

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
February 18, 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 – Absent from Closed Session (arrived at 7:18 p.m.)

PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS

There were no public communications on Closed Session items.

RECESS TO CLOSED SESSION

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

CLOSED SESSION

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Section 54957 of the Government Code.

Title: City Manager

Mayor Davies and the City Council recessed to Closed Session at 6:03 p.m.

Mayor Davies and the City Council reconvened from the Closed Session at 7:02 p.m.

City Attorney Ennis 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 – Reverend Jim Szeyller, Laguna Niguel Presbyterian Church

PLEDGE OF ALLEGIANCE –Cub Scout Pack 774

PRESENTATIONS

1. Presentation to Sergeant Jack Songer in Recognition of His Service with the City of Laguna Niguel

Mayor Davies and the City Council, along with Chief of Police Services McDaniel, presented Sergeant Jack Songer with a City tile in recognition of his service with the City of Laguna Niguel.

2. Presentation to the City of Laguna Niguel by the Orange County Business Council in Recognition of the Concierge Services Program

On behalf of the Orange County Business Council, Connor Medina, Government Affairs Specialist, presented Mayor Davies and the City Council with a “Turning Red Tape Into Red Carpet” award in recognition of the Concierge Services Program.

3. Presentation of City Tiles to Outgoing Commission and Committee Members

Mayor Davies and the City Council presented City tiles to the following individuals, thanking them for their service on City Commissions and Committees:

Marisel Gerlt-Ferraro
Investment, Banking & Audit Committee

Bill Kelley (not present)
Military Support Committee

Dennis Mulvaney (not present)
Military Support Committee

Mark Stensby
Parks and Recreation Commission

Dr. Agathi Glezakos
Senior Citizens Committee

Marilyn McCloskey
Senior Citizens Committee

Derek Bartolome
Sports Advisory Committee

James Carbone
Sports Advisory Committee

William Leber
Sports Advisory Committee

Paul Anderson
Traffic and Transportation Commission

Mike Pouraryan
Traffic and Transportation Commission

PUBLIC COMMUNICATIONS

Ross Chun, Aliso Viejo City Council Member, introduced Aliso Niguel High School Eco Freako Club Board Members Adele Giovanniello, President and Brian Kim, Secretary, to speak about their current project to install water stations for the promotion of usable water bottles at the school.

Russell Lange, resident and volunteer for the Laguna Niguel Police Auxiliary Citizens' Team, spoke fondly about Sergeant Jack Songer, thanking him for his leadership and wished him well in his retirement.

May Love, resident, spoke in opposition to the relocation of the Laguna Niguel Library.

CONSENT CALENDAR

Council Member Gennaway abstained from voting on Check No. 5998 to Dell Marketing LP in the February 18, 2020 Warrant Register, under Item No. 1.

Mayor Pro Tem Minagar pulled Item No. 6 for discussion.

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

Motion carried 5-0.

1. Warrants of February 4, 2020 and February 18, 2020

Approved as written.

2. Payroll Summary Registers

Approved as written.

3. Minutes of the Regular City Council Meeting on January 21, 2020

Approved as written.

4. Minutes of the Special City Council Meeting on February 12, 2020

Approved as written.

5. Investment Report as of December 31, 2019

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

7. **Approval of Plans and Specifications for the Community Development Block Grant (CDBG) Eligible Sidewalk Repair Program, Cash Contract No. 20-01 and Authorization to Advertise the Project for Bids**
 1. Approved the Plans and Specifications for the Community Development Block Grant (CDBG) Eligible Sidewalk Repair Program, Cash Contract No. 20-01; and,
 2. Authorized staff to advertise the project for bids.
8. **Approval of Plans and Specifications for the Crown Valley Park Temporary Parking Lot, Cash Contract No. 20-03 and Authorization to Advertise the Project for Bids**
 1. Approved the Plans and Specifications for the Crown Valley Park Temporary Parking Lot, Cash Contract No. 20-03; and,
 2. Authorized staff to advertise the project for bids.
9. **Approval of Amendment No. 4 to the Professional Services Agreement with Willdan Engineering for On-Call Public Works Inspection Services**
 1. Approved Amendment No. 4 to the Professional Services Agreement with Willdan Engineering for On-Call Public Works Inspection Services in the not-to-exceed amount of \$176,000; and,
 2. Authorized the City Manager to execute Amendment No. 4 and future amendments to the Professional Services Agreement with Willdan Engineering for On-Call Public Works Inspection Services, subject to the City Attorney making non-substantive changes.
10. **Approval of Amendment No. 9 to the Professional Services Agreement with DMc Engineering for On-Call Professional Engineering Services**
 1. Approved Amendment No. 9 to the Professional Services Agreement with Derek J. McGregor dba, DMc Engineering for On-Call Professional Engineering Services in the not-to-exceed amount of \$160,000; and,
 2. Authorized the City Manager to execute Amendment No. 9 and future amendments to the Professional Services Agreement with Derek J. McGregor dba, DMc Engineering for On-Call Professional Engineering Services, subject to the City Attorney making non-substantive changes.
11. **Award of Construction Contract to Alfaro Communications Construction, Inc. for the Bus Shelters Phase 1 Project, Cash Contract No. 19-02 and, Approval of Amendment No. 2 to the Professional Services Agreement with Annealta Group for On-Call Public Works Construction Support Services**
 1. Awarded the Construction Contract for the Bus Shelters Phase I Project, Cash Contract No.19-02 to Alfaro Communications Construction, Inc. in the amount of \$806,651, base bid plus add alternate #1, waiving the minor bid errors enumerated in the staff report;

2. Authorized the Public Works Director/City Engineer to process change orders in an amount not to exceed 10% of the total contract for \$80,665, for a total not-to-exceed amount of \$887,316 if needed;
3. Approved Amendment No. 2 to the Professional Services Agreement with Annealta Group for On-Call Public Works Construction Support Services for a not-to-exceed amount of \$46,250;
4. Authorized the City Manager to execute the Construction Contract for the Bus Shelters Phase I Project, Cash Contract No. 19-02 with Alfaro Communications Construction, Inc., subject to the City Attorney making non-substantive changes;
5. Authorized the City Manager to execute Amendment No. 2 and future amendments to the Professional Services Agreement with Annealta Group for On-Call Public Works Construction Support Services, subject to the City Attorney making non-substantive changes; and
6. Authorized the City Manager to execute the Notice of Completion at the conclusion of the construction.

12. Comprehensive Annual Financial Report (CAFR) and Related Audit Reports of the City of Laguna Niguel for FY 2018-19

Received and filed the CAFR and related audit reports of the City of Laguna Niguel for the year ended June 30, 2019.

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

Conducted second reading, by title only, and adopted Ordinance No. 2020-203:

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

14. City's Positions on 2020 Ballot Measures

1. Approved supporting the "Reducing Crime and Keeping California Safe Act of 2020" ballot measure.
2. Approved opposing the "Schools and Local Communities Funding Act" ("Split Roll") ballot measure.

ITEMS PULLED

6. Approval of Professional Services Agreements for On-Call Professional Community Development Services

Mayor Pro Tem Minagar inquired about the decision to consider multiple consultants for similar on-call services and asked if they would be on a rotational basis.

Community Development Director Orduña stated the on-call slate of firms that was selected was in response to a variety of needs of the department. He stated they are all highly qualified firms that provide specialized services and will be selected on an as-needed basis.

A MOTION was made by Mayor Pro Tem Minagar, seconded by Council Member Gennaway, to approve Professional Services Agreements for On-Call Professional Community Development Services.

Motion carried 5-0.

DISCUSSION ITEMS

1. Fiscal Year 2019-20 Mid-Year Operating and Capital Improvement Program (CIP) Budget Review

City Manager Letourneau gave a PowerPoint presentation and provided information as stated in the staff report. She stated General Fund revenues are projected to be approximately \$251,000 in excess of the adopted budget primarily due to an increase in property tax revenues. She stated the Gas Tax Revenue Fund is expected to increase by \$126,000 from the amount in the adopted budget based on the actual revenues received in an update from the State Department of Finance. She continued to provide information on the various fund accounts and stated all are expected to meet budget projections. She stated the operating and capital expenditures are expected to be equal to or below the adopted budget. She stated there are no changes to the budget being requested at this time.

Public Works Director Scott gave a PowerPoint presentation and provided a status update on the Five-Year Capital Improvement Program (CIP) that was adopted in the City's Fiscal Year 2019-2020 budget. She stated there are 43 active projects currently being worked on by the Public Works Department, all in various phases of completion. She provided an overview of project progress and stated to date, significant progress has been made. She stated staff is not requesting any changes to any CIP projects or the corresponding budgets for these projects.

Discussion ensued.

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

1. Receive and file this report; and,
 2. Adopt Resolution No. 2020-1311, Amending the FY 2019-20 Budget.
- Motion carried 5-0.**

2. Introduction of Ordinance No. 2020-204, Amending the Laguna Niguel Municipal Code to Alter and Clarify the Authority of the City Council, Traffic and Transportation Commission, and Traffic Engineer

Engineering Services Manager/City Traffic Engineer Nguyen provided information as stated in the staff report. She stated currently, all traffic control signs, devices, and striping projects require the approval of the Traffic and Transportation Commission (Commission) and the City Council prior to installation. She stated this has resulted in a slow response rate to safety related requests from the public. She stated in order to provide more prompt and necessary responses to traffic safety concerns, Ordinance No. 2020-204 authorizes the City Traffic Engineer, under the direction of the Public Works Director, to install traffic warning signs and roadway striping improvements without needing the approval of the Commission and City Council.

Discussion ensued.

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

1. Waive full reading, make any amendments to, and introduce Ordinance No. 2020-204 by title:

ORDINANCE NO. 2020-204

**AN ORDINANCE OF THE CITY OF
LAGUNA NIGUEL AMENDING THE LAGUNA NIGUEL
MUNICIPAL CODE TO ALTER AND CLARIFY THE
AUTHORITY OF THE CITY COUNCIL, TRAFFIC AND
TRANSPORTATION COMMISSION, AND TRAFFIC
ENGINEER FOR THE REGULATION AND INSTALLATION
OF TRAFFIC CONTROLS AND OTHER DEVICES 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 March 3, 2020 City Council Meeting and adopt the ordinance at that meeting.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Jennings stated he was pleased to announce that the City is now able to replace bus shelters. He thanked the Investment, Banking & Audit Committee (IB&A) for their work on the Comprehensive Annual Financial Report (CAFR) and congratulated City staff and the IB&A on receiving a Certificate of Achievement for Excellence in Financial Reporting for the past 19 years.

Council Member Gennawey reported she, along with Mayor Davies, Council Member Rains and Mayor Pro Tem Minagar, traveled to Sacramento with the ACC-OC for Orange County's Local Government Advocacy Trip. She reported she attended a Pizza with Police event hosted by the Youth Committee and Police Services, and thanked them for their participation. She reported she attended the Laguna Niguel Girls Softball Opening Day event and thanked the parents for their support. She reported she, along with Mayor Davies, attended a community leadership breakfast hosted by Saddleback Church where Orange County Sheriff Barnes was the speaker.

Mayor Davies reported she enjoyed lunch with seniors at Sea Country Senior and Community Center where she provided an update on City projects and initiatives.

2. City Manager/Department Reports

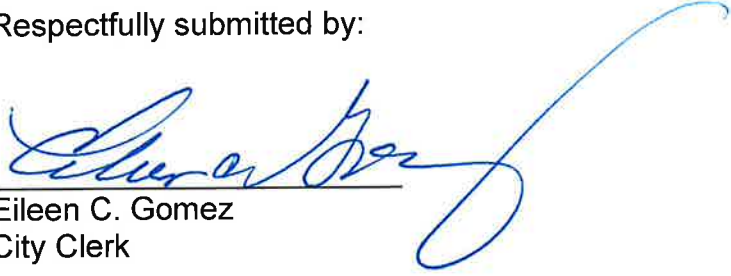
City Staff reported on various events, meetings and activities in their departments.

City Manager Letourneau thanked Interim Finance Director Richard Martinez from Eide Bailly, LLP for his work during the recruitment process.

ADJOURNMENT

Mayor Davies adjourned the Regular City Council meeting at 8:05 p.m.

Respectfully submitted by:



Eileen C. Gomez
City Clerk