

**LAGUNA NIGUEL CITY COUNCIL**  
Regular Meeting of October 4, 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 Chaplain Jim Davis, Orange County Sheriff's Department

**PLEDGE OF ALLEGIANCE** – was led by Girl Scout Troop 4407

**PRESENTATIONS**

**1. Resolution Commending Dr. Tod A. Burnett, President of Saddleback College**

Mayor Davies and the City Council presented a Resolution commending Dr. Tod A. Burnett, President of Saddleback College.

**2. Recognition of the Laguna Niguel Little League Junior All-Star Team**

Mayor Davies and the City Council recognized the Laguna Niguel Little League Junior All-Star Team.

**PUBLIC COMMUNICATIONS**

Michelle Cicen, Laguna Niguel Chamber of Commerce Representative, spoke about opportunities and activities provided by the Chamber of Commerce.

Ross Chun and Pam Lawrence, Relay for Life of Aliso Viejo and Laguna Niguel Representatives, presented a plaque to Mayor Davies and the City Council, recognizing the City for their participation and support.

Bill Leber, Laguna Niguel American Legion Post 281, announced a Stand Up and Meet the Candidates event on October 19, 2016.

Richard Gardner, Capistrano Beach resident, announced his candidacy for the Municipal Water District of Orange County Board of Directors, Division 7.

Kristen Flores, Ovation Performing Arts Theater Representative, announced a Hollywood Declassified Actors Workshop on Saturday, October 15, 2016.

Luke Burson, resident, commented on Consent Item No. 7, regarding the Second Amendment to the Professional Services Agreement with ICF Jones & Stokes, Inc. for the SunPointe Development. He spoke about letters and comments from residents in the community submitted to the Planning Commission, addressing concerns in the original initial study and the Mitigated Negative Declaration (MND) for the SunPointe Development. He also spoke about the proposed Environmental Impact Report (EIR) and inquired about the format the letters and comments would be responded to.

City Manager Foster stated the letters and comments submitted to the Planning Commission triggered the need for an EIR, and that the EIR Consultants and City staff will review and include the responses in the EIR.

Council Member Minagar stated the EIR consultants and City staff are obligated by federal law to respond to each and every letter and comment and should be included in the EIR. He stated that a public hearing should be held for the public to review and comment on the EIR.

Assistant City Manager Fox stated that the comments will be incorporated into the EIR and the public will have the opportunity to comment again during the scoping meeting.

Mr. Burson requested an appendix be included in the EIR that cross references all 60 letters and comments from the community.

Mayor Pro Tem Slusiewicz stated the EIR will supersede the Mitigated Negative Declaration (MND) and that every letter and comment will be addressed and responded to in the EIR. He stated that a public hearing will be held for the public to attend and comment on the EIR.

## **CONSENT CALENDAR**

City Manager Foster pulled Consent Calendar Item No. 6 regarding Traffic Calming Concept Plans and Specifications for Camino Capistrano and Paseo De Colinas, stating this item will be placed on a future City Council agenda.

Council Member Gennawey pulled Item No. 9 for discussion.

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

**Motion carried 5-0.**

**1. Warrants of October 4, 2016**

Approved as written.

**2. Payroll Summary Register**

Approved as written.

**3. Minutes of the Regular City Council Meeting on September 20, 2016**

Approved as written.

**4. Investment Report as of August 31, 2016**

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

**5. Adoption of Ordinance No. 2016-184 (Marijuana Activities)**

Adopted Ordinance No. 2016-184;

**ORDINANCE NO. 2016-184**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA ADOPTING ZONING CODE AMENDMENT ZCA 16-02 AMENDING LAGUNA NIGUEL MUNICIPAL CODE SECTIONS, 9-1-32 (RESIDENTIAL DISTRICTS), 9-1-42 (NONRESIDENTIAL DISTRICTS), 9-1-52 (SPECIAL PURPOSE REGULATIONS), 9-1-133(A) (CODE ENFORCEMENT), 9-1-142 (DEFINITIONS) AND LAGUNA NIGUEL GATEWAY SPECIFIC PLAN SECTION 4.2 (PERMITTED USES IN EACH ZONE) AND ADDING SECTION 9-1-55 TO RESTATE AND READOPT THE PROHIBITION ON MARIJUANA DISPENSARIES, CULTIVATION AND DELIVERY IN ALL ZONING DISTRICTS

**6. Approval of Professional Services Agreement for Traffic Calming Concept Plans, Design, and Specifications for Camino Capistrano and Paseo De Colinas (Hartzog and Crabill, Incorporated)**

This item was pulled and will be placed on a future City Council agenda.

**7. Second Amendment to the Professional Services Agreement with ICF Jones & Stokes, Inc. to Provide Environmental Consulting Services Related to Site Development Permit SP 12-07, Tentative Tract Map TT 17433, General Plan Amendment GP 14-01, and Zone Change ZC 14-02 (SunPointe)**

- a. Approved the Second Amendment to the Professional Services Agreement with ICF Jones & Stokes, Inc. to prepare the environmental documentation for the SunPointe project for an amount not to exceed \$113,890;
- b. Recognized revenue of \$113,890 and appropriated \$113,890 to the Community Development Department Planning Professional Services account; and
- c. Authorized the City Manager to execute the Second Amendment to the Professional Services Agreement between the City and ICF Jones & Stokes, Inc. upon receipt of payment from the project applicant to cover the cost of the Agreement.

**8. Award of Construction Contract for the Bear Brand, Clipper Cove, Parc Vista and Seminole Parks Playground Renovation and Hidden Hills Park Shade Structure Removal - Cash Contract No. 16-07**

- a. Waived the alleged informality, irregularity, or error alleged in the bid protest from Spectrum Construction, Inc., and rejected that bid protest;
- b. Awarded the contract for the Bear Brand, Clipper Cove, and Seminole Parks Playground Renovations and Hidden Hills Park Shade Structures, Cash Contract No. 16-07 in the amount of \$550,121.50 to R. E. Shultz Construction, Inc.;
- c. Authorized the City Manager to sign the Contract;
- d. Authorized the City Manager to sign the Purchase Orders for Purchase of the Playground Equipment to Dave Bang Associates, Inc. for Bear Brand and Parc Vista Parks at \$172,577 and to Pacific Play Systems, Inc. for Clipper Cove and Seminole Parks at \$157,290;
- e. Authorized the City Manager to sign the Purchase Order for Purchase of the Shade Structures for \$38,000; and
- f. Authorized the City Manager to sign the Purchase Order for Purchase of the Trash Cans/Benches for \$48,600.

**ITEM PULLED**

**9. Biennial Review of the City's Conflict of Interest Code**

Council Member Gennawey suggested that the position of Assistant to the City Attorney be included in the Conflict of Interest Code to be consistent with other City departments. She commented that the position deals with confidential information including negotiations and salaries.

City Attorney Dixon indicated that the Conflict of Interest Code is for financial disclosure and making sure City officers and employees do not have a financial interest in particular transactions. He stated his assistant is not involved in purchasing for the City, however, he had no objections to the City Council adding the position of Assistant to the City Attorney to the Conflict of Interest Code.

Mayor Pro Tem Slusiewicz stated he agreed with Council Member Gennawey that the Assistant to the City Attorney does see confidential information, including negotiation and salaries and that is part of the process. He noted that Mr. Dixon does not have a problem with adding the position of Assistant to the City Attorney to the Conflict of Interest Code.

Discussion ensued regarding the addition of the Assistant to the City Attorney position to the Conflict of Interest Code.

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

- a. Adopt Resolution No. 2016-1202, which amends the City's present Conflict of Interest Code;
- b. Add the position of Assistant to the City Attorney, with designated Disclosure Category 4 to the Conflict of Interest Code; and
- c. Direct the City Clerk to forward a certified copy of Resolution No. 2016-2012 to the Fair Political Practices Commission, as required by State regulations.

**Motion carried 5-0.**

## **CITY MANAGER**

### **1. Allocation of City Community Services/Cultural Arts, After School and Special Event Grant Funds**

Assistant City Manager Fox provided information as stated in the staff report. He stated each year the City Council awards a variety of Community Services/Cultural Arts, After School Grant Program, and Special Event programs in recognition of their many hours of service and dedication to the community. He stated this year the City Council has allocated \$42,000 towards the grant program and that this year, 22 applications totaling \$98,565 in funding requests were received. He stated the City Council Ad-Hoc Grants Subcommittee, which includes Mayor Pro Tem Slusiewicz and Council Member Gennawey, reviewed all of the requests, considering the merits of each application. He stated the recommended funding allocations include a budget transfer from existing appropriations between accounts to balance the funding between the cultural arts, after school and special events categories totaling \$42,000.

## **PUBLIC SPEAKER**

Jeremy Golden, resident and Artistic Director of Laguna Niguel Community Theater, thanked the Mayor and City Council for their support of the Laguna Niguel Community Theater.

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

- a. Allocate Community Services/Cultural Arts, After School and Special Event Grant funds as recommended by the Ad-Hoc Grants Subcommittee; and,
- b. Approve the transfer from existing appropriations of \$7,000 from the After School Grants Program Account and \$5,000 from the Special Events Grants Account to the Community Services/Cultural Arts Grant Program Account.

**Motion carried 5-0.**

## OTHER BUSINESS/COUNCIL REPORTS

### 1. Council Reports

Council Member Minagar reported he attended an Orange County Council of Governments (OCCOG) meeting, a Southern California Association of Governments Regional (SCAG) Council meeting, a SCAG Transportation Committee meeting, and a meeting with Capistrano Unified School District representatives. He reported he, along with his Council Members, attended the Laguna Niguel Chamber Marina Mixer Celebrating Mayor Davies.

Mayor Pro Tem Slusiewicz reported he and Mayor Davies attended an Investment, Banking and Audit Committee meeting. He reported he attended an Orange County Mosquito and Vector Control District meeting and warned of the dangers of standing water. He reported on the preparation of the City Manager's Annual Review. He announced that the Parks and Recreation Commission will hold workshops on October 8 and October 11, 2016, to receive community input regarding the Crown Valley Community Park Tier 3 Project.

Council Member Gennaway reported she met with Senator Pat Bates to discuss sober living homes and Congressman Issa's bill, H.R.6070 - Safe Recovery and Community Empowerment Act, which if enacted, would provide better protection to individuals with disabilities. She reported she attended a Laguna Niguel Historical Society meeting, a South Orange County Water Quality Improvement Plan Committee meeting, and the Fall Boutique at the Sea Country Senior and Community Center. She reported on the recently held Military Support Committee Fairways to Freedom Golf Tournament and thanked all the participants. She reported she, Mayor Davies, and Council Member Capata attended the ACC-OC 2016 Ballot Breakfast. She announced a Junior Civic Workshop on October 11, 2016, a Military Support Committee Car Wash on October 15, 2016, and a Veterans Day event at the Sea Country Senior and Community Center on November 11, 2016.

Council Member Capata reported he attended the Saddleback College Science Building Grand Opening, a meeting with Orange County Supervisor Lisa Bartlett, the Laguna Niguel Chamber Marina Mixer Celebrating Mayor Davies, and the ACC-OC 2016 Ballot Breakfast. He reported he participated in the Military Support Committee Fairways to Freedom Golf Tournament and in the San Diego Mission Bay Triathlon with his son Kevin.

Mayor Davies announced a Government Affairs meeting on Friday, October 7, 2016, where Former Mayor Robert Ming will give a presentation on Propositions on the Ballot for the November 8, 2016 General Election. She reported she participated in a group activity with the ACC-OC and the Metropolitan Water District to the Delta Bay to look at the water pipe project. She reported she attended a meeting with Public Works staff, City Manager Foster, Assistant City Manager Fox, representatives from the California Apartment Association, and Management staff from the Windridge Apartments, to discuss permit parking.

She thanked everyone for attending the Laguna Niguel Chamber Marina Mixer celebrating her year of service as Mayor.

**2. City Manager/Department Reports**

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

City Manager Foster reported on the success of the Last Friday Lunches Program.

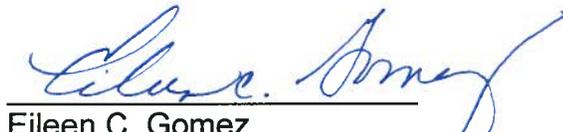
**ADJOURNMENT**

Mayor Davies adjourned the meeting at 8:11 p.m.

Prepared by:

  
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Juana I. Laur, MMC  
Deputy City Clerk

Respectfully submitted by:

  
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Eileen C. Gomez  
City Clerk