

**LAGUNA NIGUEL CITY COUNCIL**  
Regular Meeting of August 2, 2016 – 7:00 p.m.

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**CALL TO ORDER** – The meeting was called to order by Mayor Davies at 7:00 p.m.

**ROLL CALL**

**Mayor Laurie Davies– Present**  
**Mayor Pro Tem Jerry Slusiewicz – Present**  
**Council Member Gary Capata – Present**  
**Council Member Elaine Gennawey – Present**  
**Council Member Fred Minagar – Present**

**INVOCATION** – was given by Pastor Jeff Hamilton, Hills Church Laguna Niguel

**PLEDGE OF ALLEGIANCE** – was led by Brownie Troop 3037

**PRESENTATIONS**

**1. Orange County Human Relations Annual Report and Recognition**

Executive Board Member Julio Badin provided the Orange County Human Relations 2014-2015 Annual Report. Mayor Davies accepted a certificate on behalf of the City Council, recognizing the City for its outstanding commitment to making Orange County a better place to live, work, and do business.

**PUBLIC COMMUNICATIONS**

Debbie Gray, resident, spoke in opposition to the SunPointe Residential Project.

Ross Chun, representing the American Cancer Society, announced an American Cancer Society Relay for Life event on August 20, 2016.

Michael Curtis, spoke in favor of using Blue Tops recycling receptacles at bus stops and plazas in the City.

**CONSENT CALENDAR**

Council Member Gennawey pulled Items Nos. 5 and 10.

Mayor Davies stated that there was a request to speak on Item 11.

**A MOTION** was made by Council Member Capata, seconded by Council Member Minagar, to approve the remainder of the Consent Calendar as presented.

**Motion carried 5-0.**

**1. Warrants of August 2, 2016**

Approved as written.

**2. Payroll Summary Register**

Approved as written.

**3. Minutes of the Regular City Council Meetings on July 19, 2016**

Approved as written.

**4. Investment Report as of June 30, 2016**

Received and filed the City of Laguna Niguel Investment Report as of June 30, 2016.

**6. Award of Contract for the Chapparosa Park, Bear Brand Park, and Salt Creek Trail Slurry Seal Project, Cash Contract No. 16-03**

Awarded the Chapparosa Park, Bear Brand Park, and Salt Creek Trail Slurry Seal Project, Cash Contract No. 16-03 to Ben's Asphalt, Inc. in the amount of \$200,235, and authorized the City Manager to execute the construction agreement.

**7. Approval of a Grant of Non-Exclusive Easement Agreement for the Laguna Niguel Gateway Freeway-Oriented Business Identification Pylon Sign (Allen Cadillac GMC)**

- a. Approved the Grant of Non-Exclusive Easement for Sign Purposes Agreement between Allen Cadillac GMC and the City of Laguna Niguel, subject to the City Attorney making minor non-substantive changes to the Agreement;
- b. Accepted on behalf of the City of Laguna Niguel the Irrevocable Non-Exclusive Easement for Sign Purposes;
- c. Authorized the City Manager to execute the Agreement on behalf of the City of Laguna Niguel; and
- d. Consented to the recordation of the Grant of Non-Exclusive Easement for Sign Purposes Agreement and authorized the City Manager and the City Clerk to take all actions necessary for the recordation of that Agreement.

**8. Agreement between City of Laguna Niguel and Moulton Niguel Water District for Recycled Water Improvements and Relocation of Wet Utility Lines in Conjunction with Construction of Entry Improvements at Crown Valley Park**

Approved and authorized the City Manager to execute the Agreement between City of Laguna Niguel and Moulton Niguel Water District for recycled water improvements and relocation of wet utility lines in conjunction with construction of entry improvements at Crown Valley Park, subject to any minor non-substantive changes made by the City Attorney.

**9. Approval of an Easement for Moulton Niguel Water District for Water, Reclaimed Water and Sewer Facilities**

Approved and authorized the City Manager to execute the grant of an easement to Moulton Niguel Water District for water, reclaimed water, and sewer facilities.

ITEMS PULLED

**5. Purchase of a Police Motorcycle**

Council Member Gennawey stated the request is for a new Police Motor Officer and requested additional information regarding the new position.

Sergeant Songer stated with the additional Police Motor Officer, there will be a total of four motor officers. He stated the new officer will begin training in August 2016 and will be starting in September 2016.

**A MOTION** was made by Council Member Gennawey, seconded by Mayor Pro Tem Slusiewicz, to authorize the City Manager to issue a Purchase Order not to exceed the amount of \$29,431.46 to Irv Seaver Motorcycles for the purchase of one new BMW police motorcycle.

**Motion carried 5-0.**

**10. Professional Services Agreement for Architectural Design Services for the new Crown Valley Park Community Building (Tier 3 Improvements)**

Council Member Gennawey stated her approval of LPA, Inc. being selected for the architectural design services for the new Crown Valley Park Community Building Tier 3 Improvements. She commented that LPA, Inc. is the firm that managed the architectural design services for City Hall. She suggested that as the project gets underway, the Crown Valley Park Master Plan Ad Hoc Committee provide updates to the City Council and the public.

Mayor Davies stated she and Mayor Pro Tem Slusiewicz are liaisons to the Crown Valley Park Master Plan Ad Hoc Committee and that they will be providing progress reports to the City Council and the residents as needed during their Council comments.

Mayor Pro Tem Slusiewicz stated that there will be community outreach meetings to keep the residents informed of the progress on the new Crown Valley Park Community Building and to receive their input.

**A MOTION** was made by Council Member Gennawey, seconded by Council Member Capata, to approve and authorize the City Manager to execute the Professional Services Agreement with LPA, Inc.

**Motion carried 5-0.**

## 11. **Initiation of a Zoning Code Amendment Concerning Marijuana Activities**

### PUBLIC SPEAKERS

Bill Leber, resident spoke in opposition to medical marijuana dispensaries, and spoke in support of medical marijuana.

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

- a. Pursuant to Laguna Niguel Municipal Code Section 9-1-117.4(c)(4), hereby initiate a Zoning Code Amendment concerning marijuana activities; including medical marijuana and recreational marijuana; and
- b. Direct the Planning Commission to review marijuana activities, including those set forth in this report, and submit to the City Council recommendations, including a proposed ordinance, addressing these activities.

**Motion carried 5-0.**

### CITY COUNCIL

#### 1. **Designation of Voting Delegate for League of California Cities Annual Conference**

City Manager Foster provided information as stated in the staff report and indicated the Council Members that were scheduled to attend the Conference.

Mayor Pro Tem Slusiewicz stated that based on scheduling, he plans on attending the conference but will not be available for the business meeting on October 7th.

**A MOTION** was made by Mayor Pro Tem Slusiewicz, seconded by Council Member Capata, to:

- a. Appoint Mayor Laurie Davies as the Voting Delegate; and
- b. Appoint Council Members Gennaway and Minagar as Alternate Voting Delegates for the League of California Cities Annual Business Meeting on October 7, 2016.

**Motion carried 5-0.**

#### 2. **Capistrano Unified School District Programs Presentation and Discussion**

City Manager Foster provided information as stated in the staff report.

Representatives of the Capistrano Unified School District (CUSD), including Superintendent Kirsten Vitel, Deputy Superintendent Clark Hampton, Dana Hills High School Principal Dr. Jason Allemann, and Aliso Niguel High School Principal Deni Christensen, provided a PowerPoint presentation regarding Drug Awareness Education, Junior Civic Workshop, Homework Club, City/CUSD Joint Use Agreements, Charter Schools at Crown Valley Elementary School, and the proposed CUSD School Facility Improvement District (SFID) bond measure.

## PUBLIC SPEAKERS

Craig Alexander, resident of Dana Point, provided a PowerPoint presentation and spoke in opposition of the proposed CUSD School Facility Improvement District (SFID) bond measure.

Stephanie Winstead, resident, spoke in opposition of the proposed CUSD School Facility Improvement District (SFID) bond measure. She also spoke about the school traffic at the Community Roots Academy, a new charter school at former Crown Valley Elementary School, scheduled to open on August 15, 2016.

Dawn Urbanek, resident of San Clemente, spoke in opposition of the proposed CUSD School Facility Improvement District (SFID) bond measure.

Sharon Campbell, resident of Mission Viejo, spoke in opposition of the proposed CUSD School Facility Improvement District (SFID) bond measure.

Discussion ensued regarding the proposed CUSD School Facility Improvement District (SFID) bond measure and the school traffic. CUSD representatives responded to questions posed by the City Council.

Mayor Davies, Mayor Pro Tem Slusiewicz, and Council Members Capata, Gennawey, and Minagar expressed concerns regarding school traffic at the Community Roots Academy, a new charter school at former Crown Valley Elementary School, scheduled to open on August 15, 2016. They also expressed concerns regarding the structure of the proposed CUSD School Facility Improvement District (SFID) bond measure. The majority of the Council opposed the CUSD School Facility Improvement District (SFID) bond measure as currently structured.

## COMMUNITY DEVELOPMENT

### **1. Adoption of a Temporary Moratorium and Initiation of a Zoning Code Amendment Concerning Congregate Living Facilities in Residential Zoning Districts.**

Mayor Davies stated that Laguna Niguel residents have expressed concerns about the increase in the number of group homes in Laguna Niguel. She stated the City Council has asked staff to review and provide information to the City Council regarding the impact of group homes on Laguna Niguel residential communities and the potential regulation of group homes for City Council consideration and action. She stated that it is not the intent of the City Council to take any actions that are against, or may adversely affect, the residents of group homes.

Senior Planner Jonathan Orduna provided information as stated in the staff report. He stated that over the past year, the City has received a steadily increasing volume of resident concerns regarding congregate living facilities operating within single-family zoning districts. He stated that some of the neighboring cities have adopted regulations that have been met with legal challenges from facility operators and most of these legal actions are still pending. He stated that staff is recommending that the City Council initiate a

Zoning Code Amendment to consider various alternatives for regulating congregate living facilities in residential zones, including consideration of standards adopted by local cities, a permitting process that would include limits on the number of individuals at the facility, a separation requirement for these facilities, and a code of conduct. He stated that staff would also look at the potential impacts of these regulations on the recently initiated prohibition of short term vacation rentals. He stated that in addition to the Zoning Code Amendment staff recommends that the City Council adopt a temporary 45 day moratorium on the establishment and operation of new congregate living facilities in residential zones.

## PUBLIC SPEAKERS

Cyndi Johnson, resident, spoke about 31482 Isla Vista. She commented that it is currently listed as a well-established business in Laguna Niguel and is part of a business package comprised of the drug and alcohol treatment business. She stated there is a sober living home on her street and that immediately next door to her another sober living home has begun operation. She expressed concern that the 31482 Isla Vista is now for sale as a business opportunity. She urged the City Council to adopt an ordinance regulating congregate living facilities.

Cher Alpert, resident, stated she lives on the same street as Cyndi Johnson. She spoke about the impacts of sober living facilities in her neighborhood and the residents receiving care. She stated that there has been a sober living licensed facility in her neighborhood before and it worked out well, but the unlicensed facilities seem to be the ones that are having problems. She urged the City Council to adopt an ordinance regulating congregate living facilities.

Liz Avila, resident, spoke about facilities that are moving into neighborhoods under the "Six and Less Category" that appear to have more than six residents and are instantly protected by law. She suggested implementing a verification process to ensure the number of residents is kept as allowed. She stated she was in support of adopting an ordinance regulating congregate living facilities.

Discussion ensued regarding the proposed Temporary Moratorium and initiation of a Zoning Code Amendment Concerning Congregate Living Facilities in Residential Zoning Districts.

Council Member Capata stated that Laguna Niguel has had various residences and was in support of enacting an ordinance to regulate congregate living facilities.

Council Member Gennawey stated that the activities that are taking place in these residences are incompatible with residential neighborhoods. She stated she was in full support of this moratorium while these activities are addressed.

Council Member Minagar stated that in order to sustain the beautiful quality of life that exists in the City, he was in favor of adopting this temporary moratorium concerning congregate living facilities.

Mayor Pro Tem Slusiewicz asked City Attorney Dixon if there was an ordinance regulating listing and selling a neighborhood home as a business.

City Attorney Dixon stated that he would review the matter and respond back to the City Council.

Mayor Pro Tem Slusiewicz stated he was in favor of the moratorium and the recommendation to consider expanding the City's list of activities potentially subject to Code enforcement, nuisance abatement and the adoption of escalating fees to be assessed as a result of multiple offenses. He stated these would include police responses to loud or disruptive parties, gatherings or events. He stated that the moratorium would allow staff to review the congregate living facilities.

Mayor Davies stated that the number one concern is the safety of those that live in the City, whether they live in a rehabilitation home or a residential home. She stated that the nuisance law needs to be reviewed. She reminded the residents that if they see something, say something, and call Police Services.

**A MOTION** was made by Mayor Pro Tem Slusiewicz, seconded by Council Member Gennawey, to:

- a. Adopt Ordinance 2016-182;

#### INTERIM URGENCY ORDINANCE 2016-182

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA  
IMPOSING A TEMPORARY MORATORIUM ON THE PERMITTING OR  
ESTABLISHMENT IN RESIDENTIAL ZONES OF CONGREGATE LIVING  
FACILITIES, SUBJECT TO REASONABLE ACCOMMODATION,  
TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE  
AMENDMENTS TO THE CITY MUNICIPAL CODE

The title of the ordinance was read;

- b. Pursuant to Laguna Niguel Municipal Code Section 9-1-117.4(c)(4), initiate a Zoning Code Amendment concerning regulation of congregate living facilities in residential zones;
- c. Direct the Planning Commission to review alternatives for regulation of congregate living facilities in residential zones, including those set forth in this report, and submit to the City Council recommendations, including a proposed ordinance(s), addressing such uses; and
- d. Waive the reading of the full ordinance.

**Motion carried 5-0.**

## OTHER BUSINESS/COUNCIL REPORTS

### 1. Council Reports

Mayor Pro Tem Slusiewicz reported he attended a Crown Valley Park Master Plan Committee meeting, a Laguna Niguel Gateway Signage Committee meeting and an Orange County Mosquito and Vector Control District meeting.

Council Member Minagar reported he attended a Coastal Greenbelt Authority meeting.

Council Member Capata reported he attended the Orange County Fair, a Wizard of Oz production, and a concert at Crown Valley Park.

Council Member Gennaway reported she traveled to Louisiana to visit her daughter and to meet her newborn first grandson, Collin Gregory Bertsch. She announced a Laguna Niguel Military Committee Car Wash on Saturday, August 6, 2016.

Mayor Davies reported she attended an Orange County Fire Authority meeting and the first Teen Safety Class for Girls.

### 2. City Manager/Department Reports

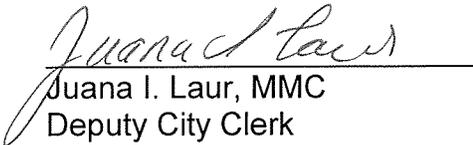
City Staff reported on various events and activities in their departments.

City Manager Foster spoke about the CUSD proposed Bond Measure that was discussed earlier and suggested that the public attend the next CUSD Board meeting on Wednesday, August 10, 2016 at 7:00 p.m. He announced that August 12, 2016 was Laguna Niguel Day at the Orange County Fair.

## ADJOURNMENT

Mayor Davies adjourned the meeting at 10:15 p.m.

Prepared by:

  
Juana I. Laur, MMC  
Deputy City Clerk

Respectfully submitted by:

  
Eileen C. Gomez  
City Clerk