
**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING
MINUTES
SEPTEMBER 13, 2016**

GENERAL BUSINESS - CONVENING 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

There was no Closed Session Report.

1. PRESENTATIONS AND PROCLAMATIONS

- 1.1 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JENNIFER BOMMARITO AND ALTERNATE DELANEY HORCHOVER FOR THE 2016 FALL SEMESTER

MAYOR KOGERMAN PRESENTED A CERTIFICATE OF APPOINTMENT TO STUDENT LIAISON JENNIFER BOMMARITO. STUDENT LIAISON ALTERNATE DELANEY HORCHOVER WAS NOT AVAILABLE AT THE MEETING TO RECEIVE HER CERTIFICATE.

- 1.2 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON JENNIFER BOMMARITO.

1.3 RECOGNITION OF OWEN LITFIN, 73RD ASSEMBLY DISTRICT VETERAN OF THE YEAR

MAYOR KOGERMAN PRESENTED A CERTIFICATE OF RECOGNITION TO OWEN LITFIN IN HONOR OF BEING NAMED AS THE 73RD ASSEMBLY DISTRICT VETERAN OF THE YEAR.

2. PUBLIC COMMENTS

ALZHEIMER'S ORANGE COUNTY

Dan Daley, Healthcare Outreach Specialist for Alzheimer's Orange County, invited City Council to participate in one of the three Walk4Alz events scheduled in Orange County – Laguna Niguel, Saturday, October 22, 2016; Huntington Beach, Saturday, November 5, 2016; and Angel Stadium on Saturday, November 12, 2016. Visit www.alzoc.org/walk for information.

CITY COUNCIL APPRECIATION

Mike Bland, a resident of Laguna Hills, thanked City Council for all their hard work and expressed his appreciation for the support of the 3/5 Dark Horse Committee and the partnership with the City of Mission Viejo to provide animal care and shelter services.

3. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, WITH COUNCIL MEMBER CARRUTH REMOVING ITEM NO. 3.7 AND ITEM NO. 3.8, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.
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 AUGUST 23, 2016, REGULAR MEETING

THE CITY COUNCIL APPROVED THE MINUTES OF THE AUGUST 23, 2016, REGULAR MEETING.

3.3 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 13, 2016

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$586,954.59.

3.4 RESOLUTION AMENDING AND RESTATING THE CITY'S GENERAL AND AUTOMOBILE LIABILITY CLAIMS ADMINISTRATION PROCEDURES

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY THE CITY'S GENERAL AND AUTOMOBILE LIABILITY CLAIMS ADMINISTRATION PROCEDURES AND RESCINDING ALL PRIOR ACTIONS TAKEN CONCERNING THE ESTABLISHMENT OF CLAIMS ADMINISTRATION PROCEDURES.

3.5 AGREEMENT WITH THE CITY OF LAKE FOREST FOR FAIR SHARE PAYMENT FOR IMPROVEMENTS TO THE PASEO DE VALENCIA & AVENIDA DE LA CARLOTA INTERSECTION AND THE EL TORO ROAD & AVENIDA DE LA CARLOTA INTERSECTION

THE CITY COUNCIL APPROVED THE AGREEMENT WITH THE CITY OF LAKE FOREST FOR FAIR SHARE PAYMENT FOR IMPROVEMENTS TO THE PASEO DE VALENCIA & AVENIDA DE LA CARLOTA INTERSECTION AND THE EL TORO ROAD & AVENIDA DE LA CARLOTA INTERSECTION AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT.

3.6 UPDATED MASTER AGREEMENT FOR ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 12-5468F15

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING THE UPDATED MASTER AGREEMENT FOR ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 12-5468F15, AND AUTHORIZING THE CITY MANAGER TO APPROVE THE MASTER AGREEMENT AND PROGRAM SUPPLEMENT AGREEMENTS THERETO.

3.9 SERVER VIRTUALIZATION AND BACKUP SYSTEM PROJECT

THE CITY COUNCIL APPROVED AND AUTHORIZED THE CITY MANAGER TO: (1) EXECUTE AN AGREEMENT WITH TCS NETWORK CONSULTING, INC. FOR A VMWARE WITH HIGH AVAILABILITY AND SSD ACCELERATION SOLUTION (SERVER VIRTUALIZATION PROJECT); AND (2) EXECUTE AN AGREEMENT WITH TCS NETWORK CONSULTING, INC. FOR A QNAP AND VEEAM BACKUP SOLUTION (BACKUP SYSTEM PROJECT).

3.10 CITY'S CONFLICT OF INTEREST CODE

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2016-09-13-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING AN UPDATED CONFLICT OF INTEREST CODE AND RESCINDING RESOLUTION NO. 2014-05-27-1.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3.7 PROPOSED LEASE WITH VILMA AARONS, AN INDIVIDUAL, AND GENEVIEVE WALL, AN INDIVIDUAL, FOR 24031 EL TORO ROAD, SUITE 200, LAGUNA HILLS, CALIFORNIA

Council Member Carruth removed Item No. 3.7 from the Consent Calendar to note the modifications made to the Lease document. The original proposed Lease identified Vilma Aarons as a Party to the Lease. The revised Lease will include only Genevieve Wall as a Party to the Lease and she will personally serve as the Guarantor to the Lease.

THE CITY COUNCIL APPROVED THE LEASE WITH GENEVIEVE WALL, AN INDIVIDUAL, FOR 24031 EL TORO ROAD, SUITE 200, LAGUNA HILLS, CALIFORNIA, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE LEASE, BY M/COUNCIL MEMBER CARRUTH, S/MAYOR KOGERMAN.

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

3.8 COMMUNITY CENTER AND SPORTS COMPLEX RENTAL FEES FOR THE 3/5 MARINE SUPPORT COMMITTEE'S SHOWCASE FOR VALOR MEMORIAL DAY WEEKEND BENEFIT CONCERT SCHEDULED FOR MAY 26, 2017

Council Member Carruth removed Item No. 3.8 from the Consent Calendar for additional information. Deputy City Manager Reynolds responded.

THE CITY COUNCIL WAIVED THE RENTAL FEES FOR THE 3/5 MARINE SUPPORT COMMITTEE'S USE OF THE COMMUNITY CENTER AND SPORTS COMPLEX'S TOWN GREEN, GAZEBO, AND PICNIC SHELTER AREAS FOR THE SHOWCASE FOR VALOR MEMORIAL DAY WEEKEND BENEFIT CONCERT, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.

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

4. PLANNING AGENCY

Mayor Kogerman 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 7:19 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 AUGUST 23, 2016, REGULAR MEETING

THE PLANNING AGENCY APPROVED THE MINUTES OF THE AUGUST 23, 2016, REGULAR MEETING, BY M/VICE CHAIR SEDGWICK, S/AGENCY MEMBER CARRUTH. 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/SITE DEVELOPMENT PERMIT/VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC., ON BEHALF OF IBRA FARMS RESTAURANTS, INC., TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT

Katie Crockett, Assistant Planner, reviewed the information provided in the Staff Report, provided a brief PowerPoint presentation, and responded to Planning Agency requests for additional information. Director of Public Services/City Engineer Rosenfield also responded to questions regarding traffic flow.

Chair Kogerman opened the Public Hearing.

Dan Hinson, Project Architect, spoke in favor of the project.

Chair Kogerman closed the Public Hearing.

THE PLANNING AGENCY: (1) CONDUCTED A PUBLIC HEARING; AND (2) ADOPTED RESOLUTION NO. PA2016-09-13-1, A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT/SITE DEVELOPMENT PERMIT/VARIANCE (CUP/SDPM/VA) NO. 2-16-3436, A REQUEST BY HC&D ARCHITECTS, INC. ON BEHALF OF IBRA FARMS RESTAURANTS, INC. TO REDEVELOP THE PROPERTY AT 23952 AVENIDA DE LA CARLOTA IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING VACANT RESTAURANT BUILDING AND CONSTRUCTION AND OPERATION OF A NEW FARMER BOYS DRIVE-THRU RESTAURANT, BY M/AGENCY MEMBER GILBERT, S/VICE CHAIR SEDGWICK. APPROVED BY A VOTE OF 4-0 (AGENCY MEMBER BLOUNT ABSENT).

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:59 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

- 5.1 ZONING TEXT AMENDMENT NO. 8-16-3624, AN AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE (ZONING AND SUBDIVISIONS), TO PROHIBIT MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS

City Attorney Simonian 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: (1) CONDUCTED A PUBLIC HEARING, AND (2) INTRODUCED FOR FIRST READING, READ BY TITLE ONLY, AND WAIVED FURTHER READING, AN ORDINANCE ENTITLED: "AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 8-16-3624 ADDING CHAPTER 9-103, MARIJUANA BUSINESSES, TO THE LAGUNA HILLS MUNICIPAL CODE TO PROHIBIT ALL MARIJUANA BUSINESSES IN ALL ZONING DISTRICTS, INCLUDING AN EXEMPTION FROM THE

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061(B)(3)," BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

5.2 PRESENTATION OF COMPREHENSIVE FEE STUDY AND PROPOSED RESOLUTION ESTABLISHING AND ADOPTING UPDATED DEVELOPMENT PROCESSING FEES AND OTHER CITY RATES, CHARGES, AND FEES FOR VARIOUS GOVERNMENTAL SERVICES

Janice Reyes, Finance Manager, briefly reviewed the information provided in the Staff Report and introduced Tony Thrasher of Willdan Financial Services who provided a brief overview of the Comprehensive User Fee Study. Ms. Reyes and Mr. Thrasher responded to requests for additional information.

Mayor Kogerman opened the Public Hearing.

Duane Cave, San Diego Gas & Electric External Relations Manager, voiced his concerns regarding the increase in fees and recommended that the City Council consider pulling Section D of the proposed Comprehensive User Fee Study until further review.

Paul Simonds, Southern California Gas Public Affairs Manager, voiced his concerns regarding the increase in fees.

Mayor Kogerman referred to letters received from the Building Industry Association of Southern California, Inc., Southern California Edison, Southern California Gas, and AT&T expressing their concerns regarding the proposed Comprehensive User Fee Schedule update and submitted as written public comment.

Mayor Kogerman closed the Public Hearing.

**THE CITY COUNCIL: (1) CONDUCTED A PUBLIC HEARING; AND (2) ADOPTED RESOLUTION NO. 2016-09-13-4, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ESTABLISHING AND ADOPTING UPDATED DEVELOPMENT PROCESSING FEES AND OTHER CITY RATES, CHARGES, AND USER FEES FOR VARIOUS GOVERNMENTAL SERVICES, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER GILBERT.
APPROVED BY A VOTE OF 4-0 (COUNCIL MEMBER BLOUNT ABSENT).**

6. ADMINISTRATIVE REPORTS

6.1 City Manager

The City Manager gave no Administrative Reports.

6.2 Public Services Director/City Engineer**6.2.1 WINTER HOLIDAY BANNER INSTALLATION**

Director of Public Services/City Engineer Rosenfield briefly reviewed the information provided in the Staff Report and responded to City Council requests for additional information.

A MOTION WAS MADE TO DEFER CONSIDERATION OF THE INSTALLATION OF WINTER HOLIDAY BANNERS ON VARIOUS ARTERIAL HIGHWAYS UNTIL THE EVALUATION AND ADOPTION OF THE NEXT BIENNIAL BUDGET, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER CARRUTH. FAILED BY A VOTE OF 2-2 (MAYOR PRO TEMPORE SEDGWICK AND MAYOR KOGERMAN VOTING NO.)

A SUBSTITUTE MOTION WAS MADE TO INSTALL WINTER HOLIDAY BANNERS ON THE SAME POLES AND LOCATIONS MATCHING THE CURRENT PATRIOTIC BANNER INSTALLATION LOCATIONS ALONG PASEO DE VALENCIA FROM EL TORO ROAD TO ALICIA PARKWAY AND ALONG ALICIA PARKWAY FROM PASEO DE VALENCIA TO MOULTON PARKWAY, BY M/MAYOR KOGERMAN, S/MAYOR PRO TEMPORE SEDGWICK. FAILED BY A VOTE OF 2-2 (COUNCIL MEMBER CARRUTH AND COUNCIL MEMBER GILBERT VOTING NO.)

Mayor Kogerman requested City Council's approval to request staff to look into discretionary funds that might be available to enhance holiday decorating at the Community Center this year and discuss funding for future holiday decorations during the adoption of the next biennial budget.

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 reported that the Orange County Taxpayers Association nominated the Transportation Corridor Agency for a "Rose" as part of the "Roses & Radishes" event which was held on September 8, 2016. Council Member Carruth also reminded everyone in attendance that "The 91 Weekend Shift" repaving began last weekend and is scheduled to occur over 10 weekends. Council Member Carruth also announced that Get Moving Orange County will be holding a second public forum on Wednesday, October 5, 2016, at 5:30 p.m. at St. Andrews by the Sea in San Clemente.

MAYOR PRO TEMPORE SEDGWICK

Mayor Pro Tempore Sedgwick announced that the Orange County Fire Authority approved a Memorandum of Understanding with the Firefighters Association for a four-year term and reviewed a few of the key points.

MAYOR KOGERMAN

Mayor Kogerman made reference to a letter received from the City of Santa Ana seeking the City's assistance and support for homeless services by the County of Orange and which requested the adoption of a Resolution or Letter of Support. There was no support from the City Council to return with a Resolution.

Mayor Kogerman also referred to a petition received by the City Council with over 4,000 signatures gathered in an effort to prevent the Orange County Mosquito and Vector Control District from spraying pesticides over the County via aircraft. Mayor Kogerman reported that there has been no decision to spray at this time.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 9:22 p.m.

MELISSA AU-YEUNG, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF OCTOBER 11, 2016.

