

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

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 Elaine Gennaway – Present
Council Member Fred Minagar – Present

INVOCATION – was given by Emilia Rodd, Baha'is of Laguna Niguel

PLEDGE OF ALLEGIANCE – was led by Brownie Girl Scout Troop 2963

PRESENTATIONS

1. Proclamation Declaring Participation in Drowning Prevention Awareness

Mayor Davies and the City Council presented a Proclamation declaring participation in drowning prevention awareness.

2. Resolution Commending Dr. Jason Allemann, Dana Hills High School

Council Member Minagar and the City Council presented a Resolution to Dr. Jason Allemann, Principal at Dana Hills High School, commending him for his service to the Capistrano Unified School District.

PUBLIC COMMUNICATIONS

Michael Curtis, resident, spoke in opposition to the AGORA development project at the property adjacent to City Hall.

This portion of the minutes for June 7, 2016 City Council meeting has been produced in verbatim in order to provide the public with a detailed account of the comments made by Mark Goodman.

Mark Goodman –. To give a little historical perspective; Terry will remember this. He may be the only one, maybe Dan. I'm Mark Goodman, 29712 Preston Drive. The question I have is on the height limit okay, so that's something I'd look into; the third story. I know that somebody already has one there so that's problematic in terms of it's not a special gift but I'm really surprised about the driveway. A little rusty on my knowledge of the public right-of-way but that seems to me to be a gift of public funds. I mean, you're taking away parking from the public. So I would bring up that issue, Terry, and look at that. But the other thing is, and this is one I

think you would remember Terry. We would not take in a building plan unless it had been to the HOA. When I was on the Council, you could not come to the Planning Department or the Building Department with a request unless you got the HOAs authority. We had that problem up here up by the Binion project. A man that I knew came to me and said he couldn't get to the Council because they wouldn't take his application in because the guy who was situated behind him didn't want him to build because it was going to block his view. So historically, I don't know when that changed. We didn't allow him to come in, okay. We did not want people manipulating the City for their own interest against their own community. So I think you guys ought to take a real look at that; see if you want to do that anymore. They should have to meet their own community standards before they meet the City's standards because all the City's done here is allowed this guy to roughshod over the neighborhood. So, you guys would not tolerate this. Have you been out to see it?

Mayor Davies – Yes

Mark Goodman – You wouldn't tolerate it in your neighborhood. You guys, if I was on the Council now, it wouldn't be happening. You guys would not let it happen if it was in your neighborhood. You need to start doing something about this guy and not saying okay he did this. I went by there the other day; there's a window out and there's open wiring in the house. It's a public hazard. It's a disgrace to this community. It's a blot among your Council if you don't do something about it quick. We're going to have to get out, I guess, a petition drive, alright? I know the steps Dan; I know you guys have to go through the process, but you guys got to get tougher. This cut in the driveway, how anyone dare say "I get a new driveway and I get to take away their parking." It's absurd. So, please take that in consideration.

CONSENT CALENDAR

Council Member Gennawey pulled Item No. 4 for discussion. Council Member Minagar pulled item Nos. 7, 9, and 10 for discussion. Mayor Pro Tem Slusiewicz had comments on Item No. 4.

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

Motion carried 4-0.

- 1. Warrants of June 7, 2016**
Approved as written.
- 2. Payroll Summary Register**
Approved as written.

3. **Minutes of the Regular City Council Meeting on May 17, 2016 – 7:00 p.m.**
Approved as written.
5. **Award of Contract for the Citywide Pavement Repair Project, Cash Contract No. 16-01**

Awarded the Citywide Pavement Repair Project, Cash Contract No. 16-01 to Excel Paving Company in the amount of \$2,868,936.51, and authorized the City Manager to execute the contract documents.
6. **Opposition to State Senate Bill 1387 (de León)**
 - a. Authorized the Mayor to send a letter opposing SB 1387 (de León), as submitted or revised; and,
 - b. Authorized the Mayor to send additional opposition letters to this and other proposed legislation related to this subject.
8. **Notice of Completion for Paseo De Colinas Bridge Seismic Retrofit Project – Cash Contract No. 10-02**
 - a. Accepted as complete Paseo De Colinas Bridge Seismic Retrofit Project - Cash Contract No. 10-02;
 - b. Authorized recordation of the Notice of Completion for said project;
 - c. Authorized the release of the 5% retention thirty five (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 authorized its execution by the City Manager.

ITEMS PULLED

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

Council Member Gennaway inquired how the proceeds from the \$3 Million investments with the Federal Home Loan Mortgage Corporation and Federal Home Loan Bank will be reinvested.

Finance Director Erlandson indicated that the proceeds will be deposited into Local Agency Investment Fund (LAIF) to help fund the Crown Valley Community Park Tier 2 project.

Mayor Pro Tem Slusiewicz commented on the .62% yield in the Orange County Investment Pool (OCIP) and the .47% yield in LAIF. He indicated that the Investment, Banking and Audit Committee would be reviewing the investment policy and making recommendations to the City Council on revised pooled investment limits at a future Council meeting. He stated he was very pleased the City was part of the OCIP program.

A MOTION was made by Mayor Pro Tem Slusiewicz, seconded by Council Member Gennawey, to receive and file the City of Laguna Niguel Investment Report as of April 30, 2016.

Motion carried 4-0.

7. Renewed Measure M (M2) Eligibility Submittal Package

Council Member Minagar requested that the Pavement Management Plan and Congestion Management Plan reports that are required by the Measure M Program be provided to the City Council for review.

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

- a. Adopt Resolution No. 2016-1194:

RESOLUTION NO. 2016-1194

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
ADOPTING A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM
FOR THE FISCAL YEARS 2016/17 THROUGH 2022/23
FOR COMPLIANCE WITH MEASURE M (M2) ELIGIBILITY REQUIREMENTS

And,

- a. Direct Staff to submit the City's Renewed Measure M (M2) eligibility package to the Orange County Transportation Authority prior to June 30, 2016.

Motion carried 4-0.

9. Award of Contract for the Street Name Sign and LED Light Replacement Project, Cash Contract No. 16-02

Council Member Minagar commented on the Street Name Sign and LED Light Replacement Project. He stated the project will bring uniformity and consistency of street names and signs throughout the City.

A MOTION was made by Council Member Minagar, seconded by Council Member Gennawey, to award the Street Name Sign and LED Replacement Project, Cash Contract No. 16-02, to Traffic Development Services, Inc. in the amount of \$436,504, and authorize the City Manager to execute the contract documents.

Motion carried 4-0.

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

Council Member Minagar asked for additional information regarding the exclusion of the word "safe" from "Suggested (Safe) Route to School" maps.

Public Works Director Abbaszadeh responded that many agencies have changed the word from "safe" to "suggested" routes for liability purposes.

Discussion ensued.

PUBLIC COMMENT

Jan Henry, representing the Colinas De Capistrano Home Owners Association, spoke about school traffic conditions at Niguel Hills Middle School. She requested increased law enforcement in the Del Cerro neighborhood during school drop off times.

Chief of Police Services Barr stated staff would add Niguel Hills Middle School to the list of other schools that need to be addressed.

Mayor Pro Tem Slusiewicz noted the FY 2016-2017 Budget on tonight's agenda includes two additional deputy sheriff positions which includes one motor officer that will help mitigate these types of traffic conditions.

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

- a. Install edgeline striping on Rancho Niguel Road, from Moulton Parkway to Rancho Azul to calm traffic;
- b. Make changes to a school sign at Laguna Niguel Elementary School to restrict left turns on Thursdays;
- c. Direct staff to continue to work with Charter School officials to update traffic control devices at Community Roots Academy school;
- d. Make no changes to the traffic controls for the eight (8) public schools and one (1) private school in the City;
- e. Direct staff to review all existing signing, striping, and other traffic controls to insure that they are in good condition prior to the start of school;
- f. Direct staff to provide copies of the Suggested Route to School maps to the seven (7) elementary schools for their use as they deem appropriate;
- g. Approve the continuation of the bus shelter advertising program to inform the public about the start of school; and
- h. Direct Police Services to continue their enforcement efforts in and around the schools.

Motion carried 4-0.

FINANCE

1. **Adoption of the Proposed FY 2016-2017 City Budget and Five-Year Capital Improvement Program, Resolution Establishing Appropriation Limit for the City of Laguna Niguel for FY 2016-2017, and Financial Reserves Policy**

Director of Finance Erlandson provided a PowerPoint presentation and gave an overview of the information as provided in the staff report. He stated that on May 2, 2016, the City Council held a budget workshop for the purpose of reviewing and taking public input on the Draft FY 2016-2017 City Budget and Five-Year Capital Improvement Program. He reported that during this workshop, the City Council reached a consensus on various appropriation and Department Work Program modifications. Mr. Erlandson stated staff was recommending that the City Council adopt the resolution approving the Proposed FY 2016-2017 City Budget and Capital Improvement Program in the amount of \$52,709,648 and receive and file the Five-Year Capital Improvement Program for fiscal years 2017-2021.

The City Council reviewed the proposed FY 2016-2017 City Budget and Five-Year Capital Improvement Program.

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

- a. Receive and file the Five-Year Capital Improvement Program for fiscal years 2017-2021;
- b. Adopt Resolution No. 2016-1195 approving the Final FY 2016-2017 City Operating Budget and Capital Improvement Program in the amount of \$52,709,648;
- c. Adopt Resolution No. 2016-1196 establishing the appropriation limit for the City of Laguna Niguel for the fiscal year 2016-2017 at \$194,604,943; and
- d. Approve the City Financial Reserves Policy.

Motion carried 4-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Gennawey reported she and Mayor Davies attended the Niguel Hills Middle School 40th Anniversary Celebration and that she, Mayor Davies and Council Member Minagar attended a Memorial Day Ceremony at Sea Country Senior & Community Center. She also reported she attended a Senior Summit and an American Legion Post 281 Fundraising Dinner where they awarded the Mulvaney Military Family Scholarship to Katelyn Keen. She reported she and her fellow Council Members conducted interviews for the Youth Committee and that she attended a Youth Committee meeting. She reported that the Youth Committee held a Music and Arts Festival where they took in donations for the American Legion Brain Treatment Center. She thanked the Parks and Recreation Department for doing a great job with the Volunteer Appreciation Dinner held on Saturday, June 4th. She congratulated Betty Pequet for being named the 2015 Citizen of the Year.

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Mayor Pro Tem Slusiewicz – Then another thing kind of outside of what I've done. I think this is the appropriate time to bring this up at our Council Comments. I felt indicted by former Council Member Mark Goodman today. That was fairly strong, mentioning a petition. I would take that to mean recall petition. I didn't like that. So, you know, following protocol of what our City Manager and our City Attorney tell us, it does sound to me like previous Councils might have favored eminent domain which I don't. But that's kind of what he made it sound like they used to do. What he said, "We would have never let them do this," you know, we would make sure that Homeowners Associations approve things otherwise we would do something about it which sounds to me like if you do something about it means you would do eminent domain. I'm not for that but what I do want is, since I feel that way, I thought that was really harsh, really strong, and really personal and I know it was to all four of us. So I would like to make sure that we send a letter to him stating that we as a City Council take this very seriously. We are following legal means that are available in 2016. I don't know what they did in the early nineties here in this City, but we're following legal means to do all we can to keep that, what was it called "Rock Glen Drive", is that what it is, whatever the name of the street is, okay, Calverton Drive, on schedule. I would also strongly suggest that on behalf of the City Council, a letter get written to the applicant, to the owner, that he's on a very, very, very short leash and. Council is watching. We are very aware of this and whatever steps there are, we will take whatever remediation steps they are. With that said, since I don't know what those remediation steps would be if they fall off the schedule, I'm hoping that at some point in the next, you know, between now and the next meeting, you can send us a letter telling us, you know, what is expected; what is the process and what happens if this guy doesn't meet it and what are our options so we can take immediate action because I don't like, I don't care if he is a former Mayor, I don't care if he's a resident, I don't care who he is, I didn't like that. I didn't see it coming and I don't want that to happen again. So if you could help us out I would greatly appreciate it. Thank you.

Council Member Minagar reported he attended a luncheon meeting with the CEO of the Southern California Association of Governments (SCAG), a SCAG Transportation Committee meeting, and an Orange County Council of Governments (OCCOG) meeting.

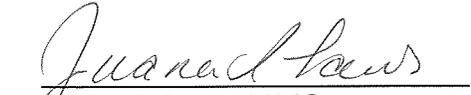
Mayor Davies reported she attended two Neighborhood Watch Program meetings. She thanked the Parks and Recreation Department for doing a great job with the Volunteer Appreciation Dinner. She reported she met with a group of third graders from Bergeson Elementary School at City Hall. She reported she spoke at the St. Anne's Graduation Ceremony for the Class of 2016. She thanked staff for their help with the memorial services for Former Mayor and Council Member Jerry McCloskey.

2. City Manager/Department Reports

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

ADJOURNMENT – Mayor Davies adjourned the meeting at 8:55 p.m. in Memory of the Honorable Jerry McCloskey, Former Mayor and Council Member.

Prepared by:



Juana I. Laur, MMC
Deputy City Clerk

Respectfully submitted by:



Eileen C. Gomez
City Clerk