

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
January 21, 2020 – 6:00 p.m.

CALL TO ORDER – Mayor Davies called the Regular City Council meeting to order at 6:02 p.m.

ROLL CALL

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

PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS

There were no public communications on Closed Session items.

RECESS TO CLOSED SESSION

City Manager Letourneau read the Closed Session title into the record.

CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
City Designated Representative: Justin Martin, Deputy City Manager
Employee Organization: Orange County Employees Association (OCEA)

Mayor Davies and the City Council recessed to Closed Session at 6:04 p.m.

Mayor Davies and the City Council reconvened from the Closed Session at 7:01 p.m.

City Manager Letourneau announced there was no reportable action from the Closed Session.

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

Mayor Davies called the meeting to order at 7:01 p.m.

INVOCATION – Monsignor John Urell, Saint Timothy Catholic Church

PLEDGE OF ALLEGIANCE – Cub Scout Pack 771

PRESENTATIONS

1. Resolution Commending Stephanie D. Winstead, Laguna Niguel Chamber of Commerce 2019 Chair of the Board

Mayor Davies and the City Council presented Stephanie Winstead with a resolution commending her for her service as the Laguna Niguel Chamber of Commerce 2019 Chair of the Board.

Mayor Davies and the City Council presented a certificate to Mr. Hugo Fruehauf, honoring him for being selected as a 2019 Queen Elizabeth Prize for Engineering Winner, where he was acknowledged for his work on the Global Positioning System (GPS) for locating and rescuing ships in distress.

2. Chamber of Commerce Shop Laguna Niguel Contest Winners Announcement

John Ulrich, representing the Laguna Niguel Chamber of Commerce, provided information on the Trio app and encouraged the public to shop locally. He announced the top merchants and with the assistance of Mayor Davies and the City Council, drew the names of the grand prize winners.

At this point in the meeting, City Manager Letourneau provided an update on the City Center process.

PUBLIC COMMUNICATIONS

Monte McDevitt, representing the Niguel Botanical Preserve, announced the 4th Annual Celebrate the Preserve Fundraiser event on January 26, 2020.

May Love, resident, spoke in opposition to the relocation of the library.

CONSENT CALENDAR

Mayor Davies stated that the City Council would be voting on the current version of Item No. 6, as provided in the Red Folders.

Council Member Rains pulled Item Nos. 4, 5 and 9 for discussion.

Council Member Gennawey abstained from voting on Check No. 5603 to Dell Marketing LP in the January 7, 2020 Warrant Register; and Check No. 5766 to Dell Marketing LP in the January 21, 2020 Warrant Register, both under Item No. 1.

Mayor Pro Tem Minagar pulled Item No. 9 for discussion.

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

Motion carried 5-0.

1. **Warrants of January 7, and January 21, 2020**
Approved as written.
2. **Payroll Summary Registers**
Approved as written.
3. **Minutes of the Regular City Council Meeting on December 17, 2019**
Approved as written.
6. **Agreements with Cox Communications for Internet, Phone and Cable Television Services at the Crown Valley Community Center**
 1. Approved the agreements with Cox Communications California, LLC and Cox California Telecom, LLC (Cox Communications) for internet, phone and cable television services at the Crown Valley Community Center;
 2. Authorized the City Manager to execute the agreements subject to the City Attorney making non-substantive changes;
 3. Increased the annual amount spent with Cox Communications to \$80,000 per year;
 4. Authorized the Public Works Director to approve a 10% contingency to the annual amount spent with Cox Communications; and
 5. Authorized the City Manager to execute future amendments to the agreements with Cox Communications for an additional three-years with the option for two additional one-year terms.
7. **Approval of Plans and Specifications for the Sea Country Senior and Community Center Restroom Renovations, Cash Contract No. 19-14 and Authorization to Advertise the Project for Bids**
 1. Approved the Plans and Specifications for the Sea Country Senior and Community Center Restroom Renovations, Cash Contract 19-14; and,
 2. Authorized staff to advertise the project for bids.
8. **Approval of Cooperative Agreement with the Orange County Transportation Authority for Project V Community Based Transit Circulator to Implement a Trolley Program**
 1. Approved and authorized the City Manager to execute the Cooperative Agreement with the Orange County Transportation Authority for Project V Community Based Transit Circulator to Implement a Trolley Program, subject to the City Attorney making non-substantive changes; and,
 2. Authorized the City Manager to execute future amendments to the Agreement.

ITEMS PULLED

4. **Investment Report as of November 30, 2019**

Council Member Rains asked for information on the decrease of the pooled investments and requested an update on the total pooled investment funds.

Interim Finance Director Martinez provided an update on the total pooled investment funds and stated that the major decrease is partly due to pulling reserves to pay for the new Crown Valley Community Center. He stated that most of the revenue funds do not come in during the early part of the year and that property taxes are a major revenue source.

Mayor Davies stated that this process is consistent with previous years and that in April when the property taxes are collected, the total pooled funds balance will increase.

A MOTION was made by Council Member Rains, seconded by Council Member Jennings, to receive and file the City of Laguna Niguel Investment Report as of November 30, 2019.

Motion carried 5-0.

5. **Adoption of Resolution No. 2020-1310, Authorizing Participation in the Post-Employment Benefits Trust Program (Section 115 Trust)**

Council Member Rains stated she was concerned about the process for selecting a qualified provider. She asked if this account is being created to cover pension liabilities and if this was something that our Investment, Banking and Audit Committee would have reviewed prior to being presented.

Interim Finance Director Martinez provided an overview of the Section 115 Trust fund and explained that it is created to offset the unfunded liability. He stated it is like a savings account set aside to pay for the future unfunded growths or unanticipated spikes from extra pension costs and to provide additional revenues for the unfunded liability growth.

City Manager Letourneau stated the City will set aside money every year in the budget for this and is hiring a company to help manage the process. She stated that this process is separate from an item that would be presented to the Investment, Banking and Audit Committee to review.

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

1. Adopt Resolution No. 2020-1310, Authorizing Participation In The Post-Employment Benefits Trust Program (Section 115 Trust), which will be administered by Public Agency Retirement Services (PARS);

2. Award the Professional Services Agreement for the Administration of Post-Employment Benefits Trust Program to Public Agency Retirement Services (PARS);
3. Authorize the City Manager to execute the agreement and future amendments to the agreement, subject to the City Attorney making non-substantive changes; and,
4. Authorize the appropriation and transfer of \$150,000 from the General Fund Balance (Reserves) to the 115 Trust.

Motion carried 5-0.

9. Award of Contract for the Public Art Sculpture at the Crown Valley Community Center to Sacramento Bronze Art Foundry, Inc. dba Frostad Atelier Foundry

Council Member Rains asked if this item was part of the original scope of work for the project or if it was added on later.

City Manager Letourneau stated that the intent was that there would be an art piece for the Community Center and that an art piece was included in the original scope of work for the project.

Discussion ensued.

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

1. Award the Agreement for the Public Art Sculpture at the Crown Valley Community Center to Sacramento Bronze Art Foundry, Inc. dba Frostad Atelier Foundry in the not-to-exceed amount of \$115,000;
2. Authorize the Public Works Director/City Engineer to process change orders in an amount not to exceed 10% of the total contract for \$11,500, for a total not-to-exceed amount of \$126,500 if needed; and,
3. Authorize the City Manager to execute the Agreement and future Amendments to the Agreement subject to the City Attorney making non-substantive changes.

Motion carried 5-0.

DISCUSSION ITEMS

1. Implementation of an Annual City of Laguna Niguel Carnival

Parks and Recreation Director Giglio provided information as stated in the staff report. She stated that the City Council requested staff to provide additional information regarding the three-day carnival. She stated the benefits of the

carnival include creating an opportunity for community outreach, an increase economic development, an interest for local businesses, and providing a destination point for non-residents to expose the City's family-friendly community. She stated staff recommends that the carnival be held in August, prior to the start of the school year.

Discussion ensued regarding funding, event expenditures, and the option to conduct a three-day carnival as an annual City event.

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

1. Approve a three-day carnival for 2020, and to provide the City Council with a follow-up comprehensive evaluation to discuss the possibility of a carnival next year;
2. Direct staff to include \$130,000.00 in the Fiscal Year 2020-21 Annual General Fund Operating Budget to fund event expenditures; and
3. Present a staff report on an annual basis prior to coordinating a carnival to discuss available funds and expected event expenditures.

Motion carried 5-0.

2. Introduction of Ordinance No. 2020-203, Amending the Laguna Niguel Municipal Code Related to the Sports Advisory Committee and Military Support Committee

Deputy City Manager Martin provided information as stated in the staff report. He stated that at their meeting on October 1, 2019, the City Council adopted Ordinance No. 2019-198, regarding City Commissions, Boards and Committees. He stated this item is in response to a request by the City Council to present an ordinance to amend Ordinance No. 2019-198, to include the process for the removal of members of the Military Support Committee and the dissolution of the Sports Advisory Committee. He provided an overview of the process for the removal of members of the Military Support Committee and the steps that will follow the dissolution of the Sports Advisory Committee.

Council Member Jennings provided an overview of the cost and staff involved in conducting Brown Act meetings and stated the benefits of dissolving the Sports Advisory Committee.

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

1. Waive full reading, make any amendments to, and introduce Ordinance No. 2020-203 by title:

ORDINANCE NO. 2020-203

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL AMENDING THE LAGUNA NIGUEL MUNICIPAL CODE MODIFYING THE PROCEDURE FOR REMOVAL OF MEMBERS OF THE MILITARY SUPPORT COMMITTEE, DISSOLVING THE SPORTS ADVISORY COMMITTEE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

2. Direct that the proposed ordinance, with any changes to it, be placed on the agenda for the February 18, 2020 City Council meeting and adopt the ordinance at that meeting.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Gennawey reported she attended the first Junior Civic Workshop of 2020 and thanked Fire Chief Contreras, Carole Allen, and Paul Whitelock for their presentations. She announced the next Junior Civic Workshop presentation would be provided by Police Services about the bike trails in the City and bike safety. She reported she attended a State of the County event hosted by the Orange County Forum.

Council Member Rains stated she was honored to serve as the Co-Chair with Council Member Gennawey for the Military Support Committee.

Council Member Jennings reported he attended an Orange County Housing Finance Trust meeting. He provided an overview of this organization created last year by AB 448, which allows cities to participate in pooling resources to lend to communities for the development of permanent housing. He thanked Mayor Davies for her service as President on the ACC-OC when AB448 was passed.

Mayor Pro Tem Minagar thanked Mayor Davies for attending the Connect SoCal Workshop hosted by the City, and thanked City staff for their assistance. He provided an overview of Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, and stated the Southern California Association of Governments will be compiling the comments from this meeting for the final vote on the Connect SoCal.

Mayor Davies reported she and City Manager Letourneau met with Congressman Rouda to discuss proposed legislation that he is sponsoring that will affect our City and provided an overview of H.R.5450 – Cleaner, Quieter Airplanes Act and H.R.530 – Accelerating Broadband Development by Empowering Local Communities Act of 2019.

2. City Manager/Department Reports

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

ADJOURNMENT

Mayor Davies adjourned the Regular City Council meeting at 8:30 p.m.

Respectfully submitted by:



Eileen C. Gomez
City Clerk