



AGENDA FOR THE REGULAR MEETING OF THE LAGUNA NIGUEL CITY COUNCIL

**REGULAR MEETING OF
May 16, 2023 – 7:00 P.M.**

WELCOME TO THE REGULAR MEETING OF THE CITY COUNCIL.

Regular City Council meetings are held on the first and third Tuesday of every month at 7:00 p.m. in the Council Chambers at City Hall (6:00 p.m. or prior to the Regular City Council meeting for Closed Session). Regular meetings are open for the public to attend the meeting; however, in-person seating is limited.

Regular City Council meetings are aired live on Cox Cable Channel 853, AT&T U-Verse Channel 99 and on the City's YouTube Channel at www.youtube.com/cityoflagunaniguel. Rebroadcasted meetings are available for viewing on: Cox Cable/AT&T U-Verse channels at 6:00 p.m. daily following each meeting; the City's Website at www.cityoflagunaniguel.org; and on the City's YouTube Channel.

Any person wishing to address the City Council is respectfully asked to complete and present a gold-colored, "Request to Speak" form to the City Clerk at the meeting. Forms are available on the counter located inside the Council Chambers. The time limit will be established by the Mayor. To allow equal time for speakers, minutes may not be given to another speaker. If you are unable to attend the meeting, you may have another person read your written statement. The City Council may establish a time limit on all public comments of not less than one half hour.

Any documents pertaining to items on the agenda that are provided to the City Council prior to 4:00 p.m. on the day of the City Council meeting will be available for public review at the counter that is located inside the Council Chambers.

The City of Laguna Niguel thanks you in advance for attending the City Council meeting.

**City Hall/Council Chambers
30111 Crown Valley Parkway
Laguna Niguel, California 92677
(949)362-4300
www.cityoflagunaniguel.org**

CALL TO ORDER – 7:00 p.m.

INVOCATION – Ramin G. Yazdi, Baha'i Community of Laguna Niguel

PLEDGE OF ALLEGIANCE – Boy Scout Troop 772

PRESENTATIONS

- 1. Presentation Recognizing Eagle Scouts**
- 2. Proclamation Declaring May as National Poppy Month**
- 3. Annual Report and Certificate of Recognition by OCHR Council**

PUBLIC COMMENTS

CITY COUNCIL PRESENTATIONS

- 1. Administration of Oath of New City Council Member**
- 2. Comments by Newly Appointed Council Member**

CONSENT CALENDAR

- [Warrants of May 16, 2023](#)**

Recommendation

Approve as written or amended.

- [Payroll Summary Register](#)**

Recommendation

Approve as written or amended.

- [Minutes of the Regular City Council Meeting on May 2, 2023](#)**

Recommendation

Approve as written or amended.

- [Update on the City's Legislative Advocacy Efforts](#)**

Recommendation

Staff recommends that the City Council receive and file this update on the City's Legislative Advocacy Efforts.

5. [Agreement for Prosecution Services Between the City of Laguna Niguel and the County of Orange](#)

Recommendation

Staff recommends that the City Council approve a new agreement between the City of Laguna Niguel and the County of Orange for the Orange County District Attorney to prosecute violations of City ordinances for July 1, 2023, to June 30, 2028.

6. [Adoption of the 2023-2027 Memorandum of Understanding \(MOU\) between the City of Laguna Niguel and the Orange County Employees Association \(OCEA\) for the Maintenance, Clerical and Technical Unit and the Middle Management, Professional and Supervisory Unit and Related Salary Resolution No. 2023-1433; and Adoption of Resolution No. 2023-1434, Related to Updated Compensation for Unrepresented Executive and Management Employees](#)

Recommendation

Staff recommends that the City Council:

1. Approve and Adopt the Memorandum of Understanding (MOU) between the City of Laguna Niguel and the Orange County Employees Association (OCEA) for the Maintenance, Clerical and Technical Unit;
2. Approve and Adopt the Memorandum of Understanding (MOU) between the City of Laguna Niguel and the Orange County Employees Association (OCEA) for the Middle Management, Professional and Supervisory Unit;
3. Adopt Salary Resolution No. 2023-1433 relating to the MOU between the City of Laguna Niguel and the Orange County Employee Association (OCEA) for the Maintenance, Clerical and Technical Unit and the Middle Management, Professional and Supervisory Unit;
4. Authorize the City Manager and members of the City's Negotiating Team to execute the MOU documents; and,
5. Adopt Resolution No. 2023-1434 relating to updated compensation for unrepresented Executive and Management Employees.

7. [Award of Construction Contract to Zimprich Engineering, Inc. for the Chapparosa Park Restroom Remodel Project, Cash Contract No. 22-22](#)

Recommendation

Staff recommends that the City Council:

1. Award the Construction Contract for the Chapparosa Park Restroom Remodel Project, Cash Contract No. 22-22 to Zimprich Engineering, Inc. in the amount of \$199,999;
2. Authorize the Public Works Director/City Engineer to process change orders in an amount not to exceed 10% of the total contract for \$20,000, for a total not-to-exceed amount of \$219,999 if needed;
3. Authorize the City Manager to execute the Construction Contract for the Chapparosa Park Restroom Remodel Project, Cash Contract No. 22-22 with Zimprich Engineering, Inc., subject to the City Attorney making non-substantive changes; and,
4. Authorize the Public Works Director/City Engineer to execute the Notice of Completion at the conclusion of construction.

8. [Award of Maintenance Services Agreement for Wetland and Habitat Maintenance to Real Green, Inc.](#)

Recommendation

Staff recommends that the City Council:

1. Approve the Maintenance Services Agreement for Wetland and Habitat Areas Maintenance in the not-to-exceed amount of \$150,000 per year for Fiscal Years 2023-24 through 2025-26, subject to extension administratively for two additional one-year periods;
2. Approve a not-to-exceed 20% contingency per year of the total contract value in the amount of \$30,000 for unforeseen conditions or extra work and authorize the Public Works Director/City Engineer to approve additional work with Real Green Inc. for a total not-to-exceed amount of \$180,000 per year, if needed; and,
3. Authorize the City Manager to execute the agreement and future amendments to the Maintenance Services Agreement with Real Green Inc., subject to the City Attorney making non-substantive changes.

9. [Award of Professional Services Agreement for Energy Assessment Study to Kilowatt Engineering, Inc. dba kW Engineering](#)

Recommendation

Staff recommends that the City Council:

1. Approve the Professional Services Agreement for Energy Assessment Study with Kilowatt Engineering, Inc. dba kW Engineering in the not-to-exceed amount of \$114,555;
2. Approve a not-to-exceed 20% contingency of the total contract in the amount of \$22,911 for unforeseen conditions or extra work and authorize the Public Works Director/City Engineer to approve additional work for a total not-to-exceed amount of \$137,466, if needed; and,
3. Authorize the City Manager to execute the agreement and future amendments to the Professional Services Agreement with Kilowatt Engineering, Inc. dba kW Engineering, subject to the City Attorney making non-substantive changes.

10. [Award of Construction Contract to Pavement Coatings Co. for the Residential Annual Resurfacing Program Zones III & IV – Phase 2, Cash Contract No. 22-27](#)

Recommendation

Staff recommends that the City Council:

1. Award the Construction Contract for the Residential Annual Resurfacing Program Zones III & IV – Phase 2, Cash Contract No. 22-27 to Pavement Coatings Co. in the amount of \$1,623,207;
2. Authorize the Public Works Director/City Engineer to process change orders in an amount not to exceed 20% of the total contract for \$324,642, for a total not-to-exceed amount of \$1,947,849 if needed;
3. Authorize the City Manager to execute the Construction Contract for the Residential Annual Resurfacing Program Zones III & IV – Phase 2, Cash Contract No. 22-27 with Pavement Coatings Co., subject to the City Attorney making non-substantive changes; and,
4. Authorize the Public Works Director/City Engineer to execute the Notice of Completion at the conclusion of construction.

11. [Acceptance and Approval of Easement from TPG 2020-1 \(LN Crown valley\) Owner, LLC for Park and Trail Purposes for the Blu Apartments and Authorizing its Execution and Recordation](#)

Recommendation

Staff recommends that the City Council adopt Resolution 2023-1432, as follows:

1. Accept the easement and approve the Easement Agreement for park and trail purposes with TPG 2020-1 (LN Crown Valley) Owner, LLC;
2. Approve the recordation of the Easement Agreement;
3. Direct the City Clerk to cause a certified copy of the Resolution and Easement Agreement to be recorded in the Official Records of the Orange County Clerk-Recorder; and
4. Authorize the City Manager to execute the Easement Agreement and any other documents necessary for the acceptance of the easement and the recordation of the Resolution.

PUBLIC HEARING

1. [A Public Hearing to Consider the Introduction of Ordinance and Adoption of Three Resolutions approving Mitigated Negative Declaration MND 23-01, Zone Change ZC 20-01, Site Development Permit SP 20-04 & Use Permit UP 21-12, Site Development Permit Amendment 88-163A02, and Tentative Parcel Map TMP 2021-101 for the Griffin Senior Living Community & Grace Church Remodel Project](#)

Recommendation

Staff recommends that the City Council open the public hearing, take public testimony, close the public hearing, and then take the following actions:

1. Adopt Resolution No. 2023-1428, adopting Mitigated Negative Declaration MND 23-01 (SCH No. 2023020444) and the associated Mitigation Monitoring and Reporting Program;
2. Waive full reading, make any amendments to, and introduce Ordinance No. 2023-222 by title:

ORDINANCE NO. 2023-222

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAGUNA NIGUEL, CALIFORNIA ADOPTING ZONE CHANGE ZC
20-01 (GRIFFIN SENIOR LIVING COMMUNITY)**

Direct that the proposed Ordinance, with any changes to it, be placed on the agenda for the next regularly scheduled City Council meeting and adopt the Ordinance at that meeting;

3. Adopt Resolution No. 2023-1429, approving Tentative Parcel Map TPM 2021-101, subject to conditions;
4. Adopt Resolution No. 2023-1430, approving Site Development Permit 20-04 & Use Permit UP 21-12, subject to conditions; and
5. Adopt Resolution No. 2023-1431, approving Site Development Permit Amendment SP 88-163A02, subject to conditions.

CITY COUNCIL DISCUSSION

1. [Consideration of Options to Fill City Council Member Vacancy by Appointment or Special Election](#)

Recommendation

Staff recommends that the City Council provide direction on which one of the following two options is desired to pursue to fill the current vacancy on the City Council:

1. Appoint a person to fill the vacancy on the City Council.
2. Call a special election to fill the vacancy.

OTHER BUSINESS/COUNCIL REPORTS

1. **Council Reports**
2. **City Manager/Department Reports**

ADJOURNMENT

LAGUNA NIGUEL CITY COUNCIL

**Mayor Kelly Jennings
Mayor Pro Tem Stephanie Oddo
Council Member Ray Gennaway
Council Member Stephanie Winstead**

E-mail address.....cityclerk@cityoflagunaniguel.org
Website addresswww.cityoflagunaniguel.org

Americans with Disabilities Act - In compliance with the Americans with Disabilities Act, if you are an individual who requires accommodations to participate in this meeting, please contact the City Clerk's Office at (949) 362-4300. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chambers is wheelchair accessible and disabled parking is available in the City Hall parking lot. Assisted Listening is available. To arrange for use of a personal listening device, please contact the City Clerk prior to the meeting.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF LAGUNA NIGUEL)

I, Marissa J. Asistin, City Clerk for the City of Laguna Niguel, hereby certify, under penalty of perjury, that I caused the posting of this agenda at Laguna Niguel City Hall and on the City of Laguna Niguel website, not less than 72 hours prior to the meeting.

POSTED BY: 
Marissa J. Asistin, CMC, City Clerk