

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

**SPECIAL MEETING
MINUTES
Tuesday, June 29, 2021**

JOINT CITY COUNCIL/PLANNING AGENCY MEETING

CALL TO ORDER

The meeting was called to order at 5:01 p.m. by Mayor/Chair Pezold.

ROLL CALL OF CITY COUNCIL/PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Erica Pezold	Mayor/Chair	Present	
Don Sedgwick	Mayor Pro Tempore/Vice Chair	Present	
Janine Heft	Council/Agency Member	Present	
Bill Hunt	Council/Agency Member	Present	
Dave Wheeler	Council/Agency Member	Present	

PLEDGE OF ALLEGIANCE: Council/Agency Member Heft

JOINT CITY COUNCIL/PLANNING AGENCY PUBLIC HEARINGS

- The Village at Laguna Hills – a Request by MGP Fund X Laguna Hills, LLC to Modify the Previously Approved Five Lagunas Project to Continue to Redevelop the Former Laguna Hills Mall Site Located at 24155 Laguna Hills Mall, Including Adoption of the Fifth Addendum to the City of Laguna Hills General Plan Program Environmental Impact Report as Previously Addended (State Clearinghouse No. 20080811100) and Approval of Site Development Permit, Master Sign Program, Conditional Use Permits, Parking Use Permit, Vesting Tentative Tract Map, Development Agreement, Precise Plan No. USE-0010-2019**

Community Development Director Chantarangsu provided introductory comments on this item and responded to Council/Agency Members requests for additional information.

Interim City Manager/Director of Public Services Rosenfield provided introductory comments on this item and responded to Council/Agency Members requests for additional information.

Mayor/Chair Pezold opened the public hearing.

City Attorney Simonian responded to Council/Agency Members requests for additional information.

A motion to rescind the January 22, 2021 project application "deemed complete" letter and re-issue one dated June 24, 2021, was made by Council/Agency Member Wheeler, seconded by Mayor/Chair Pezold.

Substitute motion to explore a secondary legal opinion from separate legal counsel.

RESULT:	FAILED [2 TO 3]
MOVER:	Erica Pezold, Mayor/Chair
SECONDER:	Dave Wheeler, Council/ Agency Member
AYES:	Erica Pezold, Mayor/Chair, Dave Wheeler, Council/ Agency Member
NAYS:	Don Sedgwick, Mayor Pro Tempore/Vice Chair, Janine Heft, Council/Agency Member, Bill Hunt, Council/Agency Member

Mayor/Chair Pezold called for a roll call vote on the original motion as moved by Council/Agency Member Wheeler, seconded by Mayor/Chair Pezold.

RESULT:	FAILED [2 TO 3]
MOVER:	Dave Wheeler, Council/ Agency Member
SECONDER:	Erica Pezold, Mayor/Chair
AYES:	Erica Pezold, Mayor/Chair, Dave Wheeler, Council/ Agency Member
NAYS:	Don Sedgwick, Mayor Pro Tempore/Vice Chair, Janine Heft, Council/Agency Member, Bill Hunt, Council/Agency Member

Stephen Logan, Vice President of Development, Merlone Geier Partners, responded to Council/Agency Members requests for additional information.

David Geiser, Managing Director, Merlone Geier Partners, responded to Council/Agency Members requests for additional information.

Julie Jones, Partner, Perkins Coie, responded to Council/Agency Members requests for additional CEQA information.

Ricia Hager, Director, Woodruff Spradlin Smart, responded to Council/Agency Members requests for additional CEQA information.

Mayor/Chair Pezold recessed the meeting at 7:09 p.m.

Mayor/Chair Pezold reconvened the meeting at 7:22 p.m.

Ken Hira, President, Kosmont Companies, responded to Council/Agency Members requests for additional information.

Robert Valenti, Vice President, Kosmont Companies, responded to Council/Agency Members requests for additional information.

Mayor/Chair Pezold recessed the meeting at 9:04 p.m.

Mayor/Chair Pezold reconvened the meeting at 9:18 p.m.

Stephen Logan, Vice President of Development, Merlone Geier Partners, provided rebuttal comments on behalf of the applicant.

Mayor/Chair closed the public hearing and brought the item back to the City Council/ Planning Agency for deliberation.

Mayor/Chair Pezold recessed the meeting at 10:40 p.m.

Mayor/Chair Pezold reconvened the meeting at 10:51 p.m.

Council/Agency Members provided comments and direction to Staff.

Recommendation: That the City Council and Planning Agency take the following actions:

- 1) Resume the Joint Public Hearing;
- 2) That the Planning Agency and City Council:
 - a) Independently consider the City of Laguna Hills General Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No. 20080811100) as previously addended for the Five Lagunas Project along with the Fifth Addendum to the PEIR;
 - b) Adopt a Resolution entitled: "A Joint Resolution of the Planning Agency and the City Council of the City of Laguna Hills, California, adopting the Fifth Addendum to the 2009 General Plan Program Environmental Impact Report as previously addended for the Five Lagunas Project and a Mitigation Monitoring and Reporting Program for the Village at Laguna Hills Project pursuant to the California Environmental Quality Act";

- 3) Adopt a Resolution entitled: “A Joint Resolution of the Planning Agency and City Council of the City of Laguna Hills, California, approving Site Development Permit, Master Sign Program, Conditional Use Permit, Vesting Tentative Tract Map, Development Agreement, Precise Plan No. USE-0010-2019, a request by MGP Fund X Laguna Hills, LLC, to modify the previously approved Five Lagoonas Project to continue to redevelop the former Laguna Hills Mall site located at 24155 Laguna Hills Mall, and making certain findings in connection therewith”;
- 4) That the City Council 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, approving and adopting a Development Agreement between the City of Laguna Hills and MGP Fund X Laguna Hills, LLC for the Village at Laguna Hills Project.”

Motion to: 1) Continue the public hearing to a Joint Meeting of the City Council/Planning Agency at the Regular Meeting of the City Council scheduled for December 14, 2021, at 7:00 p.m. (or as soon thereafter as possible), in the City Council Chamber, City Hall; 2) Direct the Interim City Manager to attempt to renegotiate the terms of the proposed development agreement consistent with the City Council/Planning Agency Member comments and feedback given at this meeting, with the understanding that the matter may be brought back to the City Council/Planning Agency at an earlier date provided all notice required by law is given; 3) Direct the Interim City Manager to provide frequent written status reports to the City Council on the progress of the negotiations; and 4) Direct the Interim City Manager to commence the procurement process to obtain professional services of a professional development agreement negotiator.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Hunt, Council/Agency Member
SECONDER:	Erica Pezold, Mayor/Chair
AYES:	Erica Pezold, Mayor/Chair; Don Sedgwick, Mayor Pro Tempore/Vice Chair; Janine Heft, Council/Agency Member; Bill Hunt, Council/Agency Member; Dave Wheeler, Council/Agency Member

CLOSED SESSION

It was determined the City Council would not convene into closed session due to the late hour.

ANNOUNCEMENT OF CLOSED SESSION ITEM(S)**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).

ADJOURNMENT

There being no further business before the City Council/Planning Agency at this session, Mayor/Chair Pezold declared the meeting adjourned at 1:14 a.m.

Melissa Au-Yeung, City Clerk

ATTEST:

Erica Pezold, Mayor

Approved at meeting of July 13, 2021