

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

**REGULAR MEETING
MINUTES
Tuesday, August 22, 2023**

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Heft.

INVOCATION: Council Member Sweeney

PLEDGE OF ALLEGIANCE: Council Member Pezold

ROLL CALL OF CITY COUNCIL MEMBERS

Attendee Name	Title	Status	Arrived
Janine Heft	Mayor	Present	
Dave Wheeler	Mayor Pro Tempore	Present	
Don Caskey	Council Member	Present	
Erica Pezold	Council Member	Present	
Joshua Sweeney	Council Member	Present	

1. PRESENTATIONS AND PROCLAMATIONS

1.1 Constitution Week 2023

The City Council issued a Proclamation declaring September 17-23, 2023, as "Constitution Week" and Mayor Heft presented the Proclamation to Barbara Kula, Constitution Week Chairman of the Mission Viejo Chapter, National Society of the Daughters of the American Revolution.

2. SCHEDULE OF FUTURE EVENTS

2.1 Schedule of Future Events

The City Clerk announced the upcoming meetings and events.

3. PUBLIC COMMENTS

There were no public comments on non-agendized items.

4. CONSENT CALENDAR

Motion to approve the Consent Calendar with Mayor Pro Tempore Wheeler removing Item No. 4.9, Item No. 4.10, and Item No. 4.11 and Council Member Pezold removing Item No. 4.14 and Item No. 4.15.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Council Member
SECONDER:	Don Caskey, Council Member
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

4.1 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.

4.2 Approval of Minutes for July 11, 2023, Regular Meeting

Recommendation: That the City Council approve the City Council Minutes for the July 11, 2023, Regular Meeting.

4.3 Approval of Minutes for July 13, 2023, Special Meeting

Recommendation: That the City Council approve the City Council Minutes for the July 13, 2023, Special Meeting.

4.4 Approval of Minutes for July 19, 2023, Special Meeting

Recommendation: That the City Council approve the City Council Minutes for the July 19, 2023, Special Meeting.

4.5 Approval of Minutes for August 3, 2023, Special Meeting

Recommendation: That the City Council approve the City Council Minutes for the August 3, 2023, Special Meeting.

4.6 Ratification of August 22, 2023, Warrant Register

Recommendation: That the City Council ratify the accompanying Warrant Register for the period from June 30, 2023, to August 10, 2023, in the amount of \$3,271,066.37.

4.7 Treasurer's Investment Report for June 2023

Recommendation: That the City Council receive and file the Treasurer's Investment Report for the month of June 2023.

4.8 Treasurer's Investment Report for July 2023

Recommendation: That the City Council receive and file the Treasurer's Investment Report for the month of July 2023.

4.12 Declaration of and Participation in the 26TH Annual Inner-Coastal & Watershed Cleanup Day

Recommendation: That the City Council declare September 23, 2023, as Inner-Coastal & Watershed Cleanup Day and encourage volunteer participation in this event.

4.13 2023 Fourth of July Post Event Report

Recommendation: That the City Council members receive and file the report.

ITEMS REMOVED FROM THE CONSENT CALENDAR**4.9 Proposed Civic Center Office Lease with Senate Rules Committee, California Legislature, for 24031 El Toro Road, Suite 201, Laguna Hills, California**

Mayor Pro Tempore Wheeler removed Item No. 4.9 from the Consent Calendar to request additional information.

Public Works Director/City Engineer Ames responded to Council Member requests for additional information.

City Manager Hildenbrand responded to Council Member requests for additional information.

Recommendation: That the City Council: 1) Approve the lease agreement with Senate Rules Committee, California Legislature, for 24031 El Toro Road, Suite 201, Laguna Hills, California; and 2) Authorize the City Manager to make minor modifications, as necessary, to the lease agreement and to execute the lease agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Wheeler, Mayor Pro Tempore
SECONDER:	Erica Pezold, Council Member
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

4.10 Proposed Third Amendment to Civic Center Office Lease with Koorosh Hosn, D.D.S., a Professional Corporation, for 24031 El Toro Road, Suite 230, Laguna Hills, California

Mayor Pro Tempore Wheeler removed Item No. 4.10 from the Consent Calendar to request additional information.

City Manager Hildenbrand responded to Council Member requests for additional information.

Recommendation: That the City Council: 1) Approve the third amendment to the lease agreement with Koorosh Hosn, D.D.S., a professional corporation, for 24031 El Toro Road, Suite 230, Laguna Hills, California; and 2) Authorize the City Manager to make minor modifications, as necessary, to the third amendment to the lease agreement and to execute the third amendment to the lease agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Wheeler, Mayor Pro Tempore
SECONDER:	Erica Pezold, Council Member
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

4.11 Contract Change Order No. 4 for Community Center & Sports Complex Improvements, CIP No. 237

Mayor Pro Tempore Wheeler removed Item No. 4.11 from the Consent Calendar to request additional information.

City Manager Hildenbrand responded to Council Member requests for additional information.

Public Works Director/City Engineer Ames responded to Council Member requests for additional information.

Recommendation: That the City Council: 1) Approve Contract Change Order No. 4 to Oppenheimer National for the Community Center & Sports Complex Improvements, CIP No. 237; and 2) Authorize the Finance Director to amend the budget by transferring \$56,487 from CIP No. 241 to CIP No. 237.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Council Member
SECONDER:	Dave Wheeler, Mayor Pro Tempore
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

4.14 2023 Memorial Day Race Post Event Report and a Resolution Authorizing Community Assistance Funding for the 3/5 Marine Support Committee

Council Member Pezold removed Item No. 4.14 from the Consent Calendar to allow for discussion on the item.

Recommendation: That the City Council: 1) Receive and file the report; and 2) Adopt Resolution No. 2023-08-22-1: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING COMMUNITY ASSISTANCE FUNDING FOR THE 3RD BATTALION, 5TH MARINES, 1ST DIVISION SUPPORT COMMITTEE, A CALIFORNIA NONPROFIT CORPORATION."

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Council Member
SECONDER:	Dave Wheeler, Mayor Pro Tempore
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

4.15 City of Laguna Hills Response to the 2022-2023 Orange County Grand Jury Report Entitled "Welcome to the Neighborhood – Are Cities Responsibly Managing the Integration of Group Homes?"

Council Member Pezold removed Item No. 4.15 from the Consent Calendar to allow for discussion on the item.

City Attorney Simonian responded to Council Member requests for additional information.

Recommendation: That the City Council authorize the Mayor to sign the letter of response to the 2022-2023 Orange County Grand Jury Report entitled “Welcome to the Neighborhood - Are Cities Responsibly Managing the Integration of Group Homes?”

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Council Member
SECONDER:	Don Caskey, Council Member
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

5. PLANNING AGENCY

Mayor Heft recessed the City Council Meeting, and acting in capacity as Chair, called the Regular Meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:40 p.m.

5.1. ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Janine Heft	Chair	Present	
Dave Wheeler	Vice Chair	Present	
Don Caskey	Agency Member	Present	
Erica Pezold	Agency Member	Present	
Joshua Sweeney	Agency Member	Present	

5.2. PUBLIC COMMENTS

There were no Planning Agency public comments on non-agendized items.

5.3. APPROVAL OF MINUTES

5.3.1 Approval of Planning Agency Minutes for July 11, 2023, Regular Meeting

Recommendation: That the Planning Agency approve the Planning Agency Minutes for the July 11, 2023, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Agency Member
SECONDER:	Dave Wheeler, Vice Chair

AYES:	Janine Heft, Chair; Dave Wheeler, Vice Chair; Don Caskey, Agency Member; Erica Pezold, Agency Member; Joshua Sweeney, Agency Member
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5.4. ADMINISTRATIVE REPORTS

There were no Planning Agency administrative reports.

5.5. PLANNING AGENCY PUBLIC HEARINGS

5.5.1 Site Development Permit/Master Sign Program (SDP/MSP) No. USE-0126-2022, a Request by Miguel Cuevas on Behalf of MemorialCare Saddleback Medical Center for Approval of a Master Sign Program for the New Women's Health Pavilion Located at 24401 Calle De La Louisa

Community Development Director Longenecker recommended that the Chair open the public hearing to receive public comments and, due to a noticing publication error, continue the public hearing to September 12, 2023, at 7:00 p.m.

Chair Heft opened the public hearing.

There were no public comments on the public hearing item.

Recommendation: That the Planning Agency:

- 1) Conduct a public hearing and continue the public hearing to the regular meeting of September 12, 2023, at 7:00 p.m. or as soon thereafter as possible;
- 2) Find and determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) (Class 11, Accessory Structures); and
- 3) Adopt a Resolution entitled: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/MASTER SIGN PROGRAM (SDP/MSP) NO. USE-0126-2023, A REQUEST BY MIGUEL CUEVAS ON BEHALF OF MEMORIALCARE SADDLEBACK MEDICAL CENTER FOR APPROVAL OF A MASTER SIGN PROGRAM FOR THE NEW WOMEN'S HEALTH PAVILION LOCATED AT 24401 CALLE DE LA LOUISA."

A motion to continue the public hearing to September 12, 2023, at 7:00 p.m. or as soon thereafter as possible was moved by Agency Member Caskey, seconded by Agency Member Sweeney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Caskey, Agency Member
SECONDER:	Joshua Sweeney, Agency Member
AYES:	Janine Heft, Chair; Dave Wheeler, Vice Chair; Don Caskey, Agency Member; Erica Pezold, Agency Member; Joshua Sweeney, Agency Member

PLANNING AGENCY ADJOURNMENT

Chair Heft adjourned the Planning Agency Meeting at 7:42 p.m. and reconvened the City Council Meeting. All Council Members were present in Chamber.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council public hearings.

7. ADMINISTRATIVE REPORTS

7.1. City Manager

The City Manager gave no administrative reports.

7.2. Community Development Director

7.2.1 Introduction and First Reading of a Proposed Ordinance Establishing a Sidewalk Vending Regulatory Program

Larry Longenecker reviewed the information provided in the staff report, provided a PowerPoint presentation, and responded to Council Member requests for additional information.

City Attorney Simonian responded to Council Member requests for additional information.

Recommendation: That the City Council:

1) Find and determine that the proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the

activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly, and Section 15061(b)(3) (there is no possibility that the activity would have a significant negative effect on the environment);

2) Introduce for first reading, read by title only, and waive further reading of an Ordinance entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADDING NEW CHAPTER 4-48 (SIDEWALK VENDING) TO TITLE 4 (BUSINESS REGULATIONS) OF THE LAGUNA HILLS MUNICIPAL CODE ESTABLISHING A SIDEWALK VENDING REGULATORY PROGRAM".

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erica Pezold, Council Member
SECONDER:	Don Caskey, Council Member
AYES:	Janine Heft, Mayor; Dave Wheeler, Mayor Pro Tempore; Don Caskey, Council Member; Erica Pezold, Council Member; Joshua Sweeney, Council Member

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS

There were no matters agendized by City Council Members.

9. CITY COUNCIL MEMBER COMMITTEE REPORTS

9.1 Committee Assignment Reports

The City Council received reports from City Council Members on the City Council Committee Assignments listed in the staff report.

10. CITY COUNCIL MEMBER COMMENTS

Council Member Caskey

At the request of Council Member Caskey, the following verbatim minutes of his comments are hereby provided:

"Approximately two months ago, the City of Laguna Hills received a 'demand letter' from an attorney asking the City to voluntarily take action to switch from Citywide at-large election of City Council members to 'by-districts', and threatening litigation if the City fails to do so. Under State law, we were, in essence, given 45 days to indicate our willingness to engage in this transition process in order to avail

ourselves of the 'safe harbor' provisions, which the objective of accomplishing the task, we would have had to do that within another additional 90 days.

The City Council met in 'Closed Session' a number of times regarding this issue because of the threat of litigation. I am not free to discuss the details of closed session meetings, at all. At the end of each closed session, no action was taken in open session to accede to the demand letter.

Simply stated, no direction was given to begin the process to transition to districts. The 45-day clock ran out, and the City did not adopt a resolution of intent to transition to districts. In my opinion, the City should have availed itself of the 'safe harbor' provisions afforded under the State law and should have adopted a resolution of intent to transition to districts within the 45-day period. In my view, this was a simply a missed opportunity.

Three other local South County cities received similar demand letters from this same attorney - San Clemente, Laguna Niguel, and Rancho Santa Margarita. All three of these cities, as of this date, have openly voted to begin the 'safe harbor' process prescribed to move their cities toward 'Districting'. I appreciate their transparency and action to do so.

For the sake of transparency and clarity, I feel the duty to my more than 8,000 constituents, in the last election, in our City to publicly state my own position on this subject both earlier and moving forward. I accept the decision of the City, by the way, not to act regarding this demand. I personally believe that the decision of our sister cities and other close neighbors before them is unavoidable and is a proper business decision. In my opinion, a decision to move forward with transitioning to 'Districts' lessens the risks of possible litigation over the matter to this small city with reserve funds that barely top over the 50% mark of our annual operating budget. Its very small.

I ask the City Clerk to enter my City Council comments into the minutes verbatim in order to preclude false representation or misconception of my comments. They are just what they are. Thank you."

Council Member Caskey reported on a recent tour of the Emergency Command Center for San Diego Gas & Electric.

Council Member Pezold

Council Member Pezold reported that the City of Laguna Woods recently voted to allow the sale of cannabis in their City and expressed her opposition to the decision.

Council Member Pezold thanked staff for the efforts and action taken in preparation for tropical storm Hilary.

Council Member Pezold requested procurement of an application for Council Members to make annotations on agendas and staff reports.

Council Member Pezold thanked staff for the efforts to increase the number of summer concerts scheduled this year.

At the request of Council Member Pezold, the following verbatim minutes of her comments are hereby provided:

“Since its incorporation in 1991, the City of the Laguna Hills has followed an “at-large” voting system. Since then, the California Voting Rights Act ("CVRA") became law on January 1, 2003. Based on my research, the goal of the CVRA is to prevent “racially polarized voting.” Essentially, it forces cities into a district voting system. The process starts when a city resident retains an attorney and submits a written demand letter to the city alleging a violation of the CVRA as a result of the at-large election system. A city then has 45 days to respond within the ‘safe harbor’ provisions of State law. Generally, a city will respond in one of two ways: 1) the city declares its intent to move into a district voting system or 2) the city does nothing and waits for the attorney to initiate litigation against the City under the CVRA. I didn’t write the law. This is the law.

On June 20, 2023, the City of Laguna Hills received a letter from an attorney purporting to represent one or more undisclosed City residents who allege that our City is in violation of the CVRA by virtue of our "at-large" voting system. In other words, one or more (undisclosed) residents are alleging that the way our Council Members are elected has resulted in “racially polarized voting.” Although the attorney serving the demand letter has provided no evidence to support this allegation. Which according to the law, they can just provide a letter.

While I disagree with the allegation that our City has a "racially polarized voting" system by virtue of our Council's present "at-large" system, I support the City's transition to a district voting system for the following reasons based on my own research and as well, you see it throughout the media, it’s everywhere.

First: Unlikelihood of Success. No California city has prevailed in defending against a CVRA lawsuit. In every instance, the cities have eventually needed to transition into a district voting system.

Second: Significant Litigation Expenses. As noted above, not a single city has won a challenge under the CVRA even after incurring millions of dollars in legal and other litigation expenses. As Council Members, we are fiduciaries to City residents. It is our duty to be faithful stewards of taxpayer dollars. In my opinion, using taxpayer dollars on unnecessary litigation is not consistent with that duty. If we were to go into a district-voting system under the ‘safe harbor’ provisions, we could have capped the amount of money the plaintiff's attorney could recover against us. To be specific, our liability could have been capped at approximately \$37,000 for legal fees compared

with potentially untold millions of dollars in legal fees and other costs to defend the City and eventually transition to the district voting system.

Third: The Safe Harbor Provision. This provision allows cities that move into a district voting system to have more control over the transition and limit the costs associated with the process.

Fourth: Transparency: Other cities who received a similar demand letter from this particular attorney are engaging in what I believe is a more transparent process with their constituents where the people could assemble and communicate to their council to oppose districts or support districts. This option hasn't been provided for our constituents.

Fifth: Consistency with our Sister Cities: The City of Laguna Hills was one of four cities presented with this demand letter from this particular attorney and the other cities are now in the process of transitioning per the 'safe harbor' provisions and most likely for the various reasons stated above.

Although I disagree with the allegations set forth in the demand letter, in my opinion I believe that the City should have adopted a resolution of intent to transition to districts per the 'Safe Harbor' provisions under State law. In my view, failure to do so is likely to expose the City to significant litigation expenses, based on previous experiences of other cities as reported by the media. As such, I believe the wisest course of action was for the City to have adopted a resolution of intent to transition to districts within the 45-day period and completed the process in a timely manner. Thank you."

Mayor Pro Tempore Wheeler

Mayor Pro Tempore Wheeler recited quotes from French economist Claude Frédéric Bastiat and provided comments expressing his opposition to the decision made by the City of Laguna Woods to allow cannabis retail sales businesses.

Mayor Pro Tempore Wheeler reported that he is working to create a partnership between the City and Pepperdine University School of Public Policy.

Mayor Heft

Mayor Heft expressed her concern for an increase in crime due to the recent City of Laguna Woods decision to allow cannabis retail sales businesses.

Mayor Heft reported on and provided a video of a recent ACC-OC Infrastructure Tour of the Yorba Linda Water District Heli-Hydrant and asked OCFA Division Chief Baryic Hunter to provide additional information on the Heli-Hydrants.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Heft declared the meeting adjourned at 9:12 p.m.

Jennifer Lee, City Clerk

ATTEST:

Janine Heft, Mayor

Approved at meeting of September 12, 2023