CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
FEBRUARY 10, 2015

CLOSED SESSION - CONVENING AT 6:00 PM

CALL TO ORDER

ROLL CALL

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

ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of Claimant: Avery M. Price
Claim No.: C1311
Date of Claim: October 30, 2013

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 Gilbert called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:02 PM in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills, California.

PLEDGE OF ALLEGIANCE: Mayor Pro Tempore Kogerman

ROLL CALL OF CITY COUNCIL MEMBERS

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

CLOSED SESSION REPORT

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

City Attorney Simonian stated the City Council convened in Closed Session earlier this evening to discuss one item of anticipated litigation. The Closed Session tonight was authorized pursuant to Paragraph 2 of Subdivision (d) and Paragraph 3 of Subdivision (e) of Government Code Section 54956.9 regarding the claim that was filed on behalf of Claimant Avery M. Price. On a vote of 5-0, approval has been given to pursue a possible settlement of the claim that was filed on behalf of Claimant Avery M. Price, the terms and conditions of which shall be made publicly available upon request through the City Clerk's Office after the Settlement Agreement has become final.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 INTRODUCTION OF NEW LAGUNA HILLS' SHERIFF DEPUTIES

MAYOR GILBERT INTRODUCED DEPUTY ERIK TILOVE, DEPUTY PETER KIM AND DEPUTY TIMOTHY OTT AS THE CITY'S NEW ORANGE COUNTY SHERIFF DEPUTIES.

1.2 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON MATTHEW SHULMAN FOR THE 2015 SPRING SEMESTER

MAYOR GILBERT PRESENTED A CERTIFICATE OF APPOINTMENT TO STUDENT LIAISON MATTHEW SHULMAN.

1.3 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON MATTHEW SHULMAN.

1.4 OATHS OF OFFICE FOR PARKS AND RECREATION COMMISSIONERS AND TRAFFIC COMMISSIONERS

THE CITY CLERK ADMINISTERED THE OATHS OF OFFICE AND MAYOR GILBERT PRESENTED CERTIFICATES OF APPOINTMENT TO PARKS AND RECREATION COMMISSIONERS DANIEL COOPER, MAYA DOUGLAS, AND CHRIS MACKEY AND TRAFFIC COMMISSIONERS MARK JONES AND GREG STAAR.

1.5 ORANGE COUNTY HUMAN RELATIONS COUNCIL ANNUAL REPORT

THE CITY COUNCIL RECEIVED AN ORAL PRESENTATION FROM KEN INOUYE, COMMISSIONER, WITH THE ORANGE COUNTY HUMAN RELATIONS COUNCIL.

2. PUBLIC COMMENTS

LAGUNA HILLS LITTLE LEAGUE

Dave Schweitzer and Rob Engle, Laguna Hills Little League Board Members, gave an update with regards to Laguna Hills Little League. Mr. Schweitzer and Mr. Engle thanked the City Council for supporting the League and distributed hats for those City Council Members who might be attending Opening Day on February 21, 2015.

ALICIA GATEWAY PROJECT

Fred Buckhalter, James Cooper, and Conie Collins, Laguna Hills Residents, spoke in opposition to the Alicia Gateway project, rezoning of the property and possible traffic congestion.

The City Clerk distributed a sign-in sheet in order to collect names and contact information for future notification to interested parties regarding this project.

3. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER SEDGWICK.
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 JANUARY 27, 2015, REGULAR MEETING

THE CITY COUNCIL APPROVED THE MINUTES OF THE JANUARY 27, 2015, REGULAR MEETING.

3.3 APPROVAL OF MINUTES FOR JANUARY 27, 2015, SPECIAL MEETING

THE CITY COUNCIL APPROVED THE MINUTES OF THE JANUARY 27, 2015, SPECIAL MEETING.

3.4 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDING FEBRUARY 10, 2015

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF $678,049.13.

3.5 PROPOSED LEASE WITH THE SENATE RULES COMMITTEE (SENATOR PAT BATES) FOR 24031 EL TORO ROAD, SUITE 201A, LAGUNA HILLS, CALIFORNIA

THE CITY COUNCIL APPROVED THE LEASE WITH THE SENATE RULES COMMITTEE FOR 24031 EL TORO ROAD, SUITE 201A, LAGUNA HILLS, CALIFORNIA, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE LEASE.

3.6 PROGRESS PAYMENT NO. 5 FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-I

THE CITY COUNCIL APPROVED PROGRESS PAYMENT NO. 5, IN THE NET AMOUNT OF $77,750.88, TO ALL AMERICAN ASPHALT, FOR CITYWIDE PAVEMENT REHABILITATION PROJECT, CIP NO. 101-I.

3.7 AUTHORIZATION FOR THE DIRECT PURCHASE OF PLAYGROUND EQUIPMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE STOCKPORT PARK RENOVATION PROJECT, CIP NO. 239B

THE CITY COUNCIL APPROVED THE PLANS AND SPECIFICATIONS AND AUTHORIZED THE ADVERTISEMENT FOR BIDS FOR THE STOCKPORT PARK RENOVATION PROJECT AND AUTHORIZED THE SOLE SOURCE PURCHASE OF PLAYGROUND EQUIPMENT, CIP NO. 239B.

3.8 ADOPTION OF AN ORDINANCE AMENDING CHAPTER 2-28 OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO THE APPOINTMENT, TERMS, AND REAPPOINTMENT LIMITATION OF BOARD AND COMMISSION MEMBERS

THE CITY COUNCIL ADOPTED ORDINANCE NO. 2015-2, AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING SECTIONS 2-28.060 AND 2-28.070 (APPOINTMENT AND TERMS) OF CHAPTER 2-28 (BOARDS AND COMMISSIONS GENERALLY) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO THE APPOINTMENT, TERMS, AND REAPPOINTMENT LIMITATION OF BOARD AND COMMISSION MEMBERS.

3.9 CITY COUNCIL "OTHER AGENCIES" APPOINTED REPRESENTATIVES

THE CITY COUNCIL APPOINTED COUNCIL MEMBER CARRUTH TO SERVE ON THE OC PUBLIC LIBRARIES - LIBRARY ADVISORY BOARD; AND APPOINTED COUNCIL MEMBER BLOUNT TO SERVE ON THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA EXECUTIVE COMMITTEE.

3.10 UPGRADE TO THE AUDIO-VISUAL SYSTEM AT THE LAGUNA HILLS COMMUNITY CENTER AND ANNUAL MAINTENANCE OF THE AUDIO-VISUAL SYSTEM AT THE COMMUNITY CENTER AND THE CIVIC CENTER

THE CITY COUNCIL: (1) APPROVED THE PROFESSIONAL SERVICES AGREEMENT BETWEEN VIZUAL SYMPHONY, INC., AND THE CITY OF LAGUNA HILLS FOR THE UPGRADE OF THE AUDIO-VISUAL SYSTEM AT THE COMMUNITY CENTER FOR A NOT TO EXCEED COST OF $60,000 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND (2) AUTHORIZED THE CITY MANAGER TO ENTER INTO A TWO YEAR MAINTENANCE AND SERVICE AGREEMENT IN THE AMOUNT OF $6,500 FOR THE NEW AV SYSTEM AT THE LAGUNA HILLS COMMUNITY CENTER; AND (3) AUTHORIZED THE CITY MANAGER TO ENTER INTO A TWO YEAR MAINTENANCE AND SERVICE AGREEMENT IN THE AMOUNT OF $19,500 FOR THE AV SYSTEM AT THE CIVIC CENTER.

4. PLANNING AGENCY

Mayor Gilbert recessed the City Council Meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 8:07 PM.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

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

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR JANUARY 27, 2015

THE PLANNING AGENCY APPROVED THE MINUTES OF THE JANUARY 27, 2015, REGULAR MEETING, BY M/AGENCY MEMBER CARRUTH, VICE CHAIR KOGERMAN.
APPROVED BY A VOTE OF 5-0.

4.4 PLANNING AGENCY PUBLIC HEARINGS

4.4.1 CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/ VARIANCE/ MASTER SIGN PROGRAM (CUP/SDPM/VA/MSP) NO. 10-14-3013, A REQUEST BY PM DESIGN GROUP ON BEHALF OF RAISING CANE'S TO REDEVELOP THE PROPERTY AT 23971 EL TORO ROAD IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING SHELL STATION AND CONSTRUCTION AND OPERATION OF A NEW DRIVE-THRU RESTAURANT

Robert Kahn, Principal with RK Engineering Group, spoke regarding his concerns with the project, and that his primary concern was the impact at El Toro Road and with the high volume of traffic. Mr. Kahn stated that vehicles entering the site could block the conflict area and cause major backup on El Toro Road.

Chair Gilbert opened the Public Hearing.

Robert Montgomery, Applicant, spoke on the history of Raising Cane’s Restaurant, and detailed the design elements, traffic flow and landscape plan for this project.

Tyler Holst, Civil Engineer for the Applicant, indicated that the original site plan provided circulation in a counter-clockwise manner and from an engineering standpoint was efficient but did not meet design guidelines.

Brady McShane, Legal Counsel, spoke on traffic queuing, parking requirements and variance findings for this project.

Rick Frazier, Owner/Operator of Don Jose Restaurant, located adjacent to this site, spoke on traffic volumes on El Toro Road and Avenida de la Carlota, ingress and egress of traffic, lack of parking, and visibility of his restaurant.

Ahmad Ghaderi, Ashdon Development and owner of this property for the past seven years, stated that although he loves this community, it has not been a good location for a gas station and indicated traffic restrictions and volumes have always been a problem.

THE CITY COUNCIL DIRECTED STAFF TO WORK WITH THE APPLICANT TO BRING BACK THIS ITEM TO A DATE UNCERTAIN TO COME UP WITH A DIFFERENT PLAN THAT ADDRESSES THE CIRCULATION ISSUES AS WELL AS TO DIRECT STAFF TO BEGIN THE PROCESS OF PREPARING FINDINGS IN SUPPORT OF GRANTING THE REQUESTED VARIANCE FOR FUTURE CONSIDERATION BY THE PLANNING AGENCY, BY M/VICE CHAIR KOGERMAN, S/AGENCY MEMBER SEDGWICK.
APPROVED BY A VOTE OF 5-0.

PLANNING AGENCY ADJOURNMENT

JOINT PLANNING AGENCY/CITY COUNCIL MEETING

Chair Gilbert recessed the Planning Agency Meeting and acting in the capacity of Chair/Mayor, called the Joint Planning Agency/City Council Meeting to order at 10:37 PM.

ROLL CALL OF JOINT PLANNING AGENCY/CITY COUNCIL MEETING

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

PUBLIC COMMENTS

There were no Public Comments.

CONSIDERATION OF A REQUEST BY LAGUNA HILLS INVESTMENT COMPANY AND OAKBROOK URBAN VILLAGE I, LLC, TO AMEND AN EXISTING DEVELOPMENT AGREEMENT AND MODIFY CONDITION OF APPROVAL NO. 47 OF SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM/ CONDITIONAL USE PERMIT/ PARKING USE PERMIT/VESTING TENTATIVE TRACT MAP/PRECISE PLAN/ DEVELOPMENT AGREEMENT NO. 12-11-2137 TO EXTEND THE TIME PERIODS FOR COMMENCEMENT OR COMPLETION OF CERTAIN ON-SITE IMPROVEMENTS IN PHASE 1 OF THE OAKBROOK VILLAGE SHOPPING CENTER REDEVELOPMENT PROJECT LOCATED AT 24231-24391 AVENIDA DE LA CARLOTA

Chair/Mayor Gilbert opened the Public Hearing, and upon seeing no one rise, closed the Public Hearing.

THE PLANNING AGENCY/CITY COUNCIL:

(1) CONDUCTED A JOINT PUBLIC HEARING TO CONSIDER THE

PROPOSED DEVELOPMENT AGREEMENT AMENDMENT AND MODIFICATION TO CONDITION OF APPROVAL NO. 47 OF THE EXISTING LAND USE ENTITLEMENTS FOR THE OAKBROOK VILLAGE SHOPPING CENTER REDEVELOPMENT PROJECT LOCATED AT 24231-24391 AVENIDA DE LA CARLOTA; AND

(2) INTRODUCED FOR FIRST READING, READ BY TITLE ONLY, AND WAIVED FURTHER READING OF AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING AND ADOPTING AMENDMENT NO. 1 TO 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;" AND

(3) ADOPTED RESOLUTION NO. PA2015-02-10-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING RESOLUTION NOS. PA2014-02-11-2 AND PA2012-11-13-1 TO MODIFY CONDITION OF APPROVAL NO. 47 OF SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM/ CONDITIONAL USE PERMIT/ PARKING USE PERMIT/VESTING TENTATIVE TRACT MAP/ PRECISE PLAN/ DEVELOPMENT AGREEMENT NO. 12-11-2137 TO EXTEND THE TIME PERIODS FOR COMMENCEMENT OR COMPLETION OF CERTAIN PHASE 1 ON-SITE IMPROVEMENTS, A REQUEST BY LAGUNA HILLS INVESTMENT COMPANY AND OAKBROOK URBAN VILLAGE I, LLC FOR THE OAKBROOK VILLAGE SHOPPING CENTER LOCATED AT 24231-24391 AVENIDA DE LA CARLOTA, BY M/VICE CHAIR/MAYOR PRO TEMPORE KOGERMAN, S/AGENCY/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.

JOINT PLANNING AGENCY/CITY COUNCIL ADJOURNMENT

Chair/Mayor Gilbert recessed the Joint Planning Agency/City Council Meeting and reconvened the City Council Meeting at 10:40 PM. All Council Members were present.

5. CITY COUNCIL PUBLIC HEARINGS

5.1 CITY APPLICATION FOR FY 2015/2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR PUBLIC FACILITIES AND IMPROVEMENTS FOR THE FLORENCE SYLVESTER MEMORIAL SENIOR CENTER

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

THE CITY COUNCIL CONFIRMED STAFF'S SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR PUBLIC

FACILITIES AND IMPROVEMENTS FOR THE 2015/2016 FISCAL YEAR, BY M/COUNCIL MEMBER SEDGWICK, S/MAYOR PRO TEMPORE KOGERMAN. APPROVED BY A VOTE OF 5-0.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager made no reports.

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

MAYOR PRO TEMPORE KOGERMAN

Mayor Pro Tempore Kogerman indicated that she represented the City at the Elks Club Annual Recognition of First Responders and Deputies, wherein our City commended Matthew Padilla, Community Resource Officer, for his efforts in saving two lives last year. Mayor Pro Tempore Kogerman thanked Lt. Roland Chacon for presenting the recognition to Matthew Padilla. Mayor Pro Tempore Kogerman represented the City at the renaming of Alicia Park in Mission Viejo in honor of Bill Craycraft. Mayor Pro Tempore Kogerman also attended SCAG and OCCOG meetings, was currently deciding what committee to serve on, and was hopeful on being elected as the new District Representative to ACC-OC.

MAYOR GILBERT

Mayor Gilbert indicated he had the honor of representing the City Council at the Best and Bravest Dinner on Thursday, February 5, 2015, honoring OCFA Firefighters.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Gilbert adjourned the City Council Meeting at 10:52 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

DORE J. GILBERT, M.D., MAYOR

APPROVED AT MEETING OF FEBRUARY 24, 2015.