
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING
MINUTES
APRIL 12, 2016**

CLOSED SESSION - CONVENING AT 6:00 P.M.

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Kogerman, Mayor Pro Tempore Sedgwick, Council Member Carruth, Council Member Gilbert

Absent: Council Member Blount

ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (2) of subdivision (e) of Government Code Section 54956.9: (1 potential case).

Receipt of comment and project opposition letter from attorney Jason Holder of the Holder Law Group, dated March 22, 2016, submitted on behalf of the City of Laguna Beach, challenging the Addendum and the environmental review and analysis for the Five Lagunas Mall Redevelopment Project, a copy of which is on file in the Office of the City Clerk; March 22, 2016 Public Hearing Item Re: Resolution No. PA2016-03-22-1 entitled: "A Joint Resolution of the Planning Agency and City Council of the City of Laguna Hills, California, Adopting a Third Addendum to the City of Laguna Hills Program Environmental Impact Report (State Clearinghouse No. 20080811100) and approving a Site Development Permit, Master Sign Program, Conditional Use Permit, Parking Use Permit, Vesting Tentative Tract Map, Precise Plan No. 2-15-3114, a Request by Merlone Geier Management, LLC, to Redevelop the Laguna Hills Mall Site Located at 24155 Laguna Hills Mall, and Making Certain Findings in Connection Therewith."

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

There were no Public Comments.

ADJOURN TO CITY COUNCIL CONFERENCE ROOM

CONVENE INTO CLOSED SESSION

RECONVENE TO CITY COUNCIL CHAMBER

RECESS

GENERAL BUSINESS - RECONVENING AT 7:00 PM

CALL TO ORDER

Mayor Kogerman called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills, California.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER GILBERT

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Kogerman, Mayor Pro Tempore Sedgwick, Council Member Carruth, Council Member Gilbert

Absent: Council Member Blount

CLOSED SESSION REPORT

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

CITY ATTORNEY SIMONIAN STATED THAT THE CITY COUNCIL MET IN CLOSED SESSION THIS EVENING PURSUANT TO THE CLOSED SESSION AUTHORITY LISTED ON THE AGENDA. AS A RESULT OF THE MEETING, THE CITY COUNCIL VOTED TO APPROVE AND DIRECT THE NEGOTIATION AND PREPARATION OF A TOLLING AGREEMENT BY AND BETWEEN THE CITY OF LAGUNA BEACH, MERLONE GEIER PARTNERS, AND THE CITY OF LAGUNA HILLS IN AN EFFORT TO REACH A MUTUALLY ACCEPTABLE DISPUTE RESOLUTION AND AUTHORIZED THE LAGUNA HILLS CITY MANAGER TO EXECUTE THE TOLLING AGREEMENT WITH AN EFFECTIVE DATE PRIOR TO APRIL 22, 2016. IF THE PARTIES ARE ABLE TO REACH AN AGREEMENT AS TO THE PREPARATION OF A TOLLING AGREEMENT, ONCE FULLY EXECUTED, THE AGREEMENT WILL BE MADE AVAILABLE FOR PUBLIC REVIEW AND INSPECTION UPON REQUEST THROUGH THE CITY CLERK'S OFFICE. ADDITIONALLY, THE TOLLING AGREEMENT, IF PREPARED AND FULLY EXECUTED, WILL BE AGENDIZED FOR PUBLIC REVIEW AT THE NEXT CITY COUNCIL MEETING, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.

APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).

1. PRESENTATIONS AND PROCLAMATIONS

1.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON CALISTA SHANG.

1.2 SPOTLIGHT ON LOCAL BUSINESS

DEAN MORASH, PRESIDENT OF SO CAL CLASSIC CAR STORAGE, WAS NOT AVAILABLE AT THE MEETING TO GIVE THE PRESENTATION.

1.3 LAGUNA HILLS 3/5 MARINE SUPPORT COMMITTEE

CHAIR KAREN ROBBINS PROVIDED AN UPDATE ON THE STATUS OF THE 3/5 DARK HORSE COMMITTEE.

1.4 RECOGNITION OF SYDNEY FREDETTE, TOP YOUTH VOLUNTEER IN CALIFORNIA FOR 2016 IN THE 21ST ANNUAL PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

MAYOR KOGERMAN PRESENTED A CERTIFICATE OF RECOGNITION TO SYDNEY FREDETTE.

2. PUBLIC COMMENTS

AERIAL SPRAYING

Vanessa Christian spoke in opposition to the Orange County Mosquito and Vector Control District's proposal for the aerial spraying of the anti-mosquito chemical Duet. Ms. Christian distributed a letter to City Council written by Bruce Blumberg, Ph.D., Professor, University of California, Irvine.

PROPERTY ASSESS CLEAN ENERGY (PACE) PROGRAM

Addam Ross, a Ygrene Energy Fund representative, asked City Council to consider allowing Ygrene Energy Fund the opportunity to offer their program to property owners in Laguna Hills for the financing of energy efficiency, renewable energy, and water conservation improvements for business and residential projects.

AERIAL SPRAYING

John Wallace spoke in opposition to the Orange County Mosquito and Vector Control District's proposal for the aerial spraying of the anti-mosquito chemical Duet.

3. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

3.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

THE CITY COUNCIL WAIVED READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARED THAT SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

3.2 APPROVAL OF MINUTES FOR MARCH 22, 2016

THE CITY COUNCIL APPROVED THE MINUTES OF THE MARCH 22, 2016, REGULAR MEETING.

3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED APRIL 12, 2016.

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$269,743.72.

3.4 AMENDMENT NO. 2 TO THE CONSULTING SERVICES AGREEMENT WITH ECO/NOMICS, INC. FOR SOLID WASTE COLLECTION, CONTRACTING, AND RECYCLING CONSULTANT SERVICES

THE CITY COUNCIL AUTHORIZED THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE CONSULTING SERVICES AGREEMENT WITH ECO/NOMICS, INC. TO INCREASE THE TOTAL COMPENSATION TO THE CONSULTANT FROM \$150,000 TO \$169,640.

3.5 2016 WEED ABATEMENT PROGRAM

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-04-12-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DECLARING WEEDS AND RUBBISH ON SPECIFIED PRIVATE PROPERTY TO BE A PUBLIC NUISANCE, COMMENCING PUBLIC PROCEEDINGS, AND SETTING A PUBLIC HEARING FOR MAY 10, 2016.

3.6 APPLICATION FOR THE MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM, TIER 1 GRANT, PHASE VI DEBRIS GATES PROJECT

THE CITY COUNCIL APPROVED THE GRANT APPLICATION FOR THE MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM, TIER 1 GRANT, AND ADOPTED RESOLUTION NO. 2016-04-12-2 ENTITLED, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM, TIER 1 GRANT, UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3, FOR THE LAGUNA HILLS DEBRIS GATES PROJECT, PHASE VI.

3.7 PERIODIC REVIEW OF DEVELOPMENT AGREEMENT NO. 12-11-2137 (ORDINANCE NO. 2012-4) BETWEEN THE CITY OF LAGUNA HILLS AND LAGUNA HILLS INVESTMENT COMPANY: OAKBROOK VILLAGE SHOPPING CENTER MIXED USE PROJECT

THE CITY COUNCIL: (1) RECEIVED AND FILED A REPORT DEMONSTRATING THE PROPERTY OWNER'S GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT; AND (2) FOUND AND DETERMINED THAT THE LAGUNA HILLS INVESTMENT COMPANY HAS COMPLIED IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 12-MONTH PERIOD OF JANUARY 2015 TO JANUARY 2016.

3.8 2015 GENERAL PLAN ANNUAL REPORT

THE CITY COUNCIL RECEIVED THE REPORT AND DIRECTED STAFF TO FORWARD THE 2015 GENERAL PLAN ANNUAL REPORT AND ANNUAL ELEMENT PROGRESS REPORT - HOUSING IMPLEMENTATION, TO THE STATE OF CALIFORNIA.

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items removed from the Consent Calendar.

4. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:29 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Sedgwick, Agency Member Carruth, Agency Member Gilbert

Absent: Agency Member Blount

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR MARCH 22, 2016

**THE PLANNING AGENCY APPROVED THE MINUTES OF THE MARCH 22, 2016, REGULAR MEETING, BY M/AGENCY MEMBER CARRUTH, S/AGENCY MEMBER GILBERT.
APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).**

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

4.5.1 CONDITIONAL USE PERMIT (CUP) NO. 9-15-3309, A REQUEST BY BOB BEHRAVAN TO ESTABLISH AND OPERATE A VEHICLE BODY REPAIR AND PAINT BUSINESS AT 23251 VISTA GRANDE DRIVE (APN 588-064-18), SUITE A, IN THE MIXED USE (MXU) ZONE

Community Development Director Chantarangsu reported that staff received a request from the Applicant to continue the item to the Planning Agency meeting of May 10, 2016, and stated that a comment letter had been received in response to the public hearing notice.

Chair Kogerman opened the Public Hearing, and upon seeing no one rise closed the Public Hearing.

**MOTION TO CONTINUE THE ITEM TO THE MAY 10, 2016, PLANNING AGENCY MEETING, BY M/AGENCY MEMBER CARRUTH, S/AGENCY MEMBER GILBERT.
APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).**

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:30 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

5.1 PUBLIC HEARING TO CONSIDER AN ACTION TO VACATE AND ABANDON A PORTION OF A PUBLIC STREET EASEMENT IN ACCORDANCE WITH THE STREETS AND HIGHWAY CODE SECTION

8320, ET SEQ., LOCATED ON THE WESTERLY SIDE OF AVENIDA DE LA CARLOTA NORTHERLY OF LOS ALISOS BOULEVARD, A FORMER DRIVEWAY ACCESS TO OAKBROOK VILLAGE SHOPPING CENTER, AND RESERVING THEREFROM A PUBLIC UTILITY EASEMENT

Director of Public Services/City Engineer Rosenfield briefly reviewed the information provided in the Staff Report.

Mayor Kogerman opened the Public Hearing and, upon seeing no one rise, closed the Public Hearing.

THE CITY COUNCIL: CONDUCTED A PUBLIC HEARING AND ADOPTED RESOLUTION NO. 2016-04-12-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ORDERING THE VACATION AND ABANDONMENT OF A PORTION OF A PUBLIC STREET EASEMENT ON THE WESTERLY SIDE OF AVENIDA DE LA CARLOTA NORTHERLY OF LOS ALISOS BOULEVARD, A FORMER DRIVEWAY ACCESS TO OAKBROOK VILLAGE SHOPPING CENTER, AND RESERVING THEREFROM A PUBLIC UTILITY EASEMENT, BY M/COUNCIL MEMBER GILBERT, S/MAYOR PRO TEMPORE SEDGWICK. APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).

6. ADMINISTRATIVE REPORTS

6.1 City Manager

6.2 Assistant City Manager

6.2.1. AGREEMENT FOR ANIMAL CONTROL AND SHELTER SERVICES WITH THE CITY OF MISSION VIEJO AND A NON-BINDING MEMORANDUM OF UNDERSTANDING FOR FUNDING THE INTERIOR RENOVATION AND EXPANSION OF THE MISSION VIEJO ANIMAL SERVICES ADMINISTRATION BUILDING BY AND BETWEEN THE CITIES OF LAGUNA HILLS AND RANCHO SANTA MARGARITA AND THE CITY OF MISSION VIEJO

Assistant City Manager White reviewed the information provided in the Staff Report, and summarized the changes to the draft Agreement and Memorandum of Understanding (MOU).

THE CITY COUNCIL APPROVED THE AGREEMENT FOR ANIMAL CONTROL AND SHELTER SERVICES WITH THE CITY OF MISSION VIEJO AND A MEMORANDUM OF UNDERSTANDING FOR FUNDING THE INTERIOR RENOVATION AND EXPANSION OF THE MISSION VIEJO ANIMAL SERVICES ADMINISTRATION BUILDING, BY AND BETWEEN THE CITY OF LAGUNA HILLS AND THE CITY OF MISSION VIEJO, AND

**AUTHORIZED THE MAYOR TO EXECUTE BOTH DOCUMENTS,
BY/M MAYOR KOGERMAN, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

**7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND
MAYOR**

There were no matters agendized and presented by City Council Members and Mayor.

8. CITY COUNCIL MEMBER COMMENTS

COUNCIL MEMBER CARRUTH

Council Member Carruth referred to the abandoned Carrow's building on Avenida de la Carlota and inquired if the City has the ability, through the Municipal Code, to require that the owner of the property keep it in a suitable condition to avoid issues with graffiti, etc.

Community Development Director Chantarangsu responded that the City does have the ability to contact the owner with issues that need to be addressed and has done so in the past.

MAYOR KOGERMAN

Mayor Kogerman requested approval from City Council to direct staff to review the sign ordinance with regards to open house signage.

City Attorney Simonian reported that a Staff Report would be brought to City Council for their review and input at a future meeting, which will itemize several of the signage issues and problem areas.

ADJOURNMENT

There being no further business at the City Council session, Mayor Kogerman adjourned the City Council meeting at 7:46 p.m.

MELISSA AU-YEUNG, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF MAY 10, 2016.