

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
October 1, 2019 – 7:00 p.m.

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 – Paul Whitlock, Laguna Niguel Lions Club President

PLEDGE OF ALLEGIANCE – Junior Girl Scout Troop 4497

PRESENTATIONS

1. Proclamation Declaring October 5 – 12, 2019 as Fire Prevention Week

Mayor Jennings and the City Council presented a proclamation to Division 5 Fire Chief Mike Contreras declaring October 5 – 12, 2019 as Fire Prevention Week.

2. Recognition of Emergency Services Volunteers

Mayor Jennings and the City Council, along with Chief of Police Services McDaniel and Emergency Services Coordinator Robinson, recognized Ray Nienburg, Dale McNulty, and the Laguna Niguel Auxiliary Communications Service volunteer team for their work.

PUBLIC COMMUNICATIONS

Stephanie Winstead, representing the Laguna Niguel Chamber of Commerce, provided an update on current events and announced a Government and Community Relations Meeting on October 4th, a Multi-Member Ribbon Cutting Ceremony on October 8th and a Welcome Reception Honoring City Manager Tammy Letourneau on November 7th.

Michele Ploessel-Campbell, resident, spoke about aging schools in Laguna Niguel and requested that the City Council support future bond measures that propose funding for improvements to local school facilities.

CONSENT CALENDAR

Council Member Gennawey pulled Item No. 7 for discussion.

Council Member Rains pulled Item No. 5 for discussion.

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

Motion carried 5-0.

1. Warrants of October 1, 2019

Approved as written.

2. Payroll Summary Register

Approved as written.

3. Minutes of the Regular City Council Meeting on September 17, 2019

Approved as amended.

4. Investment Report as of August 31, 2019

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

6. Adoption of Ordinance No. 2019-198 (Update to Laguna Niguel Municipal Code Provisions on City Commissions, Boards and Committees)

Conducted second reading, by title only, and adopted Ordinance No. 2019-198.

ITEMS PULLED

5. Award of Contract to Interior Office Solutions, Inc., dba PeopleSpace for the Purchase of Interior and Exterior Furniture and Finishes for the Crown Valley Park Community Building Tier III Project

Council Member Rains stated that she inquired about the chairs that cost in excess of \$700 each. She stated City Manager Letourneau explained that these are outdoor chairs made to withstand weather elements and the price also includes a five-year warranty.

Mayor Jennings thanked the members of the Crown Valley Park Tier III Ad Hoc Committee and staff for all their work and stated he was looking forward to the completion of this project.

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

- a. Approve the Final Selection of Interior and Exterior Furniture and Finishes for the Crown Valley Park Community Building Tier III Project;
- b. Award the Contract with Interior Office Solutions, Inc., dba PeopleSpace for purchase of the interior and exterior furniture, including delivery, installation, and contingency in the amount of \$814,575.35; and

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

Motion carried 5-0.

7. 30th Anniversary Carnival Report

Mayor Jennings thanked City staff, Police and Fire Services, and those that participated in the 30th Anniversary Carnival for a successful event. He stated he was pleased that the final cost came in under the anticipated budget amount with more than 15,000 people in attendance for the three-day event. He stated that the total amount for the three-day event was approximately \$116,000 which was money well spent for building community spirit.

Discussion ensued regarding ideas for coordinating future City carnivals and available funding.

A MOTION was made by Mayor Jennings, seconded by Council Member Rains, to direct staff to provide information in a comprehensive report regarding the 30th Anniversary Carnival, including answers to questions and concerns from the City Council, to be presented at a future City Council meeting.

Motion carried 5-0.

A MOTION was made by Mayor Jennings, seconded by Mayor Pro Tem Davies, to advance City Manager Item No. 1 to this point in the City Council meeting due to a substantial amount of Request for Speak forms submitted for this item.

Motion carried 5-0.

CITY MANAGER

1. Adoption of Resolution No. 2019-1300 in Support of an Ordinance to Ban the Sale of All Flavored Electronic Cigarette Products in Laguna Niguel

Mayor Jennings read a list of electronic cigarette (e-cigarette) flavors and stated he was inspired to bring this item forward by other cities that banned the sale of flavored e-cigarette products. He stated he reached out to Council Member Rains and thanked her for her support in presenting this item for City Council consideration.

Management Analyst Narahara provided information as stated in the staff report. He stated this item is a policy consideration to introduce an ordinance that will ban the sale of all flavored e-cigarettes products in the City. He provided an overview of the history of e-cigarettes and stated that in recent years, companies have started using aggressive marketing to entice young people by designing e-cigarettes to look like pens, USB drives, or other everyday items and by adding flavoring like strawberry cheesecake, tiramisu, and watermelon. He provided statistics on the health hazards of e-cigarette usage as reported by the Food and Drug Administration (FDA) regarding the increase in usage among high school and middle school students between 2017 and 2018. He stated that currently, there is federal and state law restricting the sale of flavored e-cigarettes to minors, however those bans have been ineffective or are not being enforced. He stated this item is in consideration of the Centers for Disease Control and Prevention's recommendation to further regulate federal and state

laws restricting the sale of flavored e-cigarettes to minors. He stated Mayor Jennings and City Council Member Rains asked staff to draft a resolution to ban the sale of flavored e-cigarette products to any person regardless of age in the City of Laguna Niguel and to bring back an ordinance to make this a violation of the Laguna Niguel Municipal Code.

PUBLIC SPEAKERS

Rischi Paul Sharma, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Michele Ploessel-Campbell, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Esther (Woo) Lee spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Scott Alevy spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Dr. Diana Linn, Manager of Community Behavioral Health at Mission Hospital, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Deb Okura, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Colin Okura, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Zohal Noorzayee, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Tammi Ameli, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Stephanie Winstead, resident, spoke in support of the adoption of Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

Discussion ensued regarding the importance of public safety in the City and the need to adopt Resolution No. 2019-1300, in support of an ordinance to ban the sale of all flavored e-cigarette products in the City.

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

- a. Approve Resolution No. 2019-1300 in Support of an Ordinance to Ban the Sale of All Flavored Electronic Cigarette Products in Laguna Niguel; and
 - b. Direct staff to return with a draft Ordinance to be presented at the November 5, 2019 City Council Meeting.
- Motion carried 5-0.**

COMMUNITY DEVELOPMENT

1. Appeal of a Planning Commission Action to Sustain the Administrative Approval of a Request for an Extension of a Legal Nonconforming Sideyard Setback to Accommodate a Small Residential Addition

Council Member Rains recused herself from discussion on this item and left the dais at 8:18 p.m.

Planning Manager Morgan gave a PowerPoint presentation and provided information as stated in the staff report. He stated the subject property is located at 16 Haverhill Road, within the Beacon Hill community generally located northeast of Niguel Road and Ridgeway Avenue. He stated that the existing development on the lot includes a two-story residence built in the 1980's and provided an overview of the history of Minor Adjustment MA 19-06 (MA). He stated that the Community Development Department made appropriate findings as prescribed by the Laguna Niguel Zoning Code (LNZC), to conditionally approve the minor adjustment for the requested extension of a legal nonconforming sideyard setback.

PUBLIC SPEAKERS

Tammy Storino, Project Appellant, provided information regarding the grounds for the appeal of the MA. She stated the removal of the applicant's fence and the erection of a two-story wall has serious health problems, lower property value and enjoyment of property issues. She requested that the City Council review the LNZC sections as explained by her attorney, and not allow the approval of the MA.

George Piggott, attorney for the Project Appellant, reviewed the information from a legal perspective and stated that on the legal side, there is a disagreement as to the application of the LNZC relative to non-conforming structures. He stated he agreed that a non-conforming structure can be extended but only horizontally not vertically. He stated the City's position is that the fence is a conforming structure and is being modified with a new non-conforming structure which is the extension of the building wall. He provided an overview of the non-conforming status and referred to the appeal filed by Ms. Storino on September 11, 2019. He stated that the issue is whether the fence is a conforming or non-conforming structure and that there is an alternative. He stated this project should be subject to a variance and not a minor adjustment proceeding.

Liz Johnson, Project Applicant, provided information in response to Ms. Storino's concerns regarding the minor adjustment process and the requirements from the Beacon Hill Homeowners' Association (HOA). She stated she complied with the requests by the HOA to modify her original plans and resubmitted them. She

provided background information on the history of the project and on her relationship with Ms. Storino. She stated she submitted her minor adjustment application to the City on April 29, 2019 and has since received approvals from both the City and the Planning Commission. She stated that an additional 18 emails and letters from neighbors expressing their support of the minor adjustment were submitted to the City prior to the City Council meeting.

PUBLIC SPEAKERS

Carol Faulkner, resident, spoke in support of staff's recommendation to adopt Resolution No. 2019-1298, denying the appeal and sustaining the original action in approving Minor Adjustment MA 19-06.

George Piggott, attorney for the Project Appellant, stated the HOA approval dated March 27, 2019 is effective for 180 days and automatically terminates on the expiration date if the improvement has not been completed by that date. He provided information on the modification made in the design review process to plant trees between his clients' property and the wall basically to mask the wall. He stated his client has made various design proposals and those have been rejected.

Liz Johnson, Project Applicant, stated she was given an extension from the HOA for a 12-month period. She stated she is still under compliance and would not consider any modifications to the current plans.

City Attorney Ennis provided clarifying comments and stated that the appellant has made several arguments regarding the interpretation of the LNZN provisions applicable to the appeal. He stated he concurred with staff's conclusion that a wall of a house is not a fence and that this application does not involve an increase in the height of a fence. He stated he concurs with staff that a variance to seek an increase in the height of the fence is not required for this home addition. He stated he reviewed the LNZN, conferred with staff and agreed with their interpretation that this type of home addition in a setback can be processed under a minor adjustment permit process and not through a variance. He stated he also concurs that this project meets the threshold criteria and limitations required for the minor adjustment permit process. He stated the LNZN sets out a series of findings that are required to approve a minor adjustment permit including the additional finding required when the application involves an alteration to a non-conforming structure. He stated when the required findings are considered and the specific finding of impact on surrounding uses, the City Council is permitted to consider the overall neighborhood context and not solely the project's relationship to one property in determining the significance of any particular impact. He stated if the project is consistent with that existing neighborhood development pattern and does not substantially deviate from that pattern, this finding can be satisfied. He stated the draft resolution includes sufficient findings to support that particular finding along with the others.

Discussion ensued.

A MOTION was made by Mayor Jennings, seconded by Council Member Gennaway, to adopt Resolution No. 2019-1298, denying the appeal and sustaining the original action in approving Minor Adjustment MA 19-06, subject to conditions (16 Haverhill Road - Johnson Residence).

Motion carried 4-0-1, with Council Member Rains abstaining from voting.

Council Member Rains returned to the dais at 8:58 p.m.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Minagar reported he attended numerous meetings including an Orange County Council of Governments (OCCOG) monthly meeting, where a presentation was given by a UCI professor regarding local beach erosion where new sand is being imported as a preventive measure. He provided an update on the Southern California Association of Governments' Regional Housing Needs Assessment (RHNA) and stated that a new hybrid for the RHNA measurements was introduced with revised formulas and calculators.

Mayor Jennings thanked Council Member Minagar for his leadership and input regarding the RHNA process and stated the importance of the effect that the results will have on local control regarding zoning and development standards.

Council Member Gennaway reported she attended a presentation for the 2019-2020 Orange County Community Indicators and provided current statistics on resident participation in public activities and meetings. She reported the Youth Committee is currently working with the Wellness and Prevention Center on a Together For Teens Workshop on October 12th at Capistrano Valley High School. She provided information on the growing senior population and stated that in 20 years, 1/3 of the Orange County population will be older adults. She reported she attended a Senior Expo at the Sea Country Senior and Community Center and congratulated Parks and Recreation staff for another successful event. She announced the 5th Annual Veterans Resource Fair sponsored by Senator Pat Bates on October 5th at City Hall.

Council Member Rains reported she attended a League of California Cities Housing, Community and Economic Development Committee meeting, where Dr. Tita from UCI presented information from a study on how the RHNA numbers will affect property values and sales tax. She reported she participated in an activity with the Orange County Fire Authority where she, along with Mayor Pro Tem Davies and 118 volunteers, provided information on fire safety and installed free smoke alarms in the Niguel Hills Community. She encouraged the public to contact the Red Cross for more information on free smoke alarms. She announced a public meeting hosted by the General Services Administration (GSA), owner and operator for the Chet Holifield Federal Building, to discuss future accommodations of existing building tenants on October 2nd at 4:00 p.m. in the City Hall Community Room.

Mayor Pro Tem Davies reported she attended an ACC-OC meeting with CalPERS Board Members, regarding unfunded pension liability.

Mayor Jennings announced a Capistrano Unified School District Roundtable meeting on October 2nd to discuss vaping monitors that are needed due to high incidents on school campuses. He announced a Strategic Plan Workshop on October 15th in the City Hall Community Room for the City Council and executive staff to discuss the draft strategic plan that will be presented on at the City Council meeting on November 19th.

2. **Economic Development Ad Hoc Committee**

Mayor Jennings reported he has been working with Management Analyst Spradlin to produce videos to welcome new businesses and restaurants to the City which have been well received. He announced a Meet the Mayor Straight Talk Round Donuts event on October 10th at the Sea Country Senior and Community Center. He made the following statement about the public meeting that will be hosted by the General Services Administration (GSA), regarding the Chet Holifield Federal Building: "The GSA, which is the General Services Administration that owns and operates the Chet Holifield Federal Building also known as the Ziggurat, recently informed us at the City that they are beginning a federal environmental review process to analyze options for future accommodations of existing building tenants. No details on options under consideration have been shared with the City or the public as of yet. However, the GSA has assured us that it is their goal to work in partnership with the community in considering any potential physical and operational changes to that property." He stated this meeting will be the first of several public outreach meetings on this very topic to be conducted by the GSA. He stated that the City Council will continue to provide regular updates to residents.

Community Development Director Orduña reported he and his staff coordinated a roundtable discussion with the commercial shopping center community as part of the Ad Hoc Committee's efforts to help improve our existing processes, including permitting of new businesses and restaurants. He stated City Manager Letourneau was also in attendance and was able to provide information to the commercial business owners and operators about the strategic plan process.

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

City Manager Letourneau stated that information regarding the public meeting hosted by the GSA on October 2nd regarding the Chet Holifield Federal Building is on the City website and social media outlets.

ADJOURNMENT

Mayor Jennings adjourned the Regular City Council meeting at 9:20 p.m.

Respectfully submitted by:


Eileen C. Gomez
City Clerk