

LAGUNA NIGUEL CITY COUNCIL
Minutes of the Regular City Council Meeting
November 5, 2019 – 6:30 p.m.

CALL TO ORDER – Mayor Jennings called the Regular City Council meeting to order at 6:30 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 the Closed Session.

RECESS TO CLOSED SESSION

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

CLOSED SESSION

- 1. 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

- 2. 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: one (1)

Mayor Jennings and the City Council recessed to Closed Session at 6:31 p.m.

Council Member Minagar recused himself from discussion on Closed Session Item No. 1. He left the dais and entered Closed Session at 6:41 p.m. for discussion on Closed Session Item No. 2.

Council Member Rains recused herself from discussion on Closed Session Item No. 2, and returned to the dais at 6:41 p.m.

Mayor Jennings and the City Council, with the exception of Council Member Rains, reconvened from the Closed Session at 7:00 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 Jennings called the meeting to order at 7:01 p.m.

INVOCATION – Pastor Mike Hudgins, Vineyard Community Church

PLEDGE OF ALLEGIANCE – Brownie Girl Scout Troop 7575

PUBLIC COMMUNICATIONS

Stephanie Winstead, representing the Laguna Niguel Chamber of Commerce, provided an update on current events and announced a Welcome Reception for City Manager Letourneau on November 7th, an Educating Professionals Luncheon on November 13th hosted by Gary Capata, a Monthly Networking Breakfast on November 19th, and the relaunching of the Shop Laguna Niguel Program using the Trio app.

John Harms, resident, provided an update on the Capistrano Unified School District School Facilities & Finance Advisory Committee and encouraged the City Council to support the proposed March 2020 school bond measure.

CONSENT CALENDAR

Council Member Gennawey abstained from voting on Check No. 5012 to Dell Marketing LP in the October 15, 2019 Warrant Register; and Check No. 5154 to Dell Marketing LP in the November 5, 2019 Warrant Register, both under Item No. 1.

Council Member Rains pulled Item No. 10 for discussion.

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

Motion carried 5-0; with Council Member Gennawey abstaining from voting on Check No. 5012 to Dell Marketing LP in the October 15, 2019 Warrant Register; and Check No. 5154 to Dell Marketing LP in the November 5, 2019 Warrant Register, both under Item No. 1.

1. Warrants of October 15, 2019 and November 5, 2019

Approved as written.

2. Payroll Summary Registers

Approved as written.

3. **Minutes of the Regular City Council Meeting on October 1, 2019**
Approved as written.
4. **Minutes of the Special City Council Meeting on October 15, 2019**
Approved as written.
5. **Investment Report as of September 30, 2019**
Received and filed the City of Laguna Niguel Investment Report as of September 30, 2019.
6. **Annual Investment Report for Fiscal Year Ended June 30, 2019**
Received and filed the City's Annual Investment Report for fiscal year ended June 30, 2019.
7. **Annual Review and Adoption of the City's Investment Policy**
Adopted Resolution No. 2019-1304 re-adopting the City's Investment Policy.
8. **Adoption of Resolution No. 2019-1301, Approving the Submittal of a Grant Application to the Orange County Transportation Authority for Funding Under the Competitive Measure M2 Regional Traffic Signal Synchronization Program**
Adopted Resolution No. 2019-1301, Approving the Submittal of a Grant Application to the Orange County Transportation Authority for Funding Under the Competitive Measure M2 Regional Traffic Signal Synchronization Program.
9. **Adoption of Resolution No. 2019-1302 for the FY 2020/21 – 2025/26 Federal Transportation Improvement Program**
Adopted Resolution No. 2019-1302, Certifying that the City has the Resources to Fund the Projects in the FY 2020/21 – 2025/26 Federal Transportation Improvement Program and affirms its commitment to implement all Projects in the Program.
11. **Approval of Maintenance Services Agreement for Landscape Maintenance Services at City Hall and As-Needed Locations Throughout the City with Real Green, Inc.**
 - a. Approved the Maintenance Services Agreement for Landscape Maintenance Services at City Hall and As-Needed Locations Throughout the City with Real Green, Inc. in the not-to-exceed amount of \$106,732 for Fiscal Year 2019-20 through Fiscal Year 2021-22, subject to extension administratively for two additional one-year periods; and

- b. Authorized the City Manager to execute the contract documents, subject to the City Attorney making non-substantive changes.
- 12. Approval of Plans and Specifications for the Crown Valley Park Soccer Field Synthetic Turf Replacement, Cash Contract No. 19-10**
- a. Approved the Plans and Specifications for the Crown Valley Park Soccer Field Synthetic Turf Replacement, Cash Contract No. 19-10; and
 - b. Authorized staff to advertise the project for bids.
- 13. School Traffic Review at Intersection of Paseo De Colinas and Hugo Road**
- a. Directed staff to install two “No U-Turn” signs and extend the yellow roadway centerline striping at the intersection of Paseo de Colinas and Hugo Road; and
 - b. Directed the Orange County Sheriff’s Department to monitor the area as time and personnel permits.
- 14. Notice of Completion for the Entry Monuments and Decorative Elements Project, Cash Contract No. 17-12**
- a. Accepted as complete the Entry Monuments and Decorative Elements Project, Cash Contract No. 17-12;
 - b. Authorized recordation of the Notice of Completion for said project;
 - c. Authorized 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. Approved the Final Closeout Agreement and authorize its execution by the City Manager.
- 15. Community Development Personnel Adjustment**
- Approved the reclassification of one Assistant Planner position to Senior Planner.

ITEMS PULLED

- 10. Approval of the First Amendment to the Professional Services Agreement with Cabco Yellow Incorporated, dba California Yellow Cab for Expansion of the Senior Mobility Program**

Council Member Rains thanked the Parks and Recreation Department staff for their work in acquiring the necessary funding to provide the additional ride service for seniors in our community.

Council Member Gennawey also thanked the Parks and Recreation Department staff for their work in bringing this item forward to the City Council and stated the importance of providing additional rides for seniors so they can socialize, get to doctor's appointments, and shop.

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

- a. Approve the First Amendment to the Professional Services Agreement with Cabco Yellow Incorporated, dba California Yellow Cab, to include two round trips per month to medical appointments and/or grocery stores, and increase the number of round trips to Sea Country Senior and Community Center to 18 per month; and
- b. Authorize the City Manager to execute the First Amendment to the Professional Services Agreement with Cabco Yellow Incorporated, dba California Yellow Cab.

Motion carried 5-0.

CITY MANAGER

1. **Consider Adoption of Ordinance No. 2019-199 to Prohibit the Sale of Flavored Electronic Cigarettes in the City, Amending the Laguna Niguel Municipal Code, and Making a Finding of Exemption under CEQA in Connection Therewith**

Management Analyst Narahara provided information as stated in the staff report. He stated that at their meeting on October 1, 2019, the City Council unanimously approved Resolution No. 2019-1300, in support of an ordinance to prohibit the sale of flavored electronic cigarette products in Laguna Niguel. He stated that as directed, staff prepared Ordinance No. 2019-199, to prohibit the sale of flavored electronic cigarette products in Laguna Niguel. He provided an overview of the provisions in the ordinance and stated the proposed ordinance will make the sale or offer for sale of flavored electronic cigarette products a violation of the Laguna Niguel Municipal Code. He stated that according to the U.S. Surgeon General, nicotine exposure during adolescence can impact learning, memory, and attention and that using nicotine in adolescence can also increase risk for future addiction to other drugs. He provided information from the Centers for Disease Control and stated that there have been reports of 1,888 cases of e-cigarette product use associated with lung injury from 49 states; 37 of whom have died. He stated that since the October 1, 2019 City Council Meeting, staff has also received comments in support of the proposed ordinance from the Capistrano Unified School District, Mission Hospital, and the National Council on Alcoholism and Drug Dependence.

PUBLIC SPEAKERS

Zohal Noorzayee, resident, spoke in support of Ordinance No. 2019-199.

Brendon Manguso, resident of Aliso Viejo, spoke in opposition to the approval of Ordinance No. 2019-199.

Deb Okura, resident, spoke in support of Ordinance No. 2019-199.

Garrett Mann, resident, spoke in opposition to the approval of Ordinance No. 2019-199.

Rina Mamoun, President of the American Lung Association Collegiate Council at California State University, Fullerton, spoke in support of Ordinance No. 2019-199.

Discussion ensued.

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

- a. Introduce and read the title to the proposed Ordinance which is:

ORDINANCE NO. 2019-199

**AN ORDINANCE OF THE CITY OF
LAGUNA NIGUEL, CALIFORNIA, PROHIBITING
THE SALE OF FLAVORED ELECTRONIC CIGARETTES
IN THE CITY, AMENDING THE LAGUNA NIGUEL MUNICIPAL CODE, AND
MAKING A FINDING OF EXEMPTION UNDER CEQA
IN CONNECTION THEREWITH**

- b. Waive the reading of the full text of the proposed Ordinance;
- c. Consider the proposed Ordinance and make any desired changes to it; and
- d. Direct that the proposed Ordinance No. 2019-199, with any changes to it, be placed on the agenda for the City Council Meeting on November 19, 2019 and adopt the Ordinance at that meeting.

Motion carried 5-0.

COMMUNITY DEVELOPMENT

1. **Adoption of the 2019 California Building Standards Code, including Local Amendments, and adoption of the State Designated Very High Fire Hazard Severity Zones (VHFHSZ)**

Council Member Gennawey and Council Member Minagar recused themselves from discussion on this item due to a conflict and left the dais at 7:49 p.m.

Development Services Manager Morgan gave a PowerPoint presentation and provided information as stated in the staff report. He stated this item is the adoption of the current cycle of the State Building and Fire Codes and of the

California Department of Forestry and Fire Protection Designated Very High Fire Hazard Severity Zones within the City. He stated the State's Health and Safety Code mandates that every three years the California Building Standards Commission adopts and publishes the California Building Standards Code. He stated this collection of codes establishes the minimum standards for the design and construction of buildings and structures in California. He stated the new codes will become effective January 1, 2020 and prior to this effective date, every city and county has the opportunity to adopt local amendments to these codes. He stated the City has adopted local amendments during each of the prior tri-annual code adoption cycles, most recently in November 2016. He stated as in years past, the Community Development Department, in collaboration with the Orange County Fire Authority (OCFA), is proposing local amendments to be included as part of the City Council's adoption by reference of the 2019 California Building and related construction Codes, including the California Fire Code based on local conditions. He stated each of these recommendations are considered necessary from a life safety or fire prevention standpoint or are administrative in nature. He stated most of the local amendments proposed are already in the Laguna Niguel Municipal Code and were adopted in previous cycles.

Discussion ensued.

A MOTION was made by Mayor Jennings, seconded by Mayor Pro Tem Davies to:

- a. Read the title of the proposed Ordinances, which are referenced below:

ORDINANCE NO. 2019-200

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL,
CALIFORNIA, ADOPTING BY REFERENCE
THE 2019 CALIFORNIA BUILDING CODE;
THE 2019 CALIFORNIA RESIDENTIAL CODE;
THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE;
THE 2019 CALIFORNIA ELECTRICAL CODE;
THE 2019 CALIFORNIA PLUMBING CODE;
THE 2019 CALIFORNIA MECHANICAL CODE;
THE 2019 CALIFORNIA ADMINISTRATIVE CODE;
THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE;
AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE;
TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS,
DELETIONS, AND PENALTIES; AND AMENDING TITLE 8 OF THE
LAGUNA NIGUEL MUNICIPAL CODE

ORDINANCE NO. 2019-201

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL,
CALIFORNIA, ADOPTING BY REFERENCE
THE 2019 CALIFORNIA FIRE CODE, TOGETHER WITH CERTAIN
AMENDMENTS, DELETIONS, ADDITIONS AND
PENALTIES, AND AMENDING TITLE 11 OF THE
LAGUNA NIGUEL MUNICIPAL CODE

- b. Waive the reading of the full text of the Ordinances (requires a majority vote of the Council Members present);
- c. Consider the proposed Ordinances; set the date for a public hearing to occur not less than fifteen (15) days after first publication of the required hearing notice; and,
- d. Direct that the proposed Ordinances be placed on the Agenda for adoption at the regular meeting of the City Council immediately following the required public hearing.

Motion carried 3-0-2, with Council Members Gennawey and Minagar abstaining from voting.

A MOTION was made by Mayor Jennings, seconded by Mayor Pro Tem Davies to:

- a. Read the title of the proposed Ordinance referenced below:

ORDINANCE NO. 2019-202

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL,
CALIFORNIA, ADDING ARTICLE 7 TO DIVISION 3, TITLE 11
OF THE LAGUNA NIGUEL MUNICIPAL CODE, DESIGNATING
VERY HIGH FIRE HAZARD SEVERITY ZONE
WITHIN THE CITY OF LAGUNA NIGUEL

- b. Waive the reading of the full text of the Ordinance (requires a majority vote of the Council Members present);
- c. Consider the proposed Ordinance; and,
- d. Direct that the proposed Ordinance to be placed on the Agenda for adoption at the next regular meeting of the City Council.

Motion carried 3-0-2, with Council Members Gennawey and Minagar abstaining from voting.

Council Members Gennawey and Minagar returned to the dais at 8:00 p.m.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Minagar provided an update on the Southern California Association of Governments Regional Housing Needs Assessment (RHNA) and stated they would be voting on the new hybrid methodology to be presented to the California Department of Housing and Community Development.

Council Member Gennaway reported she attended the Laguna Niguel City Center Open House and stated she, along with Mayor Jennings, serve on the Library Task Force consisting of County representatives, the developer, City residents, and Friends of the Library, to develop ideas for the new library. She reported she serves as Chair for the Orange County Public Library Advisory Board, and stated they formed a Strategic Planning Sub-Committee to discuss a funding model for the future growth in Orange County. She reported she attended a Niguel Botanical Preserve Citizen of the Year Tree Grove Ceremony honoring John Ulrich. She reported she, along with Mayor Jennings, attended the Parkinson's Exercise Program for You (PEP4U) Fifth Anniversary Gala. She announced the Military Support Committee would be hosting a Veterans Day Ceremony at Sea Country Senior and Community Center on November 11th and a Holiday Toy Drive at Walmart on November 9th, 10th, 11th, and December 1st. She announced a Senior Citizens Advisory Council meeting on November 8th at City Hall and invited the public to hear about the AARP Livable Communities. She announced that applications for City Commissions and Committees are still being accepted until November 15th by 5:00 p.m.

Council Member Rains reported she attended the Orange County Sheriff's All Hands Breakfast to honor deputies in our City. She reported she, along with the City Council and staff, attended a Strategic Plan Workshop conducted by City Manager Letourneau and thanked residents for the feedback they provided in the survey. She thanked her daughter, husband and veterans in her family, along with military service men and women for their service.

Mayor Pro Tem Davies thanked staff, the Capistrano Unified School District and the Orange County Sheriff's Department for their work in coordinating the Vaping Workshops at Niguel Hills Middle School. She reported she attended an ACC-OC Housing Forum and thanked Mayor Jennings for speaking on Regional Housing Needs Assessment (RHNA) and how the numbers will affect our cities. She thanked the City Council for the opportunity to serve and report on their work on various regional agencies.

Mayor Jennings stated he valued the work involved in the strategic plan process and enjoyed the collaborative effort during the workshop. He announced the final Strategic Plan would be on the November 19th City Council meeting agenda for approval. He reported he attended the Laguna Niguel City Center Open House and stated the video that was shown is now available on the City website. He announced there will be a survey available on the City website and social media

platforms from the Friends of the Library requesting feedback on the library is currently being used.

2. City Manager/Department Reports


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

City Manager Letourneau announced that Deputy City Manager Justin Martin will join the City family on November 7th.

ADJOURNMENT

Mayor Jennings adjourned the Regular City Council meeting at 8:16 p.m.

Respectfully submitted by:



Eileen C. Gomez
City Clerk