

**CITY OF LAGUNA HILLS
CITY COUNCIL/PLANNING AGENCY**

**REGULAR MEETING
MINUTES
Tuesday, April 11, 2017**

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Pro Tempore Melody Carruth.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER GILBERT

ROLL CALL OF CITY COUNCIL MEMBERS

Attendee Name	Title	Status	Arrived
Don Sedgwick	Mayor	Absent	
Melody Carruth	Mayor Pro Tempore	Present	
Dore J. Gilbert, M.D.	Council Member	Present	
Janine Heft	Council Member	Present	
Barbara D. Kogerman	Council Member	Present	

CLOSED SESSION REPORT

There was no Closed Session Report.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 Laguna Hills High School Student Liaison

Recommendation: That the City Council receive an oral report from Laguna Hills High School Student Liaison Sherwin Afshar.

1.2 Recognition of Sydney Fredette, Disneyland® Resort Dreamers & Doers Honoree

Recommendation: That Mayor Pro Tempore Carruth present a Certificate of Recognition to Sydney Fredette. Disney Ambassador Alexa Garcia also spoke in recognition of Ms. Fredette's achievements.

2. PUBLIC COMMENTS

There were no Public Comments.

3. CONSENT CALENDAR

Motion to approve the Consent Calendar, with Council Member Kogerman removing Item No. 3.5 and Item No. 3.8:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Council Member
SECONDER:	Janine Heft, Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman; Council Member
ABSENT:	Don Sedgwick, Mayor

3.1 Waive Reading in Full of all Ordinances and Resolutions on the Agenda

Recommendation: That the City Council waive reading in full of all Ordinances and Resolutions on the Agenda and declare 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 11, 2017, Adjourned Regular Meeting

Recommendation: That the City Council approve the Minutes of the March 11, 2017, Adjourned Regular Meeting.

3.3 Approval of Minutes for March 14, 2017, Regular Meeting

Recommendation: That the City Council approve the Minutes of the March 14, 2017, Regular Meeting.

3.4 Approval of Warrant Register for Period Ended April 11, 2017

Recommendation: That the City Council approve the Warrant Register in the amount of \$1,160,054.80.

3.6 Progress Payment No. 2 for Cabot Road Bioswale Project, CIP No. 410-A

Recommendation: That the City Council approve Progress Payment No. 2, in the net amount of \$63,464.08, to Wright Construction Engineering Corporation, and Approve Contract Change Order No. 1, for the Cabot Road Bioswale Project, CIP No. 410-A.

3.7 Letter of Support for Inside the Outdoors' Application for OC Waste & Recycling Grant Funds

Recommendation: That the City Council authorize the Mayor to sign a letter of support for Inside the Outdoors to include in its application for the Regional Recycling and Waste Diversion Grant Program sponsored by OC Waste and Recycling.

3.9 2017 Fourth of July Celebration and Fireworks Agreement

Recommendation: That the City Council: (1) Receive and file the 2017 Fourth of July Celebration pre-event report; (2) Approve the Fireworks Display Agreement between Fireworks and Stage FX America, Inc., and the City of Laguna Hills for 2017; and (3) Authorize the City Manager to execute the Agreement.

3.10 2016 General Plan Annual Report

Recommendation: That the City Council receive the report and direct staff to forward the 2016 General Plan Annual Report and Annual Element Progress Report-Housing Implementation to the State of California.

3.11 Subdivision Improvement Agreement with MGP Fund X Laguna Hills, LLC, for the Five Lagunas Project Related to Avenida de la Carlota Parkway Improvements and Tract No. 18035

Recommendation: That the City Council approve the Subdivision Improvement Agreement with MGP Fund X Laguna Hills, LLC, for the Five Lagunas Project and authorize the Mayor to execute the Agreement upon satisfactory submittal of Surety Instruments, as required, and in a form approved by the City Attorney and City Engineer.

3.12 2017 Volunteer Connection Day and Document Shredding Pre-Event Report and Arbor Day Recognition

Recommendation: That the City Council receive and file the report and authorize the Mayor to sign the attached Arbor Day Proclamation as required by the Arbor Day Foundation for Tree City USA certification.

3.13 Cooperative Agreement for General Traffic Signal Synchronization - Alicia Parkway

Recommendation: That the City Council approve the Cooperative Agreement for General Traffic Signal Synchronization with the State of California for Alicia Parkway and authorize the City Manager to execute the Agreement.

3.14 Submission of an Aerial Waste Waiver to the San Diego Regional Water Quality Control Board

Recommendation: That the City Council: (1) Direct staff to submit an Aerial Waste Waiver to the San Diego Regional Water Quality Control Board for pollutant discharges from the City's Fourth of July Fireworks Display; and (2) Adopt a Categorical Exemption.

3.15 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

Recommendation: That the City Council: (1) Receive and file a report demonstrating the property owner's good faith compliance with the terms and conditions of the Development Agreement; and (2) Find and determine 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 2016 to January 2017.

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.5 2017 Weed Abatement Program**

Council Member Kogerman pulled Item No. 3.5 from the Consent Calendar to request additional information.

Recommendation: That the City Council adopt Resolution No. 2017-04-11-1, 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 9, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Council Member
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

3.8 2017 Memorial Day Event and Marine Tribute Banners

Council Member Kogerman pulled Item No. 3.8 from the Consent Calendar to note that adjustments may be made to the Event Budget as a few non-profit organizations were entitled to the non-profit rate of \$150 and may have been charged the commercial rate.

Recommendation: That the City Council: (1) Receive and file the pre-event planning report; and (2) Approve the installation of 3/5 Marine Battalion Tribute Banners as recommended by staff in this report.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Council Member
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

4. PLANNING AGENCY

Mayor Pro Tempore Carruth recessed the City Council meeting and acting in the capacity of Vice Chair, called the Regular Meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:16 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Don Sedgwick	Chair	Absent	
Melody Carruth	Vice Chair	Present	
Dore J. Gilbert, M.D.	Agency Member	Present	
Janine Heft	Agency Member	Present	
Barbara D. Kogerman	Agency Member	Present	

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR MARCH 14, 2017, REGULAR MEETING

4.3.1 Approval of Minutes for March 14, 2017, Regular Meeting

Recommendation: That the Planning Agency approve the Minutes of the March 14, 2017, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Agency Member
SECONDER:	Barbara D. Kogerman, Agency Member
AYES:	Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member
ABSENT:	Don Sedgwick, Chair

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Planning Agency Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Pro Tempore Carruth reconvened the City Council meeting at 7:17 p.m. All Council Members were present with the exception of Mayor Sedgwick.

5. CITY COUNCIL PUBLIC HEARINGS**5.1 Zoning Text Amendment No. 2-17-3793 - an Amendment to Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, to Permit the Limited Personal Cultivation of Marijuana Inside a Person's Private Residence and Inside an Accessory Structure to a Person's Private Residence in Accordance with Proposition 64.**

Senior Planner Wu reviewed the information provided in the Staff Report and provided a brief PowerPoint presentation. Council Members requested additional information from City Attorney Simonian regarding Proposition 64 and this Amendment.

Mayor Pro Tempore Carruth reopened the Public Hearing.

Dave Wheeler, a resident of Laguna Hills, expressed his concerns regarding this Amendment.

Mayor Pro Tempore Carruth closed the Public Hearing.

Council Members, City Attorney Simonian, and staff engaged in a brief discussion regarding Proposition 64.

Recommendation: That the City Council: (1) Reopen and Conduct the Public Hearing; and (2) Introduce for First Reading, read by title only, and waive further reading of an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, adopting Zoning Text Amendment No. 2-17-3793 amending Chapters 9-103 (Marijuana Businesses) and 9-04 (Definitions) of Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code to permit the limited personal cultivation of marijuana inside a person's private residence and inside an accessory structure to a person's private residence in accordance with State law."

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Council Member
SECONDER:	Janine Heft, Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

City Council directed staff to return in the future with a Staff Report that would provide information regarding a regulatory scheme and permit and inspection program for the limited personal cultivation of marijuana, within and at a person's private residence, once sufficient time has passed to collect the necessary data and evaluate similar programs being implemented in other South County jurisdictions.

5.2 General Plan Amendment and Zoning Code Text Amendment No. GPA/ZTA-10-16-3672 – a Minor Amendment to the City of Laguna Hills General Plan Land Use Element and Development Code Increasing the Maximum Floor Area Ratio (FAR) in the Hospitality Overlay Zone from 1.0 to a Maximum of 1.1, and Consideration of an Addendum to a Previously Adopted Negative Declaration.

Senior Planner Wu reviewed the information provided in the Staff Report and provided a brief PowerPoint presentation.

Mayor Pro Tempore Carruth reopened the Public Hearing, and upon seeing no one rise, closed the Public Hearing.

Recommendation: That the City Council: (1) Reopen the Public Hearing for General Plan Amendment/Zone Text Amendment No. 10-16-3672 which was opened and continued at the March 14, 2017 City Council Meeting; and (2) Consider "Addendum No. 1 to the 2014 Negative Declaration for the City of Laguna Hills Hospitality Overlay Zone" along with the 2014 Negative Declaration for the Hospitality Overlay Zone, and find that no additional environmental documentation is required under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Sections 21166 and CEQA Guidelines Sections 15162 and 15164; and adopt Resolution No. 2017-04-11-2, A Resolution of the City Council of the City of Laguna Hills, California, adopting an Addendum (Addendum No. 1) to a previously adopted Negative Declaration for Case No. GPAZTA-10-16-3672, General Plan and Development Code Amendments making modifications to the Maximum Floor Area Ratio (FAR) for the Hospitality Overlay Zone District.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Council Member
SECONDER:	Janine Heft, Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

Adopt Resolution No. 2017-04-11-3, A Resolution of the City Council of the City of Laguna Hills, California, approving General Plan Amendment No. 10-16-3672, an Amendment to the General Plan Land Use Element increasing allowable development intensity for Hotel Uses in the Freeway Commercial and Mixed Use General Plan Land Use Designations from a maximum of 1.0 Floor Area Ratio (FAR) to 1.1 FAR; and

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

Introduce for First Reading, read by title only, and waive further reading, an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, approving Zone Text Amendment No. 10-16-3672, amending Title 9 of the Laguna

Hills Municipal Code (Zoning and Subdivisions) amending Table 9-11.050 Hospitality Overlay Zone Development Standards related to Maximum Density, changing from a Floor Area Ratio (FAR) of 1.0 to a FAR of 1.1.”

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
ABSENT:	Don Sedgwick, Mayor

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager gave no Administrative Reports.

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS

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

8. CITY COUNCIL MEMBER COMMENTS

Council Member Kogerman

Council Member Kogerman announced that the Taj Mahal Medical Center recently won awards for The Outstanding Building of the Year, Medical Office Building category, and has advanced to the International competition. The BOMA Outstanding Building of the Year Award is the most prestigious award in commercial real estate.

Council Member Kogerman reported that “It’s time to clean out your garage” this Saturday, April 15, 2017, from 8:00 a.m. to 12:00 p.m. The City of Laguna Hills, CR&R Environmental Services, Goodwill, and Paper Depot are available at a drop-off location at Laguna Hills High School.

Council Member Kogerman reported that she attended the ACC-OC Housing Infrastructure Tour on Friday, April 7, 2017, and stated it was a very informative tour. Council Member Kogerman suggested that Council Members and staff meet with the Apartment Association to tour apartment sites within the City. She also distributed a “Myths vs. Facts” sheet to Council.

Council Member Heft

Council Member Heft reported that she has been very busy this last month getting involved, she visited both Aliso Viejo and Mission Viejo City Councils and just completed a five-week course offered by ACC-OC – “Public Policy Making Academy I.”

Council Member Heft also reported that she attended The Crystal Apple Awards on Wednesday, March 22, 2017, and stated it was a wonderful evening. Council Member Heft, along with Mayor Pro Tempore Carruth, met with managers of the Villages at Nellie Gail. She also attended the Orange County District Attorney’s 9th Annual Victims’ Rights Rally hosted by District Attorney Tony Rackauckas. Council Member Heft also commented on the ACC-OC Housing Infrastructure Tour she attended with Council Member Kogerman.

Mayor Pro Tempore Carruth

Mayor Pro Tempore Carruth thanked staff for organizing the Volunteer Connection Day to be held on Saturday, April 15, 2017, from 9:00 a.m. – 12:00 p.m.

Mayor Pro Tempore Carruth also reported that she attended the 4th Annual NowRuz Festival, the Persian New Year, on Sunday, March 26, 2017, and stated it was a great event.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Pro Tempore Carruth declared the meeting adjourned at 8:03 p.m.

Melissa Au-Yeung, City Clerk

ATTEST:

Don Sedgwick, Mayor

Approved at meeting of April 25, 2017.