

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
May 7, 2019 – 6:00 p.m.

CALL TO ORDER – Mayor Jennings called the Regular City Council meeting to order at 6:03 p.m.

ROLL CALL

Mayor John Mark Jennings – Present
Mayor Pro Tem Laurie Davies – Present
Council Member Elaine Gennawey – Present
Council Member Fred Minagar – Present
Council Member Sandy Rains – Present

PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS

There were no public comments for Closed Session.

RECESS TO CLOSED SESSION

City Attorney Ennis read the Closed Session titles into the record.

CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: Interim City Manager
- B. PUBLIC EMPLOYEE APPOINTMENT**
Pursuant to Government Code Section 54957
Title: City Manager
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9
One case
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 24000 Avila Road, Laguna Niguel, CA
Agency Negotiator: Robert Hall, Interim City Manager
Negotiating Parties: Federal GSA Financial Services Division
Under Negotiation: Potential terms and conditions for the amendment, extension or termination of City's leasehold interest in the property

Mayor Jennings and the City Council recessed to Closed Session at 6:05 p.m.

Mayor Jennings and the City Council reconvened from the Closed Session at 7:00 p.m.

City Attorney Ennis announced that there was no reportable action from the Closed Session. He stated that direction was given to Interim City Manager Hall on several items specifically related to Closed Session Items B, C, and D.

CALL TO ORDER AND ROLL CALL – 7:00 P.M.

INVOCATION – Pastor Nathaniel Sevilla, Laguna Niguel Seventh Day Adventist Church

PLEDGE OF ALLEGIANCE – Junior Girl Scout Troop 4407

PRESENTATIONS

1. Proclamation Declaring May 5-11, 2019 as Municipal Clerks Week

Mayor Jennings and the City Council presented a proclamation to City Clerk Gomez and Deputy City Clerk Laur, declaring May 5-11, 2019 as Municipal Clerks Week.

2. Proclamation Declaring May 2019 as Mental Health Month

Mayor Jennings and the City Council presented a proclamation to Mara James, Founder and CEO for the Extraordinary Lives Foundation, declaring May 2019 as Mental Health Month.

3. Proclamation Declaring May 2019 as Older Americans Month

Mayor Jennings stated that the proclamation declaring May 2019 as Older Americans Month will be presented at the luncheon on May 17th at Sea Country Senior and Community Center.

PUBLIC COMMUNICATIONS

Rick Riegle, representing the Laguna Niguel Chamber of Commerce, thanked the City Council and staff for participating in the Laguna Niguel City Council, City Manager, and Department Heads Reception. He announced an open invitation to the Chamber Orientation quarterly event on May 29th and the State of the City Address on June 4th to be presented by Mayor Jennings.

Dan Abrams, representing the Laguna Niguel Chamber of Commerce along with Stephanie Winstead and Rick Riegle, requested that the City be the Premier Sponsor for the Chamber event to be held on June 27th at the Laguna Design Center. He stated that as the Premier Sponsor, the City's 30th Anniversary logo and message would be published on the Chamber website, in the printed newsletter, on printed invitations, mentioned on social media, and on event signage.

CONSENT CALENDAR

Council Member Minagar pulled Item Nos. 8, 11, 13, and 14 for discussion.

Council Member Rains pulled Item No. 7 for comment.

A MOTION was made by Mayor Pro Tem Davies, seconded by Council Member Minagar, to approve the remainder of the Consent Calendar as presented.

Motion carried 5-0

1. Warrants of May 7, 2019

Approved as written.

2. Payroll Summary Registers

Approved as written.

3. Minutes of the Regular City Council Meeting on April 2, 2019

Approved as written.

4. Investment Report as of March 31, 2019

Received and filed the City of Laguna Niguel Investment Report as of March 31, 2019.

5. City Sponsorship of a Girls State Participant

Approved sponsorship funds in the amount of \$425 to the American Legion Auxiliary, Post 281, on behalf of Colette Waszak, delegate for Dana Hills High School.

6. Title Sponsorship of Chamber Event

Approved the City being a Title Sponsor for the Chamber of Commerce event in the amount of \$5,000.

9. Update Regarding Crown Valley Park Construction and Parks and Recreation Department Summer Operations

Received and filed this report.

10. Final Fiscal Year 2019-2020 Community Development Block Grant (CDBG) Action Plan

Adopted Resolution No. 2019-1283, which adopts the City of Laguna Niguel Annual Action Plan FY 2019-2020, as part of the City's Community Development Block Grant (CDBG) Program.

12. Approval of Maintenance Services Agreement with Coastal Building Services, Inc. for Janitorial Maintenance Services for Crown Valley Community Park, Neighborhood Parks Public Restrooms, and the Metrolink Station

- a. Approved the Maintenance Services Agreement with Coastal Building Services, Inc. for a not to exceed amount of \$116,400 for basic janitorial maintenance services and for a not to exceed amount of \$11,640 for additional as-needed janitorial maintenance services for Fiscal Years 2019-20, 2020-21 and 2021-22, subject to extension administratively for two additional one-year terms; and
- b. Authorized the Interim City Manager to execute the Maintenance Services Agreement with Coastal Building Services, Inc.

ITEMS PULLED

7. 2019 Weed Abatement Program

Council Member Rains thanked Community Development Director Orduña for his efforts on coordinating the weed abatement program, possibly using goats and for being concerned about our environment.

A MOTION was made by Council Member Rains, seconded by Council Member Gennaway, to adopt Resolution No. 2019-1282, approving the 2019 Weed Abatement Program.

Motion carried 5-0.

8. Approval of Pyrotechnic Public Display Contract with Fireworks & Stage FX America, Inc. dba Fireworks America

Council Member Minagar requested that the recommendation be corrected to authorize the Interim City Manager to execute the contract with Fireworks & Stage America, Inc. dba Fireworks America.

A MOTION was made by Council Member Minagar, seconded by Mayor Jennings, to:

- a. Authorize the Interim City Manager to execute the Pyrotechnic Public Display Contract with Fireworks & Stage America, Inc. dba Fireworks America for the 2019 Fourth of July Fireworks Show; and
- b. Authorize staff to exercise the option to extend the contract in 2020 and 2021, if appropriate.

Motion carried 5-0.

11. Approval of Revised Plans and Specifications for the Alicia Parkway Arterial Pavement Rehabilitation Project, Cash Contract No. 17-11

Council Member Minagar requested that any future plans and specifications for arterial pavement rehabilitation projects include provisions to limit hours of construction from 9:00 a.m. to 3:00 p.m.

Public Works Director Scott stated that provisions are included within the contract documents to limit the traffic control hours from 9:00 a.m. to 3:00 p.m. which will be enforced.

Council Member Minagar stated his approval and requested that Item Nos. 13 and 14 include the same provisions.

A MOTION was made by Council Member Minagar, seconded by Council Member Rains, to:

- a. Approve the Revised Plans and Specifications for the Alicia Pavement Rehabilitation Project, Cash Contract No. 17-11, to include provisions to limit the traffic control hours from 9:00 a.m. to 3:00 p.m.; and
- b. Authorize staff to advertise the project for bids.

Motion carried 5-0.

13. Award of Construction Contract for the Traffic Signal Emergency Back-up Installation Project, Cash Contract No. 19-03, to Crosstown Electrical & Data, Inc.

A MOTION was made by Council Member Minagar, seconded by Council Member Rains, to:

- a. Award the Construction Contract for the Traffic Signal Emergency Back-up Installation, Cash Contract No. 19-03, to Crosstown Electrical & Data, Inc. in the amount of \$149,325.00, and include provisions to limit the traffic control hours from 9:00 a.m. to 3:00 p.m.;
- b. Authorize the Public Works Director/City Engineer to process change orders in an amount not to exceed 10% of the total contract for \$14,933.00, for a total not to exceed amount of \$164,258.00 if needed; and
- c. Authorize the Interim City Manager to execute the Contract Documents, subject to the City Attorney making non-substantive changes.

14. Award of Construction Contract for the Traffic Signal LED Indicator Upgrades Project, Cash Contract No. 19-04, to Siemens Mobility, Inc.

A MOTION was made by Council Member Minagar, seconded by Council Member Rains, to:

- a. Award the Construction Contract for the Traffic Signal LED Indicator Upgrades, Cash Contract No. 19-04, to Siemens Mobility, Inc. in the amount of \$106,449.00, and include provisions to limit the traffic control hours from 9:00 a.m. to 3:00 p.m.;
- b. Authorize the Public Works Director/City Engineer to process change orders in an amount not to exceed 10% of the total contract for \$10,645.00, for a total not to exceed the amount of \$117,094.00 if needed; and

- c. Authorize the Interim City Manager to execute the Contract Documents, subject to the City Attorney making non-substantive changes.

Motion carried 5-0.

PUBLIC HEARINGS

1. Proposition 218 Public Hearing for Proposed Solid Waste Rate Increase

Engineering Services Manager Mazboudi provided information as stated in the staff report. He stated that in November 2018, the City Council approved a Solid Waste Franchise Agreement that includes a 3% proposed rate increase effective July 1, 2019. He stated that the agreement includes a one-time increase of \$2.45 per residential account due to the cost of a new organic waste co-collection program and an annual automatic increase for inflation which will be applied to all of the rates for the next five years. He provided a brief overview of the Proposition 218 process and stated that the increase will be imposed without a majority protest.

Dean Ruffridge, Senior Vice President at CR&R, Inc., and Karla Del Rosario, Sustainability Specialist, provided information on the proposed solid waste collection service rate and the new food waste collection requirements.

Mayor Jennings asked members of the public that had a protest letter to present them to City Clerk Gomez for the final count. He stated that City Clerk Gomez would announce the final count after the public hearing was closed.

Discussion ensued regarding the new food waste collection requirements.

City Clerk Gomez announced that a total of 24 protest letters were received prior to the public hearing in opposition to the solid waste rate increase. She stated that the final amount of protest letters received does not constitute the 50% majority of the affected solid waste customers as required to deny the rate increase.

Mayor Jennings opened the public hearing.

PUBLIC SPEAKERS

Roger Miller, resident, stated his opposition to the solid waste increase and requested that the City Council conduct a full investigation into opportunities to reduce fees and pay them through property taxes similar to the cities of Los Angeles, Riverside and Costa Mesa.

Mayor Jennings closed the public hearing.

City Clerk Gomez stated that the final count of protest letters received was 24 and does not constitute the 50% majority of the affected solid waste customers as required to deny the increase.

A MOTION was made by Council Member Rains, seconded by Council Member Gennaway, to adopt Resolution No. 2019-1284, approving increases to the solid waste collection service rate.

Motion carried 5-0.

2. Zoning Code Amendment ZCA 19-01 (Zoning Code Updates)

Contract Planner Gregg provided information as stated in the staff report. She gave a PowerPoint presentation regarding proposed Zoning Code Amendment ZCA 19-01 (ZCA 19-01) pertaining to residential accessory structures, restaurant and retail food uses and nonresidential parking requirements. She stated that the proposed changes are partly based on feedback from the City's shopping center owners/property managers and commercial brokers that were received in response to City outreach conducted as part of ongoing economic development efforts. She stated that at their meeting on March 26, 2019, the Planning Commission (Commission) held a public hearing on draft ZCA 19-01 to consider the proposed amendment. She stated that City staff received positive feedback about the proposed amendment from various members of the business community. She stated that after consideration and discussion of the information presented, the Commission voted unanimously to adopt Resolution No. 19-02, recommending that the City Council approve ZCA 19-01.

Mayor Jennings opened the public hearing.

PUBLIC SPEAKERS

Robert Montgomery, representing the Buie Stoddard Group, stated that he is working with staff on developing parking regulations in shopping centers. He stated that staff is doing a great job listening to tenant concerns and providing ideas for a program that will be effective and business friendly.

Mayor Jennings closed the public hearing.

Discussion ensued regarding the provisions in ZCA 19-01.

A MOTION was made by Mayor Jennings, seconded by Council Member Gennaway, to:

- a. Read the title of the proposed Ordinance, which is referenced below:

ORDINANCE NO. 2019-197

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA
ADOPTING ZONING CODE AMENDMENT ZCA 19-01 AMENDING THE
LAGUNA NIGUEL MUNICIPAL CODE RELATING TO RESIDENTIAL
ACCESSORY STRUCTURES, RESTAURANT AND RETAIL FOOD USES,
AND NONRESIDENTIAL PARKING REQUIREMENTS FOR
RESTAURANTS AND SHOPPING CENTERS, AND MAKING A
DETERMINATION OF EXEMPTION UNDER CEQA**

- b. Consider the proposed Ordinance, and make any desired changes to it;

- c. Waive the reading of the full text of the Ordinance;
- d. Introduce Ordinance No. 2019-197 as read by title; and
- e. Direct that the proposed Ordinance with any changes to it, be placed on the Agenda for the next regular meeting of the City Council for second reading and adoption.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Economic Development Ad Hoc Committee

Mayor Jennings reported that he, Mayor Pro Tem Davies and Community Development Director Orduña will be attending the International Council of Shopping Centers (ICSC) in Las Vegas. He stated that they are working with The Retail Coach to actively solicit various types of businesses for the City including retail, restaurants and other businesses and are arranging meetings while they are at the ICSC conference. He stated that the City Council responded to the need for more businesses due to recent vacancies and requests from residents for more restaurants and retail options in the City. He reported that Stonefire Grill and Wood Ranch are now open. He stated the Committee would be working on the next steps for business expansion and would provide a status report in June.

2. Council Reports

Mayor Pro Tem Davies reported that Stonefire Grill and Wood Ranch restaurants are now open and encouraged the public to check them out. She stated she was appointed as President for the ACC-OC Board of Directors.

Council Member Minagar reported he attended a meeting with Congresswoman Katie Porter regarding the Transportation Corridor Agency (TCA). He reported he attended an Orange County Council of Governments Board of Directors meeting where they unanimously opposed Assembly Bill 1273. He reported he attended a TCA Joint Operations & Finance Committee budget workshop and the Southern California Association of Governments Annual General Assembly.

Council Member Gennaway reported she and Mayor Pro Tem Davies attended an ACC-OC Legislative Roundtable with Senator Moorlach. She reported she was in Sacramento all day attending a Senior Rally Day event to advocate for preparing communities for the master plan on aging and the future of our growing senior citizen population.

Mayor Jennings reported that he attended various meetings with the Orange County Board of Supervisors relating to homelessness issues. He reported he would not be present at the next City Council meeting since he will be attending the ICSC Conference and stated that Mayor Pro Tem Davies would be leaving the conference early to cover that meeting. He welcomed Interim City Manager Bob Hall to his first City Council meeting and thanked him for assisting with the new City Manager recruitment.


City Manager/Department Reports

City Staff reported on various events, meetings and activities in their departments.

ADJOURNMENT

Mayor Jennings adjourned the Regular City Council meeting at 8:16 p.m.

Respectfully submitted by:



Eileen C. Gomez
City Clerk