

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
June 4, 2019 – 6:00 p.m.

CALL TO ORDER – Mayor Jennings called the Regular City Council meeting to order at 6:00 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

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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Colinas de Capistrano Community Association v. City of Laguna Niguel, et al.
Case No. 30-2019-01070843-CU-WM-CXC
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
(Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9)
Number of potential cases: two (2)

Mayor Jennings and the City Council recessed to Closed Session at 6:02 p.m.

Mayor Jennings and the City Council reconvened from the Closed Session at 6:58 p.m.

City Attorney Ennis announced that Council Member Minagar abstained from discussion on Closed Session Item A, and that there was no reportable action from the Closed Session.

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

INVOCATION – Blaine Evanson, Laguna Niguel Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE – Girl Scout Troop 2544

PRESENTATIONS

1. Recognition of Former Board Director Laurie Davies for Her Service to the Orange County Fire Authority

Division Chief Contreras presented an award to Mayor Pro Tem Davies on behalf of the Orange County Fire Authority and Chief Brian Fennessy for her service on the Board of Directors.

2. Proclamation Declaring May through October 2019 as Drowning Prevention Awareness Month

Mayor Jennings and the City Council presented a proclamation to Division Chief Contreras declaring May through October 2019 as Drowning Prevention Awareness Month.

3. Resolution Recognizing and Commemorating the 50th Anniversary of the Laguna Niguel Woman's Club

Mayor Jennings and the City Council presented a resolution recognizing and commemorating the 50th Anniversary of the Laguna Niguel Woman's Club to President Sherry Astrella and members that were present.

4. Resolution Congratulating Debbie Newman on her Retirement from the Laguna Niguel Chamber of Commerce

Mayor Jennings announced that the resolution congratulating Debbie Newman on her retirement from the Laguna Niguel Chamber of Commerce would be presented at her retirement celebration on June 27th.

5. Proclamation Declaring May as Lupus Awareness Month

Mayor Jennings and the City Council presented a proclamation to Dr. Gilla Family, representing Lupus LA, declaring May as Lupus Awareness Month.

PUBLIC COMMUNICATIONS

Elaine Rutkowski, resident, spoke about public safety during the game called Senior Assassins that is played by senior class members throughout neighborhoods in the City.

Mayor Jennings stated he had discussions with the Capistrano Unified School District Superintendent and Board Trustees, as well as principals of local high schools regarding this issue.

CONSENT CALENDAR

Mayor Jennings stated that the City Council would be voting on the current version of Item No. 3 as provided in the Red Folders.

Council Member Rains pulled Item Nos. 8 and 10 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 May 21, 2019 and June 4, 2019

Approved as written.

2. Payroll Summary Registers

Approved as written.

3. Minutes of the Special Joint Meeting of the City Council and Youth Committee on March 19, 2019

Approved as amended.

4. Minutes of the Regular City Council Meeting on April 16, 2019

Approved as written.

5. Minutes of the Regular City Council Meeting on May 7, 2019

Approved as written.

6. Minutes of the Special City Council Meeting Budget Workshop on May 14, 2019

Approved as written.

7. Investment Report as of April 30, 2019

Received and filed the City of Laguna Niguel Investment Report as of April 30, 2019.

9. City Sponsorship of a Destination Imagination Team for Global Finals

Provided sponsorship funds in the amount of \$750 to the Jiggly Jumpin Jittery Jellybeans Destination Imagination Team.

11. Annual Review of Traffic Controls for Schools and Suggested Route to School Maps

- a. Directed staff to install reflective pavement markers on Highlands Avenue south of Braxton Drive;
- b. Directed staff to install a bus lane time restriction sign on the existing traffic signal pole on northbound Paseo Escuela;

- c. Directed staff to provide copies of the Suggested Route to School maps to the six elementary schools for their use as they deem appropriate; and
- d. Directed Police Services to continue enforcement efforts in and around the schools.

12. Adoption of Ordinance No. 2019-197 (Zoning Code Update)

Conducted second reading, by title only, and adopted Ordinance No. 2019-197.

13. FY 2019-2020 Orange County Sheriff's Department Law Enforcement Agreement

Authorized the Mayor to sign the FY 2019-2020 Law Enforcement Agreement with the County of Orange.

14. Approval of Professional Services Agreement with Mike Linares, Inc. for Community Development Block Grant Administrative Services for Fiscal Year 2019-2022

- a. Approved the three year Professional Services Agreement for CDBG consultant services with Mike Linares, Inc.; and
- b. Authorized the Interim City Manager to execute the PSA subject to the City Attorney making non-substantive changes.

ITEMS PULLED

8. Approval of Agreement with Bapptre Landscaping, Inc. DBA Shine Illumination for Fabrication and Installation of Cafe Lighting at Sea Country Senior and Community Center

Council Member Rains asked if approval of this project could be postponed until after the proposed fee study was complete.

Parks and Recreation Director Giglio stated that the funds would not be available in the next fiscal year if postponed unless there is an agreement in place prior to the end of the current fiscal year.

A MOTION was made by Council Member Rains, seconded by Mayor Pro Tem Davies, to authorize the Interim City Manager to approve the Agreement for Maintenance Services with Bapptre Landscaping Inc., DBA Shine Illumination for fabrication and installation of cafe lighting at Sea Country Senior and Community Center.

Motion carried 5-0.

10. Approval of Resolution No. 2019-1285 Authorizing an Application for 2019 Environmental Cleanup Tier 1 Grant Program

Council Member Rains asked if construction of the 138 catch basins would be completed in Fiscal Year 2019-20.

Public Works Director Scott stated construction is expected to initiate in Fiscal Year 2019-20, depending on the timing of the availability of the grant funds.

Council Member Rains inquired about the City's matching funds in the amount of \$69,574.31 for this project.

Public Works Director Scott stated it is a competitive grant and that it is anticipated that the City will receive funds for this project. She stated that if the City did not receive the grant funding, an alternative funding source would be presented to the City Council at a future meeting.

A MOTION was made by Council Member Rains, seconded by Council Member Gennaway, to adopt Resolution No. 2019-1285, authorizing an application for funds in the 2019 Environmental Cleanup Program, Tier 1 Grant under Orange County Local Transportation Ordinance No. 3 for the Purchase and Installation of Trash Control Devices on Storm Water Catch Basins.

Motion carried 5-0.

PUBLIC WORKS

1. Approval of Plans and Specifications for the Bus Shelter and Trolley Stop Project, Cash Contract No. 19-02

Public Works Director Scott provided background information on the project as stated in the staff report and introduced design architects Larry Ryan and Andy Steen of RJM Design Group, Inc. (RJM).

Mr. Ryan gave a PowerPoint presentation on the project design and project features. He stated that RJM has been working on this project for the past two years and provided an overview of concept designs. He stated that plans include the replacement of 37 existing bus shelters with 28 new shelters throughout the City, some of which are on outdated bus routes. He provided information on existing bus routes and stops throughout the City and stated the new shelter design has more of a modern, iconic look. He stated the new design includes improvements to discourage loitering including solid, custom concrete cube seating. He stated the cubes do not allow people to shelter underneath them nor do they allow for people to lay on them and will still allow people to sit and wait comfortably. He stated the proposed materials and colors are expanding the City's brand similar to the new monuments and signage. He stated the design also includes trash receptacles that can have a single or double opening for recyclable materials.

Discussion ensued regarding the bus shelter design options, benches or cube seating and removal of existing benches at non-shelter locations.

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

- a. Approve the Plans and Specifications for the Bus Shelter and Trolley Stop Project, Cash Contract No. 19-02;

- b. Authorize staff to advertise the project for bids;
- c. Approve the First Amendment to the Professional Services Agreement with RJM Design Group, Inc. for a not-to-exceed amount of \$14,750;
- d. Authorize the Interim City Manager to execute the First Amendment to the Professional Services Agreement with RJM Design Group, Inc.;
- e. Approve an option for the removal and replacement of the existing benches; and
- f. Direct staff to negotiate terms for termination of the existing bus shelter Agreement with Clear Channel.

Motion carried 5-0.

FINANCE

1. Adoption of the Proposed FY 2019-20 City Budget and Five-Year Capital Improvement Program, Resolution Establishing Appropriation Limit for the City of Laguna Niguel for FY 2019-20, Resolution Amending the Salary Schedules, and Financial Reserves Policy

Finance Director Erlandson reviewed information as stated in the staff report and provided a PowerPoint presentation on the proposed City budget. He stated the proposed budget for Fiscal Year 2019-20 (Budget) reflects the City Council priorities and commitment to enhance the quality of life for all community members in the City. He stated the Budget provides for strategic core services that strengthen neighborhoods while prioritizing public safety and capital investments in City park amenities and infrastructure. He stated the total proposed budget is \$57.9 million dollars in funding services, programs, and capital projects for the benefit of Laguna Niguel residents and business owners. He stated the operating portion of the Budget is \$45.4 million which represents a 6% increase from the current year's operating Budget. He stated the majority of the increase is related to an increase in the Orange County Sheriff's contract, state mandated environmental mitigation monitoring requirements and one-time capital outlay items. He stated the proposed one-year Capital Improvement Program budget is \$12.5 million, representing a substantial commitment to capital projects in the upcoming year. He stated the funding sources for the proposed Budget are primarily from the City's General Fund at 74%. He stated the General Fund is used to account for revenues that are not specifically designated to be accounted for by any other fund and are not legally restricted as to use. He stated the second largest source of funding at 18% comes from the amounts that were prudently set aside to specifically fund capital improvements. He stated other sources of funding are relatively small but include Gas Tax, Measure M2, Air Quality Funds, and CDBG, along with various other sources.

PUBLIC SPEAKERS

Hazel Fenn, resident, spoke about utilizing funds that were previously removed from the budget for an Outdoor Fitness Park. She expressed her support of upgrading the existing dog park as opposed to creating a new one.

Patty Mouton, resident, spoke about the need to reconsider the \$250,000 that was allocated for an Outdoor Fitness Park that was removed from the budget. She provided ideas on upgrading the existing dog park.

Helen DiPanni, resident, spoke about the City's need to increase reserves in order to maintain the security of a debt-free city.

Steve Wanamaker, spoke about the need to reconsider the \$250,000 that was allocated for an Outdoor Fitness Park that was removed from the budget.

Discussion ensued regarding suggested revisions to the proposed budget and options for cost savings.

The Mayor and City Council voted on each item in staff's recommendation individually as follows:

A MOTION was made by Mayor Jennings, to receive and file the Five-Year Capital Improvement Program for fiscal years 2020-2024.

AN AMENDED MOTION was made by Council Member Gennaway, to reinstate the savings for the Outdoor Fitness Park in the amount of \$250,000.

The amended motion failed due to the lack of a second.

Mayor Jennings restated the original motion to approve Item C, seconded by Mayor Pro Tem Davies, to receive and file the Five-Year Capital Improvement Program for fiscal years 2020-2024.

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

A MOTION was made by Council Member Minagar, seconded by Mayor Pro Tem Davies, to adopt Resolution No. 2019-1286 approving the Final FY 2019-20 City Operating Budget and Capital Improvement Program in the amount of \$57,890,118.

AN AMENDED MOTION was made by Council Member Gennaway, to adopt Resolution No. 2019-1286 approving the Final FY 2019-20 City Operating Budget and Capital Improvement Program in the amount of \$57,890,118 and to reinstate the savings for the Outdoor Fitness Park in the amount of \$250,000.

The amended motion failed due to lack of a second.

Mayor Jennings restated the original motion as stated by Council Member Minagar, seconded by Mayor Pro Tem Davies, to adopt Resolution No. 2019-1286, approving the Final FY 2019-20 City Operating Budget and Capital Improvement Program in the amount of \$57,890,118.

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

A MOTION was made by Mayor Pro Tem Davies, seconded by Council Member Minagar, to adopt Resolution No. 2019-1287, amending the salary schedules adopted by Resolution Nos. 2017-1229 and 2018-1254.

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

A MOTION was made by Council Member Gennaway, seconded by Mayor Pro Tem Davies, to adopt Resolution No. 2019-1288 establishing the appropriation limit for the City of Laguna Niguel for the Fiscal Year 2019-20 at \$224,301,456

Motion carried 5-0.

A MOTION was made by Council Member Minagar, seconded by Mayor Jennings, to approve Item G, approving the City Financial Reserves Policy.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Minagar reported he attended various Transportation Corridor Agency meetings. He reported he, along with Council Member Rains, attended a Traffic and Transportation Commission meeting.

Council Member Gennaway reported she attended the Youth Committee Music Festival. She reported she, along with Mayor Jennings, conducted the Youth Committee interviews. She reported she attended the City's Volunteer Appreciation Dinner and congratulated the 2018 Laguna Niguel Citizen of the Year, John Ulrich. She reported she attended the Mayor's State of the City event and congratulated Mayor Jennings and City staff on a great presentation. She announced the 50th Anniversary of the Laguna Niguel Woman's Club Golden Jubilee Anniversary Luncheon on June 15th.

Council Member Rains reported she attended an ACC-OC Legislative and Regulatory Committee meeting. She reported she, along with Mayor Pro Tem Davies and Council Member Gennaway, attended a Memorial Day event at Sea Country Senior and Community Center. She announced that June 14th is Flag Day and reminded the public to display their flags.

Mayor Pro Tem Davies reported she attended a Tech Tutors Graduation Ceremony at Sea Country Senior and Community Center. She reported she attended an Orange County Housing Finance Trust Board of Directors meeting where they announced that Mayor Jennings was appointed by the Orange County City Selection Committee to represent the cities in Orange County with a population of 60,000 and over, on the Orange County Housing Finance Trust Board of Directors.

Mayor Jennings stated he was honored to accept the appointment by the Orange County City Selection Committee and was looking forward to serving on the Orange County Housing Finance Trust Board of Directors. He reported he, along with Mayor Pro Tem Davies and Community Development Director Orduña, attended an International Council of Shopping Centers conference, where they met with many business representatives to work on filling up vacant retail pads in Laguna Niguel.

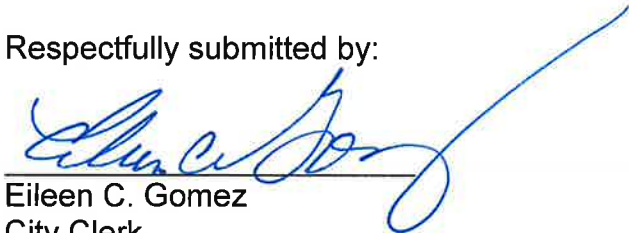
2. City Manager/Department Reports

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

ADJOURNMENT – In Memory of the Honorable Steven Swartz, Mayor of the City of San Clemente

Mayor Jennings adjourned the Regular City Council meeting at 9:15 p.m., in memory of the Honorable Steven Swartz, Mayor of the City of San Clemente.

Respectfully submitted by:



Eileen C. Gomez
City Clerk