CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
MAY 11, 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 Carruth 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; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Jon Jones, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 AWARD OF GRANT FUNDS FOR THE FLORENCE SYLVESTER SENIOR CENTER (0670-20)

Mayor Bressette indicated Marilyn Ditty, Chief Executive Officer, Age Well Senior Services, was not yet present and this item would be considered later in the meeting.

2. PUBLIC COMMENTS

2.1 UNITED STATES CENSUS (0150-40)

Dwight Delgado, U.S. Census Representative, gave the City Council an update on the Census participation rates to date. Mr. Delgado indicated nationally the response rate was 72 percent; Orange County was at 73 percent, the best county response in the region, the region being Southern California and Hawaii. The City of Laguna Hills was at 77 percent.

Unfortunately these participation rates were not as good as back in 2000, but there was still time to catch up. Mr. Delgado indicated that currently the overall Census was at 77 percent. At the same time back in 2000, the Census was at 79 percent. The operation being conducted now was non-response follow-ups, which was going door to door. Mr. Delgado reported that the Census Bureau expected that through this operation the 77 percent would reach the 79 percent. Mr. Delgado asked for the City's cooperation to inform all citizens that Census representatives would be going door to door to those households who had not responded to the Census questionnaire. Mr. Delgado explained the process of going door to door, asking the same questions as on the questionnaire, and that it would only take the same 10 minutes to respond.

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

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

3. MINUTES

3.1 REGULAR MEETING, APRIL 27, 2010 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO APPROVE THE MINUTES OF THE APRIL 27, 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 MAYOR PRO TEMPORE 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, 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 MAY 11, 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 $376,526.62.

4.3 THIRD QUARTER FINANCIAL AND TREASURER'S REPORT (FISCAL YEAR 2009/10) (0300-40)

Written report from the Administrative Services Department indicated staff submitted to the City Council the Quarterly Financial Highlights for the Third Quarter of Fiscal Year 2009/10. The financial statements showed the planned use of reserves for the third quarter. This was largely due to the number of revenues and expenditures that were unevenly received or expended over the course of the year. The City's working funds stood at approximately $8.7 million as of March 31, 2010.

RECEIVED AND FILED THE THIRD QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY2009/10.

4.4 AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LA PAZ ROAD WIDENING AT INTERSTATE 5 IMPROVEMENT PROJECT, CIP NO. 159 (0400-10)

Written report from the Public Services Department indicated that the plans and specifications for the subject project had been completed by the Consulting Engineering Firm of PB Americas, Inc., the documents had been approved by the California Department of Transportation (Caltrans), and the City had been authorized to advertise the project for bids. The approval of the plans and specifications and the authorization to advertise for bids was requested. In addition, an Amendment to the Consulting Services Agreement with PB Americas, Inc., was recommended to address final additional design work required by Caltrans and to have PB Americas, Inc., available during the construction phase of the project to review contractor submittals and inquiries. The Engineer's Estimate for this project was approximately $6.6 million. This estimate was based upon the Caltrans format of cost estimating of construction projects and was viewed by the City Engineer as being very conservative. Recent bid results throughout Orange County were showing a consistent 25% - 30% bid savings below the Engineer's Estimate. Should that trend hold true for the City's bid of this project, the anticipated bid value would be approximately $5 million. The La Paz Road Widening at Interstate 5 Improvement Project, CIP No. 159, was budgeted in Fiscal Year 2010-2011 in the amount of $5,021,545. In addition, through the program known as CARITS, staff was anticipating an additional $545,000 being made available for this project, bringing the total funding available to approximately $5,567,000. The results of the bid for the construction of this project would determine if sufficient funds were available to construct the project.

APPROVED THE PLANS AND SPECIFICATIONS FOR THE LA PAZ ROAD WIDENING AT INTERSTATE 5 IMPROVEMENT PROJECT, CIP NO. 159; AUTHORIZED THE ADVERTISEMENT FOR BIDS FOR THE PROJECT PENDING THE RECEIPT OF THE CALTRANS "E-76" AUTHORIZATION; AND APPROVED AMENDMENT NO. 6 TO THE AGREEMENT FOR CONSULTING SERVICES WITH PB AMERICAS, INC., AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT AND THE CITY CLERK TO ATTEST THERETO.

4.5 FREEWAY AGREEMENT FOR STATE ROUTE 73 (0400-10)

Written report from the Public Services Department indicated that the State Department of Transportation (Caltrans) had requested that the City approve the attached Freeway Agreement related to the San Joaquin Hills Transportation Corridor, State Route 73. A Freeway Agreement was commonly utilized to designate the responsibilities of the State and Local Agencies when a new freeway project was being constructed. In this case, since the highway was constructed by the Transportation Corridor Agency (TCA) and then inherited by Caltrans, this Freeway Agreement was just now being presented. The Freeway Agreement was considered a routine document by staff.

APPROVED THE FREEWAY AGREEMENT WITH THE STATE OF CALIFORNIA FOR STATE ROUTE 73 AND AUTHORIZED THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST THERETO.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.6 CONTRACTOR SERVICES AGREEMENT WITH OUTDOOR SIGN SYSTEMS, INC., FOR ENTRY MONUMENT SIGN MANUFACTURING AND INSTALLATION SERVICES, CIP NO. 307 (0400-10)

Council Member Songstad asked about the new contract and questioned if this was a family member of the previous contractor.

City Manager Channing indicated the new company was owned by the nephew of the former owner who was also in the sign business and had taken on the project, but he was not the owner of the former business or the beneficiary of the previous owner.

Written report from the Public Services Department indicated that on October 28, 2008, the City Council approved an Agreement with Hoke Outdoor Advertising, Inc. (Hoke), to complete specified entry monument improvements. Hoke completed the majority of the work associated with that Agreement but ceased business operations, due to the death of a principal partner in the firm, prior to completing all work. As a result, staff had sought a replacement contractor for this work and had identified Outdoor Sign Systems, Inc., as the contractor capable of completing the original work of the entry monuments and for being available to construct future entry monuments for the City. The Capital Improvement Program, Project CIP No. 307, included funding for the completion of the above stated entry monument projects and the proposed Agreement with Outdoor Sign Systems, Inc., for total compensation of $25,224.18, was within the original contracted value of the Hoke Agreement.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER LAUTENSCHLEGER, TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACTOR SERVICES AGREEMENT WITH OUTDOOR SIGN SYSTEMS, INC., TO COMPLETE THE ENTRY MONUMENT SIGN MANUFACTURING AND INSTALLATION SERVICES, CIP NO. 307.

The motion carried by the following vote:

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

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 7:11 p.m. All Council Members were present.

1. PRESENTATIONS AND PROCLAMATIONS, CONTINUED

This item was taken out of order on the Agenda.

1.1 AWARD OF GRANT FUNDS FOR THE FLORENCE SYLVESTER SENIOR CENTER (0670-20)

Mayor Bressette presented a check to Marilyn Ditty, Chief Executive Officer, Age Well Senior Services, for the Florence Sylvester Senior Center.

Barbara Kogerman, Laguna Hills, stated it was commendable that the City had received a grant for facility improvements at the Senior Center, but the question had to be asked after 18 years, what took so long? The City had a Senior Center in Laguna Hills for nearly 30 years, going back to the early 80's, and the Florence Sylvester Senior Center opened 12 years ago, and at that time not one penny from Laguna Hills. The senior advocates had asked for assistance to serve the senior citizen population. This pass through of County funds would be of great help, but the neighboring cities from their inception provided funding to serve the needs of their seniors, yet our Senior Center had to rely on County programs and private donations and still lacked adequate funding for programs, staff, and services. This grant of County funds for facilities was not enough. The City Council needed to realign its spending priorities and find the means to provide funding for essential needs such as senior services and not just for facilities. Ms. Kogerman indicated that although the County funds were very much welcomed, she believed the funding requested by our citizens was much deserved.

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 Council Member Carruth

A. ORANGE COUNTY VECTOR CONTROL DISTRICT (0250-60)

Council Member Carruth indicated the Orange County Vector Control District had lost their District Manager and had hired a recruitment firm to conduct a search to replace this position. Even though the County had received an additional five inches of rain this year, the cool weather the past several months had kept the West Nile Virus at bay. The testing that had been done with dead birds and mosquito pools had resulted in no incidence of West Nile Virus being reported. In addition, the District had begun flyovers of North County, and last year 2,000 swimming pools had been neglected and required service by Vector Control for mosquitoes. In addition, Vector Control had tested for Bubonic Plague in the rat and ground squirrel population and had found no evidence this year.

B. TERM LIMITS (0430-65)

Council Member Carruth indicated that last January she had brought up the issue of Term Limits, and the majority of the City Council was interested in a report on a Term Limit Ordinance. She asked when this report would be coming back to the City Council for consideration.

City Manager Channing indicated that staff was currently working on that report. It was expected that one of the attachments to the report would be produced and provided in writing to City Council by the end of the week outlining all of the existing Term Limit Ordinances for cities in Orange County. As to the final report, City Manager Channing reported it would be forthcoming very soon.

8.2 Council Member Lautenschleger

A. COMMENTS MADE REGARDING SENIOR CENTER (0670-20)

Council Member Lautenschleger felt compelled to comment on Ms. Kogerman's comments regarding the Senior Center. Council Member Lautenschleger reported that when the Senior Center was built 12 years ago, the City provided immediate relief to them on planning issues, licensing issues, and substantial in-kind funding. Council Member Lautenschleger also indicated that over 90 percent of the people that used the Senior Center were from Laguna Woods. Laguna Woods contributed to the Senior Center and they should because most of the residents came from Laguna Woods. Council Member Lautenschleger found that out himself when he was performing a petition drive on the Ballot Initiative when he went there to get signatures. Out of 35 signatures, there was only one person from Laguna Hills. Council Member Lautenschleger remembered only a few times the Senior Center had approached the City Council for funds, and the City Council would in return ask them for statistics, basically for the accounting of their books, where the funds would be used, and they were never forthcoming with that accounting information. There were some very good reasons why the City Council had only contributed funding a few times.

8.3 Council Member Songstad

A. COMMENTS MADE REGARDING SENIOR CENTER (0670-20)

Council Member Songstad asked City Manager Channing and staff to get the actual figures from Lake Forest, Mission Viejo, and Aliso Viejo as to what funds they had donated as a city and where those funds came from. Council Member Songstad believed that it would be shown that Laguna Hills' contributions would far exceed all of those cities with the exception of Laguna Woods. He asked for this information in a report to City Council to deal with accurate facts rather than misinformation.

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO DIRECT STAFF TO BRING A REPORT TO THE CITY COUNCIL AND AGENDIZE AT A FUTURE MEETING COMPARING CONTRIBUTIONS TO SENIOR CENTERS FROM THE CITIES OF LAKE FOREST, MISSION VIEJO, AND ALISO VIEJO TO THOSE OF LAGUNA HILLS.

9. CLOSED SESSION

Mayor Bressette recessed the meeting into Closed Session at 7:24 p.m.

9.1 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION

Subdivision (a) of Government Code Section 54956.9
Eric Young v. City of Laguna Hills; Case No. 30-2009-00324531

Mayor Bressette reconvened the meeting at 7:50 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 7:50 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

RANDAL BRESSETTE, MAYOR

APPROVED AT MEETING OF MAY 25, 2010.