug the holes in advance of Volunteer Connection Day, which started at 9 a.m. Council Member Carruth appreciated their efforts.

B. APPOINTMENT OF LAGUNA HILLS' RESIDENT BILL KOGERMAN TO THE STATE PARK COMMISSION (0150-30)

Council Member Carruth reported that long-time resident Bill Kogerman was recently appointed by Governor Schwarzenegger to serve on the State Park Commission. Bill Kogerman had his own ideas on how to approach the 241 Extension without going through environmentally sensitive park areas. Ms. Carruth indicated that this appointment was a great opportunity for Bill Kogerman and a wonderful reflection on the community of Laguna Hills. There were only four other members on the State Park Commission, and he joined a very distinguished group of individuals. Council Member Carruth believed that Bill Kogerman had the ability to effect changes as far as where the State went with the Toll Road Extension. He had the ability to work with the military and the Park Commission in coming up with another alternative to the 241 Extension.

C. LEAGUE PLACEMENT FOR HAWKS FOOTBALL TEAM (0930-40)

Council Member Carruth reported that Laguna Hills High School lost its bid for reconsideration on the conference. Previously she had reported that Laguna Hills was now in a league beginning in 2010-2011 that would be very challenging, as the south county high schools were much larger than Laguna Hills. They were unsuccessful in their appeal to be with a group of high schools that was comparable with their student enrollment population.

D. LAGUNA HILLS HIGH SCHOOL THEATRE PRODUCTION (0930-40)

Council Member Carruth urged everyone to take advantage of seeing the Laguna Hills High School current musical theatre production of *My Fair Lady*. The Drama Department had performed the same musicals over and over, but this was the first time *My Fair Lady* had been performed. The musical was being performed this Wednesday, Thursday, Friday, and were the last three performances of the play. Council Member Carruth indicated the kids did a great job and recommended that everyone see it.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschleger declared the meeting adjourned at 7:23 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF MAY 26, 2009.