

LAGUNA NIGUEL CITY COUNCIL
Regular Meeting of September 6, 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 Gennawey – Present
Council Member Fred Minagar – Present

INVOCATION – was given by Pastor Anette Rihovsky, Laguna Niguel Presbyterian Church

PLEDGE OF ALLEGIANCE – was led by Junior Girl Scout Troop 2544

PRESENTATIONS

1. Proclamation Declaring September 17–23, 2016 as Constitution Week

Mayor Davies and the City Council presented a Proclamation declaring September 17–23, 2016 as Constitution Week.

2. Proclamation Declaring September as World Alzheimer’s Awareness Month

Mayor Davies and the City Council presented a Proclamation declaring September as World Alzheimer’s Awareness Month.

PUBLIC COMMUNICATIONS

Dr. Donald Rickner, representing the Saddleback College Foundation, provided information about the Saddleback College Shayan Mazroei Memorial Endowed Scholarship.

Julianne Neal, resident, spoke on behalf of Shayan Mazroi’s family.

Shahzad Mazroi, resident, spoke about her son Shayan Mazroi and the formation of the Saddleback College Shayan Mazroei Memorial Endowed Scholarship. She thanked Mayor Davies and the City Council for their support.

Martha McNicholas, resident, spoke in regard to the Capistrano Unified School District Board (CUSD) presentation at the August 2, 2016 City Council meeting regarding the CUSD School Facility Improvement District (SFID) bond measure.

Donna Mulvaney, resident, announced a Girl Scouts recruitment event to be held September 22, 2016 at John Malcolm Elementary School.

Ellen Gravitt, resident, spoke in regard to the Capistrano Unified School District Board (CUSD) presentation at the August 2, 2016 City Council meeting regarding the CUSD School Facility Improvement District (SFID) bond measure.

Dan Gara, Vice President of Somerset Point HOA, spoke in regard to the permit parking item on the August 16, 2016 City Council agenda.

Don Riley, resident, spoke in regard to overnight parking issues at Somerset Point.

Mayor Pro Tem Slusiewicz thanked the representatives of Somerset Point HOA for their comments. He stated that permit parking is not on tonight's City Council agenda and no action can be taken at this time. He noted that the parking problem is citywide and the City Council is looking at it in a comprehensive manner.

Mayor Davies stated parking has become a problem. She stated that the City Council is looking into solutions and Somerset Point is a priority.

Council Member Gennaway noted that at the August 16, 2016 City Council meeting, the City Council did not implement a moratorium or halt on permit parking. She stated that Somerset Point is already in the permit parking process.

City Attorney Dixon stated this is not on the City Council agenda and should not be discussed. He stated the City Council can place this item on a future agenda.

Council Member Minagar stated that he and Mayor Davies are part of an Ad Hoc Committee and are looking at the entire system with regard to parking permits.

Crystal Kochendorfer spoke in regard to the Capistrano Unified School District Board (CUSD) presentation at the August 2, 2016 City Council meeting regarding the CUSD School Facility Improvement District (SFID) bond measure.

CONSENT CALENDAR

Council Member Gennaway pulled Item No. 5 for discussion. Mayor Davies stated there was a request to speak for Item No. 5.

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

Motion carried 5-0.

1. Warrants of September 6, 2016

Approved as written.

2. Payroll Summary Register

Approved as written.

3. Minutes of the Regular City Council Meeting on August 16, 2016

Approved as written.

4. Investment Report as of July 31, 2016

Received and filed the City of Laguna Niguel Investment Report as of July 31, 2016.

6. Award of Contract for the FY 16-17 Pavement Rehabilitation Project Cash Contract No. 16-04

Awarded the FY 16-17 Pavement Rehabilitation Project, Cash Contract No. 16-04 to R.J. Noble Company in the amount of \$3,339,339.95, and authorized the City Manager to execute the contract documents.

ITEMS PULLED

5. Approval of Professional Services Agreement for the OCTA Transit Planning Study Project V City Trolley Study (Moore & Associates)

PUBLIC SPEAKER

Mark Goodman, resident, spoke in opposition to the OCTA Transit Planning Study Project V City Trolley Study. He requested the City Council continue this item to allow him more time to better articulate his opposition.

Council Member Gennawey asked for additional information regarding the OCTA Transit Planning Study Project V City Trolley Study, including the 10% required match, ridership, and traffic patterns to include travel for residents outside the City to bring them to the AGORA Project.

Finance Director Erlandson responded that the required 10% City match is included in the FY 16-17 Adopted Budget.

Public Works Director Abbaszadeh stated that the consultant will make some assumptions in terms of ridership for the system and that the number of residents that will be residing in the Gateway and AGORA project areas will be taken into consideration.

Council Member Gennawey stated that Mr. Goodman brought up ownership of the system and asked if it is a City or OCTA operation.

Public Works Director Abbaszadeh responded that this is a feasibility study. He stated that we are a few years away from having a trolley system and that 90% of the funding will be provided by OCTA. He stated that this will be a City project and operation.

Council Member Slusiewicz stated this item is the approval of a professional services agreement for the OCTA Transit Planning and Feasibility Study project versus the City Trolley Study. This is for an official study for which we can receive a grant up to \$49,500 from the County and we do have to match 10%. He stated the low bid was Moore & Associates at \$47,444 which means we need to contribute \$4,744 of City funds to this project. He stated that it is the function of the City government to understand the transportation needs of the community and explained that the City pays for the paving of the roads and traffic light functions throughout the City.

City Manager Foster stated that Laguna Niguel has a long history of being a contract City and prides itself as such. He commented that pending results of the study and future Council action, the City would always primarily review private sector contracting for these types of services.

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

- a. Recognize the OCTA planning grant in the amount of \$49,500;
- b. Appropriate \$49,500 in the Public Works Engineering Professional Service budgetary line item, to prepare a Transit Planning and Feasibility Study for a potential local public transportation; and,
- c. Approve, and authorize the City Manager to execute, the Professional Services Agreement with Moore and Associates in the amount of \$47,444.50.

Motion carried 5-0.

PUBLIC HEARING

1. A Public Hearing to Consider Extension of a Temporary Moratorium Prohibiting the Establishment of Congregate Living Facilities in Residential Zoning Districts

Senior Planner Jonathan Orduna provided information as stated in the staff report. He stated that the existing 45 day moratorium on congregate living is set to expire on September 16, 2016, and the proposed extension may continue for a period of 10 months and 15 days and requires a 4/5 vote of the City Council to adopt. He stated that pursuant to state law the City Council must hold a public hearing to adopt the extension, and staff is recommending that the City Council adopt the extension to allow additional time to consider appropriate regulations for these facilities as part of the Zoning Code Amendment initiated by the City Council on August 2, 2016.

PUBLIC COMMUNICATIONS

Lee Stedman, resident, spoke in support of extending the moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Ann Gypsyn, resident, spoke in support of extending the moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Mercedes Wagner, resident, spoke in support of extending the moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Howard Revier, resident and delegate to the Bear Brand Master Association, spoke in support of extending the moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Richard Belliston, resident and President of the Ocean Ranch Homeowners Association, spoke in support of extending the moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Discussion ensued regarding the extension of the temporary moratorium prohibiting the establishment of congregate living facilities in residential zoning districts.

Council Member Minagar stated he was in favor of extending the moratorium and that it is the City Council's responsibility to maintain the integrity of the City.

Council Member Gennaway thanked the residents for attending the City Council meeting and stated that the City Council was addressing their concerns.

Council Member Capata thanked the residents and everyone involved.

Mayor Pro Tem Slusiewicz thanked everyone for attending. He suggested staff try to find a more permanent solution for removing congregate living facilities from residential zones.

Mayor Davies stated the City has been dealing with this issue for over a year and that this moratorium is a positive move. She also stated that Congressman Darrell Issa has drafted legislation to amend the Fair Housing Act to allow for local regulation of sober living homes. She suggested the residents contact him and state their support for this legislation.

Council Member Capata thanked Lieutenant Barr and police services. He suggested that if the residents see dangerous or illegal activity, that they call Police Services.

A MOTION was made by Council Member Capata, seconded by Council Member Gennaway, to:

- a. Read title to Ordinance No. 2016-183 which is:

ORDINANCE NO. 2016-183

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA
EXTENDING A TEMPORARY MORATORIUM PROHIBITING 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

- b. Waive the reading of the full text of the Ordinance.
c. Adopt the Ordinance.

Motion carried 5-0.

OTHER BUSINESS/COUNCIL REPORTS

1. Council Reports

Council Member Capata stated he had no comments as he had been out of town traveling.

Council Member Gennawey commented on the Scholarship Foundation established in memory of Shayan Mazroi and the importance of college scholarships. She reported she and Mayor Davies attended the Laguna Niguel Chamber of Commerce monthly breakfast. She reported she, along with Mayor Davies and Council Member Capata, attended the Relay for Life event at Niguel Hills Middle School. She reported she attended an Orange Coast Watershed and Environmental Center meeting. She reported she, along with Mayor Davies, Council Member Minagar and Mayor Pro Tem Slusiewicz, attended the last concert of the Summer Concert season. She commented on the Laguna Niguel Parks and Recreation Fall Brochure that had been mailed to the residents. She reported she and Recreation Supervisor Gretchen Malcom visited Niguel Hills Middle School and Aliso Viejo Middle School to speak to the students about the Laguna Niguel Junior Civic Workshop. She reported she attended the first Youth Committee meeting and a meeting with Dr. Eric Wong at the Brain Treatment Center in Mission Viejo. She also brought attention to the Warrant Register and the check to the Homework Club. She stated the City of Laguna Niguel gives about \$800,000 in funding per year to the CUSD for the benefit of the students.

Mayor Pro Tem Slusiewicz reported he and Mayor Davies went to Dana Point to see their time capsule after 50 years. He suggested the City discuss a time capsule at a future Council meeting. He reported he and Mayor Davies attended a Crown Valley Community Park Master Plan Ad Hoc committee meeting. He commented on the Vector Control District and mosquito aerial spraying in Orange County. He warned about the dangers of mosquito bites and the Zika and West Nile viruses.

Council Member Minagar reported he and Mayor Davies attended a meeting with the parents of the late Shayan Mazroi and discussed the scholarship foundation in his memory. He reported he attended various Southern California Association of Governments (SCAG) meetings.

Mayor Davies reported she attended various ribbon cutting ceremonies including Fleet Feet and Community Bank. She reported she attended an OCFA meeting and presented the Mayor's State of the City Address to the Lions Club and Rotary Club. She announced a Better Sore than Sorry Drug Prevention Workshop to be held September 18, 2016 at Capistrano Valley High School.

2. City Manager/Department Reports

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

ADJOURNMENT – Mayor Davies adjourned the meeting at 8:43 p.m. in Memory of Shayan Mazroei.

Prepared by:



Juana I. Laur, MMC
Deputy City Clerk

Respectfully submitted by:



Eileen C. Gomez
City Clerk