

**LAGUNA NIGUEL CITY COUNCIL**  
Minutes of the Regular City Council Meeting  
June 18, 2019 – 7:00 p.m.

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**CALL TO ORDER** – Mayor Jennings called the Regular City Council meeting to order at 7:00 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**

**INVOCATION** – John Pointer, American Legion Post 281

**PLEDGE OF ALLEGIANCE** – Cub Scout Pack 774

**PRESENTATIONS**

**1. Resolution Commending Lt. Col. Christopher D. Tolliver of the 1<sup>st</sup> Battalion, 4<sup>th</sup> Marine Regiment**

Mayor Jennings and the City Council presented a resolution and a Mayor's Challenge Coin commending Lt. Col. Tolliver for his leadership and dedicated service. Military Support Committee Co-Chairs Mayor Pro Tem Davies and Council Member Gennawey thanked Lt. Col. Tolliver for his participation and service on the Military Support Committee. Lt. Col. Tolliver presented the Mayor and City Council with a plaque and a commemorative jar of sand from the Invasion Beach at Guam White 2, where the Second Battle of Guam occurred from July 21 through August 10, 1944.

**2. Presentation of Plaques to Outgoing Youth Committee Members**

Mayor Jennings and the City Council presented plaques and Mayor's Challenge Coins to the following outgoing Youth Committee Members:

Ileana Avila  
Matthew Bermingham (not present)  
Sean Casey (not present)  
Nikki Minagar (not present)  
Alex Probolsky  
Mason Rosal  
Alyssa Siegel  
Elena Singh  
John Stensby (not present)

**3. Orange County Transportation Authority Update on the I-5 Widening Project, SR-73 to El Toro Road and the Laguna Niguel to San Juan Capistrano Passing Siding Project**

Andrea West, Government Relations with the Orange County Transportation Authority, along with Nile Barrett and Calina North, gave a PowerPoint presentation and provided an update on the I-5 Widening Project.

**PUBLIC COMMUNICATIONS**

Ali Kia, resident, stated that non-profit organizations are having difficulty scheduling City facilities for soccer practice due to the County's professional soccer teams' schedule.

Mayor Jennings asked Public Works and Parks and Recreation staff to follow-up with Mr. Kia regarding the use of the City soccer fields.

Delaney Adan and Julianne Tauara, members of the Jiggly Jumpin Jittery Jellybeans Destination Imagination Team, spoke about their experience at the 2019 Destination Imagination Global Finals and thanked the Mayor and City Council for their generous sponsorship.

Martha McNicholas, resident and Board Member of the Capistrano Unified School District, spoke about potential school facilities improvement bonds and announced a workshop on June 26, 2019 at 6:30 p.m.

Pam Lawrence, resident and representative for the Coastal Communities Relay For Life Committee, spoke about the new model for the American Cancer Society making the events more regional. She thanked the Mayor and City Council for their support and announced a Relay For Life Event that is free to the public on September 14<sup>th</sup> from 9:00 a.m. to 2:00 p.m. at the Laguna Niguel Regional Park.

Irv Golper, resident, spoke about airplane noise and expressed his concerns regarding the proposed relocation of the Laguna Niguel Library.

Peggy Schwartz, President of the Friends of the Laguna Niguel Library, expressed her concerns regarding the proposed relocation of the Laguna Niguel Library. She thanked the Mayor and City Council for their financial support of the library.

Daryl Uecker, resident and Friends of the Laguna Niguel Library Board Member, spoke about patronage statistics and expressed his concerns regarding the proposed relocation of the Laguna Niguel Library.

**CONSENT CALENDAR**

Council Member Minagar pulled Item No. 8 for discussion.

Council Member Gennaway pulled Item No. 10 for discussion.

Council Member Rains pulled Item Nos. 5 and 6 for discussion.

**A MOTION** was made by Council Member Minagar, seconded by Mayor Pro Tem Davies, to approve the remainder of the Consent Calendar as presented.  
**Motion carried 5-0.**

**1. Warrants of June 8, 2019**

Approved as written.

**2. Payroll Summary Register**

Approved as written.

**3. Minutes of the Regular Meeting of June 4, 2019**

Approved as written

**4. Orange County Transportation Authority Measure M2 Eligibility Submittal Package**

- a. Approved and adopted Resolution No. 2019-1289, adopting a Seven-Year Capital Improvement Program for the Fiscal Years 2019-20 through 2025-26 for compliance with Measure M2 eligibility requirements;
- b. Approved and adopted Resolution No. 2019-1290, concerning the status and update of the Circulation Element and Mitigation Fee Program for the City of Laguna Niguel; and
- d. Directed staff to submit the City's Measure M2 Eligibility Package to the Orange County Transportation Authority prior to June 28, 2019.

**7. Request for Community Special Event Grant for Relay for Life**

Approved a Community Special Event Grant of \$5,000 for the Relay For Life event to be held on September 14, 2019 at the Laguna Niguel Regional Park.

**9. Approval of First Amendment to the Agreement for Crossing Guard Services with All City Management Services, Inc.**

- a. Approved the First Amendment to the Agreement with All City Management Services, Inc. for FY 2019-2020 in the amount of \$236,232; and
- b. Authorized the Interim City Manager to sign the First Amendment to the Agreement.

## ITEMS PULLED

### 5. **Rejection of All Bids for Crown Valley Elementary School Baseball Fields Recycled Water Retrofit Project, Cash Contract No. 18-04**

Council Member Rains inquired about the bids being rejected and the original budget allocation for this project.

Public Works Director Scott stated the funding available for the project is under \$118,000. She stated that an additional piece of equipment needs to be paid for concurrently and is estimated to cost over \$30,000 which was separately bid.

Council Member Rains requested that this project be tabled until the Fiscal Year 2020-21 budget process.

Mayor Jennings suggested that staff work with the Moulton Niguel Water District regarding any rebates when implementing new recycle programs.

Public Works Director Scott stated that staff is currently in the process of coordinating a workshop to review Capital Improvement Program projects as outlined in the Fiscal Year 2019-20 budget where they will be discussing partnership opportunities.

**A MOTION** was made by Council Member Rains, seconded by Council Member Gennaway, to reject all bids for the Crown Valley Elementary School Baseball Fields Recycled Water Retrofit Project, Cash Contract No. 18-04.

**Motion carried 5-0.**

### 6. **Notice of Completion for the Laguna Niguel Skate and Soccer Fields Synthetic Turf Replacement Project – Cash Contract No. 18-03 (Sprinturf, LLC)**

Council Member Rains inquired about excess project funds and how they are appropriated.

Finance Director Erlandson stated that historically, any budgetary savings at the conclusion of a Capital Improvement Program (CIP) project has been used for existing CIP projects approved by the City Council as part of both the mid-year budget review and the annual adopted budget process. He stated that any savings would be transferred to allocate funding to close any gaps resulting from increasing market costs as part of the bid process. He stated that annually, those costs have increased as part of the economic market recovery.

**A MOTION** was made by Council Member Rains, seconded by Mayor Pro Tem Davies, to:

- a. Accept as complete the Laguna Niguel Skate and Soccer Fields Synthetic Turf Replacement Project, Cash Contract No. 18-03;
- b. Authorize recordation of the Notice of Completion for said project;

- c. Authorize the release of the 5% retention payment 35 days after the recordation date of the Notice of Completion to the extent allowed by State law; and
- d. Approve the Final Closeout Agreement and authorize its execution by the Interim City Manager.

**Motion carried 5-0.**

**8. Approval of Professional Services Agreement with PlaceWorks, Inc. to Provide Environmental Consulting Services Related to the Proposed Town Center Mixed Use Development Project at the Former South County Justice Center**

Council Member Minagar asked for clarification of the \$154,000 cost allocation for the project. He reviewed the responsibilities of the developer as stated in the staff report and funding to cover expenses.

Planning Manager Morgan confirmed that the developer would cover the cost of the full environmental consulting fees.

Discussion ensued regarding the approval process.

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

- a. Approve the Professional Services Agreement with PlaceWorks, Inc. to provide environmental consulting services related to the proposed Town Center Mixed Use Development Project at the Former South County Justice Center; and
- b. Authorize the Interim City Manager to execute the Professional Services Agreement between the City and PlaceWorks, Inc., upon receipt of payment from the project applicant to cover the cost of the Agreement, and subject to the City Attorney making non-substantive changes.

**Motion carried 5-0.**

**10. Resolution Establishing Temporary Boundaries at the Crown Valley Park Lower Soccer Field to Allow for the Consumption of Alcoholic Beverages at the 2019 City Summer Concert Series Events**

Council Member Gennaway stated she opposed the original item in 2015 and is opposing this item for the same reason. She stated the Summer Concert Series is family-oriented and provided statistics on substance and alcohol abuse in the county. She stated the public should be able to enjoy the concerts without alcohol and should be an example to our youth.

Council Member Rains asked for clarification on alcohol being allowed at the Summer Concert Series at the amphitheater.

Council Member Minagar stated he voted against the use of alcohol at the amphitheater in 2015 and asked Chief of Police Services McDaniel to confirm if there were any major incidences during the Summer Concert Series at the amphitheater last year.

Chief of Police Services McDaniel stated he was not aware of any major issues with the Summer Concert Series at the amphitheater last year.

Mayor Pro Tem Davies stated she voted to approve alcohol consumption during the Summer Concert Series at the amphitheater in 2015. She stated one of the reasons was this is a family-oriented City with mature and responsible adults making decisions. She stated in the past, patrons were already drinking alcohol during the Summer Concert Series with no incidences reported. She stated the City Council approved a one-year pilot program and Police Services and Parks and Recreation staff reported back that there were no complaints. She stated her support of approving this item.

Mayor Jennings stated he has attended many Summer Concert Series events at the amphitheater and they have always been an enjoyable experience. He stated he did not notice any difference between the years when there was no alcohol allowed and the years that were. He stated he was pleased that Police Services was always present at these events and commented that patrons should lead by example. He stated local communities also have concerts in the park and that the City's alcohol policies are modeled after them. He stated he has not heard from any residents that they were offended or that this ruined their experience. He stated his support of approving this item.

**A MOTION** was made by Mayor Jennings, seconded by Mayor Pro Tem Davies, to adopt Resolution No. 2019-1291 allowing for the consumption of alcoholic beverages within a designated area at the Crown Valley Park lower soccer field during the 2019 City Summer Concert Series events.

**Motion carried 4-1, with Council Member Gennawey voting no.**

## **PUBLIC HEARING**

### **1. Public Hearing for 2019 Weed Abatement Program Authorizing Abatement of Weeds on Private Property**

Planning Manager Morgan provided information as stated in the staff report. He stated this item is a continuation of the City's Annual 2019 Weed Abatement Program intended to help reduce the risk of fires during the peak fire season. He provided background information on the process and stated that City staff works in collaboration with Orange County Fire Authority and a third party weed abatement consultant to identify properties with overgrown weeds that present a potential fire hazard. He stated the final step is to hear and consider any public objections and to consider the proposed draft resolution. He stated that if payment for any weed abatement work performed by the City is not received, the City Council would have the option of adding the charge to their property tax bill.

Mayor Jennings opened the public hearing.

## PUBLIC SPEAKERS

There were no public comments.

Mayor Jennings closed the public hearing.

Discussion ensued regarding the weed abatement process.

Mayor Jennings requested that Interim City Manager Hall coordinate a social media post with information regarding the weed abatement program.

**A MOTION** was made by Mayor Jennings, seconded by Mayor Pro Tem Davies, to adopt Resolution 2019-1288, and any desired changes.

**Motion carried 5-0.**

## OTHER BUSINESS/COUNCIL REPORTS

### 1. Council Reports

Council Member Minagar reported he attended numerous meetings, including a Transportation Corridor Agency meeting where they voted unanimously to pay off its \$12.8 million unfunded pension liability obligation. He reported he attended a flag salute ceremony in Irvine.

Council Member Gennaway congratulated Council Member Minagar and Mayor Jennings on their graduates. She reported she attended a Laguna Niguel Chamber of Commerce Governmental Affairs meeting where Congressman Rouda presented a Washington update. She reported she and Mayor Pro Tem Davies appointed Matt Kenney to the Laguna Niguel Military Support Committee and a presentation on the Deployment of the USS Stockdale was given at the meeting. She reported she attended the Laguna Niguel Woman's Club 50<sup>th</sup> Anniversary Luncheon and expressed her gratitude on their behalf for the resolution presented by the City Council.

Council Member Rains encouraged the public to support the Relay For Life event. She requested that Finance Director Erlandson coordinate a policy on the process for paying down the City's unfunded pension liability obligation to present to the City Council at a future meeting. She announced she would be attending an unfunded pension liability workshop and would share the information.

Mayor Pro Tem Davies announced the Pooch Park Community Outreach Meeting on June 26th at City Hall and encouraged the public to attend.

Mayor Jennings announced he would be attending the Pooch Park Community Outreach Meeting and was looking forward to hearing input from the public. He informed the public that the Orange County Mosquito and Vector Control Board reported the first case of West Nile Virus that was discovered in a group of birds

and urged the public to use a bug repellent to avoid potential exposure to the virus from mosquito bites. He reported he attended a Special Field Hearing of the U.S. House Committee on Oversight and Reform's Subcommittee on Environment at the Chet Holifield Federal Building, hosted by Congressman Rouda and Congressman Levin, where they discussed the San Onofre Nuclear Generating Station and the storage of spent nuclear fuel. He announced he would be attending an Orange County Housing Trust meeting on June 27th, to address homelessness issues and the affordability of housing. He announced a Citywide Capital Improvement Program Workshop on July 23rd at City Hall to prioritize current working projects. He wished all of the fathers in the City a Happy Father's Day.

## 2. City Manager/Department Reports

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

Mayor Jennings recognized Chief of Police Services McDaniel for receiving an Orange County Sheriff's Outstanding Lieutenant Award.

Mayor Jennings recognized Interim City Manager Hall for his heroic efforts while on vacation in Honolulu, Hawaii, where he and his wife rescued two female distressed swimmers.

## ADJOURNMENT

Mayor Jennings adjourned the Regular City Council meeting at 8:40 p.m., in memory of the 25<sup>th</sup> Infantry Division soldier that lost his life in a swimming accident in Honolulu, Hawaii.

Respectfully submitted by:



Eileen C. Gomez  
City Clerk