

LAGUNA NIGUEL CITY COUNCIL
Regular Meeting of August 16, 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 Gary Capata – Present
Council Member Elaine Gennaway – Present
Council Member Fred Minagar – Present

INVOCATION – was given by Monsignor Urell, Saint Timothy Roman Catholic Church

PLEDGE OF ALLEGIANCE – was led by Cub Scout Pack 774

PRESENTATIONS

1. **Resolutions Commending Emily Vees, Alessandra Wise, Katelyn Keen, Natalie Bennett and Natalie Bickel on Attaining the Girl Scout Gold Award**

Mayor Davies and the City Council presented Resolutions commending Emily Vees, Alessandra Wise, Katelyn Keen, Natalie Bennett and Natalie Bickel on attaining the Girl Scout Gold Award.

PUBLIC COMMUNICATIONS

There were none.

CONSENT CALENDAR

Mayor Pro Tem Slusiewicz pulled Item No. 3 for discussion. Council Member Gennaway pulled Item No. 4 for discussion and stated she would be abstaining from voting on Item No. 9, as her husband's employer is one of the bidders. Mayor Davies pulled Item No. 6 for discussion as there was a request to speak on this item.

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

Motion carried 5-0 with Council Member Gennaway abstaining from voting on item No. 9.

1. **Warrants of August 16, 2016**

Approved as written.

2. Payroll Summary Register

Approved as written.

5. Arterial Pavement Management Program Master Agreement Administering Agency-State Agreement for Federal-Aid Projects

a. Adopted Resolution No. 2016-1200;

RESOLUTION NO. 2016-1200

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
APPROVING MASTER AGREEMENT ADMINISTERING AGENCY-STATE
AGREEMENT FOR FEDERAL-AID PROJECTS AGREEMENT NO. 12-5458F15
AND PROGRAM SUPPLEMENT NO. F014, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE SAID AGREEMENTS FOR THE ARTERIAL
PAVEMENT MANAGEMENT PROGRAM CROWN VALLEY PARKWAY
PAVEMENT REHABILITATION PROJECT

And;

b. Authorized the City Manager to execute the Agreements.

7. Approval of an Easement for Verizon Wireless for Placement of a Fiber Optic Conduit

Approved and authorized the City Manager to execute an easement to Verizon Wireless for the installation of an underground fiber optic lines conduit.

8. Approval of Exclusive Negotiating Agreement (ENA) with Vantage Point Partners, LLC

Approved and authorized the City Manager to sign the Exclusive Negotiating Agreement with Vantage Point Partners, LLC.

9. Purchase of Server Hardware

Authorized the City Manager to issue a purchase order in the amount of \$43,245.60 to procure the server hardware from Insight Public Sector.

Council Member Gennaway abstained from voting on this item. She stated that her husband's employer is one of the bidders.

ITEMS PULLED

3. Minutes of the Regular City Council Meeting on August 2, 2016 and the Special City Council Meeting (Community Development Director Interviews) on August 3, 2016

Mayor Pro Tem Slusiewicz requested that the following language be included in the last paragraph of the minutes of the Regular City Council Meeting on August 2, 2016, under City Council Item No. 2 – Capistrano Unified School District Programs Presentation and Discussion, as follows:

“That the majority of the City Council opposed the school bond as currently structured.”

A MOTION was made by Mayor Pro Tem Slusiewicz, seconded by Council Member Capata, to approve the minutes as amended.

Motion carried 5-0.

4. Proposed City Response to Orange County Grand Jury Report: “Drones: Know Before You Fly”

Council Member Gennawey stated the Orange County Grand Jury reviews topics of interest when they receive inquiries. She stated their recommendation is that cities adopt a recreational drone ownership and operation ordinance. She commented on the City’s response not to implement adopting a recreational drone ownership and operation ordinance. She stated she was in support of adopting an ordinance, noting that the use of drones is a growing issue throughout the County and the Sheriff’s department does not have a tool in place to regulate the use of drones. She commented that the City should be proactive and should not wait until drone use becomes a nuisance.

Discussion ensued regarding the proposed City response to Orange County Grand Jury Report: “Drones: Know Before You Fly.”

Mayor Pro Tem Slusiewicz stated drone use in the City of Laguna Niguel is not a nuisance at this time and Police Services has not received complaints. He stated that he does not desire to take any action at this time and that he was in support of the City’s response to monitor the use of drones in the City of Laguna Niguel.

Council Member Capata suggested bringing the use of drones back to the City Council for discussion at a future City Council meeting.

Council Member Gennawey stated she would be in favor of bringing the use of drones back to the City Council for discussion in a few months.

City Manager Foster suggested that staff monitor the use of drones including any issues and report back as needed.

Council Member Minagar stated he was satisfied with the City's response and would be in favor of bringing the use of drones back to the City Council for discussion.

Mayor Pro Tem Slusiewicz stated he was opposed to bringing it back for discussion at this time and suggested that staff continue to monitor drone use.

Mayor Davies suggested that staff keep the City Council updated with any concerns regarding drone use.

A MOTION was made by Council Member Capata, seconded by Council Member Minagar, to approve and authorize the City Manager to sign the proposed City Response to the Grand Jury Report "*Drones Know Before You Fly*".

Motion carried 5-0.

6. Niguel Botanical Preserve Fee Waiver Request

Marilee Goodwin, Vice President of the Board of Directors of the Niguel Botanical Preserve, thanked the City Council for approving the Niguel Botanical Preserve fee waiver request to host a fundraising event at Sea Country Senior and Community Center and for their continued support.

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

- a. Waive all rental fees and deposits for the Niguel Botanical Preserve fundraising event; and
- b. Authorize the City Manager to waive fees for future Niguel Botanical Preserve Board requests for facility use.

Motion carried 5-0.

PUBLIC WORKS

1. Seagate Niguel Homeowners Association Permit Parking Request

Associate Civil Engineer Ziad Mazboudi presented information as stated in the staff report. He stated that in April 2016, staff received petitions from the Seagate Niguel HOA for permit parking within their community. He stated that on April 27, 2016, the Traffic Commission accepted the petitions and directed staff to begin a series of night time surveys to determine the current parking availability within the community. He stated staff also met with the property management at Windridge Apartments to gather additional information and to review their on-site parking. He stated that based on the data collected, along with information and testimony

from the Windridge Apartments property management and residents within Seagate Niguel HOA, the Traffic Commission is recommending that the City Council approve the installation of Permit Parking on La Portero Street, Monteras Street, Mansilla Street, Villarente Street, La Collina Street, Monticello Street and Sanoria Street.

PUBLIC SPEAKERS

John Yonker, representing Equity Residential and owner of Windridge Apartments, stated permit parking does not provide a long term solution, is not equitable, and benefits a select group of homeowners within the Master Association. He noted that they have taken steps to increase parking through monitoring and enforcement, and City staff has come up with some solutions to add parking on Hidden Hills.

Mr. Yonker answered questions posed by the City Council regarding parking congestion in the Windridge Apartments and the Seagate HOA neighborhood.

Mayor Pro Tem Slusiewicz commented on the parking conditions at Seagate HOA and Windridge Apartments regarding vehicles parking in front of neighborhood homes. He suggested that property management at Windridge Apartments monitor the cars parked on the streets and also the foot traffic in that area to mitigate the noise and littering issue.

Mr. Yonker stated that if the residents of Windridge Apartments are causing these problems they will take action. He stated that they are happy to work with the City and the community to mitigate the parking conditions.

Rick Miller, resident, stated Seagate Niguel residents fully endorse the Traffic Commission's recommendation of permitted parking only.

Thom Lopes, resident, expressed concerns about cars parking on their street, causing loitering, littering, noise, and street crime. He stated he was in favor of permit parking and strongly objected to the parking restrictions from 10:00 p.m. to 6:00 a.m. in the morning. He requested unlimited 24 hour permit parking.

Tommy Thompson, representing the California Apartment Association, stated there is a housing crisis in Orange County, not just Laguna Niguel. He stated the California Apartment Association is not opposed to permit parking. He commented on permit parking for Windridge Apartment renters and requested permit parking on Hidden Hills.

Debra Rivera, Equity Residential representing Windridge Apartments, stated these properties were developed with inadequate parking and driveway spaces. She stated residents now have more vehicles and permit parking is a program designed to deal with parking that interferes with normal and expected use. She asked that the parking permit request be reviewed by City staff so they can develop a more comprehensive plan that is equitable for everyone in the community.

Aniko Sherry, Traffic and Transportation Commissioner, stated she supported residential homeowners in Laguna Niguel. She stated there was a parking overflow problem in her neighborhood on Rancho de Linda, Rancho Grande, and Rancho Magdalena. She commented that the City provided permit parking and residents that parked on Rancho Grande found parking places elsewhere.

Mike Pouraryan, Traffic and Transportation Commissioner, stated the Traffic and Transportation Commission took recommendations from staff and deliberated on the parking permit request. He commended Equity Residential for their parking mitigation efforts and stated the solution that is before the City Council tonight is a temporary solution. He stated that a comprehensive permit parking program is needed.

Gary Priegel, resident, commented that the parking issue has become seriously worse in the last few years. He provided pictures of cars parked on Hidden Hills and the surrounding streets. He stated that residents are unable to take out their trash cans or clean the streets at night or during the day because the cars are constantly parked on the street. He expressed traffic safety concerns especially with school being back in session.

John Denton, resident, expressed concerns with the recommendation to expand parking on the other side of Hidden Hills. He commented that parking on both sides is dangerous as cars often exceed speeds of 50 miles per hour.

Discussion ensued regarding the Seagate Niguel Homeowners Association permit parking request. City staff and Windridge Apartments representatives answered questions posed by the City Council.

Council Member Minagar stated that as a Liaison to the Traffic and Transportation Commission, he was cognizant of the issues and discussions regarding permit parking. He suggested that the City draft a citywide parking policy to address the parking congestion. He stated that in this case, the City has given due process to everyone and that he was not in favor of changing staff's recommendation.

Mayor Pro Tem Slusiewicz stated that parking is a complicated issue. He stated that residents, whether they rent or own, all live in Laguna Niguel and need to be treated fairly and equitably. He stated the City Council is trying to provide a long term solution to the parking issue and there is a recommendation to direct staff to prepare a comprehensive parking program policy. He suggested that if the residents see any criminal activity to call Police Services. He stated that there is possibly a way to expedite or fast track the review of the permit parking process and suggested that staff work with the California Apartment Association and the Homeowners Association to solve this problem. He congratulated the staff from Windridge Apartments for their efforts. He also suggested looking into the possibility of calming mechanisms on Hidden Hills to slow down traffic.

Council Member Capata stated in previous years, there was parking overflow in the Rancho Niguel neighborhood, the City Council implemented a parking permit program, and it has been a real success story. He stated that preparing a comprehensive parking program is very important.

Council Member Gennaway stated homeowners in the Seagate community have completed the required process and the Council should do their part and follow through with the process. She stated the parking problem needs to be addressed on a more comprehensive level and suggested allowing the permit parking and reviewing it in six months. She also suggested that staff prepare a comprehensive report, checking with other cities to see what measures they are taking to resolve parking congestion.

Mayor Davies stated parking congestion is a problem in many cities. She stated the economy has changed and there are more people living in apartments than there are people living in houses. She stated this is not a single family home against apartments and that this is a problem due to lack of parking. She stated that many other cities are putting together permit parking programs like San Juan Capistrano, where they actually charge for parking permits and have a company that comes and monitors the streets. She stated there needs to be a way to enforce permit parking without taking time away from Police Services. She stated that permit parking program would be for the entire City and that apartment complexes have just as much right to ask for parking permits. She stated that if permit parking is going to affect residents in apartment complexes, they have the right to get parking for themselves which she supports.

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

- a. Find that vehicles from the Windridge Apartments are parking on La Portero Street, Monteras Street, Mansilla Street, Villarente Street, La Collina Street, Monticello Street, and Sanoria Street and they “substantially interfere with the normal and expected use of available public street parking spaces at regular daily or weekly intervals”;
- b. Adopt Resolution No. 2016-1201, “Resolution of the City Council of the City of Laguna Niguel, California, Establishing a Permit Parking District on La Portero Street, Monteras Street, Mansilla Street, Villarente Street, La Collina Street, Monticello Street, and Sanoria Street and Establishing time limits of 10:00 p.m. to 6:00 a.m. as well as a Bail Amount for Permit Parking Violations on these streets”;
- c. Approve the removal of no parking signs on a segment of Hidden Hills Road to provide for on-street parking on the north side of Hidden Hills Road between Sandling Court and Monticello Street; and
- d. Direct Police Services to continue to provide parking enforcement as time and personnel permit.

- e. Direct staff to prepare a comprehensive parking program policy for Traffic Commission and City Council consideration.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Mayor Pro Tem Slusiewicz reported he, along with Mayor Davies and Council Member Gennawey, attended a Concert in the Park at Crown Valley Community Park. He reported that he, along with his fellow Council Members, attended Laguna Niguel Day at the Orange County Fair. He reported that he and Council Member Gennawey attended a Joint Parks and Recreation Commission/Senior Committee meeting.

Council Member Minagar reported he, along with his fellow Council Members, participated in the Special City Council meeting to conduct interviews for Community Development Director. He reported he was appointed as the new Director of the Transportation Corridor Agency for San Joaquin Hills.

Council Member Gennawey reported that she and Mayor Davies attended a Chamber of Commerce Governmental Affairs meeting. She reported she attended the Wizard of Oz production at the Laguna Niguel Community Theater. She also reported that she attended a Seminar on how to prepare for the aging population and a Capistrano Unified School District meeting. She reported the Military Support Committee Car Wash to benefit the Marines was very successful and announced a Military Support Committee Car Wash to benefit the Sailors of the USS Stockdale will be held on October 15, 2016. She reported she and Mayor Davies attended a Military Support Committee meeting and attended a meeting with Orange County Supervisor Lisa Bartlett.

Council Member Capata reported he, along with all Council Members attended the Laguna Niguel day at the Orange County Fair. He reported he attended the Grand Opening of La Pata Road that joins San Juan Capistrano to San Clemente.

Mayor Davies reported she attended a meeting with Orange County Supervisor Lisa Bartlett and attended a CUSD Board meeting where the Board of Trustees voted 6-1 to put an \$889 million bond measure on the November 8, 2016 ballot.

2. City Manager/Department Reports

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

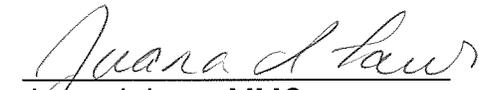
City Manager Foster announced that the new Community Development Director Leslie Roseberry will start her employment with the City of Laguna Niguel on September 16, 2016.

Mayor Davies stated there was no Closed Session.

ADJOURNMENT

Mayor Davies adjourned the meeting at 8:50 p.m.

Prepared by:



Juana I. Laur, MMC
Deputy City Clerk

Respectfully submitted by:



Eileen C. Gomez
City Clerk