



AGENDA FOR THE REGULAR MEETING OF THE LAGUNA NIGUEL CITY COUNCIL

**REGULAR MEETING OF
June 20, 2023 – 6:00 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 AND ROLL CALL – 6:00 p.m.

CLOSED SESSION

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

RECESS TO CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Number of Potential Cases: 1
[\(Threat of Litigation Attached\)](#)

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases: 1

CALL TO ORDER – 7:00 p.m.

INVOCATION – Pastor Jim Szeyller, Laguna Niguel Presbyterian Church

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CITY COUNCIL PRESENTATIONS

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

CONSENT CALENDAR

1. [Warrants of June 20, 2023](#)

Recommendation

Approve as written or amended.

2. [Payroll Summary Register](#)

Recommendation

Approve as written or amended.

3. [Minutes of the Special City Council Meeting on May 30, 2023, and Minutes of the Regular City Council Meeting on June 6, 2023](#)

Recommendation

Approve as written or amended.

4. [Approval of Maintenance Services Agreement for City Wide HVAC Maintenance and Repair Services with First Response Air Conditioning & Heating, Inc.](#)

Recommendation

Staff recommends that the City Council:

1. Approve the Maintenance Services Agreement for Citywide HVAC Maintenance and Repair Services in the not-to-exceed amount of \$75,000 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 \$15,000 for unforeseen conditions or extra work and authorize the Public Works Director/City Engineer to approve additional work with First Response Air Conditioning & Heating Inc. for a total not-to-exceed amount of \$90,000 per year, if needed; and,
3. Authorize the City Manager to execute the agreement and future amendments to the Maintenance Services Agreement with First Response Air Conditioning & Heating Inc., subject to the City Attorney making non-substantive changes.

5. [Approval of Amendments to Maintenance Services Agreement with Coastal Building Services, Inc. for Janitorial Services at City Parks and Metrolink Station; Commercial Building Management Services, Inc. for Janitorial Services at City Facilities; Sage Environmental Group LLC for City Wide Weed Abatement Services; and SCA of CA LLC for Citywide Street Sweeping Services](#)

Recommendation

Staff recommends that the City Council:

1. Approve Amendments to the subject Maintenance Services Agreements to exercise an optional one-year term extension and increase the total annual not-to-exceed contract amount by three percent (3%) for Fiscal Year 2023-24;
2. Approve the addition of a not-to-exceed 20% contingency of the total contract amount equal to \$15,776 on Amendment No. 2 with Sage

Environmental Group LLC, as included in the table above, for unforeseen conditions or extra work and authorize the Public Works Director/City Engineer to approve additional work;

3. Approve the assignment of all rights and obligations under the Agreement with Jonset Corporation dba Sunset Properties to SCA of CA LLC in Amendment No. 1;
 4. Approve the addition of a price escalation clause applicable to the remaining future option year extension in the Amendments to the Maintenance Services Agreements with Commercial Building Management Services, Inc. and SCA of CA LLC; and,
 5. Authorize the City Manager to execute the Maintenance Services Amendments, and future amendments to the agreements, subject to the City Attorney making non-substantive changes.
6. [Adoption of Resolution No. 2023-1435, Adopting a List of Projects for Fiscal Year 2023-24 Funded by SB 1: The Road Repair and Accountability Act of 2017](#)

Recommendation

Staff recommends that the City Council:

1. Approve the recommended list of projects for Fiscal Year 2023-24 to be funded by SB 1: The Road Repair and Accountability Act of 2017; and,
 2. Adopt Resolution No. 2023-1435, Adopting a List of Projects for Fiscal Year 2023-24 Funded by SB 1: The Road Repair and Accountability Act of 2017.
7. [Adoption of Resolution No. 2023-1442, Reaffirming and Extending the Existing Proclamation of Local Emergency in Connection with the Recent Earth Movement Under La Paz Road](#)

Recommendation

Staff recommends that the City Council adopt Resolution No. 2023-1442, reaffirming and extending the proclamation of local emergency in connection with the recent earth movement under La Paz Road.

8. [Orange County Transportation Authority OC Go \(Measure M2\) Eligibility Package Submittal](#)

Recommendation

Staff recommends that the City Council:

1. Adopt Resolution No. 2023-1436, adopting a Seven-Year Capital Improvement Program for Fiscal Years 2023-24 through 2029-30 for compliance with the Measure M2 eligibility requirements;
2. Adopt Resolution No. 2023-1437, concerning the status and update of the Circulation Element and Mitigation Fee Program for the City of Laguna Niguel;
3. Adopt Resolution No. 2023-1438, concerning the update of the Local Signal Synchronization Plan Update for the City of Laguna Niguel; and,
4. Direct staff to submit the City's OC Go (Measure M2) Eligibility Package to the Orange County Transportation Authority prior to June 30, 2023.

9. [Second Reading and Adoption of Ordinance No. 2023-223, An Ordinance Amending Zoning Provisions Pertaining to Accessory Dwelling Units \(ADUs\) and Junior Accessory Dwelling Units \(JADUs\) in Conformance with State Law](#)

Recommendation

Staff recommends that the City Council:

1. Conduct a second reading, by title only, and adopt Ordinance No. 2023-223:

ORDINANCE NO. 2023-223

**AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
ADOPTING ZONING CODE AMENDMENT ZCA 23-01 AMENDING THE
LAGUNA NIGUEL MUNICIPAL CODE ZONING CODE PROVISIONS
PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS TO CONFORM WITH REVISIONS TO
STATE LAW, AND MAKING A DETERMINATION OF EXEMPTION UNDER
CEQA**

PUBLIC HEARING

1. **[Adoption of Fiscal Year 2023-2024 Operating and Capital Budget, and Approval of Updates to Fee Schedule for Community Development Services and Amending the Fee for Usage of Credit and Debit Cards](#)**

Recommendation

Staff recommends that the City Council:

1. Adopt Resolution No. 2023-1439, Approving the City of Laguna Niguel Fiscal Year 2023-2024 Operating and Capital Improvement Budget;
2. Hold a Public Hearing, and adopt Resolution 2023-1440, Amending the Community Development Fee Schedule and Amend the Fee for the Use of City Credit/Debit Cards for Payments to the City, and Making a Finding of Exemption Under CEQA in Connection Therewith;
3. Adopt Resolution No. 2023-1441, Establishing the Appropriation Limit (Gann Limit) for the City of Laguna Niguel for the Fiscal Year 2023-2024;
4. Commit the Fiscal Year 2023-2024 \$0.5 million budget surplus to the Deferred Maintenance, Capital Assets, and Infrastructure Replacement reserve; and,
5. Commit the Fiscal Year 2021-2022 \$2.1 million surplus to the Deferred Maintenance, Capital Assets, and Infrastructure Replacement reserve.

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 Foster "Gene" Johns
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. Dated this 15th day of June 2023.

POSTED BY:



Marissa J. Asistin, CMC, City Clerk