
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING
MINUTES
MARCH 22, 2016**

CLOSED SESSION - CONVENING AT 6:00 PM

CALL TO ORDER

ROLL CALL

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

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 (1) of subdivision (e) of Government Code Section 54956.9: (1 potential case)

PUBLIC COMMENT 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 CARRUTH

ROLL CALL OF CITY COUNCIL MEMBERS

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

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, there were no public comments prior to the closed session, and no reportable action was taken as a result of tonight's Closed Session meeting.

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 2015 LAGUNA HILLS DEPUTY OF THE YEAR

MAYOR KOGERMAN AND LIEUTENANT CHACON PRESENTED THE 2015 LAGUNA HILLS DEPUTY OF THE YEAR AWARD TO DEPUTY PETER ADA.

2. PUBLIC COMMENTS**CYBERSECURITY & IDENTITY PROTECTION TOWN HALL MEETING**

Kate Randle, District Representative with Congresswoman Mimi Walters' office, announced an upcoming Town Hall Meeting on Cybersecurity & Identity Protection to be held on Thursday, March 24, 2016, from 5:30 p.m. to 7:00 p.m. at the Norman P. Murray Community and Senior Center in Mission Viejo.

ALZHEIMER'S ORANGE COUNTY

Dan Daley, Healthcare Outreach Specialist for Alzheimer's Orange County, reported that Alzheimer's Orange County recently branched off from the National Alzheimer's Association and became an independent organization. Their mission is to provide programs and services to the 84,000 residents of Orange County who are affected by Alzheimer's and other dementia related disorders. Mr. Daley distributed additional literature to Council. For additional information please call (844) 373-4400 or contact their website at www.alzoc.org.

PATRIOTS AND PAWS

Penny Lambright, Founder of Patriots and Paws, reported that Patriots and Paws is a non-profit organization offering free household items to any Veteran, Active Duty, or Reservist.

The Paws portion of the organization helps place pets with military personnel wanting to rescue a companion. The organization will be holding their 2nd Annual Charity Golf Tournament on Monday, May 9, 2016. Ms. Lambright distributed additional literature to Council.

3. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, WITH MAYOR KOGERMAN REMOVING ITEM NO. 3.7, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 5-0.**

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 8, 2016

THE CITY COUNCIL APPROVED THE MINUTES OF THE MARCH 8, 2016, REGULAR MEETING.

3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED MARCH 22, 2016

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$530,818.99.

3.4 PROGRESS PAYMENT NO. 3 FOR LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX SITE IMPROVEMENTS, CIP NO. 514

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 3, IN THE NET AMOUNT OF \$79,924.26, TO HORIZONS CONSTRUCTION COMPANY FOR LAGUNA HILLS COMMUNITY CENTER AND SPORTS COMPLEX SITE IMPROVEMENTS, CIP NO. 514.

3.5 PROGRESS PAYMENT NO. 1 AND CONTRACT CHANGE ORDER NO. 1 FOR WATER QUALITY IMPROVEMENT CATCH BASIN DEBRIS GATE PROJECT, CIP NO. 412E

THE CITY COUNCIL APPROVED CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 1, IN THE NET AMOUNT OF \$66,439.20, TO G2 CONSTRUCTION, INC., FOR WATER QUALITY IMPROVEMENT CATCH BASIN DEBRIS GATE PROJECT, CIP NO. 412E.

3.6 ESCHEATMENT OF UNCLAIMED FUNDS

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-03-22-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING THE ESCHEATMENT OF UNCLAIMED FUNDS HELD IN ACCORDANCE WITH STATE LAW.

3.8 SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING AND RESTATING CHAPTER 3-08 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING THE PURCHASING OF GOODS AND SUPPLIES, EQUIPMENT, MATERIALS, AND SERVICES

THE CITY COUNCIL ADOPTED ORDINANCE NO. 2016-3, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 3-08 OF THE LAGUNA HILLS MUNICIPAL CODE REGARDING THE PURCHASING OF GOODS AND SUPPLIES, EQUIPMENT, MATERIALS, AND SERVICES.

3.9 REVISED EFFECTIVE DATE TO AN AMENDMENT OF THE WASTE DISPOSAL AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF LAGUNA HILLS

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-03-22-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING THE REVISED EFFECTIVE DATE TO AN AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE.

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.7 SECOND READING AND ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING AMENDMENT NO. 2 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND LAGUNA HILLS INVESTMENT COMPANY AND OAKBROOK URBAN VILLAGE I, LLC, FOR THE OAKBROOK VILLAGE SHOPPING CENTER REDEVELOPMENT PROJECT**

Mayor Kogerman removed Item No. 3.7 from the Consent Calendar to allow for public comment.

Kent McNaughton, the owner of the Village Plaza located at 24012 Avenida de la Carlota, asked if there was a change to the site development plan for the Oakbrook Urban Village.

Community Development Director Chantarangsu stated there are minor modifications to the existing on-site improvements.

THE CITY COUNCIL ADOPTED ORDINANCE NO. 2016-2, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING AND ADOPTING AMENDMENT NO. 2 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAGUNA HILLS AND LAGUNA HILLS INVESTMENT COMPANY AND OAKBROOK URBAN VILLAGE I, LLC, FOR THE OAKBROOK VILLAGE SHOPPING CENTER REDEVELOPMENT PROJECT, BY M/COUNCIL MEMBER BLOUNT, S/COUNCIL MEMBER CARRUTH. APPROVED BY A VOTE OF 5-0.

6. ADMINISTRATIVE REPORTS

Mayor Kogerman took this item out of order on the Agenda.

6.1 City Manager

6.2 Assistant City Manager

6.2.1 EVALUATION OF ALTERNATIVE SERVICE DELIVERY OPTIONS FOR ANIMAL CONTROL AND SHELTER SERVICES - PROPOSAL FROM THE CITY OF MISSION VIEJO

Assistant City Manager White reviewed the information provided in the Staff Report and responded to Council Member questions.

Sharon Logan, owner and operator of Paw Protectors Rescue, spoke in favor of the City of Laguna Hills contracting with the City of Mission Viejo for animal services.

Sharon Cody, a resident of Mission Viejo, spoke in favor of the City of Laguna Hills contracting with the City of Mission Viejo for animal services and distributed literature regarding the Dedicated Animal Welfare Group (DAWG), which provides life-saving medical care and helping hands to comfort abandoned, sick, or injured animals at the Mission Viejo Animal Shelter.

Robert Breton, a resident of Mission Viejo, spoke in favor of the City of Laguna Hills contracting with the City of Mission Viejo for animal services.

THE CITY COUNCIL DIRECTED STAFF TO FINALIZE ALL PERTINENT AGREEMENTS WITH THE CITY OF MISSION VIEJO FOR REVIEW AND APPROVAL AT THE APRIL 12, 2016, CITY COUNCIL MEETING, CONSISTENT WITH COST PROPOSAL SCHEME NO. 2, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH. APPROVED BY A VOTE OF 5-0.

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 8:06 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

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

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR MARCH 8, 2016

THE PLANNING AGENCY APPROVED THE MINUTES OF THE MARCH 8, 2016, REGULAR MEETING, BY M/AGENCY MEMBER BLOUNT, S/AGENCY MEMBER CARRUTH. APPROVED BY A VOTE OF 5-0.

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 Kogerman adjourned the Planning Agency meeting and acting in the capacity of Chair/Mayor, called the Joint Planning Agency/City Council Meeting to order at 8:07 p.m.

JOINT PLANNING AGENCY / CITY COUNCIL MEETING

ROLL CALL OF JOINT PLANNING AGENCY / CITY COUNCIL MEETING

Present: Chair/Mayor Kogerman, Vice Chair/Mayor Pro Tempore Sedgwick, Agency/Council Member Blount, Agency/Council Member Carruth, Agency/Council Member Gilbert

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS**SITE DEVELOPMENT PERMIT, MASTER SIGN PROGRAM, CONDITIONAL USE PERMIT, PARKING USE PERMIT, VESTING TENTATIVE TRACT MAP, AND PRECISE PLAN NO. 2-15-3114, A REQUEST BY MERLONE GEIER MANAGEMENT, LLC, TO REDEVELOP THE LAGUNA HILLS MALL LOCATED AT 24155 LAGUNA HILLS MALL AND ADOPTION OF A THIRD ADDENDUM TO THE CITY OF LAGUNA HILLS GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 20080811100)**

David Chantarangsu, Community Development Director, reviewed the project in detail and provided a PowerPoint presentation. Director Chantarangsu stated that the subject project fits within the Urban Village Specific Plan.

Community Development Director Chantarangsu and Planning Agency/City Council Members engaged in a detailed discussion regarding the project.

Chair/Mayor Kogerman opened the Public Hearing.

Scott McPherson, Executive Managing Director at Merlone Geier Partners, thanked the Planning Agency/City Council for the opportunity to present, gave an overview of Merlone Geier Partners, and provided a brief PowerPoint presentation.

Dave Geiser, Director of Design and Construction for Merlone Geier Partners, reviewed the project and provided a brief PowerPoint presentation and "flyover" video.

Bob Gallivan, Director of Real Estate for Kerasotes Theaters (Showplace Icon), reported that they have signed a lease and described the design, policies, and plans for the theater.

Planning Agency/Council Members engaged in a question and answer session with the applicant.

Bill Crawford, owner of the Laguna Hills Lodge, spoke in favor of the project.

Kent McNaughton, owner of the Village Plaza located at 24012 Avenida de la Carlota, spoke in opposition of the project due to traffic concerns.

Ann Larson, Assistant Director of Community Development for the City of Laguna Beach, spoke in opposition to the environmental analysis performed for the project and requested that the Planning Agency/City Council not adopt the addendum to the City of Laguna Hills Program Environmental Impact Report or approve the project.

Deborah Hernandez, a resident of Laguna Hills, spoke in favor of the project.

Dan McKenzie requested the addition of storm drains along Calle de la Louisa to prevent flooding issues in the future.

Juanita Skillman, a resident of Laguna Woods Village, spoke in favor of the project.

Patrick Varni, owner/operator of Ideal N. Wireless a Laguna Hills Mall business, spoke in favor of the project.

Scott McPherson addressed a few issues brought up during public comments.

Matt Gray, Land Use and CEQA attorney for Perkins Coie, addressed comments made by Ann Larson of the City of Laguna Beach, and expressed his confidence in the CEQA process the City of Laguna Hills followed in support of project approvals.

Robert Kahn, President of RK Engineering Group, addressed the Planning Agency/City Council regarding the traffic study performed by Linscott, Law and Greenspan Engineering and stated that the traffic studies were based on adequate facts and no significant impacts were identified in the studies in regards to the proposed plan design features.

Chair/Mayor Kogerman closed the Public Hearing.

The Planning Agency/City Council, applicant, and staff engaged in a discussion regarding the project.

A MOTION WAS MADE TO ADD CONDITION 76A TO THE CONDITIONS OF APPROVAL TO READ AS FOLLOWS: THAT THE PROPOSED 75' FREESTANDING PYLON CENTER IDENTIFICATION SIGN, IDENTIFIED AS SIGN A2 – FREEWAY PROJECT PYLON IN THE MASTER SIGN PROGRAM, SHALL BE REVISED BY THE APPLICANT TO: (1) DELETE THE EIGHT TENANT/RESTAURANT PANELS AT 20 SQUARE FEET EACH; (2) DELETE FOUR OF THE MAJOR ANCHOR PANELS IDENTIFIED AT 58 SQUARE FEET EACH; AND (3) ENLARGE THE FIVE LAGUNAS PORTION OF THE SIGN, BY M/AGENCY/COUNCIL MEMBER CARRUTH, S/VICE CHAIR/MAYOR PRO TEMPORE SEDGWICK.

No action was taken on this motion.

A SUBSTITUTE MOTION WAS MADE TO CHANGE CONDITION 76 TO THE CONDITIONS OF APPROVAL TO READ AS FOLLOWS: THAT THE PROPOSED 75' FREESTANDING PYLON CENTER IDENTIFICATION SIGN, IDENTIFIED AS SIGN A2 – FREEWAY PROJECT PYLON IN THE MASTER SIGN PROGRAM, SHALL BE REVISED TO ALLOW THE APPLICANT THE ABILITY TO UTILIZE THE SIGN IN ANY FORM OR FASHION THEY SEE FIT INCLUDING THE USE OF VIDEO, BY M/AGENCY/COUNCIL MEMBER BLOUNT, S/AGENCY/COUNCIL MEMBER GILBERT.

After discussion, Agency/Council Member Blount withdrew the substitute motion.

A SECOND SUBSTITUTE MOTION WAS MADE TO PROCEED WITH THE PROPOSED 75' FREESTANDING PYLON CENTER IDENTIFICATION SIGN, IDENTIFIED AS SIGN A2 – FREEWAY PROJECT PYLON IN THE MASTER SIGN PROGRAM, AS RECOMMENDED AND PROPOSED BY THE APPLICANT AND BY CITY STAFF, BY M/AGENCY/COUNCIL MEMBER GILBERT, S/AGENCY/COUNCIL MEMBER BLOUNT. APPROVED BY A VOTE OF 4-1, AGENCY/COUNCIL MEMBER CARRUTH VOTING NO.

A MOTION WAS MADE TO MODIFY CONDITION 52 TO REQUIRE THAT THE PROPOSED CINEMA OPERATION PLAN BE RETURNED TO THE PLANNING AGENCY FOR REVIEW AND APPROVAL AS OPPOSED TO REVIEW AND APPROVAL BY CITY STAFF, BY M/VICE CHAIR/MAYOR PRO TEMPORE SEDGWICK, S/AGENCY/COUNCIL MEMBER CARRUTH. FAILED BY A VOTE OF 2-3, (CHAIR/MAYOR KOGERMAN, AGENCY/COUNCIL MEMBER BLOUNT, AGENCY/COUNCIL MEMBER GILBERT VOTING NO).

THE PLANNING AGENCY/CITY COUNCIL CONDUCTED A JOINT PUBLIC HEARING AND ADOPTED RESOLUTION NO. PA2016-03-22-2, 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 CLEARING HOUSE 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, BY M/AGENCY/COUNCIL MEMBER GILBERT, S/AGENCY/COUNCIL MEMBER BLOUNT. APPROVED BY A VOTE OF 5-0.

JOINT PLANNING AGENCY / CITY COUNCIL MEETING ADJOURNMENT

Chair/Mayor Kogerman recessed the Joint Planning/City Council Meeting and reconvened the City Council meeting at 12:10 p.m.

5. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

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

There were no City Council Member Comments.

ADJOURNMENT

There being no further business at this City Council session, Mayor Kogerman adjourned the City Council meeting in honor of Everett Stone (Stoney) at 12:12 a.m., Wednesday, March 23, 2016.

MELISSA AU-YEUNG, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF APRIL 12, 2016.